

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member



Burlington Planning Commission

Tuesday, June 13, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
AGENDA

Note: times given are
approximate unless
otherwise noted.

I. **Agenda**

II. **Public Forum**- Time Certain 6:30 p.m.

III. **Report of the Chair**

IV. **Report of the Director**

V. **DRAFT Planning Commission Annual Report FY 2017** (10 min)

The Planning Commission will review the draft FY 2017 Annual Report of its activities and either recommend changes to staff or approve its delivery to City Council president. The Planning Commission chair will provide a presentation on this report to Council this summer.

VI. **Regional Energy Plan Comments** (15 min)

The Long Range Planning Committee met to discuss the most recent Municipal Energy Data Guides and preferred sites for renewable energy generation as part of the CCRPC's Regional Energy Plan development. A memo containing comments from the LRPC including P&Z and the Burlington Electric Department staff will be provided at the meeting. Additional information about the Regional Energy Plan process can be found at: <http://www.ccrpcvt.org/our-work/our-plans/regional-energy-plan/>

VII. **Proposed CDO Amendment: Replacement Mobile Home** (5 min)

The Planning Commission will discuss a proposed amendment to the *Burlington CDO*, recommended by its Ordinance Committee, to modify the reference to Conditional Use review requirements for mobile homes to apply to new and expanded mobile home parks, but not replacement mobile homes.

VIII. **Proposed CDO Amendments: Retaining Walls** (10 min)

The Planning Commission will discuss a proposed amendment to the Burlington CDO, recommended by its Ordinance Committee, to add provisions regarding the regulation of retaining walls.

IX. **Permit Reform Study- Historic Buildings** (20 min)

Staff will provide an update on a supplemental review conducted as part of the Permit Reform process regarding the permitting process for and codes affecting historic buildings.

X. **Committee Reports**

XI. **Commissioner Items**- Next meeting is Tuesday, June 27, 2017 @ 6:30 pm in Conference Room 12

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

XII. Minutes & Communications

The Commission will review and approve the minutes of the May 23, 2017 meeting and a communication.

XIII. Adjourn

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member



Burlington Planning Commission

Tuesday, June 13, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
AGENDA

Note: times given are
approximate unless
otherwise noted.

I. **Agenda**

II. **Public Forum**- Time Certain 6:30 p.m.

III. **Report of the Chair**

IV. **Report of the Director**

V. **DRAFT Planning Commission Annual Report FY 2017** (10 min)

The Planning Commission will review the draft FY 2017 Annual Report of its activities and either recommend changes to staff or approve its delivery to City Council president. The Planning Commission chair will provide a presentation on this report to Council this summer. The draft report is included in the agenda packet on pages 3-13.

VI. **Regional Energy Plan Comments** (15 min)

The Long Range Planning Committee met to discuss the most recent Municipal Energy Data Guides and preferred sites for renewable energy generation as part of the CCRPC's Regional Energy Plan development. A memo containing comments from the LRPC including P&Z and the Burlington Electric Department staff will be provided at the meeting. Additional information about the Regional Energy Plan process can be found at: <http://www.ccrpcvt.org/our-work/our-plans/regional-energy-plan/>

VII. **Proposed CDO Amendment: Replacement Mobile Home** (5 min)

The Planning Commission will discuss a proposed amendment to the *Burlington CDO*, recommended by its Ordinance Committee, to modify the reference to Conditional Use review requirements for mobile homes to apply to new and expanded mobile home parks, but not replacement mobile homes. Information related to this proposed amendment is included in the agenda packet on pages 14-15.

VIII. **Proposed CDO Amendments: Retaining Walls** (10 min)

The Planning Commission will discuss a proposed amendment to the Burlington CDO, recommended by its Ordinance Committee, to add provisions regarding the regulation of retaining walls. Information related to this proposed amendment is included in the agenda packet on pages 16-18.

IX. **Permit Reform Study- Historic Buildings** (20 min)

Staff will provide an update on a supplemental review conducted as part of the Permit Reform process regarding the permitting process for and codes affecting historic buildings.

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

X. Committee Reports

XI. Commissioner Items - *Next meeting is Tuesday, June 27, 2017 @ 6:30 pm in Conference Room 12*

XII. Minutes & Communications

The Commission will review and approve the minutes of the May 23, 2017 meeting, enclosed on pages 19-21 of the agenda packet, and a communication on pages 22-33 of the agenda packet.

XIII. Adjourn

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

Andrew Montroll, Chair

Bruce Baker, Vice-Chair

Yves Bradley

Alexander Friend

Emily Lee

Harris Roen

Jennifer Wallace-Brodeur

Eamon Dunn, Youth Member



To: Jane Knodell, Council President
Burlington City Council
Mayor Miro Weinberger
From: Andrew Montroll, Chair, Burlington Planning Commission
DATE: June 13, 2017
RE: Annual Report of the Burlington Planning Commission, Fiscal Year 2017 (July 1, 2016-June 30, 2017)

Please see the enclosed FY 2017 Annual Report of the Burlington Planning Commission. This year, the Planning Commission advanced many projects, through its own work and its oversight of the work of the Planning & Zoning Department, to advance projects that shape and implement *planBTV*—the City's Municipal Development Plan.

Thank you for your attention to the work of the Planning Commission. Please feel free to contact me with any questions. The Commission looks forward to our continued collaboration and progress on these and many other matters facing the City.

Andrew Montroll, Chair

Emily Lee

Bruce Baker, Vice Chair

Harris Roen

Yves Bradley

Jennifer Wallace-Brodeur

Alexander Friend

Eamon Dunn, Youth Member

FY 2017 BURLINGTON PLANNING COMMISSION ANNUAL REPORT

PREPARED FOR:
BURLINGTON CITY COUNCIL
MAYOR MIRO WEINBERGER



Image Credit: TPUDC for *planBTV Downtown Code*

The **Planning Commission** dedicates a tremendous amount of time to **creating and implementing *planBTV***, our Municipal Development Plan.

3

STANDING
COMMITTEES
MEET MONTHLY

1

JOINT PC/COUNCIL
COMMITTEE- *PLANBTV*
DOWNTOWN CODE

45

PARTICIPATED IN 45 PC,
COMMITTEE, SPECIAL
MEETINGS IN FY 2017

MAJOR ACTIVITIES IN FY 2017, INCLUDED:

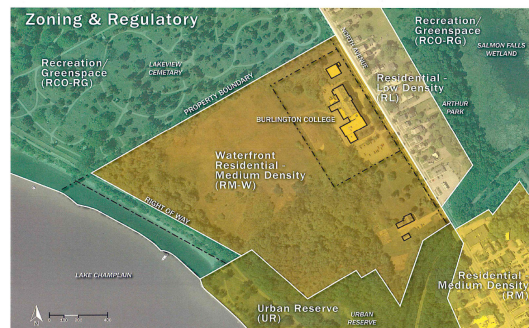
implementing *planBTV*: *planBTV Downtown Code*

Joint Council & Commission Committee continued to develop a draft code.



implementing *planBTV*: *CDO Amendments*

Provided recommendations on 19 CDO amendments; reviewed several others.



OVERVIEW

Planning Commission Membership

The Planning Commission is composed of seven Commissioners, appointed to staggered terms of four years. This year, the Commission also welcomed a Youth Commissioner, Eamon Dunn, a freshman at Burlington High School. Each Commissioner participates on at least one Standing Committee, and some Commissioners also participate on ad-hoc committees established to facilitate special projects. The FY 2017 membership of the Planning Commission and participation in Committees is listed below; a record of attendance for the full Commission meetings is included in Appendix A.

Andy Montroll, *Chair, Executive Committee, Joint Form-Based Code Committee (Chair)*
Bruce Baker, *Vice-Chair, Executive Committee, Ordinance Committee*
Yves Bradley, *Executive Committee*
Alexander Friend, *Ordinance Committee (Chair) (Appointed on August 15, 2016 to fill Lee Buffinton vacancy)*
Emily Lee, *Long Range Committee, Joint Form-Based Code Committee*
Harris Roen, *Long Range Committee (Chair)*
Jennifer Wallace-Brodeur, *Long Range Committee*
Eamon Dunn, *Youth Member (Appointed by the Commission March 28, 2017)*

Planning Commission Duties

The Burlington Planning Commission facilitates the optimal and sustainable development of Burlington's built and natural environment by engaging the community in long-range, comprehensive City-wide land use planning; advising the Mayor and City Council on matters pertaining to land use planning and development in general; reviewing and developing land development ordinances for approval by the City Council; providing oversight to the Department of Planning & Zoning (DPZ); providing comments and feedback, as necessary, to the Chittenden County Regional Planning Commission and the Chittenden County Metropolitan Planning Organization; and other functions as set forth in 24 V.S.A. §4325. In short, the Planning Commission dedicates a tremendous amount of time to creating and implementing planBTV—also known as the Municipal Development Plan—which includes specific plans for areas and important issues in the City.

FY 2017 Meetings

Full Commission meetings are held twice monthly, and usually last 1.5 to 2 hours, although meetings lasting as long as 3 hours occurred several times this year. The Commission's Executive and Ordinance Committees hold meetings each month, the Long Range Planning Committee held two special meetings, and the Joint Form-Based Code Committee held 4 meetings. In total, Commissioners participated in 45 meetings to continue its work creating and implementing *planBTV-the Municipal Development Plan* for Burlington.

So, what did we do this year?

plan for BTV!

In FY 2017, Commission members continued to advance many projects that carried over from FY 2016, and provided input and oversight as the Department's staff participated in several major projects in collaboration with other City Departments.

Long-Range, Comprehensive Planning

planBTV: Parks & Walk/Bike Master Plans

The Planning Commission reviewed and provided comments to City Staff on the Parks, Recreation and Waterfront Master Plan and planBTV Walk/Bike. Both of these plans are the first of their kind for Burlington—comprehensive, long-range plans to preserve and enhance the City's recreation resources and to build a robust network that will allow Burlington to become the best small city for walking and biking. The Planning Commission will review both of these plans again for incorporation into the next planBTV- Municipal Development Plan update.

ECOS Regional Energy Plan

The Planning Commission provided input to the CCRPC regarding the Regional Energy Plan, which is being prepared to advance the State's energy plan goals. The Commission provided feedback on Burlington's land use constraints affecting the location of renewable energy generation resources, preferred sites for these resources, and pathways for achieving the State of Vermont's 2050 energy targets. Energy targets developed by this process will be incorporated in the next update to planBTV- Municipal Development Plan.

Advising the Mayor & City Council

In addition to its recommendations regarding amendments to the City's Comprehensive Development Ordinance, members of the Planning Commission continued to provide recommendations to the City Council:

Joint planBTV Downtown Code (Form-Based Code) Committee

Several Commissioners continued to participate alongside City Council members on the joint committee developing Article 14 standards—the form-based code for downtown Burlington. In FY 2016, the joint committee had participated in 16 meetings dedicated to the development of the code; hosted Lee Einsweiler from The Code Studio for a series of public presentations and discussions about Burlington's code; and had visited the City's NPA's for feedback on the most recent draft code. In late spring 2016, the Committee's work had been put on hold as the Commission and Council turned their focus to the Downtown Mixed-Use Core Overlay and Burlington Town Center Mall Redevelopment project.

As the Commission's and Council's work on those projects reached completion, the joint committee reconvened in the spring of 2017. The Committee held 5 meetings in FY 2017 to make final refinements to the proposed code, including some changes to reflect lessons learned during the creation of the Downtown Mixed-Use Core Overlay and its application to the review of plans for the Burlington Town Center redevelopment. It is anticipated that the code will be considered for adoption by City Council in early FY 2018.

Downtown Mixed-Use Core Overlay Zoning Amendment

The Planning Commission dedicated a tremendous amount of time in FY 2016 to meetings regarding the proposed Downtown Mixed Use Core Overlay. At its last meeting of June 2016, the Commission forwarded the proposed zoning amendment to Council for consideration. At its first meeting in July, Commissioners forwarded a memorandum and matrix of Planning Commission and Staff comments on a variety of elements of the proposed ordinance.

City Council's Ordinance Committee and the full Council met extensively during July and August 2016 to discuss the proposed amendment and make modifications. In August, the amendment was returned to the Planning Commission to review City Council's changes; following its final public hearing in September 2016, City Council voted to approve the amendment conditional upon Burlington voters' approval. The amendment was approved by 53.84% of voters during the November 8, 2016 election.

Downtown & Neighborhood Development Area Designations

The Commission endorsed the City's re-application for these designations to the Vermont Downtown Board, and authorized the Department's continued participation in the Downtown Partnership to advance the goals of the Community Reinvestment Agreement for Downtown Burlington. The programs provide support for communities and property owners to revitalize downtowns and core neighborhoods, and include a range of tools that can be utilized to assist with redevelopment and capital projects identified in the City's adopted plans.

Land Development Ordinances

The Planning Commission and its Ordinance Committee reviewed and discussed 21 proposed amendments to the City's Comprehensive Development Ordinance (CDO) this year, including several that carried over from FY 2016. The Commission recommended 17 of these proposed amendments for adoption by City Council, and has public hearings scheduled for 2 additional amendments. 11 of these amendments have been adopted by Council and are now in effect. The following is a complete list of amendments which have been recommended by the Planning Commission to the City Council in FY 2017, and the current status:

ZA-16-11 Enforcement Period of Limitations: The purpose of this amendment is to establish "Section 2.7.11 Enforcement Period of Limitations," pursuant to 24 V.S.A. §4454 and this section, pertaining to zoning violations which have been known to the City of Burlington for more than 15 years and where the City has not taken corrective action to address the violation. This ordinance establishes burden of proof, and a process through which properties with use, dimension, structure, function or other violations can seek to be "stabilized." Finally, this amendment removes references to "Bianchi controlled situations" in Part 3: Non-Conformities. The Planning Commission voted to recommend this to the City Council on September 27, 2016. The amendment has been tabled by the City Council Ordinance Committee.

ZA-16-12 Rezone Fletcher Place to Residential Medium: The purpose of this amendment is to rezone residential properties along Fletcher Place from Institutional to Residential Medium in order to promote residential density and uses which are consistent with the existing neighborhood character. This amendment was adopted by the City Council on May 15, 2017.

ZA-16-13 Subdivision Infrastructure Standards: The purpose of this amendment is incorporate a reference to the standards of the City Engineer for public infrastructure improvements, and to correct omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance to the 2008 Comprehensive Development Ordinance. This amendment was adopted by the City Council on August 15, 2016.

ZA-16-14 Downtown Mixed Use Core Overlay: The purpose of this amendment is to establish the Downtown Mixed Use Core Overlay district to facilitate the redevelopment of a portion of the former Urban Renewal area with higher density mixed-use development and to implement central goals and objectives in the 2013 planBTV Downtown & Waterfront Plan. Additionally, the purpose of this amendment is to amend the City's Official Map to include two 60 ft. Rights of Way at St. Paul and Pine Streets between Bank and Cherry Streets. Following the Planning Commission's referral of this amendment, the City Council Ordinance Committee and Planning Commission held several meetings to make modifications to this amendment. In September 2016, City Council adopted the amendment subject to the outcome of a ballot vote. The amendment was officially adopted on November 8, 2016 with 53.84% of votes in favor.

ZA-17-01 Off-Site Parking: The purpose of this amendment is to clarify the existing zoning provisions for off-site parking and to provide for efficient and effective use of parking facilities generally. The amendment establishes additional parameters for what constitutes acceptable off-site parking facilities and also strengthens the provision for off-site parking used to meet required parking. Reference to the design review standards of Article 6 is also inserted. This amendment was adopted by City Council on November 28, 2016.

ZA-17-02 Family Daycare Exceptions & Preschools: The purpose of this amendment is to align the definition of Daycare to be consistent with state regulatory review; to assure exemption from zoning requirements as noted, and to affirmatively distinguish daycare use from home occupations. This amendment was adopted by City Council on January 30, 2017.

ZA-17-03 Withhold Permit: The purpose of this proposed amendment is to create additional incentive to correct outstanding zoning violations and to prompt action to close out expired permits in need of certificates of occupancy. Properties with outstanding zoning violations or open and expired zoning permits may not receive new zoning permits until those items are addressed. This amendment was adopted by City Council on December 19, 2016.

ZA-17-04 Neighborhood Activity Center- Cambrian Rise: The purpose of this amendment is to facilitate the redevelopment of the former St. Josephs Orphanage/Burlington College property in a manner that is consistent with the results of a community planning process for the site that will advance many of the central goals and objectives found in the Burlington Municipal Development Plan regarding providing a greater diversity of housing choices, open space protection, and shoreland protection. This amendment creates a new neighborhood mixed-use district on North Avenue that will allow for a range of housing types and price levels to accommodate diverse ages and incomes with associated neighborhood oriented small-scale retail and service uses. This amendment was adopted by City Council on November 28, 2016.

ZA-17-05 Permit Conversion of Former Single-Family Use Back to Single-Family Use: The purpose of this amendment is to permit the reconversion of single-family detached dwellings back to single-family uses in the Downtown, Downtown Transition, Battery Street Transition, neighborhood mixed use, and high density residential zones. Presently, single-family uses are not permitted in these

districts in order to foster higher intensity development within these higher density zones. However, there are cases in which single-family detached dwellings have been converted to non-residential or multi-family uses, and the current owner wishes to reconvert to a single-family use. This amendment would allow for such a property to be reconverted to a single-family use as long as the building was originally constructed for that purpose. This change is consistent with existing provisions in Sec. 4.4.5 D 6 A, which allows neighborhood commercial uses within a building originally designed and constructed for such a purpose, regardless of its present use. This amendment was adopted by City Council on January 30, 2017.

ZA-17-06 Elmwood NMU Rezone: The purpose of this amendment is to change the zoning for the property located at 168 Elmwood from Residential Medium Density to Neighborhood Mixed Use in order to better reflect the historic and preferred use of the pre-existing mixed use building. This amendment was adopted by City Council on December 19, 2016.

ZA-17-07 Commissioner Terms: The purpose of this amendment is ensure consistency between the Comprehensive Development Ordinance and the City Charter regarding the length of a Planning Commissioner term. This amendment reflects the change from four-year to three-year terms. This amendment was adopted by City Council on December 19, 2016.

ZA-17-08 Food and Beverage Production Operation: The proposed amendment eliminates the current prohibition on cafes as an accessory use to microbreweries in the Enterprise-Light Manufacturing zone to eliminate inconsistencies between the City's ordinances and state alcohol laws. Additionally, the amendment establishes a new "food and beverage production operation" to replace microbreweries, wineries, wholesale bakeries, and other related food production uses. The Planning Commission referred this amendment to City Council on February 28, 2017, and it is currently before the Council Ordinance Committee.

ZA-17-09 Major Impact Review: The purpose of this amendment is to create varying thresholds that trigger Major Impact Review, based on the location of the proposed development project, rather than the current on-size-fits-all approach. This was originally referred to the City Council as ZA-16-01, but it expired while City Council's Ordinance Committee was in the process of discussing and making modifications to the amendment. The Planning Commission reviewed Council's Ordinance Committee changes and referred them back to City Council as ZA-17-09. The amendment was adopted by City Council on March 13, 2017.

ZA-17-10 Green Roof Lot Coverage: The purpose of this proposed amendment is to define green roofs and create clear guidelines for how lot coverage is calculated on sites with buildings which are constructed with a green roof. The Planning Commission referred this amendment to the City Council on April 18, 2017, and it is currently before the Council Ordinance Committee.

ZA-17-11 Emergency Shelters: The purpose of this proposed amendment is to create language related to emergency shelters, as temporary housing in order to differentiate them from community houses, and to establish parameters for calculating and maximum number of units, location, duration of stay, and on-site management. The Planning Commission referred this amendment to the City Council on April 18, 2017, and it is currently before the Council Ordinance Committee.

ZA-17-12 CDO Technical Corrections: The purpose of this proposed amendment is to correct and address a number of housekeeping items throughout the Burlington CDO that have been discovered in the daily implementation of the ordinance. None of these amendments establish new policy

direction. The Planning Commission referred this amendment to the City Council on April 18, 2017, and it is currently before the Council Ordinance Committee.

ZA-17-13 Signage Illumination in ELM: The purpose of this proposed amendment is to permit lighted signage in the Enterprise zoning districts, consistent with the City's mixed use and institutional districts. The Planning Commission referred this amendment to the City Council on April 18, 2017, and it is currently before the Council Ordinance Committee.

ZA-17-14 Preschool Technical Corrections: The purpose of this proposed amendment is to correct two gaps in the CDO regarding preschools by adding standards for use for the NAC-CR zoning district to Appendix A-Use Table, and adding minimum off-street parking requirements to Table 8.1.8-1. The Planning Commission referred this amendment for a public hearing on May 16, 2017.

ZA-17-15 Article 4 Development Bonuses: The purpose of this proposed amendment is to address duplicity and contradictions between Article 4 and Article 9 regarding development bonuses in neighborhood mixed use and residential zoning districts. In particular, this amendment clarifies the maximum cumulative development bonus allowable for properties in neighborhood mixed use zones by retaining an additional 0.5 FAR bonus, but eliminating a 10 ft height bonus, when providing an additional 5% inclusionary housing over what is required in Article 9. Additionally, this amendment clarifies that development bonuses may be cumulative up to, but not to exceed, the maximum allowable bonuses for properties in residential zones. This amendment also removes the requirement that a residential use created through the adaptive reuse and residential conversion bonuses be conforming to the underlying zoning district, due to the inconsistency this creates in low-density residential districts. Finally, this amendment corrects a footnote which applies a setback to properties in the NAC, NMU, and NAC-R zones when abutting residential uses, but not to the NAC-CR. The Planning Commission referred this amendment for a public hearing on May 23, 2017.

Oversight of Planning & Zoning Department

The Planning Commission spent significant time discussing policies and operational changes that impact day-to-day operations within the Planning & Zoning Department. A consistent theme among these efforts is to ensure greater predictability for applicants, and more efficient administration of the permitting process for staff. These are central goals of planBTV Downtown Code as well as the proposed amendments ZA-16-11 Enforcement Period of Limitations and ZA-17-03 Withhold Permit, described above. The Commission also received reports and provided feedback to the cross-departmental team advancing the Permit Reform Study. This study evaluated the City's land development and building code permitting process and provided recommendations for improving its operations, efficiency, predictability for residents and staff. Several of these recommendations have been implemented, or will be advanced in the coming year.

In FY 2017, the Planning & Zoning Department's long-time secretary, Elsie Tillotson, retired. This provided an opportunity to implement a recommendation of the Permit Reform Study to create a Planning Technician position to meet the department's current needs; Layne Darfler was hired into this position in May 2017. Also this year, the Commission recommended the re-appointment of the Planning Director, David White, for another three-year term.

Other Activities

Andy Montroll represented the City of Burlington as the Immediate Past Chair and member of the Executive Committee for the Chittenden County Regional Planning Commission. The Commission meets monthly to discuss matters related to the implementation of the regional ECOS Plan, the Regional Energy Plan, transportation plans, hazard mitigation plans, and other activities.

Alexander Friend agreed to serve on the Steering Committee for The Neighborhood Project. This is an initiative from the 2015 Housing Action Plan led by the Community & Economic Development Office, supported by Planning & Zoning, with partners UVM, Champlain College and Preservation Burlington, to prepare a strategy and toolkit for neighborhood stabilization efforts to: create balanced opportunities for housing choices in near-campus neighborhoods, improve the quality of housing stock for a wide range of residents, and identify quality of life initiatives to support residents in those neighborhoods. Emily Lee also agreed to participate on this committee as a representative of Preservation Burlington, a partner in the project.

Appendix A: Planning Commission Attendance Log FY 2017– July 2016 through June 2017

[illegible]

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

(802) 865-7142 (TTY)

www.burlingtonvt.gov/PZ



Burlington Planning Commission Report Municipal Bylaw Amendment

DRAFT

ZA-17-XX Replacement Mobile Home

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is to ensure that language in Article 5 review standards for applications involving a mobile home park clarify that the review standards in Article 3, Part 5 for Conditional Use review apply to new and expanded mobile home parks, but not individually to the alteration or replacement of a mobile home within a park. Presently, replacement mobile homes and alterations to existing mobile homes are exempt from Conditional Use review.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

Generally, this amendment seeks to clarify existing policy. The proposed amendment does not impact the goals and policies contained within the Municipal Development plan as it relates to the availability of safe and affordable housing.

Compatibility with the proposed future land uses and densities of the municipal development plan:

Generally, this amendment seeks to clarify existing policy. The proposed amendment does not impact the goals and policies contained within the Municipal Development plan as it relates to future land uses and densities.

Implementation of specific proposals for planned community facilities:

This amendment has no impact on the implementation of proposals for planned community facilities.

Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
Layne Darfler, Planning Technician



TO: Planning Commission
FROM: Scott Gustin
DATE: June 13, 2017
RE: Replacement Mobile Home Conditional Use

At their June 1, 2017 meeting, the Planning Commission Ordinance Committee reviewed the following zoning amendment and acted to send it along to the full Planning Commission with a recommendation for approval.

Sec. 5.4.12, *Mobile Home Parks*, governs “special use” review standards for any application involving a mobile home park. It states “In addition to the applicable provisions of Art 3, Part 5 for Conditional Uses [emphasis added], Site Plan Design Standards in Art 6, Part 2, and Article 10 Subdivision review if applicable, the following additional regulations shall be applicable to any application involving a Mobile Home Park.”

In practice, almost all zoning permit applications involving Mobile Home Parks involve alterations to existing mobile homes or replacement of old mobile homes with new mobile homes. In such cases, Sec. 3.5.3, *Exemptions*, precludes Conditional Use review. The present language of Sec. 5.4.12 triggering Conditional Use review serves little purpose. It should be amended to limit Conditional Use review to creation of new Mobile Home Parks and expansion of existing Mobile Home Parks.

New ordinance language is underlined in red, and existing ordinance language to be deleted is ~~stricken~~.

Sec. 5.4.12 Mobile Home Parks

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

(a) – (b) As written.

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

(802) 865-7142 (TTY)

www.burlingtonvt.gov/PZ



Burlington Planning Commission Report Municipal Bylaw Amendment **DRAFT ZA-17-XX Retaining Walls**

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is to add requirements to the Comprehensive Development Ordinance regarding retaining walls which encroach into a required property setback, and design review standards for retaining walls, and provide definitions to distinguish between retaining walls and seawalls. This amendment permits retaining walls within a property's required setback as long as it is no taller than 5' and is setback at least 2' from the side or rear property line of an abutting property; if these conditions are not met, the approval of the retaining wall is subject to the Development Review Board. Further, the amendment clarifies that these provisions do not apply to seawalls.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment has no impact the goals and policies contained within the Municipal Development plan as it relates to the availability of safe and affordable housing.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed amendment has no impact the goals and policies contained within the Municipal Development plan as it relates to future land uses and densities.

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on the implementation of proposals for planned community facilities.

Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
Layne Darfler, Planning Technician



TO: Planning Commission
FROM: Scott Gustin
DATE: June 13, 2017
RE: Retaining Walls

At their June 1, 2017 meeting, the Planning Commission Ordinance Committee reviewed a resurrected retaining walls zoning amendment. The amendment had been considered and recommended for approval by the Planning Commission in 2011. However, following referral to the City Council, no further action was taken, and the amendment expired. The amendment was initiated at the request of a Ward 6 City Councilor following resident complaints about the size and location of some recently installed retaining walls. The Ordinance Committee reviewed it again June 1st and forwarded it to the full Planning Commission with a recommendation for adoption.

Retaining walls are not expressly addressed in the CDO. As a matter of practice, they have been governed as any other structure under zoning, except that they may project into yard setbacks per Sec. 5.2.5, *Setbacks*, (b) *Exceptions to Yard Setback Requirements*, 2, which reads: "Building and Site Features. Eaves, sills, roof overhangs, cornices, steps to first floor entries, walkways, ramps for the disabled, fences, walls [emphasis added], and similar building and site features may project into a required yard setback."

Retaining wall height limits are currently tied to zoning district height limits (i.e. 35' in RL, 45' in ELM, etc). The retaining wall regulations of 8 municipalities were reviewed in preparation of this memo. Height limits specifically pertaining to retaining walls varied, but six of them included height limits of 8' tall or less. The other two were 30' (Wellesley, MA) and zoning district height limit (Montpelier, VT). Note that 4 of the municipalities exempted retaining walls of 4' tall or less from any permitting requirement.

Setback requirements varied widely, ranging from 0' to 35.' Some were simple setbacks (i.e. 10' from any property line) and others incorporated a sliding scale based on the size of the property. Some of the setbacks pertained to the distance between tiered retaining walls (i.e. the distance between two tiered walls must be at least equal to the height of the upper wall).

Height limits and setbacks associated with retaining walls should be located as a separate item under its present subsection 5.2.5 (b), rather than incorporated into item 2 as it is presently located. The Planning Commission found that a two-tiered approach was best. Within a side or rear yard setback, retaining walls are limited to 5' in height and a 2' setback. Taller or closer retaining walls may be allowed subject to review and approval by the Development Review Board in accordance with the design review provisions of Article 6. Such walls may have more significant impacts on neighboring properties. By sending them through the DRB process, there is more public notice and participation in the final decision to issue a permit or not.

Note that seawalls are specifically treated differently. They are always located within the lakeshore setback and, depending on the site, may well exceed the height limit specified for retaining walls within a setback.

New ordinance language is underlined in red, and existing ordinance language to be deleted is ~~stricken~~.

Sec. 5.2.5, Setbacks

(a) As written.

(b) Exceptions to Yard Setbacks Requirements

1. As written
2. Building and Site Features. Eaves, sills, roof overhangs, cornices, steps to first floor entries, walkways, ramps for the disabled, fences, ~~walls~~, and similar building and site features may project into a required yard setback.
3. Retaining Walls. Retaining walls no greater than 5' tall may project into a required yard setback, but retaining walls should be set back a minimum of 2' from a side or rear property boundary. Retaining walls projecting into a required side or rear yard setback and exceed 5' tall and/or come within 2' of a side or rear property boundary shall be subject to Development Review Board review per Article 6. These provisions shall not apply to retaining walls acting as seawalls and constructed along, and parallel to, the banks of any river, stream, or brook or constructed in whole or in part below the 102' elevation along the Lake Champlain shoreline.

4-8 Renumber. Text as written.

Sec. 5.2.5, *Setbacks*, (b) *Exceptions to Yard Setback Requirements* already requires that building and site features, including retaining walls, that project into required setbacks be subject to the design review standards of Article 6. So as to keep all design review standards under Article 6, any new design review standards specifically aimed at retaining walls should be inserted into Sec. 6.2.2, *Review Standards*, (m) *Landscaping and Fences*. The subsection heading should be changed to “*Landscaping, Fences, and Retaining Walls*.”

Sec. 6.2.2 Review Standards

(a) – (l) As written.

(m) Landscaping and ~~Fences~~ and Retaining Walls

Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties. As with fences, retaining wall styles, materials, and dimensions shall be compatible with the context of the neighborhood and use of the property.

(n) – (p) As written.

ARTICLE 13: DEFINITIONS

Retaining wall: A wall or terraced combination of walls used at a grade change to hold soil and other earth material at a higher elevation. (Definition taken from the City of Wellesley, MA)

Seawall: A wall of stone, concrete, or other sturdy material, built along the banks or shoreline of any river, stream, brook, or lake to prevent erosion. (Definition modified from Dictionary of Geology)

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member*



Burlington Planning Commission **Tuesday, May 23, 2017, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **DRAFT Minutes**

Commissioners Present: A Friend, A Montroll, H Roen, J Wallace-Brodeur

Absent: Baker, Bradley, Lee

Staff Present: M Tuttle, D White

I. Agenda

The Chair called the meeting to order at 6:37pm. No changes to the agenda.

II. Public Forum

No members of the public wished to speak.

III. Report of the Chair

Joint FBC Committee met last week. Talked about the height issue and made some adjustments. Doing a final read, but anticipate soon sending it on for the Commission and Council.

IV. Report of the Director

New Planning Technician started today. Lynn Brelsford is going to work through the end of FY17 to help with transition. FY18 budget will get presented to BoF on May 24.

V. Proposed CDO Amendment- Article 4 Development Bonuses

S Gustin: Ordinance Committee discussed Article 4 and Article 9 bonus provisions in the CDO. Committee felt that in residential and neighborhood mixed use zones the bonuses make sense to be discretionary, primarily for improved projects through the DRB process. Therefore, the amendment is about making sure that the language in the ordinance is consistent- clarify max bonuses and permit them to be cumulative, remove "conforming" from adaptive reuse provisions.

M Tuttle: Move footnote 2 to the side and rear setback dimensions for NAC, NMU, and NAC-Riverside, so not in conflict with NAC-Cambrian Rise.

The Commission unanimously approved a motion by A Friend, seconded by J Wallace-Brodeur, to make the changes suggested by M Tuttle, warn the proposed amendment for public hearing, and approve the municipal bylaw amendment report.

VI. Regional Energy Plan Update & Municipal Energy Guides

Melanie Needle, CCRPC: Required to provide energy data that can be used in town plans per Act 174. Guides provide an understand the pace of change and the transitions needed to meet the state's energy goals which are to obtain 90% of energy from renewable sources, and reduce energy consumption by 30% by 2050. This is an analysis of one scenario for how to get there.

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

H Roen: What about wood energy? Where does BED's McNeil fit into the picture?

M Needle: No specific goal for wood—assumes the same rate of utilization. Guides are not super detailed, but help open the door for a conversation about what the specific strategies are right for Burlington. Looking for feedback on some questions from the municipalities.

M Tuttle: LRPC has previously provided input about constraints, but these are not mapped in our packets. RPC is looking for input on whether the regional plan should have strong language on prohibiting energy generation in known constraint sites from the state. Some of the sites LRPC asked to have added to the suitable areas in Burlington have state known constraints.

J Wallace-Brodeur: Do we know what the constraints are? It seems like it might be a case-by-case basis.

M Needle: This is an issue the Regional Commission struggled with too. Trying to get input from PSB on how strong the language needs to be.

J Wallace-Brodeur: What are preferred sites?

M Needle: This has real meaning for net-metering as dictated by state legislation; defined as all built surfaces (parking lots, rooftops) and brownfields, landfills, etc. Other preferred sites need to be identified in town plans.

H Roen: Challenges with roofs in Burlington is slate roofs—have heard that installers won't touch them.

M Needle: Data guide assumed 50% of rooftops could accommodate solar.

A Montroll: Let the LRPC talk about preferred sites for Burlington and bring some recommendations to the Commission.

M Tuttle: Will also bring items for consideration from Burlington Electric. Will bring a memo to the Commission for the June 13 meeting.

VII. Permit Reform Study- Grid-Connected PV Systems

D White: This was an analysis paid for by a grant from BED to look at how to streamline the permitting process for these systems. Ultimately, only a few recommendations related to zoning, mostly related to providing incentives. However, for net-metered systems, municipalities cannot regulate.

H Roen: So, are these recommendations valuable?

D White: Not as useful to P&Z. Could be guidance for solar hot water and systems not connected to the grid.

VIII. Committee Reports

No reports.

IX. Commissioner Items

No items.

X. Minutes & Communications

The Commission unanimously approved a motion by A Friend, seconded by J Wallace Brodeur, to approve the minutes of the May 16, 2017 meeting.

XI. Adjourn

The Commission unanimously approved a motion by A Friend, seconded by H Roen, to adjourn the meeting at 7:44pm.

DRAFT

Request for Zoning Boundary Adjustment for St. Joe's School Site

The site of the former St. Joseph's School is split between two zoning districts, per the Burlington Comprehensive Development Ordinance. The portion of the site along Allen Street is currently zoned as Residential Medium Density (RM) and the portion of the site on North Street is zoned as Neighborhood Mixed Use (NMU). See **Exhibit A** (location map, aerial view, streetview photos) and **Exhibit B** (existing zoning boundary map, site aerial image with zoning districts, dimensional standards for RM and NMU districts).

Champlain Housing Trust as the buyer of the property is requesting a zoning boundary adjustment unifying the entire site as NMU.

Background:

The 2.5 acre site that runs between Allen Street, opposite St. Joseph's Cathedral, and North Street, includes the 52,354 square foot former St. Joseph's school building, children's play areas, a paved parking lot on North Street, and a grassy area where a large convent once stood.

The former St. Joe's School building currently houses several community organizations but is in need of extensive rehabilitation and modern updates to meet today's codes and make the building more functional, safe and accessible. Champlain Housing Trust will make necessary capital improvements including: a new elevator, new sprinkler system, electrical upgrades, door and window replacement, masonry repairs, and energy improvements.

Current tenants include the Association of Africans Living in Vermont, Robin's Nest non-profit daycare center, and the Family Room (a family education center), all of which will remain in the building after renovations are complete. In addition, once the second floor meets accessibility standards, the City of Burlington Parks and Recreation Department will create a community based recreation center there.

RECEIVED
JUN 06 2017

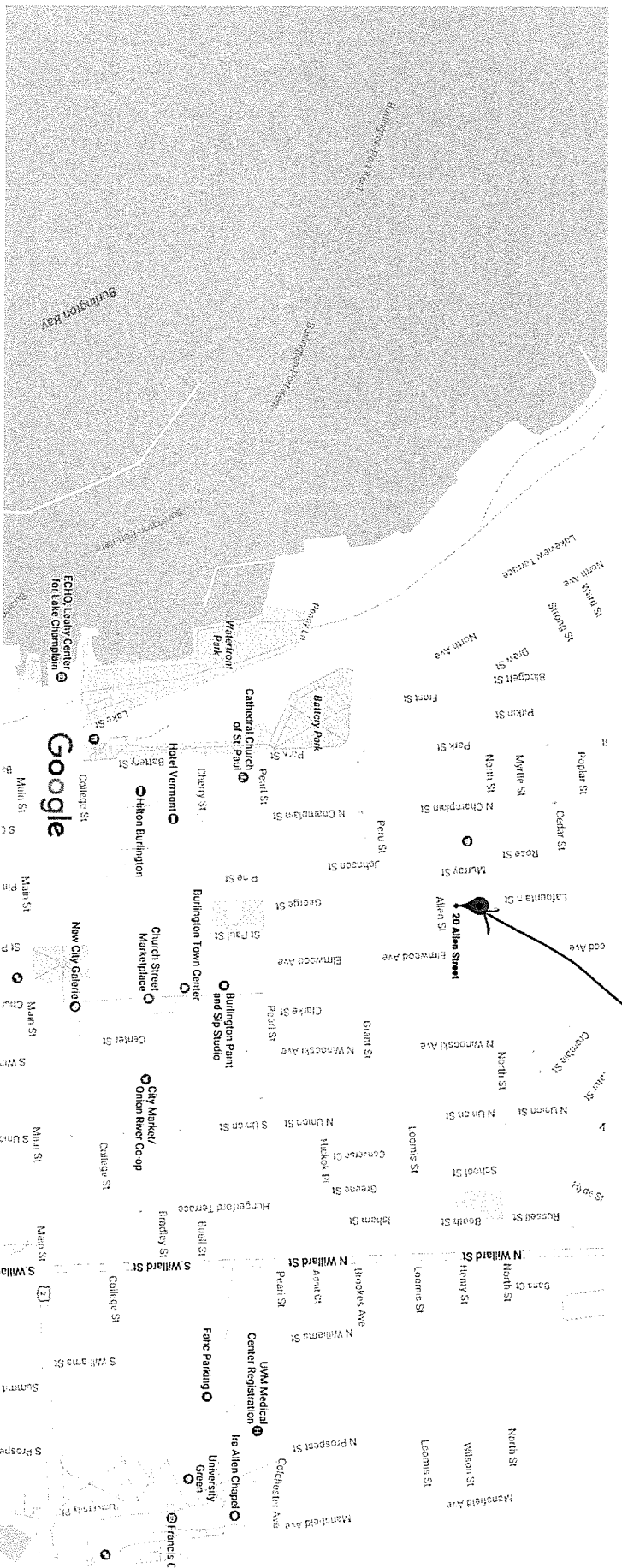
DEPARTMENT OF
PLANNING & ZONING

Reasons for a Zoning Boundary Adjustment:

- Having the property split between mixed use and residential zoning districts makes it difficult to develop a cohesive site plan for the parcel.
- A single Neighborhood Mixed Use designation will more accurately reflect current uses of the property and its surroundings. Allen Street is dominated by the large, non-residential structures of St. Joseph's Cathedral and St. Joseph's School. Of the remaining properties on Allen Street, four contain multifamily buildings of 2 to 4 units and only three lots have single family homes, per the City's property data base.
- A single NMU designation will be more consistent with historic uses and previous lot coverage at the site. The St Joseph's School (circa 1929) and the former convent next door (circa 1956) represented the site's religious and educational uses spanning many decades. Together the footprints of the school and convent occupied well over 50% of that portion of the property now zoned medium density residential. See **Exhibit C** (ESRI GIS map showing St. Joe's School and location of convent torn down in 2005).
- Unifying the St. Joe's School site under one NMU zone, instead of the current situation where it's partially zoned RM, will allow the property to maximize its potential as a civic and educational resource which includes being able to provide adequate parking for organizational tenants, their employees, and program participants.
- Continuing the partial RM zoning with 40% lot coverage limitations would restrict the ability to provide parking on site, thereby increasing parking pressure on surrounding residential side streets and potentially limiting the adaptive re-use capacity of this significant, historic structure.

RECEIVED
JUN 06 2017

DEPARTMENT OF
PLANNING & ZONING



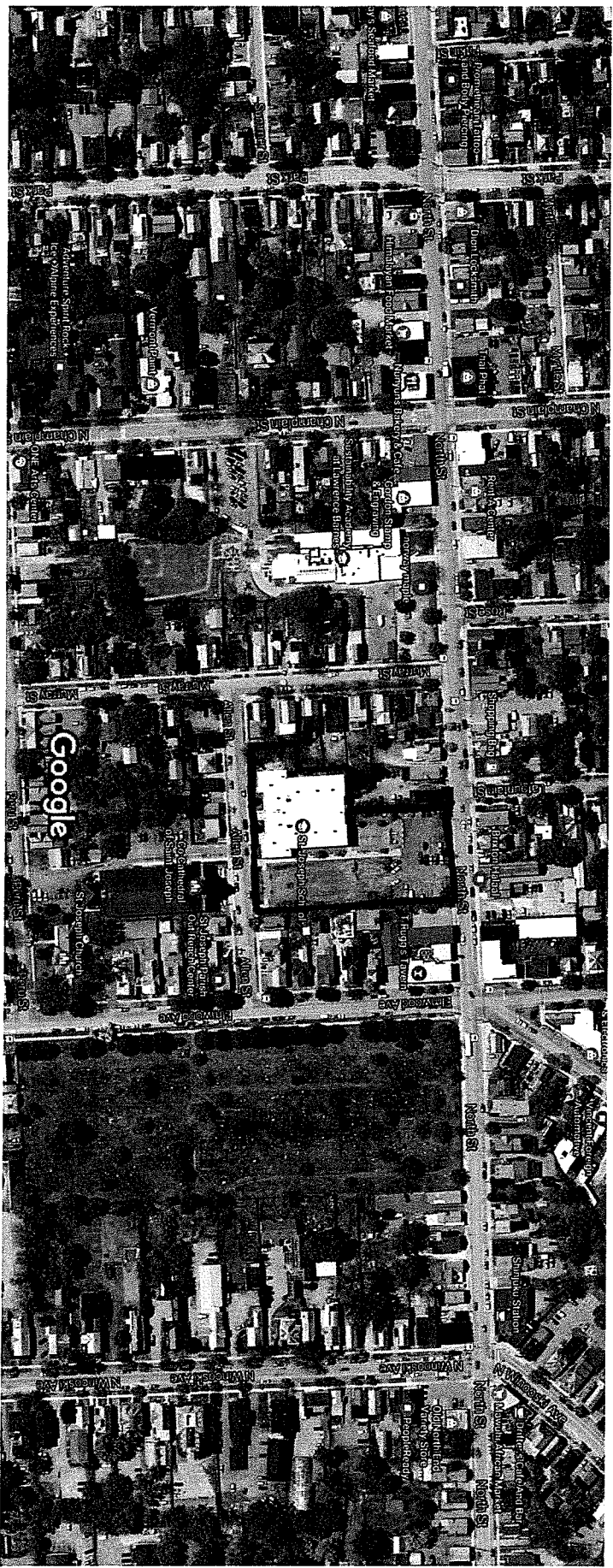
Map data ©2017 Google 500 ft

RECEIVED
JUN 06 2017

DEPARTMENT OF
PLANNING & ZONING

Google Maps

Aerial View



Imagery ©2017 DigitalGlobe, USDA Farm Service Agency, Map data ©2017 Google 100 ft

RECEIVED
JUN 06 2017

DEPARTMENT OF
PLANNING & ZONING

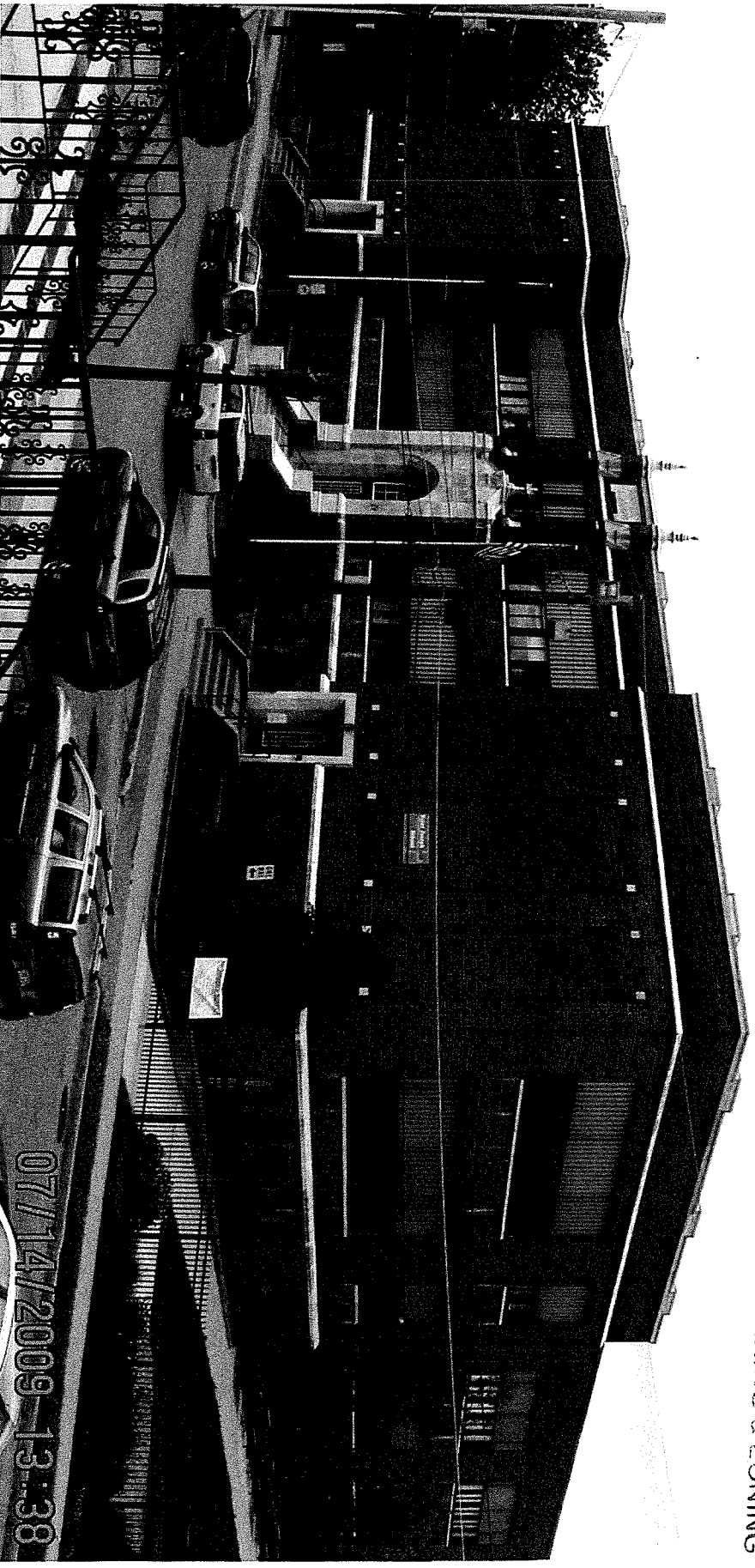
<https://www.google.com/maps/@44.4842738,-73.2152894,383m/data=!3m1!1e3>

5/30/2017

RECEIVED

JUN 06 2017

DEPARTMENT OF
PLANNING & ZONING



<https://property.burlingtonvt.gov/Image/5000/259001.JPG>

5/30/2017



Burlington, Vermont

Street View - Oct 2014

St St
North St
Murray St
N Champlain St
Peru St
N Winoski Av

Image capture: Oct 2014 © 2017 Google

RECEIVED

JUN 06 2017

DEPARTMENT OF
PLANNING & ZONING



Image capture: Oct 2014 © 2017 Google

Burlington, Vermont

Street View - Oct 2014

31st St
North St
Murray St
N Champlain St
N Winooski

RECEIVED
JUN 06 2017

DEPARTMENT OF
PLANNING & ZONING

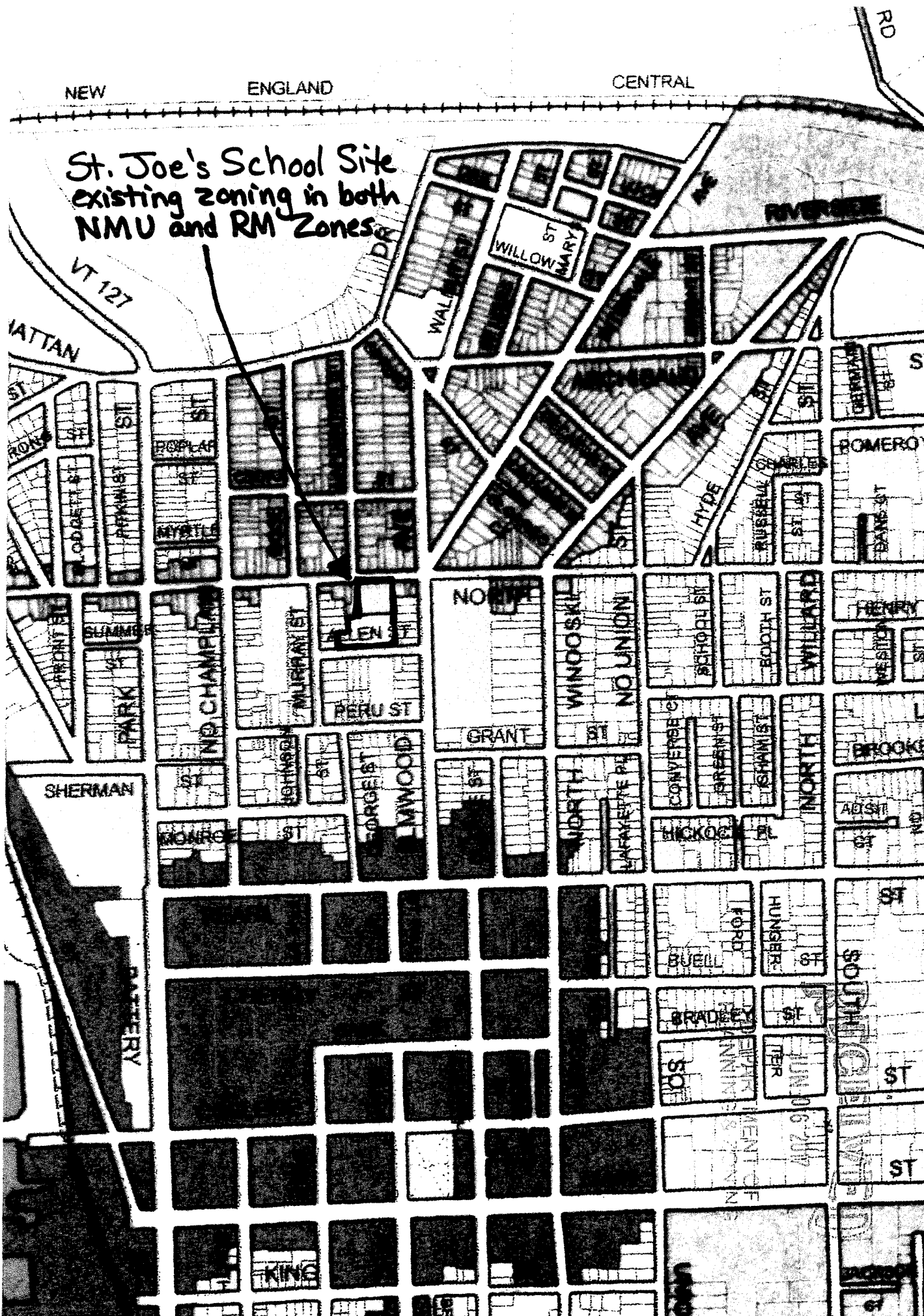
<https://www.google.com/maps/@44.4847019,-73.2146915,3a,75y,193.32h,86.83t/data=!3m6!1e1!3m4!1s9wajfoh5QjCmbec10k...> 5/31/2017

NEW

ENGLAND

CENTRAL

St. Joe's School Site
existing zoning in both
NMU and RM Zones



20 Allen Street

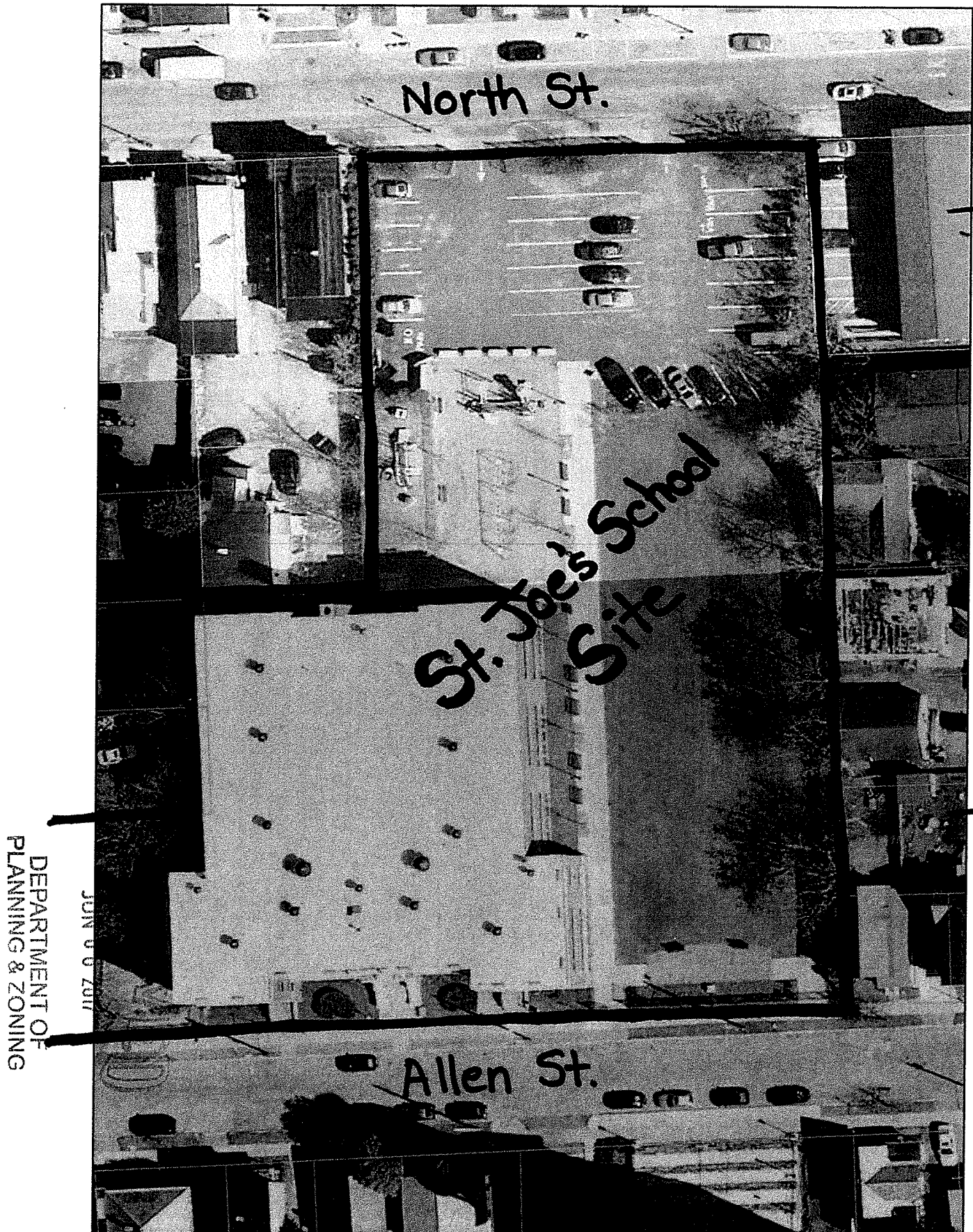


Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
			20-feet			
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet (60-feet under Sec. 4.4.5(d)2A)
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet

RECEIVED
JUN 06 2017
DEPARTMENT OF PLANNING & ZONING

1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.
2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.
3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to

Map 4.4.2-1 Neighborhood Mixed Use Districts**(b) Dimensional Standards and Density:**

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

Table 4.4.2 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Height (feet)
			Front ⁴	Side ²	Rear ²	
NAC	2.0 FAR	80% ⁵	0	0	0	Max: 35
NMU	2.0 FAR	80%	0 ⁶	0	0	Min: 20 ³ Max: 35
NAC-Riverside	2.0 FAR	80%	0	0	0	Min: 20 ³ Max: 35

1. Floor area ratio is defined in Art. 13 and described in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
2. Structures shall be setback a minimum of 15-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.
3. Minimum building height shall be 20-feet and 2 story's. Measurement of and exceptions to height standards are found in Art 5. Bonuses for additional building height are described in section (d)3 below.
4. All structures shall be setback 12-feet from the curb on a public street.
5. Exceptions to minimum lot coverage are provided in (d)2.
6. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.

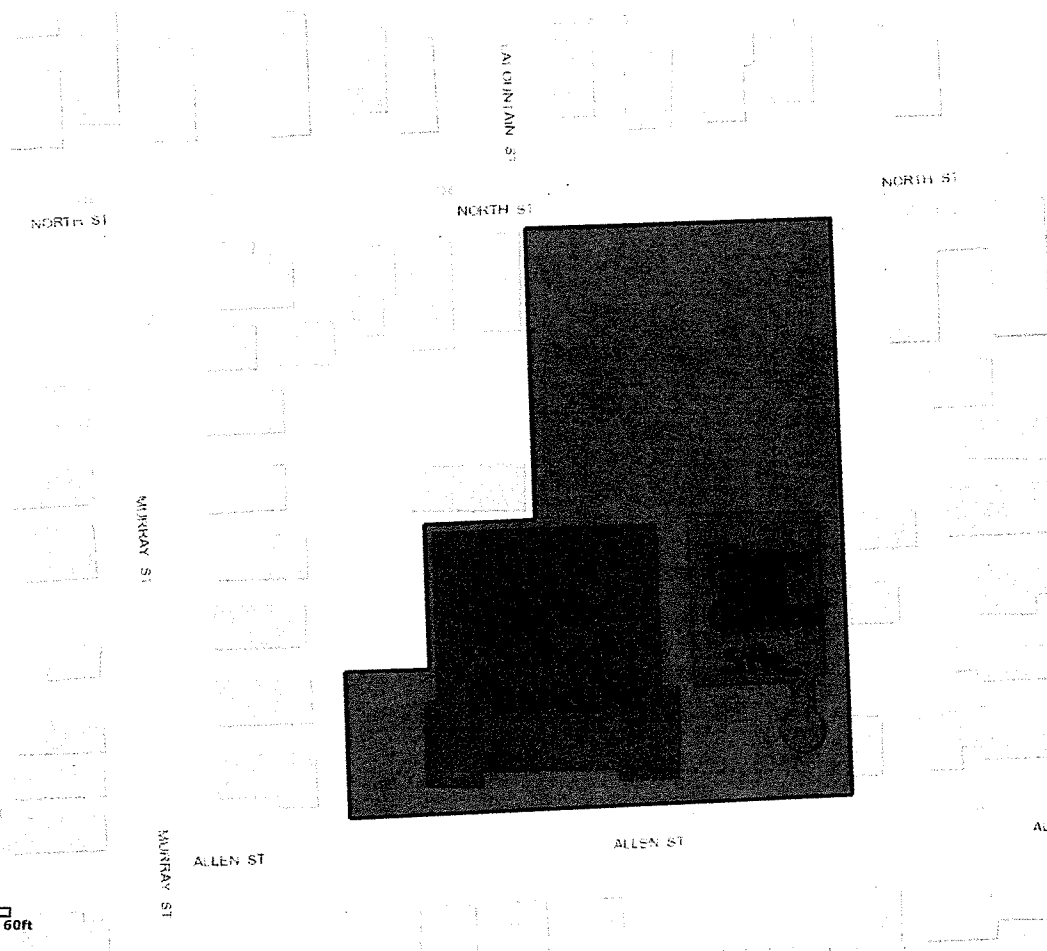
(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Neighborhood Mixed Use districts shall be as defined in Appendix A – Use Table.

(d) District Specific Regulations:**1. Ground Floor Residential Uses Restricted**

In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted within 25-feet of a public street right-of-way along the street-level frontage in the NAC District.

RECEIVED
JUN 06 2017



Find area, length
Mea
0 Sq Miles

0 30 60ft

RECEIVED
JUN 06 2017
DEPARTMENT OF
PLANNING & ZONING

Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Assistant Planner
Anita Wade, Zoning Clerk
Layne Darfler, Planning Technician



DRAFT

TO: Melanie Needle, Senior Planner, CCRPC
FROM: Meagan Tuttle, Comprehensive Planner
DATE: June 13, 2017
RE: Burlington Planning Commission Input on Municipal Data Guide

The Planning Commission and its Long Range Planning Committee discussed the draft Municipal Data Guide developed for Burlington, and has provided the following comments in response to the questions in the April 30, 2017 memo for consideration by the CCRPC's Long Range Planning Energy Sub-Committee. Additionally, information provided by the Burlington Electric Department on current and projected energy usage by resource from the Integrated Resource Plan is attached.

1. Questions and comments on the Municipal Energy Data Guide:
 - The methodology for presenting current energy usage and renewable energy generation provided by the state and CCRPC is understood. However, this methodology distorts the picture of what municipalities are actually generating and using; in fact, other municipalities are being credited for renewable energy generation investments that the City of Burlington has made and which supply the City of Burlington (independent of its REC sales/purchases). Furthermore, the data does not seem to accurately reflect the current level of generation of some of these resources. Please refer to attached data from Burlington Electric Department to update this guide.
 - Per staff at Burlington Electric Department, the current Renewable Energy MWh 2050 targets for Burlington may not be in line with projections included in BED's Integrated Resource Plan. It should be clarified if this target is considered to be a net increase in renewable energy generation, or a total generation. Today, Burlington's renewable energy portfolio is generating just over 350,000 MWh, which is similar to the high-range 2050 projection from the data guide. If this is meant to be net, this means Burlington will need to double the amount of renewable energy generation over the next 30 years. The low-range 2050 projection, with some modifications, seems to be more achievable, even when considering anticipated strategic electrification initiatives. This is aided by the fact that the City maintains policies regarding compact infill development that lends to a smaller per capita energy footprint.
2. Constraint Tables- Burlington's Local Constraints:
 - Due to the ongoing conversation by the CCRPC's Energy Subcommittee regarding the Regional Energy Plan's policy statement on locating renewable energy generation on sites with known constraints, the local constraints identified by the Planning Commission should be considered "possible constraints" rather than "known constraints."
 - Per comments previously submitted by the Planning Commission, the Designated Downtown and Neighborhood Development Areas and should be added to the "Possible Constraints" table. It is

staff's understanding that the state has agreed to acknowledge state designated growth areas as a constraint for energy planning purposes.

- The intent of the identification of sites in the City to be added to the "base" areas map (communication from December 2016) was to ensure that those sites, which had identified constraints by the State, were not removed completely from the maps of potential areas that could accommodate renewable energy generation. This intent was confused slightly by the shift from "base" and "prime" areas to "potential" and "known" constraints. Therefore, the Urban Reserve, Rock Point, and Barge Canal should be removed from the list of local possible constraints.

3. Preferred Sites for Renewable Energy Generation:

- Without broader public input on preferred sites, the Planning Commission is not prepared to offer extensive input on this question at this time. However, the Commission would like for Landfill Park in the Burlington Intervale to be identified as a preferred site. The Commission will include a discussion of any other preferred sites as part of its Municipal Development Plan update.
- With this in mind, the Planning Commission has no objections to the "automatically preferred sites" identified by the state, including rooftops and other built structures, parking lots, previously developed sites, brownfields and Superfund sites among others. In fact, built structures may provide the majority of future capacity within the City of Burlington for expanding renewable energy generation infrastructure. Per staff at Burlington Electric Department, small net-metered solar projects, or even a 150-500 kWh project on industrial land/building or other previously disturbed land could have the potential to help reduce load on the current BED system.

4. ECOS Plan Policy on Renewable Energy Generation Constraints:

- Due to the ongoing conversation by the CCRPC's Energy Subcommittee regarding the Regional Energy Plan's policy statement on locating renewable energy generation on sites with known constraints, and public service board input on this issue, the Planning Commission does not feel comfortable providing comment on this issue until the CCRPC receives feedback from the state.

5. Local Energy Planning Assistance:

- In consultation with the CCRPC regarding the upcoming readoption of Burlington's Municipal Development Plan, the Climate Action Plan component includes many of the elements of an enhanced energy plan. Paired with updated municipal data and preferred site maps, Burlington's updated Municipal Development Plan would likely meet the criteria for an enhanced energy plan. Therefore, the Planning Commission is not seeking local energy planning assistance from the CCRPC in FY18. As the Regional Energy Plan draft evolves, the City may or may not pursue positive certification of the Municipal Development Plan by the Dept. of Public Service.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

(802) 865-7142 (TTY)

www.burlingtonvt.gov/PZ

David E. White, AICP, Director
Scott Gustin, AICP, Principal Planner
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Project Planner/GIS
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Anita Wade, Planning & Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-08 – Craft Beverage Operation

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The proposed amendment eliminates the current prohibition of cafes accessory to microbreweries in the Enterprise-Light Manufacturing zone to eliminate inconsistencies between the City's Comprehensive Development Ordinance and city and state alcohol laws. The proposed amendment also establishes a new "food and beverage production" use to encompass all alcoholic and non-alcoholic craft beverage production operations, as well as related food production operations, and to replace "microbrewery," "winery," "distillery," "wholesale bakery," and "food processing" uses.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment does not have an impact on the goals and policies in the Municipal Development Plan regarding the availability of safe and affordable housing.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed amendment does not have an impact on the goals and policies in the Municipal Development Plan regarding density. The proposed amendment brings the City's permitted land uses up-to-date by recognizing the evolving craft beverage industry and state and local laws regarding its production and consumption. The proposed amendment modifies zoning districts in the City in which these uses are permitted by-right or as a conditional use, to ensure consistency in the treatment of food and beverage production operations. Food and Beverage Production is permitted in the E-LM and E-AE zones, permitted as a conditional use in D, DW, DT, BST, NMU, NAC, and NAC-RC zones with a size limit of 10,000 sq.ft. in the D, DW, DT, NMU and NAC zones. These uses are not permitted in other zoning districts of the City. [This also removes bakeries as a conditional use in the RCO-A zones.](#)

Implementation of specific proposals for planned community facilities:

This amendment does not specifically implement plans for any new community facilities.

CITY OF BURLINGTON

In the Year Two Thousand Seventeen

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Food and Beverage Processing
ZA #17-08

ORDINANCE _____

Sponsor: Planning Department,
Planning Commission
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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 Section 13.1.2, Definitions, and by amending the Use Table – All Zoning Districts thereof to read as follows:

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.

Bakery: An establishment primarily used for the on or off-site preparation and retail sale of bread, cake, cupcakes, confections and other similar baked pastries. Such uses may include incidental food service.

~~(a) **Retail:** An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. Such use may include incidental food service.~~

~~(b) **Wholesale:** A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over the counter or other retail dispensing of baked goods shall be limited to an accessory function.~~

~~**Distillery:** An establishment for distilling (the evaporation and subsequent collection of a liquid by means of condensation), especially for distilling alcoholic liquors.~~

~~**Food Processing:** The preparation and packaging of food products for sale. Including but not limited to bakeries and dairies.~~

Food and Beverage Processing: The preparation and packaging of food and/or beverage (including alcoholic and non-alcoholic) products for distribution and/or wholesale or retail sales, on or off premise, excluding restaurants and cafes except as an accessory use.

~~**Microbrewery:** A facility for the production and packaging of beer or similar fermented malt beverages containing not less than one percent nor more than eight percent of alcohol by volume at 60 degrees fahrenheit (if such a beverage has an alcohol content of more than six percent and not more than eight percent and has a terminal specific gravity of less than 1.009, it shall be deemed a spirit and not a malt beverage), for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year.~~

~~**Winery:** A processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar non-distilled spirits. Such commercial use includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.~~

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

** Material stricken out deleted.

*** Material underlined added.

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****
Bakery – Retail	N	CU-N	N	N	N	N ²²	N ²²	CU ^{8, 13}	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Bakery – Wholesale	N	N	N	N	N	N	N	N	Y	Y	N	CU	CU	N	Y	Y	N	Y	Y
*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****
Food & Beverage Processing	N	N	N	N	N	N	N	N	N CU ¹⁴	N CU ¹⁴	N	CU ¹⁴	CU	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	CU ¹⁴	Y
*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****
Micro-Brewery/Winery	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	CU	Y	Y	CU	CU	Y ¹⁹
*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****

1. - 13. As Written.

14. Such uses not to exceed ten thousand (10,000) square feet per establishment.

15. - 18. As Written.

19. ~~Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.~~ [Reserved]

20. – 30. As Written.

Legend: As Written.

** Material stricken out deleted.

*** Material underlined added.

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

(802) 865-7142 (TTY)

www.burlingtonvt.gov/PZ



Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-13 Signage Illumination in ELM

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment is to permit lighted signage in the Enterprise zoning districts, consistent with the City's mixed use and institutional districts.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This proposed amendment does not impact the goals and policies related to the provision of safe and affordable housing contained within the Municipal Development Plan.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This proposed amendment does not impact the proposed future land use and densities proposed by the Municipal Development Plan.

Implementation of specific proposals for planned community facilities:

This proposed amendment does not implement a plan for community facilities.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Planning Department,
Planning Commission
Public Hearing Dates: _____

In the Year Two Thousand Seventeen

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Signage Illumination in ELM
ZA 17-13

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:

- 1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
2 Burlington be and hereby is amended by amending Section Table 7.2.1-1, Sign Regulation Summary, and
3 Section 7.2.5, Signs in Enterprise Districts, to read as follows:

4 **Sec. 7.2.1 Regulation by District**
5

Signs shall be permitted in each district as specified in Table 7.2.1-1 below and as further regulated by the provisions of this Part. Where other provisions in this Article are more restrictive than Table 7.2.1-1, the more restrictive provisions shall apply.

Table 7.2.1-1: Sign Regulation Summary					
		Zoning District ⁴			
Sign Type	Dimensional Requirements	All RCO and Residential Districts	All Mixed Use and Institutional Districts	All Enterprise Districts	(Reserved)
Parallel	Size	20-sf	2-sf ¹	2-sf ¹	-
	Maximum Height	14-ft ²	14-ft ²	14-ft ²	-
	Illumination	No	Yes	No <u>Yes</u>	-
Projecting					
	Size	4-sf	4-sf	4-sf	-
	Maximum Height	12-ft ²	14-ft	14-ft	-
	Illumination	No	Yes	No <u>Yes</u>	-
Freestanding	Size	20-sf	½-sf ¹	1-sf ¹	-
	Maximum Height	6-ft	14-ft	6-ft	-
	Illumination	No	Yes ³	No <u>Yes</u>	-

1. Size is determined per each linear foot of building frontage allocated to the establishment

Table 7.2.1-1: Sign Regulation Summary

Table 7.2.1-1: Sign Regulation Summary					
		Zoning District ⁴			
Sign Type	Dimensional Requirements	All RCO and Residential Districts	All Mixed Use and Institutional Districts	All Enterprise Districts	(Reserved)
2. Or ceiling height of the first floor, whichever is less, except in D, D-T, E-LM and NMU-NAC where the sign may be above 14 feet as per Sec 7.2.3(a)4, Sec. 7.2.4 (c)2D, or Sec. 7.2.4(c)6C.					
3. Illuminated freestanding signs are not permitted in NMU district.					
4. No signs shall be permitted in the Urban Reserve District.					

Sec. 7.2.2 – 7.2.4 As written.

Sec. 7.2.5 *Signs in Enterprise Districts*

Signs in the Enterprise Zoning Districts shall be subject to the restrictions in Sec. 7.2.3 except as modified below:

(a) The total area of any parallel sign shall not exceed two (2) square feet for each foot of length of the front building wall or length of that portion of such wall devoted to such establishment, or two hundred (200) square feet, whichever is less;

(b) No parallel sign shall be painted on or affixed to the outside windows;

~~(c) Illuminated signs are prohibited;~~

~~(d)~~ Freestanding signs shall not exceed six (6) feet in height;

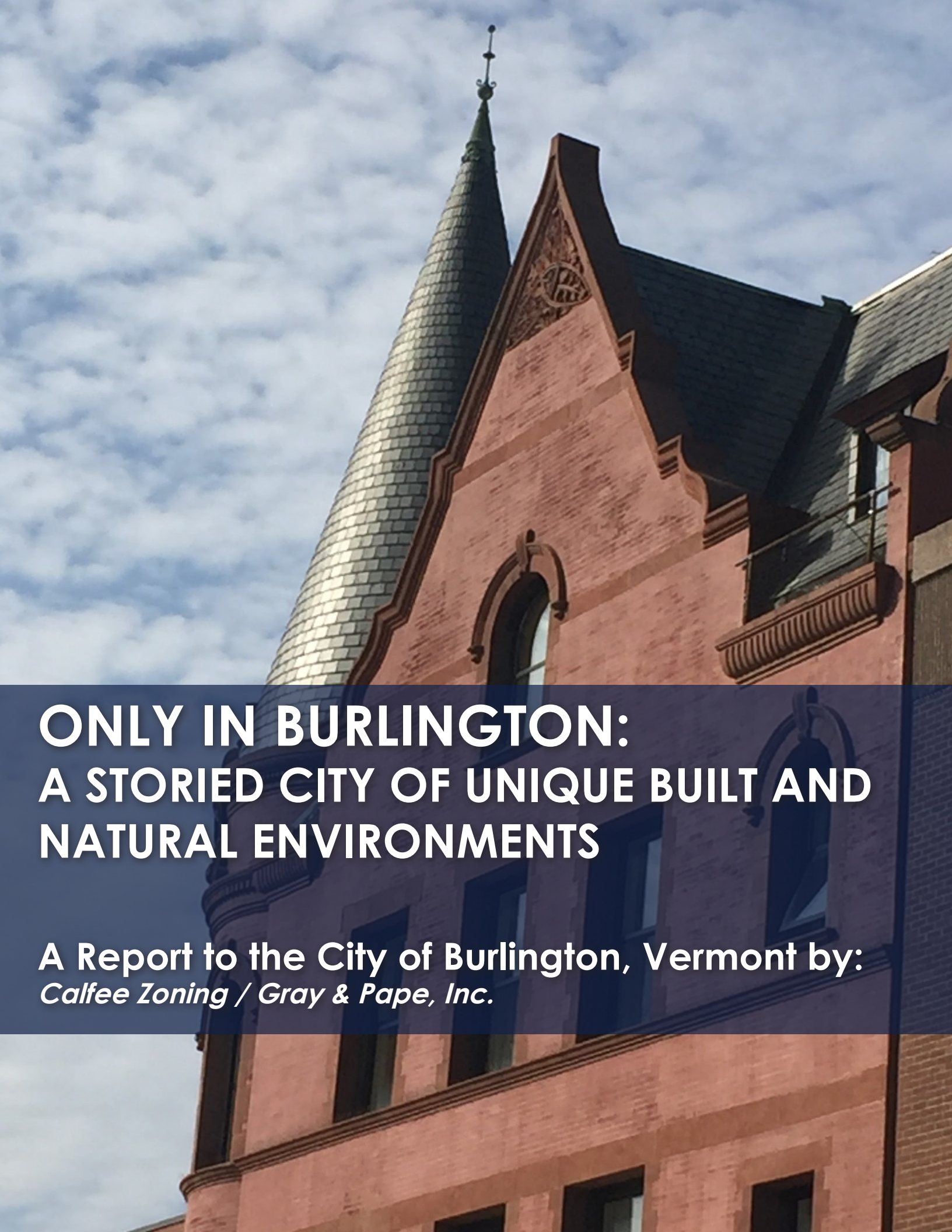
~~(e)~~ The area of any freestanding sign shall not exceed one half (1/2) square foot per one (1) linear foot of frontage or a total of sixty (60) square feet, whichever is less; and,

~~(f)~~ No sign shall be located within three (3) feet of any sidewalk or its vertical plane, except where such sign is attached to the face of the building at least eight (8) feet above the sidewalk and is protruding no more than six (6) inches from the face of the building.

Sec. 7.2.6 As written.

** Material stricken out deleted.

*** Material underlined added.



ONLY IN BURLINGTON: A STORIED CITY OF UNIQUE BUILT AND NATURAL ENVIRONMENTS

A Report to the City of Burlington, Vermont by:
Calfee Zoning / Gray & Pape, Inc.

TABLE OF CONTENTS



i | INTRODUCTION

A city is a reflection of its people and places. Burlington's people and places evidence a city built upon a deep thirst for freedom and individuality coupled with a strong sense of shared responsibility and stewardship. This ethos has shaped many aspects of life in Burlington, perhaps none more than its downtown waterfront; a deliberate public link to the city's stunning natural environment.

When it comes to its historic built environment, the city's collective spirit is less evident. Rather, the overall state of the city's historic building stock evidences a more singular, fragmented and inexact approach.

Burlington is a one-of-a-kind city. People remain, return and migrate to Burlington because there is only one Burlington. The people of Burlington embrace its unique and diverse character; however, in order to preserve, protect and promote that character, there must be greater alignment on how to do so.

This report is a diagnosis of Burlington's existing regulatory conditions pertaining to local historic preservation, including a case for preserving Burlington, a review of the current estate of preservation in Burlington, a review of the city's existing preservation regulations, and a discussion of best practices for consideration.



WELCOME
TO
BURLINGTON



1 | WHY PRESERVE BURLINGTON?

1 | THE CASE FOR PRESERVING BURLINGTON

Preserving Burlington is not optional, it is necessary. Burlington is a city with over 16,000 buildings greater than 50 years old. The fabric and texture of Burlington is largely of an historic quality. From Church Street to the University of Vermont, to the Old North End and to the South End, each neighborhood tells an individual story while collectively contributing to Burlington's history and character. In every corner of Burlington one is afforded an opportunity to interact with and enjoy a diversity of architectural styles, building periods, building materials, and construction types, which together creates a rich and textured built environment.

“Burlington’s rich and varied historic and architectural legacy, the result of more than two centuries of development, remains a vital link to the city’s history, and plays an active part in its future.”

- Burlington Municipal Development Plan

Many places in America look and feel the same. Burlington is not one of those places. Like the most storied and cherished of American cities, Burlington has both character and a strong sense of self. A trip to Charleston, South Carolina, New Orleans, Savannah, or Beacon Hill in Boston is special because of the uniqueness of place. These places, like Burlington, cannot be duplicated. It is this character and strong sense of place that makes these places widely regarded as cherished destinations. The

desire to explore also leads to connections, interactions, and investment, all of which are necessary elements of placemaking.

Burlington's Church Street is an example of how preservation can lead to sustainable placemaking. A stroll down Church Street is a clear demonstration of the value that the community places on preserving and maintaining its pedestrian scale, walkability, and human interaction - the hallmarks of memorable places. The preservation of the blocks of nineteenth and early twentieth century mixed-use commercial buildings along Church Street is evidence of a deliberate and intentional community strategy to respect and promote these key hallmarks. It is no accident that Church Street is Burlington's place to linger, interact and connect.

There was a time when Church Street could have been lost. Mere blocks from Church Street along Bank, Cherry and Pine Streets, is a stark reminder of how urban renewal projects have dramatically altered an area's character. The current robust community-wide discussions of this area's future illustrate how difficult it can be to re-create lost character. Great care needs to be taken to preserve the strong sense of place that exists in Burlington.

There must be balance, however. The deep wounds of past urban renewal should not paralyze the community. It is a natural desire to right wrongs, but in doing so there can be a tendency to over correct and for the pendulum to swing too far in the direction of using preservation to advance an anti-change or anti-development agenda.

Demand for new infill construction is a fact of being a desirable place. Alterations, additions, and advances in materials, construction techniques, and architecture are also a fact of an ever evolving community. What remains constant evolving is the collective desire to preserve the characteristics of place that draw people to Burlington-whether drawn here generations ago, last year or last week.

The case for preserving Burlington has in large part already been made by the preservation efforts of its people. What remains to be settled, and what our team has been tasked with, is to identify existing barriers to achieving the community's preservation goals, to identify opportunities and best practices that may be applicable to Burlington, and to provide implementable ways to develop a more equitable and balanced system of historic preservation that is more effective for everyone. This is no easy task for sure; however, there is only one Burlington and its unique natural and built environments are worth it.

While the case for preserving Burlington is clear, the first step in our collective journey is to recognize that not everyone values preservation the same way and for the same reasons. While a desire to maintain our collective history and character of place is at the core of preservation, it is important to consider some of the other commonly recognized benefits of historic preservation.

A. Why Historic Preservation

Over the past twenty years, a number of communities have undertaken studies focused on the economic benefits of historic preservation. While the scope and justifications for these studies vary, one

conclusion is consistent: historic preservation benefits the local economy. Five common themes have emerged from these studies:

- i. Increased Property Values
- ii. Environmental Benefits
- iii. Job Creation
- iv. Neighborhood Revitalization
- v. Heritage Tourism

i. Increased Property Values

A nearly universally accepted and understood rationale for the adoption of historic preservation regulations is the positive relationship between preservation and property values. This relationship has been studied extensively in many communities.

One such study in nearby Connecticut provides strong empirical evidence that the property values of homes located in historic districts are higher than those located outside of historic districts. In the Connecticut study, the relationship between property values and local historic districts was measured in four communities: Canton; Milford; Norwich; and Windsor.

The results of this study included some instructive findings. First, property values in every local historic district increased annually by an average of 4% to over 19%. In three of the four communities, the rate of property value increase for properties located within local historic districts was greater than those properties without district designation. When comparing properties in terms of square-footage based upon age and style, properties located within local historic districts were found to have higher values than similar properties not located within the districts. Overall, the study found a 2%-4% value premium resulting from a property's inclusion in a local historic

district. In addition, the rate of foreclosure for properties located within the historic districts was half that of homes observed outside the districts (PlaceEconomics, 2011).

While these findings may be positive to some, they may also be viewed as negative by others since higher property values may lead to the exclusion of lower-income populations. Higher property values may also lead to higher property taxes, which assuming a scarcity of financial resources, will likely result in a property owner prioritizing the payment of real estate taxes over paying for the maintenance and repair of their historic structure. Increased property values may make a case in favor of preservation, but they can also make a strong case for the community coming together to provide financial support to stewards of historic structures.

ii. Environmental Benefits

Preserving old buildings is a means to achieving modern sustainability goals and policies. Many of Burlington's buildings were constructed of indigenous materials, which make them unique representations of the region, climate, and local culture. These materials were not used simply because they were available and affordable. They were also comfortable, functional, durable and lasting and energy efficient. The use of indigenous building materials represents the creativity and experimentation of the original builder while also telling an important part of their story.

The materials used in the construction in many of Burlington's buildings were harvested, crafted, or manufactured by local labor, which created jobs for those living and working in the community. The end result is a diverse collection of buildings

that represent examples of architecture, materials, and construction types that can both educate and inspire. If properly maintained, these buildings can be sustained for generations, reducing the need to expend energy producing and transporting new construction materials. Further, reusing local building materials from remodeling or demolition projects can reduce transportation costs, retain money in the local economy, and reduce the amount of waste placed in landfills. (Center for Resourceful Building Technology Indigenous Building Materials: An Overview, 1995).

When possible, historic building materials should be retained rather than replaced. This is done not simply for aesthetics, but also for environmental efficiency and sustainability. Historic buildings possess intrinsic features intended to combat the environment. In cold weather climates such as Burlington's, winter heat loss from buildings was a primary consideration during construction. As such, windows were typically limited to those areas necessary for adequate light and ventilation. Creating new openings or enlarging existing ones can in some cases adversely affect the energy efficiency of a building's original design.

Thick masonry walls are one of the most effective energy saving characteristics of historic buildings of the ninetieth and early twentieth centuries. Stone or brick load bearing construction methods have inherent thermal characteristics that allow buildings to remain cooler in the summer and warmer in the winter. Walls with considerable mass have the advantage of high thermal inertia, which reduces the rate of heat transfer through the wall itself. Load bearing buildings in Burlington are constructed of especially heavy and thick materials. Understanding the concepts

of the building's original design and construction should be a consideration when making alterations to any historic building.

Collections of historic buildings, like those in Burlington, are inherently "green." A key study in the largely nineteenth-century Over-the-Rhine Neighborhood (OTR) of Cincinnati, Ohio, revealed some instructive characteristics of building density as it relates to historic buildings. Four of OTR's historic buildings were part of a study that found that LEED® (Leadership in Energy Efficient Design) projects can meet both the Secretary of Interior Standards for Rehabilitation and LEED® certification in a cost-effective manner. With reasonable, additional costs, some historic structures can achieve LEED® Silver or Gold certification.

The key finding of the study is that building density itself can be environmentally sustainable and awarded accordingly. Setback and open space requirements along with the loss of historic building fabric from demolition results in a decrease in the energy efficiency of adjacent buildings. Therefore, maintaining the original streetwall and building footprints can have a positive impact on heating and cooling efficiency.

There is often a tension between the use of modern sustainable building materials and products and historic preservation; however, measures to maintain and preserve the historic urban form and density is a universal way to achieve environmental benefits.

iii. Job Creation

Vacant buildings and vacant lots do not produce jobs. Field observations in Burlington revealed a number of outmoded buildings that could benefit from

rehabilitation for a healthy mix of adaptive reuses. This is especially the case in the South End of Burlington where adaptive reuse is occurring albeit in a singular manner.

Studies have revealed that the rehabilitation of older buildings produces higher-paying jobs than the new construction of a building. In addition, the money and investment associated with preservation projects statistically stays in the local economy, compared to projects involving new construction.

For example, a study completed in Delaware found that \$1 million spent on the rehabilitation of a single historic structure translated into 14.6 jobs. In comparison, it was observed that only 11.2 jobs were created from \$1 million spent on new construction projects. (The Delaware Historic Preservation Tax Credit Program: Good for the Economy, Good for the Environment, Good for Delaware's Future, 2010). By continuing to preserve and highlight Burlington's historic properties and neighborhoods, the city is investing in the local economy while creating vibrant historic urban neighborhoods.

iv. Neighborhood Revitalization

Burlington has a long history of investing in its historic areas. One of its most notable success stories is Church Street. This walkable center is a lively shopping, gathering, and entertainment area in the heart of the city. The success of Church Street was made possible by a collaboration of many different investors, lawmakers, and developers. Church Street has been successful, but areas directly adjacent to Church Street, such as the area immediately to the west along Bank, Cherry, and Pine Streets do not respect or compliment the historic character of Burlington's city center.

Creating more investment opportunities and funding sources for historic preservation projects can be an effective way to generate revitalization in existing historic districts and to incentivize the establishment of new historic districts. The National Trust for Historic Preservation's Main Street program has 25 years of data related to investment in downtown areas. Within this period, the program has resulted in \$45 billion of investment and in physical improvements, the creation of 83,000 net new businesses, 370,000 net new jobs, and approximately 199,000 building rehabilitation and construction projects. These improvements not only benefit the residents of their communities, but also attract visitors.

v. Heritage Tourism

Burlington is rich with heritage, and heritage is a big business. In fact, travel and tourism revenue represents approximately one-fifth of Vermont's economy. The World Bank report, "The Economics of Uniqueness," emphasizes that heritage tourism is an important economic development strategy, particularly because "tourism development requires less capital, infrastructure, and skilled labor." (Licciardi, 2012).

Effectively protecting and marketing Burlington's historic building stock should continue to be a significant priority. United States travel data from 2010, shows that international heritage tourists stay in destinations longer, visit more places and sites, and spend more per day than any other category of tourists. In fact, the same study revealed that 2.6 million more international tourists visited a historic place than an amusement park, and 4.1 million more international tourists visited a historic place than the beach (Profile of Overseas Travelers

to the United States, 2010). Likewise, a 2011, study in the State of Georgia found that heritage tourism supports 117,000 jobs and \$203,850,000 in salaries and wages in the state.

Visitors are attracted to Burlington in part for its unique diversity of the built form and fabric. A 2012 University of Vermont study found that sightseeing, shopping, and restaurant experiences were among the most popular activities for visitors to Vermont of all ages, but that older visitors were more likely to visit historic sites and museums. (Vermont Tourism Research Center, 2012). By investing in and marketing historic areas of the city like Church Street as both tourist and entertainment destinations, Burlington will continue to benefit from a growing heritage tourism industry.

B. Why Preserve Burlington?

Burlington's built environment is a diversity of architectural styles and building types, including prominent Richardsonian Romanesque, Italianate, Colonial, and Craftsman style buildings, as well as more vernacular architecture. The various building periods, materials and designs observed throughout the city reflect its diverse people and culture.

The common thread is craftsmanship. Burlington's buildings evidence an attention to the finer details of style coupled with the hardy construction necessitated by the city's geography, topography, and climate.

Durable materials indigenous to Vermont, such as slate used to shingle roofs, and Vermont wood windows, are common in Burlington. Likewise, clapboard siding from local and nearby hardwoods, masonry of local soils, and locally

quarried stone are prominent features of Burlington's built environment. A variety of uses such as mercantile, manufacturing and mills, government, education, worship, and a mix of housing and unit types for a variety of users from diverse backgrounds and eras have influenced the city's buildings and neighborhoods. Burlington has a vast collection of historic buildings. All historic buildings, no matter their age or style, require routine maintenance in order to prevent damage and deterioration. Roofs, windows, and other exterior materials are especially impacted by Northern Vermont's harsh cold-weather climate. Understanding these materials and how to repair and replace them is an important incidence of historic property ownership in Burlington.

For example, the University of Vermont has one of the finest collection of Richardsonian Romanesque style architecture anywhere, which creates a visually stunning academic setting. The North End's vernacular architecture is less visually stunning than the grand buildings of UVM, but tells a story of immigrants congregating in Burlington for its rich opportunities for tradesman and craftsman. The additions to and replacement of materials on these buildings should respect and continue that story. Replacement materials should promote the fabric and texture of the historic building inventory. This is true for alterations, additions and new infill construction. The desired fabric and texture must be a collective determination made by the community.

Historic properties are not museum pieces, however. They are evolving places to live, work, congregate, socialize, and educate. Often they are income-producing properties and investments. The city's challenge is to provide guidance to the

stewards of these properties that allows a property owner to balance preservation while maintaining its economic viability.





2 | PRESERVATION IN BURLINGTON: YESTERDAY & TODAY

2 | PRESERVING BURLINGTON: YESTERDAY & TODAY

A. A History of Preservation in Burlington

In 1966, the U.S. Congress adopted the National Historic Preservation Act. Less than a decade later in 1975, the State of Vermont passed the Vermont Preservation Act. Local preservation efforts and regulations, many of which were already underway, followed.

Across Vermont individual buildings and districts were included on the National Register of Historic Places as a result of the Vermont Historic Sites and Structures Survey, which began in 1971. There are approximately 30,000 individual buildings and districts inventoried in the Vermont Historic Sites and Structures Survey, and approximately 12,000 of them are listed on the National Register of Historic Places.

The listing of historic assets on federal and state inventories does not guarantee their protection. Inclusion on these registries and inventories is a recognition that provides access to preservation resources and funding, including federal and state historic tax credits; however, these listings do not provide any regulatory protection against inappropriate alterations or demolitions. The regulatory protection of historic assets only occurs at the local level as a function of the city's police powers.

Burlington's local preservation efforts began in earnest in the 1970's. They were largely undertaken in response to significant loss in the 1960's, which was when 27 acres of the city's historic built environment was razed as part of what is known as "The Burlington Urban Renewal Project." Federal and state historic preservation efforts were taking shape during this pivotal period.

The Burlington Register of Historic Resources was commenced in 1992 and continued until the effort was largely abandoned in 2002. The local register currently includes approximately 2,800 sites throughout the city. To date, approximately 66 buildings and six historic districts have been locally designated, a total of 180 buildings have been included on the State of Vermont Register of Historic Places, and a total of 43 buildings have been included on the National Register of Historic Places. A number of these buildings and places are included on multiple registers. It is estimated that only 25% of the city's buildings have been surveyed for historic significance.

Throughout the years, preservation plans have been developed when an availability of awards and grants made them possible. Two such plans are the Historic Sites and Structures Survey Plan in 2000 and the Burlington Municipal Development Plan.

B. CURRENT STATE OF BURLINGTON'S HISTORIC PRESERVATION REGULATIONS

The City of Burlington has several interwoven layers of regulations that guide land use and preservation decisions within the city. These regulations impact the experiences of those who engage in any kind of property ownership in Burlington.

In 2008, Burlington updated its local preservation ordinance (addressed in Code of Development Ordinances Section 5.4.8). The goal of the update was to more clearly define what constitutes a historic building and to establish a specific set of design guidelines to facilitate the review

of alterations to historic properties. The updated guidelines incorporated the United States Secretary of the Interior's Standards in an attempt to accomplish the former, but fell short of adopting specific guidelines. While providing baseline standards for review, reliance on these relatively basic standards have ultimately led to some of the challenges to historic preservation efforts by the City described in greater detail below.

While not a formal set of adopted design guidelines, in an effort to educate and provide information to the public, the Burlington Department of Planning & Zoning created informal Design Review Guides in 2001. These were not incorporated into the 2008 ordinance. This guidance includes information related to brick, replacement siding, site plans, slate roofs, helpful tools to research historic buildings, and criteria for determining historic significance. While the guides provide a user-friendly outreach tool for general education, they are not a suitable substitute for a comprehensive set of design standards.

In 2014, the City adopted the City of Burlington Municipal Development Plan which includes the following preservation policies:

- Conserve the existing elements and design of its established neighborhoods;
- Identify and protect its historic structures and resources;
- Protect its archaeological resources;
- Educate its residents and visitors on the city's architectural, archaeological, and historic sites and resources; and

- Use historic preservation as an economic development tool by offering technical and financial incentives that promote the rehabilitation of historic buildings.

Together, these policies guide preservation in Burlington and should be at the core of the City's preservation efforts and regulations. They stand as a solid foundation for the development of the local design guidelines and regulatory structures recommended throughout this report.

Burlington's Code of Development Ordinances Section 5.4.8 - Historic Buildings and Sites - while adequate, is inconsistent with best practices outline by the National Trust for Historic Preservation, which has set forth 10 basic elements of a local preservation ordinance:

1. Statement of Purpose
2. Definitions
3. Creation of Preservation Commission
4. Powers and Duties of the Commission
5. Criteria for Designating Historic Properties (Districts and Landmarks)
6. Procedures for Historic Landmark and District Designation
7. Procedures and Standards for Reviewing Alterations and Demolitions
8. How and When to Determine Economic Hardship
9. Penalties
10. Appeal Process

Upon review of Section 5.4.8 for consistency with the ten basic elements, we found a number of basic elements are either missing, misplaced or are present but are not in keeping with best practices (shown in the following chart):

Review of Burlington Historic Preservation Code re: Basic Elements	<i>Present -Best Practices</i>	<i>Present - Not Best Practices</i>	<i>Misplaced</i>	<i>Missing</i>
Statement of Purpose		X		
Definitions		X		
Creation of Preservation Commission			See Sec. 2.5.1	
Powers and Duties of Commission			See Sec. 2.5.1	
Criteria for Designating Historic Properties (Districts and Landmarks)				X
Procedures for Historic Landmark and District Designation				X
Procedures and Standards for Reviewing Alterations and Demolitions		X		
How and When to Determine Economic Hardship		X		
Penalties		X		
Appeal Process			See Art. 12	

C. THE CHALLENGES

When assessing the effectiveness of Burlington's existing historic preservation regulatory scheme, we identified several key challenges. Through discussions with key stakeholders, which took place over the course of two, three-day visits in March and June of 2016, we had the opportunity to meet with property owners, city and state administrators and officials, community members, developers, city staff, and preservationists. Additionally, we received in excess of 600 responses to the Burlington Stakeholder Survey, which was a joint effort between our team and Matrix Consulting. Altogether these inputs revealed that there are several core challenges arising from the City's current preservation regulations: (i) lack of predictability; (ii) regulatory uncertainty; and (iii) lack of a formal incentive structure.

Based on stakeholder feedback, the symptom of the challenges are barriers to property owners effectively and easily preserving the historic integrity of their buildings. These barriers have resulted in the deterioration of, and inappropriate alterations to, many of Burlington's historic buildings.

Lack of regulatory predictability around historic preservation and, more specifically, the lack of a comprehensive listing of historic properties has resulted in the public's low regulatory confidence in and perception of high regulatory risk of property ownership.

At the heart of this challenge is Comprehensive Development Ordinances Section 5.4.8(a) - Applicability - which states as follows: "These regulations shall apply to all buildings and sites in the city that are listed or eligible for listing on the State or National Register of Historic Places" (emphasis

added). The regulations that follow lists the conditions that make a building eligible for listing on the state or national register of historic places and, therefore, subject to the City's historic preservation regulations.

From a predictability standpoint, this language makes it such that buildings that have not previously been listed as historic may be classified as so without the knowledge or engagement of the property owner. Reclassifications can often be last minute or after-the-fact discoveries at a closing or the transfer of property. A particularly troubling scenario is when a completed alteration is deemed to have been subject to design review but never went through the review and needs to go through a review post haste to close out a permit.

In addition to the lack of predictability described above, the lack of local historic design guidelines presents the related, but distinct, challenge of regulatory uncertainty. This regulatory uncertainty can be most directly linked to the city's incorporation of the United States Secretary of the Interior's Standards for Rehabilitation into the design review process in lieu of a local set of regulations that more clearly reflect and respond to Burlington's historic building stock.

For property owners and potential investors, the Secretary of the Interior's Standards do not provide sufficient specificity or certainty as to what is, or what will be deemed by the City to be, historically significant and subject to additional reviews and approvals. Additionally, the absence of a clearly defined process for determining whether a property is eligible for listing compounds the problem. For the boards and staff who review proposals and advise applicants, overbroad

standards make it difficult to be certain what is or is not an appropriate alteration to an historic structure. Additionally, generalized guidelines increase the potential for inconsistent advice and decision-making, which can lead to costly and contentious challenges to decisions.

A third challenge is the lack of a meaningful incentive structure to promote the preservation of historic properties. The lack of a formal structure within the regulatory framework prevents the development of proactive preservation efforts. The combination of unclear regulations and a lack of incentives results in low motivation to willingly engage in preservation. The adoption of regulations that incentivize historic preservation would help spur redevelopment while also creating a more active and forward looking preservation culture.

A lack of predictability and uncertainty combined with limited incentives results in case-by-case basis reactive preservation efforts in Burlington. For example, no new historic designations are currently being made.

Completed in June 2016, the consultant team, in collaboration with Matrix Consulting, conducted the City of Burlington Stakeholder Survey. The purpose of the survey was to engage city residents in order to better understand their sentiment for the current process, identify what is and is not working, and better determine what needs to be improved. While covering topics beyond historic preservation, a portion of the survey was specifically devoted to issues related to historic preservation. A copy of the full survey is available upon request.

“Pretty much any building that you touch in the city is considered historic.”

“Historic is a total fog.”

“We have to figure out what we value. There is no collective vision about anything.”

“I see beauty in the buildings in the Old North End....it doesn’t have to be a grand old house.”

“Decisions about historic preservation are subject to a person or two persons’ theory on things.”

Quotes taken from members of the public at public meetings held between June 6-8, 2016.

The consultant team received approximately 600 responses to the survey. A component of the survey included questions related to historic preservation. It is encouraging that over 75% of respondents agree that historic preservation is important. However, it is telling that only approximately 8% of respondents agree that the process for determining historic significance is clear, and only approximately 1.50% of respondents agree that the process for determining historic significance is fair.

Meanwhile respondents seem to desire clarity and predictability through the establishment of specific design guidelines for historic districts and landmarks (60% agree). The vast majority of respondents - nearly 81% - agree that the City should establish incentives for property owners to maintain and improve their historic buildings. Over half of respondents - approximately 55% - agree that the city is overburdening property owners with its existing historic preservation regulations and processes. Respondents also had an opportunity to provide written comments as part of the survey, and we are including a number of those that pertain to historic preservation.

Generally, the comments reflect a desire for preservation, but recognize the added burden on stewards of these properties and the inequities that can result. If there is a common theme of these comments, it is the desire to strike a better balance.

Property owners lack confidence in the city's historic preservation laws and processes, lack incentive to create new local historic landmarks or districts, are incentivized to avoid obtaining permits that trigger additional historic reviews and regulations, and are generally skeptical of local historic preservation efforts. Ironically, the city's

regulations are resulting in a disincentive to be a good steward of a historic building in Burlington, which has the very real result of a gradual loss of the city's historic fabric and texture.

Upon review and comparison to best practices, it is our opinion that the city's existing historic regulations are inadequate to further the maintenance and preservation of Burlington's historic building stock. The impacts of these conditions on key stakeholders are further explored below.

D. THE IMPACT ON PROPERTY OWNERS

A property owner in Burlington that is neither listed on the State or National Register of Historic Places, or located within an historic district that is so listed, cannot know for certain whether the city will determine that their property has historic significance and is subject to the city's historic regulations. They often learn that their property has been deemed to have historic significance at inconvenient and costly times, such as at a closing on the sale of property, or when seeking permits to alter a building. It is a very real possibility that an owner of property in Burlington could have purchased a property with no knowledge that it may at some point in the future be deemed eligible for designation as a historic structure and subject to the city's preservation regulations. If a property is purchased by owner with an expectation of being altered and/or demolished, those expectations may be completely eliminated by the city's spot determination of historic eligibility. This uncertainty costs everyone involved time and money and adds unnecessary risk and complexity to investing in property in the city. It also has led to a widespread distrust

of the process, city officials, and local historic preservation efforts in general. All of this leads to inconsistent results.

Further, the lack of tailored local guidelines and standards creates an environment where property owners are uncertain as to the extent of their property rights, the community is uncertain about the outcomes, and the city is uncertain about its authority. Without clear, consistent, usable and defensible rules, regulations and processes, the future of historic preservation in Burlington is uncertain.

E. THE IMPACT ON THE CITY

There are thousands of buildings in Burlington – the majority of structures in the city - that may be eligible for inclusion in the State or National Register of Historic Places. Without local designation of historic landmarks, sites, and districts, decisions on historic significance are either made officially at the state or national level, or on a case-by-case basis by city staff, the volunteer citizen Design Advisory Board, or the volunteer citizen Development Review Board. While the diligent efforts of city staff and the city's review boards may result in the preservation of buildings on a piecemeal basis, it leaves many of the city's eligible buildings at significant risk of losing their historic character through neglect, inappropriate or significant alterations, or in extreme cases, demolition.

This potential loss makes it more difficult for the City to avail itself of the benefits of historic preservation and heritage tourism discussed earlier in this report.

The existing regulatory scheme places a significant burden on city staff and the city's review boards to make determinations

about historic significance that they may not be qualified to make. Absent clear guidelines specifically tailored to the purpose of the local landmark, site, or district, even the most highly trained or qualified historic preservation professional would struggle to make consistent and defensible decisions regarding the appropriateness of alterations to historic assets.

Because of the absence of clear and specifically tailored local review standards and guidelines, the city's buildings and neighborhoods are the product of subjectivity and discretion. This is evident in the lack of cohesiveness observed in a few of the city's neighborhoods. In areas of the city outside of Church Street, it can be difficult to ascertain the presence of an historic district, the desired character of the district, the history of the district, or the desired development outcomes within the district. In many instances, the alterations made to existing historically significant buildings, and new construction in historically significant districts do not evidence a cohesive or coherent vision for preservation or standards for materials, architectural style, massing, rhythm, roof lines, detailing, or character.

A lack of specific local standards and guidelines makes enforcement even more challenging. With only general standards, it is difficult for the city's inspectors to know what to enforce. With other enforcement priorities, such as overcrowding, parking, and life-safety issues, enforcing the city's nebulous historic preservation standards is largely reactive rather than proactive.



3 | PRESERVATION IN BURLINGTON: TOMORROW

After visiting Burlington on two separate occasions and participating in meetings with numerous local and state officials, community groups, property owners and developers, and reviewing the results of the Stakeholder Survey, the ineffectiveness of the current regulatory scheme is apparent.

The existing regulations and processes create significant challenges for striking a balance between preserving Burlington's history and character and encouraging investment. The lack of incentives makes owning and stewardship of historic buildings more expensive and, in some cases, impossible. These challenges also present a great opportunity to restore confidence in the process, improve the perception of preservation, reduce the risk of investing in historic buildings, and provide greater certainty to all involved.

To better appreciate where Burlington can go, it is important to summarize where Burlington is currently with respect to historic preservation:

- Burlington has a significant stock of structures greater than 50 years old with no clear vision or plan for where to focus its preservation efforts and resources.
- Demolitions and inappropriate alterations have and continue to erode the city's historic fabric.
- Burlington has an incomplete historic inventory.
- Property owners in Burlington lack certainty about their property rights due to a lack of confidence in the process and overbroad and imprecise regulations.

Federal and state programs provide resources and incentives for preservation. While these programs are useful tools for preserving historic buildings in Burlington

and elsewhere, a strong local preservation regulatory structure would provide consistent results and certainty to owners of historic and non-historic properties alike. Local regulations are a reflection of the community's values related to its built heritage. While national and state registers may be instructive for local designations, they are not necessarily a comprehensive expression of the community's preservation values.

A. Best Practices in Regulating and Incentivizing Preservation

Communities across the United States have adopted effective preservation regulations and incentives that reflect their local preservation values. The following is a list of actions that may be taken at the local level to create a strong local structure for preservation along with examples of communities and their approaches (in no particular order):

- Create a community planning process that creates a long term vision and priorities for historic preservation
- Create certainty and consistency through clear local regulations, guidelines and processes
- Develop individual design guidelines tailored to districts and landmarks
- Establish and offer local preservation incentives through grants, preservation funds, tax incentives, and/or other public and private contributions
- Inventory existing and identify new historic assets for local designation

Places that have taken these actions include:

- **King County, Washington**
- **Macon, Georgia**
- **East Tennessee**

Places where preservation efforts are robust and have been successful are generally places that have accomplished the following:

- Improved certainty and consistency through the adoption of clear regulations, guidelines and processes
- Created a full-time historic preservation professional position to process applications, perform reviews, write reports, enforce regulations and guidelines, and work with the SHPO to make eligibility determinations.
- Designated existing state and national districts and landmarks as local historic assets for certainty and more effective regulation.

- Improved the predictability of process through clear and consistent notice, time periods, and review standards.
- Established a historic preservation or landmarks commission that is staffed by the city's historic preservation professional and that provides recommendations directly to the Development Review Board.

Places that have accomplished these things include:

- **Boulder, Colorado**
- **Portland, Maine**
- **Annapolis, Maryland**
- **Cincinnati, Ohio**

Specifically, those places that have created local design guidelines specific to historic structures by district or landmark have:

- Developed written and graphical standards for fenestration and materials for existing historic structures



- Developed written and graphical standards for infill development based on historic context, including contextual materials, fenestration, design, massing, and scale.
- Developed written and graphical standards for additions and accessory structures.
- Tailored design guidelines to history and character of the district and specific to landmarks.

Places that have done this effectively include:

- **Athens, GA**
- **Salt Lake City, UT**
- **Ann Arbor, MI**

Those places that have created and offer local incentives are doing so by:

- Reducing fees and expediting permits for approved rehabilitations of and restorations to historic structures.
- Creating a local tax incentive, such as a partial tax abatement, for investments in preservation that result in an increase in property valuation.
- Establishing a local fund to provide grants or low-interest loans for the maintenance and repair of historic structures and materials such as slate roofs and original windows.

- Establishing a preservation easement that provides a charitable tax benefit and perpetually preserves a building or its facade.

Places that are doing this well include:

- **Boulder, CO**
- **San Antonio, TX**
- **King County, WA**

B. Recommendations

Based on our analysis, we have identified a number of recommendations that, in our professional judgment, will aid the city in achieving its goal of striking a better balance between preservation and development. Our recommendations are divided into three general categories: (a) regulation and policy; (b) planning; and (c) incentives.

Regulation and Policy:

1. Define Types of Historic Assets.

Include a definition of “Historic Assets” in Code of Development Ordinances Section 5.4.8 that includes individual buildings and sites that have been determined to have historic significance by listing on one or more of the local, state or federal historic registries, and that includes groups of building located



within an historic district and are listed on one or more of the local, state or federal historic registries. The terms “building,” “site” and “district” should also be defined.

2. Regulate Only Those Historic Assets Officially Designated or Listed.

Amend Code of Development Ordinances Section 5.4.8 to read as follows:

“These regulations shall apply to all Historic Assets in the city that are listed on one or more of the following: (i) the Burlington Register of Historic Assets; (ii) the State Register of Historic Places; (iii) the National Register of Historic Places.”

For purposes of certainty, we recommend that only those properties that are officially included on one or more of the historic registries should be subject to the historic preservation regulations of Code of Development Ordinances Section 5.4.8. These revisions would eliminate the current uncertainty about whether a building or site will be deemed by the City to have historic significance by removing language that subjects any property determined to be eligible for listing to the regulations in Section 5.4.8.

3. Establish a Clear Designation Process.

Amend Code of Development Ordinances Section 5.4.8 to include criteria for the local designation of buildings, sites and districts as Historic Assets and include a set of clear procedures for designation. Hire a qualified historic preservation professional, and/or support the professional development of existing staff, so that staff is well suited to prepare designation reports professional recommendations to SHPO.

4. Establish a More Exact Process For Proving Economic Hardship.

Amend Code of Development Ordinances Section 5.4.8 to establish clear and detailed criteria for determining economic hardship, including establishing a certificate of economic hardship as has been done in numerous cities including Phoenix, AZ, Louisville, KY and Urbana, IL. Additionally, establish a hearing officer or an economic hardship panel comprised of a real estate professional, a construction professional, and an accountant to review applications for economic hardship.

5. Establish Clear Guidelines for Owners of Historic Assets.

Conservation guidelines should be established and adopted for each Historic Asset. The conservation guidelines should include clear written and graphical standards for materials, including windows, roofing and siding, standards for additions and new infill construction, including window orientation, rooflines, ornamentation, and other design elements.

6. Relax Zoning Regulations for Historic Assets.

Establish adaptive reuse regulations in the Code of Development Ordinances that relax off-street parking and loading, use, and setback requirements and streamline the process for adaptive reuses of historic assets. Most Historic Assets were built prior to zoning. Relaxing modern zoning regulations will allow historic assets to exist and thrive as they were intended rather than fitting them into modern zoning constructs.

Planning:

1. *Figure Out What You Have.*

Perform an inventory of all buildings and sites that meet the standards for National Register of Historic Places eligibility requirements established by the U.S. Secretary of the Interior. And, keep the inventory updated.

2. *Decide What You Want.*

Undertake and develop a city-wide preservation plan to Prioritize the list of eligible buildings and sites and establish a schedule for designating them as an Historic Asset. A plan will help the City support its historic preservation regulations and decision making.

Incentives:

1. *Make Stewardship of Historic Assets Easier.*

Incentivize designation as a Historic Asset by reducing fees and expediting permits for approved alterations to Historic Assets.

2. *Make Stewardship of Historic Assets Less Financially Burdensome.*

Establish a historic preservation tax abatement program that abates a portion of real estate taxes that do not otherwise go to the local schools for a period of time in exchange for the designation of a building or site as an Historic Asset. Create a preservation easement program that provides a tax benefit to the property owner at the value of the development rights foregone in favor of preservation. Establish a local preservation loan or grant fund to assist property owners with the additional costs of complying with the conservation guidelines applicable to their Historic Asset.

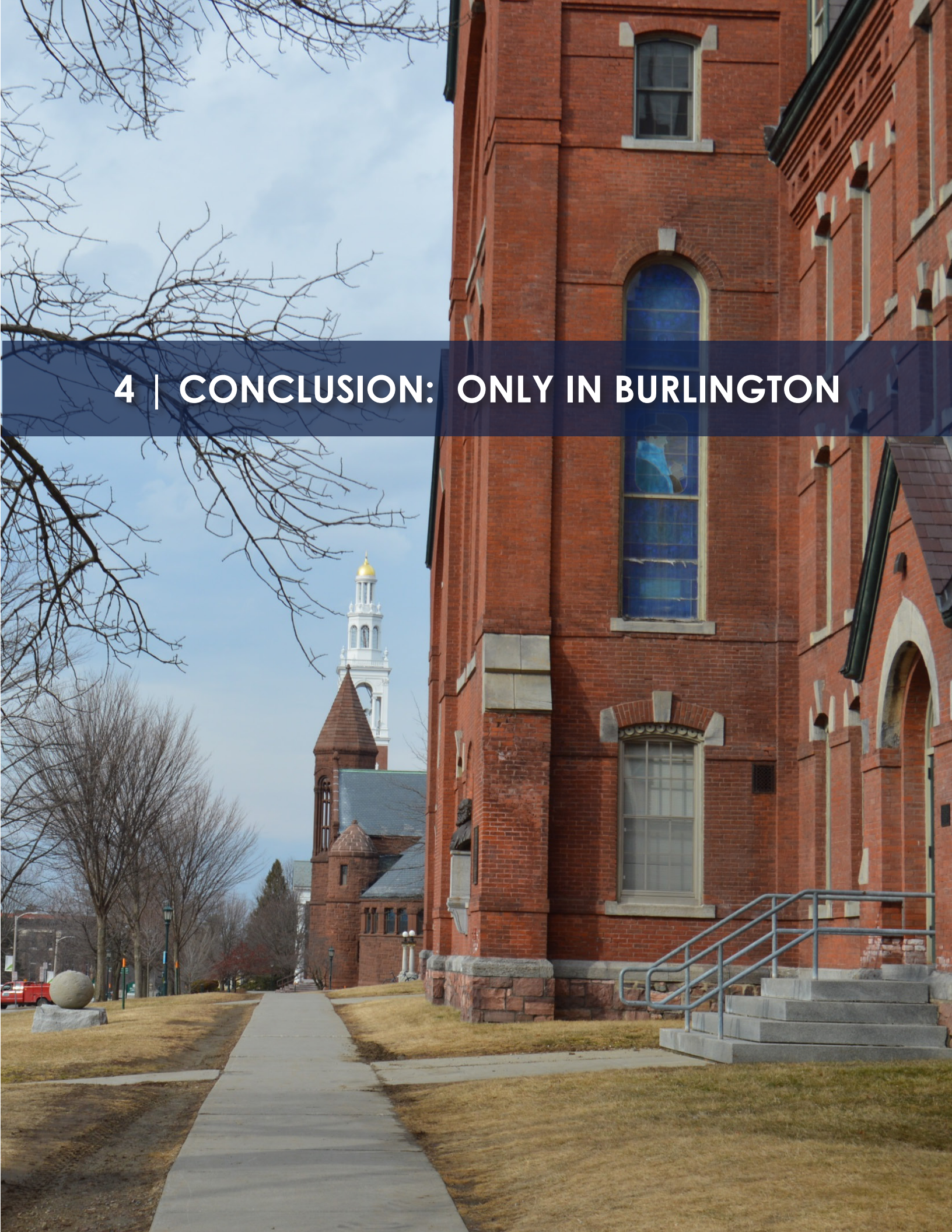
Recommendations are only effective if implemented. The consultant team advises that the city is at a point where immediate action is needed to achieve its desired outcomes. Regulatory and policy improvements require political will and legislative action. We encourage city staff to work with the city's Legal Department to review and analyze our regulatory recommendations under applicable law.

Planning requires a long-term focus and vision for the future. It requires the community to come together around a collective vision. We encourage city staff to promote an ongoing, robust community-wide conversation about the community's historic preservation priorities.

Incentives require a willingness to forego immediate revenue in favor of promoting long-term desired outcomes; they are not an either/or proposition. They are a trade off and should focus on promoting both short and long-term results and outcomes.



4 | CONCLUSION: ONLY IN BURLINGTON



4 | CONCLUSION: ONLY IN BURLINGTON

Burlington is a northeastern city like no other. The combination of its unique natural and built environments contribute to its high quality of life and attractiveness.

The city's built environment needs local regulations that reflect a vision for the preservation of its historic resources, promote character-appropriate infill development, reduce the risks of complex adaptive reuses, and lead to consistent and predictable results.

The current regulations are written such that any property in Burlington, upon a review of the eligibility standards by city staff, may be deemed to have historic significance and subject to additional regulations and review. This determination is often made well after a property owner has formed its investment-backed expectations. This uncertainty creates an unquantifiable regulatory risk associated with owning and investing in property in Burlington. A lack of clear preservation guidelines make it difficult to ascertain what will be acceptable once a property is designated.

Crafting clear and concise regulations, processes, and design guidelines so that there is greater certainty about whether a building has historic significance and what alterations are appropriate to the community, will not only lead to better preservation, but also result in more confidence in investing in Burlington.

In order for Burlington to maintain and enhance its historic building inventory while attracting new investment, the city must begin by creating a regulatory environment that reduces the regulatory risk of historic property ownership, provide clear standards for appropriate alterations to historic structures, more uniformly enforce the regulations, and provide financial incentives to historic property owners so that owning historic property in Burlington is once again a sense of pride both for the property owner and the community.



APPENDIX: REFERENCES AND LINKS

The Delaware Historic Preservation Tax Credit Program: Good for the Economy, Good for the Environment, Good for Delaware's Future, 2010.

PlaceEconomics, Connecticut Local Historic Districts And Property Values, Washington, DC, October 2011

Licciardi, Guido and Rana Amirtahmasebi, Eds., The Economics of Uniqueness, Washington, DC: The World Bank, 2012.

Center for Resourceful Building Technology
Indigenous Building Materials: An Overview
,1995.

Links to Example Plans:

King County, WA:
www.kingcounty.gov/property/historic-preservation/strategic-plan.aspx

Macon, GA:
www.historicmacon.org/about/strategic-plan/

East Tennessee:
<http://knoxheritage.org/wp-content/uploads/2014/05/PLACES-2016-1.pdf>

Links to Example Design Guidelines:

Athens, GA:
<https://athensclarkecounty.com/DocumentCenter/Home/View/287>

Salt Lake City, UT:
www.slcdocs.com/historicpreservation/GuideRes/ResidentialGuidelines.pdf

Ann Arbor, MI:
<http://www.a2gov.org/departments/planning-development/historic-preservation/Documents/Historic%20District%20Commission/Historic%20District%20Program/Ann%20Arbor%20Design%20Guidelines%2012-13-12%20small.pdf>

Links to Example Regulations:

Boulder, CO:
<https://bouldercolorado.gov/historic-preservation/historic-preservation-program-background>

Portland, ME:
www.portlandmaine.gov/DocumentCenter/View/2331

Annapolis, MD:
www2.municode.com/library/md/annapolis/codes/code_of_ordinances?nodeId=TIT21PLZO_DIVIVOVDIRE_CH21.56HIDI

Cincinnati, OH:
www2.municode.com/library/oh/cincinnati/codes/code_of_ordinances?nodeId=TIXIZOCOCI_CH1435HIPR

Links to Example Incentives:

San Antonio, TX:
www.sanantonio.gov/historic/incentives.aspx

King County, WA:
www.kingcounty.gov/~media/property/historic_preservation/documents/resources/T16_IncentivePrograms

Boulder, CO:
<https://bouldercolorado.gov/historic-preservation/historic-preservation-program-background>

Ann Arbor, MI:
<http://www.a2gov.org/departments/planning-development/historicpreservation/Documents/Historic%20District%20Commission/Historic%20District%20Program/Ann%20Arbor%20Design%20Guidelines%2012-13-12%20small.pdf>

Links to Example Regulations:

Boulder, CO: <https://bouldercolorado.gov/historic-preservation/historic-preservation-program-background>

Portland, ME: www.portlandmaine.gov/DocumentCenter/View/2331

Annapolis, MD: www2.municode.com/library/md/annapolis/codes/code_of_ordinances?nodeId=TIT21PLZO_DIVIVOVDIRE_CH21.56HIDI

Cincinnati, OH: www2.municode.com/library/oh/cincinnati/codes/code_of_ordinances?nodeId=TIXIZOCOCI_CH1435HIPR

Links to Example Incentives:

San Antonio, TX: www.sanantonio.gov/historic/incentives.aspx

King County, WA: www.kingcounty.gov/~media/property/historic_preservation/documents/resources/T16_IncentivePrograms.ashx?la=en

Boulder, CO: <https://bouldercolorado.gov/historic-preservation/incentives-for-historic-pres>

About the Authors:

Sean Suder is the Lead Principal of Calfee Zoning, a zoning and historic preservation consulting firm based in Ohio. Sean has a degree in Urban and Environmental Planning from the University of Virginia School of Architecture and a J.D. from the University of Virginia School of Law. From 2010-2014, Sean served as the Chief Counsel of Land Use and Planning for the City of Cincinnati where, among other things, he represented the city's Historic Conservation Board and was the lead author of the city's award-winning Historic Preservation Ordinance.

Brandon McCuin, based in Atlanta, Georgia, is the History/Architecture Practice Leader at national cultural resources firm Gray & Pape, Inc. Working as a cultural resource professional for more than 15 years, Brandon has completed dozens of historic preservation and cultural resource research projects involving a variety of clients, including: National Register of Historic Places nominations; cultural resources management plans, cemetery studies, Historic Preservation Plans, Neighborhood Design Guidelines and Historic American Buildings Survey and Historic American Engineering Records documentation.



April 2017

Calfee/Gray & Pape Historic Preservation Regulation Review and Recommendations, April 2017

		Calfee/Gray & Pape	City of Burlington
Type	#	Recommendation	City Team Response
Regulatory	1	Define Types of Historic Assets: Amend Section 5.4.8 to include a definition of “Historic Assets” that includes individual buildings and sites that have been determined to have historic significance by listing on one or more of the local, state or federal historic registries.	Critical step to resolve considerable uncertainty regarding the applicability of the current regulations, and who has the proper authority to make the determination of eligibility under the current process. This must involve an important conversation with partners such as the SHPO and Preservation Burlington before moving forward with any ordinance change.
	2	Applicability: Regulate <u>only</u> those Historic Assets officially designated or listed	Same as above – combine into a single recommendation.
	3	Establish a Clear Designation Process: Amend Section 5.4.8 to include criteria for the local designation of buildings, sites and districts as Historic Assets and include a set of clear procedures for designation.	Ultimately this is the same as the process for amending the CDO under statute, but will need some process on the front-end to engage the DAB/HPRC early in the designation process to vet recommendations.
	4	Establish a More Exact Process For Proving Economic Hardship: Amend Section 5.4.8 to establish clear and detailed criteria for determining economic hardship	Will also require an ordinance amendment to provide clear standards for review
	5	Establish Clear Guidelines for Owners of Historic Assets	Depending on the scope, this could be a major and costly undertaking, and will require City funding that may be combined with other state/federal sources. Best practice would be for district-specific guidelines tailored to the unique characteristics of each historic district. But may need to start with a more generic set applicable to most situations, ultimately leading to a complete set of district-specific guidelines over time.
	6	Relax Zoning Regulations for Historic Assets: Amend Section 5.4.8 to establish adaptive reuse regulations that relax off-street parking and loading, use, and setback requirements and streamline the process for adaptive reuses of historic assets	Regulatory incentives are a necessary compliment to any financial incentives. Some already exist elsewhere in the CDO, but should be clarified and expanded to reward good stewardship of a historic building.

Calfee/Gray & Pape Historic Preservation Regulation Review and Recommendations, April 2017

Planning	7	Historic Survey: Perform an inventory of all buildings and sites that meet the standards for National Register of Historic Places eligibility requirements	This is a major, lengthy, and costly undertaking on its own if the intention is to have <u>every</u> building in the city surveyed at one time - this would be undertaking a survey of ~14,000 buildings. Instead, the Survey Plan completed in 2000 should be updated to give priority and direction for ongoing survey efforts as part of a city-wide preservation plan below.
	8	Preservation Plan: Undertake and develop a city-wide preservation plan to Prioritize the list of eligible buildings and sites and establish a schedule for designating them as an Historic Asset	Development of a citywide preservation plan can offer a number of very important benefits and opportunities <u>if properly resourced and executed</u> . It can raise public awareness of Burlington's historic resources, create support for ongoing preservation, and establish a new framework for implementing preservation policies. Of particular import in this process will be to establish a clear and predictable process for the conservation of notable properties that have <u>not yet been listed</u> . This will involve a significant public outreach and engagement process in collaboration with partners such as the SHPO and Preservation Burlington.
	9	Preservation Incentives: Incentivize designation as a Historic Asset by reducing fees and expediting permits for approved alterations to Historic Assets	Special reductions in fees and expediting permits are <u>not</u> typically undertaken for reasons of equity and fairness, and we <u>do not recommend</u> implementation of this recommendation.
	10	Preservation Incentives: Make Stewardship of Historic Assets Less Financially Burdensome through financial incentives such as tax abatement, preservation easements, loans, and grants	Offering financial incentives is an <u>essential</u> component for any successful preservation program - ownership and stewardship of historic buildings should be celebrated and rewarded. Further discussion and evaluation of options and opportunities must be undertaken as part of a community-wide planning discussion in order to gain community support.

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

Andy Montroll, Chair

Bruce Baker, Vice-Chair

Yves Bradley

Alexander Friend

Emily Lee

Harris Roen

Jennifer Wallace-Brodeur

Eamon Dunn, Youth Member



Burlington Planning Commission

Tuesday, June 13, 2017, 6:30 P.M.

Conference Room 12, City Hall, 149 Church Street

Minutes

*Note: times given are
approximate unless
otherwise noted.*

Commissioners Present: B Baker, H Roen, E Lee, A Friend

Commissioners Absent: A Montroll, J Wallace-Brodeur, Y Bradley, E Dunn

Staff Present: S. Gustin, M Tuttle, D White, A Wade

I. Agenda

B Baker: Called the meeting to order at 6:30 pm.

M Tuttle: Staff addition to reapprove two statutory reports for ZA-17-08 and ZA-17-13 after Item VIII.

II. Public Forum

Michael Monte: CHT submitted a request for a zoning change for the St Joseph's School. Property is currently within two zones. Requesting rezoning to NMU to be consistent with the use of the property and for more clear guidance on what can be done on site.

B Baker: Staff to provide guidance on this request to the whole commission.

III. Report of the Chair

No report.

IV. Report of the Director

D White: Form-based code, Great Streets, many development projects continue to advance.

M Tuttle: Introduced Anita Wade as new secretary to the Commission.

V. DRAFT Planning Commission Annual Report FY 2017

M Tuttle: Report was shared with chair and discussed at last Executive Committee. Report reviews this year's activities, including zoning amendments reviewed and adopted, and participation of members on committees. Requesting the Commission approve the report to send to City Council for the chair's presentation.

E Lee: Report says 45 meetings, but attendance shows fewer.

M Tuttle: 45 includes all committees and other working groups. Attendance record is only for regularly scheduled Commission meetings.

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to approve the report and forward to Council.

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

VI. Regional Energy Plan Comments

M Tuttle: Provided a memo with the LRPC and BED & P&Z staff comments in response to a CCRPC memo regarding Regional Energy Plan Data Guides. The memo included projections on current and future energy demand for Burlington, and pathways to comply with state energy plan. LRPC advised not able to comment on preferred sites until policy decisions about siting are made by the CCRPC Board and additional public input, perhaps through the MDP update. Additionally, provide feedback on the methodology used to allocate demand to municipalities so that it more accurately reflects each municipality's generation.

D White: CCRPC is looking for host communities to provide input on this draft.

H Roen: State's intent with this process is a good goal, but when it comes to a decision on where to place resources, Burlington doesn't have the land base in relation to its population. Agree with intent of the law, but not sure how to reach those goals.

M Tuttle: Likewise, Burlington Electric provided data from a recent integrated report, and shared that they felt the low range targets could be achievable.

H Roen: Want to make sure efforts on district heat are taken into account.

M Tuttle: Targets include electric, thermal, and transportation sectors, so that can be taken into account for the thermal sector. Request Planning Commission approval of this memo to send to the CCRPC to consider in updating the Regional Energy Plan.

B Baker: Commission is in favor of communicating this memo to the CCRPC.

VII. Proposed CDO Amendment: Replacement Mobile Home

S Gustin: Correction to clarify a recent amendment regarding mobile home parks. Parks are intended to go through conditional use review, but replacing one mobile home with new one or fixing a porch was not the intent and does not have to be conditional use.

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to approve the municipal bylaw amendment report and warn the amendment for public hearing.

VIII. Proposed CDO Amendments: Retaining Walls

S Gustin: A 2011 amendment that expired, establishes standards for retaining walls and their encroachment into setbacks. DRB will review walls within 2ft of property line or more than 5ft tall. DPW suggested the 2' setback for maintenance and requiring a survey. CDO does not require a survey in any other scenario.

H Roen: What is the reason for recommending survey?

S Gustin: To ensure it is being placed on the property.

D White: And to ensure it's not in the public right of way.

E Lee: For small projects, a survey requirement could jeopardize a project. Could be better for larger walls, but don't want to discourage owners from improving their property.

B Baker: Survey could uncover other lot conditions that result in violations.

D White: Not sure survey requirement should be exclusive to this situation. If the Commission feels it should be required, should consider the broad range of improvements that should require one.

H Roen: What about material of retaining walls?

S Gustin: Article 6 includes design standards, including materials.

D White: And DPW involved, to ensure the material is safe for the purpose.

E Lee: Should this be the role of the fence viewer?

S Gustin: Fence viewer has no authority. Amendment says if it is closer than 2 ft to property line or taller than 5ft, it goes before DRB. Otherwise administrative approval.

A Friend: What about front yard setbacks?

S Gustin: Suggest removing "side and rear" from the encroachment language to include all yard setbacks.

E Lee: Feel like the language in this amendment could have provided a tool for the DRB when the apartments on Pearl Street were built with the large retaining wall blocking the view from the homes on Union Street.

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to approve the municipal bylaw amendment report, and warn the amendment, including the change to eliminate references to 2' setback on side and rear property lines, for public hearing.

IX. Municipal Bylaw Amendment Report: ZA-17-08

M Tuttle: Council Ordinance Committee added "on and off site" production to the retail bakery definition, and changed CU to N for bakeries in the RCA-A zone. Changes require the amendment be sent back to the Commission to review, opportunity to comment, and reapprove the municipal bylaw amendment report. Revised report at seat.

H Roen: Would this permit a Dunkin Donuts in the Enterprise Zone?

M Tuttle: There are some examples of bakeries in the Enterprise Zone, but produce on-site. If the definition was changed to remove the off-site production allowance, would affect all bakeries in the City.

E Lee: Production uses in the Enterprise Zone produce on-site. Bakery inherently seems like a place where production happens on-site. If food is being produced at another location, does it fit in another land use category? Don't agree with the additional language Council added to this definition.

The Commission approved the updated municipal bylaw amendment report, and asked that the feedback about the language regarding off-site production for bakeries be communicated to Council.

X. Municipal Bylaw Amendment Report: ZA-17-13

M Tuttle: Change simply incorporates the rest of the table regarding lighting that was not included.

D White: Staff has no recommended changes to the report.

The Commission made no changes to the municipal bylaw amendment report.

XI. Permit Reform Study – Historic Buildings

D White: Provided an overview of the Permit Reform process recommendations regarding historic buildings. Recommendations start with the question of how we determine what is historic or eligible, how to more clearly communicate it to applicants, and who has the authority to make those determinations.

E Lee: Can you elaborate on the state register?

D White: Have historic resources on state and/or federal register. Anyone can go to the state to request to be listed or delisted. Use the Secretary of the Interior's standards for eligibility, which include age, but are more about contributing character and whether it is intact. Currently all responsibility for listing in Burlington is with the State. Other recommendations include more clear process for what can be added; design standards for districts; an up-to-date inventory; and a plan and best practices regarding local designation; ad hoc committee to review claims of economic hardship; how to reduce regulations so that owning an historic asset is seen as a positive; and whether there are incentives that can be provided to owners of historic properties.

B Baker: Feel this would be helpful because currently sees disagreement between staff and DRB on some criteria in current ordinance. Overtime, there have been changes to how preservation is viewed.

D White: Guidelines can evolve, some need to be part of a package of the CDO.

E Lee: Need more flexibility for modern materials that look the same as historic materials but provide energy or maintenance efficiencies. Seems that moving these recommendations forward will address some of the problems that currently make some owners unhappy with owning an historic property.

D White: Will need to work together on this. The first step is inventory, which is time consuming, and second identifying regulatory pieces. There may be some short term fixes while considering long term planning, so we can do both in conjunction. Next step will be to send this on to City Council.

H Roen: The regulatory issues are critical issues to address.

E Lee: Vinyl windows are a big issue, but requiring them to be removed is wasteful in the useful life of the windows. Is there a way to create a permit that would require them to be phased out, perhaps requiring a remedy in 10 years? Could help provide a practical solution for people to try to meet their obligations.

B Baker: Sounds like an opportunity for responsible and humane enforcement.

XII. Committee Reports

A Friend: Ordinance Committee discussed zoning of Majestic site and whether or not to consider rezoning, and the Retaining Wall and Mobile Home amendments discussed tonight.

H Roen: Long Range Committee met to talk about the memo on the Regional Energy Plan.

XIII. Commissioner Items

No items.

XIV. Minutes & Communications

The Commission unanimously approved a motion by A Friend, seconded by H Roen, to approve the minutes from the May 23, 2017 meeting and to accept communications.

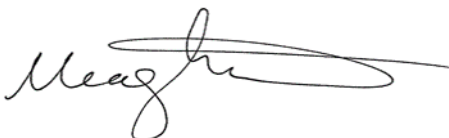
XV. Adjourn

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to adjourn the meeting at 8:04 pm.



Andy Montroll, Chair

Signed: July 11, 2017



Submitted by: Meagan Tuttle, Comprehensive Planner