

**Burlington Planning Commission
Ordinance Committee**

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
Fax: (802) 865-7195
www.burlingtonvt.gov/pz

*Bruce Baker
Lee Buffinton
Andy Montroll
Jonathan Stevens
Phil Hammerslough*



Burlington Planning Commission

Ordinance Committee

Meeting Notice

Thursday, July 2, 2015 @ 12:00 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

AGENDA

1. Low Impact Development (LID). Review the Conservation Board draft amendment to incentivize LID techniques to be used in Burlington.
2. Review and discuss amendment regarding leasing of parking spaces as an accessory use rather than offsite leasing being considered a commercial parking lot use. (Note this was on 1/8 agenda but not discussed; no quorum for 2/5 or 4/2 agendas; only briefly addressed at 5/7 agenda)

Next Meeting – TBD

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Current Associated Ordinance Provisions Re: leasing of parking spaces as an accessory use

(g) Accessory Uses:

1. Accessory Dwelling Units. Accessory dwelling units as mandated by 24 VSA 4412 (1)(E) shall be regulated as set forth in Sec. 5.4.5 hereof.
2. Accessory Residential Uses: Except as specified in 1 above and subject to the restrictions of 3 below, accessory residential uses shall also be governed by Sec. 4.4.5(d)4.
3. Other Accessory Uses. Except as specified in 1 above, any use may be authorized as an accessory use by the DRB subject to conditional use review as provided in Article 3, Part 5 provided each of the following standards are present:
 - A. The accessory use is subordinate and customarily incidental to the principal use;
 - B. The accessory use is reasonably necessary to the conduct of the principal use;
 - C. Except for home occupations as regulated by Sec. 5.4.6, no accessory use, or combination of accessory uses, shall occupy more than twenty-five (25%) per cent of the total gross area dedicated to the principal use;
 - D. The accessory use shall not include the outdoor storage of more than one

Article 8 Parking

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land as follows:

1. Neighborhood Parking District: No more than 50% of the total required parking shall be provided at a distance greater than 600 feet from the use it is intended to serve. For residential uses, a minimum of 1 space per unit shall be provided on-site.
2. Downtown and Shared use Parking Districts: Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.15 approved by the DRB.
3. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board. The right to use the off-site parking must be guaranteed for the duration of the use as evidenced by a deed, lease, easement, or similar written instrument as may be approved by the City Attorney.

PCOC edits for Review 1-08-15 (did not get reviewed at 1-8-15 mtg.

4-2-15 (meeting unattended)

PCOC to review 6-4-15

Sec. 8.1.12 Limitations, Location, Use of Facilities

Add the following subsection:

(i) Off-site Use of Excess Parking

Any parking spaces provided that are not utilized by occupants of the property may be leased to an off-site user as an accessory use with the following restrictions:

1. Any lease shall include a provision for a 30-day cancellation period by the lessor.
2. Tenants of the property with the accessory parking lot shall always have first right of refusal for any spaces, and that they shall have the right to use the spaces upon notice of 30 days.
3. Any lessor of the spaces shall be located within 1,000 feet of the parking lot by the shortest pedestrian route.
4. The leased spaces can~~not only~~ be used to meet parking requirements under Article 8 of the CDO for any new or expanded development, except for the following:
5. Spaces to be used off-site are in excess of the requirement for the site and uses thereupon,
6. The spaces are deeded or permanently leased to the proposed user, and
- 4.7. Is located within 1,000 feet of the parking lot by the shortest pedestrian route. ~~leased to an existing use or a new use that complies with the parking requirements; they cannot be counted toward any user's own parking requirements as required under Article 8 of the CDO.~~
- 5.8. A zoning permit/certificate of appropriateness shall be obtained for the accessory use of any parking lot in any zoning district.
 - a. Approval of the zoning permit shall be contingent upon submittal of ~~the a~~ proposed lease ~~to be used~~ that meets all of the requirements ~~as~~ stated in this subsection. The lease and shall be subject to review and acceptance by staff.
 - b. A site plan designating the parking spaces to be leased shall be provided with the zoning permit application.

- c. Any leasing or use of spaces that has not obtained zoning permit approval or does not meet any of the restrictions herein shall constitute a violation and any zoning permit and/or right to lease the spaces shall be revoked.

Sec. 3.2.7 Administrative Review and Approval

Pursuant to the provisions of 24 V.S.A. Section 4464(c), this section provides for the administrative review and approval of new development and amendments to previously approved development

(a) Administrative Authority:

The administrative officer is hereby authorized to undertake the review and approval of all of the following types of applications:

1-6 As written

In addition, the administrative officer is hereby authorized to undertake the review and approval of certain COA Level II applications subject to the following thresholds and conditions:

7-12 As written

13. Any permit for an accessory parking lot under the provisions of Section 8.1.12 (i)

Article 13 Definitions

Accessory parking: Use of excess unused parking spaces for an off-site user may be permitted as an accessory use pursuant to the provisions of Section 8.1.12 (i)

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

*David White, AICP, Director
vacant, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Associate Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary*



TO: Planning Commission Ordinance Committee
FROM: Scott Gustin
DATE: July 2, 2015
RE: Low Impact Development (LID) Amendment to CDO

The purpose of this proposed amendment is to provide incentive for converting traditionally hard surfaces into green or pervious surfaces. The incentive is aimed at pervious pavements. Incentive associated with green roofs has not been included in this proposal but may be considered in the future. Driveway strips have also been considered. The requirement for paved parking areas associated with strip driveways should be eliminated, and, as a matter of interpretation, parking areas over driveway strips should not be counted as lot coverage.

Lot coverage for pervious pavements would be calculated at a reduced rate. The reduced rate would be tied directly to performance of the pervious pavement relative to the water quantity and water quality standards articulated in the Burlington Stormwater Credit Manual. For example, a pervious pavement installation qualifying for a 25% credit in the Stormwater Credit Manual would qualify for a 25% reduction in calculated lot coverage area (i.e. a 1,000 sf area would be calculated as 750 sf). The maximum coverage credit for the pervious driveway area would be 50%. In the case of strip driveways in which the strips are made of pervious paving materials, the property would be eligible for a 50% credit on the pervious pavement areas, with any grassed areas (the strip in the middle) not counting towards coverage totals.

Proposed CDO Language:

Article 5: Citywide General Regulations

Part 2: Dimensional Requirements

Sec. 5.2.3, Lot Coverage Requirements, (b) Exceptions to Lot Coverage:

1-8 as written.

9. Lot coverage for pervious pavement shall be calculated at a reduced rate determined by the performance measure achieved as articulated in Sections 3.2A, Water Quantity Reduction Credits, and 3.2B, Water Quality Treatment Credits, of the City of Burlington Stormwater Credit Manual. For the purposes of lot coverage calculation, the percentage of credit a pervious pavement installation qualifies for in the Manual shall be used as the percentage of reduction in lot coverage calculation. For example, a pervious pavement installation qualifying for a 25% credit in the Stormwater Credit Manual would qualify for a 25% reduction in calculated lot coverage area (i.e. a 1,000 sf area would be calculated as 750 sf). No credit in lot coverage calculation for pervious pavement surfaces shall exceed 50% or as limited by the lot coverage development bonus provisions of Article 4, whichever is lower. For the purposes of lot coverage only, the credit provisions of the Manual shall apply to all properties. For strip driveways, the pervious pavement credit may be applied to the "paved" strips. The coverage credit shall apply to the entire surface area of the pervious pavement area.

Article 6: Development Review Standards
Part 2: Site Plan Design Standards
Sec. 6.2.2, Review Standards, (i) Vehicular Access:

Paragraph 1: as written.

Residential driveways shall be a minimum of 7 feet in width or consist of two 2' driveway strips made of pavement or pervious pavement. ~~Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles.~~ The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines. Driveways that have a slope of 5% or greater (towards the right of way) shall be made of a solid surface including conventional pavement, pavers or pervious pavement.

Paragraph 3: as written.

Article 13: Definitions

Building Coverage: That portion of lot coverage associated with buildings (primary and accessory buildings) but not including driveways, parking, patios, and the like.

Stormwater Administrator: The administrative officer of Chapter 26: Wastewater, Stormwater, and Pollution Control for the City of Burlington.

Pervious pavement: Pervious pavement is a permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil. Pervious pavement includes porous asphalt, pervious concrete, grass pavers, and plastic grid systems, or their equivalents as deemed acceptable by the Stormwater Administrator.