

Burlington Planning Commission

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

Tuesday, October 15, 2019, 6:00 P.M.

Fletcher Room, Fletcher Free Library, 235 College Street, 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 review and discuss a proposed zoning amendments related to Accessory Dwelling Units (ADU's). This amendment comes as a result of the Mayor's Housing Summit and subsequent policy reform recommendations. Eli Spevak, of OrangeSpot and working with AARP VT on ADU policy, will attend to answer questions and share national context information with the committee. Attachments to this agenda include:

- A memo transmitted to the City Council regarding Housing Policy Reforms on page 3.
- Proposed ZA-20-03 amendments on page 14.
- Additional information can be found online at <https://www.burlingtonvt.gov/BTV-housing-policy>.

Staff Recommendation: Discuss proposed amendment and provide direction to staff on additional information and modifications.

IV. Reapprove Municipal Bylaw Amendment Report ZA-19-06 Article 7 Signs (2 min)

Proposed ZA-19-06 was modified by the City Council Ordinance Committee based on recommendations of staff, and has been forwarded to City Council for public hearing and adoption. Information related to this item is included in the agenda packet on page 21, and the full amendment can be reviewed online at:

<https://www.burlingtonvt.gov/PZ/CDO/Proposed-Amendments-Before-the-City-Council>

Staff Recommendation: Reapprove the Municipal Bylaw Amendment Report and forward any comments to the City Council.

V. Reapprove Municipal Bylaw Amendment Report ZA-19-10 Inclusionary Zoning (5 min)

Proposed ZA-19-10 was modified by the City Council Ordinance Committee based on recommendations of the Planning Commission, and has been forwarded to City Council for public hearing and adoption. Information related to this item is included in the agenda packet on page 23 and the full amendment can be reviewed online at: <https://www.burlingtonvt.gov/PZ/CDO/Proposed-Amendments-Before-the-City-Council>

Staff Recommendation: Reapprove the Municipal Bylaw Amendment Report and forward any comments to the City Council.

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VI. Commissioner Items

- a. The Commission and Council Ordinance Committee will meet again on:
 - i. Tuesday, October 22, 2019 at 6:30pm at Miller Center, 130 Gosse Court, Burlington
 - ii. Wednesday, October 30, 2019 at 6:30pm at Contois Auditorium, 149 Church St., Burlington

VII. Communications

- a. Communications are enclosed in the agenda packet beginning on page 26.

VIII. Adjourn

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>				



THE CITY
OF BURLINGTON
CITY PLANNING

City Hall, 3rd Floor
149 Church Street
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Phone: (802) 865-7144

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 floor~~ Gross 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 family primary 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 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.

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,

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

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

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



THE CITY
OF BURLINGTON
CITY PLANNING

City Hall, 3rd Floor
149 Church Street
Burlington, VT 05401

www.burlingtonvt.gov/planning
Phone: (802) 865-7144

TO: Burlington City Council
Mayor Miro Weinberger
FROM: David E. White, FAICP, Director, Office of City Planning
DATE: October 9, 2019
RE: Proposed CDO Amendment ZA-19-06 Article 7 Signs

You will please find attached a proposed amendment to the *Burlington Comprehensive Development Ordinance* for your consideration and adoption as recommended by the Burlington Planning Commission and the Council Ordinance Committee.

Overview & Background

ZA-19-06 is a comprehensive revision and modernization of the City's sign regulations found under Article 7 of the *Burlington Comprehensive Development Ordinance* (CDO). As is being done in many communities across the country, this amendment was developed in an effort to assure content-neutrality in response to recent US Supreme Court decisions regarding First Amendment protections. In the proposed amendment we have accomplished this by creating a more prescriptive and objective series of "Sign Types" that we use to regulate the dimensions, number, size, location, lighting, and general design of each type. Finally, we have worked to retain most of the current limitations and restrictions such as the overall size of permitted signage and lighting for example.

This amendment is divided into 3 parts:

- Part 1 contains **general provisions** that pertain to all signage in the City such as exemptions, prohibited and temporary signs, treatment of non-conformities, lighting, measurements, and permit application and submittal requirements
- Part 2 defines and describes the characteristics (quantity, dimensions, location, total area, lighting, etc) for each of the permitted **Sign Types**, and defines where they are permitted in the city and in which combinations; and finally,
- Part 3 defines and describes the process and requirements for the approval of **Sign Master Plans** by the DRB where some degree of flexibility in the dimensional and locational requirements for each Sign Type may be sought.

Recommended Amendment Details

Amendment Type

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

The purpose of this proposed amendment is a comprehensive update to the city's sign regulations in an effort to create a more prescriptive and objective series of sign types by which to regulate the dimensions, number, size, location, lighting, and general design of each type, and thereby assure content neutrality.

Geographic Areas & Section Headers Affected

To achieve the goals identified above, the proposed amendment is applicable to the entire City of Burlington, and affects the entirety of *Article 7- Signs of the Burlington Comprehensive Development Ordinance*.

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Proposed Future Land Use & Density

The proposed amendment has no impact on the goals and policies in the Municipal Development Plan regarding the availability of safe and affordable housing.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the proposed future land uses and densities of the Municipal Development Plan.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff	Presentation to & discussion by Commission: 1/9/18 1/23/18 3/13/18 7/24/18 9/25/18	Approve for Public Hearing 9/25/2018	Public Hearing 11/27/2018	Approve & forward to Council 11/27/2018
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte 6/17/2019	Ordinance Committee discussion 9/30/2019	CCOC recommends to Council with changes 9/30/2019	Second Read & Public Hearing Oct 28, 2019	Approval & Adoption
				Rejected



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TO: Council President Wright
Burlington City Councilors
Mayor Weinberger
FROM: Scott Gustin, Principal Planner, Department of Permitting & Inspections
Meagan Tuttle, Principal Planner, Office of City Planning
Todd Rawlings, Housing Trust Fund Manager, CEDO
DATE: October 9, 2019
RE: CDO Amendment ZA-19-10 Inclusionary Zoning

Overview & Background

Please find attached a proposed amendment to Article 9 of the *Burlington Comprehensive Development Ordinance* that comprehensively revamps the City's inclusionary zoning standards. The Council Ordinance Committee recommended Council adoption of the amendment on September 30.

Significant process precedes this amendment. The 2015 *Housing Action Plan* identified the need to review the inclusionary zoning standards; in 2017, CEDO retained a consultant who provided a report evaluating the inclusionary zoning standards and offering initial recommendations. An Inclusionary Zoning Working Group (IZWG) representing Council, Planning Commission, affordable and non-profit housing developers, and housing advocates analyzed the consultant's report, and made further recommendations to the City Council regarding which of consultant's proposals should advance. The IZWG also recommended a greater focus on inclusive development by enabling fee-in-lieu and off-site compliance options based on the demographic characteristics of census tracts throughout the city (i.e. more or less inclusive areas). The IZWG recommendations were forwarded to the City Council in 2018, who tasked a joint committee of its Ordinance and CDNR committee members to review and make further recommendations on each of the IZWG's recommendations. The City Council adopted the final report of its joint committee in December 2018, and subsequently tasked the Planning Commission with amending relevant sections of the CDO. The Joint Committee recommendations to the Planning Commission are attached to this memo, and other documents associated with each of these steps can be found online at www.burlingtonvt.gov/cedo/iz

The Planning Commission prepared an ordinance that addressed each of the joint committee recommendations. The Commission made further edits and recommendations to address technical amendments based on the Housing Trust Fund Manager's administration; to create a parallel requirement for off-campus institutional student housing projects; to address development bonuses associated with proving IZ units; and to enable voluntary participation in the IZ program by projects for which these standards would otherwise not be applicable. The City Council's Ordinance Committee accepted the recommendations of the Planning Commission, and made several final technical corrections to the proposed ordinance before recommending its adoption to Council.

There are two specific aspects of the proposed amendment that have undergone considerable discussion through the Planning Commission and Council Ordinance Committee processes, and are summarized below.

Parking Requirements for IZ Units. The IZWG and Council Joint Committee recommended the elimination of parking requirements for inclusionary units. Due to concerns that residents of inclusionary units could be denied access to parking, the Planning Commission ultimately recommended an alternative approach, which was supported by the Council Ordinance Committee.

The attached ordinance instead allows a project's total parking requirement to be reduced by a percentage equal to the required percentage of inclusionary units. This means that if a project is required to provide 15% inclusionary units, the total number of required parking spaces for the project may be reduced by 15%. This benefit does not extend to inclusionary units built off-site or for any units voluntarily built in excess of the required percentage, nor does it apply to projects that utilize the fee-in-lieu payment to meet its IZ obligation.

Finally, the Planning Commission added language to clarify that parking is an "amenity" to which tenants of inclusionary units must be granted equal access. This means that projects that take advantage of a reduced parking requirement must extend the same ability to utilize or lease parking spaces to tenants of IZ units as is offered to tenants of market rate units. Put another way, tenants cannot be precluded from an on-site parking management program by virtue of occupying an IZ unit.

Off-Campus Institutional Student Housing: The Council Joint Committee recommended that the terms that Champlain College met for 194 St. Paul Street be incorporated in the ordinance. This approach would have found a project to satisfy the IZ requirements if 15% or more of the institution's total undergraduate population was below 65% of the AMI. The Planning Commission was concerned that this did not actually require the institutions to make off-campus housing more affordable for students with financial need, and essentially exempted institutions from participation in the City's IZ program.

The Planning Commission recommended an alternative approach that was supported by the Council Ordinance Committee. This framework created a parallel standard for applying IZ requirements to off-campus institutional student housing that accounts for the differences in how student housing is rented (i.e. beds vs units), how income and subsidy are assessed (i.e. individual vs household), and the limitations of disclosure of student financial information. The framework is based on the premise that a fixed portion of a student's total cost of attendance is an estimate for the cost of off-campus housing. This estimate is factored into financial aid awards, and offers a metric within the attached ordinance for students with need-based financial aid awards to secure housing at just below that rate.

The attached ordinance requires that the IZ requirements apply to institutions' off-campus housing that is exclusively used by its students. In these cases, 15% of the project beds must be offered at 80% of the institution's annual estimated off-campus housing cost. To be eligible to lease these beds, students must have received a need-based financial aid award.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The purpose of this proposed amendment is to make substantial corrections to the *Comprehensive Development Ordinance* regarding the requirements for Inclusionary Zoning. The amendment adjusts the sale price of inclusionary units from 75% of Area Median Income (AMI) to 70% of AMI; replaces square footage provisions for inclusionary units with a percentage (90%) relative to the average size of market rate units; facilitates utilization of off-site and payment-in-lieu options for inclusionary units in more inclusive areas of the city while limiting their utilization in less inclusive areas of the city; specifies by-right development "bonuses," eliminates impact fees, and revises minimum off-street parking requirements for inclusionary units; creates standards for provision of inclusionary beds within off-campus institutional student housing projects; and addresses a number of procedural and administrative issues.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects *Section 3.3.3 Exceptions and Waivers, Section 4.4.5 Residential Districts, Section 8.1.8 and Table 8.1.8-1* regarding minimum off-street parking requirements, and makes substantial edits throughout Article 9, Part 1: Inclusionary Zoning .

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

This amendment is aimed purely at housing affordability and inclusion, and has little impact on the proposed future land use and densities proposed in *planBTV* (the Municipal Development Plan).

Impact on Safe & Affordable Housing

This amendment meets the specific mandates of 24 V.S.A Chapter 117 related to housing opportunities for all of Vermont citizens, particularly those of low or moderate income; ensures the providing of housing that meets the needs of all economic groups by precluding the construction of only market rate housing on the limited supply of land within the City; improves the quality of life for all residents by having an economically integrated housing supply throughout the city; and prevents overcrowding and deterioration of the limited supply of affordable housing, thereby promoting the public health, safety and general welfare of the city and its residents. These objectives are consistent with the policies contained within *planBTV* for the providing of safe and affordable housing.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, based on recommendations by City Council	Presentation to & discussion by Commission 3/26, 4/9, 4/23, 5/14, 5/28	Approve for Public Hearing 5/28/2019	Public Hearing 6/25/2019	Approved & forwarded to Council 6/25/2019
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte 7/15/2019	Ordinance Cmte discussion 7/31, 8/28, 9/16, 9/30	Ordinance Cmte recommend as modified 09/30/2019	Second Read & Public Hearing 10/28/2019	CCOC Recommends Approval & Adoption
				Rejected



TO: Mayor Weinberger
FROM: David E. White, FAICP, Director of Planning
DATE: Thursday, October 03, 2019
RE: October 2019 Department Head Report

Top Issues/Priorities:

- Re-structuring and organization for the new City Planning Office, and building institutional relationships with the new Permitting and Inspections Dept. and with CEDO
- CDO Amendments – IZ and Signs
- Housing Summit follow-up
- E-911 Coordinator appointment and revised street naming and numbering ordinance

Issues coming before the City Council or a Council Committee

- **Eg11 Coordinator:** At the Sept. 9 Council meeting, a proposed resolution will be presented revising the appointment of the City Eg11 Coordinator to be the Director of Permitting & Inspections consistent with the recent creation of the new Permitting and Inspections Department. A proposed ordinance change was presented for First Reading revising the City's Code of Ordinances for addressing and street naming to among other things combine the functions for addressing and street naming with those of the locally-appointed City Eg11 Coordinator as well as to include areas of the city and street types not previously included. This matter is currently before the Council Ordinance Committee.
- The following proposed amendments to the *Comprehensive Development Ordinance* are currently before the City Council:
 - o **ZA-19-10 Inclusionary Zoning:** The purpose of this amendment is to comprehensively update the City's Inclusionary Zoning standards in a way that is consistent with the recommendations forwarded by the City Council as a result of the City's multi-year Inclusionary Zoning review. These amendments include adjustments to the offsets provided for the development of inclusionary units, promoting greater inclusion across residential areas of the city, and addressing a number of administrative elements. The Planning Commission referred this proposed amendment to the City Council on June 25, 2019, and Council Ordinance Committee has forwarded it to the Council for Public Hearing, Second Reading, and adoption for consideration at the Oct. 28 meeting.
 - o **ZA-19-06 Article 7 Signs:** This proposed amendment is a comprehensive update to the city's sign regulations in an effort to create a more prescriptive and objective series of sign types by which to regulate the dimensions, number, size, location, lighting, and general design of each type, and thereby assure content neutrality. The Planning Commission referred this proposed amendment to the City Council on November 27, 2018, and Council Ordinance Committee has forwarded it to the Council for Public Hearing, Second Reading, and adoption for consideration at the Oct. 28 meeting.

In addition, three amendments to the Burlington Code of Ordinances (BCO) related to signs (Ch 8 Art V Illuminated Signs, Ch 21-5 Signs in public ways; on vehicles, and Ch 27 Art III Projections

over sidewalks) have also been recommended for approval by the Council Ordinance Committee and will be included on the Oct 28 Council agenda for approval.

- o **ZA-20-01 Form District 5 Boundary Expansion:** The purpose of this proposed amendment (formerly ZA-18-08) is to modify the boundaries of Form District 5 to include additional properties located along the boundary of the current district. Properties proposed for inclusion are currently zoned Residential High Density or Residential Medium Density, and have been evaluated for their current and future potential use and intensity. These have been recommended for inclusion in Form District 5 in order to encourage the appropriate type and intensity of future infill or redevelopment, and to enable greater flexibility for expansion or reuse of existing uses and structures by reducing non-conformities. The Planning Commission referred this proposed amendment to the City Council on August 27, 2019, and a City Council First Reading occurred on Sept. 9. The Council has scheduled this for Public Hearing, Second Reading, and adoption for consideration at the Oct. 7 meeting.
- o **ZA-19-09 Zoning Administrative Officer** The purpose of this proposed amendment is to update the language of the zoning ordinance to reflect the March 2019 voter-approved charter change regarding the appointment of the City's Zoning Administrative Officer. The Planning Commission referred this proposed amendment to the City Council on May 28, 2019, and a City Council First Reading occurred on Sept. 23. The Council has scheduled this for Public Hearing, Second Reading, and adoption for consideration at the Oct. 28 meeting.

Department accomplishments and notable staffing developments

- Meagan Tuttle was elected President of the VT Planner's Association at the organization's annual meeting in Randolph. Meagan's leadership of VPA coincides with a significant transition for VPA as they formally become a part of the American Planning Association. Congratulations Meagan!

Important issues and information for Department Heads

- I will be out of the office on vacation from Oct 4-14 so if you need anything from our office please contact Meagan.

Major upcoming events:

- **October is National Community Planning Month!** This year's theme — Planning for Infrastructure That Benefits All — highlights how well-planned infrastructure projects (including roadways, transportation systems, housing, parks, and even broadband networks) strengthen communities, boost the economy, expand opportunity, and promote equitable development. Learn more at www.planning.org/ncpm/
- Joint Council Ordinance Committee and Planning Commission meeting on 3 zoning-related Housing Policy Reforms: Oct. 8, 15, and 22

Updates on other FY20 Goals and projects:

- **Housing Summit:** In collaboration with the Mayor's Office, CEDO, BED, and Permitting and Inspections, City Planning staff helped to develop program and background information for the Mayor's Housing Summit on June 11th, as well as serve as subject matter experts and group facilitators. Work has now turned toward preparation of specific ordinance and charter language for consideration by the City Council. Policy initiatives that directly relate to the work of the City Planning team include on-site parking minimums, accessory dwelling units, and short-term rentals.
- **Joint Institutional Parking Management Plan:** Every 5 years the Chittenden Area Transportation Management Association (CATMA) is required to prepare, and have approved by the DRB, a Joint Institutional Parking Management Plan. This plan defines and projects the parking demand across UVM, Champlain and the Medical Center, and presents a comprehensive set of parking and

transportation demand management strategies that the institutions will deploy to manage existing parking and any additional parking demand that may be created by proposed new development. City Planning staff has been working with CATMA reviewing and refining a proposed 2019-2024 draft since April. However due to several data inconsistencies, CATMA has elected to withdraw this draft from consideration. Over the fall CATMA will be conducting its annual survey of both students and faculty/staff with the expectation that they will have a revised draft for further review and consideration in early 2020.

- **Economic Development Strategy:** In collaboration with CEDO, City Planning staff is developing a proposed scope of work, outline, timeline, and budget for developing the City's first comprehensive economic development strategy. This effort was identified as a priority in both the recently adopted *planBTV: 2019 Comprehensive Plan* and the *planBTV: South End Master Plan*. City Planning and CEDO staff anticipate beginning work on this initiative this fall. City Planning has submitted an application to the VT Dept. of Housing and Community Development for a Municipal Planning Grant that will help kick-off this work by supporting an intern for data collection, creation of an online dashboard for key metrics, and the development of a stakeholder engagement plan.

RECEIVED
OCT 03 2019
DEPARTMENT OF
PLANNING & ZONING

CITY OF BURLINGTON, VERMONT CITY COUNCIL

CITATION/NOTICE

**EXAMINATION OF PREMISES AND PUBLIC HEARING TO LAY OUT AND/OR
ALTER A PUBLIC HIGHWAY IN BURLINGTON, VERMONT KNOWN AS THE
SHELBURNE STREET ROTARY REDESIGN PROJECT**

**Burlington HES 5000(18)
EA/SUBJOB: 5000018/100/200/300**

Pursuant to Title 19, Chapter 7 of the Vermont Statutes Annotated, and Article 81, § 252 of the Burlington City Charter, 24 App. V.S.A. § 3-252, the City Council of the City of Burlington, on its own motion, hereby gives notice that the City Council will leave Burlington City Hall, Contois Auditorium, at 6:00 p.m. on October 28, 2019, to conduct a site examination of the Shelburne Street Rotary Re-Design Project (the “Shelburne Street Rotary Project” – additional information below). Following the site examination, at 7:15 p.m., the City Council will re-convene at Burlington City Hall, Contois Auditorium for the purposes of receiving testimony and hearing all persons interested in (1) the matter of whether the public good, necessity, and convenience require the laying out and/or altering of the Shelburne Street Rotary Project; and (2) the amount of monetary damages, if any, to which individual property owners are entitled as a result of the taking or use of property, or easements or interests therein, in connection with the Shelburne Street Rotary Project.

By way of general description, the Shelburne Street Rotary Project will involve construction of a new roundabout, minor realignment of the approaches, new landscaping, pedestrian and bicycle facilities, street lighting, utility improvements, and drainage at the intersection of Shelburne Street (U.S. Route 7) and South Willard Street in Burlington. The Shelburne Street Rotary Project and the property interests to be taken as a part of the Project are more specifically depicted in a set of right of way plans entitled Proposed Improvement, City of Burlington, County of Chittenden, US 7 & Alt US 7 – Principal Arterials, dated February 26, 2018, and prepared by the Vermont Agency of Transportation. Copies of the plans are available for review at the Burlington City Clerk’s Office and at the City of Burlington Department of Public Works.

All interested parties are invited to attend the site examination and hearing on October 28, 2019, and to offer testimony and any other materials they wish for the City Council to consider in rendering decisions relative to the issues outlined above.

If, after examination of the premises and hearing any and all interested persons, the City Council judges that the public good necessity, and convenience of all the inhabitants of the City of Burlington require that the Shelburne Street Rotary Project be laid out and/or altered, it will be

so ordered, and monetary damages, if any, will be awarded to interested persons through whose land said highway passes.

Pursuant to 24 App. V.S.A. § 3-252, this Citation/Notice is being served individually on the following potentially interested persons:

Wesco, Inc.

Joe Realty LC

Nova Enterprises LC

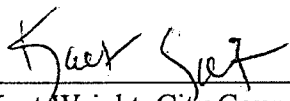
Mary S. Burns, Trustee of the Mary S. Burns Revocable Trust Dated April 30, 2003

RJL South Willard Management LLC

North Country Federal Credit Union

Dated at Burlington, Vermont, this 16th day of September, 2019.

For the Burlington City Council:



Kurt Wright, City Council President



MEMORANDUM

TO: City of Burlington Planning Commission Chair
Town of Shelburne Planning Commission Chair
Town of Colchester Planning Commission Chair
Town of Williston Planning Commission Chair
City of Winooski Planning Commission Chair
Town of Essex Planning Commission Chair
Village of Essex Junction Planning Commission Chair
Charlie Baker, Chittenden County Regional Planning Commission
Faith Ingulsrud, VT Department of Housing and Community Development

FROM: Paul Conner, Director of Planning & Zoning

SUBJECT: Proposed Land Development Regulation Amendments

DATE: September 25, 2019

Enclosed please find a series of proposed amendments to the City of South Burlington's Land Development Regulations, as well as a report from the Planning Commission, as required under Chapter 117. The Planning Commission will hold a public hearing on these amendments on Tuesday, October 22, 2019, 7:00 pm in the City Hall Conference Room, 575 Dorset Street, South Burlington.

Feedback on the draft amendments is welcome, either in person at the hearing, or in writing in advance of the hearing date. Should you have any questions, feel free contact the Department of Planning & Zoning.



PROPOSED AMENDMENTS to the SOUTH BURLINGTON LAND DEVELOPMENT REGULATIONS

Public Hearing Tuesday, October 22, 2019 at 7:00 pm

PLEASE TAKE NOTICE that the South Burlington Planning Commission will hold a public hearing on Tuesday, October 22, 2019 at 7:00 PM in the City Hall Conference Room, 575 Dorset Street, South Burlington, Vermont to consider amendments to the South Burlington Land Development Regulations. The amendments affect all parts of the City unless otherwise specified below.

The purpose of the hearing is to consider the following:

- A. *LDR-19-08: Reduce first story minimum window heights and establish privacy standards in FBC T4 District*
- B. *LDR-19-09: Modify City Center Open Space locational criteria and options*
- C. *LDR-19-10: Allow greater proportion of Landscaping Budget to be used off-site and to be used for hardscapes in FBC district*
- D. *LDR-19-11: Reduce size of reserved width for future buildings in FBC T4 and T5 Districts*
- E. *LDR-19-12: Modify Upper Story Glazing Standards in FBC T4 and T5 Districts*
- F. *LDR-19-14: expand allowances for Cultural Facilities, Indoor Theaters, Artist Production Studios, and Community Centers within C1-R15, C1-R12, and C1-Auto Zoning Districts*

Specific Sections to be Amended

8.05 Parking [Form Based Code District]
8.08 Open Space Requirements [Form Based Code District]
8.13 T-4 Urban Multi-Use Building Envelopment Standards
8.14 T-5 Building Envelope Standards
Appendix C: Table of Uses
Appendix F: Open Space Requirements

Copies of the proposed amendments are available for inspection at the Department of Planning & Zoning, City Hall, 2nd Floor, 575 Dorset Street, South Burlington, between 8:00 am and 4:30 pm Monday, Tuesday, Wednesday, and Friday, and between 12:30 pm and 4:30 pm Thursday, except holidays, and on the city website at www.sbvvt.gov.

Jessica Louisos, Planning Commission Chair
September 24, 2019

LDR-19-08 Reduce first story minimum window heights and establish privacy standards in FBC T4 District

Section 8.13 T-4 Urban Multi Use Building Envelope Standards

(7) Glazing	
(a) First Story	Min. 40% of the Width of the Building, and Min. 7.5' in height for non-residential and 6' in height with Min. head height of 7.5' for residential Min. 20% of the Width of the Building, and Min. 7.5' in height for non-residential and 6' in height with Min. head height of 7.5' for residential
(b) First Story, percent of glazing required to be transparent	75% Min.
(c) Upper Stories	See Note 2
(d) Upper Stories, percent of glazing required to be transparent	See Note 2
(d) <u>Ground story residential privacy</u>	<u>Ground story facades facing a street or public park shall be designed to provide privacy to the interior of the units through either establishing a window sill height of at least 36" above the adjacent sidewalk or a combination of landscaping and hardscaping to create the same effect.</u>

LDR-19-09: Establish greater allowance for location of open space

...

Section 8.08 Open Space Requirements

E. Open Space Location

(1) ~~(E)~~ Locating Open Space Off-Site

~~(a)~~ ~~(1)~~ Qualifying open space may be located off-site, or on a parcel other than the one where the subject use is located, in areas designated in Table 8-1. Designated off-site qualifying open space must be located within City Center FBC District boundaries and must meet the standards articulated herein. Designated off-site open space must qualify under the palette of options listed in Table 8-2.

~~(b)~~ ~~(2)~~ Designated off-site qualifying open space shall be located on developable land. For the purposes of this section 8.08, developable land is an area of land within the City Center FBC District that feasibly can be developed with residential uses or mixed uses in accordance with the Code as determined by the DRB. Developable land area shall not, except where otherwise specified, include

~~(a) (i) Land area that was already substantially developed, including existing parks and dedicated, perpetual open space within such substantially developed portion;~~

~~(b) a~~ Areas of contiguous land that are unsuitable for development because of topographic features or for environmental reasons, per chapter 12 of these regulations, unless approved for impact under said chapter.

~~(c)~~ ~~(3)~~ Wetlands and wetland buffers shall not be designated as off-site qualifying open space areas, unless the DRB makes a finding that the wetland and/or wetland buffer is improved and can be actively and explicitly used as a qualifying Open Space pursuant to this Article and Appendix F. In considering whether to make this finding, the DRB may wish to consider the reasonable and expected use of the wetland, and refer to the specifications for “Enhanced or Recreational Wetlands” in Appendix F of these Regulations. If the DRB makes such a finding, that wetland and/or wetland buffer shall not count as more than 50% of the minimum required qualifying open space.

~~(d)~~ ~~(4)~~ Pre-approval of open space. An applicant that constructs a greater area of open space than the minimum required area may apply that additional open space that exceeds the minimum towards the required open space for a future building. In doing so, the applicant shall demonstrate with each such building that the off-site open space is qualifying for the proposed building in question.

(3) Large Development Area Open Space Option.

Purpose: To provide larger properties within the City Center Form Based Code District the ability to provide a portion of their required open space in a coordinated, consolidated manner.

(a) Requirements: At the time of site plan application for any building proposed to make use of an Open Space under this section, or at the applicant’s discretion as a separate miscellaneous application, the following shall be submitted:

(i) A plan delineating the geography involved and indicating the location of existing parcel lines, public pedestrian or roadway easements, and public rights-of-way on the property(ies). All such properties must be contiguous with one another, excepting public rights-of-way.

- (ii) A demarcation of area(s) to be designated as open space and the type(s) of open space for each area.
 - (iii) Any such open space shall consist of at least ½ acre of qualifying land and shall include an entrance directly fronting a public street.
 - (iv) Demonstration of common ownership, control, or legal agreement among involved areas, totaling a minimum of fifteen (15) acres of land;
 - (v) Demonstration of pedestrian connectivity, showing that existing or proposed buildings seeking to use the Open Space will have uninterrupted pedestrian access (save for street or driveway crossings) to open space(s) designated under this section. Access may consist of paved or unpaved surfaces but shall be intended for pedestrian and/or bicycle use. Pedestrian access shall be constructed to any open spaces serving to meet a building's Open Space requirement prior to the issuance of a Certificate of Occupancy for such building.
- (b) Effect: Approval of a Large Property Open Space Option shall afford the applicant the following, in addition to the options available in Table 8-1:
- (i) Any open space designated under this section shall be eligible for use in meeting open space requirements for any buildings located within ¼ mile walking distance of the open space within the delineated area. Distance shall be measured from the nearest corner of the building to the entrance to the open space via pedestrian connection; and,
 - (ii) Any open space designated under this section shall be eligible to account for up to 50% of the total open space required for a building.
- (c) Ongoing accounting. The property owner / controlling entity of a large property open space shall maintain an ongoing tally of open space required and provided for all development within the designated area which shall be submitted whenever a change in the Open Space or its applicability by buildings is applied for.

Appendix F: Open Space

	***	Enhanced or Recreational Wetlands/Stormwater Treatment Area	***
***	***	***	***
Other	***	Must be located on applicant-owned property.	***

LDR-19-10: Allow greater proportion of Landscaping Budget to be used off-site and to be used for hardscapes in FBC district

8.08 Open Space Requirements

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G. Landscaping Requirements

(1) Per Section 13.06(G), new development must meet a minimum landscaping budget equal to 3% of the first \$250,000 of construction costs, 2% of the next \$250,000, and 1% of remaining construction costs. ~~This section requires that this investment be in trees and shrubs, and on-site.~~

(2) ~~Within~~ For the City Center FBC District, ~~a portion of~~ the minimum landscaping budget may be ~~used applied to for~~ other non-bulb perennial vegetation, art, decorative hardscapes, or other ~~publicly welcoming~~ amenities, as detailed in Table 8-3 and Appendix F, as part of a cohesive landscape plan that provides adequate planting of trees and shrubs appropriate to the site, and when located within the public realm as defined in these Regulations.

(3) Off-site landscaping. Where Open Space is approved to be located off-site or within a specified distance of the site pursuant to Section 8.08(E), up to eighty-five (85) percent (30 percent of the required landscaping budget may also be located off-site. Prior to the application of any landscaping budget off-site as permitted in this subsection, the In such instances, the applicant shall demonstrate to the Administrative Officer that the site that is the subject of the building application site has been adequately landscaped with trees, shrubs, and other non-bulb perennial vegetation, to provide a cohesive landscape plan. When off-site use of landscaping is proposed off-site or within a specified distance of the site, the total required landscape budget shall increase by fifteen (15) percent.

Table 8-3. Landscaping Options

Zone	Maximum use of Minimum Landscaping Budget	Acceptable Palette of Options
T5	60% <u>90%</u>	Palette includes commissioned sculptures (excluding signs ⁵), fountains, ornamental planters, ornamental or commissioned benches*, <u>decorative hardscapes,</u> and ornamental or commissioned bicycle racks*
T4	40% <u>80%</u>	Palette includes same as T5.
T3/T3+	30%	Palette includes same as T5; also includes structural or enhanced soils for community gardens, gazebos for common use, and rain gardens (as restricted in Appendix F).

*credit may be given for the ~~difference-incremental value~~ by which the proposed amenity exceeds the specified requirement for the district, at the discretion of the Administrative Officer or the Development Review Board where applicable

⁵As defined in the South Burlington Sign Ordinance

Credit will not be given for the value of the land under which any of the above are constructed.

LDR-19-11: Reduce size of reserved width for future buildings in FBC T4 and T5 Districts

8.05 Parking

A. On Street Parking. The selection of diagonal or parallel parking along any section of road shall be determined by Street Type and Street Typology and consultation with the Department of Public Works.

B. Off-Street Parking placement.

(1) Where all Frontage Buildout requirements have been met, off-street surface parking shall be permitted, but shall be set back a minimum of 25 feet from the closest street line.

(2) On a lot that complies with all requirements of the applicable BES, the Development Review Board may approve surface parking which is within the 25-foot setback and which is not hidden from view from the street by a building, provided:

(a) the subject parking represents the smallest practicable portion of the total parking required for the property; and,

(b) the area encompassed by the subject surface parking represents a significantly minor incursion with the 25-foot setback.

(3) Notwithstanding (1) above, no parking shall be permitted within one hundred and forty feet (140') of an existing, planned or proposed qualifying street unless the Frontage Buildout requirements for all areas between the street right-of-way and proposed parking have been met, regardless of whether such areas are on one or multiple lots with one or multi ownerships.

(a) This figure shall be reduced to ~~eighty-sixty-two~~ feet (~~62' 80'~~) where the applicant demonstrates that this area has a shared parking agreement that would allow for the development of the area without parking within this ~~eighty-sixty-two~~-foot (~~62' 80'~~) area. Screening with vegetation or a non-plastic fence or wall of at least three (3) feet in height shall be installed along the street frontage until such time as the area is developed. The Administrative Officer may approve the screening to be at the rear of the area, adjacent to parking, where it presents a better overall landscape treatment for the site.

LDR-19-12: Modify Upper Story Glazing Standards in FBC T4 and T5 districts

8.13 T-4 Urban Multi-Use Building Envelope Standards

...

(C) Building Standards

...

(7) Glazing

...

(c) Upper Stories	See Note 2
(d) Upper Stories, percent of glazing required to be transparent	See Note 2

T4 Notes		
(1)	If a corner lot is 100' or less in width along the street containing the primary building facade and greater than two (2) times that width in depth, the required frontage buildout on the BES shall be reduced by 50% on the street containing the secondary building facade.	
(2)	Upper Story Glazing Shall comply with the following standards:	
	(a) Upper story glazing shall be a minimum of 30% percent of the façade area below the roofline on the primary building facade and 20% on secondary building facades.	
	(b) 80% of glazing on upper stories shall be taller than wide	
	(c) The required percentage shall be achieved by multiple openings. Windows may be ganged horizontally if each grouping (maximum five per group) is separated by a mullion, column, pier or wall section that is at least 7 inches wide.	
	(d) Glazing on upper stories shall not be flush with building surface material and shall be recessed a minimum of 3 inches, except for bay windows and storefronts.	
	<u>(e) A minimum of 85% of all required glazing shall be transparent</u>	
(3)	Standard does not apply to a building façade abutting an Interstate or Interstate ramp	

8.14 T-5 Building Envelope Standards

...

(C) Building Standards

...

(7) Glazing

...

(c) Upper Stories	See Note 2
(d) Upper Stories, percent of glazing required to be transparent	See Note 2

T5 Notes			
✓	(1) If a corner lot is 100' or less in width along the street containing the primary building facade and greater than two (2) times that width in depth, the required frontage buildout in the BES shall be reduced by 50% on the street containing the secondary building facade.		
✓	(2) Upper Story Glazing Shall comply with the following standards:		
	(a) Upper story glazing shall be a minimum of 30% percent of the façade area below the roofline on the primary building facade and 20% on secondary building facades.		
	(b) 80% of glazing on upper stories shall be taller than wide		
	(c) The required percentage shall be achieved by multiple openings. Windows may be ganged horizontally if each grouping (maximum five per group) is separated by a mullion, column, pier or wall section that is at least 7 inches wide.		
	(d) Glazing on upper stories shall not be flush with building surface material and shall be recessed a minimum of 3 inches, except for bay windows and storefronts.		
	(e) Upper story windows/glazing (not doors) shall be no closer than 30 inches to building corners (excluding bay windows and storefronts).-		
	<u>(e) A minimum of 85% of all required glazing shall be transparent</u>		
✓	(3) Building Break Standards also apply to any façade facing a Qualifying Open Space		

	Commercial 1					Other Commercial			Heavy Commercial-Industrial		Airport		City Center FBC District
NON-RESIDENTIAL ZONING DISTRICTS	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND	
Residential Uses													
Single-family dwelling					PUD	P	P	P					
Two-family dwelling					PUD	P	P						
Multi-family dwelling	PUD	PUD	PUD		PUD	PUD	PUD		PUD				
Accessory residential units	Please see Section 3.10 for regulations												
Group home or Residential Care Home					PUD	P	P	P					
Agricultural Uses	<i>Exempt from local regulation in all districts</i>												
Public & Quasi-Public Uses													
Cemeteries	Conditional in all districts												
Community center	<u>P</u>	<u>P</u>	<u>P</u>			P	P	PUD	P				
Congregate care, assisted living, or continuum of care facility	C	C				C	C		C				
Cultural facility	<u>P</u>	<u>P</u>	<u>P</u>										
Educational facility	PUD	PUD				C	C		C				
Educational support facilities	PUD(5)	PUD(5)											
Food Hub	P(7)	P(6)	P(6)	P(6)	P(6)	P(6)	P(6)	P(7)	P(7)	P(7)			
Funeral homes, mortuaries, and crematoriums	C	C	C	C	C	C	C	C	C	C			
Hospice	P	P			P	P	P		P				
Municipal facility	P	P								P	C	C	
Parks	Permitted in all districts												
Personal instruction facility	P	P		P	P	P	P	P	P	P	P	P	
Place of worship	P	P	P	P	P	P	P		P		P-ACC		
Recreation paths	Permitted in all districts												
Skilled nursing facility	C	C			C	C	C		C				
Social services	C	C		C	C	C	C		C				
Commercial & Industrial Uses													
Adult use													

	Commercial 1					Other Commercial			Heavy Commercial-Industrial		Airport		City Center FBC District
NON-RESIDENTIAL ZONING DISTRICTS	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND	See Article 8
Agriculture & construction equipment sales, service & rental									P	P			
Airport Uses											P	P	
Animal shelter	C	C						P					
Artist production studio	P	P	P			P	P		P				
Auto & motorcycle sales			P						P	P			
Auto & motorcycle service & repair			P						P	P			
Auto rental, with private accessory car wash & fueling				P					P	P	P	P	
Bed & breakfast						C	C						
Cannabis dispensary (dispensing only)	P	P	P	P			P		P	P-TO			
Cannabis dispensary (cultivation only)								P		P			
Car wash									P				
Child care facility, licensed non-residential	P	P	P	P	P	P	P	P	P	P			
Commercial greenhouse								PUD	P	P			
Commercial kennel, veterinary hospital and pet day care	C	C		P				P	P	P			
Commercial or public parking facility	C	C	C	C	C				C	C	C	C	
Contractor or building trade facility								P	P	P		P	
Distribution and related storage, with >15% of GFA in office or other principal permitted use by same tenant						C			P	P		P	
Drive-through bank	PUD	PUD	PUD	PUD					PUD				
Equipment service, repair & rental									P	P			
Family child care home, registered or licensed					P	P	P	P					
Financial institution	P	P	P	P	P			ACC	P	P			
Flight instruction				P							P	P	
Hotel	PUD	PUD	PUD	C	C		C		C				
Hotel, extended stay	PUD	PUD		C	C		C		C				
Indoor theater	P	P	P										

	Commercial 1					Other Commercial			Heavy Commercial-Industrial		Airport		City Center FBC District
NON-RESIDENTIAL ZONING DISTRICTS	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND	
Indoor vehicle storage, maximum 10,000 square feet										P-ACC			
Junk yard													
Light manufacturing						PUD		PUD	P	P	P	P	
Lumber and contractor's yard									P	P		P	
Manufacturing & assembly from previously prepared materials & components	P	P	P	P	P			PUD	P	P	P	P	
Mobile home, RV and boat sales, repair & service									P	P			
Motor freight terminal										C		P	
Office, general	P	P	P	P	P	P	P	PUD	P	P		P	
Office, medical	P	P	P	P	P	P	P	PUD-TO	P	P-TO			
Personal or business service	P	P	P	P	P(7)	P	P	P (7)	P	P			
Pet grooming	P	P	P	P	P	P	P		P	P			
Photocopy & printing shops, with accessory retail	P	P	P	P	P	P	P	P-ACC	P	P			
Printing & binding production facilities						C		P	P	P		P	
Private providers of public services, including vehicle storage and maintenance									P	P	P	P	
Processing and storage						P		P	P	P	P	P	
Radio & television studio	P	P	P			C	P	P	P	P			
Recreation facility, indoor	P	P	P	P	P	P	P	P-ACC	P	P			
Recreation facility, outdoor	C	C	C	C	C	C	C		C	C			
Research facility or laboratory	P	P	P	P	P	P	P	P	P	P		P	
Restaurant, short order	P	P	P	P	P	P-ACC	P-ACC	P-ACC	P	P-ACC	P-ACC		
Restaurant, standard	P	P	P	P	P	P	P		P		P-ACC		
Retail sales	P (8)	P	P	P(8)	P (7)	P (7)	P (7)	P (7)	P (9)	P (8)	P-ACC		
Retail warehouse outlet									P	P			
Sale, rental & repair of aircraft & related parts											P	P	
Seasonal Mobile Food Unit	P	P	P	P	P	P	P		P	P			

	Commercial 1					Other Commercial			Heavy Commercial-Industrial		Airport		City Center FBC District
NON-RESIDENTIAL ZONING DISTRICTS	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND	
Self-storage									P	ACC, P-Non-TO			
Service station						C			C				
Shopping center	C	C											
Taverns, night clubs & private clubs	P	P	P	P	P		P		P	P			
Transportation services									P	P			
Warehousing & distribution				C		C				P		P	
Wholesale establishments						C	C		P	P		P	

Key and Notes to the Table above:

P = Permitted

C = Conditional Use

PUD = Allowable within a Planned Unit Development

ACC = Allowable as an accessory use

TO = Allowable only in the Transit Overlay District

Non-TO = Allowable only outside of the Transit Overlay District

(1) "N" refers to the Institutional-Agricultural North sub-district.

(2) R7 and SEQ-VC as classified as non-residential zoning districts, but are included in this table for purposes of efficiency

(3) No minimum lot size for bed & breakfast in the SEQ-VC district

(4) Permitted within a structure existing and approved for use as an 'educational facility' as of July 1, 2013. The structure existing as of July 1, 2013, may be expanded, enlarged or extended by an area that does not exceed 20% of its Gross Floor Area.

(5) Educational support facilities in C1 are subject to the dimensional standards of the IA-North District. See Article 7.

(6) Use is limited to 3,000 SF GFA per tenant with a maximum 9,000 SF GFA total footprint for the building. Tenants shall have separate entries from one another and no direct passageways from one to another.

(7) Use is limited to 5,000 SF GFA per tenant with a maximum 15,000 SF GFA total footprint for the building. Tenants shall have separate entries from one another and no direct passageways from one to another.

(8) Use is limited to 15,000 SF GFA per tenant with a maximum 25,000 SF GFA total footprint for the building. Tenants shall have separate entries from one another and no direct passageways from one to another.

(9) Use is limited to 30,000 SF GFA per tenant with a maximum 30,000 SF GFA total footprint for the building. Tenants shall have separate entries from one another and no direct passageways from one to another.

(10) Use is restricted to not-for-profit organization whose primary purpose is the provision of educational or research services related to agriculture, horticulture, forestry, natural resource preservation, arts or recreation

(11) Use is allowed only as an Educational Support Facility. See Section 7.01(E)

(12) Allowable only as a municipally-operated facility.



South Burlington Planning Commission Proposed Land Development Regulations Amendment & Adoption Report Planning Commission Public Hearing October 22, 2019

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

Outline of the Proposed Overall Amendments

The South Burlington Planning Commission will hold a public hearing on Tuesday, October 22, 2019 at 7:00 pm, in the City Hall Conference Room, 575 Dorset Street, South Burlington, VT to consider the following amendments to the South Burlington Land Development Regulations:

- A. *LDR-19-08: Reduce first story minimum window heights and establish privacy standards in FBC T4 District*
- B. *LDR-19-09: Modify City Center Open Space locational criteria and options*
- C. *LDR-19-10: Allow greater proportion of Landscaping Budget to be used off-site and to be used for hardscapes in FBC district*
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- F. *LDR-19-14: expand allowances for Cultural Facilities, Indoor Theaters, Artist Production Studios, and Community Centers within C1-R15, C1-R12, and C1-Auto Zoning Districts*

Brief Description and Findings Concerning the Proposed Amendments

The proposed amendments have been considered by the Planning Commission for their consistency with the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. For each of the amendments, the Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- (1) *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*
- (3) *Carries out, as applicable, any specific proposals for any planned community facilities.”*

A. LDR-19-08: Reduce first story minimum window heights and establish privacy standards in FBC T4 District

Brief explanation of the proposed bylaw

The amendment would reduce the minimum height of residential first story windows in the T4 from 7.5’ to 6’, establish a minimum head height, and require design to promote privacy for first story residents.

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

The proposed amendment will promote greater quality of life for first-story residential units in the T4, and promote safety of residents through greater privacy. The amendment will not affect the affordability of housing in any substantive manner.

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

The proposed amendment will not affect proposed future land uses or densities as presented in the Comprehensive Plan.

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

The amendments do not impact specific proposals for any planned community facilities.

B. LDR-19-09: Modify City Center Open Space locational criteria and options

Brief explanation of the proposed bylaw

The proposed amendment would allow for large properties to designate an open space wherein buildings within ¼ mile walking distance of the building itself can count it towards their requirement and would clarify prohibitions related to location and natural resources

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

The amendments remain consistent with the Plan’s goals for open space within walking distance of homes and will have no substantive effect on the availability of safe and affordable housing.

Strategy 83. Work towards providing access to a park or qualifying open space area within a one-mile safe walk from each neighborhood in the City, and provide each neighborhood with a small park, mini-park, neighborhood park, community green or meeting area. Utilize Gap Analysis map from 2014 Open Space Report to identify needs for neighborhood parks.

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

The amendments are not anticipated to impact proposed future land uses and densities as outlined in the Comprehensive Plan.

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

The amendments do not impact specific proposals for any planned community facilities.

C. LDR-19-10: Allow greater proportion of Landscaping Budget to be used off-site and to be used for hardscapes in FBC district

Brief explanation of the proposed bylaw

The proposed amendment would allow up to 85% of a project's minimum landscaping budget to be used at approved off-site open space locations, upon demonstration that the site itself is sufficiently landscaped. In addition, a greater proportion of the minimum landscaping budget may be used for hardscape features (90% in T5, 80% in T4).

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

The Comprehensive Plan calls for a compact, well-designed urban area in City Center. Allowing more landscaping to be used off-site and/or be used for hardscaping reflects this objective. The proposal will have no effect on the availability of safe and affordable housing.

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

The amendments are not anticipated to materially impact proposed future land uses and densities as outlined in the Comprehensive Plan.

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

The amendments do not impact specific proposals for any planned community facilities.

D. LDR-19-11: Reduce size of reserved width for future buildings in FBC T4 and T5 Districts

Brief explanation of the proposed bylaw

The proposed amendment would reduce the minimum distance a parking area may be from a planned or existing public street where no building is present (the "reserved area" for a future

building) from 80' to 62' in the event parking behind that area is shared. Also requires screening of the area from the frontage area.

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

The proposed amendment will support ongoing infill development in the City Center area as envisioned in the Plan. The amendment would have no significant effect of the proposal on the availability of safe and affordable housing.

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

The amendments are not anticipated to impact proposed future land uses and densities as outlined in the Comprehensive Plan.

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

The amendments do not impact specific proposals for any planned community facilities.

E. LDR-19-12: Modify Upper Story Glazing Standards in FBC T4 and T5 Districts

Brief explanation of the proposed bylaw

The proposed amendments would eliminate the requirement for upper story glazing to be located at least 30" from the corners of buildings in the T5, and clarify that there is an overall 85% minimum requirement for upper story glazing to be transparent in T4 and T5.

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

The amendments are not anticipated to have any impacts on the availability of safe and affordable housing and are consistent with the Comprehensive Plan's goals for a well-designed City Center area.

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

The amendments are not anticipated to impact proposed future land uses and densities as outlined in the Comprehensive Plan.

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

The amendments do not impact specific proposals for any planned community facilities.

F. LDR-19-14: expand allowances for Cultural Facilities, Indoor Theaters, Artist Production Studios, and Community Centers within C1-R15, C1-R12, and C1-Auto Zoning Districts

Brief explanation of the proposed bylaw

The proposed amendments would expand existing areas where cultural facilities, indoor theaters, artist production studios and community centers area allowed to throughout the C1-R15, C1-R12, and C1-AUTO Districts.

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

The amendments are not anticipated to have any impacts on the availability of safe and affordable housing. They are anticipated to support quality of life objectives for the community:

Objective 14. Seek a livable balance between public, commercial, and civic activity and private tranquility and promote the health, peace, and well-being of residents in their daily lives.

Objective 16. Build and reinforce diverse, accessible neighborhoods that offer a good quality of life by designing and locating new and renovated development in a context-sensitive manner.

Strategy 35. Take into account the quality of life of residents, employees, and visitors in the development of City policies, plans, projects, and regulations.

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

The amendments are not anticipated to impact proposed future land uses and densities as outlined in the Comprehensive Plan.

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

The amendments do not impact specific proposals for any planned community facilities.

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*

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

Tuesday, October 15, 2019, 6:00 P.M.

Fletcher Room, Fletcher Free Library, 235 College Street, 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 review and discuss a proposed zoning amendments related to Accessory Dwelling Units (ADU's). This amendment comes as a result of the Mayor's Housing Summit and subsequent policy reform recommendations. Eli Spevak, of OrangeSpot and working with AARP VT on ADU policy, will attend to answer questions and share national context information with the committee. Attachments to this agenda include:

- A memo transmitted to the City Council regarding Housing Policy Reforms on page 3.
- Proposed ZA-20-03 amendments on page 14.
- Additional information can be found online at <https://www.burlingtonvt.gov/BTV-housing-policy>.

Staff Recommendation: Discuss proposed amendment and provide direction to staff on additional information and modifications.

IV. Reapprove Municipal Bylaw Amendment Report ZA-19-06 Article 7 Signs (2 min)

Proposed ZA-19-06 was modified by the City Council Ordinance Committee based on recommendations of staff, and has been forwarded to City Council for public hearing and adoption. Information related to this item is included in the agenda packet on page 21, and the full amendment can be reviewed online at:

<https://www.burlingtonvt.gov/PZ/CDO/Proposed-Amendments-Before-the-City-Council>

Staff Recommendation: Reapprove the Municipal Bylaw Amendment Report and forward any comments to the City Council.

V. Reapprove Municipal Bylaw Amendment Report ZA-19-10 Inclusionary Zoning (5 min)

Proposed ZA-19-10 was modified by the City Council Ordinance Committee based on recommendations of the Planning Commission, and has been forwarded to City Council for public hearing and adoption. Information related to this item is included in the agenda packet on page 23 and the full amendment can be reviewed online at: <https://www.burlingtonvt.gov/PZ/CDO/Proposed-Amendments-Before-the-City-Council>

Staff Recommendation: Reapprove the Municipal Bylaw Amendment Report and forward any comments to the City Council.

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

VI. Commissioner Items

- a. The Commission and Council Ordinance Committee will meet again on:
 - i. Tuesday, October 22, 2019 at 6:30pm at Miller Center, 130 Gosse Court, Burlington
 - ii. Wednesday, October 30, 2019 at 6:30pm at Contois Auditorium, 149 Church St., Burlington

VII. Communications

- a. Communications are enclosed in the agenda packet beginning on page 26.

VIII. Adjourn

(Re) Introducing ADUs

Petite, Discreet and Affordable Homes
for Today's Smaller Households



Burlington, VT October 15, 2019

Eli Spevak, Orange Splot LLC

What DO older adults want?

- $\frac{3}{4}$ people 50+ want to stay in homes and communities
- Homesharing on the rise, up from 2-16%
- $\frac{1}{3}$ homeowners interested in building ADUs for help, income, and companionship



AARP
Real Possibilities

Available at
<https://www.aarp.org/research/topics/community/info-2018/2018-home-community-preference.html>

What's an Accessory Dwelling Unit (ADU)?

An accessory dwelling unit (ADU) is a second dwelling unit on a single family residential lot.

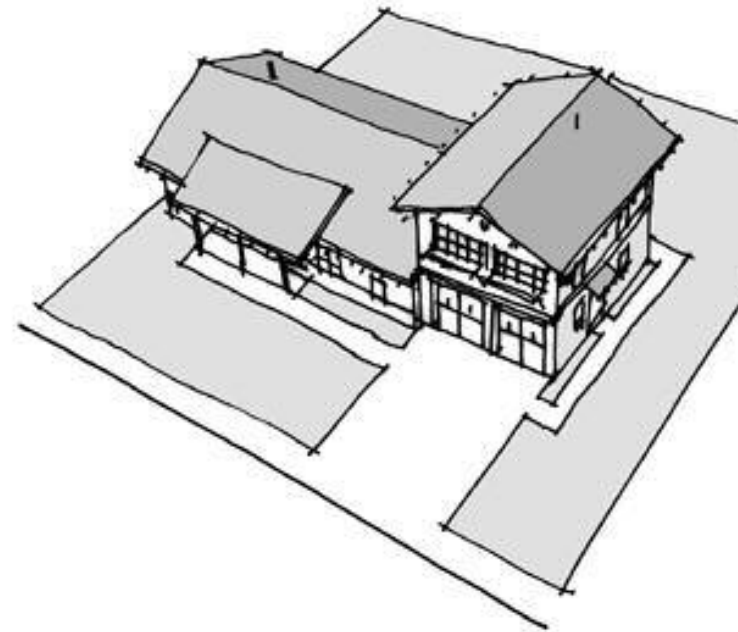
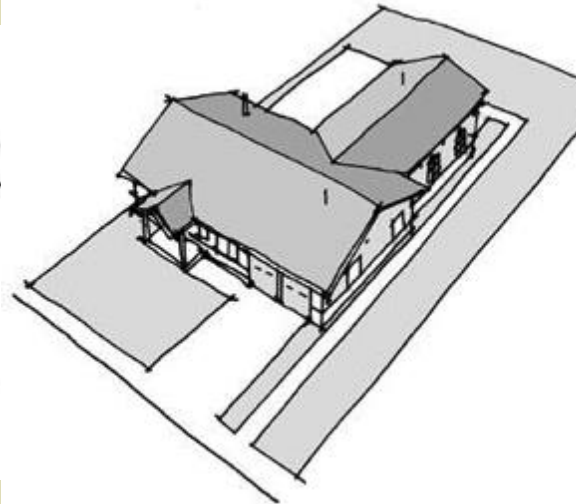
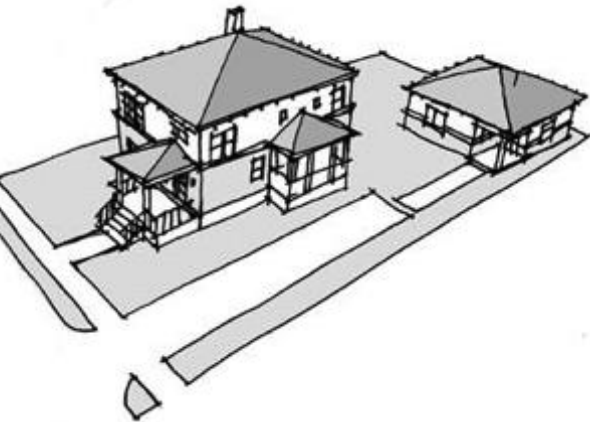
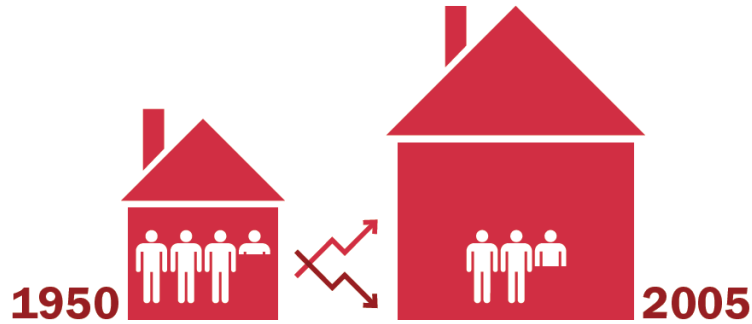


Photo: City of Santa Cruz

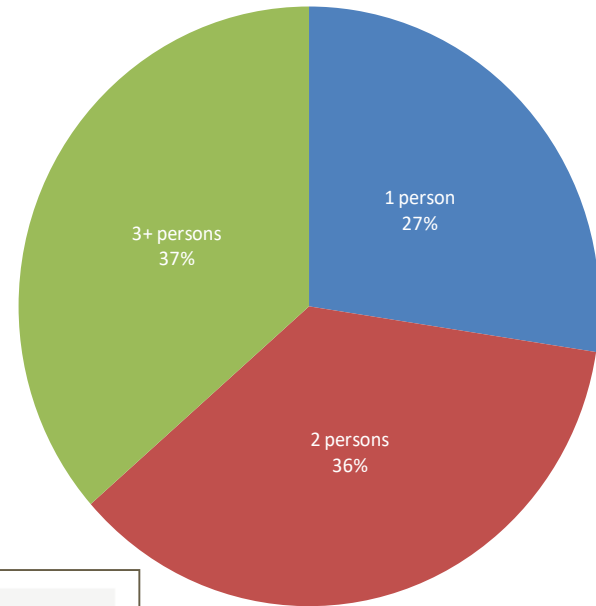
5. Demographics: Smaller Homes for Smaller Households



AVERAGE SIZE OF NEW SINGLE-FAMILY HOME AND
AVERAGE PERSONS PER HOUSEHOLD
IN 1950 AND 2005
US CENSUS AND NATIONAL ASSOCIATION OF HOME BUILDERS

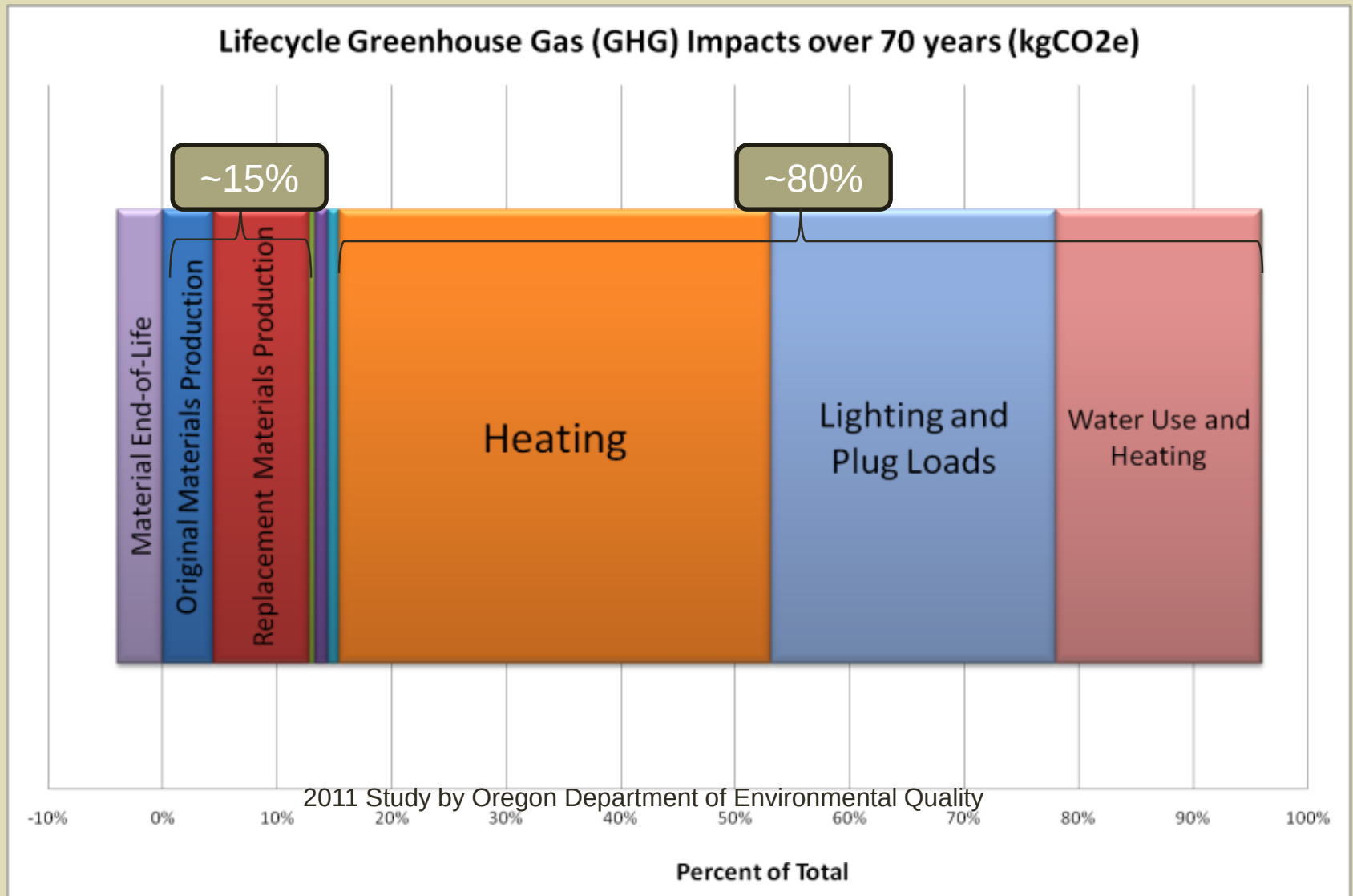
Source: City of Milwaukie and URBSWORKS

Share of Households by Size, 2010
State of Oregon



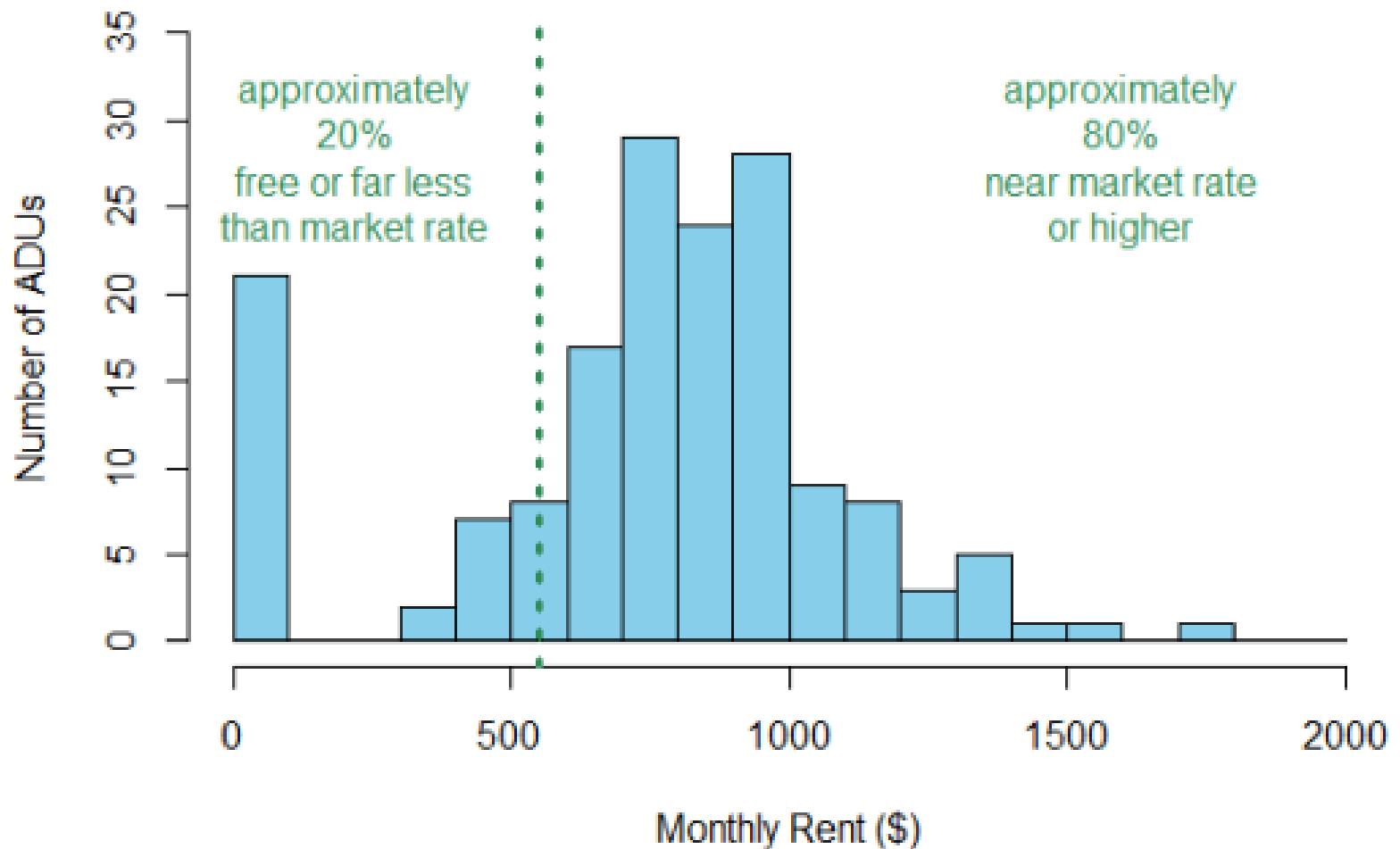
YEAR	HOME SIZE	FAMILY SIZE	SQ. FT. PER PERSON
1950	983	3.8	258.7
2008	2500	2.6	961.5

6. Environmental Benefits of Small Homes



7. Affordability

ADU rents in Portland, circa 2013



Accessory Dwelling Units



Bruce and Carolyn Nelson's detached ADU



Martin Brown's garage conversion ADU



Granger House internal ADU



Derin & Andra Williams' basement ADU

Accessory Dwelling Units



Back yard house



Sabin Green detached ADU condo



Caleb & Tori Bruce's main house -> ADU



Oscar's front yard ADU (not allowed in most jurisdictions)

Not Quite the Same as ADUs, Part I: Detached Bedrooms



Mother-in-Law unit (Schuyler Smith)



Ruth's Cottages (Orange Splot LLC)

Not Quite the Same as ADUs, Part II: Tiny Homes



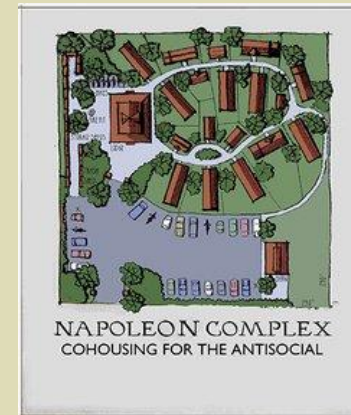
Dee Williams in her tiny home



Build by Portland
Alternative Dwellings



Built by Orange Splot LLC



NAPOLÉON COMPLEX
COHOUSING FOR THE ANTISOCIAL

Boneyard Collective

Caravan: Tiny House Hotel

www.fourlighthouses.com

Oregon DEQ Research Findings: Survey of ADU owners

Accessory Dwelling Unit Survey
for Portland, Eugene, and Ashland, Oregon

Final Methodology and Data Report
September, 2013



Survey Research Lab

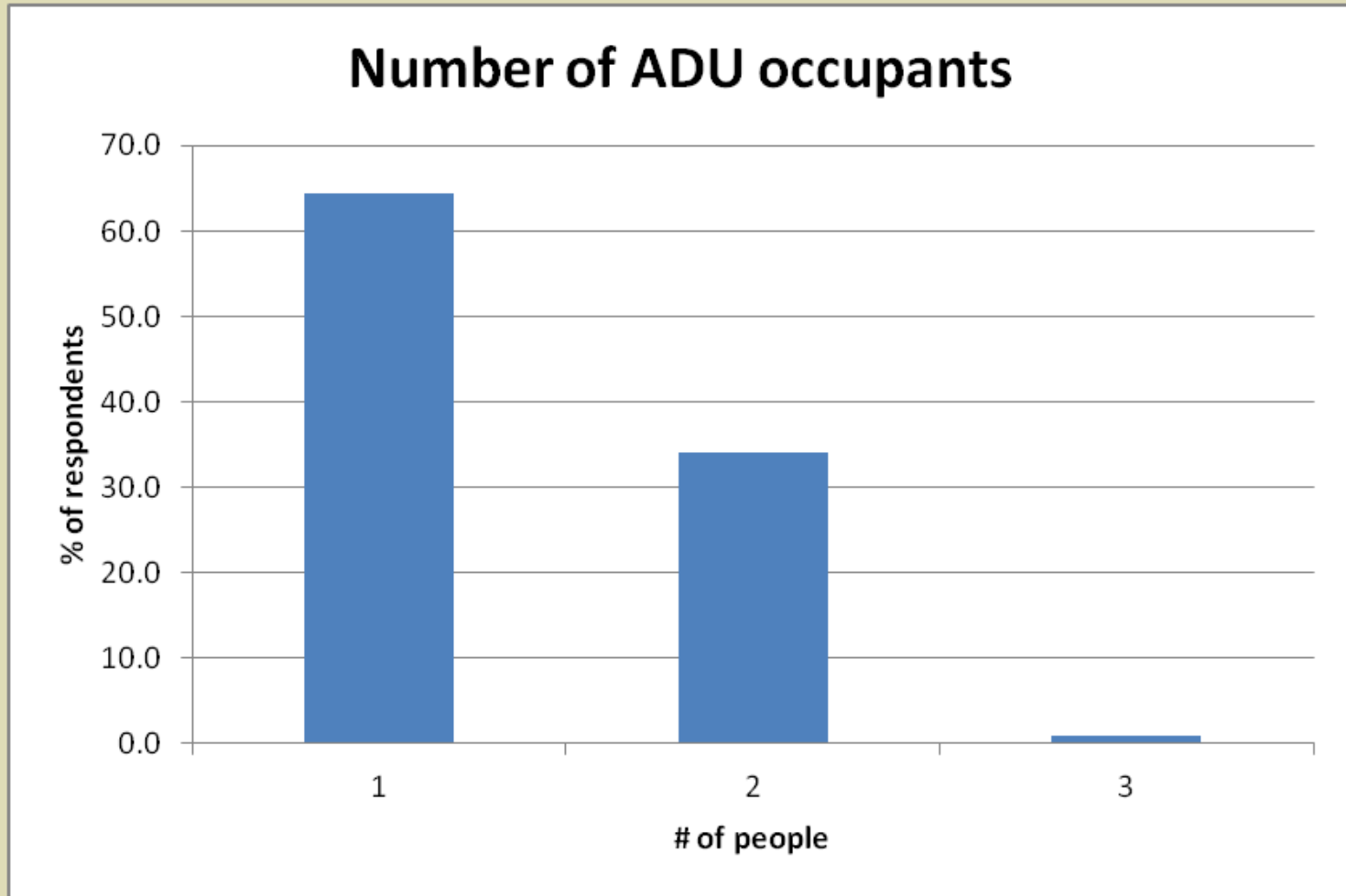


State of Oregon
Department of
Environmental
Quality

Table 2: Final Response Rates

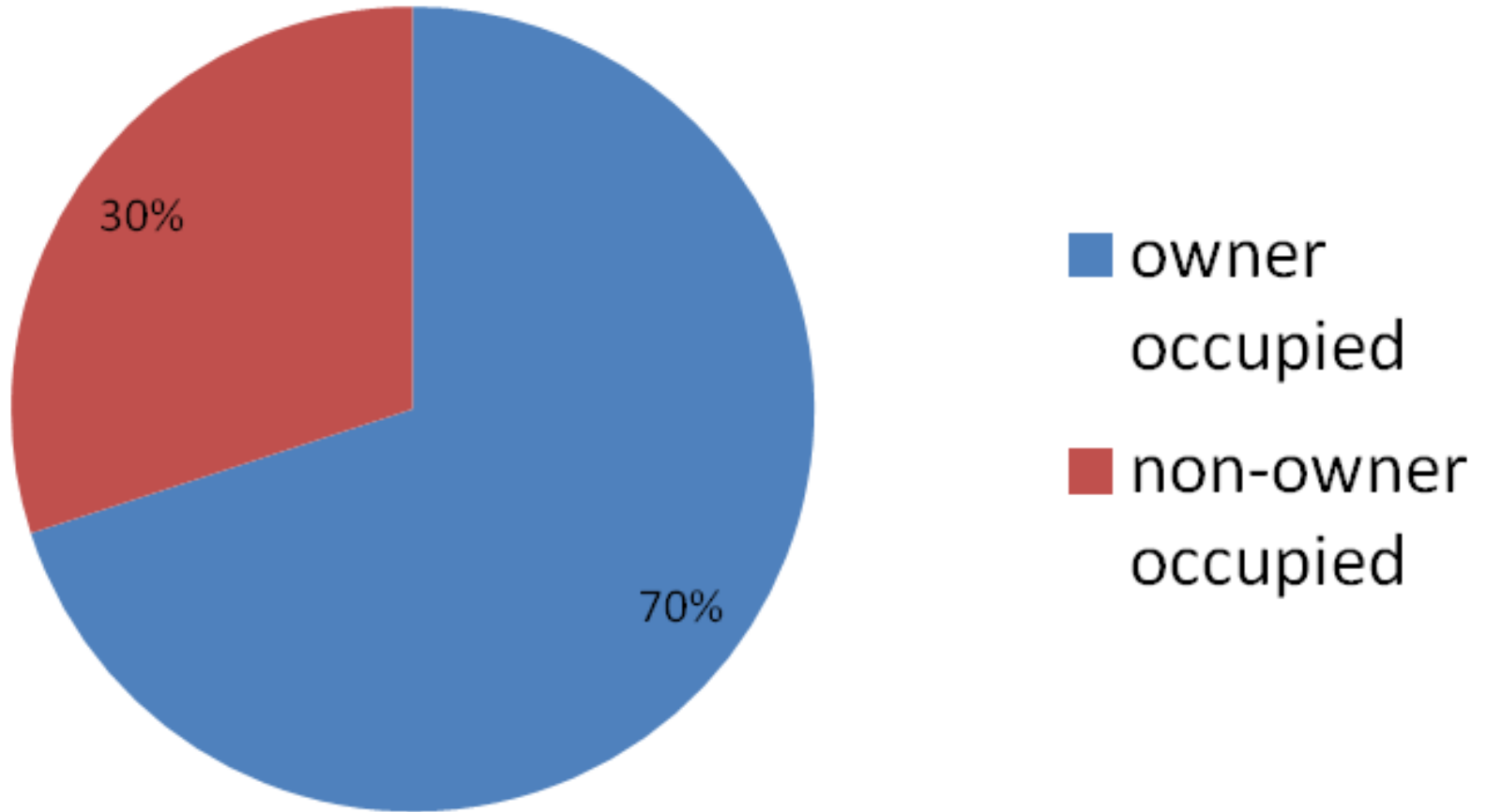
	Target Completes	Total Completes	Valid Sample	Response Rate
Portland	248	290	673	43.2%
Eugene	82	49	91	53.8%
Ashland	57	30	66	45.5%
Total		369	830	44.6%

Household Size

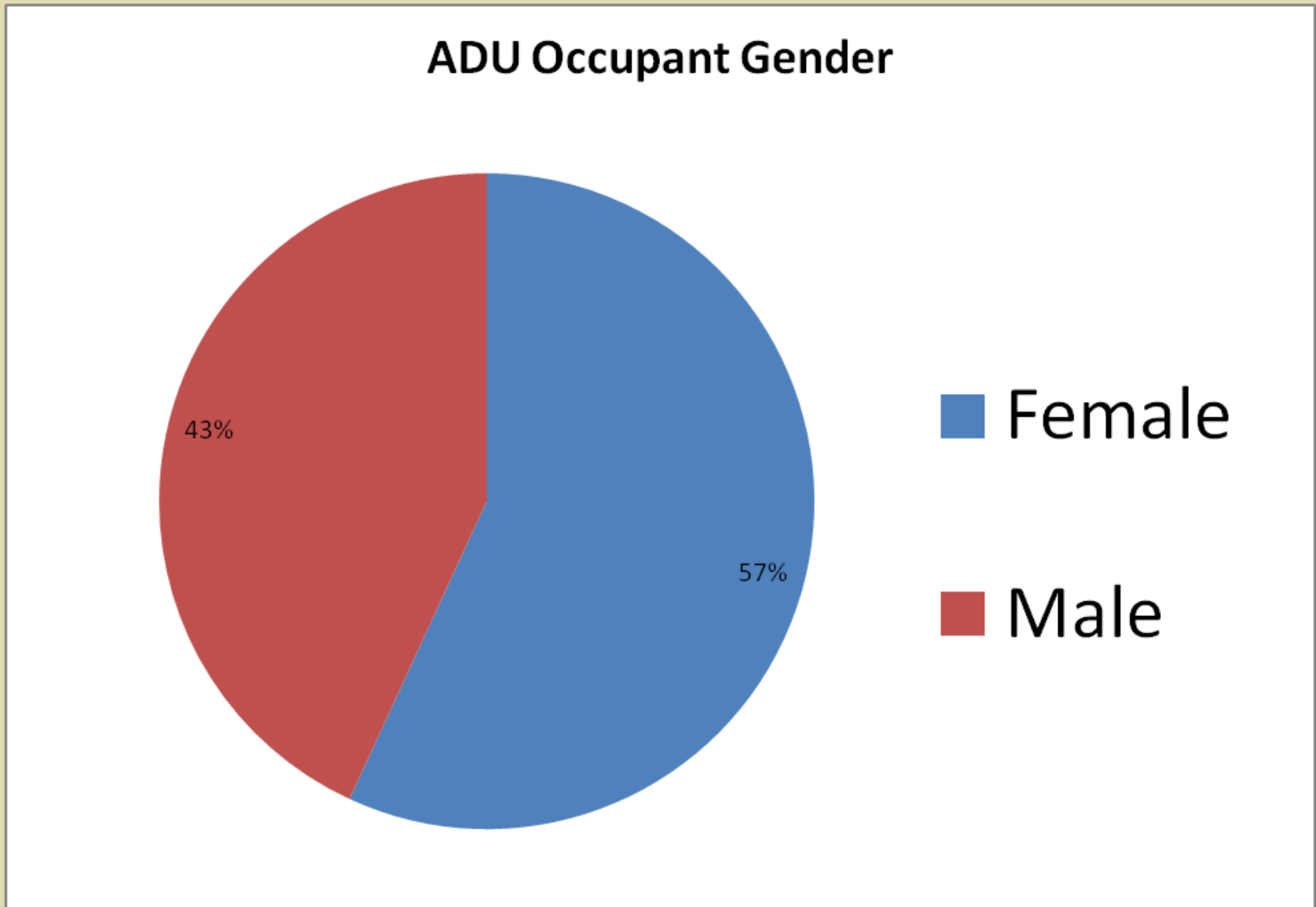


Average ADU household size = 1.45 people

ADU owner status?

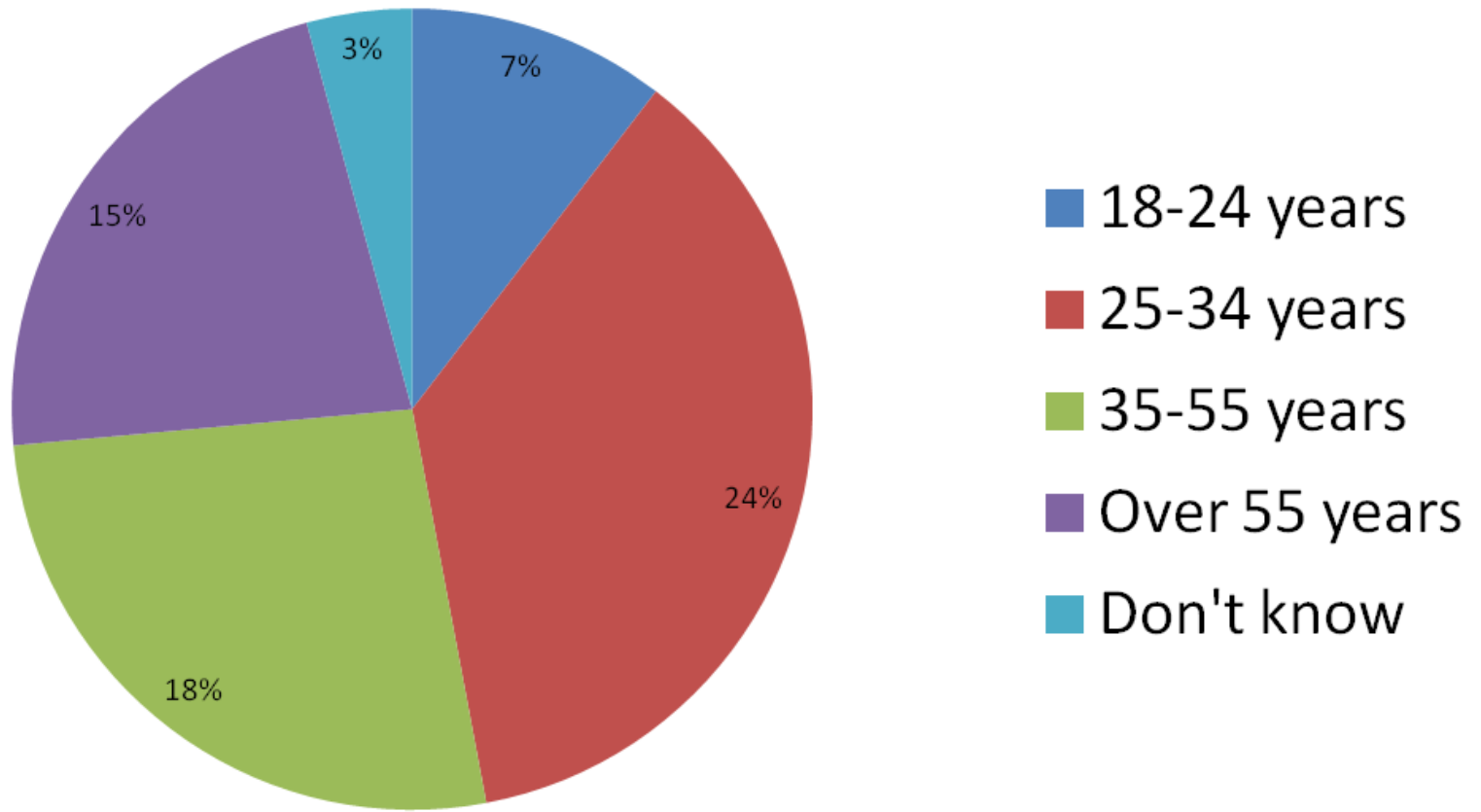


Who lives in ADUs?



Who lives in ADUs?

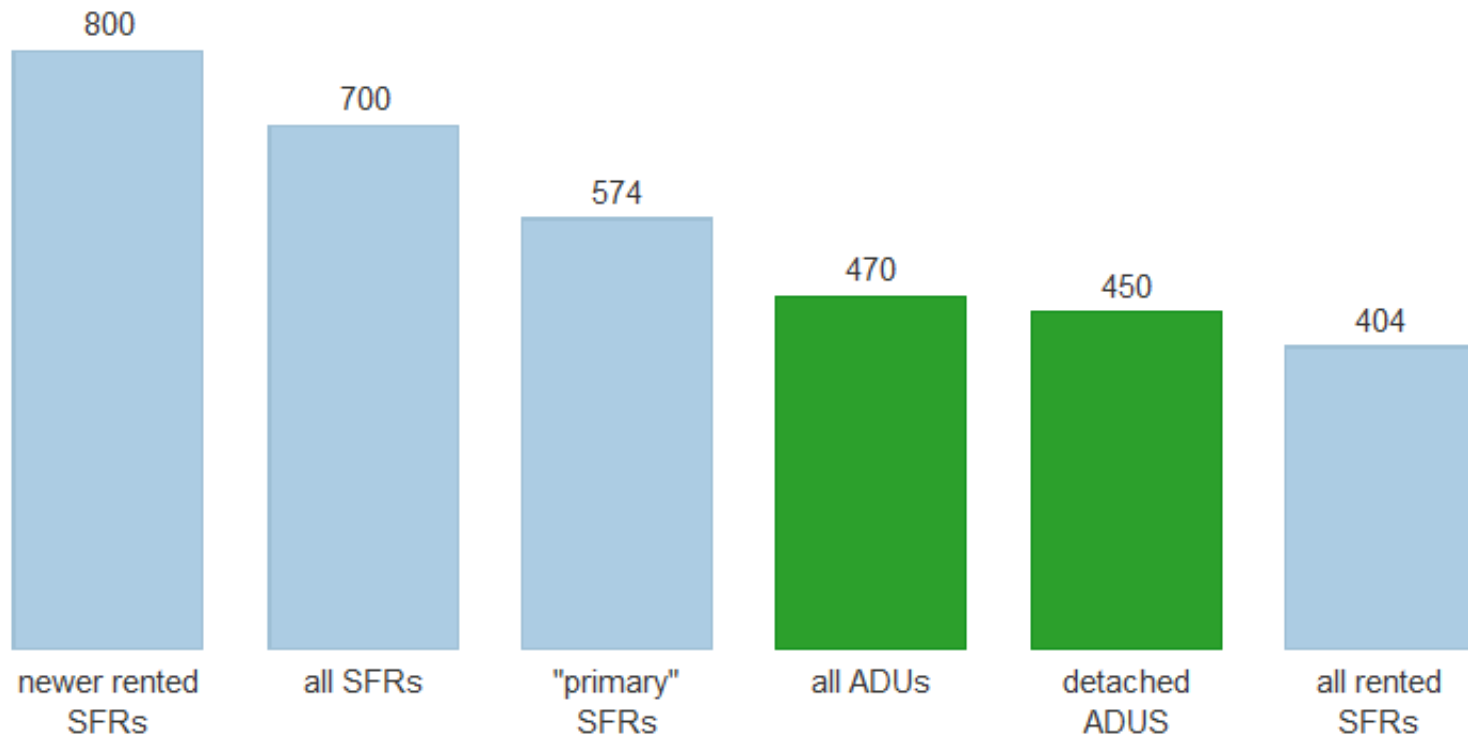
Occupant Age Profile



Do ADUs have low environmental impact?

Living area per person in various housing forms (Portland, Oregon 2013)

Living area in square feet. See Exhibit F2 in the source below for full details.



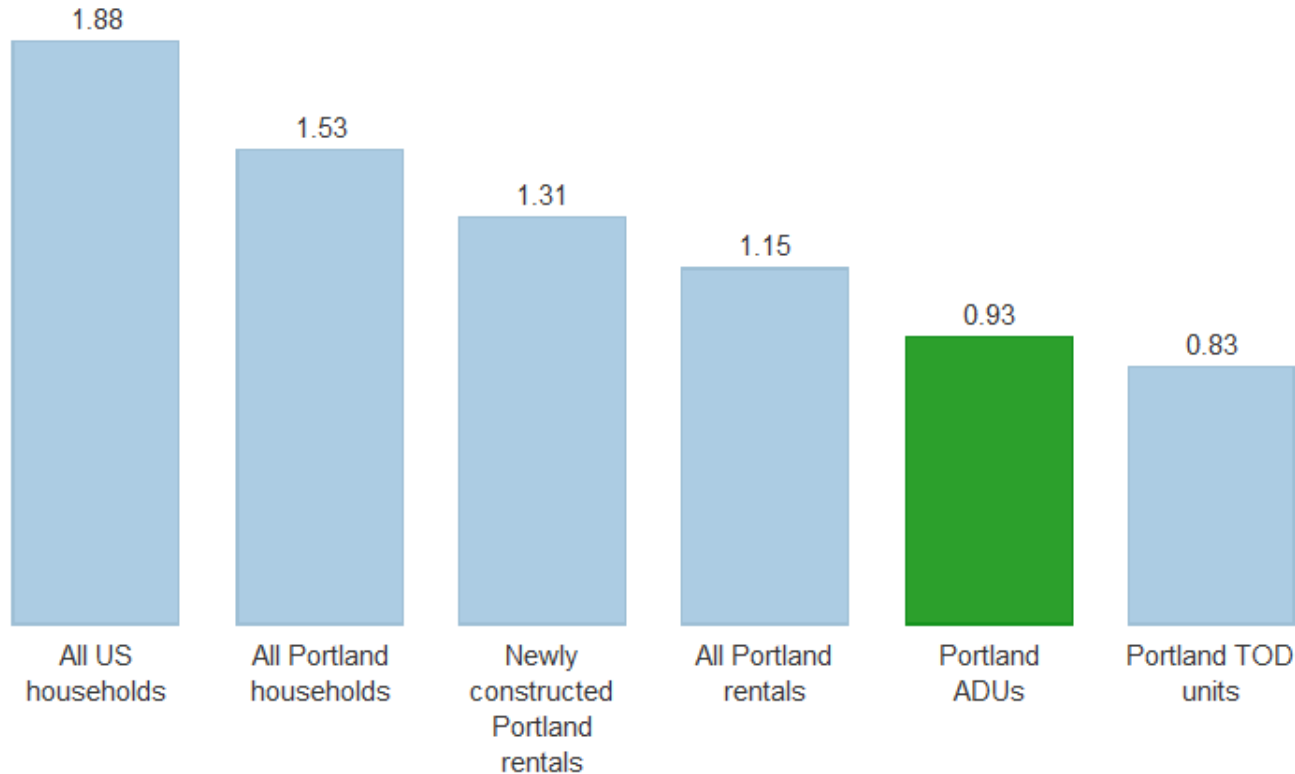
Created with [Datawrapper](#)

Source: [Martin J. Brown](#), [Get the data](#)

ADUs and parking

Average vehicles per household type

Estimated from American Housing Survey and two studies about Portland. See "Source" link below.



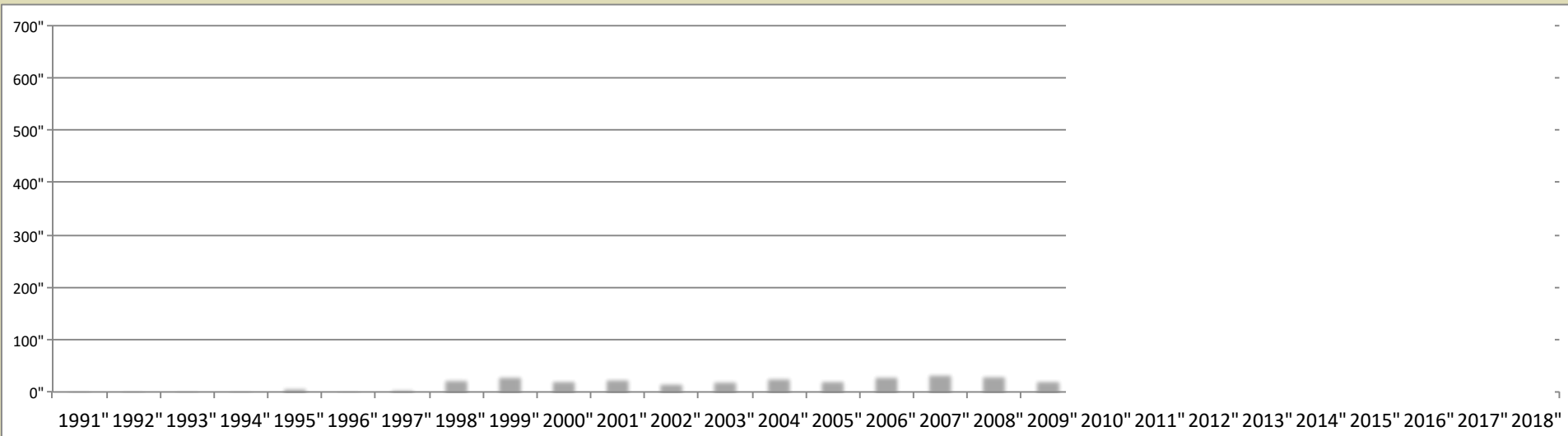
Created with [Datawrapper](#)

Source: [Martin J. Brown](#), [Get the data](#)

Each ADU contributes 0.46 street parked cars

Portland's ADU History

ADUs permitted per year & Applicable Regulations



1996 - 2009

ADU Blast Off ??

**ALLOWED
BY RIGHT**

**NO OFF
STREET
PARKING**

**ALLOWED
CITY-WIDE**

**CAN
RENT
BOTH
UNITS**

**IMPACT
FEES
50%**

**NO
MINIMUM
LOT SIZE**

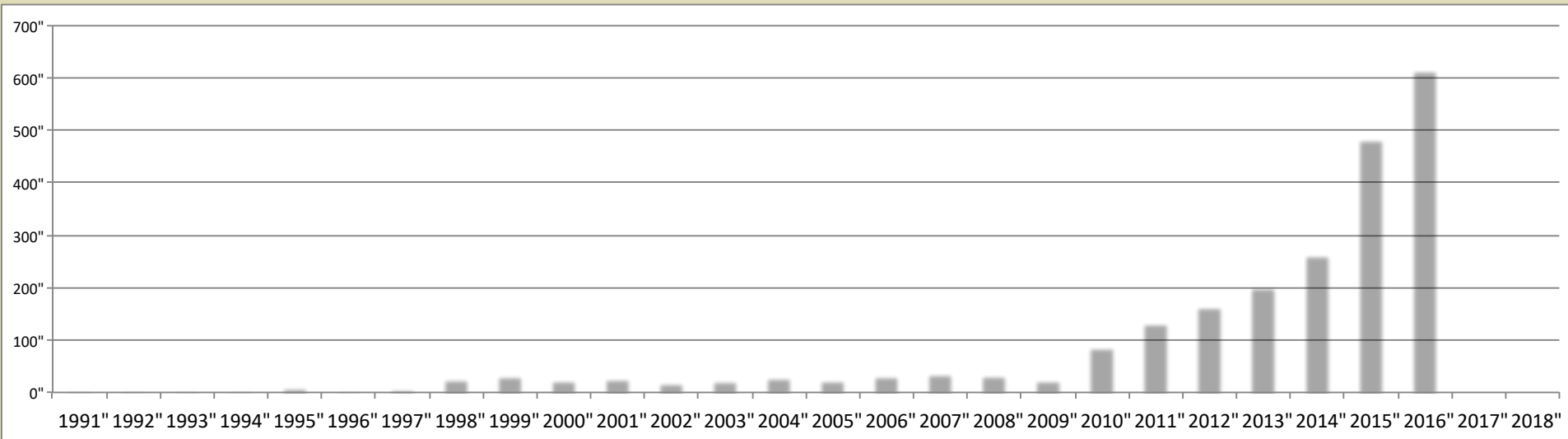
**SIZE CAP
33% / 800SF**

**TYPES:
INTERNAL
ADDITIONS
DETACHED**

**DESIGN
COMPATIBILITY**

Portland's ADU History

ADUs permitted per year & Applicable Regulations



2015 - 2016

**ALLOWED
BY RIGHT**

**NO OFF
STREET
PARKING**

**ALLOWED
CITY-WIDE**

**CAN
RENT
BOTH
UNITS**

**IMPACT
FEES
WAIVED**

**NO
MINIMUM
LOT SIZE**

**SIZE CAP
75% / 800SF**

**TYPES:
INTERNAL
ADDITIONS
DETACHED**

**DESIGN
COMPATIBILITY**

4. Supportive Regulations at the City, Regional and State level

State ADU Mandates

- Oregon
- Washington
- New Hampshire
- California
- Vermont
- Washington, DC

Regional ADU Initiatives

- Chicago area
- Bay Area, CA
- Boston area
- Atlanta area
- Washington, DC area

Cities welcome ADUs

More cities allow *both* an internal and detached ADU

- Vancouver, BC
- Tigard, OR
- Seattle, WA
- Sonoma County, CA
- Fayetteville, AR

Cities (and some entire states) drop owner-occupancy and off street parking requirements

5. Rethinking Single Family Zoning

- 2018: Minneapolis updated its comprehensive plan to allow three-family homes on any residential lot
- 2019: Oregon passed HB 2001, which requires all cities over a certain size to allow duplexes, triplexes, fourplexes and/or cottages clusters in all residential zones

Beyond ADUs: Additional Tools for the Toolkit



Courtyard Clusters



Courtyard Clusters



Duplexes on Corner Lots



Duplexes – Side-by-Side and Up-Down



Internally Divided Larger Homes

© 2013



Tiny Homes



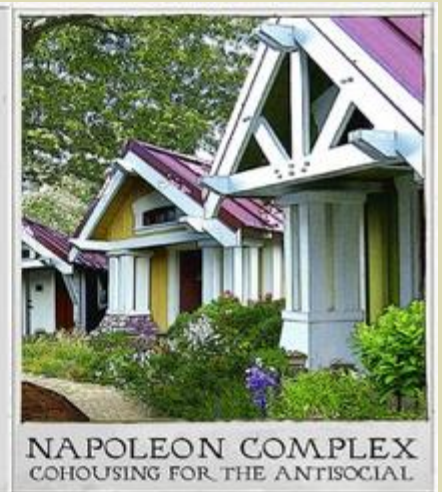
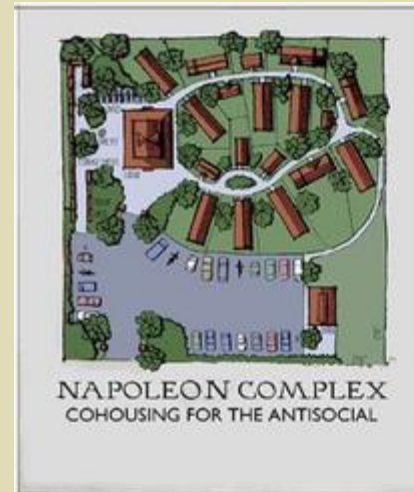
Built by Portland Alternative Dwellings



Built by Orange Splot LLC



Boneyard Collective in Washington, DC



Additional Resources

AccessoryDwellings.org



Accessory Dwellings

A one-stop source about accessory dwelling units, multigenerational homes, laneway houses, ADUs, granny flats, in-law units...

National ADU Summit

November 3-5, 2017

Register Now!



[Home](#)

[What are ADUs?](#)

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[Build your own](#)

[What are the rules?](#)

[ADU Professionals](#)

[Research & Policy](#)

[Events](#)

[Contribute](#)

[Copyright & permissions](#)

[About us](#)

Search this site

files.wordpress.com/2016/12/strom-adu.jpg

Natalie & Justin Strom's ADU: Two Bathrooms & An Attic



Information

This entry was posted on December 9, 2016 by [linamenard](#) in [600-799 SF](#), [Case Study](#), [Detached](#), [New Construction](#), [Projects](#) and tagged [Carrie McIntyre](#), [Justin Strom](#), [Natalie Strom](#), [Oreste Construction](#), [two bathrooms](#).

Shortlink

<http://wp.me/p1R4v3-2yq>

Navigation

[Previous post](#)

Next [Customize](#) [Ed](#)

Includes:

- Case studies
- Videos
- Tour info

- Zoning code
- Appraisal guide
- Financing guide
- Research

Making the case for a more diverse housing stock

The ABCs of ADUs

A guide to
Accessory Dwelling Units
and how they expand housing options
for people of all ages



BASEMENT ADU



ATTACHED ADU



SECOND-STORY ADU



DETACHED ADU



GARAGE-CONVERSION ADU

AARP
Real Possibilities

ADUs are Good for People and Places

Communities that understand the benefits of ADUs allow neighbors to create them

ADUs provide affordable housing

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.

- Since the land on which an ADU is built is owned by the homeowner, the expense to build a secondary residence is for the new structure only. The lot is, in essence, free.

- Because ADUs are smaller than full-sized homes they are, in comparison, less expensive to build. Smaller homes, in turn, have lower utility bills and maintenance expenses. (Of all the ADU types, internal ADUs tend to have the lowest building and operating costs.)

- ADUs are typically owned and managed by homeowners who often live on the premises themselves. Such landlords are less likely to raise rent once a valued tenant has moved in. Many ADUs are created for family members to reside in for free or at a discounted rate.

- Although market rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the only affordable rental options in single-family neighborhoods, which typically have no multifamily housing options at all.

ADUs provide housing for people of all ages

- People's housing needs change over time, and ADUs are flexible for different types of households, income levels and stages of life. ADUs offer young people entry-level housing choices. ADUs enable families to expand beyond their primary home. And ADUs allow empty nesters and older adults to move into a smaller space while renting their larger house (or letting an adult child reside there) without having to give up their home and leave their neighborhood.

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet in size, ADUs work well for the one- and two-bedroom homes needed by today's smaller households, which now account for nearly two-thirds of all households in the United States. Not surprisingly, ADUs house more people per square foot of living area than single-family homes do.
- ADUs offer a way to tuck smaller, relatively affordable homes into established neighborhoods with minimal visual impact and without added sprawl.
- ADUs also provide a more dispersed and incremental way of adding homes to a neighborhood than other options, such as apartment buildings. (As a result, it's sometimes easier to get community support for the addition of ADUs than for other housing types.)

Big homes are being built, small homes are needed

Do we really need four times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

Source: U.S. Census Bureau, Census of Housing, 1950-2010. Data for 1950 and 2010 are based on the 1950 and 2010 censuses.

YEAR	1950	2017
New home size in square feet	983	2,660
Average family size	3.8	2.6
Square feet per person	250	1,023

4



HOME VISIT #1 Attached ADU Addition

Santa Cruz, California
Size: 500-square-foot
Cost to Build: \$TK,000 (2017)



▲ The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.
▼ The ADU has its own entrance along the side of the home, see photo at left, and is being rented to the couple's daughter so she can help her elderly parents when needed.

When Carrie and Sterling Whitley bought their house in 1971, they paid less than \$15,000. Nearly 50 years later, similar homes on their street have sold for more than \$1 million.

THE PROBLEM: The Whitelys, who are in their 80s, own the house outright and don't want to move, but the financial and physical demands involved in caring for the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the city of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendly home and earn rental income from their original house. Or, such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitelys' project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the ADU was built with accessibility features, Carrie and Sterling know they'll be able to downsize into the ADU if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: "I'm right next door to my parents in case they need me or need any help," she says.

Designer: Historic House | Builder: Historic House
Photos by Michael Carter | Article adapted from Where We Live, Communities for Aging (AARP 2018)



ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) in a space that's furthest from the main house. Providing the ADU with its own yard is helpful too.



AARP
Real Possibilities

Character-Compatible, Space-Efficient Housing Options for Single-Dwelling Neighborhoods

May 2016

Corner
Duplexes

Internal Home
Conversions

Accessory
Dwelling Units

Cottage
Clusters



www.orangesplot.net/resources/arch/



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**

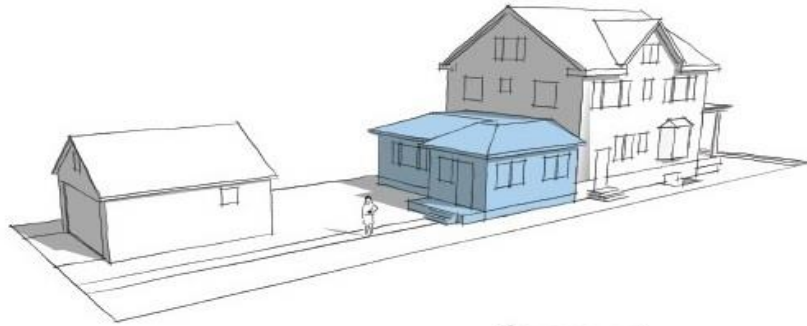
Council approved a resolution to advance this work

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

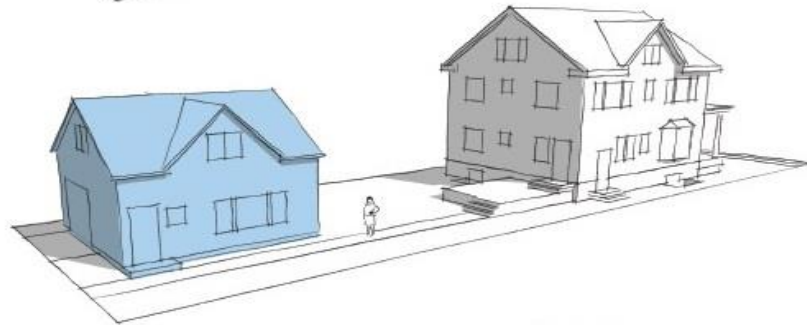
- **Joint Committee of the Planning Commission & City Council Ordinance Committee** to discuss zoning and housing code amendments associated with the short-term rental, ADU, and parking proposals.
- **City Council Ordinance Committee** to discuss housing code amendments associated with the energy efficiency 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

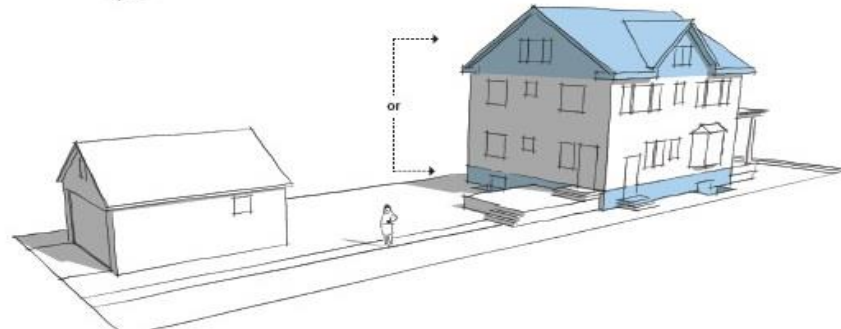
Accessory Dwelling Units



Attached

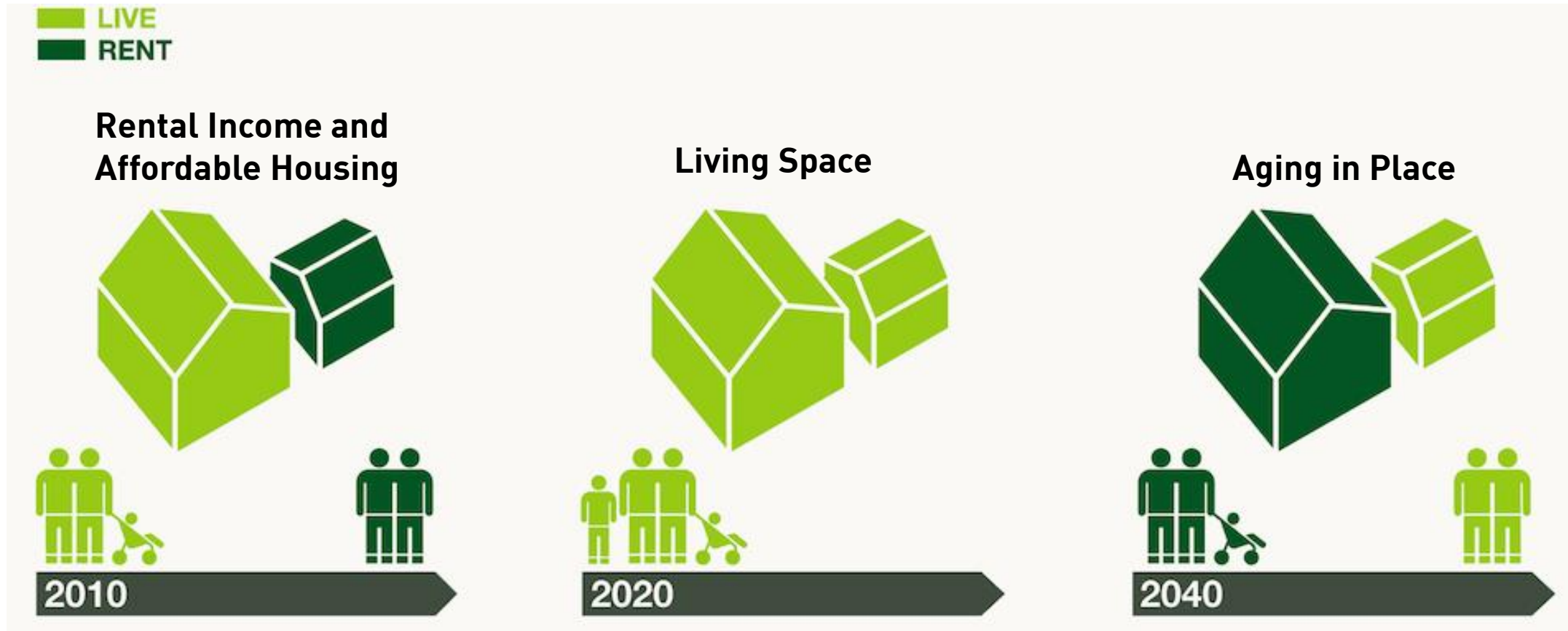


Detached



Internal Conversion

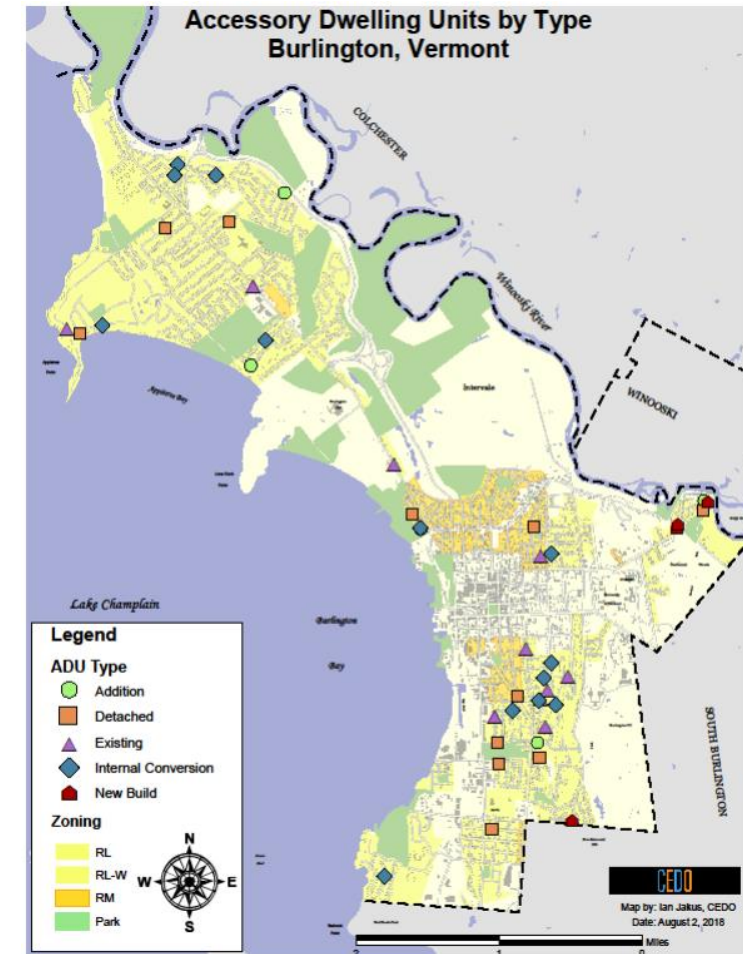
Accessory Dwelling Units



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)

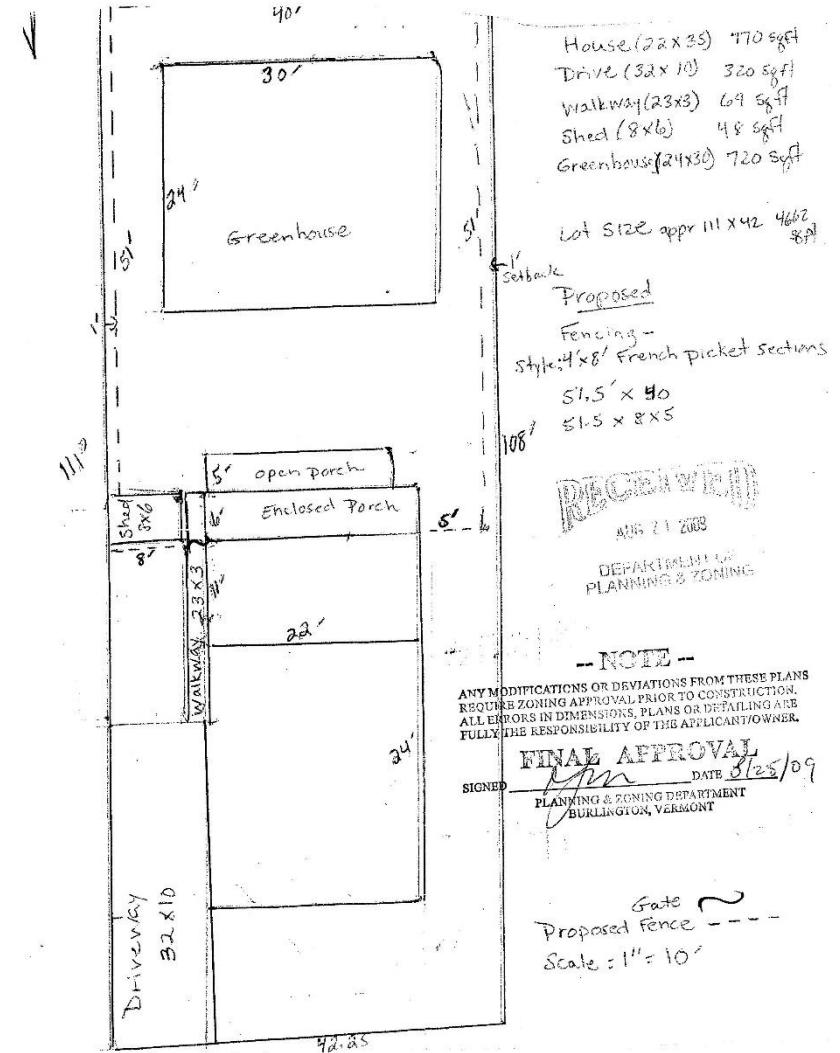
Questions

Proposed Zoning Amendments

BTV Homeowner Case Study

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

Limitations:



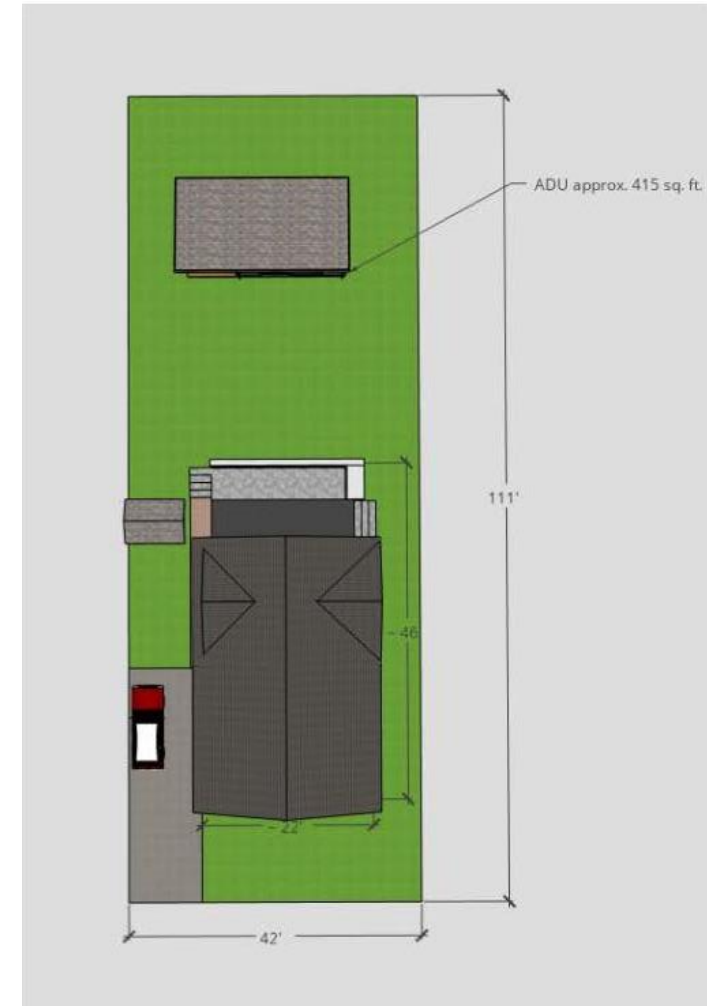
BTV Homeowner Case Study

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

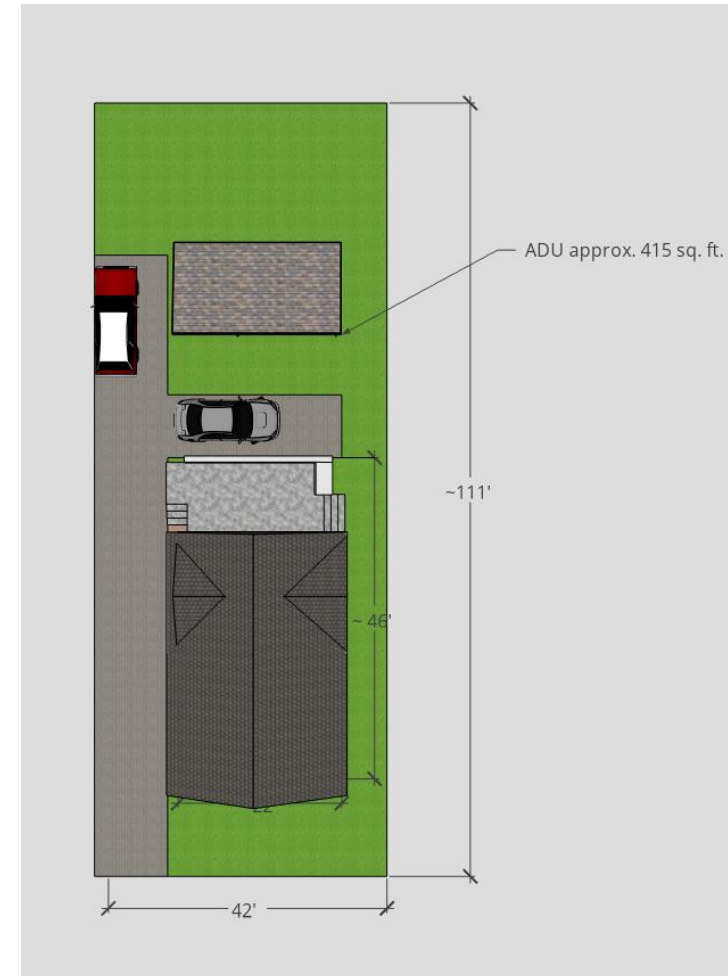


BTV Homeowner Case Study

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

Limitations:

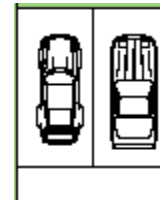
- Small lot and small home
- Parking requirement would mandate significant addition of impervious surface due to lot layout, but
- Lot coverage limit and parking design standards may preclude those improvements



Basics of Current Parking Standards

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

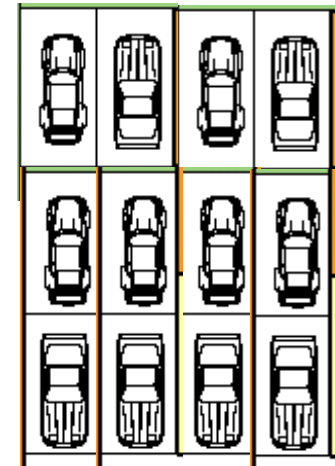
- 2 parking spaces for primary single-family home, plus 1 space for the ADU
- No more than 2 cars in a tandem arrangement
- Min parking space requirement is 9' x 20'
- Maximum waiver for residential parking requirement is 50%, upon approval of a Parking Management Plan



Normal



Tandem



Stacked

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 up to 50% of footprint	Required to meet underlying requirements

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*

Burlington Joint Planning Commission

Tuesday, October 15, 2019, 6:00 P.M.

Fletcher Room, Fletcher Free Library, 235 College Street, Burlington

Minutes

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

I. Agenda

Call to Order	Time: 6:15 pm
Agenda	No changes to the agenda

II. Public Forum

Name	Comment	Commission Action
Scott Mapes	Fire safety code, which required sprinkler systems to be added to his Accessory Dwelling Unit (ADU), will add \$25,000 to the cost of construction.	
Amy Magyar	Excited about the policy changes- was denied zoning permit for an ADU due to a stacked 4-car driveway. Look further into fire safety code requirements for ADUs (specifically the requirement for sprinkler systems). A lot of this information wasn't available until was in the process.	

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

Action: No action- discussion only		
Motion by: NA	Second by: NA	Vote: NA
Type: Action	Presented by: M Tuttle & I Jakus	
Discussion/Notes:) M Tuttle stated that the purpose of the joint meetings are to discuss the Housing Summit policy reforms which have zoning implications (ADU, minimum requirements for new parking, and a regulatory framework for short term rentals). End goal is for there to be a zoning amendment that the Planning Commission will warn for and hold a public hearing on, before forwarding to the full City Council. Issues arising related to other ordinances (like building codes) are not technically in the Planning Commission’s purview, but they can invite other city staff or make suggestions on related ordinances that help support the zoning changes.) I Jakus reviewed information on ADUs and introduced Eli Spevak, who has worked for AARP and on ADUs around the country, and is on the Portland, OR Planning Commission.) Basic outline is from the City’s ADU White Paper from 2018, with some adjustments based on feedback from the Housing Summit to increase the size of ADUs and to take into account lot coverage as a barrier. The City is proposing to: allow ADUs in any zone given that it is a single		

Tuesday, October 15, 2019

family home (not just RL zones), streamline the permitting process by taking out the conditional use requirement, removing the parking requirement, allow an alternative maximum size, and address lot coverage if stormwater impacts are mitigated.

Commissioner/Councilor Comments:

-) It was clarified that the proposal is to allow an ADU on any single-family home, include non-conforming homes.
-) There were questions about the proposal to eliminate the parking requirement, and suggestions to consider an alternative approach, such as allowing stacked parking for ADUs. Some Committee members expressed concern about conflicts due to lack of on-street parking in some areas, while others noted that the priority should be solving a housing crisis, and that requiring a parking space upfront is overkill. M Tuttle shared an example of an Old North End property seeking to build an ADU that would have to make significant modifications to accommodate parking if it is required, versus using an existing driveway if it is not. E Spevak noted that in many cases an ADU couldn't be created if parking is required—it's a choice between a home and a space for a car. It was further noted that not requiring a space does not mean an owner wouldn't provide one.
-) There were some questions about the maximum size of an ADU, particularly for detached in newly constructed structures. Committee felt that repurposing an existing structure (such as a garage) would not have an impact. The Committee asked whether there should be different requirements for the size of a newly constructed ADU. E Spevak noted that Portland used to do this, and switched because people would circumvent by building a garage and then converting it. M Tuttle noted that the current calculation for ADU's size is complicated, and savvy owners/designers have built ADU's that are nearly the size of the primary home, so changing the max size does not necessarily prevent this, but allows very small homes to the opportunity for a more livable ADU size.
-) Several Committee members asked questions about the affordability of creating an ADU, specifically the building/fire code concerns raised. B Ward noted some situations he was aware of where the units were too far away from the street for a fire truck to access, and that the biggest concern was making sure this information is upfront. M Tuttle noted other changes to address cost- such as permitting process, cost to create more parking spaces, and technical assistance Homeshare Vermont, AARP, and others are offering.
-) There were questions about whether the lot coverage waiver was in conflict with the city's stormwater goals, and if there was an alternative scenario such as utilizing a bonus like inclusionary and senior housing. M Tuttle noted that this is highly site-specific, which is why a dedicated percentage or a clearly defined list of improvements are hard to include in the ordinance. There was hesitation about allowing this for new construction, particularly when the city has a firm stance on non-conformities.

IV. Reapprove Municipal Bylaw Amendment Report ZA-19-06 Article 7 Signs

Action: Reapprove the Municipal Bylaw Amendment Report		
Motion by: Y Bradley	Second by: H Roen	Vote: pass unanimously
Type: Action	Presented by: D White	
Discussion/Notes: J The Council Ordinance Committee approved the Sign Ordinance with some minor modifications.		

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V. Reapprove Municipal Bylaw Amendment Report ZA-a9-10 Inclusionary Zoning

Action: Reapprove the Municipal Bylaw Amendment Report		
Motion by: J Wallace-Brodeur	Second by: H Roen	Vote: pass unanimously
Type: Action	Presented by: M Tuttle	
Discussion/Notes: J Council Ordinance Committee accepted a number of the recommendations from the Planning Commission. Most specifically, they accepted the framework for requiring off-campus institutional student housing projects to participate in the Inclusionary process. The Committee did not make changes to the provision for parity between the IZ and market rate unit sizes, and did not include a method for averaging the AMI to calculate rents.		

VI. Commissioner Items

Action: N/A		
Motion by: E Lee	Second by: H Roen	Vote: passed unanimously
Type: Action	Presented by: NA	
Discussion/Notes:		
) Next meeting is Tuesday, October 22 nd at 6:30 in the Miller Center		
) Congratulate M Tuttle for being named President of the Vermont Planning Association		

VII. Communications

Action: No Action Required		
Motion by: Y Bradley	Second by: H Roen	Vote: unanimous
Type: Discussion	Presented by: NA	
Communications Filed:		
) A memo transmitted to Mayor Weinberger regarding the 2019 Department Head Report		
) A notice transmitted to the Burlington City Council regarding the examination and public hearing of the Shelburne Street Rotary Redesign Project		
) A memo transmitted to Chittenden County Planning Commission Chairs and related head figures regarding proposed land development regulation amendments in South Burlington		

VIII. Adjourn

Adjournment		Time: 7:43 pm
Motion: J Wallace-Brodeur	Second: H Roen	Vote: pass unanimously



Andy Montroll, Chair

Signed: November 12, 2019

Respectfully submitted by: S Durmick



Sidney Durmick, Planning Commission Secretary