

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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(802) 865-7195 (FAX)
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www.burlingtonvt.gov/pz

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

Regular Meeting Burlington Planning Commission

Tuesday, June 28, 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/85626575088>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 856 2657 5088

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. **Proposed ZA-22-07 Maximum Parking & TDM**

The Commission will continue discussing the proposed replacement of minimum parking requirements with maximums allowed, the modification of transportation demand management requirements and revisions to certain use and situational parking standards. 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. **Proposed ZA-22-06 Transitional Shelter**

The Commission will continue discussing proposed zoning standards for managed temporary shelters as a form of emergency shelter for people experiencing homelessness. Information related to this item is in the agenda packet on page 31.

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

VII. **Proposed CDO Amendment: UVM Trinity Campus Zoning**

Please note that this item will be addressed only as time permits. Staff will give a presentation to update the Commission on the 6/23 Public Meeting in support of the proposed amendment. Information related to this item is in the agenda packet on page 39.

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

Staff Recommendation: Ask questions and provide feedback on the proposed zoning changes outline, including on any public feedback.

VIII. Commissioner Items

- a. Upcoming Meeting will be virtual – July 12, at 6:30 pm

IX. Minutes & Communications

- a. The minutes of the June14 meeting are enclosed in the agenda packet on page 53.
- b. Communications are enclosed in the agenda packet on page 58.

X. Adjourn

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Guidance for Participating in a Virtual Planning Commission Meeting

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

General Guidance for Public Participation

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

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

How to Join a Virtual Meeting

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

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

How to Participate in a Virtual Meeting

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

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

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

Resolution Relating to

Comprehensive Development Ordinance, Minimum and
Maximum Parking Requirements and Transportation Demand
Management
ZA #22-07

RESOLUTION _____

Sponsor(s): Councilor Hanson
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-one.....

Resolved by the City Council of the City of Burlington, as follows:

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

Sec. 4.4.1 Downtown Mixed Use Districts

(a) – (c) As written.

(d) District Specific Regulations

1-4 As written

5. Development Bonuses/Additional Allowances

A Public Parking

(i) As written

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

Sec. 4.4.5 Residential Districts

(a) – (c) As written.

(d) District Specific Regulations

1-3 As written.

4. Residential Density

A-B As written.

C. Residential Occupancy Limits

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

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

- (i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,
- (ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).
- (iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus and one (1) additional parking space per adult occupant in excess of four (4).

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

5-6 As written.

Sec. 4.5.3 RH- Density Bonus Overlay District

(a)-(b) As written.

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

1-5 As written

6. Parking Standards Requirements

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

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

Sec 4.5.6 Mouth of the River Overlay District

(a)-(b) As written

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

1. Uses

A. Exception for Non-Residential Marine and Recreational Uses

(i)-(viii) As written

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

Sec. 5.1.1 Uses

(a)-(b) As written

(c) Permitted Uses

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

(d) Conditional Uses

A conditional use is listed in any district where denoted by the letters "CU" in Appendix A - Use Table. Such uses may be permitted by the DRB only after review under the conditional use provisions provided in Article 3, Part 5, such further restrictions as the DRB may establish and such additional requirements as may be established by this ordinance such as but not limited to dimensional and intensity limitations, performance and design standards, and parking requirements standards.

(e)-(i) As written

Sec. 5.3.6 Nonconforming Lots

(a)-(b) As written

(c) Changes to a Nonconforming Lot

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

Sec 5.3.8 Rebuilding After Catastrophe

(a)-(c) As written

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

Sec 5.4.12 Mobile Home Parks

(a) Mobile Home Parks

1-5. As written

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

7-9. As written

Sec. 8.1.3 Parking Districts

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

(a) Neighborhood Parking District:

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

(b) Shared Use Parking District:

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

(c) Multimodal Mixed-Use Parking District:

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

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

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

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

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

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

Map 8.1.3-1 Parking Districts As written.

Sec. 8.1.4 Existing Structures

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

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

Sec. 8.1.5 Existing Structures - Change or Expansion of Use

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

- the parking and TDM requirements of this Article shall apply only to the new use or net new area of the expanded use, and Standards total additional parking requirements for the alteration,

~~conversion, change, or expansion shall be provided in accordance with the requirements of this Article. A waiver may be requested pursuant to the provisions of Sec. 8.1.15.~~

- existing parking may exceed the maximum limits per Table 8.1.9-1 as a result of a change of use or change in the intensity of a use(s) on a lot, and
- changes to existing parking in Shared Use and Neighborhood Parking districts is not precluded by Sec. 8.1.4

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

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

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

Sec. 8.1.7 **Non-Conforming Residential Structure** **(Reserved)**

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

Sec. 8.1.8 Minimum Off-Street Parking Requirements

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

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

- ~~(a) Where a use is not listed, the minimum parking requirements shall be determined by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use.~~
- ~~(b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.~~
- ~~(c) The minimum off-street parking requirement for a development with inclusionary housing units provided on-site shall be reduced by the percentage of inclusionary units required by Article 9. (Example: A 100-unit residential development with a requirement of 15% inclusionary units shall provide minimum off-street parking based on 85 dwelling units.)~~

Table 8.1.8 Minimum Off-Street Parking Requirements

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared-Use Districts	Multimodal Mixed-Use Districts
RESIDENTIAL USES¹	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	1	0
Single-Family detached and Duplex	2	2	0
1. Adjusted for development with inclusionary housing units per Sec. 8.1.8(c).			
RESIDENTIAL USES – SPECIAL¹	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0
Boarding House (per two (2) beds)	1	0.75	0
Community House	1	0.75	0
Convalescent Home (per four (4) beds)	1	1	0
Dormitory (per two (2) beds)	1	1	0
Emergency Shelter	0	0	0
Group Home (per two (2) beds)	1	1	0
Historic Inn (per room, in addition to single-family residence)	1	0.75	0
Sorority & Fraternity (per two (2) beds)	1	1	0
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
Adult Day Care (per two (2) employees)	1	1	0
Agricultural Use	0	0	0
Amusement Arcade	2	1	0
Animal Boarding/Kennel/Shelter	2.5	1.5	0
Animal Grooming (per grooming station)	1	1	0
Animal Hospitals/Veterinarian Office	3	2	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	<u>Multimodal Mixed-Use</u> Districts
Appliance & Furniture Sales/Service	2.5	1	<u>0</u>
Aquarium	1.3	1	<u>0</u>
Art Gallery/Studio	3.3	2.5	<u>0</u>
Auction Houses	3.3	2.5	<u>0</u>
Automobile & Marine Parts Sales	2.5	1.5	<u>0</u>
Automobile Body Shop	2 plus 1/bay	2 plus 1/bay	<u>0</u>
Automobile Repair/Service	2 plus 1/bay	2 plus 1/bay	<u>0</u>
Automobile Sales—New & Used	2	2	<u>0</u>
Bakery	2.5	2.5	<u>0</u>
Bank, Credit Union	2.5	2	<u>0</u>
Bar/Tavern	4	3	<u>0</u>
Beauty/Barber Shop (per station/chair)	1	1	<u>0</u>
Bicycle Sales/Repair	2.5	1	<u>0</u>
Billiard Parlor (per game table)	1	1	<u>0</u>
Boat Repair/Service	2	2	<u>0</u>
Boat Sales/Rental	2	2	<u>0</u>
Boat Storage	3	2	<u>0</u>
Bowling Alley (per lane)	3	2	<u>0</u>
Building Material Sales	3.3	2.5	<u>0</u>
Café (per four (4) seats)	1	<u>0</u>	<u>0</u>
Camp Ground (per camping space)	1	1	<u>0</u>
Car Wash (stacking spaces per wash bay)	4	4	<u>0</u>
Cemetery	<u>0</u>	<u>0</u>	<u>0</u>
Cinema (per four (4) seats)	1	1	<u>0</u>
Club, Membership	3.3	2.5	<u>0</u>
Community Center	3.3	2.5	<u>0</u>
Community Garden (per ten (10) plots)	1	1	<u>0</u>
Conference Center	3	2	<u>0</u>

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Contractor Yard (per 1,000 gfa of office space)	2.5	2	0
Convenience Store	3	2	0
Convention Center	n/a	3	0
Courthouse	n/a	3.3	0
Crematory (per FTE employee)	1	1	0
Crisis Counseling Center	4	3	0
Daycare – Home (6 children or less)	<u>None (0)</u>	<u>None (0)</u>	0
Daycare – Large (Over 20 children) (per two (2) employees)	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	0
Daycare – Small (20 children or less) (per two (2) employees)	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	0
Dental Lab	2	1	0
Distribution Center (per 3,000 gfa)	1	0.75	0
Dry Cleaning Plant	1.3	1	0
Dry Cleaning Service	2.5	2	0
Film Studio	3.3	2.5	0
Fire Station (per apparatus)	2	2	0
Food & Beverage Processing	1.3, plus 3 per 1,000 gfa devoted to patron use	1, plus 2 per 1,000 gfa devoted to patron use	0
Fuel Service Station (per employee/shift)	1	1	0
Funeral Home (per four (4) seats)	1	1	0
Garden Supply Store (per 1,000 gfa of retail area.)	3	2	0
General Merchandise/Retail	3	2	0
Grocery Store	3	2	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use</u> Districts
Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)	1	1	0
Health Club	3	2	0
Health Studio	2	1	0
Hospitals (per patient bed)	2	2	0
Hostel (per two (2) beds)	0.5	0.5	0
Hotel/Motel (per room)	1	0.75	0
Laundromats (per washing machine)	1	1	0
Library	1.3	1	0
Lumber Yard (per 1,000 gfa of retail area.)	3	2	0
Manufacturing-Light	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	0
Manufacturing	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	0
Marina (per berth)	0.5	0.5	0
Medical Lab	2	1	0
Museum	1.3	1	0
Office—General	2	2	0
Office—Medical, Dental	3	2	0
Office—Technical	2	2	0
Open Air Markets	0	0	0
Operations Center—Taxi (per three (3) employees)	1	1	0
Operations Center—Truck/Bus (per 3,000 gfa)	1	0.75	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared-Use Districts	<u>Multimodal Mixed-Use Districts</u>
Park (per playing area)	5	0	0
Parking Garage—Private	0	0	0
Parking Lot—Private	0	0	0
Performing Arts Center (per four (4) seats)	1	1	0
Performing Arts Studio	1	0	0
Pet Store	2.5	1	0
Pharmacy	3	2	0
Photo Studio	2.5	1	0
Photography Lab	1	1	0
Police Station	2.5	2	0
Post Office	1.3	1	0
Post Office—Local	2	2	0
Printing Plant	1.3	1	0
Printing Shop	2	2	0
Public Transit Terminal	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	0
Public Works Yard/Garage	0	0	0
Radio & TV Studio	2	2	0
Rail Equip. Storage & Repair	0	0	0
Recording Studio	1.3	1	0
Recreational Facility—Indoor (per four (4) seats)	1	1	0
Recreational Facility—Outdoor (per playing field)	15	10	0
Recreational Facility—Outdoor Commercial	Larger of 1 per 4 seats or 15 per playing field	Larger of 1 per 4 seats or 10 per playing field	0

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared-Use Districts	Multimodal Mixed-Use Districts
Recreational Vehicle Sales—New and Used	2	2	0
Recycling Center—Large above 2,000 gfa	0	0	0
Recycling Center—Small 2,000 gfa or less	0	0	0
Research Lab	2.5	2	0
Restaurant	4	3	0
Restaurant—Take-Out	4	3	0
Salon/Spa	4	4	0
School—Secondary (per Classroom)	7	5	0
School—Primary (per Classroom)	1.5	1.5	0
School—Preschool (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	0
School—Trade/Professional	5	3	0
School, Post-Secondary	2	2	0
Solid Waste Facility—Incinerator, Landfill, Transfer Station	0	0	0
Tailor Shop	2	1	0
Vehicle Salvage	0	0	0
Warehouse	0.5	0.35	0
Warehouse—Self Storage Facility	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces	0
Warehouse—Retail	3.3	2.5	0
Wholesale Sales	1.3	1	0
Worship, Place of (per four (4) seats)	1	1	0

Sec. 8.1.9 Maximum On-Site Parking Spaces

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

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

Table 8.1.9-1 Maximum Off Street Parking Requirements

Table 8.1.9-1 Maximum Off Street Parking Requirements		
Neighborhood District	Shared Use District	Multimodal Mixed-Use District
125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>RESIDENTIAL USES¹</u>	<u>Per Dwelling Unit except as noted</u>		
<u>Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Single Family detached and Duplex</u>	<u>3</u>	<u>2</u>	<u>2</u>
1. <u>Adjusted for development with inclusionary housing units per Sec. 8.1.8(c).</u>			
<u>RESIDENTIAL USES - SPECIAL¹</u>	<u>Per Dwelling Unit except as noted</u>		
<u>Assisted Living</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Bed and Breakfast (per room, in addition to single-family residence)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Boarding House (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Community House</u>	<u>1</u>	<u>1</u>	<u>1</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Convalescent Home (per four (4) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Dormitory (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Emergency Shelter</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Group Home (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Historic Inn (per room, in addition to single-family residence)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Sorority & Fraternity (per two (2) beds)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>NON-RESIDENTIAL USES</u>	<u>Per 1,000 square feet of gross floor area (gfa) except as noted</u>		
<u>Adult Day Care (per two (2) employees)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Agricultural Use</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Amusement Arcade</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Animal Boarding/Kennel/Shelter</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Animal Grooming (per grooming station)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Animal Hospitals/Veterinarian Office</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Appliance & Furniture Sales/Service</u>	<u>3</u>	<u>3</u>	<u>1</u>
<u>Aquarium</u>	<u>2</u>	<u>1</u>	<u>1</u>
<u>Art Gallery/Studio</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Auction Houses</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Automobile & Marine Parts Sales</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Automobile Body Shop</u>	<u>3 plus 1/bay</u>	<u>3-plus 1/bay</u>	<u>2 plus 1/bay</u>
<u>Automobile Repair/Service</u>	<u>3 plus 2/bay</u>	<u>3 plus 2/bay</u>	<u>2 plus 1/bay</u>
<u>Automobile Sales – New & Used (for public and employee parking only; unregistered for-sale vehicles exempt from limits)</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Bakery</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>Bank, Credit Union</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Bar/Tavern</u>	<u>5</u>	<u>4</u>	<u>3</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	<u>Neighborhood Districts</u>	<u>Shared Use Districts</u>	<u>Multimodal Mixed-Use Districts</u>
<u>Beauty/Barber Shop (per station/chair)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Bicycle Sales/Repair</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Billiard Parlor (per game table)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Boat Repair/Service</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Boat Sales/Rental</u>	<u>3</u>	<u>2</u>	<u>2</u>
<u>Boat Storage</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Bowling Alley (per lane)</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Building Material Sales</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Café (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Camp Ground (per camping space)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Car Wash (stacking spaces per wash bay)</u>	<u>5</u>	<u>4</u>	<u>4</u>
<u>Cemetery</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Cinema (per four (4) seats)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Club, Membership</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Community Center</u>	<u>4</u>	<u>3</u>	<u>3</u>
<u>Community Garden (per ten (10) plots)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Conference Center</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Contractor Yard (per 1,000 gfa of office space)</u>	<u>3</u>	<u>3</u>	<u>2</u>
<u>Convenience Store</u>	<u>4</u>	<u>3</u>	<u>2</u>
<u>Convention Center</u>	<u>n/a</u>	<u>n/a</u>	<u>3</u>
<u>Courthouse</u>	<u>n/a</u>	<u>n/a</u>	<u>3</u>
<u>Crematory (per FTE employee)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Crisis Counseling Center</u>	<u>5</u>	<u>4</u>	<u>3</u>
<u>Daycare - Home (6 children or less)</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>Daycare - Large (Over 20 children) (per two (2) employees)</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>	<u>1 plus 1 drop-off per 5 children</u>

Table 8.1.9-1 Maximum Off-Street Parking Requirements

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

Table 8.1.9-1 Maximum Off-Street Parking Requirements

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

Table 8.1.9-1 Maximum Off-Street Parking Requirements

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

Table 8.1.9-1 Maximum Off-Street Parking Requirements

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

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

1. Public Parking: Spaces provided and available for use by the public shall not be counted towards the maximum. Such spaces shall be available to the public at a minimum of nights and weekends, and be signed or marked accordingly;

2. Carpool, Vanpool, and Car-Share Parking: Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed or marked accordingly; and,

3. Alternative Fueled Vehicle Parking: Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural gas, and hydrogen shall not be counted

towards the maximum. Such spaces shall be reserved for such use, and be signed and/or the space painted with the words "Alternative Fueled Vehicles Only."

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

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

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

A. The applicant requesting the waiver shall also provide:

- (i) a peak demand parking study for two similar uses in the area; and,
- (ii) a TDM Plan pursuant to the requirements of Sec. 8.1.16

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

- (i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
- (ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,
- (iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Secs. 8.1.10 – 8.1.11 As written.

Sec. 8.1.12 Limitations, Location, Use of Facilities

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

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

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

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

~~**3.** The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the required parking for any other use utilizing the property on which it is located unless such shared~~

use is approved by the development review board per Sec. 8.1.15 (b). The right to use the off-site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed, easement, lease, or similar written instrument as approved by the City Attorney and recorded in the Burlington land records.

(b)—(f) As written.

(c) Shared Parking:

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

(d) Single Story Structures in Shared Use Districts:

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

(e) Joint Use of Facilities:

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

(f) (c) As written.

Secs. 8.1.13 – 8.1.14 As written.

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

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

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

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

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

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

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

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

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

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

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

(b) Shared Parking for Off-Site Use

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

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

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

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

1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec. 8.1.98; and/or,
 2. The spaces are to be made available during off-peak hours of the onsite and/or required users.
- Parking spaces being made available to off-site users may be made available:
- Either with or without a fee;
 - For transient use by the general public; and/or,
 - By lease, provided the term of any lease does not exceed one (1) year.

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

Sec. 8.1.16 Transportation Demand Management

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

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

(b) **Applicability:**

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

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

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

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

a. **Outreach and Education:**

i. Designation of a Transportation Coordinator who directly, or indirectly through membership in a Transportation Management Association, shall be responsible for each of the following:

1. Prepare and present informational and educational materials regarding available TDM strategies to all ~~tenants-residents~~ and employees;
2. Organize and host an annual meeting for all ~~tenants-residents~~ and employees to present and discuss available TDM strategies, and opportunities for increased use and participation;
3. Preparation and dissemination of an annual travel survey of all ~~tenants-residents~~ and employees; and,
4. Record-keeping and annual reporting to City of all TDM activities offered and rates of participation (including parking utilization if applicable).

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

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

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

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

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

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

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

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

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

PART 3: INSTITUTIONAL PARKING PLANS

Sec. 8.3.1 Intent

As written.

Sec. 8.3.2 Applicability

As written.

Sec. 8.3.3 Institutional Parking Management Plans

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

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

(a)(b) Information specifying the current and proposed anticipated numbers over the ensuing 5 year period for: number of students of all academic programs (full-time, part-time, commuter, on-campus,

off-campus, and continuing education), faculty and staff (full-time and part-time), patients and visitors being served by the institution ~~and anticipated over the ensuing five-year period.~~

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

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

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

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

2. A telecommuting program;

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

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

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

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

Sec. 8.3.4 Review and Approval of Institutional Parking Management Plans

(a) Plan Approval

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

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

Such a plan, if approved by the DRB, shall be applicable for a period not to exceed five (5) years, and may be amended as necessary pursuant to the requirements of this Part.

(b) Annual Reporting

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

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

Sec. 8.3.5 Review and Approval of Applications for Future Development

Pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted without an approved or amended plan.

- (a) In reviewing any application for development from a post-secondary educational or medical institution within the Institutional district, the DRB shall find that the proposal is included and addressed ~~consistent~~ with in an approved Institutional Parking Plan and that the proposal is consistent with the approved Plan.
- (b) Any development proposed by a post-secondary educational or medical institution within the Institutional ~~Campus~~ district that is ~~found not to be consistent~~ not included and addressed within an approved Institutional Parking Plan shall only be approved pursuant to the underlying parking requirements of Parts 1 and 2 of this Article, and shall submit an amendment to an approved plan that addresses how the development is consistent with or modifies supply and demand calculations and applicable TDM strategies contained in the approved Plan. Such developments shall be reflected in subsequent annual reports submitted to the administrative officer, and future plan updates.

JH/Resolutions 2021/Comprehensive Development Ordinance, Minimum and Maximum Parking
Requirements and Transportation Demand Management
9/7/2021 Referred to PC by CC 3/21/2022, with staff amendments 4/6/2022



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TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: June 23, 2022
RE: Proposed Amendment ZA-22-06 Transitional Shelter

Overview & Background

In the 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, resources expansion, and zoning policy changes to achieve these goals. While the zoning amendments identified in the action plan did not include changes to emergency shelters, the Community & Economic Development Office's work to implement one of the key initiatives related to homelessness has identified a number of limitations to the city's existing Emergency Shelter standards.

As a result of the Covid-19 pandemic, there has been a significant increase in the number of people experiencing homelessness in Burlington. It is anticipated that there will be a further increase in the number of people without access to shelter when and if the state's general assistance emergency housing program restricts eligibility for and access to hotel rooms for people experiencing homelessness in the coming months. CEDO has identified a need to increase the City's low- and no-barrier shelter capacity, which is an important tool for filling gaps in the Coordinated Entry/Continuum of Care system. In order to address a small part of this need, the action plan includes an initiative to invest in approximately 30 shelter pods and related infrastructure to create a new low-barrier facility for 2022. More information about this initiative is available on [CEDO's website](#).

These pods are envisioned to be similar to [Seattle, WA Tiny House Villages](#), and [other models](#) that have been used successfully in other cities as a bridge to permanent housing, and as a cost- and time-effective way to provide shelter for the most vulnerable quickly. Unlike traditional emergency shelters, these models include a collection of temporary facilities to provide safe, durable shelter for a limited time. These facilities include individual shelters pods ranging from 60-120 sq.ft. with heat and electricity, but not plumbing, and space for sleeping and storing personal items; shared bathroom facilities in the form of either existing on-site facilities or portable or custom modules; and on-site services for property management and coordinated social services for guests. This amendment seeks to incorporate provisions and a permitting process that corresponds with both the level of urgency and level of investment associated with a range of emergency shelter models that can be deployed in the city. The enclosed amendment is modeled from aspects of the [zoning policies](#) that enabled Seattle's Tiny House Villages, by establishing permitting and regulatory tiers for emergency shelters based on the permanence of the facilities and the duration of their operation.

There was some confusion at the public hearing about the effect of this proposed amendment. While this amendment originated from discussions about efforts to rapidly deploy interim models of emergency shelter, this amendment is not specific to CEDO's current efforts to establish a shelter at the city-owned Elmwood Avenue lot. CEDO has continued to work separately to identify details for the location, management, and services provided for the proposed shelter site, including pursuing a zoning permit from the DRB under all existing standards for Emergency Shelters. This amendment builds on lessons learned from that process, and seeks to clarify and address standards for circumstances when rapidly deployed shelter solutions might be needed in the future.

Additional Changes to Draft Amendment

Before its public hearing, the Commission requested additional information and options for the following questions.

Is it possible to shorten the applicable timeframe for a temporary permit to one year maximum, with subsequent renewal meeting the permanent facility standards?

In discussing the logistics of running a temporary emergency shelter with staff in CEDO, it was noted that a shorter operating timeline could present challenges. These include if the community prefers temporary shelters to be located in an area that does not allow emergency shelters today, and the cost and construction pressures associated with building more traditional shelters and permanent housing for individuals to transition to. CEDO did note that a shorter period of applicability for a temporary shelter could still provide a pathway to allow a shelter to open in response to time-sensitive needs while pursuing a permit for a longer-operating site. Another option that was suggested was to allow shelters to operate seasonally as an Interim Facility, such as in the winter when the weather makes safe shelter options especially important.

If the Commission wishes, the standards for Duration on page 3 could be modified to allow an Interim Facility for one year, or seasonally as long as the shelter is not in operation for more than 6 months total within a year. The amendment could be structured to allow these options based on a shelter's specific needs.

Is it possible to sunset the applicable zoning regulations entirely, or to set a date certain for review to ensure that new interim facility standards are working as intended?

It is legally permissible to provide sunset dates within the zoning ordinance. In practice, these sunsets can lead to confusion and can be missed. It is certainly possible for the Commission to recommend the City Council establish a date certain for an evaluation if these changes are adopted. Similar steps have been taken in other communities; in some cases these communities went on to adopt further modifications based on lessons learned and the overall need for various shelter types.

Additional changes recommended by staff are highlighted, as well as areas of the memo and ordinance language that may need to be updated pending the Commission's discussion of the questions above.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

To amend the definition of and standards for Emergency Shelters to allow for managed temporary shelter facilities as an additional form of shelter for people experiencing homelessness.

Proposed Amendments

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

1. Amend definition of Emergency Shelter to accommodate interim facilities

Updates the definition to include a broader range of potential facility types, and remove references to standards that are duplicative of *Sec. 5.4.13*.

2. Create two tiers for emergency facilities within Sec. 5.4.13 Emergency Shelter and specifies that interim shelter facilities are permitted in most districts

Establishes standards for Interim Facilities in Sec. 5.4.13, which are intended to be temporary shelter facilities operating with fewer regulatory standards, but for a **maximum of 3** years with an annual renewal required. Maintains existing Emergency Shelter standards from Sec. 5.4.13 as standards for Permanent Facilities. Additionally, amends footnotes applicable to Emergency Shelters in Appendix A- Use Table to refer to interim facility provisions in Sec. 5.4.13.

3. Authorizes the administrative officer to review applications for Interim Facilities

As temporary facilities, limited to operation on City-owned property or in coordination with the City, and with fewer applicable standards to review, Interim Emergency Shelters are included in Sec. 3.2.7 (a), which authorizes the administrative officer to review and approve certain COA Level II applications.

Begin proposed amendments

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

Section 13.1.2 Definitions

Emergency Shelter: ~~Managed~~ overnight shelter structure, or an interim arrangement of temporary facilities including tents, modular "pods," vehicles, and the like, for sleeping and other ~~with~~ supportive services ~~for homeless persons~~ that is limited to temporary occupancy, ~~typically 180 consecutive nights or less,~~ by ~~a homeless person~~s experiencing homelessness. ~~Provide shelter only overnight.~~

Sec. 5.4.13 Emergency Shelters

Emergency shelters shall be subject to the following:

Table 5.4.13 Emergency Shelter Standards		
<u>Standard</u>	<u>Interim Facilities</u>	<u>Permanent Facilities</u>
<u>Location</u>	<u>Permitted Use in all zoning districts except UR, DW-PT, and RCO-A and RCO-C districts.</u> <u>Permitted in the RCO-RG district only where Campground facilities are present on the property.</u> <u>Must be property owned or controlled by the City of Burlington, or on private property with an operating agreement with the City of Burlington for an interim shelter.</u>	<u>Conditional Use in districts which permit housing uses generally (See Appendix A)</u>
<u>Duration</u>	<u>Permitted for up to one year, and may be renewed annually per 5.4.13 (a). Duration beyond 3 years must receive a new permit that complies with all requirements of a permanent facility.</u>	<u>No limit</u>

<u>Use</u>	May be the primary use of a property, or it may be accessory to another primary use on a property.	
<u>Site Standards</u>	• <u>Minimum site area of 5,000 sq.ft.</u> • <u>Screening shall be installed along all site boundaries, including those fronting on a public street</u> • <u>Exempt from Article 8 standards</u>	• <u>All dimensional standards for the underlying zoning per requirements of Article 4 shall be applicable</u> • <u>Design review standards of Article 6 as applicable</u>
<u>Density</u>	• <u>Limited to fifty (50) guests</u>	• <u>Within residential zones, per the residential density limits of Article 4. For the purposes of density calculations, every four (4) beds shall count as one (1) dwelling unit.</u> • <u>Within neighborhood mixed use zones, limited to fifty (50) beds</u> • <u>Within FD5 and FD6, no density limit</u>
<u>Notice</u>	<u>Shall be required to hold a Pre-application Neighborhood Meeting per Sec.3.2.1 (d)</u>	<u>As required per Conditional Use review</u>
<u>Occupancy</u>	<u>Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available.</u>	
<u>Management</u>	<u>There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds/persons.</u>	
	<u>Prior to application, the encampment operator shall establish an advisory committee, to include community representation, to consult on the creation of AGENCY must approve an operations plan that addresses all criteria in Sec. 5.4.13 (b)</u>	

(a) Any permit issued ~~duration~~ for an interim facility shall include a prescribed duration of not more than one year, after which the authority and all related permits shall expire. A permit reapplication for up to an additional year may be made prior to expiration, and may be approved upon a review pursuant to this section. No interim facility permit shall remain in effect for more than three (3) years total. A site containing an interim facility shall be restored to its prior use and/or condition upon expiration of the permit. An interim facility may continue beyond three years only upon application for and approval as a permanent facility.

(b) An operations plan for an interim facility must be submitted at the time of application or reapplication, and shall address all of the following:

1. Staffing
2. Support services provided

3. Guest's rights and responsibilities
4. Site and guest security
5. Public health procedures
6. Community relations, including a schedule for community check-in meetings, between any permit reapplications, to discuss how the site is working and identify any possible changes to site management to address challenges and opportunities that arise.

~~site and design review standards in Art 6.~~

~~In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:~~

- ~~(a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;~~
- ~~(b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;~~
- ~~(c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones;~~
- ~~(d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;~~
- ~~(e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and,~~
- ~~(f) An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.~~

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 those applicable applications subject to the planBTV: Downtown Code under Sec. 14.7.1 e) i and all of the following types of applications:

1. Basic;
2. Awning;
3. Fence;
4. Sign;
5. COA Level I; and,
6. Lot Line Adjustment.

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. Granting of parking waivers for up to ten spaces in the NMU zones where there is a change of use from one non-residential use to another wholly within an existing building;
8. Waivers for residential parking in tandem situations where there is one space behind one other, usually in a driveway;

9. Additions to single family houses in a design control district located 200-feet or more from the lakeshore and that are 50% or less of the existing gross floor area of the principal structure;
10. Simple renovations in design control districts such as door and window changes, re-siding, re-roofing, enclosing porches, adding a shed or garage, and additions no greater than 500 square feet in size that otherwise comply with all applicable dimensional standards of Art. 4 and the development review criteria of Art. 6;
11. Compliance with conditions of approval as specified in a written decision of the DRB; and,
12. Minor amendments to development applications previously approved by the DRB where the proposed amendment otherwise qualifies for administrative review as a COA Level I application or under the planBTV: Downtown Code under Sec. 14.7.1 e) i and will not substantively alter any findings of fact or DRB decision and related conditions of approval.

~~12-13.~~ Emergency Shelters-Interim Facilities, where all provisions of Sec. 5.4.13 are met.

End proposed amendments

Relationship to planBTV

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

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

In some limited cases, the proposal enables interim emergency shelters where permanent shelters would otherwise not be permitted. This amendment is intended to provide for a flexible, rapidly deployed, and temporary solution to expanding available low- and no-barrier beds within the emergency shelter system to address acute shortages.

Impact on Safe & Affordable Housing

planBTV: Comprehensive Plan identifies the need to strengthen the city's approach to homelessness, including by providing more short-term and emergency housing opportunities, while also expanding access to permanent housing and wrap-around services. This proposal provides flexibility for interim shelters to be utilized when the community experiences acute demand for shelter that is beyond the capacity in other shelter facilities. While not a replacement for permanent affordable housing, these shelters may act as a bridge to other forms of housing.

Planned Community Facilities

This amendment facilitates the implementation of cost-effective and time-effective solutions to acute housing shortages on an as-needed basis. While current efforts to locate a shelter pod community as identified in the Mayor's 2021 Housing Plan is underway, this amendment is more likely to address future or alternative sites.

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 CEDO	Presentation to & discussion by Commission 3/8/22, 3/22/22, 4/12/22, 5/10/22, 6/28/22	Approved for Public Hearing 5/10/22	Public Hearing 6/14/22	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

Proposed ZA-22-06: Appendix A-Use Table

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
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
Emergency Shelter ³¹	N	N	N ³¹	N	N ³¹	CU ³¹	CU ³¹	CU ³¹	N	CU ³¹	CU ³¹	CU ³¹	CU ³¹	N ³¹	N ³¹

- Residential uses are not permitted except only as an accessory use to an agricultural use.
- Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
- Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
- 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.
- An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
- Must be owner-occupied.
- Must be located on a major street.
- Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.
- Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
- Exterior storage and display not permitted.
- All repairs must be contained within an enclosed structure.
- No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
- Permitted hours of operation 5:30 a.m. to 11:00 p.m.
- Such uses not to exceed ten thousand (10,000) square feet per establishment.
- Excludes storage of uncured hides, explosives, and oil and gas products.
- See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
- Allowed only as an accessory use.
- A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
- [Reserved].
- 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.
- See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
- See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
- Allowed only on properties with frontage on Pine Street.
- Such uses shall not exceed 4,000 square feet in size.
- Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- 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.
- 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.
- Must be fully enclosed within a building.
- 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.
- Emergency Shelter- Interim Facility permitted subject to Interim Facility standards in Sec. 5.4.13. For districts in which Emergency Shelter is permitted subject to conditional use, Emergency Shelter- Permanent Facility is subject to approval by the DRB according to See special use standards of Sec. 5.4.13, Emergency Shelters.
- 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.

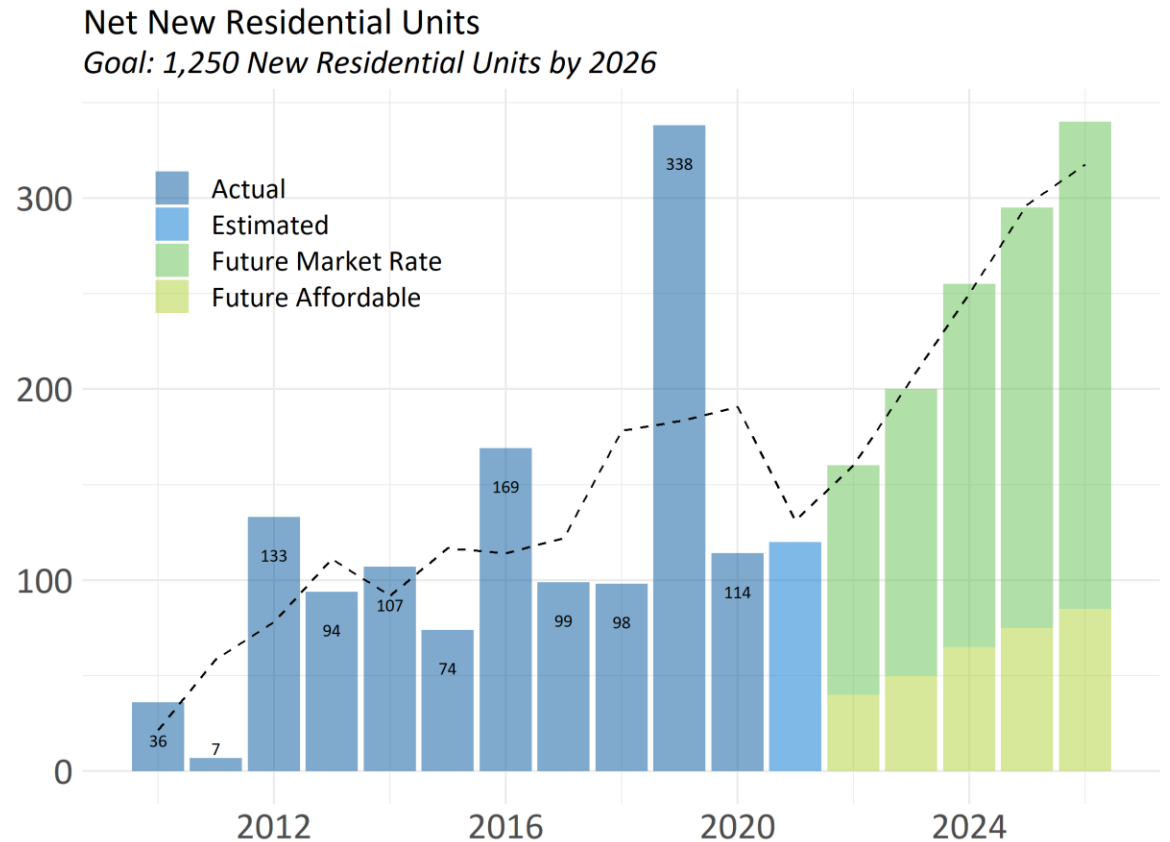
Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential 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

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

December Housing Action Plan

Establishes a goal for Burlington's share of the regional Building Homes Together campaign's target of 5,000 new housing units in next 5 years:

- Support the creation of 1,250 new homes, including 312 (25%) permanently affordable by end of 2026
- Support the creation of 78 new homes for formerly homeless residents (25% of the permanently affordable goal) through partnership with affordable housing developers



December Housing Action Plan

This plan included a number of strategies related to the goal to end chronic homelessness:

- Invest at least \$5 million of ARPA funds:
 - \$3 million has been designated to initiatives to end homelessness
 - \$1-2 million additional to build new permanently affordable housing invested through partners
- Fully fund Housing Trust Fund to voter-approved levels in FY2023
- Create a Special Assistant to End Homelessness position in CEDO, single point of accountability for expanded community efforts
- New investments to strengthen the Chittenden County Coordinated Entry team's progress towards "functional zero" with a comprehensive, real-time data effort
- Invest in approx. 30 shelter pods and related infrastructure to create a new low-barrier facility for 2022 (CEDO)

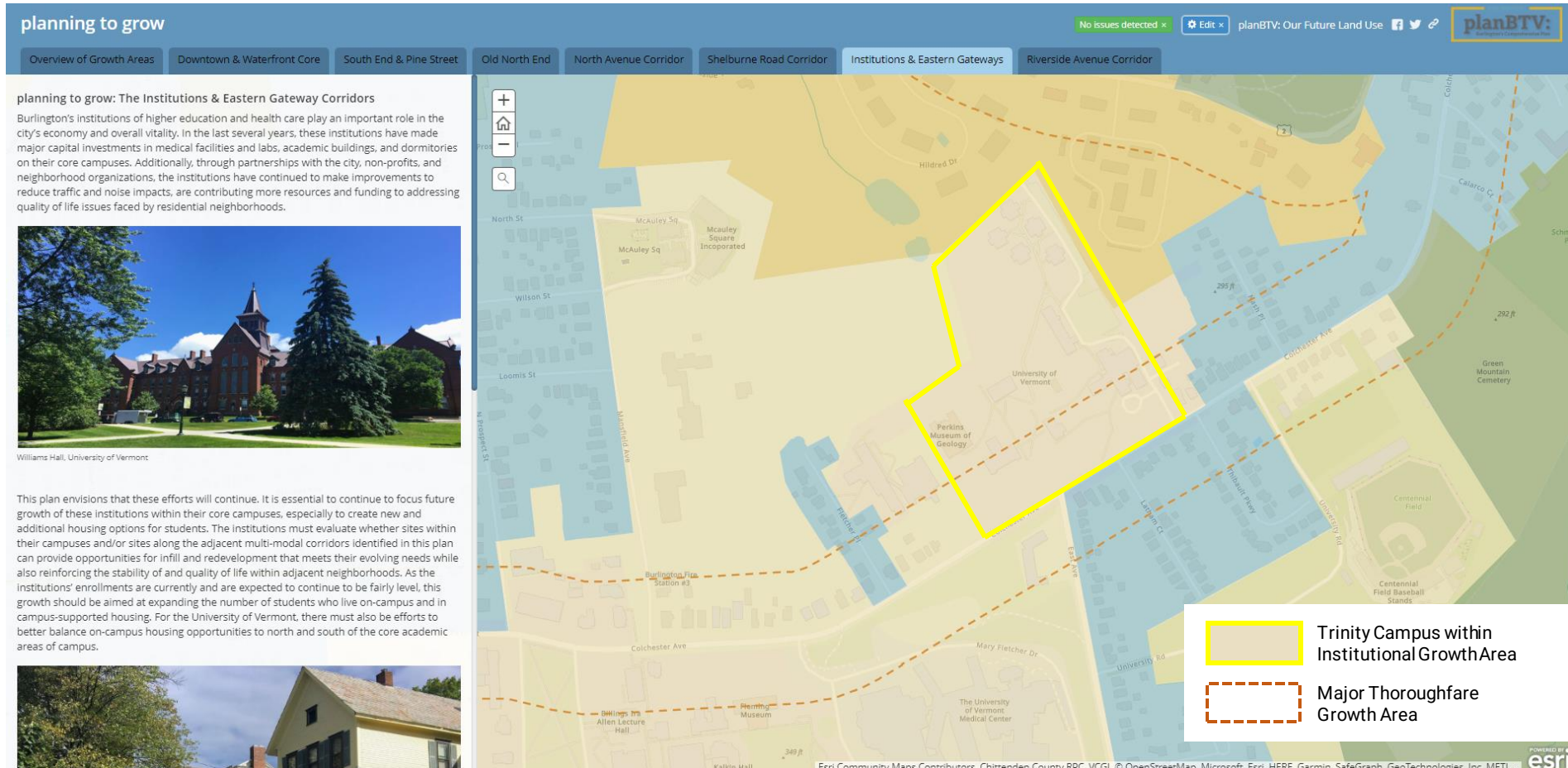
December Housing Action Plan

Items that have been on Planning Dept. & Commission's work plan are a big part of this plan and complement to these specific efforts:

- *New on-campus UVM student housing opportunities through zoning changes for UVM's Trinity Campus*
- Consider housing opportunities as part of the creation of an Innovation District in a portion of the South End Enterprise Zone
- Expand opportunities for new homes in every neighborhood in ways that reflect the character of these parts of the city through "missing middle" zoning reforms

Relationship to planBTV

planBTV identifies the Trinity Campus and Colchester Avenue Corridor in Institutional and Major Thoroughfare growth areas:



Online Future Land Use Map: <https://burlingtonvt.maps.arcgis.com/apps/MapSeries/index.html?appid=338ab1215f9c4526b79cc6596fcc9674>

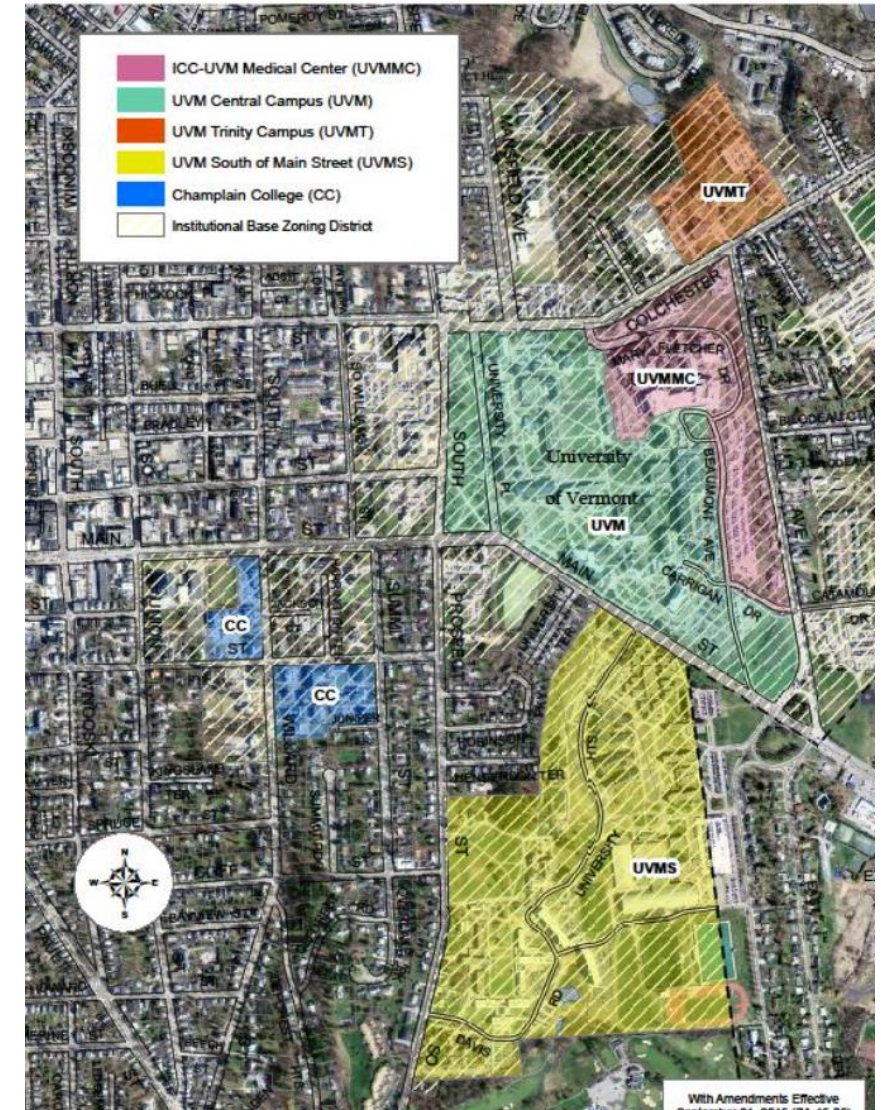
Goals for Trinity Campus Rezone

- Facilitate the greatest number of student beds as can be responsibly developed
- Mix of uses that provides neighborhood commercial amenities, and creates a vibrant residential community to attract interest from a range of students
- Reorganize buildings and open spaces to activate campus public space, synergy with City's planned walking & biking improvements on Colchester Avenue
- Minimize parking on the campus, ensure adequate bike facilities
- If new parking created, focus on structured parking that may also provide community benefit
- ***UVM's request also included goals to:***
 - Build new undergraduate residence halls, as well as graduate apartments
 - Upgrade some of the existing residence halls on the Campus and expand dining hall
 - Enhance sense of community on the campus

Background on Campus Overlays

What are Institutional Core Campus Overlays?

- Apply to portions of the Institutional Zoning district
- Differ based on the purpose and role of the part of campus
- Include varied standards for height, density, setbacks, lot coverage, etc.
- Range from enabling the most intense development (in UVM Core Campus & UVMMC) to providing lower intensity development and neighborhood transitions



Background on Campus Overlays

Significant portion of Trinity Campus in overlay:

- Trinity Campus Overlay created in 2001 following closure of the college; UVM acquired campus in 2003
- Provide future neighborhood/community serving mixed-use & collegiate use of the campus without further intrusion into surrounding neighborhoods
- Overlay does not apply to The Cottages, 50 Fletcher Place, Ira Allen School, or BSD Admin Office
- Despite some discussion in 2009, largely the same provisions since the overlay was first created

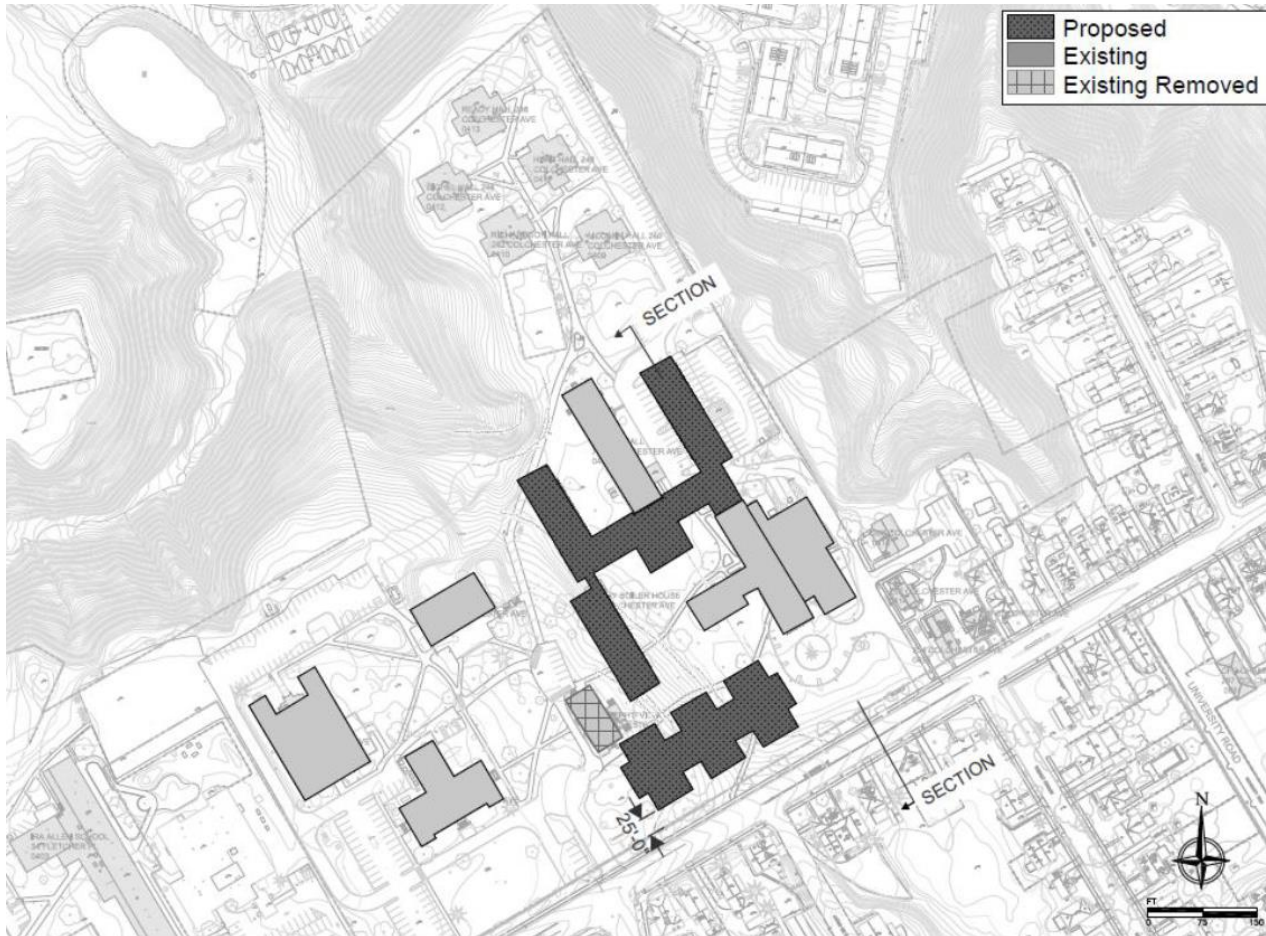


Trinity Overlay- Existing Standards

- **Building Height:** 35 ft or tallest existing structure (55 ft max)
- **Lot Coverage:** 40%
- **Density:** 20 units/acre
- **Setbacks:** special 115' setback from Colchester Ave (200 sq.ft. bldg. max)
- **Parking:** no new surface parking, otherwise part of JIPMP
- **Uses:** Allows for mix of uses, but non-residential only permitted if in bldg. built before 2002; otherwise conditional use
- **Process:** development greater than 15,000 sq.ft. requires Major Impact Review



UVM Requested Zoning Changes



Infill Concept & renderings for Trinity Campus courtesy of UVM February presentation



UVM Requested Zoning Changes

In February, UVM presented request to modify zoning provisions:

- **Height:**
 - 45' within the setback from Colchester Ave
 - 80' beyond (i.e. Mann Hall to north)
- **Lot Coverage:**
 - increase to 60%
- **Setbacks:**
 - 25' setback for buildings 45' or less
 - allow buildings closer than 115' from Colchester Ave



Relationship to Pending CDO's

There are two pending amendments that have a relationship to development at Trinity Campus:

Pending ZA-22-04: Steep Slopes Overlay

- Buffer including and 50' upland of steep slopes
- Require geotechnical analysis of development suitability
- Back of Trinity Campus along ravine, goal to move development from sensitive areas
- Slope considerations + buffer from Colchester Ave reduces potential buildable area

Pending ZA-22-07: Maximum Parking & TDM

- Eliminate minimum parking requirements city-wide
- Maintains Parking Management Plan as a requirement for major institutions
- Requires approval of a Plan as a prerequisite to issuance of a zoning permit or certificate of occupancy
- Makes clear that failure to submit Annual Report is a zoning violation
- Minor changes to clearly identify which data to include in both the 5-Year Plan & Annual updates



- Trinity Overlay Zone
115' Setback
- Areas within proposed
Steep Slope Buffer

Additional Considerations

Shared goals for Campus infill may be further limited by some of standards in the Trinity Overlay:

- Other Campus Overlays do not apply a density limit to enable institutions to maximize their anticipated growth within their campus areas.
 - *Trinity Zoning maintains the base Institutional Zone density limit- should this be modified?*
- Limited range of non-residential uses limited to existing buildings, or conditional use.
 - *Should the Overlay zone enable these uses within new developments planned for the campus?*
- In Neighborhood Mixed Use & Institutional zones, Major Impact threshold is 20,000 sq.ft. footprint or 40,000 sq.ft. gross area
 - *Should the threshold for Major Impact just on Trinity Campus remain at 15,000 sq.ft.?*

Additional Considerations

Goals for campus infill impacted by some of the permitting limitations in the Trinity Overlay:

- Continued interest in overall growth plans for the Institutions, and how specific zoning request fits into this overall vision.
 - *Is there a role for a campus master plan requirement that acts as a complement to Parking Management Plan process?*

Additional Considerations

- Trinity Overlay as a pilot for other sub-area master plans:
 - A conceptual plan for part of campus that links anticipated developments and Joint Institutional Parking Management Plan process in a holistic vision
 - Provide community advanced notice of development plans for major institutions/portions of institutions' campuses
 - Give guidelines and standards on which institutions can rely for future long-term planning and development (i.e. how does this site relate to the questions on the previous slide)
 - Allow the City and institutions to anticipate and plan for public/capital/programmatic needs, potential future impacts that can be mitigated in advance
 - *Focus on location and capacity of planned improvements- both residential and non-residential*
 - *Provide a complement and linkage to JIPMP information/process*

Burlington Planning Commission

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

Burlington Planning Commission

Tuesday, June 14, 2022, 6:30 P.M.

Remote Meeting via Zoom and Sharon Bushor Conference Room

Draft Minutes

Members Present	A Montroll, B. Baker, A Friend, E Lee, M Gaughan, B. Martin, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	D. Call, B. Kuhl, L. Hillman, S. Bushor, A. Twombly, K. Devine, B. Butani, J. Weith, T. Richmond, C. Seigal, J. Nick, E. Langfeld, C. Felker, L. Ravin, S. Tibault

I. Agenda

Call to Order	Time: 6:33pm
Agenda	PC will consider Agenda item VIII prior to item VII.

II. Public Forum

Name(s)	Comment
D. Call	Spoke in support of temporary shelters in the Downtown area as unhoused residents should have easy access to services. He lives across the street from the proposed Elmwood Ave location and is comfortable with unhoused people living on his street.
B. Kuhl	A Mckenzie House resident spoke in opposition of the Elmwood Ave location for a temporary shelter as many Mackenzie House residents are disabled. She is very concerned about cigarette smoke from the shelter pods.

III. Chair's Report

A. Montroll	No report.
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IV. Director's Report

M. Tuttle	There will be a virtual public meeting about the Rezoning of Trinity Campus on June 23 at 6pm. There will be an in person and virtual public meeting about the South End Innovation District.
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V. Public Hearing: Proposed ZA-22-03 Steep Slopes

Action: Approve ZA-22-03 and refer City Council with a recommendation to adopt the resolution.		
Motion by: B. Baker	Second by: A. Friend	Vote: 6-0
Type: Motion to Pass	Presented by: M. Tuttle	
Introduction: • This amendment identifies gaps in the provisions surrounding development on or near steep slopes. It identifies a 50-foot buffer between a proposed development and the top of the slope.		

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.

It also states that a geotechnical study is required on proposed developments on near steep slopes to determine the slope's stability.

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

- B. Butani suggested that developer applicants may be able to circumvent the standards by finding an engineer who would attest to a site's safety from the risk of landslide.
- S. Bushor stated that she had hoped the proposed amendment would apply stricter standards.
- L. Hillman, from UVM, asked a question as to how the new overlay would impact existing buildings.

Commissioner discussion:

- Trinity Campus at UVM will largely not be affected by this Zoning Amendment as the proposed developments are outside the steep slopes area.
- This proposed Zoning Amendment is not applicable to existing buildings.
- The Engineer who performs the study must be certified in geotechnical studies. The proposed amendment includes standards that the geotechnical study must satisfy when submitting a permitting inspection. If there is reason to question the study, the City will hire an outside engineer to review the materials.
- E. Lee received clarification that the hired engineer stamps the drawing and is therefore liable for any hazards.

VI. Public Hearing: Proposed ZA-22-05 Burlington High School Zoning

Action: Approve ZA-22-05 and refer to City Council with the recommendation to adopt the resolution.		
Motion by: M. Gaughan	Second by: A. Friend	Vote: 6-0
Type: Move to Council and adopt report	Presented by: M Tuttle	
Introduction: The amendment will rezone the property from Recreation and Green Space Conservation District to an Institutional District and creates an overlay district that identifies allowable uses and additional standards for development.		
The chair held a public hearing with the following public comments: J. Weith spoke representing the applicant team attesting to the support of the Burlington School District. S. Bushor spoke in favor of the amendment, but questioned whether the setback was large enough. Also questioned the inclusion of recycling center and museum in the list of permitted uses.		
Commissioner discussion: - The 20 foot setback is larger than the current Recreation District setback of 15 feet. M. Tuttle provided Cambrian Rise as an example of a similar setback. A. Friend stated that he is not opposed to recycling and museum as permitted uses. He also asked a question as to how the city will measure the setback on North Avenue. - The property boundary on North Ave is the back of the sidewalk for this high school.		

VII. Public Hearing: Proposed ZA-22-06 Transitional Shelter

Action: Provide an opportunity for public comment but wait for Commissioner discussion until next meeting.		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: M Tuttle	
Introduction: This amendment provides an additional tier for emergency shelter within the City limits, called “interim emergency facilities.” These will be urgently deployed and time limited, with allowances for certain		

Tuesday, June 14, 2022

locations, and under certain circumstances. A pre-application neighborhood meeting and a managing operator are needed as part of the application process.

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

- T. Richmond, a McKenzie House resident, spoke in opposition to the Emergency Shelter proposal on Elmwood Avenue. She feels that the DRB should review these plans, rather than be administratively approved.
- S. Bushor spoke in favor of the move to create a more temporary arrangement, particularly a limit of 1 year. She asks who the "Agency" is as referenced in the amendment. She asks if the City will need to amend the operational plan as proposed by an individual. She asks if a design that is approved temporarily would need major revision in order to be made a permanent establishment.
- A. Twombly spoke that he feels the public was being excluded from this process and that there is not support in the community for this proposal.
- C. Seigal spoke to say that she is a neighbor in the Elmwood Avenue vicinity and has been told that this zoning amendment would not impact the proposal affect the Elmwood Avenue proposal. She would like clarification on how this zoning amendment affects the current public process and DRB process for the Elmwood Avenue location.
- M Tuttle clarified that the Elmwood Avenue proposal is in process with the DRB and that this proposed zoning amendment would apply to any future applications.
- J. Nick, Chair of the Church Street Marketplace, spoke in opposition to the proposed amendment and states that it poses a risk to the community and prime commercial districts. He says that planBTV states no new homeless services should be implemented Downtown and he encourages the Commission to review the municipal plan. He states that the Marketplace has not been advised of any new rules on residents' behavior. He suggests that the City should bring in experts to advise the city.
- K. Devine, Executive Director of the Burlington Business Association, stated that she has spoken to 75 business owners and that each one has no problem with the idea of an emergency pod shelter. She shared that other business owners are concerned that other areas of the housing crisis are not being addressed. She believes that there should be more than one community meeting prior to implementation. She asks a question regarding 13.1.2 – Other Supportive Services and whether supportive services, like the existing Community Resource Center, would be permitted in the event of pod shelters being implemented.
- E. Langfeldt, representing O'Brien Brothers, spoke in opposition to the proposed emergency shelter proposal at Elmwood Avenue. Regarding this proposed amendment, he opposes administrative approval for this kind of use.
- C. Felker spoke in opposition to the shelter pods and said that communications from CEDO have been disappointing. He states that no management facility has offered to manage the proposed Elmwood Avenue location and that agencies that could manage the facility are all understaffed. He states that he believes CEDO does not have a system in place to enforce its rules.

Commissioner Discussion:

- Will conclude at the next Planning Commission meeting.

VIII. Public Hearing: Proposed ZA-22-07 Maximum Parking & TDM

Action: Ask Planning Department staff to create a memo outlining the Planning Commission's comments and technical amendments and refer to City Council for review.

Motion by: n/a

Second by: n/a

Vote: n/a

Type: Move to Council and adopt report

Presented by: M Tuttle

Introduction:

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This amendment will replace minimum parking requirements with maximum parking limits, expand existing exemptions to maximum parking limits, expand transportation demand management (TDM) program requirements City-wide with two different tiers, strengthen the reporting of TDM.

Public Comment

- L. Hillman, representing UVM, stating that the university frequently performs projects that do not require parking. She asked if they will need to amend the JIP.
- L. Ravin, representing UVM, stated that the JIP is able to enforce itself. She stated that there are frequently yearly revisions that have to be made. She also stated that if the applicant has to amend the JIP every year or every 5 years, the university and City review staff will be overburdened. Lani stated that reducing a need for parking is difficult without improving transit service, which she feels is inadequate in serving the community and University. Lani discussed the impacts of the pandemic, particularly telework, on parking.
- Sandy, representing CATMA, spoke about annual reporting to the JIP and stated that annual content updates have been improved. Sandy requested clarification on what is required of an amendment. She restated a previous question about small projects that require a need for 1-5 new parking spaces and whether they will require an update to the JIP. She stated that the current JIP ends in January 2023 and she asked how this amendment will affect the timeline for the next JIP.

Commissioner Discussion:

- M. Tuttle stated that it would be reasonable to carve out small projects that have no net change in the number of parking spaces that would be required of the University and that such projects should have no impact to the regulating JIP.
- M. Gaughan clarified that the JIP is supposed to divorce the University campuses from minimum parking requirements.
- Y. Bradley stated that this amendment has not been properly vetted and states that the amendment will have a massive impact on the city and its partners.
- Institutions can bring forward an addendum if their plan is outside the standards of this amendment.
- M. Gaughan stated that he would like the TDM aspects of the amendment be separated from the maximum limit standards.
- M. Gaughan asked what the solution will be to deal with landlords finding backdoor ways to raise rents given that parking costs are to be separated from rental costs. He clarifies his point by stating that he is not concerned about new construction, but only existing developments with 1-10 units.
- M. Tuttle stated that the City does ask from TDM managers for information on how rental rates are being generated, but stated that the City does not have a mechanism to control the separate prices.
- E. Lee states that she believes rent will always be as high as much as the market will bear and that parsing out the parking will not raise rents. Rent control could be the only way to regulate both rent prices and parking prices.
- B. Baker agrees with E. Lee and says that absent a rent control regulation, rent will be as high as possible.
- A. Montroll asked Planning Department staff to draft a memo that will accompany the Commission's referral. The memo will include comments and technical amendments.

IX. Minutes and Communications

Action: Approve the minutes and accept the communications

Tuesday, June 14, 2022

Motion by: A. Friend	Second by: M. Gaughan	Approved Unanimously
Minutes Approved: May 25		
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

X. Adjourn

Adjournment	Time: 8:20pm	
Motion: B. Baker	Second: A. Friend	Vote: Approved Unanimously

DRAFT

Dear Meagan,

Thank you for serving the city of Burlington and thank you for posting a notice about the Trinity campus meeting on my Front Porch Forum in the New North End. I have signed up for the zoom meeting but may have some conflicts tomorrow night so I wanted to express my thoughts here and would ask that they be entered into the record. If there is another way to accomplish this just let me know.

My name is John Mahoney and I have lived most of my nearly seventy years in Burlington. I grew up on College Street near the university and have lived in the New North End for the past three decades. I am a graduate of the university and recognize it as a great asset to the community and the state.

I am opposed to the university being granted any variances to established city ordinances or zoning codes for changes to the Trinity campus. The recent Seven Days article suggests that the setback from Colchester Ave could be as little as twenty five feet. Such construction I would find invasive. I believe that there are also height variants being sought and those, as well, could be out of character with what already exists in that area.

Beyond all of that though is my strong sense that the university has no concern at all for the adverse impact they are having on housing in the community. They have, to my knowledge, not stated any clear goals for increasing the percentage of students that they will house on campus. Indeed, the construction on the Trinity campus does not align with any such goals that I am aware of. If this proposal is seen as a negotiation with the city then the city needs to hold the university accountable for its continued and ongoing adverse impact on housing.

The university needs to commit to housing a greater percentage of its students on campus before I will support any variances to established guidelines.

Sincerely,
John C. Mahoney
UVM '75

Hello Principal Planner Meagan Tuttle,

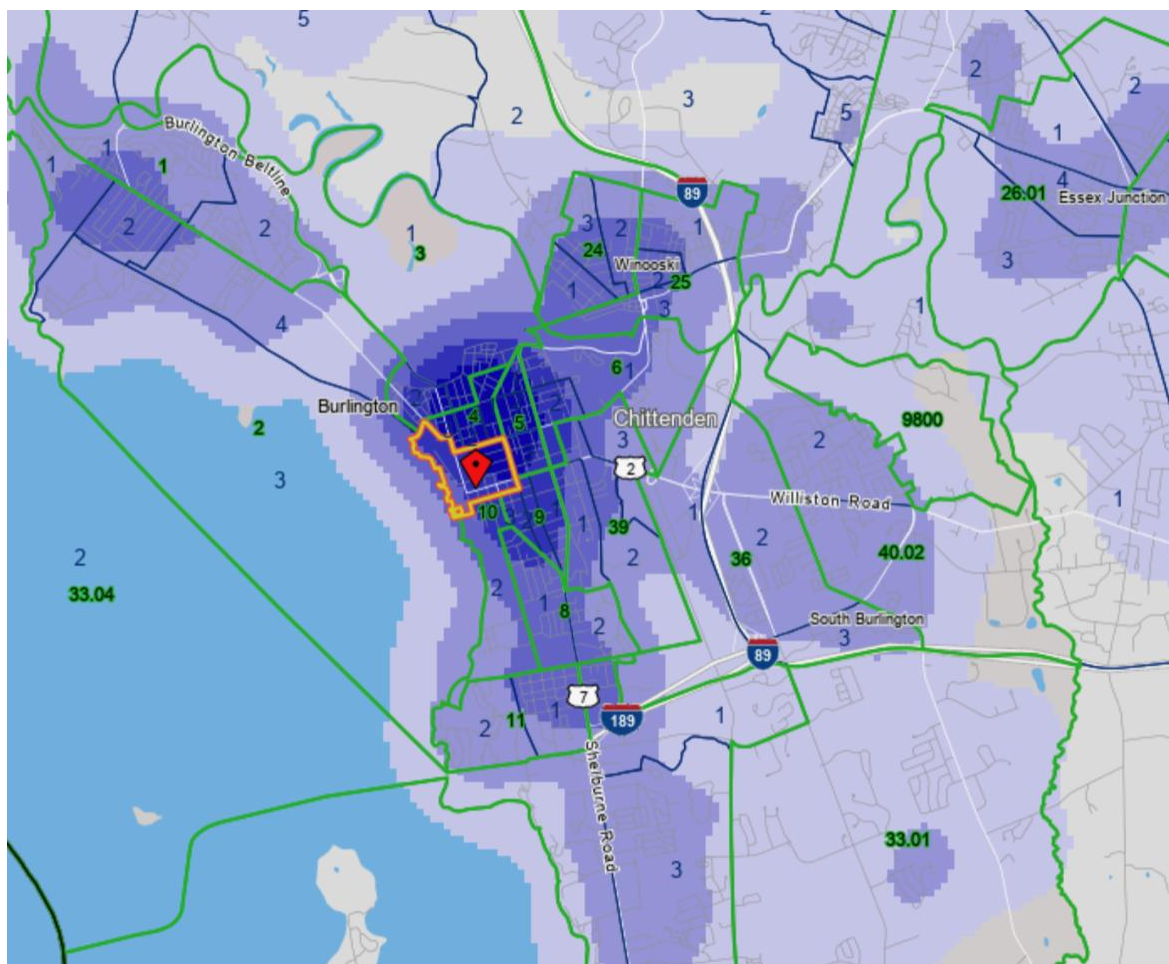
I'm writing today to provide some relevant information for planning commission members as they consider whether to ease zoning restrictions around the hill institutions.

As I'm sure you're all aware that the transportation sector is the largest contributor to Vermont's emissions. And that commuting is almost universally the longest trip taken in a day.

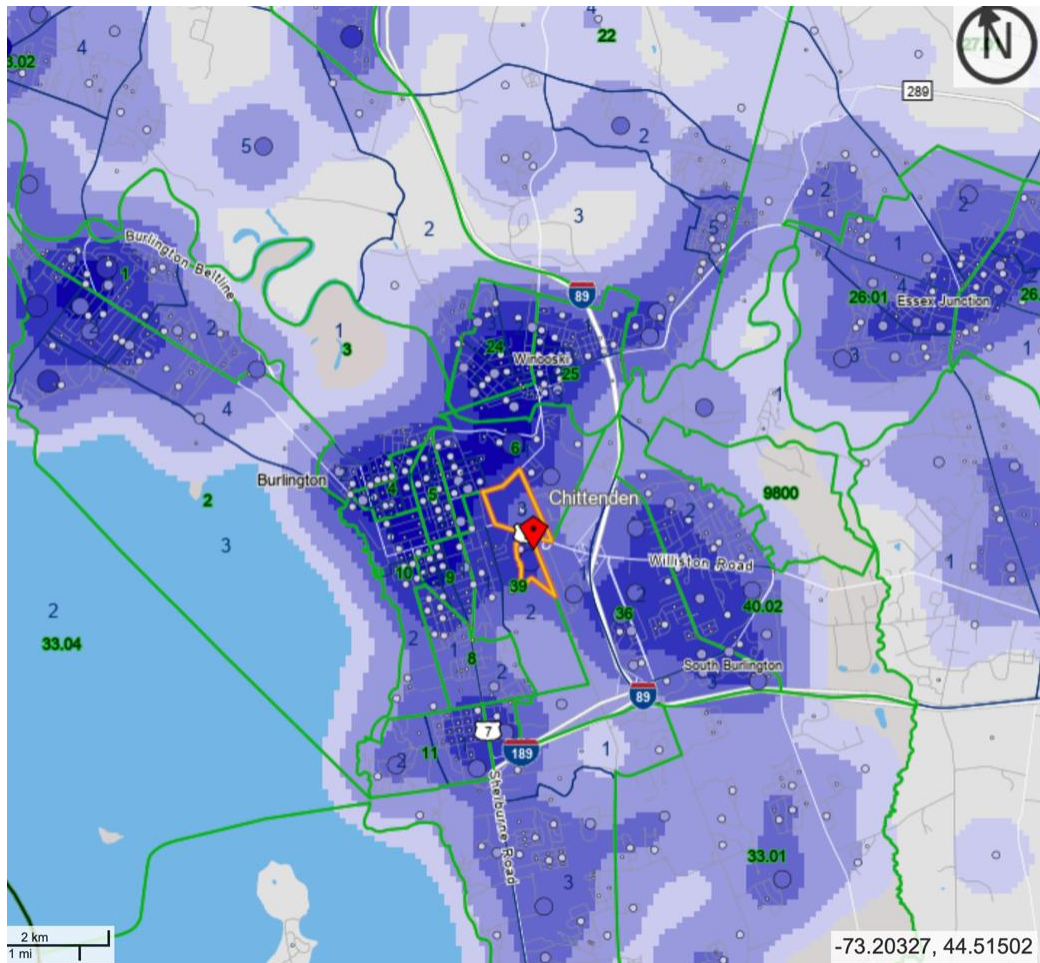
I'd like to show how the zoned residential capacity effects the distribution of workers in Burlington's two major job centers:

Downtown (Census block group 10 - 1) and UVM - UVMMC (Census block group 39 - 3).

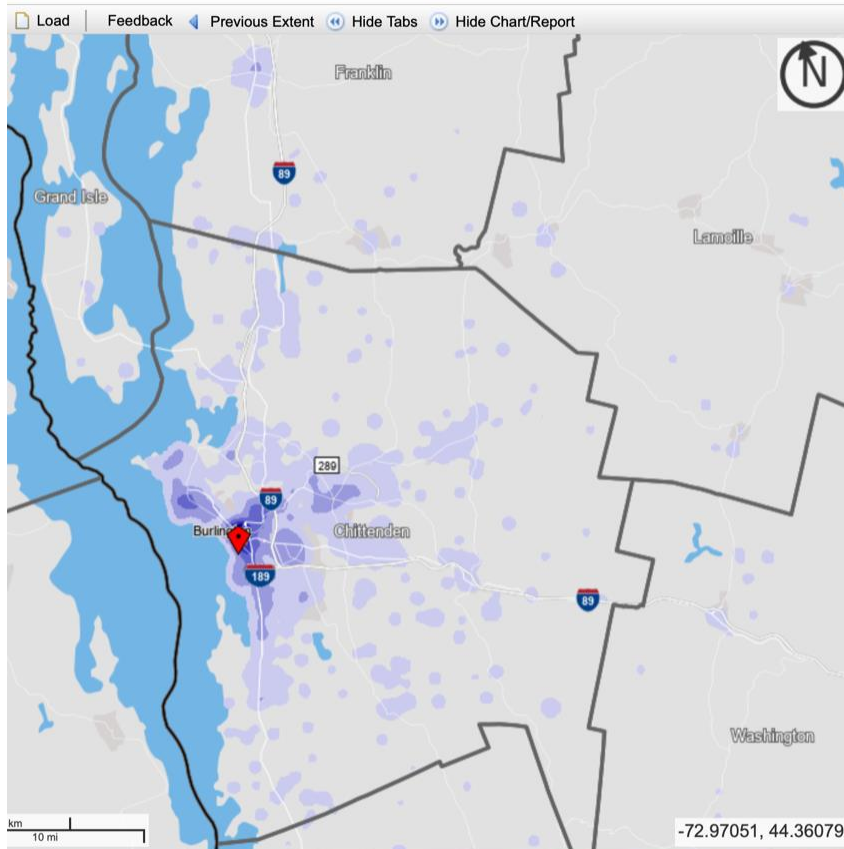
First, let's look at downtown. A significant proportion of downtown workers live in the Old North End, within walking distance of their jobs. It wouldn't surprise you to learn that over 30% of residents in the ONE reported walking to work, and according to census data more workers walk than drive in the ONE.



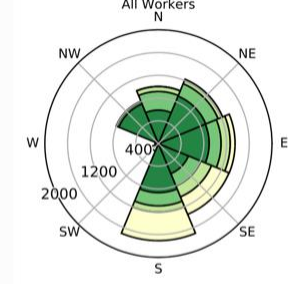
Let's compare to the distribution of worker residential locations for the hill institutions. The first thing you'll notice is there is no single contracted residential area for these workers. UVM and UVMCM draw many workers from the ONE, Winooski, as well as the NNE, Essex Junction, and South Burlington. Almost *no one* lives within walking distance, and so nearly everyone drives. Obviously this has created problems with parking supply for both institutions, which they struggle to solve.



Let's zoom out a little more to see how far workers drive to get to these two job centers. For Downtown, the area of high worker concentration in the ONE is mostly covered by the location marker. And we can see workers at UVM and UVMCM are much more likely to drive from Milton, St. Albans, Jericho, and beyond.



Job Counts by Distance/Direction in 2019
All Workers



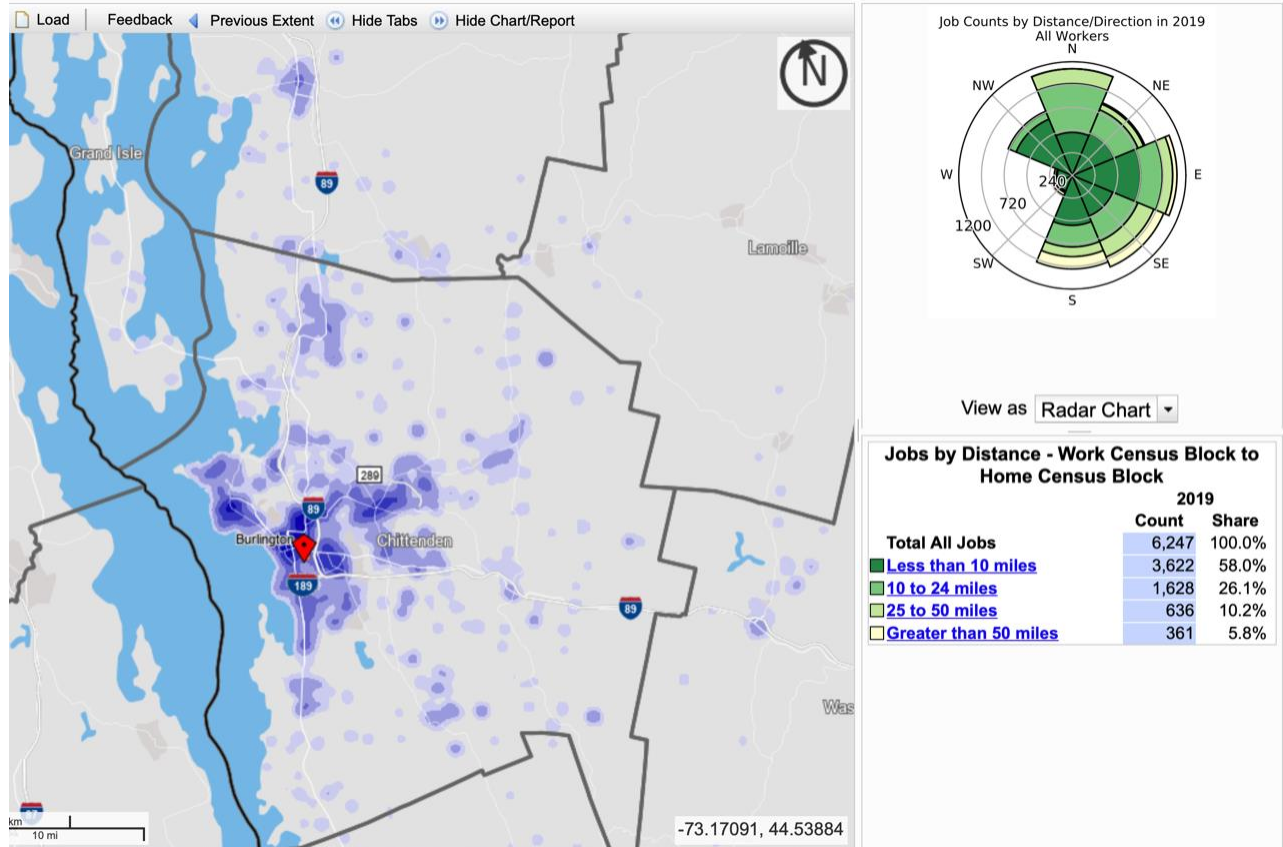
View as **Radar Chart**

Jobs by Distance - Work Census Block to Home Census Block

2019		
	Count	Share
Total All Jobs	7,635	100.0%
■ Less than 10 miles	4,642	60.8%
■ 10 to 24 miles	1,288	16.9%
■ 25 to 50 miles	644	8.4%
■ Greater than 50 miles	1,061	13.9%

disclosure of confidential information

Accessibility | Information Quality | FOIA | Data Protection and Privacy Policy | U.S. Department of Commerce | Census Home



We know that UVM and UVMMC form an important regional job center, which employs thousands of workers. Let’s zone it to look like the other job center downtown.

The planning commission could increase the zoned residential capacity around these jobs to house thousands more workers and students, giving back workers hundreds of hours of commute time to spend with their families, thousands of dollars in gas and car maintenance costs, and tens of thousands of miles worth of emissions for each worker.

I’d ask you to consider upzoning every parcel within 1/4 mile of UVM to a density of 150 du/acre with a modest height restriction of 200 ft, and not maintain the unsustainable and exclusionary RL zoning that currently surrounds these critical institutions.

Best,

Michael Arnold

PhD Student
Vermont Complex Systems Center
University of Vermont

Burlington Planning Commission

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

To: Burlington City Council
From: Burlington Planning Commission
Date: June 28, 2022
RE: Commission recommendations on proposed ZA-22-07

DRAFT

The City Council referred proposed *ZA-22-07: Maximum Parking & TDM* to the Commission to prepare the Municipal Bylaw Amendment Report and hold a public hearing per 24 VSA 4441 (g). This process limits the Commission's role to making any needed technical corrections and offering its recommendation or opinion. The Report and the ordinance, as it was referred to the Commission, are attached. This memo outlines the Commission's recommendations for further changes to the draft ordinance before Council adoption.

Commission recommendations

The Commission's February 2022 memo outlined a number of concerns with the broadly expanded applicability of the Transportation Demand Management (TDM) requirements contained in a prior version of this proposal. The Commission appreciates the changes made by the Council Ordinance Committee to create two tiers of TDM requirements based on the overall size of new developments. However, the Commission has continuing concerns about the proposed changes and wishes to reiterate its recommendation that the TDM study inform the best approaches, scale and context for expanded TDM requirements in the city.

Additionally, during the public hearing the Commission received comments from UVM and CATMA regarding the proposed changes to the Joint Institutional Parking Management Plan (JIPMP) requirements. In particular, the organizations noted that the inability to receive zoning permits or Certificates of Occupancy (CO's) could have an unintended consequence for projects which have no bearing on parking. Additionally, the organizations have asked for clarification on the process for submitting an amendment to an approved Plan and have proposed a process for short plan extensions.

Several of these changes are not technical in nature—they ultimately impact how stringent the Council wishes the proposed Plan approval requirements to be—and therefore have not been incorporated into the language of the proposed amendment. The Commission agrees with some of the changes requested by the organizations, and offers the following recommendations:

- The scope of the JIPMP has never captured small projects (such as routine maintenance, sidewalk improvements, or art installation). The focus has been on developments that will impact the institutions' parking demand and supply. With regard to the first request, the Commission recommends the Council further amend lines 577-578 to read:

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

- To provide further clarity on Plan amendments for projects not included in an approved Plan, the Commission recommends the Council amend lines 582-588 to read:

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

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

- To provide a process for extending the applicability of an approved plan, the Commission recommends the Council amend lines 568-569 to read:

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



Memorandum - June 28, 2022

To: Meagan Tuttle and Burlington Planning Commission
From: Sandy Thibault, Executive Director at CATMA
Re: Amendment to CDO Minimum Parking Requirements and JIPMP

I am writing to reiterate CATMA's position regarding proposed amendments to Burlington's CDO on replacement of minimum parking requirements with maximums. This amendment is an important step in attempting to balance housing affordability, ensure more efficient land use, wellbeing, and long-term sustainability by increasing use of other modes of transportation and reducing single occupant vehicles.

CATMA supports the proposed transportation demand management (TDM) Citywide requirement, although there needs to be more clarity on the TDM measures are required, how the requirements are enforced and measured by the City. One concern for some might be the lack of a robust transit service Citywide which limits their ability to succeed with this particular TDM measure.

The JIPMP demonstrates the "Hill" institutions holistically manage transportation and parking resources, employ TDM practices and supply adequate parking facilities. The 2020-2022 JIPMP and its 2021 update have incorporated other facets of transportation, including climate, telework, telehealth and pandemic impacts on transportation behavior and parking demand. Any future uncertainty in our environment, data collection or City schedule can impact the timing of an approved JIPMP, thus impacting any of the institution's ability to receive a project's permit with the proposed amendment to an approved JIPMP.

CATMA recommends not requiring an amendment for all zoning permits and certificates of occupancy. Permits and certificates that do not affect parking or affect less than 10 parking spaces should be exempt from this requirement. Below are some potential options for your discussion and consideration:

1. Ability to request a 6-month extension of an approved JIPMP to account for any lapse due to uncertainties, data collection or the City's Planning Commission and DRB schedules.
2. Applications for new habitable space can be approved but not receive a CO until JIPMP is approved.
3. Applications that do not include habitable space can be approved and receive a CO. These would include repairs, maintenance, new equipment, changes of use that do not affect parking.
4. Applications for site work that do not affect parking, such as new walkways, landscaping, sculpture, etc could receive a zoning permit and CO.
5. Applications for site work that include a minimal number of parking spaces, either additions or removals, up to ten (10) spaces, could receive approval and a CO.

CATMA also believes there needs to be more clarification on what an addendum to the JIPMP would entail.

Thank you.



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: 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
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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.

**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:

Planning Commission Process				
Draft Amendment referred by: City Council	Presentation & discussion: 6/28/22	Approve for Public Hearing 6/28/22	Public Hearing & Technical Corrections	Approve & forward to Council
City Council Process				
First Read & Referral to Ordinance Cmte 4/11/22	Ordinance Committee discussion & recommendation 5/31/22	Council 2 nd Read 6/27/22	Public Hearing	Approval & Adoption
				Rejected

CITY OF BURLINGTON

ORDINANCE _____

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

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

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

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

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

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

Sec. 3.1.2 Zoning Permit Required.

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

(a) Exterior Work:

As written.

(b) Interior Work:

As written.

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

1. - 18. As written.

19. Short term rental.

(d) Determination of Non-Applicability:

As written.

Sec. 8.1.8 Minimum Off-Street Parking Requirements.

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

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

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

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

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

Sec. 13.1.2 Definitions.

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

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

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

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

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

Hotel, Inn or Motel Lodging: An establishment providing for a fee ~~three or more~~ temporary guest rooms and customary lodging services (such as onsite staffing at all hours, lobby space, and room service), and subject to the Vermont rooms and meals tax. Lodging may, or may not, be owner occupied. Lodging does not include historic inns or short term rentals (except when per-building short term rental limits noted in Chapter 18: Minimum Housing Standards of the Burlington Code of Ordinances are exceeded).

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

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

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

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

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

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Bed and Breakfast^{4,6}	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Short Term Rental³³	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Hostel	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
<u>Hotel, Motel Lodging</u>	N	N	N	N	CU	N	N	N	(See Sec. 4.4.1 (d) 1)	N	Y	N	Y	N	N
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

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

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

Appendix A-Use Table – All Zoning Districts

- 25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- 26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- 27. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.
- 28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 29. Must be fully enclosed within a building.
- 30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
- 31. See special use standards of Sec. 5.4.13, Emergency Shelters.
- 32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
- 33. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.

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

14.3.4-H- Use Type FD6

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

RESIDENTIAL - GENERAL

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

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

RESIDENTIAL - SPECIAL

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

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

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

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

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

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

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast [†]	P
--------------------------------	---

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

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

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

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

RETAIL - GENERAL

ATM	P
-----	---

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

¹Must be owner-occupied.

²Automobile sales not permitted as an Accessory Use

³Exterior 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
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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
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14.3.5-H- Use Types

FD5

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

RESIDENTIAL - GENERAL

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

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

RESIDENTIAL - SPECIAL

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

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

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

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

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

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

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

SHORT-TERM ACCOMMODATIONS

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

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

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

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

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

RETAIL - GENERAL

ATM	P
-----	---

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

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

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

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

RETAIL - OUTDOOR

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

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

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

14.3.5-H- Use Types

FD5

OFFICE & SERVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOSPITALITY/ENTERTAINMENT/RECREATION

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

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

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

Key

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

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

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

Burlington Planning Commission

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www.burlingtonvt.gov/pz

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

Burlington Planning Commission

Tuesday, June 28, 2022, 6:30 P.M.

Remote Meeting via Zoom and Sharon Bushor Conference Room

Draft Minutes

Members Present	A Montroll, B. Baker, A Friend, M Gaughan, B. Martin, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	B. Headrick, K. Pillsbury, L. Kingsbury, S. Bushor

I. Agenda

Call to Order	Time: 6:35pm
Agenda	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
J. Mahoney	J. Mahoney spoke about Trinity Campus and supports allowing City Planning staff to create zoning and height standards but expresses lack of confidence in UVM. He spoke of juniors and seniors preferring to live off campus and increasing enrollment. He wishes for the City to hold UVM accountable.
B. Headrick	B. Headrick spoke about the proposed UVM Trinity Campus amendment and her concern with changes to Institutional zoning. She expressed her opposition to the proposed amendment and asked the Planning Commission to re-consider until UVM provides a Master Plan.
S. Bushor	S. Bushor thanked Planning staff for coordinating the meeting on Trinity Campus. She also asked if the questions asked during the public meeting would be re-asked to allow those who could not access the online survey instrument another chance to provide input. She suggested a joint meeting with the Planning Commission and City Council to discuss UVM housing. She also spoke in reference to the emergency shelter pods and expresses disagreement with the administrative approval for such housing.
S. Thibault	S. Thibault spoke in reference to the memo related to ZA-22-07 and spoke to the JIP. Asked the Commission to reconsider the parking minimums as it could affect other areas of the city.
K. Pillsbury	K. Pillsbury spoke as a resident of Ward 8 letting the Commission know that the Trinity Campus Rezoning will affect his neighborhood.
L. Kingsbury	L. Kingsbury thanked the Planning staff for facilitating the June 23 public meeting and to the Commission. She spoke to the memo that S. Thibault sent and that UVM agrees with the points made in that memo.

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.

III. Chair's Report

A. Montroll	No report.
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IV. Director's Report

M. Tuttle	M. Tuttle requested that Sharon and Barbara resubmit any written correspondence previously sent to Planning Commission to staff in the Office of City Planning. She congratulated Alex Friend for his reappointment and thanked Brynn Martin for her service during the last year. Ms. Martin's replacement would join the Commission in August, potentially. The Office of City Planning budget was approved by City Council and more details were provided on what projects are the Planning team will be working over the next year. The Regional Planning Commission will also provide some additional funding. Meagan also reminded the Planning Commission of the 6/29 public meeting on the South End Innovation District at Generator and provided information on the Trinity Campus public meeting. Copies of the presentation slides and the Zoom recording can be found on the Planning website.
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V. Proposed CDO Amendment: ZA-22-08 Short Term Rental

Action: Approve ZA-22-08 and warn a public hearing		
Motion by: A Friend	Second by: M. Gaughan	Vote: 5-0
Type: Motion to Pass	Presented by: M. Tuttle	
Introduction:		
M. Tuttle presented an update on the proposed amendment and summarized the CC action from its 6/27 meeting. Components of the resolution (1. amending the definitions and 2. adding short terms rentals as a "special residential use" to Appendix A) have expired since the Planning Commission sent them to City Council over one year ago. City Council is now referring these components back to the Planning Commission so that it may approve the warning of a public hearing for the amendment.		
Commissioner discussion:		
A. Montroll described the amendment and summarized Planning Commission's past treatment of this propose amendment. He summarized that the Commission felt the best place to house short-term rental regulation was within the City code as it allows the regulation to be more dynamic and flexible. A. Montroll asked for a summary of the new rules established for short-term rentals.		

VI. Proposed ZA-22-07 Maximum Parking & TDM

Action: Approve ZA-22-07 and refer to City Council with the recommendation to adopt the resolution.		
Motion by: M. Gaughan	Second by: A. Friend	Vote: 5-0
Type: Move to Council and adopt report	Presented by: M Tuttle	
Introduction: M. Tuttle discussed a memo from CATMA that proposed changes to the amendment. The memo requests that certain applications do not require an amendment, particularly for site work that include a minimum number of parking spaces, additions or removals, up to 10 spaces. M Tuttle stated that her and her staff discussed this item and found it was slightly out of scope for a parking management plan. M. Tuttle described the memo summarizing the Commission’s recommended further changes to the proposed amendment.		

Commissioner discussion:

- M. Gaughan asked if staff knows of any instances of small work for which 10 or fewer parking spaces would be impacted. S. Gustin stated that the institutions frequently come in for small infrastructural works that typically do fit within the JIPMP. L. Kingsbury (UVM) provided an example of a landscape project that added three spaces.
- A. Friend and A. Montroll expressed support for the memo.
- M. Gaughan expressed his concern that in the implementation period, the aggregate cost of housing would increase. He stated support for an implementation period that would preclude a landlord from charging extra for parking, considering that parking and rent would be decoupled. M. Tuttle stated that there could be language added stating such decoupling must only be enacted as described in a lease agreement signed by all parties and at the beginning of a lease term. The parking cost decoupling would only apply to newer developments.

VI. Public Hearing: Proposed ZA-22-06 Transitional Shelter

Action: Continue discussion to consider alternative approaches that align with some of the principles outlined by the Planning Commission.

Motion by: n/a

Second by: n/a

Vote: n/a

Type: n/a

Presented by: M Tuttle

Introduction:

M. Tuttle presented the proposed amendment and discussed the permit length and reporting standards as proposed. She summarized the changes included in the most recent proposed amendment, such as transitioning the emergency shelter permit to a permanent structure permit. She discussed a previous suggestion where the timeframe for these transitional shelters is seasonal, i.e. emergency housing in the winter. The proposed amendment also provisions that an advisory committee be created for each transitional shelter. This committee would bring together community members in that neighborhood to have a say in the creation of the shelter.

Commission Discussion:

- M. Gaughan spoke summarizing his previously stated thoughts, including that there is already a process in place for temporary shelter permits. He does not support the institutionalization of temporary housing for homeless individuals, but supports permanent affordable housing efforts. He stated that he prefers a seasonality aspect and clauses allowing disaster-related emergency housing needs.
- A. Montroll spoke in support of long-term planning for housing transition and aspects of the "housing crisis." He differentiated a planning-focused "crisis" from a housing emergency. He offered the COVID-19 pandemic as an example of a housing emergency. He spoke in support of identifying places in the city where emergency housing should be located in such events. But stated that he does not believe the proposed amendment sufficiently addresses the crisis of housing. M. Tuttle offered that some of this covered in the Hazard Mitigation plan handed at the Regional Planning Commission level, yet the process CEDO went through for the Elmwood Ave permit revealed some gaps in the regional and municipal plans. She also spoke to the fact that a permit expires after a period of time if no construction has occurred, making it difficult to reserve areas of the city for emergency shelter use.
- A. Montroll asked if emergency shelters could be permitted on a short-term basis in identified areas considered appropriate for such use. M. Tuttle suggested an overlay approach but stated that this could be less transparent to the public than desired. A. Montroll responded by stating that the current administrative process only allows limited public involvement.
- A. Friend expressed that the three-year term in the current plan is too long to be considered temporary, but was favorable of some of the suggestions brought forward.

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- A. Montroll proposed emergency housing sites that would be approved by DRB
- B. Martin suggests that a crisis is simply an emergency that has been ignored. She asked what will be considered an emergency and what is the timeframe for an emergency to be over. She referenced that getting back on one's feet after experiencing homelessness could take a long time, longer than the Winter months.
- M. Gaughan asks for research on emergency measures and how they are administered in other cities, regardless of the nature of the emergency.
- A. Friend says that there will still need to be a CDO amendment to identify districts where this use is permitted.
- A. Montroll would like to narrowly identify sites that could go through a quicker review process; the process as proposed is concerning to him.
- M. Gaughan suggests a site selection process and that some thought should go into what the criteria should be for emergency shelter sites.
- The Commission discussed what points are essential in a new proposal. M. Gaughan offered that creation of temporary shelter should be tied to seasonality, FEMA declaration of a disaster, or a Governor's State of Emergency. A. Friend thought seasonality would be too long since Vermont has long winters, yet tying it to a FEMA or Governor declaration would be too restrictive.
- M. Tuttle will work with staff to draft a new proposal with the suggestions given by the Commissioners.

VII. Minutes and Communications

Action: Approve the minutes and accept the communications

Motion by: A. Friend

Second by: B. Martin

Approved Unanimously

Minutes Approved: June 14

Communications Accepted: in the agenda packet and posted at

<https://www.burlingtonvt.gov/CityPlan/PC/Agendas>**VIII. Adjourn**

Adjournment

Time: 8:20pm

Motion: B. Martin

Second: A. Friend

Vote: Approved Unanimously