

Burlington Development Review Board

Department of Permitting & Inspections
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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, August 23, 2022, 5:00 PM

AGENDA

Remote Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or
+1 253 215 8782 or +1 346 248 7799

- I. Agenda
- II. Communications
- III. Minutes
- IV. Certificate of Appropriateness

- 1. ZP-22-436; 68 Sears Lane (E-LM, Ward 5S) Burlington Community Development Co. / City
Treasurer / Brendan Stringer
Tree clearing. (Project Manager, Scott Gustin)

V. Other Business

- 1. Recent zoning amendments

VI. Adjournment

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Councilor Carpenter,
Ordinance Committee, City Council
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Short Term Rentals
ZA #22-08

First reading: _____
Referred to: _____
Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 3.1.2, Zoning Permit Required, 8.1.8, Minimum Off-Street Parking Requirements, 13.1.2, Definitions, Article 14, PlanBTV Downtown Code, and Appendix A-Use Table—All Zoning Districts, thereof to read as follows:

Sec. 3.1.2 Zoning Permit Required.

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

(a) Exterior Work:

As written.

(b) Interior Work:

As written.

(c) Exemptions: The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1. - 18. As written.

19. Short term rental.

(d) Determination of Non-Applicability:

As written.

Sec. 8.1.8 Minimum Off-Street Parking Requirements.

A minimum number of off-street parking spaces for all uses and structures shall be provided in accordance with Table 8.1.8-1 below.

(a) Where a use is not listed, the minimum parking requirements shall be determined by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use.

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

- (c) The minimum off-street parking requirement for a development with inclusionary housing units provided on site shall be reduced by the percentage of inclusionary units required by Article 9.

(Example: A 100-unit residential development with a requirement of 15% inclusionary units shall provide minimum off-street parking based on 85 dwelling units.)

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood District	Shared Use District	Multimodal Mixed-Use District
RESIDENTIAL USES¹	Per Dwelling Unit except as noted		
***	***		
RESIDENTIAL USES – SPECIAL	Per Dwelling Unit except as noted		
***	***	***	***
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0
***	***	***	***
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
***	***	***	***
Hostel (per two (2) beds)	0.5	0.5	0
Hotel/Motel (per room)	1	0.75	0
***	***	***	***

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.

~~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.~~

~~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 per-building short term rental limits noted in Chapter 18: Minimum Housing Standards of the Burlington Code of Ordinances are exceeded).

Short term rental (STR): A dwelling unit that is rented in whole or in part (i.e. renting bedrooms within a unit) to guests for less than thirty (30) consecutive days and for more than 14 days during any rolling 12-month period is subject to the Vermont rooms and meals tax, pursuant to Chapter 18: Minimum Housing Standards of the Burlington Code of Ordinances.

Article 14-PlanBTV Downtown Code--*See attached excerpt for proposed changes.

Appendix A—Use Table—All Zoning Districts—*See proposed changes on attached table.

** Material stricken out deleted.

*** Material underlined added.

tm/KS: Ordinances 2022/Zoning Amendment – ZA 22-08, Short Term Rentals
CDO Secs. 3.1.2, 8.1.8, 13.1.2, Art. 14 and Appendix A-Use Table—All Zoning Districts
6/27/22

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	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
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
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
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Bed and Breakfast^{4,6}	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Short Term Rental³³	N	N	N	N	Y	Y	Y	Y	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
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Hostel	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
<u>Hotel, Motel Lodging</u>	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. No more than 3 rooms permitted to be let in the RL district. Reserved.~~
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 are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.

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
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
Short Term Rental (See Ch.18: Min. Housing)	P

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast ¹	P
Historic Inn (Sec. 14.6.6.c)	P
Hotel	P
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

RETAIL - OUTDOOR

Open Air Markets	P
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Key

Permitted Use	P
Conditional Use	CU

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 (See Ch. 18: Min. Housing)	P
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SHORT-TERM ACCOMMODATIONS

Bed and Breakfast ¹	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
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Conditional Use	CU
-----------------	----

END NOTES

¹Must be owner-occupied.

²Exterior storage and display not permitted.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning
Planning Commission

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Steep Slopes
ZA #22-03

First reading: _____

Referred to: _____

Rules suspended and placed in a
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
2 Burlington be and hereby is amended by amending Section 5.2.4, Buildable Area Calculation, and adding
3 Map 5.2.4-1, Steep Slopes Overlay District, thereof to read as follows:

5 Sec. 5.2.4 *Buildable Area Calculation* & Steep Slopes Overlay District

6 *The intent of this section is to:*

- 7 • To protect sensitive natural features;
- 8 • To prevent overdevelopment of properties that contain sensitive and unbuildable areas, ~~and~~
- 9 • To minimize the potential for erosion, slope failure, and contamination of surface waters caused by the ad
- 10 effects of development on steep slopes, and
- 11 • To ensure that new development fits within the existing scale and intensity of the surrounding neighborhood.

12 (a) Buildable Area Calculation

13 For any properties two (2) or more acres in size within any RCO, WRM, RM, WRL, or RL zoning district, the
14 maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall
15 be deemed to include only those portions of a property that are not inundated at least six months per year by water,
16 including streams, ponds, lakes, wetlands and other bodies of water; and lands with a slope in excess of 30%.

17 The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage
18 be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the additional density
19 lot coverage will be compatible within the existing scale and intensity of the surrounding neighborhood, and not
20 have an undue negative impact on sensitive natural features.

21 (b) Steep Slopes Overlay District

22 This overlay district consists of all lands delineated in Map 5.2.4-1 – Steep Slopes Overlay District. This overlay
23 district contains expanses of contiguous land with an average slope of 15% or greater over 50-foot intervals and
24 adjacent lands within 50 feet of the top of slope.

25 ***[Attached Map 5.2.4-1 – Steep Slopes Overlay District will be inserted here]

The boundaries shown on the Steep Slopes Overlay Map may be supplemented or modified by examination of or more of the following sources by the Development Review Board whenever an application is submitted for review.

- Contour maps prepared from the most current orthophotography.
- On-site survey prepared by a registered professional engineer or surveyor.

The Zoning Administrative Officer or Development Review Board shall determine whether or not the Steep Slopes Overlay District has been shown accurately on the application plans. The applicant may be required to revise steep slope boundaries shown on the application plans.

The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or survey data or mapping.

1. District Specific Regulations

- A. The Steep Slope Overlay District shall be an overlay on all zoning districts. The regulations in the overlay are in addition to those regulations of the underlying zoning district.
- B. These regulations apply to applications within the Overlay District that include 400 square feet or more of earth disturbance.
- C. Finished slopes of all cuts and fills shall not exceed 30%, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the ZAO or DRB in consultation with the City Engineer.
- D. Any fills placed on a steep slope shall be properly stabilized and, when necessary, supported by retaining walls or other appropriate measures as approved by the ZAO or DRB in consultation with the City Engineer.
- E. Finished grades shall be reasonably safe from slide, collapse, or similar failure as determined by the ZAO or DRB in consultation with the City Engineer.

2. Additional Application Requirements

- A. A site plan prepared by a registered professional engineer or surveyor that accurately depicts the proposed development and related land disturbance relative to the Steep Slope Overlay District boundaries, with pertinent information describing the proposal, and a topographical survey depicting existing and proposed contour lines at no greater than 2-foot intervals. The plan shall depict all proposed cut, fill, and grading.
- B. A plan depicting the extent of proposed vegetation clearing.

3. Approval Condition

- A. Prior to construction, the applicant shall provide a geotechnical analysis prepared and stamped by a professional geotechnical engineer that determines the suitability of the steep slope for development.

* Material stricken out deleted.

** Material underlined added.



Map 5.2.4-1 Steep Slopes Overlay



**City of
Burlington**

This map consists of all lands with an average slope of 15% or greater over 50ft intervals and adjacent lands within 50 feet at the top of the slope.

Prepared by Office of City Planning for Burlington City Council hearing on proposed ZA-22-03 Steep Slopes.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Burlington High School Zoning
ZA #22-05

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 4.4.4, Institutional District; 4.5.2, Institutional Core Campus Overlays; adding Map 4.5.2-8, ICC-BHS: Burlington High School Campus; and creating Sec. 4.5.2 H-4 and Sec. 4.5.2 H-5; amending Sec. 8.1.3 (c) Multimodal Mixed Use Parking District; and amending maps 4.3.1-1 Base Districts, 4.4.1-1 Institutional Districts, 4.4.6-1 Recreation, Conservation, Open Space Districts, 4.5.2-1 Institutional Core Campus Overlay Districts, and 8.1.3-1 Parking Districts thereof to read as follows:

Sec. 4.4.4 Institutional District

(a) Purpose:

The **Institutional District (I)** as illustrated in Map 4.4.4-1 allows for ~~an~~ increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major public and higher educational and health care institutions within their respective institutional missions. New development is intended to be sensitive the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

This district is intended to support a broad range of related uses reflecting the resident institution's' roles as either regional educational, health care, cultural and research centers or municipal educational facilities. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential and open space areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

Map 4.4.4-1 Institutional Districts As written.

(b) Dimensional Standards and Density:

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.4 -1 Dimensional Standards and Density

Districts	Max. Intensity	Max. Lot Coverage ¹	Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front ²	Side ³	Rear ³	
Institutional	20 du/ac (24 du/acre with inclusionary req.)	40% (48% with inclusionary req.)	<u>Minimum:</u> 15-feet	10% of lot width <u>Min:</u> 5-ft <u>Max required:</u> 20-feet	25% of lot depth <u>Min:</u> 20-feet <u>Max required:</u> 75-feet	35'

1 – Measurement of and exceptions to coverage, setback and height standards are found in Art 5.

2 – The calculation of the front yard setback shall be a percentage of lot width and depth or as defined and described in Art 5.

3 – Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in Sec. 4.5.2 where applicable.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Institutional district shall be as defined in Appendix A – Use Table and as modified by provisions of the Institutional Core Campus Overlays in Sec. 4.5.2 where applicable.

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) Purpose As written

(b) Areas Covered.

The Institutional Core Campus Overlays as delineated on Map 4.5.2-1, and are further described as follows:

1. – 5. As written.

6. Burlington High School Campus (BHS) is intended to provide for increased development scale and intensity than would typically be found in the adjoining and underlying districts to facilitate the long-term use of this site as the city's public high school, and a hub of educational and athletic uses and other district services. Buildings are designed with architectural detailing to provide visual interest and create an enjoyable human-scale experience, both within its internal circulation and in relation to the surrounding neighborhood, with the majority of parking to be located behind, to the side, within or underneath structures particularly with respect to frontage along North Avenue. Development should reflect the district's core educational values in both design and quality.

Map 4.5.2-1: Institutional Core Campus Overlay As written.

(c) – (g) As written.

(h) District Specific Regulations: Burlington High School Campus (BHS)

1. Lot Coverage

Maximum lot coverage shall be applied to the aggregate of all lots located within the ICC-BHS District. Lot coverage shall not exceed 60%.

2. Setbacks

A minimum 20 ft. front yard setback shall be applicable along North Avenue, and a 20 ft. minimum front yard setback along Institute Road. A minimum side setback of 10 ft. and minimum rear setback of 20 ft. shall apply only along the perimeter of the ICC-BHS District.

3. Building Height

Building height shall be measured under the provisions of Art. 5. Building height Within the ICC-BHS shall not exceed:

- 60 ft. for buildings or portions of buildings within 100 ft. from the property line along North Avenue
- 80 ft. for buildings or portions of buildings more than 100 ft. from the property line along North Avenue



Map 4.5.2-8 ICC-BHS: Burlington High School Campus

4. Uses

Within the ICC-BHS district, School- Post-Secondary & Community College, School-Secondary, School-Primary, School-Preschool (see Sec. 5.4.1), and School- Trade or Professional are permitted. When part of the education program associated with a School use or when hosted within a School facility, the following uses are also permitted:

<u>Permitted Uses:</u>	
<u>Automobile Body Shop</u>	<u>Museum Small</u>
<u>Automobile/Vehicle Repair</u>	<u>Museum Large</u>
<u>Café</u>	<u>Performing Arts Center</u>
<u>Community Center</u>	<u>Performing Arts Studio</u>
<u>Community Garden</u>	<u>Recreational Facility- Indoor</u>
<u>Conference Center</u>	<u>Recreational Facility- Outdoor</u>
<u>Composting</u>	<u>Recycling Center- Large</u>
<u>Daycare (See Sec. 5.4.1)</u>	<u>Recycling Center- Small</u>
<u>Health Club</u>	<u>Research and Development Facility</u>
<u>Library</u>	<u>Research Lab</u>
	<u>Park</u>

Sec. 8.1.3 Parking Districts

The demand for parking is highly dependent on the context within which a given use or structure is located. Factors such as proximity to other related uses, availability of public transportation, the density of land uses, and the ability to share parking with nearby uses are all factors which influence the demand for individual and dedicated off-site parking. For the purposes of this Article, the following three (3) Parking Districts as illustrated in Map 8.1.3-1 are hereby created:

(a) – (b) As written.

(c) Multimodal Mixed-Use Parking District:

This parking district eliminates the minimum on-site parking requirements of Sec. 8.1.8 recognizing the opportunity for extensive sharing of parking demand between nearby mixed land uses makes travel to and between proximate land uses largely independent from an automobile; and that an array of non-vehicular transportation modes, public parking facilities, and frequent transit service greatly reduces the need for independent on-site parking for individual land uses.

This Parking District includes all properties in the following Zoning Districts:

(a) – (g) As written.

The Parking District also includes the properties located at 0 and 52 Institute Road.

With the exception of those properties subject to Part 3 - Institutional Parking Management Plans, this Parking District also includes all properties with street frontage on the following major thoroughfares to a maximum depth of 200-ft.:

(a)– (k) As written.

105

*

Material stricken out deleted.

106

**

Material underlined added.

107

108

tm/KS: Ordinances 2022/Zoning Amendment – ZA 22-05, Burlington High School Zoning

109

Secs. 4.4.4, 4.5.2, new Map 4.5.2-8

110

6/22/22

CITY OF BURLINGTON

ORDINANCE _____

Sponsor(s): Councilor Hanson,
Ordinance Committee
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

CDO—PARKING

Minimum and Maximum Parking Requirements and
Transportation Demand Management
ZA# 22-07

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington, Article 4: Zoning Maps and Districts, Part 4: Base Zoning District Regulations, be and hereby is amended by amending Sections 4.4.1 (d) 5, Development Bonuses/Additional Allowances; 4.4.5 (d) 4. C., Residential Occupancy Limits; 4.5.3 (c) 6, Parking Requirements; 4.5.6 (c), District Specific Regulations: Mouth of the River Overlay; 5.1.1 (c), Permitted Uses; 5.1.1 (d), Conditional Uses; 5.3.6 (c), Changes to a Nonconforming Lot; 5.3.8, Rebuilding After a Catastrophe; 5.4.12 (a), Mobile Home Parks; and Article 8: Parking, Part 1: General Requirements; 8.1.3, Parking Districts, Parking Districts, 8.1.6, Existing Structures: Exemption in Downtown District, 8.1.8, Minimum Off-Street Parking Requirements, Table 8.1.8-1 Maximum Off-Street Parking Requirements, 8.1.9, Maximum Parking Spaces, 8.1.12 Limitations, Location, Use of Facilities, 8.1.15 Waivers from Parking Requirements/Parking Management Plans, and adding Section 8.1.16 Transportation Demand Management; and Article 8: Parking, Part 3: Institutional Parking Plans be and hereby is amended by amending Section 8.3.3 Institutional Parking Management Plans thereto to read as follows:

Sec. 4.4.1 Downtown Mixed Use Districts

(a) – (c) As written.

(d) District Specific Regulations

1-4 As written

5. Development Bonuses/Additional Allowances

The following exceptions to the allowable base building height and FAR as provided in Table 4.4.1-1 above may be approved in any combination subject to the maximum limits set forth in Table 4.4.1-2 below at the discretion of the DRB. The additional FAR allowed shall correspond to the proportion of the additional building height granted to the maximum available.

A. Public Parking

A bonus in excess of the base height and FAR allowance in Downtown Waterfront – Public Trust District may be permitted at the discretion of the DRB for the provision of public parking as follows:

(i) As written.

(ii) 10-feet of additional building height and corresponding FAR may also be permitted, independent of subsection (i) above, where no less than 25 parking spaces ~~or an additional ten percent (10%) above the minimum spaces required pursuant to Sec. 8.1.8, whichever is greater,~~ are made available to the general public at all times.

(iii) – (iv) As written.

B. – F. As written.

Sec. 4.4.5 Residential Districts

(a) – (c) As written.

(d) District Specific Regulations

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. -3. As written.

4. Residential Density

A. –B. As written.

C. Residential Occupancy Limits

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

(i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,

(ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).

(iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

5. -6. As written.

Sec. 4.5.3 RH- Density Bonus Overlay District

(a)-(b) As written.

(c) District Specific Regulations: RH- Density Bonus Overlay:

1.-5. As written.

6. Parking *Standards Requirements*

In addition to the parking ~~standards requirements~~ found in Article 8, the following shall also apply within this Overlay:

~~There shall be at least one parking space per residential unit (exceptions for senior and affordable housing, as outlined in Article 8, shall apply). There shall be an affirmative finding by the DRB that the proposed development provides adequate parking for its residents and non-residential uses.~~ At least seventy-five (75%) of the parking spaces ~~required after any waiver~~ shall be provided onsite as structured parking spaces. Any structured parking shall be concealed by the structure or the building so that it is not visible from the street (the entrance and exit may be visible).

7.-9. As written.

Sec 4.5.6 Mouth of the River Overlay District

(a)-(b) As written.

(c) District Specific Regulations: Mouth of the River Overlay:

1. Uses

A. Exception for Non-Residential Marine and Recreational Uses

Small-scale non-residential marine and recreational uses in the Mouth of the River Overlay shall be allowed as follows:

(i)-(viii) As written.

(ix) To the extent that ~~additional~~ parking is ~~provided required~~, the parking standards for Shared-Use Districts shall apply pursuant to Article 8;

(x)-(xi) As written.

Sec. 5.1.1 Uses

Except as otherwise provided by law or by this ordinance, no land or structure in any district shall be used or occupied except as specified under the provisions of this ordinance and the requirements of the zoning district in which such land or structure is located as specified in Article 4 and in Appendix A-Use Table.

(a)-(b) As written.

(c) Permitted Uses

A permitted use is allowed as of right in any district under which it is denoted by the letter "Y" in Appendix ~~A-~~Use Table. Permitted uses are subject to such requirements as may be further specified in this ordinance such as but not limited to dimensional and intensity limitations, performance and design standards, and parking ~~requirements~~standards.

(d) Conditional Uses

A conditional use is listed in any district where denoted by the letters "CU" in Appendix A - Use Table. Such uses may be permitted by the DRB only after review under the conditional use provisions provided in Article

3, Part 5, such further restrictions as the DRB may establish and such additional requirements as may be established by this ordinance such as but not limited to dimensional and intensity limitations, performance and design standards, and parking ~~requirements~~standards.

(e)-(i) As written.

Sec. 5.3.6 Nonconforming Lots

Development may occur on a non-conforming lot only in the following manner:

(a)-(b) As written.

(c) Changes to a Nonconforming Lot

No change shall be permitted to any nonconforming lot which would have the effect of increasing the density at which the property is being used, or increasing the structure located upon such lot, if the dimensional requirements and standards, ~~including parking~~, of the underlying zoning district are not met as a result thereof. Allowance of adaptive reuse and residential conversion bonuses shall be an exception to the foregoing standards. ~~A lot shall be considered nonconforming if there is not sufficient parking, as determined by the standards provided in Article 8.~~ In such cases where a parking waiver or waivers may be or have been legally granted, such a waiver shall be considered superseded by the standards provided in Article 8. ~~not be considered to increase the degree of non-conformity.~~

Sec 5.3.8 Rebuilding After Catastrophe

If the structure housing a nonconforming use or a nonconforming structure is damaged by fire, explosion, or other catastrophe, and no government investigation determines that the damage resulted from the owner's intentional conduct or gross negligence the use may be restored or the structure rebuilt subject to the following provisions:

(a)-(c) As written.

(d) Noncompliance, in terms of dimensional regulations ~~or parking requirements~~, shall not be increased beyond what existed prior to the catastrophe and, where physically possible, shall come into compliance;

(e)-(f) As written.

Sec 5.4.12 Mobile Home Parks

In addition to the applicable provisions of Site Plan Design Standards in Art 6, Part 2, and Article 10 Subdivision Review (if applicable), the following additional regulations shall be applicable to any application involving a Mobile Home Park. The provisions of Art 3, Part 5 for Conditional Uses shall also apply to applications involving new or expanded Mobile Home Parks.

(a) Mobile Home Parks

Regarding the establishment and operation of a Mobile Home Park:

1-5. As written.

~~6. One (1) on-site parking space shall be required per individual Mobile Home.~~

7-9. As written with renumbering.

(b) As written.

Sec. 8.1.3 Parking Districts

The demand for parking is highly dependent on the context within which a given use or structure is located. Factors such as proximity to other related uses, availability of public transportation and alternative forms of and supports for transportation, the density of land uses, and the ability to share parking with nearby uses are all factors which influence the demand for individual and dedicated off-site parking. For the purposes of this Article, the following three (3) Parking Districts as illustrated in Map 8.1.3-1 are hereby created:

(a) Neighborhood Parking District:

This parking district ~~establishes the baseline of parking requirements throughout the city encompasses the primarily residential neighborhoods of the city~~ where the demand for off-site parking is largely dependent on the needs and characteristics of and transportation resources available to an individual site or land use.

(b) Shared Use Parking District:

This parking district ~~reduces the requirements from the baseline standards recognizing~~ recognizes that opportunities exist to share parking demand between related nearby land uses, and that travel to and between these uses may not be strictly automobile dependent.

(c) Multimodal Mixed-Use Parking District:

This parking district ~~recognizes that eliminates the minimum on-site parking requirements of Sec. 8.1.8 recognizing~~ the opportunity for extensive sharing of parking demand between nearby mixed land uses makes travel to and between proximate land uses largely independent from an automobile; and that an array of non-vehicular transportation modes, public parking facilities, and frequent transit service greatly reduces the need for independent on-site parking for individual land uses.

This Parking District includes all properties in the following Zoning Districts:

- (a) Downtown Core (FD6)
- (b) Downtown Center (FD5)
- (c) Downtown Waterfront – Public Trust (DW-PT)
- (d) Neighborhood Activity Center (NAC)
- (e) Neighborhood Mixed Use (NMU)
- (f) NAC – Riverside (NAC-R)
- (g) NAC – Cambrian Rise (NAC-CR)

With the exception of those properties subject to Part 3 - Institutional Parking Management Plans, this Parking District also includes all properties with street frontage on the following major thoroughfares to a maximum depth of 200-ft.:

- (a) North Avenue from Battery Park to Plattsburg Avenue
- (b) Colchester Avenue
- (c) Pearl Street
- (d) North Winooski Avenue
- (e) Riverside Avenue from N. Winooski Ave to Colchester Ave
- (f) Battery Street
- (g) Main Street
- (h) College Street to South Williams Street
- (i) Pine Street
- (j) Saint Paul Street
- (k) Shelburne Street

~~With respect to permits issued with parking requirements in this Parking District prior to the effective date of the amendment to eliminate minimum onsite parking, an administrative permit amendment may be requested to remove the parking requirement based upon the change in regulation. This does not apply to permits containing public parking provided in exchange for an Article 4 Development Bonus (See Sec. 4.4.1(d)(5)(A)). For those permits, the public parking provided shall be maintained.~~

Map 8.1.3-1 Parking Districts As written.

Sec. 8.1.4 Existing Structures

Any structure or land use lawfully in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article as long as the kind or extent of use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be ~~reduced below such requirements~~altered.

Within the Multimodal Mixed-Use Parking District, an administrative permit may be requested to remove the minimum off-street parking requirements associated with permits issued prior to December 16, 2020. This provision does not apply to permits containing public parking provided in exchange for an Article 4 Development Bonus (See Sec. 4.4.1 (d) (5) (A)). For those permits, the public parking provided shall be maintained. This provision does not apply within the Neighborhood or Shared Use Parking Districts.

Sec. 8.1.5 Existing Structures - Change or Expansion of Use

Whenever there is an alteration or conversion of a structure or a change or expansion of a use which does not involve complete redevelopment or substantial rehabilitation of the structures on a lot; ~~increases the parking requirements~~

- ~~the parking and TDM requirements of this Article shall apply only to the new use or net new area of the expanded use, and total additional parking requirements for the alteration, conversion, change, or expansion shall be provided in accordance with the requirements of this Article. A waiver may be requested pursuant to the provisions of Sec. 8.1.15.~~
- existing parking may exceed the maximum limits per Table 8.1.9-1 as a result of a change of use or change in the intensity of a use(s) on a lot, and
- changes to existing parking in Shared Use and Neighborhood Parking districts is not precluded by Sec. 8.1.4.

Sec. 8.1.6 Affordable Housing and Historic Buildings Exemption (Reserved)

~~Regardless of location, the Minimum Off-Street Parking Requirements found under Sec. 8.1.8 below shall not apply to any of the following:~~

- ~~(a) The creation of permanently affordable inclusionary housing units satisfying the applicable provisions of Article 9 Part 1—Inclusionary Housing (see Sec. 9.1.10 Income Eligibility and Sec. 9.1.11 Calculating Rents and Selling Prices);~~
- ~~(b) The adaptive reuse and/or substantial rehabilitation of a building listed on the State or National Register of Historic Places; and,~~
- ~~(c) The creation of an Accessory Dwelling Unit subject to the provisions of Sec. 5.4.5.~~

Sec. 8.1.7 Non-Conforming Residential Structure (Reserved)

~~Where additions or conversions to existing residential structures within a Neighborhood or Shared Use Parking District add living space but do not add dwelling units, and such sites do not currently meet the parking standards of Sec. 8.1.8, one (1) parking space shall be provided for each additional room. Single detached dwellings shall be exempt from this requirement.~~

Sec. 8.1.8 Minimum Off-Street Parking Requirements

Requirements for a minimum number of off-street parking spaces have been recognized as an impediment to building housing and other desired uses, inhibit the expansion of alternative transportation and transportation demand management, and act as an instrument to overbuild parking and incentivize single occupancy automobile use. Therefore, minimum off-street spaces are eliminated in all parking districts for all uses except for applications seeking to exceed occupancy of a dwelling unit by more than four (4) unrelated adults. Such applications are subject to the parking requirements of Sec. 4.4.5 (d), 4, C, Residential Occupancy Limits.

A minimum number of off-street parking spaces for all uses and structures shall be provided in accordance with Table 8.1.8-1 below.

(a) Where a use is not listed, the minimum parking requirements shall be determined by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use.

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

(c) The minimum off-street parking requirement for a development with inclusionary housing units provided on site shall be reduced by the percentage of inclusionary units required by Article 9.

(Example: A 100-unit residential development with a requirement of 15% inclusionary units shall provide minimum off-street parking based on 85 dwelling units.)

Table 8.1.8 Minimum Off-Street Parking Requirements

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared-Use Districts	Multimodal Mixed-Use Districts
RESIDENTIAL USES¹	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	1	0
Single Family detached and Duplex	2	2	0
1. — Adjusted for development with inclusionary housing units per Sec. 8.1.8(c)			
RESIDENTIAL USES—SPECIAL¹	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0
Boarding House (per two (2) beds)	1	0.75	0
Community House	1	0.75	0
Convalescent Home (per four (4) beds)	1	1	0
Dormitory (per two (2) beds)	1	1	0
Emergency Shelter	0	0	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Group Home (per two (2) beds)	1	1	0
Historic Inn (per room, in addition to single-family residence)	1	0.75	0
Sorority & Fraternity (per two (2) beds)	1	1	0
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
Adult Day Care (per two (2) employees)	1	1	0
Agricultural Use	0	0	0
Amusement Arcade	2	1	0
Animal Boarding/Kennel/Shelter	2.5	1.5	0
Animal Grooming (per grooming station)	1	1	0
Animal Hospitals/Veterinarian Office	3	2	0
Appliance & Furniture Sales/Service	2.5	1	0
Aquarium	1.3	1	0
Art Gallery/Studio	3.3	2.5	0
Auction Houses	3.3	2.5	0
Automobile & Marine Parts Sales	2.5	1.5	0
Automobile Body Shop	2 plus 1/bay	2 plus 1/bay	0
Automobile Repair/Service	2 plus 1/bay	2 plus 1/bay	0
Automobile Sales—New & Used	2	2	0
Bakery	2.5	2.5	0
Bank, Credit Union	2.5	2	0
Bar/Tavern	4	3	0
Beauty/Barber Shop (per station/chair)	1	1	0
Bicycle Sales/Repair	2.5	1	0
Billiard Parlor (per game table)	1	1	0
Boat Repair/Service	2	2	0
Boat Sales/Rental	2	2	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Boat Storage	3	2	<u>0</u>
Bowling Alley (per lane)	3	2	<u>0</u>
Building Material Sales	3.3	2.5	<u>0</u>
Café (per four (4) seats)	1	<u>0</u>	<u>0</u>
Camp Ground (per camping space)	1	1	<u>0</u>
Car Wash (stacking spaces per wash bay)	4	4	<u>0</u>
Cemetery	<u>0</u>	<u>0</u>	<u>0</u>
Cinema (per four (4) seats)	1	1	<u>0</u>
Club, Membership	3.3	2.5	<u>0</u>
Community Center	3.3	2.5	<u>0</u>
Community Garden (per ten (10) plots)	1	1	<u>0</u>
Conference Center	3	2	<u>0</u>
Contractor Yard (per 1,000 gfa of office space)	2.5	2	<u>0</u>
Convenience Store	3	2	<u>0</u>
Convention Center	n/a	3	<u>0</u>
Courthouse	n/a	3.3	<u>0</u>
Crematory (per FTE employee)	1	1	<u>0</u>
Crisis Counseling Center	4	3	<u>0</u>
Daycare—Home (6 children or less)	<u>None (0)</u>	<u>None (0)</u>	<u>0</u>
Daycare—Large (Over 20 children) (per two (2) employees)	1 plus 1 <u>drop-off</u> per 5 children	1 plus 1 <u>drop-off</u> per 5 children	<u>0</u>
Daycare—Small (20 children or less) (per two (2) employees)	1 plus 1 <u>drop-off</u> per 5 children	1 plus 1 <u>drop-off</u> per 5 children	<u>0</u>
Dental Lab	2	1	<u>0</u>
Distribution Center (per 3,000 gfa)	1	0.75	<u>0</u>
Dry-Cleaning Plant	1.3	1	<u>0</u>
Dry-Cleaning Service	2.5	2	<u>0</u>

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Film Studio	3.3	2.5	<u>0</u>
Fire Station (per apparatus)	2	2	<u>0</u>
Food & Beverage Processing	1.3, plus 3 per 1,000 gfa devoted to patron use	1, plus 2 per 1,000 gfa devoted to patron use	<u>0</u>
Fuel Service Station (per employee/shift)	1	1	<u>0</u>
Funeral Home (per four (4) seats)	1	1	<u>0</u>
Garden Supply Store (per 1,000 gfa of retail area.)	3	2	<u>0</u>
General Merchandise/Retail	3	2	<u>0</u>
Grocery Store	3	2	<u>0</u>
Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)	1	1	<u>0</u>
Health Club	3	2	<u>0</u>
Health Studio	2	1	<u>0</u>
Hospitals (per patient bed)	2	2	<u>0</u>
Hostel (per two (2) beds)	0.5	0.5	<u>0</u>
Hotel/Motel (per room)	1	0.75	0
Laundromats (per washing machine)	1	1	<u>0</u>
Library	1.3	1	<u>0</u>
Lumber Yard (per 1,000 gfa of retail area.)	3	2	<u>0</u>
Manufacturing Light	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	<u>0</u>
Manufacturing	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	<u>0</u>
Marina (per berth)	0.5	0.5	0
Medical Lab	2	1	<u>0</u>

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Museum	1.3	1	0
Office—General	2	2	0
Office—Medical, Dental	3	2	0
Office—Technical	2	2	0
Open-Air Markets	0	0	0
Operations Center—Taxi (per three (3) employees)	1	1	0
Operations Center—Truck/Bus (per 3,000 gfa)	1	0.75	0
Park (per playing area)	5	0	0
Parking Garage—Private	0	0	0
Parking Lot—Private	0	0	0
Performing Arts Center (per four (4) seats)	1	1	0
Performing Arts Studio	1	0	0
Pet Store	2.5	1	0
Pharmacy	3	2	0
Photo Studio	2.5	1	0
Photography Lab	1	1	0
Police Station	2.5	2	0
Post Office	1.3	1	0
Post Office—Local	2	2	0
Printing Plant	1.3	1	0
Printing Shop	2	2	0
Public Transit Terminal	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	0
Public Works Yard/Garage	0	0	0
Radio & TV Studio	2	2	0
Rail Equip. Storage & Repair	0	0	0
Recording Studio	1.3	1	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Recreational Facility—Indoor (per four (4) seats)	1	1	0
Recreational Facility—Outdoor (per playing field)	15	10	0
Recreational Facility—Outdoor Commercial	Larger of 1 per 4 seats or 15 per playing field	Larger of 1 per 4 seats or 10 per playing field	0
Recreational Vehicle Sales—New and Used	2	2	0
Recycling Center—Large above 2,000 gfa	0	0	0
Recycling Center—Small 2,000 gfa or less	0	0	0
Research Lab	2.5	2	0
Restaurant	4	3	0
Restaurant—Take Out	4	3	0
Salon/Spa	4	4	0
School—Secondary (per Classroom)	7	5	0
School—Primary (per Classroom)	1.5	1.5	0
School—Preschool (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	0
School—Trade/Professional	5	3	0
School, Post-Secondary	2	2	0
Solid Waste Facility—Incinerator, Landfill, Transfer Station	0	0	0
Tailor Shop	2	1	0
Vehicle Salvage	0	0	0
Warehouse	0.5	0.35	0
Warehouse—Self Storage Facility	1 per resident manager, plus 1 per 100	1 per resident manager, plus 1 per 100 leasable	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared-Use Districts	Multimodal Mixed-Use Districts
	leasable storage spaces	storage spaces	
Warehouse—Retail	3.3	2.5	0
Wholesale Sales	1.3	1	0
Worship, Place of (per four (4) seats)	1	1	0

Sec. 8.1.9 Maximum On-Site Parking Spaces

The total number of off-street parking spaces provided in any parking district shall not be more than as allowed required in Table 8.1.9-1 below:

- (a) Where a use is not listed, the maximum parking requirements shall be determined by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use.
- (b) When the calculation yields a fractional number of maximum spaces, the number of spaces shall be rounded to the nearest whole.

Table 8.1.9-1 Maximum Off-Street Parking Requirements

Neighborhood District	Shared-Use District	Multimodal Mixed-Use District
125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
<u>RESIDENTIAL USES¹</u>	<u>Per Dwelling Unit except as noted</u>		
<u>Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Single Family detached and Duplex</u>	<u>3</u>	<u>2</u>	<u>2</u>
1. <u>Adjusted for development with inclusionary housing units per Sec. 8.1.8(c)</u>			
<u>RESIDENTIAL USES - SPECIAL¹</u>	<u>Per Dwelling Unit except as noted</u>		

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Assisted Living</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Bed and Breakfast (per room, in addition to single-family residence)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Boarding House (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Community House</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Convalescent Home (per four (4) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Dormitory (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Emergency Shelter</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Group Home (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Historic Inn (per room, in addition to single- family residence)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Sorority & Fraternity (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>NON-RESIDENTIAL USES</u>	<u>Per 1,000 square feet of gross floor area (gfa) except as noted</u>		
<u>Adult Day Care (per two (2) employees)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Agricultural Use</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Amusement Arcade</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Animal Boarding/Kennel/Shelter</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Animal Grooming (per grooming station)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Animal Hospitals/Veterinarian Office</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Appliance & Furniture Sales/Service</u>	<u>3</u>	<u>3</u>	<u>1</u>
<u>Aquarium</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Art Gallery/Studio</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Auction Houses</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Automobile & Marine Parts Sales</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Automobile Body Shop</u>	<u>3 plus 1/bay</u>	<u>3-plus 1/bay</u>	<u>2 plus 1/bay</u>
<u>Automobile Repair/Service</u>	<u>3 plus 2/bay</u>	<u>3 plus 2/bay</u>	<u>2 plus 1/bay</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Automobile Sales – New & Used (for public and employee parking only; unregistered for-sale vehicles exempt from limits)</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Bakery</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>Bank, Credit Union</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Bar/Tavern</u>	<u>5</u>	<u>4</u>	<u>3</u>
<u>Beauty/Barber Shop (per station/chair)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Bicycle Sales/Repair</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Billiard Parlor (per game table)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Boat Repair/Service</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Boat Sales/Rental</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Boat Storage</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Bowling Alley (per lane)</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Building Material Sales</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Café (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Camp Ground (per camping space)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Car Wash (stacking spaces per wash bay)</u>	<u>5</u>	<u>4</u>	<u>4</u>
<u>Cemetery</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Cinema (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Club, Membership</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Community Center</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Community Garden (per ten (10) plots)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Conference Center</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Contractor Yard (per 1,000 gfa of office space)</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Convenience Store</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Convention Center</u>	<u>n/a</u>	<u>n/a</u>	<u>3</u>
<u>Courthouse</u>	<u>n/a</u>	<u>n/a</u>	<u>3</u>
<u>Crematory (per FTE employee)</u>	<u>1</u>	<u>1</u>	<u>1</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Crisis Counseling Center</u>	<u>5</u>	<u>4</u>	<u>3</u>
<u>Daycare - Home (6 children or less)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Daycare - Large (Over 20 children) (per two (2) employees)</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>
<u>Daycare - Small (20 children or less) (per two (2) employees)</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>
<u>Dental Lab</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Distribution Center (per 3,000 gfa)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Dry Cleaning Plant</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Dry Cleaning Service</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Film Studio</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Fire Station (per apparatus)</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Food & Beverage Processing</u>	<u>2, plus 4 per 1,000 gfa devoted to patron use</u>	<u>1, plus 3 per 1,000 gfa devoted to patron use</u>	<u>1, plus 2 per 1,000 gfa devoted to patron use</u>
<u>Fuel Service Station (per employee/shift)</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Funeral Home (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Garden Supply Store (per 1,000 gfa of retail area.)</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>General Merchandise/Retail</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Grocery Store</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Health Club</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Health Studio</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Hospitals (per patient bed)</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Hostel (per two (2) beds)</u>	<u>0.6</u>	<u>0.5</u>	<u>0.5</u>
<u>Hotel/Motel (per room)</u>	<u>1</u>	<u>1</u>	<u>1</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Laundromats (per washing machine)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Library</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Lumber Yard (per 1,000 gfa of retail area.)</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Manufacturing-Light</u>	<u>2, plus 4 per 1,000 gfa devoted to patron use.</u>	<u>1, plus 3 per 1,000 gfa devoted to patron use.</u>	<u>1, plus 2 per 1,000 gfa devoted to patron use.</u>
<u>Manufacturing</u>	<u>2, plus 4 per 1,000 gfa devoted to patron use.</u>	<u>1, plus 3 per 1,000 gfa devoted to patron use.</u>	<u>1, plus 2 per 1,000 gfa devoted to patron use.</u>
<u>Marina (per berth)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Medical Lab</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Museum</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Office - General</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Office - Medical, Dental</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Office – Technical</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Open Air Markets</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Operations Center - Taxi (per three (3) employees)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Operations Center - Truck/Bus (per 31,000 gfa) (registered transit vehicles exempt from limits)</u>	<u>1, plus 1 per 1 employee</u>	<u>1, plus 1 per 1 employee</u>	<u>1, plus 1 per 1 employee</u>
<u>Park (per playing area)</u>	<u>6</u>	<u>5</u>	<u>1</u>
<u>Parking Garage – Private</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Parking Lot – Private</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Performing Arts Center (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Performing Arts Studio</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Pet Store</u>	<u>3</u>	<u>3</u>	<u>1</u>
<u>Pharmacy</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Photo Studio</u>	<u>3</u>	<u>3</u>	<u>1</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Photography Lab</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Police Station</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Post Office</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Post Office - Local</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Printing Plant</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Printing Shop</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Public Transit Terminal</u>	<u>1 per 200 gfa of public waiting space</u>	<u>1 per 200 gfa of public waiting space</u>	<u>1 per 200 gfa of public waiting space</u>
<u>Public Works Yard/Garage (for public and employee parking only; fleet parking exempt from limits)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Radio & TV Studio</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Rail Equip. Storage & Repair</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Recording Studio</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Recreational Facility - Indoor (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Recreational Facility - Outdoor (per playing field)</u>	<u>19</u>	<u>15</u>	<u>10</u>
<u>Recreational Facility - Outdoor Commercial</u>	<u>Larger of 1per 4 seats or 19 per playing field</u>	<u>Larger of 1 per 4 seats or 15 per playing field</u>	<u>Larger of 1 per 4 seats or 10 per playing field</u>
<u>Recreational Vehicle Sales – New and Used</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Recycling Center - Large above 2,000 gfa</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Recycling Center - Small 2,000 gfa or less</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Research Lab</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Restaurant</u>	<u>5</u>	<u>4</u>	<u>3</u>
<u>Restaurant – Take-Out</u>	<u>5</u>	<u>4</u>	<u>3</u>
<u>Salon/Spa</u>	<u>5</u>	<u>4</u>	<u>4</u>
<u>School - Secondary (per Classroom)</u>	<u>9</u>	<u>7</u>	<u>5</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>School - Primary (per Classroom)</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>School – Preschool Large (per two (2) employees)</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>
<u>School – Preschool Small (up to 20 children) (per two (2) employees)</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>
<u>School - Trade/Professional</u>	<u>6</u>	<u>5</u>	<u>3</u>
<u>School, - Post-Secondary</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Solid Waste Facility - Incinerator, Landfill, Transfer Station</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Tailor Shop</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Vehicle Salvage</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Warehouse</u>	<u>1</u>	<u>1</u>	<u>0</u>
<u>Warehouse - Self Storage Facility</u>	<u>1 per resident manager, plus 1 per 100 leasable storage spaces</u>	<u>1 per resident manager, plus 1 per 100 leasable storage spaces</u>	<u>1 per resident manager, plus 1 per 100 leasable storage spaces</u>
<u>Warehouse - Retail</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Wholesale Sales</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Worship, Place of (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>

(a) **Exemptions:** The following shall not be included in the maximum number of allowable spaces required by this section:

- 1. Public Parking:** Spaces provided and available for use by the public shall not be counted towards the maximum. Such spaces shall be available to the public at a minimum of nights and weekends, and be signed or marked accordingly;
- 2. Carpool, Vanpool, and Car-Share Parking:** Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed or marked accordingly; and,
- 3. Alternative Fueled Vehicle Parking:** Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural gas, and hydrogen shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed and/or the space painted with the words “Alternative Fueled Vehicles Only.”

4. ADA Accessible Parking: Parking spaces specifically designed, located and reserved by persons according to the standards in the Federal Americans with Disabilities Act (ADA) as administered by the Dept. of Public Works.

5. Institutional Parking: Parking spaces, provided by institutions, that have been approved as part of a plan per the standards of Article 8, Part 3: Institutional Parking Plans

46. Waiver of Maximum Parking Limitations. Parking in excess of the maximum parking limitation of this section, ~~or a request for one parking space where none would otherwise be permitted,~~ may be waived by the DRB pursuant to the ~~provisions of Sec 8.1.15 with the~~ following additional requirements:

A. The applicant requesting the waiver shall also provide:

(i) a peak demand parking study for two similar uses in the area; and,

(ii) a TDM Plan pursuant to the requirements of Sec. 8.1.16

B. The following additional review criteria shall be addressed regarding how:

(i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;

(ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,

(iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Secs. 8.1.10 – 8.1.11 As written.

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) ~~Off-Site parking facilities~~ Shared Parking for Off-Site Use:

~~Parking may be used by onsite or offsite users. Parking may not be the primary use of any property unless it is approved as such with a zoning permit where allowed. Except for single and two-family dwellings, required parking facilities may be located on another parcel of land. The off-site parking area shall be within the same zoning district as the use it serves or in a zoning district that allows parking lots or parking garages as Principal uses. Parking that serves any use located outside a residential zoning district shall not be located within a residential zoning district. Off site parking facilities shall be as follows:~~

1. Neighborhood Parking District: ~~No more than 50% of the total required offstreet parking from Table 8.1.8-1 shall be provided at a distance greater than 600 feet from the use it is intended to serve.~~

2. Shared Use Parking District: ~~Any off site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.15 approved by the DRB.~~

3. ~~The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board per Sec. 8.1.15 (b). The right to use the off site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed, easement, lease, or similar written instrument as approved by the City Attorney and recorded in the Burlington land records.~~

~~(b)–(f)~~ As written.

~~(c)–~~ **Shared Parking:**

~~In the event that a mix of uses occupy a single structure or parcel of land located in a Neighborhood or Shared Use Parking District, the total requirement for off-street parking shall be the sum for all individual uses unless it can be shown that the peak parking demands are offset and spaces can be shared (for example: retail and residential, or theater and office uses) as evidenced by a shared parking analysis utilizing the most current edition of the Urban Land Institute’s Shared Parking Report, the ITE’s Shared Parking Guidelines, or other comparable and industry-recognized publications.~~

~~(d)–~~ **Single Story Structures in Shared Use Districts:**

~~In the event that a single story structure is proposed to be located in a Shared Use District, the total requirements for off-street parking shall be calculated as for a Neighborhood Parking District. This provision does not apply to single story structures existing and occupied as of the effective date of this ordinance.~~

~~(e)–~~ **Joint Use of Facilities:**

~~The required parking for two (2) or more uses, structures, or parcels may be combined in a single parking facility if it can be shown by the applicant to the satisfaction of the DRB that the use of the joint facility does not materially overlap with other dedicated parking in such facility, and provided that the proposed use is evidenced by a deed, lease, contract, reciprocal easement, or similar written instrument establishing the joint use acceptable to the city attorney.~~

~~(f) (c)~~ As written.

Secs. 8.1.13 – 8.1.14 As written.

Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans (Reserved)

~~(a) Parking Waivers The total number of parking spaces required pursuant to this Article may be modified to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.~~

~~Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces. Any waiver granted for a non-residential use may be as much as ninety percent (90%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.~~

~~In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 or Sec. 8.1.9 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:~~

~~(1) A calculation of the parking spaces required pursuant to Table 8.1.89-1, and Sec. 8.1.9 regarding parking maximums where applicable.~~

~~(2) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.~~

~~(3) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:~~

- ~~i. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;~~
- ~~ii. Anticipated parking demand by time of day and/or demand by use;~~
- ~~iii. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;~~
- ~~iv. Availability and frequency of public transit service within a distance of 800 feet.~~
- ~~v. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,~~
- ~~vi. Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.~~

~~(4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:~~

- ~~i. A telecommuting program;~~
- ~~ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;~~
- ~~iii. Implementation of a car-share program;~~
- ~~iv. Development or use of a system using offsite parking and/or shuttles; and,~~
- ~~v. Implementation of public transit subscriptions for employees.~~

~~(5) An analysis and narrative pursuant to Sec. 8.1.9 regarding waivers of parking maximums where applicable. Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.~~

~~(b) Shared Parking for Off-Site Use~~

~~Onsite parking spaces may be made available for use by off-site users subject to review and approval of a Parking Management Plan by the DRB.~~

~~A Parking Management Plan for Shared Parking for Off-Site Use must include the following:~~

- ~~1. A calculation of the parking spaces required pursuant to Table 8.1.8-1 and a calculation of those parking spaces to be shared for off-site parking use.~~
- ~~2. Information specifying the actual onsite demand for required parking by day, time of day, and by use and also information specifying when and how much parking would be made available to off-site users.~~
- ~~3. A narrative that outlines how the proposed parking management plan will allow for shared use of required parking spaces with off-site users; how it will enable continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.~~

~~The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their ability for onsite users to park due to either:~~

- ~~1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec. 8.1.8; and/or,~~
 - ~~2. The spaces are to be made available during off-peak hours of the onsite and/or required users.~~
- ~~Parking spaces being made available to off-site users may be made available:~~

- ~~Either with or without a fee;~~
- ~~For transient use by the general public; and/or,~~
- ~~By lease, provided the term of any lease does not exceed one (1) year.~~

~~Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.~~

Sec. 8.1.16 Transportation Demand Management

(a) **Purpose:** This section requires the implementation of a Transportation Demand Management (TDM) Program for certain projects for the purpose of advancing the goals of the City's land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:

- Reducing parking demand;
- Reducing car ownership;
- Reducing vehicle miles traveled (VMT) and congestion; and,
- Increasing transit use and non-motorized travel;

(b) Applicability:

(1) A Transportation Demand Management Program meeting the requirements outlined in 8.1.16 (c) shall be required for all projects located in the Multimodal Mixed Use Parking District (see Sec. 8.1.3(e)), and involving any one or more of the following:

Dwelling Units	Creation of ten (10) or more dwelling units
Non-residential or Mixed Use Development	A building footprint of eight thousand (8,000) s.f. or more; or, the creation of fifteen thousand (15,000) s.f. or more of gross floor area.

(2) Projects involving the creation of five (5) to nine (9) dwelling units shall be required to meet only the requirements in Sec. 8.1.16 (c) c. ii.

(c) **Transportation Demand Management (TDM) Program:** A TDM Program shall include each of the following elements at a minimum:

a. Outreach and Education:

- i. Designation of a Transportation Coordinator who directly, or indirectly through membership in a Transportation Management Association, shall be responsible for each of the following:
 1. Prepare and present informational and educational materials regarding available TDM strategies to all ~~tenants-residents~~ and employees;
 2. Organize and host an annual meeting for all ~~tenants-residents~~ and employees to present and discuss available TDM strategies, and opportunities for increased use and participation;
 3. Preparation and dissemination of an annual travel survey of all ~~tenants-residents~~ and employees; and,
 4. Record-keeping and annual reporting to City of all TDM activities offered and rates of participation (including parking utilization if applicable).

b. **TDM Strategies:** In addition to compliance with the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall also be included at a minimum for a period of 10 years from receipt of a Certificate of Occupancy as follows:

- i. GMT Transit passes shall be provided to all ~~tenants-residents~~ and employees for free for the first year of occupancy or employment, and at a minimum discount of 50% for every year thereafter; and,
- ii. A car share membership shall be offered to all ~~tenants-residents~~ and employees for free for the first two years of occupancy or employment, and at a minimum discount of 50% for every year thereafter; or,
- iii. In lieu of i and ii above, maintain an ongoing and active membership in a Transportation Management Association (TMA) that offers equivalent TDM strategies or better.

c. **Parking Management:** Where on-site or off-site parking is also made available:

- i. Conduct parking utilization studies at least annually for a period of 10 years from receipt of a Certificate of Occupancy;
- ii. With the exception of permanently affordable housing units, the cost of parking shall be un-bundled from all residential and nonresidential leases and deeds and made available at a market rate;
- iii. Where parking spaces are made available to off-site users, parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,
- iv. Priority parking spaces - located in closest proximity to a primary building entrance and/or public street frontage - shall be made available for each of the following:
 1. ~~Handicapped-ADA Accessible~~ spaces;
 2. Bicycles, scooters, and motorcycles spaces;
 3. Car-share: where 1 space must be offered for every 20 residential units, not to exceed a total of 5 spaces, subject to an agreement with a car-share provider; and,
 4. Carpool and/or Vanpool vehicles: where more than 20 spaces are available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool/vanpool use before 9:00 AM on weekdays.

d. **TDM Agreement:** Each TDM Plan shall include a signed commitment to and acknowledgement of each of the following on a form provided by the Administrative Officer:

- i. Commitment to ongoing implementation of the TDM requirements as set forth above;
- ii. Acknowledgement that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for or remove such on-street parking at any time;
- iii. Acknowledgement that failure to maintain transportation demand management as required above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,
- iv. Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

Review and Enforcement: The Administrative Officer shall be responsible for determining compliance with the TDM Program requirements as set forth above, and ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Failure to maintain a TDM Program as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without a TDM Program in effect.

Guidelines regarding compliance with these TDM requirements shall be developed and provided to applicants by the Administrative Officer.

PART 3: INSTITUTIONAL PARKING PLANS

Sec. 8.3.1 Intent

As written.

Sec. 8.3.2 Applicability

As written.

Sec. 8.3.3 Institutional Parking Management Plans

~~In addition to the requirements of Sec. 8.1.15 above, A~~an Institutional Parking Management Plan shall include the following:

~~(a) A narrative that outlines how the proposed parking management plan addresses the specific needs of existing and anticipated development and effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.~~

~~(b)~~~~(c)~~ Information specifying the ~~current and proposed anticipated numbers over the ensuing 5 year period for:~~ number of students ~~of all academic programs~~ (full-time, part-time, commuter, on-campus, off-campus, and continuing education), faculty and staff (full-time and part-time), patients and visitors being served by the institution ~~and anticipated over the ensuing five year period.~~

~~(b)~~~~(c)~~ An analysis of the anticipated parking demand by user group, time of day and/or demand by use ~~and parking provided to meet that demand currently and anticipated over the ensuing five-year period;~~

~~(e)~~~~(d)~~ Information specifying the number and composition of the institution's vehicle fleet, where these vehicles are regularly kept, and designated "service vehicle-only" parking;

~~(d)~~~~(e)~~ ~~Programs, policies, or incentives~~Strategies used to reduce or manage the demand for parking which may include but are not limited to:

1. Policies which restrict and/or prohibit the bringing of vehicles to the institution for various users or groups of users;

2. A telecommuting program;

2.3. Programs and employee and student subsidies to encourage the use of public transit, car-share, walking, and bicycling;

4. Implementation of a shuttle service system serving off-site parking;

3.5. Implementation of a parking permit system to allocate parking throughout the system; and,

~~(e)~~~~(f)~~ Implementation of a monitoring, compliance and enforcement system to measure and ensure compliance with the plan.

Sec. 8.3.4 Review and Approval of Institutional Parking Management Plans**(a) Plan Approval**

Such a plan shall require review and approval by the DRB, after consultation with the planning commission, and after a public hearing. In order to approve a proposed Institutional Parking Plan, the DRB shall find:

- a. the proposed Institutional Parking Plan adequately serves existing and proposed development and user groups by the institution(s);
- b. the proposed Institutional Parking Plan ~~more~~ effectively meets the intent of this Article and the goals of the municipal development plan ~~than would strict adherence to the underlying requirements of this Article.~~

Such a plan, if approved by the DRB, shall be applicable for a period not to exceed five (5) years, and may be amended as necessary pursuant to the requirements of this Part. The DRB may approve one extension of up to six (6) months so long as the extension is requested prior to the Plan's expiration.

(b) Annual Reporting

The institution shall provide a report annually to the administrative officer regarding the implementation and performance of the approved plan and any significant changes in the size or makeup of user groups, parking supply, travel by mode for user groups, availability and utilization of parking management strategies, anticipated development activity, and any other conditions impacting supply and/or demand.

Failure to submit such annual report shall be a violation of this ordinance.

Sec. 8.3.5 Review and Approval of Applications for Future Development

Pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted for projects which will impact the supply of or demand for parking without an approved or amended plan. Projects such as routine maintenance, repair, equipment installation, walkways, landscaping, installation of public art, and the like are exempt from this requirement so long as they do not result in a change of use, habitable area, or parking facilities upon which a plan's supply and demand calculations are based.

- (a) In reviewing any application for development from a post-secondary educational or medical institution within the Institutional district, the DRB shall find that the proposal is included and addressed consistent ~~with~~ in an approved Institutional Parking Plan and that the proposal is consistent with the approved Plan.

- (b) Any development proposed by a post-secondary educational or medical institution within the Institutional ~~Campus~~ district that is ~~found not to be consistent~~ not included and addressed with in an approved Institutional Parking Plan shall only be approved pursuant to the underlying parking requirements of Parts 1 and 2 of this Article and upon approval of an amendment to an approved plan.

and In addition to application requirements specified in Article 3 and this Part, the Institutions(s) shall submit an amendment to an approved plan that addresses how the development is consistent with or modifies supply and demand calculations and applicable TDM strategies contained in the approved Plan. Amendments may be in the form of an addendum that addresses any relevant sections of an approved Plan. The amendment shall be approved by either the administrative officer or DRB based on the underlying application type. Such developments shall be reflected in subsequent annual reports submitted to the administrative officer, and future plan updates.









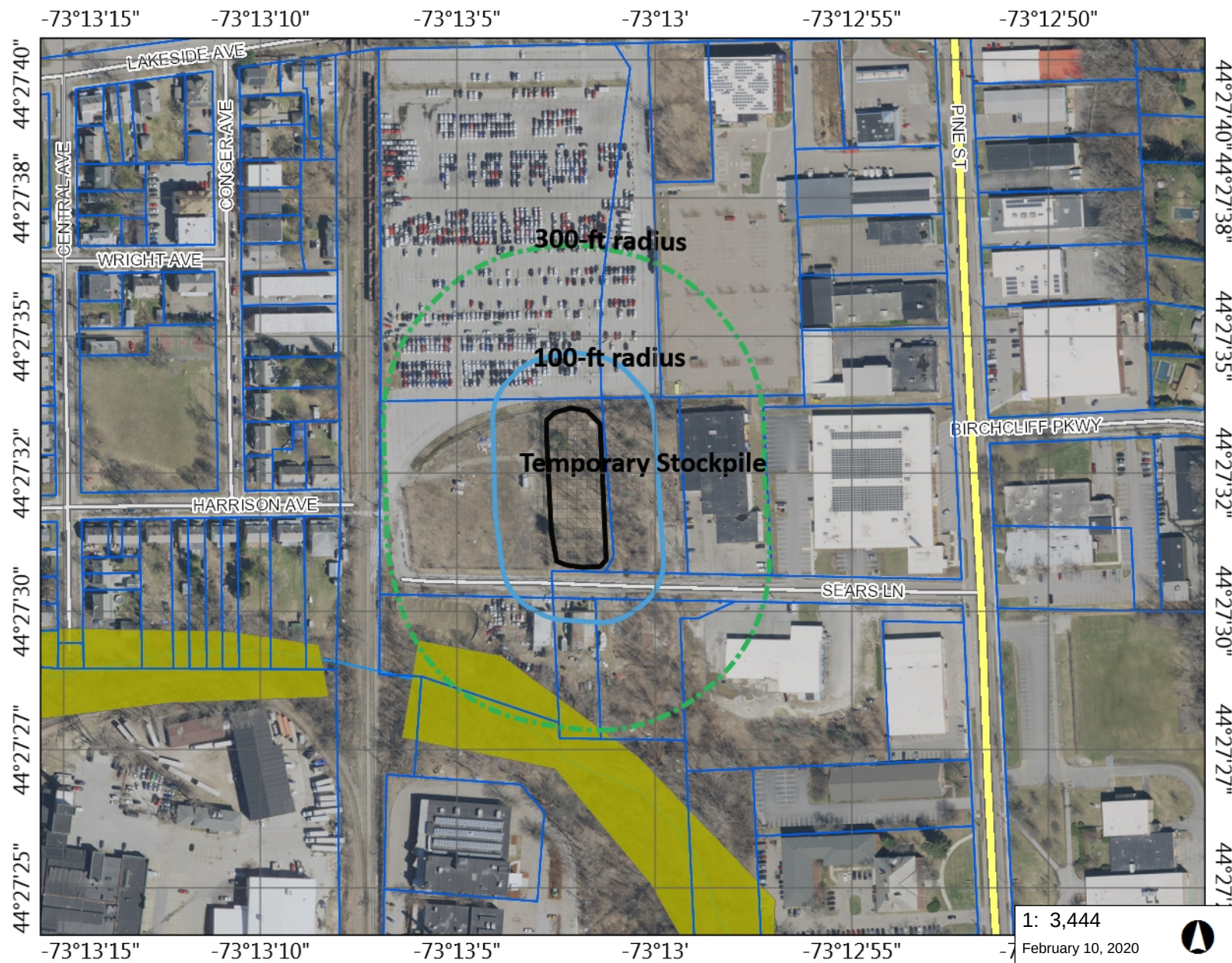








PROTECTED
SITE
DO NOT ENTER



LEGEND

Wetland - VSWI

- Class 1 Wetland
- Class 2 Wetland
- Buffer

Flood Hazard Areas (Only FEMA)

- AE (1-percent annual chance flood)
- A (1-percent annual chance flood)
- AO (1-percent annual chance zone feet)
- 0.2-percent annual chance flood

Rare Threatened Endangered

- Threatened or Endangered
- Rare

Significant Natural Community Uncommon Species and Other

- Animal
- Plant
- Natural Community

Deer Wintering Areas

Private Wells

- Incorrectly Located
- GPS Located
- Screen Digitized
- E911 Address Matched
- Welldriller/Clarion
- Unknown Location Method

Public Water Sources

- Active

1: 3,444

February 10, 2020



175.0 0 88.00 175.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

1" = 287 Ft. 1cm = 34 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

NOTES

Temporary Stockpile
Lat: 44.458966 °N
Lon: 73.217227 °W

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: August 23, 2022
RE: ZP-22-436; 68 Sears Lane

=====

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: E-LM Ward: 5S

Owner/Applicant: Burlington Community Devl CO City Treasurer / Brendan Stringer

Request: Tree removal associated with the new stockpile area for the Champlain Parkway project.

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

The applicant proposes to remove trees to accommodate a stockpile yard for the Champlain Parkway project. Approximately 270 trees exceeding 3" in caliper will be removed. The species include poplar, white birch, and pine. Grading will also occur to remove stumps and prep the site for stockpiling.

Previous zoning actions for this property:

- 8/18/05, Approval to adjust the western lot line for the Southern Connector right-of-way
- 9/13/21, Approval to install chain link fencing
- 2/23/22, Approval of a stockpile area for construction materials associated with the Burlington HES 5000(18) roundabout project

Recommendation: **Certificate of Appropriateness Approval** as per, and subject to, the following findings and conditions.

I. Findings

Article 5: Citywide General Regulations

Sec. 5.5.3, Stormwater and Erosion Control

The work will disturb more than 400 sf of ground area, which triggers the need for an Erosion Prevention and Sediment Control plan. This plan will need approval by the Stormwater Program Manager prior to work starting. **(Affirmative finding as conditioned)**

Sec. 5.5.4, Tree Removal

(a) Review criteria for zoning permit requests for tree removal

(1) Grounds for approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

**A. Removal of dead, diseased, or infested trees;
(Not applicable)**

**B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices;
(Not applicable)**

**C. Removal of trees that are a danger to life or property; or,
(Not applicable)**

D. As part of a development with an approved zoning permit.

Tree removal is needed for a new stockpile yard, specific to the Champlain Parkway project. The project will see the removal of approximately 270 trees that exceed 3" in caliper. However, the applicant notes that the vast majority of the trees are small and the number exceeding 6" and 10" caliper size is very small. Species include poplar, white birch, and pine. **(Affirmative finding)**

(2) Grounds for denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

**A. Providing a significant privacy or aesthetic buffer or barrier between properties;
(Not applicable)**

**B. Providing stabilization on slopes vulnerable to erosion;
(Not applicable)**

**C. Located within a riparian or littoral buffer;
(Not applicable)**

**D. Provide unique wildlife habitat;
(Not applicable)**

**E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or,
(Not applicable)**

**F. A significant element or, or significantly enhances, an historic site.
(Not applicable)**

II. Conditions of Approval

1. **Prior to the start of tree removal**, an Erosion Prevention and Sediment Control plan shall be submitted to, and approved by, the Stormwater Program Manager.
2. Standard permit conditions 1-15.

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax: (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, August 23, 2022, 5:00 PM

AGENDA

Remote Meeting

Zoom: <https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09>

Webinar ID: 832 2569 6227

Passcode: 969186

Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or
+1 253 215 8782 or +1 346 248 7799

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Certificate of Appropriateness**

- 1. **ZP-22-436; 68 Sears Lane (E-LM, Ward 5S) Burlington Community Development Co. / City Treasurer / Brendan Stringer**
Tree clearing. (Project Manager, Scott Gustin)

Approve

V. **Other Business**

- 1. **Recent zoning amendments**

VI. **Adjournment**

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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.

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Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, August 23, 2022, 5:00 PM

MINUTES

Remote Meeting

Board Members Present: All members were remote. AJ LaRosa, Caitlin Halpert, Brooks McArthur, Chase Taylor, and Leo Sprinzen

Board Members Absent: Geoff Hand, Brad Rabinowitz, and Sean McKenzie

Staff Members Present: All members were remote. Scott Gustin, Ryan Morrison, Mary O'Neil, and Joseph Cava

- I. Agenda
- II. Communications
- III. Minutes
- IV. Certificate of Appropriateness

1. ZP-22-436; 68 Sears Lane (E-LM, Ward 5S) Burlington Community Development Co. / City Treasurer / Brendan Stringer

Tree clearing. (Project Manager, Scott Gustin)

John Magnus, SD Ireland: Sworn in.

AJ LaRosa: What is this project hoping to do?

John Magnus: The goal is to stockpile and remove contaminated soil within the proposed location of the Champlain Parkway project.

AJ LaRosa: What happens to this area after the completion of the Champlain Parkway?

John Magnus: We would remove the debris, put in topsoil, and seed the area.

Leo Sprinzen: How long do you expect the dirt to be on site?

John Magnus: We have to excavate and stockpile the dirt and trees in specific areas, then truck it to the landfill over the course of construction. This will be a dynamic process of materials coming in and out over the next 15 months.

AJ LaRosa: Any additional questions from the board?

Leo Sprinzen: What is the protection against the contaminated soil?

John Magnus: We will be laying plastic on the ground to collect the soil debris, then placing plastic over the pile at night to prevent contamination runoff caused by heavy rainfall.

Chase Taylor: What is the purpose of the 300 ft. radius?

John: Nothing specific as it relates to the stockpile, only a buffer.

AJ LaRosa: Any additional questions from the board or public? Hearing none, I move we talk about recent zoning amendments.

V. Other Business

1. Recent zoning amendments

Steep Slopes Zoning Amendments

Scott Gustin: The conversation about a steep slopes amendment has been circulating following the Riverside Ave landslide that occurred in 2019. The purpose of this amendment is to flag projects that would require Geotech analysis for building on or near steep slopes.

AJ LaRosa: Does this apply to existing impervious surfaces and developments like foundations?

Scott Gustin: It would only apply to new developments that exceed 400 square feet of earth disturbance.

Burlington High School Zoning Amendments

Scott Gustin: The existing Burlington High School is presently a non-conforming use located in the conservation district. The proposed amendment changes the zone to “institutional” and creates a core campus overlay with site specific standards.

Parking Requirements Zoning Amendments

Scott Gustin: There are no longer minimum parking requirements with the exception of properties with four unrelated adults. The parking amendment also expands the Transportation Demand Management (TDM) Program city-wide. The third piece of this is the Institutional Parking Management Plans encompassing and forecasting and demand for parking over a five-year period under Article 8 for the institutions.

Short-Term Rentals Zoning Amendments

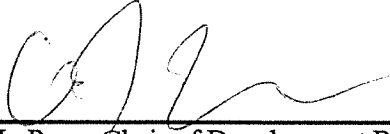
Scott Gustin: The zoning amendment is related to the Short-term Rental standards adopted by City Council under Article 18. Most of the standards are in Chapter 18. The zoning amendment clarifies that a zoning permit is not needed for a short term rental and points to Chapter 18 for applicable standards. The zoning amendment also consolidates hostels and hotel/motels into a single “lodging” category.

AJ LaRosa: Has the definition of a traditional bed and breakfasts been eliminated?

Scott Gustin: Yes. If a short-term rental host wants to offer breakfast, they can.

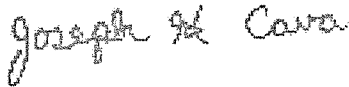
VI. Adjournment

Hearing closed at 5:25 PM.



Alexander J. LaRosa, Chair of Development Review Board

10/25/22
Date



8-26-22

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

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