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TO: Planning Commission
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
 Charles Dillard, Principal Planner, Office of City Planning
 Meagan Tuttle, Director, Office of City Planning
DATE: March 19, 2024
RE: Proposed ZA-24-03: Emergency Shelters

Overview & Background

The city adopted emergency shelter standards into its Comprehensive Development Ordinance in December 2017. The standards included a definition, permitted and conditional use designations in the use table, and special use criteria. In July 2023, Act 47 (AKA the HOME Act) was passed into law. Among other things, the act established standards for emergency shelters that came into effect on September 1, 2023. The statutory standards include a new definition of emergency shelter and add emergency shelters to the list of uses subject to limited municipal review under VSA 24, Sec. 4413. This section limits municipal zoning review to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use. The act also expressly notes that regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.

Act 47 substantially limits municipal zoning review of emergency shelters and renders moot much of the CDO standards pertaining to them. The proposed amendment seeks to bring emergency shelter standards in the CDO into alignment with the new statutory standards.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The proposed amendment brings emergency shelter standards in the CDO into compliance with the current statutory standards.

Proposed Amendment

Proposed ordinance language is below.

[Begin text amendment]

Deleted language is ~~crossed out~~ and new language is underlined in red.

Sec. 5.4.13 Emergency Shelters

~~Emergency shelters shall be subject to the site and design review standards in Art 6.~~

~~In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:~~

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact the City Planning department or 711 if you are hearing or speech impaired.

- ~~(a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;~~
- ~~(b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;~~
- ~~(c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones;~~
- ~~(d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;~~
- ~~(e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and,~~
- ~~(f) An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.~~

Sec. 13.1.2 Definitions.

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.~~ For the purposes of this ordinance, emergency shelter shall be as defined in V.S.A. 24, § 4303.

[End text amendment]

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).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment has minimal impact on future land use and no impact on density. It brings the city's zoning standards into compliance with the current statute as to emergency shelters.

Impact on Safe & Affordable Housing

The proposed amendment will likely facilitate provision of emergency shelter services to communities in need of them.

Planned Community Facilities

The proposed amendment has no impact on 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 prepared by: Staff, PC OC 10/5/2023	Presentation to & discussion by Commission 3/26/2024	Approved for Public Hearing	Public Hearing	Approved & forwarded to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend as modified	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected