

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
Alex Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member



PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-17-10 Green Roof Lot Coverage

ZA-17-11 Emergency Shelters

ZA-17-12 CDO Technical Corrections

ZA-17-13 Signage Illumination in ELM

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Tuesday, April 18, 2017** beginning at 6:45pm in Conference Room 12, City Hall, 149 Church Street, Burlington, VT.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-17-10:** 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
- **ZA-17-11:** 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
- **ZA-17-12:** 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.
- **ZA-17-13:** 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.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-17-10:** This amendment applies to all areas and zoning districts within the City.
- **ZA-17-11:** This amendment applies to all zoning districts and areas of the City in which housing is permitted.
- **ZA-17-12:** This amendment addresses errors and omissions in the text of the CDO in both general provisions which apply to all zoning districts, and in standards which are specific to individual zoning districts. In the latter case, these corrections will apply to areas of the City zoned NAC-Cambrian Rise, NMU, WRL, WRM, ICC-UVMMC Overlay, NR Overlay areas, E-LM, and E-Ag.

- **ZA-17-13:** This amendment applies to areas of the City zoned Enterprise Light Manufacturing and Enterprise Agricultural.

List of section headings affected:

- **ZA-17-10:** This amendment applies adds *Sec.5.2.3 (9) i.* through *iv.*, and modifies the definition of "green roof" in *Article 13: Definitions*.
- **ZA-17-11:** This amendment creates *Section 5.4.13 Emergency Shelters* (a) through (f); adds the use to *Article 8, Table 8.1.8-1*; adds a definition to *Article 13*; and adds Footnote 29 to *Appendix A-Use Table*.
- **ZA-17-12:** This amendment:
 - Adds *Sec.3.1.2 (c) 14*
 - Amends *Table 4.4.2-2*
 - Amends *Table 4.4.5-1*
 - Corrects a reference within *Sec.4.5.2 (c) 5*
 - Amends language within *Sec. 4.4.6 (d) 1*
 - Corrects *Sec. 4.5.4 (c) 3*
 - Corrects *Sec. 4.5.4 (d) 4*
 - Corrects *Sec. 4.5.4 (e) 4*
 - Corrects *Sec. 4.5.4 (f) 3. B.*
 - Adds *Sec.5.2.6 (c)*
 - Amends *Sec 5.3.6 (c)*
 - Corrects a spelling error in *Sec. 6.1.2 (b)*
 - Corrects a punctuation error in *Sec. 6.1.2 (e)*
 - Amends *Sec.6.6.2 (m)*
 - Removes *Footnote 1* from *Sec. 11.1.3*
 - Deletes use of *Footnote 8* where applicable throughout *Appendix A- Use Table*
 - Deletes Appendix B
- **ZA-17-13:** This amendment modifies *Table 7.2.1-1 Sign Regulation Summary* and deletes Section 7.2.5 (c).

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.burlingtonvt.gov/pz.

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 Dunne, Youth Member*



Burlington Planning Commission

Meeting Notice

The Burlington Planning Commission has cancelled its regularly scheduled meetings on April 11 and April 25 and has **scheduled a Special Meeting on Tuesday, April 18, 2017** at 6:30pm in Conference Room 12, City Hall, 149 Church Street.

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 Special Meeting Tuesday, April 18, 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. **Public Hearing: Proposed ZA-17-10 Green Roof Lot Coverage** Time Certain: 6:45 p.m.

The Planning Commission will hold a public hearing on the proposed amendment to the *Comprehensive Development Ordinance*. 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 with are constructed with these systems. Information related to this proposed amendment is included in the agenda packet on pages 5-6.

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

The Planning Commission will hold a public hearing on the proposed amendment to the *Comprehensive Development Ordinance*. The purpose of this proposed amendment is to create language regarding emergency shelters which distinguish this use from community homes, and to establish parameters for number of units, location, duration of stay and management. Information related to this proposed amendment is included in the agenda packet on pages 7-11.

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

The Planning Commission will hold a public hearing on the proposed amendment to the *Comprehensive Development Ordinance*. The purpose of this proposed amendment is to correct and address a number of housekeeping items throughout the CDO that have been discovered in the daily implementation of the ordinance. Information related to this proposed amendment is included in the agenda packet on pages 12-36.

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

The Planning Commission will hold a public hearing on the proposed amendment to the *Comprehensive Development Ordinance*. The purpose of this proposed amendment is to permit lighted signage in the City's enterprise zoning districts consistent with mixed use and institutional zones. Information related to this proposed amendment is included in the agenda packet on pages 37-40.

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.

IX. Municipal Bylaw Amendment Report ZA-16-12 (5 min)

In September 2016, the Planning Commission sent the proposed ZA-16-12 with recommendation to the City Council for consideration. This proposed amendment rezones properties along Fletcher Place to Residential Medium Density. At the time of the Commission's approval, a lot line adjustment was pending for several properties owned by Frank von Turkovich along the western side of the street; subsequently, UVM also filed a lot line adjustment for its properties on the east side of the street.

The City Council Ordinance Committee has recommended the rezoning of the parcels following these new lot lines, as depicted in the attached map. Because this map differs from the one approved by the Planning Commission, the Municipal Bylaw Amendment report has been returned to the Planning Commission. The Commission should determine whether any updates to this report are needed, and return it to City Council prior to its public hearing on May 15, 2017. Information related to this amendment is included in the agenda packet on pages 41-43.

X. Permit Reform Study (20 min)

The Planning Commission will receive an update on the recommendations resulting from a study on ways to improve the permitting and historic preservation review process for permit applicants, the public and the City in order to ensure the process is consistent, efficient, transparent and predictable. Staff will provide an overview of the report's recommendations, with a focus on the work plan for the first year, and request that the Planning Commission consider recommending its approval to City Council.

XI. planBTV Downtown Code (15 min)

On April 17, the Planning Commission and City Council will hold a joint meeting regarding the draft form-based code: *planBTV Downtown Code*. During this meeting, the Commission will have a follow-up discussion regarding the work session in preparation for its formal review of the proposed amendment. The most recent draft of the proposed amendment is available online at:

https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown_Plan/planBTV%20Downtown%20Code%2004-07-17.pdf

XII. Committee Reports

XIII. Commissioner Items

The Planning Commission will discuss rescheduling its next meeting to Tuesday, May 16, 2017 at 6:30pm in Conference Room 12. Planning staff will be returning from the National Planning Conference in NYC during the previously scheduled May 10 meeting.

XIV. Minutes & Communications

The Commission will review and approve the minutes of the March 28, 2017 meeting, enclosed on pages 44-46 of the agenda packet.

XV. Executive Session

The Commission will adjourn to an executive session to discuss a personnel matter.

XVI. 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

Special Meeting

Tuesday, April 18, 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. **Public Hearing: Proposed ZA-17-10 Green Roof Lot Coverage** Time Certain: 6:45 p.m.

The Planning Commission will hold a public hearing on the proposed amendment to the *Comprehensive Development Ordinance*. 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 with are constructed with these systems. Information related to this proposed amendment is included in the agenda packet on pages 5-6.

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

The Planning Commission will hold a public hearing on the proposed amendment to the *Comprehensive Development Ordinance*. The purpose of this proposed amendment is to create language regarding emergency shelters which distinguish this use from community homes, and to establish parameters for number of units, location, duration of stay and management. Information related to this proposed amendment is included in the agenda packet on pages 7-11.

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

The Planning Commission will hold a public hearing on the proposed amendment to the *Comprehensive Development Ordinance*. The purpose of this proposed amendment is to correct and address a number of housekeeping items throughout the CDO that have been discovered in the daily implementation of the ordinance. Information related to this proposed amendment is included in the agenda packet on pages 12-36.

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

The Planning Commission will hold a public hearing on the proposed amendment to the *Comprehensive Development Ordinance*. The purpose of this proposed amendment is to permit lighted signage in the City's enterprise zoning districts consistent with mixed use and institutional zones. Information related to this proposed amendment is included in the agenda packet on pages 37-40.

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.

Planning Commission Agenda
April 18, 2017
Page 1 of 46

IX. Municipal Bylaw Amendment Report ZA-16-12 (5 min)

In September 2016, the Planning Commission sent the proposed ZA-16-12 with recommendation to the City Council for consideration. This proposed amendment rezones properties along Fletcher Place to Residential Medium Density. At the time of the Commission's approval, a lot line adjustment was pending for several properties owned by Frank von Turkovich along the western side of the street; subsequently, UVM also filed a lot line adjustment for its properties on the east side of the street.

The City Council Ordinance Committee has recommended the rezoning of the parcels following these new lot lines, as depicted in the attached map. Because this map differs from the one approved by the Planning Commission, the Municipal Bylaw Amendment report has been returned to the Planning Commission. The Commission should determine whether any updates to this report are needed, and return it to City Council prior to its public hearing on May 15, 2017. Information related to this amendment is included in the agenda packet on pages 41-43.

X. Permit Reform Study (20 min)

The Planning Commission will receive an update on the recommendations resulting from a study on ways to improve the permitting and historic preservation review process for permit applicants, the public and the City in order to ensure the process is consistent, efficient, transparent and predictable. Staff will provide an overview of the report's recommendations, with a focus on the work plan for the first year, and request that the Planning Commission consider recommending its approval to City Council.

XI. planBTV Downtown Code (15 min)

On April 17, the Planning Commission and City Council will hold a joint meeting regarding the draft form-based code: *planBTV Downtown Code*. During this meeting, the Commission will have a follow-up discussion regarding the work session in preparation for its formal review of the proposed amendment. The most recent draft of the proposed amendment is available online at:

https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown_Plan/planBTV%20Downtown%20Code%2004-07-17.pdf

XII. Committee Reports

XIII. Commissioner Items

The Planning Commission will discuss rescheduling its next meeting to Tuesday, May 16, 2017 at 6:30pm in Conference Room 12. Planning staff will be returning from the National Planning Conference in NYC during the previously scheduled May 10 meeting.

XIV. Minutes & Communications

The Commission will review and approve the minutes of the March 28, 2017 meeting, enclosed on pages 44-46 of the agenda packet.

XV. Executive Session

The Commission will adjourn to an executive session to discuss a personnel matter.

XVI. 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
Alex Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member



PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-17-10 Green Roof Lot Coverage

ZA-17-11 Emergency Shelters

ZA-17-12 CDO Technical Corrections

ZA-17-13 Signage Illumination in ELM

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Tuesday, April 18, 2017** beginning at 6:45pm in Conference Room 12, City Hall, 149 Church Street, Burlington, VT.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-17-10:** 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
- **ZA-17-11:** 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
- **ZA-17-12:** 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.
- **ZA-17-13:** 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.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-17-10:** This amendment applies to all areas and zoning districts within the City.
- **ZA-17-11:** This amendment applies to all zoning districts and areas of the City in which housing is permitted.
- **ZA-17-12:** This amendment addresses errors and omissions in the text of the CDO in both general provisions which apply to all zoning districts, and in standards which are specific to individual zoning districts. In the latter case, these corrections will apply to areas of the City zoned NAC-Cambrian Rise, NMU, WRL, WRM, ICC-UVMMC Overlay, NR Overlay areas, E-LM, and E-Ag.

- **ZA-17-13:** This amendment applies to areas of the City zoned Enterprise Light Manufacturing and Enterprise Agricultural.

List of section headings affected:

- **ZA-17-10:** This amendment applies adds *Sec.5.2.3 (9) i.* through *iv.*, and modifies the definition of "green roof" in *Article 13: Definitions*.
- **ZA-17-11:** This amendment creates *Section 5.4.13 Emergency Shelters* (a) through (f); adds the use to *Article 8, Table 8.1.8-1*; adds a definition to *Article 13*; and adds Footnote 29 to *Appendix A-Use Table*.
- **ZA-17-12:** This amendment:
 - Adds *Sec.3.1.2 (c) 14*
 - Amends *Table 4.4.2-2*
 - Amends *Table 4.4.5-1*
 - Corrects a reference within *Sec.4.5.2 (c) 5*
 - Amends language within *Sec. 4.4.6 (d) 1*
 - Corrects *Sec. 4.5.4 (c) 3*
 - Corrects *Sec. 4.5.4 (d) 4*
 - Corrects *Sec. 4.5.4 (e) 4*
 - Corrects *Sec. 4.5.4 (f) 3. B.*
 - Adds *Sec.5.2.6 (c)*
 - Amends *Sec 5.3.6 (c)*
 - Corrects a spelling error in *Sec. 6.1.2 (b)*
 - Corrects a punctuation error in *Sec. 6.1.2 (e)*
 - Amends *Sec.6.6.2 (m)*
 - Removes *Footnote 1* from *Sec. 11.1.3*
 - Deletes use of *Footnote 8* where applicable throughout *Appendix A- Use Table*
 - Deletes Appendix B
- **ZA-17-13:** This amendment modifies *Table 7.2.1-1 Sign Regulation Summary* and deletes Section 7.2.5 (c).

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.burlingtonvt.gov/pz.

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-17-10 Green Roof Lot Coverage

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 define green roofs and create clear guidelines for how lot coverage is calculated on sites with buildings which are constructed with a green roof. At-grade green roofs will be counted as open space, above-grade green roofs count as lot coverage, and partially at/above grade green roofs will be counted as lot coverage at a ratio commensurate with the intensity of the roof system. If a partially at grade roof is constructed with an intensive green roof system, 50% of the entire roof area is counted as lot coverage, whereas if it is constructed with an extensive green roof system, 75% of the entire roof area is counted as lot coverage.

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 clarifies how lot coverage is calculated for green roofs. It is compatible with proposed future land uses and densities contained within the Municipal Development Plan in that it largely preserves existing lot coverage as defined in the *Burlington Comprehensive Development Ordinance*. Only those portions of buildings with green roofs fully at-grade are considered open space, and only some portion of buildings that are partially above grade can receive lot coverage credits, if they are constructed with green roof systems that provide essential stormwater benefits to the community and the sites on which they're located.

Implementation of specific proposals for planned community facilities:

This proposed amendment does not implement a plan for 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
vacant, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: March 28, 2017
RE: Green Roofs & Lot Coverage

At the direction of the Planning Commission, the Ordinance Committee reevaluated the pending zoning amendment to afford a degree of lot coverage credit for green roofs. The revised amendment incorporates the following:

- A set lot coverage credit
- Recognizes extensive vs. intensive green roofs
- Defines “green roof”

At its March 9, 2017 meeting, the Ordinance Committee voted to send the revised amendment back to the full Planning Commission for its consideration.

Proposed Ordinance Language:

Sec. 5.2.3, Lot Coverage Requirements

(b) Exceptions to Lot Coverage

(1)-(8) as written.

- (9) For the purposes of lot coverage calculations, at-grade green roofs shall be counted as open space, and above-grade green roofs shall be counted as lot coverage. Partially at-grade green roofs shall be counted as lot coverage as follows:
- i. Intensive green roofs will be counted at 50% lot coverage of their total roof area.
 - ii. Extensive green roofs will be counted at 75% lot coverage of their total roof area.
 - iii. Walkways, equipment, and other un-vegetated areas within the green roof shall not receive lot coverage credit.
 - iv. These lot coverage exceptions are contingent on continued maintenance and functionality of the green roof.

ARTICLE 13: DEFINITIONS

Green roof: A contained green space planted over a synthetic waterproofed membrane created by adding layers of growing medium and plants on top of a traditional roofing system which also includes a layer for drainage. The green space on the roof may partially or completely cover the traditional roofing system. There are two types of green roofs: extensive and intensive. Extensive green roofs generally have a growing medium depth of less than six inches, require little maintenance, and are lightweight. Intensive green roofs typically have a growing medium depth of more than six inches, require more frequent maintenance, and are heavier than extensive green roofs. In order to be classified as an intensive green roof for lot coverage credit the green roof must have a minimum growing medium depth of six inches.

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-17-11 Emergency Shelters

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 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. In recent years, operators of emergency shelters in the City have experienced some challenges as they have previously been permitted as community houses. This amendment seeks to eliminate these hurdles to providing emergency housing to the City's neediest population, particularly during winter months.

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 supports the City's Municipal Development Plan policies to support organizations and programs that fill gaps in the housing tenure ladder, and to assist the City's neediest residents in confronting various obstacles and problems they face in the housing market.

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

This proposed amendment does not impact future land uses and densities of the Municipal Development Plan.

Implementation of specific proposals for planned community facilities:

This proposed amendment does not implement a specific planned community facility, but seeks to eliminate hurdles currently experienced by emergency housing providers to make shelters available in locations accessible to their guests.

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
vacant, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: March 3, 2017
RE: Emergency Shelters

Following review of proposed zoning amendment language relative to emergency shelters at its February 28, 2017 meeting, the Planning Commission moved to warn the amendment language for public hearing.

The following draft incorporates revisions from the February 28 meeting. New language is underlined. Deleted language is ~~stricken~~.

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.4 Community House

Community houses shall be considered a conditional use in any residential district and subject to all applicable provisions of Art 3, Part 5, and the site and design review standards in Art 6. In addition to conditional use standards, proposals for new community houses shall also comply with the following requirements:

- (a) Density shall not exceed 1 person per two hundred (200) square feet of gross floor area;
- (b) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable; and,
- (c) The minimum distance (lot line to lot line) between any two community houses shall ~~not exceed~~ be at least the following:

Total Occupancy (beds)	Distance (feet)
6 or less	0
7 – 12	500
13 – 20	1,000
21 or more	1,500

Sections 5.4.5 – 5.4.12

As written.

Section 5.4.13 Emergency Shelters

Emergency shelters shall be subject to the site and design review standards in Art 6.

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

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

Article 8: Parking

Add to table 8.1.8-1: Minimum Off-Street Parking Requirements (see attached Table 8.1.8-1)

Article 13: Definitions

Emergency shelter: Overnight shelter with supportive services for homeless persons that is limited to temporary occupancy, typically 60 consecutive nights or less, by a homeless person. Provide shelter only overnight.

Appendix A – Use Table – All Zoning Districts

Add footnote 29: See special use standards of Sec. 5.4.13, Emergency Shelters (see attached Appendix A)

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	E-AE	E-LM
<u>Emergency Shelters</u> ²⁹	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>

1. Residential uses are not permitted except only as an accessory use to an agricultural use.

2. Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot size of 10,000 square feet.

3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.

4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.

5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.

6. Must be owner-occupied.

7. Must be located on a major street.

8. Small daycares in the RCO zones shall be conditional use and shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.

9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.

10. Exterior storage and display not permitted.

11. All repairs must be contained within an enclosed structure.

12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.

13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.

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

15. Excludes storage of uncured hides, explosives, and oil and gas products.

16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.

17. Allowed only as an accessory use.

18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.

19. Facilities limited to no more than 10,000 square-feet.

20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.

21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.

22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.

23. Allowed only on properties with frontage on Pine Street.

24. Such uses shall not exceed 4,000 square feet in size.

25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.

26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.

27. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. Performing arts centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.

28. Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.

29. See special use standards of Sec. 5.4.13, Emergency Shelters.

Legend:

Y

CU

N

Permitted Use in this district

Conditional Use in this district

Use not permitted in this district

Abbreviation

Zoning District

RCO – A

RCO – RG

RCO – C

I

RL/W

RM/W

RH

D

DW

DT

BST

NMU

NAC

NAC-RC

E-AE

E-LM

RCO - Agriculture

RCO – Recreation/Greenspace

RCO - Conservation

Institutional

Residential Low Density, Waterfront Residential Low Density

Residential Medium Density, Waterfront Residential Medium Density

Residential High Density

Downtown

Downtown Waterfront

Downtown Transition

Battery Street Transition

Neighborhood Mixed Use

Neighborhood Activity Center

NAC – Riverside Corridor

Enterprise – Agricultural Processing and Energy

Enterprise – Light Manufacturing
- ZA-17-11 Proposed Appendix A- Use Table Changes for Planning Commission Public Hearing- April 11, 2017
- Planning Commission Agenda, p. 1 of 1
April 18, 2017
Page 10 of 46

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	1	1
Single Family detached and Duplex	2	2	1
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0.4
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0.5
Boarding House (per two (2) beds)	1	0.75	0.5
Community House	1	0.75	0.5
Convalescent Home (per four (4) beds)	1	1	1
Dormitory (per two (2) beds)	1	1	1
<u>Emergency Shelter</u>	<u>0</u>	<u>0</u>	<u>0</u>
Group Home (per two (2) beds)	1	1	1
Historic Inn (per room, in addition to single-family residence)	1	0.75	0.5
Sorority & Fraternity (per two (2) beds)	1	1	1
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
Adult Day Care (per two (2) employees)	1	1	1
Agricultural Use	None	None	None
Amusement Arcade	2	1	0
Animal Boarding/Kennel/Shelter	2.5	1.5	1
Animal Grooming (per grooming station)	1	1	0
Animal Hospitals/Veterinarian Office	3	2	1
Appliance & Furniture Sales/Service	2.5	1	1
Aquarium	1.3	1	1
Art Gallery	3.3	2.5	1
Auction Houses	3.3	2.5	1
Automobile & Marine Parts Sales	2.5	1.5	1
Automobile Body Shop	2 plus 1/bay	2 plus 1/bay	2 plus 1/bay
Automobile Repair/Service	2 plus 1/bay	2 plus 1/bay	2 plus 1/bay

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-17-12 CDO 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 correct and address a number of "housekeeping" items throughout the *Burlington Comprehensive Development Ordinance* that have been discovered by staff and applicants through the daily implementation of the ordinance. None of these items establish new policy direction, and most of them simply address omissions or tie up loose ends from prior zoning amendments.

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.

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
vacant, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: March 28, 2017
RE: Technical corrections and clean up to the CDO

The proposed zoning amendments below come from a running list of “housekeeping” items to correct/address in the Comprehensive Development Ordinance. Most of these items have come to light during the course of daily implementation of the ordinance by staff. Some of them have come as requests from the public. None of them establish new policy direction, and most of them simply fill in holes or tie up loose ends from prior zoning amendments. Most of the amendments below were reviewed by the Planning Commission Ordinance Committee as part of their discussion of FY '17 priorities at their September and October, 2016 meetings.

Each amendment is identified numerically with *italics*. New language is underlined in red, and deleted language is ~~crossed out~~.

Item 1) Include statutory reference to protections for solar collectors, clotheslines, or other energy devices based on renewable resources.

Sec. 3.1.2 Zoning Permit Required

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

(a) Exterior Work:

As written.

(b) Interior work:

As written.

(c) Exemptions:

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

1. Exterior modifications to a single family dwelling in a non-design review portion of the RL zoning district lawfully in existence prior to the adoption of this ordinance on a conforming lot, and not on or eligible for listing on the State or National Register of Historic Places. Such an exemption shall not be applicable to any of the following changes, which do require a zoning permit:

- A. Increased lot coverage;

- B. Increased habitable living space;
 - C. Changes in setbacks or building footprints; and
 - D. Construction of additional stories to an existing structure.
 - E. Improvements in a Special Flood Hazard Area.
2. The removal of trees from any lot containing a single family home or duplex which consists of no more than three-quarters (3/4) of one acre.
 3. Individual tree removal projects that are included under an approved and valid “tree maintenance plan”.
 4. The maintenance or repair of any exterior architectural feature, or its replacement in-kind, which does not involve a change in the location, design, material, or the outward appearance of the feature;
 5. Temporary ramps to serve the handicapped or disabled, for a period of not more than 90 days.
 6. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. §248.
 7. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810. Prior to the construction of farm structures the farmer must notify the Administrative Officer in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.
 8. The temporary stabilization and securing of any structure, site, or building feature required to address an unsafe or dangerous condition which poses an imminent threat to public safety pursuant to a written order of the same issued under the authority of the city building inspector.
 9. Where temporary stabilization is not reasonably available the emergency demolition of any structure, site, or building feature required to address an unsafe or dangerous condition which poses an imminent threat to public safety pursuant to a order of the same issued under the written authority of the city building inspector and with the written concurrence of the city engineer. This exemption does not extend beyond the required demolition, clearing of debris, securing or filling cellar holes, and related erosion control and stormwater management.
 10. All structures of 24 square feet or less and no taller than 15 feet, as long as they are located in compliance with applicable setbacks. This exemption is limited to 1 such structure, or multiple structures in aggregate up to 24 square feet, per property. This exemption does not apply to properties located within the Special Flood Hazard Area.
 11. Children’s play structures.
 12. Temporary Structures or Uses as per Sec. 5.1.2 (f).
 13. Urban agricultural exemptions:

- A. Cold frames of 6 feet in height or less. This exemption does not apply to properties located within the Special Flood Hazard Area.
- B. Up to 2 seasonal hoop houses, each 200 square feet or less, without foundations and as long as they are located in compliance with applicable setbacks. This exemption applies only to seasonal hoop houses that are sheathed in translucent plastic or similar material for a maximum of 9 months per year and are maintained in an intact condition. The frame may remain in place year-round. This exemption does not apply to properties located in the Special Flood Hazard Area.
- C. Urban agricultural uses or structures located on building rooftops.
- D. Sale of food produced onsite or at an individual's community garden plot not to exceed \$1,000 per year. Food may be processed within the individual's residential kitchen.

14. Per Act 45: Sec. 15c. 24 V.S.A. § 4413(g), notwithstanding any provision of law to the contrary, nothing in this ordinance shall prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources.

(d) Determination of Non-Applicability:

As written.

Item 2) Include NAC-CR and NMU in Table 4.4.2-2.

Sec. 4.4.2 Neighborhood Mixed Use Districts

Table 4.4.2 -2: Maximum FAR and Building Heights with Bonuses		
	Maximum FAR	Maximum Height
NAC	3.0 FAR	45 feet
NAC-Riverside	3.0 FAR	45 feet
<u>NAC-Cambrian Rise</u>	<u>2.5 FAR</u>	<u>75 feet</u>
<u>NMU</u>	<u>2.5 FAR</u>	<u>45 feet</u>

Item 3) Include WRL and WRM in Table 4.4.5-1.

Sec. 4.4.5 Residential Districts

Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W²				
Use	Lot Frontage¹		Lot Size	
	<i>(linear feet)</i>		<i>(square feet)</i>	
	RL, WRL	RM, WRM	RL, <u>WRL</u>³	RM, <u>WRM</u>
Single detached dwelling	Min: 60'	Min: 30'	Min: 6,000	NA
Duplex and above			Min: 10,000	

1. The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street.
2. There are no minimum lot size or frontage requirements in the RH District.
3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.

Item 4) Correct reference to Sec. 5.2.6.

Sec. 4.5.2 Institutional Core Campus Overlay Districts

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

5. Building Height

No portion of any building within the ICC-UVMMC Height Overlay (as delineated on Map 4.5.2-3 ICC-UVMMC Height Overlay) shall exceed the elevation of a plane running parallel to the earth at 540-feet above mean sea level. The provisions of Sec. 5.2.5~~6~~ Building Height Limits shall not be applicable within the ICC-UVMMC Height Overlay.

Item 5) Clarify title of Sec. 4.4.6 (d) 1 and make reference to statutory exemption.

Sec. 4.4.6 Recreation, Conservation, and Open Space Districts

(d) District Specific Regulations

The following regulations are district-specific exemptions, bonuses, and standards unique to the RCO districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above in Tables 4.4.6-1 and 4.4.6-2.

1. Lot Coverage ~~Exemption~~ for Agricultural Structures.

The maximum allowable coverage may be increased to ten percent (10%) in the RCO-Agricultural District for agricultural structures not otherwise exempted from zoning review under V.S.A. 24 Sec. 4413 (d), subject to approval by the DRB.

Item 6) Remove conditional use requirement in Sec. 4.5.4. Originally missed in ZA-15-02.

Sec. 4.5.4 Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone:

1. Permitted Uses:

As written.

2. Prohibited Uses:

As written.

3. ~~Conditional Uses~~ Regulated Uses:

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated

buffer after review and approval pursuant to the ~~Conditional Use review provisions of Article 3 and subject to the requirements and limitations below under Subpart 4.~~

4. Requirements:

As written.

(d) District Specific Regulations: Wetland Conservation Zone:

1. Additional Application Requirements

As written.

2. Permitted Uses:

As written.

3. Prohibited Uses:

As written.

4. ~~Conditional Uses~~ Regulated Uses:

Except where noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including the list of activities below, may be approved within a wetland and its buffer zone after review and approval pursuant to ~~the Conditional Use Review provisions of Article 3 and subject to the requirements and limitations set forth below under Subpart 6 below.~~

- A. The construction of buildings or other structures, and roads, parking areas or other impervious surface;
- B. Any form of drainage, dredging, excavation, or removal of material either directly or indirectly;
- C. Alteration or modification of natural drainage patterns, natural features and contours;
- D. Installation of docks, rip-rap or other shoreline stabilization features;
- E. Installation of utility poles or utility service lines, underground pipes or cable conduits, and wells;
- F. Cutting of greater than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle;
- G. Construction, expansion or placement of any structure;
- H. Construction or expansion of roads, rail lines parking areas, trails, and sidewalks;
- I. Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland;
- J. The construction of a stormwater outfall as part of a stormwater management plan approved by the city engineer. In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and prevent erosion and control sediment and the city engineer is hereby authorized to

develop performance standards to ensure conformance with these state stormwater management rules; and,

- K. Application of pesticides performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9). In no other cases shall pesticides be applied.

(e) District Specific Regulations: Natural Areas Zone:

1. Additional Application Requirements

As written.

2. Permitted Uses:

As written.

3. Prohibited Uses:

As written.

4. ~~Conditional Uses~~ Regulated Uses:

Except where noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including the list of activities below, may be approved after review and approval pursuant to the Conditional Use provisions of Article 3 and subject to the requirements and limitations set forth below under subpart 5.

- A. The construction of buildings or other structures, and roads, parking areas and any other impervious surfaces;
- B. Land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) not associated with a permitted or conditionally permitted use. Land disturbing activities which expose 5,000 or more square feet of soil (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) are prohibited except where a stormwater management, erosion prevention and sediment control plan has been reviewed by the Burlington Conservation Board and approved by the city engineer;
- C. Any form of drainage, dredging, excavation, or removal of material either directly or indirectly;
- D. Alteration or modification of natural drainage patterns, natural features and contours;
- E. Installation of docks, rip-rap or other shoreline stabilization features;
- F. Installation of utility poles or utility service lines, underground pipes or cable conduits, and wells;
- G. Cutting of greater than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle;
- H. Construction, expansion or placement of any structure;

- I. Construction or expansion of existing roads, parking areas, trails, and sidewalks;
- J. Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland;
- K. The construction of a stormwater outfall as part of a stormwater management plan approved by the city engineer. In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and prevent erosion and control sediment and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules;
- L. Application of pesticides performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9). In no other cases shall pesticides be applied; and,
- M. Agricultural and silvicultural activities following Best Management Practices for the Protection of Water Quality including but not limited to housing of livestock, manure storage, pasturing livestock, growing crops, and compost storage, but excluding residential backyard compost storage.

5. Criteria for Review:

As written.

(f) District Specific Regulations: Special Flood Hazard Area:

1. Additional Application Requirements

The following information shall be submitted in addition to the applicable requirements of Article 3 for any development proposed within a Special Flood Hazard Area:

- A. Base flood elevation data for all subdivision proposals and other proposed new developments containing more than fifty (50) lots or covering more than five (5) acres;
- B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new construction or substantial improvements of structures;
- C. Confirmation if such structures contain a basement; and
- D. The elevation, in relation to mean sea level, to which any structure has been flood proofed.
- E. A Vermont Agency of Natural Resources Project Review Sheet for the proposal should be filled out. The Project Review Sheet should identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the City permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer and attached to the permit application before work can

begin.

In addition, the DRB shall require of the applicant any of the following information deemed necessary for determining the suitability of the particular site for the proposed use:

- F. Plans in triplicate, drawn to scale, showing the location, dimensions, contours and elevation of the lot; the size and location on the site of existing and/or proposed structures, fill or storage of materials; the location and elevations of streets, water supply and sanitary facilities; and the relationship of the above to the location of the channel, floodway and base flood elevation where such information is available;
- G. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel and cross-sectional areas to be occupied by the proposed development;
- H. A profile showing the slope of the bottom of the channel or flow line of the stream; and
- I. Specifications for building construction and materials, flood proofing, mining, dredging, filling, grading, paving, excavation or drilling, channel improvement, storage of materials, water supply and sanitary facilities.

2. Permitted Uses in Floodway Areas

The following open land uses shall be permitted within the floodway areas to the extent that they are permitted or conditionally permitted in the underlying zoning district, and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the floodway area, or channel modification or relocation, and do not obstruct flood flows, nor result in any increase in flood levels during the occurrence of the base flood discharge, decrease the water-carrying capacity of the floodway or channel, or increase off-site flood damage potential:

- A. Agricultural uses, such as general farming, pasture, orchard, and grazing, outdoor plant nurseries, truck farming, and forestry;
- B. Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas and boat launching sites; and/or
- C. Accessory residential uses, such as lawns, gardens, and parking areas.

3. Permitted and Conditional Uses in Special Flood Hazard Areas (including Floodway areas)

- A. All those permitted open space uses as listed in Section 4.5.4.(f).2 above shall be permitted in the Special Flood Hazard Areas.
- B. All other uses permitted in the underlying zoning district are permitted only upon ~~the granting of a conditional use~~ review and approval by the DRB as per ~~Article 3~~ subpart 7 below.

4. – 10.

As written.

Item 7) Require clear sight triangle as part of general city standards so that it applies in non-design control areas of the city. Presently, its location in Article 6 precludes its effectiveness for non-design control properties.

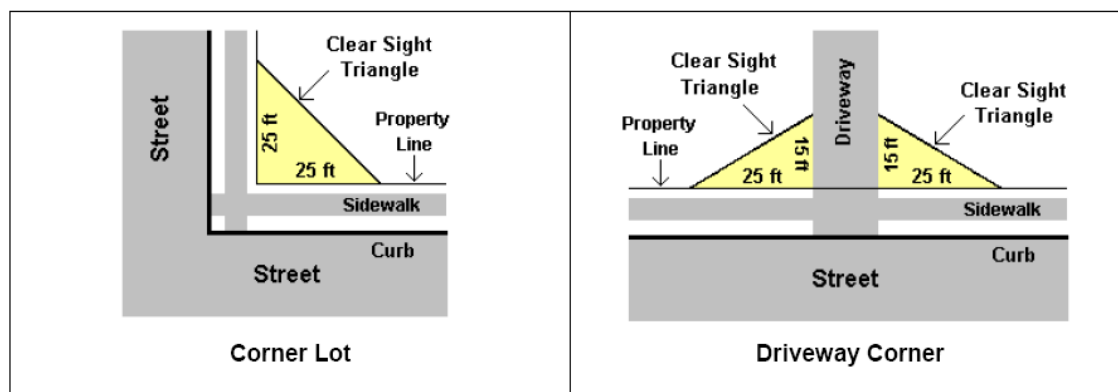
Sec. 5.2.6 Building Height Limits

(a) – (b)

As written.

(c) Clear Sight Triangle

1. Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles.



Item 8) Remove conditional use requirement within Sec. 5.3.6. Originally missed in ZA-15-02.

Sec. 5.3.6 Nonconforming Lots

Development may occur on a non-conforming lot only in the following manner:

(a) Existing Small Lots:

See Sec. 5.2.1.

(b) Required Frontage or Access:

See Sec. 5.2.2.

(c) Changes to a Nonconforming Lot:

No change shall be permitted to any nonconforming lot which would have the effect of increasing the density at which the property is being used, or increasing the structure located upon such lot, if the dimensional requirements and standards, including parking, of the underlying zoning district are not met as a result thereof. ~~Any changes proposed on a non-conforming lot are subject to conditional use review.~~ Allowance of adaptive reuse and

residential conversion bonuses shall be an exception to the foregoing standards. A lot shall be considered nonconforming if there is not sufficient parking, as determined by the standards provided in Article 8. In such cases where a parking waiver or waivers may be or have been legally granted, such a waiver shall not be considered to increase the degree of non-conformity.

Item 9) Correct spelling in Sec. 6.1.2 (b) and punctuation in Sec. 6.1.2 (e).

Sec. 6.1.2 Review Standards

(a) As written.

(b) Block Size and Arrangement:

The size and arrangement of new blocks shall maintain the size and arrangement of existing neighborhood blocks within the zoning district, and support the pattern of interconnected streets throughout the city.

(c) – (d) As written.

(e) Connectivity of sidewalks, trails, and natural systems:

The established sidewalk network shall be maintained and extended to the extent possible. Trail networks and uninterrupted corridors of greenspace outside of the established street grid should be maintained and extended wherever possible. All sidewalks shall be in conformance with applicable street design & construction details as provided by the department of public works, and shall be dedicated to the city.

Item 10) Takes clear sight triangle out of design review only and puts in Article 5 as a citywide general standard.

Sec. 6.2.2 Review Standards

(m) Landscaping and Fences:

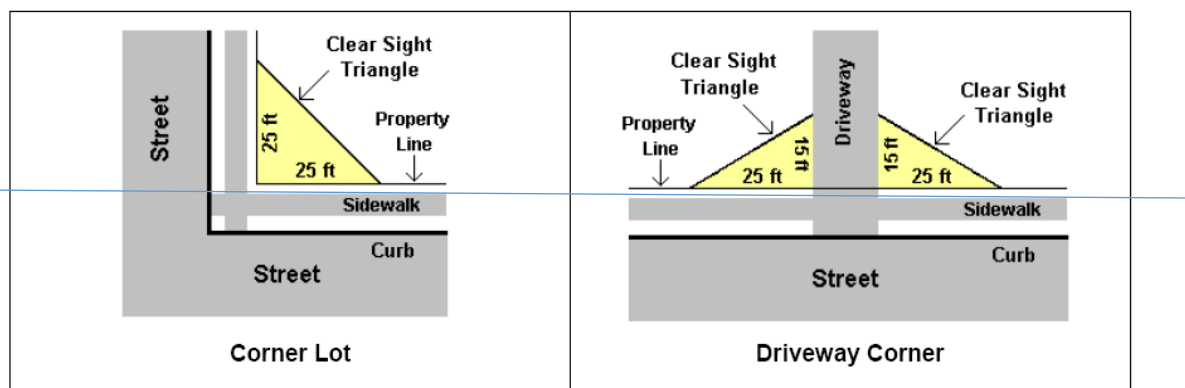
Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the uses and buildings on the site. These include but are not limited to stormwater retention and erosion control, winter windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and creating privacy for and from adjacent property.

Existing trees shall be retained and incorporated into a landscape plan to the extent possible, and existing trees to be retained shall be protected during construction in accordance with specifications provided by the city arborist. Contiguous green space, both within the site and with adjacent properties, should be provided on a site whenever possible and be designed to provide wildlife travel corridors and habitat preservation, as well as enabling recreational access. If open space is intended to be publicly accessible, it shall be designed to maximize accessibility for all individuals including the disabled, encourage social interaction, and facilitate ease of maintenance. Along the street edge, landscaping shall be used to provide a visual buffer into parking areas from the public street and reinforce the streetscape.

The selection of plant materials and planting sites should create a sustainable landscape, and consideration shall be given to factors such as hardiness, salt tolerance, disease resistance, invasiveness, root and canopy spread, underground and overhead utilities, soil conditions, and microclimates. The use of native plant materials is encouraged, and the use of plants considered invasive by VT Agency of Agriculture shall be prohibited. For more information on sustainable landscapes, applicants are encouraged to consult *Planting Sustainable Landscapes: A Guide for Plan Reviewers* prepared for the Vermont Department of Forests Parks and Recreation by the Vermont Chapter of the American Society of Landscape Architects.

New or replacement street trees shall be provided consistent with the city's *Street Tree Master Plan*. All proposed street trees shall be selected and planted in accordance with specifications provided by the city arborist.

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle shall adhere to the standards of Sec. 5.2.6 (c). ~~along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3 feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles.~~ Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.



Item 11) Removes conditional use footnote from Sec. 11.1.3. Originally missed in ZA-15-02.

Sec. 11.1.3 General Requirements and Applicability.

Any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	Minimum Project Size
RH, RM, RM-W, Downtown and Neighborhood Mixed Use, Institutional ¹	No minimum project size.
RL, RL-W, RCO-R/G ¹	2 acres or more

1. — Subject to Conditional Use Review pursuant to Art 3, Part 5.

Item 12) Cleans up use of footnote 8. Limits it to its intended use relative to daycares and museums.

Appendix A-Use Table – All Zoning Districts

Delete footnote 8 except where applicable for daycares and small museums (see attached).

Item 13) Deletes Appendix B. The standards are duplicative of those in Article 4 and has not been kept up to date. One set of standards in one location is better.

Appendix B – Dimensional Standards – All Zoning Districts

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
RESIDENTIAL USES	UR	RCO - A ¹	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
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N
Accessory Dwelling Unit (See Art.5, Sec.5.4.5)	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N		
Attached Dwellings - Duplex	N	N ¹	N	N	Y	CU ²	Y	Y	N	N	N	N	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	CU	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Attached Dwelling(s) – Mixed-Use ²⁶	N	N ¹	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL 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
Assisted Living	N	N	N	N	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Bed and Breakfast ^{4, 6}	N	N	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	N	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	Y	Y	N	CU	CU	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N	N	N	CU	CU	N ²⁵	CU	CU	N	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	Y	CU	N	Y	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	Y	Y	N	CU	CU	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N	N	N	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N	N	N	CU	N	N	N	N	N	N	N
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
Adult Day Care	N	N	N	N	CU	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N	N	N	N	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	Y	Y	N	CU	CU	N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	CU ²⁹	CU ²⁹	N	CU ²⁹	CU ²⁹	N	CU	CU	CU	CU	CU
Animal Grooming	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	CU	CU
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	CU	N	N	CU	CU	CU	CU	CU	CU	Y	Y
Appliance Sales/Service	N	N	N	N	N	N	N	N	Y	Y	N	CU	Y	Y ²⁴	Y	Y	Y ²⁴	N	Y
Aquarium	N	N	CU	N	CU	N	N	N	Y	Y	(See Sec.4.4.1(d) 2)	CU	Y	N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ^{8, 13}	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	Y	Y	N	N	CU
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y

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
Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	Y	Y ¹⁴	(See Sec.4.4.1(d) 2)	CU	Y	CU	Y	Y	Y	N	Y
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	N	N	N	N	N	CU ^{9, 12, 14}	CU ^{9, 12, 14}	CU ¹⁴	N	N	Y
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	Y ¹⁰	N	N	CU ¹⁰	Y ¹⁰	N	Y	Y	N	N	CU
Bakery - Retail	N	CU	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
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Bar, Tavern	N	N	N	N	N	N	N	N	Y	Y	N	N	CU	CU	CU	CU	CU	N	N
Beauty/ Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ^{8, 13}	Y	Y	N	Y	Y	Y	Y	CU	Y	N	N
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y
Billiard Parlor	N	N	N	N	N	N	N	N	Y	Y	N	CU	CU	CU	Y	CU	Y	N	N
Boat Repair/Service	N	N	CU	N	N	N	N	N	N	CU	(See Sec.4.4.1(d) 2)	CU	CU	N	CU	CU	N	N	Y
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	N	Y	Y	N	N	Y
Boat Storage	N	N	CU	N	N	N	N	N	N	CU	N	CU	CU	N	CU	CU	N	N	Y
Bowling Alley	N	N	N	N	N	N	N	N	CU	N	N	N	CU	CU	Y	Y	Y	N	N
Building Material Sales	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	Y	N	N	Y
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ^{8, 13}	Y	Y	(See Sec.4.4.1(d) 2)	CU	Y	Y	Y	Y	Y	CU	CU
Camp Ground	N	Y	Y	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	Y	CU	N	CU
Cemetery	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU ⁸	Y	Y	N	Y	Y	CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	Y	N	N	Y	Y	CU	CU	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	Y	Y	N	Y	Y	Y	Y	Y	Y	N	CU
Community Garden	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Conference Center	N	N	N	N	CU	N	N	N	Y	N	N	CU	CU	N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ^{8, 12}	Y	Y ¹²	N	CU	Y	Y ¹²	Y	Y	Y ¹²	N	Y
Convention Center	N	N	N	N	N	N	N	N	CU	CU	N	CU	CU	N	N	N	N	N	N
Courthouse	N	N	N	N	Y	N	N	CU	Y	Y	N	Y	Y	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Daycare - Large (Over 20 children)	N	N	N	N	CU	CU ¹³	CU ¹³	CU ¹³	Y	Y	N	CU	CU	Y	Y	Y	Y	N	CU ¹⁷
Daycare - Small (7-20 children) (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	Y	Y	N	CU	CU	Y	Y	Y	Y	CU	CU ¹⁷

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
Daycare - Home (6 children or less)	N	N	N	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	Y ¹⁴	N	Y	Y	Y ²⁴	Y	Y	Y ²⁴	N	CU
Film Studio	N	N	N	N	Y	N	N	N	Y	Y	N	Y	Y	N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Food Processing	N	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU	CU	CU	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	Y ¹¹	N	N	CU ¹¹	CU ¹¹	CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ^{7, 8}	CU	N	N	N	N	CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	CU ¹⁴	CU ¹⁴	N	CU ¹⁴	CU ¹⁴	CU ²⁴	Y	Y	N	Y	Y
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y	N	Y
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	Y	CU	(See Sec.4.4.1(d) 2)	CU	CU	N	CU ¹⁸	CU	CU	N	CU ¹⁷
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU ⁸	Y	Y	N	Y	Y	Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	Y	N	N	CU	CU	N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU ⁸	Y	Y	N	CU	CU	CU	Y	Y	Y	N	CU
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU ⁸	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y
Hospitals	N	N	N	N	CU	N	N	CU	CU	N	N	CU	CU	N	N	N	N	N	N
Hostel	N	N	N	N	Y	N	N	CU	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Hotel, Motel	N	N	N	N	CU	N	N	N	Y	Y	(See Sec.4.4.1(d) 2)	CU	CU	N	Y	N	Y	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ^{8, 13}	Y	Y ¹³	N	Y ¹³	Y ¹³	Y ¹³	Y	Y	Y	N	Y
Library	N	N	N	N	Y	CU	CU	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU ¹⁰	Y	N	N	Y
Machine/Woodworking Shop	N	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU	CU ²⁴	CU	Y
Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	Y
Manufacturing - Tour Oriented	N	N	N	N	N	N	N	N	N	CU	N	N	CU	N	N	CU	N	CU	CU
Marina	N	N	Y	N	N	N	N	N	N	Y	(See Sec.4.4.1(d) 2)	N	N	N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	Y	N	N	CU	CU	CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	N	N	N	N	N	N	N	N	N	N	N
Micro-Brewery/Winery	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	CU	Y	Y	CU	CU	Y ¹⁹

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
Museum–Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	CU	CU	(See Sec.4.4.1(d) 2)	CU	CU	N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	CU	Y
Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y	Y	Y
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y	CU	CU
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	Y	Y	N	Y	Y	CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	Y	Y	(See Sec.4.4.1(d) 2)	CU	CU	CU	Y	N	CU	N	CU ²⁷
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	Y	Y	(See Sec.4.4.1(d) 2)	CU	CU	CU	CU	CU	Y	N	Y
Pet Store ¹⁰	N	N	N	N	N	N	N	N	CU	CU	N	CU	CU	CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y
Photography Lab	N	N	N	N	N	N	N	N	Y	N	N	CU	CU	CU	Y	Y	Y	CU	Y
Police Station - Central	N	N	N	N	CU	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	Y	N	N	CU	CU	CU	Y	Y	Y	N	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	Y	Y	(See Sec.4.4.1(d) 2)	CU	CU	N	CU	CU	Y	CU	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N	N	N	N	N	N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	Y	Y	N	CU	Y	N	Y	Y	Y	N	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	N	N	CU	CU
Recording Studio	N	N	N	N	N	N	N	CU ⁸	Y	Y	N	Y	Y	CU	CU	Y	Y	N	Y
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	Y	CU	(See Sec.4.4.1(d) 2)	CU	CU	N	Y	CU	N	N	CU
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	N	CU	(See Sec.4.4.1(d) 2)	N	N	N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	Y	Y	CU	N	N
Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU	N	N	Y

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
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	CU	CU	(See Sec.4.4.1(d) 2)	CU	CU	N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	Y	Y	(See Sec.4.4.1(d) 2)	Y	Y	Y ¹³	Y	Y	Y ¹³	N	Y ¹³
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	CU	N	N	CU	CU	CU	CU	CU	CU	N	N
School - Primary	N	N	N	N	CU	CU	CU	CU	CU	N	N	CU	N	CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	CU	N	N	CU	N	CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	Y	N	N	CU	CU	CU	N	N	CU	N	CU
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU ⁸	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	Y ¹⁵	N	Y	Y
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	Y	N	N	Y	Y	Y	CU	CU	CU	N	N

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

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

Appendix A-Use Table – All Zoning Districts

- 22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
- 23. Allowed only on properties with frontage on Pine Street.
- 24. Such uses shall not exceed 4,000 square feet in size.
- 25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- 26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- 27. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. Performing arts centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
- 28. Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 29. Must be fully enclosed within a building.

Appendix B – Dimensional Standards – All Zoning Districts¹

District	Density/ Intensity	Lot Coverage (%)	Building Height (feet)	Front Setback ¹ (feet)	Side Setbacks (% or feet)	Rear Setback (% or feet)	Lake & River Setback (feet)	Lot Size (sqft)	Street Frontage (feet)
Mixed- Use									
Downtown	<u>Max:</u> FAR 5.5 (FAR 8.5 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 65' (105' with bonuses)	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0'	<u>Min:</u> 0'	NA	NA	NA
● Church Street Marketplace			<u>Min:</u> 30' & 3 story <u>Max:</u> 38' w/in 100' of centerline						
Downtown Transition									
● North of Buell	<u>Max:</u> FAR 4 (FAR 5 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 45' (55' with bonuses)	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
● Frontage on south side of Main St. west of S. Winoski Ave	<u>Max:</u> FAR 5.5 (FAR 8.5 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 65' (105' with bonuses)	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
● South of Buell	<u>Max:</u> FAR 4 (FAR 5.5 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 45' (65' with bonuses)	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
● South of Maple	<u>Max:</u> FAR 2 (FAR 3 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 35' (45' with bonuses)	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
Downtown Waterfront									
A. North of Pearl, east of railroad	<u>Max:</u> FAR 4 (FAR 5.5 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 45' (65' with bonuses)	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
B. Pearl to Bank east of Lake St.	<u>Max:</u> FAR 4 (FAR 5.5 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 45' (65' with bonuses)	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
C. Pearl to Bank west of Lake St.	<u>Max:</u> FAR 2 (FAR 3 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 35'	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
D. Bank to College east of Lake St.	<u>Max:</u> FAR 3 (FAR 5 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 35' (55' with bonuses)	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
E. Bank to College west of Lake St.	<u>Max:</u> FAR 2 (FAR 3 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 35'	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
F. South of College	<u>Max:</u> FAR 2 (FAR 3 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 35'	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
Downtown Waterfront – Public Trust									

Appendix B - Dimensional Standards – All Zoning Districts¹

District	Density/ Intensity	Lot Coverage (%)	Building Height (feet)	Front Setback ¹ (feet)	Side Setbacks (% or feet)	Rear Setback (% or feet)	Lake & River Setback (feet)	Lot Size (sqft)	Street Frontage (feet)
A. North of Pearl, west of railroad	<u>Max:</u> FAR 2 (FAR 3 w/ bonus)	<u>Max:</u> 100%	<u>Max:</u> 35'	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
B. 200' from water	<u>Max:</u> FAR 2 (FAR 3 w/ bonus)	<u>Max:</u> 100%	<u>Max:</u> 35'	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 50'	NA	NA
Battery Street Transition	<u>Max:</u> FAR 3 (FAR 4.5 w/ bonus)	<u>Max:</u> 100%	<u>Min:</u> 30' & 3 story <u>Max:</u> 35' (55' with bonuses)	<u>Min:</u> 12' from curb ³	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
NAC	<u>Max:</u> FAR 2 (FAR 3 w/ bonus)	<u>Max:</u> 80%	<u>Max:</u> 35' (45' with bonuses)	<u>Min:</u> 0'	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
NAC-Riverside Corridor	<u>Max:</u> FAR 2 (FAR 3 w/ bonus)	<u>Max:</u> 80%	<u>Min:</u> 20' & 2 story <u>Max:</u> 35' (45' with bonuses)	<u>Min:</u> 0'	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
NMU	<u>Max:</u> FAR 2 (FAR 3 w/ bonus)	<u>Max:</u> 80%	<u>Min:</u> 20' & 2 story <u>Max:</u> 35' (45' with bonuses)	<u>Min:</u> 0'	<u>Min:</u> 0' (Res. Dist setback: min of 15')	<u>Min:</u> 0' (Res. Dist setback: min of 15')	NA	NA	NA
Enterprise									
Agricultural Processing & Energy	<u>Max:</u> FAR 0.75	<u>Max:</u> 60%	<u>Max:</u> 45'	<u>Min:</u> 10'	<u>Min:</u> 10'	<u>Min:</u> 10'	<u>Min:</u> 100'	NA	NA
Light Manufacturing	<u>Max:</u> FAR 2	<u>Max:</u> 80%	<u>Max:</u> 45'	<u>Min:</u> 5'	<u>Min:</u> 0' (Res. Dist setback: 25' min)	<u>Min:</u> 10% (Res. Dist setback: 25' min)	<u>Min:</u> 100'	NA	NA
Institutional									
Institutional Campus	20 du/acre (24 du/acre with inclusionary requirement)	<u>Max:</u> 40% (48% w/ inclusionary requirement)	<u>Max:</u> 35' or height of existing buildings per Sec. 5.2.6(b)1	<u>Min:</u> 15'	10% of lot width <u>Min:</u> 5 feet <u>Max:</u> 20 feet	25% of lot depth <u>Min:</u> 20 feet <u>Max:</u> 75 feet	NA	NA	NA
FAHC UVMHC Medical Center Core Overlay see Sec. 4.5.2(c)	20 du/acre (24 du/acre w/ inclusionary requirement) NA for dormitories, rooming houses and non-residential uses per Sec. 4.5.2(c)6.	<u>Max:</u> 60-65%	<u>Max:</u> 540' above MSL or per Sec. 4.5.2(c)5	<u>Min:</u> 15'	<u>NA</u>	<u>NA</u>	NA	NA	NA

Appendix B - Dimensional Standards – All Zoning Districts¹

District	Density/ Intensity	Lot Coverage (%)	Building Height (feet)	Front Setback ¹ (feet)	Side Setbacks (% or feet)	Rear Setback (% or feet)	Lake & River Setback (feet)	Lot Size (sqft)	Street Frontage (feet)
UVM Central Campus Core Overlay see Sec. 4.5.2(d)	20 du/acre (24 du/acre w/ inclusionary requirement) NA for dormitories, rooming houses and non-residential uses per Sec. 4.5.2(d)6.	Max: 65-70%	Max: 140' or per Sec. 4.5.2(d)5	Min: 15'	NA	NA	NA	NA	NA
UVM Trinity Campus Core Overlay see Sec. 4.5.2(e)	20 du/acre (24 du/acre w/ inclusionary requirement)	Max: 40% (48% w/ inclusionary requirement)	Max: 35' or per Sec. 4.5.2(e) and Sec. 5.2.6(b)1 not to exceed 55'	Min: 115' from Colchester Ave. (Structures <200sqft are exempt.)	Min: 5-feet Max: 20-feet applicable only along perimeter	Min: 20-feet Max: 75-feet applicable only along perimeter	NA	NA	NA
UVM South of Main St. Campus Core Overlay see Sec. 4.5.2(f)	20 du/acre (24 du/acre w/ inclusionary requirement) NA for dormitories, rooming houses and non-residential uses per Sec. 4.5.2(f)6.	Max: 60%	Max: 80' or per Sec. 4.5.2(f)5	Existing building line as of January 1, 2008 along the South Prospect Street and Main Street frontages.	NA	NA	NA	NA	NA
Champlain College Core Overlay see Sec. 4.5.2(g)	Max: FAR 1.0-1.1 per Sec. 4.5.2(g)4	Max: 60%	Max: 35' or height of existing buildings per Sec. 5.2.6(b)1	Existing building line as of January 1, 1994 along the South Willard Street frontage south of Maple Street.	10% of lot width Min: 5-feet Max: 20-feet or per Sec. 4.5.2(g)2	25% of lot depth Min: 20-feet Max: 75-feet or per Sec. 4.5.2(g)2	NA	NA	NA
RCO									
Recreation / Greenspace	Max: 0	Max: 5%	Max: 35'	Min: 15'	Min: 10%	Min: 25%	Min: 100'	NA	NA
Conservation	Max: 0	Max: 5%	Max: 25'	Min: 15'	Min: 10%	Min: 25%	Min: 100'	NA	NA
Agriculture	Max: 0	Max: 5%	Max: 35'	Min: 15'	Min: 10%	Min: 25%	Min: 100'	NA	NA
Urban Reserve									
Urban Reserve	Max: 0	Max: 5%	Max: 35'	Min: 15'	Min: 10%	Min: 25%	Min: 100'	NA	NA

Appendix B - Dimensional Standards – All Zoning Districts¹

District	Density/ Intensity	Lot Coverage (%)	Building Height (feet)	Front Setback ¹ (feet)	Side Setbacks (% or feet)	Rear Setback (% or feet)	Lake & River Setback (feet)	Lot Size (sqft)	Street Frontage (feet)
Residential	(du/ac)								
RH	<u>Max:</u> 40 du/ac (80 with bonus)	<u>Max:</u> 80% (92% with bonus)	<u>Max:</u> 35' (45-ft with bonus)	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	<u>Min:</u> 10% or 5' (Max required no more than 25')	<u>Min:</u> 25% or 20' (Max required no more than 75')	NA	NA	NA
• RH Density Overlay: S. Union to Church			<u>Max:</u> 35' (68-ft with bonus)						
• RH Density Overlay: Church to Pine			<u>Max:</u> 35' (55-ft with bonus)						
RM	<u>Max:</u> 20 du/ac (40 with bonus)	<u>Max:</u> 40% (60% with bonus)	<u>Max:</u> 35'	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	<u>Min:</u> 10% or 5' (Max required no more than 25')	<u>Min:</u> 25% or 20' (Max required no more than 75')	NA	NA	<u>Min:</u> 30'
RM-W	<u>Max:</u> 20 du/ac (40 with bonus)	<u>Max:</u> 60% (72% with bonus)	<u>Max:</u> 35' w/in 200' of water and above 180' elevation <u>Max:</u> 60' beyond 200' of water and below 180' elevation	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	<u>Min:</u> 10% or 5' (Max required no more than 25')	<u>Min:</u> 25% or 20' (Max required no more than 75')	<u>Min:</u> 75'	NA	<u>Min:</u> 30'
RL	<u>Max:</u> 7 du/ac (20 with bonus)	<u>Max:</u> 35% (50% with bonus)	<u>Max:</u> 35'	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	<u>Min:</u> 10% or 5' (Max required no more than 25')	<u>Min:</u> 25% or 20' (Max required no more than 75')	<u>Min:</u> 75'	<u>Min:</u> 6,000 (10,000 Duplex)	<u>Min:</u> 60'
RL-W	<u>Max:</u> 7 du/ac (20 with bonus)	<u>Max:</u> 35% (50% with bonus)	<u>Max:</u> 35'	Max/Min: +/- 5-ft of average of 2 adjoining properties on both sides	<u>Min:</u> 10% or 5' (Max required no more than 25')	<u>Min:</u> 25% or 20' (Max required no more than 75')	<u>Min:</u> 75'	<u>Min:</u> 6,000 (10,000 Duplex)	<u>Min:</u> 60'

- Any discrepancy between the dimensional standards found in this table and the dimensional standards found in **Article 4** shall be made in favor of those standards found in **Article 4**. Measurement of and exceptions to coverage, setback and height standards are found in **Article 5**.
- Except in the Institutional District, use the median front setback of principal structures on lots having the same street frontage within the same block of the subject property.
- All structures shall be setback 12-feet from the curb on a public street except as otherwise allowed by the DRB for development on Center Street, on both sides of Pine Street between Cherry and Pearl Streets, on the east side of Pine Street between Bank and Main Streets, on the west side of Pine Street between College and Main Streets and on South Winooski Avenue between Bank and College Streets, all structures shall be setback at least twelve feet from the curb on a public street. The DRB may order a wider setback in any case under its review if it should determine that the application cannot be approved under applicable criteria without such additional setback.

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
vacant, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: April 18, 2017
RE: Additional 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 grouped with the other technical and housekeeping zoning amendments being considered on April 18 and forwarded collectively to the City Council for their consideration.

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.

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, GIS Manager
Scott Gustin, AICP, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Assistant Planner
Anita Wade, Zoning Clerk



TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: March 29, 2017
RE: Proposed ZA-17-13: Signage Illumination in ELM

On March 14, 2017, the Planning Commission received a request from City Market to amend signage regulations regarding signage illumination in the Enterprise Districts. Currently, signage illumination is permitted in the City's mixed use and institutional zoning districts, but not in Enterprise Districts. Past interpretations of *Section 7.2.5 Signs in Enterprise Districts* have permitted signs illuminated by exterior lighting, but not utilizing interior illumination. Since that time, a stricter interpretation of the ordinance has resulted in the prohibition on any type of sign lighting in the Enterprise Districts.

Today, there are businesses in the South End with lighted signs, while new applications are not permitted to pursue illumination. It is unclear why sign illumination was not permitted in the Enterprise Districts in previous updates to the CDO. In the Planning Commission's March 28, 2017 meeting, the Commission felt that permitting illuminated signage in the Enterprise Districts was appropriate.

Burlington Comprehensive Development Ordinance
PROPOSED: ZA-17-13- Signage Illumination in the ELM
As proposed by Planning Commission- March 28, 2017

Changes shown (underline to be added, ~~strike out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

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.

Sec. 7.2.1 Regulation by District

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 District⁴			
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	-
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	-
1. Size is determined per each linear foot of building frontage allocated to the establishment 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;~~
- (c) Freestanding signs shall not exceed six (6) feet in height;
- (d) 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,
- (e) 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.

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-16-12 – Rezone Fletcher Place to Residential Medium

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 to “Map 4.3.1-1 Base Zoning Districts” is to rezone properties along Fletcher Place from Institutional to Residential - Medium Density. This change is intended to promote residential density and uses which are consistent with the existing built environment and neighborhood character on Fletcher Place.

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 rezoning of Fletcher Place conforms with the Housing Plan in the City’s Municipal Development Plan, specifically to ensure that housing needs are being met through rehabilitation, conservation and infill development in a way that blends with the City’s built and natural surroundings. The development standards contained within the Residential - Medium Density zoning district will continue to allow housing density that is consistent with densities currently permitted in the Institutional Zone; however, other uses permitted within this district are more consistent with the existing built environment of a residential area.

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

The proposed rezoning of Fletcher Place furthers the Municipal Development Plan’s Land Use policy to “conserve and strengthen residential neighborhoods” by applying a zoning designation that is consistent with the existing built environment of the street.

Implementation of specific proposals for planned community facilities:

This amendment does not implement any specific proposals for 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)

www.burlingtonVT.gov/pz



MEMORANDUM

TO: City Council Ordinance Committee
FROM: Scott Gustin
DATE: March 29, 2017
RE: Proposed Zoning Amendment ZA-16-12 Rezone Fletcher Place to Residential Medium

For your consideration you will please find attached a proposed amendment to the *Burlington Comprehensive Development Ordinance* for your consideration as recommended by the Burlington Planning Commission on September 27, 2016 regarding rezoning residential properties on Fletcher Place from Institutional to Residential-Medium Density.

A request to consider rezoning was originally made by a group of Fletcher Place property owners to rezone this neighborhood from Institutional to Residential-Low Density more than 4 years ago. While long-considered a City objective to evaluate re-zoning of residential neighborhoods within the Institutional District, this specific request was precipitated by the anticipated redevelopment of a group of properties along the west side of Fletcher Place. Since first receiving this request, and because of a lack of consensus among the property owners, the Planning staff and Commission worked with the neighborhood in an attempt to find a suitable solution.

Ultimately staff's recommendation was that rezoning to Residential-Medium Density would be a better fit in that it would reduce the creation of non-conformities while preserving existing development pattern and potential. There appears to be consensus among the parties as to this solution. This consensus hinges on incorporation of property line adjustments into the re-zone.

At the time of Planning Commission approval of this amendment, Frank von Turkovich had filed a lot line adjustment application for his properties along the western side of Fletcher Place. The Planning Commission knowingly approved the amendment understanding that the lines of the re-zone may well change depending on the outcome of the lot line adjustment application. That application was approved, and the revised boundaries are depicted in Version 2 of the attached map.

More recently, the University of Vermont, with properties on the eastern side of Fletcher Place, has also sought permit approval of a lot line adjustment. This application has not yet been approved; however, for your consideration, the resultant re-zone is depicted in Version 3 of the attached map.

In short, Version 2 shows the Residential-Medium Density rezone according to present property lines. Version 3 shows the re-zone following proposed lot line adjustments by the University of Vermont.

Zoning boundaries typically follow property lines. With that in mind, the re-zone should reflect the adjusted boundaries on both the eastern and western sides of Fletcher Place. The amendment supports a policy intention to ensure that zoning better reflects the actual land use and development pattern within residential areas of the City.

Zoning Amendment ZA-16-12

Rezone Fletcher Place to Residential Medium Density

Burlington, Vermont

Legend

Parcels Changing from Institutional (I) to Residential Medium Density (RM)
Version 3

For Review by the City Council Ordinance Committee on March 29, 2017. Incorporates Lot Line Adjustments by Frank Von Turkovich and University of Vermont.

COLCHESTER

MARY

FLETCHER

FLETCHER

PLACE



170 85 0 170 Feet

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
vacant, Youth Member*



Burlington Planning Commission **Tuesday, March 28, 2017, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **DRAFT Minutes**

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

Present: A. Montroll, B. Baker, A. Friend, E. Lee, H. Roen, J. Wallace-Brodeur
Staff: D. White, M. Tuttle, S. Gustin, L. Brelsford

I. Agenda

The chair called the meeting to order at 6:37pm.

II. Public Forum

There were no members of public who wished to speak.

III. Report of the Chair

The chair had nothing to report.

IV. Report of the Director

D. White: Will be occupied with the Form Based Code for downtown now that major projects have largely cleared the office. 36 applicants for the Planning Tech position, will be reviewing soon.

M. Tuttle: Burlington's Downtown and Neighborhood Development Areas were renewed through 2022 by the VT Downtown Board this week. Thanks to the Commission for contributions to the successes in the last 5 years.

V. Presentation- Youth Board Member

Eamon Dunn, a freshman at BHS, was introduced as interested in the Youth Board Member seat, and was joyously greeted by the board.

M Tuttle: No formal appointment process by Council or Commission unless Commission would like to conduct a vote. Youth board member does not have a vote.

The Commission unanimously approved a motion by J. Wallace-Brodeur, seconded by A. Friend, to nominate Eamon Dunn as the youth member.

VI. Presentation- Regional Bike Share Pilot

Katie Martin, CATMA, and Jim Barr, UVM, gave a presentation on a regional Bike Share pilot anticipated to launch Summer 2017, with 100 bikes in various locations on campuses and throughout Burlington.

H. Roen: How do smart locks work?

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.

Planning Commission Agenda
April 18, 2017
Page 44 of 46

K. Martin: Explained interface with smartphones for locking, reservations, etc. Provisions will be made for those without smartphones.

A. Friend: How large will the hubs be?

J. Barr: 3-5 bikes per hub will be the average, with the larger hubs in the more popular locations accommodating up to 10 bikes. Not like docking stations in larger cities. These will utilize the standard "inverted U racks," painted a different color.

A. Friend: Is there a large enough demand from non-campus population to make this work?

J. Barr: CCRPC/Local Motion conducted a feasibility study which anticipated broad usership; pilot will reveal usage. Trying to keep costs low to improve feasibility of system.

VII. Proposed ZA-17-10 Green Roof Lot Coverage

S. Gustin: Updated amendment per Commission's request to define roof systems, distinguish between intensive and extensive, and make credits more straightforward.

B. Baker: How can we enforce maintenance?

S. Gustin: Failure to maintain will result in a violation subject to fines.

D. White: The structural and financial threat of failure of a roof system will compel maintenance. These are no small endeavor.

Gail Henderson-King, White & Burke: Positive that this amendment is clear and straight-forward; however, other communities do not distinguish between intensive and extensive, and reiterate D. White point that these are considerably more expensive than conventional roofs, which will motivate maintenance.

E. Lee: Are any of the roofs at the hospital less than 6", extensive roof?

G. Henderson-King: The Radiation-Oncology Building

E. Lee: Can people walk on it?

G. Henderson-King: Yes.

J. Wallace-Brodeur: Why do we delineate between extensive and intensive?

S. Gustin: Intensive roofs sustain durability and foot traffic. Also have a better appearance.

H. Roen: And have more storm water benefits.

A. Montroll: UVM wanted clarity on the Green Roof issue; increasing campus lot coverage was not the issue. There has been uncertainty in the campus lot coverage figure due to a DRB decision around the Radiation-Oncology Building for years.

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

VIII. Proposed ZA-17-12 CDO Technical Corrections

S. Gustin: Presented list of "house-keeping" issues and indicated that they are all a result of day-to-day implementation of the ordinance and that they do not impact policy.

A. Montroll: Supportive of all of these corrections; however, some fall under house-keeping and others seem to impact policy. Suggest dividing out policy items, such as sign illumination, and lot size, for the public hearing.

S. Gustin: The amendment related to lot size is simply an error that was not corrected in a previous amendment.

B Baker: "Appendix B" is really helpful and the Planning & Zoning Office should maintain it and keep it up to date. Need some ways for the ordinance to be more readable and navigable for the public.

A Montroll: Request that the department keep "Appendix B" up-to-date even if it is removed from the ordinance.

M Tuttle: If the Commission approves warning these amendments for hearing, with a separate amendment for lighted signage, should note that a new ZA-17-13 and a new report will be included in that hearing.

The Commission unanimously approved a motion by E. Lee, seconded by J. Wallace-Brodeur, to approve the Municipal Bylaw amendment report and warn the amendments for public hearing, with lighted signage in the enterprise districts as a separate amendment.

IX. Committee Reports

A Friend: The ordinance committee met to work on the Green Roof lot coverage amendment that was discussed at this meeting.

X. Commissioner Items

The Commission agreed to cancel April 11 and April 25 meetings due to Commissioner conflicts and schedule one special meeting on April 18.

XI. Minutes & Communications

The Commission unanimously approved a motion by B. Baker, seconded by A. Friend, to accept the minutes of the February 28, 2017 meeting and the communications.

XII. Adjourn

The commission unanimously approved a motion by E. Lee, seconded by H. Roen, to adjourn the meeting at 8:05 pm.

[illegible]

Matrix Consulting Group Recommendation				City of Burlington						Proposed Timeframe							
Category		Rec #	Matrix Recommendation	City Team Response	Priority	Implementation effort	Ongoing Effort	Cost	Dependency	Mar 17	Jun 17	Sept 17	Dec 17	Mar 18	Jun 18	Sept 18	Dec 18
Process	Single Permit	15	Replace separate zoning, inspection services, and fire permits (where currently separate permits are required from each department for the same project) with a single permit on which each department signs off and the applicant is issued a single permit.	We agree there is value to streamlining permits, and recommend this be accomplished in two steps: 1. POC should identify areas where duplicative permits are issued (e.g. fire sprinklers) and work toward consolidating them into a single permit. 2. A working group should be formed to evaluate whether there is additional value and ability to consolidate other activities into one permit and make a recommendation back to the POC.	Medium	Medium	Small					Improve duplicative (1)	X	X	X	X	X Working Group begins (2)
	P&Z Staffing	5	Convert one of the administrative positions within Planning to a Planning Technician position.	This is already underway; modification to change an existing, vacant position to BOF / CC for approval Jan 2017.	High	Easy	-	within current budget			X						
	P&Z	14	The City should adopt objective development standards that delineate by-right approvals and utilize the DAB and DRB process only for discretionary approvals.	P&Z supports this recommendation. Form Based Code is a step toward this goal in the downtown area, which we believe should be expanded to additional areas. To provide short-term relief, P&Z will develop a proposal for an expanded threshold for review by the appropriate boards and Council.	High	Easy						Proposal					
	P&Z	11	Eliminate the “non-applicable” zoning determination process.	The NA decision is not required, but is offered for applicants who want confirmation before starting work. We recommend that P&Z work with the City Attorney to determine if there is a more effective means of achieving the intended outcome that does not require a delay in issuing a building permit due to the 15-day appeal time. Improvements can also be achieved through developing a standard operating procedure that can be followed by ISD staff. Further, moving staff to a single location where staff and applicants can better interact will likely reduce the perceived need for the decision.	High	Easy	Small				Proposal for new process						
	P&Z Inspection	19	Planners should inspect and sign off on projects at completion to avoid the need for code enforcement officers to inspect projects with which they have no familiarity.	We recommend moving responsibility for performing zoning permit inspections to P&Z. This would require at least one additional headcount for that team. A plan for this transition should be developed by the POC, with the goal of moving responsibility at the start of FY19.	High	Medium	Medium	+60k annual +benefits					Plan for transition				
	P&Z Inspection	20	Establish a position in Planning and Zoning to address shifting responsibilities for conducting planning and zoning inspections under the new UCO approach.	See #19. The plan developed in 19 should include exploring whether a position could be transferred from P&Z, or whether a greater focus on closing aged open permits should be followed by Code.	High	Medium	-		19				Plan for transition				
	P&Z Inspection	17	Issue the Unified Certificate of Occupancy after the completion of the final inspection without requiring additional submittals by applicants to Code.	We recommend this change be made with the move of zoning inspection responsibility to P&Z (19). A process will need to be developed to address outstanding permits.	High	Medium	Small		19				Plan for transition				
	ISD Staffing	4	Add a Permit Technician to staff the Inspection Services counter in the permit center.	The team recommends that a more formal evaluation of the need for and appropriate role of a Permit Tech be evaluated, and a formal recommendation with proposed job description be developed in anticipation of FY19 hiring, aligned with creation of a one-stop shop.	Medium	Easy	-	+50k annual +benefits						Proposal complete			

Matrix Consulting Group Recommendation				City of Burlington						Proposed Timeframe							
Category		Rec #	Matrix Recommendation	City Team Response	Priority	Implementation effort	Ongoing Effort	Cost	Dependency	Mar 17	Jun 17	Sept 17	Dec 17	Mar 18	Jun 18	Sept 18	Dec 18
	ISD	16	Identify basic trade permits that could be issued as “over the counter” permits, issued by a permit tech or clerk or on-line subject to inspection.	We recommend that DPW create a task force to identify areas where OTC permits can be issued providing public value without risking safety. The team should develop a formal recommendation for the POC, which will include plans for implementation of any changes recommended. This should be aligned with evaluation of need for a permit tech.	Medium	Medium	tbd		4						Proposal complete		
	ISD Inspection	23	In the short-term, centralize inspection scheduling by creating an inspections scheduling phone number to be monitored and used by trained administrative staff. Longer-term, implement on-line inspection requests and scheduling.	In the near-term, DPW will develop an improved process for scheduling inspections to improve customer experience and reduce staff time required to support scheduling. Exploration of possible automated tools will begin in partnership with IT For the longer term, requirements for new software will include the ability to schedule inspections online.	High	Medium	Small		New software (39)			Identify and begin implement interim tool					
	ISD Inspection	24	Adopt an inspection performance standard that guarantees inspections within a defined time period following request by the applicant.	We recommend this be evaluated and implemented at a later phase of the project. It will require other recommendations be implemented, such as hiring a permit tech and offering online scheduling, and those other steps will have more significant impact on customer satisfaction.	Medium	Medium	tbd	tbd	4, 39								Develop proposal
	ISD Inspection	25	If the workload level is too high to accomplish inspections within the adopted time frame, consider adding a “combo” inspector with cross training to inspect for multiple disciplines.	DPW is in conversations with the State to understand whether they would approve hiring a combination inspector to perform single family inspections DPW has also identified other opportunities to address building inspection volumes and working toward a faster inspection standard. Possible solutions include staff overtime, maintaining a budget for and list of approved contractors, and mutual aid agreements with other communities. Once their research is complete, they will make a formal recommendation about next steps to the POC and Mayor.	Medium	Medium	tbd	tbd	24					Proposal complete			
	ISD Codes	29	The City should consider the adoption of the International Residential Code and Existing Building Code.	IBC anc IEBC are already adopted as part of State Reference Code. We recommend that DPW create a task force to consider the recommendation to adopt the International Residential Code. The team would work with the State to understand our ability to implement the IRC, as well as with the development community to gather their feedback and determine if there is real value in implementing the change.	Medium	Medium	tbd	tbd					Proposal				
	Education	34	The City should develop a comprehensive Development Guide that provides an overview of the development process. This would be used to train new staff in the process and improve the public’s understanding of the process.	We recommend this be undertaken and the City develop a web and print guide to help the public better understand the development process and clearly identify what steps they must take to successfully complete the permitting process. The project should incorporate a guide and a matrix as identified in 35. We recommend this be undertaken after significant process changes have been implemented to ensure the guide is useful and up to date.	High	Medium	-	\$25,000 consultant	Significant changes implemented					X			
	Education	35	The City should develop an Application/Permit Matrix that outlines the timeframes for performance, the parties responsible for review, and major submittal requirements for each type of application or permit.	see 34				\$5k consultant	with 34					X			

Matrix Consulting Group Recommendation				City of Burlington						Proposed Timeframe							
Category		Rec #	Matrix Recommendation	City Team Response	Priority	Implementation effort	Ongoing Effort	Cost	Dependency	Mar 17	Jun 17	Sept 17	Dec 17	Mar 18	Jun 18	Sept 18	Dec 18
Customer Service	Education	10	The City should increase focus on providing consistent information and feedback to customers, including ensuring that interpretations made by staff and decisions made by boards are consistent over time.	Interpretations are currently tracked, however there is no mechanism in place for them to be available online. P&Z will work to post the existing interpretations online. Longer-term P&Z and IT will explore options for making the interpretations available online for staff and public access. (Also see 37)	Medium	Medium	Small	tbd			Posted online						
	Education	37	Applicable city staff should document interpretations of the land development code, building code, and internal policies and procedures and make these available to the public on the City's website.	See 10	Medium	Medium	Small	tbd			Posted online						
	Forms	36	All application forms should be updated to fillable PDF format and made available online for customers to complete and print out. Longer-term, the City should provide online forms.	We recommend quickly identifying an intern or consultant who can complete converting the documents to fillable forms and posting them to the website. Staff from P&Z, ISD and Code will catalog all of the forms to be converted. IT and City Attorney will explore appropriate means for capturing e-signatures.	High	Easy	-	\$4k-\$5k consultant				X					
	Training	8	Department staff should be hired, trained, and rewarded based on a balance of technical and customer service skills. Department managers should model, promote and encourage problem solving and customer service.	Leadership for P&Z, ISD and Code will attend customer service training and will strive to weave a customer service focus into operations and expectations. Leadership will also work to ensure standard operating procedures (SOPs) exist for key activities, and that regular training occurs for all staff to ensure standardized and consistent customer experiences. They will also work do ensure training occurs across teams and departments to ensure all staff have the information they need to provide customer support for all requests they receive.	High	Medium	Small		with 9		X	X	X	X	X	X	X
	Training	9	The City should provide periodic customer service training to all staff involved in the development review and permitting functions to ensure a consistent approach.	We recommend that customer service training be provided to all permitting staff who interface with the public on a regular basis. This effort should be coordinated with other customer service training needs/efforts that exist across the City.	High	Easy	Small	\$7,500 annual	with 8				X				X
	Reporting	6	The City should track workload and review times for planning and building permits in greater detail and prepare monthly performance reports, which should be shared with the public and used by managers to make decisions regarding resource deployment and workload management.	The ability to deliver detailed workload and performance reports will be a requirement for any new software to be selected. An interim solution should be explored for more immediate reporting: 1. P&Z currently reviews regular reports about permit activity. These reports will be used to identify if additional data should be added based on the recommendation. 2. ISD will develop a template for a report to provide data recommended. Once each request is complete, IT will estimate the effort that will be required to deliver the reports, and the POC will determine whether it is worth the effort to implement the changes for interim reporting.	Medium	Medium	Small	tbd	IT availability, 39		Needs identified	IT proposal to POC					
	Reporting	7	The Department should develop more detailed monitoring reports on building permit inspection volumes and scheduling and use this to track and address delays.	See 6					6								
	Survey	33	The City should conduct an annual and ongoing customer satisfaction survey.	We recommend members of the POC evaluate the best means of implementing a survey. The team should also consider how to align this survey with other survey/ public engagement efforts that may be underway.	Medium	Medium	Medium	tbd					Proposal				

Matrix Consulting Group Recommendation				City of Burlington						Proposed Timeframe							
Category		Rec #	Matrix Recommendation	City Team Response	Priority	Implementation effort	Ongoing Effort	Cost	Dependency	Mar 17	Jun 17	Sept 17	Dec 17	Mar 18	Jun 18	Sept 18	Dec 18
Technology	Software	40	To ensure selection of the most appropriate permitting system, the City should utilize a detailed functionality requirements component in the RFP issued to enable effective comparison of the different systems and responses received	see 39	High	Difficult	-	\$70k consultant	39						Consultant selected		
	Software	26	The City should implement an on-line portal for permit applicants allowing them to apply, pay for, and receive permits electronically as well as look up status of plan review and check inspection results.	Any new permitting software selected would be required to provide the ability to apply for, monitor, and receive permits online. Rolling out this functionality would be included in an implementation plan resulting from 39. The POC should be asked to explore if there are interim web site improvements that can be made, and to identify any simple permits that could be issued online and evaluate whether there is value to implementing any interim functionality ahead of the longer term solution.	High	Medium		with 39	39			explore interim solutions					X
	GIS	41	The City should explore options to increase the level of accuracy of the GIS data regarding property boundaries. Until accurate property boundaries are available through GIS, the City will be significantly limited in some efforts to streamline and further automate processes.	The POC should be tasked with researching best practices in other communities and evaluate our current capabilities relative to those practices, as well as to develop procedures for when we require a survey to be provided by an applicant to confirm property lines and protect the public ROW. Our current process is typically based on the customer's representation, without requiring they provide additional surveys in most cases.	High	Medium	Medium	tbd					Proposal				
Fees	Fees	28	The City should review all fees associated with development review and permitting activities to ensure that all costs associated with providing these services, including overhead and technology costs, are covered by the fee.	We recommend that a working group be developed, to include participation and support from the CAO's office, to evaluate current fees to ensure they are fair, appropriate, and recover all direct and indirect permitting costs to the City.	Medium	Medium					Begin evaluation			Proposal			
	Fees	18	Eliminate the zoning CO application fee. If an additional fee is to be charged it should be incorporated into the permit fee.	We recommend this be considered as part of the overall fee structure review, see 28. The POC should evaluate changing the timing of this fee in the short-term. Ultimately, this should be included in the plan to transition responsibility for performing zoning inspections moves to P&Z (19).	Medium	Easy			28					Proposal			
	Fees	42	The City of Burlington, when implementing a new fee schedule, should ensure that the fees are established at a level sufficient to cover all costs associated with the permitting process, including the maintenance, upgrade and utilization of effective technology solutions.	We recommend tech costs be included in overall fee schedule, see 28.	High	Medium			28					Proposal			

Assessment of the Development Process

BURLINGTON, VERMONT

February 10, 2017



Table of Contents

Chapter	Title	Page #
1.	INTRODUCTION AND EXECUTIVE SUMMARY	1
2.	ANALYSIS OF MANAGEMENT AND REPORTING	8
3.	ANALYSIS OF BUSINESS PROCESSES AND PRACTICES	22
4.	ANALYSIS OF APPLICANT RESOURCES AND REQUIREMENTS	45
5.	ANALYSIS OF TECHNOLOGY	53
6.	ADDITIONAL TOPICS	59
Appendix A	RECOMMENDATION LISTING – NUMERICAL ORDER	63
Appendix B	RECOMMENDATION LISTING – PRIORITY ORDER	70

1. INTRODUCTION AND EXECUTIVE SUMMARY

This initial chapter of the report introduces the approaches utilized in this study and provides an executive summary of key findings, conclusions and recommendations to be found in this report.

1. INTRODUCTION

The Matrix Consulting Group was hired to conduct an evaluation of the development permitting process for the City of Burlington, Vermont. This study focused on plan review, permitting, and inspections activities in the City's Planning and Zoning Department, Public Works Department (primarily the Inspection Services division), and Code Enforcement. The purpose of the study was to assess the process for obtaining approvals in the development and construction permitting review process. Concerns had been raised by Burlington residents and industry professionals that the approval process was complicated, inefficient, expensive (for selected permit types) and lengthy.

Mayor Weinberger identified improving the permitting experience for homeowners and encouraging solar installations as key priorities in his campaign. The Administration has taken a number of steps to improve the permitting process, included hiring a new building inspector, exploring implementation of Form Based Code, and taking steps to streamline solar and hot water energy installations, as well as initiating this review. Specifically, in September of 2014, a Council resolution requested that the Mayor "develop a plan to reform our permit system 'from soup to nuts' to make it more fair, efficient and more predictable with a goal of eliminating duplication and combining offices into a 'one stop shop'".

The key focus areas of the study included:

- Identifying public perceptions and expectations,
- Revising the permitting process to address identified issues,
- Ensuring codes and standards are appropriate and reflect the goals of the City, and
- Streamlining the process for solar permitting to enable SolSmart certification.

In addressing these areas, the goals of this study were to improve the permitting process to:

- Provide consistency, efficiency, transparency, and predictability,
- Ensure public health and safety,
- Support energy efficiency, and
- Encourage investment and reinvestment.

Based on this assessment, a set of recommendations were developed for changes in technology, staffing and organizational structure, and processes aimed at improving operations while ensuring that the City's objectives of safe, code compliant, and appropriate development are not compromised.

A separate assessment is being prepared by another consulting firm to look at specific issues related to historic preservation. Historic preservation issues are only addressed in this report to the extent that they relate directly to the permitting process.

2. STUDY METHODOLOGY

As part of this study the consultant conducted the following activities:

- Conducted detailed interviews with staff in Planning and Zoning, Public Works, Fire, Code and Burlington Electric who are directly involved in the permitting process.
- Collected and analyzed data and sample reports regarding the services provided, the volume of work staff has to manage, and the time frames in which the work is completed;

- Conducted a stakeholder survey to collect input from the public regarding their experiences with the permitting process.
- Held a series of stakeholder workshops and public meetings to obtain direct input from various applicant groups regarding the strengths and weaknesses of the permitting process. Stakeholders included both homeowners, and professionals (architects, real estate developers, contractors, etc.) who has been involved in the development review and permitting activities with the City in recent years.
- Completed a best practices comparison that gauged the current practices in the department against a set of “best management practices.” The results of this assessment are attached as an appendix to this report.

These process components provided an in-depth understanding of the City’s permitting operations and served as the foundation for conducting an analysis of the improvement opportunities for the City of Burlington.

3. KEY STRENGTHS

Several aspects of the City’s permitting operations are exemplary. Examples include:

- The public is provided with numerous opportunities to learn about the requirements of the permitting process through available online materials.
- The City web site has extensive information on the permitting process, in particular the steps required to obtain planning approvals. Extensive handouts are available in Planning to provide additional information on those processes. Inspection Services also makes materials available to the public.
- Burlington employees are generally available on a walk-in basis to provide feedback and information to members of the public.
- Many building permits are issued same-day, and few require revisions and resubmissions by applicants. Trades staff assist applicants, many with little experience in the trades, with understanding the code requirements and achieving approval.
- The City makes available online copies of the City’s regulations, codes, and ordinances that impact the development review or permitting functions.
- The trades inspection program provides hard copy reference codes available to

the public at the Library and the City Clerk's Office.

- Informal pre-application meetings with planning staff are encouraged for applicants to discuss their project and gain input from staff.
- The City of Burlington schedules all building trades inspections for a specific time. This is a higher level of service than most communities provide.

These existing strengths provide a foundation for increasingly sound operational practices and future efficiency improvements in the City's development review and inspection processes in particular and the provision of all services in general.

4. KEY THEMES

The overall findings of this assessment can be summarized by the following key themes that emerged from the evaluation:

- **Service levels are generally acceptable** with review times and quality of reviews conducted in alignment with comparable communities. However, there are several notable areas where improvement opportunities exist to streamline efforts and increase customer service including: increasing the use of administrative approvals on planning applications; reducing timeframes from trades inspection request to inspection completion, and reducing the number of permits required.
- **Technology utilization** is not currently meeting the needs of either staff or customers. The existing permitting system lacks many of the functionalities typical in high-performing permitting operations of comparable communities. Expected functionalities that should be available including online permitting, online payments, online permit status inquiries, inspection requests and scheduling, and electronic plan review capabilities. Until recently there have been limited resources (both staff and financial) allocated; there, the existing system has not been appropriately maintained and upgraded to remain current and meet the City's needs. Additionally, the current system or a new system will need new business processes workflows implemented to address new processes outlined in the report.
- **While improvements in inter-departmental cooperation have been made** there remains opportunities to improve in this area by having a centralized one-stop approach to permitting with a single department and/or person responsible for the majority of permitting activities.
- **Staffing levels** are not the most critical issue facing the City. However, some additional staff and changes to existing staffing are recommended to enhance

service levels and ensure an appropriate technical service level to customers where warranted. These positions include a permit technician, planning technician, and planning reviewer / inspector.

- **Communication, training and educational materials** should be enhanced to provide greater information to applicants and the development community regarding application requirements, processing times, and project status. Additionally, the City should focus on providing training opportunities to staff and volunteer boards to increase the effectiveness of processing applications / permits.
- **Current resources are insufficient to implement all recommendations in a timely manner.** In the short-term, there will be a need for additional resources to implement many of the recommendations outlined. This could be accomplished either through contracted services or short-term employees. These resources are most critical for development and update of new public education forms and documents, and the implementation of the new permitting system.
- **A greater focus on customer service should be a City priority.** Processes, technology, and service delivery should be viewed from the impact on applicants rather than the impact on staff to ensure improvements are made that provide a timely, predictable, and consistent outcome for applicants.

The following section summarizes the key recommendations made in these key thematic areas. These should be viewed as approaches to enhance the current level of service, enable the City of Burlington to build upon the strong foundation in place and the progress that has been made in the last year or so, and continue to move forward towards a best in class approach to development review and permitting activities.

5. SUMMARY OF RECOMMENDATIONS.

The following table summarizes the key recommendations contained within the report. These are grouped by the following key areas: Organization and Staffing, Service / Process Improvements, Technology Utilization, and Customer Service. A detailed listing of each specific recommendation is contained within Appendix A at the end of this report. This detailed listing also includes additional information regarding priority and costs associated with specific recommendations.

Focus Area	Key Recommendations
Organization and Staffing	A centralized one-stop permitting department should be established at a single city facility. (1, 2, 3)
	An ICC-certified Permit Technician should staff the permitting counter. (4)
	One administrative position in Planning should be converted to a Planning Technician position. (5)
	Add a position within Planning to enable all Planning and Zoning inspections to be conducted by planning staff rather than Code Enforcement staff. (19, 20)
	Implement additional inspection resources if workload prevents achieving adopted inspection standard. (25)
Service / Process Improvements	Monthly performance reports tracking permitting activities; including timeframes for processing, timeframes for inspections and associated workloads should be developed. (6, 7)
	Eliminate the non-applicability zoning determination process. (11)
	Consider implementation of new codes: the IRC to provide clarity of requirements related to single family residential construction and the Existing Building Codes to provide greater flexibility on review of projects of existing buildings; and periodically review all development codes to maintain them up to date. (53, 29)
	Revise the Planning Review process to increase administrative approvals and enhance the functioning of the Technical Review Committee. (12, 13)
	The City should adopt objective development standards that delineate by-right approvals and utilize the DAB and DRB process only for discretionary approvals. (14)
	Reduce the number of permits required for a single project by eliminating duplicative permits. (15)
	Issue more basic trade permits over the counter. (16)
	Revise the Unified Certificate of Occupancy process. (17, 18)
	Continue the city's efforts to close old outstanding permits and be more proactive in monitoring permit status. (21, 22)
	Adopt a defined inspection standard and automate inspection requests and scheduling. (23, 24)
	Implement expedited permitting process for projects that meet designated City priorities. (38)
	Provide education materials and incentivize universal design. (31, 32)
Customer Service and Training	Additional staff training should be provided to ensure a consistent and customer-focused service approach by all permitting staff. (8, 9)
	Develop additional informational materials, including a development guide, to educate applicants on the process and development / permitting requirements and interpretation documents (10, 34, 35, 36, 37)
	Conduct an annual customer satisfaction survey. (33)
Technology Utilization	Develop an RFP for a replacement permitting system. (39, 40)
	Implement new functionality within the permitting software including: online portal for applications and payments, inspection scheduling, online permit status checking, etc. (26)
	Implement tablet or laptop use for all field inspectors. (27)
	Explore options to increase accuracy of GIS data. (41)

Focus Area	Key Recommendations
Fee Related	Ensure fees are established at a level sufficient to provide necessary revenue stream for needed technology and software. (28, 42, 50)

This table summarizes the major recommendations contained within the report and represent tangible ways for the City to address the key concerns and issues identified during the study. Each of these recommendations are explained in greater detail in the following chapters and a comprehensive listing of each recommendation is provided in Appendix A. Additionally, Appendix B sorts the recommendations in order of priority.

2. ANALYSIS OF MANAGEMENT AND REPORTING

This chapter provides an evaluation of the oversight, management and organization of the permitting process with key recommendations for improvement.

1. THE CITY SHOULD IMPLEMENT A CENTRALIZED DEVELOPMENT REVIEW AND PERMITTING OPERATION.

Burlington's permitting departments and divisions act very much as stand-alone entities located within three separate City departments (Planning, DPW, and Code Enforcement) spread over two different locations (City Hall and Pine Street). This is a function of the City's historic organizational structure, as well as the varying responsibilities and requirements being undertaken within each permitting entity. However, no one unit or individual is accountable for the permitting process as a whole which can make streamlining and higher levels of coordination and collaboration more challenging. Over the last several years, the City has begun to address this through the use of a coordinating committee that meets monthly to focus on the permitting process and efforts. This has resulted in greater communication across departments, increased understanding of the role of each department, and created a culture of commitment to continued improvement with a focus on the overall permitting process, and the impact on customers, rather than individual departments.

In interviews, focus groups, and survey responses, consultants were given dozens of examples describing situations that required permit applicants to shuttle between departments, located in two buildings approximately a mile apart, to obtain signatures, sign documents, pick up permits, make payments, and get questions answered. An issue referenced by some participants was that permit approvals would get held up or delayed

when there were conflicts between the requirements of two different departments. In a few of these cases, city staff did not, or felt they could not, take responsibility for addressing the conflicting requirements and even minor projects could have delays as homeowners, contractors, or builders tried to work out an arrangement that met the requirements of all City departments. Changes to processes and physical structure must be implemented to better enable staff to resolve these conflicts in a timelier manner to eliminate the negative impact on applicants.

In an on-line survey of permitting customers, almost 80% of applicants disagreed with the statement that “Departments do a good job coordinating with each other throughout the process.” Despite the recent efforts of City staff to increase coordination and communication across departmental boundaries, clearly the perception remains from the public that there is room for continued improvement.

While there is benefit to maintaining clear roles regarding subject area (zoning requirements, structural code issues, fire code issues, stormwater standards), high performing permitting organizations strive to act as one city and one organization in terms of process and customer interaction making any internal divisions transparent to the customer. In addition, where conflicts occur between departments, it should be city staff, not the applicant, who work to resolve the internal disagreement on an issue.

Many recommendations provided throughout this report, in particular process changes and more comprehensive public materials, should contribute to a more coherent permitting process. However, these are necessary but not sufficient to address the segmented permitting process currently in place on their own. Ultimately, it will be necessary for the city to create a more centralized permitting function within City

government in order to make the significant and long-lasting improvements to the permitting process that the City desires to achieve.

While there is no one right organizational structure for a city in terms of permitting, cities with fractured processes can greatly benefit from centralization of services. The consultants recommend that the city begin to explore options to create a centralized permitting and development review department, to include, at a minimum, planning and zoning, building permits, and code enforcement. This department would also be expected to coordinate closely with those employees responsible for engineering, fire, stormwater management, right of way, and electric who can still be located within different organizational units.

The establishment of a centralized permitting department may require ordinance changes (and Charter changes related to the Planning and Zoning Department) and would also require re-writing of job descriptions, organizational charts, and re-design of the city's web site and public materials. Given the complexity of this process, the re-organization should be considered a medium to longer term goal. However, this should not prevent the City from moving forward with many of the other recommended changes outlined in the report that will provide an important first step toward improving services overall.

As a best practice, the City should implement an on-going process of routinely reviewing and updating codes and ordinances to keep them current and prevent outdated requirements from remaining on the books. This is an issue that the City has already identified as an important one to address moving forward, and has begun efforts to do so with the current updating of the zoning ordinance a notable example.

Because organizational change cannot be implemented immediately, the City should put in place interim mechanisms to create greater oversight and accountability for the permitting process. This should include an inter-departmental managerial committee, responsible for:

- Implementation of the recommendations in this report related to process, technology, management, customer education, and reporting.
- Tracking and reporting on performance for the overall permitting process.
- Addressing and resolving issues caused by code conflicts between departments.
- Assisting the city in speaking with one voice.

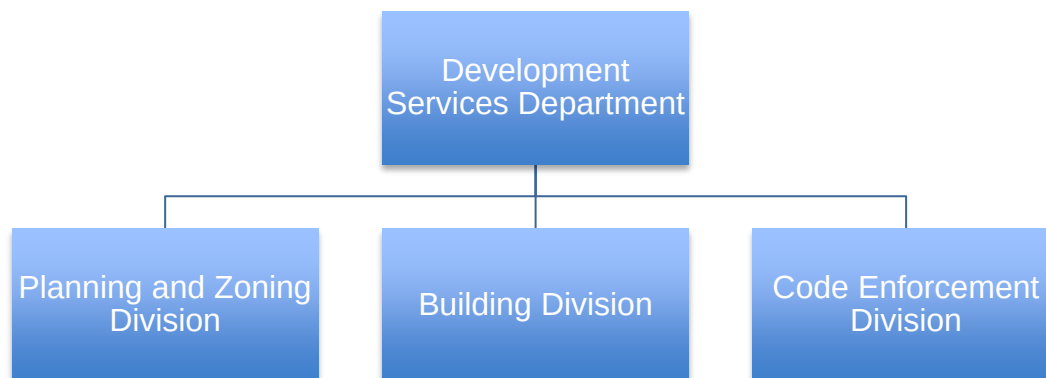
A coordinating Permitting Oversight Committee, consisting of the Planning Director, Inspection Services Official, Director of Code Enforcement, Water Director, Electric Director and Fire Marshall, as well as the Chief Innovation Officer and the City Attorney's Office should be continued for the ongoing oversight of the implementation efforts. One individual should be designated as the coordinating position for this committee for scheduling meetings, developing agendas, and reporting on progress to the Mayor. This committee should function at least through the implementation of the technology solution. The CAO's Office (Finance) and the Mayor's Office (Accountability and Leadership) should be kept updated, and included in decisions and planning as necessary.

In developing a plan for the consolidation of permitting activities, the City should consider a common approach utilized elsewhere— a combined Development Services Department that includes all planning, building, code enforcement, and inspection functions. Fire and Utilities activities related to permitting would remain within their respective departments. This Department should be led by a Director responsible for the

majority of the permitting activities and serve as the primary coordinating entity.

The following functional organizational chart provides a sample organizational structure that would accomplish this.

Proposed Organizational Structure



Even under the current structure, where Planning is not under the Mayor's direct oversight, this approach could be utilized with an informal reporting relationship of Planning to the Development Services Department by having the Development Services Director responsible for setting performance levels, driving implementation of the recommended changes, and resolving process issues.

Recommendation #1: Continue a dedicated Permitting Oversight Committee consisting of the City Attorney's Office, Planning Director, Inspection Services Official, Director of Code Enforcement, Water Director, Electric Director, Fire Marshal, and CIO to oversee implementation of permitting improvements and oversee the permitting process as a whole. The Committee should engage the CAO's office as appropriate. The Committee should report to the Mayor's Office and be accountable for a clear work-plan with specific deadlines and deliverables.

Recommendation #2: Develop a plan for creation of a single Permitting and Land Use department, to encompass Planning and Zoning and Inspection Services. The urgency of this organizational change would depend somewhat on whether the Permitting Oversight Committee is successful in addressing current issues without an organizational change.

Recommendation #53: The City should implement an on-going process of routinely reviewing and updating codes and ordinances to keep them current and prevent outdated requirements from remaining on the books

2. A CENTRALIZED PERMITTING 'ONE STOP SHOP' SHOULD BE ESTABLISHED.

A consistent concern brought up in focus groups, surveys, and meetings with staff was the fact that Planning and Zoning and Inspection Services are in separate buildings and different locations throughout the City. This situation forces permit applicants to travel between (and find parking at) two different locations and inhibits effective communication and coordination between staff. In responding to survey questions about making changes to the permitting process, the desire for a single permitting office was essentially universal:

How helpful would the following changes be to making the permitting process more efficient?	Helpful / Very Helpful	Not Helpful / Very Unhelpful
Co-locate departments or review agencies at a single location	99 %	1 %

Creating the central permitting center would provide an opportunity to consolidate public information, administrative staff, and subject matter experts in a way that can create a “one stop shop” for permit applicants that is focused on providing a high level of coordinated service.

An additional benefit of a permit center is to facilitate greater communication and coordination among different review disciplines (for example, Inspection Services, Fire and Zoning). The location, layout, processes, and customer service standards in the permit center and throughout the permitting function should be focused on promoting collaboration and problem solving.

Best practices elements of a permit center would include the following:

- A single location to access staff and literature so that applicants can get

information, forms to fill out, checklists, and access other materials on a self-service basis.

- A “self-help” kiosk with access to land use information (GIS) so that customers can look up zoning, historic data, and other information. When the city’s on-line services are expanded to include on-line permit applications this should also be available at the kiosk.
- Staffing a cross-trained permit technician who could answer basic questions, take in applications, and provide information regarding the status of a project.
- Utilizing a planning tech to staff the planning counter rather than an administrative professional position.
- Access, if needed, to a planner, building inspector, or other subject matter expert.

Customers appreciate co-location of functions, but will still become frustrated if they need to speak to many different people or if information given is inconsistent or conflicting from staff member to staff member. Where possible, employees should be cross-trained to provide a broad range of information and services, so that “one stop” is not just one building, but as few lines/individuals as possible.

The permit counter for Inspection Services should be staffed by an International Code Council (ICC) certified Permit Tech (a proposed new position, recommendation 4), who could answer process questions and take on some basic functions currently performed by the inspectors. This position would also be responsible for handling routine zoning reviews and outlining permitted versus discretionary activities related to applications. The existing customer service staff at DPW who interact with the public on development review functions, as an ancillary duty, would longer be responsible for these duties and would continue to perform their primary duties related to DPW customer service.

Similarly, the planning counter should be staffed by a Planning Technician. This is

a semi-professional position that has more technical knowledge and authority than the current administrative positions, but not at the same level as a Planner. This position should be responsible for the majority of intake and answering of general questions regarding the planning approval process.

With these changes, the permitting counter would be staffed with one building permit technician and one planning technician who are responsible for all intake, customer service, and scheduling activities. They would handle issuance of approvals and permits (on behalf of and under the direction of inspectors and planners). Given overall space constraints at most City facilities, the City will need to evaluate – perhaps as part of a larger discussion on space allocation - where an appropriate location would be for the consolidated permitting function.

The building Permit Tech and the Planning and Zoning administrative staff (currently a clerk and an administrative assistant) should be cross trained as much as possible so that they can provide back-up to each other and provide as broad an array of services as possible to walk in and telephone customers.

Staff who spend the majority of their time reviewing plans or answering telephones should be located in a quiet place away from the public. However, they should be accessible to staff in the permit center to answer questions, resolve issues, and provide backup support.

Recommendation #3: Create a centralized Permitting Center where all staff whose primary function involves Permitting and Land Use are located. Include desks and office hours for other employees. Implement office hours at the center for all staff involved in review of plans or permitting activities.

Recommendation #4: Add a Permit Technician to staff the Inspection Services counter in the permit center.

Recommendation #5: Convert one of the administrative positions within Planning and Zoning to a Planning Technician position.

3. THE CITY SHOULD DEVELOP AND PUBLISH CLEAR REPORTS TO TRACK WORKLOAD, TURNAROUND TIMES, AND INSPECTION LEAD TIMES FOR ALL DISCIPLINES.

Burlington's software system collects most of the data needed to track workload and turnaround times; however, this information is not typically used to generate management reports or to communicate with the public.

A review of data provided by the city showed that turnaround times for Planning and Zoning permits are generally within acceptable norms, in particular for administrative review.

Burlington Zoning Permits Workload and Turnaround Times	Number Issued (2013-2015)	Average Days (intake to issuance)
Administrative Review (30 days permitted by state statute)		
Awning(s)	24	9
Basic	254	13
Certificate of Appropriateness	1,936	14
Fence	167	10
Lot Line Adjustment	26	45
Non-Applicability	1,243	3
Sign(s)	195	12
DRB Review		
Appeal of Enforcement Decision	10	107
Certificate of Appropriateness	62	94
Certificate of Appropriateness and Conditional Use	46	90
Certificate of Appropriateness and Home Occupation	4	70
Certificate of Appropriateness/Unknown Work Code	1	44
Conditional Use	30	57
Home Occupation	11	41
Lot Line Adjustment Final Plat	2	89
Master Sign Plan	3	30
Planned Unit Development Final Plat	5	57
Planned Unit Development Preliminary and Final Plat	1	28
Planned Unit Development Preliminary Plat	6	92
Sketch Plan Review	24	36
Subdivision Final Plat	1	43
Subdivision Preliminary and Final Plat	9	73
Variance	5	46

Building permits are typically issued the day of application, a very high level of

performance compared to other communities.

While current timeline performance is generally within acceptable levels, the City should systematically produce reports on work-loads and time-lines so that it can identify major trends and take action, if needed, when turnaround / processing times reach an unacceptable level (i.e. – beyond the adopted City standards for plan review and inspection timeframes).

In many cases performance is at an acceptable level; however additional improvement opportunities exist to enhance service. Some important performance metrics are not tracked. In particular, the City does not analyze building trade inspection volumes and the time-frame from inspection requests to actual inspection (by inspection type), and building permit issuance to CO sign-off. Additionally, the City should track the number of failed inspections to identify reasons for failure. This information can be utilized to determine if additional educational materials would be beneficial for applicants to clearly delineate requirements prior to requesting an inspection.

The following is a recommended approach to developing a performance report on the completion of building inspections.

Recommended Report – Building Permits

PERMIT INSPECTIONS				
Month:				
	Total inspections requested	% Next Day	% Next 2 Days	% more than 2 days
Building				
Fire				
Electrical				
Plumbing				
Mechanical				

Recommendation #6: The City should track workload and review times for planning and building permits in greater detail and prepare monthly performance reports, which should be shared with the public and used by managers to make

decisions regarding resource deployment and workload management.

Recommendation #7: The Department should develop more detailed monitoring reports on building permit inspection volumes and scheduling, implement the tracking of those measures in the permitting software, and use this to monitor and address delays.

4. A GREATER FOCUS SHOULD BE PLACED ON CUSTOMER SERVICE AND PROBLEM SOLVING, IN ADDITION TO TECHNICAL ABILITY.

Staff involved in permitting and inspections demonstrated pride in their work. The City of Burlington places a heavy emphasis on ensuring that development is safe, environmentally sensitive, and in keeping with the City's character and long term planning goals. While issues related to development in Burlington tend to be somewhat more complex than other communities due to the very high level of public input / involvement on individual projects, the city received generally good marks for the outcomes of the permitting process.

	Strongly Agree	Agree	Disagree	Strongly Disagree
1. The permitting process is effective at protecting the City's character.	9%	45%	28%	17%
2. The permitting process is effective at protecting public safety.	12%	59%	19%	10%

Interviews, surveys and feedback from stakeholders indicate that there is less emphasis on customer service, problem solving, or providing applicants with a clear path forward for their projects when issues are identified. As described earlier in this report, this is particularly true in those situations where city departments disagree about the appropriate resolution of an issue.

Staff deal with me using a positive approach of "here's how to get your application approved", rather than a punitive approach of "you can't do it that way".	Agree	Disagree
Planning	52 %	48 %
Building (Inspection Services)	48 %	52 %
Inspectors (Building)	52 %	48 %

Stakeholders and community members who participated in stakeholder meetings indicated a mixed perspective on the customer service focus of staff – it was generally viewed as either very good or very poor. The lack of consistency in this area is an important issue to address within the permitting process to provide a consistent level of service.

There are several steps that managers can take to promote a culture of problem solving and facilitation. One key item is to communicate that there need not be a trade-off between acting as a facilitator and maintaining rigorous approval standards. Where possible, staff evaluations should also take into account the ability to demonstrate strong customer service skills. Additionally, the City should consider the implementation of a specific training program, appropriately funded, for all staff involved in the development review and permitting functions, to provide a high level of customer service that is consistently provided by all employees.

Recommendation #8: Department staff should be hired, trained, and rewarded based on a balance of technical and customer service skills. Department managers should model, promote and encourage problem solving and customer service.

Recommendation #9: The City should provide periodic customer service training to all staff involved in the development review and permitting functions to ensure a consistent approach.

5. THE PLANNING AND ZONING DEPARTMENT SHOULD PROVIDE GREATER CONSISTENCY & TRANSPARENCY IN INTERPRETATIONS AND DECISION-MAKING.

Many stakeholders expressed the opinion that planning and zoning interpretations and determinations made by both staff and boards are inconsistent. Some stated that answers to questions varied depending on which planner was involved; others expressed concern that there was inconsistency from project to project.

	Agree	Disagree
Staff are consistent in applying the City's ordinances to my application and plans.	54%	46%
Decisions made by the boards and commissions are consistent from project to project.	20 %	80 %

There is no one change that can address the consistency issue; managers, staff, and board members must enhance their focus on consistency and maintain a strong awareness that consistency in code interpretation and implementation is critical to a fair, predictable permitting process. The City is moving toward the implementation of a form based code. The adoption of this will enhance the ability of the City staff to provide a more consistent review and level of service for reviewed projects.

Planning and zoning staff should develop an interpretation log that records how various provisions of the city's Comprehensive Development Ordinance have been interpreted in cases where the application of certain regulations is not entirely clear; staff should refer to this log when making future determinations. This log should also be used to identify high priority areas for changes in regulations to clarify requirements. Interpretations should be compiled into a document that is posted to the city's website. The interpretations should be developed in a consistent format that provides, at a minimum, the following information:

- Effective date of interpretation.
- Section of the Ordinance referenced.
- Description of the interpretation.
- Legal basis for the interpretation (if applicable).
- Applicability of the interpretation – outline of the circumstances under which the interpretation is applicable and not applicable.

This sharing of information will increase the ability of applicants to prepare submissions that are in line with the policies and procedures being enforced by staff and may eliminate the need for revisions to be made in applications. Only those interpretations that have been fully reviewed and that are intended to be utilized for all future applications should be included.

In addition, Staff reports to the involved Boards should include a discussion of how any issues under consideration have been addressed in the past. In conjunction with a later recommendation, the City should seek to expand the implementation of greater by-right approvals enabling increased staff reviews and limiting the number of discretionary approvals.

Recommendation #10: The City should increase the focus on providing consistent information and feedback to customers, including ensuring that interpretations made by staff and decisions made by boards are consistent over time.

3. ANALYSIS OF BUSINESS PROCESSES AND PRACTICES

This section examines the specific processes used for intake, review, approval, and inspections related to projects and provides recommendations for streamlining the steps involved.

1. PLANNING AND ZONING'S DETERMINATION OF NON-APPLICABILITY PROCESS SHOULD BE ELIMINATED.

The City of Burlington provides an optional process for building permit applicants to obtain, at their discretion, a “determination of non-applicability” from the zoning office for projects that do not require a zoning permit, prior to applying for a building permit. The certificate is obtained for work such as interior remodels and renovations, which do not affect the use, location, or footprint of the building. This process, while optional, once pursued by the applicant subjects the application to the potential for an additional public appeal process that otherwise would not be present.

While the non-applicability process can be relatively brief, it requires any applicant desiring the determination to go to the planning and zoning department for a determination, as well as to post a notice on the property indicating that the applicant is planning to do work and that the zoning office has determined that no zoning permit is required and be subjected to an appeal period prior to being able to receive a building permit. This adds little value to the permitting process and simply represents a bureaucratic step that applicants go through.

Other Vermont communities do not have a similar process – this is unique to the City of Burlington. For example, in Bennington, if there is no required zoning approval, Planning staff are authorized to sign off of the permit application with a NA (not applicable)

designation indicating that no zoning review is needed and the permit application is routed for building review.

In order to maintain the original intent of the non-applicability determination (which was to clearly note which projects do not require zoning approvals), Zoning staff should review the list of items that are currently covered under the non-applicable permit. The list should be updated, if necessary, and officially adopted by ordinance. All staff in Planning and Inspection Services should be jointly trained on the items that do not require zoning review to provide consistent service to the public. Items in this list would include:

- Interior renovations or remodels except where there is a change of use or, for residential buildings, addition of a kitchen.
- Exterior repairs or replacements if the envelope of the building is unchanged, including roofing, windows, siding, steps, porches, etc. (Eligible historic structures would require zoning approval.)
- All electrical, mechanical, plumbing, fire alarm, and fire sprinkler work. (This work typically does not currently require a non-applicability permit but this should be memorialized in code.)

Planning and Zoning staff prepare an SOP and train Inspection Services staff on what permits do and do not require zoning. Inspection Services staff (in particular the permit technician or any other administrative staff working the front counter) should also have access to information to allow them to easily identify whether a structure is historic, so that any exterior changes to a historic structure could be referred to Planning and Zoning.

With the implementation of a new permitting software, the processing of applications should include a notation or sign-off within the system that the permit does not require zoning approval. This notation provides the official documentation that many applicants are seeking without the City having to process a non-applicable determination.

Recommendation #11: Eliminate the “non-applicable” zoning determination process.

2. FOR PLANNING AND ZONING PERMITS, THE REVIEW PROCESS SHOULD INCLUDE A FORMAL FEEDBACK LOOP FOR OTHER DEPARTMENTS.

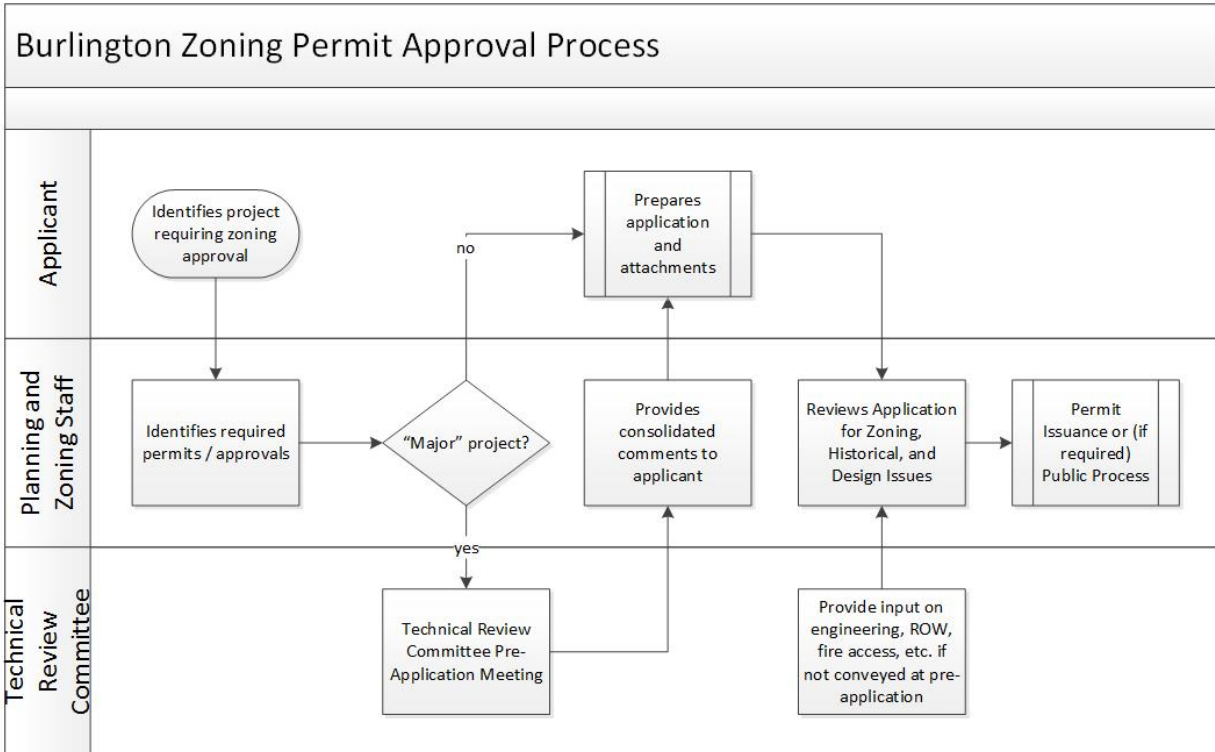
Burlington’s administrative review process for planning permits is very straightforward. The number of administrative reviews, if expanded, could provide a more streamlined review process providing more timely approvals for applicants rather than having to go through the committee review and approval which takes longer than an administrative review.

The following table compares “Best Practices” for planning permits with the process currently in place in Burlington and highlights the change necessary to bring Burlington’s process more in line with best practices.

Step	Best Practices	Burlington
Pre-Application	Pre-application meeting with Planning and other key departments (typically engineering, public works, fire, Inspection Services, parks, and police) to review the project and provide key feedback. Following the meeting a summary of key points and decisions are provided to the applicant in writing.	Currently offers pre-application meeting for any project, but typically required for major projects. Pre-planning TRC meeting with Planning and other key departments (typically engineering, public works, fire, inspection services, parks and police) to review the project and provide key feedback. Following the meeting, a summary of key points and decisions are provided to the applicant in writing.
Intake	Planning staff take in the application, and ensure that it is complete.	Currently using this approach.
Routing and Distribution	Planner acts as a project manager and routes plans to all departments who may have input into the application.	Planner acts as a project manager, and as necessary, plans are sometimes routed to other agencies but no formal feedback is required unless the project qualified as a major impact project.

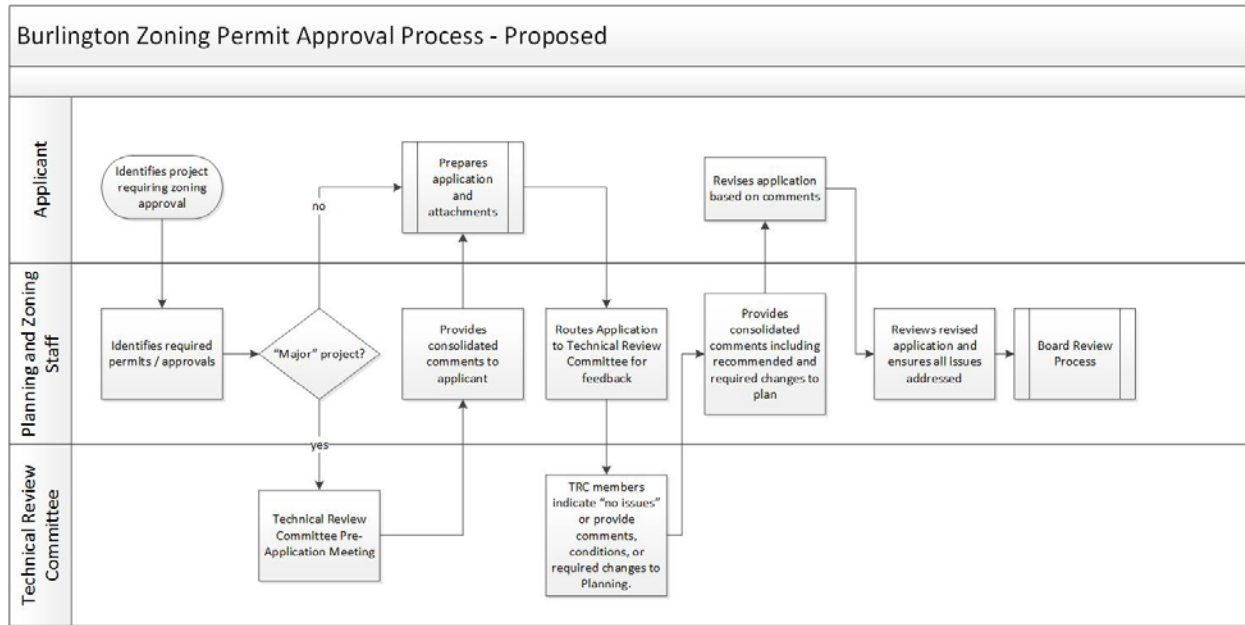
Step	Best Practices	Burlington
Review	Planning reviews for compliance with zoning code while other departments review for specific issues. Examples of issues reviewed by other departments: • Engineering – ROW, erosion control. • Fire reviews - Fire truck access, water availability. • Stormwater – Need for stormwater plans.	Planning reviews for compliance with zoning code and either issues a decision or prepares recommended conditions of approval if going to a review board. Other departments may provide feedback but it is sporadic because they are not required (or do not follow through) on providing the input.
Comments provided to applicant	All reviewing departments provide comments back to planning. Planning consolidates the comments into a single letter for the applicant.	Departments are inconsistent in providing comments back to Planning. All departments should be required to provide formalized feedback to the applicant in advance of a hearing or decision. The City has a 30 day statutory deadline for administrative decisions – making timely responses from reviewing departments difficult at times.
Re-Submission	If necessary, the applicant re-submits the plans, addressing comments from the DRC.	Applicants make necessary adjustments based upon staff and board comments.
Re-Review	The planner ensures that comments have been addressed. If major design changes were made that may affect other departments, the plans are re-routed to them.	Typically uses conditions of approval after the fact to address outstanding issues.
Approval and/or Committee Review	Permit is issued or application referred to appropriate board.	Permit is issued or application referred to appropriate board.

A flow chart of the current process is provided below.



The proposed revised process, below, includes two significant changes: first, instead of other departments providing informal input, they are part of the official review for the project. Second, the applicant is provided comments and given an opportunity to revise the plans, in particular to address any issues that were identified during the review process.

The extent of involvement of other departments, as well as the need for a revision cycle so that plans can be revised, is more critical for larger projects. This approach will add some time to the initial review but should reduce the number of issues that need to be addressed after the fact and be more clear for the applicant.



Critical to the revised process is the expanded role and responsibilities of the Technical Review Committee which is currently composed of representatives from each reviewing department (Planning, Public Works, Fire, Electric, etc.) who provide input regarding compliance with adopted regulations. Currently that group only provides input prior to submission of an application, and only for major projects. Under the new process the committee would be apprised of all planning applications that require review by external departments and have an obligation to provide feedback, even if the feedback is as limited as stating that the department has no concerns. For larger projects, reviewers may be required to attend an in-person meeting with the applicant to discuss feedback. For smaller projects, feedback can be provided in written format only.

The expanded role of the TRC will allow for better coordination of application review between all departments. When implementing this, it is important to incorporate the following elements:

- Ensure that the TRC includes all departments and personnel that are involved in the review, permitting, inspection, or certificate of occupancy issuance.

- Set a standard meeting time and location.
- Develop and distribute TRC meeting agenda at least 3 days in advance of the meeting.
- Place electronic versions of all plans in a shared file accessible to all TRC members. (Routing of paper plans should be avoided unless a detailed review is required.)
- With the meeting agenda, provide links to the application and subsequent related documentation.

Recommendation #12: Enhance the role of the Technical Review Committee to expand departmental review and comments on planning applications once submitted.

Recommendation #13: Revise the Planning review process to include: providing written consolidated TRC comments to the applicant and requiring meetings (on larger projects) to review comments prior to resubmittal.

3. THE CITY SHOULD INCREASE THE USE OF ADMINISTRATIVE APPROVALS.

The criteria for zoning projects that are approved administratively (vs. requiring board review) are set forth in the City of Burlington's Development Ordinance in Section

3.2.2. The application types that are administratively approved are as follow:

- Basic
- Awnings, Fences, and Signs
- Certificate of Appropriateness I (COA I)
- Some Certificate of Appropriateness II (COA II)

The types of applications that are approved administratively in the Development Ordinance are outlined in 3.2.2 of the Code.

The City could also facilitate the permitting process by expanding the application types that are approved administratively. This will have a twofold result: first it will decrease the volume of applications that must go through the public hearing process thus

reducing the burden placed on volunteer boards; and second it will expedite the approval process and reduce the permitting costs for the applicant. Both of these efforts will increase the timeliness of decisions for the applicant.

Currently, any application that has a construction value greater than \$24,000 requires review and approval through the DAB and DRB. The \$24,000 threshold is not based upon a specific factor, is somewhat arbitrary in nature, and may cause applicants to limit the size and scope of improvement projects to avoid having to go through the more costly and lengthier discretionary review process. This level requires relatively small projects to proceed through the DAB and DRB process – the threshold should be significantly increased. In the short-term, the City of Burlington staff, City Council, DAB and DRB members should work with the community to determine and adopt an appropriate threshold that automatically triggers applications necessary for being reviewed through the public hearing process. Given the length of time this standard has been in place, the City should be able to raise to \$50,000 immediately to provide short-term relief. Longer-term, the City should seek to eliminate the threshold requirement entirely and adopt objective development standards that provide for by-right approvals (conducted administratively) with only DAB and DRB approvals required for discretionary approvals. The City's current effort to develop a form based code for the downtown area will address this issue and should provide a more efficient and effective administrative approval process.

Recommendation #14: The City should adopt objective development standards that delineate by-right approvals and utilize the DAB and DRB process only for discretionary approvals.

4. THE CITY SHOULD COMBINE VARIOUS REVIEWS AND APPROVALS CONDUCTED ON A SINGLE PROJECT UNDER A SINGLE COMBINED PERMIT.

The current building permit process involves several separate and distinct processes: a stand-alone zoning permit followed by a stand-alone building permit followed by stand-alone permits for electrical, mechanical, plumbing, and fire suppression as required. If ROW or other engineering permits or stormwater approvals are required these are also separate. While Burlington's permitting software links these permits, the process undertaken by the applicant is different for each, with no one individual responsible for coordinating the process overall.

For projects that require zoning review (e.g., there is a change of footprint, building height, etc.) but not necessarily a traditional "entitlement" permit (those where the use is not permitted by right but rather is a "discretionary" use or where a variance or specific approval is required), the zoning review should be part of the building permit review process, not a separate permit. The zoning review would continue to be conducted by Planning and Zoning staff – the major difference is that it would entail a sign-off on the building permit rather than the issuance of a separate permit. If the zoning review determines that an entitlement is required, the building review would be put on hold until this has been obtained.

Another example would be the currently separate permits for fire sprinklers – permits are issued by both Building and the Fire Department. In the future, a single permit – with a single application fee – should be issued with all departments / divisions that are conducting a review signing off of the same permit.

Planning would continue to process and handle dedicated planning and zoning-

only permits individually as currently exist. However, any permit where zoning is simply a “sign-off” would be eliminated. This same approach should be used for all other departments.

Recommendation #15: Replace separate zoning, inspection services, and fire permits (where currently separate permits are required from each department for the same project) with a single permit on which each department signs off and the applicant is issued a single permit.

5. THE ISSUANCE OF OVER THE COUNTER PERMITS FOR TRADE ACTIVITIES SHOULD BE ENHANCED.

Burlington issues permits and inspects projects under a Municipal Inspection Agreement with the State of Vermont. The State, in lieu of issuing permits for basic electrical, mechanical, and plumbing permits, instead requires the licensed professionals undertaking this work to file a “work notice,” which is essentially an over the counter permit, which is subject to inspection by a qualified, approved inspector. Nationally, many communities offer basic trade permits such as these over the counter or on-line with no review.

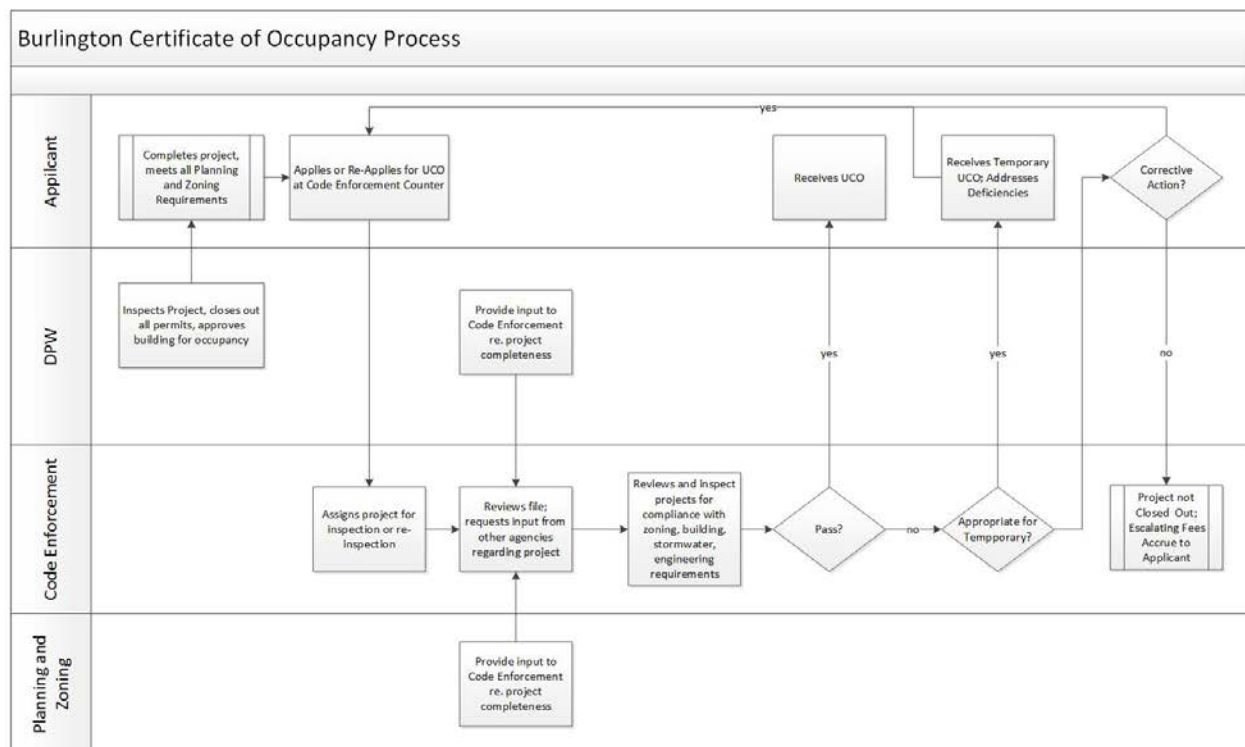
Generally electrical and mechanical systems should be subject to a thorough plan review prior to issuance of a permit to ensure that the systems as designed are safe and code compliant. However, many could be issued as over the counter permits subject to inspection, saving time for inspectors and applicants. The City should designate those permits which are eligible for over-the-counter issuance. This is typically those where no or limited plan review is required. For permits where no plan review is required, the City should seek to enable the technology (both permitting software and online payments) to allow these permits to be issued on-line and over-the-counter. These types of permits can be handled by the permit technician.

Recommendation #16: Identify basic trade permits that could be issued as “over the counter” permits, issued by a permit tech or clerk, or on-line (where no plan review is required) subject to inspection.

6. THE PROCESS FOR ISSUING THE UNIFIED CERTIFICATE OF OCCUPANCY SHOULD BE MODIFIED.

Upon completion of a project, applicants must often obtain signoff by both building (when a building permit is issued) and zoning (for any project that required a zoning permit, including signs and fences) to obtain a unified certificate of occupancy. The certificate of occupancy must be requested in person by the applicant. The request for the CO is made not to Planning and Zoning but to the city’s code enforcement office, and the applicant must bring copies of the approved zoning permit, copies of the approved site plans and elevations, and copies of all conditions of approval even though the city already has all of these documents in its possession. The process also requires an additional fee to be paid, and there is a schedule of escalating fees if the zoning approval is not obtained on a timely basis. An overview of the process is provided below. A staff member from the code enforcement office reviews the project permit and conditions of approval and then inspects the project, on behalf of the Planning and Zoning Department, determining if the project was built as approved and if all conditions have been met. If it is not, the project fails inspection and the applicant is sent a letter detailing required changes. The applicant may receive a temporary CO while making required changes, especially for changes that can’t be made at the time (e.g., landscaping in the winter time.).

A diagram of the process is provided below:



Burlington's process for completing a project is a source of frustration for many in the city. Although they are told about the requirement, some fail to apply for a zoning CO at all. Others abandon efforts to obtain a UCO if their project fails inspection. Often, people do not realize that their property has an outstanding UCO requirement until they attempt to sell, at which point a significant amount of time has passed. In surveys and stakeholder meetings several issues were communicated:

- Builders failed to seek the UCO but did not notify the homeowner; as a result, the homeowner did not realize that there was an outstanding requirement. While processes have changed and this is no longer a major current issue, there remains a large backlog to be addressed.
- If the inspector discovered issues that involved inconsistencies between multiple departments, the applicant had a very difficult time reconciling the different issues. As in other cases, the applicant was required to run interference between multiple departments.
- Applicants would receive approval of their final building inspection, and not realize (or not follow through) on obtaining the separate zoning approval and the issuance of a final unified certificate of occupancy.

- The additional fee may be a deterrent to requesting a CO.

Burlington's CO process appears unique, within the State of Vermont and nationally. A more typical approach is for a municipality to issue a single Certificate of Occupancy which requires sign offs from multiple departments and does not require submittal of additional documentation from the applicant. These sign offs are programmed into the permitting software so that until each entity signs off no CO can be issued. Applicants do not need to provide additional documentation regarding permits when applying for the CO as this information is already possessed by the City. They simply call for a CO inspection and the appropriate inspectors are assigned to conduct the CO inspections.

Typically, the final sign off is from the Building Official, and only occurs once zoning, electrical, plumbing, fire, engineering, stormwater, etc. have confirmed that the project was completed as permitted and that all conditions are satisfied. This would not prevent the issuance of temporary certificates of occupancy – as currently is provided, when minor non-compliance (such as completion of site work / landscaping) is present that does not impact the use or safety of the facility. Significant duplication of effort on the part of both applicants and Burlington staff could be eliminated by adopting a process found elsewhere in Vermont and nationally. Benefits would include:

1. The individual inspecting and signing off on zoning compliance prior to a CO would be the same person who reviewed and approved the application, avoiding the need for a new person in a new department to research and become familiar with the complexities of the project, including conditions of approval.
2. Projects that required a building permit but that have no zoning impact (e.g., no change of use, no change in footprint/location of an existing building, no historic consideration) would only require inspections and sign off from the Building Official instead of from the Building Official and a Code Enforcement Officer.

3. Applicants would not need to submit requests to an additional department upon completion of their projects in order to initiate a separate zoning certificate of occupancy process and would not need to obtain and submit documents that are already available at the Planning and Zoning office.

This approach would entail the removal of the Code Enforcement staff from the processing of COO – these would be handled by the Building Department, with Zoning involved to inspect and sign off on zoning compliance for projects that required a zoning permit. Code Enforcement would become involved only in the case of violations – for example, when an applicant fails to receive a CO, ignores a correction letter from the City (for example, in cases where the project as built is out of compliance with the permit) or neglects to convert a temporary CO to a final.

This approach would reduce the overall staff time required to inspect projects and issue COs within the city, but would also lead to a shift in responsibilities from Code Enforcement to Planning and Zoning. The City should add a position to Planning to enable planning staff to conduct all inspections related to applications and permits approved by that office. This position should be filled with an individual knowledgeable and capable of conducting both planning development review and inspection duties.

Recommendation #17: Issue the Unified Certificate of Occupancy after the completion of the final inspection without requiring additional submittals by applicants.

Recommendation #18: Eliminate the separate zoning CO application fee. If an additional fee is to be charged it should be incorporated into the original permit fee.

Recommendation #19: Planners should inspect and sign off on projects at completion to avoid the need for code enforcement officers to inspect projects with which they have no familiarity.

Recommendation #20: Establish a position in Planning and Zoning to address shifting responsibilities for conducting planning and zoning inspections under the new UCO approach.

7. THE CITY SHOULD CONTINUE THE FOCUS IT HAS RECENTLY PLACED ON ADDRESSING OLD OPEN PERMITS.

The number of old open permits within the City of Burlington is high compared to most communities the consultant team has worked with in recent years. The backlog is a result of decades of noncompliance and poor enforcement by the City due to a variety of factors including lack of staff resources and technology limitations. This led to the creation of a Code Enforcement Office in 1999 to better address concerns. A common concern expressed during focus groups and meetings with stakeholders and residents was that they failed to close permits because of the complexity of the process and/or the time it took to get an inspection. The City has been placing great focus on addressing this issue and is making good progress; however, it will remain a joint effort of permit holders and City staff to reduce and eliminate the old permits that remain open from the historical lack of compliance enforcement. The proposed changes elsewhere in this report should eliminate the likelihood that this backlog would develop in the future.

This should remain a high priority and the City should attempt within the one to three years to address and eliminate all open permits that are no longer active. This can be accomplished by providing trade inspectors with a listing of open permits, where no activity has occurred in the last several months, and their proactive follow-up with homeowners to make arrangements for the necessary inspections to close out the old permit. The extent of proactivity that inspectors can achieve will be dependent on their workload. A letter should be distributed to all individuals with older open permits requesting that they either request an inspection or provide the necessary paperwork to enable closure of the permit. This approach will create a new workload for code enforcement staff; however, with the transfer of some inspections to Planning and Zoning

there may be capacity to take on the work with existing staff. For non-compliant individuals, the permit should be expired – requiring the individual to reapply (and pay a new permit fee) in the future if they desire to close the permit. This approach will be viewed as punitive to the applicants, and should be utilized if voluntary compliance cannot be achieved.

Currently, Planning & Zoning send notices to permit-holders as their permits age to remind them of the existence of the open permits and the need to close them. Inspection Services has been less proactive about sending notices about open building permits. Moving forward, the City should be clearer about the consequences of not closing permits in a timely manner and incorporate a penalty for applicant non-compliance. However, this should only be adopted once the City is able to implement a defined service standard (i.e. – completion of inspection within 2 days of request) for all inspections.

Recommendation #21: The City should continue to focus on closing old open permits by having inspectors conduct follow-up activities.

Recommendation #22: In the future, the City should more proactively inform applicants when no action has occurred on a permit within a specified time period (where not already occurring), should consider issuing permits for shorter time durations, and expire permits when no activity has occurred.

8. THE INSPECTION SCHEDULING PROCESS SHOULD BE STREAMLINED.

Builders and homeowners seeking a construction related inspection are directed to call the appropriate inspector and schedule it directly. Inspectors use their own calendars to track their availability and schedule the trades inspections. The city does not issue any performance goals or guarantee regarding the availability of an inspector within a given timeframe.

Some builders stated anecdotally that there could be a several day or longer delay from when an inspection was requested to when it was conducted. They also indicated problems reaching an inspector and getting a response. Inspectors interviewed for the project affirmed that they frequently scheduled inspections for several days out from the request date and said that next day inspections (a common standard for cities the size of Burlington) were not possible because the inspectors are too busy, especially given that they both review permit applications and conduct inspections.

The consultants requested data on how many inspections were conducted, on average, by each inspector to assess workload. Unfortunately, the way inspections are tracked (on an outlook calendar versus through the permitting system) limited the information available and the ability of the consultants to easily analyze inspection workloads and timeframes.

The centralization of inspection scheduling would allow for better management and tracking of inspection availability, timing, and workload. The city's permit software probably includes an inspections scheduling module; if it does not, another centralized scheduling system should be used. The inspections calendar should indicate how many slots each inspector has per day for inspections and allow an administrative staff member to populate the calendar. Eventually, the city should transition to scheduling inspections using an IVR (interactive voice response) or on-line system.

The centralized management of inspector calendars will allow managers to better track inspection workload and timing and identify what changes may be needed to allow Burlington to guarantee inspections within an adopted time standard. In most communities, next day inspections are the standard. It will also enable staff to more

effectively coordinate the scheduling of inspections when more than one inspector needs to be present (such as a rough inspection where structural, plumbing, and electrical systems are being scrutinized) and provide better service to customers.

In most communities, next day trades inspections are the standard. However, there is not the ability to achieve that in Burlington, at this time, based upon technology and staffing resources. What is most important is that the City define the performance standard they will commit to completing the inspection in following receipt of a request from the customer.

Full time inspectors not responsible for office hours or plan review should be able to conduct approximately 15 inspections per day. If the city adopts over the counter permits for basic trade permits, as recommended, this may reduce the workload for the electrical and mechanical inspectors, making the able to conduct additional inspections. Based on the workload described in interviews, the inspectors should be able to conduct at least ten inspections per day, and potentially 15, while maintaining office hours.

If the inspections workload is too high to support the proposed next day inspections standard, the city should consider adding additional inspectors, ideally those with certifications enabling them to inspect multiple areas (i.e., electrical, mechanical, and plumbing) work as well as structural if suitable candidates can be found. The specific areas addressed will depend upon the qualifications of the individual selected. While this approach is not typical in Vermont it is used elsewhere in the country with great success and the City may wish to discuss options with the State to change regulations in the future. One benefit of the combo approach is that a single inspector can sign off on multiple inspection types (within the limitation of state licensing requirements). The consultants

recognize that a “combo” inspector would need to meet the state’s standards for knowledge and accreditation for all relevant trades, at least for the inspection of commercial construction. For construction on non-public buildings (which is about 40% of the construction permits issued over the last 12 years), Burlington staff will need to work with the state to ensure that there is no state legal barrier to this approach.

Recommendation #23: In the short-term, centralize inspection scheduling by creating an inspections scheduling phone number to be monitored and used by trained administrative staff. Longer-term, implement on-line inspection requests and scheduling.

Recommendation #24: Adopt an inspection performance standard that guarantees inspections within a defined time period following request by the applicant.

Recommendation #25: If the workload level is too high to accomplish inspections within the adopted time frame consider adding additional inspector resources with preference given to those with the ability to inspect in multiple disciplines.

9. A CUSTOMER AND CITIZEN PORTAL INTO THE CITY’S PERMITTING SYSTEM SHOULD BE IMPLEMENTED TO IMPROVE CUSTOMER SERVICE AND REDUCE WORKLOAD FOR EMPLOYEES.

Many communities now provide an on-line portal so that applicants can apply, pay for, and receive permits electronically. Applicants can also go on-line to look up review status, read comments on their plan reviews, and see inspection results. In their simplest versions, the portal allows for electronic applications for very simple building permits and other permits typically considered “over the counter.” More robust systems allow for submission for any type of permit, attachment of CAD or PDF drawings, re-submittal of revised drawings, and payment of additional fees such as bonds.

Recommendation #26: The City should implement an on-line portal for permit applicants allowing them to apply, pay for, and receive permits electronically as well as look up status of plan review and check inspection results.

10. INSPECTOR EFFICIENCY CAN BE ENHANCED THROUGH CREATION OF MOBILE APPLICATIONS AND THE IMPLEMENTATION OF MOBILE DEVICES IN THE FIELD.

The City can enhance the efficiency and effectiveness of field inspections through the creation of mobile apps that allow building and zoning inspectors to perform their duties from the field, and issuing mobile devices for all inspections. The ability to more efficiently enter inspection results, especially if the system is connected through cellular service, will enable the permitting system to be automatically updated and show the result of the inspection as soon as it is entered in the field by the inspector. Their use will also reduce the amount of time required to be in the office for data entry and will increase the number of inspections that each inspector can complete daily.

Recommendation #27: The City of Burlington should implement tablet or laptop use for all field inspections.

11. THE CITY SHOULD REVIEW FEES TO ENSURE ALL DEVELOPMENT REVIEW AND PERMITTING COSTS ARE BEING COVERED.

The City of Burlington should review all fees to ensure that the City is covering all costs of the development review process (including technology and overhead costs) from the fees charged for applications and permits. Most communities have adopted an approach that includes all applicable administrative costs for general City services (technology, administration overhead, etc.) are covered by the permitting fees.

In the consultant's experience across the nation, the standard prevailing practice is that fees are utilized to support the development review and permitting function and the general fund should not need to subsidize this service. The establishment of a formal fee review and rate setting methodology is necessary so that fees can be established and maintained in the future at the appropriate level to cover full processing costs including

technology. Future increases in fees should be considered whenever the existing fees are not covering the cost for providing services. The City should also give consideration to establishing this function as an enterprise fund to dedicate revenues received to the provision of services.

Recommendation #28: The City should review all fees association with development review and permitting activities to ensure that all costs associated with providing these services, including overhead and technology costs, are covered by the fee.

12. THE CITY SHOULD EXPLORE THE ADOPTION AND MODIFICATION OF EXISTING BUILDING CODES.

The primary reason specific codes are adopted related to construction and rehabilitation of structures is twofold: (1) to protect the health and safety of the public, and (2) to provide a consistent and level playing field related to construction activities. The City of Burlington follows adopted codes as required by the State of Vermont as a minimum standard. Single family residential properties are handled uniquely in Vermont compared to many states. The State requirements focus entirely on public buildings. However, the City has chosen to apply these same codes to single family residential construction – which represents about 40% of construction activity in the City over the last 12 years. While the adoption of the International Residential Code would place Burlington in a unique position of requiring different standards than are required in other communities in the State, it is already requiring single family review and this would provide a consistent application of codes for applicants with clear direction and guidelines for achieving approvals. It provides a common and nationally recognized standard for the processing, review and inspection of single family residential properties. The International Residential Code only includes code provisions applicable to residential

construction greatly simplifying the code rather than requiring applicants to only review those aspects of the code that are applicable to them. During adoption, staff will need to ensure that the IRC is harmonized with the existing adopted reference codes.

The City of Burlington could increase the consistent application of codes, to all types of properties and buildings, if the entire ICC set of codes were adopted, specifically the International Residential Code (adopted by both Maine and New Hampshire with state amendments) and the International Existing Building Code. While the IRC is essentially a subset of the IBC, it eliminates all non-relevant code sections and provides a more streamlined, easier to read and understand code for application to residential properties. This would likely reduce many of the concerns that have been raised regarding the application of the adopted codes to single family residential and existing buildings. However, the adoption of the Existing Building Code would represent a deviation from the current codes utilized. While it should make the process easier, outreach to the development community, through public meetings or other similar venues, should be conducted prior to adoption. In communities where these codes are adopted, there is little concern expressed about inconsistent application of the codes across different projects.

The adoption of the International Existing Building Code provides a set of standards that recognize the unique difficulties that often arise in bringing existing buildings into code compliance. These codes provide alternative means to achieving public health and safety through code compliance. Additionally, since the state does not prescribe the code or inspection approaches on single family residential construction, the City has greater flexibility to consider alternative approaches including the use of multi-trade inspectors to handle permitting activities.

While the consultant team believes that the adoption of each of these codes hold many benefits for the City in providing more consistent service to the public, the adoption would run counter to some concerns expressed about enforcing standards in excess of those required throughout the rest of the State.

Recommendation #29: The City should consider the adoption of the International Residential Code and the Existing Building Code.

4. ANALYSIS OF APPLICANT REQUIREMENTS AND RESOURCES

The sections and recommendations below focus on promoting greater information flow between staff and applicants to support and clarify the permitting process as well as demonstrate the City's full desire to implement a "culture of service."

Clear, comprehensive, and accessible public information improves the quality and completeness of permit applications and reduces the amount of time spent by staff explaining the City's requirements and processes. Providing opportunities for applicants and stakeholders to give feedback to the City promotes good will and ensures that City staff are aware of issues of concern.

1. THE CITY SHOULD CONTINUE TO SOLICIT FEEDBACK FROM PERMIT APPLICANTS AND THE PUBLIC.

The on-line survey conducted as part of this project resulted in an extremely high response with a total of 614 individuals providing feedback to the survey. This level of response indicates that permitting is an issue of interest in Burlington among both applicants and the public.

It is recommended that the City should also implement an annual survey so that feedback and attitudes can be tracked over time, and so that managers can become aware of issues of greatest concern. While the baseline survey was extensive, it is recommended that a briefer survey be used in the future to encourage responses and provide succinct feedback to managers.

The City should also develop a brief on-line survey that is e-mailed to applicants at the time of CO issuance. This comment card should ask that the applicant rate the City on several key factors:

- Level of Customer Service Provided (rating each department/division interacted with);
- Accessibility of staff;
- Thoroughness of staff;
- Satisfaction with the process;
- Specific areas / individuals that provided exceptional service;
- Specific areas / individuals where service problems were encountered; and
- An opportunity for the applicant to make general comments about the process.

An annual report should be developed outlining the level of satisfaction provided to applicants. Information gathered from this survey should be utilized for on-going evaluation of staff and improvement of the process.

It is important to note that these educational and outreach efforts will require time on the part of staff to implement. This will obviously slightly reduce their time available for performing other primary duties (such as plan reviews and inspections). This survey should be started in 2017 and conducted annually thereafter.

Recommendation #33: The City should conduct an annual and ongoing customer satisfaction survey.

2. THE CITY SHOULD EXPAND AVAILABLE PUBLIC EDUCATION DOCUMENTS OUTLINING THE PROCESS, SUBMITTAL REQUIREMENTS, AND APPROVAL PROCESSES.

Burlington has some very well-written and clear information on-line regarding how to obtain permits. In particular, the “Permitting Process, Step by Step Guide” is a model for clear, friendly writing explaining what can be a daunting process. This process however focuses primarily on obtaining zoning approvals and zoning COs. The

Inspection Services Division does offer a general flow chart for applicants explaining the permitting process.

A comprehensive development guide document and web page should be created that covers the entire development review process from project concept through the final certificate of occupancy.

This guide needs to be more than a simple recitation of the ordinances and codes, but clearly explain the steps of the process, how to comply and appropriately submit an application, and identify the review that will be conducted by staff. Within this document, it would be appropriate to include copies of checklists for each phase of the process that clearly identify to the applicant the information that must be submitted and why it is required. Also, included within the document should be a section that clearly outlines the review time standards that have been adopted by the City. Links to examples of guides and manuals developed by other communities are included in the technical appendices.

These examples provide alternative approaches that the City can consider for developing its own guide. While many of these communities are not comparable in size to Burlington, the guides present differing perspectives on options that the City can consider for format and layout.

Recommendation #34: The City should develop a comprehensive Development Guide that provides an overview of the development process. This would be used to train new staff in the process and improve the public's understanding of the process.

3. THE CITY SHOULD MAKE AVAILABLE A MATRIX OF KEY STEPS, REQUIREMENTS AND TIMEFRAMES FOR EACH APPLICATION AND PERMIT TYPE.

The review process for the various application types in the City of Burlington differs by application type based on the reviewing departments, the number of meetings or

hearings required, and the complexity of the application. In order to provide clarity to applicants, the consultant recommends that the City develop an application/permit matrix to outline key components of the development review process for each application type.

This matrix would include:

- A list of the major submittal requirements for each application type.
- A list of the review steps for each application type, including the responsible reviewing department and the established timeframe for review.
- A list of the required board/commission hearings and meetings and their frequency.

When complete, the matrix will provide a clear picture of what applicants can expect for each application type, which will help to eliminate confusion for applicants and improve the level of understanding in communication between the department's staff and the customers they serve. The document should be made publicly available on the City's website and updated periodically.

Recommendation #35: The City should develop an Application/Permit Matrix that outlines the timeframes for performance, the parties responsible for review, and major submittal requirements for each type of application or permit.

4. ALL APPLICATION AND PERMITTING FORMS SHOULD BE AVAILABLE AS FILLABLE PDF FORMS AND ONLINE FORMS.

The permitting process in Burlington entails the use of various application types for the various entitlements and permits issued by the department. Physical copies of these applications are available at the various departments. For most application types, applicants must print and fill out these forms by hand before bringing them in.

The consultant recommends that the city upgrade all of the existing application forms from a scanned PDF format to an electronically fillable PDF format so that applicants can fill in the required fields electronically after downloading the form without

having to write their information in by hand. In addition to making the process easier for the applicant, this will help to ensure that all necessary information is captured on the form. The City may desire to contract for these the services of an individual with the necessary skill sets to design and develop these forms to enable faster implementation.

Initially, the City should seek to provide all application forms in fillable pdf format. Longer-term with the implementation of new software, the City should seek to have the forms available online in a format that will link to the permitting system – eliminating the need for staff entry of applications.

Recommendation #36: All application forms should be updated to fillable PDF format and made available online for customers to complete and print out. Longer-term, the City should provide online forms.

5. CODE INTERPRETATIONS SHOULD BE PUBLISHED ON THE CITY'S WEBSITE.

The departments involved in land entitlement and permitting processing should develop an interpretation log that records how various provisions of the zoning code and building codes are interpreted in cases where the application of certain regulations is not entirely clear. Those that have applicability beyond a single case – meaning those that are not entirely site specific – should be formalized and published to the City's website. The use of the interpretation log is especially important given that revisions to the land development regulations and zoning code, while typically done monthly do not cover all interpretations to date, and to provide consistency in application review.

A review of any and all existing interpretations of the Development Codes, Building Codes, Regulations and policies should be undertaken to ensure that they are still accurate and valid. Once completed, these interpretations should be compiled into a

document that is posted to the City's website. The interpretations should be developed in a consistent format that provides, at a minimum, the following information:

- Effective date of interpretation.
- Section of the Code / Regulation referenced.
- Description of the interpretation.
- Legal basis for the interpretation (if applicable).
- Applicability of the interpretation – outline of the circumstances under which the interpretation is applicable and not applicable.

This type of sharing of information will increase the ability of applicants to prepare submissions that are in line with the policies and procedures being enforced by staff and may eliminate the need for revisions to be made in applications. Only those interpretations that have been fully reviewed and that are intended to be utilized for all future applications should be included in this manual.

Recommendation #37: Applicable city staff should document interpretations of the land development code, building code, and internal policies and procedures and make these available to the public on the City's website.

6. THE CITY SHOULD SET CRITERIA FOR AND IMPLEMENT AN EXPEDITED PERMITTING PROCESS FOR SELECTED PROJECT TYPES.

The City's development review and permitting process does not currently offer any expedited permit processing for applicants. Currently, all permits are subjected to the same goals for review and turnaround time without regard to size of project or urgency of need. Increasingly, communities are providing expedited permitting process to incentivize or attract certain types of development within their communities. These are typically done for either (1) economic development projects that will expand the tax base of the community, or (2) projects designed to meet identified community priorities and needs.

In the first case, there are often cases where communities want to encourage or attract a development that will provide desired economic development benefits (increased tax base, employment, etc.) for the community. As part of the incentive to develop, communities will often provide a more streamlined development review process – not relaxing the standards or level of review, but reducing the time to get through the process. While staff may not always be able to accommodate these situations, the City should develop and implement a procedure for accepting applications under an “expedited” review process. Typically, these expedited review process require the payment of an additional fee – above and beyond that required for normal plan review and permit issuance – and is designed to cover the actual costs of providing the review on overtime.

The expedited plan review would be conducted based upon the availability and willingness of staff to work overtime to complete the review. If staff is unable to meet the expedited review (or are unable to work the overtime to conduct the plan review), the fee would not be charged to the applicant and the application would be handled through the normal review process. Alternatively, the City can adopt a listing of qualified external plan reviewers that applicants may utilize. These third-party plan reviewers would be authorized to review the plans on behalf of applicants and against the adopted City codes and regulations. The cost of this expedited plan review would be paid directly by the applicant to cover the City’s contracted cost with the third-party reviewer and any direct administrative costs incurred by the City of Burlington.

In implementing the expedited review, the City should establish reasonable guidelines and conditions for the types of projects that will be eligible for this program. They should be focused on those projects that have a demonstrated economic impact for

the City and the specific criteria should be established in conjunction with economic development programs and staff of the City. The program should be conducted on a pilot basis and reviewed after six months. This program should be available for both land entitlement applications and building permits.

The other case where the City should consider the implementation of an expedited review process is for projects with designated focus areas of high priority for the community such as affordable housing, day care facilities, etc. In these cases, the City is providing support to these projects by again reducing the review time to gain approvals. The City may also wish to consider reduced application fees for projects that fit within these designated focus areas. Similar to the first case, the review standards remain the same – the focus is on providing a quicker approval process, and potentially a reduced fee, if the City chooses to pursue that option.

Recommendation #38: The City should implement an expedited permit processing option for applicants that meet criteria designated by the City. Suggested criteria include project that either support economic development efforts of the City (increasing tax base, employment, etc.) and projects is designated focus areas for the community such as childcare facilities, affordable housing project, etc.

5. ANALYSIS OF TECHNOLOGY

This section examines the use of technology for accepting, reviewing, and issuing permits as well as inspecting projects.

Current, Burlington uses CSDC's Amanda application for permitting. It was implemented approximately 12 years ago, and has not always been appropriately staffed for implementation or maintenance. Burlington is not using the most current version of the software – and it is expected that converting to the most current version would require a significant effort by IT and users.

1. THE CITY SHOULD EXPLORE OPTIONS FOR UPDATING AND EXPANDING PERMITTING TECHNOLOGY.

Burlington relies heavily on the current permitting software to manage and track permit activity. As the City's processes are somewhat unique and suggestions are being made to revise them, the software will need to be adjusted to match that. At the same time, Planning and Zoning and Inspection Services would like to expand the use of electronic site plans, construction plans, and attachments so that information can be easily shared and the excessive use and distribution of paper can be eliminated.

Ideally, permitting software should be used by staff for the following steps (all apply to both Planning permits and Building permits):

Task	Description
Intake	Record intake date in the software. Attach electronic copy of the application and all attachments (site plans and drawings). Plans should be provided to the City in electronic format for attachment to the permit record.
Acceptance	Plan reviewer reviews the application and deems it complete. Notes "acceptance" in software.
Distribution	Plan is distributed electronically to all reviewers with a target date for re-review. Date noted in software.
Review	Reviewers enter review comments into the software. All reviewers should provide comments or indicate "no comment" or "no issues" in comments.

Task	Description
Comment letter	Project manager consolidates comments into a single document, which is noted in the software as the complete initial plan review. Comment letter is sent to applicant electronically, preferably through the software system.
Resubmission	Record intake of resubmission. Plans are resubmitted electronically and attached to the record.
Redistribution	Plan is re-distributed electronically to those reviewers who had comments.
Issuance	If all comments have been addressed, permit is issued and accepted. All conditions of approval are noted in the software.
Project management	Software is used to track key “to do” items such as bonds, child permits, erosion control plans, etc.)
Inspections	Required inspections are listed in the software. Inspection results are entered into the software.
Record drawings	The applicant provides record drawings electronically to the City, which uploads the drawings into GIS and attaches to the final permit record.
CO issuance	All departments / divisions that must sign off prior to CO sign off in the software. CO can't be issued until sign off has been made. Once sign offs have been completed, CO is issued.
Reporting	All departments should have access to standard reports that outline workload, performance in processing permits and related activities, and facilitate the management of the permitting process.

The permitting software business has changed dramatically in the past ten years, with costs declining and capabilities increasing. The applications now available for permitting offer a range of functionality, including: fully cloud-based systems, mobile apps for citizens, residents, businesses, and field staff conducting inspections, broad integration with GIS, assessor and other data, and user-friendly reporting capabilities. Because there are many new providers on the market, it is recommended that Burlington explore both alterations to the current system, by allowing CSDC to participate in the RFP process, and procurement of a new system.

It should be noted that the work associated with development of an RFP including requirements and functionality determinations, writing the RFP and selecting a vendor and implementing a new software solution, will require extensive staff time. Based upon the project teams understanding of existing capacity, the City should consider the allocation of additional resources to provide dedicated staffing, or outside consultant, to

this effort to ensure success during the implementation phase.

Since the City may also be seeking an asset management software solution in the near future, the City should consider the possibility of having a single system that covers both asset management and permitting. There are several systems available in the marketplace that provide this functionality. While there are numerous benefits to having one solution rather than two systems (including cost, data integration, etc.), the overriding decision should be based upon the ability for the selected software to meet the key and critical functionality needs for each program (asset management and permitting). The City should seek the best permitting system possible, and not trade off features that are needed to improve the permitting process, simply for the benefit of an integrated system.

Based upon publicly available data from other permitting system acquisitions for similar communities, the following budget estimates were developed for the technology enhancement effort. This table outlines the major phases and costs, along with an estimated timeframe, for the technology implementation.

Cost Element	Cost Estimate	Timeframe
Consultant to document requirements, develop RFP and assist with selection	\$90,000	FY 18-19
New Software Licensing	\$125,000 - \$200,000	FY19
Implementation and Training Costs	\$100,000 - \$175,000	FY19
Annual Support Costs	\$50,000	FY20+

The City should ensure that sufficient funds are allocated to acquiring a system that will provide the automation and online services needed by staff and requested by applicants. Many of the recommendations contained in this report require enhanced technology. Additionally, the success of the technology improvements will be dependent upon a successful implementation effort and adequate staff training on the new system.

Recommendation #39: The City should prepare an RFP for new permitting software as well as cost estimates for upgrades and alterations to the current system.

2. A COMPREHENSIVE FUNCTIONALITY MATRIX SHOULD BE UTILIZED IN SELECTING A NEW SOFTWARE.

A sample functionality matrix is provided in the technical appendices document. This document outlines a list of functionality requirements that the consultant recommends be considered for inclusion in the selection of a new permitting system. This ensures that key functionalities and integration issues are considered early in the process.

If the City desired to procure a new permitting system, the recommended response categories should be considered for inclusion in the RFP packet for responses by vendors to enable the City to determine actual available features of the software versus planned enhancements or unavailable features. It may be beneficial for the City to evaluate this listing of functionality, prioritize those they wish to include as mandatory features and those that are only desirable functionalities.

For each numbered requirement included in this document, the vendor should indicate the status of the requirement within the vendor's solution by using the following notation codes and/or a short explanation of vendor's capabilities. Each statement must be signed with the original initials of an individual having full authority of the vendor to execute the statement and to execute any resulting contract awarded as the result of, or on the basis of the statement. The detailed functionality criteria are included in the technical appendices.

Recommendation #40: To ensure selection of the most appropriate permitting system, the City should utilize a detailed functionality requirements component in the RFP issued to enable effective comparison of the different systems and responses received.

3. THE EXISTING PARCEL INFORMATION IS NOT SUFFICIENTLY ACCURATE AND IS IMPACTING STAFF'S ABILITY TO EFFECTIVELY PERFORM DUTIES.

The existing data available in GIS related to parcel boundaries is not at the level of accuracy that is necessary to enable staff to either rely on this information, or to utilize it, as a primary data source, when evaluating submittals. This requires many applicants to conduct their own boundary surveys to enable processing of simple submittals (e.g., small storage buildings, stair replacements, decks, etc.). The availability of accurate and usable parcel boundary information, including one line mapping access for the public, is a common functionality provided by many municipalities throughout the nation – it is almost an expectation that this information is available. As long as the City of Burlington's information is unreliable and cannot be utilized by the public and staff to make determinations about compliance with applicable regulations (i.e. – setbacks, property boundary locations), the City will be limited in its ability to fully streamline some processes.

The City should focus efforts, attention and resources towards increasing the accuracy of this information. By incorporating a more accurate and verified parcel layer, that can be overlaid with an aerial photo, it allows staff to make a quick determination if the customer's desire may be easily met or if a more detailed survey will need to be conducted. An example would be when a citizen inquiries about extending an existing deck, staff can quickly determine if this may be a feasible option or that it may require a survey, etc. The level of accuracy of the GIS data will directly impact the cost to the City of Burlington. The greater the accuracy – the more expensive the initial development of the GIS layer will be. However, an accurate GIS layer – that enables City staff to rely on common features such as property lines, utility locations, private and public right-of-ways, will eliminate the need for individual applicants to conduct surveys for many projects.

Applicant surveys would continue to be required when properties are subdivided, proposed development is close to setbacks, easements, utilities, or in cases where accurate data is not available. To rely on GIS for making determinations regarding setbacks and property boundaries, the City would like need to have accuracy at +/- 1 foot.

Recommendation #41: The City should explore options to increase the level of accuracy of the GIS data regarding property boundaries. Until accurate property boundaries are available through GIS, the City will be significantly limited in some efforts to streamline and further automate processes.

4. THE CITY SHOULD ENSURE THAT FUNDS ARE AVAILABLE TO IMPLEMENT AND MAINTAIN THE NECESSARY SOFTWARE AND HARDWARE.

The technology currently in place, and being considered for implementation, by the City of Burlington is critical to the performance of duties by staff and to implementing many of the online and more efficient processes outlined within this evaluation. To ensure that sufficient funds are available to maintain the technology investment, the City should ensure that the revenues received from permitting activities are sufficient to cover not only the personnel costs of the permitting activities but also all required technology. This can be achieved either through the appropriate establishment of permit fees, or through the addition of a designated technology fee that is added to each permit cost. The permit fees should be designed to cover the costs of supporting technology upgrades or new systems to automate the permitting processes. These fees would be directly tied to the cost of purchasing, installing and maintaining the systems and are often placed in a dedicated fund that can only be utilized for technology purchases to benefit the development process.

Recommendation #42: The City of Burlington, when implementing a new fee schedule, should ensure that the fees are established at a level sufficient to cover all costs associated with the permitting process, including the maintenance, upgrade and utilization of effective technology solutions.

6. ADDITIONAL TOPICS

In addition to the overall review of the development and permitting process, several specific topic areas were also identified for review and comment. These are addressed below.

1. INCENTIVIZING CHILDCARE SPACES CAN BEST BE ACCOMPLISHED THROUGH PROVIDING DENSITY, PARKING OR OTHER WAIVERS FOR MIXED USE DEVELOPMENT.

The City of Burlington has indicated an interest in evaluating opportunities to incentivize the development of additional childcare facilities within the community. This is difficult to do through the permitting and development review process as building and zoning codes are inherently important to ensuring the safety of users of these types of facilities. The City has little opportunity to reduce or waive applicable building or life safety codes (and their costs) to incentivize this type of development.

However, the City could further modify zoning and development codes (currently Family Day Care Homes as defined by state statute are exempt from zoning review) to enable consideration of waivers to select code requirements (such as set-backs, density of development, or parking requirements) for selected developments that include childcare facilities if the applicant can demonstrate that this waiver would not impact the safety or health of users. For example, a greater density of development may only be considered if the development includes a childcare facility. The development would have to comply with all other development requirements but would be granted a density waiver (to make the project more financially feasible) if it included child-care. This same approach could be utilized for parking requirements – if sufficient parking is nearby to service the development or the facility is appropriately serviced by public transportation.

This approach should only be utilized if a policy decision is made that incentivizing childcare facility development is a greater policy goal than the parking, density, etc. Mixed use development are the most likely ones that can make this type of effort work both functionally and financially.

Recommendation #30: The City should consider during the next zoning review, appropriate modifications of development criteria for developments that include child-care facilities.

2. THE CITY SHOULD DEVELOP STANDARD CONSTRUCTION PLANS FOR COMMON ADA COMPLIANCE ISSUES.

The cost of converting existing properties to comply with ADA requirements can be significant. For new construction, it is relatively easy to develop ADA compliant facilities, existing structures are much more difficult to address. There is little flexibility in the codes to modify or address deviation from the accessibility codes. However, the City could assist the public by developing, and making available online, a set of standard approaches it has seen (or that it can develop) to address ADA compliance for existing structures by providing example approaches to addressing compliance. This recommendation is not to imply that City staff would design a project for the applicant, however, it would provide alternatives for consideration for common concerns, based upon practices it has approved as compliant.

For example, the City could develop and share approaches to addressing the following items:

- Entranceways and ramps,
- Stairwell modifications,
- Parking lot modifications, and
- Ingress / egress.

From a broader perspective, the City could undertake the development of educational materials and/or public meetings, to explain to homeowners and development professionals the concept of Universal Design which focuses on developments / construction approaches that produce spaces / facilities that are equally accessible to all individuals including seniors, disabled, and non-disabled individuals equally.

For new construction, the City could develop an incentive program, that reduced application costs or provides more timely services (i.e. – reduced review or inspection timeframes), for those projects that are developed and constructed in accordance with universal design guidelines. This would be a somewhat unique approach that has not been utilized widely by municipalities but takes a longer-term perspective on accessibility by encouraging new developments to be universally accessible prior to need. As noted earlier, it is recommended that the City consider adoption of the existing building code which may also enable easier achievement of ADA compliance on existing buildings.

Many of the leading communities in promoting universal design are much larger than the City of Burlington. However, there is much from their work and efforts that can be beneficial to the City of Burlington in developing and promoting this concept locally. Several good resources on this topic can be accessed through the links below:

New York City (guidebook to accessibility and universal design):

<http://www.nyc.gov/html/ddc/downloads/pdf/udny/udny2.pdf>

City of Irvine, CA (resource guide on Home Modifications compliant with universal design):

<http://legacy.cityofirvine.org/civica/filebank/blobdload.asp?BlobID=10045>

City of Sacramento, CA (copy of local Universal Design Ordinance):

<https://www.cityofsacramento.org/Community-Development/Building/Universal-Design-Ordinance>

City of Charlottesville, VA (City website outlining universal design concept and providing information on State tax credits for incorporation of universal design in remodel projects):

<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/building-permits-inspections/accessible-housing-incentives/the-virginia-livable-home-tax-credit>

We would recommend that the City of Burlington develop a program to incentivize universal design and prepare educational materials to assist applicants in understanding the concept and approaches to implement in new construction and remodeling projects.

Recommendation #31: The City should develop educational materials and training sessions on universal design concepts to provide assistance to applicants.

Recommendation #32: The City should incentivize universal design through the use of reduced application fees or reduced review / inspection timeframes.

Appendix A – Recommendation Listing

The following table provides a detailed summary of the key findings and recommendations contained within this report. The rationale for these recommendations are provided in the preceding chapters.

Recommendations are listed in the order they appear in the report. The suggested timeframe for implementation takes into consideration the relative priority of the item and the ability of the City to implement. Some items, while perhaps higher priority for improvement, can only be implemented after certain other recommendations have been implemented, may require budgeting funds to cover the cost of implementation, or will require City Council approval for implementation.

Each recommendation has been allocated to a timeframe based upon the following criteria:

- Short-term: accomplishable within 18 months;
- Medium-term: implemented between 18 months and 36 months;
- Long-term: completed after 36 months.

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
2.1	1. Continue a dedicated Permitting Oversight Committee consisting of the City Attorney's Office, Planning Director, Inspection Services Official, Director of Code Enforcement, Water Director, Electric Director, Fire Marshal, and CIO to oversee implementation of permitting improvements and oversee the permitting process as a whole. The Committee should engage the CAO's office as appropriate. The Committee should report to the Mayor's Office and be accountable for a clear work-plan with specific deadlines and deliverables.	High	Immediate	Staff Time

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
2.1	2. Develop a plan for creation of a single Permitting and Land Use department, to encompass Planning and Zoning and Inspection Services. The urgency of this organizational change would depend somewhat on whether the Permitting Oversight Committee is successful in addressing current issues without an organizational change.	High	Long-term	Staff Time
2.1	53. The City should implement an on-going process of routinely reviewing and updating codes and ordinances to keep them current and prevent outdated requirements from remaining on the books	High	Shor-term (and ongoing)	Staff Time
2.2	3. Create a centralized Permitting Center where all staff whose primary function involves Permitting and Land Use are located. Include desks and office hours for other employees. Implement office hours at the center for all staff involved in review of plans or permitting activities.	High	Medium	Both (funding for relocation and facility modifications likely required)
2.2	4. Add a Permit Technician to staff the Inspection Services counter in the permit center.	High	Short-term	\$50,000 base salary to fund new position
2.2	5. Convert one of the administrative positions within Planning and Zoning to a Planning Technician position.	High	Short-term	Additional \$15,000 base salary to fund modified position
2.3	6. The City should track workload and review times for planning and building permits in greater detail and prepare monthly performance reports, which should be shared with the public and used by managers to make decisions regarding resource deployment and workload management.	Medium	Short-term	Staff time required
2.3	7. The Department should develop more detailed monitoring reports on building permit inspection volumes and scheduling, implement the tracking of those measures in the permitting software, and use this to monitor and address delays.	Medium	Short-term	Staff time required

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
2.4	8. Department staff should be hired, trained, and rewarded based on a balance of technical and customer service skills. Department managers should model, promote and encourage problem solving and customer service.	High	Short-term	Staff Time Required to Implement
2.4	9. The City should provide periodic customer service training to all staff involved in the development review and permitting functions to ensure a consistent approach.	High	Short-term	Estimated cost of \$5,000 if contracted out.
2.5	10. The City should increase the focus on providing consistent information and feedback to customers, including ensuring that interpretations made by staff and decisions made by boards are consistent over time.	High	Short-term	Staff Time Required to Implement
3.1	11. Eliminate the “non-applicable” zoning determination process.	High	Immediate	Staff Time to modify ordinance / process
3.2	12. Enhance the role of the Technical Review Committee to expand departmental review and comments on planning applications once submitted.	Medium	Immediate	Staff time only
3.2	13. Revise the Planning review process to include: providing written consolidated TRC comments to the applicant and requiring meetings (on larger projects) to review comments prior to resubmittal.	High	Immediate	Staff time and Council Approval
3.3	14. The City should adopt objective development standards that delineate by-right approvals and utilize the DAB and DRB process only for discretionary approvals.	High	Short-term	Staff time and Council Approval
3.4	15. Replace separate zoning, inspection services, and fire permits (where currently separate permits are required from each department for the same project) with a single permit on which each department signs off and the applicant is issued a single permit.	High	Short-term	Staff time to implement (software modifications required)

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
3.5	16. Identify basic trade permits that could be issued as “over the counter” permits, issued by a permit tech or clerk or on-line subject to inspection.	Medium	Short-term	Staff time to implement (software modifications required)
3.6	17. Issue the Unified Certificate of Occupancy after the completion of the final inspection without requiring additional submittals by applicants.	High	Short-term	Staff time to implement (software modifications required)
3.6	18. Eliminate the separate zoning CO application fee. If an additional fee is to be charged it should be incorporated into the original permit fee.	Medium	Short-term	Staff time to implement (software modifications required)
3.6	19. Planners should inspect and sign off on projects at completion to avoid the need for code enforcement officers to inspect projects with which they have no familiarity.	Medium	Short-term	Staff Time
3.6	20. Establish a position in Planning and Zoning to address shifting responsibilities for conducting planning and zoning inspections under the new UCO approach.	Medium	Short-term	Staff time
3.7	21. The City should continue to focus on closing old open permits by having inspectors conduct follow-up activities.	High	Medium-Term	Staff time
3.7	22. In the future, the City should more proactively inform applicants when no action has occurred on a permit within a specified time period (where not already occurring), should consider issuing permits for shorter time durations, and expire permits when no activity has occurred.	Medium	Medium-term	Staff time to develop process
3.8	23. In the short-term, centralize inspection scheduling by creating a trades inspections scheduling phone number to be monitored and used by trained administrative staff. Longer-term, implement on-line inspection requests and scheduling.	High	Short-term	Software modifications required to implement
3.8	24. Adopt an inspection performance standard that guarantees trades inspections within a defined time period following request by the applicant.	High	Short-term	Staff time to implement new policy

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
3.8	25. If the workload level is too high to accomplish trades inspections within the adopted time frame consider adding additional inspector resources with preference given to those with the ability to inspect in multiple disciplines.	Medium	Medium-Term	Funding required for new position
3.9	26. The City should implement an on-line portal for permit applicants allowing them to apply, pay for, and receive permits electronically as well as look up status of plan review and check inspection results.	High	Longer-term (following selection of software recommended in recommendation 5.1)	Technology modifications necessary to implement
3.10	27. The City of Burlington should implement tablet or laptop use for all field inspections.	High	Longer-term (following selection of software recommended in recommendation 5.1)	Acquisition costs of hardware and software modifications
3.11	28. The City should review all fees association with development review and permitting activities to ensure that all costs associated with providing these services, including overhead and technology costs, are covered by the fee.	High	Short-term	Staff time to develop and Council Approval of Policy
3.12	29. The City should consider the adoption of the International Residential Code and the Existing Building Code.	Medium	Short-term	Staff time
4.1	33. The City should conduct an annual and ongoing customer satisfaction survey.	Medium	Short-term	Staff time to implement
4.2	34. The City should develop a comprehensive Development Guide that provides an overview of the development process. This would be used to train new staff in the process and improve the public's understanding of the process.	High	Medium-term	\$10,000 if contracted out (staff time if done internally)
4.3	35. The City should develop an Application/Permit Matrix that outlines the timeframes for performance, the parties responsible for review, and major submittal requirements for each type of application or permit.	High	Short-term	Staff time to develop and implement

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
4.4	36. All application forms should be updated to fillable PDF format and made available online for customers to complete and print out. Longer-term, the City should provide online forms.	Medium	Short-term	Staff time to develop and implement
4.5	37. Applicable city staff should document interpretations that have been made of the land development code, building code, and internal policies and procedures and make these available to the public on the City's website.	High	Short-term	Staff time to develop and implement
4.6	38. The City should implement an expedited permit processing option for applicants that meet criteria designated by the City. Suggested criteria include project that either support economic development efforts of the City (increasing tax base, employment, etc.) and projects is designated focus areas for the community such as childcare facilities, affordable housing project, etc.	Medium	Short-term	Staff time to develop and implement (may require Council approval to adopt)
5.1	39. The City should prepare an RFP for new permitting software as well as cost estimates for upgrades and alterations to the current system.	High	Short-term	Staff time to develop or consultant cost
5.2	40. To ensure selection of the most appropriate permitting system, the City should utilize a detailed functionality requirements component in the RFP issued to enable effective comparison of the different systems and responses received	High	Short-term	Staff time to develop and implement or consultant
5.3	41. The City should explore options to increase the level of accuracy of the GIS data regarding property boundaries. Until accurate property boundaries are available through GIS, the City will be significantly limited in some efforts to streamline and further automate processes.	High	Medium-term	Unknown
5.3	42. The City of Burlington, when implementing a new fee schedule, should ensure that the fees are established at a level sufficient to cover all costs associated with the permitting process, including the maintenance, upgrade and utilization of effective technology solutions.	High	Long-term (timed to coincide with the implementation of new technology)	Staff time to develop and Council Approval of Policy

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
7.1	30. The City should consider during the next zoning review, appropriate modifications of development criteria for developments that include child-care facilities.	High	Medium-Term	Staff time to develop or consultant hired
7.2	31. The City should develop educational materials and training sessions on universal design concepts to provide assistance to applicants.	Medium	Short-term	Staff time to develop or consultant hire
7.2	32. The City should incentivize universal design through the use of reduced application fees or reduced review / inspection timeframes.	Medium	Medium-Term	Staff time

Discussion and rationale for each of these recommendations is contained in the following chapters.

Appendix B – Recommendation Listing (sorted by priority)

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
2.1	1. Continue a dedicated Permitting Oversight Committee consisting of the City Attorney's Office, Planning Director, Inspection Services Official, Director of Code Enforcement, Water Director, Electric Director, Fire Marshal, and CIO to oversee implementation of permitting improvements and oversee the permitting process as a whole. The Committee should engage the CAO's office as appropriate. The Committee should report to the Mayor's Office and be accountable for a clear work-plan with specific deadlines and deliverables.	High	Immediate	Staff Time
2.1	2. Develop a plan for creation of a single Permitting and Land Use department, to encompass Planning and Zoning and Inspection Services. The urgency of this organizational change would depend somewhat on whether the Permitting Oversight Committee is successful in addressing current issues without an organizational change.	High	Long-term	Staff Time
2.1	53. The City should implement an on-going process of routinely reviewing and updating codes and ordinances to keep them current and prevent outdated requirements from remaining on the books	High	Shor-term (and ongoing)	Staff Time
2.2	3. Create a centralized Permitting Center where all staff whose primary function involves Permitting and Land Use are located. Include desks and office hours for other employees. Implement office hours at the center for all staff involved in review of plans or permitting activities.	High	Medium	Both (funding for relocation and facility modifications likely required)
2.2	4. Add a Permit Technician to staff the Inspection Services counter in the permit center.	High	Short-term	\$50,000 base salary to fund new position

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
2.2	5. Convert one of the administrative positions within Planning and Zoning to a Planning Technician position.	High	Short-term	Additional \$15,000 base salary to fund modified position
2.4	8. Department staff should be hired, trained, and rewarded based on a balance of technical and customer service skills. Department managers should model, promote and encourage problem solving and customer service.	High	Short-term	Staff Time Required to Implement
2.4	9. The City should provide periodic customer service training to all staff involved in the development review and permitting functions to ensure a consistent approach.	High	Short-term	Estimated cost of \$5,000 if contracted out.
2.5	10. The City should increase the focus on providing consistent information and feedback to customers, including ensuring that interpretations made by staff and decisions made by boards are consistent over time.	High	Short-term	Staff Time Required to Implement
3.1	11. Eliminate the “non-applicable” zoning determination process.	High	Immediate	Staff Time to modify ordinance / process
3.2	13. Revise the Planning review process to include: providing written consolidated TRC comments to the applicant and requiring meetings (on larger projects) to review comments prior to resubmittal.	High	Immediate	Staff time and Council Approval
3.3	14. The City should adopt objective development standards that delineate by-right approvals and utilize the DAB and DRB process only for discretionary approvals.	High	Short-term	Staff time and Council Approval
3.4	15. Replace separate zoning, inspection services, and fire permits (where currently separate permits are required from each department for the same project) with a single permit on which each department signs off and the applicant is issued a single permit.	High	Short-term	Staff time to implement (software modifications required)

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
3.6	17. Issue the Unified Certificate of Occupancy after the completion of the final inspection without requiring additional submittals by applicants.	High	Short-term	Staff time to implement (software modifications required)
3.8	23. In the short-term, centralize inspection scheduling by creating a trades inspections scheduling phone number to be monitored and used by trained administrative staff. Longer-term, implement on-line inspection requests and scheduling.	High	Short-term	Software modifications required to implement
3.8	24. Adopt an inspection performance standard that guarantees trades inspections within a defined time period following request by the applicant.	High	Short-term	Staff time to implement new policy
3.7	21. The City should continue to focus on closing old open permits by having inspectors conduct follow-up activities.	High	Medium-Term	Staff time
3.9	26. The City should implement an on-line portal for permit applicants allowing them to apply, pay for, and receive permits electronically as well as look up status of plan review and check inspection results.	High	Longer-term (following selection of software recommended in recommendation 5.1)	Technology modifications necessary to implement
3.10	27. The City of Burlington should implement tablet or laptop use for all field inspections.	High	Longer-term (following selection of software recommended in recommendation 5.1)	Acquisition costs of hardware and software modifications
3.11	28. The City should review all fees association with development review and permitting activities to ensure that all costs associated with providing these services, including overhead and technology costs, are covered by the fee.	High	Short-term	Staff time to develop and Council Approval of Policy
4.2	34. The City should develop a comprehensive Development Guide that provides an overview of the development process. This would be used to train new staff in the process and improve the public's understanding of the process.	High	Medium-term	\$10,000 if contracted out (staff time if done internally)

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
4.3	35. The City should develop an Application/Permit Matrix that outlines the timeframes for performance, the parties responsible for review, and major submittal requirements for each type of application or permit.	High	Short-term	Staff time to develop and implement
4.5	37. Applicable city staff should document interpretations that have been made of the land development code, building code, and internal policies and procedures and make these available to the public on the City's website.	High	Short-term	Staff time to develop and implement
5.1	39. The City should prepare an RFP for new permitting software as well as cost estimates for upgrades and alterations to the current system.	High	Short-term	Staff time to develop or consultant cost
5.2	40. To ensure selection of the most appropriate permitting system, the City should utilize a detailed functionality requirements component in the RFP issued to enable effective comparison of the different systems and responses received	High	Short-term	Staff time to develop and implement or consultant
5.3	41. The City should explore options to increase the level of accuracy of the GIS data regarding property boundaries. Until accurate property boundaries are available through GIS, the City will be significantly limited in some efforts to streamline and further automate processes.	High	Medium-term	Unknown
5.3	42. The City of Burlington, when implementing a new fee schedule, should ensure that the fees are established at a level sufficient to cover all costs associated with the permitting process, including the maintenance, upgrade and utilization of effective technology solutions.	High	Long-term (timed to coincide with the implementation of new technology)	Staff time to develop and Council Approval of Policy
7.1	30. The City should consider during the next zoning review, appropriate modifications of development criteria for developments that include child-care facilities.	High	Medium-Term	Staff time to develop or consultant hired

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
2.3	6. The City should track workload and review times for planning and building permits in greater detail and prepare monthly performance reports, which should be shared with the public and used by managers to make decisions regarding resource deployment and workload management.	Medium	Short-term	Staff time required
2.3	7. The Department should develop more detailed monitoring reports on building permit inspection volumes and scheduling, implement the tracking of those measures in the permitting software, and use this to monitor and address delays.	Medium	Short-term	Staff time required
3.2	12. Enhance the role of the Technical Review Committee to expand departmental review and comments on planning applications once submitted.	Medium	Immediate	Staff time only
3.5	16. Identify basic trade permits that could be issued as “over the counter” permits, issued by a permit tech or clerk or on-line subject to inspection.	Medium	Short-term	Staff time to implement (software modifications required)
3.6	18. Eliminate the separate zoning CO application fee. If an additional fee is to be charged it should be incorporated into the original permit fee.	Medium	Short-term	Staff time to implement (software modifications required)
3.6	19. Planners should inspect and sign off on projects at completion to avoid the need for code enforcement officers to inspect projects with which they have no familiarity.	Medium	Short-term	Staff Time
3.6	20. Establish a position in Planning and Zoning to address shifting responsibilities for conducting planning and zoning inspections under the new UCO approach.	Medium	Short-term	Staff time
3.7	22. In the future, the City should more proactively inform applicants when no action has occurred on a permit within a specified time period (where not already occurring), should consider issuing permits for shorter time durations, and expire permits when no activity has occurred.	Medium	Medium-term	Staff time to develop process

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
3.8	25. If the workload level is too high to accomplish trades inspections within the adopted time frame consider adding additional inspector resources with preference given to those with the ability to inspect in multiple disciplines.	Medium	Medium-Term	Funding required for new position
3.12	29. The City should consider the adoption of the International Residential Code and the Existing Building Code.	Medium	Short-term	Staff time
4.1	33. The City should conduct an annual and ongoing customer satisfaction survey.	Medium	Short-term	Staff time to implement
4.4	36. All application forms should be updated to fillable PDF format and made available online for customers to complete and print out. Longer-term, the City should provide online forms.	Medium	Short-term	Staff time to develop and implement
4.6	38. The City should implement an expedited permit processing option for applicants that meet criteria designated by the City. Suggested criteria include project that either support economic development efforts of the City (increasing tax base, employment, etc.) and projects is designated focus areas for the community such as childcare facilities, affordable housing project, etc.	Medium	Short-term	Staff time to develop and implement (may require Council approval to adopt)
6	43. Establish handout specifically outlining permitting process for solar permits including submittal requirements, review timeframes, and zoning requirements / conditions of approval.	Medium	Short-term	Staff Time
6	52. Where feasible, seek state approval to allow cross-trained inspectors to enable single inspection of solar installations to streamline inspection process. If this is not implemented, or workload prevents completion of solar inspections in a timely manner, the City should consider accepting third party inspections from a pre-qualified list of inspectors (again, state approval or modification of regulations may be required).	Medium	Short-term	Staff time to train or develop program

Report Section	Recommendation #	Priority	Suggested Timeframe	Cost / Staff Time Impact
7.2	31. The City should develop educational materials and training sessions on universal design concepts to provide assistance to applicants.	Medium	Short-term	Staff time to develop or consultant hire
7.2	32. The City should incentivize universal design through the use of reduced application fees or reduced review / inspection timeframes.	Medium	Medium-Term	Staff time

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

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.

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.

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.

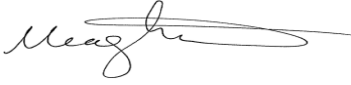
XVI. Adjourn

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



Andy Montroll, Chair

Signed: May 17, 2017



Submitted by: Meagan Tuttle, Comprehensive Planner