

Burlington Planning Commission

149 Church Street
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*Andy Montrull, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member*



Burlington Planning Commission Wednesday, October 12, 2016, 6:30 P.M. Conference Room 12, City Hall, 149 Church Street **AGENDA**

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

I. Agenda

II. Public Forum- Time Certain 6:30 p.m.

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

III. Report of the Chair

IV. Report of the Director

V. Proposed CDO Amendment: Homeless Shelters

The Ordinance Committee received a request from CEDO and Safe Harbor to define and develop ordinance language for Homeless Shelters. The Committee is requesting comment from the full Commission as to whether this matter should be pursued. A memo from staff regarding this request is included in the agenda packet on page 3.

VI. Proposed CDO Amendment: Craft Beverage Production

The Commission will review a proposed amendment to the Comprehensive Development Ordinance to create a new definition for Craft Beverage Production, to replace definitions for Microbreweries and Wineries, and to permit cafes accessory to these facilities. The proposed amendment and municipal bylaw amendment report is included in the agenda packet on pages 4-6.

VII. Proposed CDO Amendment: Rezone 168 Elmwood to NMU

The Commission received a request from Rodney Meyers to rezone the property at 169 Elmwood from Residential-Medium Density to Neighborhood Mixed Use. The Commission asked staff to prepare a recommendation for consideration. A memo from staff and supporting materials are included in the agenda packet on pages 7-10.

VIII. Proposed CDO Amendment: Permit Conversion of Former Single-Family Use back to Single-Family Use

The Commission will consider an amendment to the Comprehensive Development Ordinance to permit the reconversion of former single-family detached dwellings back to a single-family use in downtown,

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neighborhood mixed use, and high density residential zones. A memo from staff and supporting materials are included in the agenda packet on pages 11-14.

IX. Proposed CDO Amendment: Planning Commission Terms

In 2014, a change to the City Charter was approved which changed the length of Planning Commissioner terms from four year to three year terms. The Commission will review a proposed amendment to the Comprehensive Development Ordinance to ensure the CDO is consistent with the Charter. A memo from staff and supporting materials are included in the agenda packet on pages 15-16.

X. Planning Commission Bylaw Update: Planning Commission Terms

Similar to the proposed CDO Amendment, the Planning Commission's Bylaws should be amended and readopted to reflect the change in length Planning Commissioner terms to be consistent with the City Charter. An updated version of the Commission's Bylaws are included in the agenda packet on pages 17-22.

XI. Committee Reports

XII. Commissioner Items

XIII. Minutes & Communications

The Commission will review and approve the minutes of the September 27, 2016 meeting, and a communication from Planning Staff regarding an upcoming presentation for the Great Streets Initiative.

XIV. Adjourn

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Elsie Tillotson, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: September 27, 2016
RE: Homeless Shelters

At its September 1, 2016 meeting, the Planning Commission Ordinance Committee held an initial discussion about defining and regulating homeless shelters under the Comprehensive Development Ordinance. This discussion came at the request of CEDO and Safe Harbor.

Burlington presently contains a number of homeless shelters. Some are temporary – for the winter months only for a season or two – and others are permanent. Typically, these shelters are reviewed under the zoning code as “community houses” and are governed by those standards. There is no “homeless shelter” use within *Appendix A – Use Table – All Zoning Districts* of the Comprehensive Development Ordinance, nor is the term defined in *Article 13: Definitions*.

A community house is intended as a long term living arrangement similar to that of a group home. Homeless shelters are aimed more towards transient occupancy by individuals in need of temporary shelter. The zoning code should directly address homeless shelters.

Initial discussion was favorable. Before proceeding into detailed discussion and development of ordinance language, the Ordinance Committee requested comment from the full Planning Commission as to whether this matter should be pursued.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-XX – Craft Beverage Operation

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

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

The proposed amendment eliminates the current prohibition of cafes accessory to microbreweries in the Enterprise-Light Manufacturing zone to eliminate inconsistencies between the City's Comprehensive Development Ordinance and city and state alcohol laws. The proposed amendment also establishes a new "craft beverage production" use to encompass all alcoholic and non-alcoholic craft beverage production operations, and to replace "microbrewery" and "winery" uses.

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

The proposed amendment does not have an impact on the goals and policies in the Municipal Development Plan regarding the availability of safe and affordable housing.

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

The proposed amendment does not have an impact on the goals and policies in the Municipal Development Plan regarding density. The proposed amendment brings the City's permitted land uses up-to-date by recognizing the evolving craft beverage industry and state and local laws regarding its production and consumption. The proposed amendment has no impact on the areas of the City in which these uses are permitted.

Implementation of specific proposals for planned community facilities:

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

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TO: Planning Commission
FROM: Scott Gustin
DATE: September 13, 2016
RE: Craft Beverage Production

At its August 9, 2016 meeting, the Planning Commission considered the request of Justin Heilenbach (Citizen Cider) to eliminate the present prohibition of cafes accessory to microbreweries in the E-LM zone and to pursue creation of a new “craft beverage production” category in *Appendix A – Use Table* of the Comprehensive Development Ordinance. The Planning Commission voted to move ahead with both items and requested amendment language prior to warning for a public hearing.

Proposed CDO Language (Deleted ~~crossed out~~; new underlined red):

Appendix A – Use Table – All Zoning Districts

[Footnote] 19. Cafes ~~not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.~~ Reserved.

[Table] ~~Micro-Brewery/Winery~~ Craft Beverage Production

Article 13: Definitions:

Craft Beverage Production: A facility for the production and packaging of beer, wine, cider, spirits and other beverages (including non-alcoholic) for distribution, retail, or wholesale, on or off premises, not to exceed 25,000 barrels per year. A craft beverage facility may contain accessory cafes and tasting amenities.

~~Microbrewery: A facility for the production and packaging of beer or similar fermented malt beverages containing not less than one percent nor more than eight percent of alcohol by volume at 60 degrees fahrenheit (if such a beverage has an alcohol content of more than six percent and not more than eight percent and has a terminal specific gravity of less than 1.009, it shall be deemed a spirit and not a malt beverage), for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year.~~

~~Winery: A processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar non-distilled spirits. Such commercial use includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.~~

Appendix A-Use Table – All Zoning Districts

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use				Neighborhood Mixed Use			Enterprise		
	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Micro-Brewery/Winery Craft Beverage Production	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	CU	Y	Y	CU	Y ¹⁹

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot size of 10,000 square feet.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycares in the RCO zones shall be conditional use and shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. ~~Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use. [Reserved.]~~
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. Performing arts centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
28. Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.

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

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-XX – Rezone 168 Elmwood to NMU

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

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

The purpose of this amendment is to change the zoning for the property located at 168 Elmwood Avenue from Residential Medium Density to Neighborhood Mixed Use. For nearly 60 years, the property has contained a mix of retail/service space and residential apartments. Residential Medium Density zoning, while providing for neighborhood commercial uses, limits the size of the commercial space, causing it to be non-conforming. The proposed rezoning allows the property to continue to contain a mix of commercial and residential space in conformance with the zoning applied to adjacent properties along North Avenue.

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

This amendment conforms with and advances the goals and policies contained in the City's municipal development plan, including the availability of safe and affordable housing. The proposed change to NMU zoning permits multi-family housing in mixed-use buildings by right, rather than as a conditional use under present zoning, and preserves neighborhood-oriented commercial uses within walking or biking distance of nearby residences.

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

This amendment is compatible with proposed future land uses and densities. As it applies to a property adjacent to North Street, the proposed rezoning is consistent with the plan to revitalize the North Street commercial district, with an emphasis on a mix of uses which are supportive of small, neighborhood-oriented, locally-owned businesses that celebrate the working class and ethnically diverse character of the neighborhood.

Implementation of specific proposals for planned community facilities:

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

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TO: Planning Commission
FROM: Scott Gustin
DATE: October 11, 2016
RE: 168 Elmwood Ave – RM to NMU rezone

Rodney Meyers, the owner of 168 Elmwood Avenue (formerly Meyers’ Furniture) is requesting that the zoning of the property be changed from residential – medium density (RM) to neighborhood mixed use (NMU). The property is adjacent to the NMU zone running along North Street. The property has consistently contained a mix of retail/service space and residential apartments. This mix of uses is reflected in the Assessor’s records as far back as 1958. There is provision for “neighborhood commercial uses” within the residential zones; however, they are limited to 4,000 sf. The commercial space at 168 Elmwood appears to be ~6,300 sf. As it is presently zoned, the commercial space is nonconforming. Insofar as the property has consistently contained a mix of commercial and residential space and given its adjacency to the existing NMU zone, changing the property’s zoning to NMU can reasonably be supported.

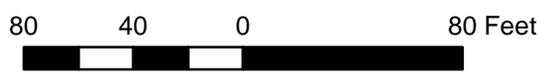
Existing and proposed zoning district boundary maps are attached.

168 Elmwood Ave - Existing Zone



Legend

- Neighborhood Mixed Use
- RCO - Recreation/Greenspace
- Residential - Medium Density



168 Elmwood Ave - Proposed Zone



90 45 0 90 Feet

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-XX – Permit Conversion of Former Single-Family Use Back to Single-Family Use

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

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

The purpose of this amendment is to permit the reconversion of single-family detached dwellings back to single-family uses in the downtown, neighborhood mixed use, and high density residential zones. Presently, single-family uses are not permitted in these districts in order to foster higher intensity development within these higher density zones. However, there are cases in which single-family detached dwellings have been converted to non-residential or multi-family uses, and the current owner wishes to reconvert to a single-family use. This amendment would allow for such a property to be reconverted to a single-family use as long as the building was originally constructed for that purpose. This change is consistent with existing provisions in Sec. 4.4.5 D 6 A, which allows neighborhood commercial uses within a building originally designed and constructed for such a purpose, regardless of its present use.

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

This amendment conforms with and advances the goals and policies contained in the City's municipal development plan, including the availability of safe and affordable housing. Specifically, this amendment is consistent with the policy to encourage the reversion of single family occupancy of properties, especially in areas with high concentrations of student rental housing, which have been converted into multi-unit dwellings.

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

This amendment is compatible with proposed future land uses and densities. As it applies to a property adjacent to North Street, the proposed rezoning is consistent with the plan to revitalize the North Street commercial district, with an emphasis on a mix of uses which are supportive of small, neighborhood-oriented, locally-owned businesses that celebrate the working class and ethnically diverse character of the neighborhood.

Implementation of specific proposals for planned community facilities:

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

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vacant, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: October 11, 2016
RE: Reconversion to single detached dwelling

The Comprehensive Development Ordinance prohibits single detached dwellings in the downtown, neighborhood mixed use, and high density residential zones. They are prohibited as new construction or conversion of existing structures of another use. Existing single detached dwellings in these zones are nonconforming uses. This prohibition is intended to foster higher intensity development in these higher density zones.

Since adoption of the CDO in 2008, the Planning & Zoning Department has received several requests to convert multi-family dwellings to single family homes in these zones, most recently at 75 Orchard Terrace (RH zone) and 28 Pine Street. None have been approved because they cannot be. 75 Orchard Terrace was ultimately approved as a boarding house. 28 Pine Street was denied. Both were originally single detached dwellings.

Staff proposes that conversion of an existing use, whatever that may be, to a single detached dwelling could reasonably be allowed as long as the building was originally constructed for that purpose. Similar provision is made for neighborhood commercial uses in Sec. 4.4.5 D 6 A, *Exception for Existing Neighborhood Commercial Uses (i) 1*. This provision allows establishing a neighborhood commercial use within a building originally designed and constructed for such purpose regardless of its present use.

This change would pertain to the downtown (except public trust), neighborhood mixed use, and high density residential zones. *Appendix A – Use Table – All Zoning Districts* would be amended to change “N” to “Y” for this use in these zones. A new footnote associated with single detached dwelling within these zones would be inserted that that allows conversion of an existing building to a single detached dwelling so long as the building was originally designed and constructed for that purpose.

Appendix A-Use Table

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use			Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N Y ²⁹	N Y ²⁹	N Y ²⁹	N	N Y ²⁹	N	N				
Accessory Dwelling Unit (See Art.5, Sec.5.4.5)	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N	N		
Attached Dwellings - Duplex	N	N ¹	N	N	Y	CU ²	Y	Y	N	N	N	N	N	Y ³	N	Y	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	CU	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
Attached Dwelling(s) – Mixed-Use ²⁶	N	N ¹	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
Bed and Breakfast ^{4, 6}	N	N	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	CU	CU	CU	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	Y	Y	N	CU	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N	N	N	CU	CU	N ²⁵	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	Y	CU	N	Y	N	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	Y	Y	N	CU	CU	CU	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N	N	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N	N	N	CU	N	N	N	N	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N	N	N	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	Y	Y	N	CU	CU	N	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU
Animal Grooming	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	CU	CU
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	CU	N	N	CU	CU	CU	CU	CU	Y	Y
Appliance Sales/Service	N	N	N	N	N	N	N	N	Y	Y	N	CU	Y	Y ²⁴	Y	Y	N	Y
Aquarium	N	N	CU	N	CU	N	N	N	Y	Y	(See Sec.4.4.1(d) 2)	CU	Y	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ^{8, 13}	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	Y	Y	N	CU
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y

Appendix A-Use Table

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot of 10,000 square feet.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycares in the RCO zones shall be conditional use and shall only be allowed as part of small museums and shall constitute less than 50% of gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. Performing arts centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
28. Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 28-29. A single detached dwelling may be reverted to single-family use regardless of its present use only if the building was originally designed and constructed for that purpose.

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

Department of Planning and Zoning

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Assistant Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



TO: Planning Commission
FROM: Meagan Tuttle, AICP, Comprehensive Planner
DATE: October 5, 2016
RE: Planning Commission Membership Terms

In March 2015, Burlington voters approved a charter change, which was later enacted by the VT Legislature, regarding length of term for appointees to the City's boards and commissions. This changes the length of service for Planning Commissioners from four years to three. Planning Commissioners appointed prior to this charter change continue to serve for the duration of their original four year appointments; Commissioners appointed July 1, 2015 and later serve three year terms. As a result of this change, both the *Burlington Comprehensive Development Ordinance* and the Planning Commission's Bylaws need to be amended to be consistent with the City Charter.

Planning Commission terms are defined in the *Comprehensive Development Ordinance* under Article 2: Administrative Mechanisms. Staff proposes the following change to this to be consistent with the charter:

PART 2: PLANNING COMMISSION

Sec. 2.2.1 Authority.

There shall be a planning commission (or commission) created pursuant to the city charter and 24 V.S.A. Section 4321.

Sec. 2.2.2 Composition and Terms.

The planning commission shall consist of seven (7) members who shall be residents of the city. Planning commission members shall be appointed for ~~four (4)~~ three (3) year staggered terms by the city council with mayor presiding. Any member may be removed by the city council with mayor presiding pursuant to city charter Section 129 as the same may be amended from time to time. Vacancies in these offices may be filled for the unexpired terms only by the city council with mayor presiding or otherwise pursuant to law.

A draft of the required Municipal Bylaw Amendment Report (Ch.117 Report) regarding this change is attached to this memo. As a separate item, the Planning Commission should also take action to update its Bylaws. While reviewing the bylaws to incorporate this change, staff discovered several typos and instances of outdated information; additional suggestions to correct these are noted in the attached version of the Bylaws.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-XX – Commissioner Terms

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

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

The purpose of this amendment is ensure consistency between the Comprehensive Development Ordinance and the City Charter regarding the length of a Planning Commissioner term. This amendment reflects the change from four year to three year terms.

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

This amendment is administrative in nature and does not have an impact on the goals and policies, including those regarding the availability of safe and affordable housing, in the municipal development plan.

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

This amendment is administrative in nature and does not have an impact on the proposed future land uses and densities of the municipal development plan.

Implementation of specific proposals for planned community facilities:

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

BYLAWS OF THE BURLINGTON PLANNING COMMISSION

(A) Establishment of Bylaws

The Bylaws of the Burlington Planning Commission, hereafter referred to as the "Commission," are hereby established pursuant to 24 V.S.A. S. 4323 (C) and Sec. 2.2. ~~10-2~~ of the *Burlington Zoning Ordinance Comprehensive Development Ordinance*. These bylaws shall be effective from the date of adoption, and may be amended from time to time by a two-thirds vote of the Commission.

(B) Membership

In accordance with 24 V.S.A. Chapter 117 and Sec. 120 of the *Burlington City Charter*, the Commission shall consist of seven (7) residents of the City of Burlington appointed by the City Council. Any appointment to the Commission shall be for a term of ~~four (4)~~ three (3) consecutive years. Members may be appointed to successive terms without limitation. Any member desiring reappointment, or city resident desiring an appointment to the Commission, must apply to the City Clerk's office and obtain a nomination from a member of the City Council.

(C) Vacancies/Removal

Vacancies shall be filled by the City Council upon the expiration of such term or an unexpired portion of any term. Any member of the Commission may be removed at any time by unanimous vote of the City Council.

(D) Abstentions from Participation and Voting

In order to secure, protect, and preserve the highest level of public trust in the deliberation and decision of the Burlington Planning Commission, it is incumbent upon each member not only to scrupulously avoid any act which constitutes a conflict of interest established in law, but also to avoid any act which gives the appearance of bias, favoritism, or of interest.

- (1) A member shall withdraw from all participation, including all formal and informal discussion and voting, in any deliberation of the Commission or its committees or any issue upon declaration of a conflict of interest or upon the assertion that there is a reasonable public presumption that bias, favoritism, or a conflict of interest may exist. Circumstances under which this provision shall be exercised include, but are not limited to, the following:
 - (a) If the member has a direct or in-direct financial interest in the outcome of the matter at issue. A direct financial interest shall include, but not be limited to, circumstances in which the member is an applicant, a provider of professional or business service to the applicant, serves on the board of directors, or receives any form of remuneration or benefit from the applicant. In-direct financial interest shall include, but is not limited to, if an [As amended: November 7, 2002] immediate family relative or close personal friend has, or is likely to have, a direct financial interest in the outcome of the matter; or
 - (b) If the matter at issue involves the member's own official conduct; or
 - (c) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - (d) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

BYLAWS OF THE BURLINGTON PLANNING COMMISSION

~~(E)~~ **Ex Parte Communication**

~~No member shall communicate, directly or indirectly, with any applicant except in the presence of staff or at Planning Commission meetings that have been properly noticed. Office meetings and site visits to which staff members have requested the presence of one or more Commissioners are exempt from this requirement.~~

(FG) Offices

At the first meeting in July of each year, the Planning Commission shall elect, by majority vote, a Chairperson and Vice-Chairperson from among its members, and shall also elect a Clerk who may or may not be a Commission member or municipal employee. Terms of office shall be for one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Commission.

(HG) Committees

1. **Standing Committees**

There shall be three standing committees of the Planning Commission: Executive, Ordinance, and Long Range Planning. Membership comes from those serving on the Planning Commission, the Development Review Board, the Design Advisory Board and/or Conservation Board. With the exception of the Executive Committee, each standing committee shall be composed of a minimum of three (3) persons with a maximum of five (5) persons, of which three (3) must be members of the Commission. The Commission Chairperson may not serve, as the Committee Chairperson for either the Ordinance Committee or Long Range Planning Committee. Each standing committee shall report on its activities and/or recommendations within its purview to the full Commission for its disposition at each Commission meeting. Except as noted, the establishment of standing committees does not constitute a delegation of any responsibility of the full Commission, which retains the exclusive agency for the City Under-under law and ordinance.

1) Executive: The Executive Committee shall be composed of three members consisting of the Commission Chairperson, who shall serve ex-officio as Chairperson of the Committee; the Commission Vice-Chairperson, who shall serve ex-officio as Vice-Chairperson of the Committee; and a Planning Commissioner selected at-large by the Commission at its organizational meeting. The duties and functions of the Committee shall be as follows:

- i. Appointment of standing committees and ad hoc committees including chairpersons unless noted otherwise herein, and appointment of special liaisons as the Commission shall establish, and oversight of committees and liaisons;
- ii. Oversight, including preparation of the annual department budget; supervision and the annual review of the department director; such other tasks as the Commission shall assign.
- iii. Relationship of the department and Commission to city, regional, and state departments and commissions, including scheduling of special work sessions as necessary;
- iv. Commission bylaw revisions and amendments;

~~v. Appointment of standing committees and ad hoc committees including chairpersons unless noted otherwise herein, and appointment of special liaisons as the Commission shall establish;~~

~~vi.~~ v. Oversight of all contracts as the Commission or department shall enter into or be delegated responsibility for;

2) Ordinance: The Ordinance Committee shall have at least four (4) and no more than five (5) members. Members may be appointed from the following: one (1) member each from the Development Review

BYLAWS OF THE BURLINGTON PLANNING COMMISSION

Board, the Design Advisory Board, or the Conservation Board, in addition to one (1) member from the Planning Commission Executive Committee, and two (2) at-large of the Planning Commission elected by the Commission at its organizational meeting. The chairs of the Development Review Board, Design Advisory Board or the Conservation Board may appoint a member of their board to serve on the Ordinance Committee. If all boards appoint a member the Planning Commission, by election at its organizational meeting will confirm which appointee(s) will serve on the Ordinance Committee. The Chairperson and Vice-Chairperson of the Ordinance Committee shall be elected by a majority of committee members. The duties and functions of the Committee shall be as follows:

- i. Preparing and reviewing all revisions of the Zoning and Subdivision Ordinances, Official Map and the Zoning Map;
 - ii. The enforcement of the zoning and subdivision ordinances and the zoning map, and;
 - iii. Such other tasks as the Commission shall assign.
- 3) Long Range Planning: The Long Range Planning Committee shall have at least four (4) and no more than five (5) members –including one (1) member from the Development Review Board appointed by the Board's Chairperson. The Committee shall have one member from the Executive Committee, and two (2) at-large members of the Planning Commission elected by the Commission at its organizational meeting. The chair of the Design Advisory Board or the Conservation Board may appoint a member of their board to serve on the Long Range Planning Committee. If both boards appoint a member the Planning Commission will decide which appointee(s) will serve on the Long Range Planning Committee. The Chairperson and Vice-Chairperson of the Long Range Planning Committee shall be elected by a majority of committee members. The duties and functions of the Committee shall be as follows:
- i. The development of an implementation ~~of the plan~~ for the Municipal Development Plan.
 - ii. Develop a process with a budget for each ~~five-eight~~ year revision to the Municipal Development Plan;
 - iii. Review plans of other departments and the regional planning commission and provide comments to the Planning Commission; and
 - iv. Such other tasks as the Planning Commission shall assign.

2. Ad hoc Committees and Commission Liaisons:

From time to time ad hoc committees and commission liaisons may be established by the Commission for special assignments that do not fall within the general purview of standing committees.

3. Committee Meetings:

When appropriate, standing committees should have regularly scheduled meeting times. All committee activity should be ratified by vote of the committee before presentation to the Commission. All substantive actions of the committees should be recorded in the written minutes kept current by the committee chairperson or designee. At the request of the committee chairperson, a committee meeting shall be taped.

(H) Annual Work Plans

The Planning Commission and each of the standing committees shall set work plans every year. These work plans shall be reviewed periodically. The schedule for work plans and their evaluation follows:

May: Each standing committee evaluates the extent to which it fulfilled its old work plan and a brief (1-2

BYLAWS OF THE BURLINGTON PLANNING COMMISSION

page) evaluation report is written and submitted to P.C. in time to be part of the packet for the first P.C. meeting in June.

June: Standing committee work plans are evaluated by the P.C. at the first meeting. Feedback for recognition, encouragement and improvement is provided.

Standing committee work plans end at the end of the month.

The work plan for the following year (July – June) is written during June and early July. It is submitted to P.C. in time to be part of the packet for the first P.C. meeting in July.

July: New work plans are discussed, modified if necessary, and approved by the P.C. at the first meeting of the P.C. New work plans begin in July and run through June.

(L) Powers and Duties

In accordance with 24 V.S.A. Chapter 117, and the *Burlington Code of Ordinances*, the Burlington Planning Commission:

- (1) Shall prepare a Municipal Development Plan and amendment thereof for consideration by the City Council and to review any amendments thereof initiated by others as set forth in 24 V.S.A. 4384;
- (2) Shall prepare and present to the City Council, from time to time, proposed bylaws and make recommendations to the City Council on proposed amendments to such bylaws;
- (3) Shall undertake studies and make recommendations on matters of land development, urban renewal, transportation, economy, and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy, and the development of renewable energy resources;
- (4) Shall prepare and present to the City Council recommended construction specifications for streets and related public improvements pertaining to subdivision development;
- (5) Shall prepare and present to the City Council a recommended annual capital budget and future capital programs for a period of not less than five (5) years;
- (6) Shall hold public meetings;
- (7) Shall undertake comprehensive planning, which may include related preliminary planning and engineering studies;
- (8) Shall prepare and present to the City Council, from time to time, recommended fees for the administration of zoning and subdivision regulations;
- (9) Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and consistent with, the intent and purpose of 24 V.S.A. Chapter 117 and the *Burlington Code of Ordinances*.
- (10) May require from other departments and agencies of the City such available information as it relates to the work of the Planning Commission;

BYLAWS OF THE BURLINGTON PLANNING COMMISSION

- (11) May, in the performance of its functions, enter upon land to make examinations and surveys;
- (12) May participate in a regional planning program;
- (13) May retain staff and consultant assistance in carrying out its duties and powers.

(JK) Meetings/Minutes

Meetings of the Planning Commission shall be held at the call of the Chairperson on the second and fourth ~~Thursday~~ ~~Tuesday~~ of each month unless otherwise determined by majority vote of the Commission. The Chairperson may also call special meetings of the Commission. All meetings of the Commission shall be open to the public, except as provided by law. The Commission shall keep minutes of every regular or special meeting. The minutes shall include, but not be limited to, the names of the persons appearing and addressing the Commission, any action taken by the Commission, the findings, if any, made by the Commission and reasons thereof. The minutes shall, thereafter, be made available for public inspection during normal business hours at the office of the Administrative Officer. Any interested party shall have the right to a reproduction of the minutes in an amount sufficient to cover the costs of such reproduction.

(KL) Notice

No regular or special meeting of the Commission shall be held without providing at least twenty-four (24) hours written notice to the City Clerk. Public hearings shall require no less than fifteen (15) days prior notice including advertising in a newspaper of general publication within the City and posting on the City Hall community board(s).

(LM) Quorum

For the conduct of any meeting or hearing and the taking of any action, a quorum shall be no less than a majority of the members of the Commission and any action thereof shall be taken by a majority of the members of the Commission.

(MN) Public Hearing

Prior to Planning Commission action on the adoption of any amendment to the City's Zoning Ordinance, Subdivision Regulation, Official Map, or Municipal Development Plan, a public hearing shall be held by the Planning Commission after public notice.

(NO) Ex-Officio Member

The Mayor of the City of Burlington shall be a non-voting ex-officio member of the Commission.

(OP) Special Meetings

Special meetings of the Commission may be called by the Chairperson, when he or she deems it expedient, or upon the request of two (2) members of the Commission for the purpose of transacting any business designated in the call. Notice to each member of the Commission for a Special Meeting may be by telephone or otherwise at least twenty-four (24) hours prior to the date of such special meeting. At such special meeting, no business shall be considered other than specified in the call. Additionally, if more than three (3) members of the Commission participate in a meeting with staff, conduct a site visit, or participate in other activities related to the responsibilities of the Planning Commission outside of a regular meeting, the gathering must be warned as a special meeting with proper notice given.

BYLAWS OF THE BURLINGTON PLANNING COMMISSION

(PQ) Governance Procedures

Robert's Rules of Order, as revised, shall govern proceedings of the Commission in all cases which are not specifically covered by other laws, ordinances, bylaws, or regulations.

History:

Established: June 26, 1986

Amended: October 10, 1991

Amended: February 12, 1998

Amended: May 10, 2001

Amended: November 7, 2002

Amended: October 14, 2003

Amended: July 10, 2008

Amended: October XX, 2016

DRAFT

Burlington Planning Commission

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



Burlington Planning Commission Minutes DRAFT

Tuesday, September 27, 2016 - 6:00 P.M.

Contois Auditorium, City Hall

Present: B Baker, Y Bradley, A Friend, E Lee, A Montroll, H Roen, J Wallace-Brodeur

Absent:

Staff: D White, M Tuttle, S Gustin, K Sturtevant

I. Agenda

Called to order at 6:05pm. No change to agenda.

II. Public Forum

I Avilix: Public ask questions often without answer. Request to transcribe notes during public forum so public can review and respond. Will ask of City Council, too. Especially relevant to some questions that been asked of Council regarding the Planning Commission.

R Herendeen: Sent diagram to Commission regarding D White documents that are misleading. If look at stepbacks from the angle shown in diagram, must modify diagram to show that massing is wide as can be from other side.

C Long: Showed CLC video of fly through massing model of BTC redevelopment. The U represented in the model is completely different from the wedding cake diagram used in PC meetings; staff diagram disingenuous. This is out of scale with Burlington. Amendment back in Commission's court, should say it's out of scale.

III. Report of the Chair

Deferred in interest of time.

IV. Report of the Director

September 29, 2016 at 7pm is City Council Public Hearing on Proposed ZA-16-14 DMUC Overlay.

V. Proposed CDO Amendment ZA-17-04: Neighborhood Activity Center – Cambrian Rise

Y Bradley recused as board chair of former Burlington College.

A Montroll: Continuing discussion following public hearing at last meeting.

D White: Changed building height in response to Commission comments. Lowered height to 65 feet, no change to how it is measured. Inclusionary zoning allows 10' additional height by right. Similarly, inclusionary allows additional lot coverage by right. Modified height and lot coverage in proposed NAC-CR to consider this.

Commission was supportive of changes to inclusionary zoning, to reference the newly created district and correct several existing references that were inaccurate, and changes to Appendix A to add additional permitted uses and conditional uses. With these changes incorporated, staff recommends Commission recommendation to Council along with Municipal Bylaw report.

Tuesday, September 27, 2016

J Wallace-Brodeur: What is a public transit terminal?

D White: More than a bus stop; located on private property, may have information, seating or other amenities associated with transit.

H Roen: Changed height from 80' to 65'. How is it measured?

D White: No change. In case of a building set back more than 20' from ROW and property line, take average elevation around the entire building. Worked with E Farrell to ensure this measurement, plus the 10' additional height for inclusionary would work, and it seems to.

A Montroll: Only outstanding issue for the Commission was height; seems to be resolved.

A Friend: Recommend property owner try to make best use of transit, car share, electric vehicle charging, etc.

H Roen: Appreciate the partnership, which is rare and exceptional. Opposing this because the goal of moving development towards N. Avenue is achieved in the development agreement, but not through the amendment.

The Commission approved a motion by E Lee, seconded by A Friend, to forward the amendment and report, with recommendation, to Council. JWB, AM, BB, EL, AF in favor; HR opposed; YB recused.

VI. Municipal Bylaw Amendment Report: ZA-16-14

D White: Commission may make changes to the Municipal Bylaw report because Council modified the proposed amendment. Staff feels that the changes by Council do not rise to the level of effecting how the report was written, and recommends no changes to the report.

A Montroll: Is there a role for Commission on the amendment or just the memo?

D White: Statutory role is specific and limited to changes to make to the memo. Included a copy of the amendment, list of City Council's changes for Commission to judge whether necessary to change report.

E Lee: What does the color-coding represent in the amendment?

D White: Sent Council the amendment as warned for Commission's public hearing. Commission then sent recommendations to Council for updates to the text. Council Ordinance Committee also made a few recommendations. Green highlights show changes to Planning Commission public hearing version of the document; Council referred to them as technical and non-controversial, and incorporating them was the first action. The attached report discusses other changes that Council voted on and approved.

A Friend: Establishment of Pine Street on official map seems limited due to current location of Free Press Building. Seems aspirational; any thinking of how that can happen?

D White: Has been something the City and property owner have been exploring. BTC owner has land rights under the building. Have been working on a design that is feasible and can accommodate emergency vehicles. Illustrations and information are on website.

M Tuttle: Official Map as a tool is intentionally aspirational to identify future opportunities for rights of way and other connections.

I Avilix: When was the report initially transmitted to the Commission?

M Tuttle: Transmitted to Commission for July Public Hearing and subsequently sent to Council. No changes have been made to the report since that time.

I Avilix: Report seems to say that there is no significant change to scale, character, to downtown of the overlay. Commission did not conclude its debate before sending to Council; this is unethical. This is the Commission's last chance to say that it is not character and scale.

Tuesday, September 27, 2016

C Long: Despite assertion that density is energy efficient and reduces sprawl, evidence to the contrary. High-rises are energy hogs, even with LEED certification tall building worse than 3-4 stories. EPA study concluded no relationship between density and sprawl. More people will find Burlington less desirable, increasing sprawl.

A Montroll: Commission could approve the report, change the report, or take no action?

K Sturtevant: Recommend the Commission take an action.

J Wallace-Brodeur: Report is a summary of the goals for the amendment. Despite Council's changes, think it's still consistent with the goals stated in this report.

E Lee: Not in a position to make changes to the amendment, but troubled by the LEED Certification section referring to an alternative to LEED being determined by administrative officer. Recommend Ordinance Committee take on definition of "equivalent".

Y Bradley: LEED and other standards change rapidly. Rather than define what the standard is based on today, definition should point to highest standard as recognized among architectural professionals at the time. Ask staff to provide language for the Commission to review and consider incorporating in future amendments.

E Lee: If we work on this, then comfortable sending the report back to Council.

Commission agrees with this approach.

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by Y Bradley, to approve the report as is and return City Council.

VII. Public Hearing ZA-16-11: Enforcement Period of Limitations

Chair opened the public hearing at 6:43pm.

D White: Amendment makes clear limitations on municipal enforcement of zoning violations to be consistent with state statute, and how to resolve conflicting information in public records.

C Long: If wish is to stabilize neighborhoods, why simply wipe away violations? People blatantly ignore rulings from DRB, parking and over-occupancy violations. City doesn't have tools for enforcement, why just say "it's ok"? Up-zoning related to the mall is allowing property owners to convert houses into multiple units and make big bucks. Need teeth in current laws.

E Lee: This does not include parking violations, and properties not in conformity with the family definition. This would not apply to the two scenarios mentioned.

K Sturtevant: Doesn't apply to parking to the extent that it does not preempt state law.

C Long: A striped parking lot and a parking lot in a backyard are different. Does this distinguish between parking as a use and parking as a structure?

K Sturtevant: Case law establishes parking as a use when it is not accessory to the use of property; i.e. renting out spaces for an off-site use. A court case deemed that scenario a use violation, not a structural violation. If expand a parking lot, that is structural.

A Friend: Recuse from discussion; party to a suit in neighborhood regarding these issues.

S Bushor: Not sure about motivation for this amendment. Why wipe slate for violations that have gone on for 15 years? City's goal is to bring things into compliance, this expands non-conformities and violations. Not supportive; own opinion separates quality of life from income earned from investment property.

Chair closed the hearing at 6:54pm.

B Baker: City's past way of doing business misled property owners and misinterpreted statute. State statute says 15 years, but doesn't distinguish between use and construction violations. Purpose of amendment is to establish

Tuesday, September 27, 2016

bright line of 15 years, which was state intent. City did not always know about use violations, but generally has records of construction violations. This establishes guidance for process for when City knew about violations. Need to make it clear for people who tried to comply with the law, and for the people at the City who interpret the law.

J Rippa: Not about hiding something that the City didn't know about. It is about things that are obvious that the City does know about, with no way to resolve. Not a pass for people who have intentionally broken the law.

H Roen: Key is that the City knew about it, but did not take corrective action. Does City sending a notice of violation constitute taking corrective action?

Y Bradley: City holds tremendous power if they say something has to be done a certain way; average homeowner doesn't know what to do. A lot of times these issues are revealed long after the fact when properties transfer, City can't find a record, and it becomes the burden of seller. Not about people sneaking things in, about protecting people from damages by City's past negligence and poor records. Not a regression, but an act of fairness for people who tried to do the right thing.

E Lee: A complaint does not constitute "knowing" unless it is verified by the City. This is concerning because some feel that there is not enough resources in the department to follow up on complaints.

B Baker: A notice of zoning violation is only place in statute where staff has authority to levy fines without a judge's order. It is not onerous to issue a violation; this is balanced. Violations have to be responded to in 8 days; typically they comply because financial risk is high.

K Sturtevant: When a notice of violation is issued, there are 7 days to cure and 15 days to appeal.

D White: Need to separate city having resources to administer ordinance from whether or not the ordinance is the right one. State statute limits how long a zoning violation can exist; this amendment clarifies for property owners, and provides guidance to staff on how to administer and deal with conflicting records.

J Wallace-Brodeur: Have heard a lot of concerns, Commission has done best to provide a path forward that is reasonable. City needs to coordinate property records better, afford protection for people trying to do the right thing without taking too far.

The Commission approved a motion by J Wallace-Brodeur, seconded by Y Bradley, to forward the amendment and report, with recommendation, to Council. Approved by JWB, YB, AM, BB, HR; EL opposed; AF recused.

VIII. Public Hearing ZA-16-12: Rezone Fletcher Place to R-M

Chair opened the public hearing at 7:17pm.

D White: Map change reflects rezone of Fletcher Place to Residential Medium following property lines.

R Butani: Residential designation conforms to use of properties. Petition signed by current and past homeowners, as well as at least one previous attempt to rezone street in past. Street has many historic properties and is residential, except UVM's parking and transportation office. UVM property at 50 Fletcher Place has been residential. Why the street is zoned Institutional is a mystery. N Reid was an original signer who has reversed her opinion, portrayed intent previous owner of her home that would maintain as residential. Original petition came from a neighborhood meeting, predates purchase of our home. Please apply appropriate zoning designation to be consistent with blossoming neighborhood.

L Ravin: UVM objects to university owned property being rezoned R-M. All of the property surrounding 50 Fletcher Place is owned and used for institutional use. UVM will only support a change to the zoning for 50 Fletcher Place, if the City considers the university's request to consider the Trinity Campus overlay regarding density and front setbacks. This approach would allow the Commission, university and neighbors to review plans for Trinity Campus and consider its relationship to the neighborhood.

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S Bushor: Fletcher Place rezoning started with the comprehensive zoning rewrite. Wanted it to be changed to R-L, but totally in support of change to R-M as delineated on the map. R-M allows same housing density as IZ, uses change. UVMCM signed MOU with the neighborhood saying they would not buy up property in the neighborhood. In Ward 1, neighbors form alliances to protect properties for families when they go up for sale. UVM did not own Trinity Campus in the past; UVM could use 50 Fletcher Place for same residential density, but use it as a buffer with a neighborhood. Trying to preserve a street surrounded by IZ, this was a huge zoning error.

B Hickock: Support R-M zoning, except the decommissioned school. Use property boundaries; anything else would be arbitrary, spot zoning.

N Reid: Neighbors' comments about my property purchase are bogus. Will the Commission consider other options for boundary lines?

A Montroll: Have considered other options, think we are at the point of moving on.

N Reid: Lot line adjustment approved to establish portion of property, intend to sell. Live in an urban part of the City with institutions; not opposed to buildings to bring more of a residential feel.

B Owre: Street has been a small, cohesive residential neighborhood. Strongly in favor of change to R-M that has been proposed. Read list of names and anecdotes regarding properties on street. Neighborhood exists the way it does as a mixture of large and small lots; would be a mistake to rezone following alternative boundaries that have been proposed, would be bad precedent for the City.

L Ravin: UVM not asking not to ever rezone 50 Fletcher Place; asking to table request until evaluate the entire Trinity Campus.

A Friend: Does university already have a plan for Trinity Campus?

L Ravin: Have a plan; came to Commission with rezone request that was tabled.

S Gustin: The lot line adjustment is within an appeal period, so need to consider property boundaries as they are on the map. Council can consider boundaries as part of their review.

Chair closed the hearing 7:46pm.

Commission approved motion by B Baker, seconded by E Lee, to forward the amendment and report, with recommendation, to Council. Approved by JWB, AM, BB, HR, EL, AF; YB opposed.

IX. Public Hearing ZA-17-01: Off-Site Parking

Chair opened the hearing at 7:47pm.

D White: Define acceptable off-site parking facilities, to what degree off-site parking can satisfy parking requirements.

Chair closed the hearing at 7:48pm.

Commission unanimously approved motion by Y Bradley, seconded by J Wallace-Brodeur, to forward the amendment and report, with recommendation, to Council.

X. Public Hearing ZA-17-02: Family Daycare Exemptions and Preschools

Chair opened the hearing at 7:50pm.

D White: Provide clarity for various types of daycares, particularly exempting daycare homes consistent with state statute, and add preschools, which was previously absent from Appendix A Use Table.

Chair closed the hearing at 7:51pm.

Tuesday, September 27, 2016

D White: To be consistent with state statute, staff recommends replacing "up to six (6) pre-school plus four (4) school-aged" with "up to twelve (12)" and striking "a Family daycare center".

A Friend: What if a family already has 10 children in the home?

D White: Homes in which families have children of their own are separate category and exempt.

The Commission unanimously approved motion by E Lee, seconded by A Friend, to forward the amendment with staff modifications and report, with recommendation, to Council.

XI. Public Hearing ZA-17-03: Withhold Permit

Chair opened the hearing at 7:57pm.

S Gustin: Create incentive to correct outstanding zoning violations and close out expired permits.

Chair closed the hearing at 7:58pm.

Commission approved motion by Y Bradley, seconded by J Wallace-Brodeur to forward the amendment and report, with recommendation, to Council.

XII. Committee Reports

Executive Committee: A Montroll reports the committee will meet September 28 at 12:30pm.

Ordinance Committee: B Baker reports the committee will meet October 10 to reorganize and set priorities for the year.

Long-Range Committee: H Roen reports the committee has been on hold for summer; increasingly concerned losing momentum on planBTV South End. M Tuttle: No update. E Lee: too much going on in community, not much bandwidth to finish planBTV South End right now.

XIII. Commissioner Items

E Lee: Update on the permit reform study which is looking at historic properties?

D White: No update.

XIV. Minutes & Communications

The Commission unanimously approved a motion by Y Bradley, seconded by A Friend, to approve the minutes and communications.

XV. Adjourn

The Commission unanimously approved a motion by Y Bradley, seconded by B Baker, to adjourn at 8:01pm.

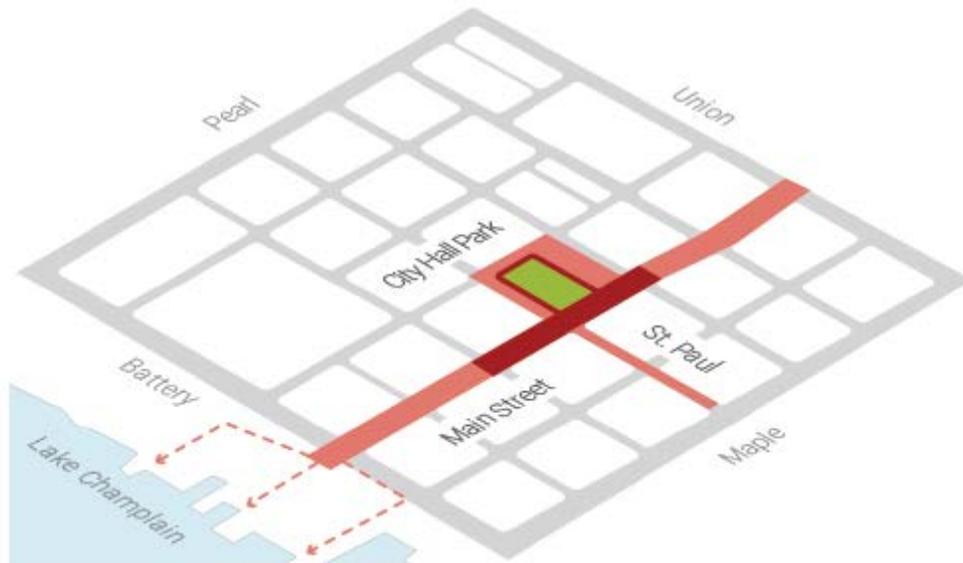
A Montroll, Chair

DATE: Signed on XX

Submitted by: Meagan Tuttle, Comprehensive Planner

Great Streets BTV

Creating a downtown that is a vibrant, walkable, and sustainable urban center



SAVE THE DATE!

Wednesday, November 16, 2016

7:00 p.m.

Contois Auditorium, City Hall

Presentation of Concept Plans for Main Street & City Hall Park

Discussion of Draft Concept Plans for *Main Street* (Union to Battery) and *City Hall Park*, projects of the Great Streets Initiative.

The Great Streets Initiative is a culmination of many years of planning and project development with the citizens of Burlington for our downtown. Through this Initiative, we'll advance several key projects envisioned by plans such as *Imagine City Hall Park*, *planBTV Downtown* and *Waterfront Master Plan*, and the *Transportation Plan*.

Videos from previous Great Streets presentations are available on the project website www.GreatStreetsBTV.com under "Media." Leave any comments on the "Contact" page.



For questions and information, please visit

www.GreatStreetsBTV.com

or contact Diane Meyerhoff at 802.865.1794

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URBAN DESIGN

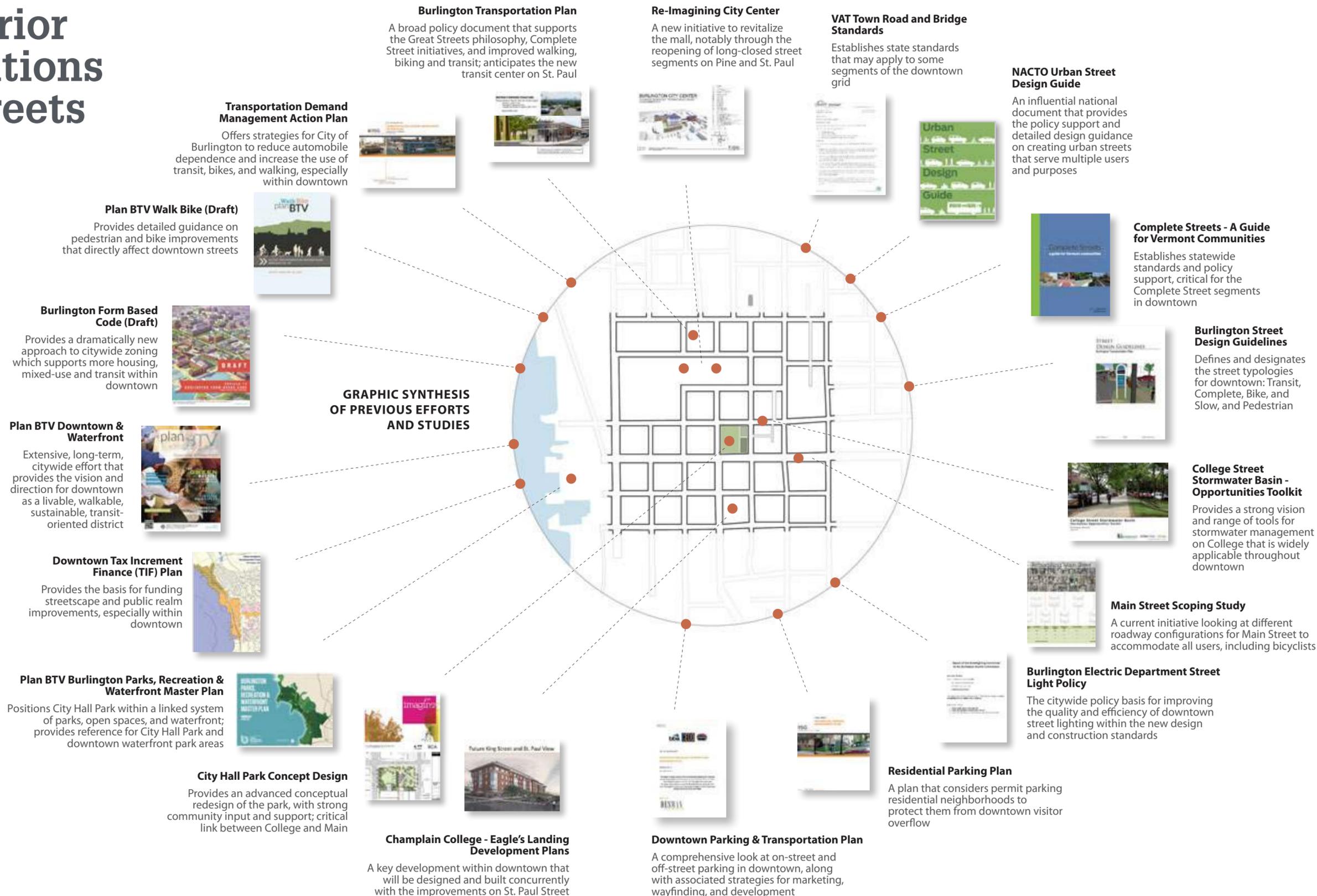
The Great Streets Initiative is a project of the City of Burlington

Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept of Planning & Zoning are encouraged to contact the Dept at least 72 hours in advance so that proper accommodations can be arranged. For information, call 802-865-7188 (TTY 802-865-7144).

Introduction

Integrating Prior Recommendations into Great Streets

The Great Streets Initiative will draw upon local, state and national plans and guidance, including, but not limited to these:



Introduction

Three-Part Initiative

A Create **Downtown Street Design Standards**

- Stormwater
- Trees
- Lighting
- Furnishings
- Pathways

B Create **Main Street Concept Plan**

- Main Street (6 blocks)
- City Square
- St. Paul Street (2 blocks)

C Design & Build **Park & Main Project**

- Main Street (2 blocks)
- City Hall Park

