

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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www.burlingtonvt.gov/pz

*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member*



Burlington Planning Commission **Wednesday, November 9, 2016, 6:30 PM** **Conference Room 12, City Hall, 149 Church Street** **AGENDA**

*Note: times given are
approximate unless
otherwise noted.*

I. Agenda

II. Public Forum - Time Certain 6:30 p.m.

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

III. Report of the Chair

IV. Report of the Director

V. Public Hearing ZA-17-05: Permit Conversion of Former Single-Family Use Back to Single-Family Use - Time Certain- 6:45pm

The Commission will hold a public hearing on ZA-17-05, a proposed amendment to the Comprehensive Development Ordinance to permit reconversion of single-family detached dwellings back to single-family uses in neighborhood mixed use and high density residential zones. The proposed amendment and Municipal Bylaw Amendment Report are included in the agenda packet on pages 5-8.

VI. Public Hearing ZA-17-06: Rezone 168 Elmwood to NMU

The Commission will hold a public hearing on ZA-17-06, a proposed amendment to the Comprehensive Development Ordinance to rezone the parcel at 168 Elmwood Avenue from Residential-Medium Density to Neighborhood Mixed Use. The proposed amendment and Municipal Bylaw Amendment Report are included in the agenda packet on pages 9-11.

VII. Public Hearing ZA-17-07: Commissioner Terms

The Commission will hold a public hearing on ZA-17-07, a proposed amendment to the Comprehensive Development Ordinance to update the length of Planning Commissioner terms to be consistent with the City Charter. The proposed amendment and Municipal Bylaw Amendment Report are included in the agenda packet on pages 12-13.

VIII. Presentation: Regional Energy Plan (CCRPC)

The Chittenden County Regional Planning Commission (CCRPC) is working with the Vermont Department of Public Service to develop a Regional Energy Plan that advances the state's Comprehensive Energy Plan goals while being consistent with local and regional needs and concerns. This includes mapping areas within the

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

county that are appropriate for wind and solar energy generation. A memorandum from the Regional Planning Commission is included on pages 14-15 of the agenda packet.

IX. Proposed ZA-17-08: Food and Beverage Processing (Time Permitting)

The Commission will continue its discussion of how to incorporate a definition and regulations for craft beverage operations into the Burlington Comprehensive Development Ordinance. Information regarding this proposed amendment is included in the agenda packet on pages 16-21.

X. Committee Reports

XI. Commissioner Items

XII. Minutes & Communications

The Commission will review and approve the minutes of the October 25, 2016 meeting on pages 22-24 of the agenda packet.

XIII. Adjourn

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PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-17-05 Permit Conversion of Former Single-Family Use Back to Single-Family Use

ZA-17-06 Rezone 168 Elmwood to NMU

ZA-17-07 Commissioner Terms

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Wednesday, November 9, 2016** beginning at **6:45pm** in Conference Room 12, City Hall, 149 Church Street, Burlington, VT.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-17-05:** To permit the reconversion of single-family detached dwellings back to single-family uses in neighborhood mixed use and high density residential zones. This change is consistent with provisions in Sec. 4.4.5 D 6 A, which allows neighborhood commercial uses within a building originally designed and constructed for such a purpose, regardless of its present use.
- **ZA-17-06:** To change the zoning for the property located at 168 Elmwood from Residential Medium Density to Neighborhood Mixed Use.
- **ZA-17-07:** To bring the Comprehensive Development Ordinance into conformity with the City Charter regarding Planning Commissioner term lengths.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-17-05:** This amendment impacts parts of the City zoned for high density residential, which is primarily concentrated around the downtown core; the Battery Street Transition Zone; and for neighborhood mixed use districts which are located along North Street, and Winooski and Riverside Avenues, and to areas of neighborhood-serving uses off of North Avenue, Shelburne Street and Pine Street.
- **ZA-17-06:** This amendment applies only to the property located at 168 Elmwood Avenue, the location of the former Myers Furniture store.
- **ZA-17-07:** This amendment impacts the administrative sections of the Comprehensive Development Ordinance, and has no impact on any geographic areas of the City.

List of section headings affected:

- **ZA-17-05:** This amendment affects *Appendix A- Use Table* by adding footnote 29 and applying it to selected districts for the Single Detached Dwelling use.
- **ZA-17-06:** This amendment affects *Map 4.3.1-1 Base Zoning Districts* and *Map 4.4.2-1 Neighborhood Mixed Use Districts* by changing the property from R-H to NMU.
- **ZA-17-07:** This amendment changes *Section 2.2.2 Composition and Terms* to reflect change in Commissioner term length from four years to three years.

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.burlingtonvt.gov/pz.

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Anita Wade, Planning & Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-05 – Permit Conversion of Former Single-Family Use Back to Single-Family Use

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to permit the reconversion of single-family detached dwellings back to single-family uses in the Battery Street Transition, neighborhood mixed use, and high density residential zones. Presently, single-family uses are not permitted in these districts in order to foster higher intensity development within these higher density zones. However, there are cases in which single-family detached dwellings have been converted to non-residential or multi-family uses, and the current owner wishes to reconvert to a single-family use. This amendment would allow for such a property to be reconverted to a single-family use as long as the building was originally constructed for that purpose. This change is consistent with existing provisions in Sec. 4.4.5 D 6 A, which allows neighborhood commercial uses within a building originally designed and constructed for such a purpose, regardless of its present use.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This amendment conforms with and advances the goals and policies contained in the City's municipal development plan, including the availability of safe and affordable housing. Specifically, this amendment is consistent with the policy to encourage the reversion of single family occupancy of properties, especially in areas with high concentrations of student rental housing, which have been converted into multi-unit dwellings.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment is compatible with proposed future land uses and densities. While these zoning districts will not permit the development of new single-family homes, which would be incompatible with the proposed scale and density of these areas of the City, the ability to reinstate single-family uses in structures originally built for that purpose does not prevent a majority of the properties in these zoning districts to be developed or redeveloped according to the land uses and densities identified by the Municipal Development Plan. As it applies to a property adjacent to North Street, the proposed rezoning is consistent with the plan to revitalize the North Street commercial district, with an emphasis on a mix of uses which are supportive of small, neighborhood-oriented, locally-owned businesses that celebrate the working class and ethnically diverse character of the neighborhood.

Implementation of specific proposals for planned community facilities:

This amendment does not specifically implement plans for any new community facilities.

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TO: Planning Commission
FROM: Scott Gustin
DATE: October 11, 2016
RE: Reconversion to single detached dwelling

The Comprehensive Development Ordinance prohibits single detached dwellings in the downtown, neighborhood mixed use, and high density residential zones. They are prohibited as new construction or conversion of existing structures of another use. Existing single detached dwellings in these zones are nonconforming uses. This prohibition is intended to foster higher intensity development in these higher density zones.

Since adoption of the CDO in 2008, the Planning & Zoning Department has received several requests to convert multi-family dwellings to single family homes in these zones, most recently at 75 Orchard Terrace (RH zone) and 28 Pine Street. None have been approved because they cannot be. 75 Orchard Terrace was ultimately approved as a boarding house. 28 Pine Street was denied. Both were originally single detached dwellings.

Staff proposes that conversion of an existing use, whatever that may be, to a single detached dwelling could reasonably be allowed as long as the building was originally constructed for that purpose. Similar provision is made for neighborhood commercial uses in Sec. 4.4.5 D 6 A, *Exception for Existing Neighborhood Commercial Uses* (i) 1). This provision allows establishing a neighborhood commercial use within a building originally designed and constructed for such purpose regardless of its present use.

This change would pertain to the downtown (except public trust), neighborhood mixed use, and high density residential zones. *Appendix A – Use Table – All Zoning Districts* would be amended to change “N” to “Y” for this use in these zones. A new footnote associated with single detached dwelling within these zones would be inserted that that allows conversion of an existing building to a single detached dwelling so long as the building was originally designed and constructed for that purpose.

Appendix A-Use Table

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use			Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ²⁹	N	N	N	N	N ²⁹	N ²⁹	N ²⁹	N ²⁹	N	N
Accessory Dwelling Unit (See Art.5, Sec.5.4.5)	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N	N		
Attached Dwellings - Duplex	N	N ¹	N	N	Y	CU ²	Y	Y	N	N	N	N	N	Y ³	N	Y	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	CU	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
Attached Dwelling(s) – Mixed-Use ²⁶	N	N ¹	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
Bed and Breakfast ^{4, 6}	N	N	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	CU	CU	CU	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	Y	Y	N	CU	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N	N	N	CU	CU	N ²⁵	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	Y	CU	N	Y	N	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	Y	Y	N	CU	CU	CU	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N	N	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N	N	N	CU	N	N	N	N	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N	N	N	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	Y	Y	N	CU	CU	N	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU
Animal Grooming	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	CU	CU
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	CU	N	N	CU	CU	CU	CU	CU	Y	Y
Appliance Sales/Service	N	N	N	N	N	N	N	N	Y	Y	N	CU	Y	Y ²⁴	Y	Y	N	Y
Aquarium	N	N	CU	N	CU	N	N	N	Y	Y	(See Sec.4.4.1(d) 2)	CU	Y	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ^{8, 13}	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	Y	Y	N	CU
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y

Appendix A-Use Table

- 1. Residential uses are not permitted except only as an accessory use to an agricultural use.
- 2. Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot of 10,000 square feet.
- 3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
- 4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the district.
- 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. Small daycares in the RCO zones shall be conditional use and shall only be allowed as part of small museums and shall constitute less than 50% of gross floor area of the museum.
- 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. Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.
- 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 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. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. 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.
- 28. Grocery Stores up to but not to exceed 30,000 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.
- 28-29. A single detached dwelling may be reverted to single-family use regardless of its present use only if the building was originally designed and constructed for that purpose.

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
D	Downtown
DW	Downtown Waterfront
DT	Downtown Transition
BST	Battery Street Transition
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-06 – Rezone 168 Elmwood to NMU

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to change the zoning for the property located at 168 Elmwood Avenue from Residential Medium Density to Neighborhood Mixed Use. For nearly 60 years, the property has contained a mix of retail/service space and residential apartments. Residential Medium Density zoning, while providing for neighborhood commercial uses, limits the size of the commercial space, causing it to be non-conforming. The proposed rezoning allows the property to continue to contain a mix of commercial and residential space in conformance with the zoning applied to adjacent properties along North Avenue.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This amendment conforms with and advances the goals and policies contained in the City's municipal development plan, including the availability of safe and affordable housing. The proposed change to NMU zoning permits multi-family housing in mixed-use buildings by right, rather than as a conditional use under present zoning, and preserves neighborhood-oriented commercial uses within walking or biking distance of nearby residences.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment is compatible with proposed future land uses and densities. As it applies to a property adjacent to North Street, the proposed rezoning is consistent with the plan to revitalize the North Street commercial district, with an emphasis on a mix of uses which are supportive of small, neighborhood-oriented, locally-owned businesses that celebrate the working class and ethnically diverse character of the neighborhood.

Implementation of specific proposals for planned community facilities:

This amendment does not specifically implement plans for any new community facilities.

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vacant, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: October 11, 2016
RE: 168 Elmwood Ave – RM to NMU rezone

Rodney Meyers, the owner of 168 Elmwood Avenue (formerly Meyers' Furniture) is requesting that the zoning of the property be changed from residential – medium density (RM) to neighborhood mixed use (NMU). The property is adjacent to the NMU zone running along North Street. The property has consistently contained a mix of retail/service space and residential apartments. This mix of uses is reflected in the Assessor's records as far back as 1958. There is provision for "neighborhood commercial uses" within the residential zones; however, they are limited to 4,000 sf. The commercial space at 168 Elmwood appears to be ~6,300 sf. As it is presently zoned, the commercial space is nonconforming. Insofar as the property has consistently contained a mix of commercial and residential space and given its adjacency to the existing NMU zone, changing the property's zoning to NMU can reasonably be supported.

Existing and proposed zoning district boundary maps are attached.

Zoning Amendment ZA-17-06
**Rezone 168 Elmwood Avenue to
Neighborhood Mixed Use**

Burlington, Vermont

Legend



Parcel Changing from Residential
Medium Density (RM) to
Neighborhood Mixed Use (NMU)

For PC Public Hearing: November 9, 2016

STREET

AVENUE

STREET

RM

RM

RM

NMU

DAR

STREET

RM

NMU

ELMWOOD

INTERVALE

CLOAREC COURT

NORTH

NMU

RM

ALLEN

STREET

RCO-RG

NMU

RM

AVENUE

Elmwood Avenue
Cemetery



150 75 0 150 Feet



Planning Commission
November 9, 2016
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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-07 – Commissioner Terms

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is ensure consistency between the Comprehensive Development Ordinance and the City Charter regarding the length of a Planning Commissioner term. This amendment reflects the change from four year to three year terms.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This amendment is administrative in nature and does not have an impact on the goals and policies, including those regarding the availability of safe and affordable housing, in the municipal development plan.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment is administrative in nature and does not have an impact on the proposed future land uses and densities of the municipal development plan.

Implementation of specific proposals for planned community facilities:

This amendment does not specifically implement plans for any new community facilities.

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Ryan Morrison, Assistant Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



TO: Planning Commission
FROM: Meagan Tuttle, AICP, Comprehensive Planner
DATE: October 5, 2016
RE: Planning Commission Membership Terms

In March 2015, Burlington voters approved a charter change, which was later enacted by the VT Legislature, regarding length of term for appointees to the City's boards and commissions. This changes the length of service for Planning Commissioners from four years to three. Planning Commissioners appointed prior to this charter change continue to serve for the duration of their original four year appointments; Commissioners appointed July 1, 2015 and later serve three year terms. As a result of this change, both the *Burlington Comprehensive Development Ordinance* and the Planning Commission's Bylaws need to be amended to be consistent with the City Charter.

Planning Commission terms are defined in the *Comprehensive Development Ordinance* under Article 2: Administrative Mechanisms. Staff proposes the following change to this to be consistent with the charter:

PART 2: PLANNING COMMISSION

Sec. 2.2.1 Authority.

There shall be a planning commission (or commission) created pursuant to the city charter and 24 V.S.A. Section 4321.

Sec. 2.2.2 Composition and Terms.

The planning commission shall consist of seven (7) members who shall be residents of the city. Planning commission members shall be appointed for ~~four (4)~~ three (3) year staggered terms by the city council with mayor presiding. Any member may be removed by the city council with mayor presiding pursuant to city charter Section 129 as the same may be amended from time to time. Vacancies in these offices may be filled for the unexpired terms only by the city council with mayor presiding or otherwise pursuant to law.

A draft of the required Municipal Bylaw Amendment Report (Ch.117 Report) regarding this change is attached to this memo. As a separate item, the Planning Commission should also take action to update its Bylaws. While reviewing the bylaws to incorporate this change, staff discovered several typos and instances of outdated information; additional suggestions to correct these are noted in the attached version of the Bylaws.



MEMORANDUM

TO: Burlington Planning Commission Members

FROM: Chittenden County Regional Planning Commission

DATE: August 31, 2016

RE: Regional Energy Planning

Project Overview

This memo is intended to serve as an introduction for planning commissioners to the Regional Energy Plan project being undertaken by the Chittenden County Regional Planning Commission (CCRPC). CCRPC, as well as other regional planning commissions, are working with the Vermont Department of Public Service to develop Regional Energy Plans for their regions. These regional energy plans are intended to advance the State's Comprehensive Energy Plan's goals *while being consistent with local and regional needs and concerns*. The goals of the Vermont Comprehensive Energy Plan, are to:

1. Weatherize 80,000 Vermont homes by 2025
 - a. Intermediate goal of 60,000 homes by 2017
2. Get 90% of Vermont's energy from renewable sources by 2050
 - a. Intermediate goal of 25% of energy from renewable sources by 2025, including 10% of transportation energy
 - b. Intermediate goal of 40% of energy from renewable sources by 2035
3. Reduce total Vermont energy consumption by more than 1/3 by 2050
 - a. Intermediate goal of 15% reduction by 2025

The Chittenden County Regional Energy Plan will be a roadmap for Chittenden County to meet those goals of energy consumption reduction, weatherization of homes and in-region renewable energy production. CCRPC is working with the Vermont Energy Investment Corporation (VEIC) as they develop estimates of how much energy will need to be produced in Chittenden County, predominantly from solar and wind.

Act 174, Energy Standards and "Substantial Deference"

The Regional Energy Plan must meet standards for energy planning that are currently being developed by the Department of Public Service. Act 174 (signed into law in 2016) states that if a regional or local plan is found to meet these standards, the plan is eligible for a "Determination of Energy Compliance." If a plan has received a "Determination of Energy Compliance" the plan will be given substantial deference' in the Public Service Board's Section 248 process. The following definition of substantial deference has been established in Act 174 for this purpose:

"The Board shall give **substantial deference** to the land conservation measures and specific policies contained in a duly adopted regional and municipal plan...[meaning] that a land conservation measure or specific policy shall be applied in accordance with its terms unless

there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy.”

Once CCRPC’s Regional Energy Plan has received a Determination of Energy Compliance (around June 2018), we can evaluate municipal plans for compliance with the energy standards and issue Determinations of Energy Compliance. Municipalities who wish to incorporate the energy standards into their plans and seek a Determination of Energy Compliance before the completion of the Regional Energy Plan can seek a Determination of Energy Compliance directly from the Department of Public Service until July 1, 2018.

Energy Generation Mapping

The Regional Energy Plan must plan for Chittenden County to produce a significant portion of the energy we use by 2050. To plan for this energy production, the Regional Energy Plan will contain maps of the areas within the county that may be appropriate for wind and solar generation. CCRPC staff will be visiting municipal planning commissions over the next month to discuss these maps and local and regional constraints on renewable energy development. If your municipality has an energy committee, please consider inviting them to the meeting. For more information, see the PowerPoint presentation we have tailored for your community. We will also be creating an online map viewer so that you can view the layers of your municipality’s map in detail.

PowerPoint: http://www.ccrpcvt.org/wp-content/uploads/2016/08/Burlington_RegionalEnergyPlanningPresentation_20160831.pptx

Map Viewer: <http://www.ccrpcvt.org/our-work/environment-natural-resources/energy/>

We are required to send draft maps to the Department of Public Service on December 1, 2016. After looking at the maps and reading about the mapping process in the PowerPoint above, please contact us if there are areas that you think should be indicated as local constraints to solar and wind generation. CCRPC staff are also available to answer questions or give presentations to planning commissions.

Schedule

September 2016: Outreach to Planning Commissions; CCRPC Energy Subcommittee first meeting

October: Projections of future energy use and production goals completed; Feedback from municipalities on local constraints due

November: Regional and Local Energy Standards released by Department of Public Service; first draft of energy production maps created.

May 2017: First draft of Regional Energy Plan completed, draft distributed for feedback

December: Local and State review of draft plan completed; revisions completed

February 2018: Regional Energy Plan adopted by CCRPC

June: 2018 Chittenden County ECOS Plan (included adopted Regional Energy Plan) adopted by CCRPC

Questions or Feedback?

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TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: November 4, 2016
RE: Food & Beverage Processing

Purpose

At its August 9, 2016 meeting, Planning Commission considered the request by Justin Heilenbach (of Citizen Cider) to:

1. eliminate the present prohibition of café's accessory to microbreweries in the E-LM zone
2. pursue the creation of a new "craft beverage production" category in Appendix A- Use Table of the CDO

Planning Commission Discussion

The Planning Commission voted to move ahead with both items and requested amendment language prior to warning for a public hearing. At its October 12, 2016 meeting, staff provided language for a proposed "Craft Beverage Operation" use, to replace the definitions for "Micro-Brewery" and "Winery" and to replace the Micro-Brewery/Winery category in *Appendix A- Use Table* (see below chart of uses and zoning districts). The only change to zoning districts in which the new use would have been permitted was to eliminate Footnote 19, which prohibited accessory café's in the E-LM zone.

The Commission asked staff to look into the proposed amendment more closely, as there were some concerns with the 25,000 barrel/year production limit associated with the proposed "Craft Beverage Operation" use, and the 2,000 sq.ft. limit on the size of accessory café's. The Commission felt that it was appropriate to allow craft beverage production in the E-LM zone, with little limit on the size of the operation, but to consider ways to limit the size and potential impacts in other zones. Additionally, the Commission felt that it was appropriate to consider the evolving nature of craft beverage operations when considering accessory uses.

Evaluation of Current CDO

In response to the Commission's feedback, staff evaluated a number of uses currently defined and included in *Appendix A- Use Table*, and looked at the regulations for accessory uses in Section 5.1.1 (g) 3.

Related uses evaluated include Food Processing, Bakery-Wholesale, Manufacturing- Tour Oriented, Breweries, and Wineries. The chart on the following page summarizes the definition of and zoning districts in which each of these uses are permitted. While there is significant overlap in the types of activities defined by each of these uses, there is not consistency in where the uses are permitted.

Use/Definition	D	DW	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Food Processing <i>The preparation and packaging of food products for sale. Including but not limited to bakeries and dairies.</i>	N	N	CU	CU	CU	CU	CU	CU	Y
Bakery-Wholesale <i>A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over-the-counter or other retail dispensing of baked goods shall be limited to an accessory function.</i>	Y	Y	CU	CU	N	Y	Y	Y	Y
Manufacturing-Tour Oriented <i>A manufacturing and/or processing establishment in which public tours are accommodated and incorporated into the facility's ordinary operations and may include the accessory retail sale of products or goods produced on the premise.</i>	N	CU	N	CU	N	N	CU	CU	CU
Micro-Brewery/Winery <u>Micro-Brewery:</u> <i>A facility for the production and packaging of beer....for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year.</i> <u>Winery:</u> <i>A processing plant used for the commercial purpose of processing grapes....includes wholesale sales, crushing, fermenting, bending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.</i>	Y	Y	Y	Y	CU	Y	Y	CU	Y ¹⁹
Craft Beverage Operation (as proposed by P&Z Staff in Oct) <i>A facility for the production and packaging of beer, wine, cider, spirits, and other beverages (including non-alcoholic) for distribution, retail, or wholesale, on or off premises, not to exceed 25,000 barrels per year. A craft beverage facility may contain accessory cafes and tasting amenities.</i>	Y	Y	Y	Y	CU	Y	Y	CU	Y

Footnote 19: Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.

Regarding accessory uses, Section 5.1.1. (g) 3 of the *Comprehensive Development Ordinance* indicates that any use may be accessory to a principal use, as long as it meets a number of criteria; pertinent criteria to the Commission's discussion of this proposed amendment include:

- the accessory use is subordinate and customarily incidental to the principal use
- the accessory use is reasonably necessary to the conduct of the principal use
- Except for home occupations, no accessory use, or combination of accessory uses, shall occupy more than twenty-five (25%) percent of the total gross area dedicated to the principal use.

Furthermore, Section 3.5.6 (a) Conditional Use Review Standards affords a more thorough review of a proposed development to ensure that there will not be undue adverse impacts on available public services, the character of an area, the transportation system, or the generation of significant nuisances.

Food & Beverage Processing

In order to achieve the Planning Commission's intent, respond to Mr. Heilenbach's original request, and for flexibility for future/other "craft" production industries, staff offers an alternative recommendation for the Commission to consider. This recommendation is to:

- Replace current definitions for Food Processing, Bakery-Wholesale, Distillery, Micro-Brewery, and Winery with a definition for "Food & Beverage Processing."
- Eliminate Bakery-Wholesale and Micro-Brewery/Winery and Food Processing from Appendix A- Use Table, and add "Food & Beverage Processing" and the associated districts in which it is a permitted use.
 - Permit Food & Beverage Processing by right in the E-LM district, and as a conditional use in the Downtown and Neighborhood Mixed Use districts (except in the Public Trust), and in the Enterprise-Agricultural district.
 - Replace Footnote 19 in Appendix A with a 25,000 sq.ft. limit on facilities for this use in the Downtown, Downtown-Waterfront, Downtown Transition, Neighborhood Mixed Use and Neighborhood Activity Center districts in order to limit potential impacts from these businesses.
- Rely on Section 5.1.1. (g) 3 to consider an appropriate range of incidental retail, food service, educational, training, office, etc. uses that may commonly be accessory to these businesses, now and in the future, without specifically spelling out each accessory use in the ordinance. Rely on Section 3.5.6 (a) for conditional use standards to mitigate nuisance impacts related to the use.

See attached for specific changes to the *Comprehensive Development Ordinance* Section 13.1.2 Definitions and Appendix A- Use Table to incorporate these recommendations.

Burlington Comprehensive Development Ordinance
PROPOSED: ZA-17-08- Food and Beverage Processing
As proposed by Planning Staff – November 4, 2016

Changes shown (underline to be added, ~~strike out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: This amendment is to revised the CDO to include one definition for uses related to the production/processing of food and beverages, and to create more consistency in terms of the zoning districts throughout the City in which these uses are permitted.

Article 13: Definitions

Sec. 13.1.2 Definitions. [All other definitions not referenced below remain unchanged.]

Bakery: An establishment primarily used for the preparation and retail sale of bread, cake, cupcakes, confections and other similar baked pastries. Such uses may include incidental food service.

~~(a) **Retail**: An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. Such use may include incidental food service.~~

(b)(a) **Wholesale**: A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over the counter or other retail dispensing of baked goods shall be limited to an accessory function.

~~**Distillery**: An establishment for distilling (the evaporation and subsequent collection of liquid by means of condensation), especially for distilling alcoholic liquors.~~

~~**Food Processing**: The preparation and packaging of food products for sale. Including but not limited to bakeries and dairies.~~

Food and Beverage Processing: The preparation and packaging of food and/or beverage (including alcoholic and non-alcoholic) products for distribution and/or wholesale or retail sales, on or off premise.

~~**Microbrewery**: A facility for the production and packaging of beer or similar fermented malt beverages containing not less than one percent nor more than eight percent alcohol by volume at 60 degrees Fahrenheit (if such a beverage has an alcohol content of more than six percent and not more than eight percent and has a terminal specific gravity of less than 1.009, it shall be deemed a spirit and not a malt beverage), for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year.~~

~~**Winery**: A processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar non-distilled spirits. Such commercial use includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.~~

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use			Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Micro-Brewery/Winery	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	CU	Y	Y	CU	Y ¹⁹
Food Processing	N	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU	CU	Y
Bakery—Wholesale	N	N	N	N	N	N	N	N	Y	Y	N	CU	CU	N	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	CU ¹⁹	CU ¹⁹	N	CU ¹⁹	CU	CU ¹⁹	CU ¹⁹	CU	CU	Y

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

2. Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot size of 10,000 square feet.

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

4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.

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. Small daycares in the RCO zones shall be conditional use and shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.

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. Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use. Facilities limited to no more than 25,000 square feet.

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. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. 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.

28. Grocery Stores up to but not to exceed 30,000 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.
- 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
D	Downtown
DW	Downtown Waterfront
DT	Downtown Transition
BST	Battery Street Transition
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

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Anita Wade, Planning & Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-08 – Food and Beverage Processing

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The proposed amendment replaces Food Processing, Bakery-Wholesale, Distillery, Brewery, and Winery uses with a “Food and Beverage Processing” use. The purpose of this amendment is to ensure more consistency in the regulation of food and beverage production facilities, and their permitted locations throughout the City. The amendment treats Food and Beverage Production facilities as a conditional use in all districts in which they are permitted, except in the Enterprise- Light Manufacturing district where they are permitted by-right, and limits the size of these operations in Downtown, Downtown Transition, Neighborhood Mixed Use and Neighborhood Activity Center districts.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment does not have an impact on the goals and policies in the Municipal Development Plan regarding the availability of safe and affordable housing.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed amendment does not have an impact on the goals and policies in the Municipal Development Plan regarding density. The proposed amendment brings the City’s permitted land uses up-to-date by recognizing the evolving food and craft beverage industries and into alignment with state and local laws regarding alcohol production and consumption.

The proposed amendment has minimal impact areas of the City in which these uses are permitted. Under current regulations, a variety of food and beverage production facilities are permitted to operate in zoning districts throughout the City with little consistency. The amendment permits Food and Beverage Processing as a conditional use in those districts where it will be important to carefully evaluate any potential nuisance or infrastructure impacts that may result from these operations, and to permit the use by-right in the Enterprise-Light Manufacturing district, which is a part of the City widely considered to be appropriate for production and distribution of these goods.

Implementation of specific proposals for planned community facilities:

This amendment does not specifically implement plans for any new community facilities.

Burlington Planning Commission

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*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member*



Burlington Planning Commission **Tuesday, October 25, 2016, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **Minutes**

*Note: times given are
approximate unless
otherwise noted.*

Present: A. Montroll, B. Baker, A. Friend, E. Lee, H. Roen, J. Wallace-Brodeur

Absent: Y. Bradley

Staff: D. White, M. Tuttle, L. Brelsford

I. Agenda

Called to order at 6:35. No changes made to agenda.

II. Public Forum

Steve Goodkind presented computer enhanced images of the potential build-out of the mall project.

Michael Long commented on aforementioned images and does not support the current plans.

Caryn Long does not think the current project is very aesthetic. Looks to European cities as models.

Monique Fordham states that the flyer for "Vote Yes on 4" is misleading.

Tony Redington echoes previous speaker's concern about ZA16-14 information to public. He is also concerned that the mall project was rushed through. He supports the walk/bike master plan.

Jason Van Driesche from Local Motion voiced strong support of the Walk/Bike master plan, and wonders if some more impactful projects could be completed earlier. He supports the mall development plan, and is disappointed by insinuations that elected officials, volunteers, and staff have conducted this project with ill-will.

Ibnar Avalix was glad to see the visual build-out presentation and supports the Coalition for Livable Cities.

III. Report of the Chair

No report.

IV. Report of the Director

David White welcomed Lynn Brelsford to the P & Z office as interim office assistant.

V. Update on Code Enforcement Activities

Bill Ward gave presentation on department enforcement activities.

A Montroll asked a question regarding the enforcement of the 4-unrelated ordinance.

B Ward offered that the Commission may consider updating the ordinance related to "for sale" and "for rent" signs.

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

D. White mentioned that they are reviewing the sign ordinance in general related to a recent Supreme Court case.

E. Lee stated the effectiveness of the Code Office has made a huge difference in the City and her neighborhood.

All agreed that better communication and continuity of office staff has improved and made a positive impact on processes.

VI. Presentation: Parks, Recreation & Waterfront Master Plan

Jesse Bridges presented the plan approved by Parks Commission in October 2015.

There was some discussion regarding proposing a regional partnership with surrounding towns to allow residents of each municipality to use the others' parks facilities.

H. Roen stated that he would like to see shoreline restoration included in plan, especially north of barge canal zone.

J. Wallace-Brodeur asked if there could be more options for outdoor winter recreation.

J. Bridges replied that it is hard to plan as most activities are weather dependent.

E. Lee inquired on the sustainability of products used for enhancement of parks facilities.

J. Bridges replied that every effort goes into choosing materials that are sustainable, but balances sustainability with long term performance. This plan is evolving and hopes to be included as formal part of planBTV in its next adoption.

VII. Presentation: planBTV Walk/Bike Master Plan (20 min)

Nichole Losch from DPW presented the Walk/Bike plan approved by the DPW Commission in October 2016.

A. Montroll was concerned about shared bike lanes being confusing.

A. Friend appreciated the phrasing "crash not accident".

N. Losch stated that some of the improvements inquired about by Jason from Local Motion will be incorporated in streets as they are re-paved. Some will be contingent on how ridership increases in response to improvements.

J. Wallace-Brodeur stated that this sends a good message to the public on how seriously the city is committed to Walk/Bike. She was also concerned about how Walk/Bike allows for future use in areas with new development.

M. Tuttle and D. White discussed checking to see how future facilities align with locations of the City zoned for growth.

VIII. Committee Reports

No reports.

IX. Commissioner Items

No items.

X. Minutes & Communications

The commission unanimously approved a motion by B. Baker, seconded by A. Friend, to approve the minutes of October 12, 2016 meeting.

XI. Adjourn

The commission unanimously approved a motion by J. Wallace-Brodeur, seconded by A. Friend, to adjourn at 8:40pm.

Andy Montroll, Chair

Signed: DATE

Submitted by: Lynn Brelsford

DRAFT

Burlington Planning Commission

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PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-17-05 Permit Conversion of Former Single-Family Use Back to Single-Family Use

ZA-17-06 Rezone 168 Elmwood to NMU

ZA-17-07 Commissioner Terms

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Wednesday, November 9, 2016** beginning at **6:45pm** in Conference Room 12, City Hall, 149 Church Street, Burlington, VT.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-17-05:** To permit the reconversion of single-family detached dwellings back to single-family uses in neighborhood mixed use and high density residential zones. This change is consistent with provisions in Sec. 4.4.5 D 6 A, which allows neighborhood commercial uses within a building originally designed and constructed for such a purpose, regardless of its present use.
- **ZA-17-06:** To change the zoning for the property located at 168 Elmwood from Residential Medium Density to Neighborhood Mixed Use.
- **ZA-17-07:** To bring the Comprehensive Development Ordinance into conformity with the City Charter regarding Planning Commissioner term lengths.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-17-05:** This amendment impacts parts of the City zoned for high density residential, which is primarily concentrated around the downtown core; the Battery Street Transition Zone; and for neighborhood mixed use districts which are located along North Street, and Winooski and Riverside Avenues, and to areas of neighborhood-serving uses off of North Avenue, Shelburne Street and Pine Street.
- **ZA-17-06:** This amendment applies only to the property located at 168 Elmwood Avenue, the location of the former Myers Furniture store.
- **ZA-17-07:** This amendment impacts the administrative sections of the Comprehensive Development Ordinance, and has no impact on any geographic areas of the City.

List of section headings affected:

- **ZA-17-05:** This amendment affects *Appendix A- Use Table* by adding footnote 29 and applying it to selected districts for the Single Detached Dwelling use.
- **ZA-17-06:** This amendment affects *Map 4.3.1-1 Base Zoning Districts* and *Map 4.4.2-1 Neighborhood Mixed Use Districts* by changing the property from R-H to NMU.
- **ZA-17-07:** This amendment changes *Section 2.2.2 Composition and Terms* to reflect change in Commissioner term length from four years to three years.

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.burlingtonvt.gov/pz.

Chittenden County's Regional Energy Plan

Burlington Planning Commission– November 9, 2016



Background

1. State Contract:

CCRPC has a contract through the Department of Public Service to write a regional energy plan to “advance the State’s energy and climate goals while being consistent with local and regional needs and concern.”

2. Act 174 (became law in 2016) and “Substantial Deference”

The Regional Energy Plan is needed to gain a “Determination of Energy Compliance” from the Commissioner of Public Service. With this determination the Public Service Board will give “substantial deference” to the plan – meaning a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy.

Background

2. Act 174 and “Substantial Deference” Continued

Once our Regional Energy Plan gains a “Determination of Energy Compliance”, we can grant that determination to the **local energy plans/the energy element of a municipal plan.**

Municipalities can also develop their own plan and seek a local determination directly from DPS until July 1, 2018.

Our energy plan will need to meet the standards currently being developed by the Department of Public Service.

These standards were recently finalized on November 1, 2016

What does this mean for Burlington?

Analysis and Targets Standards

For the analysis determination standards below, regions are expected to develop their own analysis (already underway through support being provided to regions by DPS), and to then break out the analysis for their municipalities, who can use their region-provided analysis to meet the municipal *Analysis & Targets* standards (such “municipalization” work is being supported through a contract between DPS and regions, and all regions must supply completed analyses to their municipalities by April 30, 2017, though many are expected to do so much sooner).

5. Has your region provided (or do you have a plan to provide) a breakout of the analyses and targets above to your municipalities?

Please explain your timeline for completing this task in the Notes column.

☐ Yes

☐ No

Page: _____

Paragraph #: _____

What does this mean for Burlington?

11. Does the plan identify potential areas for the development and siting of renewable energy resources and the potential generation from such generators in the identified areas, taking into account factors including resource availability, environmental constraints, and the location and capacity of electric grid infrastructure? <i>Maps should include the following (available from VCGI and ANR), and the resulting Prime and Secondary Resource Maps will together comprise "potential areas":</i>	☐ Yes	☐ No	Pa Pa
A. Raw renewable potential analysis (wind and solar), using best available data layers (including LiDAR as appropriate).	☐ Yes	☐ No	Pa Pa
B. Known constraints (signals likely, though not absolute, unsuitability for development based on statewide or local regulations or designated critical resources) to include: • Vernal Pools (confirmed and unconfirmed layers) • DEC River Corridors • FEMA Floodways • State-significant Natural Communities and Rare, Threatened, and Endangered Species • National Wilderness Areas • Class 1 and Class 2 Wetlands (VSWI and advisory layers) • Regionally or Locally Identified Critical Resources <i>If areas are constrained for the development of renewable energy due to the desire to protect a locally designated critical resource (whether a natural resource or a community-identified resource), then the land use policies applicable to other forms of development in this area must be similarly restrictive; for this category, policies must prohibit all permanent development (and should be listed in the Notes column).</i> <i>These areas should be subtracted from raw renewable energy resource potential maps to form Secondary Resource Maps</i>	☐ Yes	☐ No	Pa Pa
12. Preferred locations (specific areas or parcels) for siting a generator or a specific size or type of generator, accompanied by any specific siting criteria for these locations <i>Narrative descriptions of the types of preferred areas in accompanying plan text are acceptable, though mapping of areas and especially specific parcels (to the extent they are known) is highly encouraged, to signal preferences to developers, particularly for locally preferred areas and specific parcels that do not qualify as a statewide preferred location under i. below.</i> <i>The locations identified as preferred must not be impractical for developing a technology with regard to the presence of the renewable resource and access to transmission/distribution infrastructure.</i>	☐ Yes		
i. Statewide preferred locations such as rooftops (and other structures), parking lots, previously developed sites, brownfields, gravel pits, quarries, and Superfund sites	☐ Yes		
ii. Other potential locally preferred locations	☐ Yes		

Why Write a Regional Energy Plan?

Vermont's 2016 Energy Plan Goals

- Weatherize 80,000 Vermont homes by 2020
 - 60,000 homes by 2017
- Get 90% of Vermont's energy from renewable sources by 2050
 - 25% by 2025, including 10% of transportation energy
 - 40% by 2035
- Reduce total Vermont energy consumption by more than 1/3 by 2050
 - 15% reduction by 2025

The State currently gets 16% of its energy from renewable sources.

Who Is Involved?

- CCRPC's municipalities, Long Range Planning Committee and Energy Subcommittee
- Electric utilities and other stakeholders
- Department of Public Service (DPS)
- Vermont Energy Investment Corporation (VEIC)
- Vermont Energy Action Network (VEAN)





What will the Plan Discuss?

The Chittenden County **Regional Energy Plan** will be a roadmap for how Chittenden County will do our part to meet Vermont's energy goals by:

1. Outlining specific regional strategies for energy generation and conservation
2. Establishing quantitative targets for energy use tied to the Vermont Energy Goal
3. Establishing quantitative targets for energy generation tied to the Vermont Energy Goals
4. Energy Resource Maps

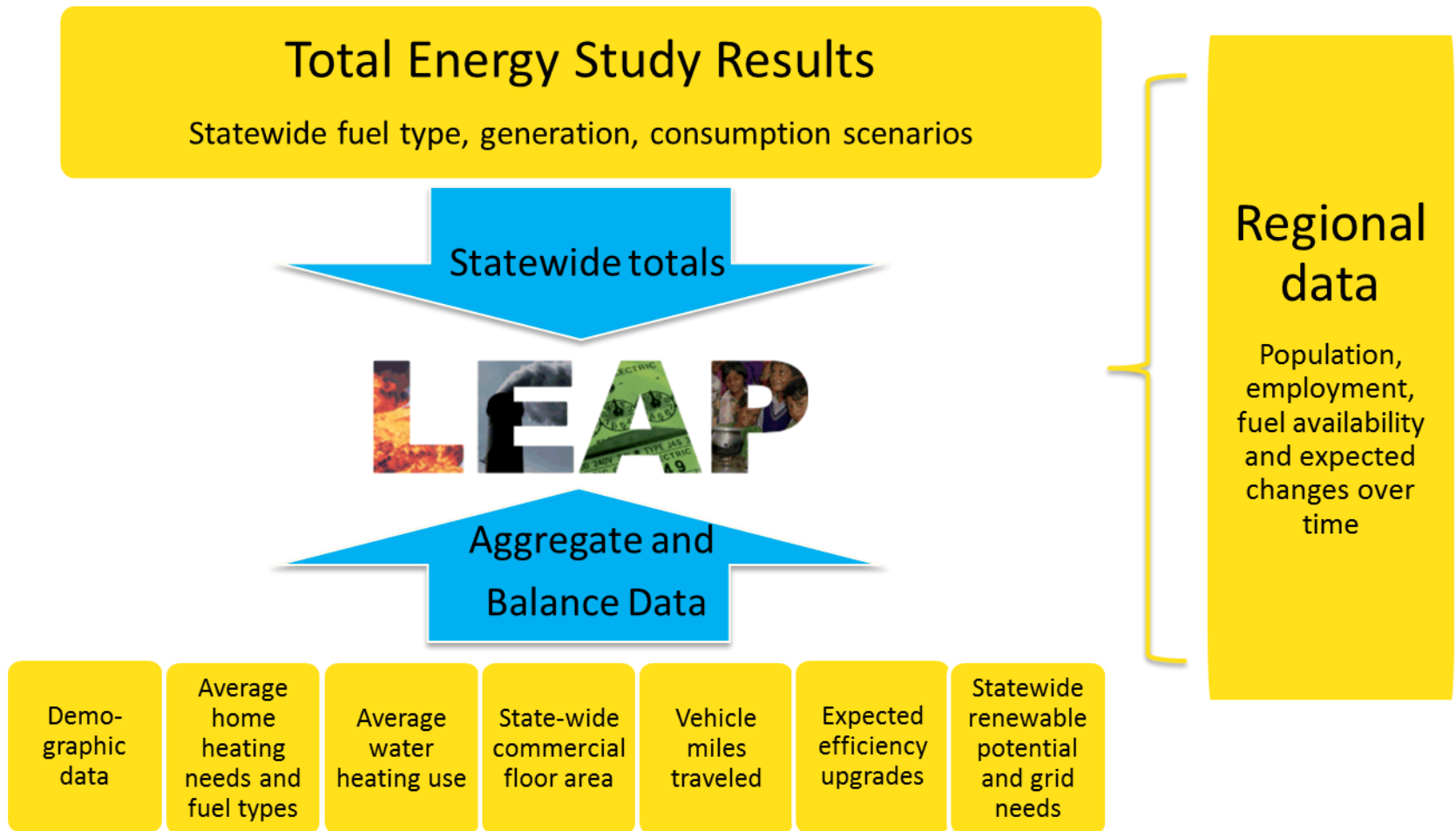
90%
RENEWABLE BY
2050

Energy Conservation

Strategies to achieve a 1/3 reduction in the amount of energy used in the region by 2050

- Plan language which promotes
 - Efficient buildings
 - Decreased Use of fossil fuels for heating
 - Land use patterns that results in energy conservation
 - Reducing transportation energy demand and single-occupancy vehicle use, and encouraging use of renewable or lower-emission energy sources for transportation

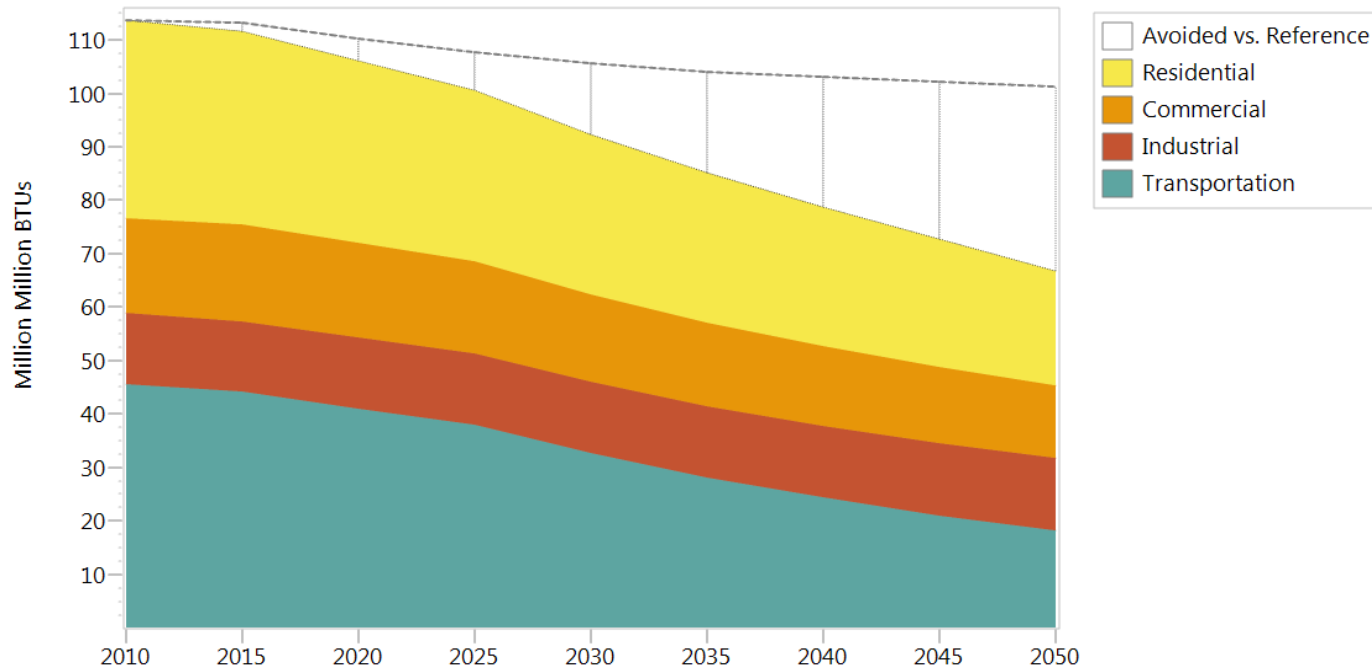
Future Energy Use and Sources



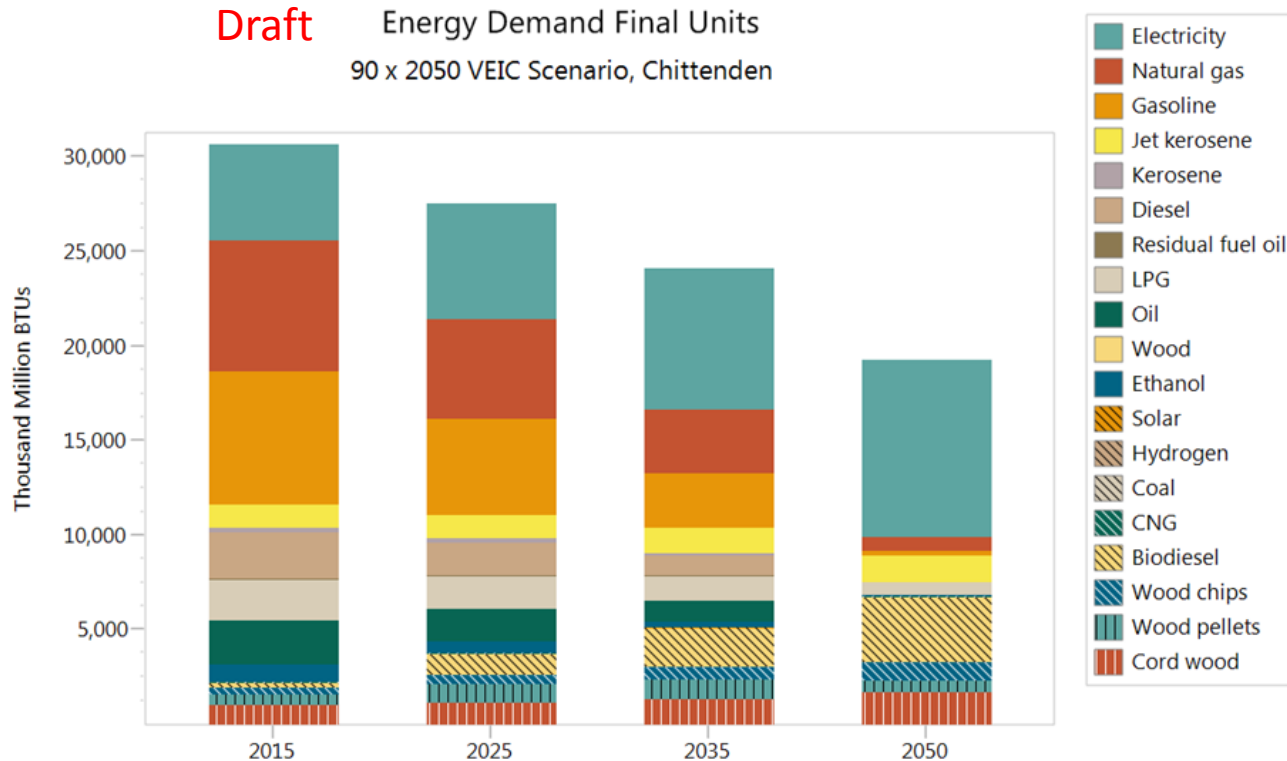
Future Energy Use and Sources

Draft Energy Demand Final Units

90 x 2050 VEIC Scenario Avoided vs. Reference, All Fuels, Statewide

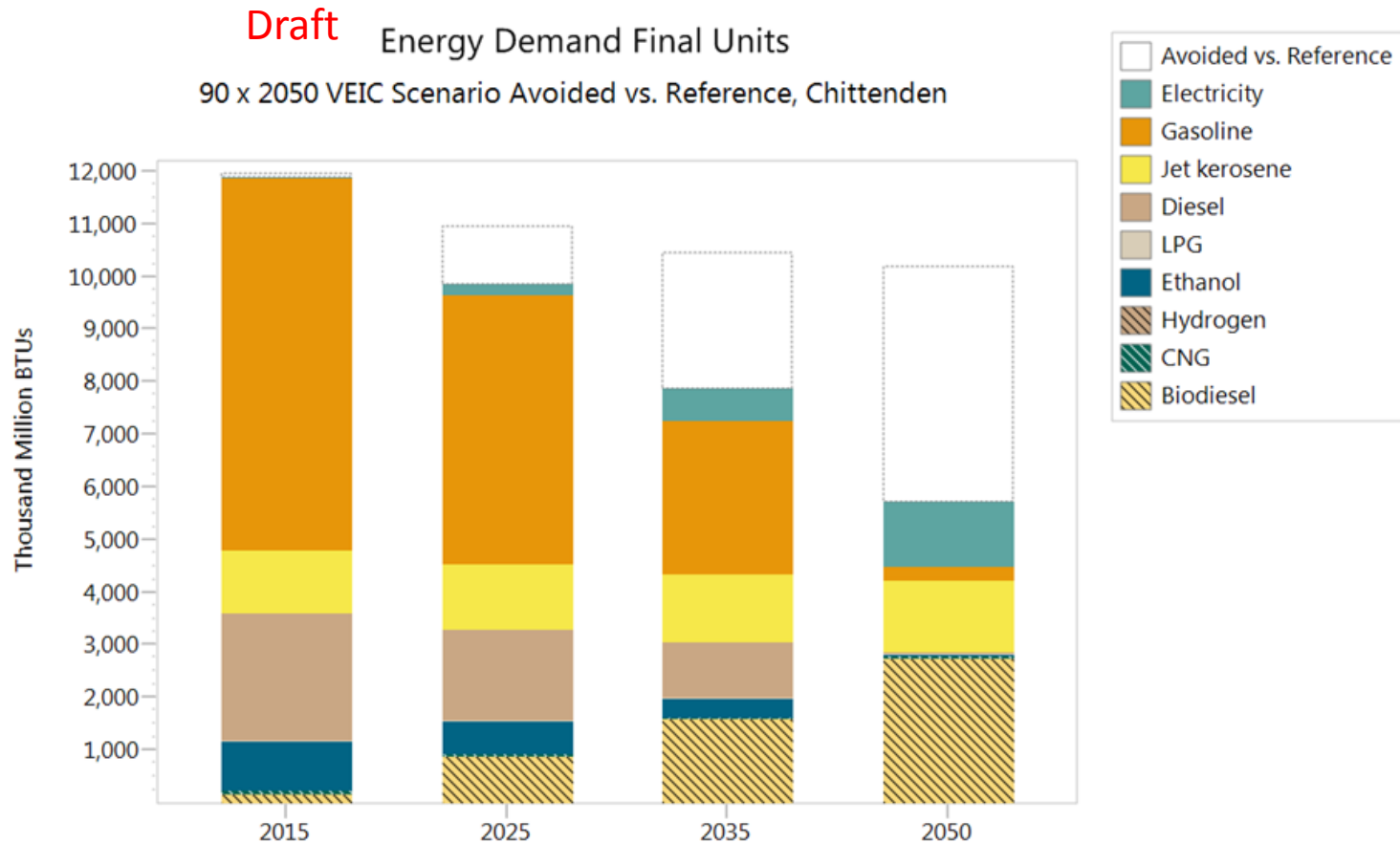


Future Energy Use and Sources



Regional energy consumption by fuel

Future Energy Use and Sources



Regional transportation energy consumption by fuel

Energy Production Mapping

Energy Resource Mapping

What these maps do:

- Provide guidance regarding appropriate and inappropriate places for renewable energy development **based on a simple GIS exercise**
- Act as a good resource to start a conversation about energy siting in your town and our region

What these maps don't do:

- Take all local regulations into account—for example, your regulation of conserved land may be stricter, or you may have identified scenic views that should be protected
- Automatically prohibit or allow renewable energy generation
- Replace the detailed process a developer must go through to propose a site for a renewable energy

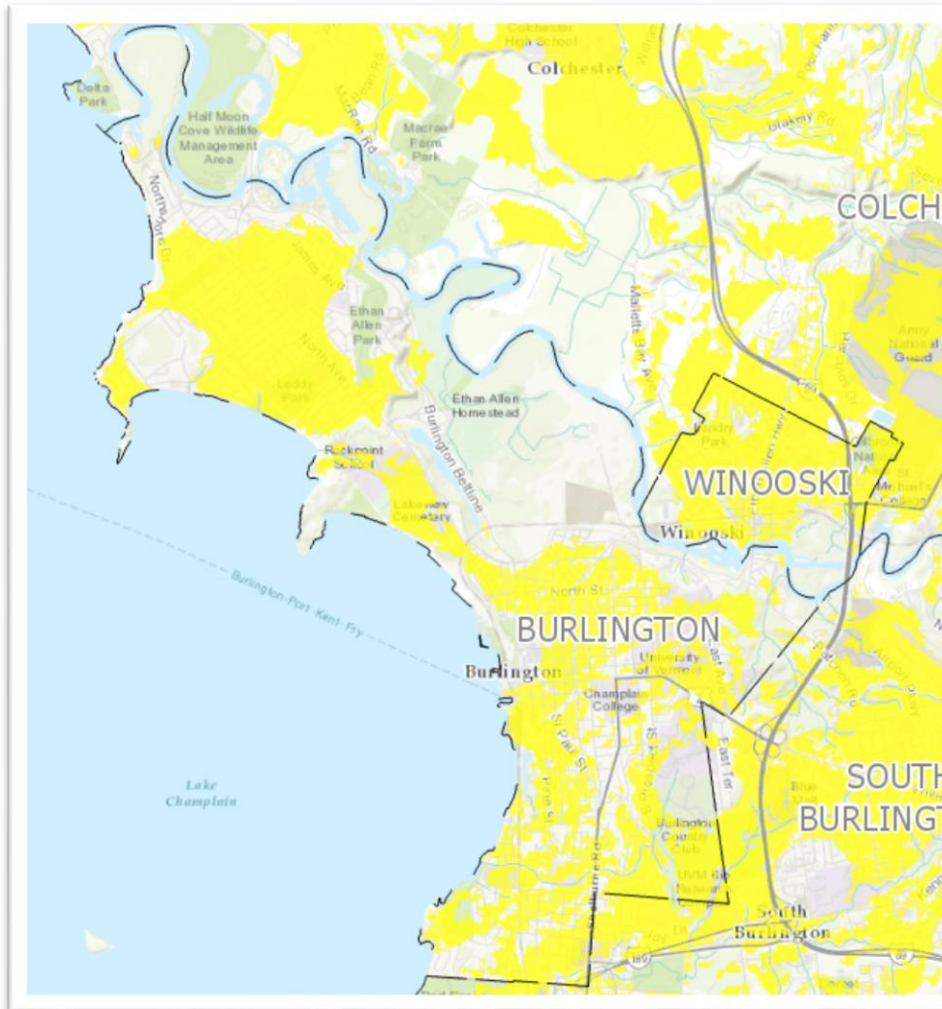
Energy Production Mapping

- Step 1 – Identifying all possible solar and wind generation areas based on GIS analysis.
- Step 2 – Removal of State + Local/Regional Constraints
- Step 3 – Identification of Base and Prime Energy Resources

While hydroelectric and biomass will both be discussed in the Regional Energy Plan, they are not currently mapped.

Renewable Energy Production Mapping

Step 1: Identifying all possible energy generation sites



- ✓ Potential Wind Resource Areas
- ✓ Large Commercial Wind Resources Areas
- ✓ Small Commercial Wind Resource Areas
- ✓ Residential Wind Resource Areas

✓ Potential Ground Mounted Solar PV Resource Areas

Energy Production Constraints

Level 1 Constraints are conditions that the Department of Public Service has determined would likely make development unfeasible.

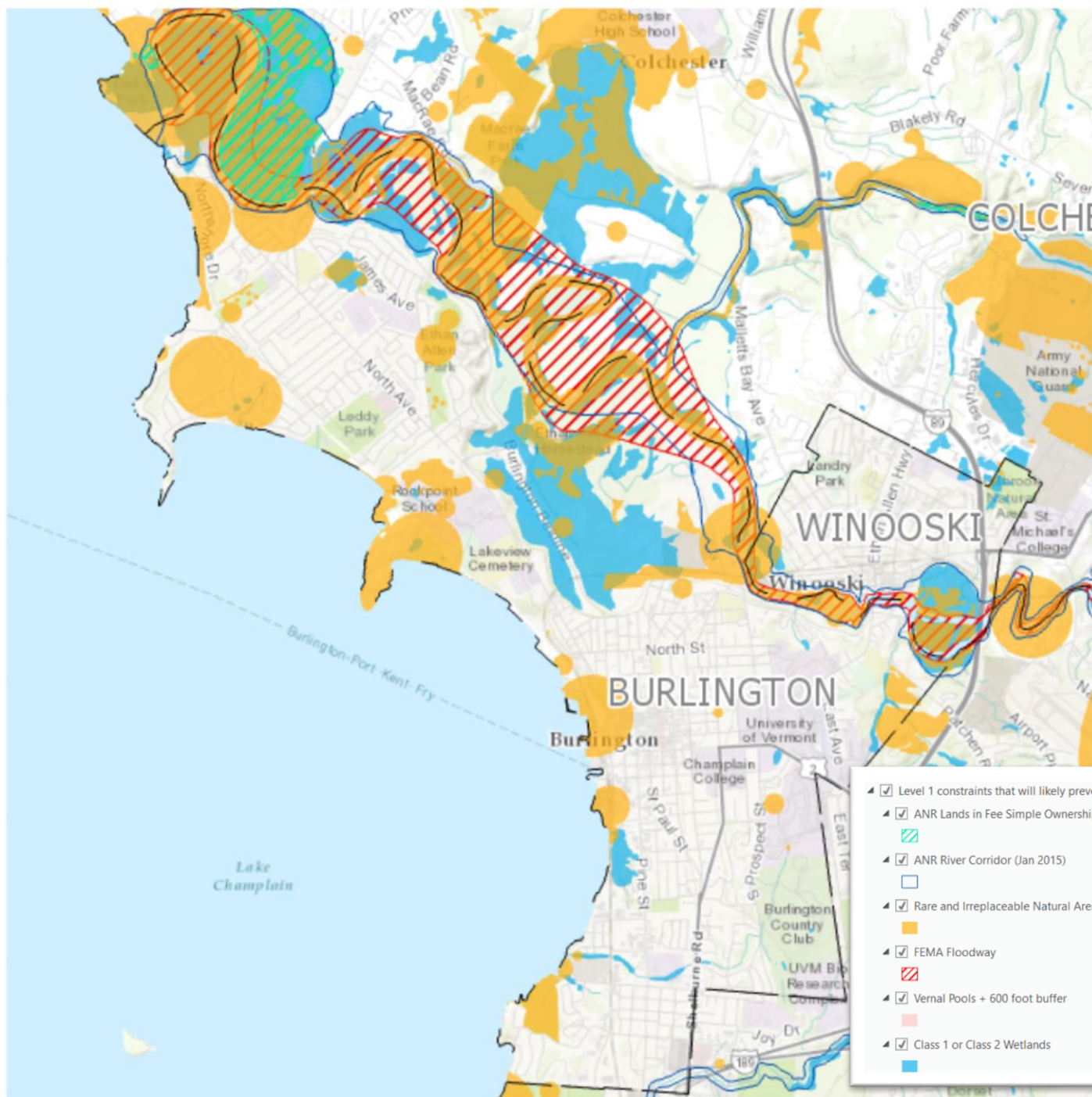
- FEMA Floodways
- ANR River Corridors
- Federal Wilderness
- State-significant Natural Communities and Rare, Threatened, and Endangered Species
- Vernal Pools (including a 600 foot buffer)
- Class 1 and 2 wetlands (NOT including buffers)
- National Wilderness Areas

Energy Production Constraints

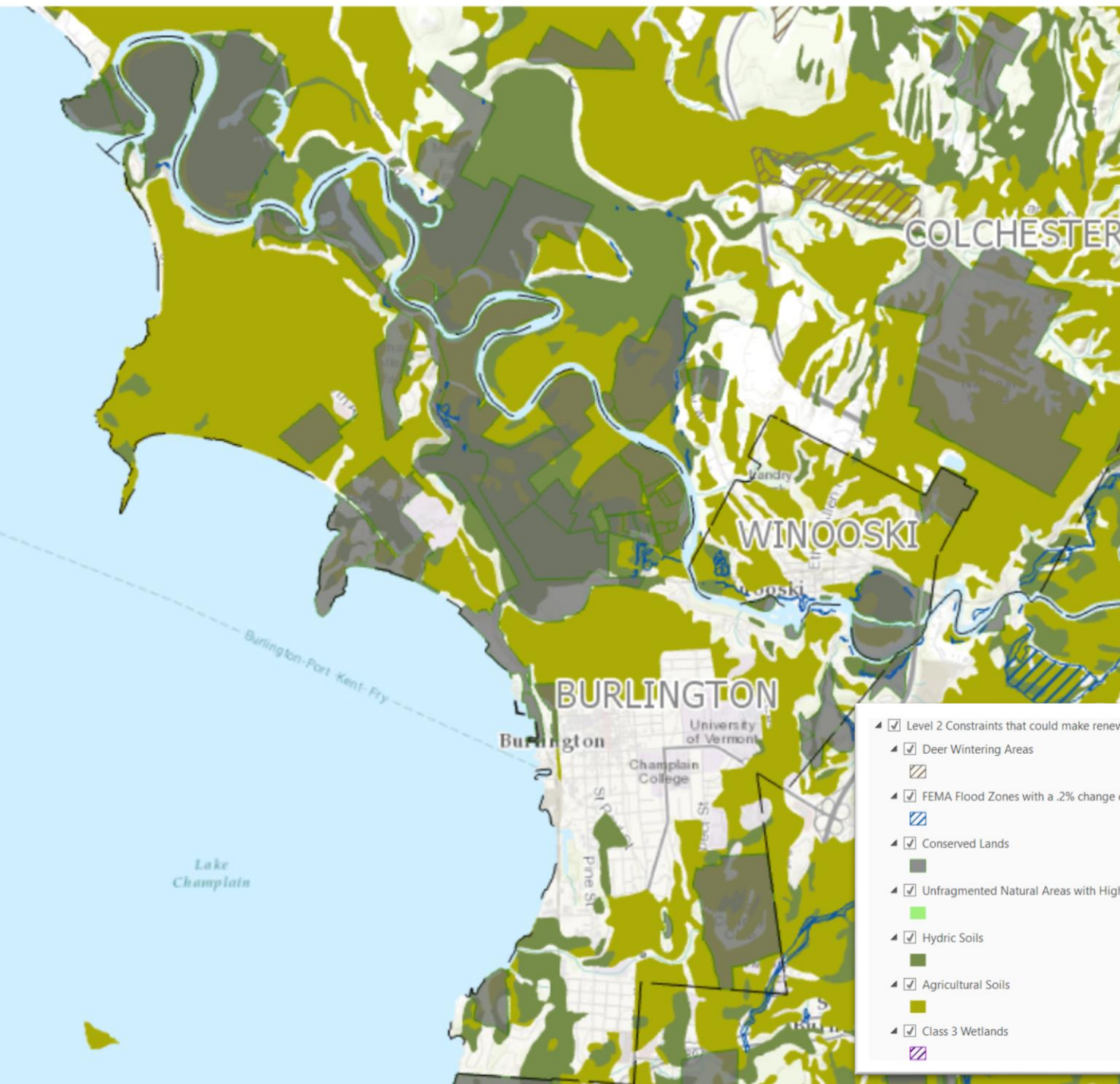
Level 2 Constraints are conditions that the Department of Public Service has determined would impact development, but not necessarily prevent it

- Agricultural Soils + Hydric Soils
- Act 250 Ag. Soil Mitigation Areas
- FEMA Special Flood Hazard Areas (100-year flood zone)
- .2% Annual Chance Flood Zone (500-yr Flood Zone)
- Highest Priority Forest Blocks
- Protected Lands
- Deer Wintering Areas
- Class 3 Wetlands

Step 2: Identifying Level 1 Constraints

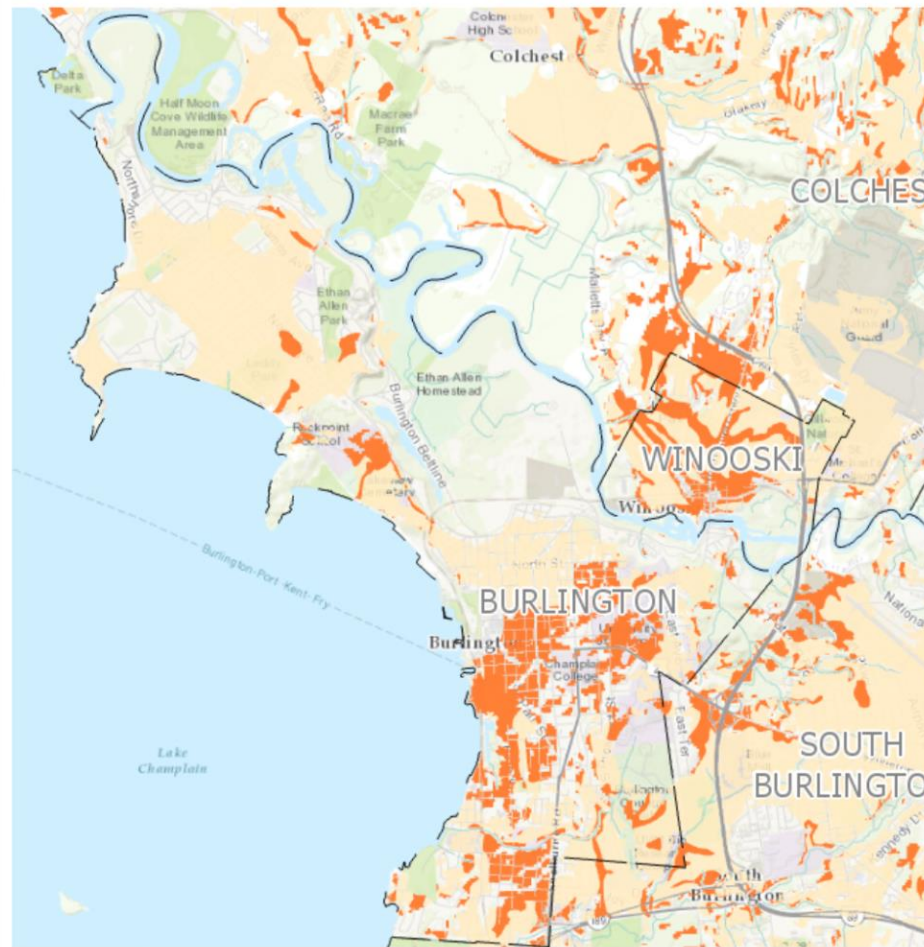


Step 2: Identifying Level 2 Constraints

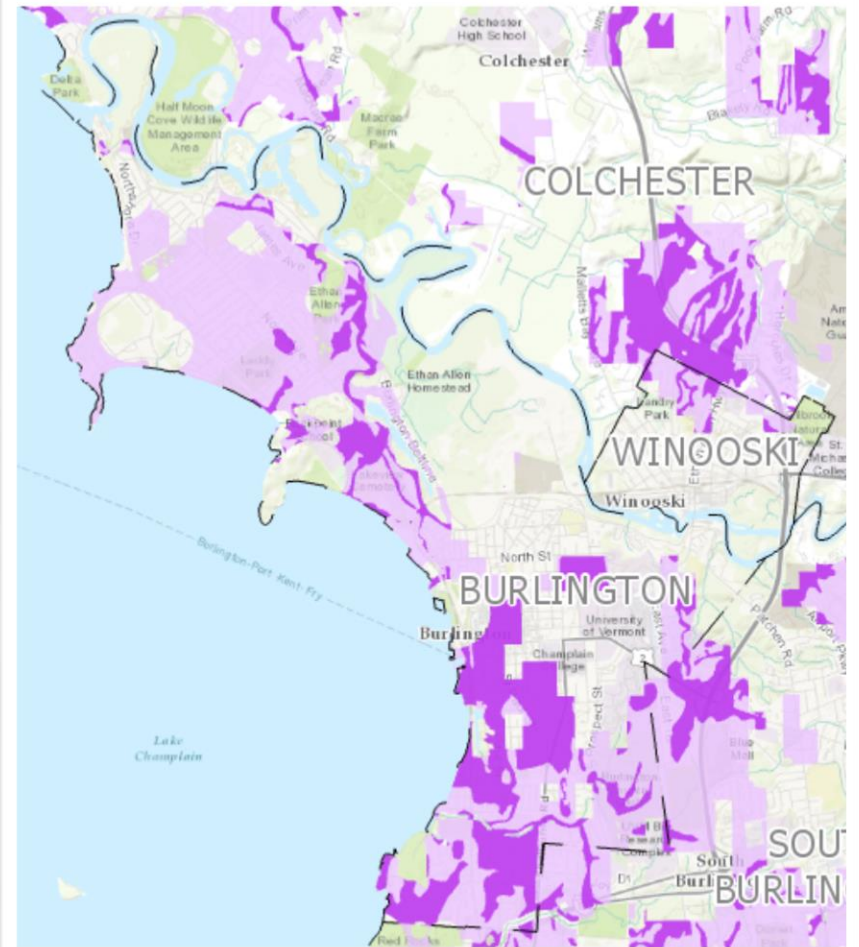


Step 3: Removing Level 1 Constraints, indicating Level 2 Constraints.

- ☑ Potential Solar Energy Resource Areas with constraints removed
- ☑ Prime Solar
- ☑ Base Solar



- ☑ Potential Wind Energy Resource Areas with constraints removed
- ☑ Prime Wind
- ☑ Base Wind



Prime energy resource areas are areas with no level 1 or level 2 constraints. Base energy resource areas have one or more level 2 constraints.

Future Energy Use and Sources

The portfolio of energy types used to meet that demand with 90% renewable sources

	YEAR	ELECTRICITY CONSUMPTION (GWh)	NEW HYDRO (MW)	NEW WIND (MW)	NEW SOLAR (MW)
VERMONT 	2010	5,623	-	-	-
	2025	6,991	25	200	445
	2035	8,073	50	400	926
	2050	10,044	93	400	1,647
BCRC REGION 	2010	318	-	-	-
	2025	381	1	16	24
	2035	421	1	28	48
	2050	473	1	28	85

*Bennington Region Energy Plan
Example*

Future Energy Use and Sources

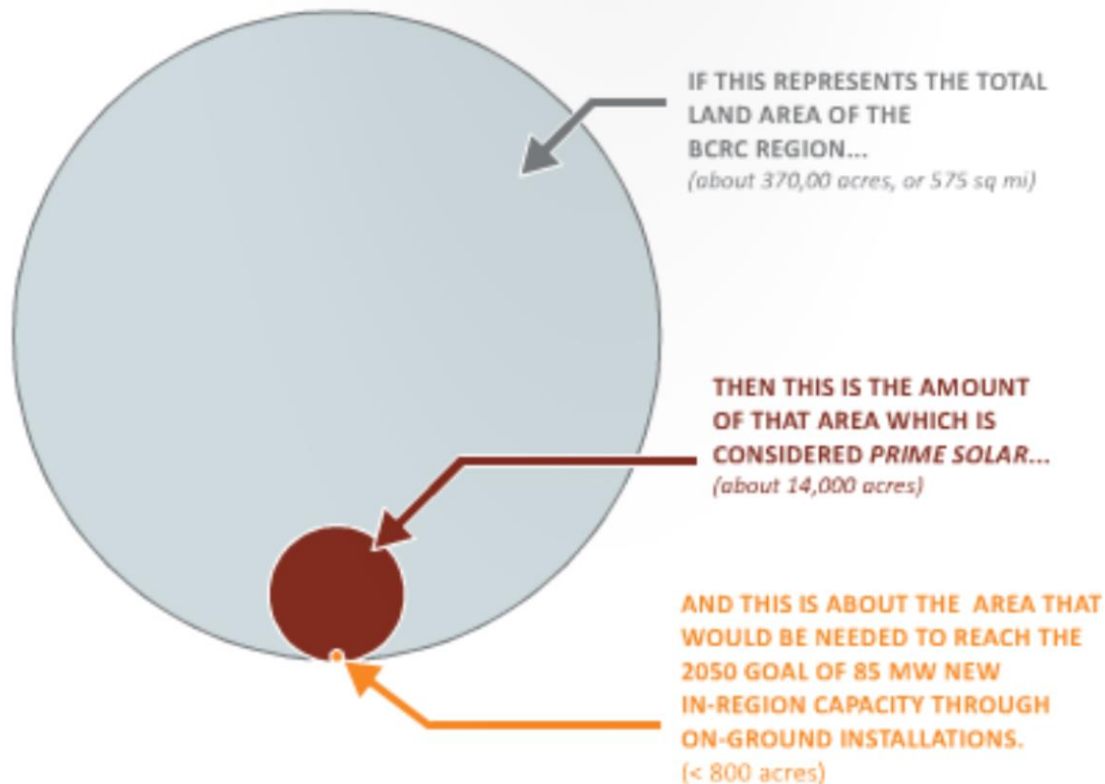


FIGURE 4.12: SOLAR POTENTIAL DIAGRAM

The diagram above compares the relative size of 1) all land in the region, 2) the total amount of "Prime Solar Area," and 3) the amount of land that would be required to achieve the region's 2050 solar goal of 85 MW new capacity purely through ground-mounted systems (just for the sake of analysis). Not only does the region have more than enough potential to achieve its goal, the amount of prime solar area alone in the BCRC is roughly equivalent to the amount of land that would be required to achieve the entire state's 2050 solar goal!

Example: Land-based solar in Bennington County

Next Steps

- Identify local known + potential constraints
- Preferred Sites
- Remember: *if locations are constrained for the development of renewable energy due to the desire to protect a locally designated resource (whether a natural resource or community-identified resource, like a view), then the land use policies applicable to other forms of development must be similarly restrictive*

Questions or Comments?

Burlington Planning Commission

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www.burlingtonvt.gov/pz

*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member*



Burlington Planning Commission

Wednesday, November 9, 2016, 6:30 PM

Minutes

Present: A. Montroll, A. Friend, H. Roen, J. Wallace-Brodeur, Y. Bradley

Absent: E. Lee

Staff: D. White, M. Tuttle, L. Brelsford

I. Agenda

The chair called the meeting to order at 6:37 pm. The communication regarding the Flynn Avenue solar project should be added as item 9a, time permitting.

II. Public Forum

No speakers.

III. Report of the Chair

Following the discussion at the last meeting, discovered a map of all parks on Lake Champlain; it is a start and should be more widely available.

IV. Report of the Director

D. White reported the passage of all six ballot items during the November 8 election. NAC-Cambrian Rise will be before Council for Public Hearing on November 28. November 14 at Main Street Landing Future of VT Rail Forum. Great Streets presentation November 16 at 7pm in Contois.

V. Public Hearing ZA-17-05: Permit Conversion of Former Single-Family Use Back to Single-Family Use

Chair opened the hearing at 6:41 pm.

Liam Murphy: Purchased property at 75 Orchard Terrace that was permitted as a boarding house, had many hurdles to reconvert to a single-family home for personal residence.

J Wallace-Brodeur- This amendment is a good idea, should move forward.

Y Bradley: No brainer. Commission has become more nimble, willing to address problems through policy; come ask for help.

A Montroll: Changes to footnote: New single family dwellings are not permitted; however, a single-family dwelling may be used as or reverted to a single-family use regardless of its present use only if the building was originally designed and constructed for that use.

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

The commission unanimously approved a motion by Y Bradley, seconded by J Wallace-Brodeur, to send this amendment to Council with recommendation, and approve the municipal bylaw amendment report.

The chair closed the hearing at 6:58pm.

VI. Public Hearing ZA-17-06: Rezone 168 Elmwood to NMU

The chair opened the hearing at 7:03pm.

Rodney Myers: 168 Elmwood has always been mixed use., not sure why it was rezoned residential.

A Montroll: This makes sense, seems to have been an error during a previous zoning rewrite.

The commission unanimously approved a motion by Y Bradley, seconded by H Roen, to send the amendment to Council with recommendation, and approve the municipal bylaw amendment report.

The chair closed the hearing at 7:05pm.

VII. Public Hearing ZA-17-07: Commissioner Terms

The chair opened the hearing at 7:09 pm.

There were no members of the public that wished to comment on this item.

The commission unanimously approved a motion by H Roen, seconded by A Friend, to send the amendment to Council with recommendation, and approve the municipal bylaw amendment report.

The chair closed the public hearing at 7:09 pm.

VIII. Presentation: Regional Energy Plan (CCRPC)

Melanie Needle gave a presentation on goals of Chittenden County Regional Planning Commission's Regional Energy Plan and maps of priority areas for renewable energy generation. Maps currently include constraints identified by the state, which include sensitive wetlands, other environmental features. Municipalities should identify additional cultural, land use constraints and identify priority areas for renewable energy development.

A Montroll: How does Burlington's 100% renewable portfolio contribute to the calculations of local energy generation for this plan?

M Needle: Can look into this question. Another question awaiting information from the state is whether or not designated village and downtowns can be exempted from generation. Can be no more restrictive regarding energy generation than development in general.

H Roen: This should be reviewed by the Long Range Planning Committee.

IX. Proposed ZA-17-08: Food and Beverage Processing

M Tuttle: To respond to the commission's input about needing flexibility, clarifying accessory uses and not using production limits as a proxy to limit operational impacts, staff looked at all of the food and beverage related uses in the current ordinance. Proposing a single definition for Food and Beverage Processing, as a conditional use in the downtown, neighborhood activity center and enterprise districts, permitted in E-LM, and with a square foot limit in some districts.

A Montroll: Appreciate the simplicity, but need to clarify the definition so that restaurants do not fit.

H Roen suggested the following wording: "...excluding restaurants except as an accessory use."

Y Bradley recommends revisiting wording and approving at next meeting.

IX a. Proposed Flynn Avenue Solar Project

D White: Received a communication from VWSD, LLC for a proposed solar panel installation on tops of storage units at 199 Flynn Ave. Planning Commission has the opportunity to comment if it wishes or invite the applicants in to provide additional information.

A Montroll: This is a good use for space currently used for storage units. No need for applicant to come in.

X. Committee Reports

Executive Committee: November 22nd meeting is cancelled.

Ordinance Committee: Discussed Green Roofs and potential lot coverage incentives.

Long Range Committee: Will schedule a meeting to discuss the draft Energy Generation Maps.

XI. Commissioner Items

No items to report.

XII. Minutes & Communications

The Commission unanimously approved a motion by H. Roen, seconded by A. Friend, to approve the minutes of the October 25, 2016 meeting and a communication from VWSD regarding a solar installation.

XIII. Adjourn

The commission unanimously approved a motion by A. Friend, seconded by J. Wallace-Brodeur to adjourn at 8:13pm.



Andy Montroll, Chair

Signed: December 20, 2016



Submitted by: Lynn Brelsford