

Burlington Planning Commission

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www.burlingtonvt.gov/pz

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

Burlington Planning Commission with the City Council Ordinance Committee Wednesday, September 23, 2020, 6:30 P.M. **Remote Meeting via Zoom**

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/87568033583>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 875 6803 3583

AGENDA

I. Agenda

II. Public Forum - Time Certain 6:35 p.m.

Public Forum for items not on the agenda. *See pg. 2 of the Agenda Packet for details on how to participate in the public forum for this meeting.*

III. Proposed CDO Amendment: Short Term Rentals

The Joint Committee will continue discussing a proposed amendment to the *Comprehensive Development Ordinance* and *Chapter 18* of the *City Code of Ordinances* related to the regulation of short-term rentals. Information related to this item is included in the agenda packet on page 3.

Staff Recommendation: Provide feedback to staff regarding refinements to this proposal.

IV. Commissioner Items

- a. Upcoming Meetings –Joint Meeting with City Council Ordinance Committee, via Zoom
 - i. Tuesday, October 13, 2020, 6:30p.m.
 - ii. Tuesday, October 27, 2020, 6:30p.m.

V. Minutes & Communications

- a. The minutes of the August 25 meeting are enclosed in the agenda packet on page 29
- b. Communications are enclosed in the agenda packet on page 31.

VI. Adjourn

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

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Guidance for Participating in a Virtual Planning Commission Meeting

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

General Guidance for Public Participation

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

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

How to Join a Virtual Meeting

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

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

How to Participate in a Virtual Meeting

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

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

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



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

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
Meagan Tuttle, Comprehensive Planner, Office of City Planning
DATE: August 4, 2020
RE: Proposed CDO Amendment ZA-20-05: Short Term Rentals

Overview & Background

A short term rental (or STR) is typically a dwelling unit that is rented in whole or in part to guests for less than 30 consecutive days for overnight stays. It may be an apartment, a house, or just a bedroom within a housing unit. AirBnB exemplifies short term rentals.

In the last several years, there has been significant and growing demand for STR's internationally, and locally. They benefit owners with a source of income that can help subsidize a cost of living that may otherwise be unaffordable. STR's may also encourage investment in a property. They benefit Burlington's tourism economy and provide guests with a convenient, and often more affordable, place to stay when traveling. They also generate city and state tax revenue via the Rooms & Meals Tax (RMT). Short term rentals, however, do not come without impacts. Some have the effect of removing dwelling units for long-term occupancy, and they may contribute to rising rental rates and purchase prices. Given the high turn-over of guests, short-term rentals may bring about nuisance impacts such as traffic, noise, and trash to neighborhoods.

Burlington has some 10,000+ rental housing units, with a sustained vacancy rate between 1% and 2%. The city's housing market, including rentals and owner-occupied units, is tight, and prices continue to rise. Short-term rentals have replaced a growing number of dwelling units citywide. According to data provided by HostCompliance, the number of short term rentals within Burlington increased 26% between 2018 and 2019. Growth in 2020 has, thus far, been much slower, at just under 2%. The total number of short term rentals within city limits in July of 2020 is 418. Of the total number of short term rentals, 69% are an entire dwelling unit, whereas 31% are partial dwelling units (i.e. bedrooms). This is a change from 67% and 33% respectively in 2019. In 2020, 58% of the city's STR's are in single-family properties and 42% in multi-family properties.

As the Joint Committee has heard from many of the city's STR hosts, short-term rentals are uniquely flexible and come in a variety of forms—beyond the major distinction between whole unit and partial unit STR's. The same dwelling unit may alternate between long- and short-term rental uses within a relatively short period of time. A dwelling unit may serve as one's primary residence for most of the year, and serve as a short-term rental while the resident is away. A short-term rental may coexist with a number of long-term rentals within a multi-family building. This variability and flexibility needs to be considered within the context of the overarching policy objective: to protect Burlington's limited housing stock, while affording reasonable opportunity to host short-term rentals within the city.

The Joint Committee received information on STRs in the city, as well as significant feedback from hosts at its meetings in January and February 2019. In response to public and Joint Committee comments, the draft regulatory framework has been revised in two major ways:

- Allow some degree of off-site hosting for STR's, particularly within multi-unit buildings
- Consider an alternative to Housing Replacement fees, such as a higher RMT or rental registration fee for STRs. In either scenario, the purpose of the fee is to support the City's Housing Trust Fund.

As a result of the Committee's feedback during the February 18, 2020 meeting, several other

changes are outlined in the attached materials as well. These include the elimination of a requirement for an additional on-site parking space when a single bedroom is rented within a host's dwelling unit, revision of standards for permitted vs. conditional use for a number of the example scenarios, and a related change to replace "hotel/motel" and "hostel" uses with a more general "lodging" use that also includes entire buildings used as STRs.

Some existing standards in both the *Comprehensive Development Ordinance*, and Chapter 18 of the *City Code of Ordinances* continue to be applicable. Specifically, use of a whole or partial unit as a short-term rental will not require a zoning permit if it meets the existing "temporary use" thresholds in the *CDO*. This exempts any use from requiring a zoning permit if it is operating for less than 10 consecutive days, and up to 30 total days within a year. Conversely, a long-term rental (defined as having a single lease or contract for 30 or more consecutive days) also does not require a zoning permit.

While outside of the *CDO*, this amendment is accompanied by related revisions to Chapter 18 of the *City Code of Ordinances*. These revisions will be made to include short-term rentals in the city's rental registration and inspection process. To be consistent with state statute, which defines a short-term rental as operating for "less than 30 days", the threshold between a short-term and long-term rental within Chapter 18 has been revised. Applicability of Chapter 18 will ensure that minimum life safety standards are adhered to for STRs. These proposed amendments are attached to this memo, following changes to applicable sections of the *CDO*.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The proposed zoning amendments are aimed at minimizing the potential for adverse impacts to the city's housing stock, while balancing some flexibility for hosts to operate short-term rentals. The proposed standards are intended to be clear, reasonable, and enforceable. The proposed amendments are intended to allow the short term rental of bedrooms within a dwelling, and the use of a host's own dwelling occasionally as a short-term rental, with minimal burden to the host. More rigorous standards are applied to whole-unit short term rentals operated by off-site hosts so as to limit their proliferation. In an effort to balance the benefits to hosts with the preservation of our neighborhoods, short-term rentals would generally be allowed wherever residential uses are allowed; however, in most scenarios, hosts must be a resident of the property. Within residential and institutional zones, buildings with multiple STR's, and those with off-site hosts, would be a "conditional use" thereby affording a forum to identify and address potential impacts by the Development Review Board.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

1. Create Section 5.4.14 within Citywide General Regulations for Short Term Rentals

This will expressly enable and directly address Short Term Rental (STR) uses, replacing the current system of treating them as either a Bed & Breakfast or a Hotel/Motel. This section will establish the base standards for both whole unit and partial unit STRs, address where off-site hosting is permitted, and establish limits on the number of STRs in a building or on a lot. In most cases, the host is required to reside on the lot where the STR is located; the notable exception is for STR's located within multi-unit buildings.

2. Amend Article 13 Definitions to add STR types, modify lodging definitions

Create definitions for Whole Unit and Partial Unit STR's and STR hosts. Additionally, streamline the definitions of Bed & Breakfast, Hotel/Motel, and Hostel to a more general "Lodging" definition to reduce redundancy and inconsistencies in how various lodging options are permitted.

3. Add Whole Unit and Partial Unit STRs as "special residential uses" to Appendix A- Use Table and in Article 14- Downtown Code

This will establish where various STR types are permitted, not permitted, or permitted by conditional use, as well as set limits on the number of rooms or units that may be rented as an STR. Short-term rentals that are comprised of bedrooms within a host-occupied unit will be permitted in most cases, and will largely be based on existing Bed & Breakfast standards. Short-term rentals that are comprised of an entire dwelling unit will be a permitted use in most cases. However, when operated by an off-site host in Residential districts, conditional use will apply. See attached excerpts of these sections of the CDO.

4. Amend Table 8.1.8-1 Minimum Off-Street Parking Requirements

This will establish the related parking standards for each STR type, and amend standards for traditional lodging establishments. Generally, a requirement of one parking space will apply for Whole Unit short term rentals, and 0.75 spaces per rented bedroom for Partial Unit STRs. The exception is that no parking will be required for a Partial Unit STR when just one bedroom is rented within a dwelling unit. Additionally, STR's of any type may not be required to provide a minimum number of parking spaces if located within the "Shared Use, Multi-Modal Parking District" that is currently under consideration in proposed ZA-20-04.

****Begin Proposed Text Amendments****

Excerpt of **ARTICLE 5: CITYWIDE GENERAL REGULATIONS**

PART 4: SPECIAL USE REGULATIONS

Sec. 5.4.1 - 5.4.13 *As written.*

Sec. 5.4.14 Short Term Rental (Partial and Whole Unit)

All short term rentals shall be subject to the site and design review standards in Art 6.

In addition to conditional use standards where applicable, all short term rentals shall comply with the following requirements:

- (a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;
- (b) Short term rentals shall register with the city as rental units under Chapter 18: Housing unless exempted under that Chapter; and,
- (c) The host may be the property owner or tenant. The host's primary residence shall be within the same building or on the same lot (on-site) as the short term rental except as per criterion (f) below.

In addition to the above criteria, Whole Unit short term rentals shall comply with the following requirements:

- (d) Occupancy of the short term rental shall be by a family as defined in Article 13;
- (e) The number of Whole Unit short term rentals shall be limited by building and lot as follows:

- 1. 1 short term rental within a 3 dwelling unit building.

2. 2 short term rentals within a 4 – 5 dwelling unit building.
3. 3 short term rentals within a 6 or more dwelling unit building.

For lots containing 2 or more detached primary structures with a combined total of 6 or more dwelling units, the total number of short term rentals on the lot shall not exceed 3 STRs, or 5% of the total number of dwelling units on the lot, whichever is greater, regardless of the number of buildings.

- (f) An off-site host may be allowed for Whole Unit short term rental(s) within multi-unit buildings, as per criterion (e) above.

Excerpt of **ARTICLE 8: PARKING**

Sec. 8.1.1 – 8.1.7 *As written.*

Sec. 8.1.8 Minimum Off-Street Parking Requirements

Parking for all uses and structures shall be provided in accordance with Table 8.1.8-1.

- (a) Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the facility and its associated uses.

When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted		
No changes			
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
** Rest of Special Residential Uses unchanged**			
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0.5
<u>Short Term Rental – Partial Unit (per bedroom for 2 or more bedrooms, in addition to dwelling unit)</u>	<u>1</u>	<u>0.75</u>	<u>0.5</u>
<u>Short Term Rental – Whole Unit</u>	<u>1</u>	<u>1</u>	<u>1</u>
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
** Rest of Non-Residential Uses unchanged**			
Hostel (per two (2) beds)	0.5	0.5	None
Hotel/Motel <u>Lodging</u> (per room)	1	0.75	0.75

ARTICLE 13: DEFINITIONS

Sec. 13.1.1 Miscellaneous *As written.*

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to *Art. 14 planBTV: Downtown Code* can be found in *Sec. 14.8*, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

All other definitions as written.

Bed and Breakfast: ~~An owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.~~

Host: A person who operates a whole or partial unit short term rental. The host may be the property owner or tenant.

Hostel: ~~A place where travelers may stay for a limited duration, as recognized by the International Hostel Association.~~

Hotel, Inn or Motel Lodging: ~~An establishment providing for a fee three or more temporary guest rooms and customary lodging services (such as onsite staffing at all hours, lobby space, and room service), and subject to the Vermont rooms and meals tax. Lodging may, or may not, be owner occupied. Lodging does not include historic inns or short term rentals, except when an entire multi-unit building is used for STR purposes.~~

Short Term Rental – Whole Unit: A dwelling unit (as defined in Article 18 of the Burlington City Code of Ordinances) that is rented to guests for overnight stays of less than 30 consecutive days and is subject to the Vermont rooms and meals tax. Short term rental does not include lodging.

Short Term Rental – Partial Unit: A dwelling unit (as defined in Article 18 of the Burlington City Code of Ordinances) wherein only bedrooms are rented to guests for overnight stays of less than 30 consecutive days and is subject to the Vermont rooms and meals tax. A morning meal may be provided onsite such as with a traditional bed and breakfast.

****End Proposed Text Amendments****

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).

Compatibility with Proposed Future Land Use & Density

The proposed amendments are intended to protect existing housing from unlimited conversion to short term rental use. Data shows increasing numbers of short term rentals, largely at the expense of our long term housing stock. This increase puts additional pressure on the city's available housing and degree of affordability. The proposed measures will establish parameters for allowing short term rentals while limiting their adverse impacts on the city's housing supply and affordability.

Impact on Safe & Affordable Housing

The proposed amendments will have no impact on the intensity or density of future land use. They will, however, ensure that future short term rentals are compatible with the residential neighborhoods that so many of them occupy. Short term rentals will be allowed as another one of many uses in the city's mixed use and downtown areas.

Conditional use review of STR's operated by offsite hosts in our residential areas will ensure compatibility with our existing neighborhoods. Overall limits will prevent wholesale conversion of residential units into short term rentals.

Planned Community Facilities

This amendment has no impact on any 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 referral of City Council	Presentation to & discussion by Joint Committee 1/14, 1/28, 2/11, 2/19, 8/11	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	Second Read & Public Hearing	Approval & Adoption
				Rejected

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
As written															
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Rest of Residential Special Uses as written.															
Bed and Breakfast^{4,-6}	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	N	N	N
Short Term Rental – Partial Unit (See Sec. 5.4.14)⁴	N	N	N	N	Y	Y/CU	Y/CU	Y/CU	N	Y	Y	Y	Y	N	N
Short Term Rental – Whole Unit – (See Sec. 5.4.14)	N	N	N	N	Y/CU³³	Y/CU³³	Y/CU³³	Y/CU³³	N	Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Rest of Non-Residential Uses as written.															
Hostel	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
Hotel, Motel Lodging	N	N	N	N	CU	N	N	N	(See Sec. 4.4.1 (d) 1)	N	Y	N	Y	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. ~~No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. Up to 2 bedrooms permitted to be let in any district where allowed. Between 3 and 5 bedrooms let in any residential or institutional district shall be a conditional use.~~ No more than 3 ~~bed~~rooms permitted to ~~may~~ be let in the RL district. ~~No more than 5 bedrooms may be let in any district.~~
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycare centers and small preschools in the RCO zones shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

Appendix A-Use Table – All Zoning Districts

- 25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- 26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- 27. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.
- 28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 29. Must be fully enclosed within a building.
- 30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
- 31. See special use standards of Sec. 5.4.13, Emergency Shelters.
- 32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
- 33. Short term rentals operated by off-site hosts are subject to conditional use review. Short term rentals operated by onsite hosts are a permitted use.

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

14.3.4-H- Use Type FD6

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
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Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
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RESIDENTIAL - SPECIAL

Assisted Living	P
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Boarding House ¹	P
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Community House (Sec. 14.6.6.e)	P
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Convalescent /Nursing Home	P
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Short Term Rental- Partial Unit (Sec. 5.4.14)	P
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Short Term Rental- Whole Unit (Sec. 5.4.14)	P
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SHORT-TERM ACCOMMODATIONS

Bed and Breakfast [†]	P
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Historic Inn (Sec. 14.6.6.c)	P
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Hotel	P
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Lodging	P
---------	---

Shelter	P
---------	---

RETAIL - GENERAL

ATM	P
-----	---

Auto/Boat/RV Sales/Rentals ³	P
---	---

Convenience Store	P
-------------------	---

Fuel Service Station ² (Sec. 14.6.6.d)	CU
---	----

General Merchandise/Retail	P
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RETAIL - OUTDOOR

Open Air Markets	P
------------------	---

Key

Permitted Use	P
---------------	---

Conditional Use	CU
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END NOTES

¹ Must be owner-occupied.

² Automobile sales not permitted as an Accessory Use

³ Exterior storage and display not permitted.

14.3.4-H- Use Type FD6

OFFICE & SERVICE

Animal Grooming	P
-----------------	---

Auto/Boat/RV Service ³ (Sec. 14.6.6.d)	P
---	---

Beauty Salon/Barber Shop/Spa	P
------------------------------	---

Car Wash	P
----------	---

Crisis Counseling Center (Sec. 14.6.6.g)	P
--	---

Office – General	P
------------------	---

Office – Medical	P
------------------	---

Office – Technical	P
--------------------	---

Dry Cleaning Service	P
----------------------	---

Funeral Home	P
--------------	---

Health Club/Studio	P
--------------------	---

Laundromat	P
------------	---

Mental Health Crisis Center	P
-----------------------------	---

Tailor Shop	P
-------------	---

HOSPITALITY/ENTERTAINMENT/RECREATION

Aquarium	P
----------	---

Art Gallery/Studio	P
--------------------	---

Bar, Tavern	P
-------------	---

Billiards, Bowling & Arcade	P
-----------------------------	---

Café	P
------	---

Cinema	P
--------	---

Club, Membership	P
------------------	---

Community Center	P
------------------	---

Conference/Convention Center	P
------------------------------	---

Museum	P
--------	---

Performing Arts Center	P
------------------------	---

Performing Arts Studio	P
------------------------	---

Recreational Facility - Indoor	P
--------------------------------	---

Restaurant	P
------------	---

Restaurant – Take Out	P
-----------------------	---

14.3.5-H- Use Types

FD5

Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
--------------------	---

Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
--	---

RESIDENTIAL - SPECIAL

Assisted Living	P
-----------------	---

Boarding House ¹	P
-----------------------------	---

Community House (Sec. 14.6.6.e)	P
---------------------------------	---

Convalescent /Nursing Home	P
----------------------------	---

Group Home	P
------------	---

Short Term Rental- Partial Unit (Sec. 5.4.14)	P
---	---

Short Term Rental- Whole Unit (Sec. 5.4.14)	P
---	---

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast ⁺	P
--------------------------------	---

Historic Inn (Sec. 14.6.6.c)	P
------------------------------	---

Hotel	P
-------	---

Lodging	P
---------	---

Shelter	P
---------	---

RETAIL - GENERAL

ATM	P
-----	---

Automobile and RV Sales and Rental ²	P
---	---

Convenience Store	P
-------------------	---

Fuel Service Station ² (Sec. 14.6.6.d)	CU
---	----

General Merchandise/Retail	P
----------------------------	---

RETAIL - OUTDOOR

Boat Sales/Rentals	P
--------------------	---

Garden Supply Store	P
---------------------	---

Open Air Markets	P
------------------	---

14.3.5-H- Use Types

FD5

OFFICE & SERVICE

Animal Grooming	P
-----------------	---

Beauty Salon/Barber Shop/Spa	P
------------------------------	---

Car Wash	P
----------	---

Crisis Counseling Center (Sec. 14.6.6.g)	P
--	---

Dry Cleaning Service	P
----------------------	---

Funeral Home	P
--------------	---

Health Club/Studio	P
--------------------	---

Laundromat	P
------------	---

Mental Health Crisis Center	P
-----------------------------	---

Office – General	P
------------------	---

Office – Medical	P
------------------	---

Office – Technical	P
--------------------	---

Tailor Shop	P
-------------	---

Vehicle/Boat Repair/Service ²	P
--	---

HOSPITALITY/ENTERTAINMENT/RECREATION

Aquarium	P
----------	---

Art Gallery/Studio	P
--------------------	---

Bar, Tavern	P
-------------	---

Key

Permitted Use	P
---------------	---

Conditional Use	CU
-----------------	----

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

ARTICLE I. IN GENERAL

18-1 Short title.

This chapter shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of Burlington."

(Rev. Ords. 1962, § 921)

18-2 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the meanings given herein:

Hotel or motel means an establishment which holds itself out to the public by offering temporary sleeping accommodations for consideration. Hotel or motel does not include short term rental.

Occupant shall mean any person including an owner living and sleeping in a dwelling unit or rooming unit.

Rental unit shall mean any structure, a part of which is rented out and occupied as a residence by another, for compensation, including duplex units, so called. Rental unit shall also include short term rental. The portion of any such unit being occupied as a residence by the owner shall be considered a rental unit.

Roominghouse shall mean any dwelling or that part thereof containing one or more rooming units in which space is let to three (3) or more persons. A roominghouse does not include short term rental.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. A rooming unit does not include short term rental.

Short term rental shall mean a dwelling unit that is rented in whole or in part to guests for less than thirty (30) consecutive days for overnight stays. It may be a whole dwelling unit or just bedroom(s) within. For the purposes of this Chapter, short term rental shall not include "temporary uses" as defined in the Comprehensive Development Ordinance (zoning ordinance). See also Article 13: Definitions of the Comprehensive Development Ordinance for related definitions of short term rentals (whole unit and partial unit).

Target housing means any dwelling constructed prior to 1978, except any zero (0) bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of the elderly or persons

with disabilities, unless a child six (6) years of age or younger resides in or is expected to reside in that dwelling. "Target housing" does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for less than thirty (30) days ~~or less~~.

All other definitions as written.

18-3 – 18-14 Reserved

As written.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY¹

18-15 Registration required.

(a) The owners of all rental units subject to inspection pursuant to Section 18-16 shall be required to annually file a registration application and fee with the enforcement agency, which shall be due annually on or before April 1. The owners must complete a rental property information form to be provided by the enforcement agency which contains the following information:

- (1) The address of the property.
- (2) The number of dwelling units~~s~~ at that address.
- (3) The number of rental units at that address.
- (4) The maximum number of residents in each rental unit.
- (5) The number of sleeping rooms in each rental unit.
- (6) The number of families living in each rental unit.
- (7) The number of unrelated adults in each rental unit.
- (8) The number of vehicles owned or used by residents of the premises and the number of parking spaces that are dedicated for the rental units at the property.
- (9) The name, address, phone number, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent

and the president of the corporation and his/her name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.

(10) The name, address and phone number of any local (within Chittenden County) managing agent. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County who is empowered to represent the owner in matters concerning compliance with this chapter.

(11) The name, address and phone number of an emergency contact for this property. All properties must have an emergency contact within Chittenden County.

(12) A designated person within the state for service of process for this property. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County for service of process. The name, address, phone number, date of birth, drivers license number and state and military status (active or not) of the designated agent.

(13) State yes or no to the following question: If the number of unrelated adults listed in paragraph (a)(7) above is greater than four (4), do those adults purport to reside in the rental unit as a "functional family" as that term is defined in the Burlington Zoning Ordinance?

(b) Upon purchase or transfer of property containing a rental unit, the purchasers shall file a new registration application and a fifty dollars (\$50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new owner on the same date.

(c) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner shall file an application for registration with the agency and pay the required fee which shall be the pro rata portion of the fee due for that year based on the date of registration.

(d) It shall be a violation of the city minimum housing ordinance for an owner of any rental unit within the city to fail to register a rental unit as required by this section.

(e) Property owners shall have a continuing obligation to notify the enforcement agency of any changes in the information required under subsection (a) during the periods between the required filings of the registration applications.

(14) State yes or no to the following question: Does the rental property contain short term rental(s)? If yes:

(i) How many short term rentals are there in the building?

(ii) How many entire dwelling units are short term rentals?

(iii) How many dwelling units let only bedrooms as short term rentals?

(iv) What is the tax account number?

(Ord. of 4-12-93; Ord. of 4-24-95; Ord. of 9-11-00)

18-16 Inspection required.

The enforcement officer or his/her delegate shall make inspections of rental units within the city, including hotel and motel rooms which are regularly let to the same tenant(s) for a period ~~in excess~~ of thirty (30) days or more, for the purpose of determining whether a violation of this chapter exists.

Excluded from periodic inspection shall be all owner-occupied dwellings containing one (1) or two (2) rooms which are rented out for compensation (including partial unit short term rentals of just one {1} or two {2} bedrooms. See Article 13 of the Comprehensive Development Ordinance for definition of short term rental – partial unit). Also excluded from inspection are university and college dormitories that conduct regular, comprehensive inspection programs and annually certify compliance with the minimum housing standards ordinance to the enforcement agency. Inspections of dwellings and dwelling units other than those that are subject to periodic inspections, or of hospital rooms, hotel and motel rooms or dormitories not subject to periodic inspections as provided for in this section, shall be made only upon complaint or upon request of the owner thereof.

All records, including inspection reports, records of complaints received and investigated, and plan for inspections of rental units, shall be available for public inspection.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-17 – 18-29

As written.

18-29a Termination of rental housing tenancy; rental housing rent increase.

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such

termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) The provisions of this subsection do not apply to short term rentals.

(Ord. of 10-29-04)

18-29a Termination of rental housing tenancy; rental housing rent increase.

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) Short term rentals are not subject to the standards of this section.

(Ord. of 10-29-04)

18-30 Fees.

(a) *Registration fee.* Pursuant to Section [18-15](#), a registration fee shall be charged to the owner of every rental unit in the city that is subject to periodic inspections. This fee shall be in an amount determined by and dedicated solely to the cost of providing rental housing inspection services, clerical, administrative and mediation support services for the housing board of review and landlord/tenant resource services. Any surplus remaining in this fund at the end of a fiscal year shall remain part of the fund and shall be carried forward to the next fiscal year. This fee shall be reviewed annually by the finance board. The fee shall be in the amount of one hundred ten dollars (\$110.00) per unit per year except for owner occupied dwellings with two (2) or less units, in which case the fee shall be eighty dollars (\$80.00) and except for partial-unit short term rentals, in which case the fee shall be fifty dollars (\$50.00).

Remainder of Sec. 18-30 as written.

18-31 – 18-69

As written.

ARTICLE III. MINIMUM STANDARDS¹

DIVISION 1. GENERALLY

18-70 Compliance with article required.

No person shall occupy as owner/occupant or shall let to another for occupancy any dwelling, roominghouse, dwelling unit or rooming unit which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section [18-2](#). [See Division 7 for Minimum Standards applicable to short term rentals.](#)

18-71 – 18-120

As written.

DIVISION 7. SHORT TERM RENTAL

18-121 Compliance with article required.

[No person shall establish, operate, or host guests in a short term rental which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2.](#)

18-122 Minimum Fire Safety Standards:

- (a) [Smoke and carbon monoxide alarms are provided per the following:](#)
 - i. [Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.](#)
 - ii. [Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10- year photoelectric lithium powered tamper resistant type.](#)
 - iii. [Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.](#)
 - iv. [Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly wired to the building electrical service and have a battery backup.](#)
 - v. [Existing single family dwellings and duplexes constructed prior to July 1, 2005 may use plug in style alarm with battery backup or battery power or may be hardwired.](#)
- (b) [GFI Outlets are provided in the following areas:](#)

i. Bathrooms, garages and accessory buildings having a floor located at or below grade level, not intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.

- (c) Every sleeping room is provided with a primary and secondary means of escape. A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.
- (d) Heating systems (fuel and wood) have been inspected at least once every two (2) years by a certified fuel service technician.
- (e) Landings, decks, porches and balconies higher than thirty (30) inches from grade are provided with guards and intermediate rails spaced no more than four (4) inches apart. Stairs must be provided with graspable handrails.

18-123 Minimum General Standards:

- (a) Appliances are operational and in good repair, and hot and cold potable water have been supplied.
- (b) Guest rooms have been serviced and cleaned before each new guest.
- (c) Refuse containers are available and emptied at least once each week or more frequently, if necessary.
- (d) Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.
- (e) Sewage system and toilets function and are in good repair.
- (f) Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's directions.
- (g) Guest rooms are free of any evidence of insects, rodents, and other pests.

ARTICLE IV. HOUSING DISCRIMINATION

18-200 Purpose.

As written.

18-201 Definitions.

- (a) For the purpose of this article, "adverse housing action" means any of the following:
 - (1) Refusal to rent;
 - (2) Refusal to negotiate a rental;
 - (3) Making a rental unit unavailable;
 - (4) Changing of the terms, conditions, or privileges of a rental including adding or increasing rental charges;
 - (5) Falsely representing that a rental unit is not available for a prospective tenant;
 - (6) Refusal to permit reasonable changes or modifications at other than the landlord's expense to a rental unit in order to render it suitable for occupancy by a handicapped person.

(b) For the purpose of this article, "rental unit" shall not include:

- (1) Dormitories or other housing provided by an educational institution including fraternities and sororities;
- (2) Dwellings which are directly or indirectly assisted or subsidized by a public agency or public monies for the purpose of making housing available for a particular group or classification of persons;
- (3) Housing provided for pious, charitable, or public purposes;
- (4) Dwellings where the available space or facilities are inadequate to house a person and all minors under applicable occupancy standards;
- (5) Dwellings which are owner-occupied duplexes-;

(6) Short term rentals.

(c) Notwithstanding the above, no dormitory or other housing provided by an educational institution, including fraternities and sororities, shall take an adverse housing action against any person because of the age, sexual orientation or handicap of the person.

(Ord. of 10-9-84; Ord. of 9-24-90)

18-202 – 18-301

As written.

18-302 Exemptions.

- (a) This article shall not be applicable to single-family homes and duplexes.
- (b) This article shall not be applicable to properties that meet all of the following requirements:
 - (1) land tract with ten (10) or fewer housing units;
 - (2) a deed restriction making at least twenty-five (25) per cent of the housing units affordable to low income tenant households; and
 - (3) located in United States Census Bureau tract that contains less than fifty (50) per cent home ownership.

(c) This article shall not be applicable to short term rentals.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-303 – 18-501

As written.

18-502 Applicability.

(a) This article shall be applicable to all rental properties subject to the Minimum Housing Code. In mixed commercial/residential buildings this article shall apply only to the residential portion of the building. This article shall not apply to owner-occupied portions of a multi-unit building.

(b) The following properties shall be exempt from meeting the requirements of this article:

- (1) Rental properties not rented between November 1 and March 31 of each year.
- (2) New construction subject to and in compliance with the Energy Conservation Ordinance, B.C.O. sections [8-100](#) to [8-104](#)
- (3) Hotels, motels, tourist rooming houses, dormitories, hospitals, hospices and nursing homes.
- (4) Buildings or apartments where heating costs are paid by owners of the rental properties.
- (5) Short term rentals.

(Ord. of 3-24-97)

18-503 – 18-511

As written.

Short Term Rental Scenarios & Proposed Regulatory Framework for Joint Cmte Discussion- Updated August 2020

	Scenario 1: Renting my own home occasionally as an STR		Scenario 2: Renting my own home for several months at a time	Scenario 3: Renting bedroom(s) as STR within the home I live in		Scenario 4: Renting an ADU or ½ of a duplex, I live in the other unit		Scenario 5: Renting some unit(s) in a building with 3+ units when I live on the property		Scenario 6: Renting all unit(s) in building with 3+ units as STRs	
Zoning For all scenarios: - Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year - Parking space(s) not required <u>for any STR type</u> in new parking district <u>anticipated</u> per ZA-20-04		1 parking space per rented unit	If rental “term” 30+ days, it is NOT considered an STR. Simply renting a housing unit does not require a Zoning Permit.		For 2+ rooms, 1 parking space per rented room		1 parking space per rented unit		1 parking space per rented unit	 <u>Lodging Hotel/Motel</u>	
	Permitted Use-in: N/A <u>In all zoning districts when host’s primary residence</u>	Conditional Use- Not Permitted: <u>In all zoning districts</u>		Permitted Use: - Up to 2 rooms in any residential zone - Up to 5 rooms in mixed use zones	Conditional Use: 3 rooms in RL zones 3-5 rooms in residential & institutional zones	Permitted Use: N/A	Conditional Use: <u>In all zoning districts</u>	Permitted Use: In mixed use districts; <u>and in residential districts when host on-site</u> Conditional Use: In residential districts <u>when host lives off-site</u>	# of STR in Bldg: 1 STR in Bldgs up to 3 units 2 STR in Bldgs up to 5 units 3 STR in Bldgs w/ 6+ units	Permitted Use: In mixed use zoning districts No limit to # of rented units.	Prohibited Use: In residential zoning districts
Rental Duration Host’s “primary residence” means that the host lives in/at the unit/property for at least half the year	- Individual rental “terms” are less than 30 days No limit to number of nights rented as STR as long as continues to be host’s primary residence		Individual rental “terms” are more than 30+ days	- Individual rental “terms” are less than 30 days No limit to number of nights rented as STR as long as continues to be host’s primary residence		- Individual rental “terms” are less than 30 days No limit to number of nights rented as STR as long as host’s primary residence		- Individual rental “terms” are less than 30 days No limit to number of nights rented as STR as long as host’s primary residence STR units may be operated by an off-site host, per above scenarios		- Individual rental “terms” are less than 30 days No limit to number of nights rented By nature, lodging not required to be host’s primary residence	
Housing Code Requirements	- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18		- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18	- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18 Owner-occupied homes with 1 or 2 rented rooms are exempt from rental registration & annual housing inspection		- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18		- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18		“Minimum Housing” and rental registration not applicable because not “residential” - Building code requirements will depend on number of occupants in building	
Taxes & Fees	NOT required to pay Housing Replacement Fee - Register as a business - Pay Burlington & VT Rooms & Meals Taxes <u>[, including additional rate benefitting Housing Trust Fund (HTF)?]</u>		- NOT required to pay Housing Replacement Fee - Not required to register as a business - Not required to pay Burlington & VT Rooms & Meals Taxes	NOT required to pay Housing Replacement Fee - Register as a business - Pay Burlington & VT Rooms & Meals Taxes <u>[, including additional rate benefitting Housing Trust Fund (HTF)?]</u>		- Register as a business - Pay Burlington & VT Rooms & Meals Taxes Housing Replacement Fee if STR is replacing a long-term housing unit [and/or additional rate benefitting Housing Trust Fund (HTF)?] - Not required to pay Housing Replacement if building a new unit for use as an STR		- Register as a business - Pay Burlington & VT Rooms & Meals Taxes, <u>including additional rate benefitting the HTF</u> Housing Replacement Fee if STR is replacing a long-term housing unit		- Register as a business - Pay Burlington & VT Rooms & Meals Taxes Housing Replacement Fee req. if replacing long-term housing unit(s)	
Property Assessment	- Likely assessed as “residential” - Report any rental use to State of VT for Homestead Declaration		- Likely assessed as “residential” - Report any rental use to State of VT Homestead Declaration	- Some configurations may be assessed as “commercial” with 120% commercial value factor - Report any rental use to State of VT for Homestead Declaration		- Likely assessed as “residential” - Report any rental use to State of VT Homestead Declaration		- Some configurations may be assessed as “commercial” with 120% commercial value factor - Report any rental use to State of VT for Homestead Declaration		- Considered “commercial” by Assessor, with 120% commercial value factor - Considered “commercial” for purpose of State of VT Homestead Declaration	

Joint Committee Discussion Topics

Relative to the scenarios presented, the Joint Committee will continue discussing:

- **Does the proposed framework meet the proposed goals for this scenario?**

Per Oct 2019 Council Resolution, a framework that “creates tiers for different types of [STRs] and disincentivizes the most impactful uses...by:

- *limiting the number of housing units that can be converted for [STR] purposes and*
- *ensuring that those conversions are contributing to the city’s efforts to preserve and expand permanently affordable housing, while also*
- *preserving some flexibility and ability to earn greater income for Burlington homeowners, and*
- *recognizing that some supply of [STRs] benefits the Burlington economy...”*

- **Are there some scenarios wherein an off-site host would be acceptable?**

- **Is Housing Replacement vs. an alternative fee/tax more appropriate to achieve goals?**

- **Any other comments/input on the proposed framework for these scenarios?**

Flexibility for host
More permissive

Limit Conversion
More restrictive

Short Term Rental Scenarios & Proposed Regulatory Framework for Joint Cmte Discussion- Updated August 2020												
	Scenario 1: Renting my own home occasionally as an STR		Scenario 2: Renting my own home for several months at a time	Scenario 3: Renting bedroom(s) as STR within the home I live in		Scenario 4: Renting an ADU or 1/2 of a duplex, I live in the other unit		Scenario 5: Renting some unit(s) in a building with 3+ units and/or <i>See the other scenarios for</i>		Scenario 6: Renting all unit(s) in building with 3+ units as STRs		
Zoning For all scenarios: - Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year - Parking space(s) not required <u>for any STR type</u> in new parking district <u>anticipated</u> per ZA-20-04	 Whole Unit STR	 1 parking space per rented unit	If rental "term" 30+ days, it is NOT considered an STR. Simply renting a housing unit does not require a Zoning Permit.	 Partial Unit STR (Bed & Breakfast)	For 2+ rooms, 1 parking space per rented room	 Whole Unit STR	1 parking space per rented unit	 Whole Unit STR	1 parking space per rented unit	 <u>Lodging Hotel/Motel</u>		
	Permitted Use-in: <u>N/A</u> <u>In all zoning districts when host's primary residence</u>	Conditional Use: <u>Not Permitted:</u> <u>In all zoning districts</u>		Permitted Use: - Up to 2 rooms in any residential zone - Up to 5 rooms in mixed use zones		Conditional Use: 3 rooms in RL zones 3-5 rooms in residential & institutional zones		Permitted Use: N/A				Conditional Use: <u>In all zoning districts</u>
Rental Duration Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	- Individual rental "terms" are less than 30 days - No limit to number of nights rented as STR as long as continues to be host's primary residence		Individual rental "terms" are <u>more than 30+ days</u>	- Individual rental "terms" are less than 30 days - No limit to number of nights rented as STR as long as continues to be host's primary residence		- Individual rental "terms" are less than 30 days - No limit to number of nights rented as STR as long as host's primary residence		- Individual rental "terms" are less than 30 days - No limit to number of nights rented as STR as long as host's primary residence <u>STR units may be operated by an off-site host, per above scenarios</u>		- Individual rental "terms" are less than 30 days - No limit to number of nights rented - By nature, lodging not required to be host's primary residence		
Housing Code Requirements	- Register annually as a rental - Meet basic Life Safety Standards in Chapter 19		- Register annually as a rental - Meet basic Life Safety Standards in Chapter 19	- Register annually as a rental - Meet basic Life Safety Standards in Chapter 19 - Owner-occupied homes with 1 or 2 rented rooms are exempt from rental registration & annual housing inspection		- Register annually as a rental - Meet basic Life Safety Standards in Chapter 19		- Register annually as a rental - Meet basic Life Safety Standards in Chapter 19		"Minimum Housing" and rental registration not applicable because not "residential" - Building code requirements will depend on number of occupants in building		
Taxes & Fees	- NOT required to pay Housing Replacement Fee - Register as a business - Pay Burlington & VT Rooms & Meals Taxes <u>including additional rate benefitting Housing Trust Fund (HTF)?</u>		- NOT required to pay Housing Replacement Fee - Not required to register as a business - Not required to pay Burlington & VT Rooms & Meals Taxes	- NOT required to pay Housing Replacement Fee - Register as a business - Pay Burlington & VT Rooms & Meals Taxes <u>including additional rate benefitting Housing Trust Fund (HTF)?</u>		- Register as a business - Pay Burlington & VT Rooms & Meals Taxes - Housing Replacement Fee if STR is replacing a long-term housing unit <u>and/or additional rate benefitting Housing Trust Fund (HTF)?</u> - Not required to pay Housing Replacement if building a new unit for use as an STR		- Register as a business - Pay Burlington & VT Rooms & Meals Taxes <u>including additional rate benefitting the HTF</u> - Housing Replacement Fee if STR is replacing a long-term housing unit		- Register as a business - Pay Burlington & VT Rooms & Meals Taxes - Housing Replacement Fee req. if replacing long-term housing unit(s)		
Property Assessment	- Likely assessed as "residential" - Report any rental use to State of VT for Homestead Declaration		- Likely assessed as "residential" - Report any rental use to State of VT Homestead Declaration	- Some configurations may be assessed as "commercial" with 120% commercial value factor - Report any rental use to State of VT for Homestead Declaration		- Likely assessed as "residential" - Report any rental use to State of VT Homestead Declaration		- Some configurations may be assessed as "commercial" with 120% commercial value factor - Report any rental use to State of VT for Homestead Declaration		- Considered "commercial" by Assessor, with 120% commercial value factor - Considered "commercial" for purpose of State of VT Homestead Declaration		

Scenario 1- Feedback

Flexibility for Host
Most Permissive

“I want to rent my entire home as a short-term rental for part(s) of the year, but it will still be my primary residence.” (i.e. a single-family home scenario)

Zoning For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required if located in new parking district per ZA-20-04	<table> <tr> <td data-bbox="600 678 877 846">  Whole Unit STR </td><td data-bbox="877 678 1203 846"> 1 parking space/rented unit <u>No pkg space req. in addition to what is provided for the primary home</u> </td></tr> <tr> <td data-bbox="600 846 877 987"> Permitted Use in: <u>All zoning districts</u> </td><td data-bbox="877 846 1203 987"> Conditional Use: <u>-All zoning districts</u> </td></tr> </table>	 Whole Unit STR	1 parking space/rented unit <u>No pkg space req. in addition to what is provided for the primary home</u>	Permitted Use in: <u>All zoning districts</u>	Conditional Use: <u>-All zoning districts</u>
 Whole Unit STR	1 parking space/rented unit <u>No pkg space req. in addition to what is provided for the primary home</u>				
Permitted Use in: <u>All zoning districts</u>	Conditional Use: <u>-All zoning districts</u>				
Rental Duration Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No Limit to <u>less than 180</u> nights rented as STR, as long as continues to be <u>in order to maintain</u> host's primary residence				
Housing Code Requirements	• Register annually as a rental • Meet basic Life Safety Standards in Ch. 18				
Taxes & Fees STR's already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	<i>Should nightly fee that applies to other STRs apply here?</i>				

Decisions:

- “No limit” on nights rented needs to be clarified; host must maintain primary residence.
- Off-site hosting and Housing Replacement not applicable per the above requirement.
- Should not require adt'l parking space or CU

Remaining Questions:

- **Should a zoning permit be required for this scenario?**

Scenario 6- Feedback

Limit Conversion
Most Restrictive

“I own a building with 3+ units, and want to rent all the units as short-term rentals. I do not live in the building.”

<u>Zoning</u> For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required if located in new parking district per ZA-20-04	 Lodging Hotel/Motel 1 parking space per room/unit Permitted Use in: Mixed Use districts with no limit on # of rented rooms Prohibited Use: Residential districts
<u>Rental Duration</u> Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No limit to number of nights rented Not required to be host primary residence
<u>Housing Code Requirements</u>	• Housing Code & Rental Registration not applicable because not "residential" • Building code based on # occupants in Bldg.
<u>Taxes & Fees</u> Already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	Pay Housing Replacement Fee if converting 100% of housing units in building

Decisions:

- Should be limited and most restrictive.
- Housing Replacement should apply in scenario when all units are being converted.

Other:

- Update and consolidate various definitions for hotel, motel, hostel, etc. to include both traditional and 'defacto hotel' scenarios, and apply current standards for hotel

Scenario 5- Feedback

Limit Conversion
More Restrictive

“I own a building with 3+ units, and want to rent some of the units as short-term rentals.”

Zoning For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required if located in new parking district per ZA-20-04	 Whole Unit STR 1 parking space per unit Permitted Use in: Mixed Use districts; in residential districts when host lives on-site Conditional Use in: Residential Districts, when host lives off-site Limit to # STR in Bldg: - 1 STR in Bldgs up to 3 units - 2 STR in Bldgs up to 5 units - 3 STR in Bldgs 6+ units
Rental Duration Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No limit to number of nights rented as STR Property continues to be host's primary residence
Housing Code Requirements	• Register annually as a rental • Meet basic Life Safety Standards in Ch. 18
Taxes & Fees Already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	Pay Housing Replacement Fee if replacing housing units <u>Alternative fee for use based on nights rented/ income generated</u>

Decisions:

- Housing replacement not the right standard for the scale of STR use, and to enable flexibility of units to be STR *and* long-term rental; consider use-based fee
- Allow for off-site hosting, but maintain limit on number of STRs in building

Remaining Questions:

- **Should there be scenario 5a (host on-site) vs. 5b (host off-site)? If so, what is key difference?**
 - CU vs permitted? Number of STRs in building? Other standard?
- **Are policy goals and regulatory protections aligned for this scenario?**
- **Does this scenario apply to condominiums?**

Scenario 4

Limit Conversion
More Restrictive

“I own a duplex/single-family home with an ADU. I want to live in one unit and use the other as a short-term rental.”

<u>Zoning</u> For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required if located in new parking district per ZA-20-04	 Whole Unit STR	1 parking space per unit
	Permitted Use in: N/A	Conditional Use: All zoning districts
<u>Rental Duration</u> Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No limit to number of nights rented as STR Property continues to be host's primary residence	
<u>Housing Code Requirements</u>	• Register annually as a rental • Meet basic Life Safety Standards in Ch. 18	
<u>Taxes & Fees</u> Already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	Pay <u>Housing Replacement Fee</u> if replacing an existing long-term housing unit	

- Does this proposal meet the proposed goals?
- Are there some scenarios wherein an off-site host would be acceptable?
- Is Housing Replacement v. alternative fee more appropriate for this scenario?
- Any other comments/input on the proposed framework relative to this Scenario?

Scenario 3

Flexibility for Host
More Permissive

“I want to rent bedrooms as short-term rentals within my home.”

Zoning For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required if located in new parking district per ZA-20-04	 Partial Unit STR Permitted Use: - Up to 2 rooms in residential & institutional zones - Up to 5 rooms in mixed use zones Conditional Use: - 3 rooms in RL zones - 3 to 5 rooms in other residential & institutional zones
Rental Duration Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No limit to number of nights the rooms are rented as STR, as long as continues to be host's primary residence
Housing Code Requirements	• Register annually as a rental • Meet basic Life Safety Standards in Ch. 18 • Continue current exemption from registration & inspections for owner-occupied homes with 1 or 2 rented rooms
Taxes & Fees STR's already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	NOT required to pay Housing Replacement Fee

- Does this proposal meet the proposed goals?
- Are there some scenarios wherein an off-site host would be acceptable? *Not Applicable*
- Is Housing Replacement v. alternative fee more appropriate for this scenario?
Housing Replacement is not applicable. Should a nightly fee applied to other STR types apply here?
- Any other comments/input on the proposed framework relative to this Scenario?

Burlington Planning Commission

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www.burlingtonvt.gov/pz

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

Burlington Planning Commission

Wednesday, August 26, 2020, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A Montroll, A Friend, E Lee, J Wallace-Brodeur, H Roen, Y Bradley, B Baker
Staff Present:	D White, M Tuttle, K Sturtevant

I. Agenda

Call to Order	Time: 6:32pm
Agenda	No change

II. Public Forum

Name	Comment
S Bushor	Should have a limit on number of children for daycare, shows concern about conservation area. Will there be other small museums and what would their impacts be.

III. Proposed CDO Amendment: Daycare & Preschool in RCO Districts

Action: Approve the municipal bylaw amendment report and warn the amendment for public hearing.		
Motion: E Lee	Second: Y Bradley	Vote: Approved Unanimously
M Tuttle and Nick Warner from the Winooski Valley Parks District described the nature of the requested zoning amendment. Details are online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas .		
Commission discussion:		
- Add language to indicate that the museum is the principal use to Footnote 8		

IV. Proposed CDO Amendment: Temporary Tents

Action: Approve the municipal bylaw amendment report and warn the amendment for public hearing.		
Motion: H Roen	Second: J Wallace Brodeur	Vote: Approved Unanimously
M Tuttle described that this amendment has emerged in part due to COVID-19 measures implemented to enable civic organizations and businesses to operate in a safer format. It also aligns the zoning ordinance with the requirements for a permit for a non-sleeping tent from the Fire Marshal. Details are online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas .		

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Next meeting is Tuesday, September 8 at 6:30pm on Zoom. Joint meeting with the Council Ordinance Committee to discuss Short Term Rentals		
- September 22 meeting will be moved to September 23 at 6:30pm on Zoom		

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VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: J Wallace Brodeur	Vote: Approved Unanimously
Minutes Approved: July 28 and August 11, 2020 Planning Commission Meetings		
Communications Filed:		
- See agenda packet		

VII. Adjourn

Adjournment		Time: 7:05 pm
Motion: J Wallace Brodeur	Second: E Lee	Vote: Approved Unanimously

DRAFT

Meagan Tuttle

From: Laurie kotorman <laurieinv@yahoo.com>
Sent: Monday, September 07, 2020 5:13 PM
To: Meagan Tuttle
Subject: Re: STR meeting

[WARNING]: External Message

Hi Megan,

I am unable to attend the meeting for tomorrow night, but had a question in regards to the graph for Short Term Rentals & proposed regulatory Framework for Joint Cmte discussion.
The chart I have was last updated August 2020, so I'm not sure if there is an updated one or not that I somehow missed.

At the last mtg I attended via zoom, someone brought up my question, but it was not answered.

My question is:

On the chart, there is Scenario 4: Renting an ADU or 1/2 of a duplex, live in other side, but nothing for non owner occupied,
with 1 long term tenant, 1 STR.

I have a duplex I've rented since 2013 to long term tenants prior to duplexing, and after converting the home to a duplex in 2015, I've been renting the small 1 bedroom as a STR, with the front being long term housing/moderate rent.

We have had great tenants in the long term apt. and try hard to keep the rent reasonable. Since we have the STR in the rear of the duplex, we are able to pay the taxes without continually raising the rent for the long term tenants. This would NOT be possible with 2 long term tenants given our debt service/mortgage and insurance & maintenance.

I do not see a "scenario" that allows for off site STR rental of a duplex with a long term tenant. I live close by, and monitor closely.
We have never had issues, we carefully screen our guests, and are not sure what the possibilities are. We would be forced to sell this building if we could not do STR's as it would not be affordable otherwise, unless taxes go down! And we both know that will never happen :)

Kind regards and appreciation for all your hard work,
Laurie and Mark Kotorman
65 Scarff Ave.
Burlington, VT 05401

P.S. We just moved to Burlington from Shelburne (after 20 years there) We hope to do a STR here as well, with a private suite, separate entrance, owner occupied.
My husband is looking toward retirement as a self employed trades contractor, and hoping this STR income will assist in goal that in the near future.

Laurie Kotorman
laurieinvnt@yahoo.com
Burlington, VT
www.mypilatesvt.com
802-318-8388 cell
802-985-5848 home office

On Thursday, August 13, 2020, 10:35:16 AM EDT, Meagan Tuttle <mtuttle@burlingtonvt.gov> wrote:

Thank you, Laurie. I will include these for the Committee at their next meeting.

Meagan Tuttle, AICP

Principal Planner, Comprehensive Planning

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www.burlingtonvt.gov/plan

PLEASE NOTE: The City Planning Team is working remotely until further notice. However, we remain available via email and phone. Please visit our website at www.burlingtonvt.gov/cityplanning to learn more and for updates. Thanks and stay safe!

From: Laurie kotorman <laurieinvnt@yahoo.com>
Sent: Tuesday, August 11, 2020 6:38 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: STR meeting

[WARNING]: External Message

Hello Megan,

I am at the zoom meeting, but would like to express these thoughts through written word:

As a STR host for 7 years, I am very interested in being "heard".

First, I don't see an option for owners with a duplex, one long term rental, one short term rental.

We are not wealthy investors, but average hard working people trying to make ends meet. We initially started doing STR to be able to pay our property taxes, and to keep our rent reasonable for our long term tenants. Additional fees beyond the room and meals tax would be a hardship for us, and we feel very strongly any additional housing trust taxes should be shared by ALL landlords, not just STR's.

Sincerely,

Laurie and Mark Kotorman

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

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 Planning Commission with the City Council Ordinance Committee Wednesday, September 23, 2020, 6:30 P.M. Remote Meeting via Zoom Minutes

Commissioners:	A Montroll, B Baker, Y Bradley, A Friend, E Lee, H Roen, J Wallace-Brodeur
Councilors:	C Mason, J Hanson, Z Hightower
Staff Present: D White, M Tuttle, S Gustin, K Sturtevant	

I. Agenda

Call to Order	Time: 6:32pm
Agenda	No change

II. Public Forum

Name	Comment
	There were no members of the public who spoke during public forum.

III. Proposed CDO Amendment: Short Term Rentals

No action.		
Motion:	Second:	Vote: N/A
Slides and details about the Short Term Rental scenarios discussed in this meeting can be found online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas		
Commission discussion: Regarding STR Scenario 1: no further changes		
Regarding STR Scenario 6: - Clarify that 4+ STR units in a building are included in this scenario, and that Housing Replacement replies whether 4 or all units are used as STRs.		
Regarding STR Scenario 5: - Questions and ideas were shared regarding limiting a cap on the total number of STR's citywide, and of incentivizing empty student rentals to be STRs during peak tourism season. Staff discussed the limitations of zoning to achieve these ideas. Regarding limiting the number, licensure may be a more direct way to achieve this. - The Committee recommended changing the allowable number of STRs on a property to 1 STR in buildings up to 4 units, 2 STRs in a buildings up to 6 units, and 3 STRs in buildings of 7+ units. Also reflect that 4+ STRs becomes Scenario 6. - In future, discuss as two scenarios: host on-site, vs. host off-site to help clarify what is permitted vs conditional use.		

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Wednesday, September 23, 2020

- Committee members asked about options to revoke zoning permits for STRs if too many are created. City attorney will provide further information about how S. Burlington amortized signs, as requested.

Regarding STR Scenario 4:

- Committee generally agreed that this STR type should be permitted, and that Housing Replacement is not an appropriate mechanism for this scenario.
- Committee members asked about how rooms and meals tax would work for STRs; City Attorney will provide more information about whether a different rate of tax could be applied to STRs in RL zoning districts vs in other districts.

Regarding STR Scenario 3:

- Committee felt parking requirements were onerous. Suggested that the parking ratio is equal to the number of bedrooms rented minus one.

IV. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Next meeting is Tuesday, October 13 at 6:30pm on Zoom for the Planning Commission. - September 22 meeting will be moved to September 23 at 6:45pm on Zoom. This will be a joint meeting with the Council Ordinance Committee to discuss Short Term Rentals		

V. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: H Roen	Second: A Friend	Vote: Approved Unanimously
Minutes Approved: August 25, 2020 Planning Commission Meeting		
Communications Filed:		
- See agenda packet		

VI. Adjourn

Adjournment		Time: 8:09pm	
Motion: H Roen	Second: J Wallace-Brodeur	Vote: Approved Unanimously	



Signed: October 13, 2020

 Andy Montroll, Chair

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner