

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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www.burlingtonvt.gov/pz

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



PUBLIC HEARING NOTICE **RESCHEDULED HEARING DATE**

Burlington Comprehensive Development Ordinance

ZA-17-08 Food and Beverage Production Operation

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 (originally scheduled for February 15, 2017) will now take place on Tuesday, February 28, 2017** beginning at 6:45pm in Conference Room 12, City Hall, 149 Church Street, Burlington, VT.

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

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

- **ZA-17-08:** The proposed amendment eliminates the current prohibition of cafes accessory to microbreweries in the Enterprise-Light Manufacturing zone to eliminate inconsistencies between the City's Comprehensive Development Ordinance and city and state alcohol laws. The proposed amendment also establishes a new "craft beverage production" use to encompass all alcoholic and non-alcoholic craft beverage production operations, and to replace "microbrewery" and "winery" uses.

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

- **ZA-17-08:** This amendment applies to the Downtown Mixed Use, Neighborhood Mixed Use and Enterprise Zoning districts throughout the City.

List of section headings affected:

- **ZA-17-08:** This amendment applies to *Article 13: Definitions* and to *Appendix A- Use Table*.

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, February 28, 2017, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **AGENDA**

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

I. Agenda

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

III. Report of the Chair

IV. Report of the Director

V. Public Hearing: Proposed ZA-17-08 Food and Beverage Processing – Time Certain: 6:45pm

The proposed amendment to the *Burlington Comprehensive Development Ordinance* eliminates the current prohibition of cafes accessory to microbreweries in the Enterprise-Light Manufacturing zone to eliminate inconsistencies between the City's CDO and state alcohol laws. The proposed amendment also establishes a new "food and beverage processing" definition to provide consistency in where and how a variety of food and beverage production operations are permitted. This is proposed to replace definitions for Micro-Breweries, Wineries, Food Processing, Bakery-wholesale. Information regarding this proposed amendment, including a revised Municipal Bylaw Amendment report, is included in the agenda packet on pages 2-9.

VI. Proposed CDO Amendment: Emergency Shelters

The Commission will review a proposal from its Ordinance Committee for an amendment related to emergency shelters. This will establish emergency shelters as a "special use," and provide guidance between permitted/conditional uses, define the use and its parking requirements, and address limits on short-term stays and on-site management. A memo regarding the amendment is in the agenda packet on pages 10-12.

VII. Committee Reports

VIII. Commissioner Items

IX. Minutes & Communications

The Commission will review and approve the minutes of the January 24, 2017 meeting, enclosed on pages 13-15 of the agenda.

X. Adjourn

Next Meeting: March 14, 2017 @ 6:30pm in City Hall, Conference Room 12

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

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Planning Commission Agenda
February 28, 2017
Page 1 of 15

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PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-17-08 Food and Beverage Production Operation

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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-17-08:** The proposed amendment eliminates the current prohibition of cafes accessory to microbreweries in the Enterprise-Light Manufacturing zone to eliminate inconsistencies between the City's Comprehensive Development Ordinance and city and state alcohol laws. The proposed amendment also establishes a new "craft beverage production" use to encompass all alcoholic and non-alcoholic craft beverage production operations, and to replace "microbrewery" and "winery" uses.

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

- **ZA-17-08:** This amendment applies to the Downtown Mixed Use, Neighborhood Mixed Use and Enterprise Zoning districts throughout the City.

List of section headings affected:

- **ZA-17-08:** This amendment applies to *Article 13: Definitions* and to *Appendix A- Use Table*.

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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Ryan Morrison, Associate Planner
Anita Wade, Planning & Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-08 – Craft Beverage Operation

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

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

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

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

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

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

The proposed amendment does not have an impact on the goals and policies in the Municipal Development Plan regarding density. The proposed amendment brings the City's permitted land uses up-to-date by recognizing the evolving craft beverage industry and state and local laws regarding its production and consumption. The proposed amendment has no impact on the areas of the City in which these uses are permitted.

Implementation of specific proposals for planned community facilities:

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

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Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: January 19, 2017
RE: Proposed ZA-17-08: Food & Beverage Processing

Purpose

At its August 9, 2016 meeting, Planning Commission considered the request by Justin Heilenbach (of Citizen Cider) to:

1. eliminate the present prohibition of café's accessory to microbreweries in the E-LM zone
2. pursue the creation of a new "craft beverage production" category in Appendix A- Use Table of the CDO

Planning Commission Discussion

The Planning Commission voted to move ahead with both items and requested amendment language prior to warning for a public hearing. At its October 12, 2016 meeting, staff provided language for a proposed "Craft Beverage Operation" use, to replace the definitions for "Micro-Brewery" and "Winery" and to replace the Micro-Brewery/Winery category in *Appendix A- Use Table* (see below chart of uses and zoning districts). The only change to zoning districts in which the new use would have been permitted was to eliminate Footnote 19, which prohibited accessory café's in the E-LM zone.

The Commission asked staff to look into the proposed amendment more closely, as there were some concerns with the 25,000 barrel/year production limit associated with the proposed "Craft Beverage Operation" use, and the 2,000 sq.ft. limit on the size of accessory café's. The Commission felt that it was appropriate to allow craft beverage production in the E-LM zone, with little limit on the size of the operation, but to consider ways to limit the size and potential impacts in other zones. Additionally, the Commission felt that it was appropriate to consider the evolving nature of craft beverage operations when considering accessory uses.

Evaluation of Current CDO

In response to the Commission's feedback, staff evaluated a number of uses currently defined and included in *Appendix A- Use Table*, and looked at the regulations for accessory uses in Section 5.1.1 (g) 3.

Related uses evaluated include Food Processing, Bakery-Wholesale, Manufacturing- Tour Oriented, Breweries, and Wineries. The chart on the following page summarizes the definition of and zoning districts in which each of these uses are permitted. While there is significant overlap in the types of activities defined by each of these uses, there is not consistency in where the uses are permitted.

Use/Definition	D	DW	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Food Processing <i>The preparation and packaging of food products for sale. Including but not limited to bakeries and dairies.</i>	N	N	CU	CU	CU	CU	CU	CU	Y
Bakery-Wholesale <i>A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over-the-counter or other retail dispensing of baked goods shall be limited to an accessory function.</i>	Y	Y	CU	CU	N	Y	Y	Y	Y
Manufacturing-Tour Oriented <i>A manufacturing and/or processing establishment in which public tours are accommodated and incorporated into the facility's ordinary operations and may include the accessory retail sale of products or goods produced on the premise.</i>	N	CU	N	CU	N	N	CU	CU	CU
Micro-Brewery/Winery <u>Micro-Brewery:</u> A facility for the production and packaging of beer....for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. <u>Winery:</u> A processing plant used for the commercial purpose of processing grapes....includes wholesale sales, crushing, fermenting, bending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.	Y	Y	Y	Y	CU	Y	Y	CU	Y ¹⁹
Craft Beverage Operation <u>(formerly proposed by P&Z Staff in Oct)</u> <i>A facility for the production and packaging of beer, wine, cider, spirits, and other beverages (including non-alcoholic) for distribution, retail, or wholesale, on or off premises, not to exceed 25,000 barrels per year. A craft beverage facility may contain accessory cafes and tasting amenities.</i>	Y	Y	Y	Y	CU	Y	Y	CU	Y

Footnote 19: Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use.

Regarding accessory uses, Section 5.1.1. (g) 3 of the *Comprehensive Development Ordinance* indicates that any use may be accessory to a principal use, as long as it meets a number of criteria; pertinent criteria to the Commission's discussion of this proposed amendment include:

- the accessory use is subordinate and customarily incidental to the principal use
- the accessory use is reasonably necessary to the conduct of the principal use
- Except for home occupations, no accessory use, or combination of accessory uses, shall occupy more than twenty-five (25%) percent of the total gross area dedicated to the principal use.

Furthermore, Section 3.5.6 (a) Conditional Use Review Standards affords a more thorough review of a proposed development to ensure that there will not be undue adverse impacts on available public services, the character of an area, the transportation system, or the generation of significant nuisances.

Food & Beverage Processing

In order to achieve the Planning Commission's intent, respond to Mr. Heilenbach's original request, and for flexibility for future/other "craft" production industries, staff offers an alternative recommendation for the Commission to consider. This recommendation is to:

- Replace current definitions for Food Processing, Bakery-Wholesale, Distillery, Micro-Brewery, and Winery with a definition for "Food & Beverage Processing."
- Eliminate Bakery-Wholesale and Micro-Brewery/Winery and Food Processing from Appendix A- Use Table, and add "Food & Beverage Processing" and the associated districts in which it is a permitted use.
 - Permit Food & Beverage Processing by right in the E-LM district, and as a conditional use in the Downtown and Neighborhood Mixed Use districts (except in the Public Trust), and in the Enterprise-Agricultural district.
 - Replace Footnote 19 in Appendix A with a 25,000 sq.ft. limit on facilities for this use in the Downtown, Downtown-Waterfront, Downtown Transition, Neighborhood Mixed Use and Neighborhood Activity Center districts in order to limit potential impacts from these businesses.
- Rely on Section 5.1.1. (g) 3 to consider an appropriate range of incidental retail, food service, educational, training, office, etc. uses that may commonly be accessory to these businesses, now and in the future, without specifically spelling out each accessory use in the ordinance. Rely on Section 3.5.6 (a) for conditional use standards to mitigate nuisance impacts related to the use.

See attached for specific changes to the *Comprehensive Development Ordinance* Section 13.1.2 Definitions and Appendix A- Use Table to incorporate these recommendations.

Burlington Comprehensive Development Ordinance
PROPOSED: ZA-17-08: Food and Beverage Processing
As approved by Planning Commission for Public Hearing on Jan 10, 2017

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

Purpose: This amendment is to revised the CDO to include one definition for uses related to the production/processing of food and beverages, and to create more consistency in terms of the zoning districts throughout the City in which these uses are permitted.

Article 13: Definitions

Sec. 13.1.2 Definitions. [All other definitions not referenced below remain unchanged.]

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

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

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

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

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

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

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

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

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use			Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Micro-Brewery/Winery	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	CU	Y	Y	CU	Y ¹⁹
Food Processing	N	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU	CU	Y
Bakery—Wholesale	N	N	N	N	N	N	N	N	Y	Y	N	CU	CU	N	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	CU ¹⁹	CU ¹⁹	N	CU ¹⁹	CU	CU ¹⁹	CU ¹⁹	CU	CU	Y

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

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

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

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

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

6. Must be owner-occupied.

7. Must be located on a major street.

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

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

10. Exterior storage and display not permitted.

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

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

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

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

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

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

17. Allowed only as an accessory use.

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

19. Cafes not permitted as an accessory use. Retail sales and tasting are permitted as an accessory use. Facilities limited to no more than 25,000 square feet.

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

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

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

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

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

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

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

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

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

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

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Burlington Planning Commission Report Municipal Bylaw Amendment **DRAFT UPDATE**

ZA-17-08 – Craft Beverage Operation

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

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

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

The proposed amendment does not have an impact on the goals and policies in the Municipal Development Plan regarding density. The proposed amendment brings the City's permitted land uses up-to-date by recognizing the evolving craft beverage industry and state and local laws regarding its production and consumption. The proposed amendment has no impact on the areas of the City in which these uses are permitted.

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vacant, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: February 28, 2017
RE: Emergency Shelters

Following review of proposed zoning amendment language at its February 2, 2017 meeting, the Ordinance Committee elected to send the emergency shelters amendment along to the full Planning Commission for further discussion. As proposed, the amendment language touches on key points established during initial discussions:

- Establish as a "special use" under Article 5
- Distinguish between permitted and conditional use
- Try to reflect permissible residential density of the underlying zone
- Provide definition and parking requirement
- Limit to short term stays
- Provide for onsite management

The following draft incorporates input from the most recent discussion on February 2. A needed correction to the existing language of Sec. 5.4.4 is also included. New language is underlined. Deleted language is ~~stricken~~.

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.4 Community House

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

- (a) Density shall not exceed 1 person per two hundred (200) square feet of gross floor area;
- (b) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable; and,

- (c) The minimum distance (lot line to lot line) between any two community houses shall ~~not exceed~~ be at least the following:

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

Sections 5.4.5 – 5.4.12

As written.

Section 5.4.13 Emergency Shelters

Emergency shelters shall be considered a conditional use in any residential or neighborhood mixed use district and subject to all applicable provisions of Art 3, Part 5, and the site and design review standards in Art 6. Emergency shelters shall be considered a permitted use in the downtown and downtown transitional districts.

Within the low density residential zones, emergency shelters may only be permitted on lots fronting the following streets: North Ave., Shelburne St., Main St., St. Paul St., Colchester Ave., and Pearl St.

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

- (a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;
- (b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;
- (c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones;
- (d) Overnight stays by any individual are limited to 60 consecutive days. An extension of up to 180 days may be provided if no alternative housing is available;
- (e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 20 beds;
- (f) An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property; and,
- (g) Within the residential zones, the minimum distance (lot line to lot line) between any two emergency shelters shall be at least the following:

<u>Total Occupancy (beds)</u>	<u>Distance (feet)</u>
<u>Up to 10</u>	<u>500</u>
<u>11 – 30</u>	<u>1,000</u>
<u>31 or more</u>	<u>1,500</u>

Article 8: Parking

Add to table 8.1.8-1: Minimum Off-Street Parking Requirements

Emergency shelter

1 space per 2 employees, plus 1 per 10 beds in Neighborhood and Shared Use Parking Districts. No minimum parking requirement in the Downtown Parking District.

Article 13: Definitions

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

Appendix A – Use Table – All Zoning Districts

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

Burlington Planning Commission

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



Burlington Planning Commission **Tuesday, January 24, 2017, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **DRAFT Minutes**

Present: A. Montroll, A. Friend, H. Roen, J Wallace-Brodeur
Staff: M. Tuttle, D White, L. Brelsford

I. Agenda

Called to order at 6:33 pm

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

II. Public Forum

No members of public spoke.

III. Report of the Chair

A Montroll: Communication in packet regarding CCRPC motion to intervene in a public service board matter regarding high voltage line in Lake Champlain. Purpose for intervention is to participate to keep municipalities updated, and to determine whether any tax benefits to shoreline communities. Similar projects before, municipalities generally supportive as a way to get clean energy into Vermont.

IV. Report of the Director

D White: Staff consumed by four major projects: Burlington Town Center, Cambrian Rise, Fletcher Place/Colchester Avenue, and Pine/Flynn. DAB approved Burlington Town Center on 1/24 and will go to DRB on 2/7.

J Wallace-Brodeur: What is the timeline for phasing the project?

D White: Current application only for portion between St. Paul and Pine. No estimate on phase between St. Paul and Church. March 2019 first phase occupancy floors of UVMCC office space, Dec 2019 second phase occupancy Champlain College student housing, May 2020 third phase occupancy of other residential tower and completion of street improvements on St. Paul & Pine.

V. Public Hearing: Proposed ZA-17-09 Thresholds for Major Impact Review

D White: This amendment initially send to Council in December 2015, however it expired before Council action. Council Ordinance Committee has recommended some tweaks to the proposal from 2015. This includes restoring applicability of Major Impact in Downtown Mixed Use Districts. Threshold is 50 residential units, 50,000 sq.ft. footprint, or 100,000 sq.ft. GFA. Separated low-density residential districts from other districts and kept the current thresholds of 5 residential units, 5,000 sq.ft. footprint, or 10,000 sq.ft. GFA. Finally, maintained

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the pre-application neighborhood meeting for any development more than 5 residential units, 5,000 sq.ft. footprint, or 10,000 sq.ft. GFA in any district in the City, but removes this from the Major Impact review.

A Montroll: Open public forum. Seeing no one wishing to speak, closing public forum.

A Friend: What are the downsides to making this change?

D White: Downside is not making any change. Goal is to remove duplication and artificially low thresholds for projects; meets plan goals of facilitating infill development and simplifying public approval process.

The Commission unanimously approved a motion by JWB, seconded by AF, to forward the amendment to City Council and approve the Municipal Bylaw Amendment report.

VI. planBTV Walk/Bike

N Losch: Finalizing updates to draft planBTV Walk Bike presented to Commission in October. Clarified language around supporting mixed-use zoning in neighborhoods and updating parking ratios. These recommendations do not impact city zoning in any way without separate action to update. Finalizing impartial enforcement recommendations in coordination with BPD, and added information about speed control and slow streets.

M Tuttle: Some perceived that the recommendation was to upzone residential areas; this recommendation simply recognizes the relationship between land use and transportation and to be mindful of opportunities to support land use with multi-modal transportation infrastructure. May work with CCRPC on updating bike parking ratios.

The Commission unanimously approved a motion by HR, seconded by JWB, to endorse the planBTV Walk Bike and to instruct staff to bring it back to the Commission to consider including in the next Municipal Development Plan update.

VII. Designated Downtown Renewal Application

M Tuttle: Burlington is applying for renewal for Downtown Designation with the state, through a partnership with Planning & Zoning, CEDO, Church Street Marketplace and Burlington Business Association. Designation offers grants and other support to property owners and municipalities to invest in the continued revitalization of downtowns.

JWB: Why are boundaries located where they are? Great program with lots of benefits for smart growth in Vermont.

D White: follows residential properties.

The Commission unanimously approved a motion by JWB, seconded by HR, to endorse the City's renewal application and authorize David White to sign on behalf of the Planning & Zoning department to advance goals of the partnership.

VIII. Committee Reports

No reports.

IX. Commissioner Items

No items.

X. Minutes & Communications

The Commission unanimously approved a motion by H. Roen, seconded by A Friend to accept the minutes of the January 10, 2017 meeting and communications.

XI. Upcoming Meetings

Meeting scheduled for February 28, 2017 may not have a quorum. Will discuss whether or not there are agenda items for that meeting at the Executive Committee meeting on February 2, 2017.

XII. Adjourn

The Commission unanimously approved a motion by A. Friend, seconded by H. Roen, to adjourn the meeting at 7:15pm.

DRAFT

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

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

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

I. Agenda

Called to order at 6:33

II. Public Forum

No members of public spoke.

III. Report of the Chair

B Baker chaired the meeting in A Montroll's absence. No report made.

IV. Report of the Director

D. White: The DRB met on 2/21/17 regarding the Burlington Town Center plans. They will deliberate on 3/6/17. D White and M Tuttle are wrapping up projects, and setting sights on finishing other projects. Council approved change to open staff position, has been advertised. David will be out of the office 3/9 – 3/19/17.

M. Tuttle: New city email addresses should be used for all official board correspondence. Next meeting, will hear a presentation from a BHS student interested in the Youth Member board position. A Friend can assist as a mentor to him.

V. Public Hearing: Proposed ZA-17-08 Food and Beverage Processing

B Baker opened the public hearing at 6:45pm.

M. Tuttle provided an overview of the amendment.

D. Colangelo, CEDO: The size limit of 25,000 square feet is too large for Downtown or Neighborhood Mixed Use zones; suggest smaller limit.

E. Lee: Size could be controlled through Conditional Use review.

D. White: Agree that size should be brought down a bit, but need to be clear on what it is rather than leave room for subjectivity in the review process. The number should be closer to what we ultimately want it to be.

J Heilenbach, Citizen Cider: Citizen Cider facility in the ELM is 18,000 square feet.

J. Wallace-Brodeur: In favor of lower size limit for Neighborhood Mixed Use.

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E. Lee: The size could be a market driven factor, don't think we'll see something 25,000 sq.ft. in these zones because there aren't spaces that large and price would dictate.

A Friend: Why no size limits in the E-LM zone?

M. Tuttle: This is a place where we want to encourage these uses. For Downtown & Neighborhood Mixed Use zones, perhaps a limit of 10,000 sq.ft.? Want it to be small enough to control potential impacts, but large enough to allow for flexibility of the uses.

J. Wallace-Brodeur: Smaller size limits work well with neighborhoods and smaller commercial businesses. Also traffic would be less impacted by smaller sized projects.

D White: Should also consider allowing this as a permitted, rather than conditional, use in the E-Agricultural district?

H. Roen: 10,000 sq.ft. sounds good.

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to send the proposed amendment and modified Municipal Bylaw Amendment report to City Council with recommendation with the following changes: Food & Beverage Processing becomes a permitted use in E-AE district, and maximum limit on operation in neighborhood and downtown zones is 10,000 sq.ft.

VI. Proposed CDO Amendment: Emergency Shelters

S. Gustin presented a proposed amendment from the Ordinance Committee that creates a definition for emergency shelters and establishes parameters for unit count, spacing, parking, etc.

B. Baker: How would spacing limitations work if a new shelter were to locate near a pre-existing shelters that was formerly defined as a community house?

S. Gustin: I don't think the limitation would apply; staff would issue a determination. This only applies for emergency shelters in residential areas.

M. Monte: If the 1,000 sq.ft. requirement could be eliminated, these uses could cluster in the downtown and transition zones.

J. Wallace-Brodeur: What is a Community House?

S. Gustin: Community Houses are more permanent housing, while Emergency Shelters are temporary, and defined as "shared, supervised, living arrangements".

J. Wallace-Brodeur: Does the potential for disruptive behavior necessitate a buffer zone?

E. Lee: They are by nature disruptive. However, the whole city needs to share the responsibility for the location of these shelters. If there is a vacant building that suit these needs, it should be utilized, regardless of the neighborhood it is in. Also do not feel that we should define what streets these may be located on.

J. Wallace-Brodeur: We shouldn't codify where there should be a buffer zone and where there shouldn't.

S. Gustin: There will be a need for access to public transportation.

E. Lee: We don't need to regulate access to transportation; shelters will locate where services are available for their guests.

S. Gustin: Additionally, unit density limits will regulate potential sites.

B. Baker: RH zones will be the more likely zone for creation of these shelters. Lot coverage and parking limits will impact potential sites as well.

J. Wallace-Brodeur: Is it necessary to require parking for these uses? Let's strike minimum parking requirements.

M. Monte: The less parking the better.

E. Lee: We need to reduce barriers to establishing these types of services in the community.

E Ahearn, Safe Harbor: It would be better to increase the staff to resident ratio during sleeping hours from 1 : 20 to 1 : 25; we do not always need that many staff during sleeping hours, and we are currently providing much higher staffing ratios during the daytime.

B Baker: Let's delete 2nd paragraph regarding streets on which these can be located, increase the staff ratio, and eliminate parking requirement and buffer zones.

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by A Friend, to make the changes to the proposed amendment as articulated by B Baker, for staff to prepare the Municipal Bylaw Amendment report, and for the amendment to be warned for public hearing.

VII. Committee Reports

No reports.

VIII. Commissioner Items

Ordinance Committee: Met on February 2 regarding emergency shelters, will meet on March 2 to discuss Green Roof amendment.

IX. Minutes & Communications

The Commission unanimously approved a motion by A. Friend, seconded by J. Wallace-Brodeur, to accept the minutes of the January 24, 2017 meeting and communications.

X. Adjourn

The Commission unanimously approved a motion by H. Roen, seconded by J. Wallace-Brodeur to adjourn the meeting at 7:35pm.



Andy Montroll, Chair

Signed: March 29, 2017



Submitted by: Lynn Brelsford