

## Department of Planning and Zoning

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7142 (TTY)

[www.burlingtonVT.gov/pz](http://www.burlingtonVT.gov/pz)

*David E. White, AICP, Director*  
*Ken Lerner, Assistant Director*  
*Sandrine Thibault, AICP, Comprehensive Planner*  
*Jay Appleton, Senior IT/GIS Programmer*  
*Scott Gustin, AICP, Senior Planner*  
*Mary O'Neil, AICP, Senior Planner*  
*Nic Anderson, Planning & Zoning Clerk*  
*Elsie Tillotson, Administrative Assistant*



## MEMORANDUM

TO: Planning Commission  
FROM: David E. White, AICP, Director of Planning & Zoning  
DATE: Thursday, May 29, 2014  
RE: Proposed Zoning Amendments regarding Conditional Use and Major Impact Review, PUD and Subdivision Review

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For your consideration you will please find attached a series of proposed amendments to the *Burlington Comprehensive Development Ordinance*. This collection of amendments seek to simplify and clarify the otherwise cumbersome, lengthy and complex nature of development review in Burlington. Many of the issues we are seeking to address were raised and contemplated during the planBTV planning process as measures we could take to support more infill development across the city. We feel the changes being offered will simplify the process without negatively effecting the quality of the review or the public's ability to participate.

Taken together they eliminate redundant and unnecessary steps, costs and complexity by:

- Disconnect Conditional Use Review from the types of development that bear no relationship to the actual review criteria being considered.
- Revise the Conditional Use Review criteria to focus on elements of development that may actually be effected by a proposed conditional use.
- Clarify the scope of conditions that may be imposed under Conditional Use Review.
- Revise the Major Impact Review triggers to reflect the likely scale a proposed development would have to take to effect the review criteria, and differentiate between projects of varying scales proposed across zoning districts so that "major impact" is considered relative to the context of the neighborhood where it is being proposed.
- Disconnect PUD from Subdivision review in cases where no actual subdivision of land is taking place.
- Clarify the range and type of flexibility afforded by the PUD Review process.

Historically Burlington's ordinance has used "Conditional Use Review" as a catch-all requirement for any development that may not otherwise appear straightforward – when in doubt, make it subject to conditional use. This approach dates back to before the creation of Design Review where the only opportunity to look closely at the scale and design of a project was to put it through a public hearing and attach specific conditions of approval. Today however Burlington has a number of sophisticated tools in its ordinance that enable either staff or the DAB and DRB to review and make modifications to the design of a proposed development making conditional use review unnecessary and redundant in cases that do not include a true "conditional" use. Therefore we are proposing to disconnect conditional use review from PUD's, subdivisions, inclusionary housing projects and parking management plans unless they actually involved a listed conditional use. In addition we are proposing to revise the conditional use

criteria themselves to reflect more objective standards relative to impacts on transportation, community facilities and nuisances, and remove criteria that reflect more subjective design issues that are already considered under the Design Review process.

In a similar vein, Major Impact Review also has been generously applied - in today's case where development would create more than 5 units of housing anywhere in the city. In Vermont's largest city, most urbanized place and with a complete array of public infrastructure, 5 units of housing hardly constitutes "major impact" in places like the downtown. Instead we are proposing scaling the triggers for what constitutes a Major Impact project based on the neighborhood context.

Finally, while PUD's may often be associated with the creation of new lots, it isn't always the case. Making a PUD follow the subdivision review process when it doesn't actually involved a change to property boundaries adds a significant time and cost burden on the applicant and staff, and is a significant waste of effort for everyone.

We look forward to discussing these proposals further with you at your next meeting. Thank you.