

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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www.burlingtonvt.gov/planning

Yves Bradley, Chair
Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
Vacant, Youth Member



Burlington Planning Commission

REGULAR MEETING

Tuesday, March 11, 2014 - 6:30 P.M.

Conference Room #12, Ground Floor, City Hall, 149 Church Street

AGENDA

Note: times given are approximate unless otherwise noted.

I. Agenda

II. Public Forum - Time Certain: 6:35 pm

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

III. Mayor's Address to the Commission (5 min)

IV. Downtown Parking Amendment (20 min)

The Commission will discuss the Council action on ZA-14-06 – Downtown Parking and review next steps.

V. Public Hearings: ZA-14-08 to ZA-14-11 (20 min) – Time Certain 7:00pm

The Commission will hold public hearings on the following proposed amendments to the Comprehensive Development Ordinance:

1. **ZA-14-08 – Urban Agriculture Standards** - Refine definitions and provide further allowances for urban agriculture activities to take place on private properties as per the Urban Agriculture Task Force report prepared on September 2012.
2. **ZA-14-09 – Lot Coverage Exceptions** - Add swimming pools, walkways and window wells as exceptions from lot coverage calculation allowing for an additional 10% of lot coverage in residential districts.
3. **ZA-14-10 – Existing Lots Required Frontage and Access** - Clarify the required frontage and access requirements when it comes to subdivision of land and not any land development activity for properties with frontage on public streets.
4. **ZA-14-11 – Animal Boarding Use Allowance in NAC** - To allow animal boarding/kennel/shelter use in the Neighborhood Activity Center (NAC) zoning district.

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

VI. Joint Institution Parking Management Plan Presentation (30 min)

The Commission will hear a presentation by CATMA staff concerning the 2014-2019 update of the Joint Institution Parking Management Plan. (Copies of the plan available for review at the Planning & Zoning Department Office, City Hall, Ground Floor)

VII. Report of the Chair (5 min) – Yves Bradley, Chair

VIII. Report of the Director (5 min) – David E. White, Director

IX. Committee Reports (5 min)

X. Commissioner Items (5 min)

XI. Minutes/Communications (2 min)

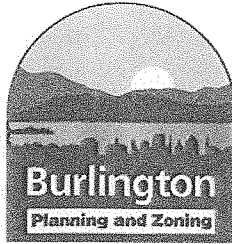
The Commission will review minutes from the February 11, 2014 meeting.

XII. Adjourn (8:00 p .m.)

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Move to:

1. Request the Planning Commission consider a recommendation to adopt Sec. 8.1.7(c) (which would un-encumber off street parking requirements that have been imposed by a zoning permit) separate from other recommendations in the ZA-13-06 amendment; and refer back to the City Council by March 31, 2014, or as soon as practicable.
2. Request the Planning Department, working with CEDO and DPW, develop a scope of work, budget and timeline for a study that explores the creation of a new Parking and Transportation Fund -including a new Parking and Transportation Impact Fee - as an alternative which could be used to support existing and new parking and transportation infrastructure and programs that encourage alternatives such as walking, biking, transit and car sharing.

The Council requests that a scope of work, budget and timeline for a such a study be prepared as soon as possible but no later than for consideration as part of the FY15 budget.

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Planning Department,
Mason, Paul: Ordinance Com.

Planning Commission; Councilors _____

Public Hearing Dates 02/18/14

In the Year Two Thousand _____ Fourteen

First reading: 02/18/14

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE—

Downtown Parking Standards

ZA #13-06

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Article 8, Parking, Part 1: General Requirements, thereof to read as follows and by deleting the column "Downtown Districts from the Table on Minimum Off-Street Parking Requirements, as follows:

Sec. 8.1.1 Purpose As written.

Sec. 8.1.2 Applicability As written.

Sec. 8.1.3 Parking Districts

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

(a) and (b) As written.

(c) Downtown Parking District:

This parking district ~~further reduces~~ eliminates the requirements from the baseline standards recognizing that extensive sharing of parking demand between nearby land use occurs; that a majority of travel to and between land uses is independent from an automobile; and that an array of public parking facilities and frequent transit service greatly reduces the need for independent parking for individual land uses.

Page

Resolution Relating toCOMPREHENSIVE DEVELOPMENT ORDINANCE
Downtown Parking Standards - ZA#13-06**Map 8.1.3 - 1 Parking Districts** As written.**Sec. 8.1.4 Existing Structures** As written.**Sec. 8.1.5 Existing Structures - Change or Expansion of Use**

Whenever there is an alteration or conversion of a structure or a change or expansion of a use which increases the parking requirements, the total additional parking requirements for the alteration, conversion, change, or expansion shall be provided in accordance with the requirements of this Article. A waiver may be requested pursuant to the provisions of Sec. 8.1.145.

~~**Sec. 8.1.6 Existing Structures: Exemption in Downtown District**~~

~~Any nonresidential use within a structure lawfully in existence prior to January 1, 2007 in any Downtown Parking District shall be exempt from the requirements of this Article when applying for a change to any other nonresidential use.~~

Sec. 8.1.76 Non-conforming Residential Structure

Where additions or conversions to existing residential structures within a Neighborhood or Shared Use Parking District add living space but do not add dwelling units, and such sites do not currently meet the parking standards of Sec. 8.1.87, one (1) parking space shall be provided for each additional room. Single detached dwellings shall be exempt from this requirement.

Sec. 8.1.87 Minimum Off-Street Parking Requirements

Parking for all uses and structures shall be provided in accordance with Table 8.1.87-1.

- (a) ~~Where no requirement is designated and the~~ use is not comparable to any of the listed uses, parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the facility and its associated uses and a comparison of other listed uses that are substantially equivalent in nature and impact with regard to their parking demand and usage. This procedure shall not apply where a listed use has a "0" minimum off-street parking requirement.

(b) As written.

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
Downtown Parking Standards - ZA#13-06

(c) Downtown Parking Districts. Any minimum off-street parking requirements that have been imposed by a zoning permit upon a use or structure within the Downtown Parking District are hereby eliminated and rescinded as of the effective date of Zoning Amendment ZA 13-06.

Table 8.1.87-1 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
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

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Resolution Relating to

COMPREHENSIVE DEVELOPMENT ORDINANCE
Downtown Parking Standards - ZA#13-06

Table 8.1.&7-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Downtown Districts
Animal Grooming (per grooming station)	1	1	0
Animal Hospitals/Veterinarian Office	3	2	4
Appliance & Furniture Sales/Service	2.5	1	4
Aquarium	1.3	1	4
Art Gallery	3.3	2.5	4
Auction Houses	3.3	2.5	4
Automobile & Marine Parts Sales	2.5	1.5	4
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
Automobile Sales – New & Used	2	2	4
Bakery - Retail	2.5	2.5	4
Bakery - Wholesale	2	2	4
Bank, Credit Union	2.5	2	4
Bar/Tavern	4	3	None
Beauty/Barber Shop (per station/chair)	1	1	None
Bicycle Sales/Repair	2.5	1	None
Billiard Parlor (per game table)	1	1	None
Boat Repair/Service	2	2	4
Boat Sales/Rental	2	2	4
Boat Storage	3	2	4
Bowling Alley (per lane)	3	2	4
Building Material Sales	3.3	2.5	4
Café (per four (4) seats)	1	1	None
Camp Ground (per camping space)	1	1	4
Car Wash (stacking spaces per wash bay)	4	4	4
Cemetery	None0	None0	None
Cinema (per four (4) seats)	1	1	None

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Resolution Relating to

COMPREHENSIVE DEVELOPMENT ORDINANCE

Downtown Parking Standards - ZA#13-06

Table 8.1.87-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
Club, Membership	3.3	2.5	4
Community Center	3.3	2.5	4
Community Garden (per ten (10) plots)	1	1	None
Conference Center	3	2	4
Contractor Yard (per 1,000 gfa of office space)	2.5	2	2
Convenience Store	3	2	4
Convention Center	n/a	3	2
Courthouse	n/a	3.3	2
Crematory (per FTE employee)	1	1	4
Crisis Counseling Center	4	3	4
Daycare - Home (6 children or less)	None0	None0	1 drop-off
Daycare - Large (Over 20 children) (per two (2) employees)	1 plus 1 per 5 children	1 plus 1 per 5 children	2 drop-off
Daycare - Small (20 children or less) (per two (2) employees)	1	1	4
Dental Lab	2	1	None
Distribution Center (per 3,000 gfa)	1	0.75	0.75
Dry Cleaning Plant	1.3	1	4
Dry Cleaning Service	2.5	2	2
Film Studio	3.3	2.5	4
Fire Station (per apparatus)	2	2	4
Food Processing	1.3	1	4
Fuel Service Station (per employee/shift)	1	1	4

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Resolution Relating to

COMPREHENSIVE DEVELOPMENT ORDINANCE
Downtown Parking Standards - ZA#13-06

Table 8.1.87-1 Minimum Off-Street Parking Requirements			
	Nearhood Districts	Shared Use Districts	Downtown Districts
Funeral Home (per four (4) seats)	1	1	+
Garden Supply Store (per 1,000 gfa of retail area.)	3	2	+
General Merchandise/Retail	3	2	None
Grocery Store	3	2	None
Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)	1	1	n/a
Health Club	3	2	+
Health Studio	2	1	None
Hospitals (per patient bed)	2	2	2
Hostel (per two (2) beds)	0.5	0.5	None
Hotel/Motel (per room)	1	0.75	0.75
Laundromats (per washing machine)	1	1	None
Library	1.3	1	None
Lumber Yard (per 1,000 gfa of retail area.)	3	2	+
Machine Shop/Woodworking Shop	1.3	1	+
Manufacturing	1.3	1	+
Manufacturing - Tour Oriented	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	+
Marina (per berth)	0.5	0.5	0.5
Medical Lab	2	1	None
Micro-Brewery/Winery	3	2	+
Museum	1.3	1	+
Office - General	2	2	2
Office - Medical, Dental	3	2	+

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Resolution Relating to

COMPREHENSIVE DEVELOPMENT ORDINANCE

Downtown Parking Standards - ZA#13-06

Table 8.1.87-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
Open Air Markets	None0	None0	None
Operations Center - Taxi (per three (3) employees)	1	1	4
Operations Center - Truck/Bus (per 3,000 gfa)	1	0.75	0.75
Park (per playing area)	5	None0	None
Parking Garage – Private	None0	None0	None
Parking Lot – Private	None0	None0	None
Performing Arts Center (per four (4) seats)	1	1	None
Performing Arts Studio	1	None0	None
Pet Store	2.5	1	None
Pharmacy	3	2	4
Photo Studio	2.5	1	None
Photography Lab	1	1	None
Police Station	2.5	2	2
Post Office	1.3	1	4
Post Office - Local	2	2	None
Printing Plant	1.3	1	4
Printing Shop	2	2	None
Public Transit Terminal	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	None
Public Works Yard/Garage	None0	None0	None
Radio & TV Studio	2	2	2
Rail Equip. Storage & Repair	None0	None0	None
Recording Studio	1.3	1	4
Recreational Facility - Indoor (per four (4)	1	1	0.5

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Resolution Relating to

COMPREHENSIVE DEVELOPMENT ORDINANCE
Downtown Parking Standards - ZA#13-06

Table 8.1.&7-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
seats)			
Recreational Facility - Outdoor (per playing field)	15	10	None
Recreational Facility - Outdoor Commercial	Larger of 1 per 4 seats or 15 per playing field	Larger of 1 per 4 seats or 10 per playing field	1 per 6 seats
Recreational Vehicle Sales – New and Used	2	2	1
Recycling Center - Large above 2,000 gfa	None0	None0	None
Recycling Center - Small 2,000 gfa or less	None0	None0	None
Research Lab	2.5	2	2
Restaurant	4	3	None
Restaurant – Take-Out	4	3	None
Salon/Spa	4	4	2
School - Secondary (per Classroom)	7	5	2
School - Primary (per Classroom)	1.5	1.5	1.5
School - Trade/Professional	5	3	1
School, - Post-Secondary	2	2	2
Solid Waste Facility - Incinerator, Landfill, Transfer Station	None0	None0	None
Tailor Shop	2	1	None
Vehicle Salvage	None0	None0	None
Warehouse	0.5	0.35	0.35
Warehouse - Self Storage Facility	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces

Resolution Relating to

Table 8.1.87-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
Warehouse - Retail	3.3	2.5	2.5
Wholesale Sales	1.3	1	1
Worship, Place of (per four (4) seats)	1	1	1

Sec. 8.1.98 Maximum Parking Spaces

The total number of parking spaces provided in all parking districts shall not be more than 125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.87-1 where such a requirement (more than 0) exists. Where there is no minimum requirement stated, there is no maximum requirement. In no case shall the maximum number of required spaces be less than one (1) per unit of measurement (beds, units, 1000 gross sq ft, etc.) for the use.

(a) **Exemptions:** The following shall reduce the maximum number of allowable spaces required by this section:

1. through 4. As written.

5. Waiver of Maximum Parking Limitations. Parking in excess of the maximum parking limitation of this section may be waived by the DRB pursuant to the provisions of Sec 8.1.145 with the following additional requirements:

A. and B. As written.

Sec. 8.1.940 Off-Street Loading Requirements As written.

Sec. 8.1.140 Parking Dimensional Requirements As written.

The following standards in Table 8.1.104-1 below shall be used to ensure safe, adequate, and convenient access and circulation. These standards shall be adhered to except in situations where a lesser standard is deemed necessary by the DRB due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve existing trees and mature vegetation.

Table 8.1.140-1 Minimum Parking Dimensions As written.

Sec. 8.1.121 Limitations, Location, Use of Facilities

(a) **Off-Site parking facilities:**

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
Downtown Parking Standards - ZA#13-06

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land as follows:

1. As written.
2. Downtown and Shared use Parking Districts: Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.154 approved by the DRB.
3. As written.

(b) through (h) As written.

Sec. 8.1.132 Parking for Disabled Persons As written.

Sec. 8.1.143 Stacked and Tandem Parking Restrictions As written.

Sec. 8.1.154 Waivers from Parking Requirements/ Parking Management Plans

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

Any waiver granted shall not exceed fifty percent (50%) of the required number of parking spaces except for the adaptive reuse of a historic building pursuant to Sec. 5.4.8 and ground floor retail uses in any Mixed Use district which may be waived by as much as one hundred percent (100%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.87 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

- (a) A calculation of the parking spaces required pursuant to Table 8.1.87-1.
- (b) through (d) As written.

* Material stricken out deleted.

** Material underlined added.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-08 – Urban Agriculture

As warned by the Planning Commission for public hearing on March 11, 2014

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

Purpose: Refine definitions and provide further allowances for urban agriculture activities to take place on private properties as per the Urban Agriculture Task Force report prepared on September 2012.

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.

From Article 13 – Definitions:

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the structure or appearance of any structure or in the land itself; including but not limited to division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any human activity that alters a shore, beach, river, stream, lake, pond, canal, marsh, woodlands, wetlands, rare or endangered species habitat, aquifer or other resource area, including shoreland construction or other activities.

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.
- 9.10. All structures, including children's play structures, of 24 square feet or less, 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.
- 10.11. Temporary Structures or Uses as per Sec. 5.1.2 (f).
- 11.12. 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.

(d) Determination of Non-Applicability:

As written.

Sec. 4.4.5 Residential Districts

(a) Purpose:

As written.

(b) Dimensional Standards and Density

As written.

(c) Permitted and Conditional Uses:

As written.

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential 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.

1. Setbacks

As written.

2. Height

As written.

3. Lot Coverage

As written.

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.12 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- A. Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;
- B. Any accessory structure that is fifty percent (50%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;
- C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than fifty percent (50%) of the ground floor area of the principle structure; and,
- D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be

stored in an approved parking space; and,

- ~~E. Accessory structures such as doghouses, doll houses, or tree houses less than or equal in the aggregate to a total of sixteen (16) square feet in area shall not require a zoning permit.~~

5. Residential Density

As written.

6. Uses

As written.

7. Residential Development Bonuses.

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

- A. Inclusionary Housing Requirement. *As written***
- B. Senior Housing Bonus. *As written***
- C. Adaptive Reuse Bonus. *As written***
- D. Residential Conversion Bonus. *As written***
- E. Urban Agriculture Bonus.**

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the provision of new community garden(s), subject to the following:

- (i) The garden shall be made available to residents of the property. Where appropriate, the garden may be accessible to members of the surrounding area managed as a neighborhood garden by the Burlington Area Community Gardens program operated through the Department of Parks and Recreation.
- (ii) At least one community garden plot of at least 4' X 8' (kitchen garden plot size) for 2/3 of the dwelling units constructed shall be provided; and,

(iii) Lot coverage and residential density shall not exceed:

Table 4.4.5-78: Residential Conversion Bonus

<u>District</u>	<u>Maximum Coverage</u>	<u>Maximum Density</u>
<u>RL, RL-W</u>	<u>50%</u> <u>(62% with inclusionary allowance)</u>	<u>8 du/ac</u> <u>(8.75 with inclusionary allowance)</u>
<u>RM, RM-W</u>	<u>60%</u> <u>(72% with inclusionary allowance)</u>	<u>30 du/ac</u> <u>(37.5 with inclusionary allowance)</u>
<u>RH</u>	<u>80%</u> <u>(92% with inclusionary allowance)</u>	<u>60 du/ac</u> <u>(69% with inclusionary allowance)</u>

F. Limitations on Residential Development Bonuses. *As written*

Sec. 5.1.1 Uses

Except as otherwise provided by law or by this ordinance, no land or structure in any district shall be used or occupied except as specified under the provisions of this ordinance and the requirements of the zoning district in which such land or structure is located as specified in Article 4 and in Appendix A-Use Table.

(a) through (f) as written

(g) Accessory Uses:

1. Accessory Dwelling Units. Accessory dwelling units as mandated by 24 VSA 4412 (1)(E) shall be regulated as set forth in Sec. 5.4.5 hereof.
2. Accessory Residential Uses: Except as specified in 1 above and subject to the restrictions of 3 below, accessory residential uses shall also be governed by Sec. 4.4.5(d)4.
3. Other Accessory Uses. Except as specified in 1 above, any use may be authorized as an accessory use ~~by the DRB subject to conditional use review as provided in Article 3, Part 5~~ provided each of the following standards are present:
 - A. The accessory use is subordinate and customarily incidental to the principal use;
 - B. The accessory use is reasonably necessary to the conduct of the principal use;
 - C. Except for home occupations as regulated by Sec. 5.4.6, no accessory use, or combination of accessory uses, shall occupy more than twenty-five (25%) per cent of the total gross area dedicated to the principal use;
 - D. The accessory use shall not include the outdoor storage of more than one unregistered vehicle;
 - E. The accessory use does not result in, or increase the extent of, any pre-existing non-conformity or violation of the provisions of this ordinance; and,
 - F. The combination of uses on any given property shall meet all of the other provisions of this ordinance.

(h) Temporary Uses:

The administrative officer may approve a temporary use that is incidental and accessory to a principal use subject to the following:

<u>No Review or Permit Required</u>	<u>Site Plan Review: Zoning Permit & COA</u>	<u>Review as per Underlying Zoning</u>
<u>A use in place for up to 10 consecutive days or 30 days within any 12-month period at the same location.</u>	<u>A use in place from 11-31 consecutive days or 31-60 days within any 12 month period at the same location.</u>	<u>A use in place for over 31 consecutive days or more within any 12 month period at the same location, is no longer considered a temporary use.</u>

(ih) Temporary Uses Incidental to Development

The administrative officer may issue a zoning permit for a temporary use that is incidental and accessory to the development or redevelopment of a building and/or site, and where reasonably required for such development activity. Such permits for temporary uses shall not be issued for a period in excess of ninety (90) days in any consecutive twelve (12) month period unless such uses would otherwise conform to the applicable provisions of this ordinance.

Sec. 5.1.2 Structures

Except as otherwise provided by law or by this ordinance, no structure in any district shall be created, removed or altered except in conformance with the provisions of this Article and the requirements of the district in which such land or structure is located.

(a) through (e) *as written*

(f) Temporary Structures:

The administrative officer ~~may issue a permit for~~ approve a temporary structure that is incidental and accessory to a principal use subject to the following:

No Review or Permit Required	Site Plan Review: Zoning Permit & COA	Review as per Underlying Zoning
A structure placed up to 10 consecutive days or 30 days within any 12-month period at the same location.	A structure placed from 11-31 consecutive days or 31-60 days within any 12 month period at the same location.	A structure placed over 31 consecutive days or more within any 12 month period at the same location, is no longer considered a temporary structure.
Tents used for recreational non-commercial camping purposes.		

Sec. 13.1.1 Miscellaneous.

As written.

Sec. 13.1.2 Definitions.

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

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

Agriculture (See ~~Farm~~ also Urban Agriculture): For the purposes of this ordinance, agriculture shall mean accepted agricultural practices, including the construction of farm structures, as defined by the Vermont Secretary of Agriculture, Food, and Markets under 10 V.S.A. Sec. 1021 (f) and 1259 (f) and exempted from zoning review under V.S.A. 24 Sec. 4413 (d):

- (a) ~~the cultivation or other use of land for growing food, fiber, trees, or horticultural and orchard crops; or~~
- (b) ~~the raising, feeding or management of livestock, poultry, equines, fish or bees; or~~
- (c) ~~the operation of greenhouses; or~~
- (d) ~~the production of maple syrup; or~~
- (e) ~~the on-site storage, preparation and sale of agricultural products principally produced onsite; or~~
- (f) ~~the on-site production of fuel or power from agricultural products or wastes produced onsite.~~

Agricultural structure (see Farm structure)

Animal

- (a) **Boarding:** An establishment involving any structure, land, or combination thereof used, designed, or arranged for the keeping of five (5) or more domestic ~~animals~~pets more than three (3) months of age for profit or exchange, inclusive of equines but exclusive of other livestock used for agricultural purposes in areas approved for agricultural uses. The keeping of four (4) or less such animals more than three (3) months of age for personal enjoyment shall not be considered “boarding” for the purposes of this ordinance.
- (b) ~~**Domestic Animal:** Any animal, including, but not limited to mammals, reptiles, birds, livestock and domestic pets, that have been bred or raised to live in or about the habitation of humans, including, but not limited to mammals, reptiles and birds, and is dependent on people for food and shelter.~~
- (c) **Domestic Pet:** Any canine, feline, or European ferret (*Mustela putorius furo*) and such other domestic animals as the Secretary of the Agency of Agriculture, Food and Markets shall establish by rule and that has been bred or raised to live in or about the habitation of humans, and is dependent on people for food and shelter.
- (d) ~~**Livestock:** Cattle, sheep, goats, equines (including, but not limited to, horses, ponies, mules, asses, and zebra.), fallow deer, red deer, American bison, swine, water buffalo, fowl and poultry, pheasant, Chukar partridge, Coturnix quail, camelids (including, but not limited to, guanacos, vicuñas, camels, alpacas and llamas), ratites (including, but not limited to ostriches, rheas, and emus), and cultured fish propagated by commercial fish farms~~ Animals used for food production (including eggs, milk, honey, and meat) or fiber.
- (e) **Grooming:** Any establishment where domestic pets are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health.
- (f) **Hospitals:** An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence. (See Veterinarian Office)
- (g) **Kennel:** Accessory building or enclosure for the keeping of domestic pets.
- (h) **Barn or coop:** Accessory building or enclosure for the keeping of livestock.
- (i) **Shelter:** A facility used to house or contain stray, homeless, abandoned, or unwanted domestic ~~animals~~pets or livestock for the purpose of providing temporary kenneling and finding permanent adoptive homes and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and human treatment of animals.
- (j) **Store, Pet:** A retail sales establishment primarily involved in the sale of domestic pets, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and ~~farm animals such as horses, goats, sheep, and poultry~~livestock.

Cold Frame: A temporary structure placed overtop of a garden bed typically made of, but not limited to, glass, plastic, fabric or other material used to extend growing season or protect seedlings and plants from the cold or heat.

Community Garden: A private, not for profit, or public common area used ~~for gardening by a group of households~~ by a group of households to grow and harvest food crops or non-food crops (e.g. flowers) for personal or group consumption, for donation, or for sale. Community gardens may be principal or accessory uses and may be located on a roof or within a structure.

Farm(ing): The use of land and/or structures for agricultural purposes. (See Agriculture and Urban Agriculture)

Green House: A permanent structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

Hoop House: A temporary structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in “half-round” or “hoop” shape, for the purposes of growing plants.

Open Air Market: A building or site used for selling or offering for sale at retail of locally-grown vegetables or produce, occurring in a pre-designated area, where there ~~is~~ may be a collection of individual vendors or single vendor who have/has raised the vegetables or produce or have/has taken the same on consignment for retail sale. Also includes the incidental sale at retail of artisan-produced handicrafts, artwork, and baked goods.

Urban Agriculture: The production of food in a city at a household, community, or commercial scale; it can involve a range of activities including the cultivation of plants, keeping animals, and aquaculture. For the purposes of this ordinance, the term “urban agriculture” pertains to all agricultural activities not included in “agriculture” as defined in this ordinance.

Appendix A-Use Table – All Zoning Districts

Open Air Markets	N	Y	NY	N	NY	NCL	NCL	NCL	NCL	NCL	Y	Y	(See Sec 4.1(d) 2)	GU	Y	GU	Y	Y	Y	GU
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Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-09 – Lot Coverage Exceptions

As warned by the Planning Commission for public hearing on March 11, 2014

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

Purpose: Add swimming pools, walkways and window wells as exceptions from lot coverage calculation allowing for an additional 10% of lot coverage in residential districts.

Sec. 4.4.5 Residential Districts

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential 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.

3. Lot Coverage

A. Exceptions for Accessory Residential Features.

In the RL, RL-W, RM and RM-W districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking:

- (i) Decks;
- (ii) Patios;
- (iii) Porches;
- (iv) Terraces;
- (v) Tennis or other outdoor game courts; ~~and/or;~~
- (vi) Swimming pools and swimming pool aprons.
- ~~(vii)~~ Walkways; and/or,
- ~~(viii)~~ Window wells.

With the exception of the additional lot coverage allowances provided for under Inclusionary Zoning, requirements such additional lot coverage shall not be permitted for any development where bonus provisions of this ordinance are applicable.

ARTICLE 13: DEFINITIONS

Sec. 13.1.2 Definitions.

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

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

Window Well: The clear space created by a soil-retaining structure located immediately below a window whose sill height is lower than the adjacent ground level. The **window well** provides drainage around the window and in some cases, an emergency egress route from the structure.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-10 – Existing lots required frontage or access

As warned by the Planning Commission for public hearing on March 11, 2014

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

Purpose: Clarify the required frontage and access requirements when it comes to subdivision of land and not any land development activity for properties with frontage on public streets.

PART 2: DIMENSIONAL REQUIREMENTS

Sec. 5.2.1 Existing Small Lots

Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements if such lot is not less than four thousand (4,000) square feet in area with a minimum width and depth dimension of forty (40) feet.

A permit for any such development shall require a certificate of appropriateness pursuant to the design review provisions of Article 3 and the development standards of Article 6.

Sec. 5.2.2 Required Frontage or Access

No ~~land development~~ subdivision of land may be permitted on lots that do not have frontage on a public road or public waters.

For lots that have access on both a public road and public waters, only the access on a public road shall be considered for the frontage required under this ordinance.

For lots of record existing as of ~~January 1, 2007~~ April 26, 1973, ~~development-subdivision~~ may be permitted with approval of the DRB, if access to such road or public waters exists by a permanent easement or right-of-way of at least twenty-five (25) feet in width.

Appendix A-Use Table – All Zoning Districts

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-11 –Animal Boarding allowance in NAC

As warned by the Planning Commission for public hearing on March 11, 2014

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.
Purpose: To allow animal boarding/kennel/shelter use in the Neighborhood Activity Center (NAC) zoning district.

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional			Residential			Downtown Mixed Use			Neighborhood Mixed Use			Enterprise	
		RCO - A	RCO - RG	RCO - C	I	RLW	RMW	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RLW	RM	RH.W	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU	CU

Legend:

Y Permitted Use in this district

CU Conditional Use in this district

N Use not permitted in this district

Abbreviation

RCO - A RCO - Agriculture

RCO - RG RCO - Recreation/Greenspace

RCO - C RCO - Conservation

I Institutional

RLW Residential Low Density, Waterfront Residential Low Density

RMW 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-LW Enterprise - Light Manufacturing

Zoning District

RCO - A RCO - Agriculture

RCO - RG RCO - Recreation/Greenspace

RCO - C RCO - Conservation

I Institutional

RLW Residential Low Density, Waterfront Residential Low Density

RMW 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-LW Enterprise - Light Manufacturing

Play Dog Play
668 Pine Street
Burlington, VT 05401

RECEIVED
FEB 13 2014

DEPARTMENT OF
PLANNING & ZONING

Burlington Planning Commission
149 Church Street
Burlington, VT 05401

February 10th, 2014

Dear Members of the Planning Commission:

Please accept this letter as a request for a zoning amendment to expand Neighborhood Activity Centers to allow Animal Boarding, specifically the property located at 1125 North Avenue, which had been previously occupied by a cinema in the Ethan Allen Shopping Center. This request is in order to allow Play Dog Play, LLC to open a second facility in Burlington that would include space for dog daycare, boarding, and training as well as a retail pet supply store.

Since opening five years ago on Pine Street, Play Dog Play has become a vital member of the community in the South End and Burlington as a whole. Our clients come from all over Chittenden County to provide their pet dogs with a clean, safe, and fun environment in which to train, play, and board. Almost 300 households in the New North End alone have already entrusted their dogs' care to Play Dog Play at our South End location and surely that number would increase should a more geographically convenient location become an option; not to mention the households from the surrounding communities of Colchester and Winooski that would also make use of a second Play Dog Play location in the North End. There is a demonstrated demand for these types of services in the North End as currently Play Dog Play is Burlington's only dog care facility of this nature with all other facilities of comparable size choosing the outskirts of South Burlington and Williston to the south of our existing location. Furthermore, giving our North End clients access to a location closer to home will allow our current location to more efficiently and effectively service our friends and neighbors in the South End as well as ease the traffic across town created by our clientele.

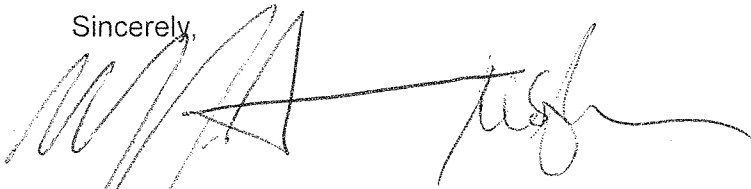
The 1125 North Avenue site has sat unused for several years in a shopping complex that has otherwise been revitalized; adding a business that will bring more people into the shopping center by way of picking-up or dropping-off their animals can only help existing businesses to grow as they will be more conveniently located for consumers who might have otherwise chosen nearby shops (i.e. Colchester Shopping Plaza in Mallett's Bay). The prospects of traffic and noise concerns are quite limited due to the design of the existing parking lot and traffic patterns and with the property adjacent to Leddy Park with no residential neighbors and few commercial neighbors open beyond traditional business hours.

DEPARTMENT OF
PLANNING & ZONING

Due to the necessity of picking-up & dropping-off of animals, situating a dog daycare in both the South and North Ends will help to draw people into the commercial centers of Burlington rather than forcing them to travel to the outskirts of neighboring communities to acquire a service that is in extremely high demand, benefitting the residents of Burlington, those who commute to Burlington for employment, and the nearby businesses that would be positioned to take advantage of proximity of additional consumers. We understand that there might be concerns about various nuisances arising from this type of use in a Neighborhood Activity Center, so we believe that making these uses Conditional Uses would allow the Commission a great deal of control and allow any issue that should arise to be easily addressed.

We look forward to discussing this issue with all of you, and thank you for your time and consideration of this request.

Sincerely,

Handwritten signatures of Ryan Norton and Masha Stern. The signature on the left is 'Ryan' and the signature on the right is 'Masha'.

Ryan Norton and Masha Stern

Burlington Residents and Owners of Play Dog Play Canine Care Center

Mr. White, please see below. This is what we are hoping for George St. Thanks, Bek Love

Clarify footnote 2 to Table 4.4.1 as follows: "Structures shall be setback along any property line that abuts a residential zoning district pursuant to the requirements of (d)6 below where the zoning district boundary follows the property line. The requirements of (d)(6) shall not apply where the zoning district boundary runs through a Lot or Lots as the result of Lot Merger.

Clarify (d)(6):

Structures shall be setback a minimum of 15-feet from any property line that abuts a residential zoning district. This provision shall not apply where the zoning district boundary runs through a Lot rather than following the property line.

RECEIVED
FEB 26 2014

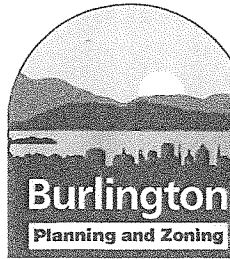
DEPARTMENT OF
PLANNING & ZONING

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
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(802) 865-7142 (TTY)

www.burlingtonvt.gov/pz

David E White, AICP, Director
Ken Lerner, Zoning Administrator
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager/Planner
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Planning & Zoning Clerk
Elsie Tillotson, Administrative Assistant



MEMORANDUM

TO: Mayor Weinberger
Department Heads

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: Thursday, February 27, 2014

RE: March Department Head Report

For your interest, following is a summary of current activities of the Dept. of Planning & Zoning.

Development Review & Permitting:

- Permit activity is on-par with what we would expect for this time of year with our busiest season on the doorstep. A sampling of the larger projects currently/recently under review include:
 - 194 Saint Paul/Browns Court proposal for 115 residential units, ground floor retail and public parking – DAB re-opened their Public Hearing for additional information.
 - 140 Grove Street proposal for 245 residential units – DRB is deliberating decision on a Preliminary Plat.
 - 237 N. Winooski Ave proposal for 28 residential units and streetfront commercial – approved by DRB on 1/21.
 - College St/Mechanics Lane adaptive reuse of a portion of the former Burlington Free Press building – application for interior demolition anticipated. Future TRC.
 - 111 Colchester Ave proposal for addition/expansion of FAHC in-patient facility – going to DAB/DRB for Sketch Plan Review in March.

Comprehensive Planning:

- **planBTV: Downtown and Waterfront Master Plan:** Staff continues its work to develop a conceptual draft a form based code. An early draft for staff review will be complete by early March. Also working with CEDO, DPW and Parks on the development of street design standards, and redevelopment objectives in partnership with the Burlington Town Center.
- **planBTV: South End:** Staff is working with CEDO and others on coordinating a variety of planning initiatives in the Pine Street/Enterprise District that will lead to a new comprehensive planning effort for this rapidly evolving part of the city. A scope of work for a planBTV-like planning exercise has been developed and a range of funding has been secured.
- **Municipal Development Plan Amendments:** Staff has prepared a draft amendment to the City's Municipal Development Plan to incorporate **planBTV: Open Space Plan update** and the **Climate Action Plan**, as well as edits to the **Land Use Chapter**. Adoption by the City Council is anticipated on 10 March.
- **Urban Agriculture:** A series of zoning amendments in response to the report prepared by the Burlington Food Council to support urban agriculture. A Planning Commission Public Hearing is planned for 11 March.
- **Legislative Initiatives:** Staff has been working with the City's Legislative Liaison and others on bills related to downtown development, shoreland development and stormwater management.
- **CDO Amendments:** Staff is currently working with the City Council Ordinance Committee on several zoning amendments that have been recommended by the Planning Commission. Several other potential zoning amendments are currently under review by the Planning Commission.
- **Teaching/Guest Speaking:** Staff has been speaking to several classes at UVM and Champlain College on urban development and historic preservation topics.



Vermont Department of Environmental Conservation
Watershed Management Division
One National Life Drive, Main Building, 2nd Floor
Montpelier, VT 05602-3522

Agency of Natural Resources

Phone: 802-490-6110
Fax: 802-828-1544

**NOTICE OF APPLICATION FOR INDIVIDUAL WETLAND PERMIT #2013-251
and WETLAND CLASSIFICATION DETERMINATION
February 28, 2014**

A request for An Individual Wetland Permit, required pursuant to the provisions of Section 9 of the Vermont Wetland Rules has been received from Keystone Development Corporation, represented by Frank von Turkovich, Esq.

The applicant is requesting approval for the installation and operation of a 2.5 megawatt solar array located along Sunset Cliff Road, Burlington, Vermont. The proposed project will impact approximately 0.50 acres of Class II wetland and 0.90 acres of buffer zone from vegetation mowing; and 84 sq ft of wetland and 6 sq ft of buffer zone from support posts of the arrays. This wetland is proposed to be re-classified as a significant (Class II) wetland under the Vermont Wetland Rules.

Copies of the application are available for review at the Vermont Wetlands Office in Montpelier, the City Clerk's Office in Burlington, the Regional Planning Commission office in Winooski, and the Agency of Natural Resources website:

<http://www.watershedmanagement.vt.gov/cfm/notices/info.cfm?id=3389>. A public meeting will be held to hear public comments on the proposed project and determination April 2, 2014 at the Department of Public Works in their main meeting room, located at 645 Pine Street, Burlington, Vermont, at 6:00 P.M.

Individual Wetland Permits may only be approved if the Agency is satisfied that the applicant has demonstrated that the proposed use complies with the Vermont Wetland Rules and the proposed use will not have an undue adverse impact on the functions and values of any significant wetlands or their adjacent buffer zones. In making the determination that the applicant has met this burden, the Agency will evaluate the potential effects of the proposed use on the basis of (1) the use's direct and immediate effects on the wetland; and (2) the use's cumulative or on-going effects on the wetland.

Any person may file comments on this application in person at the public meeting or in writing by **April 9, 2014** with:

Laura Lapierre
Wetlands Program Manager
laura.lapierre@state.vt.us
Watershed Management Division
Department of Environmental Conservation
One National Life Drive
Main Building, 2nd Floor
Montpelier, VT 05620-3522
802-490-6177

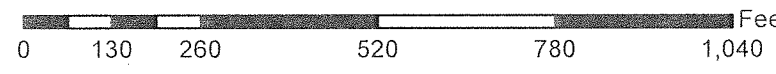
Enclosure
cc: Distribution List



Sunset Cliff Rd Burlington, VT

Legend

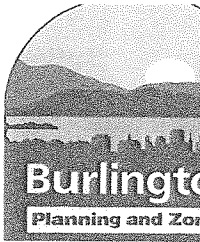
- Project Location
- Hydric Soils
- VT Significant Wetlands Inventory



Burlington Planning Commission

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Yves Bradley, Chair
Bruce Baker, Vice-Chair
Andrew Saba
Lee Buffinton
Harris Roen
Andy Montroll
Jennifer Wallace-Brodeur
Vacant, Youth Member



Burlington Planning Commission Minutes

Tuesday, March 11, 2014 - 6:30 pm

PC Present: B. Baker, A. Montroll, H. Roen, J. Wallace-Brodeur L. Buffinton, E. Lee

Absent: Y Bradley

Staff: D. White, S. Thibault, S. Gustin, K. Sturtevant, E. Tillotson

I. Agenda

L. Buffinton: notes that there is a missing word in the reference to existing lots.

II. Public Forum

Nobody present to speak.

III. Mayor's Address to the Commission

The Mayor presented the following comments:

He just wanted to come and exercise his ex officio status to express appreciation to the Commission for all the work they invested in the downtown parking proposal. He will share the full context of the work of the Commission with City Council and more broadly in city. This is an exciting long term journey that the City has embarked upon and there is consensus in a vision for the City's character and vibrancy, the progress on the waterfront, all factors which build on a positive trend of living in downtowns. This process captures and builds on organic progress in the south end. This group (PC) had a huge part in the progress, the amendment was sponsored by every member of the City Council. The Commission is taking the lead in the process and he hopes the Commission feels that the City is really making progress with a great deal of consensus. The Mayor, to maintain consensus, supported the City Council's decision to table the parking amendment. This could be an opportunity, by taking a little more time, to look at some questions that were raised, examine minimum requirements, assess capital investment in transportation, and it is fair to ask about neighborhood impact. The Mayor still fully supports the policy (parking) and a large contingent on the City Council wants the proposal to come back to them. Yes, it is more work, and the task ahead, to request reexamination, is not a rejection but a request for integrating some policy decisions.

L. Buffinton: Thoughts about parking downtown? Do you see any grouping of minds from DPW, CEDO, other departments and Planning & Zoning?

Mayor Weinberger: DPW has already instituted some changes based on their ongoing research.

D. White: A lot of these parties are presently on the Downtown Parking Task Force, with all entities discussing funding management, off site impact mitigation, etc. All are working together to collaborate.

H. Roen: Thanks the Mayor for coming this being the first time in his terms that a Mayor has attended as an ex-officio member. There was a little sting from parking proposal not passing, but there are a lot of moving parts.

Mayor Weinberger: The City Council is open to the Planning Commission sending a piece of the proposal back to them which would allow release from present parking requirements.

As approved by the Burlington Planning Commission on March 25, 2014.

up a pilot program so results could be seen and effectiveness judged. In the long term we have to be careful, short term could be a little looser.

D. White: This could be organized with a sunset provision in the event that it doesn't work.

A. Montroll: The City has the capacity to accommodate this parking experiment. Fees could be included in a pilot program if needed.

E. Lee: Protection for outlying neighborhoods is necessary. Parking demand is huge in residential areas now and this needs to be addressed also, not just downtown.

D. White: Ultimately this is a question public purpose to require parking, does it affect other parties? On street it isn't much affected by use of the property.

E. Lee: Parking is tight, if neighborhoods have parking pressure it will result in less green space, etc.

A. Montroll: So the City Council is asking for something back?

D. White: Staff will look at the issues and provide recommendations to the Commission. The DPW, CEDO and P&Z departments are all working together on this.

B. Baker: Is there any engagement of the public and business community?

D. White: The Burlington Business Association is leading with downtown parking.

A. Montroll: We have to be able to address neighborhood parking issues as they are affected. This could be the answer to a comprehensive approach.

D. White: The Department of Public Works is conducting a study.

J. Wallace-Brodeur: We could have one more meeting and then pull the plug on this or come back with something to evaluate next meeting. Makes the motion to table the request and to respond to the City Council with an explanation of the reasons the PC doesn't see this as a standalone resolution but would consider it as a more comprehensive approach, seconded by L Buffinton.

D White: Staff will flush out this process and it can be discussed at the next meeting.

H. Roen: Believes that discussion at next meeting should be the course of action.

Mayor Weinberger: There is organic support for removing parking minimums, the consensus was broad, and there is disappointment that it did not go forward. It seems important that a goal is set to bring it back, maybe a year from now. Time is needed for consideration.

E. Lee: When are parking studies to be completed?

D. White: In about a year.

A. Montroll: The parking studies need to coordinate with each other. We don't have to have results to establish policy.

E. Lee: Could the study group provide preliminary results?

B. Baker: It should come from the Task Force with all of the components should be one overall group, and there may already be some consensus.

On a motion by J. Wallace-Brodeur, seconded by H. Roen, the Commission tabled the discussion until the March 25, 2014.

V. Public Hearings: ZA- 14-08 to ZA-14-11

ZA-14-08 – Urban Agriculture Standards

Scott Gustin, Senior Planner: The Urban Agriculture Task Force has examined this amendment previously and it is largely the same as at last presentation with a couple of corrections, which includes clarification of development in the flood area.

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A. Montroll: Is development without public road frontage possible?

D. White: The third part of the amendment addresses this.

A. Montroll: Why is the date important?

S. Gustin: This is to address lots that were preexisting as of 1973.

On a motion by A. Montroll, seconded by E. Lee, the Commission unanimously approved ZA-14-10 and sent to City Council for adoption.

ZA-14-11 – Animal Boarding Use Allowance in NAC

S. Gustin: This is to allow this particular use with conditional approval of the DRB.

On a motion by L. Buffinton, seconded by J. Wallace-Brodeur, the Commission unanimously approved ZA-14-11 and sent to City Council for adoption.

VI. Joint Institution Parking Management Plan Presentation

Dave Keely, FAHC, David Saladino, RSG, John Caulo, Champlain College and Sandy Thibault are present for a presentation on updates to the CATMA Plan.

D. White: The Planning Commission actually plays a role in the development of the plan, and this is the five year update purposed to manage parking in the City with these institutions in mind.

Discussion of the plan will be on the next agenda.

VII. Report of the Chair

None.

VIII. Report of the Director

D. White: Will be out with a medical issue next week, back in office on March 24th.

IX. Committee Reports

Long Range Planning Committee - H Roen: The LRPC hasn't met but parking might be good subject to add to the agenda.

Executive Committee

Ordinance Committee: Hasn't met but is scheduled for this Thursday.

X. Commissioner Items

H. Roen: He was at the hearing last night about the possible solar development in the north end. There is a PUD application for wetland determination, the City Council will look at stormwater issues. There will be more meetings and information but there was not full information available at the meeting. There were questions about the consultant statements and some public opposition. It is going to be up to the Planning Commission to decide if they want a hearing.

D. White: Now is the time to be commenting on application. Wetlands and stormwater are the issues.

XI. Minutes/Communications

On a motion by A. Montroll, seconded by J. Wallace-Brodeur, the Commission unanimously accepted the communications and placed them on file.