Burlington Planning Commission
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www.burlingtonvt.gov/pz

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

PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-18-05 Article 3 Amendments

ZA-18-06 Article 8 Bike Parking

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 10, 2018 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-18-05:** The purpose of this proposed amendment is to update Article 3 of the Burlington Comprehensive Development Ordinance (CDO) relative to zoning permit release, timelines for pending permit applications, permit extensions, and permit duration.
- **ZA-18-06:** The purpose of this proposed amendment is to modify bike parking regulations in Article 8, and in Table 8.2.5-1. These changes increase the required ratios of bicycle parking for selected uses to more closely align with the APBP guidelines, and establish a payment in lieu option for required bike parking.

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

- **ZA-18-05:** The proposed amendment applies to all areas of the City.
- **ZA-18-06:** This proposed amendment applies to all areas of the City.

List of section headings affected:

- **ZA-18-05:** This amendment affects *Sec 3.2.5, Sec 3.2.7 (c), Sec 3.2.9 (b), (d), and (e).*
- **ZA-18-03:** This amendment affects *Sec 8.2.1- 8.2.7,* adds a new *Sec 8.2.8,* amends existing sections *8.2.8- 8.2.9,* and modifies *Table 8.2.5-1 Bicycle Parking Requirements*.

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.

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Burlington Planning Commission

Tuesday, April 10, 2018, 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: ZA-18-05 Article 3 Amendments Time Certain: 6:45pm

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* related to zoning permit release, timelines for pending applications, permit extensions, and permit duration in Article 3. Information related to this item are enclosed in the agenda packet on pages 4-8.

Staff Recommendation: Staff recommends the Commission forward this amendment to Council with recommendation following the public hearing.

VI. Public Hearing: ZA-18-06 Article 8 Bike Parking

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Develompent Ordinance* to increase the required ratio of bike parking for selected uses to more closely align with the APBP guidelines, and establish a payment in lieu option for bike parking. Information related to this item are enclosed in the agenda packet on pages 9-17.

Staff Recommendation: Staff recommends the Commission forward this amendment to Council with recommendation following the public hearing.

VII. Proposed CDO Amendment: FD 5 Boundaries *(5 min)*

The Planning Commission will review a map of proposed changes to Map 4.3.1-1 of the Burlington Comprehensive Development Ordinance regarding the Form District 5 boundaries per recent discussions. Information related to this item are enclosed in the agenda packet on pages 18.

Staff Recommendation: Staff recommends the Commission approve the Municipal Bylaw Amendment Report and warn the proposed amendment for public hearing.

VIII. 2019 Update to planBTV: Municipal Development Plan *(30 min)*

Staff will provide a presentation to the Commission regarding progress on the implementation of the current policies and actions in the 2014 *planBTV: Municipal Development Plan*. Staff will also provide a list of upcoming activities for the Commission to participate in and ask for volunteers to participate.

Staff Recommendation: The Commission should discuss the information provided.

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. Committee Reports

X. Commissioner Items

a. **The Planning Commission meeting of Wednesday, April 25, 2018 is cancelled**.
b. The next regular meeting will be on Tuesday, May 8, 2018 at 6:30pm.

XI. Minutes & Communications

The Commission will review and approve the minutes of the March 27, 2018 meeting, enclosed on pages 19-21 of the agenda packet and accept communications, enclosed on pages 22.

XII. Adjourn

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Burlington Planning Commission

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PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-18-05 Article 3 Amendments

ZA-18-06 Article 8 Bike Parking

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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-18-05:** The purpose of this proposed amendment is to update Article 3 of the Burlington Comprehensive Development Ordinance (CDO) relative to zoning permit release, timelines for pending permit applications, permit extensions, and permit duration.
- **ZA-18-06:** The purpose of this proposed amendment is to modify bike parking regulations in Article 8, and in Table 8.2.5-1. These changes increase the required ratios of bicycle parking for selected uses to more closely align with the APBP guidelines, and establish a payment in lieu option for required bike parking.

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

- **ZA-18-05:** The proposed amendment applies to all areas of the City.
- **ZA-18-06:** This proposed amendment applies to all areas of the City.

List of section headings affected:

- **ZA-18-05:** This amendment affects *Sec 3.2.5, Sec 3.2.7 (c), Sec 3.2.9 (b), (d), and (e).*
- **ZA-18-03:** This amendment affects *Sec 8.2.1- 8.2.7,* adds a new *Sec 8.2.8,* and amends existing sections *8.2.8- 8.2.9,* and modifies *Table 8.2.5-1 Bicycle Parking Requirements*.

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.

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Burlington Planning Commission Report
Municipal Bylaw Amendment
ZA-18-05 Article 3 Amendments

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 update Article 3 of the Burlington Comprehensive Development Ordinance (CDO) relative to zoning permit release, timelines for pending permit applications, permit extensions, and permit duration. In particular, this amendment: adds a provision and timeframe for an applicant-initiated deferral of action on a complete permit application; clarifies the 30-day timeframe for release of a permit following an appeal period for permits granted by the Development Review Board; extends the timeframe for receipt of a Zoning Certificate of Occupancy after the issuance of a permit from two to three years; and provides up to three one-year extensions for approved zoning permits, and one one-year extension for permits to remediate zoning violations.

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

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

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

The proposed amendment has no impact on the proposed future land uses and densities contained within the Municipal Development Plan.

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on planned community facilities.

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Ryan Morrison, Associate Planner
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Anita Wade, Zoning Clerk

TO: Planning Commission
FROM: Scott Gustin
DATE: January 23, 2018
RE: Article 3: Applications, Permits, and Project Reviews

At their January 4, 2018 meeting, the Planning Commission Ordinance Committee reviewed four proposed changes to Article 3 of the CDO. The changes pertained to zoning permit release, timelines for pending permit applications, permit extensions, and permit duration. The committee recommended approval of the amendments as noted below.

Sec. 3.2.5, *Completeness of Submission, Administrator's Action* affords a 30-day timeline for action on a complete zoning permit application. Action includes administrative approval or denial or referral to the Development Review Board. Separate sections refer to this 30-day timeframe for administrative action (Sec. 3.2.7 {c}) and other timelines for DRB decisions (45 days following close of proceedings per Sec. 3.2.8 {e}) and subdivision reviews (30 days per Sec. 10.1.9). What is missing is a time limit for deferred action on complete applications. Occasionally, applicants will request that action on complete application be deferred due to outside factors such as state permits and building codes. There is no express provision for allowing deferred action, nor is there any limit as to the amount of time that action on a complete application may be deferred. As a result, some applications remain pending for many months or even past a year.

Staff recommends codifying provision to allow deferral of action at the request of the applicant and to establish a time limit for deferral.

Proposed language is underlined in red.

Sec. 3.2.5 Completeness of Submission, Administrator's Action

An application for a zoning permit shall not be complete until all submission requirements have been provided to the satisfaction of the administrative officer. The administrative officer shall take action with regard to a complete application within 30 days. Such action shall be to issue a decision on the application pursuant to the authority granted in Sec 3.2.7 of this Article, or by making a referral to the DRB.

Should the administrative officer fail to take any such action, a permit shall be deemed issued on the 31st day pursuant to 24 VSA 4448(d). Modifications to a pending application by an applicant shall restart any applicable time limits, commencing upon the modification date.

An applicant may request deferral of action on a complete zoning permit application. Deferral of action shall be limited to six (6) months. For zoning permit applications subject to DRB review, the six (6) month deferral may be extended up to two (2) times of three (3) months each. If an initial extension is granted by the DRB and the application lies dormant (no revised plans,

information submitted) for the three (3) month duration of the extension, the DRB shall not grant another extension.

Sec. 3.2.7 Administrative Review and Approval

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

(a) – (b) As written.

(c) Administrative Decisions:

The administrative officer shall act with regard to an application subject to administrative review pursuant to this section within 30 days of receiving a complete application unless deferral is requested by the applicant per Sec. 3.2.5. Decisions to deny the application shall be sent by certified mail to the applicant, and shall contain a statement of the period of time within which an appeal may be taken pursuant to the requirements of Article 12. A notice of a decision made in favor of the applicant shall be posted in a public place pursuant to Sec. 3.2.9(c).

Should the administrative officer fail to take such action, a permit shall be deemed granted on the 31st day pursuant to 24 VSA 4448(d) or upon expiration of the deferral, if applicable.

(d) As written.

Sec. 3.2.9, *Zoning Permits* (b) *Appeal Period* refers to a 15-day appeal period that must run before a zoning permit may be released to the applicant. This reference is only partially correct. All administrative zoning permits have a 15-day appeal period. All zoning permits issued per decision of the Development Review Board effectively have a 30-day appeal period (per Sec. 12.2.3).

Staff recommends adding language to Sec. 3.2.9 (b) to incorporate the 30-day appeal period for zoning permits associated with Development Review Board decisions.

Proposed language is underlined in red.

Sec. 3.2.9 Zoning Permits

(a) As written.

(b) Permit Appeal Period:

No zoning permit granted by action of the administrative officer under this ordinance shall be released until a fifteen (15) day appeal period has passed. No zoning permit granted in association with a decision of the Development Review Board shall be released until a thirty (30) day appeal period has passed. In the event

that a notice of appeal pursuant to the requirements of Article 12 is properly filed, such permit shall not be released until the adjudication of said appeal has been finalized or the Superior Court Environmental Division rules on whether to issue a stay per V.S.A. 24 § 4449 (a) (3), whichever comes first.

(c) – (f) As written.

Sec. 3.2.9, *Zoning Permits* (d) *Time Limit on Zoning Permits* establishes a 2-year timeframe for zoning permits – 1 year to start the project and a 2nd year to finish it. The 1994 Zoning Ordinance allowed for a 3-year timeframe for most zoning permits – 1 year to start and 2 years to finish. That timeline was deliberately shortened to 2 years with the adoption of the 2008 Comprehensive Development Ordinance. Committee discussion centered on the preparation time it takes to make a project "shovel ready" for projects of any significant size following approval of a zoning permit. A full year is not uncommon for the preparatory work. A 3rd year would allow two years for construction without need for an extension.

Staff recommends modifying the Time Limits language to allow 3 years in most cases. Note that the 1-year limitation associated with work to cure zoning violations under Sec. 3.2.9 (e) remains unchanged.

Proposed language is underlined in red and deleted language is ~~crossed out~~.

Sec. 3.2.9 Zoning Permits

(a) – (c) As written.

(d) Time Limit on Zoning Permits:

Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within ~~two (2)~~ three (3) years of the date of decision unless a written extension of time not to exceed one (1) year is granted in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing.

(e) – (f) As written.

Sec. 3.2.9, *Zoning Permits* (d) *Time Limit on Zoning Permits* and (e) *Time Limit on Zoning Permits: Violations* both establish timelines for zoning permits. Both also allow for yearlong time extensions. What is missing is any basis for granting or denying a time extension request and a limit of how many extensions may be granted. In practice, permit extensions have been granted when the present zoning standards continue to allow what was previously approved, and a de facto limit of 3 extensions has been established.

Staff recommends codifying this practice with new language under Sec. 3.2.9 (d) and (e).

Proposed language is underlined in red.

Sec. 3.2.9 Zoning Permits

(a) – (c) As written.

(d) Time Limit on Zoning Permits:

Notwithstanding (e) and (f) below, a zoning permit shall become invalid unless the work or action authorized commences within one (1) year after the date of final decision. All work or action authorized there under shall be completed, and a Final Zoning Certificate of Occupancy received, within two (2) years of the date of decision unless a written extension of time not to exceed one (1) year is granted in advance by the administrative officer. Extensions of time for a zoning permit issued in connection with a conditional use or variance shall require approval by the DRB after a public hearing. Extensions of time may be granted only when the work or action authorized under the zoning permit remains compliant with the current zoning regulations. Up to three (3) time extensions may be granted.

(e) Time Limit on Zoning Permits: Violations:

Notwithstanding (f) below, a zoning permit which is issued in connection with a violation of this ordinance shall become invalid unless the work or action authorized is completed, and a Final Zoning Certificate of Occupancy is received, within one (1) year of the date of decision unless an extension of time not to exceed one (1) year is approved in advance after public hearing by the DRB. Extension of time may be granted only when the work or action authorized under the zoning permit remains compliant with the current zoning regulations. Only one (1) time extension may be granted.

(f) As written.

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Burlington Planning Commission Report
Municipal Bylaw Amendment
ZA-18-06 Article 8 Bike Parking

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 modify bike parking regulations in Article 8, and in Table 8.2.5-1. These changes increase the required ratios of bicycle parking for selected uses to more closely align with the Association of Pedestrian and Bicycle Professional (APBP) guidelines, and establish a payment in lieu option for required bike parking.

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

The proposed amendment has no direct impact on the goals and policies contained in the *Municipal Development Plan* regarding safe and affordable housing. However, the amendment expands the required bicycle parking facilities that must be available for residences, ensuring that the appropriate facilities are in place for residents to live in dense and mixed-use neighborhoods in close proximity to employment and commercial destinations, and which may not require or make available vehicle parking.

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

The purpose of this proposed amendment is to ensure that developments provide bicycle access to employment, commercial destinations, and other transportation alternatives, and that the provision of bicycle facilities encourages the use of bicycles to aid the reduction of traffic congestion, influence a modal split, and increase the safety and welfare of residents and visitors. The Transportation Plan contained within the Municipal Development Plan supports biking as a practical alternative to cars for day-to-day transportation; bicycle parking facilities are an essential element to the feasibility of this mode of transportation. Together, these support the Municipal Development Plan's land use policy to "encourage mixed use development patterns, at a variety of urban densities, which limit the demand for parking and unnecessary automobile trips, and support public transportation."

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on planned community facilities.

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TO: Planning Commission
FROM: Scott Gustin
DATE: February 13, 2018
RE: Article 8: Bicycle Parking Standards

At their January 23, 2018 meeting, the Planning Commission reviewed a revamped bicycle parking amendment. That draft directly addressed recommendations from the PlanBTV: Walk Bike, including changes to specific bike parking standards for various uses in Table 8.2.5-1. Express provision was made for bike parking within the public right-of-way, and a payment in lieu option was included. Greater locational flexibility was provided as to short term parking as well.

Following their review, the Planning Commission requested some additional changes including:

- Revision of employee-based bike parking standards to a fixed number such as building square footage;
- Reference to the appropriate version of the APBP bike parking standards (and provision of those standards for review); and,
- Reference to residential uses in Sec. 8.2.9 (b) 4.

The bike parking amendment has been revised to address all of the foregoing points, and a copy of the current APBP standards is included for review.

In the attached amendment deleted language is ~~crossed out~~, and proposed language is underlined red.

ARTICLE 8: PARKING

PART 1: GENERAL REQUIREMENTS

As written.

PART 2: BICYCLE PARKING

Sec. 8.2.1 Intent

It is the intent of this subpart to:

(a) Ensure the provision of parking spaces that are designed for bicycles and to ensure that bicycle parking needs of new land uses and development are met, while ensuring bicycle parking spaces are designed and located in a consistent manner. Provide bicycle access to employment, commercial destinations, and other transportation alternatives;

(b) Provide safe, convenient, and adequate bicycle parking facilities that:

1. Meet the demands of the use of the property;
2. Reduce hazards to pedestrians;
3. Enhance the visual quality of the city;
4. Reduce the adverse impacts associated with the bicycle parking, which includes bicycles parked on parking meters, signs, ~~street~~ trees, etc; and,
5. Encourage the use of bicycles which has the effect of ~~as an alternative to motor vehicle transportation, thereby~~ reducing traffic congestion, influencing modal split, and increasing the safety and welfare of residents and visitors to the city.

Sec. 8.2.2 ~~Provisions~~Applicability

Bicycle parking requirements as set forth in this subpart shall apply to new development, changes in land use, and changes to a structure that cause an increase or decrease of 25% or greater in gross floor area, seating capacity, or number of dwelling units~~building expansions, or occupancy changes requiring a zoning permit where automobile parking is required pursuant to Part 1 of this Article~~.

~~Sec. 8.2.3 Existing Structures~~

~~Any expansion or change of use proposed for an existing structure where four (4) bicycle spaces or less would be required shall be exempt from providing those spaces.~~

Sec. 8.2.4 Joint Use of Bicycle Parking Facilities

DRAFT

Required bicycle parking spaces for two (2) or more adjacent uses or structures may be satisfied by the same parking facilities used jointly, provided that such right of joint use and maintenance is evidenced by a deed, lease, contract, reciprocal easement, or similar written instrument establishing the joint use, and that the facilities are within 200 feet of the building or parcel housing the use.

Sec. 8.2.5 Bicycle Parking Requirements

Bicycle parking for all uses and structures in all Parking Districts shall be provided in accordance with Table 8.2.5-1.

(a) Where no requirement is designated, and the use is not comparable to any of the listed uses, bicycle parking requirements shall be determined by the DRB upon recommendation of the city's bicycle and pedestrian planner based upon the capacity of the facility and its associated uses.

(b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

(c) Where bicycle parking is required, the minimum number of bicycle parking spaces provided at each site shall be two (2) ~~and the maximum shall be fifty (50)~~, not including long term parking.

~~(c)~~(d) Bicycle parking that meets the requirements for both long term and short term bicycle parking may contribute to the minimum requirement of one type or the other but not both.

Table 8.2.5-1 Bicycle Parking Requirements

	Specific Use	Long Term Spaces	Short Term Spaces
	Per Square Feet of Gross Building Area, except as noted otherwise		
RESIDENTIAL			
Household Living	Multi unit	1 per ~~4 units~~2 bedrooms	1 per 10 units
Group living	Elderly housing	1 per 10 units	1 per 10 units
	Fraternity, sorority, & dormitory	1 per ~~4~~ 3 residents	1 per 6 ~~8~~ residents
Temporary lodging	Hotel, motel, bed & breakfast, boarding house, campground	1 per 20 rooms/sites	2 per 20 rooms/sites
COMMERCIAL			
Office		1 per 5,000 sq. ft.	1 per 10,000 sq. ft.
	Medical, dental	1 per 5,000 sq. ft.	1 per 8,000 sq. ft.
Retail sales and service		1 per ~~20~~12,000 sq. ft.	1 per ~~5~~2,000 sq. ft.

DRAFT

	Auto, boat, motorcycle related sales, service and retail	1 per 30,000 sq. ft.	1 per 10,000 sq. ft.
	Restaurants, bars, taverns	1 per ~~10 employees~~1,000 sf	~~6% of occupancy load~~1 per 500 sf seating space
INDUSTRIAL			
Industrial, manufacturing, production, and warehousing		1 per 20,000 sq. ft.	1 per ~~50~~25,000 sq. ft. (at least 2 per public entrance)
PERMITTED PUBLIC/INSTITUTIONAL USES			
Colleges or Universities	Excluding dormitories	1 per ~~20~~15,000 sq. ft.	~~3~~1 per ~~5~~1,000 sq. ft.
Daycare, except home		1 per 20,000 sq. ft.	1 per 10,000 sq. ft.
Schools	Grades 2-5	1 per 20,000 sq. ft. plus 1 per 10 of student capacity	2 per classroom
	Grades 6-12	1 per 20,000 sq. ft. plus 1 per 10 of student capacity	4 per classroom
Community Services	Museums, aquariums, libraries, community centers, municipal buildings, post office	1 per 20,000 sq. ft.	~~3~~ 1 per ~~5,000~~1,500 sq. ft.
Medical Center	Excluding medical or dental offices	1 per 10,000 sq. ft.	1 per 20,000 sq. ft.
Worship, places of		1 per 20,000 sq. ft.	1 per ~~40~~ 20 seats
Recreation, government owned	Parks	Per DRB review	1 per 10 daily users
OTHER			
Terminal	Taxi/Bus/Passenger/ Ferry	As determined during Site Plan Review by DRB	As determined during Site Plan Review by DRB
Parking	Pparking lot, garage; public or private	~~4, or 5% of~~1 per 20 automobile spaces~~, whichever is greater~~(minimum of 6)	~~None~~1 per 10 automobile spaces (minimum of 6) – to be located within view of entrance

Sec. 8.2.6 Limitations

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(a) No bicycle parking spaces required by this standard shall be rented or leased to employees or residents residing at the location at which bicycle parking is required; however, a refundable deposit fee may be charged. This does not preclude a bike parking rental business.

(b) Short term bicycle parking may be provided within the public street right-of-way. ~~Providing bicycle racks on the public right-of way must be approved~~ Provision of bicycle parking within the public right-of-way requires an encumbrance permit issued at the discretion of the City Council with recommendation from ~~by~~ the D~~d~~epartment of P~~p~~ublic W~~w~~orks.

Sec. 8.2.7 Location & Design Standards

(a) All bicycle parking facilities shall be installed in accordance with the Association of Pedestrian and Bicycle Professionals' ~~department of public works~~ "Bicycle Parking Guidelines~~.~~" (Revision 1.0, September 2015).

(b) Short term b~~B~~icycle parking or a sign leading thereto shall be visible from the main entrance of the structure or facility.

(c) Short term b~~B~~icycle parking shall be ~~visible, well lit, and~~ as convenient to cyclists as auto parking.

(d) Short term bicycle parking may be provided within the interior of a building. In such cases, the bicycle parking must be located such that it is immediately apparent and accessible to the public, such as within the front lobby. Outdoor directional signage shall indicate the availability of such parking indoors.

~~(d)~~(e) Bicycle parking facilities such as bicycle racks and lockers shall provide sufficient security from theft and damage. ~~They~~ Bicycle racks shall be securely anchored to the ground, shall allow the bicycle wheel and frame to be locked to the ~~facility~~rack, and shall be in a location with sufficient lighting and visibility.

~~(e)~~(f) Bicycle parking facilities shall be visually compatible and of a design standard consistent with their environment and the development standards of Art 6.

~~(f)~~(g) Required bicycle parking spaces shall be of a sufficient dimension to accommodate a full-sized bicycle, including space for access and maneuvering.

~~(g)~~(h) Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles.

~~(h)~~(i) The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud and snow.

(j) ~~Bicycle parking racks and lockers shall be anchored securely.~~ Bicycle parking facilities shall be kept in place and maintained for year-round use.

~~(i)~~(k) Covered bicycle parking facilities are encouraged whenever feasible.

~~(j)~~(l) Existing bicycle parking may be used to satisfy the requirements of this section provided the rack design is consistent with the Association of Pedestrian

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and Bicycle Professionals' ~~department of public works~~ "Bicycle Parking Guidelines."

Sec. 8.2.8 Payment in Lieu

In instances wherein the total requirement for short term bicycle parking cannot be accommodated onsite, the applicant may make a payment to the Department of Public Works to construct short term bicycle parking facilities in the public street right-of-way. The payment shall be sufficient to cover the cost of the bicycle parking equipment (i.e. such as racks), installation, and 5 year estimated maintenance costs. The short term bicycle parking installed in the public right-of-way shall be enough that the minimum requirement for short term bicycle parking is met or as much as may be reasonably accommodated in the public right-of-way as determined by the Department of Public Works, whichever is less. The option to provide an in lieu payment shall be at the discretion of the Director of Public Works or their designee and will be based on evidence that short term bicycle parking cannot be accommodated onsite. Alternatively, the applicant may apply for an encumbrance permit to install and maintain the short term bicycle parking within the right-of-way per Sec. 8.2.6 (b).

Sec. 8.2.~~9~~8 Long Term Bicycle Parking

(a) Long term bicycle parking shall:

1. Protect bicycles from the weather;
2. Provide secure storage that prevents theft of the bicycle and accessories; and,
3. Be located in a well lit area.

(b) Long Term bicycle parking requirements can be met in any of the following ways:

1. A bicycle storage room;
2. Bicycle lockers, pods, or lids;
3. Lockable bicycle enclosure; or
4. By certifying to the city's bicycle and pedestrian planner that employees may store their bicycles within their workspace and that residents may store their bicycles within their dwelling unit.

(c) When long term parking is required, showers and changing facilities for employees shall be required in accordance with Table 8.2.8-1, except for parking garages, parking lots, and residential units, which are exempt from the requirements of this section. Shower and changing facilities shall be provided onsite or through an agreement for offsite use.

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Table 8.2.8-1 Shower and Changing Facilities	
Required Long Term Spaces	**Minimum Number of Required Shower and Changing Facilities**
1-4	1
5-10	2
11-20	3
21+	4 plus one for each additional 15 Long Term spaces or part thereof

Sec. 8.2.~~10~~9 Waivers from Bicycle Parking Requirements

(a) Requests for reductions to bicycle parking requirements shall be made and documented separately from requests made for reductions in the automobile parking requirements.

(b) The requirements of Sec. 8.2.5 may be reduced upon approval of the DRB based upon recommendation of the city's bicycle and pedestrian planner to the extent that the applicant can demonstrate the regulation is unnecessarily stringent due to:

1. The characteristics of the use, structure, or facility makes the use of bicycles unlikely;
2. The characteristics of the site or area preclude the installation of bicycle parking; and/or,
3. Results from a documented survey of bicycle parking use in similar situations.

(c) For reductions granted due to the characteristics of a site or area, applicants must mitigate the loss of bicycle parking through contribution into the capital fund. The amount shall be equal to the cost required for installation of required bicycle parking.

PART 3: INSTITUTIONAL PARKING PLANS

As written.

ARTICLE 13: DEFINITIONS

Bicycle Parking, Long Term: Facilities which protect the entire bicycle, its components, and accessories against theft inclement weather, including wind-driven rain.

Bicycle Parking, Short Term: Bicycle racks which permit the locking of the bicycle frame and one wheel to the rack and which support the bicycle in a stable position without damage to wheels, frame, or components

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Burlington Planning Commission Report
Municipal Bylaw Amendment
ZA-18-07 Form District 5 Boundaries
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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 modify the boundaries of Form District 5 to include additional properties located along the boundary of the current district. Properties proposed for inclusion are currently zoned Residential High Density or Residential Medium Density, and have been evaluated for their current and future potential use and intensity. These have been recommended for inclusion in Form District 5 in order to encourage the appropriate type and intensity of future infill or redevelopment, and to enable greater flexibility for expansion or reuse of existing uses and structures by reducing non-conformities.

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

The proposed amendment will provide greater flexibility on some properties for infill, and a more diverse range of building types for new development and redevelopment. This flexibility can promote housing development in mixed-use structures as well as small and large multi-family structures, providing greater opportunities for the creation new, or more, housing within the transitional areas around the downtown core. Specifically, this furthers the policies in the Municipal Development Plan to "encourage new land uses and housing designs that serve changing demographics and benefit from new technologies where appropriate" and to "support the development of additional housing opportunities within the city, with concentrations of higher-density housing within neighborhood activity centers, the downtown, and institutional core campuses."

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

The proposed amendment will provide greater flexibility on some properties for infill, and a more diverse range of building types for new development and redevelopment, including housing and mixed-use. This furthers the policies in the *Municipal Development Plan* related to land use and density, specifically to "encourage mixed-use development patterns, at a variety of urban densities, which limit the demand for parking and unnecessary automobile trips, and support public transportation" and to "retain its moderate scale and urban form in its most densely developed areas, while creating new opportunities for increased densities."

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on planned community facilities.

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

Burlington Planning Commission

Tuesday, March 27, 2018, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street

Draft Minutes

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

I. Agenda

The chair called the meeting to order at 6:30pm. There were no changes to the agenda.

II. Public Forum

B Lake: Owns property at 616 Shelburne, wanted to discuss the residential zoning for this property despite the commercial use that has always been in place. Trying to be proactive to find other uses, and seeking Planning Commission support to maintain the property as a commercial building.

A Montroll: Commission looked at this property before and determined not to make a change.

S Gustin: This is in the RL district; current use was approved under previous zoning ordinance. The current ordinance says they cannot expand the use since it is nonconforming. Looked at uses in the vicinity, but all are conforming and PC decided not to change zoning. Looking ahead we will need to reevaluate the Rte. 7 corridor, but anything else could appear as spot zoning. Other route is to change how to treat nonconformities.

D White: We will be looking at major corridors like Shelburne Street to see if RL is appropriate.

B Baker: What are the considerations for changing to another nonconforming use?

S Gustin: The DRB indicated it could be a less of a nonconforming use.

Y Bradley: Look at this again since this is a commercial thoroughfare. The rotary is mostly commercial. We should ask what we are doing for businesses and commercial uses around the rotary and within the corridor.

B Baker: There are a large percentage of nonconforming uses in the City that function really well. I would suggest not rezoning, but finding a way to allow them to continue.

The Planning Commission unanimously approved a motion by E Lee, and seconded by A Friend, to send this issue to the Ordinance Committee and for the committee to report back their findings.

III. Report of the Chair

No report.

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IV. Report of the Director

M Tuttle: D White has been selected to be inducted as a Fellow of the American Institute of Certified Planners. The City Council acknowledged his accomplishments in a resolution on March 26th and he will be inducted at the national conference in New Orleans in April.

V. Proposed CDO Amendment: Conditional Use Exemptions

S Gustin: The Ordinance Committee reviewed Section 3.5.3 and agreed to limit major impact review for certain rehabilitation, but not where it concerns a new conditional use.

The Planning Commission unanimously approved a motion by E Lee, seconded by Y Bradley, to approve the Municipal Bylaw Amendment Report and warn the proposed amendment for a public hearing.

VI. Proposed CDO Amendment: FD5 Boundaries

The Planning Commission continued its discussion of potential changes to the FD5 district boundaries by reviewing properties 15 through 31.

A Montroll: Looking at boundaries of FD 5 to see if they are in appropriate places.

M Tuttle: Trying to create continuity along block faces, and opportunities to alleviate non-conformities, encourage most appropriate scale of redevelopment/infill.

A Friend: How are the properties selected?

D White: Looked at what is adjacent to these buildings, how we can keep residential areas intact, what is best future use of sites.

J Wallace-Brodeur: What about the two single-family homes on Maple? Are they more conforming in the form based district?

D White: They become more useful in the form based district, because more opportunities for their reuse and coordination of adjacent parcels.

M Tuttle: Ordinance treats single-family homes in these districts in the same way, regardless of which district. They are permitted only if they were originally built as a single-family. They should be treated the same as the other properties on this block, regardless of which district, to avoid spot zoning two isolated properties in the interior of a block.

The Commission agreed that all properties discussed should be included in FD5, except for #19.

VII. 2019 Update to planBTV: Municipal Development Plan

H Roen: The Ordinance Committee met today and discussed the public engagement process. Important to reach beyond NPA's and educate the public on the municipal development plan along the way. Will need to address why the South End plan didn't get completed several years ago.

M Tuttle: The most effective way is to present the draft of the plan is to have a conversation in a workshop with the public. This is an opportunity to reach out to organizations, to participate in workshops, share concerns, and prepare a draft of the plan, update the plan as we go and allow people to participate even outside of their NPA's and through other organizations.

VIII. BTV Stat Department Metrics

D White: Over the last 18 months, all major department heads have met to go over a variety of metrics for performance and success. With P&Z, we look at what the public values and what's expected from permit reform, such as process, actionable information, fairness and equity, common goals and protected. Looking at this data helps us understand if we are meeting these expectations.

D White provided a presentation on number of permits issued, time to issue, appeals, number of units created, construction value of permits.

M Tuttle: Have been working with data from other departments to assess how we are meeting our community vision, whether the policies of long range plans are being achieved. For example, we can use assessment data to understand neighborhood affordability, what development types are most beneficial to the community, and if there is an effect of policy on values.

E Lee: Each neighborhood has a different story. We tend to value walkability and biking, and these neighborhoods are becoming more expensive. The age of homeowners can make a difference in values, too.

M Tuttle: Want to be able to look at this data and understand where change could happen, and to set a benchmark for evaluating over time.

IX. Committee Reports

No reports.

X. Commissioner Items

No items to discuss.

XI. Minutes & Communications

D White: There is a communication from Councilor Paul requesting a zoning change.

The Planning Commission unanimously approved a motion by B Baker, seconded by A Friend, approving minutes and communications from February 13, 2018, and referring the review of Section 4.4.5 (d) (5) A, to the Ordinance Committee.

XII. Adjourn

The Planning Commission unanimously approved a motion by B Baker, seconded by A Friend to adjourn.

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City Market
Onion River Co-op

David E. White, AICP
City of Burlington, Director of Planning & Zoning
City Hall
Burlington, VT 05401

April 3, 2018

Dear David,

I'd like to request some time on either the April 25 or May 8 Planning Commission agenda. Back in 2015, we started discussions for a zoning ordinance amendment to the Appendix A Use Table, which allowed large grocery stores (> 10,000 sq ft) in the Enterprise – Light Manufacturing zone, specifically the portion of the zone south of Flynn Avenue and including the Vermont Rail Systems property at 208 Flynn Avenue. At this time, we'd like to request an additional amendment to increase the allowance from 30,000 square feet to 35,000 square feet.

At the time of the amendment, we were under the impression that it reflected the building envelope of our Flynn Avenue store (so the ground floor square footage) and didn't include the second story space that was not retail in nature. Since that time, we've worked closely with Planning & Zoning, the Planning Commission and the City Council to have our store designs approved and built according to plan. At the time of final plan approval, we set aside 1,431 of leased office space on the mezzanine level. As we noted in earlier documents, this separately leased office space is in close proximity to the mezzanine level breakroom and restrooms and also to the employee-entrance stair tower and nearby freight elevator. We initially envisioned working with the lessee to eventually build out this mezzanine space to suit their needs (carpeting, open office space or individual offices, etc.), but knew we wouldn't have time to explore these options until after we opened the store. We had noted that we could potentially also use the leased office space for artists' studios, if this was a compatible fit with the other uses within the building.

Once the store opened in November 2017, we experienced sales above what was anticipated and we recognize that we need more space than was originally allocated to store backstock of products, as well as supplies for our vendors to demo their food and wellness products to customers. We are not asking to create additional space beyond what we've already built, we are however asking to be able to use the entire space, rather than leasing some of it out to a third party. We would like to start a discussion with the Planning Commission about another potential zoning amendment or other avenues we might pursue to remedy this situation in the near future.

Many thanks for your consideration of our request.

Sincerely,

John Tashiro
General Manager

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Burlington Planning Commission

Tuesday, April 10, 2018, 6:30 P.M.

Conference Room 12, City Hall, 149 Church Street

Minutes

Board Members Present: A Montroll, B Baker, Y Bradley, A Friend, E Lee, H Roen,
Board Members Absent: J Wallace-Brodeur, E Dunn
Staff Present: D White, S Gustin, M Tuttle, A Wade

I. Agenda

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

II. Public Forum

A Hope and E Pierce, City Market: Request a zoning amendment for the grocery store to expand the interior space to include 35,000 sq. ft. instead of the 30,000 sq. ft. that was previously approved by the Planning Commission. City Market finds a need for this space to support the growing demand in its new store.

A Montroll: Requested staff to review and prepare a recommendation for the Planning Commission on the best way to proceed.

III. Report of the Chair

No report.

IV. Report of the Director

D White: Congratulations to Andy for being awarded the Vermont Planning Association, Citizen Planner of the Year for 2018. Staff working on an update regarding the CityPlace project to correct misinformation circulating. Important points include that retail will continue to occupy the entire lower level, and not eliminating 200 parking spaces, but rearranging the 940 parking spaces to better meet design objectives including more housing. P&Z expects to receive a second application to go before the DRB for two new amenity spaces, not seen from the street, placed between the 7th and 12th floors. Thursday is Department heads retreat with the Mayor to discuss priorities for the year; P&Z number one priority is updating the master plan. DEW will be in New Orleans for the conference beginning next Thursday, coming back on the 25th of April. There will not be a Planning Commission meeting on April 25th.

V. Public Hearing: ZA-18-05 Article 3 Amendments

S Gustin: City Attorney's office offered additional updates to Article 3 amendments. Changes pertain to language to allow for deferral of an application whereby the clock stops until applicant is ready to continue

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the review of the project and the language pertaining to an appeal for proper filing and effective date of submission.

A Montroll: We will incorporate staff and City attorney's comments into version warned for hearing. With no public comment and no commissioner comments on this item, the hearing was closed.

The Planning Commission unanimously approved a motion by Y Bradley, seconded by A Friend, to forward the proposed amendment, with changes, and the municipal bylaw amendment report to Council.

VI. Public Hearing: ZA-18-06 Article 8 Bike Parking

S Gustin: This amendment proposes a number of small changes to update bike parking standards, to enable payment in lieu options particularly for the downtown areas which is handled by DPW, and regarding providing short term bike parking.

The chair opened the public hearing.

Local Motion: Appreciates amendments, supportive.

N Losch: Appreciate collaboration with DPW on amendments, strikes a good balance and compliments work DPW does to place bike parking.

The chair closed the public hearing.

The Commission unanimously approved a motion by H Roen, seconded by E Lee, to forward the proposed amendment and municipal bylaw amendment report to Council.

Local Motion: Compliments to the City on coordination and continued alignment of the walk/bike plan with the Master Plan.

VII. Proposed CDO Amendment: FD 5 Boundaries

M Tuttle: Updated maps of the properties proposed to be included in FD5 are ready to be warned for public hearing. These include corresponding maps for special height areas and shopfront requirements in Article 14.

Y Bradley: Why not require the corner of N Winooski Ave north of Pearl Street as storefronts as a historic pattern?

D White: Map considers main entrances and core of Downtown. The area is currently shopfronts, and if it were to evolve into something else, it won't necessarily change the pedestrian character of the area. Committee had some hesitancy about the amount of storefront we were requiring already.

E Lee: What about shopfronts on Pearl St?

D White: It is good to have balance of shopfronts on either side the street. The question is how far do we want to go with shop fronts on side streets, but it is required on Pearl St now.

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

VIII. 2019 Update to planBTV: Municipal Development Plan

M Tuttle: Presentation on what's been implemented from 2014 plan, and the feedback from other departments. We are looking at who supports the implementation of the plan and asked for feedback on whether actions have been achieved, if not why not, and how it applies to the future. We asked the Board and Commissions for comments and we'll take the Planning Commission's comments and suggestions on what is relevant to move forward.

Key takeaways: action items vary widely in level of specificity. We are looking at what level of detail do action items need to provide for the future. Many action items seen in the charts have been initiated and

may be core work of what the City is doing. Currently there are many action items may still be relevant as we go forward, but how to incorporate plans in a more explicit way without saying "implement plan"? Some items repetitive. Overall, need to bring the number of action items to a more manageable number.

B Baker: At times it's a plan and other times an implementing document; thought this was to be an overall policy statement.

D White: The plan is trying to be a broad policy document and also be strategic in a variety of areas when a plan that provided that direction was missing.

M Tuttle: The City has created many new plans and studies giving us the strategic tools that can be incorporated into the Master Plan. Provided an overview of implementation status of action items and discussed with Commission.

Built Environment Actions; this continues to be a relevant action item. The City Council will be adopting the Great Streets standards. We feel we can expand this throughout the City. We're looking at how we measure density.

B Baker: It would be helpful if stormwater rules were more predictable.

D White: We are regulated by Federal permits for treating stormwater but need to see how to set our own standards. Public works is looking for a mechanism to offer flexibility for unique site considerations.

B Baker: Almost every building in the City is within historic, which is a substantial limitation under guidelines as to what can happen with these properties.

D White: We need a policy to say what is historic and what is not, what is eligible and what is not. We need to start over with the fundamentals and build in the mechanisms to make it positive.

A Montroll: The form based code process and the BTV downtown was a good guide. The plan on historic preservation has been lacking and this is once done, it will be easier with a good foundation.

A Montroll: Regarding housing action about implementing housing at maximum density, need to be clear it is about infill and redevelopment opportunities, not replacing existing neighborhoods. It's important to keep track on the balance between housing and commercial over time, but don't necessarily see a need to set a proportion.

D White: We want to measure what we have and follow the trend over time to get a sense of how to handle a trend.

M Tuttle: Regional Planning Commission is looking at this with their ECOS plan and long term trends.

D White: Previous years there've been economic strategies, but there hasn't been one in a decade or more.

M Tuttle: It's important to have this strategy because as we see the growth of small businesses grow into larger companies they could outgrow the City. Other small businesses can be fostered to grow and continue in the place of larger companies.

B Baker: Anything about permitting over the internet?

D White: Not in master plan, but this is one of the recommendations by the consultant for permit reform.

M Tuttle; There is a strategy to expand City's ability to communicate with the public through technology and finding ways to implement technology for improving services. Lots of examples of how this has been done recently, and will be a major priority going into the future.

M Tuttle: Next steps include a few meetings with the Long Range Committee, and then community workshops. We will postpone the next meeting until May. List of workshops for commissioners to sign up for.

D White: The NPA's should explain why someone should come to the workshops-- what's relevant and encourage them to participate.

IX. Committee Reports

A Friend: The ordinance committee had a meeting last week with one member of public attending to discuss intensity and density of development. This will come before the Planning Commission.

X. Commissioner Items

M Tuttle: There may be a scheduling issue for the next meeting in May depending on when the workshops are set up. We will keep Commission members informed.

XI. Minutes & Communications

The Commission unanimously approved a motion by H Roen, seconded by E Lee, to approve minutes from March 27, 2018, with a change on page 20, for Item 7 to indicate "Long Range Committee", rather than Ordinance Committee, and to approve communications.

XII. Adjourn

The Commission unanimously approved a motion by B Baker, seconded by Y Bradley, to adjourn the meeting at 8:05pm.

Signed: July 11, 2018

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Andy Montroll, Chair

_____

Anita Wade, Planning and Zoning Clerk