Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee

Regular Meeting
Burlington Planning Commission
Tuesday, July 26, 2022, 6:30 P.M.
In-Person and Remote Meeting via Zoom
Bushor Conference Room (Room 102), 1st Floor of City Hall, 149 Church Street

To Join the Meeting on a Computer
Link: https://us02web.zoom.us/j/82754488061

To Join the Meeting on a Phone
Number: +1 312 626 6799 **Meeting ID:** 827 5448 8061

AGENDA

I. Agenda

II. Public Forum *See details on pg. 3 of packet for participating remotely.*

III. Chair's Report

IV. Director's Report

V. Public Hearing: Proposed ZA-22-08 Short Term Rentals

The Commission will hold a public hearing on a proposed amendment to the Burlington *Comprehensive Development Ordinance* regarding amendments that establish, define and regulate Short Term Rentals (STR) as a new use. These amendments accompany already adopted Chapter 18 amendments regarding STRs. Information related to this item is in the agenda packet on page 4.

Staff Recommendation: Approve the Municipal Bylaw Amendment report, make any changes and refer to Council with recommendation.

VI. Public Hearing: Proposed ZA-22-09 Public Art

The Commission will hold a public hearing on a proposed amendment to the Burlington *Comprehensive Development Ordinance* regarding an amendment to define Public Art and establish language exemptimg public art from standards requiring a zoning permit for its installation. Information related to this item is in the agenda packet on page 24.

Staff Recommendation: Approve the Municipal Bylaw Amendment report, make any changes and refer to Council with recommendation.

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VII. Annual Organizational Meeting

The Commission will hold its annual organizational meeting to elect officers and appoint members to its committees to serve for FY2023.

- Election of Officers: Chair & Vice Chair
- Election of Executive Committee At-Large Member
- Appointment of Commission Clerk: Charles Dillard
- Appointment of Committees:
    - Long Range Planning Committee
        - One member of the PC Executive Committee and Two At-Large Members
        - One member of the DRB (DRB will hold its Organizational Meeting on 8/2)
        - One member of the Conservation Board
    - Ordinance Committee
        - One member of PC Executive Committee and Two At-Large Members
        - Two additional members from DRB, DAB, or CB (Jack Qualey will represent DAB for FY2023; DRB will hold its Organizational Meeting on 8/2)

Planning Commission bylaws are enclosed for reference in the agenda packet on page 27.

VIII. Proposed CDO Amendment: UVM Trinity Campus Zoning

The Commission will continue its discussion of the proposed amendment, a request by UVM to enable greater infill development within the Trinity campus. Information related to this item is in the agenda packet on page 33.

Staff Recommendation: Ask questions and provide feedback on the proposed zoning changes outline.

IX. Commissioner Items

X. Minutes & Communications

a. The minutes of the July 12 meeting are enclosed in the agenda packet on page 37.
b. Communications are enclosed in the agenda packet.

XI. Adjourn

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Staff Recommendation: Ask questions and provide feedback on the proposed zoning changes outline.

IX. Commissioner Items

X. Minutes & Communications

a. The minutes of the July 12 meeting are enclosed in the agenda packet on page 42.
b. Communications are enclosed in the agenda packet on page 46.
c. ZA-22-05 BHS Zoning is attached for reapproval of the Municipal Bylaw Amendment Report in the agenda packet on page 48.

XI. Adjourn

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

www.burlingtonvt.gov/plan

Guidance for Participating in a Virtual Planning Commission Meeting

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

General Guidance for Public Participation

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

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

How to Join a Virtual Meeting

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

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

How to Participate in a Virtual Meeting

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

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

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

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TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: June 28, 2022
RE: Proposed CDO Amendment ZA-20-08: Short Term Rentals

This amendment has been under development since the 2019 Housing Summit and the subsequent Council Resolution in October 2019, which directed a Joint Committee to create a regulatory framework for short-term rentals that created tiers and disincentivizes the most impactful uses. Formerly recommended by the Commission as ZA-20-05, the proposed *CDO* amendments expired in April when the accompanying changes to *Ch. 18- Minimum Housing* were vetoed by the Mayor earlier this year.

Modified changes to the *CDO* and *Ch. 18 amendments* were subsequently reintroduced by the Council. At the June 27 meeting, Council adopted the *Ch. 18* portion of this overall framework as well as an amendment to *Ch. 21* regarding the local tax rate for STRs. At the same time, Council referred the enclosed *CDO* amendments to the Commission to hold a public hearing, make technical corrections, and provide any recommendations per the process outlined in 24 VSA 4441 (g). Therefore, the Commission is recommended to approve the enclosed Municipal Bylaw Amendment Report and warn the amendment for public hearing. Some technical corrections to the use table for Article 14 are anticipated to follow the public hearing, before referring to City Council for hearing and adoption.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

Purpose Statement

The proposed amendment defines short-term rentals (STRs), allows STRs where residential uses are permitted, and exempts STRs from requiring a zoning permit. The amendment also streamlines various lodging types into a single lodging definition and makes associated changes to the use tables and off-street parking requirements. This amendment is a complement to the broader regulatory framework for STRs within *Ch. 18: Minimum Housing Standards* in the Burlington Code of Ordinances.

Proposed Amendments

The following changes to the *Burlington Comprehensive Development Ordinance* are proposed:

1. **Amend *Article 13 Definitions* to define "short term rental", modify "lodging" definitions, and eliminate "bed and breakfast" definition**
   Define short term rental as a type of dwelling unit and refer to standards in *Ch.18*. The STR definition largely reflects the state's definition of an STR with regard to length of rental and refers to the Vermont rooms and meals tax. Additionally, the definitions of Hotel/Motel and Hostel are streamlined to a general "Lodging" definition, and "Bed and Breakfast" is removed to reduce redundancy and inconsistencies in how various traditional lodging uses are permitted.

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2. **Add STRs as a "special residential use" to *Appendix A- Use Table* and in *Article 14- Downtown Code***
   This will establish that short term rentals are the use of a dwelling unit, allowed anywhere that residential uses are allowed, and will refer to *Ch. 18* for specific standards.

Relationship to planBTV

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

Compatibility with Proposed Future Land Use & Density

The proposed changes largely amount to technical corrections to ensure that the zoning ordinance refers to applicable standards for STRs in *Ch. 18- Minimum Housing standards*. The standards included in *Ch. 18* were adopted to protect existing housing from unlimited conversion to STR use by establishing narrow parameters for allowing short-term rentals. It also reduces inconsistencies among various lodging types presently allowed within the city.

Impact on Safe & Affordable Housing

The proposal will have no impact on the intensity or density of future land use. Short term rentals will be allowed wherever residential uses are allowed. However, *Ch. 18* limits to being in a host's own primary residence, within an owner-occupied building, within Seasonal Homes that are not suitable for long-term housing purposes, or within non-owner occupied properties that host an affordable housing unit. This limits range of housing units within the city that are able to be converted from long-term housing for STR purposes. Additionally, *Ch. 21* establishes that local taxes collected on STRs contribute to the City's Housing Trust Fund, which is used to create and preserve permanently affordable housing.

Planned Community Facilities

This amendment has no impact on any planned community facilities.

Process Overview

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

<table>
<tr><td colspan="5">Planning Commission Process</td></tr>
<tr><td>Draft Amendment referred by:
City Council</td><td>Presentation & discussion:
6/28/22</td><td>Approve for Public Hearing
6/28/22</td><td>Public Hearing & Technical Corrections
7/26/22</td><td>Approve & forward to Council</td></tr>
<tr><td colspan="5">City Council Process</td></tr>
<tr><td rowspan="2">First Read & Referral to Ordinance Cmte
4/11/22</td><td rowspan="2">Ordinance Committee discussion & recommendation
5/31/22</td><td rowspan="2">Council 2nd Read
6/27/22</td><td rowspan="2">Public Hearing</td><td>Approval & Adoption</td></tr>
<tr><td>Rejected</td></tr>
</table>

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Councilor Carpenter
Public Hearing Dates: _____

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

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

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

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 USES[1.]	**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 per calendar year and 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
4/7/22

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 Breakfast1~~	~~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

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
SHORT-TERM ACCOMMODATIONS	
~~Bed and Breakfast1~~	~~P~~
Historic Inn (Sec.14.6.6.c)	P
~~Hotel~~	~~P~~
Lodging	P
Shelter	P
RETAIL - GENERAL	
ATM	P
Automobile and RV Sales and Rental [2]	P
Convenience Store	P
Fuel Service Station [2] (Sec.14.6.6.d)	CU
General Merchandise/Retail	P
RETAIL - OUTDOOR	
Boat Sales/Rentals	P
Garden Supply Store	P
Open Air Markets	P

14.3.5-H- Use Types	FD5
OFFICE & SERVICE	
Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (Sec. 14.6.6.g)	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Office – Technical	P
Tailor Shop	P
Vehicle/Boat Repair/Service [2]	P
HOSPITALITY/ENTERTAINMENT/RECREATION	
Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P

Key	
Permitted Use	P
Conditional Use	CU

END NOTES

[1] Must be owner-occupied.

[2] Exterior storage and display not permitted.

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 Rental[33]	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~~
~~**Hotel, Motel**~~ **Lodging**	N	N	N	N	CU	N	N	N	(See Sec. 4.4.1 (d) 1)	N	Y	N	Y	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. ~~No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. 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

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.

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Ordinance Committee
Public Hearing Dates: _____
_____
First reading: _____
Referred to: _____
Rules suspended and placed in all stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

HOUSING and TAXES—
Short Term Rentals
BCO Ch. 18 & Sec. 21-31

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

That Chapter 18, Housing, of the Code of Ordinances and Chapter 21, Offenses and Miscellaneous Provisions, Article I. In General, and Section 31, Restaurant, hotel, amusements and admissions taxes, of the City of Burlington be and hereby are amended to read as follows below.

That if a dwelling unit operated by a host as a noncompliant short term rental prior to the date in which this ordinance amendment, Housing-Short Term Rentals, BCO chapter 18 & Sec. 21-31, comes into effect, the host may continue to operate their short term rental by fulfilling current guest reservations until no later than May 31, 2023, provided that: 1) the host registers their short term rental and pays any registration fee within thirty (30) days following the effective date of this ordinance amendment; and 2) the host demonstrates to the satisfaction of the Department of Permitting and Inspections that future guest reservations were made for the short term rental prior to the date in which the this ordinance amendment comes into effect.

ARTICLE I. IN GENERAL

18-1 Short title.

As written.

18-2 Definitions.

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

***

Guest means a person who, in exchange for compensation, rents a short term rental.

***

Host means a person who operates a short term rental (whole or partial unit). The host is the primary contact

for guests to make reservations and to contact during their stay. The host oversees compliance of the short term rental with all applicable rules and regulations, receives guests' payment for short term rental stays, and is responsible for remitting all taxes imposed on a guest's occupancy. The host may be the property owner or tenant.

Hotel or motel means an establishment which holds itself out to the public by offering temporary (less than 30 days) sleeping accommodations for compensation ~~consideration~~ and is subject to the Vermont rooms and meals tax. Hotel or motel is defined as lodging in the Comprehensive Development Ordinance. Hotel or motel does not include short term rental.

***

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

***

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

***

Roominghouse shall mean any dwelling or that part thereof containing one or more rooming units in which space is let to three (3) or more persons for thirty (30) consecutive days or more.

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

Short term rental (STR) shall mean a dwelling unit that is rented to guests for less than thirty (30) consecutive days and for more than 14 days per calendar year, is subject to the Vermont rooms and meals tax, and is either a:

(a) *Partial Unit*, meaning a room located within a host's primary residence that is used primarily for sleeping purposes by human occupants and that contains at least seventy (70) square feet of floor area; or

(b) *Whole Unit*, meaning an entire dwelling unit.

***

Target housing means any dwelling constructed prior to 1978, except any zero (0) bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of the elderly or persons with disabilities, unless a child six (6) years of age or younger resides in or is expected to reside in that dwelling. "Target housing" does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for less than thirty (30) days ~~or less~~.

***

18-3 – 18-14 Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

18-15 Registration required.

(a) The owners of all rental units subject to inspection pursuant to Section 18-16 and the hosts of all short term rentals shall be required to annually file a registration application and fee with the enforcement agency, which shall be due annually on or before April 1.

(1) All owners or hosts must complete a rental property information form to be provided by the enforcement agency which contains the following information:

(i) The address of the property.

(ii) The number of dwelling units at that address.

(iii) The number of rental units at that address.

(iv) The number of sleeping rooms in each rental unit.

(v) The number of parking spaces that are dedicated for the rental units at the property.

(vi) The name, address, phone number, email address, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent and the president of the corporation and their name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.

(vii) The name, address phone number, and email address, of:

a. any local (within Chittenden County) managing agent. All owners or hosts who do not live within Chittenden County are required to designate a managing agent located in Chittenden County who is empowered to represent the owner or host in matters concerning compliance with this chapter.

b. an emergency contact for this property. All properties must have an emergency contact within Chittenden County.

c. A designated person within the state for service of process for this property. All owners or hosts who do not live within Chittenden County are required to designate a managing agent located in Chittenden County for service of process.

(2) All owners of rental units rented for thirty (30) days or more (i.e. other than short term rentals) must also provide the following information:

(i) The maximum number of residents in each rental unit.

(ii) The number of families living in each rental unit.

(iii) The number of unrelated adults in each rental unit.

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

(3) All hosts of short term rentals must also provide the following information:

(i) The number of whole unit or partial unit short term rentals within the building, or in the case of multiple buildings on a parcel of land, on the entire lot.

(ii) For hosts who are tenants, the name, address, phone number, email address, date of birth, drivers license and state and military status (active or not) of the host, and written permission from the owner of the rental unit that the tenant may register it as a short term rental.

(iii) If applicable, written proof of the host's permanent residence. For hosts who are owners of the short term rental, this shall be proven by a declaration of homestead pursuant to 32 V.S.A. § 5410. For hosts who are tenants, the enforcement agency may accept other written proof of permanent residency at its discretion, relying on criteria such as the address listed on the host's drivers license, car or voter registration forms, on utility bills or bank accounts, or on the host's individual tax returns.

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

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

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

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

(f) In addition to registration requirements for all rental units noted in (a) – (e) above, all short term rentals shall be subject to the following standards:

(1) A host may register their primary residence as one (1) whole unit short term rental or the host may register up to three (3) rooms within their primary residence as a partial unit short term rental.

(2) In buildings or lots with less than five (5) dwelling units, a host may register a dwelling unit within the same building or lot as their primary residence as one (1) whole unit short term rental.

(3) A host may register a dwelling unit that is not within the same building or lot as their primary residence as one (1) whole unit short term rental only if either:

i. the dwelling unit is indicated as a seasonal home by the Burlington Assessor; or

ii. the dwelling unit is within a building with two (2) or more dwelling units and the host rents another dwelling unit within the same building or lot that meets the affordability criteria of Article 9, Inclusionary Zoning, of the Comprehensive Development Ordinance or is rented to a tenant receiving Federal or State rental assistance.

(4) A host may not register more than one (1) whole unit short term rental. If a host registers one (1) whole unit short term rental that is not their primary residence, they can still rent a partial short term rental in their primary residence.

18-16 Inspection required.

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

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

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

18-17 – 18-29 As written.

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

(a) - (c) As written.

(d) The provisions of this subsection do not apply to short term rentals, except that if a host terminates an existing tenancy in a rental unit or refuses to renew a written rental agreement for the purpose of converting a rental unit to a short term rental, the host shall be responsible for paying the costs of relocation for the affected tenant, as defined by Sec. 18-28(c), within ten (10) days after the tenant vacates the rental unit, as long as all rent due and payable has been paid by the tenant prior to the date on which the unit is vacated.

18-30 Fees.

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

****Remainder of Sec. 18-30 as written.*

18-31 – 18-69 As written.

ARTICLE III. MINIMUM STANDARDS

DIVISION 1. GENERALLY

18-70 - 18-112 As written.

18-113 Short Term Rentals

The following additional minimum standards shall apply to short term rentals only:

(a) Hosts shall comply with all applicable State law and regulations regarding short term rentals.

(b) Short term rentals must be serviced and cleaned before each new guest.

(b) Hosts shall provide guests written documentation with the following information:

i. the name, phone number, and email of the host and, if not the host individually, an emergency contact within Chittenden County who is available at all times during a guest's rental.

ii. contact information for the enforcement agency, the State Department of Health, and the State Department of Public Safety's Division of Fire Safety.

iii. written instructions on the location and use of fire extinguishers;

iv. written instructions on emergency shut-off of heating systems and fuel burnings appliances.

v. a diagram identifying emergency egress routes.

vi. a copy of Burlington's *Noise Control Ordinance*.

18-114—18-129 Reserved.

DIVISION 7. MINIMUM ENERGY EFFICIENCY STANDARDS

18-130 – 18-199 As written.

ARTICLE IV. HOUSING DISCRIMINATION

18-200 – 18-299 As written.

ARTICLE V. REGULATION OF CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS OR COOPERATIVES

18-300 Statement of Purpose.

As written.

18-301 Authority and applicability.

As written.

18-302 Exemptions.

(a) - (b) As written.

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

18-303 – 18-399 As written.

Article VI. Housing Trust Fund

18-400 – 18-499 As written.

Article VII. RESERVED

18-500 – 18-512 Reserved.

***

21-31 Restaurant, hotel, amusements and admissions taxes.

(I) GENERAL PROVISIONS:

(A) *Title*: This section may be cited as the "Restaurant, Hotels, Amusements and Admissions Taxes Ordinance."

(B) *Purpose and Authority*: This section is enacted to raise revenue for municipal purposes pursuant to the Charter of the City of Burlington, Act No. 298, Acts of 1949, Sections 48III and 48XXIV.

~~The city council originally adopted this tax on January 30, 1986. Included in that ordinance was subsection "XVI Sunset." Subsequent to the adoption of the ordinance, the voters recommended and the Legislature adopted a change to the City Charter (Acts of 1986, M-21) which established a system of tax classification in Burlington.~~

~~That city council and each successor city council has construed the 1986 tax ordinance not to have sunset, to have been in continuous effect, and each has adopted a city budget which collected and expended funds raised by that 1986 ordinance.~~

~~On April 2, 1990, the Superior Court construed the intention of the 1986 enactment of this ordinance to trigger a sunset of it effective June 30, 1987, and declared it no longer effective.~~

~~The city council hereby enacts this ordinance as both a prospective and retroactive curative adoption. The city council views the Superior Court's construction of the intention of our predecessor 1986 city council to be erroneous. Despite the fact that an appeal of that decision is pending at the time of this enactment, the city council finds that prudence further necessitates that this curative action also be taken by us as the local legislative body of the city.~~

~~It is therefore the express legislative purpose of this 1990 enactment of this ordinance to:~~

~~(1) Adopt the "Restaurant, Hotel, Amusements, and Admissions Taxes Ordinance," Code of Ordinances, Section 21-31, without the sunset clause which appeared at subsection XVI of the 1986 enactment, and which gave rise to the Superior Court declaration of defect in the ordinance's continued effectiveness after June 30, 1987; and~~

~~(2) Make this enactment, which has eliminated the former sunset clause altogether, retroactive to the effective date of the original tax ordinance adopted January 30, 1986.~~

(II) TAXES IMPOSED:

(A) *Restaurant Tax*: There is hereby imposed a business occupation tax upon all persons engaged in the restaurant business of whatever name or character in the City of Burlington. The tax imposed shall be at the rate of two (2) percent of the gross receipts from taxable business, as defined herein, done per monthly period in accordance with the provisions of this section.

(B) *Hotel and Motel Tax*: There is hereby imposed a business occupation tax upon all persons engaged in the hotel or motel business of whatever name or character within the City of Burlington. The tax imposed shall be at a rate of two (2) percent of gross receipts from taxable business, as herein defined, done per monthly period in accordance with the provisions of this section.

(C) *Short Term Rental Tax*: There is hereby imposed a business occupation tax upon all persons engaged in operating short term rentals within the City of Burlington. The tax imposed shall be at a rate of nine (9)

percent of gross receipts from taxable business, as herein defined, done per monthly period in accordance with the provisions of this section and dedicated to the Housing Trust Fund.

(D) Amusements Tax: There is hereby imposed a business occupation tax upon all persons engaged in the business of operating places of amusement, including, but not limited to, pool halls, arcades, bowling alleys, or operating any establishment making available use of amusement devices of whatever name or character within the City of Burlington. The tax imposed shall be at the rate of two (2) percent of taxable business, as defined herein, done per monthly period in accordance with the provisions of this section.

(E) Admissions Tax: There is hereby imposed a tax on admissions to circuses, menageries, carnivals, cinemas, shows of every kind, plays, athletic contests, exhibitions or entertainments for money of whatever name or character except those of educational or nonprofit institutions or organizations or wholly for charitable purposes. The tax imposed shall be at the rate of two (2) percent of the gross receipts from such admissions, as defined herein, done per monthly period in accordance with the provisions of this section.

(F) Compliance Required: It shall be unlawful for any person to transact or carry on any business, occupation or activity subject to the provisions of this section without complying with all applicable provisions herein.

(III) – (XV) As written.

* Material stricken out deleted.
** Material underlined added.

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

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
Mary O'Neil, AICP, Principal Planner
DATE: June 30, 2022
RE: Proposed Zoning Amendment – Public Art

Overview & Background

Public art is an important element of Burlington's built environment and cultural identity. In fact, *planBTV* states that public art, "enhances the overall quality of the built environment," and that, "these creative expressions should continue to be encouraged." Consistent with the Plan, Burlington's longstanding support for and inclusion of public art in the built environment remains strong. However, following the adoption of the *planBTV Downtown Code*, the City currently operates with no standards governing or related to public art.

Prior to the adoption of the Downtown form code, the *Comprehensive Development Ordinance* governed public art in the following ways:

- Bonus height provisions were offererd in exchange for qualifying public art installations,
- Permitted public art as an acceptable encroachment in the required waterfront setback
- Provided standards and guidance on public art funding, location and maintenance

Recognizing public art's valued contribution to Burlington's built environment and residents, the Planning CDO proposes a zoning amendment to define public art in the CDO and amend the ordinance to exempt public art from zoning permit requirements provided six standards relating to safety, appropriateness, historic resources, urban design, accessibility and compliance with local and state law. In summary, the proposed amendment would provide needed transparent public art standards that encourage and facilitate public art.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

Purpose Statement

The purpose of this amendment is to define public art in the *Comprehensive Development Ordinance* and establish language exempting public art from standards requiring a zoning permit for its installation.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal:

1. **Define Public Art**

   Provides a new definition for public art that recognizes the broad applications and settings for these installations.

2. **Establish public art as exempt from the requirement to obtain a zoning permit**

   Establishes six standards that must be provided for compliance with the zoning permit exemption. The six standards are summarized as follows:

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 the City Planning department or 711 if you are hearing or speech impaired.

- Public Art shall meet applicable building code to protect public health and safety;
- No public art that is insulting, threatening, discriminatory, hateful, violent or personally insulting shall be installed;
- Public art installed on or near historic resources shall ensure the continued integrity and preservation of such historic structures;
- Public art shall not cause or increase non-conformity to required urban design standards;
- Public art shall be accessible and not obstruct any paths, ingress, or egress, and;
- Public art shall conform to local and state ordinances.

Begin proposed amendments

Section 13.1.2 Definitions

Public Art: Public art is a general term for forms of community expression. Public Art may be located in the public domain (rights-of-way), or on private property yet available for community viewing. Public art may be cast, carved, built, assembled, or painted, and include murals, sculpture, memorials, integrated architectural or landscape architectural work, painting, tapestry, mosaics, ceramics, stained glass, community art, digital new media, Earthworks, assemblage, installation art and performance. Installations may be transient or permanent.

Sec. 3.1.2 Zoning Permit Required

(c) Exemptions

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

1. 1-18 *as written*
19. Public art on private property shall not be required to obtain a zoning permit. If the art does not meet the standards below, it shall not be displayed.
    a. The installation meets applicable building code for wind load, structural stability, mounting and any anchoring, to protect public health and safety;
    b. The specific installation shall not be obscene, threatening based on characteristics that are protected under antidiscrimination laws, represent hate, or contain fighting words or incite violence;
    c. If mounted on a historic structure, shall be installed so as to avoid damage to historic materials and shall be removable without causing permanent damage or diminish the integrity of the structure. If mounted to a masonry building, the fasteners shall penetrate mortar rather than masonry units so as to be repairable.
    d. Within the Form Districts, the proposed art may not cause or increase any non-conformity to required dimensional standard under Section 14.4.13, Urban Design Standards (including, but not limited to Façade voids, transparency of glazing) nor under Section 14.3.13 Shopfront (Ground floor façade voids.)
    e. Any public art installation shall not obstruct any path of ingress or egress, nor any identified ADA accessible route.
    f. Any public art installation shall comply with all standards and factors set forth in existing City Bylaws and city and state ordinances.

Relationship to planBTV

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

Theme:	Dynamic	Distinctive	Inclusive	Connected

Land Use:	Conserve	Sustain	Grow

Compatibility with Proposed Future Land Use & Density
Public art is an integral component of many land use types in Burlington, particularly to the extent that it supports and promotes Burlington's character as a cultural and arts center. As stated in *planBTV*, public art, "enhances the overall quality of the built environment." Further, the Plan promotes public art as, "personalizing the city and activating its streets, providing a sense of community, and offering seeds for contemplation and conversation." The amendment promotes public art that is consistent with a wide range of built environment types.

Impact on Safe & Affordable Housing
The proposed amendment has no impact on housing safety and affordability.

Planned Community Facilities
The proposed amendment has an important impact on the continued encouragement and facilitation of public art, a defining characteristic of the city as established in *planBTV*. One of the Plan's goals is to, "strengthen the city's role as a cultural and arts center, and supporting efforts to expand public art and placemaking within the built environment." Burlington City Arts also promotes public art at a variety of locations throughout the community. The proposed amendment provides necessary transparency to the development and installation of public art on both public and private property.

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, upon request of PC Ordinance Committee	Presentation to & discussion by Commission 3/3/22 (OC), 4/7/22 (OC), 5/25/2022	Approve for Public Hearing 5/25/2022	**Public Hearing** 7/26/2022	Approved & forwarded to Council
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

BYLAWS OF THE
BURLINGTON PLANNING COMMISSION

(A) Establishment of Bylaws

The Bylaws of the Burlington Planning Commission, hereafter referred to as the "Commission," are hereby established pursuant to 24 V.S.A. S. 4323 (C) and Sec. 2.2.2 of the *Burlington Comprehensive Development Ordinance*. These bylaws shall be effective from the date of adoption, and may be amended from time to time by a two-thirds vote of the Commission.

(B) Membership

In accordance with 24 V.S.A. Chapter 117 and Sec. 120 of the *Burlington City Charter,* the Commission shall consist of seven (7) residents of the City of Burlington appointed by the City Council. Any appointment to the Commission shall be for a term of three (3) consecutive years. Members may be appointed to successive terms without limitation. Any member desiring reappointment, or city resident desiring an appointment to the Commission, must apply to the City Clerk's office and obtain a nomination from a member of the City Council.

(C) Vacancies/Removal

Vacancies shall be filled by the City Council upon the expiration of such term or an unexpired portion of any term. Any member of the Commission may be removed at any time by unanimous vote of the City Council.

(D) Abstentions from Participation and Voting

In order to secure, protect, and preserve the highest level of public trust in the deliberation and decision of the Burlington Planning Commission, it is incumbent upon each member not only to scrupulously avoid any act which constitutes a conflict of interest established in law, but also to avoid any act which gives the appearance of bias, favoritism, or of interest.

(1) A member shall withdraw from all participation, including all formal and informal discussion and voting, in any deliberation of the Commission or its committees or any issue upon declaration of a conflict of interest or upon the assertion that there is a reasonable public presumption that bias, favoritism, or a conflict of interest may exist. Circumstances under which this provision shall be exercised include, but are not limited to, the following:

(a) If the member has a direct or indirect financial interest in the outcome of the matter at issue. A direct financial interest shall include, but not be limited to, circumstances in which the member is an applicant, a provider of professional or business service to the applicant, serves on the board of directors, or receives any form of remuneration or benefit from the applicant. Indirect financial interest shall include, but is not limited to, if an [As amended: November 7, 2002] immediate family relative or close personal friend has, or is likely to have, a direct financial interest in the outcome of the matter; or

(b) If the matter at issue involves the member's own official conduct; or

(c) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

(d) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

(G) Offices

At the first meeting in July of each year, the Planning Commission shall elect, by majority vote, a Chairperson and Vice-Chairperson from among its members, and shall also elect a Clerk who may or may not be a Commission member or municipal employee. Terms of office shall be for one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Commission.

(H) Committees

1. **Standing Committees**

There shall be three standing committees of the Planning Commission: Executive, Ordinance, and Long Range Planning. Membership comes from those serving on the Planning Commission, the Development Review Board, the Design Advisory Board and/or Conservation Board. With the exception of the Executive Committee, each standing committee shall be composed of a minimum of three (3) persons with a maximum of five (5) persons, of which three (3) must be members of the Commission. The Commission Chairperson may not serve, as the Committee Chairperson for either the Ordinance Committee or Long Range Planning Committee. Each standing committee shall report on its activities and/or recommendations within its purview to the full Commission for its disposition at each Commission meeting. Except as noted, the establishment of standing committees does not constitute a delegation of any responsibility of the full Commission, which retains the exclusive agency for the City under law and ordinance.

1) Executive: The Executive Committee shall be composed of three members consisting of the Commission Chairperson, who shall serve ex-officio as Chairperson of the Committee; the Commission Vice-Chairperson, who shall serve ex-officio as Vice-Chairperson of the Committee; and a Planning Commissioner selected at-large by the Commission at its organizational meeting. The duties and functions of the Committee shall be as follows:

   i. Appointment of standing committees and ad hoc committees including chairpersons unless noted otherwise herein, and appointment of special liaisons as the Commission shall establish, and oversight of committees and liaisons;

   ii. Oversight, including preparation of the annual department budget; supervision and the annual review of the department director; such other tasks as the Commission shall assign.

   iii. Relationship of the department and Commission to city, regional, and state departments and commissions, including scheduling of special work sessions as necessary;

   iv. Commission bylaw revisions and amendments;

   v. Oversight of all contracts as the Commission or department shall enter into or be delegated responsibility for;

2) Ordinance: The Ordinance Committee shall have at least four (4) and no more than five (5) members. Members may be appointed from the following: one (1) member each from the Development Review Board, the Design Advisory Board, or the Conservation Board, in addition to one (1) member from the Planning Commission Executive Committee, and two (2) at-large of the Planning Commission elected by the Commission at its organizational meeting. The chairs of the Development Review Board, Design Advisory Board or the Conservation Board may appoint a member of their board to serve on the Ordinance Committee. If all boards appoint a member the Planning Commission, by election at its organizational meeting will confirm which appointee(s) will serve on the Ordinance Committee. The Chairperson and Vice-Chairperson of the Ordinance Committee shall be elected by a majority of committee members. The duties and functions of the Committee shall be as follows:

i. Preparing and reviewing all revisions of the Zoning and Subdivision Ordinances, Official Map and the Zoning Map;

ii. The enforcement of the zoning and subdivision ordinances and the zoning map, and;

iii. Such other tasks as the Commission shall assign.

3) Long Range Planning: The Long Range Planning Committee shall have at least four (4) and no more than five (5) members including one (1) member from the Development Review Board appointed by the Board's Chairperson. The Committee shall have one member from the Executive Committee, and two (2) at-large members of the Planning Commission elected by the Commission at its organizational meeting. The chair of the Design Advisory Board or the Conservation Board may appoint a member of their board to serve on the Long Range Planning Committee. If both boards appoint a member the Planning Commission will decide which appointee(s) will serve on the Long Range Planning Committee. The Chairperson and Vice-Chairperson of the Long Range Planning Committee shall be elected by a majority of committee members. The duties and functions of the Committee shall be as follows:

i. The development of an implementation plan for the Municipal Development Plan.

ii. Develop a process with a budget for each eight year revision to the Municipal Development Plan;

iii. Review plans of other departments and the regional planning commission and provide comments to the Planning Commission; and

iv. Such other tasks as the Planning Commission shall assign.

2. Ad hoc Committees and Commission Liaisons:

From time to time ad hoc committees and commission liaisons may be established by the Commission for special assignments that do not fall within the general purview of standing committees.

3. Committee Meetings:

When appropriate, standing committees should have regularly scheduled meeting times. All committee activity should be ratified by vote of the committee before presentation to the Commission. All substantive actions of the committees should be recorded in the written minutes kept current by the committee chairperson or designee. At the request of the committee chairperson, a committee meeting shall be taped.

(I) Annual Work Plans

The Planning Commission and each of the standing committees shall set work plans every year. These work plans shall be reviewed periodically. The schedule for work plans and their evaluation follows:

May: Each standing committee evaluates the extent to which it fulfilled its old work plan and a brief (1-2 page) evaluation report is written and submitted to P.C. in time to be part of the packet for the first P.C. meeting in June.

June: Standing committee work plans are evaluated by the P.C. at the first meeting. Feedback for recognition, encouragement and improvement is provided.

Standing committee work plans end at the end of the month.

The work plan for the following year (July – June) is written during June and early July. It is submitted to P.C. in time to be part of the packet for the first P.C. meeting in July.

July: New work plans are discussed, modified if necessary, and approved by the P.C. at the first meeting of the P.C. New work plans begin in July and run through June.

(J) Powers and Duties

In accordance with 24 V.S.A. Chapter 117, and the *Burlington Code of Ordinances,* the Burlington Planning Commission:

(1) Shall prepare a Municipal Development Plan and amendment thereof for consideration by the City Council and to review any amendments thereof initiated by others as set forth in 24 V.S.A. 4384;

(2) Shall prepare and present to the City Council, from time to time, proposed bylaws and make recommendations to the City Council on proposed amendments to such bylaws;

(3) Shall undertake studies and make recommendations on matters of land development, urban renewal, transportation, economy, and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy, and the development of renewable energy resources;

(4) Shall prepare and present to the City Council recommended construction specifications for streets and related public improvements pertaining to subdivision development;

(5) Shall prepare and present to the City Council a recommended annual capital budget and future capital programs for a period of not less than five (5) years;

(6) Shall hold public meetings;

(7) Shall undertake comprehensive planning, which may include related preliminary planning and engineering studies;

(8) Shall prepare and present to the City Council, from time to time, recommended fees for the administration of zoning and subdivision regulations;

(9) Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and consistent with, the intent and purpose of 24 V.S.A. Chapter 117 and the *Burlington Code of Ordinances.*

(10) May require from other departments and agencies of the City such available information as it relates to the work of the Planning Commission;

(11) May, in the performance of its functions, enter upon land to make examinations and surveys;

(12) May participate in a regional planning program;

(13) May retain staff and consultant assistance in carrying out its duties and powers.

(K) Meetings/Minutes

Meetings of the Planning Commission shall be held at the call of the Chairperson on the second and fourth

Tuesday of each month unless otherwise determined by majority vote of the Commission. The Chairperson may also call special meetings of the Commission. All meetings of the Commission shall be open to the public, except as provided by law. The Commission shall keep minutes of every regular or special meeting. The minutes shall include, but not be limited to, the names of the persons appearing and addressing the Commission, any action taken by the Commission, the findings, if any, made by the Commission and reasons thereof. The minutes shall, thereafter, be made available for public inspection during normal business hours at the office of the Administrative Officer. Any interested party shall have the right to a reproduction of the minutes in an amount sufficient to cover the costs of such reproduction.

(L) Notice

No regular or special meeting of the Commission shall be held without providing at least twenty-four (24) hours written notice to the City Clerk. Public hearings shall require no less than fifteen (15) days prior notice including advertising in a newspaper of general publication within the City and posting on the City Hall community board(s).

(M) Quorum

For the conduct of any meeting or hearing and the taking of any action, a quorum shall be no less than a majority of the members of the Commission and any action thereof shall be taken by a majority of the members of the Commission.

(N) Public Hearing

Prior to Planning Commission action on the adoption of any amendment to the City's Zoning Ordinance, Subdivision Regulation, Official Map, or Municipal Development Plan, a public hearing shall be held by the Planning Commission after public notice.

(O) Ex-Officio Member

The Mayor of the City of Burlington shall be a non-voting ex-officio member of the Commission.

(P) Special Meetings

Special meetings of the Commission may be called by the Chairperson, when he or she deems it expedient, or upon the request of two (2) members of the Commission for the purpose of transacting any business designated in the call. Notice to each member of the Commission for a Special Meeting may be by telephone or otherwise at least twenty-four (24) hours prior to the date of such special meeting. At such special meeting, no business shall be considered other than specified in the call. Additionally, if more than three (3) members of the Commission participate in a meeting with staff, conduct a site visit, or participate in other activities related to the responsibilities of the Planning Commission outside of a regular meeting, the gathering must be warned as a special meeting with proper notice given.

(Q) Governance Procedures

Robert's Rules of Order, as revised, shall govern proceedings of the Commission in all cases which are not specifically covered by other laws, ordinances, bylaws, or regulations.

History:

Established: June 26, 1986

Amended: October 10, 1991

BYLAWS OF THE BURLINGTON PLANNING COMMISSION

Amended: February 12, 1998

Amended: May 10, 2001

Amended: November 7, 2002

Amended: October 14, 2003

Amended: July 10, 2008

Amended: October 12, 2016

City of Burlington, VT
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Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: July 26, 2022
RE: Updated details- DRAFT text for ZA-22-04 Trinity Campus Zoning Amendment

Background
In December 2021, Mayor Weinberger announced the "10 Point Housing Action Plan" to serve as a roadmap with two main goals: to double the rate of housing production within the city over the next 5 years, and end chronic homelessness in Burlington. The action plan includes a number of financial investments, resource expansion, and zoning policy changes to achieve these goals. The plan continues to build on nearly a decade of work to address housing availability and affordability—including many policy reforms the Planning Commission has previously been engaged in. In particular, the plan builds on and expands objectives from the 2015 Housing Action Plan and the 2019 Housing Summit.

The 2021 plan identifies three major zoning policy amendments to support its overarching goals, including "opening new on-campus University of Vermont (UVM) student housing opportunities by rezoning the former Trinity Campus to reduce UVM's pressure on the housing market."

Reviewing the applicability of the Trinity Campus overlay zoning district for this part of UVM's campus has been discussed periodically in recent years. *planBTV: Comprehensive Plan*, updated in 2019, identifies the institutions' campuses and the major thoroughfares that function as the city's eastern gateways as special growth areas. *planBTV* states that these areas are an essential focus for the growth of the institutions within their campuses, particularly to create new and additional housing options for students. *planBTV* also notes this area of campus as being important to help "better balance on-campus housing opportunities between the north and south of the core academic areas of campus."

Existing Trinity Campus Overlay Zoning District & Requested Amendments
The *Burlington Comprehensive Development Ordinance (CDO)* includes five Institutional Core Campus Overlay Districts, which apply to sub-areas of the Institutional zoning district. These overlay districts are intended to provide for growth within the core of the institutions' campuses, by allowing an increased development intensity than would typically be found in the underlying zoning district, and providing transitions between sections of campus and the surrounding neighborhoods.

The UVM Trinity Campus (UVMT) overlay zone applies to a parcel on UVM's campus along Colchester Avenue on the north side of the intersection of Colchester and East Avenues. The parcel is currently home to a number of UVM residence halls such as McAuley and Mercy Halls, as well as other uses for the institution. UVM intends to create additional graduate and undergraduate beds in the vicinity of these existing residence halls, and has identified a number of limitations under the current UVMT overlay zone. The requested zoning changes include:

1. Building Height limits: increase to 45 ft between 25 ft and 115 ft from the front property line along Colchester Avenue, and increase to 80 ft beyond the existing 115 ft setback.
2. Lot Coverage limit: increased from 40% to 60%
3. Building Setback from Colchester Avenue: Reduced from the existing 115 ft from the front property line to 25 ft. (Note: the front property line itself is approx. 15 ft from the back of the sidewalk. This would result in new buildings being no closer than 40 ft from the existing sidewalk.)

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 the City Planning department or 711 if you are hearing or speech impaired.

In reviewing the UVMT overlay district standards, staff identified four additional topics for discussion and possible amendments by the Commission:

1. Density Limits: With the exception of UVMT and the Champlain College overlay, the campus overlays do not apply a limit on housing density in order to enable institutions to maximize their anticipated growth within their campus areas.
2. Non-residential uses: UVMT allows for some non-residential uses such as cafés, small grocery stores, and similar business types in existing existing buildings on the Trinity Campus. However, these same uses are a conditional use if they are incorporated in new buildings.
3. Major Impact threshold: DRB review is required for smaller projects than required in other Institutional and Mixed Use zoning districts. Projects of 15,000 sq.ft. require Major Impact review, where 20,000 sq.ft. footprint/ 40,000 sq.ft. GFA is the threshold for projects elsewhere in the Instutional Zone.
4. Campus Planning: there is strong public and City interest in overall growth & development plans for the Institutions and how specific project proposals fit the vision. Is there a role for campus planning requirements that complement the Parking Management Plan process?

The enclosed amendment language addresses the three requested changes from UVM, and the first three topics initiated by staff. Additional information for the final campus planning item will be discussed at a future meeting.

Begin proposed text amendments

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) Purpose

The Institutional Core Campus Overlay (ICC) districts are intended to provide for reasonable future growth for institutions within the core of their respective campuses without further intrusion into surrounding residential neighborhoods. This overlay allows ~~increased~~ greater development than would typically be found in the underlying districts. Development is intended to be more intense than the surrounding neighborhoods with higher lot coverage and larger buildings. New development should provide sensitive transitions to the historic development pattern and scale of the surrounding campus. Buildings both large and small should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Circulation should largely emphasize the needs of pedestrians and bicycles, and parking should be very limited and generally provided offsite. Where parking is provided, it should be hidden either within or underneath structures.

(b) Areas Covered.

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

1. **University of Vermont Medical Center Campus (ICC-UVMMC)** *As written*
2. **UVM Central Campus (ICC-UVM)** *As written*
3. **UVM Trinity Campus (ICC-UVMT)** is intended to provide reasonable future use of the UVM Trinity College campus north of Colchester Avenue and to preserve the residential character of the existing neighborhoods adjacent to the district. This district allows for an increased development scale and intensity than would typically be found in adjoining and underlying districts for the state's flagship academic institution. This core campus is expected to be predominantly pedestrian-oriented, with all but the most essential parking provided off-site, and allow for limited neighborhood-supporting commercial uses to promote a vibrant mix of uses supportive of and to attract additional on-campus housing opportunities. Development within this core campus should reflect the institution's core education values in both design and quality;
4. **UVM South of Main Street Campus (ICC-UVMS**) *As written*
5. **Champlain College (ICC-CC)** *As written*

(c) District Specific Regulations: University of Vermont Medical Center (ICC-UVMMC);

1. to **6.** *As written*

(d) District Specific Regulations: UVM Central Campus (ICC-UVM);

1. to **7.** *As written*

(e) District Specific Regulations: UVM Trinity Campus (ICC -UVMT):

1. **Lot Coverage**

   Lot coverage within the ICC-UVMT district shall not exceed ~~40%~~60% except as may be allowed under the ~~inclusionary housing~~ provisions of Article 9~~.~~ Inclusionary and Replacement Housing.

   Maximum lot coverage shall be applied to the aggregate of all lots owned by a single entity and located within the ICC-UVMT district.

2. Setbacks:

Development in the ICC-UVMT shall be subject to the setback requirements as specified under the provisions of the underlying zoning district, except for as noted in *Sec.4.5.2 (e) 2. a* below.

Minimum side and rear yard setbacks shall not be applicable between parcels under the same ownership within the ICC-UVMT district, but shall apply along the perimeter of the district.

a. Colchester Avenue Buffer:

i. Within the ICC-UVMT 65 feet from the centerline of Colchester Avenue: no development of new surface parking or new structures, except for ancillary structures no larger than 200 square feet, shall be permitted. ~~within a setback of 115 feet from the front property line on Colchester Avenue~~.

~~i~~ii. Within the ICC-UVMT between 65 and 155 feet from the centerline of Colchester Avenue, new structures are permitted subject to the height limits of *Sec. 4.5.2 (e) 4* below. No development of new surface parking shall be permitted.

Commented [MT1]: This is equal to ~40 ft from street centerline to front property line, plus a 25 ft setback from the property line.

Or, as we have discuss previously, ~40 ft from back of Colchester Ave sidewalk.

Commented [MT2]: This is equal to ~40 ft from street centerline to front prop line, plus the existing 115 ft setback from the property line.

Commented [MT3]: May need to replace with an updated map showing any agreed upon clarifications/adjustments to buffer.

~~3. Surface~~ **Parking**

~~No new outdoor surface parking spaces shall be permitted in the ICC-UVMT district unless the number of the new outdoor surface parking spaces is offset by the corresponding removal of outdoor surface parking spaces in the ICC-UVMT district existing as of January 1, 2002 and the Development Review Board has approved such offset in issuing a certificate of appropriateness.~~

Commented [MT4]: Relocated and combined this section with the parking section that follows.

~~4~~3. Height:

Additions and new construction may be built to a height of: ~~that does not exceed the greater of thirty-five feet (35') or the height of existing structures located on the same parcel within the ICC-UVMT district, but in no instances shall any building exceed fifty-five feet (55') in height as measured from finished grade.~~

- Between 65 and 155 feet from the centerline of Colchester Avenue: 45 ft max
- From 155 feet from Colchester Avenue to the north: 80 ft max

~~5~~4. Density:

In the ICC-UVMT district, ~~the~~ density restrictions ~~on residential density~~ set forth in Sec. 4.4.4 shall not apply to dormitories nor to residential units built by the institution, or by a private developer

on behalf of the institution, for the exclusive use by UVM students. ~~the underlying zoning district, and in Article 9 (Inclusionary Housing) shall apply to all development, including changes in use.~~

Unless replaced on-site no housing unit in a residential structure located within the ICC-UVMT shall be demolished or converted to a non-residential use, except for housing units that are exempt from the provisions of Article 9, Part 2 - Housing Preservation and Replacement/Demolition and Conversion.

~~6~~5. Uses:

Within the ICC-UVMT, only the following uses shall be permitted ~~or conditionally permitted~~:

Permitted Uses:	~~**Conditional Uses:**~~
Residential & Special Residential Uses	
Assisted Living	
Attached Dwelling(s) – Mixed-Use	
~~Attached Dwellings – Multi-Family~~	
Attached Dwellings – Duplex	
Bed and Breakfast	
Boarding House	
Convalescent /Nursing Home	
Dormitory	
Historic Inn	
Single Detached Dwelling	
Non-Residential	
~~Bed and Breakfast,~~ Beauty/Barber shop	Bakery ~~– Retail~~
Community Center	Bank, Credit Union
Daycare ~~– Large, Daycare – Small~~	Café
~~Dormitory~~	Convenience Store
~~Health Care Hospitality~~	~~Credit Union~~
Health Club	Dental Lab
Health Studio	Dry Cleaning Service
~~Historic Inn~~	General Merchandise/Retail – Small <4,000sqft
Hostel	Grocery Store – Small ≤10,000sqft
Office – General	Medical Lab
Office - Medical, Dental	Pharmacy
Park	Research and Development Facility
Performing Arts Studio	Research Lab
~~Record and Document Storage~~	Restaurant
School - Post-Secondary & Community College	Parking Garage
School - Preschool	Laundromat
Worship, Place of	

~~All non-residential uses are Permitted Uses within buildings existing as of January 1, 2002; and are Conditional Uses if located within a new building to be constructed after January 1, 2002.~~

No ~~permitted or conditional~~ use in the ICC-UVMT District may include drive-through facilities, gas pumps or canopies.

~~7~~6. Parking:

Parking for all uses and structures shall be planned for in accordance with the provisions of Article 8, Part 3 Institutional Parking Plans.

No new outdoor surface parking spaces shall be permitted in the ICC-UVMT district unless the number of the new outdoor surface parking spaces is offset by the corresponding removal of

Commented [MT5]: This modifies the underlying Institutional zone allowances. For example, this allows small retail or small grocery stores that are otherwise not allowed in Insitutional Zone.

Conversely, this does not allow uses such as Group Homes, Art Galleries, Firestations, Animal Grooming/vets, larger performing arts centers, post office, etc. that are either permitted or conditional uses in the base Institutional Zone.

This removes the requirement that some non-res uses are Conditional if they are in new buildings.

This also makes updates/clarifications to a number of use categories that have changed in Appendix A since this overlay was adopted.

Commented [MT6]: B&B, Historic Inn & Dormitory were simply moved from non-residential category based on where they appear in the use table today.

But raises the question: do we want lodging uses within the overlay? See B&B and Historic Inn—these are both allowed in the overlay zone today.

Commented [MT7]: Any uses highlighted in yellow are potential uses that could be considered for addition here.

Commented [MT8]: This is a permitted use in the underlying Institutional District. The text in the parking section prohibits surface parking, but seems reasonable to allow new parking if in the form of structured parking as part of a new building.

Commented [MT9]: This is existing language, relocated from above.

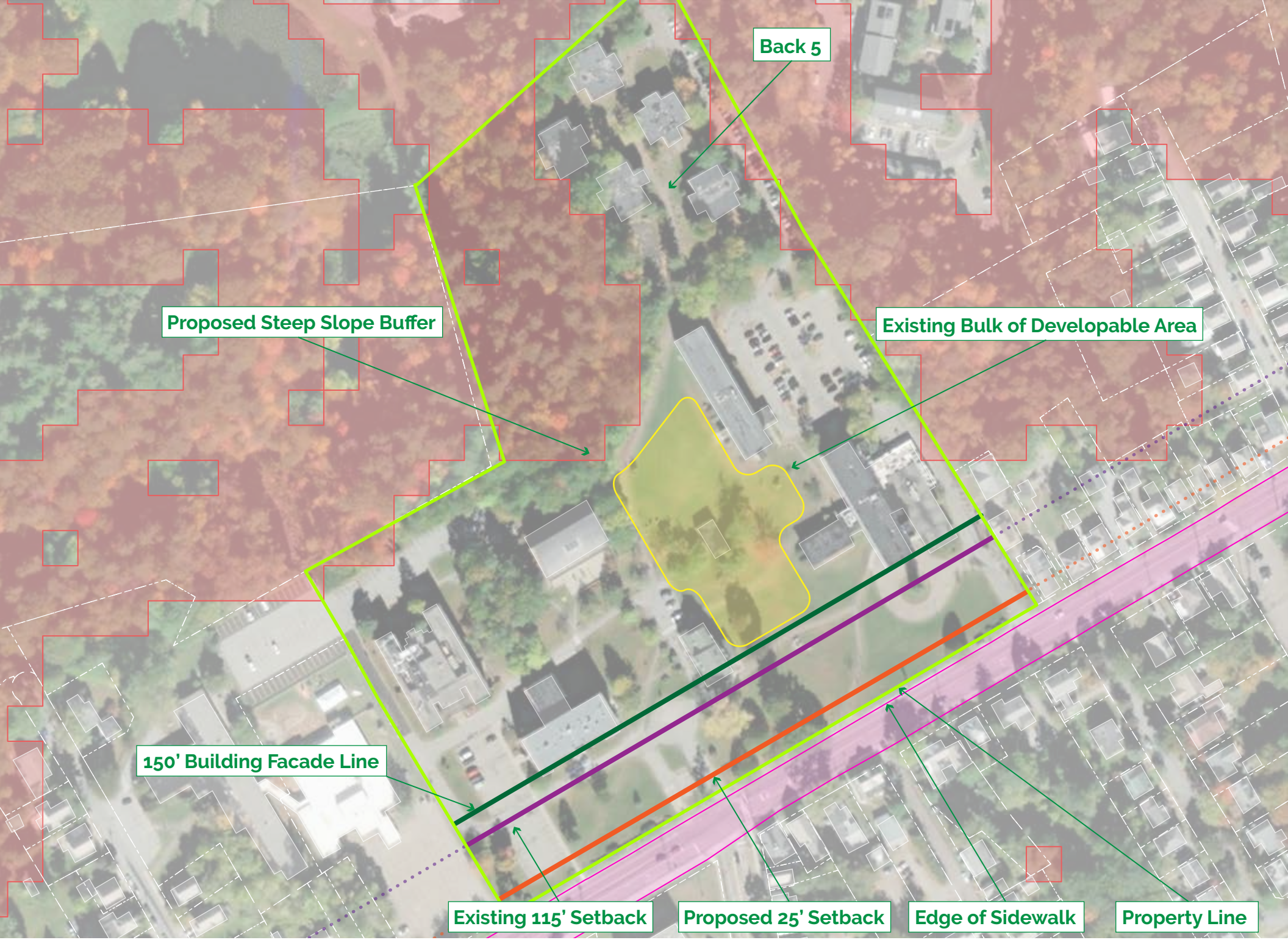
outdoor surface parking spaces in the ICC-UVMT district existing as of January 1, 2002 and the Development Review Board has approved such offset in issuing a certificate of appropriateness.

~~**8. Review Requirements:**~~

~~Within the ICC-UVMT, any new construction or any change in use of 15,000 square feet or more (including any cumulative change of use or new construction of 15,000 square feet or more within a twelve month period) shall be subject to the conditional use major impact review criteria (Article 3).~~

Commented [MT10]: This removes the special threshold for Major Impact review that applies only to the Trinity Overlay. This will require that the campus instead comply with the underlying thresholds for the Institutional District.

End proposed text amendments



Proposed Amendment: UVM Trinity Campus - Developable Area

7/26/2022

Existing Institutional Core Campus Overlay Standards Summary

	Height	Lot Coverage	Density	Setbacks	Buffers	Parking	Use Limitations	Other
Base Institutional Zone	35 ft	40% Max 48% with Inclusionary allowances	20 dwelling units/acre Max 24 du/ac with Inclusionary allowances	15 ft front 10% lot width side (Min 5 ft, Max 20ft) 25% lot depth rear (Min 20 ft, Max 75 ft)	N/A	Underlying Article 8 Requirements	See Appendix A	
UVM Trinity Campus (ICC-UVMT) *Includes a Colchester Ave buffer*	Greater of: 35 ft OR Height of existing structures w/ max 55 ft	40% max aggregate for all lots in overlay May be increased by inclusionary allowances	Base density limits	Base setbacks applicable along perimeter of overlay zone	115’ from front property line along Colchester Ave.	No new surface parking, except when DRB approves replacing parking that existed as of Jan 1, 2002	Specifies list of permitted & conditional uses Non-residential uses permitted in bldgs. existing as of Jan 1, 2002, but conditional uses in bldgs. built after	Housing replacement required for residential uses removed within the overlay Any new construction or change of use 15,000 sq.ft. or larger is Conditional Use Major Impact
UVM Central Campus (ICC-UVM) *Includes a transitional buffer and a height overlay*	Replaces height limits & measurement standards: Max for Height Overlay area: 140 ft Other areas, lesser of: Tallest existing structure as of Jan 1, 2008 OR plane parallel to earth from a point at the highest elevation of existing structure as of Jan 1, 2008	65% max aggregate for all lots in overlay 40% max within buffer Up to 70% max as a 1:1 reduction w/in buffer	Underlying limits not applicable to dorms, rooming houses, non-residential uses	15’ front setback for street frontages in buffer No side or rear setbacks in overlay	150’ from centerline from Colchester Ave, Main St., and S. Prospect St.	No new surface parking, except when DRB approves replacing parking that existed as of Jan 1, 2007	Post-Secondary School, Community Colleges are permitted uses	Housing replacement required for residential uses removed within buffer
UVM South Campus (ICC-UVMS) *Includes development buffers and a special height overlay*	Height of existing structures as of Jan 1, 2008 Height Overlay - to 80 ft in central/eastern part of South Campus	60% max aggregate for all lots in overlay	Underlying limits not applicable to dorms, rooming houses, non-residential uses	Front setback defined by existing building frontages on S. Prospect & Main Street Base setbacks applicable along perimeter of overlay zone	Redstone Green & area along back of parcels on Robinson Pkwy & University Terrace	No new surface parking, except when DRB approves replacing parking that existed as of Jan 1, 2008	Post-Secondary School, Community Colleges are permitted uses	
UVM Medical Center (ICC-UVMMC) *Includes a transitional buffer and a height overlay*	35 ft, except Max for Height Overlay area: plane parallel to earth at 540-ft above sea level, replaces height measurement standards	60% max aggregate for all lots in overlay 40% max within buffer Up to 65% max as a 1:1 reduction w/in buffer	Underlying limits not applicable to dorms, rooming houses, non-residential uses	15’ front setback for street frontages in buffer No side or rear setbacks in overlay	150’ from centerline East Ave & Colchester Ave	No new surface parking, except when DRB approves replacing parking that existed as of Jan 1, 2007		Housing replacement required for residential uses removed within buffer

Champlain College (ICC-CC)		60% inclusive of any development bonuses	Residential Core: 1.0 FAR, 530 beds max Academic Core: 1.1 FAR, 150 beds max	20’ around overlay perimeter 30’ & 50’ for select west/south boundaries Front setback on portion of S. Willard defined by existing building frontages	50’ setback on north side of Tower Terrace precludes new structures	No new surface parking, except when DRB approves replacing existing parking		

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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee

Burlington Planning Commission

Tuesday, July 12, 2022, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A. Montroll, A. Friend, E. Lee, M. Gaughan, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	B. Headrick, S. Bushor, B. Butani

I. Agenda

Call to Order	Time: 6:00pm
Agenda	No changes.

II. Public Forum

Name(s)	Comment
B. Headrick	B. Headrick spoke about the proposed UVM Trinity Campus amendment. She asked whether this proposed overlay would affect other parts of the Institutional District. She mentioned that if this overlay district for Trinity Campus affects other areas of Burlington, residents in those areas should be made aware. She also requested that UVM conduct a geotechnical study of the back portion of Trinity Campus to determine what type of development is appropriate. She raised a concern on whether the proposed Trinity Campus development will actually add beds since UVM has "doubled up" on dorms. UVM is also expected to receive more graduate students as it pursues an R1 designation. Another request was made to include a provision that would limit the number of off-campus students.
S. Bushor	S. Bushor sent an additional communication to the Planning Commission regarding the 6/23 public meeting on UVM Trinity Campus. She also voiced a concern on the Steep Slopes ordinance now with the City Council Ordinance Committee, particularly that it does not go far enough.
B. Butani	B. Butani characterized UVM's efforts on Trinity Campus as avoiding student housing issues. He asked that UVM provide a plan on how they are going to address the number of off-campus students.

III. Chair's Report

A. Montroll	As the City enters a new fiscal year, there is a need to discuss reorganization. This item will be on the next agenda.

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IV. Director's Report

M. Tuttle	This is the first meeting of the new fiscal year and the first meeting without Commissioner Brynne Martin, who left the Commission at the end of June. The Clerks and Treasurer's Office is advertising for Brynne's replacement. A new fiscal year reorganization is an opportunity to nominate Commissioners to various positions and committees.

V. Proposed CDO Amendment: Trinity Campus Zoning

Action: Commission Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: M. Tuttle and C. Dillard	

Introduction:

- M. Tuttle presented an update on the Housing Action Plan. There is a new BTV Housing Dashboard that displays key metrics for the housing market, like new housing units and median house price. The Housing Action Plan also details other initiatives to tackle housing, which can be found on the Planning website.
- The Ward 1/8 NPA meetings have been successful in garnering public input on Trinity Campus. Shared goals between UVM and the City include increased beds for undergrads and graduate students, improved walking and biking paths, enhanced campus community and minimized parking.
- A majority of those who attended the June 23 public meeting indicated that additional student beds is a 1st or 2nd priority. The public did voice concerns about anticipated enrollment at UVM and had larger questions about campus plans at UVM. There were some reservations regarding building height and setbacks on Colchester Avenue. There were mixed reactions, but generally more interest, in commercial use on Trinity Campus. There was general support for minimal parking.
- Key topics include balance between height and setback, and, balance between residence halls, parking, and open space.

Commissioner discussion:

- There was clarification regarding the setback. The property line for Trinity Campus is 15 ft. from the edge of the sidewalk. In total, the setback would be about 40 ft. from the edge of the setback. A Commissioner spoke to the fact that UVM is limited with space and reasonable accommodations should be made regarding the setback.
- M. Gaughan noted that Trinity Campus is about 1 mile to City Market and 2/3 of a mile to the Campus Center. Commercial use on the campus would alleviate car/parking activity.
- A request was made for a Housing Management Plan, similar to a Parking Management Plan.
- A. Montroll asked for more transparency about the setback, i.e. the measurement be made from a more obvious place, like the curb.
- E. Lee expressed reservations of increasing the setback as it could limit where buildings can go and noted that the Campus will have open space and already has a wooded area.
- There was some consensus that cafes, small grocery stores, etc. did not have to be limited to existing buildings.
- There was some consensus that DRB review may not be necessary for smaller development projects, given that the Commission is already indicating that development is appropriate in this neighborhood.
- E. Lee commented that little to no parking should be offered.

DRAFT

- A. Friend asked for a more tangible commitment from UVM to address their student housing shortage.
- A. Montroll spoke to the capacity of the City to assist with changes in student preferences, i.e. the current and historic preference to live off-campus. He also commented that graduate students should be included in the discussion.

VI. Housing Initiatives Update

Action: Commission Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: C. Dillard	

Introduction:

- C. Dillard updated the Commission on the South End Innovation District. The Key Question is how large surface parking lots can be re-envisioned.
- The potential Innovation District no longer includes the Dealer.com lot and adjacent apartment buildings.
- The idea of the Innovation District comes from the 2019 planBTV: South End. Currently, there is one large ELM district and there is a proposed concept of 3-6 sub-districts: arts district, innovation district, light manufacturing district, enterprise-railyard, enterprise-Pine street, Enterprise-Flynn avenue.
- Key Discussion points included boundaries, form code, housing (primary vs. supportive use, new buildings vs. retrofitting existing buildings), and office space.
- The working intent of the district is that it is vibrant, urban, allows for a mix of uses, creates new homes, and limits emissions.
- There have been at least 12 public engagement and stakeholder meetings on this topic.
- NPA meetings garnered interest or concern surrounding the topics of the Barge Canal, the Champlain Parkway, potential inequities in housing creation, and the South End Multimodal Center Feasibility Study.
- The late June/early July public meetings were centered on four themes: land use, district scale, public realm, district boundary.
- Hospitality use and car-priority streets stood out as *unpopular* among members of the public. A mix of 4/6/8 stories and mid-size apartment buildings were popular.
- A draft Zoning Amendment will be presented to the Planning Commission in late July or early August.

Commissioner discussion:

- Y. Bradley spoke to an increased desire in commercial space in the South End; however, it may not be necessary to have a large amount of retail spaces.

VII. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A. Friend	Second by: E. Lee	Approved Unanimously

Minutes Approved for 6/28 meeting with an edit to clarify M. Gaughan's comment about being supportive of permanent affordable housing.
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas

DRAFT

VIII. Adjourn

Adjournment	Time: 7:40pm	
Motion: E. Lee	Second: M. Gaughan	Vote: Approved Unanimously

DRAFT

Meagan Tuttle

From: Sharon Bushor <sfbushor@gmail.com>
Sent: Thursday, July 21, 2022 11:05 AM
To: Meagan Tuttle; Scott Gustin
Subject: Trinity Campus

[WARNING]: This email was sent from someone outside of the City of Burlington.

To the Planning Department and Planning Commission,

After your last meeting discussing the rezoning of Trinity Campus, I am respectfully making these following requests and points.

1. When comparing the process for this rezoning and the South end rezoning, there is ONE SIGNIFICANT DIFFERENCE. In the South end, staff and residents have been to the site and understand the topography. At Trinity Campus based on comments made by the Commission and the map provided by staff which suggested the rear of the property had limited space to build due to sloping, this site is not as well known. In addition, this campus's land mass is much smaller than the Redstone land mass and nestled in an established residential area. THEREFORE BEFORE TAKING ACTION, I AM RESPECTFULLY REQUESTING A SITE VISIT BY STAFF AND THE COMMISSION. This may also help to streamline the process as I believe the proposed zoning changes can be clearly visualized.

If the idea of a site visit is rejected then:

1. I ask the Commission to consider a lower height limit (35, max 40 ft) for those structures built with the proposed 45 ft setback.

2. I would also ask staff to present a new map that reflects the potential 50 foot setback at the rear of the property rather than the initial map which suggests a much larger land mass that can not be developed. The original map although clear in identifying an area which abuts a slope is misleading. It would be helpful for all to know the topography of the rear of this campus and the available land that may be used for development.

3. I respectfully ask staff to explain the treed area at the back of the property. One Commissioner suggested students and neighbors could enjoy this area. Once again topography would help.

4. Based on the information obtained, I would also ask that the Department and Commission entertain options for lot coverage and base it on buildable area not total acreage. This is a small campus and therefore development anywhere impacts the surrounding neighborhoods. It is impossible to create the buffers that exist on Redstone.

5. Please give consideration for what an acceptable height limit is for the internal campus. To date, I have not heard any discussion about UVM'S request. FYI: I had the opportunity to chair the committee that created the overlay zone for the hospital and UVM giving them growth options while also protecting the surrounding residential neighborhoods. I believe this is another opportunity to allow both the neighborhood and UVM to coexist and thrive.

6 During this process, UVM has stated parking will be addressed offsite. For grad students and med students this may be a deterrent. So my questions are: how many students currently live on this campus including the

cottages? How many parking spaces are available? How many for campus residents? How many for staff, visitors etc? How many handicapped spaces? How many beds will be added? I want housing for grads and med students to offer the amenities people are looking for and therefore free up some units in our community. I am concerned parking may be a barrier and want to be well informed.

Thank you for your time and consideration of my requests. I would like to restate, the purpose of the site visit is for the Commission and staff to see the potential and obstacles for development.

Sharon Bushor
Ward 1 Resident

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

www.burlingtonvt.gov/plan

TO: Burlington City Council
FROM: Meagan Tuttle, AICP, Director
DATE: July 26, 2022
RE: Proposed CDO Amendment ZA-22-05: Burlington High School Zoning

Overview & Background

For nearly 30 years, the site of Burlington High School (BHS) has operated as a non-conforming use, in a non-conforming building, on a non-conforming site. The campus on Institute Road is located in the RCO-RC zoning district, as it has been since the 1973 zoning rewrite. However, where previous zoning ordinances allowed public and semi-public buildings within the RCO districts, the 1994 zoning rewrite introduced a Use Table which identified schools as an unpermitted use in this district. Despite these limitations, the site's non-conforming status and some limitations on local zoning for schools in state statue have allowed the school to function and serve the community in this location.

Planning for the high school campus has been under way for about a decade. BHS has been operating in an interim location downtown since March 2021. In late 2021, the BSD School Board selected the "Institute Road – North" site from a list of potential redevelopment sites, and the District has indicated its intent to reopen a school at this site by 2025.

While Institute Road has been the site of the high school for 50 years, the District's preliminary site assessments and concept planning have indicated that the current non-conformities and statutory exemptions that the site enjoys will limit the development a modern high school and technical center going forward; solutions to resolve these conflicts are imperative. In 2022, the Burlington School Board selected a preferred concept for redevelopment at this site, which has helped inform further discussions about the limitations of the current zoning for the site. The proposed amendment seeks to recognize and embrace how the campus has served the community and enable it to evolve to meet the needs of the next generation of Burlington students. This is achieved by allowing the high school as a permitted use at this location and by establishing site-based standards for its development.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

Purpose Statement

The purpose of this amendment is to rezone the Burlington High School site on Institute Road from RCO-RC to Institutional ~~and to~~, establish a Burlington High School Campus Overlay zone which allows public schools as a permitted use and identifies development provisions for the campus, and rezone the site from Neighborhood to Multimodal Mixed Use parking district.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal

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 the City Planning department or 711 if you are hearing or speech impaired.

- **Rezone the BHS Campus at 52 Institute Road from RCO-RC to Institutional and apply new overlay district "Burlington High School"**

  Update maps *4.3.1-1 Base Zoning Districts*, *4.4.6-1 Recreation Conservation Open Space Districts*, *4.4.4-1 Institutional Districts*, and 4.5.2-1 Institutional Core Campus Overlays to rezone the property that spans both sides of Institute Road. Establish the Burlington High School Overlay district for these properties.

- **Establish allowable uses and dimensional standards for development for the new "Burlington High School" overlay district**

  Establish a new *Sec. 4.5.2 (h)* and new *Map 4.5.2-8* for this site, which articulates site-specific standards for lot coverage, setbacks, building height, permitted and conditional uses, and other standards for development of the site that accommodate a modern high school facility and related functions and activities.

- **Rezone the campus from Neighborhood to Multimodal Mixed Use parking district**

  Update map 8.1.3-1 Parking Districts to reflect change in parking district, which will apply a lower maximum parking limit and require participation in TDM planning.

Relationship to planBTV

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

Theme:	**Dynamic**	**Distinctive**	**Inclusive**	**Connected**
Land Use:	**Conserve**	**Sustain**	**Grow**	

Compatibility with Proposed Future Land Use & Density

The proposed amendment recognizes and embraces the scope and scale of the Burlington High School facilities on Institute Road, and will enable much needed redevelopment of a new high school on this site along with other associated and complimentary uses. This site is not only the home of the BHS campus since the 1960's, but also sits on North Avenue which is identified in *planBTV*, the City Municipal Development Plan, as a "Major Thoroughfare." North Avenue provides important connectivity between the city's New North End neighborhoods and the Downtown, and the plan identifies opportunities for transit-supportive, mixed-use development.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety and affordability; there is no housing currently located on these properties and housing is not proposed within this overlay district.

Planned Community Facilities

The proposed amendment has an important impact on the ability of the Burlington School District to be able to redevelop a new high school on the current BHS Campus. Burlington High School's campus on Institute Road is currently located in a RCO-RC zoning district, and the existing site contains many nonconformities which presents significant challenges to the reconfiguration of a school in this location. With the recent decision by the Burlington School Board to select the "Institute Road – North" site from a list of potential redevelopment sites, the need to resolve this zoning conflict is imperative.

Process Overview

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

<table>
<tr><th colspan="5">Planning Commission Process</th></tr>
<tr><td>Draft Amendment prepared by: Staff, with BSD input</td><td>Presentation to & discussion by Commission 3/8/22, 5/10/22</td><td>Approved for Public Hearing 5/10/22</td><td>Public Hearing 6/14/22</td><td>Approved & forwarded to Council</td></tr>
<tr><th colspan="5">City Council Process</th></tr>
<tr><td rowspan="2">First Read & Referral to Ordinance Cmte 6/27/22</td><td rowspan="2">Ordinance Cmte discussion 7/11/22, 7/25/22</td><td rowspan="2">Ordinance Cmte recommends with changes 7/25/22</td><td rowspan="2">Second Read & Public Hearing 8/15/22</td><td>Approval & Adoption</td></tr>
<tr><td>Rejected</td></tr>
</table>

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Office of City Planning, Planning Commission

Public Hearing Dates: _____

_____

First reading: _____
Referred to: _____

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

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

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

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 education~~al~~ 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 education~~al~~, 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) Front[2]	Side[3]	Rear[3]	**Max. Height**[1] (feet)
Institutional	20 du/ac (24 du/acre with inclusionary req.)	40% (48% with inclusionary req.)	Minimum: 15-feet	10% of lot width Min: 5-ft Max required: 20-feet	25% of lot depth Min: 20-feet Max required: 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%.

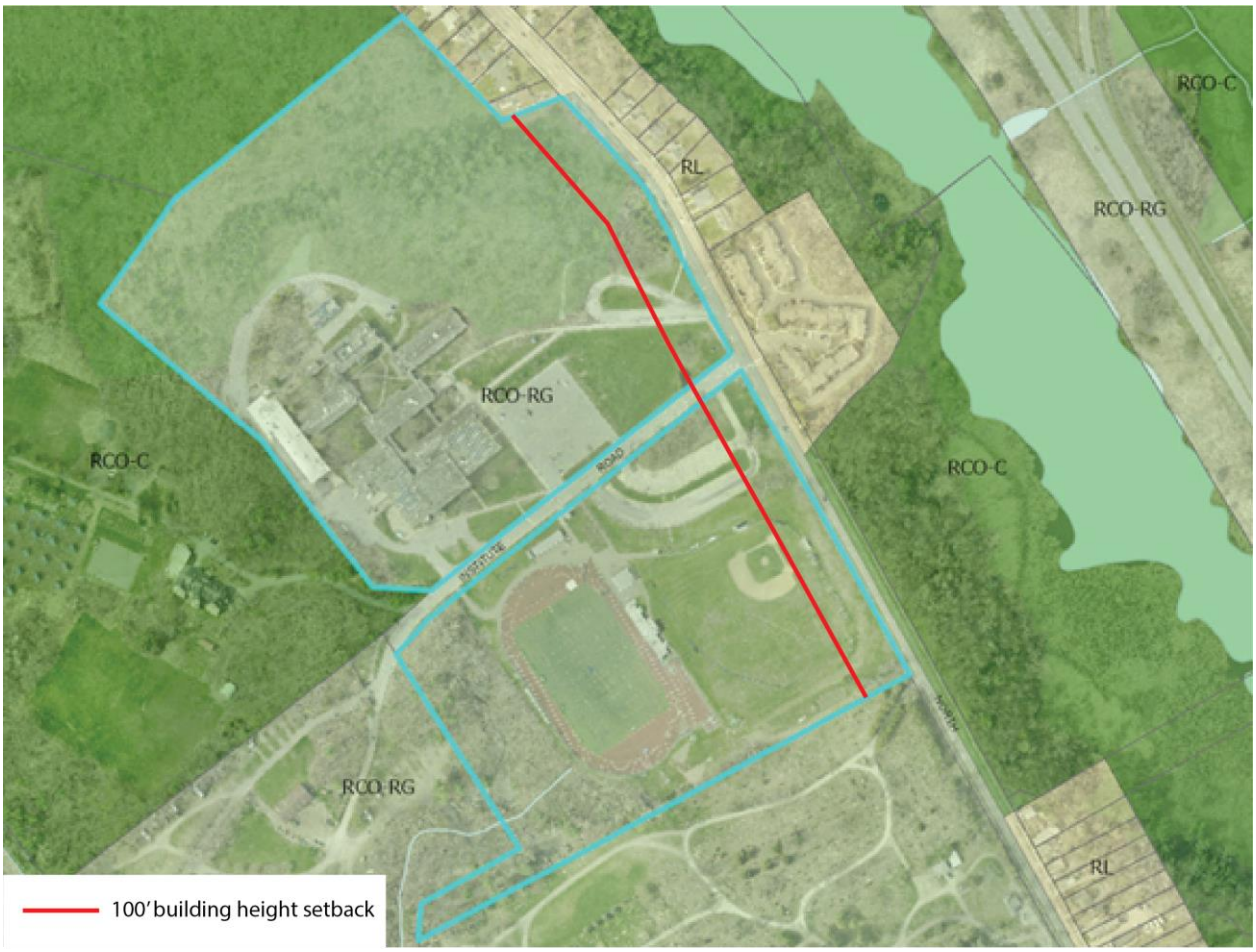
2. Setbacks

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:

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

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.

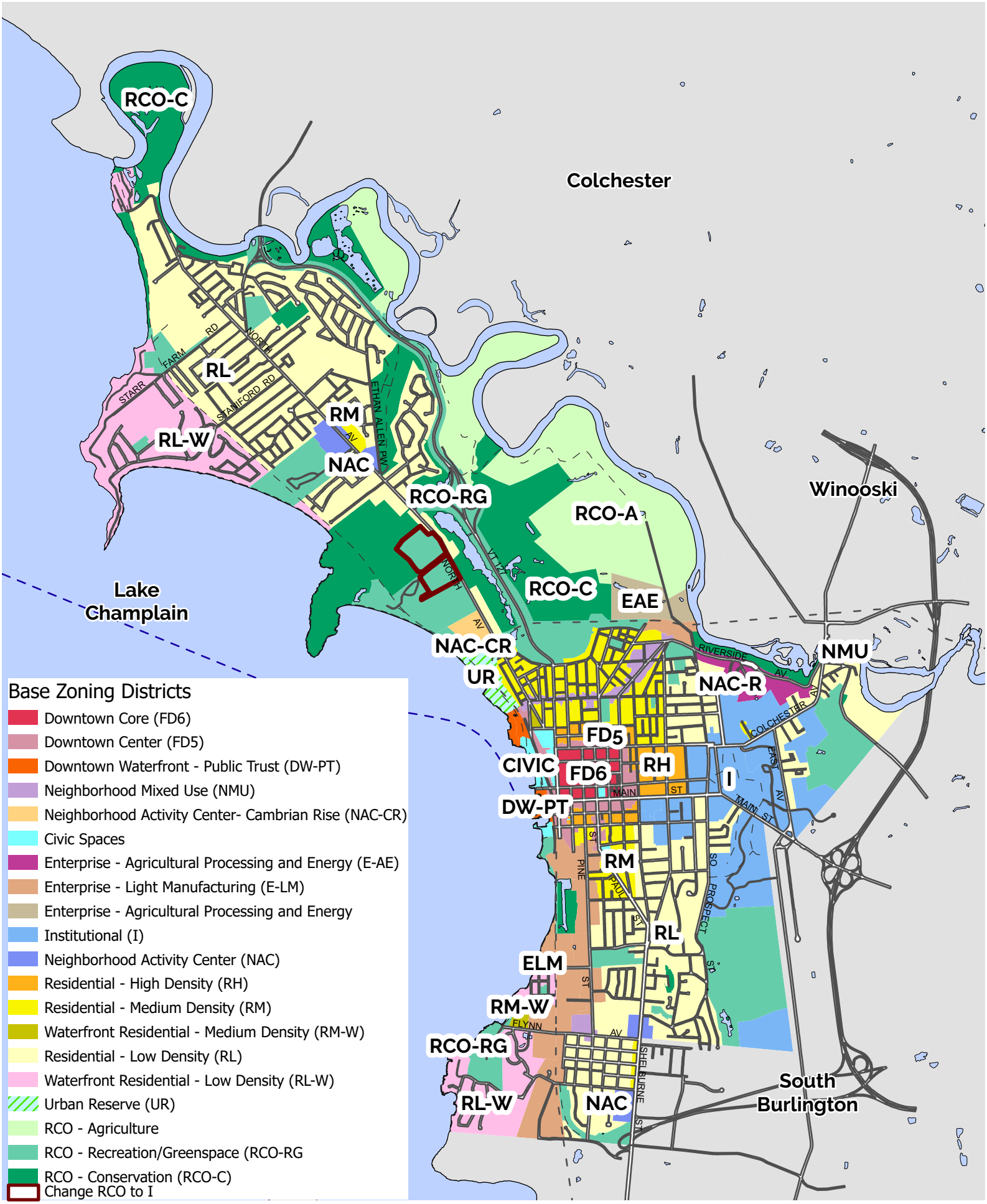
The Parking District also includes the properties located and 0 and 52 Institute Road.

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.

* Material stricken out deleted.
** Material underlined added.

tm/KS: Ordinances 2022/Zoning Amendment – ZA 22-05, Burlington High School Zoning
Secs. 4.4.4, 4.5.2, new Map 4.5.2-8
6/22/22



CITY OF BURLINGTON

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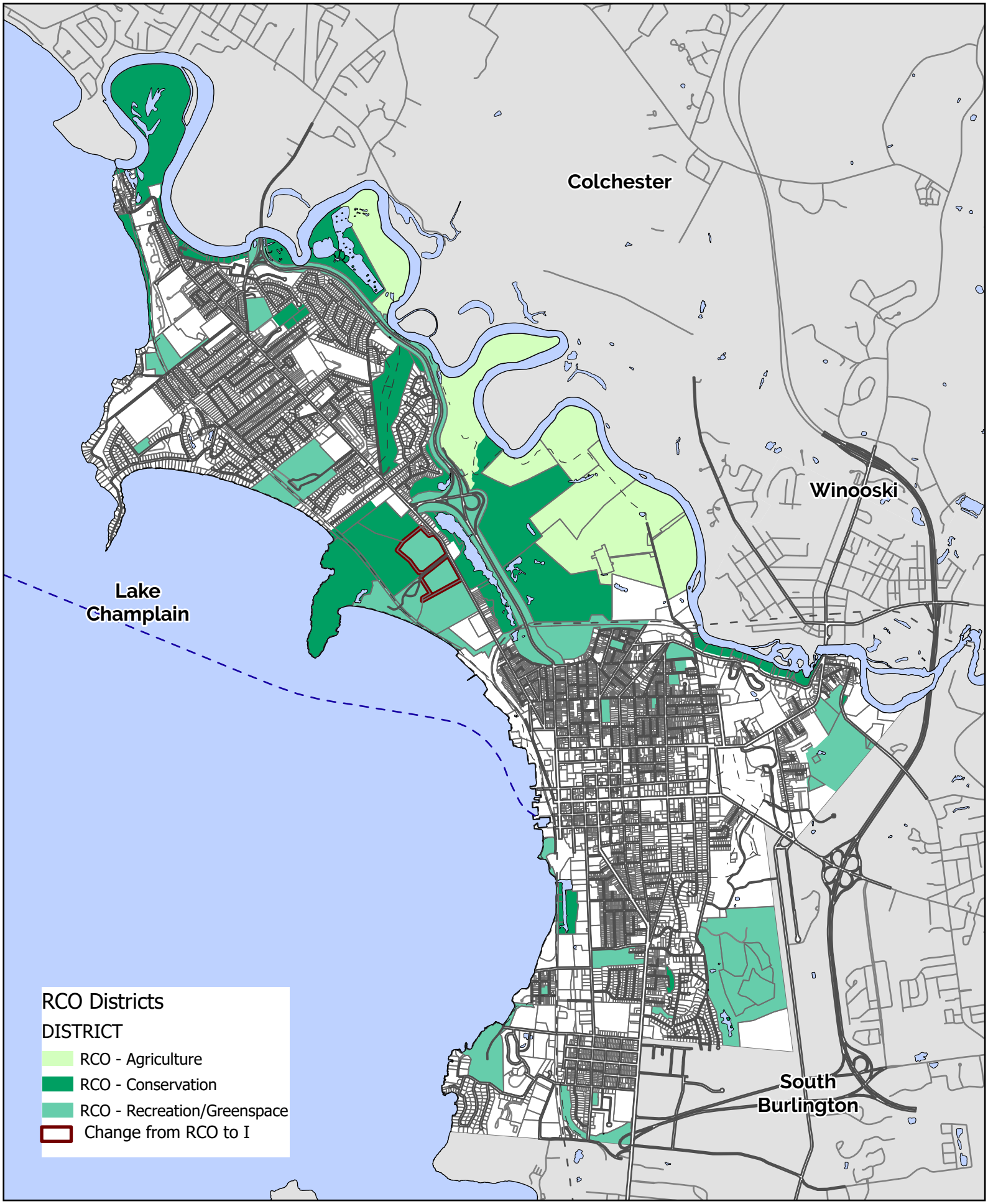
Base Zoning Districts Map

Map 4.3.1-1 ***PROPOSED EDITS PER ZA-22-05***

CITY OF BURLINGTON

Institutional Districts Map

Map 4.4.4-1 ***PROPOSED EDITS PER ZA-22-05***



CITY OF BURLINGTON

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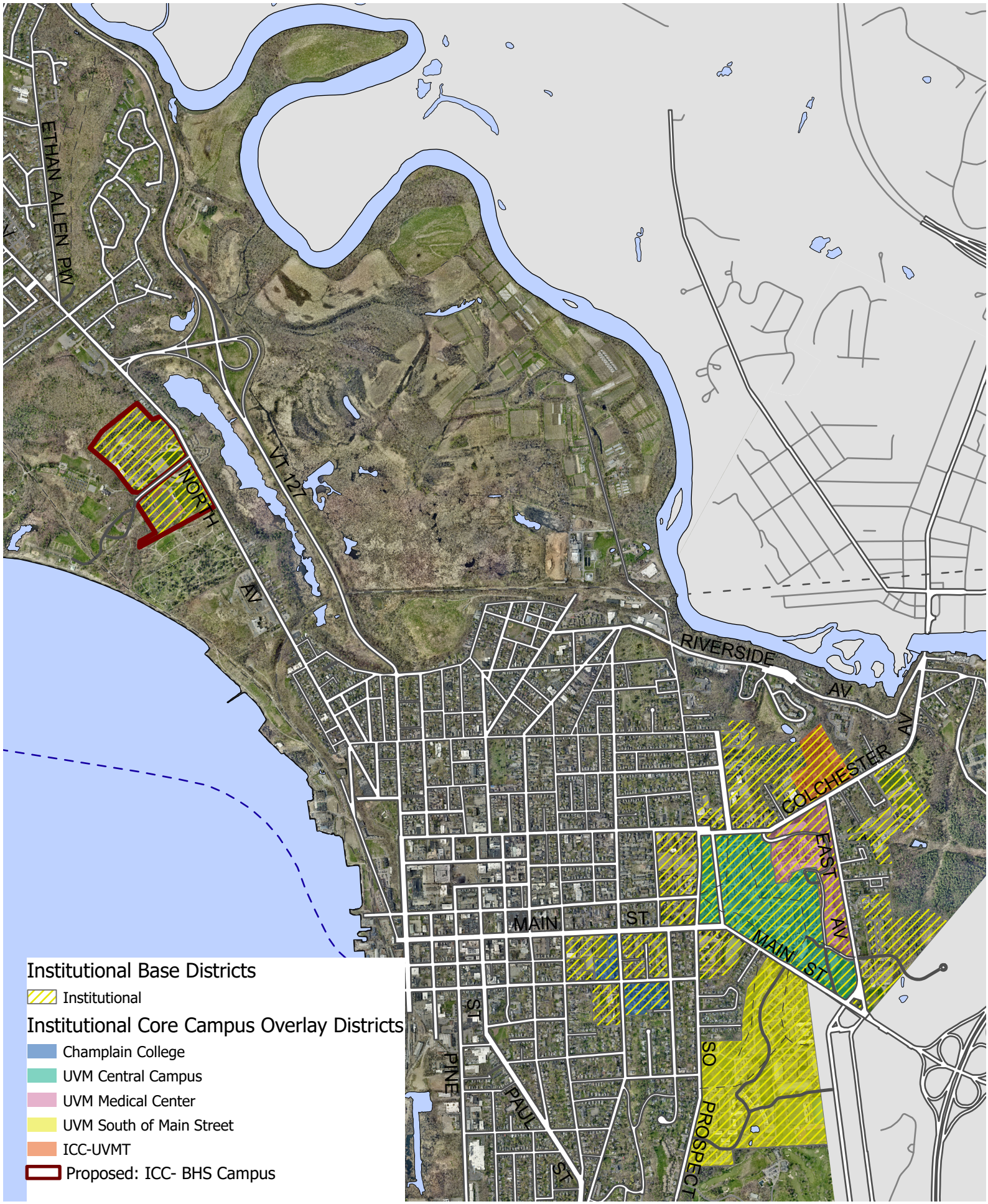
Recreation, Conservation, Open Space Districts Map

Map 4.4.6-1 ***PROPOSED EDITS PER ZA-22-05***



CITY OF BURLINGTON

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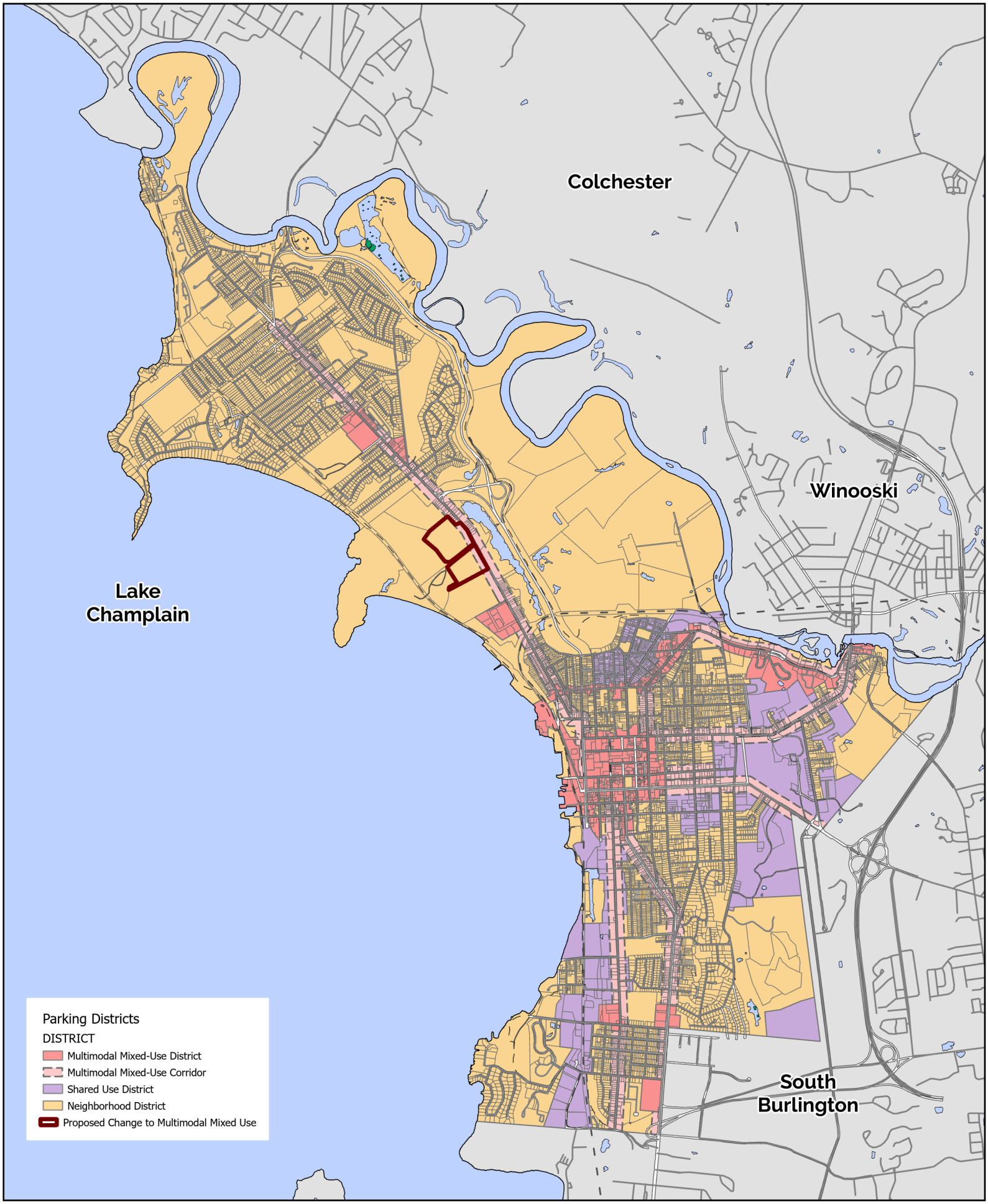
Institutional Core Campus Overlay Districts Map

Map 4.5.2-1 ***PROPOSED PER ZA-22-05***



CITY OF BURLINGTON

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Parking Districts Map

Map 8.1.3-1 ***PROPOSED EDITS PER ZA-22-05***

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee

Burlington Planning Commission

Tuesday, July 26, 2022, 6:30 P.M.

Remote Meeting via Zoom and Sharon Bushor Conference Room

Minutes

Members Present	A Montroll, B. Baker, E. Lee, M. Gaughan, A. Friend
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	B. Headrick, A. Magyar, S. Bushor

I. Agenda

Call to Order	Time: 6:35pm
Agenda	The agenda states the appointment of Commission Clerk as Charles Dillard, but that should read Bridget O'Keefe. PC will consider a new Agenda Item – ZA-22-08 - Short Term Rentals to provide update on City Council action and to warn a Public Hearing. PC will also defer discussion on Trinity Campus to the next meeting.

II. Public Forum

Name(s)	Comment
S. Bushor	S. Bushor spoke to the Trinity Campus Rezoning. She highlighted points in her communication to the Commission such as a request for a site visit and to consider that Redstone Campus is not a good comparison to Trinity Campus.
A. Magyar	A. Magyar spoke on short term rentals as she is someone who has a B&B permit. She asked for clarification on the yearly process to register a short term rental.
B. Headrick	B. Headrick spoke on the cottages at Trinity Campus. She recommended UVM bring forward a development plan for those cottages. She asked the Commission to reconsider commercial use on Trinity Campus, especially buildings that may be accessible from the street. She also asked that if commercial use is allowed on campus, those businesses should be taxed as if they are off-campus spaces. She recommended parking for Trinity Campus be structured parking at the Giffords lot.

III. Chair's Report

A. Montroll	No report.

IV. Director's Report

M. Tuttle	M. Tuttle pointed out that a revised agenda packet was sent to the Commissioners with updated correspondence. There is a ribbon cutting ceremony at Union Station on Friday, 7/29, to celebrate the return of the Burlington to New York City Amtrak.

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.

	The Planning Department is hosting a movie night, in partnership with BCA, in City Hall Park on August 11. There will be a showing of the documentary, *Owned*. The Short Term Rental Ordinance will go into effect next week. City Council voted to warn the Maximum Parking and Change Management Amendment, which will go to a public hearing on August 15. City Council will also hold public hearings on the BHS Amendment and Steep Slopes Amendment. The Planning Department is meeting with CEDO and Scott Gustin to discuss Inclusionary Zoning.

V. Public Hearing: ZA-22-08 Short Term Rental

Action: Approve ZA-22-08 and refer to City Council with the recommendation to adopt the resolution.		
Motion by: A. Friend	Second by: M. Gaughan	Vote: 5-0
Type: Motion to Pass	Presented by: S. Gustin	

Introduction:

- S. Gustin explained that the Short Term Rental Amendment expired. City Council had one year to act on the Planning Commission's recommendation to adopt the amendment and that has since lapsed. City staff adjusted the language, but much of the ordinance has stayed the same.

The chair held a public hearing with the following public comments:

- No public comment.

Commissioner discussion:

- A. Montroll clarified that these zoning changes are, essentially, what was presented before with a difference in the language in chapter 18.
- Though it is rare that amendments expire, this is not the first time it has happened.

VI. Public Hearing: ZA-22-09 Public Art

Action: Approve ZA-22-09 and refer to City Council with the recommendation to adopt the resolution.		
Motion by: E. Lee	Second by: M. Gaughan	Vote: 5-0
Type: Move to Council and adopt report	Presented by: C. Dillard	

Introduction:

- C. Dillard explained that when the Downtown Form Code was adopted the regulating language on public art was removed. This zoning amendment both defines public art and prescribes standards on its display and direction.
- Planning Department staff added legal language regarding art on private property and added that public art that does not meet the standards should not be constructed. Section 19 b. notes that public art shall not be discriminatory or incite hate.

The chair held a public hearing with the following public comments:

- No public comment.

Commissioner discussion:

- Immediate motion to approve. No Commissioner discussion.

VI. Proposed ZA-22-05 Burlington High School Zoning

Action: Approve the amended by-law report.		
Motion by: M. Gaughan	Second by: E. Lee	Vote: 5-0
Type: Motion to pass	Presented by: M. Tuttle	
Introduction:		

M. Tuttle provided background on the work that has been done so far to change the Burlington High School zoning from an RCO district to an Institutional district. The City Council Ordinance Committee recently discussed the appropriate parking district for BHS. Currently, it is zoned as a neighborhood parking district but the Ordinance Committee decided a multimodal mixed use parking district is more appropriate. This has the most restricted maximum parking limits.

When City Council makes changes to a zoning amendment, it comes back to the Planning Commission so the Commission is aware and has an opportunity to comment.

Public Comment:

- S. Bushor commented that she was concerned over the reduction in parking for athletic events. She was concerned that this could affect BHS's ability to host large events.

Commission Discussion:

- M. Gaughan asked what the net change in parking spaces is between a neighborhood parking district and a multimodal mixed use parking district.
- This change reduces the number of maximum allowed parking spaces from 720 to 400. The School District did express concern on this change as it relates to special event parking. The Ordinance Committee heard these concerns and determined that the TDM process and waivers could ultimately provide the School District enough parking flexibility.
- S. Gustin pointed out a typo in the proposed language.
- M. Gaughan expressed that it is difficult to comment on this change without understanding the capacity of the new auditorium, capacity for sports events, etc.
- E. Lee offered that shuttling services or shared parking services could accommodate large events hosted at BHS. She expressed concern that large surface parking lots affect the City's storm water.
- A cap at 400 maximum allowed parking spots covers parking for faculty, staff, and the student body. The School District did not present the Ordinance Committee with a specific number of spots needed for special events or a number of events expected per year.

VII. Proposed ZA-22-05 Burlington High School Zoning

Action: Approve the amended by-law report.		
Motion by: M. Gaughan	Second by: E. Lee	Vote: 5-0
Type: Motion to pass	Presented by: M. Tuttle	

Introduction:
M. Tuttle provided background on the work that has been done so far to change the Burlington High School zoning from an RCO district to an Institutional district. The City Council Ordinance Committee recently discussed the appropriate parking district for BHS. Currently, it is zoned as a neighborhood parking district but the Ordinance Committee decided a multimodal mixed use parking district is more appropriate. This has the most restricted maximum parking limits.

When City Council makes changes to a zoning amendment, it comes back to the Planning Commission so the Commission is aware and has an opportunity to comment.

Public Comment:

- S. Bushor commented that she was concerned over the reduction in parking for athletic events. She was concerned that this could affect BHS's ability to host large events.

Commission Discussion:

- M. Gaughan asked what the net change in parking spaces is between a neighborhood parking district and a multimodal mixed use parking district.
- This change reduces the number of maximum allowed parking spaces from 720 to 400. The School District did express concern on this change as it relates to special event parking. The Ordinance Committee heard these concerns and determined that the TDM process and waivers could ultimately provide the School District enough parking flexibility.
- S. Gustin pointed out a typo in the proposed language.

- M. Gaughan expressed that it is difficult to comment on this change without understanding the capacity of the new auditorium, capacity for sports events, etc.
- E. Lee offered that shuttling services or shared parking services could accommodate large events hosted at BHS. She expressed concern that large surface parking lots affect the City's storm water.
- A cap at 400 maximum allowed parking spots covers parking for faculty, staff, and the student body. The School District did not present the Ordinance Committee with a specific number of spots needed for special events or a number of events expected per year.

VIII. Annual Organizational Meeting

Action: Approve the amended by-law report.		
Motion by: M. Gaughan	Second by: E. Lee	Vote: 5-0
Type: Motion to pass	Presented by: M. Tuttle	

Chair
- Andrew Montroll nominated by Bruce Baker.
- Motion to approve Andrew Montroll as Chair. Vote 5-0.

Vice-Chair
- Bruce Baker nominated by Emily Lee.
- Motion to approve Bruce Baker as Vice-Chair. Vote 5-0.

Commission Clerk
- Motion to approve Bridget O'Keefe as Commission Clerk. Vote 5-0.

At-Large Member of Executive Committee
- Emily Lee nominated by Michael Gaughan.
- Motion to approve Emily Lee as At-large Member of Executive Committee. Vote 5-0.

Long-Range Planning Committee
- Michael Gaughan nominated by Emily Lee
- Andrew Montroll volunteered as a member of the Executive Committee
- Alex Friend volunteered as an at-large member of the Commission.
- Motion to approve Michael Gaughan, Andrew Montroll, and Alex Friend as members of the Long-Range Planning Committee. Vote 5-0.

Ordinance Committee
- Emily Lee volunteered as an at-large member of the Commission.
- Bruce Baker volunteered as a member of the Executive Committee.
- The third member of the Ordinance Committee will be decided at the next Ordinance Committee since Yves Bradley is absent from this meeting.
- Motion to approve Emily Lee and Bruce Baker as members of the Ordinance Committee. Vote 5-0.
- Motion to approve Jack Qualey from the Design Advisory Board to the Ordinance Committee. Vote 5-0.

IX. Proposed CDO Amendment: UVM Trinity Campus Zoning

Action: Commissioner Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: M. Tuttle	

Introduction:
M. Tuttle walked through the draft text changes in comparison with the existing language for the overlay zone. Staff added language to the building height and setback sections, marking the centerline of Colchester Avenue as the starting place. Text changes propose a lot coverage increase from 40% to 60%. Text changes propose no new surface parking but makes structured parking allowable. Text changes propose conditional uses become permitted. M. Tuttle provided graphics and maps to demonstrate the proposed changes. M. Tuttle also shared the review standards for a Major Impact Study.

Public Comment:

- S. Bushor thanked the Commissioners for agreeing to arrange a site visit. She expressed concern that the proposed building height and setback requirements may make pedestrians feel claustrophobic.

Commission Discussion:

- E. Lee noted that many of UVM's renderings take the perspective of someone driving in a car along Colchester Avenue. She invited the Commission to think of what the setbacks and building heights would feel like to pedestrians. B. Baker and A. Friend agreed with viewing the setbacks and building heights from the pedestrian's perspective.
- Commissioners agreed that they would try to gather for a site visit to Trinity Campus.
- M. Gaughan asked about a comprehensive plan on housing at UVM. Planning Department staff is continuing to research a recommendation.
- E. Lee pointed out that the old medical college building is also close to the sidewalk and asked Planning staff to review those setbacks.
- L. Kingsbury from UVM clarified that the shared use bike path on the southbound side of Colchester Avenue is in the City's right of way.
- M. Tuttle went into more detail on the proposed language of the setbacks. Staff decided to use the centerline of Colchester Avenue as the starting line because the Colchester Ave Corridor Plan is planning a number of improvements to the curb and sidewalk.

X. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A. Friend	Second by: E. Lee	Approved Unanimously
Minutes Approved: July 12 Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

XI. Adjourn

Adjournment	Time: 8:00pm	
Motion: E. Lee	Second: M. Gaughan	Vote: Approved Unanimously