

Burlington Planning Commission

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

www.burlingtonvt.gov/pz

*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Erin Malone
Julia Randall*

Burlington Planning Commission

Tuesday, May 28, 2024, 6:30 PM

Remote & Virtual Meeting via Zoom

In person option available:

Bushor Conference Room (Room 102), 1st Floor of City Hall, 149 Church St.

To Join the Meeting on a Computer

<https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFIzdz09>

Passcode: 658929

To Join the Meeting on a Phone

Number: +1 646 931 3860 Meeting ID: 979 4188 3790

1. Agenda

2. Public Forum

Subject	2.1. Speakers will be limited to no more than three minutes during the public forum.
Meeting	May 28, 2024 - Agenda - Tuesday, May 28, 2024, 6:30 PM, Burlington Planning Commission
Category	2. Public Forum
Department	Planning
Type	

3. Chair's Report

4. Director's Report

5. Public Hearing for Proposed CDO Amendment: ZA-24-03 Emergency Shelters

Subject	5.1. ZA-24-03 Emergency Shelters
Meeting	May 28, 2024 - Agenda - Tuesday, May 28, 2024, 6:30 PM, Burlington Planning Commission
Category	5. Public Hearing for Proposed CDO Amendment: ZA-24-03 Emergency Shelters
Department	Planning

Type Report

Recommended Action Approve the Municipal Bylaw Amendment report, make any changes and refer to Council with recommendation.

6. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2

Subject **6.1. ZA-24-04 Neighborhood Code Part 2**

Meeting May 28, 2024 - Agenda - Tuesday, May 28, 2024, 6:30 PM, Burlington Planning Commission

Category 6. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2

Department Planning

Type Discussion
Presentation

Recommended Action Ask questions and provide feedback on the draft amendment.

7. Planning Commission Annual Report

Subject **7.1. Annual Report**

Meeting May 28, 2024 - Agenda - Tuesday, May 28, 2024, 6:30 PM, Burlington Planning Commission

Category 7. Planning Commission Annual Report

Department Planning

Type Presentation

Recommended Action Receive the report, ask questions and provide feedback

8. Commissioner Items

9. Adopt Minutes

Subject **9.1. Review and approve the 5/14 Planning Commission meeting minutes**

Meeting May 28, 2024 - Agenda - Tuesday, May 28, 2024, 6:30 PM, Burlington Planning Commission

Category 9. Adopt Minutes

Department Planning

Type

10. Communications

10.1. Review and accept written communications

11. Adjournment

Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at cdillard@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.



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

www.burlingtonvt.gov/plan

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: May 23, 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.

During its most recent discussion of the amendment, the Planning Commission requested testimony from experts in the fields of emergency housing and homelessness. Sarah Russell, Special Assistant to End Homelessness for the City of Burlington, and Amy Demetrowitz, Chief Operating Officer at Champlain Housing Trust, will attend the meeting. Paul Dragon, Executive Director of the Champlain Valley Office of Economic Opportunity (CVOEO) has provided a written communication.

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:

- (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 3/26/2024	Public Hearing 5/28/2024	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

CITY OF BURLINGTON

ORDINANCE _____

Sponsors: Planning, Planning
Commission
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four _____

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

CDO—EMERGENCY SHELTERS
ZA-24-03

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 5.4.13 Emergency Shelters, Sec. 13.1.2 Definitions and Appendix A, thereof to read as follows:

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:~~

- ~~(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.~~

Appendix A Use Table – All Zoning Districts

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****For changes See attached Appendix A*

* Material stricken out deleted.

** Material underlined added.

Planning/KS/Ordinances 2024/ZA-24-03 Emergency Shelters
CDO Sections
03/19/2023

Communication to Burlington Planning Commission

The following communication is provided by Paul Dragon, Executive Director of the Champlain Valley Office of Economic Opportunity (CVOEO).

CVOEO addresses fundamental issues of economic, social, racial, and environmental justice and works with people to achieve economic independence. The organization administers a variety of programs, many of which touch on issues related to homelessness. Specifically, CVOEO manages two emergency shelter, Samaritan House in St. Albans and and Champlain Place in Burlington and has partnered with CHT in the management of the Elmwood Community Shelter in Burlington. Below are insights that CVOEO provides to the Planning Commission as it considers amending the City's Emergency Shelter standards:

- Two primary factors in siting Emergency Shelters are proximity to transportation, specifically transit; and services that ensure that basic needs for households in transition are addressed. Service areas include housing, healthcare, food and nutrition, social services, employment, education and youth programs.
- Emergency shelters would ideally not be located directly adjacent or within very close proximity to schools and childcare establishments
- Emergency shelters should have adequate staffing and service provision, the latter of which should be provided on-site or within close proximity.
- Community engagement is critical in the siting of emergency shelters in order to understand community support and concerns. CVOEO's experience taking over administration of the Samaritan House and the Champlain Place are good examples where community engagement helped ensure a smooth process and integration into the community. They are also good examples of shelter models in which people are allowed to stay 24/7 and are not required to leave during the day and line back up for a bed during the night.
- For any emergency shelter, a habitability inspection must occur prior to residents moving in and will happen periodically while the shelter is operating. Habitability standards for shelters are established by the State of Vermont and include the following elements:
 - Structure and materials
 - Accessibility
 - Space and Security
 - Interior Air Quality
 - Water Supply
 - Sanitary Facilities
 - Thermal Environment
 - Illumination and Electricity
 - Food Preparation
 - Sanitary Conditions
 - Fire Safety
- The State also has compliance standards for Lead-Based Paint Requirements for Shelters that intend to ensure safety for residents, specifically children living in Emergency Shelters

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ^l	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 ³⁴
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
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	Y ²	Y	Y	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	N	N
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
Assisted Living	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU ^Y	CU ^Y	CU ^Y	N	CU ^Y	CU ^Y	CU ^Y	CU ^Y	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
Short Term Rental ³³	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
Adult Day Care	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	N	CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	N	Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y ²⁷

Appendix A-Use Table – All Zoning Districts

Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	CU	Y	Y	Y	N	Y ²⁷
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	N	CU ^{9, 12, 14}	CU ^{9, 12, 14}	CU ¹⁴	N	N	Y ²⁷
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Automobile/Vehicle Salvage Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	N	Y	Y	Y	Y	Y	Y ²⁷
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y
Bar, Tavern	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU	N	N
Beauty/ Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y	Y	CU	Y	N	N
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y ²⁷
Billiard Parlor	N	N	N	N	N	N	N	N	N	CU	Y	CU	Y	N	N
Boat Repair/Service	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	N	N	Y ²⁷
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	Y	N	N	Y ²⁷
Boat Storage	N	N	CU	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Bowling Alley	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	Y
Building Material Sales	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	Y	N	N	Y ²⁷
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Camp Ground	N	Y	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	N	N	CU	Y	CU	N	CU ²⁷
Cemetery	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU	N	CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	N	CU	CU	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	N	Y	Y	Y	Y	N	CU ²⁷
Community Garden	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y ²⁷
Conference Center	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ¹²	N	Y ¹²	Y	Y	Y ¹²	N	Y ²⁷
Convention Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Courthouse	N	N	N	N	Y	N	N	CU	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N
Daycare (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU

Appendix A-Use Table – All Zoning Districts

Dry Cleaning Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y ²⁴	Y	Y	Y ²⁴	N	CU ²⁷
Film Studio	N	N	N	N	Y	N	N	N	N	N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	N	CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	N	CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	N	CU ²⁴	Y	Y	N	Y	Y ²⁷
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	N	Y ²⁷
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU ¹⁸	CU	CU	N	CU ^{17,27}
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	N	Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU	N	CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	N	N	N	N	N	N	N
Lodging	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	N	Y	N	N
Junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y ¹³	Y	Y	Y	N	Y ²⁷
Library	N	N	N	N	Y	CU	CU	Y	N	Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	N	N	CU ¹⁰	Y	N	N	Y
Manufacturing-Light	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	CU	Y
Manufacturing	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	Y
Marina	N	N	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	N	CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	N	N	N	N	N	N	N
Museum–Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y ²⁷
Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y ²⁷

Appendix A-Use Table – All Zoning Districts

Office-Technical	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y ²⁷
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N	CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	CU	Y	N	CU	N	CU ^{27,32}
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)	CU	CU	CU	Y	N	Y ²⁷
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N	Y	Y	Y	Y	N	Y
Photography Lab	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	CU	Y
Police Station - Central	N	N	N	N	CU	N	N	N	N	Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	N	CU	Y	Y	Y	N	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	Y	CU	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N	N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	N	CU	CU	Y	Y	N	Y
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	(See Sec.4.4.1(d) 1)	N	Y	CU	N	N	CU ²⁷¹
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	Y	CU	N	N
Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷

Appendix A-Use Table – All Zoning Districts

Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research and Development Facility	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	(See Sec.4.4.1(d) 2)	Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	(See Sec.4.4.1(d) 1)	Y ¹³	Y	Y	Y ¹³	N	Y ^{13,27}
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	N	Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	N	CU	CU	CU	CU	N	N
School – Preschool (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
School - Primary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	N	CU	N	N	CU	N	CU ²⁷
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	Y ¹⁵	N	Y	Y
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	N	Y	CU	CU	CU	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.

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

Appendix A-Use Table – All Zoning Districts

2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.

3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.

4. Reserved.

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. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.

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. [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. For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses unrelated to Industrial or Arts production and with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. 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.

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.~~ **Reserved**

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.

34. See Sec. 4.5.8(c) 5 for permitted uses in the Enterprise – Innovation District (E-SEID) Overlay
- | | |
|--------|---|
| NAC-RC | NAC – Riverside Corridor |
| NAC-CR | NAC – Cambrian Rise |
| E-AE | Enterprise – Agricultural Processing and Energy |
| E-LM | Enterprise – Light Manufacturing |
- ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.
- Appendix Last Updated: August 2, 2023

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Neighborhood Code **Part 2-A**

Secondary Structures, Planned Unit Developments,
and Technical Corrections

BTV Neighborhood Code Topics + Amendments

Neighborhood Code Part 1 (ZA-24-02)

Adopted by City Council: March 25, 2024
Secondary Structures effective Oct. 1, 2024

- Modified and streamlined residential districts and boundaries
- Created new Residential Corridor (RC) district along major street corridors adjacent to low intensity zones
- Replaced density standards with massing standards, including number of units per building, updated lot coverage, standardized rear setbacks, maximum building footprints, and building height
- Allowed 2 free-standing structures in RL and RM districts with 4 units per building; does not limit the number of units per building in RH and RC zones



NC Part 2-A (ZA-24-04)

Next Up for PC Discussion:

- ❑ Adt'l considerations related to secondary structures
- ❑ Planned Unit Development standards
- ❑ Clarifications and technical corrections relevant to Part 1

NC Part 2-B (ZA-TBD)

- ❑ Standards for small-lot subdivisions to facilitate fee-simple ownership
- ❑ Standards for townhouse, fee-simple duplex, Cottage Court developments

NC Part 2-C (ZA-TBD)

- ❑ Other potential locations for Residential Corridor zone
- ❑ Consider how RC district relates to existing mixed-use districts
- ❑ Re-visit use table allowances for all residential districts

NC Part 2-D (ZA-TBD)

- ❑ Consider infill-related parking impacts in high-demand areas
- ❑ Parking configuration options for residential lots
- ❑ Other recommendations of the Transportation Options study

Other Relevant Topics + Related Projects:

Infill implementation + **historic preservation** regulations (*Historic Preservation Plan, Fall 2024*)

Expanded **mixed-use + commercial** in the New North End (*planBTV: New North End, Fall 2024*)

Access to multi-functional + quality **green spaces** (*Open Space Plan, Summer 2024*)

Impact of infill development on **stormwater + wastewater**

Relationship to **Inclusionary Zoning** requirements

Solutions to **implementation + homeownership** opportunities

Topics to carry out with other departments:

Neighborhood Code **Next Steps**

- **April/May:** Planning Commission Discussion & Communication to Council re: Code Part 2 scope
- **May 14:** Planning Commission begins discussion on **Part 2-A** Topics – beginning with ZA-24-04
- **May 28:** Planning Commission continues discussion on **Part 2-A** Topics
- **Summer/Fall** (date tbd based on duration of discussion): PC holds public hearing on recommendations on Part 2-A; refers to Council and begin discussion of Part 2-B Topics
- **Summer/Fall** (date tbd): Council receives PC's Part 2-A recommendations, refers to Ordinance Cmte for review/any potential changes; refers to Council for public hearing/action
- **October 1, 2024:** Portion of Neighborhood Code Part 1 relating to allowance for secondary structures becomes effective
- **November 2024:** Report on first 6 months of Neighborhood Code implementation (# applications submitted, # projects under construction, # units added)

Neighborhood Code Part 2-A: **Height of Secondary Structures**

Discussion Topic: Height of secondary structures relative to primary structures

- Neighborhood Code standards currently limit secondary structures to the height limit otherwise allowed in the district

Key Question: Should the code require some consideration for/relationship to the height of an existing/primary structure?

Staff Recommendations

- Option 1: Leave as is and allow Secondary Structures to use the full height allowed in the district
- Option 2: Limit to 2 stories unless the Secondary Structure is set back further from side or rear setbacks

Neighborhood Code Part 2-A: **Defining Secondary Structures**

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts

District	Max. Height & Stories ^{1,3}	Max. Dwelling Units per Structure ^{2,3}	Max. Principal Structure Footprint ³	Max. Secondary Structure Footprint ³	Max. Building face before providing offset ⁵	Min. Distance between Structures on same lot
Residential Low (RL)	35' 3 stories	4	1,800 sq.ft	1,100 sq.ft	50'	15'
Residential Medium (RM)	35' 3 stories	4	1,800 sq.ft	900 sq.ft		
Residential High (RH)	50' 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft	N/A		

1. Details regarding the measurement of and exceptions to height limits are found in Art 5.
2. Minimum dwelling unit size is 350 sq.ft.
3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11. **A Secondary Structure may be located to the rear or side of a Primary Structure on a lot.**
4. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.

Neighborhood Code Part 2-A: **Secondary Structures + ADUs**

Discussion Topic: Relationship between secondary buildings and citywide provisions for Accessory Dwelling Units (ADUs) ([CDO Sec. 5.4.5](#))

Key Question: Should the code maintain that ADUs continue to be differentiated from secondary structures, or should they rely on the allowance for secondary structures?

Follow Up Considerations:

- *Are there any potential benefits of separate ADU regulations that would be lost if it was instead considered to be a secondary structure?*

Neighborhood Code Part 2-A: **Secondary Structures + ADUs**

Accessory Dwelling Unit

Single-Unit in a “Secondary Structure” Under Neighborhood Code

Permitted to be built on the same lot as*	Owner-Occupied Single Family Home <i>*or added within the same building as</i>	A primary structure of 1 – 4 units
Maximum Building Footprint**	30% of gross floor area of primary home** or 900ft ² , whichever is greater. <i>**This can be internal to existing home or a detached unit of 1+ stories</i>	RL District: 1,100ft ² RM District: 900 ft ²
Owner Occupancy Requirements	Yes: Either the primary home or the ADU must be owner-occupied	None
Lot Cover Considerations	Up to 650ft ² of lot area exempt from lot coverage limit if storm water impacts are mitigated	All structures on the lot must comply with the standards of the district
Zoning Permit Review Process	Administrative Review: Staff decision followed by 15-day appeal period	Development Review Board decision followed by 30-day appeal period
Impact Fees	Exempt	Any new unit created under the NC must comply with impact fees
Additional Incentives	VHIP grant funding	

Neighborhood Code Part 2-A: **Secondary Structures + ADUs**

Discussion Topic: Relationship between secondary buildings and citywide provisions for Accessory Dwelling Units (ADUs) ([CDO Sec. 5.4.5](#))

Key Question: Should the code maintain that ADUs continue to be differentiated from secondary structures, or should they rely on the allowance for secondary structures?

Staff Recommendation

- Make modifications to streamline the ordinance in an effort to make it less complex for the general user. Enable a situation where, if someone adds an additional unit in an owner-occupied unit or if they build a single-unit secondary structure meeting these requirements, they can benefit from these incentives (Impact fee, lot cover, admin review).

Neighborhood Code Part 2-A: **Non-Conforming Secondary Structures**

Discussion Topic: Considerations for utilizing existing non-conforming and non-residential buildings that are encroaching in setbacks

Key Question: Should existing structures encroaching in setbacks, to be converted to a dwelling unit(s) or renovated to accommodate additional unit(s), be allowed to expand their physical size (i.e. footprint or height)?

Staff Recommendation

- Allow conversion of existing buildings only, without any expansion (subject to any requirements for the building or fire codes).
- Consider any potential expansion as part of a separate but forthcoming consideration for administrative waivers from dimensional requirements.

Neighborhood Code Part 2-A: **Non-Conforming Secondary Structures**

Discussion Topic: Considerations for utilizing existing non-conforming and non-residential buildings that are encroaching in setbacks

- [CDO Article 5, Part 3](#) outlines standards related to non-conforming uses, structures, and lots—including any allowances for changes/modifications, when non-conformities must be discontinued
- Fire Code regulates proximity to property line/other structures independent of zoning
- Non-conformity standards only apply to uses, structures, lots that were legally created, but no longer comply with standards because of changes over time
 - Does not extend to uses, structures, lots that were not legally created (i.e. without a permit); some situations where changes in code may allow a permit to be sought for use/structure/lot that was not legal at the time of creation
- Generally, existing homes and non-residential structures (i.e. a garage/outbuilding) that are already in a setback cannot be expanded—in footprint or height (or, made *more* non-conforming)
 - Exceptions allow existing single-family home and community centers to vertically expand
 - Structures under 15 ft in height can encroach (including ADUs) as long as 5 ft from property line

Neighborhood Code Part 2-A: **Technical Corrections**

Discussion Topic: Provide clarity on what is considered as a building “face” in Table 4.4.5-2, related to the **maximum building face** before providing offset.

Staff Recommendation

- In Article 13, create new definition:

Elevation: An exterior wall of a Building.

- Modify Article 4, Table 4.4.5-2 (see next slide)

Neighborhood Code Part 2-A: **Technical Corrections**

Discussion Topic: Provide clarity on what is considered as a building “face” in Table 4.4.5-2, related to the maximum building face before providing offset.

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts						
District	Max. Height & Stories ^{1,3}	Max. Dwelling Units per Structure ^{2,3}	Max. Principal Structure Footprint ³	Max. Secondary Structure Footprint ³	Max. Building face before providing offset ⁵ Max. linear elevation before offset ⁴	Min. Distance between Structures on same lot
Residential Low (RL)	35’ 3 stories	4	1,800 sq.ft	1,100 sq.ft	50’	15’
Residential Medium (RM)	35’ 3 stories	4	1,800 sq.ft	900 sq.ft		
Residential High (RH)	50’ 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft	N/A		
1. Details regarding the measurement of and exceptions to height limits are found in Art 5. 2. Minimum dwelling unit size is 350 sq.ft. 3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11. <i>A Secondary Structure may be located to the rear or side of a Primary Structure on a lot.</i> 4. Required on all building faces Elevations. Minimum offset is 5 ft measured perpendicular to the building face Elevation in excess of 50 ft.						

Neighborhood Code Part 2-A: **Technical Corrections**

Discussion Topic: Provide clarity on what is considered in the definition of a “building footprint”

Staff Recommendation

- In Article 13, create new definition:

Building Footprint: The sum of the area of the largest floor of a Building measured from the exterior Elevations. It does not include un-insulated porches if said areas are not used for human occupancy.

Neighborhood Code Part 2-A: **Technical Corrections**

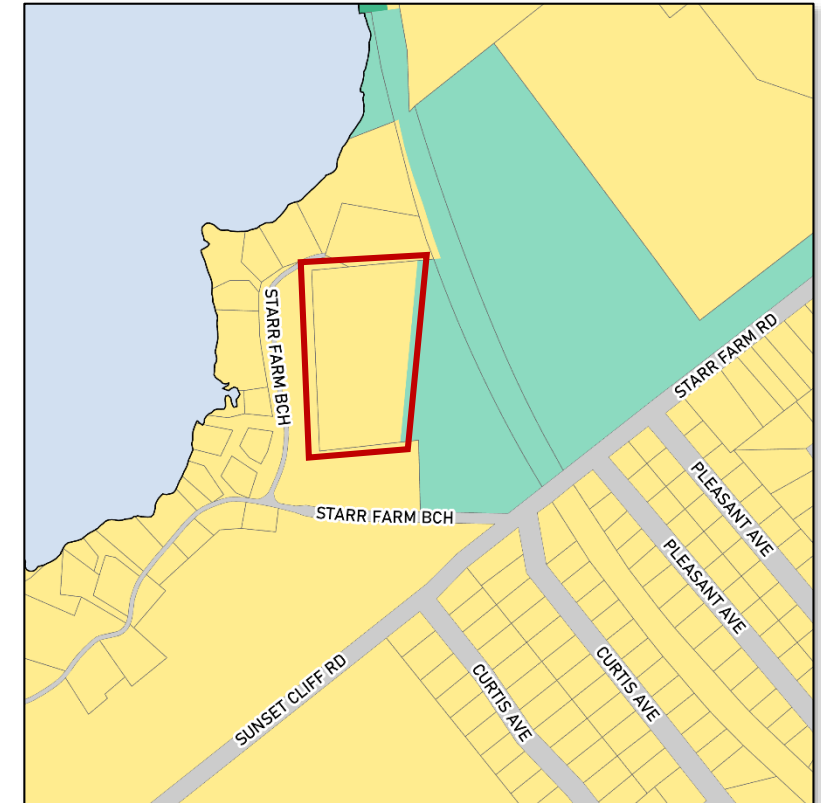
Clarifications to Residential Corridor Standards

- Written description of height inconsistent with height allowed in Table 4.4.5-2
- Clarify that RC district applicability requires frontage on certain thoroughfares (similar to the applicability of the Multimodal Mixed Use Parking District)

“The **Residential Corridor (RC)** district is intended for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized, multi-unit and mixed-use buildings along major multi-modal transportation corridors that are adjacent to low intensity districts. Single-family detached dwellings are limited to buildings originally built for such purpose. New and infill development may be located closer to the street than historic development patterns, with building heights ~~ranging from two to three and a half~~ **up to four** stories and high lot coverage. Neighborhood-serving commercial uses may be incorporated in existing or new buildings.”

Neighborhood Code Part 2-A: **Technical Corrections**

- Updating **zoning map** for Starr Farm Park. Residential and park zoning map "layers" were transposed, reflecting city-owned land in RL instead of RCO zone. Correct back to RCO.
- **Internal reference** correction: Table 4.4.5-1 footnote
- Consolidation of interrelated **Design Review standards** into one section that provides clearer expectations of what is subject to review





Questions?

BURLINGTON PLANNING COMMISSION ANNUAL REPORT

FY 2024

PREPARED FOR BURLINGTON CITY COUNCIL
& MAYOR MIRO WEINBERGER



PLANNING COMMISSION OVERVIEW

Planning Commission Membership

The Planning Commission is composed of seven Commissioners, appointed to staggered terms of four years. Each Commissioner participates on at least one Standing Committee, and some Commissioners also participate on ad-hoc committees established to facilitate special projects. The FY 2024 membership of the Planning Commission and participation in Committees is listed below; a record of attendance for the full Commission meetings is included in Appendix A.

- Andy Montroll, Chair
- Bruce Baker, Vice-Chair
- Yves Bradley
- Alex Friend
- Michael Gaughan
- Erin Malone
- Julia Randall

Committees

Executive

- Andy Montroll (Chair)
- Bruce Baker (Vice-Chair)
- Michael Gaughan (At-large)

Ordinance

- Bruce Baker
- Yves Bradley
- Julia Randall
- Caitlin Halpert (DRB Representative)
- Jack Qualey (DAB Representative)

Long Range Planning

- Alex Friend (Chair)
- Michael Gaughan
- Erin Malone
- Evan Gould (DRB)
- Ryen Creehan (Conservation Board Rep.)

Planning Commission Duties

The Burlington Planning Commission facilitates the optimal and sustainable development of Burlington's built and natural environment by engaging the community in long-range, comprehensive City-wide land use planning; advising the Mayor and City Council on matters pertaining to land use planning and development in general; reviewing and developing land development ordinances for approval by the City Council; providing oversight to the Office of City Planning (OCP); providing comments and feedback, as necessary, to the Chittenden County Regional Planning Commission; and other functions as set forth in 24 V.S.A. §4325.

In short, the Planning Commission dedicates a tremendous amount of time to creating and implementing *planBTV*—also known as the Municipal Development Plan—which includes specific plans for areas and important issues in the City.

FY 2024 Meetings

Full Commission meetings are typically held twice monthly, and usually last 1.5 to 2 hours. The Commission scheduled several special meetings during the year, including joint sessions with the City Council Ordinance Committee to discuss time-sensitive zoning amendments. Specifically, the Neighborhood Code Joint Committee, consisting of Planning Commission and City Council Ordinance Committee members, met over the course of four months to discuss that initiative's complex set of amendments. The Commission's Executive Committee meets quarterly, the Ordinance Committee and Long-Range Committee meet as needed to discuss potential and proposed zoning amendments and guide special planning projects.

FY24 PROJECTS & POLICY WORK

BTV Neighborhood Code

In summer 2022, the Office of City Planning began work on BTV Neighborhood Code. The Neighborhood Code is a series of zoning amendments that will enable more neighborhood-scale housing types citywide, including duplex, triplex, and four-unit buildings, as well as townhomes and small multi-unit buildings in some locations. Specifically, the code aims to:

- Re-legalize historic neighborhood development patterns and identify solutions to common barriers to small and middle housing types
- Build on neighborhood patterns through more context-sensitive zoning tools for residential areas
- Enable new approaches to the type of development allowed in low-density zoned areas along major streets served by transit that connect neighborhoods to the downtown core
- Comply with, and in many ways go beyond, the minimum standards for residential density and uses required by the VT Legislature's Act 47 of 2023

Following a nine-month education and engagement period, a Joint Committee of the Planning Commission and City Council Ordinance committee was established to review and refine the neighborhood Code recommendations. This Committee held 8 meetings between October 4 and December 19 where they reviewed major recommendations related to the Neighborhood Code's purpose as well as a number of related standards to ensure these recommendations

can be implemented. Part 1, which was unanimously approved by the Burlington City Council on March 25th, includes the following substantive changes to Article 4 and Appendix A of the city's zoning code:

- Updates the purpose statements for the residential districts to highlight the role of infill housing in promoting equitable and responsible social, economic and climate evolution.
- Establishes new lot dimension, lot coverage, and building massing standards in residential districts.
- Allows a second free-standing structure on a lot where previously prohibited while also eliminating density limits in favor of regulating the number of units permitted per building.
- Creates a new Residential Corridor (RC) district to allow greater flexibility for housing types and intensity along major thoroughfares identified in planBTV, including the portions of North Avenue, St. Paul Street, and Colchester Avenue where RL zoning applies today.
- Eliminates the RL-Larger Lot Overlay and RH Density Bonus Overlay districts.
- Deletes obviated provisions that previously facilitated development of existing small lots.
- Provides flexibility for residential driveways to encroach into side setbacks.
- Adjusts some Design Review considerations, particularly related to the overall height of buildings permitted in residential areas, consistent with new requirements of Act 47; and,
- Expressly enables PUDs to make adjustments to minimum lot sizes and allowed residential uses.



Mayor Miro Weinberger, Director Meagan Tuttle, Planning Commission Chair Andy Montroll, and other advocates supporting the Neighborhood Code, (Photo Source: Pat Bradley, WAMC)

The purpose of Part 2, which the Planning Commission began work on shortly after the adoption of Part 1, is to explore technical details and related standards necessary for implementing neighborhood-scale infill development across Burlington. Unlike Part 1 of the Neighborhood Code, recommendations will come from the Planning Commission as four or more separate amendments and will be in front of the Council for consideration in FY25.

South End Coordinated Development

Office of City Planning Staff played a leading role in coordinating and drafting an ongoing planning study in support of a memorandum of understanding (MOU) with Champlain College and Ride Your Bike, LLC, the owners of 125 Lakeside Avenue that seeks to establish a shared vision and framework for development of a core area of the South End Innovation District. The MOU work seeks to implement the community's vision for the SEID and ensure that development is adequately served by transportation and water infrastructure. The coordinated redevelopment's planning and design work began quickly following the adoption of the South End Innovation District, an effort with which the Planning Commission was heavily involved from early 2022 to summer 2023. The redevelopment represents a significant opportunity to create a new hub for housing, arts, making and the innovation economy at the core of Burlington's South End. The Planning Commission regularly heard updates from staff and participated in discussions related to the implementation of this major zoning effort.

COMPREHENSIVE DEVELOPMENT ORDINANCE AMENDMENTS

The Planning Commission and its Ordinance Committee reviewed and discussed two amendments to the City's Comprehensive Development Ordinance (CDO) in FY 2024, both of which were adopted by the City Council and became effective in FY 24. An additional 5 amendments were adopted and became effective this year, all of which had been referred by the Planning Commission in FY 2023. The following is a complete list of amendments which have been recommended by the Planning Commission to the City Council in FY 24, and their current status.

ZA-23-03 Setbacks: The amendment modifies a limited grouping of setback standards to facilitate development and redevelopment within residential districts and to reconcile language across Articles and 5 and 14 for clarity. The amendment removes

ambiguous and unnecessary standards that often create barriers to infill development. The Planning Commission held a public hearing on August 8, 2023, recommending to the City Council the amendment's adoption. The amendment was adopted by City Council and became effective on November 29, 2023.

ZA-23-04 Temporary Structures: The amendment provides for the placement of temporary structures for non-residential purposes in Civic Spaces as all enumerated City of Burlington Parks (Code of Ordinances Chapter 22-1), without review or required zoning permit for up to 60 days, provided that the structure is approved by the Burlington Fire Marshal. The Planning Commission held a public hearing August 8, 2023, recommending to the City Council the amendment's adoption. The amendment was adopted by City Council and became effective on November 29, 2023.

ZA-23-05 168 Archibald Street: The amendment modifies the zoning district for the property at 168 Archibald Street from RM to NMU to facilitate additional commercial uses on the property. The Planning Commission held a public hearing on August 8, 2023, recommending to the City Council the amendment's adoption. The amendment was adopted by City Council and became effective on November 29, 2023.

ZA-24-01 Technical Amendments: The amendment addressed elements within the CDO that minor, technical amendment to correct spelling, cross-references, or clarify the administration of specific provisions. This package of technical amendments is the natural result of administering a lengthy and complex ordinance, and regularly amending



Charles Dillard and Sarah Morgan discussing the Neighborhood Code and Transportation Options Study at the Burlington Farmers Market.

it to implement specific policy goals. The Planning Commission held a public hearing on August 8, 2023, recommending to the City Council the amendment's adoption. The amendment was adopted by City Council and became effective on January 31, 2024.

ZA-24-02 Neighborhood Code: The Neighborhood Code is a series of zoning amendments enabling more neighborhood-scale housing types citywide, including duplex, triplex, and four-unit buildings, as well as townhomes and other small multi-unit building types in some locations. A Joint Committee of the Planning Commission and City Council Ordinance committee was established to review and refine the neighborhood Code recommendations. The Commission held a public hearing on January 9, 2024, recommending to the City Council the amendment's adoption. The amendment was adopted by City Council on March 25, 2024.

ZA 24-03: Emergency Shelters: This amendment brings emergency shelter standards in the CDO into compliance with the current statutory standards. The Planning Commission will hold a public hearing on May 25, 2024, and anticipates recommending to the City Council the amendment's adoption.

Neighborhood Code Part 2-A (ZA-24-04): Secondary Structures, Planned Unit Developments, and Technical Corrections: Per the request of the City Council on March 25th, this amendment will cover considerations related to the allowance of secondary structures in the Residential Districts. This amendment will also modify Planned Unit Development standards, including consideration of a threshold for lot/project size in the Residential districts as revised under ZA-24-02, as well as development intensity, permitted

uses, and other topics as identified. Lastly, this initial amendment will provide clarifications and corrections relevant to the process and implementation of Neighborhood Code Part 1.

OTHER COMMISSION AND STAFF ACTIVITIES

Office of City Planning staff led a few other critical initiatives during FY24:

- Planning Commission Chair Andy Montroll continued to serve as the City of Burlington's representative on the board of the Chittenden County Regional Planning Commission.
- Staff compiled a successful application, approved in November 2023, to apply the Neighborhood Development Area designation to the area's rezoned as the South End Innovation District. This designation facilitates housing construction in this area, particularly in exempting qualifying mixed-income development from Act 250 review. The designation also confers tax benefits and priority consideration for state grants to the area.
- Director Tuttle participated in an ad hoc multi-municipal working group as well as a stakeholder group organized by the Natural Resources Board, both regarding potential changes to Vermont's landmark land use law, Act 250. These efforts contributed important perspectives and alternative approaches that ultimately informed reforms to the law in H. 687. If signed into law by Governor Scott, the bill will initiate significant reforms to Act 250 which would strengthen environmental protections in areas with sensitive natural resources while relaxing land use regulations in developed areas by creating a tiered system for Act 250 jurisdiction.
- Staff represented the City in negotiations with both the University of Vermont and UVM Medical Center in updates to their respective Memoranda of Understanding, which establish collaborative agreements regarding land use and development issues within the institutional zone and individual Institutional Core Campus Overlay districts.
- Staff also participated as liaisons to various initiatives led by colleagues in other City departments including in selecting a design and advancing the construction for a new retail kiosk in City Hall Park; participating in charrettes related to the Memorial Auditorium block that has led to a Pre-Development Agreement, and serving as Office of City Planning representatives on various City and CCRPC planning studies.



Meagan Tuttle and Mayor Miro Weinberger with the signed Neighborhood Code Amendment following the adoption process.

DIRECTOR DEPARTURE AND UPCOMING LEADERSHIP TRANSITION

The Planning Director, Meagan Tuttle, will wrap up her tenure at the end of the fiscal year. Meagan started as the Principal Planner in 2015, and during her nearly 9 years with the City of Burlington she made significant contributions to a range of plans, policies, and projects in the city.

Early in her tenure with the City, Meagan supported the Planning Commission's work to re-envision what the City's comprehensive plan could be and helped move the stalled planBTV- South End to adoption. She has also helped the Commission and Council advance dozens of zoning amendments to help implement ambitious city plans and to address the deepening housing challenges in the City and the state. Together, these efforts represent a future-focused transformation of the City's decades-old land development policies. As a strong facilitator and communicator, Meagan has continuously sought new and innovative ways to discuss complex issues and provide meaningful information to decision-makers and the community. Meagan has consistently approached her work with respect for the City's history and past land use and development decisions, while simultaneously communicating the need for and opportunity to chart a different course for the future. The breadth and depth of Meagan's contributions

have demonstrated a deep commitment to the City's well-being that, taken together, will impact the next generation of the City's evolution.

In addition to her work in support of the Planning Commission's charge, Meagan was also an integral team member in many, and an ever-expanding range of, city priorities and initiatives. Notably, she was a key partner in cross-departmental teams to adopt standards for the design and construction of downtown streets; the extensive engagement process to secure approval for plans to renovate City Hall Park; a number of housing action plans and related policy initiatives; in leadership roles in support of the City's response to the Covid-19 pandemic; and in supporting a new approach to citywide data and policy analytics efforts. Meagan was a key part of the multi-year reorganization of the Planning & Zoning Department into a new City Planning office, and during her 2.5 years as its director contributed to the continued evolution of the new department—including by securing a new Planner position long sought by the department and the Commission.

The Planning Commission is greatly appreciative of Meagan's invaluable support and commitment to Burlington over the past nine years. It looks forward to working with Charles Dillard, the department's principal planner, as interim director in FY25 and to supporting Mayor Mulvaney-Stanak in her appointment of the department's next leader.

Burlington Planning Commission

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

www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Erin Malone
Julia Randall

Burlington Planning Commission

Tuesday, May 14, 2024, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, J. Randall, A. Friend, E. Malone, M. Gaughan, B. Baker
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	Earhart Monka, Tom Freiheit, Sharon Bushor, Jak Tiano, Todd Deluca

1. Agenda

Call to Order	Time: 6:30pm
Agenda	Added new communication to item 8.

2. Public Forum

Name(s)	Comment
Earhart Monka	• Thanked for all the work done up to this point. • Supports increased measures to "eliminate some of the exclusive provisions in our zoning ordinance." • Thinks the standards went a little too far, especially around the neighborhoods surrounding the university. • Spoke about the Portland example. • Thinks the missing piece of the NC is to not have any provision to guarantee affordability to low- and moderate-income families. • Thinks the NC doesn't encourage homeownership.
Tom Freiheit	• Agrees with previous speaker. • Viewing 44 Wright Ave as a test case for NC: "It stands as a monolith, defying the sensibilities of its surroundings and its neighbors." • "Additional bonuses are far too extreme to be in keeping with the ideals of Plan BTV for slow and thoughtful growth with the well-being of the residents at the core of its values." • Has written a letter to the DAB/DRV and PC. • Committed to stay involved in the process.
Sharon Bushor	• Recognized Earhart for his expertise in affordable housing and his awareness for housing issues. • Doesn't think there is a timeline that prioritizes and addresses the issues of Part 1 of the NC. • Asked for Act 47 to be linked whenever it is cited. • Thinks the graphics in Part 1 that are also used in Part 2 are inadequate for her to really understand the impact. They are linear and don't look at the 360 angles of the additional structures. Would like to see clearer graphics when discussing the impacts of the NC.

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 Human Resources Department at (802) 540-2505.

	• The NC doesn't address preserving mature trees. • Wants clarification on whether parcels with a separate accessory dwelling unit can have a second structure for a total of 3 structures on a parcel. • Concerned about the consolidation process for the DAB and the DRB. • Mentioned a state report that made a statement that Burlington does not provide adequate open space for the quality of life in the inner city and for air quality. • "The inability to incentivize the creation of units that are large enough for families to inhabit is something that continues to trouble me."
Jak Tiano	• Talked about secondary structures in Part 2 of the NC. • Thinks the original design of the secondary structures should remain the same. • Thinks some of the things people bring up in public forums for discussion in part 2 are best served by other processes and other City Departments.
Todd Deluca	• Shared a BFP paragraph from March 9th, 1987 about the condominium conversion fee.

3. Chair's Report

A. Montroll	N/A
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4. Director's Report

M. Tuttle	• Talked about the City's FY25 budget, the Mayor's presentation at the Board of Finance, and the press release on the topic that day 5/14. • The Planning office will be less impacted compared to other departments. a. The team is 100% funded by the GF. b. 89% of budget is covering staff salaries and benefits. c. A data fellow position will remain vacant in FY25. d. Find modest ways to reduce other operating costs. e. Proposed budget > ~\$25k in FY25 than FY24. • Working with the Mayor planning for next steps related to the department Director search and an interim transition plan. • Working to coordinate with the City Attorney's office and DPI to "actually kind of move us through the final administrative steps of the neighborhood code that was adopted by the City Council at the end of March." • Provided updates on upcoming projects.
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5. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2

Action:		
Motion:	Seconded by:	Vote:
Presentation by S. Morgan. M. Gaughan: • The need for a PUD for a condo project and the barrier of secondary structures. <u>M. Tuttle</u>: "one of the challenges of implementing condos in a lot of the residential areas in Burlington in the past is that in most cases the density limits would not allow for multi-unit buildings. Either the density limits or the uses that were allowed would not allow for multi-unit buildings unless you had a lot that was large enough IE 2 acres or more to allow you to get kind		

of like the developments of scale that we're most familiar with in places like Ledgewood or Northgate." "We do have on the list to consider things like you know, what is the size of a property that's required for APUD for other types of solutions for housing as well."

- Spoke about the topography changes up in the part of the South end where he Andy live.
- "Open to a conversion of use, not changing the existing structure, the existing footprint because we do allow that with like historic structures. I don't think that the footprint or the size should be expanded if it's in a non, yeah, if it's non-conforming."

A. Montroll:

- Thinks it would be useful to have staff recommendations early on in the process.
- Agrees with A. Friend's comment on limiting the height.
- "Is there ever a time when you could build the ADU in your backyard as the secondary structure, but you wouldn't be able to build secondary structures, your secondary structure?"
M. Tuttle: "We can definitely think through a couple more scenarios to see if we can think of any situations where an ADU physically like spatially could be built where a secondary structure would not, especially if it's the secondary structure that's not utilizing the full maximum size that's allowed under the NC."
- "Is there a process for the secondary structure versus the process for getting the permit for AADU that could that could make it so you can't do the secondary structure but you could do in ADI think the latter question is actually the more applicable."
M. Tuttle: "I think in a lot of cases the types of secondary structures that could come forward from the neighborhood code, especially if they more fully utilize what's allowed, might trip a threshold of dollar amount dollar value of construction that would require the project to be previewed."
- "Is there a problem with having the ADU code in the secondary structure?"
M. Tuttle: "I think there's just like some administrative awkwardness. I think that we already do know of an example of someone who had an ADU who was required to be an owner-occupied property. The ordinance says that if the property is no longer owner occupied, the kitchen has to be removed from the ADU so that it is no longer a separate habitable structure."
- If the process of creating ADUs is easier, than keep it separate from the secondary structure process, but if there are no meaningful differences, can keep together.

E. Malone:

- Are secondary structures always behind?
M. Tuttle: "The ordinance did not specifically define where they're located, but I think in a lot of our analysis, we anticipate that they would either be behind or beside."
- Do ADUs have the same set back requirements as secondary structures in the NC?

B. Baker:

- Made the Commission aware that the historic preservation standards apply in this scenario.
M. Tuttle: "We are not recommending making any changes to our historic regulations in terms of how it would apply to the implementation of the neighborhood code."
- Suggests for consideration the rhythm of the pattern on the street.

J. Randall:

- Supports not having any relationship between the primary and secondary structure.

Tuesday, May 14, 2024

A. Friend:

- Supports limiting the height of the secondary structure to the primary building.

6. Commissioner Items

Next PC meeting – May 28.

M. Tuttle's last day – June 28.

7. Minutes

Action: Review and approve the 4/23 PC meeting minutes

Motion by: J. Randall

Second by: A. Friend

Approved: unanimous

8. Communications

Action: Review and accept the communications

Motion by: J. Randall

Second by: A. Friend

Approved: unanimous

9. Adjournment

Adjournment

Time: 8:47 p.m.

Motion: A. Friend

Second: E. Malone

Vote: unanimous



781 Blakely Road • Colchester, Vermont • 05446 • 802.264.5500

www.colchestervt.gov

Proposed Amendments to the Development Regulations

Notice of Public Hearing

Colchester Planning Commission

Tuesday, June 4, 2024

7:00 PM

TO: Chair of Planning Commission:

Burlington
Essex Junction
Essex Town
Milton
South Burlington
South Hero
Westford
Winooski

Charles Baker, Executive Director, Chittenden County Regional Planning
Commission

Taylor Newton, Planning Program Manager, Chittenden County Regional Planning
Commission

FROM: Cathynn LaRose, AICP, Director of Planning & Zoning

DATE: May 13, 2024

RE: Notice of Proposed Amendments to the Colchester Development Regulations,
known as Supplement 47

Pursuant to Title 24 VSA, Chapter 117, the Colchester Planning Commission will hold a public hearing on Tuesday, June 4, 2024, at 7 P.M. at the Colchester Town Offices, 781 Blakely Road, for the purpose of considering amendments to the Colchester Development Regulations. The proposed amendments, referred to as Supplement 47, are as follows:

- a. Modify bylaw relating to non-conforming uses [§2.12-A, Article 12];
- b. Clarify bylaw relating to assignment of uses as residential vs non-residential for purposes of height maximums in the LS1 and LS2 districts [Table A-2].

This is a summary of the proposed changes. Copies of the adopted and proposed regulations can be viewed at the Town Offices at 781 Blakely Road and the Burnham Memorial Library, 898 Main Street Colchester. They may also be viewed online at <https://colchestervt.gov/150/Planning-Zoning>

To participate in the hearing, you may 1) attend and speak in person or 2) send written comment to the Colchester Planning Commission via USPS at the address herein or via email to Cathyann LaRose, clarose@colchestervt.gov.

Background: Planning Commission and Public Outreach and Discussion

The Planning Commission held discussion of these items at several noticed meetings, including April 2, 2024 and May 7, 2024.

The Planning Commission has considered the proposed amendments for the purpose of fostering the goals and objectives of the adopted 2019 Colchester Town Plan.

Additional Documents and Resources:

- In accordance with 24 V.S.A. §4441, and included herein, the Colchester Planning Commission has prepared a report regarding the proposed amendments and adoption of the Town's Development Regulations.
- Minutes for all Colchester Planning Commission meetings, including those enumerated herein, may be viewed online at <https://clerkshq.com/Colchester-vt>.
- Formal public notice of this hearing has been transmitted to Seven Days VT and is expected to be published on May 15, 2024; it is also posted for public viewing at the Colchester Town Offices, the Colchester Post Office, and Colchester's Burnham Memorial Library. Public notice is also posted to the town's website, www.colchestervt.gov
- Please address any questions to Cathyann LaRose, Director of Planning and Zoning, at clarose@colchestervt.gov or by phone at 802-264-5606.
- Please address any comments to the Colchester Planning Commission, 781 Blakely Road, Colchester, VT or by email to Cathyann LaRose at the email or phone listed above.

TOWN OF COLCHESTER PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
June 4, 2024

Colchester Development Regulations

Pursuant to Title 24 VSA, Chapter 117, the Colchester Planning Commission will hold a public hearing on Tuesday, June 4, 2024, at 7 P.M. at the Colchester Town Offices, 781 Blakely Road, for the purpose of considering amendments to the Colchester Development Regulations. The proposed amendments, referred to as Supplement 47, are as follows:

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- b. Clarify bylaw relating to assignment of uses as residential vs non-residential for purposes of height maximums in the LS1 and LS2 districts [Table A-2].

This is a summary of the proposed changes. Copies of the adopted and proposed regulations can be viewed at the Town Offices at 781 Blakely Road. They may also be reviewed online at <http://www.colchestervt.gov>. To participate in the hearing, you may 1) attend and speak in person or 2) send written comment to the Colchester Planning Commission via USPS at the address herein or via email to Planning and Zoning Director Cathyann LaRose, clarose@colchestervt.gov.

COLCHESTER PLANNING COMMISSION

Publication date
May 15, 2024

Colchester Planning Commission
Proposed Amendments to the Colchester Development Regulations
Supplement 47

Amendment & Adoption Report
Approved May 7, 2024

Planning Commission Public Hearing
June 4, 2024
7:00 PM

Pursuant to Title 24 VSA, Chapter 117, the Colchester Planning Commission will hold a public hearing on Tuesday, June 4, 2024 at 7 P.M. at the Colchester Town Offices, 781 Blakely Rd, for the purpose of considering amendments to the Colchester Development Regulations.

In accordance with 24 V.S.A. §4441, the Colchester Planning Commission has prepared the following report regarding the proposed amendments and adoption of the Town's Development Regulations.

Overview of Amendments

The proposed amendments shall be known as Supplement 47 and are as follows:

- a. Modify bylaw relating to non-conforming uses [§2.12-A, Article 12];
- b. Clarify bylaw relating to assignment of uses as residential vs non-residential for purposes of height maximums in the LS1 and LS2 districts [Table A-2].

These are a summary of the proposed changes. The existing and proposed regulations can be found at the Town Offices at 781 Blakely Road and may also be reviewed online at <http://www.colchestervt.gov>.

Background: Planning Commission and Public Outreach and Discussion

The Planning Commission held discussion of these items at several noticed meetings, including April 2, 2024 and May 7, 2024.

The Planning Commission has considered the proposed amendments for the purpose of fostering the goals and objectives of the adopted 2019 Colchester Town Plan. In doing so, the Commission has thoughtfully considered the following with respect to the proposed amendments:

1. **Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:**

These are minor amendments neutral to the availability of affordable housing.

2. **Is compatible with the proposed future land uses and densities of the municipal plan:**

The proposed changes, individually and as a whole, are aligned with the stated future land uses identified in the adopted 2019 Town Plan. No part of the proposed amendment is contradictory to the identified policies and actions within the adopted Plan.

3. **Carries out, as applicable, any specific proposals for any planned community facilities.**

The proposed changes to the regulations will not impact planned community-owned facilities.

This report is respectfully submitted by the Town of Colchester Planning Commission, having approved it May 7, 2024.

Erhard Mahnke

From: Erhard Mahnke <erhardm@burlingtontelecom.net>

Sent: Tuesday, May 14, 2024 7:59 PM

To: Andrew Montroll <amontroll@burlingtonvt.gov>; Bruce D. Baker <Bdbaker@burlingtonvt.gov>; Yves Bradley <ybradley@burlingtonvt.gov>; Michael Gaughan <mgaughan@burlingtonvt.gov>; Erin Malone <emalone@burlingtonvt.gov>; Julia Randall <jrandall@burlingtonvt.gov>; Alexander Friend <afriend@burlingtonvt.gov>

Subject: Neighborhood Code & affordability

[WARNING]: This email was sent from someone outside of the City of Burlington.

Dear Andy and Commission members,

Thanks again for the opportunity to share my thoughts during the Public Comment portion of tonight's meeting. As requested, I'm following up with the affordability numbers I presented. I'm also elaborating with a few comments I gave the City Council in March, which I did not provide verbally tonight in the interests of time.

As mentioned, there is nothing in the Neighborhood Code, as passed so far, that would create more *affordable* housing for those whose need is the greatest: low- and lower middle income working families, especially single-parent households and service sector workers, people in traditionally marginalized communities, young people starting out in life, seniors, people with disabilities and others living on fixed incomes -- not to mention those experiencing homelessness with virtually no income or living on SSI disability. These are the renters who are the most severely cost-burdened in our current market, paying over 40, 50 and 60 percent and more of their income for their shelter costs.

As you consider Phase 2 of the Neighborhood Code, please be sure to include affordability requirements along the lines of our Inclusionary Zoning ordinance.

Without requiring some level of affordability by making Inclusionary Zoning apply to Neighborhood Code, we will just be creating more one- and two-bedroom apartments with market rents *starting at* \$1,800 and \$2,500 a month respectively, plus utilities, which require annual household incomes of \$79,000 and \$108,000 respectively to be affordable, based on the standard of not paying more than 30 percent of household income for one's overall housing costs. Projects will not pencil out at lower rents. In all likelihood, they will need to be higher for developers to make a reasonable return on investment. Without provisions requiring economic inclusion and equity, more housing at these prices ultimately *exacerbates* the problem instead of helping. It will not help retail sector workers, child care providers, folks working in the nonprofit sector, or UVM or Medical Center support staff, just to name a few.

Neighborhood Code also does nothing to help families get into homeownership, allowing them to build wealth and send needed additional students to our new high school. Our area's median price for an existing home is currently \$507,000, \$701,000 for a new home, and \$350,000 for a condominium. To afford those prices, a household would need annual income of \$184,000 plus \$35,000 cash down at closing, \$254,000 plus \$50,000 cash, and \$127,000 plus \$29,000 cash, respectively. Creating more housing or condos at these prices does not help get young families into homeownership. Nor does it help low- and moderate-income People of Color, who have experienced a history of barriers to entry level homeownership, largely at the hands of decades of racist government and lending policy.

Inclusionary Zoning incorporates density bonuses, providing a developer with additional units over which to spread their fixed costs. In return, a percentage of the overall units must be affordable. Similarly, allowing greater numbers of units on an existing single, or small multi-family lot increases its value and should come with the requirement that some units are affordable. Requiring inclusivity would also help Champlain Housing Trust and other mission-driven affordable housing developers, who are often called to help develop the inclusionary units, make them even more affordable than what is required under IZ by bringing in the public subsidies they are able to access. Additional public subsidy devoted to this effort would obviously help as well, either through subsidized loans, forgivable grants, tax credits, or tax abatements.

In closing, I want to remind you that trickle-down economics, which has been widely debunked, works for neither the economy, nor for housing. Put another way, the market economy does not float all boats. It needs government interventions like IZ to help level the playing field.

Thanks,
~erhard

Erhard Mahnke
60 Grove Street
Burlington, VT 05401

802-862-4841 (h) | 802-233-2902 (cell)
erhardm@burlingtontelecom.net

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.