



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

www.burlingtonvt.gov/plan

Burlington Planning Commission

Ordinance Committee
Remote Meeting

Thursday, August 6, 2020 @ 5:15 PM

Zoom: <https://us02web.zoom.us/j/89876994886?pwd=WGpHQVdNRHVrQUtMa3hWYmtkWjMrQT09>

Webinar ID: 898 7699 4886

Password: 668222

Telephone: +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

AGENDA

1. Dwelling Unit Amendment ZA-20-10
2. Adaptive Reuse
3. Adjournment



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

www.burlingtonvt.gov/plan

TO: Planning Commission Ordinance Committee
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
DATE: August 6, 2020
RE: CDO Amendment ZA-20-10: Dwelling Unit Definition

Overview & Background

This amendment is proposed to clarify the term "dwelling unit" as presently defined in the *Comprehensive Development Ordinance (CDO)*. Dwelling units are used for residential purposes and should be defined as such. The term "family" is separately defined and relates to the occupancy limitations in the city's residential zoning districts. Presently the term "dwelling unit" includes reference to family; however, dwelling units are allowed in most of the city's zoning districts, but family occupancy limitations pertain only to the residential zones. By removing the reference to "family" in the definition of "dwelling unit," we clearly define its residential purpose, and the occupancy limitations for the residential zones remain intact.

At their October 4, 2018 meeting, the Ordinance Committee discussed this amendment to the definition of "dwelling unit." The amendment replaces reference to "family" with "residential." The amendment clarifies the definitions associated with various dwelling units while leaving intact the term "family" and the associated occupancy limits of unrelated adults in the residential zones. The Ordinance Committee forwarded the amendment to the Planning Commission with a recommendation for adoption.

The Planning Commission initially considered this amendment January 9, 2019 and continued discussion to its March 12, 2019 meeting. At this subsequent meeting, the Planning Commission discussed the possibility of leaving the dwelling unit definition unchanged and applying the 4 unrelated adult occupancy limitation citywide. The Commission requested additional information as to the extent of impacts related to this policy change.

Staff has since reviewed rental data citywide and by zone. Current data shows:

- 10,373 total rental units citywide;
- 8,144 are in the residential zones; and,
- 2,229 are within the mixed use and other zones.
 - 11 units in Enterprise – Light Manufacturing
 - 397 units in FD5
 - 221 units in FD6
 - 500 units in Institutional
 - 173 units in Neighborhood Activity Center
 - 175 units in NAC-Cambrian Rise (incl. 35 expected July 1)
 - 214 units in NAC-Riverside
 - 525 units in Neighborhood Mixed Use
 - 12 units in RCO-Conservation
 - 1 unit in RCO-Recreation/Greenspace

Available bedroom data is by property, not by dwelling unit and is not particularly useful for anything other than single detached dwelling units. Outside of the residential zones, only 6 detached single dwelling units have more than 4 bedrooms.

Applying the 4-unrelated adult standard citywide would mean a 21.5% increase in rental units affected by the standard. This increase is significant. A review of zoning violation complaints as to

occupancy by more than 4 unrelated adults shows that all properties are within the city's residential zones. If the decision is made to apply the 4-unrelated standard citywide, Sec. 4.4.5 (d) 5 C, *Occupancy Limits*, in the residential district standards of Article 4 would need to be revised to apply citywide as well. Consideration should be given to exempting on-campus apartments within the Institutional zones as well.

The Planning Commission again considered this amendment June 23, 2020. Discussion centered on citywide implementation of family occupancy (including up to 4 unrelated adults) of dwelling units. The Commission again referred the amendment to Ordinance Committee to hash out the policy direction to pursue. The amendment details below remain unchanged from June 23, 2020.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	----------------------

Purpose Statement

The purpose of this amendment is to replace the reference to "family" within the definitions of various types of dwelling units with "residential," and to update the corresponding uses of various 'single-family' and 'multi-family' terms throughout the entire *Burlington Comprehensive Development Ordinance (CDO)*. This includes updating residential terms that are used throughout the *CDO*, but which aren't defined in *Article 13*.

This amendment has no impact on the occupancy limits of unrelated adults in residential zones per *Sec 4.4.5 (d) 5. C*, nor does it affect the definition of "Family" as it is presently articulated in *Article 13, Definitions*. This amendment only seeks to clarify that dwelling units are defined by their use for residential habitation, and relies on other sections of the ordinance to determine limits on occupation or type of residence.

Proposed Amendments

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

Deleted language is ~~crossed out~~, and new language is underlined in red.

- **Amend Article 13 Definitions**

Dwelling Unit (or Housing Unit): A room or set of rooms fitted with a private bath, kitchen, and living facilities comprising an independent, self-contained dwelling space for residential use ~~occupied by a family~~ and where rooms are not let to individuals. Kitchen, living and shared bathroom facilities must be separate and distinct from bedroom facilities. Each bedroom must contain a minimum square footage consistent with the current minimum housing standards. Separate bathroom facilities will be deemed to exist only when it is possible to access such bathroom facilities without passing through a room which is designated as a bedroom. If there is more than one meter for any utility, address to the property, or kitchen; or if there are separate entrances to rooms which could be used as separate dwelling units; or if there is a lockable, physical separation between rooms in the dwelling unit such that a room or rooms on each side of the separation could be used as a dwelling unit, multiple dwelling units are presumed to exist; but this presumption may be rebutted by evidence that the residents of the dwelling share utilities and keys to all entrances to the property and that they (A) share a single common bathroom as the primary

bathroom or (B) share a single common kitchen as the primary kitchen. (See also definition of Family and Rooming Unit)

Dwelling Unit, Single Detached: Free standing residential structure containing a single dwelling unit ~~for residential use occupied by a "family," and where rooms are not let to individuals. Also known as a single family residence (SFR). (See definition of Family)~~

Multi-Unit family, Attached Dwelling: Any building or part thereof containing three (3) or more dwelling units.

Accessory Dwelling Unit or Apartment (ADU): An efficiency or one-bedroom apartment that is clearly subordinate to a single-family detached dwelling unit and has facilities for independent living, including sleeping, food preparation, and sanitation.

Duplex: A single structure containing two (2) separate dwelling units, regardless of the type of construction. For purposes of this ordinance, a single-family detached dwelling unit structure with an accessory apartment shall not be considered a duplex.

- **Update terminology throughout the Comprehensive Development Ordinance to be consistent with changes to Article 13 definitions and purpose of amendment:**

<u>Existing Term</u>	<u>Replacement Term</u>
Dwelling Unit	<i>No change to term, only definition per above</i>
Dwelling Unit, single detached	<i>No change to term, only definition per above</i>
Multi-family, attached dwelling	Multi-Unit, Attached Dwelling (<i>see above</i>)
Single family detached structure (<i>not defined in Article 13</i>)	Dwelling Unit, Single Detached
Single family dwelling (<i>not defined in Article 13</i>)	Dwelling Unit, Single Detached
Single family residence (<i>not defined in Article 13</i>)	Dwelling Unit, Single Detached
Single family home (<i>not defined in Article 13</i>)	Dwelling Unit, Single Detached

Relationship to planBTV

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

Compatibility with Proposed Future Land Use & Density

This amendment is a technical correction, and has no impact on the proposed future land use and densities proposed in the *Municipal Development Plan (planBTV)*.

Impact on Safe & Affordable Housing

This amendment is a technical correction, and has no impact on the provision of safe and affordable housing, or any policies regarding housing in the *Municipal Development Plan (planBTV)*.

Planned Community Facilities

This amendment is a technical correction, and has no impact on any planned community facilities.

Process Overview

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

Planning Commission Process				
Draft Amendment prepared by: [Staff, with PC OC]	Presentation to & discussion by Commission 1/9/2019, 3/12/19, & 6/23/20	Approve for Public Hearing	Public Hearing	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council [as is / with changes]	Second Read & Public Hearing	Approval & Adoption
				Rejected

Department of Permitting and Inspections

Zoning Division

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

William Ward, Director
Charlene Orton, Code Compliance Officer
Theodore Miles, Interim Code Compliance Officer
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Alison Davis, Zoning Clerk



MEMORANDUM

To: Planning Commission Ordinance Committee

From: Mary O'Neil, AICP, Principal Planner

Date: August 6, 2020

RE: Recommended Adaptive Reuse Definition

At the July 2, 2020 PCOC meeting, Principal Planner Mary O'Neil outlined the disparity between the definition of *Adaptive Reuse* in current redevelopment/historic preservation practice and the definition within the Comprehensive Development Ordinance. Reference is made to that illustrated explanation. As the critical component of that definition, requiring that the rehabilitation and reuse of a building be something different than that for which it was constructed may make a difference in accessing federal funding or application of federal standards, it is recommended that the following revisions be made to the definition of *Adaptive Reuse* within Article 13:

Comprehensive Development Ordinance

Article 13 Definition: (existing)

Adaptive Reuse

For the purposes of this ordinance, adaptive reuse shall refer to the rehabilitation of a building or site listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places where alterations do not radically change, obscure, or destroy character-defining spaces, materials, features or finishes.

Article 13 Definition: (recommended)

Adaptive Reuse

~~*For the purposes of this ordinance, adaptive reuse shall refer to*~~ *The rehabilitation and reuse of a building or site listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places for a purpose other than that for which it was built or for which it was designed where alterations do not radically change, obscure, or destroy character-defining spaces, materials, features or finishes.*

Relative to altering the definition in Article 13 of the CDO of Adaptive Reuse

Comprehensive Development Ordinance

Article 13 Definition:

Adaptive Reuse

For the purposes of this ordinance, adaptive reuse shall refer to the rehabilitation of a building or site listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places where alterations do not radically change, obscure, or destroy character-defining spaces, materials, features or finishes.

Adaptive Reuse, in accepted language and common development practice refers to the process of **reusing an old site or building for a purpose other than which it was built or for which it was designed, while retaining their historic features**. Along with brownfield reclamation, adaptive reuse is often utilized as a key tool in land conservation and the reduction of urban sprawl. According to Zaitzevsky and Bunnell¹, old buildings physically link us to our past and become a part of our cultural heritage; they should be preserved because of their "architectural beauty" and the "character and scale they add to the built environment". Retention and rehabilitation of existing buildings also reduces the consumption of building materials, resources, energy and water needed for new construction.

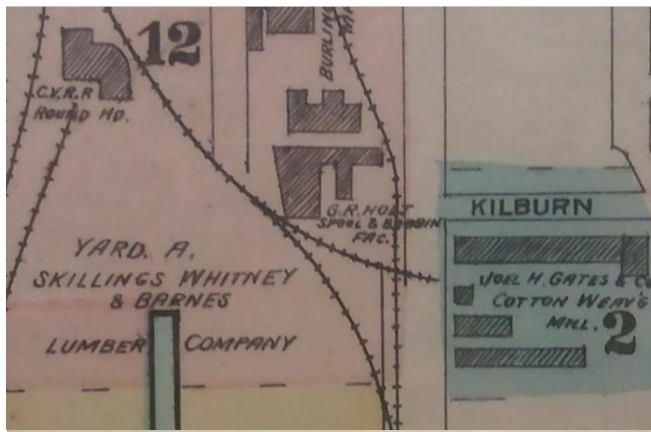
Adaptive reuse deals with the issues of conservation and heritage policies. When old buildings become unsuitable for their programmatic requirements, as progress in technology, politics and economics moves faster than the built environment, adaptive reuse comes in as a sustainable option for the reclamation of sites. In many situations, the types of buildings most likely to become subjects of adaptive reuse include 1) industrial buildings, as the process of manufacture moves away from city; 2) political buildings, such as palaces and buildings which cannot support current and future visitors of the site; and 3) community buildings such as churches or schools where the use has changed over time. (Think the Adams School on South Union Street, or the Steeple Market in Fairfax.)

Adaptive reuse is as an effective way of reducing urban sprawl and environmental impact. By reusing an existing structure within a site, the energy required to create these spaces is lessened, as is the material waste that comes from destroying old sites and rebuilding using new materials. Through adaptive reuse old, unoccupied buildings can become suitable sites for many different types of use. It is the structural example of reduce-reuse-recycle.

Examples of local Adaptive Reuse:

Joel H. Gates & Co. Cotton Weaving Mill

¹ Zaitzevsky, Cynthia; Bunnell, Gene (1979). "Built to Last: A Handbook on Recycling Old Buildings". *Bulletin of the Association for Preservation Technology*. **11** (1): 98. doi:10.2307/1493683. ISSN 0044-9466. JSTOR 1493683.



Now



Became the **Kilburn and Gates** Furniture Manufactory



Now **Kilburn & Gates** office building.



Meunier Brothers Glove Factory, 1-5 Pine Place
Grocery Store, Glove Factory, now apartments.



Fort Ethan Allen Calvary riding hall; converted to St. Michael's College Gymnasium, now **Elly Long Music Center**.

The World Architecture Festival's "Building of the Year" is an adaptive use project, transforming a 1932 industrial locomotive hangar into a library and arts center:

<https://www.traditionalbuilding.com/opinions/adaptive-reuse-traditional-buildings>

Recommended definition:

Adaptive Reuse

~~For the purposes of this ordinance, adaptive reuse shall refer to~~ The rehabilitation and reuse of a building or site listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places ~~for a purpose other than that for which it was built or for which it was designed~~ where alterations do not radically change, obscure, or destroy character-defining spaces, materials, features or finishes.