

Easement: An acquired right of or upon the property of another for a specified purpose.

Elderly Housing: See Housing, Senior.

Electronic Message Display: A sign in which one or more illuminated characters in a display may be changed by electronic means.

Emergency Shelter: Overnight shelter with supportive services for homeless persons that is limited to temporary occupancy, typically 180 consecutive nights or less, by a homeless person. Provide shelter only overnight.

Environmentally Sensitive Area(s): Land that contains physical environmental characteristics including but not limited to the following: wetlands; streams and riparian areas; floodplains; slopes 30 percent or greater; landslide hazard areas and other geological hazards and critical fish and wildlife habitat. These areas typically either present a constraint to development or are extremely susceptible to development impacts.

Estimated Development Cost: Cost calculated based upon building construction, alteration, and/or structural site improvement expenses including but not limited to fill, grading, cutting, etc. Not included in this figure is the purchase price of the land and the final interior finishes relative to a specific tenant, i.e. specialized equipment, finishes, furniture, drapes, etc. See [Article 3](#).

Exterior Features: The architectural style, design, and general arrangement of the exterior of a structure, including the type and texture of building materials, and the type, arrangement, and style of all windows, doors, light fixtures, signs, or similar items found on or affixed to the exterior of a structure.

F

Family: One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents, and communes. Occupancy by any of the following shall be deemed to constitute a family:

- (a) Members of a single family, all of whom are related within the second degree of kinship (by blood, adoption, marriage or civil union).
- (b) A “functional family unit” as defined below.
- (c) Persons with disabilities as so defined in Title VII of the Civil Rights Act of 1968, as amended by the “Fair Housing Amendments Act of 1988”.
- (d) A state registered or licensed day care facility serving six or fewer children as required by 24 V.S.A. 4412(5), as the same may be amended from time to time.
- (e) No more than four unrelated adults and their minor children.

Provided that a dwelling unit in which the various occupants are treated as separate roomers cannot be deemed to be occupied by a family.

For purposes of this definition of family, a group of adults living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in residential neighborhoods shall be regarded as a “functional family unit” and shall also qualify as a family hereunder.

- 1) In determining whether or not a group of unrelated adults is a “functional family unit”, under the standard set forth above, the following criteria must be present:
 - a. The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.
 - b. The household must have stability with respect to the purpose of this chapter. Evidence of such stability may include but not be limited to, the following:
 - i. Minor dependent children regularly residing in the household, and school age children are enrolled in local schools.
 - ii. Proof of the sharing of expenses for food, rent, or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.
 - iii. Whether or not different members of the household have the same address for purposes of:
 - 1. Voter registration
 - 2. Drivers’ licenses
 - 3. Motor vehicle registration
 - 4. Summer or other residences
 - 5. The filing of taxes
 - c. Common ownership of furniture and appliances among the members of the household.
 - d. Employment of householders in the local area.

- e. A showing that the household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.
 - f. Any other factor reasonably related to whether or not the group or persons is the functional equivalent of a family.
- 2) The initial determination of whether a “functional family unit” status exists shall be made by the Code Enforcement Office (“CEO”). The burden will rest upon the individuals claiming “functional family status” to submit information to the CEO to substantiate their claim. Some of the information provided to the CEO as part of a “functional family unit” status request, as well as the CEO’s initial determination, may be highly confidential, and, thus, will be maintained in a separate “red envelope” in the property file. It will be left to the CEO to determine whether the information is sensitive enough to be retained in the “red envelope.” Information maintained in the “red envelope” will be considered confidential and thus used only by the CEO. Access to the “red envelope” by persons outside of the CEO will only be allowed under court order or during litigation regarding said property.

Farm(ing): The use of land and/or structures for agricultural purposes. (See Agriculture and Urban Agriculture)

Farm Structure: A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. subsection 6001(22), but excludes a dwelling for human habitation.

Fence: A structure serving as an enclosure, a barrier, or a boundary usually made of posts or stakes joined by boards, wire or rails.

Film Studio: An establishment for movie production.

Finished Grade: The final elevation of the ground surface after all man-made alterations, such as grading, grubbing, filling, or excavating, have been made.

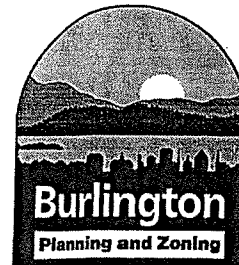
Fire Station: A building used to house fire fighting equipment and firefighters.

Flood Hazard Area - See Article 13, Part 2 below for all Flood Hazard Definitions.

Department of Planning and Zoning

135 Church Street
Burlington, VT 05401
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(802) 865-7195 (FAX)
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Mark Eldridge, AICP, Director
Ken Lerner, Assistant Director
David White, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Glynis Jordan, AICP, Associate Planner
Lisa Chicoine, Zoning Clerk
Jeanne Francis, Department Secretary



MEMORANDUM

TO: Burlington Free Press Classified
FROM: Ken Lerner, Zoning Administrator
DATE: June 26, 2000
RE: Public Hearing Notice

PUBLIC HEARING NOTICE

Please warn the following public hearing notice in your June 28, 2000 edition:

Pursuant to 24 VSA Section 3207 (b), the Burlington Planning Commission will hold a public hearing on Thursday, July 13, 2000 at 7:30 p.m. in Contois Auditorium, City Hall, to hear public comments on the following proposed zoning amendment:

ZONING AMENDMENT 2000-01

That the Code of Ordinances of the City of Burlington be and hereby is amended by amending Appendix A, Zoning, Sec. 3.1.4, Residential Districts Established, subsections (a) and (b);

Sec. 30.1.2, Definitions (Dwelling Unit and Family); and Sec. 17.1.5, Conditional Uses to add a new subsection (d), to read as follows:

Sec. 3.1.4 Residential Districts Established. The following residential districts are established:

Residential-low density (RL), waterfront residential-low density (WRL), residential-medium density (RM and WRM) and residential-high density (RH). Each of these districts is intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Certain nonresidential uses, including public and semi-public uses and neighborhood-oriented commercial and service uses, are permitted in certain residential districts upon conditional use approval.



(a) The RL and WRL districts are intended primarily for low density residential development in the form of single detached dwellings, and/or planned residential developments. In such RL and WRL districts, occupation of a dwelling unit is limited to members of a family as defined in Article 30, Section 30.1.2. If the dwelling unit contains at least twenty-five hundred (2500) square feet excluding its attic and basement, it may be occupied by more than four (4) unrelated adults if the building also contains at least an additional two hundred fifty (250) square feet per adult occupant in excess of four (4) and if the proposed use is also approved as a conditional use by the Zoning Board of Adjustment. Notwithstanding the forgoing, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied. Except as otherwise provided for by this ordinance, density is limited to 4.4 dwelling units per acre.

(b) The RM district is intended primarily for medium density residential development in the form of single detached dwellings, duplexes, apartments, and/or planned residential developments. The waterfront medium density district (WRM) is intended to establish a neighborhood which provides open space and convenient lake access. In such RM and WRM districts, occupation of a dwelling unit is limited to members of family as defined in Article 30, Section 30.1.2. If the dwelling unit contains at least twenty-five hundred (2500) square feet excluding its attic and basement and if it also contains at least an additional two hundred (200) square feet per adult occupant in excess of four (4), a proposed use of more than four (4) unrelated adults may be approved as a conditional use by the Zoning Board of Adjustment. Notwithstanding the forgoing, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied. Except as otherwise provided for by this ordinance, density is limited to twenty (20) units per acre. ~~The waterfront medium density district (WRM) is intended to establish a neighborhood which provides open space and convenient lake access;~~

(c) As written.

Sec. 30.1.2 Definitions.

Family: One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit, but not including group quarters such as dormitories, sororities, fraternities, convents and communes. Occupancy by any of the following shall be deemed to constitute a family:

1. Members of a single family, all of whom are related within the second degree of kinship (by blood, adoption, marriage or civil union).
2. A "functional family unit" as defined in Art. 30, Sec. 30.1.2(1).
3. Persons with disabilities as so defined in Title VII of the Civil rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988".
4. A state registered or licensed day care facility serving six or fewer children as required by 24 V.S.A. 4409(2), as the same may be amended from time to time.
5. No more than four unrelated adults and their minor children.

Provided, that a dwelling unit in which the various occupants are treated as separate roomers cannot be deemed to be occupied by a family.

For purposes of this definition of family, a group of adults living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes

of zoning restrictions in residential neighborhoods shall be regarded as a "functional family unit" and shall also qualify as a family hereunder.

(1) In determining whether or not a group of unrelated adults is a "functional family unit", under the standard set forth above, the following criteria must be present:

(a) The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.

(b) The household must have stability with respect to the purpose of this chapter. Evidence of such stability may include but not be limited to, the following:

[1] Minor dependent children regularly residing in the household, and school-age children are enrolled in local schools.

[2] Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.

[3] Whether or not different members of the household have the same address for purposes of:

[a] Voter registration.

[b] Drivers' licenses.

[c] Motor vehicle registration.

[d] Summer or other residences.

[e] The filing of taxes.

[4] Common ownership of furniture and appliances among the members of the household.

[5] Employment of householders in the local area.

[6] A showing that the household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.

[7] Any other factor reasonably related to whether or not the group or persons is the functional equivalent of a family.

(2) The initial determination of whether a "functional family unit" status exists shall be made by the Code Enforcement Office ("CEO"). The burden will rest upon the individuals claiming "functional family status" to submit information to the CEO to substantiate their claim. Some of the information provided to the CEO as part of a "functional family unit" status request, as well as the CEO's initial determination, may be highly confidential and, thus, will be maintained in a separate "red envelope" in the property file. It will be left to the CEO to determine whether the information is sensitive enough to be retained in the "red envelope". Information maintained in the "red envelope" will be considered confidential and thus used only by the CEO. Access to the "red envelope" by persons outside of the CEO will only be allowed under court order or during litigation regarding said property.

Dwelling unit: A room or set of rooms fitted with a private bath, and kitchen, and living facilities comprising an independent, self-contained dwelling space occupied by a family, and where rooms are not let to individuals. Bathroom, kitchen and living facilities must be separate and distinct from bedroom facilities. Each bedroom must contain a minimum square footage consistent with the current minimum housing standards. Separate bathroom facilities will be deemed to exist only when it is possible to access such bathroom facilities without passing through a room which is designated as a bedroom. If there is more than one meter for any utility, address to the property, or kitchen; or if there are separate entrances to rooms which could be used as separate dwelling units; or if there is a lockable,

physical separation between rooms in the dwelling unit such that a room or rooms on each side of the separation could be used as a dwelling unit, multiple dwelling units are presumed to exist; but this presumption may be rebutted by evidence that the residents of the dwelling share utilities and keys to all entrances to the property and that they (A) share a single common bathroom as the primary bathroom or (B) share a single common kitchen as the primary kitchen. Each dwelling unit must have a minimum of one hundred eighty (180) square feet of parking space on the premises for every two occupants thereof, such parking area may not be in the front yard.

Sorority/Fraternity: A multiple dwelling used and occupied by a cooperating group of university or college students and containing and providing domestic and social facilities and services thereto.

2. Sec. 17.1.5 Conditional Uses.

(a) through (c) As written.

(d) In considering a request for a conditional use permit relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, WRL, RM and WRM districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

Mark T. Eldridge
Director of Planning and Zoning

To run one day: Wednesday, June 28, 2000

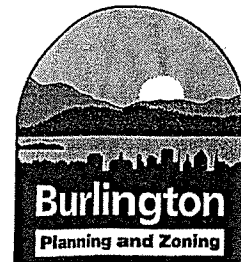
POC: Ken Lerner. Please call our office if you have any questions. 865-7190.

Please bill Office of the Mayor, Burlington City Hall, Burlington, VT 05401

Burlington Planning Commission

135 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

Richard Lang, Jr., Chair
Scott Baldwin
Elizabeth Humstone
Thomas Nuovo
Zander Ponzo
Kathleen Ryan
Annmarie Deitrich



Burlington Planning Commission Thursday, July 13, 2000, 6:00 P.M. Contois Auditorium, City Hall

AGENDA

Staff will be available at 5:45 p.m. to meet informally with Commissioners to answer questions and review project files. **Note: times given are approximate only.**

- I. Organizational Meeting
- II. Agenda
- III. Committee Reports (6:15)
- IV. Report of the Chair
- V. Report of the Director
- VI. Minutes of 6/22/00
- VII. Public Forum (6:30)
- VIII. New Business

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

IX. **Certificate of Appropriateness Level II (6:45)**

COA 00-051A; 31 Willow Street (RM, Ward 2) J. Porati

Construction of a duplex on an existing vacant lot located at the corner of Saint Louis and Willow streets.

X. **Public Hearing (7:30 p.m.; approximately 60 minutes)**
Zoning amendment 2000-01; "Functional Family Definition"

XI. **Certificate of Appropriateness Level II (8:45)**

COA 00-038; 111 Colchester Avenue (UC, Ward 1) D. White & Associates

Fletcher Allen Health Care / UVM Ambulatory Care addition with underground parking garage.
Continued from the June 22nd meeting.

XII. **Old Business (10:30)**

XIII. **Communications (10:40)**

XIV. **Meeting Evaluation (10:50)**

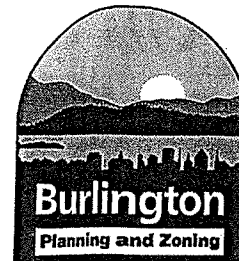
XV. **Adjournment (11:00)**

NOTE: Depending on the length of the meeting, agenda, and the number of people desiring to speak, the Planning Commission reserves the right to limit comments to 3 minutes each. Except for particularly complex projects, applicants are advised to limit their presentations to a maximum of 10 minutes.

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Burlington Planning Commission
Thursday, August 10, 2000, 6:00 P.M.
Contois Auditorium, City Hall

AGENDA

*Staff will be available at 5:45 pm to meet informally with Commissioners to answer questions and review project files. **Note: times given are approximate only.***

- I. **Agenda**
- II. **Committee Reports (6:05 p.m.)**
 - A. **Long Range Planning; Harbor Plan Recommendations**
 - B. **Ordinance Committee; Convenience Stores in E Zone**
- III. **Report of the Chair (6:30)**
- IV. **Report of the Director**
- V. **Minutes of 7/20/00**
- VI. **Public Forum (6:40 p.m.)**
- VII. **New Business**
- VIII. **Old Business (6:45 p.m.)**
 - A. **COA 00-058; 82-92 South Winooski Avenue**
 - B. **COA 00-034; 113 Elmwood Avenue**
- IX. **Consent Agenda Level I & II (approx. 6:50 p.m.)**
 - A. **COA 00-040; 235 College St. (RH, Ward 3) Fletcher Free Library**
Installation of a nonilluminated parallel sign for the Library (4443.d required)
 - B. **COA 00-066; 68 Sunset Cliff Road (WRL, Ward 4) E. Richards**
Demolish existing single family home, rebuilding with larger structure.
- X. **Action on Public Hearing (6:55 p.m.)**
ZA 2000-01; "Functional Family Definition"
- XI. **Public Hearing (7:30 – 8:30 p.m.)**
COA S97-057A; 140 Venus Avenue (RL Dist., Ward 7) Habitat for Humanity
Preliminary Plat approval for 8 (2 duplex, 4 single family) Residential Units.
- XII. **Certificate of Appropriateness Level II (8:45 p.m.)**
 - A. **COA 01-002; 111 Intervale Road (E, Ward 2) Burlington Electric**
Construction of an enclosure of the existing railroad unloading trestle at the McNeil Generating Station.
 - B. **COA 00-003C; 645 Pine Street (E, Ward 5) DPW (9:15 p.m.)**
Review and approval of the parking lot screening as required in the conditions of approval granted 7-6-00.
 - C. **COA 00-042A; 50 Lake Street (WFCE, Ward 3) Main St. Landing (9:45 p.m.)**
Amend previously approved east elevation of the proposed retail structure located at northeast corner of College and Lake streets. Originally approved 4-27-00.

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OVER →

XIII. Sketch Plan (approx. 10:15 p.m.)

501 - 543 Pine Street (E, Ward 5) Redstone Commercial

Construction of 147,500 SF Office/Retail building with associated site improvements.

XIV. Communications (10:45 p.m.)

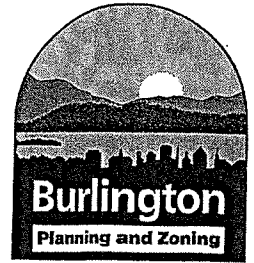
XV. Meeting Evaluation (10:50 p.m.)

XVI. Adjournment (11:00 p.m.)

NOTE: Depending on the length of the meeting, agenda, and the number of people desiring to speak, the Planning Commission reserves the right to limit comments to 3 minutes each. Except for particularly complex projects, applicants are advised to limit their presentations to a maximum of 10 minutes.

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Richard Lang, Jr., Chair
Annmarie Deitrich
Elizabeth Humstone
Thomas Nuovo
Zander Ponzo
Kathleen Ryan



Burlington Planning Commission
Thursday, August 24, 2000, 6:30 P.M.
Contois Auditorium, City Hall

AGENDA

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*Staff will be available at 6:15 p.m. to meet informally with Commissioners to answer questions and review project files. **Note: times given are approximate only.***

- I. **Agenda**
- II. **Committee Reports (6:35 p.m.)**
Ordinance Committee; Convenience Stores in E Zone
- III. **Consent Agenda: Certificate of Appropriateness Level I**
COA 01-004; 50 – 52 North Avenue (RM, Ward 3) R. Donaldson
Enlargement of the existing front porch for the duplex.
- IV. **Report of the Chair (7:15 p.m.)**
- V. **Minutes from 7.13.00, 7.20.00, 7.26.00 and 8.10.00**
- VI. **Public Forum (7:20 p.m.)**
- VII. **Public Hearing (7:30 p.m.)**
 - A. Zoning Amendment 95-05A; Intervale Enterprise Agricultural District
 - B. Zoning Amendment 99-03A; Sign Heights in Commercial Districts
 - C. Zoning Amendment 2000-05; Adaptive Reuse Bonus
 - D. Zoning Amendment 2000-06; Accessory Uses in PRD's
- VIII. **Certificate of Appropriateness Level II (8:30 p.m.)**
 - A. COA 01-003; 20 Fletcher Place (UC, Ward 1) M. Lang
Change of use from single family home to a duplex with parking lot improvements.
 - B. COA 01-002; 138 Colchester Avenue (UC, Ward 1) M. Lang
Change of use from single family home to duplex.

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IX. Action on Public Hearing (9:15 p.m.)

A. COA S97-057A; **140 Venus Avenue** (RL, Ward 7) Habitat for Humanity Preliminary Plat approval to construct eight (8) residential units (4 single family homes and 2 duplexes).

B. ZA 2000-01; "Functional Family Definition"

X. Old Business (10:30 p.m.)

COA 00-058; **82 – 92 South Winooski Avenue** (Central Market)

XI. New Business

XII. Communications (10:45 p.m.)

XIII. Meeting Evaluation (10:50 p.m.)

XIV. Adjournment (11:00 p.m.)

NOTE: Depending on the length of the meeting, agenda, and the number of people desiring to speak, the Planning Commission reserves the right to limit comments to 3 minutes each. Except for particularly complex projects, applicants are advised to limit their presentations to a maximum of 10 minutes.

Mover: **B. Humstone**
Action: Accept communications
Vote: 7-0-0

Seconder: **S. Baldwin**

Meeting Dates

M. Eldridge suggested scheduling next meeting for July 20th to discuss FAHC so all members can participate. Staff will get their recommendations out as soon as possible. Possibly substitute for July 27th meeting.

Z. Ponzio asked whether FAHC would have comments ahead of time. M. Eldridge stated Planning to provide comments with enough lead time to respond. Asked Planning Commission members to let staff know their schedules. M. Eldridge feels that the bulk of the evening should be devoted to the decision making process.

S. Baldwin out 7/27 thru 8/1
Z. Ponzio out 7/28/ thru 8/14
A. Deitrich out 7/28

R. Lang suggested the commission start on July 20th and not adjourn but continue.

K. Ryan suggested that the meeting times should be set now, as it may be more difficult later.

R. Lang canvassed dates 7-26 at 7:30 p.m. and on the 24th also a bit later, possibly 6:30 p.m.

XI. PUBLIC HEARING

Zoning Amendment 2000-01; "Functional Family Definition"

Leon Beliveau: Asked which Quality of Life Purpose Statements improve quality of life. Initial determination is not described. Asked how this will be handled by code enforcement.

Stuart Bennett: Represents apartment owners. Referred to police log as to types of issues they responded to. Also a letter by adjacent property owner as to problem, the residents referred to are a mother & 2 children. This is not a group of students. This amendment was originally for single family homes, now expanded to apartments. He feels that even if you break up bad groups into smaller groups you still have the same issues. Feels number of people have nothing to do with the real issues.

Denise Colpins: 447 Main St – has different opinion than Mr. Bennett. Lives NEXT door to house with students. Complained to landlord regarding drugs, cutting down trees, shooting BB guns in front of children and flour being thrown