

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*

Meeting of the Burlington Planning Commission with the City Council Ordinance Committee

**Tuesday, October 22, 2019, 6:30 P.M.
Miller Center, 130 Gosse Court, Burlington**

AGENDA

I. Agenda

II. Public Forum - Time Certain 6:00 p.m.

III. Proposed CDO Amendment: ZA-20-03 Accessory Dwelling Units

The Planning Commission and City Council Ordinance Committee will continue discussing a proposed zoning amendment related to Accessory Dwelling Units (ADU's). This amendment comes as a result of the Mayor's Housing Summit and subsequent policy reform recommendations. Attachments to this agenda include:

- Proposed ZA-20-03 amendments on page 2.
- A memo transmitted to the City Council regarding Housing Policy Reforms on page 10, and additional information can be found online at <https://www.burlingtonvt.gov/BTV-housing-policy>.
- A detailed presentation from Eli Spevlak of OrangeSplot regarding ADU's can be found online at: <https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/Burlington%20ADU%20Planning%20Commission%20slides.pdf>

Staff Recommendation: Discuss proposed amendment and provide direction to staff on any additional modifications. Approve municipal bylaw amendment report and warn for public hearing.

IV. Proposed CDO Amendment: ZA-20-04 Minimum Parking *(Time Permitting)*

Staff will introduce a proposed amendment related to the minimum requirements for new parking in selected areas of the city. This amendment comes as a result of the Mayor's Housing Summit and subsequent policy reform recommendations. Information related to this item are included in the agenda packet on page 22.

Staff Recommendation: Discuss proposed amendment and provide direction to staff on additional information needed on this topic.

V. Commissioner Items

- a. The Commission and Council Ordinance Committee will meet again on:
 - i. Wednesday, October 30, 2019 at 6:30pm at Contois Auditorium, 149 Church St., Burlington

VI. Communications

VII. Adjourn

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. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

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TO: Burlington Planning Commission
City Council Ordinance Committee
FROM: Meagan Tuttle, Principal Planner, City Planning & Ian Jakus, Housing Projects & Policy Specialist, CEDO
DATE: October 9, 2019
RE: Proposed CDO Amendment ZA-20-03: Accessory Dwelling Units

Overview & Background

Accessory dwelling units (ADUs) are efficiency or 1-bedroom apartments located within or on the same property as a single-family, owner-occupied home. ADU's are often located above a garage, in a basement, or as a backyard cottage, and have been utilized widely in cities across the US, and to some degree here in Burlington, as a tool for older adults to remain in their homes as they age, to create housing for an elder or a dependent, and provide homeowners with a way to offset housing costs.

In 2015, the City Council adopted the *Housing Action Plan*, which contained 22 strategies for building a more affordable, inclusive, livable, walkable, sustainable, and vibrant Burlington. Among these strategies was a call for a review of Accessory Dwelling Units in the city, to "evaluate the consequences of incentivizing this kind of construction and to establish clear protections that prevent abuse of this type of unit." As a result, the Community & Economic Development Office and Planning & Zoning department collaborated to prepare a review current ADU creation, policies, and best practices, and offered a series of recommendations for policies and programs to support the creation of more ADUs. This report was reviewed by the City Council's CDNR Committee, who supported the City and partners advancing the report's recommendations.

In April 2019, Mayor Weinberger announced a plan to convene a Housing Summit and advance work to bring focus, urgency, and resolution to five key areas of unfinished business from the *Housing Action Plan*. Reforming local zoning to be more permissive of the creation of ADU's was one of these key areas. Both in the preparation of the City's *Review of Accessory Dwelling Units*, as well as in conversations associated with the Housing Summit, the city has heard overwhelming support from residents and stakeholders about the value of ADU's and the importance of boosting their creation both from a regulatory perspective and through technical and design assistance. The framework for amending the city's zoning ordinances to encourage the creation of ADU's was included in a resolution unanimously supported by the City Council on October 7, 2019. The resolution referred this item to a Joint Committee of the Planning Commission and City Council's Ordinance Committee.

The enclosed zoning amendments are aimed at improving the regulatory framework for creating ADU's. Separately, CEDO and Homeshare VT are working together on a 3-year pilot program to facilitate the development of accessory apartments to serve low-income and senior housing needs. Using a \$75,000 state Housing Revenue Fund grant, the program includes an outreach and educational campaign, offers technical assistance to homeowners, will develop standard designs for ADU's, and perform marketing, screening, and matching services for prospective tenants and homeowners.

More information about Accessory Dwelling Units in Burlington, and the proposed amendment can be found online at: <https://www.burlingtonvt.gov/mayor/housingpolicy/adu>

Recommended Amendment Details

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement & Summary

The purpose of this amendment is to encourage the creation of accessory dwelling units (ADU's) throughout the city to support homeowners as they age in place, provide flexible options to help owners afford and better utilize available space within their homes, and to provide additional affordable housing options within existing neighborhoods.

This amendment modifies applicable ADU and other citywide general standards, including enabling ADU's as a permitted use in all zoning districts, creating an alternative maximum unit size and lot coverage waiver process, and eliminating the parking requirement.

Proposed Amendments

The following changes are proposed to the *Comprehensive Development Ordinance* in order to achieve these goals. These changes are detailed in the attached documents.

- Enable Accessory Dwelling Units as a permitted use for single-family homes in all zoning districts by eliminating *Sec. 5.4.5 (B)* and deleting Accessory Dwelling Units from *Appendix A- Use Table*.
- Increase the maximum size for ADU's to accommodate their location on lots with smaller homes, by adding an alternative maximum size in *Sec. 5.4.5 (A)(2)*.
- Allow for a portion of the lot coverage associated with a detached ADU to be exempt based on a stormwater impact review provision within a new *Sec 5.2.3 (b) 10*, and noted in *Sec. 5.3.5 (a)*, in order to accommodate ADU's on smaller lots.
- Eliminate the parking requirement associated with an ADU by deleting *Sec.5.4.5(A)(4)*.
- Update the definition for ADU's to remove conflicts with the special provisions in *Sec.5.4.5*.

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).

Proposed Future Land Use & Density

The proposed amendment is intended to encourage the creation of ADU's on lots or within existing or newly constructed single-family homes throughout the city. Further, these changes are intended to remove barriers faced by owners of small homes and/or small lots who are presently unable to accommodate an ADU under the standards. Specifically, this amendment addresses the 2019 *planBTV* policy to "modify land development and/or building ordinances regarding ADU's and create a program to incentivize their creation through technical assistance, funding, and other means." This is important as ADU's enable new housing options that not only serve the city's changing demographics, but also conserve the existing scale, mass, and design characteristics of neighborhoods.

Impact on Safe & Affordable Housing

This proposed amendment furthers the City of Burlington and the State of Vermont's goals to expand the availability of safe and affordable housing. By encouraging the creation of ADU's, the city is meeting the spirit of *planBTV* to expand the range of housing options available to meet different and changing needs of households, including enabling residents to age in place,

augment household income to afford housing expenses, or secure new affordable housing in established neighborhoods of the city.

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: City Staff, with support of City Council	Presentation to & discussion by Commission & Council Ordinance Cmte October 15, 2019	Approve for Public Hearing	Public Hearing	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council [as is / with changes]	Second Read & Public Hearing	Approval & Adoption
				Rejected

Excerpts of Article 5: Citywide General Regulations

Sec. 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards / Permitted Uses:

Where there is a primary structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an efficiency or one--bedroom apartment that is clearly subordinate to the primary dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than two adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:

1. The property has sufficient wastewater capacity as certified by the department of public works; and
2. The unit does not consist of more than 800 sq.ft. or 30 percent (30%) of the total combined habitable floorGross Floor Area of the building of the primary home, and inclusive of the accessory dwelling unit, whichever is greater; and
3. Applicable setback and coverage requirements are met, except for properties with lawfully non-conforming lot coverage as provided in Sec. 5.2.3 (b) 10; and
a—;
- ~~3.—One additional parking space which may be legally allocated to the accessory unit must be provided for the accessory unit; and,~~
4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.

~~**(b) Conditional Use Approval for Accessory Units:**~~

~~If any of the following are also proposed, conditional use approval, as well as development review provisions of Article 6 shall be required:~~

- ~~1.—A new accessory structure;~~
- ~~2.—An increase in the height or habitable floor area of the existing dwelling;~~
- ~~3.—An increase in the dimensions of any parking area;~~

(c) Discontinuance of Accessory Units:

Approval of an accessory dwelling unit is contingent upon owner--occupancy of either the single familyprimary or accessory dwelling unit as a primary residence. For purposes of this section, owner--occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the primary unit or in the accessory unit. If neither the primary unit nor the accessory unit is no longer owner--occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and / or a new accessory structure is proposed to be removed, revised floor plans

and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

Sec. 5.2.3 Lot Coverage Requirements

(a) *As written*

(b) Exceptions to Lot Coverage

In all districts, the following shall not be counted as lot coverage:

(1)-(9) *As written*

(10) The DRB may grant an exemption from maximum lot coverage limits for up to 400 sq.ft. or 50% of the lot area occupied by the a detached ADU, whichever is greater. To grant such an exemption, the DRB must find that the existing lot coverage has been lawfully created, and that the proposed location, site design, and any stormwater mitigation improvements will not have undue adverse impact on adjacent properties or public rights of way based on the assessment of the DPW Stormwater Program Manager.

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming single-family homes and community centers (existing enclosed spaces only) that project into side and /or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);
- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,
- iii) Be compatible with the character and scale of surrounding structures.

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Within all districts, and subject to the Development Review Board approval, detached structures for the purpose of creating an ADU may be constructed on lots with legally non-conforming lot coverage per Sec.5.2.3 (b) 10.

2. Such a change or modification shall not create any new nonconformity; and,

91 3. Such a change or modification shall be subject to review and approval under the
92 Design Review provisions of **Article 3, Part 4.**
93

94 **Excerpt of Article 13: Definitions**
95

96 **Accessory Dwelling Unit or Apartment (ADU):** An efficiency or one-bedroom apartment that is
97 clearly subordinate to a single-family dwelling, and has facilities and provisions for independent
98 living, including sleeping, food preparation, and sanitation, ~~provided the unit does not exceed 30% of~~
99 ~~the total habitable floor area of the single-family dwelling.~~

Excerpt of 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	NAC-CR	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	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N ³⁰	N	N	N ³⁰	N ³⁰	N ³⁰	N ³⁰	N ³⁰	N	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	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	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	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	Y	N	N

TO: Burlington City Council

FROM: Meagan Tuttle, Principal Planner, City Planning
Chris Burns, Director of Energy Services, BED
Ian Jakus, Housing Projects & Policy Specialist
Scott Gustin, Principal Planner, P&I
David White, Director, City Planning
Todd Rawlings, Housing Program Manager, CEDO



DATE: October 2, 2019
RE: Proposed Housing Summit Policy Reforms

The enclosed memo offers background information to contextualize and address questions shared by the Council regarding each of the proposed housing policy reforms. Additional information about these policies is online at: <https://www.burlingtonvt.gov/BTV-Housing-Policy>

Additionally, the summary report for the June 2019 Housing Summit, including a summary of the participants' feedback and additional resource links can be found online at: <https://www.burlingtonvt.gov/mayor/about-the-housing-summit>.

Improving Energy Efficiency in Rental Housing

Policy Reform Goal

The goal of this reform is to strengthen the City's response to the "split incentive paradigm" and increase energy efficiency in rental housing, which will in turn improve the quality and comfort of rental units, lower tenants' utility costs, and help the city achieve its climate goals by reducing energy utilization and greenhouse gas emissions.

Proposed Reform

In order to achieve this goal, the following housing code reform is proposed:

- Amend the City's existing Time of Sale ordinance (ToS) to require weatherization improvements for rental housing units not only at the time a unit is sold, but as part of the minimum housing code that is enforced by the Department of Permitting & Inspections, which includes inspections of every property on a cycle that ranges from one to five years depending on the performance of the property.
- Utilize the list of applicable weatherization improvements currently found in ToS to apply to rental units with an energy intensity rating of greater than 50,000 BTUs per square foot.
 - Applicable improvements focus on the most cost-effective modern weatherization practices: insulation in exterior walls, open attics, hatches, ceilings, roof cavities, and rooms over unheated basements/exterior spaces; repair of leaks and insulation of heating/cooling ducts and hot water pipes; storm windows, functional weather

stripping on doors, and functional latches on all doors and windows; and sealing large gaps and holes where heated/cooled air easily escapes.

- Modify the cap on the dollar amount of investment in weatherization to a level that, while not unreasonably financially burdensome, is designed to maximize expected energy savings and occupant comfort, be consistent with best practices from other cold climate jurisdictions, eliminate the “cost effectiveness limitation” in the current Time of Sale Ordinance in favor of a more straightforward cost cap that reflects inflation and the real cost of these improvements, while also balancing the cost of required improvements with the amount of expected energy savings and a rational process to accommodate inspections and compliance.

Framing the Burlington Context

- Improving the energy efficiency of existing buildings is considered to be one of the most impactful efforts to implement the City’s Net Zero Energy (NZE) goal.
- Space and water heating are two of the biggest drivers of energy costs in our climate. Of rental units, 95% use natural gas for space heating and 85% do so for hot water. This means the most effective energy efficiency upgrades for existing units are weatherization (air sealing, insulation) and more efficient heating appliances.
- The “split incentive paradigm” occurs when the property owner is responsible for building weatherization and replacing heating/cooling systems but sees no direct benefit for doing so, while the tenant is responsible for paying the utility bill but has no control over weatherization and efficiency improvements. This paradigm impacts approximately 85% of Burlington’s rental units. Combined with a chronic 1-2% vacancy rate, tenants have few alternative options for more efficient units.
- While about 40% of the city’s rental housing units have undergone some weatherization using one of three available incentive programs, ToS only requires these improvements for approximately 90 of the city’s rental units each year. This is compared to approximately 1,000 rental units that are visited annually for minimum housing inspections.

FAQs about this Policy

Why doesn’t this proposal considering licensing, SmartRegs, or other impactful requirements for energy efficiency improvements?

- We have heard a lot about the need to carefully balance the “carrot” and the “stick” in order to ensure this policy change does not lead to large costs passed on to tenants, or standards so onerous that they result in the loss of housing units (i.e., by revoking a rental license temporarily or long-term). This proposal seeks to find a balance between the significant acceleration/uptake of weatherization improvements in rental housing, and more robust enforcement of these requirements, with those potential unintended consequences.
- Further, this reform leverages existing policies (ToS) and processes (minimum housing inspections), and does not require a massive investment of new resources to implement.
- As the City continues to roll out policies and programs to implement the NZE Roadmap, new energy efficiency standards could build off this program.

How do you ensure that the costs of improvements aren't just passed on to tenants?

- Energy efficiency and weatherization are the wisest dollar spent in terms of impact, but are the hardest to sell from a return-on-investment (ROI) perspective. Yet, we estimate that increasing efficiency of units could result in \$100-\$400 in annual energy savings to tenants, which is particularly important to the 60% of renter households that are cost-burdened.
- For this reason, the proposal will include a limit on the dollar amount of required improvements so that they may be spread out over time, and to ensure that there is a nexus between the investment and the energy savings to limit the potential cost impact that could be passed on to a tenant.
- For tenants of permanently affordable units or those who use Section 8 vouchers, there are limits to the costs that tenants pay that would provide protection against rent increases related to energy efficiency improvements.

Encourage Creation of Accessory Dwelling Units

Policy Reform Goal

The goal of this reform is to encourage the creation of Accessory Dwelling Units (ADUs) to support homeowners as they age in place, provide a flexible option to help owners continue afford their homes, and add additional affordable housing options within existing neighborhoods.

Proposed Reform

In order to achieve this goal, the following proposal builds on the recommendations that were presented in the City's 2018 ADU White Paper, which was supported by the Council's CDNR Committee. The proposed zoning reform includes:

- Allow ADUs for all existing and new single family homes in all zoning districts as a permitted use, and no longer require that an ADU be subject to conditional use review by the DRB. Some ADUs may still be subject to design review approval by the DRB.
- No longer require an ADU to have a dedicated parking space.
- Allow the ADU to be up to 30% of the combined finished area of the primary home and ADU, or up to a maximum size of 800 sq.ft., whichever is greater. The alternative maximum size is intended to remove the barrier faced by smaller homes throughout the city.
- Create a process by which the DRB can grant a waiver for an ADU to exceed the lot coverage limits if stormwater impacts are addressed. This waiver process is intended to address the barrier faced by smaller lots throughout the city that are already legally at or over their lot coverage limit.

Framing the Burlington Context

- ADUs have been legal in Burlington since statewide enabling legislation was passed in 2005. However, despite zoning policy reforms in 2008 to make ADUs more permissive, as of July 2019 only 45 ADUs have been legally permitted and ultimately constructed.
- The median single-family home size in Burlington is 1,500 sq.ft.; current zoning would enable up to a 625 sq.ft. ADU size for a home of this size. However, in some areas of the city,

such as Wards 3 and 7, the predominant single-family home size is much smaller, which would likely limit the maximum ADU size to just 400-550 sq.ft.

- Approximately 20% of single-family home lots in the city are less than 6,000 sq.ft., with around 10% that are smaller than 4,000 sq.ft. This means that in many areas of the city where existing single-family lots are near, or in some cases are already over, the 35-40% lot coverage limits, creating an ADU that in any way expands the property's impervious cover would not be permitted.

FAQs about this Policy

If the proposal incentivizes ADUs, how will the City ensure they are not all used as short-term rentals?

- Some ADUs may be used as short-term rentals—owners realize many similar benefits from ADUs and short-term rentals. However, property owners who wish to rent an ADU as a short-term rental will be required to meet the zoning requirements for a short-term rental (see details below). Most specifically, a short-term rental would be subject to conditional use review and would be required to provide a parking space. Further, if an ADU is converted to a short-term rental after it has been used as another form of housing, it would be subject to the requirements of the Housing Replacement Ordinance. Lastly, any ADU that is used as a short-term rental, along with meeting all of the above criteria, will continue to be required to be owner-occupied.

How can we help make creating an ADU more accessible to homeowners?

- Based on a 2017 survey of Burlington ADU owners, the top resources requested were technical assistance and a guide to ADU rules and the permitting process. The City and Homeshare VT received a grant to launch a pilot ADU Technical Assistance Program modeled after, and supported by, the successful ADU program in Brattleboro, VT. The program helps homeowners evaluate whether an ADU is right for them, the feasibility of creating one, and offers assistance on how to begin the process. Through this program, partners are further planning to create a design and assistance guide.
- The change to the permitting requirements will also aid in making an ADU more accessible. Another top reported concern from the 2017 survey was the complexity of the City's permitting process. It is intended that by allowing ADUs as a permitted use, rather than a conditional use, and by not mandating an on-site parking space, fewer applications will go before the DRB, thus reducing complexity, saving applicants time and permitting fees, and potentially narrowing the scope of physical improvements needed to create an ADU.

Creating a Regulatory Framework for Short-Term Rentals

Policy Reform Goal

The goal of this reform is to create a regulatory framework for short-term rentals that includes tiers for different types of rentals, and disincentivizes the most impactful uses in order to protect the city's housing supply. This reform seeks to limit the number of housing units that can be converted to short-term rental uses, and ensure that those conversions contribute to the City's efforts to

preserve and expand permanently affordable housing, while also preserving some flexibility for hosts to use their homes and earn income, as well as recognizing that some supply of short-term rentals benefits the Burlington economy. (See feedback from Housing Summit.)

Proposed Reform

In order to achieve this goal, the following zoning and housing code reforms are proposed:

- Create clear standards for short-term rentals that differentiate between a ‘bedroom(s) within a unit’ and a ‘whole unit’ short-term rental for zoning, rental registration, and minimum housing code requirements.
- Require all hosts of short-term rentals to apply for a zoning permit and register as a rental unit with the Department of Permitting & Inspections, meet minimum maintenance and fire safety standards consistent with those required by the State of Vermont, and remit state and local Rooms & Meals taxes.
- Expand the existing zoning standards for Bed & Breakfast to explicitly recognize ‘bedroom(s) within a unit’ short-term rentals, and continue existing standards as outlined:
 - Property must be the host’s primary residence. In residential zones, up to two rented rooms are permitted, while three or more rented rooms are reviewed under conditional use requirements. In mixed-use zones, up to five rented rooms are permitted.
 - Required to provide one parking space per rented bedroom in residential districts.
- While rental registration is proposed for all short-term rentals, continue the existing exemption from minimum housing inspections for the rental of one or two bedrooms within an owner-occupied home even when those rooms are rented as short-term rentals.
- Create a new ‘Whole Unit Short-Term Rental’ use within the zoning ordinance, that is considered a non-residential use, with applicable standards as outlined:
 - Host (owner or tenant) is required to be a resident of the property/building in which the rental is located. Whole unit rentals are proposed to be a permitted use in mixed-use zones, but a conditional use in residential and institutional zones.
 - Limit the total number of whole-unit rentals within a building, based on the number of units within the building:
 - 1 short-term rental within buildings containing 1-3 units (including ADUs)
 - 2 short-term rentals for buildings with 4-5 units
 - 3 short-term rentals in buildings with 6 or more units
 - Any building with 4+ short term rentals is considered to be a hotel
 - Have an overall limit on the number of short-term rentals on a lot, regardless of the number of buildings.
 - Require a parking space for each short-term rental unit in all zoning districts.
- Continue to apply the Housing Replacement requirements to any housing units converted to a non-residential use (i.e. whole-unit short-term rental). Housing replacement is not required when a new unit is constructed and initially permitted as a short-term rental.

- Continue the existing “temporary” standards in the zoning ordinance, which would exempt short-term rentals from zoning requirements for those rentals leased less than 10 consecutive and 30 total days within any 12-month period.

Framing the Burlington Context

Based on data from the City of Burlington, Host Compliance (HC), AirDNA, and AirBnB the following is intended to provide a snapshot of the short-term rental landscape in Burlington in 2019:

- 410 unique short-term rental listings across many platforms (HC). This represents approximately 2% of all housing units in the city. There was a 25% increase in short-term rentals between 2018-2019 (HC), and the total number doubled from 2016-2019 (AirDNA).
- AirDNA reports 66% of rentals are for the whole housing unit, and that 76% of listings were efficiency, one bedroom, or two-bedroom units.
- Presently, short-term rentals have been handled under the City’s zoning standards as a Bed & Breakfast or a hotel. However, it is estimated that 95% of these units are operating with no zoning permit. Additionally, it is unclear how many of these units have been subject to life safety inspections through the rental registration process.
- In a 2019 press release, AirBnb reported that Burlington was the #1 destination for their guests visiting Vermont in the summer 2019. Per Host Compliance, the average monthly revenue for a short-term rental in Burlington was \$2,700, at an average nightly rate of \$161 per unit; for a short-term rental to earn this amount of revenue, it is estimated to be rented for around 200 nights per year.
- The City collects a 2% Rooms & Meals tax on income from short-term rentals. In 2019, the City’s Housing Replacement fee for a 1-bedroom rental unit was \$7,930.
- AirBnB reported that 63% of Burlington hosts self-identify as women, and 31% self-identify as being 60 and older.

FAQs about this Policy

Why not consider an outright ban on short-term rentals?

- Many have expressed their support for short-term rentals as a flexible, low-barrier way for hosts to earn income to offset their cost of living, stay in their home, enable them to more efficiently use space within their home, or to find ‘mid-term’ tenants (i.e. to market an available bedroom to a traveling faculty, researcher, etc). This proposal intends to enable these benefits, while limiting the proliferation of entire units as short-term rentals.
- Others have noted the city-wide economic benefit of short-term rentals in bringing visitors to the city, and the ability for short-term rentals to serve as a more affordable alternative to traditional lodging. This proposal intends to enable some short-term rentals to balance this benefit, while limiting wide-spread impact on long-term housing options.

What impact does this policy have on renters? What benefits?

- The most significant benefit to renters is reduced competition for rental units by requiring the host to live on the same property as the short-term rental, and by limiting the total number of rentals in each building. This limits the potential for individuals/management companies to operate multiple properties and/or a large number of units within a building for short-term rental purposes which removes those units as long-term housing.

- For short-term rentals that replace a long-term housing unit, a host is required to either create an equivalent unit elsewhere, or pay a Housing Replacement fee. The fee is intended to represent the cost to the Housing Trust Fund to create or preserve a permanently affordable housing unit of equal size. Thus, this fee will generate revenues to expand the capacity of the Housing Trust Fund to offset the loss of the housing unit.

Does this policy benefit only those individuals with the financial means to own a multi-unit property or comply with housing replacement fees?

- Under this proposal, there are two low-barrier options for hosts to realize the economic benefits of short-term rentals within their existing homes without major physical improvements and/or impact fees: by renting as a ‘temporary use’ for fewer than 30 nights per year, or by renting up to two bedrooms within their home. In the former scenario, the City’s zoning requirements would not apply, and in the latter, minimum housing code inspections would not apply. In both scenarios, Housing Replacement fees would not apply.

How will the City enforce the proposed regulations, particularly regarding the occupancy of the host?

- The City anticipates working with a third-party provider to regularly monitor short-term rental listings across platforms, to be compared to the City’s rental registration list. Rental registration is renewed annually, which requires a number of details to be submitted, including the address of the owner. This proposal will further require questions to be answered about any short-term rental use of the property.

How does this proposal compare to other communities’ regulations for short-term rentals?

- Approaches that cities have used to regulate short-term rentals vary widely. Bar Harbor, ME created a permissive framework, simply requiring a registration process that includes standards for the health and safety of guests. Based on the concern about the impact on local housing supply, Portland, ME created a limit on the number of short-term rentals within a building based on the total number of units in a building, and whether the building was owner or renter-occupied. Facing a notorious housing crisis, San Francisco, CA has created a robust set of zoning and building code standards, and established an entire office to enforce these regulations. The State of Vermont requires minimum life safety standards and payment of Rooms and Meals taxes. This proposed approach builds on the State’s requirements, and falls between the Portland, ME and San Francisco, CA models.

Revise Requirements for Creation & Use of Parking Spaces

Policy Reform Goal

The goals of this reform are to reduce a significant factor in the cost to construct, maintain, and lease housing units, therefore increasing the affordability of those housing units; allow more space within new development to be used for creating housing units; recognize the context-sensitive nature of parking and driving behaviors; and support a more robust system of transportation choices that enables the city to meet its Net Zero Energy goals.

Proposed Reform

In order to achieve these goals, the following zoning and impact fee reforms are proposed:

- No longer mandate a specific number of new parking spaces that must be created for developments within certain areas of the city and for certain types of projects, including:
 - Developments located within the downtown, neighborhood mixed-use, and neighborhood activity center zoning districts;
 - Developments located within the first 200 ft. of a property with frontage along a major thoroughfare which connects mixed-use areas of the city and is served by a high-frequency transit route, including North Avenue, Riverside Avenue, Colchester Avenue, Main Street, Pine Street, and Shelburne Road/St. Paul Street.; and
 - Projects that create permanently affordable housing or involve the adaptive reuse of a listed historic building.
- Enable greater sharing of private parking that has already been built, so that it can be used more efficiently through repurposing, sharing with other users, or being made available for public use.
- Maintain a limit on the maximum number of parking spaces that can be built as part of a new development to reduce the oversupply of unused parking spaces, and modernize standards for the size and layout of parking spaces and lots for more efficient design.
- Evaluate how the current Traffic Impact Fee could be used to support the expansion and increased use of alternative modes of transportation (including but not limited to transit, biking, and walking).

Framing the Burlington Context

- Burlington did not begin requiring parking for new development through zoning until the 1970s; up until 1986, developments within the downtown core were exempt from requirements to build a prescribed number of spaces.
- In 2008, three parking districts were established in the zoning ordinance to ensure that the required number of parking spaces was based on the geographic context of the development.
- As part of the *planBTV: Downtown & Waterfront Plan*, a comprehensive evaluation of parking use was conducted which illuminated that 40% of parking in existing private parking lots and garages was vacant most of the time. It is estimated that if these existing parking spaces were utilized more fully, they could support an additional 700+ housing units and 350,000 sq.ft. of commercial space without building any new parking.
- Since 2013, BBA has been working with the City to implement a downtown parking management program to better utilize existing parking resources, and make private parking resources available for public parking needs. In 2019, BBA found that despite the loss of about 500 parking spaces at CityPlace, there are still hundreds of unused parking spaces available to the public even at peak times.
- A single on-site parking space adds 15-20% to the cost of a typical residential unit (~\$200-\$300/mo.) and can cost between \$20,000-50,000 to build.
- About 39% of all Burlington workers don't drive to work; about 15% of all households city-wide, and 25% of households in neighborhoods closest to the downtown, don't have a car. This is the equivalent of almost 2,400 households and about 20% of all renters.

FAQs about this Policy

What has this looked like in other communities that have eliminated their parking minimums?

- Hundreds of communities across the country (and world) have successfully removed these now largely discredited requirements in the last decade, while hundreds more never had them to begin with. Examples include: Buffalo, Ithaca, New York, and Rochester NY; Hartford, Norwich and Stonington CT; Manchester and Dover NH; Bath and Belfast ME, among many others. These communities have taken a range of approaches, from no longer requiring a certain amount of parking in new developments city-wide, to exempting projects in certain locations from new parking requirements.
- Communities that have measured results have found that developments continued to build 40-60% of the parking spaces that the city would have otherwise required.
- A [recent study](#) by the City of Portland, OR found that without a requirement to build new parking spaces, a 32-unit building consisting of permanently affordable and working- and middle-class condominiums was the most profitable form of development in medium density areas of the city. Alternatively, if parking were required, the most profitable form of development on the same lot would be just 10 townhomes, where each unit would cost greater than 2.5 times the price of a unit the condo building. This analysis illuminated that requiring parking would lead to the creation of fewer, and significantly more expensive, housing units.

What are the anticipated positive impacts of this policy change?

- It is important to emphasize that this proposal does not mandate the elimination of existing parking spaces. It simply takes the city out of the business of mandating that a certain number of parking spaces have to be created.
- Development happens slowly over time, and as such, any impacts associated with this change will happen over many years as new developments are created.
- Enabling a project to determine its specific parking needs means that parking spaces will be built in areas of the city and for types of projects where they are needed most, while potentially reducing the number of new spaces built in places, like downtown, where robust alternatives exist, thereby helping facilitate increased use and investment in these systems.
- It is anticipated that this flexibility will reduce a significant barrier that makes the creation of new housing (and any new development) infeasible and/or expensive. This is particularly important for projects creating permanently affordable housing, where the cost of parking is an even larger burden/barrier.

What are the anticipated negative impacts of this change, particularly on the demand for public spaces and the “spillover parking” impacts in nearby neighborhoods?

- The parts of the city where it is proposed that new parking is no longer mandated, are those that have a much lower demand for parking due to a mix of uses, because they are easily reached on foot or by bike, and because they have direct access to one of the city’s high frequency public transit routes.

- In some of these locations, there is also a supply of existing parking that is actively managed to ensure that spaces are being used as efficiently as possible, and where underutilized, could be re-purposed to support the parking needs of new developments.
- The City's Residential Parking Program allows residents to request that on-street parking be prioritized for residents of the street through a permit process, which offers route to manage parking on streets close to these mixed-use areas.

Why doesn't this proposal include a payment-in-lieu option, which would require the payment of a fee in place of building required parking spaces?

- A major goal of this proposal is to remove a significant barrier to the creation of housing and its affordability. If the cost were set appropriately, a payment-in-lieu option may help to reduce this barrier somewhat; however, it is still an unnecessary cost associated with parking that is ultimately not needed. Further, if the payment amount is set too high, it is unlikely to be utilized and would provide no benefit at all.

Increase Dedicated Revenues for the Housing Trust Fund

Policy Reform Goal

The goal of this reform is to increase and restore the level of dedicated funding to support the creation and preservation of permanently affordable housing through the Housing Trust Fund.

Proposed Reform

In order to achieve this goal, the following charter change is proposed:

- Establish a specific and dedicated tax for the Housing Trust Fund at 1 cent per \$100 of assessed property value.
- Structure the fund so that, unlike has happened in the past, the fund is not eroded by inflation over time.

Framing the Burlington Context

- Since its creation in 1990, the Housing Trust Fund (HTF) has been the city's largest source of municipal funding for affordable housing, and has contributed nearly \$5.9M (of nearly \$7.4M in total investment) to support the creation and preservation of 1,686 affordable housing units and 117 beds. These projects have included new multi-family senior housing, adaptive reuse projects, co-ops, transitional housing, and individual residential sites.
- From its creation until 2006, the HTF was funded at a rate of 1 cent per \$100 of assessed property value. From 2006 on, this was reduced to ½ cent per \$100 of assessed value. Currently, this generates \$200,384 annually. From 2016-2019, Mayor Weinberger and the City Council have contributed additional general funds to the HTF for an annual contribution that reflects the previous one-cent funding level.
- In addition to the dedicated tax, other revenue sources that contribute to the fund include inclusionary zoning payments in lieu (there have been no contributions from this source since 2011), general fund discretionary contributions (such as those by the Mayor 2016-2019), and Housing Replacement payments (roughly once every 1-2 years).

FAQ's about this Policy

What is the estimated impact of this proposal on Housing Trust Fund, and cost to taxpayers?

- Under this proposal, it is anticipated that the annual funding to the HTF would increase from \$200,384 to a projected \$494,775 by 2021. The tax impact for the average Burlington homeowner would increase from \$12.41 annually today, to \$23.00 annually in 2020, to a projected \$30.67 by 2021 (see chart below).

What about a larger dedicated tax rate?

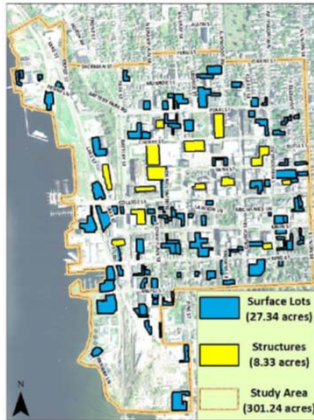
- While the City is pursuing this reform, it is also making other policy changes that may result in substantial new revenue streams to the HTF, including new payments from Inclusionary Zoning payments-in-lieu, and by ensuring that certain short-term rentals pay Housing Replacement fees. Housing Replacement fees can range from approximately \$8,000 to more than \$40,000 depending on the type and size of the unit being displaced.
- With the anticipated city-wide reappraisal, the revenue from the dedicated tax alone is projected to rise to nearly a half-million dollars by 2021. A dedicated tax rate of \$0.01 increases funding while balancing the burden on property tax payers. Starting at this level will allow the City and taxpayers to evaluate, in subsequent years, the actual new revenue collected for the fund and the impact to property owners following the reappraisal.

Impact to Taxpayer of Housing Trust Fund Rate of One Penny				
	Assessed Value (median)	Currently Paid to Existing HTF/year (1/2 penny)	Proposed/year (after penny increase)	Proposed/year (after penny increase) after City-Wide Reassessment*
Single Family	\$230,000	\$12.42	\$23.00	\$30.67
Rental Building (3+ units)	\$439,100	\$23.71	\$43.91	\$58.55
Commercial Property	\$608,000	\$32.83	\$60.80	\$81.07
Annual HTF Contribution		\$200,384	\$371,081	\$494,775
<i>*assumes a common level of assessment of 75%</i>				
Impact to Taxpayer of Housing Trust Fund Rate of One-Point-Five Pennies				
	Assessed Value (median)	Currently Paid to Existing HTF/year (1/2 penny)	Proposed/year (after 1 1/2 penny increase)	Proposed/year (after 1 1/2 penny increase) after City-Wide Reassessment*
Single Family	\$230,000	\$12.42	\$34.50	\$46.00
Rental Building (3+ units)	\$439,100	\$23.71	\$65.87	\$87.82
Commercial Property	\$608,000	\$32.83	\$91.20	\$121.60
Annual HTF Contribution		\$200,384	\$556,622	\$742,163
<i>*assumes a common level of assessment of 75%</i>				

Minimum Parking Requirements



Parking occupies a lot of land.

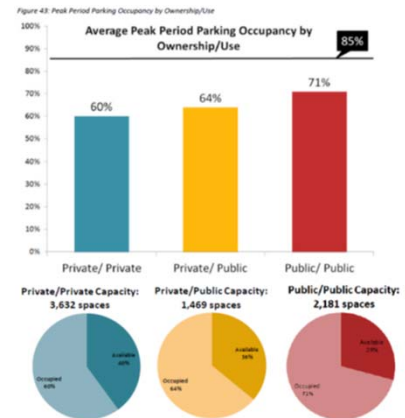


14% of the downtown land area

Parking is expensive to build and maintain. Many parking spaces go unused.

	Construction Cost (per space)	
	Above Ground	Below Ground
Boston	\$25,000	\$31,000
Nat. Ave	\$24,000	\$34,000

- Parking adds 15-20% to the cost of a housing unit
- 39% of BTV workers do not drive to work
- ~15% of all households citywide do not have a car

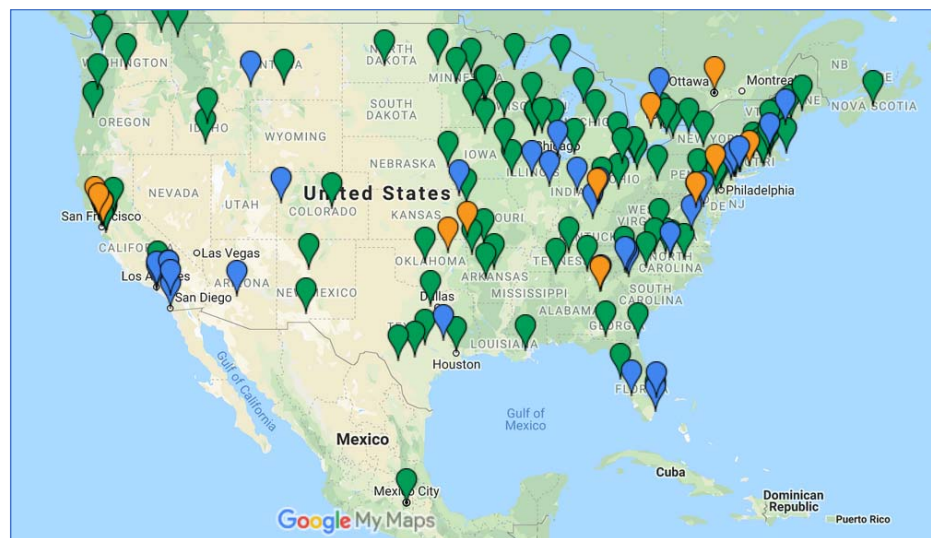


Minimum Parking Requirements

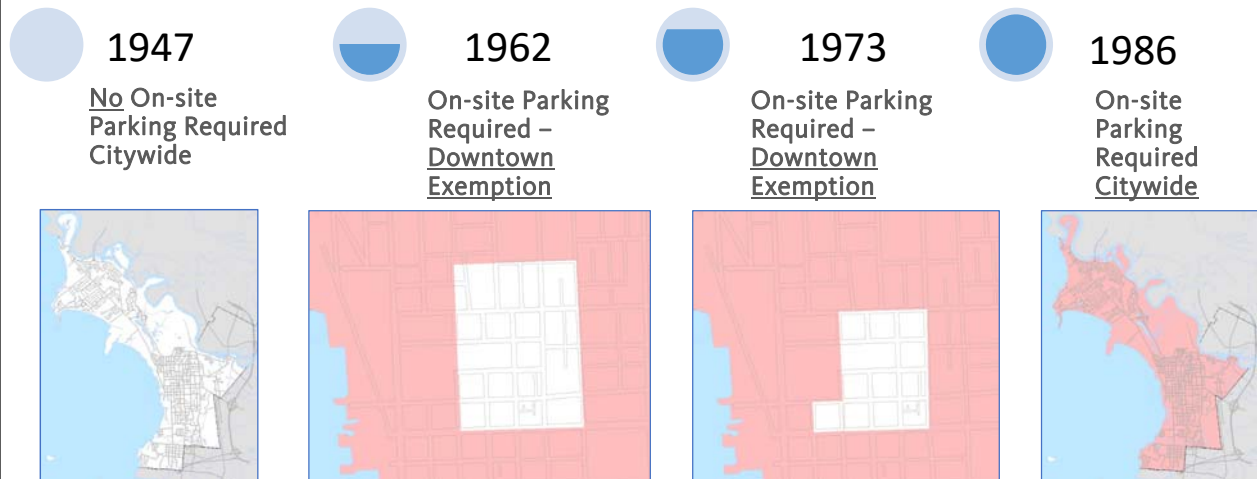


~130 towns, cities and counties across the country that have taken efforts to completely or partially eliminate their parking minimums – hundreds more never adopted them to begin with

Some notables – Buffalo & Ithaca NY, Hartford CT, San Francisco CA, Asheville & Durham NC, Providence RI, Bozeman MT, Manchester & Dover NH, and Bath, Portland and Belfast ME



Minimum Parking Requirements



Minimum Parking Requirements

What are we trying to accomplish?



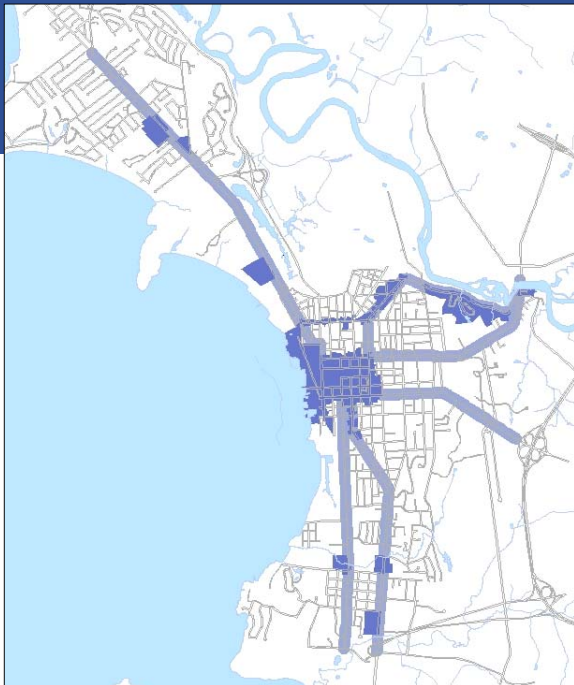
- **Remove a significant barrier to the creation of housing (and any new development) and it's affordability**
 - Each parking space adds \$20,000-50,000 to the cost of new development
 - A parking space can add 15-20% to the cost of an individual housing unit
 - Parking can consume 30-50% of the physical space available for new development
 - Not every property can physically accommodate on-site parking in an economical way due to its size/shape
- **Specifically target types of housing development where the cost of parking is an even larger burden/barrier**
 - Development of affordable housing is very challenging and resource-constrained
 - Low-income owners/renter are disproportionately impacted by the cost of parking
 - Rehabilitation of historic buildings is especially challenging and expensive, and involves developed sites where there is no space left to accommodate additional parking
- **Allow new parking that is created to be more efficiently laid-out**
 - The current dimensional requirements for parking spaces and lots/garages are excessive, and therefore consume valuable space unnecessarily and can make some sites undevelopable.

Minimum Parking Requirements

What are we trying to accomplish?



- **Enable more efficient use of parking spaces that we already have**
 - 40% of existing private lots and garages downtown are vacant most of the time
 - Existing zoning permits constrain the ability of these spaces to be used by others and/or re-purposed
 - Underutilized parking downtown could support >700 housing units and ~350k sqft of commercial use
- **Facilitate the use of alternative modes of transportation**
 - Requiring a parking space is a significant incentive and subsidy for increased car ownership and use.
 - Enables a conscious choice by owners and tenants regarding their need for a parking space and to own a car
 - Increase use and reliance on walking, biking and transit
 - Reduce traffic congestion, greenhouse gas emissions, and the reliance on fossil fuels.
- **Increase capital investment for a broader range of transportation and parking infrastructure**
 - Current Traffic Impact Fee can only be used for intersection improvements
 - No similar development-related funding source for transit, pedestrian and biking capital improvements
- **Encourage new development and infill where it is wanted/needed most**
 - Areas proposed encompass those areas identified in planBTV for future development both now and in the future – mixed-use and transit-oriented



Minimum Parking Requirements



Proposal:

Eliminate the minimum parking requirements for new development in:

- Downtown
- Neighborhood Activity Centers
- The first 200-ft of depth of properties fronting on major thoroughfares

And, for any of the following regardless of where they are located:

- Permanently affordable housing units
- Rehabilitation of a listed historic building
- Accessory Dwelling Units

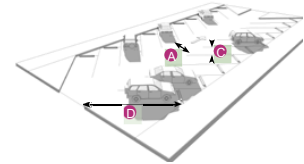
Note: The creation of on-site parking would still be allowed up to the maximum currently permitted.

Minimum Parking Requirements



And...

- **Enable a more efficient use of the parking we already have, and the space needed for new spaces**
 - ☐ Release existing development from the on-site parking requirements of their current zoning permits so that un/under-utilized spaces can be put to better use – redeveloped or shared with nearby properties
 - ☐ Modernize the dimensional standards for parking spaces so that new parking doesn't require as much space
- **Ensure that alternative forms of transportation are supported and readily available**
 - ☐ Modernize the current Traffic Impact Fee into a more holistic and comprehensive "Transportation and Parking Impact Fee" to support future capital improvements



Resolution Relating to

HOUSING POLICY REFORMS

RESOLUTION 6.05

Sponsor(s): Councilors Mason, Dieng, Roof and Paulino

Introduced: 10/07/19

Referred to: _____

Action: adopted as amended

Date: 10/07/19

Signed by Mayor: 10/16/19

CITY OF BURLINGTON

In the year Two Thousand Nineteen

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, in 2015, the City of Burlington adopted a Housing Action Plan, which recognized that
2 housing availability and affordability has been a key challenge for the City for more than 30 years and
3 proposed 22 strategies to address those challenges; and

4 WHEREAS, the City has implemented many of the strategies proposed in the Housing Action Plan
5 including strategically applying municipal resources to support affordable housing, resulting in the creation of
6 215 new permanently affordable homes since 2015 and the preservation of 200 additional permanently
7 affordable homes since 2015, increasing the City's general fund contributions to the Housing Trust Fund
8 to nearly double the Housing Trust Fund between FY16 and FY19, undertaking a comprehensive update to the
9 inclusionary zoning ordinance, and creating a grant program in partnership with Vermont Center for
10 Independent Living (VCIL) to assist homeowners with rehabilitation and access modifications to support
11 aging in place; and

12 WHEREAS, these strategies have also focused on reducing chronic homelessness, including
13 implementing a coordinated entry system to streamline access to housing supports and resources for people
14 experiencing homelessness and providing funding to extend the season of the low-barrier warming shelter
15 through June 15; and

16 WHEREAS, these strategies have also included creating housing for college students and improving the
17 quality of life in historic neighborhoods, and while more work needs to be done, specifically by the University
18 of Vermont to more fully meet the needs of our community with on-campus student housing, these strategies
19 have included developing the Neighborhood Project Toolkit for near-campus neighborhoods, working with the
20 University of Vermont and Champlain College to create about 600 new beds for students, and formally
21 agreeing with the University of Vermont to work toward a new Memorandum of Understanding regarding
22 additional student housing by June 30, 2020 at the latest, with quarterly updates to the Council on progress
23 being made on this important initiative; and

24 WHEREAS, the City has also continued to strengthen its enforcement efforts, including implementing
25 the "5 star" rating system that allows tenants to see the compliance history of a rental before they sign a lease

26 and indicates the property's compliance with minimum housing standards by way of a 1-5 rating; and the
 27 is committed to increasing awareness of this information and making it more accessible and user-
 28 friendly

29 WHEREAS, early signs suggest that these and other strategies implemented in recent years are
 30 working, such as the finding, from a recent report commissioned by the City of vacancy trends in the
 31 apartment market, that during the years 2006 to 2011 the city had an average vacancy rate of just 0.7 percent
 32 and over the past seven years the average vacancy rate more than doubled to 1.5 percent, with recent data
 33 indicating that rental inflation is also slowing; and

34 WHEREAS, a vacancy rate of 1.5 percent is still far below a healthy housing market; and

35 WHEREAS, in his 2019 State of the City address, Mayor Miro Weinberger outlined a plan to add
 36 remaining strategies of the Housing Action Plan and build upon its goals, including to 1) increase energy
 37 efficiency in rental housing, 2) encourage the creation of accessory dwelling units, 3) create a regulatory
 38 framework for short-term rentals, 4) eliminate minimum parking requirements in some areas of the city, a
 39 increase the level of dedicated funding to the Housing Trust Fund; and

40 WHEREAS, changes in policies in these five areas will contribute to structural fixes that will better
 41 support the availability and affordability of housing in Burlington; and

42 WHEREAS, a cross-departmental team of City staff from the Office of City Planning, Community
 43 Economic Development Office, Permitting & Inspections Department, and Burlington Electric Department
 44 have been meeting on a weekly basis through the spring and summer to further research and develop
 45 complementary recommendations in each of these five areas; and

46 WHEREAS, the Administration hosted the BTV Housing Summit on June 11, 2019 and the BTV
 47 Housing Summit – Part 2 on September 4, 2019, to obtain input from residents, stakeholders, and the public
 48 develop and refine the proposals related to this slate of housing policy reforms and future housing policy
 49 work; and

50 WHEREAS, in response to feedback that members of the public shared at these Summits, the Mayor
 51 has also tasked the Community and Economic Development Office to complete a review of tenant protection
 52 and deliver that review and recommendations for additional protections to the City Council by the end of
 53 October; and

54 WHEREAS, many of these policies are complementary to the City's Net Zero Energy goal, which
 55 require the Burlington of 2030 to be one where every building is much more energy efficient and where land
 56 use policies help support less energy use; and

57 WHEREAS, the Administration has asked for the support of the City Council to pursue each of the
58 reforms;

59 NOW, THEREFORE, BE IT RESOLVED that the City Council supports the Administration's goal of
60 pursuing the above referenced housing policy reforms; and

61 BE IT FURTHER RESOLVED that the City Council refers to its Ordinance Committee the following
62 proposal to prepare ordinance amendments that achieves- the stated goals (as well as any related amendments
63 necessary to achieve the identified housing policy reform) relative to the first strategy:

64 1) To increase energy efficiency in rental housing to improve the quality and comfort of rental units and
65 lower tenants' utility costs, address the "split incentive" paradigm, and reduce greenhouse gas
66 emissions by:

67 A) amending the Time of Sale Ordinance, which currently requires energy efficiency
68 improvements through building weatherization to rental housing only at the time a unit is sold, to
69 ensure that these improvements become part of the minimum housing standards for rental
70 units as enforced by the Permitting & Inspections Department, including through regular
71 inspections; and

72 B) applying the list of applicable weatherization improvements from the Time of Sale Ordinance, which
73 includes modern weatherization practices such as insulation in exterior walls, attic
74 spaces, functional weather stripping, and repair of air leaks, as well as others, to all rental units
75 that have an energy intensity rating of greater than 50,000 BTUs per square foot; and

76 C) raising the cap on the dollar amount of investment in weatherization that is currently required
77 by the Time of Sale Ordinance to a level that, while not unreasonably financially burdensome, is
78 designed to maximize expected energy savings and occupant comfort, be consistent with best
79 practices from other cold climate jurisdictions, eliminate the "cost effectiveness limitation" that
80 exists in the Time of Sale Ordinance today in favor of the more straightforward cost cap, and
81 rationally accommodate inspections and compliance, reflect the real costs and benefits of the
82 improvements, and rise with inflation; and

83 D) developing a timeline and process for implementation of this policy that is consistent with
84 Burlington's Net Zero Energy Roadmap, and identifying what resources, such as additional
85 staff time or external support, would be necessary to ensure proper compliance on that
86 timeline; and

87 BE IT FURTHER RESOLVED that the City Council additionally refers the following proposals to the
88 Joint Committee of the Planning Commission and the City Council Ordinance Committee to prepare

89 ordinance amendments that achieve the stated goals (as well as any related amendments necessary to achieve
90 the identified housing policy reforms) relative to the second, third, and fourth strategies:

91 2) To encourage the creation of Accessory Dwelling Units (ADUs) to support homeowners aging in
92 place, help homeowners continue to afford their homes, and add affordable housing options within
93 neighborhoods by:

94 A) allowing ADUs for single family homes in all districts as a permitted use;

95 B) eliminating the parking requirement for ADUs;

96 C) allowing ADUs to be up to 30% of the finished area on a lot, or up to a maximum size of 800
97 feet; and

98 D) creating a waiver process for consideration by the DRB for an ADU to exceed lot coverage
99 limits if stormwater impacts are addressed; and

100 3) To create a regulatory framework for short-term rentals that creates tiers for different types of short-
101 term rentals and disincentivizes the most impactful uses, thereby protecting the city's housing
102 supply by limiting the number of housing units that can be converted for short-term rental purposes
103 and ensuring that those conversions are contributing to the city's efforts to preserve and expand
104 permanently affordable housing, while also preserving some flexibility and ability to earn greater
105 income for Burlington homeowners, and recognizing that some supply of short-term rentals
106 benefits the Burlington economy by increasing options for visitors and by differentiating between
107 the rental of bedrooms within a unit (generally permitted) and the rental of the entire unit
108 (conditional use in residential districts) by:

109 A) updating the existing bed and breakfast definitions and standards to include per-bedroom standards for
110 term rentals;

111 B) limiting the number of whole-unit short-term rentals within a building so that any building with
112 four or more short-term rentals is considered a hotel;

113 C) exempting intermittent short-term rentals of less than 10 consecutive days or 30 total days in a
114 year from the requirement to obtain a zoning permit per existing temporary use standards;

115 D) requiring registration with the City in order to apply, monitor, and enforce life safety, nuisance
116 and applicable state standards to all short-term rentals through the City of Burlington's rental
117 registration process and related inspections; and

118 E) ensuring that the city's existing housing replacement standards apply to short-term rentals where
119 the rental replaces an existing housing unit; and

- 120 4) To revise the city's approach to minimum parking requirements, in order to reduce the cost to
 121 construct, maintain, and lease housing units; allow more space for additional housing units; and
 122 support a robust system of transportation alternatives by:
- 123 A) eliminating the requirement for a minimum number of parking spaces for new development
 124 is within the Downtown, Neighborhood Activity Center, and Neighborhood Mixed Use zones
 125 districts and is within the first 200 ft. of a property with frontage on a designated major
 126 thoroughfare, or for projects that involve permanently affordable housing or adaptive reuse of
 127 listed historic building;
 - 128 B) releasing permitting requirements for existing parking to enable greater sharing of existing
 129 parking;
 - 130 C) revising dimensional requirements so that new parking spaces do not require as much space
 131 and
 - 132 **D) revising parking maximums so as to prevent an overbuilding of parking that would**
 133 **undermine the goals of this policy change;**
 - 134 **E) creating other possible regulatory mechanisms, including transportation demand**
 135 **management requirements, to ensure additional investment in alternative transportation**
 136 **and**
- 137 BE IT FURTHER RESOLVED that the City Council supports the Administration to further carry
 138 the fourth strategy related to eliminating parking minimums by directing the Office of City Planning to
 139 prepare a proposal to submit to the Council for its consideration by January 1, 2020, that includes
- 140 - the necessary scope of work, budget, and timeline to conduct a study of how traffic impact
 141 can be used to support the expansion and increased use of alternative modes of transportation (including but
 142 not limited to transit, biking, and walking) as part of an effort to update Burlington's current system of impact
 143 fees, and
 - 144 - a goal of completing the study and proposing the impact fee changes by October 31, 2020,
 145 ~~an exploration of other possible regulatory mechanisms, including transportation demand~~
 146 ~~management requirements, to ensure additional investment in alternative transportation; and~~
- 147 BE IT FURTHER RESOLVED that the City Council refers to its Charter Change Committee the
 148 following recommendations concerning the fifth strategy:
- 149 5) To increase and restore the level of dedicated funding to support the creation and preservation of
 150 permanently affordable housing through the Housing Trust Fund by:

- 151 A) preparing a charter change to establish a specific and dedicated tax for the Housing Trust Fund
 152 at one cent per hundred dollars (\$.01 per \$100.00) of assessed property value, with the
 153 possibility of this tax increasing to one and a half cents per hundred dollars (\$.015 per \$100.00)
 154 **and two cents per hundred dollars (\$.020 per \$100.00)** of assessed property value;
 155 B) ensuring the Fund reflects inflation and changes in city-wide assessed values; and
 156 C) ensuring the ability of the Fund to accept additional funds from other sources, such as
 157 inclusionary zoning payment-in-lieu fees and housing replacement fees from converting long-term
 158 term to short-term rentals;
 159 D) requiring a review of the adequacy of the fund after the new revenue sources have been in place
 160 for three years; and

161 BE IT FURTHER RESOLVED that upon receipt, the Council refers to its Community Development
 162 and Neighborhood Revitalization Committee the review of recommendations regarding renter protections
 163 will be delivered by CEDO and the Department of Permitting & Inspections in October, so that the Committee
 164 may develop any further changes; and

165 BE IT FURTHER RESOLVED that the Committees are expected to report back to the Council in sufficient
 166 sufficient time to allow the Council to finalize any ordinance changes recommended by the Joint Committee
 167 (or in the absence of agreement, by the Ordinance Committee) and the City Council Ordinance Committee
 168 following public input, in time for the Council to take action at its first meeting of 2020, and if, because of
 169 detail involved in these proposals, this timeline proves impossible to meet, the Committees shall complete
 170 many of these items as possible within this timeframe and update the Council on the anticipated timeline of
 171 the remaining items at its first meeting of 2020; and

172 BE IT FURTHER RESOLVED that the Charter Change Committee will present any recommended
 173 change to charter language to the City Council in time for voters to take action at the March 2020 Annual
 174 Meeting.

175

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

Planning Commission
Ordinance Committee
Mayor's Office
Charter Change Committee

Linda Blanchard, City Attorney's Office

ORIGINAL

RESOLUTION RELATING TO

Housing Policy Reforms

Amended

Adopted by the City Council

October 7, 2019

Clerk

Approved: *[Signature]* October 10, 2019

Mayor

Attest:

[Signature]

Lori Olberg

Licensing, Voting and Records Coordinator

Vol. Page

* * * * *



BTV HOUSING SUMMIT

www.burlingtonvt.gov/btv-housing-policy

2015 Housing Action Plan

- **Expand municipal resources to support new low- and moderate-income housing creation, assist those ineligible for subsidy**
- **Consider land use reforms to address regulatory barriers and disincentives to housing production**
- **Pursue strategies for housing college students, improving quality of life and housing cost in historic neighborhoods**
- **Identify new approaches to homelessness in our community**
- **Provide appropriate housing options for an aging population**

In June, the Mayor and City team hosted the BTV Housing Summit to kick off the public conversation.



In September, reviewed policy reform proposals based on the summit:

- **Energy efficiency in rental housing**
- **Accessory Dwelling Units (ADUs)**
- **Short-term rentals**
- **Parking minimums**
- **Housing Trust Fund**



2019 Housing Summit Reforms

- **Updating standards for energy efficiency in rental housing**
- **Making it easier to build Accessory Dwelling Units**
- **Implementing regulations for short-term rentals**
- **Reforming requirements for building new parking**
- **Restoring and strengthening the level of funding for the Housing Trust Fund**
- **Based on summit feedback, CEDO & Dept. of Permitting & Inspections are researching and will be offering recommendations on tenant protections**

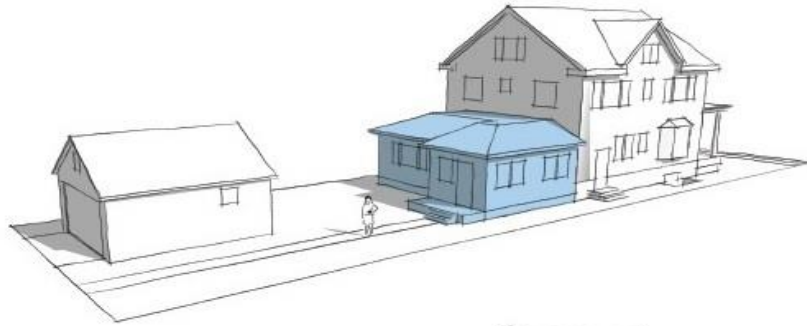
Council approved a resolution to advance this work

This resolution directs a number of Committees to review, discuss, and make recommendations on each of these proposals over the next several months.

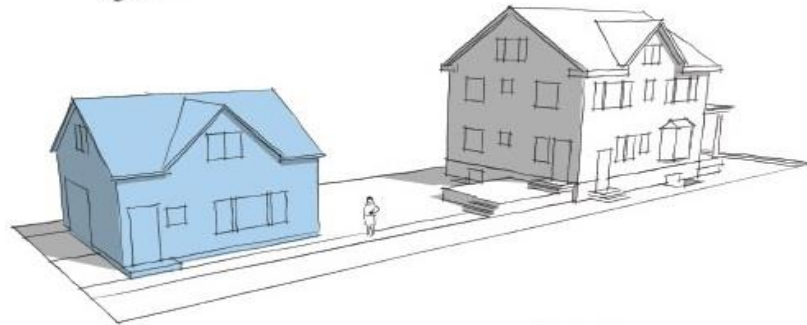
- **Joint Committee of the Planning Commission & City Council Ordinance Committee** to discuss zoning and housing code amendments associated with the short-term rental, ADU, and parking proposals.
- **City Council Ordinance Committee** to discuss housing code amendments associated with the energy efficiency proposal.
- **Charter Change Committee** to discuss proposed charter change language to put before voters regarding the Housing Trust Fund proposal.
- CEDO & Dept. of Permitting & Inspections will offer a review of Burlington's tenant protections, and a series of recommendations in October for consideration by the **Council Community Development & Neighborhood Revitalization Committee**.

For updates throughout, see www.burlingtonvt.gov/btv-housing-policy

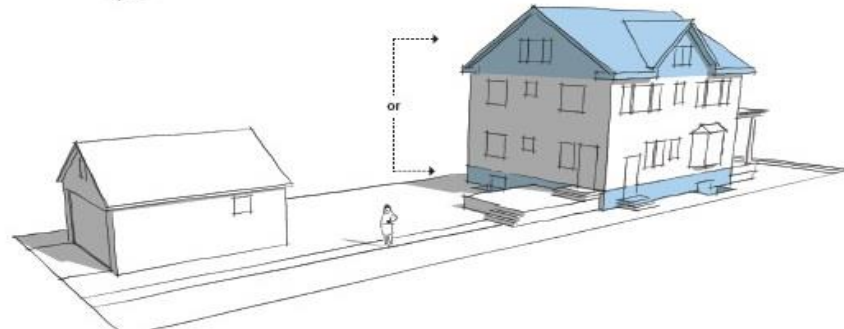
Accessory Dwelling Units



Attached

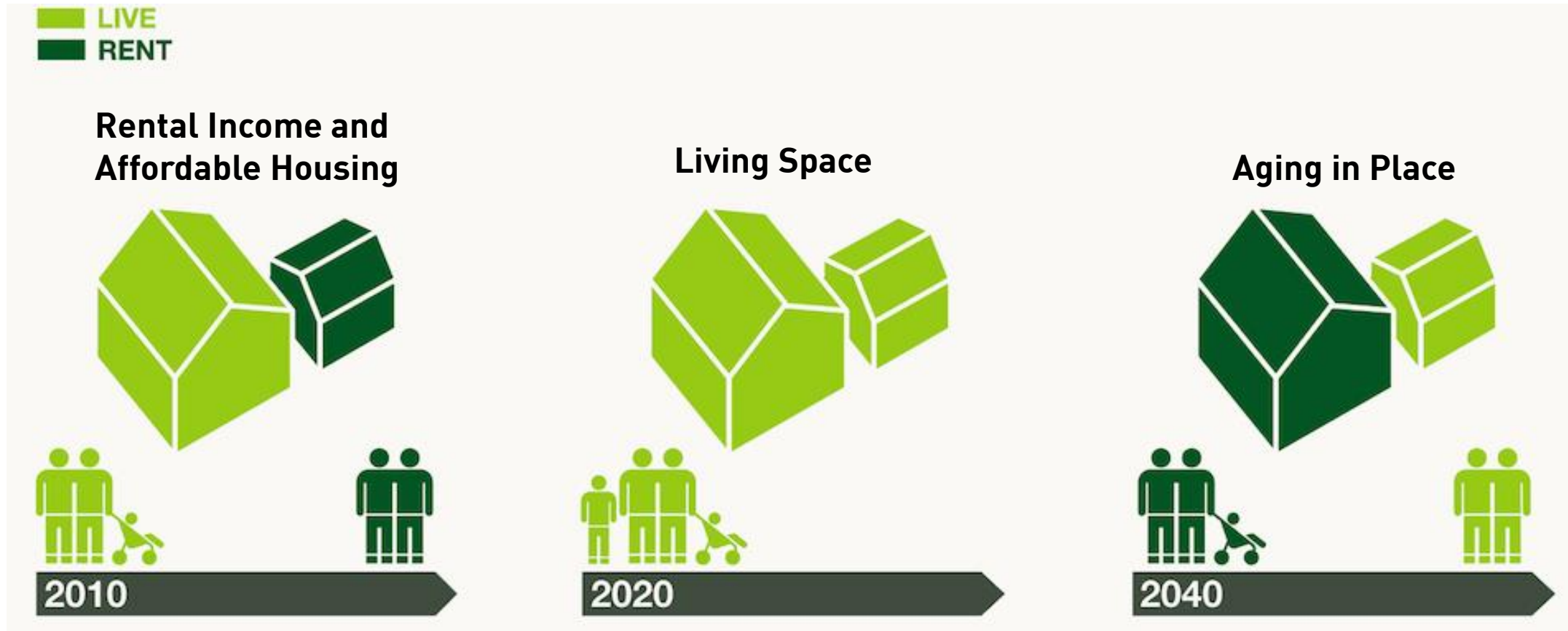


Detached



Internal Conversion

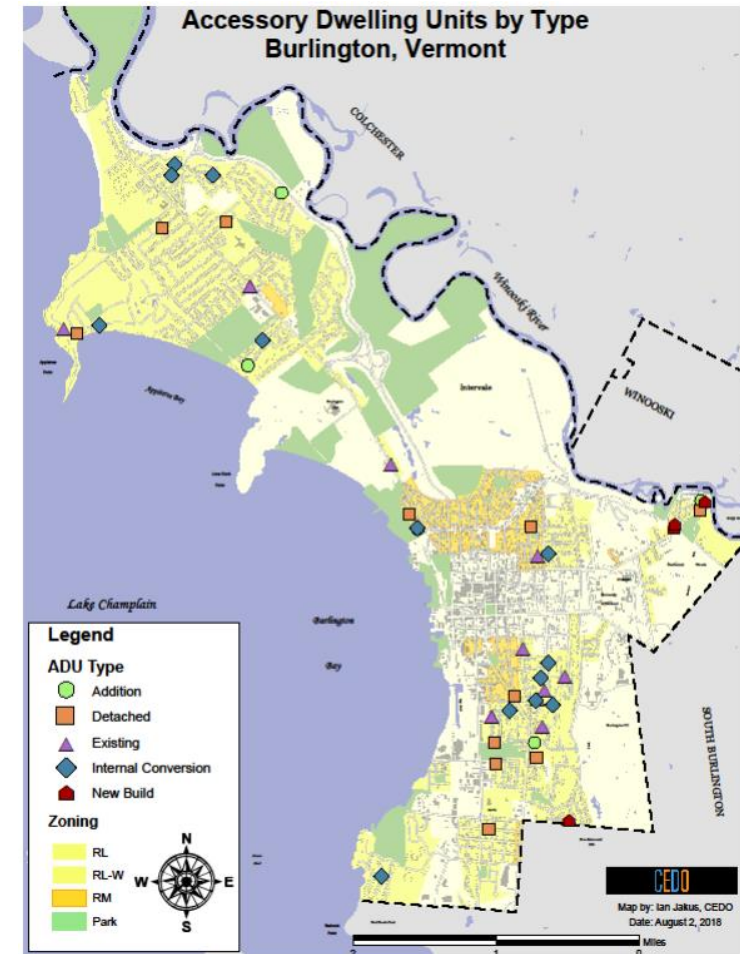
Accessory Dwelling Units



Review of ADU's in BTV 2018

Directed by the Housing Action Plan, and approved by Council's CDNR in 2019, the report:

- Reviewed benefits, impacts, and best practices for ADU's nationally
- Analyzed ADU development in Burlington (location & type of ADU's built, owner survey results)
- Made recommendations for regulatory and non-regulatory approaches to encourage ADU's



Find the report online at www.burlingtonvt.gov/cedo/adu

Housing Summit 2019

What We Heard

- Reconsider approaches to lot coverage, ADU size, and parking requirements
- Make permitting for ADU's simpler
- Encourage ADU's that offer affordable housing options, discourage use exclusively for Short Term Rentals



Proposed Policy Reform Framework

- ADU's allowed in conjunction with single-family home in all zoning districts
- Streamline permitting: creating an ADU not a primary reason for a project to go to DRB; only if other requirements triggered
- No parking space required for an ADU
- ADU size: 30% of gross floor area of primary home and ADU, or 800 sq.ft., whichever is greater
- Up to 50% of ADU footprint, or 400 sq.ft., exempt from lot coverage limit if existing lot coverage was legally created, and stormwater impacts are mitigated

Non-Regulatory Initiatives

- In partnership with Homeshare Vermont, CEDO working on an ADU technical assistance pilot program funded by State Housing Bond

Offers insights to real site conditions, barriers, opportunities from reforms

- ADU FAQ's on CEDO, P&Z and partners' websites; CEDO working to develop an ADU "how-to" resource guide
- Partners providing access to national resources, and local education/resources to members (Homeshare, AARP, BBA)

Questions

Discussion Points from Oct 15

The Committee and public shared the following questions/issues for further discussion:

- **Affordability-** relates to decisions about all of the issues below

Specifically, how to make them more affordable for owners to build?

- **Building & Fire Code Requirements for ADUs-** owners' experiences

What standards are applied, why, and how do we make sure that owners are not surprised by them?

- **Maximum Size limit for an ADU**

How did we arrive at 800 sq.ft. as the max size, and is this the right limit?

- **Parking Requirement**

Do we eliminate the requirement vs provide greater flexibility to accommodate?

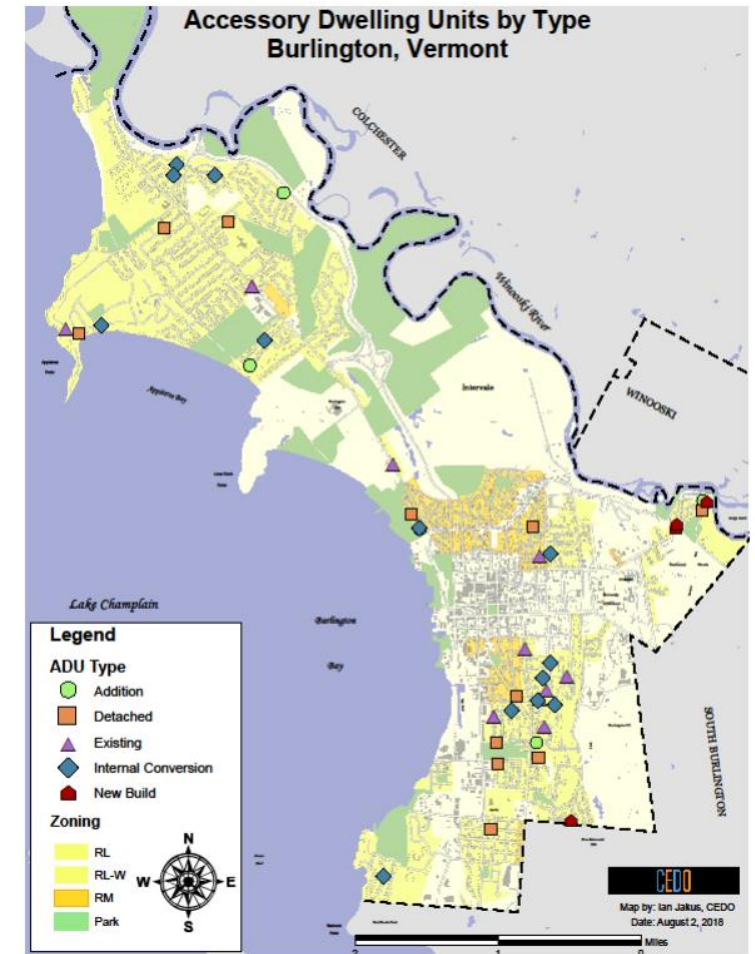
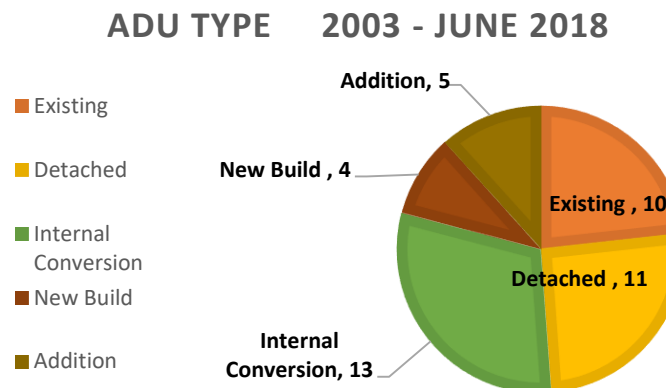
- **Potential Lot Coverage Waiver**

Could this be addressed through a bonus approach, how does this compare to what we allow for other types of impervious surface?

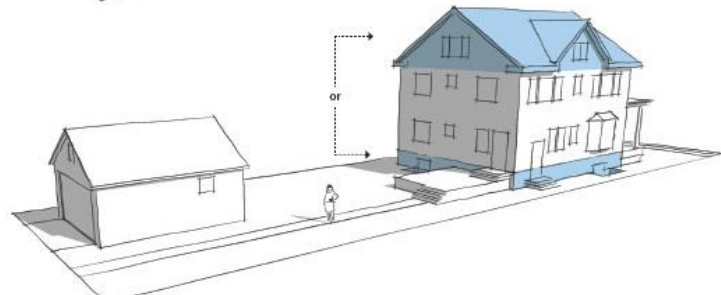
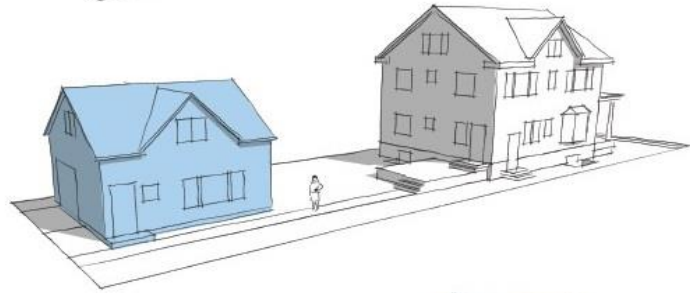
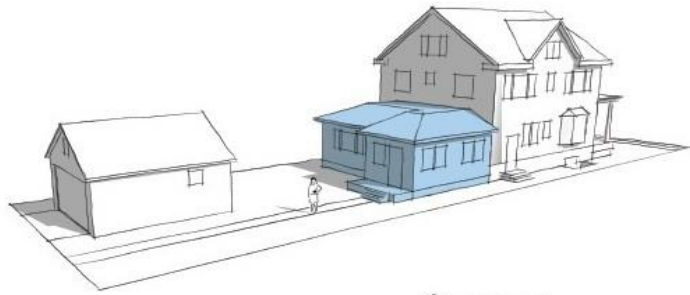
ADU's Built in BTV To-Date

Based on research for the *ADU's in Burlington White Paper*:

- About 50 have been built since 2008
- Range from 294 sq.ft. to 1,500 sq.ft, 80% are smaller than 800sq.ft.
- Cost to construct range from \$3,000 to \$150,000
Median cost \$40,000
75% less than \$100,000



ADU's Built in BTV To-Date



Cost to Build an ADU

From New Hampshire Housing Finance Agency's ADU Guide:

Discussing Kol Peterson's *Backyard Revolution*, the guide notes "small isn't necessarily inexpensive. A bathroom costs as much to install in a small home as in a big one. Attaching a self-contained dwelling to an existing home may cost more than building it as a free-standing house because it may require re-engineering part of the main structure. Basements and garages must be brought up to code..."

From "Jumpstarting the Market for Accessory Dwelling Units" by Turner Center for Housing Innovation at UC Berkley:

"To date, no city has developed a comprehensive and truly effective approach to assisting homeowners with financing ADU's. As a result, only the most affluent homeowners, who can tap into savings, are building ADU's. However, locally focused lenders, such as credit unions, are a valuable source of funding, and show potential for jumpstarting the ADU market."

Cost to Build an ADU

Also from “Jumpstarting”:

Three factors that lead to the success of ADU implementation:

- **Reform zoning regulations. Most effective have been: minimum lot size and floor area limits, minimize design review, and easing owner-occupancy requirements.**
Proposed increase to max ADU size, waive parking requirement (i.e. new impervious costs)
- **Waiving fees. Particularly permitting and utility connection fees.**
Proposed to eliminate Conditional Use may reduce permitting & design review costs for ADUs
- **Educate homeowners & provide technical assistance. Provide manuals, prototype plans, etc.**
Homeshare VT Pilot Program for lower-income homeowners, City FAQ on website, goal to produce a more robust how-to guide.

Cost to Build an ADU

Conclusions and Recommendations:

- **Reduce *Zoning* requirements that can drive up costs:**
 - **Eliminate Parking Requirement...may help reduce cost of new impervious surface**
 - Cost for driveways can be \$3-\$4 per sq.ft. or more (~300sq.ft. for parking space + access area = \$1,000+)
 - **Maintain flexibility regarding the type (attached vs detached) and location of an ADU, in order for an owner to make design decisions based on lot, unit needs, and budget**
 - **Eliminate Conditional Use (and corresponding permitting fees) requirements for ADUs**
 - Other types of Accessory Residential Structures & Uses are permitted, including garages, barns, storage sheds, tennis courts, cabanas for swimming pools (up to 75% of the ground floor area of the principal structure, and may encroach into rear and side yard setbacks)
- **Continue to work with partners on Technical Assistance and other approaches**

Fire & Building Code for ADUs

The same standards are applied to ADUs as to the creation of all new habitable area in the City, per adopted fire code standards:

- **Sprinklers are required for units and other habitable space:**
 - When the primary access to the unit/space is located between 50 -150 ft from a street
 - When the unit/space is not accessible through the primary home
 - When the access to the unit/space is located in a way that poses a risk for egress (i.e. only accessible through a garage or kitchen)
- **The most costly factor to this requirement is if a new or upgraded waterline is required. However, there may be some alternatives:**
 - When cost prohibitive, the fire code allows for a storage tank system to supply sprinklers
 - Combined domestic water/sprinkler systems if installed by qualified fitter/plumber
 - Locate the unit/space in a way that can be protected through fire-rating materials
 - A sprinkler system may replace requirements for egress, other fire-rating specifications

Fire & Building Code for ADUs

Conclusions and Recommendations:

- **Flexibility in size and placement of an ADU is key:**
 - **Enable most viable and cost effective placement of the ADU specific to the site's conditions (i.e. detached, replacing existing structure, addition/internal conversion)**
 - **Flexibility for the size of an ADU (i.e. if able to utilize on-site water tank option, needs to be placed within a heated space)**
- **Add more information about Fire Code into ADU FAQ's and Guide**

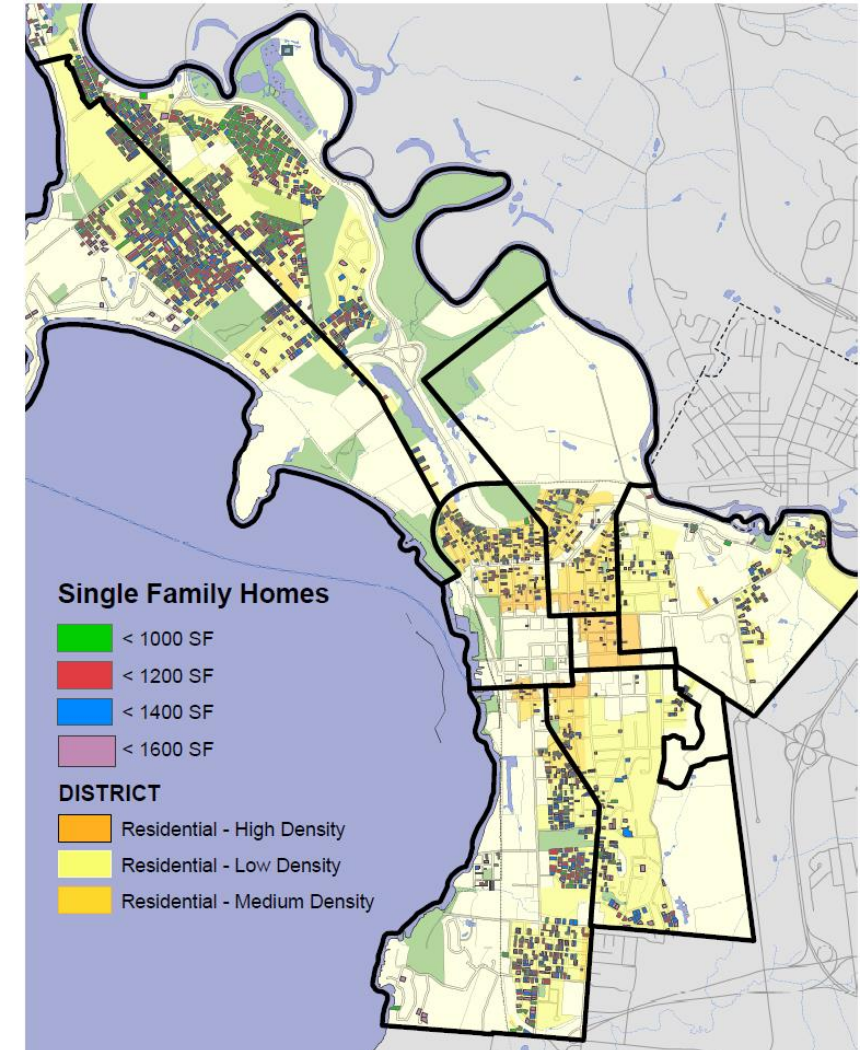
Maximum ADU Size

- Vermont Statute requires municipalities to allow ADU size up to 30% of the primary home
- According to current zoning ordinance, a 2,000 sq.ft. home can build an 800 sq.ft. ADU
- 80% of ADUs built in Burlington are smaller than 800 sq.ft.; ADU size is on average only 23% of the size of the primary home
- Median home size in Burlington is ~1,600 sq.ft., yet only 4 ADU's have been built on or in a home smaller than 1,600 sq.ft.

House Size	Permitted Max ADU Size under current CDO							
	300	400	500	600	700	800	900	1000
800	330	360	390	420	450	480	510	540
900	360	390	387	396	405	414	423	432
1000	390	420	416	419	422	424	427	430
1100	420	450	455	456	456	457	458	459
1200	450	480	496	497	497	497	497	498
1300	480	510	539	539	539	539	539	539
1400	510	540	582	582	582	582	582	582
1500	540	570	625	625	625	625	625	625
1600	570	600	667	667	667	667	667	667
1700	600	630	710	710	710	710	710	710
1800	630	660	753	753	753	753	753	753
1900	660	690	796	796	796	796	796	796
2000	690	720	839	839	839	839	839	839
2100	720	750	882	882	882	882	882	882
2200	750	780	924	924	924	924	924	924
2300	780	810	967	967	967	967	967	967
2400	810	840	1010	1010	1010	1010	1010	1010
2500	840	870	1053	1053	1053	1053	1053	1053

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Maximum ADU Size

What is the size limit in other communities?

- Municipal ordinances commonly allow 800-1,000 sq.ft. ADU max size, but range widely (other common approaches- % of primary home or % of lot size)
- Montpelier, VT allows up to 900 sq.ft.
- State law in New Hampshire allows ADU's up to 750 sq.ft.

Why 800 sq.ft. for Burlington?

- Need to create an alternative max size for smaller homes to exceed the 30% limit

THE ADU GAUNTLET: SELECTED RESTRICTIONS AND REQUIREMENTS FOR ACCESSORY DWELLING UNITS (ADUs) IN CASCADIAN CITIES, EARLY 2013.						
(Attached units, such as secondary suites and in-law apartments = AADUs; detached units, such as laneway houses and backyard cottages = DADUs.)						
Please help us fact check and fill in the blanks!						
CITIES	NUMBER OF ADUs ALLOWED PER LOT	OFF-STREET PARKING SPACES REQUIRED PER ADU	MUST PROPERTY OWNER LIVE ON THE SITE?	HOW MANY PEOPLE MAY LIVE ON THE LOT?	HOW BIG MAY ADUs BE? (IN FLOOR AREA)	WHERE IN THE CITY ARE ALLOWED?
Vancouver, BC	1 AADU + 1 DADU	0	no	Each unit gets its own occupancy quota (e.g. ≤5 unrelated persons each unit)	AADUs: ≥400 sq. ft. and ≤area of primary dwelling. (Smaller permitted in condo AADUs.) DADUs: 280 - 500 sq. ft. (plus 220 sq. ft. garage, which most residents use as living space), and ≤12.5% of lot.	ADUs in virtually all residential zones, including inside condos, where space permit. DADUs: most in lots in city (including lots ≥33 ft. that adjoin lanes/alleys).
Seattle, WA	1	1	yes	Units share one occupancy quota (≤8 both units, if any unrelated).	AADUs ≤1,000 sq. ft.; DADUs ≤800 sq. ft. and ≤40% of rear yard.	All residential zones, but lot size and characteristics must fit requirements. DADUs: sites ≥4 ft. and ≥25 ft wide and ≥75 ft
Portland, OR	1	0	no	Units share one occupancy quota (≤6 unrelated).	≤800 sq. ft. and ≤75% of primary unit. ADU + other accessory structures (such as garage, shed) cover ≤15% of total site.	All lots in residential zones with attached house, or manufactured
Surrey, BC	1	1	yes	Surrey has no occupancy limits.	≤969 sq. ft. and ≤40% of primary unit. ADU attached to garage (coach house): ≤500 sq. ft. above garage and ≤430 sq. ft. at grade.	ADUs in detached single-family homes in certain zones. DADUs: in certain zones, on lots with detached single-family houses that are either connected to rear lane/alley access at least 5 ft. deep.
Burnaby, BC	1 AADU (but only for family members); 0 DADUs	0	no, but occupants must be related	3 unrelated in main dwelling + 2 adults in ADU, must be related persons living main dwelling	No size limit.	For single-family and two-family lots in most residential zones. Also in some condos.
Spokane, WA	1	1	yes	Both units share one occupancy quota (≤6 any unrelated)	AADU: 250 - 800 sq. ft., not counting its garage, and ≤50% of total footprint of primary dwelling. DADU: Footprint of DADU ≤ footprint of primary dwelling. Combined footprint of all detached accessory structures (e.g., DADU + garage) ≤15% of lot. DADUs: ≤600 sq. ft. and DADU's area, minus its garage, counts toward floor-area ratio allowed in its zone.	All residential lots with attached, detached, or manufactured single-family dwellings that lack a home-based business. In addition, AADUs are only where footprint of primary dwelling is ≥100 sq. ft., not counting gara
Boise, ID	1	1	yes	Each unit gets its own occupancy quota (e.g. ≤5 unrelated persons each unit)	ADU ≤10% of lot and ≤600 sq. ft. and ≤1 bedroom.	All lots in residential zones.
Tacoma, WA	1	1	yes	≤4 people in ADU. Also, as for other single-family dwellings, must have ≥300 sq. ft. per person. (This rule makes real limit ≤3 people, because no ADU	300 - 1,000 sq. ft. and ≤40% of combined area of primary and accessory unit and ≤10% of lot.	Residential lots with detached single-family houses that meet minimum size requirement of their zone. Zone, e.g., lot ≥5,000 sq. ft.

From Sightline Institute "ADU Do's and Don'ts"

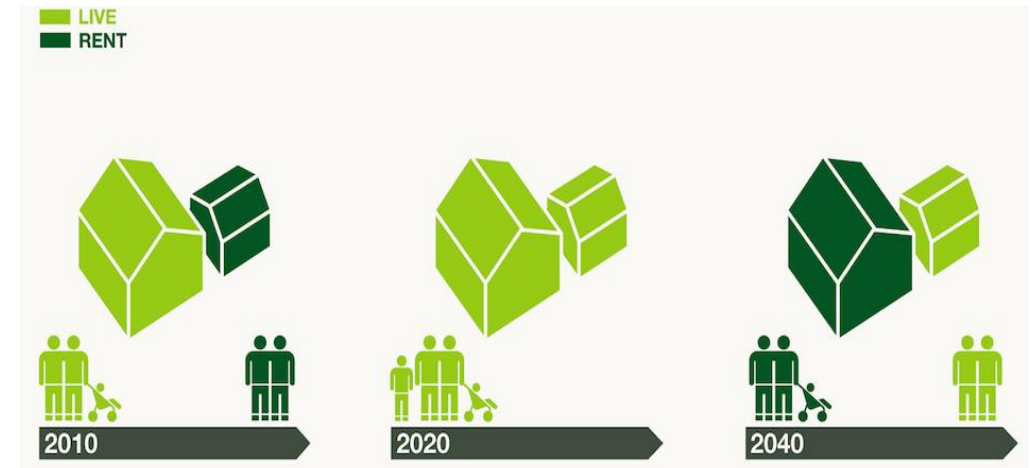
Maximum ADU Size

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- Municipal ordinances commonly allow 800-1,000 sq.ft. ADU max size, but range widely (other common approaches- % of primary home or % of lot size)
- Montpelier, VT allows up to 900 sq.ft.
- State law in New Hampshire allows ADU's up to 750 sq.ft.

Why 800 sq.ft. for Burlington?

- Need to create an alternative max size for smaller homes to exceed the 30% limit
- As long-term housing options, larger size allows for design flexibility
- Provide greatest flexibility for an ADU to meet fire code, building code, ADA accessibility, etc.



Detached ADU Size & Location

How do ADU requirements compare to other structures?

- Other types of Accessory Residential Structures & Uses are permitted, including garages, barns, storage sheds, tennis courts, cabanas for swimming pools
- Few municipal ordinances differentiate between attached and detached regarding size, other dimensional requirements; some offer form standards for detached.

Recommendations

- Remove conditional use requirement for creating an ADU to ensure that no more stringent standards apply to an ADU than a new garage.

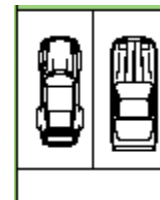
Existing limits/requirements for an Accessory Structure in Residential Districts

Height	• 35' max; • 15' max if w/in rear or side yard setback
Setback – Side	• 10% of lot with min, 20' max • 5' min for structure 15' or less in height
Setback – Rear	• 25% of lot depth, 20' min – 75' max • 5' min for structure 15' or less in height
Footprint	• 75% max of footprint of principal structure
Other	• Parking stalls/bays limited to number of bedrooms in principal structure.

Basics of Current Parking Standards

In residential districts, the *Burlington Comprehensive Development Ordinance* presently requires:

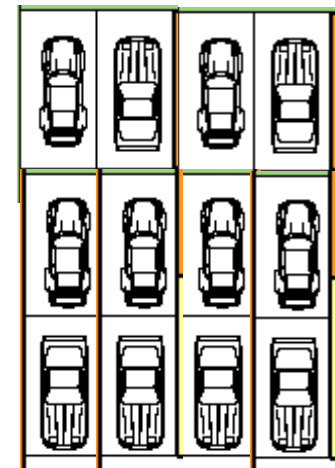
- 2 parking spaces for primary single-family home, plus 1 space for the ADU
- No more than 2 cars in a tandem arrangement
- Min parking space requirement is 9' x 20'
- Maximum waiver for residential parking requirement is 50%, upon approval of a Parking Management Plan



Normal



Tandem

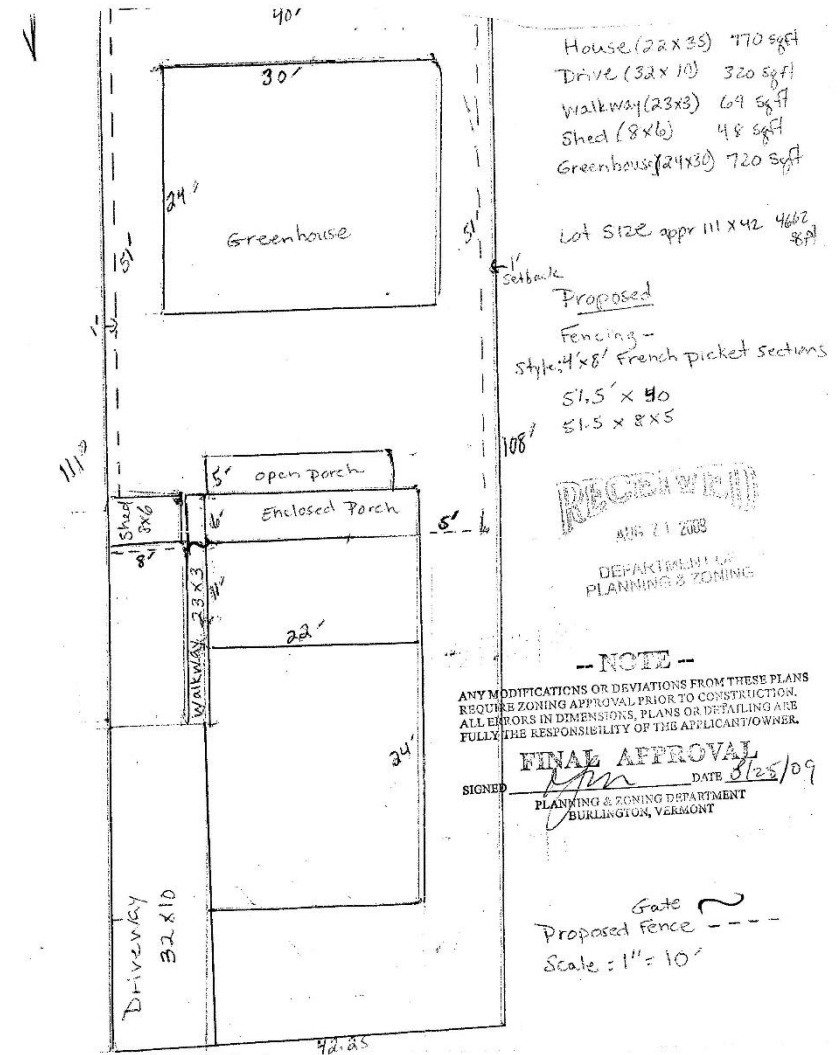


Stacked

BTV Homeowner Case Study

Owner would like to replace an existing detached structure with a detached ADU.

Limitations:



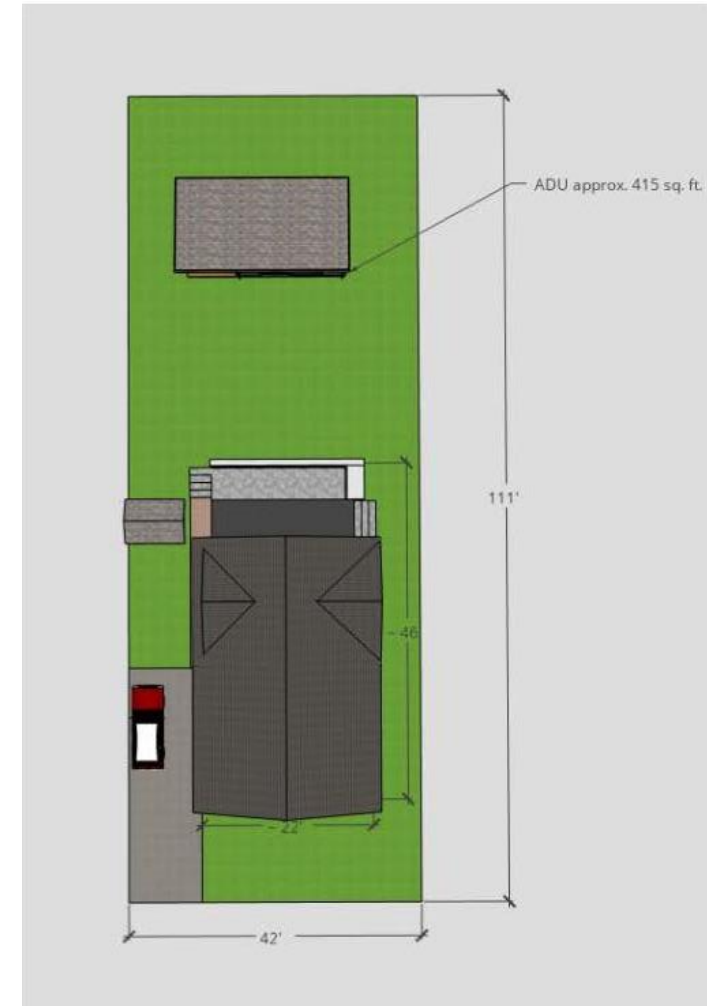
BTV Homeowner Case Study

Owner would like to replace an existing detached structure with a detached ADU.

Limitations:

- Small lot and small home

= max 415 sq.ft. ADU replacing existing non-conforming lot coverage

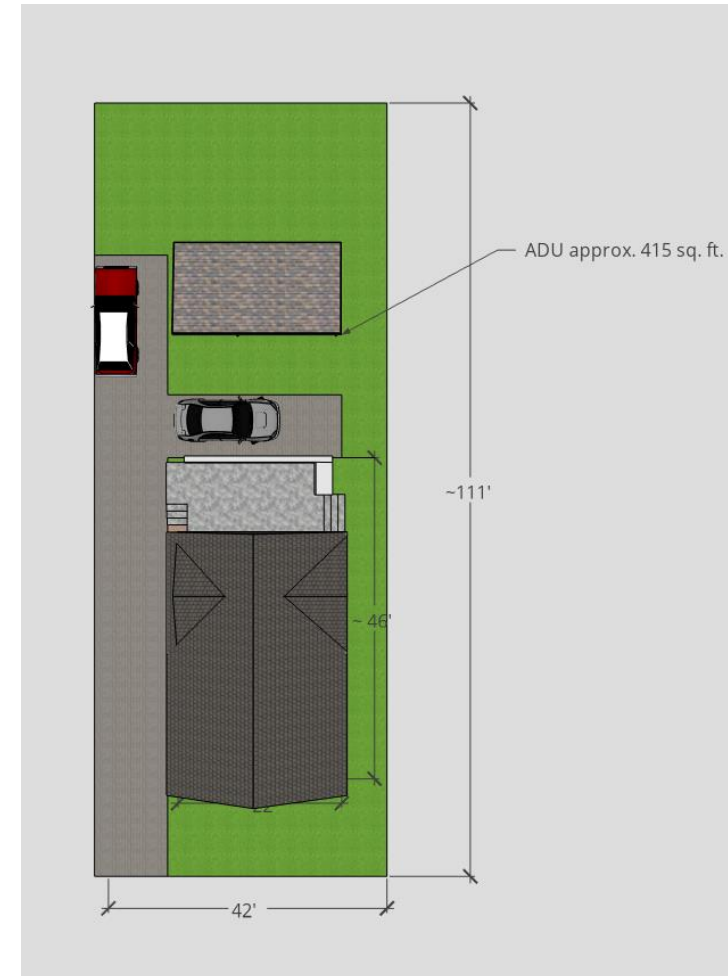


BTV Homeowner Case Study

Owner would like to replace an existing detached structure with a detached ADU.

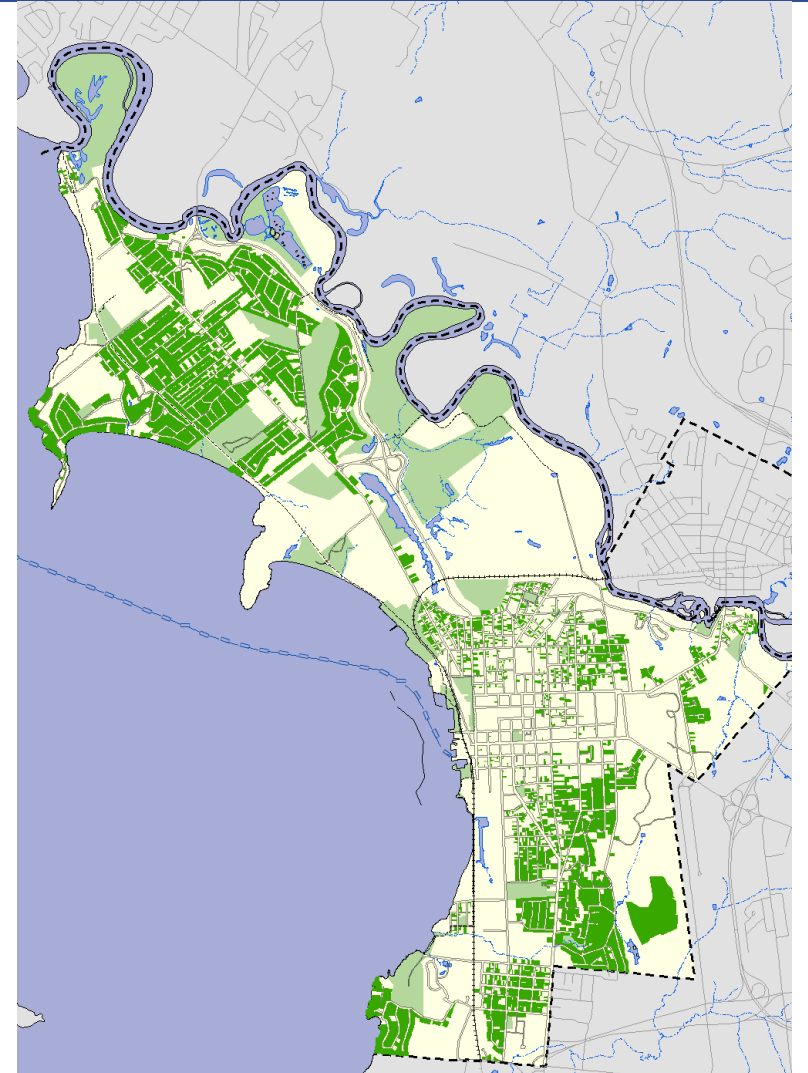
Limitations:

- Small lot and small home
- Parking requirement would mandate significant addition of impervious surface due to lot layout, but
- Lot coverage limit and parking design standards may preclude those improvements



Impact of Parking Changes

Current Single Family Home lots in the City.



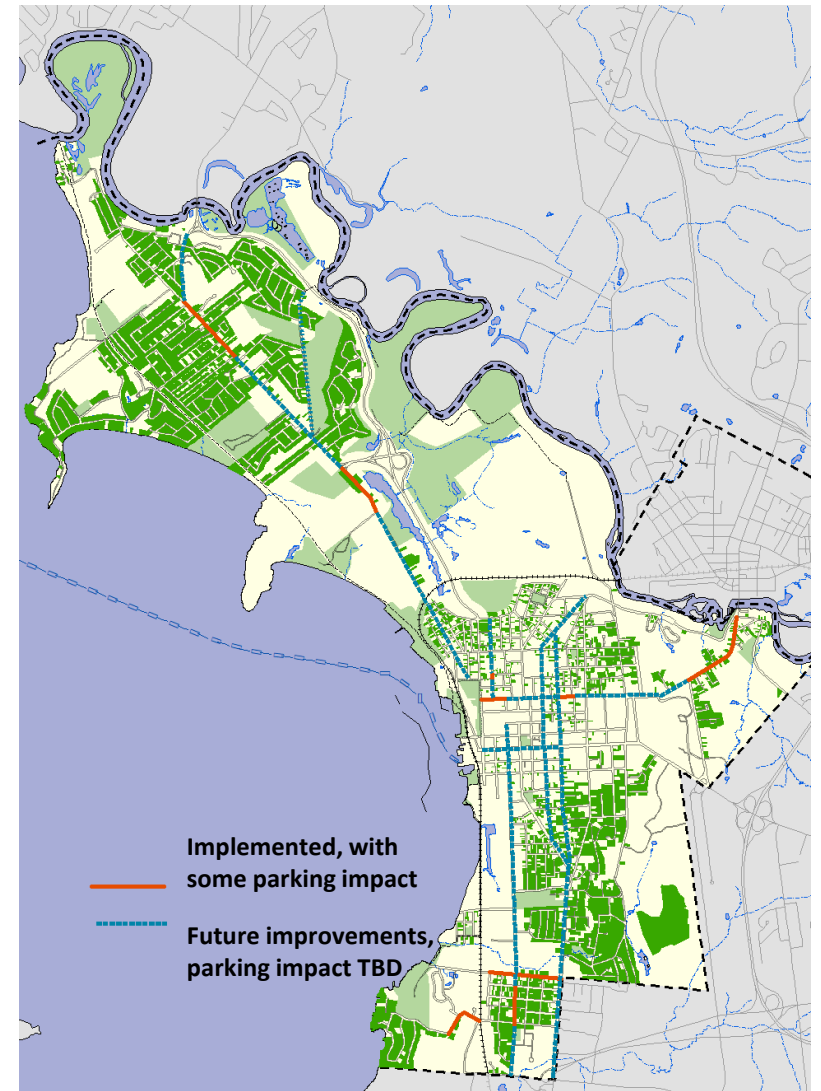
Impact of Parking Changes

Current Single Family Home lots in the City

And...

planBTV Walk-Bike on-street bike facility network*.

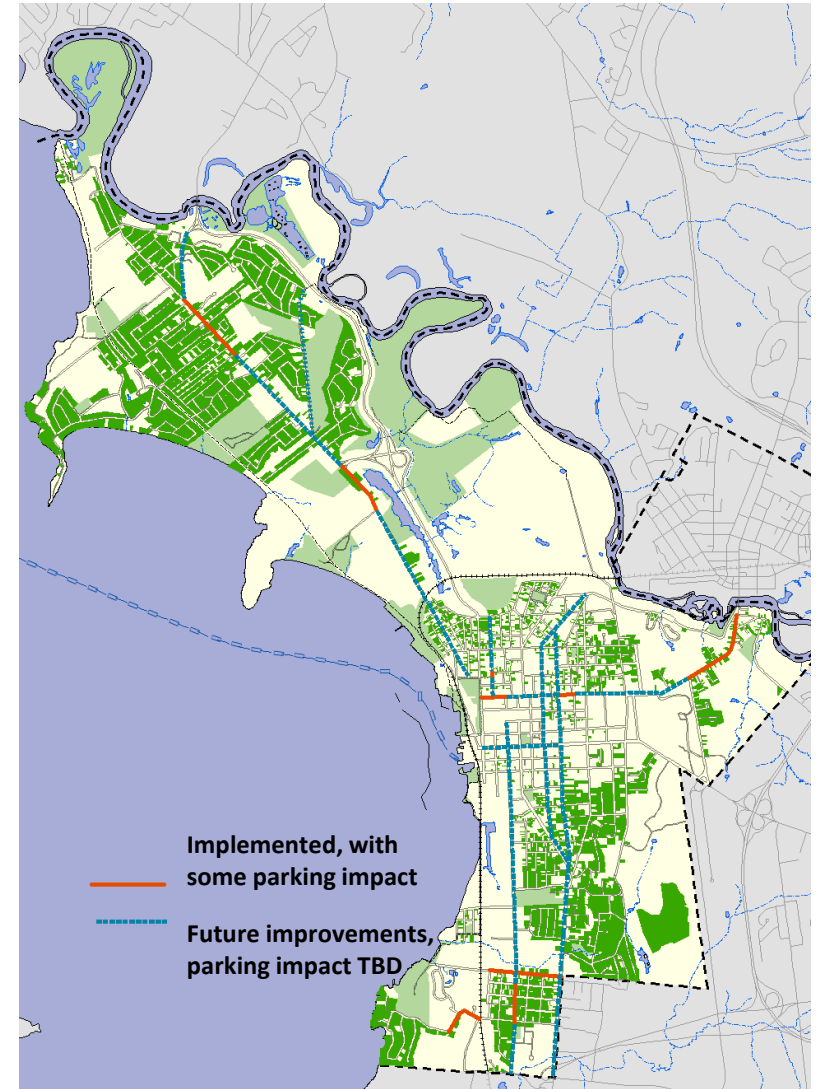
**includes only segments where some parking spaces have been removed for implementation, and future facilities that include more protected bike facilities that may or may not impact on-street parking.*



Parking Standards for ADU's

Conclusions and Recommendations:

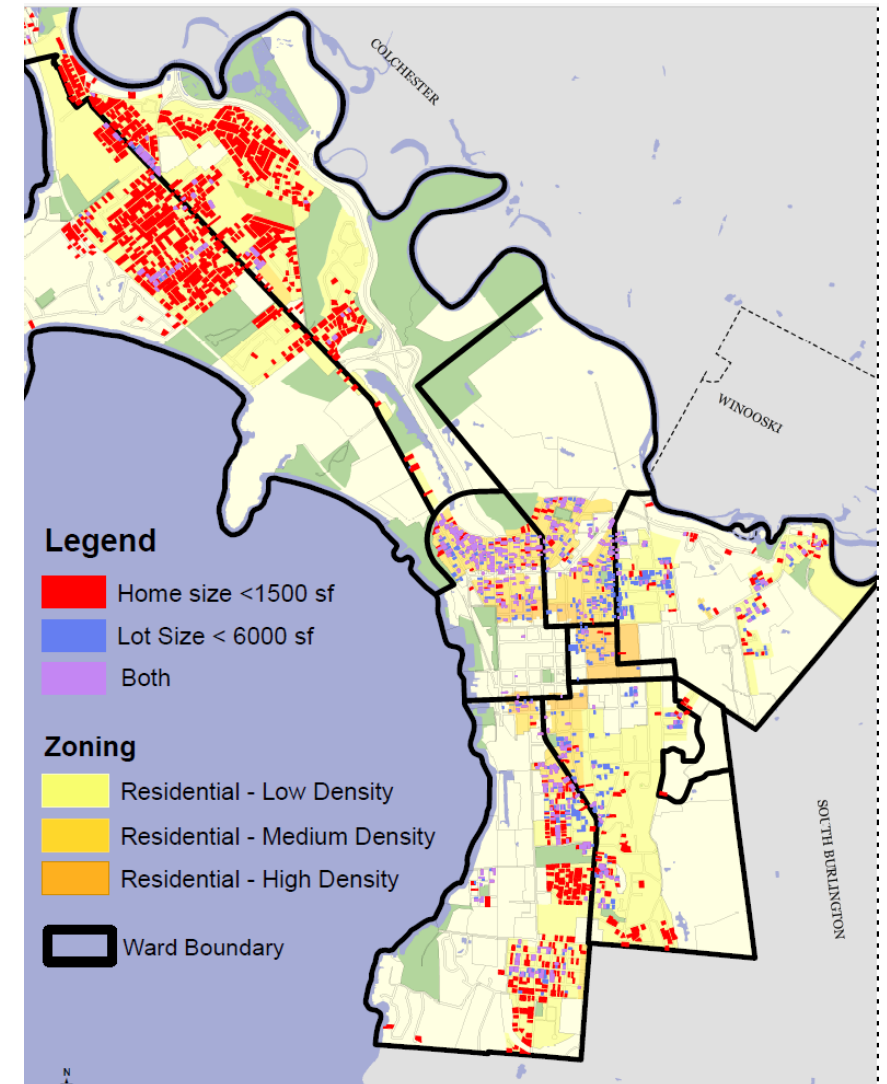
- Vast majority of single-family home lots not on streets where a major bike facility proposed
- Enable owner to determine if parking is needed, desired as factor that influences cost and other site constraints
- Allow stacked parking for an ADU if a parking space is being provided, and make it clear that a parking attendant is not required.



Lot Coverage and ADUs

- Concern is primarily for small lots in the City, and particularly where this impacts entire neighborhoods.

Question about conflict with stormwater policy- reviewing this concept and will revisit at next meeting



ADU vs. Short-Term Rental

Under these proposals, short-term rentals are required to meet higher standards:

	ADU	Short Term Rental (STR)
Permitted or Conditional Use	Permitted on single-family home lots in all districts	Bedrooms permitted, but whole-unit rentals Conditional Use in residential & institutional zones
Number Allowed	One ADU within or on a lot with a single-family home	Only one STR for lots with up to 3 units, including ADUs
Owner Occupancy	Required of either primary home or ADU	Host required to live on site
Parking	None required	1 parking space per room or unit rented, in addition to requirements for primary dwelling unit
Lot Coverage	Proposed waiver of portion of footprint	Required to meet underlying requirements, or convert existing space

Proposed Zoning Amendments

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
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

Burlington Joint Planning Commission

Tuesday, October 22, 2019, 6:30 P.M.
Miller Center, 130 Gosse Court, Burlington, VT

Minutes

Members Present	Planning Commission: A Montroll, H Roen, B Baker, J Wallace-Brodeur, E Lee City Councilors: S Bushor, C Mason, A Roof
Members Absent	A Friend, Y Bradley
Staff Present	M Tuttle, D White, S Durmick, I Jakus, S Gustin, K Sturtevant

I. Agenda

Call to Order	Time: 6:33
Agenda	No changes to the agenda

II. Public Forum

Name	Comment	Commission Action
Amy Magyar	Suggested that ADU size restrictions be dependent upon whether the structure is new or existing, and that tiny houses be considered within ADU policy changes.	
Ericka Redic	Reminded the Commissioners & Councilors that any additional costs to property owners will be passed on to tenants (i.e. tax increases, fees, and new regulations).	

III. Proposed CDO Amendment: ZA-20-03 Accessory Dwelling Units

Action: N/A- discussion only.		
Motion by: NA	Second by: NA	Vote: NA
Type: Discussion	Presented by: M Tuttle	
Discussion/Notes:		
J M Tuttle shared a presentation with information and recommendations responding to the questions from the last Joint Commission meeting. Topics included: affordability of creating an accessory dwelling unit (ADU), building and fire code requirements, maximum size limits, parking requirements, and proposed lot coverage waiver. (Presentation is available on the website.)		
Commissioner/Councilor Comments:		
J S Bushor asked if there is a way to reduce the cost of a sprinkler system in an ADU. Based on staff from the Fire Department and Building Code agency that we use national/Vermont fire codes applied in Burlington. Any changes to this would be the purview of the Council Ordinance Committee. Cost depends to comply depends upon the size and layout of the unit itself; some		

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options like tank-supplied sprinkler systems are more affordable than having to connect to the main water line, but also take up more space within an ADU.

- J B Baker asked if a 2nd means of egress could replace the need for a sprinkler system. D White responded that if the front door accessing the unit is more than 50 feet from the curb (or a fire rated access drive), it needs to have a sprinkler system.
- J E Lee noted that it would be helpful to have resources to navigate these codes (e.g. a code analysis), since it can be cost prohibitive to hire professionals to comply with these requirements. M Tuttle responded that this can be part of an FAQ and technical guide.
- J A Roof commented that he would like to see carveouts in the zoning policy language for additional allowable ADU size to allow for a water tank in order to encourage affordability.
- J A Montroll suggested that the Commission revisit the issue of size limits for accessory residential structures at a later date due to concerns about allowable height.
- J M Tuttle explained how the proposed changes to the maximum size limits of ADUs (either 30% of the size of the home or 800 sq. ft.) will allow medium and smaller sized homes the access to build an ADU. S Bushor expressed concern that ADUs would be too large compared with their primary housing (e.g. 900 sq. ft. house and 800 sq. ft. ADU), and E Lee pointed out that accessibility needs would be difficult to accommodate even within 800 sq. ft.
- J C Mason observed that 2-story ADUs would open up more possibilities due to ease of compliance with lot coverage and setbacks. E Lee pointed out that residents would probably be less offended by a 2-story structure where half is underground. M Tuttle noted that this would not be prohibited today or under the proposal.
- J J Wallace Brodeur echoed what E Lee had said in regards to supporting an aging community through attentiveness to adequate size and accessibility of units.
- J S Bushor was concerned that the parking requirement differentiation between ADUs and short term rentals (STRs) would not allow property owners an option to convert the use of their units. M Tuttle responded that the parking proposals for ADUs and STRs were developed to be complimentary to one another with the intention that there would be a higher bar to meet for an STR.
- J J Wallace-Brodeur expressed that residents should be allowed to use the driveways they have through the Commission allowing more flexible through stacked parking. M Tuttle & D White responded that proposing to allow stacked parking without the need for an attendant, and to do this in addition to not requiring a space to be built on-site.

IV. Proposed CDO Amendment: ZA-20-04 Minimum Parking

Action: Topic deferred due to time		
Motion by: NA	Second by: NA	Vote: NA
Type: NA	Presented by: NA	

V. Commissioner Items

Action: N/A		
Motion by: NA	Second by: NA	Vote: NA
Type: Action	Presented by: NA	
Discussion/Notes:		
) Next meeting is on Wednesday, October 30 th at 6:30 pm in Contois Auditorium of City Hall		
) Staff will send out a poll for additional meeting dates of the Joint Committee.		

VI. Communications

Action: N/A		
Motion by:	Second by:	Vote: N/A
Type:	Presented by: NA	

VII. Adjourn

Adjournment		Time: 8:15
Motion: J Wallace-Brodeur	Second: E Lee	Vote: Approved unanimously



Andy Montroll, Chair

Signed: November 12, 2019

Respectfully submitted by: S Durmick



Sidney Durmick, Planning Commission Secretary