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

Burlington Planning Commission
Joint Meeting with City Council Ordinance Committee
Tuesday, October 8, 2019, 6:30 P.M.
City Hall, Contois Auditorium, 149 Church Street
AGENDA

I. Agenda

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

III. Chair's Report

IV. Director's Report

V. Housing Summit Policy Reforms & Proposed CDO Amendments

The Planning Commission and City Council Ordinance Committee will review and discuss proposed zoning amendments related to the Mayor's Housing Summit and subsequent policy reform recommendations. Zoning reforms include creating a regulatory framework for short-term rentals, amending permitting requirements for accessory dwelling units (ADUs), and revising parking requirements for some parts of the city. A memo transmitted to the City Council is enclosed in the agenda packet on page 2. 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.

VI. Commissioner Items

a. The Commission and Council Ordinance Committee will meet again on October 15th and Oct 22nd.

VII. Minutes and Communications

a. Minutes from the September 24, 2019 meeting and communications are enclosed in the agenda packet beginning on page 13.

VIII. Adjourn

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

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 havd 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
**assumes a common level of assessment of 75%*				
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
**assumes a common level of assessment of 75%*				

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Burlington Planning Commission
Tuesday, September 24, 2019, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
Draft Minutes

Members Present	B Baker, H Roen, A Montroll, A Friend, E Lee
Members Absent	Y Bradley, J Wallace-Brodeur
Staff Present	D White, M Tuttle, S Durmick

I. Agenda

Call to Order	Time: 6:36
Agenda	No changes to the agenda

II. Public Forum

Name	Comment	Commission Action
	No Comments	

III. Report of the Chair

A Montroll	• None

IV. Report of the Director

D White	• The City Council held first reading for the Zoning Administrative Officer ordinance, and the Council Ordinance Committee is expected to finish discussion of the Inclusionary Zoning amendments on 9/30 • M Tuttle announced that on 9/26 there will be a community book discussion on *The Color of Law* • D White announced that Friday is the annual meeting of the Vermont Planners Association, for which M Tuttle will be elected president

V. 2020 Meeting Schedule

Action: Approve the 2020 meeting schedule as presented		
Motion by: E Lee	Second by: A Friend	Vote: Approved unanimously
Type: Action	Presented by: M Tuttle	
Discussion/Notes: • M Tuttle noted that the schedule was created to avoid BSD breaks and other known conflicts		

VI. Municipal Planning Grant Application

Action: Approve the resolution supporting the city's application to the MPG program		
Motion by: E Lee	Second by: H Roen	Vote: Approved unanimously
Type: Action	Presented by: M Tuttle	
Discussion/Notes: (see next page)		

- M Tuttle described that Planning and CEDO have been working together on a proposal for an economic development strategy for the City, and are applying to Vermont's Department of Housing & Community Development's Municipal Planning Grant Program to seek funding to support said strategy (including an update to the Jobs & People Report). The application requires a resolution of support from the Planning Commission. The city is applying for $22,000, with the 10% match requirement in the department's FY20 budget.
- M Tuttle noted that the economic development strategy will come before the Planning Commission when it is being developed, and ultimately will want to incorporate it into planBTV.

VII. Housing Summit Policy Reforms

Action: No Action Required		
Motion by: NA	Second by: NA	Vote: NA
Type: Discussion	Presented by: M Tuttle	

Discussion/Notes:

- M Tuttle noted the purpose of this item was to follow up on three of the policy reforms which emerged from the 2019 Mayor's Housing Summit (Short Term Rentals (STRs), Accessory Dwelling Units (ADUs), and Minimum Parking Requirements) which have zoning implications. It is anticipated that the Commission will discuss these amendments with the Council Ordinance Committee in a series of joint meetings in October.

Commissioner Comments:

- Commissioners spoke about the economic benefits of STRs in terms of potential sources of revenue for property owners, tax revenue for the city and state, for tourism access, and to more fully utilize existing housing stock (i.e. while students are on breaks), but also noted the challenge of ensuring that STRs benefit residents within the context of of chronically low-vacancy rates and high rental rates. Commissioners noted there is a high demand & occupancy rate for STRs, but there must be a balance between STRs & long-term rental units.
- Acknowledgement that a legal realm will need to be created which will encourage STR permitting and compliance, and that enforcement will be the largest factor in regulation. Because rental platforms themselves are not responsible for host compliance, tools such as HostCompliance and AirDNA will be used for data collection and to aid enforcement.
- Questions were raised about the transition to these regulations– what will be the process for illegal rentals to become compliant?
- Distinctions were made between the proposed parking requirements of ADUs and STRs within the policy reforms, and Councilor Bushor was concerned about ADU property owners not permitting their ADUs as STRs, and therefore not complying with parking requirement of STRs.
- Regarding parking reform, a Commissioner reiterated that there is a need to look at how and where the ordinance permits shared parking resources.

VIII. Committee Reports

Executive	No Report
Ordinance	No Report
Long Range	H Roen – Proposed that the Long Range Committee discuss the recently announced Net Zero Road Map in upcoming meetings. M Tuttle commented that the City Council recently passed additional climate resolutions, which will require the Planning Commission to address how its work is related to these goals in its annual report. Will be a topic for future meeting.

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IX. Commissioner Items

Next Meeting	Next meeting is on Tuesday, October 8th at 6:30 pm in Conference Room 12
	• H Roen – raised question about the vegetation management on Pine St. D White commented that it is private land and is being worked on under the watchful eye of the Department of Environmental Conservation • E Lee noted that St. Paul St. is being widened and added that she would like an equal weight of consideration for the pedestrian experience. B Baker raised concerns about lack of tracking the elimination of on-street parking due to these projects. A Montroll proposed that when Great Streets is complete, it be brought back to the Planning Commission for discussion. M Tuttle noted DPW will be invited to a future meeting.

X. Minutes and Communications

Action: Approve minutes and accepted the communications		
Motion by: A Friend	Second by: E Lee	Vote: Approved unanimously
Minutes Filed: August 27, 2019		

XI. Adjourn

Adjournment	Time: 7:40 pm	
Motion: E Lee	Second: H Roen	Vote: Approved unanimously

DRAFT

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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: 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

- **E911 Coordinator**: At the Sept. 9 Council meeting, a proposed resolution will be presented revising the appointment of the City E911 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 E911 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:
  - **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.
  - **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

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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.

- **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.
- **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

southburlington
PLANNING & ZONING

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.

southburlington
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 Distruct]
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.sbvt.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.	75% Min.
	(c)	Upper Stories	See Note 2	
	(d)	Upper Stories, percent of glazing required to be transparent	See Note 2	
	(d)	Ground story residential privacy	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.	

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~~A~~reas 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 applicably 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

...

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%~~ 90%	Palette includes commissioned sculptures (excluding signs[s]), fountains, ornamental planters, ornamental or commissioned benches*, decorative hardscapes, and ornamental or commissioned bicycle racks*
T4	~~40%~~ 80%	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*

[s] *As 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.
	(e) A minimum of 85% of all required glazing shall be transparent
(3)	Standard does not apply to a building façade abutting an Intertstate 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).~~
	(e) A minimum of 85% of all required glazing shall be transparent
(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	*Exempt from local regulation in all districts*												
Public & Quasi-Public Uses													
Cemeteries	Conditional in all districts												
Community center	P	P	P			P	P	PUD	P				
Congregate care, assisted living, or continuum of care facility	C	C				C	C		C				
Cultural facility	P	P	P										
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	
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										

See Article 8

	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.

southburlington
PLANNING & ZONING

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*
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*

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 the 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.

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Jennifer Wallace-Brodeur

Burlington Planning Commission
Joint Meeting with City Council Ordinance Committee
Tuesday, October 8, 2019, 6:30 P.M.
City Hall, Contois Auditorium, 149 Church Street
AGENDA

I. Agenda

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

III. Chair's Report

IV. Director's Report

V. Housing Summit Policy Reforms & Proposed CDO Amendments

The Planning Commission and City Council Ordinance Committee will review and discuss proposed zoning amendments related to the Mayor's Housing Summit and subsequent policy reform recommendations. Zoning reforms include creating a regulatory framework for short-term rentals, amending permitting requirements for accessory dwelling units (ADUs), and revising parking requirements for some parts of the city. A memo transmitted to the City Council is enclosed in the agenda packet on page 2. 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.

VI. Commissioner Items

a. The Commission and Council Ordinance Committee will meet again on October 15th and Oct 22nd.

VII. Minutes and Communications

a. Minutes from the September 24, 2019 meeting and communications are enclosed in the agenda packet beginning on page 13.

VIII. Adjourn

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov