



City of Burlington, VT
 149 Church Street, 3rd Floor
 Burlington, VT 05401
 Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: June 28, 2022
RE: Proposed CDO Amendment ZA-20-08: Short Term Rentals

This amendment has been under development since the 2019 Housing Summit and the subsequent Council Resolution in October 2019, which directed a Joint Committee to create a regulatory framework for short-term rentals that created tiers and disincentivizes the most impactful uses. Formerly recommended by the Commission as ZA-20-05, the proposed CDO amendments expired in April when the accompanying changes to *Ch. 18- Minimum Housing* were vetoed by the Mayor earlier this year.

Modified changes to the CDO and *Ch. 18 amendments* were subsequently reintroduced by the Council. At the [June 27 meeting](#), Council adopted the *Ch. 18* portion of this overall framework as well as an amendment to *Ch. 21* regarding the local tax rate for STRs. At the same time, Council referred the enclosed CDO amendments to the Commission to hold a public hearing, make technical corrections, and provide any recommendations per the process outlined in 24 VSA 4441 (g). Therefore, the Commission is recommended to approve the enclosed Municipal Bylaw Amendment Report and warn the amendment for public hearing. Some technical corrections to the use table for Article 14 are anticipated to follow the public hearing, before referring to City Council for hearing and adoption.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	----------------------

Purpose Statement

The proposed amendment defines short-term rentals (STRs), allows STRs where residential uses are permitted, and exempts STRs from requiring a zoning permit. The amendment also streamlines various lodging types into a single lodging definition and makes associated changes to the use tables and off-street parking requirements. This amendment is a complement to the broader regulatory framework for STRs within *Ch. 18: Minimum Housing Standards* in the Burlington Code of Ordinances.

Proposed Amendments

The following changes to the *Burlington Comprehensive Development Ordinance* are proposed:

1. Amend Article 13 Definitions to define "short term rental", modify "lodging" definitions, and eliminate "bed and breakfast" definition

Define short term rental as a type of dwelling unit and refer to standards in *Ch.18*. The STR definition largely reflects the state's definition of an STR with regard to length of rental and refers to the Vermont rooms and meals tax. Additionally, the definitions of Hotel/Motel and Hostel are streamlined to a general "Lodging" definition, and "Bed and Breakfast" is removed to reduce redundancy and inconsistencies in how various traditional lodging uses are permitted.

**2. Add STRs as a “special residential use” to Appendix A- Use Table and in Article 14-
Downtown Code**

This will establish that short term rentals are the use of a dwelling unit, allowed anywhere that residential uses are allowed, and will refer to *Ch. 18* for specific standards.

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Compatibility with Proposed Future Land Use & Density

The proposed changes largely amount to technical corrections to ensure that the zoning ordinance refers to applicable standards for STRs in *Ch. 18- Minimum Housing standards*. The standards included in *Ch. 18* were adopted to protect existing housing from unlimited conversion to STR use by establishing narrow parameters for allowing short-term rentals. It also reduces inconsistencies among various lodging types presently allowed within the city.

Impact on Safe & Affordable Housing

The proposal will have no impact on the intensity or density of future land use. Short term rentals will be allowed wherever residential uses are allowed. However, *Ch. 18* limits to being in a host's own primary residence, within an owner-occupied building, within Seasonal Homes that are not suitable for long-term housing purposes, or within non-owner occupied properties that host an affordable housing unit. This limits range of housing units within the city that are able to be converted from long-term housing for STR purposes. Additionally, *Ch. 21* establishes that local taxes collected on STRs contribute to the City's Housing Trust Fund, which is used to create and preserve permanently affordable housing.

Planned Community Facilities

This amendment has no impact on any planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment referred by: City Council	Presentation & discussion: 6/28/22	Approve for Public Hearing 6/28/22	Public Hearing & Technical Corrections	Approve & forward to Council
City Council Process				
First Read & Referral to Ordinance Cmte 4/11/22	Ordinance Committee discussion & recommendation 5/31/22	Council 2 nd Read 6/27/22	Public Hearing	Approval & Adoption
				Rejected

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Councilor Carpenter,
Ordinance Committee, City Council
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Short Term Rentals
ZA #22-08

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be
2 and hereby is amended by amending Sections 3.1.2, Zoning Permit Required, 8.1.8, Minimum Off-Street Parking
3 Requirements, 13.1.2, Definitions, Article 14, PlanBTV Downtown Code, and Appendix A-Use Table—All Zoning
4 Districts, thereof to read as follows:
5

6 **Sec. 3.1.2 Zoning Permit Required.**

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

10 (a) **Exterior Work:**
11 As written.

12 (b) **Interior Work:**
13 As written.

14 (c) **Exemptions:** The following shall be exempt from the requirements of this Ordinance and shall not be required
15 to obtain a zoning permit:
16 1. - 18. As written.
17 19. Short term rental.

18 (d) **Determination of Non-Applicability:**
19 As written.

20
21
22
23
24 **Sec. 8.1.8 Minimum Off-Street Parking Requirements.**

25 A minimum number of off-street parking spaces for all uses and structures shall be provided in accordance with
26 Table 8.1.8-1 below.

- 27 (a) Where a use is not listed, the minimum parking requirements shall be determined by the administrative officer
28 based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use.
29 (b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to
30 the nearest whole number.

31 (c) The minimum off-street parking requirement for a development with inclusionary housing units provided on
32 site shall be reduced by the percentage of inclusionary units required by Article 9.

33 (Example: A 100-unit residential development with a requirement of 15% inclusionary units shall provide
34 minimum off-street parking based on 85 dwelling units.)

35

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood District	Shared Use District	Multimodal Mixed-Use District
RESIDENTIAL USES¹	Per Dwelling Unit except as noted		
***	***		
RESIDENTIAL USES – SPECIAL	Per Dwelling Unit except as noted		
***	***	***	***
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0
***	***	***	***
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
***	***	***	***
Hostel (per two (2) beds)	0.5	0.5	0
Hotel/Motel (per room)	1	0.75	0
***	***	***	***

36

37 **Sec. 13.1.2 Definitions.**

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

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

44 Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and
45 shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

46 ***

47 ~~Bed and Breakfast: An owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and
48 where only a morning meal is provided on premises to guests.~~

49 ***

50 ~~Hostel: A place where travelers may stay for a limited duration, as recognized by the International Hostel Association.~~

51 ~~Hotel, Inn or Motel Lodging~~: An establishment providing for a fee ~~three or more~~ temporary guest rooms and
52 customary lodging services (such as onsite staffing at all hours, lobby space, and room service), and subject to the
53 Vermont rooms and meals tax. Lodging may, or may not, be owner occupied. Lodging does not include historic inns
54 or short term rentals (except when per-building short term rental limits noted in Chapter 18: Minimum Housing
55 Standards of the Burlington Code of Ordinances are exceeded).

56 ***

57 Short term rental (STR): A dwelling unit that is rented in whole or in part (i.e. renting bedrooms within a unit) to
58 guests for less than thirty (30) consecutive days and for more than 14 days during any rolling 12-month period is
59 subject to the Vermont rooms and meals tax, pursuant to Chapter 18: Minimum Housing Standards of the Burlington
60 Code of Ordinances.

61 ***

62
63
64 **Article 14-PlanBTV Downtown Code**--*See attached excerpt for proposed changes.

65
66 **Appendix A—Use Table—All Zoning Districts**—*See proposed changes on attached table.

67
68 ** Material stricken out deleted.

69 *** Material underlined added.

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
RESIDENTIAL SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<u>Bed and Breakfast^{4,6}</u>	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<u>Short Term Rental³³</u>	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<u>Hostel</u>	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
<u>Hotel, Motel Lodging</u>	N	N	N	N	CU	N	N	N	(See Sec. 4.4.1 (d) 1)	N	Y	N	Y	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

- Residential uses are not permitted except only as an accessory use to an agricultural use.
- Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
- Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
- ~~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. Reserved.~~
- An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
- Must be owner-occupied.
- Must be located on a major street.
- Small daycare centers and small preschools in the RCO zones shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
- Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
- Exterior storage and display not permitted.
- All repairs must be contained within an enclosed structure.
- No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
- Permitted hours of operation 5:30 a.m. to 11:00 p.m.
- Such uses not to exceed ten thousand (10,000) square feet per establishment.
- Excludes storage of uncured hides, explosives, and oil and gas products.
- See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
- Allowed only as an accessory use.
- A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
- [Reserved].
- 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.
- See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
- See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
- Allowed only on properties with frontage on Pine Street.
- Such uses shall not exceed 4,000 square feet in size.

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
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC - Riverside Corridor
NAC-CR	NAC - Cambrian Rise
E-AE	Enterprise - Agricultural Processing and Energy
E-LM	Enterprise - Light Manufacturing

Appendix A-Use Table – All Zoning Districts

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. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.
28. Grocery Stores up to but not to exceed 35,000 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.
29. Must be fully enclosed within a building.
30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
31. See special use standards of Sec. 5.4.13, Emergency Shelters.
32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. 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.
33. [Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.](#)

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

14.3.4-H- Use Type FD6

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (Sec.14.6.6.e)	P
Convalescent /Nursing Home	P
<u>Short Term Rental- Partial Unit (Sec.5.4.14)</u>	<u>P</u>
<u>Short Term Rental- Whole Unit (Sec.5.4.14)</u>	<u>P</u>

SHORT-TERM ACCOMMODATIONS

<u>Bed and Breakfast[†]</u>	<u>P</u>
Historic Inn (Sec.14.6.6.c)	P
<u>Hotel</u>	<u>P</u>
<u>Lodging</u>	<u>P</u>
Shelter	P

RETAIL - GENERAL

ATM	P
Auto/Boat/RV Sales/Rentals ³	P
Convenience Store	P
Fuel Service Station ² (Sec.14.6.6.d)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR

Open Air Markets	P
------------------	---

Key

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.
²Automobile sales not permitted as an Accessory Use
³ Exterior storage and display not permitted.

14.3.4-H- Use Type FD6

OFFICE & SERVICE

Animal Grooming	P
Auto/Boat/RV Service ³ (Sec.14.6.6.d)	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (Sec. 14.6.6.g)	P
Office – General	P
Office – Medical	P
Office – Technical	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Tailor Shop	P

HOSPITALITY/ENTERTAINMENT/RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

14.3.5-H- Use Types FD5

Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (Sec. 14.6.6.e)	P
Convalescent /Nursing Home	P
Group Home	P
Short Term Rental- Partial Unit (Sec. 5.4.14)	P
Short Term Rental- Whole Unit (Sec. 5.4.14)	P

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast [†]	P
Historic Inn (Sec. 14.6.6.c)	P
Hotel	P
Lodging	P
Shelter	P

RETAIL - GENERAL

ATM	P
Automobile and RV Sales and Rental ²	P
Convenience Store	P
Fuel Service Station ² (Sec. 14.6.6.d)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR

Boat Sales/Rentals	P
Garden Supply Store	P
Open Air Markets	P

14.3.5-H- Use Types FD5

OFFICE & SERVICE

Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (Sec. 14.6.6.g)	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Office – Technical	P
Tailor Shop	P
Vehicle/Boat Repair/Service ²	P

HOSPITALITY/ENTERTAINMENT/RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.