

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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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

Meeting Notice

The Burlington Planning Commission has rescheduled its meeting on May 10 to a **Special Meeting on Tuesday, May 16, 2017 at 6:30pm** in Conference Room 12, City Hall, 149 Church Street.

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Burlington Planning Commission Special Meeting Tuesday, May 16, 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. **Proposed ZA-17-14 Preschool Technical Amendments** (5 min)

The Planning Commission will discuss a proposed amendment to address two gaps that were created in the CDO regarding preschools as a result of adoption of ZA-17-02 and ZA-17-04. Information regarding this proposed amendment is included in the agenda packet on pages 2-4.

VI. **Permit Reform Study** (30 min)

The Planning Commission will discuss whether to provide comments regarding the Permit Reform Study report to the City Council to review during its consideration of the report. The report can be found online at:
<https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/Burlington%20FR%202-10.pdf>

VII. **planBTV Downtown Code** (15 min)

The Planning Commission will discuss any follow-up items based on the May 1 Joint Form-Based Code committee meeting. A link to the draft code can be found online at:
[https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown Plan/planBTV%20Downtown%20Code%2004-07-17.pdf](https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown%20Plan/planBTV%20Downtown%20Code%2004-07-17.pdf)

VIII. **Committee Reports**

IX. **Commissioner Items** - Next meeting is Tuesday, May 23, 2017 @ 6:30 pm in Conference Room 12

X. **Minutes & Communications**

The Commission will review and approve the minutes of the April 18, 2017 meeting, enclosed on pages 5-9, and communications, enclosed on pages 10-19 of the agenda packet.

XI. **Adjourn**

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.

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Burlington Planning Commission

Special Meeting

Tuesday, May 16, 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.

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IX. Commissioner Items- Next meeting is Tuesday, May 23, 2017 @ 6:30 pm in Conference Room 12

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Planning Commission Agenda
May 16, 2017
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Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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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
vacant, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: May 16, 2017
RE: Proposed ZA-17-14 Preschool Technical Corrections

In putting together the April 7, 2017 edition of the Comprehensive Development Ordinance, two omissions were discovered:

- There is no use standard (Y, N, or CU) for preschools in the new NAC-CR zone
- There is no parking standard for preschools in Table 8.1.8-1, *Minimum Off-Street Parking Requirements*.

The NAC-CR zoning amendment (ZA-17-04), with its related use table standards, was adopted before adoption of the preschools amendment (ZA-17-02) that introduced preschools as a new use in the use table. As a result, there is a blank in the use table as to preschools in the NAC-CR zone. Staff recommends making preschools a permitted use in the NAC-CR (as it is in the other neighborhood mixed use zones).

The preschools amendment was adopted without a specific parking standard for this newly established use. Staff recommends the same parking standard as that for daycares.

New language is underlined in red.

Appendix A – Use Table – All Zoning Districts *excerpt*

	Neighborhood Mixed Use
USES	NAC-CR
NON-RESIDENTIAL USES	NAC-CR
School – Preschool Large (over 20 children) (see Sec. 5.4.1)	<u>Y</u>
School – Preschool Small (up to 20 children) (see Sec. 5.4.1)	<u>Y</u>

Table 8.1.8-1 Minimum Off-Street Parking Requirements *excerpt*

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
<u>School – Preschool Large (over 20 children) (per two (2) employees)</u>	<u>1 plus 1 per 5 children</u>	<u>1 plus 1 per 5 children</u>	<u>1 plus 1 per 5 children</u>
<u>School – Preschool Small (up to 20 children) (per two (2) employees)</u>	<u>1</u>	<u>1</u>	<u>1</u>

The foregoing amendments, if acceptable to the Planning Commission may be warned for public hearing in June.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-14 Preschool Technical Corrections

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 address two gaps in the *Comprehensive Development Ordinance* resulting from the timing of the adoption of ZA-17-02 and ZA-17-04 earlier this year. The first is that there are no use standards for preschools in the recently adopted Neighborhood Activity Center-Cambrian Rise, and the other is that there are no parking standards for preschools in the minimum off-street parking standards. This amendment fills in these gaps to be consistent with the use and parking standards for preschools in other neighborhood mixed use districts.

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

None of these items establish new policy, and therefore have no impact on the goals and policies related to provision of safe and affordable housing in the Municipal Development Plan.

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

None of these items establish new policy, and therefore have no impact on the proposed future land use and densities in the Municipal Development Plan.

Implementation of specific proposals for planned community facilities:

None of these items establish new policy, and therefore have no impact on proposed community facilities.

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Burlington Planning Commission Special Meeting Tuesday, April 18, 2017, 6:30 P.M. Conference Room 12, City Hall, 149 Church Street Minutes

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

Commissioners Present: A Montroll, B Baker, Y Bradley, E Dunn, A Friend, E Lee, H Roen, J Wallace-Brodeur
Staff: D White, M Tuttle

I. Agenda

No changes.

II. Public Forum

III. Report of the Chair

No report.

IV. Report of the Director

Out of office April 20-May 1, 2017.

V. Public Hearing: Proposed ZA-17-10 Green Roof Lot Coverage

The Chair opened the hearing at 6:35pm and closed it at 6:35pm with no public comment.

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to forward the amendment and the required report with recommendation to the City Council.

VI. Public Hearing: Proposed ZA-17-11 Emergency Shelters

D White: City's current ordinance did not specifically address emergency shelters; instead treated them as a community house, which created problems. Purpose of this amendment is to fill the gap and create a short-term residential occupancy use with associated requirements for density, length of stay, management and what zoning districts permitted.

The Chair opened public hearing at 6:38pm.

Stephen Marshall: Advocate on Chittenden County Homeless Alliance, on grounds of lived experience. Glad to hear that the 60-day limit on shelters does not impact existing shelters. Creating a rule for emergency shelters is positive, but Commission may not fully understand impact of a 60-day limit. This puts another burden on person who is already struggling to make other arrangements; limit should instead be on institution who is housing them to get them into alternative treatment or permanent living arrangements.

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Gerald: Need to have more case management and discharge planning, starting from the time clients hit the shelter. Can't warehouse people and not provide any services.

Jason Williams: COTS is the only shelter, and really need more affordable housing. Can't people out after a defined period of time and expect them to have everything they need. Don't have enough case managers.

Matt Phinson: Is the limit on stay just for 60-days, or can clients leave for a period of time and then come back for another 60 days? Getting housing and a job in Burlington in 60 days is nearly impossible even if you are not coming from a place of homelessness or other challenges.

Mark: Shelter gives a safe place while working through issues and finding housing. 60 days is an impossible limit.

Michelle Connelly: 60-days is a short window, but should add a requirement that clients are actively seeking employment, housing, services, etc. to stay. See both sides of the issue, because there are people that are trying, and others that take advantage.

Marcy Esbjerg, CEDO: Three years ago when trying to set up the warming shelter, didn't want to deal with additional regulations to become a community house, but had no time to create a new regulation. CHC and CHT fully support this amendment, touched by the compassion of the Commission. Concern about the time limit, but this is necessary because it is an emergency shelter. If no limit, they become permanent housing and are covered under community house. If it was easy to put people in housing in 60 days, they would be in housing; a lot of issues impact how long it can take to move on from a shelter. Hopeful that the Commission can incorporate a level of humanity in this amendment and still recognize the short-term nature of emergency shelters.

David Przepioski, VT Workers Center: Some shelters permit stays up to 2 years, but hearing rumors that may go back to 6 months. Can't even believe that any would be limited to 60 days.

Gerald: Biggest issue is what clients do during stay. Need practitioners that can motivate and assist.

Mark: Provide instruction to clients.

Evan Flynn: Read this as 60 consecutive days. Therefore, time limit is pointless, because shelter might send the person away for a day and then the clock will restart, similar to how they move people to avoid tenant's rights laws that kick in after 28 days.

Matt Phinson: Who is responsible for monitoring the time limit? In winter, 60 days is especially problematic, because being kicked out in winter is life threatening even for one night.

Steven Marshall: A lot of what has been said is not the Commission's purview, but hope when you are talking with people that operate institutions in this town, need to be aware that we can improve those institutions.

The hearing was closed at 7:05pm.

E Lee: Has COTS weighed in on this?

Marcy: asked for participation by all shelter providers, but just CHC and CHT participated. This would not impact COTs existing shelters. This ordinance means shelters either go under short-term, emergency shelter or for longer term, as a community house.

D White: About creating the whole range. Right now only option is community house which anticipates permanent residency. This creates a lower threshold for short-term occupancy, which is longer than other short-term residences which have a threshold of 30 days.

Y Bradley: Originally proposed to address need in the cold months, and facilitate one opening quickly, rather than holding it up because of our regulations. Does not say that all shelters have a 60-day limit; still

accommodating community shelters with longer-term stay and client services. This was really geared toward filling a gap and providing resource for crisis, to get out of the cold, and then get clients to the next level of housing/services.

B Baker: We know supply of housing is not there for all types of units. Community houses have evolved, but our zoning didn't. Will recommend Ordinance Committee looks at community house restrictions and definitions, too. This amendment adds to the supply of where and what kind of shelters we can have, but need to look at other definitions and make sure they're opening more opportunities.

H Roen: Why two tier limit, instead of just saying 240 days?

A Montroll: Trying to create a distinction that this is for emergencies, not long-term stay.

J Wallace-Brodeur: Are there other regulations that would kick in if the stay was longer than 60-days? As is doesn't seem appropriate when you have 4-6 months of cold weather. If we allow it to be extended by 180 on the outside, then don't see the need for 60-day limit in the first place.

Marcy: Original proposal did not have a limit. Would be in favor of 180 days, which is appropriate for climate.

B Baker: Time limit seems irrelevant, because deferring to the professionals who run them and the residents using them.

JWB: If there is no regulatory reason for the 60-day limit, feels like an operational decision rather than a land use issue.

D White: Limit is necessary to distinguish from community house. Maybe the appropriate timeframe is 180-days.

Y Bradley: This is about housing stock for emergencies. Reverse it to 180-days with possible 60-day extension.

The Commission unanimously approved a motion by E Lee, seconded by Y Bradley, to change item d to allow a stay up to 180 days, with 60-day extension, and to forward the amendment with the required report to the City Council with recommendation.

E Lee: Reached out to COTs to make sure that they know this is going to Council if they would like to weigh in.

A Friend: Underscore that this board doesn't tell service providers what services to provide, but trying to help set a definition of an emergency shelter.

VII. Public Hearing: Proposed ZA-17-12 CDO Technical Corrections

The Chair opened the hearing at 7:26pm, and closed it at 7:26pm with no public comment.

M Tuttle: S Gustin send communication regarding another technical amendment. This one refers to the timing of the daycare/preschools amendment. They are not discussed as a use in the new NAC-Cambrian rise, and not mentioned in parking standards. S Gustin recommends keeping consistent with all other NAC's.

A Montroll: This wasn't warned; it feels more substantive than technical. Not in favor of adding.

D White: Another correction is regarding the use of Footnote 8 in Appendix A. Scott missed one spot where that needs to be removed in the RH district in the Appendix A.

The Commission unanimously approved a motion by A Friend, seconded by J Wallace-Brodeur, to remove Footnote 8 from RH in Appendix A, and forward the amendment and required report to City Council with recommendation.

VIII. Public Hearing: Proposed ZA-17-13 Signage Illumination in the ELM

D White: Was originally included in technical corrections, PC decided it was substantive. Corrects the conflicts about whether or not illumination was allowed in enterprise districts.

The Chair opened the hearing at 7:33pm.

Pat Burns: City Market requested this and is in favor.

The hearing was closed at 7:34pm.

H Roen: Are there other guidelines for putting up lighted signage?

D White: Needs a zoning permit, but may be approved administratively if it meets the City's lighting standards and dimensions.

J Wallace-Brodeur: So this no longer distinguishes between interior and exterior lighting?

M Tuttle: Correct. There was a previous staff interpretation that exterior was ok, but not interior. This treats them all the same.

E Lee: Want to revisit lighting standards for the City; they are outdated and there are better options to be dark skies compliant.

D White: This is an update that is on staff's list and becoming increasingly important as we work with applicants to interpret and comply.

The Commission unanimously approved a motion by B Baker, seconded by A Friend, to forward the amendment and required report to City Council with recommendation.

Motion to refer with recommendation and report by BB. 2nd AF. All in favor.

IX. Municipal Bylaw Amendment Report ZA-16-12

D White: Commission recommended this amendment last fall, and it has been worked on by Council Ordinance Committee. In the meantime, two boundary line adjustments were completed on Frank von Turkovich's and UVM's properties. The Commission recommended this on the premise that the district boundary should follow boundary lines, and the Council Ordinance Committee concurs. Therefore, because the boundaries have changed, this is being referred back to the Commission if it would like to make comments. Staff recommends no changes to the required report.

E Lee: Seems like Commission action to change zoning drove the subdivision in order to avoid the intention of the rezoning.

S Bushor: Not totally. FVT subdivision was driven by needing a larger lot to accommodate development proposal. The change in zoning district didn't drive this because Institutional and RM zoning are the same permitted density. UVM, however, was concerned about the potential impact on its master plan for Trinity Campus. Pleased with this compromise; it is about reflecting and protecting what is on the ground.

L Ravin: UVM wants to keep as much of their property institutionally zoned, but also want to protect the neighbors. This adjustment made the new lot as small as possible so that the residential use on Fletcher Place cannot expand. Keeping institutional zoning intact helps keep the University from straying outside of the institution's boundaries.

B Butani: Support this compromise.

J Wallace-Brodeur: Commission has no need to do anything. Glad that a solution that makes all happy was worked out.

X. Permit Reform Study

D White provided an overview of this effort which included P&Z, DPW, Code Enforcement, Inspection Services, Fire Marshall, BED and Water Resources. Goal is about consistency, transparency, efficiency and predictability in development permitting. Summarized the report about strengths and things that are key to be improved. Separate recommendations about the historic preservation will come at a later time.

B Baker: What is the process moving forward. Would like to get involved in some solutions for this.

DEW: Council will hear on May 1. Commission should have a more detailed conversation about recommendations it wishes to make to Council. Council will then take action on the report and establish a working group in June. These things will take place over time; need to parse out what we can do, when and how to resource it.

A Montroll: Commission will make comments during the May meeting.

XI. planBTV Downtown Code

A Montroll: Process reengaged last night with joint presentation to Commission and Council. Will have another joint committee meeting May 1, will discuss what it wants to do with draft. Will then refer to Commission, who will review and recommend to Council. If the committee believes it needs more work, agreed that Commission and Council Ordinance Committee will not each conduct their own tweaks and edits. Needs to be more public engagement. Council and Mayor will do a larger public meeting outside the typical public hearing when it comes to them.

D White: Past year has served as a test of the code in the context of the DMUC overlay and the redevelopment of the Burlington Town Center. Performed really well, but did highlight a few things to tweak before adoption.

XII. Committee Reports

No reports.

XIII. Commissioner Items

May 10 meeting will be moved to May 16.

XIV. Minutes & Communications

The Commission unanimously approved a motion by Y Bradley, seconded by J Wallace-Brodeur, to approve the March 28, 2017 minutes and accept communications.

XV. Executive Session

At 8:22pm, the Commission unanimously approved a motion by B Baker, seconded by Y Bradley, to convene an executive session to discuss a personnel matter.

At 8:36pm, the Commission unanimously approved a motion by B Baker, seconded by J Wallace-Brodeur, to adjourn the executive session.

XVI. Adjourn

The Commission unanimously approved a motion by A Friend, seconded by H Roen, to adjourn the meeting at 8:37pm.



City of Winooski Public Safety

ZONING

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To: South Burlington Planning Director
Colchester Planning Director
Chittenden County Regional Planning Director
Burlington Planning Director
VT Department of Housing and Community Development

From: City of Winooski Planning Department

Date: April 11, 2017

RE: City of Winooski Unified Land Use & Development Regulation Amendments

Enclosed, please find proposed amendments & revisions (pursuant to 24 V.S.A. §4412 and 4413) to the City of Winooski Unified Land Use & Development Regulation:

- Section 2.4 Additions to Land Use Table
- Section 4.4 (D) Design Review. Subsection D language removed
- Section 4.9 language added, Nonconforming Drives and Rights of Way (ROW)
- Appendix B, Section 402 F (1) Revise Bonus Story Energy requirements

The City of Winooski will hold a public hearing on the proposed amendments on April 27th, 2017 at 6:30 in the City Council Chambers at Winooski City Hall. The hearing is open to the public and participation is encouraged.

Please forward this communication to the Planning Commission persons. Submit any communications for the Planning Commission's consideration at the hearing to the City of Winooski Planning Department by close of business on April 26, 2017.

Thank you,

Paul Dreher

CC: Tommie Murray, Winooski Planning Commission Chair
Robert Dipalma, City Attorney
Jessie Baker, City Manager

Please visit us on the web at www.winooski.vt.org
Or find us on



PUBLIC HEARING NOTICE

Notice of Public Hearing

The City of Winooski is considering amendments to the Unified Land Use Regulations (ULU). Pursuant to 24 V.S.A. Chapter 117, §4442, a public hearing will be held at 6:30 pm on April 27, 2017 at Winooski City Hall, 27 W. Allen Street to obtain the views of citizens on the following ULU amendments:

- **Article II, Section 2.4** Addition of use categories to Land-Use Table.
- **Article IV, Section 4.4 (D) Design Review, Subsection D** –language removed.
- **Article IV, Section 4.9 Nonconforming Lots, Structures and Uses.** Drives and Rights of Way (ROW) language added.
- **Appendix B, Part 4 General Provisions, Subsection 402 F (1)** Revision of Bonus Story Energy requirements.

Geographical areas affected: All areas of the City of Winooski are impacted.

Sections of the Ordinance impacted: Article II, Article IV and Appendix B, Part 4

Copies of the proposed amendments and full versions of the Ordinance are available at Winooski City Hall and may be viewed during the hours of 7:30 am to 4:30 pm on April 14, 2017. Should you require any special accommodations, please contact the Winooski City Clerk's Office at (802) 655-6410 to ensure appropriate accommodations are made. For the hearing impaired please call (TTY) # 1-800-253- 0191.

City of Winooski Planning Commission

Submitted by: Paul Dreher

Phone: (802) 655-6410

Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

- **Section 2.4 Addition to Land Use Table,--Accessory Structure & Use as “conditional use”**
- **Section 4.4 (D) Design Review. Subsection D language removed**
- **Section 4.9 language added, Nonconforming Drives and Rights of Way (ROW)**
- **Appendix B, Section 402 F (1) Revise Bonus Story Energy requirements, change to CBES Stretch Standards**

(A)nd shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing: **All proposed amendments conform to the current Municipal Plan***
- 2. Is compatible with the proposed future land uses and densities of the municipal plan: **All proposed amendments conform to the future land uses and densities described in the current Municipal Plan***
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.” **Does not apply***

LAND USE	Residential A R-A ²	Residential B R-B ²	Residential C R-C ³	Central Business District C-1	General Commercial C-2	Downtown Core DC	Gateway Urban General & Storefront ¹	Gateway Townhouse Small Apt/ Detached Residential ¹	Industrial I
Residential Uses									
Single Family Dwelling	P	P	P				See Part 4 of the Form- Based Code		
Accessory Dwelling Unit	P	P	P						
Two Family Dwelling (attached)		P	P		CU				
Detached Cottage	CU	CU	CU						
Multi-family (3+ units)				P ⁴	CU	P			
Assisted Living & Residential Care Homes				P	CU	P	P	P	
Bed-and-breakfast (B&B)		CU	CU	P	CU	P	P	P	
Family Child Care Home	P	P	P	P	P	P	P	P	
Group Home	P/CU ⁵	P/CU ⁵	P/CU ⁵	P/CU ⁵	P/CU ⁵	P/CU ⁵	P/CU ⁵	P/CU ⁵	
Home Occupation	P	P	P	P	P	P	P	P	
Commercial Uses									
Adult establishment									CU
Alcohol Manufacturing Facility				CU	CU	CU	P		P
Animal Care & Boarding									P
Bar				CU		CU	P		
Brew Pub				CU	CU	CU	P		CU
Industry				CU	P				P
Laboratory				CU					P
Lodging establishment				P	CU	P	P		
Office				P	P	P	P		CU
Personal Service establishment				P	P	P	P		
Retail sales				P	P	P	P		CU
Retail sales, Neighborhood commercial		CU	CU					P	
Recreation & entertainment, commercial				P	CU	P	P		CU
Restaurant				P	P	P	P		
Restaurant, café	CU	CU	CU					CU	CU

Restaurant with drive-thru							P		
Vehicle Repair & Sales				CU			P		P
Civic & Public Uses									
Association, fraternal organization, social club				P	CU	P	P		P
Crematorium							P		P
Cultural facility				P	CU	P	P		
Daycare facility				P	CU	P	P		P
Education facility				P	CU	P	P	P	P
Funeral home				P	P	P	P		
Healthcare facility				P	CU	P	P		
Recreation & entertainment, non-commercial	P	P	P	P	CU	P	P	P	CU
Religious facility	P	P	P	P	P	P	P	P	P
500.0									
Accessory Structure (6)	CU	CU	CU	CU	CU	CU	CU	CU	CU
Accessory Use (6)	CU	CU	CU	CU	CU	CU	CU	CU	CU

Notes:

1. Some of the FBC permitted uses are subject to specific Development and Performance Standards in Section 804 of the code in Appendix B.
2. Maximum dwelling units per lot in R-A and R-B shall be 2 total dwelling units no matter how it is configured in the allowable use types as listed above (i.e. Two Family Dwelling in R-B only, Single Family Dwelling and Accessory Dwelling, or Single Family Dwelling and Detached Cottage).
3. Maximum dwelling units per lot in R-C shall be 3 total dwelling units no matter how it is configured (i.e. Two Family Dwelling and a Detached Cottage, or Single Family Dwelling and Accessory Dwelling and Detached Cottage).
4. Maximum density for Multi-family housing in C1 is 60 units/acre.
5. If a group home locates within 1,000' of another group home it shall be subject to Conditional Use review and approval.
6. Accessory Use shall be limited to "uses" or structures such as administrative offices or services that relate to the "primary" use of the site/parcel and shall be operated solely by the property owner or owner representative for the purpose of providing services to the site.

D. Vermont Division of Historic Preservation Review. The City of Winooski requires applicants of properties listed on the National and State historic registers to seek advice for their development proposal. Documentation of the request and feedback from the Vermont Division for Historic Preservation shall be submitted to the City. Recommendations from the Division for Historic Preservation shall be required by the City of Winooski.

E. Historic & Cultural Resources. Adaptive reuse is intended to allow for the continued, economically viable use of historic structures that have outlived their original purpose but contribute to the historic, architectural and/or cultural fabric of the community. Accordingly, an alternative use may be allowed within the current dimensions of a historic structure, subject to the above general design review standards, conditional use review under Section 6.7, and any recommendations from Section 4.4.D above. In addition:

1. Methods shall be used to avoid undue adverse impacts on the National or State Registers of Historic Places and those listed in the Municipal Development Plan as Local Historic and Architecturally Significant Buildings. The demolition of structures listed on the National or State Registers of Historic Places shall be prohibited unless prior approval is received from the Vermont Division of Historic Preservation or a letter from a qualified Historic Preservation consultant documents that the historical significance has been compromised and is no longer relevant.
2. Methods shall be used to minimize undue adverse impacts to the historic and cultural resources listed on the Vermont Historic Sites and Structures Survey for the City of Winooski and still considered eligible for listing on the National or State Register of Historic Places according to the Vermont Division of Historic Preservation.

SECTION 4.5 EQUAL TREATMENT OF HOUSING

- A. These regulations shall not have the effect of excluding the following from the City of Winooski:
1. Mobile homes, modular housing, or other forms of prefabricated housing, except upon the same terms and conditions as conventional housing is excluded.
 2. Housing necessary to meet the needs of the population, as identified in the housing element section of the Winooski Municipal Development Plan.
 3. Mobile home parks within any zoning district where it is an allowed use and where it meets all applicable requirements for such use (see Section 5.8).
 4. Multiunit or multifamily dwellings entirely from the City.
 5. One accessory dwelling per principal single family dwelling, as a permitted use, if it meets the requirements of these regulations (see Section 5.1).
 6. A state licensed or registered care home or group home that serves no more than eight persons who have a handicap or disability.

Provisions have been made for each of the above types of housing within designated zoning districts.

SECTION 4.6 FENCES & WALLS

D. Common Open Space Areas. The location, size and shape of lands set aside to be preserved and managed as common open space areas shall be suitable for their intended purpose and use and approved by the DRB, in accordance with the following:

1. Common open space areas may include significant natural and cultural features identified and designated for protection in accordance with Section 4.8.C.
2. For common open space areas that are not designated for protection in accordance with Section 4.8.C., provisions shall be made to allow common open space areas to be used for parks, trails, urban forestry and urban agriculture. Management plans for parks, urban forestry and urban agriculture may be required by the DRB as necessary to ensure their long-term management. The DRB may require installation of facilities or equipment such as, but not limited to, benches, picnic tables, and playground equipment, as necessary to ensure proper use of common open space areas.
3. Designated common open space areas may include a portion of a single lot, or extend over several contiguous lots, however to the extent physically feasible, site layout and design shall minimize the subdivision and fragmentation of contiguous common open space areas.
4. Utility and road rights-of-way or easements, and access and parking areas shall not be included within designated common open space areas, unless the applicant can demonstrate to the satisfaction of the DRB that they will in no way disrupt or detract from the purposes or values for which the common open space area is to be protected or used.

E. Legal Requirements. At a minimum, unless waived by the DRB:

1. Designated common open space areas shall be indicated on the final site plan or subdivision plat.
2. Common open space areas shall be subject to deed restrictions and owner agreements that stipulate the permitted and restricted use of such land, and establish the person(s) or entity responsible for its maintenance and long term stewardship.
3. Designated common open space areas shall be subject to management agreements that include terms for administration, maintenance, and cost sharing. A draft management agreement shall be submitted with the application for final subdivision approval.
4. Nothing in these regulations shall be construed as indicating that the public has a right to access or recreate on private property without permission of the landowner.

SECTION 4.9 NONCONFORMING LOTS, STRUCTURES, **RIGHT OF WAY (ROW) OR DRIVE**, AND USES

A. Purpose. Any lot, structure, part of a structure, **drives, ROW** or use that is not in compliance with the provisions of these regulations, but was lawfully established prior to the effective date of these regulations, shall be deemed a nonconformity. It is the goal of the City of Winooski that nonconformities shall over time cease to exist, become conforming or at a minimum continue to be used in a manner that does not increase their degree of nonconformity. Nonconformities shall be regulated and only allowed to continue indefinitely as outlined in this section.

B. Development of Nonconforming Lots. An undeveloped nonconforming lot may be developed in accordance with the standards of the district in which it is located if the lot:

1. Was in existence on or before the effective date of these regulations; and
2. Is at least 1/8 acre in area; and
3. Is at least 40 feet wide and deep.

C. **Use of Nonconforming Lots.** A lawfully developed nonconforming lot:

1. May continue in its current use and configuration.
2. May, after receiving all applicable approvals and permits, be further developed and used in accordance with the standards of the district in which it is located.

D. **Nonconforming Right of Way or Drive.** *Pre-existing, lawfully established, nonconforming Right of Way or drive that was in existence on or before the effective date of these regulations:*

1. *Shall Conform with Public Works material and construction standards for public or private ROW—See section: _____*
2. *May be used, expanded or improved in accordance fire dept., police dept. and public works approval.*
3. *May, after receiving all applicable approvals and permits, be further developed and used in accordance with the standards of the district in which it is located.*

E. **Nonconforming Structures.** A nonconforming structure:

1. May undergo normal repair and maintenance without a permit provided that such action does not increase the structure's degree of nonconformity.
2. May be restored or reconstructed after damage from any cause provided that the reconstruction does not increase the degree of nonconformity that existed prior to the damage, and provided that a permit is obtained within 6 months of the date the damage occurred.
3. May be structurally enlarged, expanded or moved, after receiving a permit from the ZA, provided that the degree of nonconformity is not increased. The following exceptions may apply: an increase in a structural nonconformity may be permitted, after receiving a permit from the ZA, for an alteration or expansion in height above existing gross floor area so long as the alteration or expansion does not result in any new structure located closer than 5' from the property line or exceed the maximum height requirement of the zoning district. The DRB may grant a waiver to dimensional requirements that may allow increases in a structure's degree of nonconformity subject to conditional use approval by the DRB in accordance with the provisions of Section 6.7 of these regulations.
4. May, subject to conditional use approval by the DRB in accordance with the provisions of Section 6.7 of these regulations, be structurally altered or expanded in a manner that would increase the degree of nonconformity for the sole purpose of meeting mandated state or federal environmental, health, accessibility, safety or energy regulations that would allow for the continued use of the structure.

F. **Nonconforming Uses.** A nonconforming use:

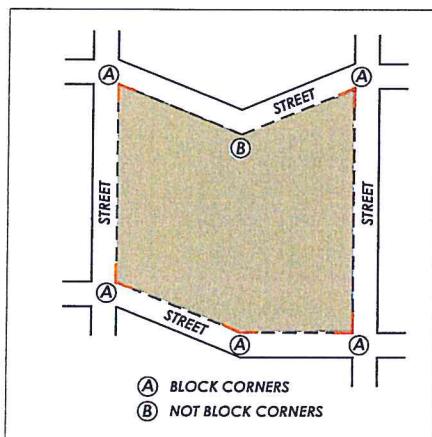
1. Shall not be moved from one lot to another where it is also a nonconforming use.
2. Shall not be re-established if the use has been changed to or replaced by a conforming use for a period greater than 6 months.
3. Shall not be re-established if the use has been discontinued for a period greater than 6 months.
4. Shall not be intensified by any means whatsoever, except with the approval of the DRB subject to conditional use review in accordance with the provisions of Section 6.7 of these regulations.
5. Shall not be extended to displace a conforming use.

G. **Nonconforming Non-residential Uses in the R-A, R-B and R-C Zoning Districts.** The conversion of nonconforming non-residential uses in existence on January 1, 2012 in the R-A, R-B and R-C zoning districts to residential uses are incentivized through an increased level of residential density than otherwise would be allowed. An applicant may request approval under this provision if a minimum of 40% of the gross floor area of the structure is in active non-residential use. Conversion is subject to the following provisions:

402.F.1. Affordable Housing Details:

The uppermost FULL story will be allowed so long as a Gross Floor Area equal to 50% of that additional story is provided in the same building as Affordable Housing, as defined as 80% to 120% of Area Median Household Income.

See Affordable Housing Development and Performance Standards in Section 804 for further requirements.



402.G.2

10. For Urban General and Urban Storefront frontages the maximum GROUND STORY height shall be measured from the average fronting sidewalk elevation to the second STORY floor.

F. Bonus Story

1. Where an Urban General or Urban Storefront property has been approved by the City as eligible for a bonus story, it is eligible for the maximum story limit and ultimate building height identified in the bfs in exchange for the provision of affordable housing (see text box for details) or for the following energy efficient construction standards: **Vermont Commercial Building Energy Standards (VBES) Stretch Standards. Or current (relevant) equivalent to be determined by the Zoning Administrator.**
2. The BONUS STORY shall only be constructed within 80 feet of the RBL.

G. Siting

1. Building FACADES shall be built to the RBL as prescribed in the BFS.
2. The building FAÇADE shall be built to the RBL within 30 feet of a BLOCK CORNER, unless otherwise specified in the BFS. *(See diagram 402.G.2.)*
3. The RBL, for all BFS frontages except Detached, designated on the REGULATING PLAN as an absolute line, incorporates an offset area (or depth) of 24 inches behind that line (into the BUILDABLE AREA) allowing for jogs, FAÇADE articulation, etc. unless otherwise designated herein. Therefore, where the FAÇADE is placed within that 24-inch zone, it is considered to be "built to" the RBL.
4. For Detached frontages the RBL incorporates an offset area (or depth) of 10 feet behind that line (into the BUILDABLE AREA) allowing for jogs, FAÇADE articulation, etc. unless otherwise designated herein. Therefore, where the FAÇADE is placed within that 10 foot zone, it is considered to be "built to" the RBL.
5. Where a STREET WALL is required, it shall be located along any RBL frontage that is not otherwise occupied by a building, within the 24-inch RBL zone.
6. Buildings may only occupy that portion of the lot specified as the BUILDABLE AREA; within any LOT BUILDING LIMIT and outside of any NEIGHBORHOOD MANNERS setback.
7. No part of any building may be located outside of the BUILDABLE AREA except for overhanging eaves, awnings, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, handicapped ramps approved by the Zoning Administrator, or BALCONIES. STOOPS, steps, and ramps shall not be located within the CLEAR SIDEWALK area. For appropriate COMMERCE and RETAIL uses, temporary displays or cafe seating may be placed in the DOORYARD.
8. There is no required setback from COMMON DRIVES except as otherwise indicated in the BFS.
9. There are no side lot setbacks, except as specified in *Section E. Neighborhood Manners* (above) or in the individual BFS.
10. The PARKING SETBACK LINE is generally 30 feet behind the RBL and extends, vertically, from the first floor level, as a plane unless otherwise indicated on the REGULATING PLAN or in the BFS. Vehicle parking shall be located behind

Jonathan Abodeely

463 Saint Paul Street, Burlington VT 05401

802-540-0337 ja@tomgirl.co

May 7, 2017

Meagan E. Tuttle

Principal Planner Comprehensive Planning

City of Burlington, VT

149 Church Street, Burlington VT 05401

Dear Meagan E. Tuttle,

I am writing on behalf of Tomgirl Juice Company, a health and wellness café located at 463 Saint Paul Street. Tomgirl has been doing business on Saint Paul Street since 2014. Recently, we were informed that the Majestic Car Rental building, located just down the street from us at 616 South Willard, is available for lease or sale. We believe this building would provide a much more suitable footprint for our business. It offers expanded floor space and access to adequate parking which would greatly benefit our customers.

I was referred to you to explore the possibility of making the necessary zoning changes to the 616 South Willard Street location to accommodate Tomgirl. I strongly believe Tomgirl's relocation to this property would offer a substantial benefit to the local community and provide our customers a much more enjoyable and convenient experience.

Please let me know if you could advise me how to best proceed with the Zoning and Planning Committee to explore this possibility.



Jonathan Abodeely

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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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

Special Meeting

Tuesday, May 16, 2017, 6:30 P.M.

Conference Room 12, City Hall, 149 Church Street

Minutes

Commissioners Present: B Baker, Y Bradley, E Dunn, A Friend, E Lee, A Montroll

Absent: H Roen, J Wallace-Brodeur

Staff Present: M Tuttle, D White, B Anderson

I. Agenda

The Chair called the meeting to order at 6:31pm. No changes to the agenda.

II. Public Forum

Jonathon Abadeely: Tom Girl Juice Co- want to move to the Majestic Car rental company building. Asking the Commission to consider rezoning to allow this to become their new home.

D White: Refer to the ordinance committee to consider the zoning of commercial properties along this corridor that are currently zoned low-density residential.

The Commission referred the request to the Ordinance Committee.

III. Report of the Chair

No report.

IV. Report of the Director

- 4 staff members attended the National Planning Conference in New York last week
- Layne Dafler – our new Planning Technician - starts 5/23
- Planning & Zoning FY18 budget presentation on 5/24
- Reminder to Andy & Emily to reapply if interested for Commission appointments by 5/24

V. Proposed ZA-17-14 Preschool Technical Amendments

D White: Updates missing items from recently adopted amendments. Includes preschools as a permitted use in NAC-CR, and to add parking standards for preschools consistent with daycares.

The Commission unanimously approved a motion by A Friend, seconded by Y Bradley, to warn the proposed amendment for public hearing and approve the statutory report.

VI. Permit Reform Study

D White: reviewed the goals of the study and priority action items from the recommendations that were presented at the last meeting, including:

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- Biggest recommendation is that all permitting functions for land use and development be collocated and eventually fall within one department/city function. Will begin offering combined P&Z and ISD office hours at DPW for a few hours a week, while developing a long-term plan for collocation.
- Improve the operation of the City's Technical Review Committee/internal communications, to highlight issues with projects and help get applicant's questions answered earlier in the process.
- Hire a planning technician, which has been done. Also looking at how to transition the UCO inspections back to P&Z. Would be beneficial for all if the project manager that reviewed and approved a project is ensuring that what was permitted is what is built. This would require at least another staff person.
- Recommended ordinance change to increase the threshold for administrative approval. Currently based on \$21,000 value of work, regardless of type. Is there a higher or different threshold? Additionally, find an alternative to the Non-Applicability determination.
- Permit technician in ISD to issue over-the-counter permits and answer technical questions rather than applicants having to wait for inspectors' office hours.
- Have already deployed mobile technology for inspectors to record information in the field.
- Make all forms available online as fillable PDF's to streamline process for applicants submitting information and for staff recording information on them. Also, create a catalog of P&Z interpretations and determinations online for anyone to see.
- Regularly posting a customer satisfaction survey and performance metrics online.
- Will be looking at our permitting system in the coming year—could be a big undertaking, but could help tremendously with how to apply for permits, how to increase internal efficiency, etc.
- Evaluate the fees to make sure we are covering our costs, while also figuring out if there are any that are duplicative and/or too high.

B Baker: Happy to see change in administrative review criteria—the dollar amount is not the most effective threshold. Need to decide what we care about and what criteria apply to that. Current threshold hurts single-family homeowners.

Y Bradley: Maybe the dollar amount only applies to exterior work.

B Baker: Making a P&Z person available in one place and making them implement the permit they issued is very important. Bigger issue is that Burlington does not record permits like other towns do; there is no reason not to do this, and it impacts a lot of people. When we have to have a disclaimer on our permit database that says "don't rely on it" that undermines people's confidence in the documents. Under Title 24, City cannot enforce permits without a record. Request the City Attorney provide a memo with the pros and cons of our current system versus recordings—is it similar to other towns and does it expose us to liability? Not asking for an advocacy piece for how the current process complies with statute. Should follow VT League of Cities and Towns guidance on the issue.

E Lee: We should have files digitized; right now everyone has to come into City Hall during business hours and pull out hard copies. That is not accessible.

B Anderson: Agree with digitizing, but it is not as straightforward or cheap as it seems like it should be.

D White: Part of this is how to fix what happened in the past, versus how can we do it differently in the future.

Y Bradley: How do we get a factual, unbiased opinion of what we should do with land records?

A Montroll: Start with City Attorney's office to see if it raises other questions, and go from there.

The Commission unanimously approved a motion by E Lee, seconded by Y Bradley, to recommend the report's conclusions to Council with a request for information from the City Attorney regarding permit recordation, and another recommendation regarding digitization of records.

VII. planBTV Downtown Code

D White: Joint Committee will meet May 18 meeting to continue discussion; in particular, want to look at height. Today, CDO allows 105 ft. with bonuses; Committee proposed to change this to 95 ft. and south of Main Street to 85 ft. Under form-based code, administrative review occurs based on building height and meeting requirements within that height. Committee wants to revisit where the areas for various by-right building heights are. Form-based code tries to simplify the map of where various heights are permitted, because it is not uniform today, and move away from bonuses as a tool for increasing height.

A Montroll: Not sure Commission should weigh in without the context of the code and the Committee's discussion driving this change. Maybe should wait to discuss and provide feedback when full code received.

D White: This is a policy discussion ultimately that will need to be considered by the Commission.

Jeff Nick: Setting a max height with no flexibility doesn't allow for projects on sites with unique constraints. Costs are very high, so another floor could help with projects actually happen. 65 ft and 6 stories doesn't really work due to modern building types where commercial floors are taller. Some sites are not big enough to push parking back 40 feet. Some of this seems arbitrary. Why lower heights?

D White: Committee feels that people aren't taking advantage of the bonuses to get to the permitted height.

Jeff Nick: To say we can't do it because no one ever has eliminates the creativity for how to redevelop underutilized sites. What about sites that don't have frontage? Do bonuses go away?

D White: Height is no longer met through bonuses; achieved through DRB process and meeting additional standards.

E Lee: Committee trying to set the limit at what can actually get built and find a common ground.

A Montroll: Trying to form a code that mandates what we want and is discretionary.

Y Bradley: Form based code is an exercise in a general concept for the downtown and it can be tweaked. Can't look at it by parcel. If City is calling for dense urban infill, need to look at make sure that the policy makes sense, and can tweak after the fact. What the Committee has doesn't make everyone happy, but need to find a balancing act.

E Lee: If we want this to go anywhere, need to be very sensitive about height. Form based code is a huge concept change for Burlington, needs to be palatable.

Jeff Nick: Agree with the form based code approach, but seems counterintuitive to lower what is already allowed. Process of tweaking after the fact seems to be a risk. Otherwise, need to put the public on notice that changes are still forthcoming.

A Montroll: We have been told by people, including developers that current heights are not achievable; so effective heights are lower than what the bonuses allow. Trying to keep heights where they are so this doesn't fall apart around it. Can start amendments as soon as it is adopted to make minor refinements. Commission is really responsive to logical requests.

VIII. Committee Reports

A Friend: Ordinance Committee is discussing bonuses and some discrepancies between Article 6 and 9.

IX. Commissioner Items

Y Bradley: Absent at the next meeting.

E Dunn: Still getting the hang of the Commission; some topics aren't as interesting, but learning more.

X. Minutes & Communications

The Commission unanimously approved a motion by Y Bradley, seconded by E Lee, to approve the minutes of the April 18, 2017 meeting and accept communications.

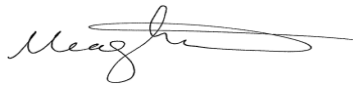
XI. Adjourn

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to adjourn the meeting at 8:00pm.



Andy Montroll, Chair

Signed: May 25, 2017



Submitted by: Meagan Tuttle, Comprehensive Planner