

Burlington Planning Commission

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Bruce Baker, Vice-Chair
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Jennifer Wallace-Brodeur

Meeting of the Burlington Planning Commission with the City Council Ordinance Committee

Wednesday, February 19, 2020, 6:30 P.M.
Conference Room 12, City Hall, Burlington

AGENDA

- I. **Agenda**
- II. **Proposed CDO Amendment: Short Term Rentals**
The Committee will continue discussion of a proposed amendment to the *Comprehensive Development Ordinance* and Chapter 18 of the *City Code of Ordinances* related to regulation of short-term rentals. Information related to this agenda item is included in packet on pages 2-23.
Staff Recommendation: Provide feedback on refinements to this proposal.
- III. **Public Forum**
- IV. **Public Hearing: ZA-20-04 Minimum Parking**
The Committee will continue discussion of a proposed amendment to the *Burlington Comprehensive Development Ordinance* related to minimum parking and transportation demand management requirements. Information related to this agenda item is included in the packet on pages 24-48.
Staff Recommendation: Make any refinements to proposal and approve amendment to City Council.
- V. **Commissioner Items**
 - a. Joint Committee meeting on Tuesday, March 10 at 6:30pm
- VI. **Minutes & Communications**
 - a. The minutes of the February 11, 2020 Joint Committee meeting are enclosed on in the agenda packet on pages 49-52.
 - b. Communications are enclosed in the agenda packet on pages 53-59.
- VII. **Adjourn**

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

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TO: Burlington Planning Commission
City Council Ordinance Committee
FROM: Scott Gustin, Principal Planner, DPI & Meagan Tuttle, Comprehensive Planner,
City Planning
DATE: February 13, 2020
RE: Proposed CDO Amendment: ZA-20-05 Short Term Rentals

Overview & Background

In 2015, the City Council adopted the [Housing Action Plan](#), which contained 22 strategies for building a more inclusive, affordable, livable, walkable, sustainable, and vibrant city. A variety of efforts have been underway and implemented since the adoption of this plan nearly 5 years ago. In 2019, Mayor Weinberger announced a [Housing Summit](#) to bring focus, urgency, and resolution on five key areas of unfinished business from the plan. Creating a regulatory framework for Short-Term Rentals was one of these key areas, which includes proposed recommendations to both the *Comprehensive Development Ordinance* (i.e. zoning) and to *Chapter 18: Housing* in the *City Code of Ordinances*.

The purpose of this housing policy reform is to create a regulatory framework for short-term rentals that includes tiers for different types of rentals, and disincentivizes the most impactful uses in order to protect the city's housing supply. This reform seeks to limit the number of housing units that can be converted to short-term rental uses, ensure that those conversions contribute to the City's efforts to preserve and expand permanently affordable housing, preserving some flexibility for hosts to use their homes and earn income, and recognize that some supply of short-term rentals benefits the Burlington economy. Read more about the [background on this initiative](#), including a summary from the June 2019 Housing Summit and research on other communities' short-term rental regulations.

A short-term rental (or STR) is typically a dwelling unit that is rented in whole or in part to guests for 30 days or less for overnight stays. It may be an apartment, a house, or just a bedroom within a home. AirBnB exemplifies short-term rentals. There has been significant and growing demand for STR's in Burlington from 2016-2019.

Short-term rentals offer benefits, such as providing owners with a source of income that can help subsidize their cost of living that may otherwise be unaffordable. STR's may also encourage investment in the property. They also benefit Burlington's tourism economy and provide guests with a convenient place to stay when traveling. They also generate significant tax revenue via the Rooms & Meals tax—in FY2019, the City collected \$121,000 from \$6.05M in reported host income, which represents 12.4% of the Rooms & Meals tax collected that year.

Short-term rentals do not come without impacts. Of particular concern, and the main reason that this policy reform was included in the 2019 Housing Summit work, is that they have the effect of removing dwelling units from long-term occupancy and may contribute to rising rental rates and purchase prices. Additionally, given the high turnover of guests, short-term rentals may bring about nuisance impacts such as traffic, noise, and trash to our neighborhoods.

Burlington has some 10,000+ rental dwelling units, with a vacancy rate that has long hovered between 1% and 2%. The city's housing market, including rentals and owner-occupied units, is tight, and prices continue to rise, though in recent years the rate of rental inflation has slowed. Short-term rentals make up a growing number of dwelling units citywide. According to data provided by Host Compliance, the number of short-term rentals within Burlington has increased 26% between 2018

and 2019. The total number of short-term rentals within city limits was 410 as of July 2019. Of the total number of short-term rentals, 67% are an entire dwelling unit, whereas 33% are partial dwelling units (i.e. bedrooms). In the core of the City—downtown and its surrounding residential areas—short-term rentals comprise approximately 2.5% to 3% of all housing units.

Presently, the City does little to address short-term rentals. Payment of both State and Burlington Rooms and Meals tax is required, and a zoning permit as “bed and breakfast” or a “hotel/motel” is required. However, only approximately two-dozen STR’s actually have zoning approval. The enclosed proposal seeks to address short-term rentals in order to limit adverse impacts while expressly enabling a reasonable degree of short-term rental growth in the city.

Committee Discussion Topics

The Joint Committee of the Planning Commission & City Council Ordinance Committee has heard extensive public comment on the proposed framework. At the upcoming meeting on February 19, the Committee intends to hold a work session to enable the Committee’s discussion of the proposal. Based on public and Committee members’ input to date, staff recommends the Committee focus on the following key questions:

- Are there some scenarios wherein an off-site short-term rental host would be acceptable? (See scenarios matrix included in agenda packet)
- Some have suggested alternatives to Housing Replacement that would still enable support for affordable housing in the city, such as a special registration fee or tax (annual or on-going) related to the duration of actual short-term rental use.

The proposed amendments to both the Comprehensive Development Ordinance and the City Code of Ordinances enclosed remain unchanged pending the Committee’s discussion on these and other items of interest to the Committee.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement & Amendment Summary

The proposed amendments are aimed at minimizing the potential for adverse impacts to the city’s housing stock and to our neighborhoods. They are intended to allow short-term rental of bedrooms within a dwelling with minimal burden to the host. More rigorous standards are applied for whole-unit short term rentals so as to limit their proliferation and more significant impacts on the city’s overall housing stock. In an effort to balance the benefits to hosts with the preservation of housing supply in neighborhoods, short-term rentals would be allowed wherever residential uses are allowed; however, short-term rental hosts must be a resident of the property in all cases. Within the city’s residential zones, larger and whole-dwelling short-term rentals would be a “conditional use,” thereby affording neighbors a public forum to identify and address potential impacts for consideration by the Development Review Board.

The proposed standards, summarized below, are intended to be clear, reasonable, and enforceable:

- Short-term rentals expressly enabled and directly addressed as a new “special use.”
- Host must be a resident of the building or dwelling unit containing the short-term rental.
- Short-term rentals comprised of bedrooms within a host-occupied dwelling unit are Permitted in most cases, utilizing existing Bed & Breakfast bedroom limitations and parking requirements from the *Comprehensive Development Ordinance*.

- Short-term rentals that are comprised of an entire dwelling unit are a Conditional Use in residential and institutional zones, and a Permitted use in mixed use zones. In areas of the city with an on-site parking requirement, short-term rentals will be required to have a parking space, and a limit will apply as to the total number of short-term rentals allowed within a building and on a property. Short-term rentals not occupied by the host would be subject to Housing Replacement provisions of Article 9 in the *Comprehensive Development Ordinance*.
- While outside of the CDO, revisions to *Chapter 18: Housing*, of the *City of Burlington Code of Ordinances* will be made to include short-term rentals in the City's Rental Registration and Minimum Housing inspection process. This will ensure that minimum life safety standards are adhered to for short-term rentals. Proposed changes to this Chapter are attached.

Presently, a zoning permit is not required for any use that is considered "temporary". Temporary uses are those that occur for less than 10 consecutive days and up to 30 total days within a year. As such, a short-term rental that is in use for an amount of time under these thresholds would not require a zoning permit. Conversely, a unit that is rented for more than 31 consecutive days under a single lease or contract are not considered "short-term" and would not require a zoning permit, but in most cases would require a Rental Housing permit.

Proposed Amendments

****Begin Proposed Text Amendments****

ARTICLE 5: CITYWIDE GENERAL REGULATIONS

Parts 1 – 3 *As Written*

PART 4: SPECIAL USE REGULATIONS

Sec. 5.4.1 - 5.4.13 *As written*

Sec. 5.4.14 Short Term Rental (Partial and Whole Unit)

Short term rentals shall be subject to the site and design review standards in Art 6.

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

- (a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;
- (b) The host's primary residence shall be within the same building or dwelling unit as the short term rental. The host may be the property owner or tenant; and,
- (c) Short term rentals shall register with the city as rental units under Chapter 18: Housing unless exempted under that Chapter.

In addition to the above criteria, all whole unit short term rentals shall comply with the following requirements:

- (d) Occupancy of the short term rental shall be by a family as defined in Article 13; and,
- (e) The number of short term rentals shall be limited by building and lot as follows:
 1. 1 short term rental within a 1 – 3 dwelling unit building.

2. 2 short term rentals within a 4 – 5 dwelling unit building.
3. 3 short term rentals within a 6 or more dwelling unit building.
4. For lots containing 2 or more detached primary structures with a combined total of 6 or more dwelling units, the total number of short term rentals on the lot shall not exceed 3 or 5% of the total number of dwelling units on the lot, whichever is greater, regardless of the number of buildings.

PART 5: PERFORMANCE STANDARDS *As Written*

ARTICLE 8: PARKING

Sec. 8.1.1 - 8.1.7 *As written*

Sec. 8.1.8 Minimum Off-Street Parking Requirements

Parking for all uses and structures shall be provided in accordance with Table 8.1.8-1.

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

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	1	1
Single Family detached and Duplex	2	2	1
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0.4
Bed and Breakfast (per room, in addition to single family residence)	4	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
Emergency Shelter	0	0	0
Group Home (per two (2) beds)	1	1	1

Historic Inn (per room, in addition to single-family residence)	1	0.75	0.5
<u>Short Term Rental – Partial Unit (per bedroom, in addition to dwelling unit)</u>	<u>1</u>	<u>0.75</u>	<u>0.5</u>
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		
** Rest of Non-Residential Uses unchanged**			
<u>Short Term Rental – Whole Unit (per whole short term rental unit)</u>	<u>1</u>	<u>1</u>	<u>1</u>

Sec. 8.1.9 - 8.1.15 *As written*

ARTICLE 13: DEFINITIONS

Sec. 13.1.1 Miscellaneous *As written*

Sec. 13.1.2 Definitions. *(All other definitions as written)*

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.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Bed and Breakfast: ~~An owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.~~

Host: A person who operates a whole or partial unit short term rental. The host may be the property owner or tenant.

Short Term Rental – Whole Unit: A dwelling unit that is rented to guests for overnight stays of 30 consecutive days or less and is subject to the Vermont rooms and meals tax. Four (4) or more whole unit short term rentals within a single building becomes a "hotel, inn, or motel" as defined in this Article.

Short Term Rental – Partial Unit: A dwelling unit wherein only bedrooms are rented to guests for overnight stays of 30 consecutive days or less and is subject to the Vermont rooms and meals tax. A morning meal may be provided onsite such as with a traditional bed and breakfast.

See also excerpts of **Article 14: planBTV Downtown Code** and **Appendix A-Use Table** attached.

****End Proposed Text Amendments****

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Impact on Safe & Affordable Housing

The proposed amendments are intended to protect existing housing from unlimited conversion to short-term rental use. Data shows increasing numbers of short-term rentals, and permitted short-term rentals have occurred largely as replacements to existing long-term housing units. This increase puts additional pressure on the city's available housing and degree of affordability. The proposed measures will establish parameters for allowing short-term rentals, while limiting their adverse impacts on housing supply and affordability.

Compatibility with Proposed Future Land Use & Density

The proposed amendments will have no impact on the intensity or density of future land use. They will ensure that future short-term rentals are compatible with the residential neighborhoods that so many of them occupy. While short-term rentals will be allowed as another among many uses in the city's mixed use and downtown areas, conditional use review in residential areas will ensure compatibility with existing neighborhoods. Overall limits will prevent wholesale conversion of residential units into short-term rentals.

Planned Community Facilities

This amendment is not expected to have an impact on any planned community facilities

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, based on referral from City Council	Joint Committee of Commission & Council Ordinance Cmte 1/14, 1/28, 2/11, 2/19	Approve for Public Hearing	Public Hearing	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council (as is / with changes)	Second Read & Public Hearing	Approval & Adoption
				Rejected

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ^l	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
As written															
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Rest of Residential Special Uses as written.															
Bed and Breakfast^{4,-6}	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	N	N	N
Short Term Rental – Partial Unit (See Sec. 5.4.14)⁴	N	N	N	N	CU	Y/CU	Y/CU	Y/CU	N	Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Rest of Non-Residential Uses as written.															
Short Term Rental – Whole Unit (See Sec. 5.4.14)	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. ~~No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use.~~ Up to 2 bedrooms permitted to be let in any district where allowed. Between 3 and 5 bedrooms let in any residential district shall be a conditional use. No more than 3 bedrooms permitted to may be let in the RL district. No more than 5 bedrooms may be let in any 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 daycare centers and small preschools in the RCO zones 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. [Reserved].
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.

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
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

Appendix A-Use Table – All Zoning Districts

- 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. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.
- 28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 29. Must be fully enclosed within a building.
- 30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
- 31. See special use standards of Sec. 5.4.13, Emergency Shelters.
- 32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. 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.

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

14.3.4-H- USE TYPE**FD6**

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (<i>Sec. 14.6.6.e</i>)	P
Convalescent /Nursing Home	P

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast [†]	P
Historic Inn (<i>Sec. 14.6.6.c</i>)	P
Hotel	P
Shelter	P
Short Term Rental – Partial Unit ³ (<i>Sec. 5.4.14</i>)	P
Short Term Rental – Whole Unit (<i>Sec. 5.4.14</i>)	P

RETAIL - GENERAL

ATM	P
Auto/Boat/RV Sales/Rentals ³	P
Convenience Store	P
Fuel Service Station ² (<i>Sec. 14.6.6.d</i>)	CU
General Merchandise/Retail	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

²Automobile sales not permitted as an Accessory Use

³ Exterior storage and display not permitted.

³ Limited to 5 bedrooms

14.3.4-H- USE TYPE**FD6****RETAIL - OUTDOOR**

Open Air Markets	P
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OFFICE & SERVICE

Animal Grooming	P
Auto/Boat/RV Service ³ (<i>Sec. 14.6.6.d</i>)	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (<i>Sec. 14.6.6.g</i>)	P
Office – General	P
Office – Medical	P
Office – Technical	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Tailor Shop	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P

14.3.4-H- USE TYPE

FD6

Restaurant	P
Restaurant – Take Out	P

MANUFACTURING/ PRODUCTION/ STORAGE

Dental Lab	P
Food Processing	P
Manufacturing – Light ³	P
Manufacturing ³	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research & Development Facility	P
Research Lab	P
Warehouse/Storage ³	P
Warehouse, Self-Storage ³	P

EDUCATION & DAY CARE

Day Care – Adult	P
Daycare – All (Sec. 14.6.6.b)	P
School – Post-Secondary & Community College	P
School – Primary	P

14.3.4-H- USE TYPE

FD6

School – Secondary	P
School, –Trade, or Professional	P

CIVIC

Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Recycling Center – Small ³ (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ³	P
Parking Structure	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

³ Exterior storage and display not permitted.

14.3.5-H- USE TYPES**FD5**

Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (Sec. 14.6.6.e)	P
Convalescent /Nursing Home	P
Group Home	P

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast [†]	P
Historic Inn (Sec. 14.6.6.c)	P
Hotel	P
Shelter	P
Short Term Rental – Partial Unit ³ (Sec. 5.4.14)	P
Short Term Rental – Whole Unit (Sec. 5.4.14)	P

RETAIL - GENERAL

ATM	P
Automobile and RV Sales and Rental ²	P
Convenience Store	P
Fuel Service Station ² (Sec. 14.6.6.d)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR

Boat Sales/Rentals	P
Garden Supply Store	P
Open Air Markets	P

14.3.5-H- USE TYPES**FD5****OFFICE & SERVICE**

Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (Sec. 14.6.6.g)	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Office – Technical	P
Tailor Shop	P
Vehicle/Boat Repair/Service ²	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

³ Limited to 5 bedrooms

14.3.5-H- USE TYPES

FD5

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Cafe	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

MANUFACTURING/ PRODUCTION/ STORAGE

Boat Storage ²	P
Dental Lab	P
Food Processing	P
Manufacturing - Light ²	P
Manufacturing ²	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research and Development Facility	P
Research Lab	P
Warehouse/Storage ²	P
Warehouse, Self-Storage ²	P

14.3.5-H- USE TYPES

FD5

EDUCATION & DAY CARE

Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P

CIVIC

Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Recycling Center - Small ² (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ²	P
Parking Structure	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

ARTICLE I. IN GENERAL

18-1 Short title.

This chapter shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of Burlington."

(Rev. Ords. 1962, § 921)

18-2 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the meanings given herein:

Hotel or motel means an establishment which holds itself out to the public by offering temporary sleeping accommodations for consideration. Hotel or motel does not include short term rental.

Occupant shall mean any person including an owner living and sleeping in a dwelling unit or rooming unit.

Rental unit shall mean any structure, a part of which is rented out and occupied as a residence by another, for compensation, including duplex units, so called. Rental unit shall also include short term rental. The portion of any such unit being occupied as a residence by the owner shall be considered a rental unit.

Roominghouse shall mean any dwelling or that part thereof containing one or more rooming units in which space is let to three (3) or more persons. A roominghouse does not include short term rental.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. A rooming unit does not include short term rental.

Short term rental shall mean a dwelling unit that is rented in whole or in part to guests for thirty (30) consecutive days or less for overnight stays. It may be a whole dwelling unit or just bedroom(s) within. Four (4) or more whole dwelling unit short term rentals within a single building becomes a hotel or motel. For the purposes of this Chapter, short term rental shall not include "temporary uses" as defined in the Burlington zoning ordinance. See also Article 13: Definitions of the Comprehensive Development Ordinance (zoning ordinance) for related definitions of short term rentals (whole unit and partial unit).

All other definitions as written.

18-3 – 18-14 Reserved

As written.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY¹

18-15 Registration required.

(a) The owners of all rental units subject to inspection pursuant to Section [18-16](#) shall be required to annually file a registration application and fee with the enforcement agency, which shall be due annually on or before April 1. The owners must complete a rental property information form to be provided by the enforcement agency which contains the following information:

- (1) The address of the property.
- (2) The number of dwelling units~~s~~ at that address.
- (3) The number of rental units at that address.
- (4) The maximum number of residents in each rental unit.
- (5) The number of sleeping rooms in each rental unit.
- (6) The number of families living in each rental unit.
- (7) The number of unrelated adults in each rental unit.
- (8) The number of vehicles owned or used by residents of the premises and the number of parking spaces that are dedicated for the rental units at the property.
- (9) The name, address, phone number, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent and the president of the corporation and his/her name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.
- (10) The name, address and phone number of any local (within Chittenden County) managing agent. All owners who do not live within Chittenden County are required to designate a managing agent located

in Chittenden County who is empowered to represent the owner in matters concerning compliance with this chapter.

(11) The name, address and phone number of an emergency contact for this property. All properties must have an emergency contact within Chittenden County.

(12) A designated person within the state for service of process for this property. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County for service of process. The name, address, phone number, date of birth, drivers license number and state and military status (active or not) of the designated agent.

(13) State yes or no to the following question: If the number of unrelated adults listed in paragraph (a)(7) above is greater than four (4), do those adults purport to reside in the rental unit as a "functional family" as that term is defined in the Burlington Zoning Ordinance?

(b) Upon purchase or transfer of property containing a rental unit, the purchasers shall file a new registration application and a fifty dollars (\$50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new owner on the same date.

(c) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner shall file an application for registration with the agency and pay the required fee which shall be the pro rata portion of the fee due for that year based on the date of registration.

(d) It shall be a violation of the city minimum housing ordinance for an owner of any rental unit within the city to fail to register a rental unit as required by this section.

(e) Property owners shall have a continuing obligation to notify the enforcement agency of any changes in the information required under subsection (a) during the periods between the required filings of the registration applications.

(14) State yes or no to the following question: Does the rental property contain short term rental(s)? If yes:

(i) How many short term rentals are there in the building?

(ii) How many entire dwelling units are short term rentals?

(iii) How many dwelling units let only bedrooms as short term rentals?

(iv) What is the tax account number?

(Ord. of 4-12-93; Ord. of 4-24-95; Ord. of 9-11-00)

18-16 Inspection required.

The enforcement officer or his/her delegate shall make inspections of rental units within the city, including hotel and motel rooms which are regularly let to the same tenant(s) for a period in excess of thirty (30) days, for the purpose of determining whether a violation of this chapter exists.

Excluded from periodic inspection shall be all owner-occupied dwellings containing one (1) or two (2) rooms which are rented out for compensation (including partial unit short term rentals of just one {1} or two {2} bedrooms. See Article 13 of the Comprehensive Development Ordinance for definition of short term rental – partial unit). Also excluded from inspection are university and college dormitories that conduct regular, comprehensive inspection programs and annually certify compliance with the minimum housing standards ordinance to the enforcement agency. Inspections of dwellings and dwelling units other than those that are subject to periodic inspections, or of hospital rooms, hotel and motel rooms or dormitories not subject to periodic inspections as provided for in this section, shall be made only upon complaint or upon request of the owner thereof.

All records, including inspection reports, records of complaints received and investigated, and plan for inspections of rental units, shall be available for public inspection.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-17 – 18-29

As written.

18-29a Termination of rental housing tenancy; rental housing rent increase.

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) The provisions of this subsection do not apply to short term rentals.

(Ord. of 10-29-04)

18-29a Termination of rental housing tenancy; rental housing rent increase.

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) Short term rentals are not subject to the standards of this section.

(Ord. of 10-29-04)

18-30 Fees.

(a) *Registration fee.* Pursuant to Section [18-15](#), a registration fee shall be charged to the owner of every rental unit in the city that is subject to periodic inspections. This fee shall be in an amount determined by and dedicated solely to the cost of providing rental housing inspection services, clerical, administrative and mediation support services for the housing board of review and landlord/tenant resource services. Any surplus remaining in this fund at the end of a fiscal year shall remain part of the fund and shall be carried forward to the next fiscal year. This fee shall be reviewed annually by the finance board. The fee shall be in the amount of one hundred ten dollars (\$110.00) per unit per year except for owner occupied dwellings with two (2) or less units, in which case the fee shall be eighty dollars (\$80.00) and except for partial-unit short term rentals, in which case the fee shall be fifty dollars (\$50.00).

Remainder of Sec. 18-30 as written.

18-31 – 18-69

As written.

ARTICLE III. MINIMUM STANDARDS¹

DIVISION 1. GENERALLY

18-70 Compliance with article required.

No person shall occupy as owner/occupant or shall let to another for occupancy any dwelling, roominghouse, dwelling unit or rooming unit which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance

work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section [18-2](#). [See Division 7 for Minimum Standards applicable to short term rentals.](#)

18-71 – 18-120

As written.

DIVISION 7. SHORT TERM RENTAL

18-121 Compliance with article required.

No person shall establish, operate, or host guests in a short term rental which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2.

18-122 Minimum Fire Safety Standards:

(a) Smoke and carbon monoxide alarms are provided per the following:

i.. Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.

ii. Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10- year photoelectric lithium powered tamper resistant type.

iii. Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.

iv. Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly wired to the building electrical service and have a battery backup.

v. Existing single family dwellings and duplexes constructed prior to July 1, 2005 may use plug in style alarm with battery backup or battery power or may be hardwired.

(b) GFI Outlets are provided in the following areas:

i. Bathrooms, garages and accessory buildings having a floor located at or below grade level, not intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.

(c) Every sleeping room is provided with a primary and secondary means of escape. A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.

(d) Heating systems (fuel and wood) have been inspected at least once every two (2) years by a certified fuel service technician.

- (e) Landings, decks, porches and balconies higher than thirty (30) inches from grade are provided with guards and intermediate rails spaced no more than four (4) inches apart.
Stairs must be provided with graspable handrails.

18-123 Minimum General Standards:

- (a) Appliances are operational and in good repair, and hot and cold potable water have been supplied.
- (b) Guest rooms have been serviced and cleaned before each new guest.
- (c) Refuse containers are available and emptied at least once each week or more frequently, if necessary.
- (d) Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.
- (e) Sewage system and toilets function and are in good repair.
- (f) Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's directions.
- (g) Guest rooms are free of any evidence of insects, rodents, and other pests.

ARTICLE IV. HOUSING DISCRIMINATION

18-200 Purpose.

As written.

18-201 Definitions.

- (a) For the purpose of this article, "adverse housing action" means any of the following:
 - (1) Refusal to rent;
 - (2) Refusal to negotiate a rental;
 - (3) Making a rental unit unavailable;
 - (4) Changing of the terms, conditions, or privileges of a rental including adding or increasing rental charges;
 - (5) Falsely representing that a rental unit is not available for a prospective tenant;
 - (6) Refusal to permit reasonable changes or modifications at other than the landlord's expense to a rental unit in order to render it suitable for occupancy by a handicapped person.
- (b) For the purpose of this article, "rental unit" shall not include:
 - (1) Dormitories or other housing provided by an educational institution including fraternities and sororities;
 - (2) Dwellings which are directly or indirectly assisted or subsidized by a public agency or public monies for the purpose of making housing available for a particular group or classification of persons;
 - (3) Housing provided for pious, charitable, or public purposes;

(4) Dwellings where the available space or facilities are inadequate to house a person and all minors under applicable occupancy standards;

(5) Dwellings which are owner-occupied duplexes-;

(6) Short term rentals.

(c) Notwithstanding the above, no dormitory or other housing provided by an educational institution, including fraternities and sororities, shall take an adverse housing action against any person because of the age, sexual orientation or handicap of the person.

(Ord. of 10-9-84; Ord. of 9-24-90)

18-202 – 18-301

As written.

18-302 Exemptions.

(a) This article shall not be applicable to single-family homes and duplexes.

(b) This article shall not be applicable to properties that meet all of the following requirements:

(1) land tract with ten (10) or fewer housing units;

(2) a deed restriction making at least twenty-five (25) per cent of the housing units affordable to low income tenant households; and

(3) located in United States Census Bureau tract that contains less than fifty (50) per cent home ownership.

(c) This article shall not be applicable to short term rentals.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-303 – 18-501

As written.

18-502 Applicability.

(a) This article shall be applicable to all rental properties subject to the Minimum Housing Code. In mixed commercial/residential buildings this article shall apply only to the residential portion of the building. This article shall not apply to owner-occupied portions of a multi-unit building.

(b) The following properties shall be exempt from meeting the requirements of this article:

(1) Rental properties not rented between November 1 and March 31 of each year.

(2) New construction subject to and in compliance with the Energy Conservation Ordinance, B.C.O. sections [8-100](#) to [8-104](#)

(3) Hotels, motels, tourist rooming houses, dormitories, hospitals, hospices and nursing homes.

(4) Buildings or apartments where heating costs are paid by owners of the rental properties.

(5) Short term rentals.

(Ord. of 3-24-97)

18-503 – 18-511

As written.

Short Term Rental Scenarios & Proposed Regulatory Framework for PC Discussion February 2020

	Scenario 1: Renting my own home occasionally as an STR		Scenario 2: Renting my own home for several months at a time	Scenario 3: Renting bedroom(s) as STR within the home I live in		Scenario 4: Renting an ADU or ½ of a duplex, I live in the other unit		Scenario 5: Renting a unit(s) in a building with 3+ units, when I live on the property		Scenario 6: Renting more 4+ unit(s) in a building as STRs, <u>and/or</u> I don't live on the property	
Zoning For all scenarios: · Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year · Parking space(s) not required in new parking district per ZA-20-04		1 parking space per rented unit	If rental “term” 30+ days, NOT considered an STR. Renting a housing unit does not require a Zoning Permit.		1 parking space per rented room		1 parking space per rented unit		1 parking space per rented unit		
	Permitted Use in: N/A	Conditional Use: In all zoning districts		Permitted Use: - Up to 2 rooms in residential zones - Up to 5 rooms in mixed use zones	Conditional Use: - 3 rooms in RL zones - 3-5 rooms in residential & institutional zones	Permitted Use: N/A	Conditional Use: In all zoning districts	Permitted Use: In mixed use districts Conditional Use: In residential districts	# of STR in Bldg: - 1 STR in Bldgs up to 3 units - 2 STR in Bldgs up to 5 units - 3 STR in Bldgs w/ 6+ units	Permitted Use: In mixed use zoning districts No limit to # of rented units.	Prohibited Use: In residential zoning districts
Rental Duration Host's “primary residence” means that the host lives in/at the unit/property for at least half the year	· Individual rental “terms” are less than 30 days · No limit to number of nights rented as STR as long as continues to be host's primary residence		· Individual rental “terms” are more than 30 days	· Individual rental “terms” are less than 30 days · No limit to number of nights rented as STR as long as continues to be host's primary residence		· Individual rental “terms” are less than 30 days · No limit to number of nights rented as STR as long as host's primary residence		· Individual rental “terms” are less than 30 days · No limit to number of nights rented as STR as long as host's primary residence		· Individual rental “terms” are less than 30 days · No limit to number of nights rented · Not required to be host's primary residence	
Housing Code Requirements	· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18		· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18	· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18 · Owner-occupied homes with 1 or 2 rented rooms are exempt from rental registration & annual housing inspection		· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18		· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18		· “Minimum Housing” and rental registration not applicable because not “residential” · Building code requirements will depend on number of occupants in building	
Taxes & Fees	· NOT required to pay Housing Replacement Fee · Register as a business · Pay Burlington & VT Rooms & Meals Taxes		· NOT required to pay Housing Replacement Fee · Not required to register as a business · Not required to pay Burlington & VT Rooms & Meals Taxes	· NOT required to pay Housing Replacement Fee · Register as a business · Pay Burlington & VT Rooms & Meals Taxes		· Register as a business · Pay Burlington & VT Rooms & Meals Taxes · Housing Replacement Fee if STR is replacing a long-term housing unit · Not required to pay Housing Replacement if building a new unit for use as an STR		· Register as a business · Pay Burlington & VT Rooms & Meals Taxes · Housing Replacement Fee if STR is replacing a long-term housing unit		· Register as a business · Pay Burlington & VT Rooms & Meals Taxes · Housing Replacement Fee if replacing long-term housing unit(s)	
Property Assessment	· Likely assessed as “residential” · Report any rental use to State of VT for Homestead Declaration		· Likely assessed as “residential” · Report any rental use to State of VT Homestead Declaration	· Some configurations may be assessed as “commercial” with 120% commercial value factor · Report any rental use to State of VT for Homestead Declaration		· Likely assessed as “residential” · Report any rental use to State of VT Homestead Declaration		· Some configurations may be assessed as “commercial” with 120% commercial value factor · Report any rental use to State of VT for Homestead Declaration		· Considered “commercial” by Assessor, with 120% commercial value factor · Considered “commercial” for purpose of State of VT Homestead Declaration	



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www.burlingtonvt.gov/cityplanning

TO: Burlington Planning Commission
City Council Ordinance Committee

FROM: David White, FAICP, Director of Planning & Meagan Tuttle, Comprehensive Planner

DATE: Thursday, February 13, 2020

RE: Proposed CDO Amendment ZA-20-04: Minimum Parking Requirements

In your packet for the Feb 19 meeting, you will find a revised version of ZA-20-04 for your consideration.

As noted at the meeting on Jan 14, the City Attorney's Office has proposed language regarding the treatment of existing permitted parking, which has been inserted at lines 70-76. In addition, there are two non-substantive corrections and clarifications at lines 57 and 478-479. Comments and additions to the proposed language in lines 66, and 433-450, as well as map 8.1.3-1 reflect the Commission's proposed changes following the February 11 Public Hearing.

Beyond this, staff is not offering any additional changes to the proposed amendment at this time. The Committee should consider any final modifications you would like to make to the proposal, and then take action to:

"Refer the amendment, and the accompanying statutory report, to the City Council for their consideration and adoption."

It is our hope to get this amendment before the City Council for a first reading and work session by the end of February or in early March.

TO: Burlington Planning Commission
City Council Ordinance Committee

FROM: David White, Director, City Planning, Meagan Tuttle, Principal Planner, City Planning

DATE: February 13, 2020

RE: Proposed CDO Amendment ZA-20-04: Minimum Parking Requirements

Overview & Background

Burlington did not begin requiring parking for new development through zoning until the 1970s, and up until 1986, developments within the downtown core were exempt from requirements to build a prescribed number of spaces. In 2008, three parking districts were established in the zoning ordinance to ensure that the required number of parking spaces was based on the geographic context of the development. As part of the 2013 *planBTV: Downtown & Waterfront Plan*, a comprehensive evaluation of parking use was conducted which illuminated that 40% of parking in existing private parking lots and garages was vacant most of the time. It is estimated that if these existing parking spaces were utilized more fully, they could support an additional 700+ housing units and 350,000 sq.ft. of commercial space without building any new parking. Since 2013, BBA has been working with the City to implement a downtown parking management program to better utilize existing parking resources, and make private parking resources available for public parking needs. In 2019, BBA found that despite the loss of about 500 parking spaces at CityPlace, there are still hundreds of unused parking spaces available to the public even at peak times.

In April 2019, Mayor Weinberger announced a plan to convene a Housing Summit and advance work to bring focus, urgency, and resolution to five key areas of unfinished business from the *Housing Action Plan*. Reforming local zoning to address the cost to construct, maintain, and lease housing units was one of these key areas. The framework for amending the city's zoning ordinances to amend the requirements for minimum on-site parking in certain parts of the city was included in a resolution unanimously supported by the City Council on October 7, 2019. The resolution further called for consideration of Transportation Demand Management measures, a reduction in the maximum amount of parking allowed on-site, and an update to the City's Impact Fees to create a more holistic fund to include alternative transportation capital projects. The resolution referred the Zoning related items from this framework to a Joint Committee of the Planning Commission and City Council's Ordinance Committee.

As such, the enclosed zoning amendments are aimed at reducing a significant factor in the cost to construct, maintain, and lease housing units, therefore increasing the affordability of those housing units. Further, these amendments intend to allow more space within new development to be used for creating housing units, recognize the context-sensitive nature of parking and driving behaviors, and support a more robust system of transportation choices that enables the city to meet its Net Zero Energy goals.

More information about Minimum Parking Requirements in Burlington, and the proposed amendment can be found online at: <https://www.burlingtonvt.gov/mayor/housingpolicy/parking>

Recommended Amendment Details

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement & Summary

The purpose of this amendment is to establish a new Multi-Modal Mixed Use parking district, in which there would be no on-site minimum parking requirements for new developments. The proposed amendment further extinguishes parking requirements for existing developments within this district to enable greater flexibility for shared-parking, and introduces a transportation demand management requirement for projects of a defined scale within this district. The proposed amendment eliminates minimum on-site parking requirements for Affordable Housing, adaptive reuse of a listed historic building, and for Accessory Dwelling Units. Finally, this amendment adds minimum parking requirements for several use types not already covered, and lowers the maximum on-site parking limits for all parking districts citywide.

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Proposed Future Land Use & Density

The proposed amendment is intended to support infill and redevelopment that includes new homes within parts of the City that are planned for growth, including mixed use zoning districts, and along major thoroughfares into/out of the city that are served by high frequency public transit lines.

Impact on Safe & Affordable Housing

This proposed amendment furthers the City of Burlington and the State of Vermont's goals to expand the availability of safe and affordable housing. This amendment intends to reduce a requirement of new development that contributes in a significant way to the viability and cost of new development, and to the ongoing cost of renting and maintaining housing.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: City Staff, with support of City Council	Joint Planning Commission & Council Ordinance Cmte 10/30, 11/12, 12/4, 12/10, 1/14, 2/11, 2/19	Approved for Public Hearing 1/14/20	Public Hearing 2/11/20	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council (as is / with changes)	Second Read & Public Hearing	Approval & Adoption
				Rejected

ARTICLE 8: PARKING

PART 1: GENERAL REQUIREMENTS

Sec. 8.1.1 Purpose

It is the purpose of this article to:

- (a) Ensure there are adequate parking and loading facilities to serve the use or uses of the property;
- (b) Ensure that parking facilities are designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjoining properties from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles parking off the street;
- (c) Reduce congestion in the streets and contribute to traffic safety; and
- (d) Encourage alternate modes of travel that will reduce dependence upon the single-occupancy automobile.

These regulations are enacted under the provisions of 24 V.S.A. *Chapter 117*

Sec. 8.1.2 Applicability

No structure shall be erected or altered, or any use changed or established, unless or until the provisions of this Article have been met. No onsite parking shall be required or provided within the Urban Reserve District.

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 on-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) Neighborhood Parking District:

This parking district establishes the baseline of parking requirements throughout the city where the demand for on-site parking is largely dependent on the needs and characteristics of an individual site or land use.

(b) Shared Use Parking District:

This parking district reduces the requirements from the baseline standards recognizing that opportunities exist to share parking demand between related

nearby land uses, and that travel to and between these uses may not be strictly automobile dependent.

(c) Downtown Multimodal Mixed-Use Parking District:

This parking district ~~further reduces~~eliminates the minimum on-site parking requirements ~~from the baseline standards of Sec. 8.1.8~~ recognizing ~~that the opportunity for~~ extensive sharing of parking demand between nearby mixed land uses ~~occurs; that a majority of~~makes travel to and between proximate land uses ~~is~~ largely independent from an automobile; and that an array of non-vehicular transportation modes, public parking facilities, and frequent transit service greatly reduces the need for independent on-site parking for individual land uses.

This Parking District includes all properties in the following Zoning Districts:

- (a) Downtown Core (FD6)
- (b) Downtown Center (FD5)
- (c) Downtown Waterfront – Public Trust (DW-PT)
- (d) Neighborhood Activity Center (NAC)
- (e) Neighborhood Mixed Use (NMU)
- (f) NAC – Riverside (NAC-R)
- (g) NAC – Cambrian Rise (NAC-CR)

With the exception of those properties subject to Part 3 - Institutional Parking Management Plans, this Parking District also includes all properties with street frontage on the following major thoroughfares below to a maximum depth of 200-ft.:

- (a) North Avenue from Battery Park to Plattsburg Avenue
- (b) Colchester Avenue
- (c) Pearl Street
- (d) North Winooski Avenue
- (e) Riverside Avenue from N. Winooski Ave to Colchester Ave
- (f) Battery Street
- (g) Main Street
- (h) College Street to South Williams Street
- (i) Pine Street
- (j) Saint Paul Street
- (k) Shelburne Street

With respect to permits issued with parking requirements in this Parking District prior to the effective date of the amendment to eliminate minimum onsite parking, an administrative permit amendment may be requested to remove the parking requirement based upon the change in regulation. This does not apply to permits containing public parking provided in exchange for an Article 4 Development Bonus (See Sec. 4.4.1(d)(5)(A)). For those permits, the public parking provided shall be maintained.

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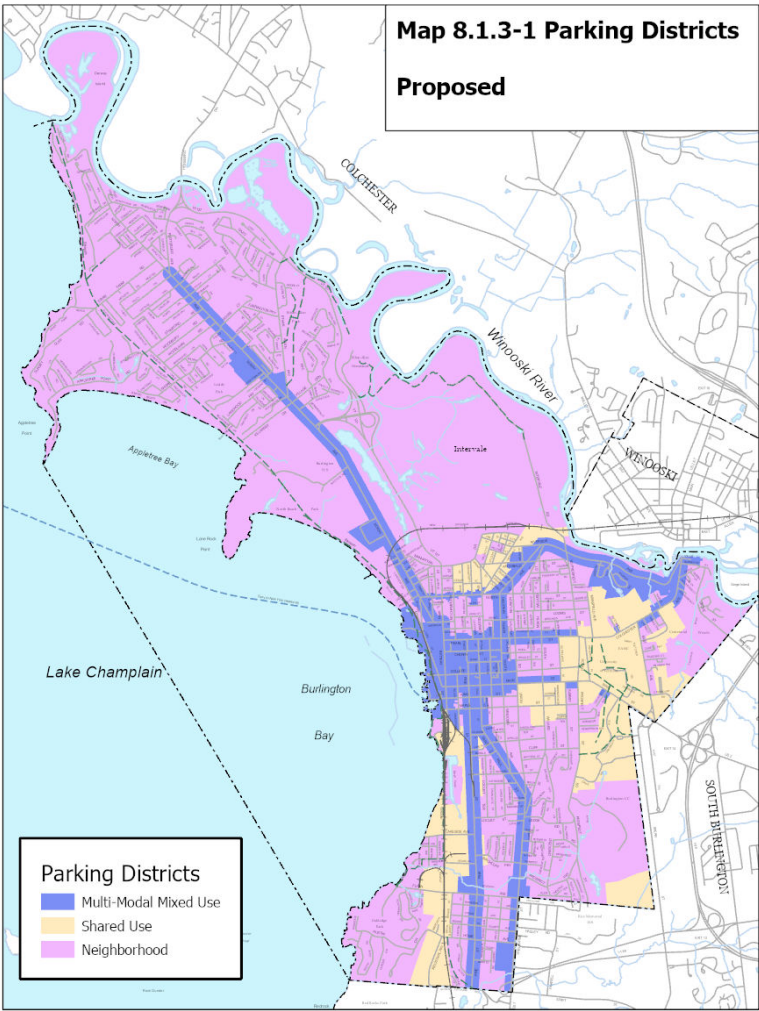
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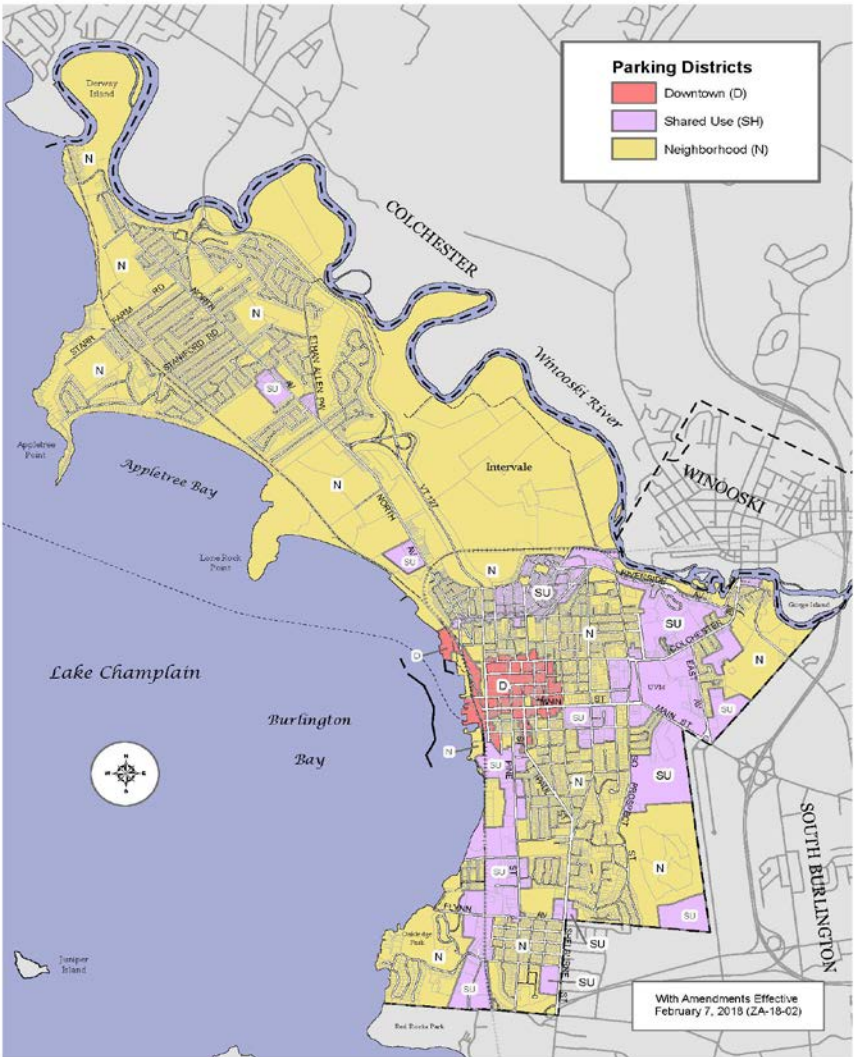
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Commented [DEW4]: Need to refine the corridors so it doesn't capture lots that don't actually have frontage on them.



Map 8.1.3 -1 Parking Districts

Sec. 8.1.4 Existing Structures

Any structure or land use lawfully in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article as long as the kind or extent of

use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be reduced below such requirements.

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. 8.1.15.

Sec. 8.1.6 ~~Existing Structures: Affordable Housing and Historic Buildings 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. Regardless of location, the Minimum Off-Street Parking Requirements found under Sec. 8.1.8 below shall not apply to any of the following:~~

- ~~(a) The creation of permanently affordable inclusionary housing units satisfying the applicable provisions of Article 9 Part 1 - Inclusionary Housing (see Sec. 9.1.10 Income Eligibility and Sec. 9.1.11 Calculating Rents and Selling Prices);~~
- ~~(b) The adaptive reuse and/or substantial rehabilitation of a building listed on the State or National Register of Historic Places; and,~~
- ~~(c) The creation of an Accessory Dwelling Unit subject to the provisions of Sec. 5.4.5.~~

Commented [DEW5]: No longer applicable

Commented [DEW6]: **NOTE:** Track cross reference to the proposed in ADU amendment

Sec. 8.1.7 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. 8.1.8, one (1) parking space shall be provided for each additional room. Single detached dwellings shall be exempt from this requirement.

Sec. 8.1.8 Minimum Off-Street Parking Requirements

~~A minimum number of off-street parking spaces~~ for all uses and structures shall be provided in accordance with Table 8.1.8-1 ~~below~~.

- ~~(a) Where a use is not listed no requirement is designated, and the use is not comparable to any of the listed uses, the minimum parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use the capacity of the facility and its associated uses.~~

Commented [DEW7]: Revised to be consistent with Sec. 5.1.1

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

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use 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 0
Single Family detached and Duplex	2	2	1 0
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0 .40
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0 .50
Boarding House (per two (2) beds)	1	0.75	0 .50
Community House	1	0.75	0 .50
Convalescent Home (per four (4) beds)	1	1	1 0
Dormitory (per two (2) beds)	1	1	1 0
Emergency Shelter	0	0	0
Group Home (per two (2) beds)	1	1	1 0
Historic Inn (per room, in addition to single-family residence)	1	0.75	0 .50
Sorority & Fraternity (per two (2) beds)	1	1	1 0
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 0
Agricultural Use	None 0	None 0	None 0
Amusement Arcade	2	1	0
Animal Boarding/Kennel/Shelter	2.5	1.5	1 0
Animal Grooming (per grooming station)	1	1	0
Animal Hospitals/Veterinarian Office	3	2	1 0
Appliance & Furniture Sales/Service	2.5	1	1 0
Aquarium	1.3	1	1 0
Art Gallery/ Studio	3.3	2.5	1 0

Commented [DEW8]: Added per expired ZA-19-03

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Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Auction Houses	3.3	2.5	10
Automobile & Marine Parts Sales	2.5	1.5	10
Automobile Body Shop	2 plus 1/bay	2 plus 1/bay	2 plus 1/bay0
Automobile Repair/Service	2 plus 1/bay	2 plus 1/bay	2 plus 1/bay0
Automobile Sales – New & Used	2	2	10
Bakery	2.5	2.5	10
Bank, Credit Union	2.5	2	10
Bar/Tavern	4	3	None0
Beauty/Barber Shop (per station/chair)	1	1	None0
Bicycle Sales/Repair	2.5	1	None0
Billiard Parlor (per game table)	1	1	None0
Boat Repair/Service	2	2	10
Boat Sales/Rental	2	2	10
Boat Storage	3	2	10
Bowling Alley (per lane)	3	2	10
Building Material Sales	3.3	2.5	10
Café (per four (4) seats)	1	None0	None0
Camp Ground (per camping space)	1	1	10
Car Wash (stacking spaces per wash bay)	4	4	40
Cemetery	None0	None0	None0
Cinema (per four (4) seats)	1	1	None0
Club, Membership	3.3	2.5	10
Community Center	3.3	2.5	10
Community Garden (per ten (10) plots)	1	1	None0
Conference Center	3	2	10
Contractor Yard (per 1,000 gfa of office space)	2.5	2	20
Convenience Store	3	2	10
Convention Center	n/a	3	20
Courthouse	n/a	3.3	20
Crematory (per FTE employee)	1	1	10
Crisis Counseling Center	4	3	10
Daycare - Home (6 children or less)	None0	None0	1 drop-off0

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Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Daycare - Large (Over 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	2 drop-off
Daycare - Small (20 children or less) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1
Dental Lab	2	1	None
Distribution Center (per 3,000 gfa)	1	0.75	0.75
Dry Cleaning Plant	1.3	1	1
Dry Cleaning Service	2.5	2	2
Film Studio	3.3	2.5	1
Fire Station (per apparatus)	2	2	1
Food & Beverage Processing	1.3, plus 3 per 1,000 gfa devoted to patron use	1, plus 2 per 1,000 gfa devoted to patron use	1
Fuel Service Station (per employee/shift)	1	1	1
Funeral Home (per four (4) seats)	1	1	1
Garden Supply Store (per 1,000 gfa of retail area.)	3	2	1
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	1
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	1
Manufacturing-Light	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	1

Commented [DEW9]: Added per expired ZA-19-03

Commented [DEW10]: Added per expired ZA-19-03

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Manufacturing	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	10
Marina (per berth)	0.5	0.5	0.50
Medical Lab	2	1	None0
Museum	1.3	1	10
Office - General	2	2	20
Office - Medical, Dental	3	2	10
Office – Technical	2	2	20
Open Air Markets	None0	None0	None0
Operations Center - Taxi (per three (3) employees)	1	1	10
Operations Center - Truck/Bus (per 3,000 gfa)	1	0.75	0.750
Park (per playing area)	5	None0	None0
Parking Garage – Private	None0	None0	None0
Parking Lot – Private	None0	None0	None0
Performing Arts Center (per four (4) seats)	1	1	None0
Performing Arts Studio	1	None0	None0
Pet Store	2.5	1	None0
Pharmacy	3	2	10
Photo Studio	2.5	1	None0
Photography Lab	1	1	None0
Police Station	2.5	2	20
Post Office	1.3	1	10
Post Office - Local	2	2	None0
Printing Plant	1.3	1	10
Printing Shop	2	2	None0
Public Transit Terminal	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	None0
Public Works Yard/Garage	None0	None0	None0
Radio & TV Studio	2	2	20
Rail Equip. Storage & Repair	None0	None0	None0

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Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Recording Studio	1.3	1	1 0
Recreational Facility - Indoor (per four (4) seats)	1	1	0.5 0
Recreational Facility - Outdoor (per playing field)	15	10	None 0
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 0
Recreational Vehicle Sales – New and Used	2	2	1 0
Recycling Center - Large above 2,000 gfa	None 0	None 0	None 0
Recycling Center - Small 2,000 gfa or less	None 0	None 0	None 0
Research Lab	2.5	2	2 0
Restaurant	4	3	None 0
Restaurant – Take-Out	4	3	None 0
Salon/Spa	4	4	2 0
School - Secondary (per Classroom)	7	5	2 0
School - Primary (per Classroom)	1.5	1.5	1.5 0
School – Preschool Large (over 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 per 5 children 0
School – Preschool Small (up to 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 0
School - Trade/Professional	5	3	1 0
School, - Post-Secondary	2	2	2 0
Solid Waste Facility - Incinerator, Landfill, Transfer Station	None 0	None 0	None 0
Tailor Shop	2	1	None 0
Vehicle Salvage	None 0	None 0	None 0
Warehouse	0.5	0.35	0.35 0
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 0
Warehouse - Retail	3.3	2.5	2.5 0

Commented [DEW11]: Added per expired ZA-19-03

Commented [DEW12]: Added per expired ZA-19-03

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Wholesale Sales	1.3	1	4
Worship, Place of (per four (4) seats)	1	1	4

Sec. 8.1.9 Maximum On-Site Parking Spaces

The total number of off-street parking spaces provided in ~~all any~~ 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 8.1.8-1 below.~~ ~~In no case shall the maximum number of required spaces be less than one (1) per unit of measurement (beds, units, 1000 gross sqft, etc.) for the use.~~

Table 8.1.9-1 Maximum Off-Street Parking Requirements

Neighborhood District	Shared Use District	Multimodal Mixed-Use District
125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1

(a) **Exemptions:** The following shall ~~reduce not be included in~~ the maximum number of allowable spaces required by this section:

1. Structured Parking: Spaces provided within the footprint of a structure containing one or more other uses, including rooftop, at-grade, or below grade spaces shall not be counted towards the maximum, provided the floor area dedicated to parking is less than 50% of the total gross floor area of the structure;

2. Public Parking: Spaces provided and available for use by the public shall not be counted towards the maximum. ~~Such spaces shall be available to the public at a minimum of nights and weekends, and be signed or marked accordingly;~~

3. Carpool, Vanpool, and Car-Share Parking: Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed or marked accordingly; and,

4. Alternative Fueled Vehicle Parking. Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural gas, and hydrogen shall not be counted towards the maximum. Such spaces shall

Commented [MT13]:

Example of how the min/max works:

Today, a 5,000 sq.ft. Tavern is located in the Shared Use Parking District.

It would be required to have 3 parking spaces per 1,000 sq.ft. at minimum, or at least 15 spaces. Its maximum allowed parking spaces would be 125% of the Neighborhood District requirement of 4 spaces/1,000 sq.ft, or 25 spaces.

Under the proposed changes to the Max Parking table, the new maximum allowed is only 100% of what is required in the Neighborhood Parking District, or 20 spaces (so, 5 fewer).

Alternatively, if that same Tavern were to be located in the Multi-modal Mixed Use District under this proposed ordinance amendment, it would have no minimum requirement to provide parking spaces, and the maximum would be limited to what is required in the Shared Use District- or 15 spaces.

be reserved for such use, and be signed and/or the space painted with the words “Alternative Fueled Vehicles Only.”

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 8.1.15 with the following additional requirements:

A. The applicant requesting the waiver shall also provide:

- (i) a peak demand parking study for two similar uses in the area; and,
- (ii) a TDM Plan pursuant to the requirements of Sec. 8.1.16

B. The following additional review criteria shall be addressed regarding how:

- (i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
- (ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,
- (iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Sec. 8.1.10 Off-Street Loading Requirements.

Outside of the ~~Downtown Multimodal Mixed-Use~~ Parking District, every structure constructed after the effective date of this ordinance and used for non-residential use shall provide sufficient space for the unloading and loading of vehicles. The adequacy of any proposed loading areas shall be considered as part of the site plan and traffic circulation review. Such loading areas shall have access to a public alley or a public street in such a way to minimize conflicts with the circulation of other vehicles and pedestrians, be screened from public view, and provide safe and effective access to the city’s street network.

Sec. 8.1.11 Parking Dimensional Requirements

The following standards in Table 8.1.11-1 below shall be ~~used~~ applicable in all Parking Districts 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 after consultation with the city engineer due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve pervious lot coverage for on-site stormwater management, existing trees, and mature vegetation.

Mechanical access parking shall be exempt from the dimensional requirements of this section.

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Table 8.1.11-1 Minimum Parking Dimensions						
Angle of Parking Space Type	Space Width (A) of Space	Space Length (B) of Space	Vertical Clearance (C) (Stall and Aisle)	Width of Angled Space	Length of Angled Space	Minimum Back-Up Length
Standard Cars						
Parallel Parking	89.0'	2218.0'	7.5'	-	-	-
45° Angle ²	9.0' ¹	2018.0'	7.5'	12.7'	20.5'	15.0'
60° Angle ²	9.0' ¹	2018.0'	7.5'	10.4'	21.8'	18.0'
90° Angle ²	9.0' ¹	2018.0'	7.5'	9.0'	20.0'	24.0'
Compact³ Cars						
Compact spaces must be clearly identified with pavement marking and signage.						
Parallel Parking	8-97.5'	2015.0'	6.8'	-	-	-
45° Angle ²	8.0'	1816.0'	6.8'	11.2'	18.3'	13.0'
60° Angle ²	8.0'	1816.0'	6.8'	9.2'	19.8'	15.0'
90° Angle ²	8.0'	1816.0'	6.8'	8.0'	18.0'	20.0'
Tandem	9.0'	36'	7.5'			
Scooter/Motorcycle	4'	8.0'	6.8'			
Aisle Width (D)						
Aisle width (one-way)	10'-12' 14' for 60° angled spaces 90° angled spaces not permitted		7.5'			
Aisle width (two-way)	20' 23' for 90° angled spaces		7.5'			

¹ The minimum stall width may be reduced to 8.5' for spaces dedicated to residential uses.

² Angled spaces may be either head-in or back-in.

³ The overall proportion of compact spaces may not exceed 50%.

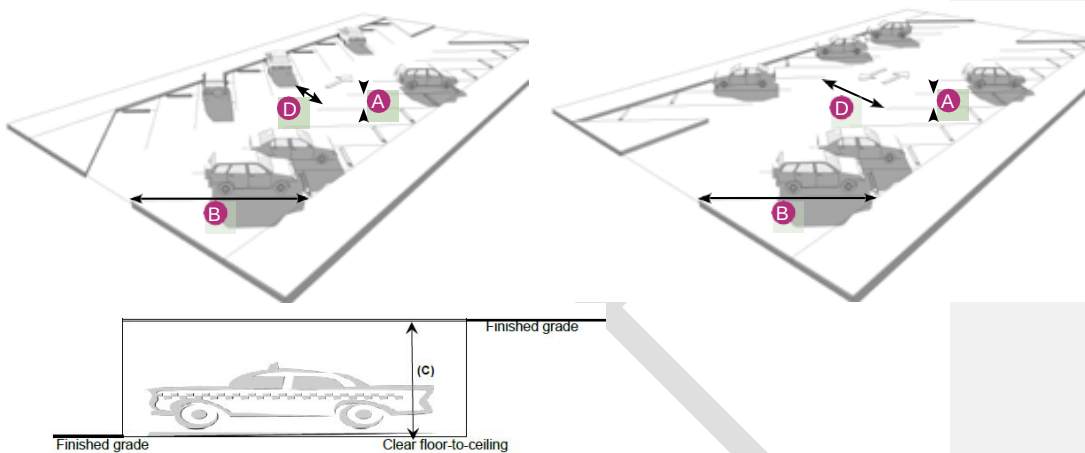


Illustration 8.1.11-A - Parking Dimensions

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land. The off-site parking area shall be within the same zoning district as the use it serves or ~~is in a zoning district~~ that allows parking lots or parking garages as ~~primary-Principal~~ uses. Parking that serves any use located outside a residential zoning district shall not be located within a residential zoning district. ~~Off-site parking spaces shall be subject to the site plan design standards of Article 6: Part 2. The maximum parking limitations of Section 8.1.9 apply.~~ Off-site parking facilities shall be as follows:

1. Neighborhood Parking District: No more than 50% of the total required off-street parking ~~from Table 8.1.8-1~~ shall be provided at a distance greater than 600 feet from the use it is intended to serve. ~~For residential uses, a minimum of 1 space per unit shall be provided on-site.~~
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. 8.1.15 approved by the DRB.
3. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the

Commented [DEW14]: redundant

required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board per Sec. 8.1.15 (b). The right to use the off-site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed, ~~or easement, lease, or similar written instrument~~ as approved by the City Attorney and recorded in the Burlington land records. ~~Use of off site parking for parking spaces in excess of the minimum parking requirements of Sec. 8.1.8 may be secured by lease or similar written instrument.~~

(b) Downtown Street Level Setback:

~~In order to maintain an active streetscape, any off-street parking occupying street level frontage in the Downtown Parking District shall be setback from the front property line in order to reserve street level frontage for pedestrian-oriented uses.~~

Commented [DEW15]: Superseded by Article 14- the downtown form based code.

(c) Front Yard Parking Restricted:

Required parking in all residential zoning districts shall not be located in a required front yard setback area abutting a public street, except alleys. This prohibition extends from the edge of the public right-of-way into the required front yard setback for the entire width of the property with the exception of a single access drive no more than eighteen feet (18') or less in width. The provisions of this subsection shall not be applicable during such times as when the winter parking ban pursuant to Section 20-56 of the Code of Ordinances is in effect. Where parking is provided outside the front yard setback, but either partially or entirely between the principle structure and the street, such parking shall be screened to the extent practicable from view from the public street.

(d) Shared Parking in Neighborhood Parking Districts:

In the event that a mix of uses occupy a single structure or parcel of land located in a Neighborhood or Shared Use Parking District, the total requirement for off-street parking shall be the sum for all individual uses unless it can be shown that the peak parking demands are offset and spaces can be shared (for example: retail and residential, or theater and office uses) as evidenced by a shared parking analysis utilizing the most current edition of the Urban Land Institute's Shared Parking Report, the ITE's Shared Parking Guidelines, or other comparable and industry-recognized publications. ~~In such cases the parking required must at least meet the requirements for Shared Use Districts.~~

(e) Single Story Structures in Shared Use Districts:

In the event that a single story structure is proposed to be located in a Shared Use District, the total requirements for off-street parking shall be calculated as for a Neighborhood Parking District. This provision does not apply to single story structures existing and occupied as of the effective date of this ordinance.

(f) Joint Use of Facilities:

The required parking for two (2) or more uses, structures, or parcels may be combined in a single parking facility if it can be shown by the applicant to the

satisfaction of the DRB that the use of the joint facility does not materially overlap with other dedicated parking in such facility, and provided that the proposed use is evidenced by a ~~irrevocable~~ deed, lease, contract, reciprocal easement, or similar written instrument establishing the joint use acceptable to the city attorney.

(g) Availability of Facilities:

Required parking pursuant to this Article shall be available for parking of operable passenger vehicles used by residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials. The distribution of parking spaces for any and all individual uses will be required to be arranged in such a way as to ensure optimal access and use by the patrons of such use(s).

(h) Compact Car Parking:

~~Compact parking spaces may be used in parking structures or lots. Up to fifteen (15%) percent of the total parking spaces in a parking garage may be designated for compact cars. Such spaces shall be signed or the space painted with the words "Compact Car Only."~~

Commented [DEW16]: Replaced by footnote #4 in table 8.1.11-1

Sec. 8.1.13 Parking for Disabled Persons

Parking spaces for disabled persons in all Parking Districts shall comply with current the Americans with Disabilities Act guidelines and shall be at least eight feet (8') wide with an adjacent access aisle at least five feet (5') wide. Parking access aisles shall be part of an accessible route to the building or facility entrance. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Painting of the paved area for the dedicated parking spaces alone shall not be sufficient as the sole means of identifying these spaces.

Sec. 8.1.14 Stacked and Tandem Parking Restrictions

Except as otherwise provided below, all parking facilities in all Parking Districts shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle. The requirements for minimum or maximum spaces continue to apply for stacked and Tandem parking.

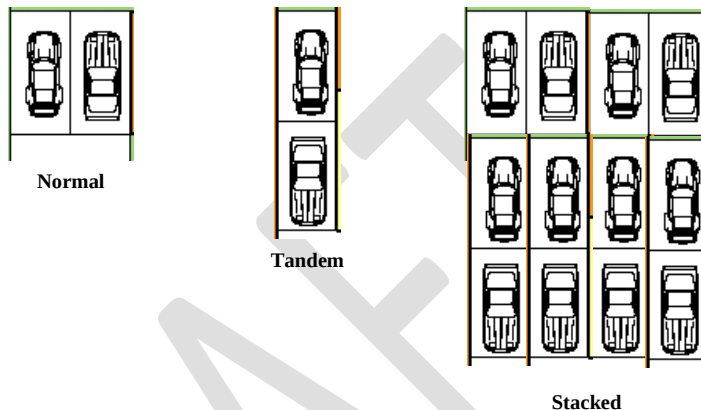
Commented [DEW17]: NOTE: Track related proposed changes in ADU amendment

- (a) ~~Stacked or valet parking may be allowed if an attendant is present to move vehicles.~~ If stacked parking is used for required parking spaces, a written guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces continue to apply for stacked parking.

Commented [DEW18]: Note: ADU amendment removes this requirement for SF and ADU

(b) Tandem Parking ~~may~~ shall be allowed for all dwelling units (whether attached or detached). Each dwelling unit may have a pair of tandem parking spaces, however any pair of tandem parking spaces shall not serve more than one dwelling unit single family detached dwelling units, accessory apartments, duplex dwelling units, and Tandem parking shall also be allowed for dedicated employee-only parking where signed as such. In no case shall more than 4 parking spaces (2 pairs) in total be provided in tandem on any one lot.

Commented [DEW19]: Updated to be consistent with expired ZA-19-03



Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

(a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be ~~reduced~~ modified 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 for a residential use 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 which may be waived by as much as one hundred percent (100%).~~ Any waiver granted for a non-residential use may be as much as ninety percent (90%) ~~except that a waiver for ground floor retail uses in any Form or Mixed Use district may be 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.

Commented [DEW20]: Superseded by new exemption

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 or Sec. 8.1.9 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:

- (1) A calculation of the parking spaces required pursuant to Table 8.1.8-1, and Sec. 8.1.9 regarding parking maximums where applicable.
- (2) A narrative that outlines how the proposed Parking Management Plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.
- (3) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:
 - i. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;
 - ii. Anticipated parking demand by time of day and/or demand by use;
 - iii. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;
 - iv. Availability and frequency of public transit service within a distance of 800-feet.
 - v. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,
 - vi. Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.
- (4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:
 - i. A telecommuting program;
 - ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
 - iii. Implementation of a car-share program;
 - iv. Development or use of a system using offsite parking and/or shuttles; and,
 - v. Implementation of public transit subscriptions for employees.
- (5) An analysis and narrative pursuant to Sec. 8.1.9 regarding waivers of parking maximums where applicable

Prior to any approval by the DRB pursuant to this section, the means by which the Parking Management Plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

(b) Shared Parking for Off-Site Use

Onsite parking spaces may be made available for use by off-site users subject to review and approval of a Parking Management Plan by the DRB.

The A Parking Management Plan for Shared Parking for Off-Site Use must include the following:

1. A calculation of the parking spaces required pursuant to Table 8.1.8-1 and a calculation of those parking spaces to be shared for off-site parking use.
2. Information specifying the actual onsite demand for required parking by day, time of day, and by use and also information specifying when and how much parking would be made available to off-site users.
3. A narrative that outlines how the proposed Parking Management Plan will allow for shared use of required parking spaces with off-site users; how it will enable continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.

The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their ability for onsite users to park due to either:

1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec. 8.1.8; and/or,
2. The spaces are to be made available during off-peak hours of the onsite and/or required users.

Parking spaces being made available to off-site users may be made available:

- Either with or without a fee;
- For transient use by the general public; and/or,
- By lease, provided the term of any lease does not exceed one (1) year.

Prior to any approval by the DRB pursuant to this section, the means by which the Parking Management Plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

Sec. 8.1.16 Transportation Demand Management

(a) Purpose: This section requires the implementation of Transportation Demand Management strategies for certain projects for the purpose of advancing the goals of the City's land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:

- Reducing parking demand;
- Reducing vehicle miles traveled (VMT);
- Increasing transit use and non-motorized travel; and,

- Reducing car ownership

(b) Applicability: Transportation Demand Management shall be required for all projects located in the Multimodal Mixed Use Parking District (see Sec. 8.1.3(c)), and involving any one or more of the following:

<u>Dwelling Units</u>	<u>Creation of ten (10) or more dwelling units</u>
<u>Non-residential or Mixed Use Development</u>	<u>A building footprint of eight thousand (8,000) s.f. or more, or the creation of fifteen thousand (15,000) s.f. or more of gross floor area.</u>

(c) TDM Requirements: Transportation Demand Management shall include each of the following elements:

a. Outreach and Education:

- i. Designation of a Transportation Coordinator who directly or indirectly shall be responsible for each of the following:

1. Prepare and present informational and educational materials regarding available TDM strategies to all tenants and employees;
2. Organize and host an annual meeting for all tenants and employees to present and discuss available TDM strategies, and opportunities for increased use and participation;
3. Preparation and dissemination of an annual travel survey of all tenants and employees; and,
4. Record-keeping and annual reporting to City of all TDM activities and rates of participation (and parking utilization if applicable) to validate continued compliance with the provisions of this Section.

b. TDM Strategies: In addition to the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall be made available at a minimum:

- i. A Guaranteed Ride Home benefit offered to all employees whereby transit users, bikers, walkers, vanpoolers, and carpoolers who may face an occasional unforeseen change of plans that prevents them using their typical mode of travel to and from work are reimbursed for the cost of a taxi or ride-share to get them where they need to go.

Such a benefit shall define: who is eligible to participate; what trips are eligible for reimbursement; the maximum number of uses allowed during a certain period, maximum miles within a period, or maximum cost per trip; and procedures for using the benefit.

- ii. GMT Transit passes offered to all tenants and employees at a minimum subsidy of 20% as follows:
1. Tenants and/or employees living or working outside Chittenden County must be offered a pass that includes access to inter-regional commuter routes;
 2. Tenants and/or employees living and working within Chittenden County may be offered a pass that only includes access to local and intra-regional as applicable.
- iii. Where on-site parking is also made available:
1. Conduct parking utilization studies at least annually;
 2. With the exception of permanently affordable housing units the cost of parking shall be un-bundled from all residential and non-residential leases and deeds;
 3. Where parking spaces are made available to off-site users parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,
 4. Priority parking spaces, located in closest proximity to a primary building entrance and/or public street frontage, shall be made available for:
 - a. Handicapped spaces;
 - b. Bicycles, scooters, and motorcycles spaces;
 - c. Car-share where 1 space must be offered for every 20 residential units not to exceed 5 spaces subject to an agreement with a car-share provider; and,
 - d. Carpool and/or Vanpool vehicles where there are more than 20 parking spaces on the site available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays.
- c. TDM Agreement:
- i. Commitment to ongoing implementation of the TDM requirements as set forth above;
 - ii. Acknowledgement that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for or remove such on-street parking at any time;
 - iii. Acknowledgement that failure to maintain transportation demand management as required above is a violation of this ordinance, and

Commented [DEW21]: Replace with:

"A minimum sustainable transportation subsidy of no less than \$70 shall be credited on a monthly basis to any tenant (up to two tenants per dwelling unit) or employee who has not held a parking pass in the preceding month. For members of a transportation management association the minimum subsidy may be reduced to \$50. The minimum sustainable transportation subsidy amount shall be adjusted annually consistent with the U.S. Consumer Price Index."

Formatted: Highlight

Commented [DEW22]: Added per City Attorney

understanding that, pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,

iv. Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

(d) **Review and Enforcement:** The Administrative Officer shall be responsible for determining compliance with the TDM requirements set forth above, and ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Guidelines regarding compliance with these TDM requirements shall be developed and provided to applicants by the Administrative Officer.

Failure to maintain transportation demand management as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without an approved TDM plan in effect.

The remainder of this Article is unchanged:

- *Part 2 – Bicycle Parking*
- *Part 3 – Institutional Parking Plans*

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

Burlington Joint Planning Commission with City Council Ordinance Committee

Tuesday, February 11 2020, 6:30 P.M.

Burlington Police Department, One North Ave. Burlington, VT

Draft Minutes

Members Present	Planning Commission: A Montroll, B Baker, H Roen, E Lee City Council Ordinance Committee: C Mason, S Bushor
Staff Present: D White, M Tuttle, S Gustin, K Sturtevant	

I. Agenda

Call to Order	Time: 6:35pm
Agenda	No change.

II. Public Forum

Name	Comment
C Campbell	Include RH in the areas without parking requirement; it is a silo that needs to be considered separately from RM and RL areas.
J Sharpe	Call to attention letter shared ahead of the meeting posted in agenda packet.
A Magyar	Applied for permit for ADU, thanked committee for addressing these barriers to make this possible.

III. Chair's Report

A Montroll	No Report
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IV. Director's Report

D White	Dept. head report will be in next agenda; will be out of office Week of Feb 17. M Tuttle reported ADU Public Hearing & Adoption by Council expected on Feb 18.
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V. Public Hearing: ZA-20-04 Minimum Parking

Commission held public hearing; approved motion to refer back to staff to amend parking map to include College St (Union to Williams) and incorporate TDM requirement that reflects CarShare proposal.		
Motion by: E Lee	Second by: B Baker	Vote: Approved Unanimously
Type: Public Hearing, Action	Presented by: D White	
D White Presented overview of the proposed minimum parking amendment. Slides posted online here: https://www.burlingtonvt.gov/CityPlan/PC/Agendas .		
The chair opened the public hearing at 6:49pm and closed it at 7:14pm, with the following Public Comments submitted:		

- P Murphy, CarShare Vermont: Propose an amendment to the TDM requirements—a more flexible benefit for users, more predictable cost to developers by requiring a \$70/mo subsidy for persons without a parking pass. A more equitable benefit by including those that may choose to use transportation forms other than transit.
 - S Bushor asked if P. Murphy if cost assumptions were discussed with a developer and wondered about whether tying benefit to forfeiture of parking pass would incent people to drive. P Murphy responded that proposal hadn't been discussed with developers; proposed offering the benefit 2x per household, so 2-person household could have one car and one subsidy.
- J Hanson: Strongly support CarShare VT proposal as more effective, predictable, easier to administer, cheaper alternative than what has been proposed to date. Building new housing without parking will still have an impact; this helps ensure that developers manage some impact regardless of what mode of transportation is used. Takes savings from not building parking and passes it to tenant who is enabling the developers' savings by not having a car.
- A Bunsen: Support the proposed amendment due to climate emergency. City's 2030 Net Zero Energy Roadmap calls for net reduction in VMT and this is a real step in that direction.
- G Bergman: Strongly support eliminating the parking minimums along with and depending upon a strong TDM program. Support the CarShare approach because it will be more equitable and build the alternative transportation system we need.
- E Hanley: How long do property owners have to provide the incentives? Is there a limit to the number of guaranteed rides home (GRH)? Why couldn't property owners become a CATMA member and extend the benefits to tenants?
 - D White noted that CATMA and GoVermont! offer this service with no ride limit, no additional charge to property owner based on rides used. National utilization rate for GRH programs only 1%. Owner could join CATMA to comply with proposal, but not mandated.
- T Liamis: If these incentives have to be offered in perpetuity, why would anyone build anything?
- J Katz: Savings to developers by not building parking is the mechanisms that funds this. Support CarShare proposal; quells many of the committee's concerns about fixed costs for developers.
- M Kuprych: Is this required for all new development? Is there an escape clause built in as transportation costs and demands evolve, and how will this impact salability of properties under this requirement?

Committee Discussion:

- B Baker: How does the 200-ft requirement apply to a PUD or an assembly of lots with an agreement to share parking? D White noted it would apply if it were a merged lot.
- S Bushor: Concerned about Colchester Avenue not being downtown as is stated in the purpose. Concerned that someone could build a SF home without a driveway, or have an easier path to build an STR without a parking requirement, which would be detrimental to Ward 1. Concerned that this would prevent the adaptive reuse of properties in the future.
- C Mason: concern that Council won't support eliminating parking requirements for affordable housing, as it didn't get traction in the IZ Reform amendment. Concerned that CarShare proposal isn't tied to a reimbursement to verify that alternative methods are being utilized.
- E Lee: Hole in the bucket policy bucket is free parking, parking cheaper than \$70/mo. Issue isn't lack of parking, it's that there are too many cars; as long as car ownership is subsidized this problem will continue. Propose to extend the new parking district to include College St from Union to Williams, for flexibility to manage the YMCA transportation, and support CarShare proposal.
 - D White noted the corridors proposed were identified in planBTV as areas for growth, high frequency transit, and mix of uses.

- M Tuttle recommended the Commission look at zoning districts or entire areas that are appropriate to add to the district, such as all of RH, rather than individual streets.
- C Mason noted concern about adding individual streets as there are constituents on S. Champlain asking for the same change as E Lee recommended for College Street. E Lee agreed that need to look at RH holistically because it is always an outlier, but doesn't feel it would have support at this time.
- S Bushor noted her concern about including all of RH as it would permit more STRs without a parking requirement.
- D White presented data comparing costs of proposed and suggested alternative TDM approaches. Key to this proposal is to remove the parking requirement to encourage more affordable housing and create more units instead of using space for cars. In order for TDM to be utilized by a developer/owner, it needs to be a cheaper alternative than building parking.
- E Lee expressed that this analysis showed proposal has merit, but perhaps amount of subsidy needs more study.
- H Roen expressed concerns that the subsidy as proposed won't actually incent use of alternatives or directly encourage transit use. Possible to offer dollar amount or a specific mode subsidy?
- B Baker requested more information about the factors used to compare costs of TDM to parking
- A Montroll asked staff to update the draft ordinance to incorporate the CarShare concept with a recommendation on the dollar amount for the subsidy for further discussion.

VI. Proposed CDO Amendment ZA-20-05 Short Term Rentals

No Action

Motion by:

Second by:

Vote: N/A

Type: Presentation

Presented by: S Gustin, M Tuttle

S Gustin and M Tuttle presented additional data and information for discussion regarding host-residency and housing replacement. Slides posted online here:

<https://www.burlingtonvt.gov/CityPlan/PC/Agendas>.

Public Comment:

- L Jensen: Questioned staff data regarding housing units built since 2010 and asked if City knows how many long-term housing units have been converted to short-term housing units? M Tuttle noted vast majority aren't permitted, so unknown at what time the STR use started. S Gustin noted that of those permitted, only about 2 were new units created as STRs.
- T Liamis- Lack of housing in Burlington is a result of how hard it is to get a permit cost of fees in Burlington. Using STR to support the cost of long-term tenants.
- M Kuprych- Hosts are waiting for clarity about permitting before registering. Use STR to support maintaining the building, experience for long term tenants, and to live and age in place personally. Support owner or host on site. STR tenants treat properties better, renters are supporting city economy and employees, showcasing the city's uniqueness. STR not the enemy.
- J Sharpe- Only 0.8% of the STRs are 2-bed units. While City says host could get a permit, there are barriers for people who live off-site and would have to pay housing replacement. What is the cost to the city of HostCompliance?
- E Hanley- Have units that struggle to retain long-term tenants. Don't understand what benefit there is to require host on site. Employing people to be hosts as their jobs.
- D Lyons, K Cassella, L Jensen- speaking for "BTV STR Host Coalition." Propose no more work until more data collection. Should require City to work with group of STR hosts to determine what registration looks like, what data could be collected from hosts. Use model like Boston in which City only submits compliant hosts to Airbnb for listing. Need to consider impact of zoning conversion from residential to commercial.

Tuesday, February 11, 2020

- J Marks: Based on long-term low vacancy rate, one would assume no correlation between vacancy rate and growth of STRs. Many in attendance are the small landlords; if STRs aren't available, how will they provide long-term housing? City shouldn't reinvent the wheel, but research what other cities have done. Need more data before policy develops.
- A Magyar: Support data first, and shared story about how renters supported local business.
- E McArdle: Thousands of units being built in the city, and problem is city not doing anything about luxury housing developers and hotels.
- S Offenhartz: is there a correlation between the cost of owning property and the spike in STRs?

Committee Discussion:

- S Bushor: Don't want to end STRs, not saying STR hosts are bad. Understand this is a lucrative way for people to age in place. Not just looking at present, but also impact on vacancy rate, finding balance between STR and long-term housing.
- C Mason took exception to statement that City is doing nothing about housing, reminding attendees that STR is one of many policies currently under consideration, and Council just spent over a year revising Inclusionary Zoning requirements.
- B Baker- a lot of the housing demand is by 25-34 year olds who wish to buy property but can't, which is consistent with national trends.
- A Montroll indicated next meeting will begin with a Commission work session, with public comment to follow at the end.

VII. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Joint Committee will continue working STR proposals at Planning Commission's regularly scheduled meetings on February 19 and tentatively March 10 - M Tuttle updated that PC Ordinance Cmte meeting was rescheduled to Feb 20.		

VIII. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by : E Lee	Second: H Roen	Vote: Approved Unanimously
Minutes Approved: Joint Committee Meeting on January 28, 2020		
Communications Filed:		
- Written communications enclosed in packet, submitted in advance of meeting (posted online) - Additional Communications submitted by P Murphy and D Lyons during meeting		

IX. Adjourn

Adjournment	Time: 8:57pm	
Motion: E Lee	Second: H Roen	Vote: Approved Unanimously



City Hall, 3rd Floor
149 Church Street
Burlington, VT 05401

www.burlingtonvt.gov/cityplanning
Phone: (802) 865-7144

TO: Mayor Weinberger
FROM: David E. White, FAICP, Director of Planning
DATE: Friday, February 07, 2020
RE: February 2020 Department Head Report

Top Issues/Priorities:

- Adoption of CDO Amendments resulting from the Housing Summit.
- Assisting the DPI Zoning Division with application of the form based code to the revised CityPlace.

Issues coming before the City Council or a Council Committee

- **Eg11 Coordinator:** A proposed ordinance change was presented at the Sept. 9 Council meeting revising the City's Code of Ordinances for addressing and street naming to combine the functions for addressing and street naming with those of the locally-appointed City Eg11 Coordinator as well as to include areas of the city and street types not previously included. The Council Ordinance Committee has referred this back to the full Council for adoption on Feb 18th.
- **BCO Signs:** Two amendments to the Burlington Code of Ordinances (BCO) related to signs - Ch 21-5 Signs in public ways; on vehicles, and Ch 27 Art III Projections over sidewalks - were recommended for approval by City Planning as part of a comprehensive revision of the City's sign regulations. The Council Ordinance Committee has referred this back to the full Council for adoption on Feb 18th.
- **Housing Summit:** A Joint Council Ordinance Committee and Planning Commission continues to meet to consider 3 zoning-related housing policy reforms that came out of the Housing Summit. The proposed zoning amendments address on-site parking minimums, accessory dwelling units, and short-term rentals.

The Planning Commission referred the amendment regarding accessory dwelling units to the Council in Dec., and a Feb 18th Public Hearing (and adoption?) is planned. It is expected that the parking minimums amendment will be referred to the Council later this month or early March, and the short-term rental amendment will follow sometime in late March.

- **ZA-20-02: Accessory Uses & Structures:** The purpose of this amendment is to provide clarity as to what "accessory" is and to establish consistency in the application of "accessory" throughout the CDO. Some adjustment is made to the definition of the term "accessory," and misuse of the term is corrected in two places. Some related clean-up is also included, such as relocating several "accessory" exemptions under the exemptions section of the CDO. Finally, the term "principal" is defined. The Council Ordinance Committee has referred this back to the full Council for a Public Hearing and adoption on March 9th.

Department accomplishments and notable staffing developments

- Currently advertising internship position to support the update of Jobs & People as an Economic Development Dashboard (in collaboration with CEDO)
- Preparing a job description for a new urban designer position in collaboration with DPW, Parks, and CEDO.

Important information for Department Heads

- I will be out of the office beginning Feb 13 until Monday Feb 24th.

Major upcoming events:

- Joint Council Ordinance Committee and Planning Commission Public Hearing on Parking Minimums: Feb 11
- City Council Public Hearing on Accessory Dwelling Units: Feb 18
- Joint Council Ordinance Committee and Planning Commission meetings on Short-term Rentals: Feb 11 and 19

Updates on FY20 Goals and Projects:

- **Impact Fee Study Update:** City Planning has prepared an RFP to update City's impact fee system and expand the Traffic Impact Fee to include infrastructure for all modes. The CAO's Office has been consulted regarding using unassigned fund balance, and a draft is currently being reviewed by the City Attorney's Office. We expect to issue the RFP in early March and have a consultant on-board in May/June.
- **Economic Development Strategy:** CEDO and City Planning staff are working to develop the City's first comprehensive economic development strategy. Initial steps in this effort include hiring an intern for data collection, creation of an online dashboard for key metrics, and the development of a stakeholder engagement plan.
- **NZE Roadmap:** City Planning is working with our colleagues at BED and DPI to undertake two initiatives related to implementing the NZE Roadmap: a proposed ordinance to require electrification of new development as proposed by Councilor Bushor, and the development of an information guide for owners of historic properties for achieving energy conservation improvements. DPI staff was successful in obtaining a CLG grant of \$4,207 for creating an Energy Efficiency in Historic Buildings guide.
- **Form Based Code Updates:** City Planning staff is collecting a series of corrections and refinements to the *planBTV: Form Based Code*. Most are corrections and clarifications to standards that have been collected by Planning and DPI staff members after working with the Code over the past several months. We hope to have a proposal to bring to the Planning Commission for consideration later this spring.
- **ELM Re-Zoning:** City Planning staff is beginning to pull together data and concepts to support a conversation with the Planning Commission about rezoning the ELM district – a central recommendation in *planBTV: South End Master Plan*. We hope to begin a discussion with the Planning Commission later this spring/summer.
- **2020 Census:** With help from DoIT staff, a response to the annual Census Bureau's Building Permits Survey is being completed and will be submitted shortly. This is important information that helps the Census undertake accurate data collection for both the American Community Survey and the Decennial Census. Additionally, City Planning staff is collaborating with CEDO in facilitating a local Complete Counts Committee to help educate and motivate all city residents to participate in the 2020 Census.
- **OSP Addendum:** With support from staff from DPI and City Planning, a sub-committee of the Conservation Board is preparing an outline for an addendum to the current Open Space Plan regarding "nature-based" solutions to climate change to bring to the full Board for discussion in April.

**STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
OFFICE OF PLANNING**

RE: Colchester Avenue Housing	)	DISTRICT ENVIRONMENTAL
Associates, LLC	)	COMMISSION #4
	)	
	)	APPLICATION #4C1320
	)	
	)	February 4, 2020

ENTRY OF APPEARANCE

Please enter the appearance of the Agency of Natural Resources (“Agency”), State of Vermont, by and through its staff, Kevin Anderson, in the above-captioned matter.

COMMENTS

Criterion 1(E): Streams

An intermittent stream originates at the base of the ravine north of proposed building 2. On April 5, 2018, the Applicant’s representative met on site with Bernie Pientka, a fisheries biologist with the Agency’s Fish and Wildlife Department, to evaluate the stream and its top of bank and riparian buffer. Following the site visit, the Applicant prepared a top of bank impact plan (Exhibit 36) and memo (Exhibit 13) that describe existing and proposed impacts within 25 feet of top of bank and measures proposed to protect or enhance this area. Proposed impacts are associated with grading and stormwater management facilities. Protection and enhancement measures include reduced grading, retention of trees where practical, and plantings. The Applicant contends no other impact minimization measures are feasible given site constraints (Exhibit 13 at 2).

Under Criterion 1(E), the Agency reviews Act 250 applications for their conformance with the Agency’s *Guidance for Agency Act 250 and Section 248 Comments Regarding Riparian Buffers* (“Buffer Guidance”).¹ Undisturbed, naturally vegetated riparian buffers along streams protect water quality, stabilize streambanks, and support the maintenance of in-stream habitat for aquatic biota. Mr. Pientka finds a 25-foot wide protected riparian buffer, excluding proposed impacts and in combination with the measures described in the top of bank impact plan and memo, to be consistent with the Buffer Guidance.

¹ Available at:

<http://anr.vermont.gov/sites/anr/files/co/planning/documents/guidance/Guidance%20for%20Agency%20Act%20250%20and%20Section%20248%20Comments%20Regarding%20Riparian%20Buffers.pdf>.

To ensure projects near streams meet Criterion 1(E), the Agency customarily requests conditions in land use permits that require the maintenance of undisturbed, naturally vegetated riparian zones during and after construction. The Agency believes such a condition, applied to the area within 25 feet of top of bank, appropriate for this project, and respectfully requests the District Commission invite a proposed condition from the Agency in a hearing recess order. The Agency would consult with the Applicant as to the wording of the proposed condition.

Criterion (4): Soil Erosion

The Vermont Geological Survey (“VGS”), a division of the Agency’s Department of Environmental Conservation (“DEC”), maps areas prone to erosion and landslides in Vermont. In 2018, VGS completed a report identifying landslides and slope instability features in Chittenden County.² Plate 1 of the report, a map, identifies the area north of Colchester Avenue and near Fletcher Place as having a gully and several gully heads.³ The head of an active gully identified in the report appears less than 50 feet from the proposed retaining wall.

A gully is a steep, narrow channel incised into surficial deposits. According to Marjorie Gale, State Geologist and Director of the VGS, gullying is intimately connected to landslide activity. For example, initiation of a gully by vertical incision may involve surface water runoff and/or groundwater sapping or piping. As the gully enlarges, landslides commonly form on the margins, leading to enlargement of the unstable area. Many actively eroding gullies in Chittenden County appear closely associated with stormwater runoff from developed areas. These developed areas are largely concentrated at low elevations in the western portions of the county which are also within the extent of the Champlain Sea. The sandy and silty components of the Champlain Sea deposits are highly erodible and thus, this combination of urbanization and soils that are susceptible to erosion may explain the abundance of gullying in these areas.

The application includes a slope evaluation report (Exhibit 11) that evaluates the stability of the slope adjacent to the proposed shallow surface treatment wetland northeast of building 2. The report finds the slope, with the treatment wetland at normal pool and flood stages, exceeds the minimum design factor of safety specified in the American Association of State Highway and Transportation Officials’ LRFD Bridge Design Specifications for slopes that do not support structures. The report appears narrowly focused on the impact of the proposed shallow surface treatment wetland on a slope identified as “Section A-A’ on Figure 1”⁴ and relies on data from a 2018 geotechnical report by John Turner Consulting and an earlier exploration by John Turner Consulting in 2014. The 2018 geotechnical report is not part of the application.

² Landslide Inventory of Chittenden County, Northwest Vermont, 2018: Vermont Geological Survey Open File Report VG2018-6, available at: <https://dec.vermont.gov/sites/dec/files/geo/HazDocs/VG2018-6ChittendenCtyLandslideReport.pdf>.

³ Plate 1 is available at: <https://dec.vermont.gov/sites/dec/files/geo/HazDocs/VG2018-6ChittendenCtyLandslideMap.pdf>.

⁴ There is no Figure 1 showing Section A-A’ in Exhibit 11.

Given the presence of slope instability features near the project, as identified by the landslide report and mapping, the Agency believes it is important to conduct further review in order to ensure the project meets Criterion (4). While the Agency welcomes receipt of additional information, the Agency does not have a geotechnical engineer or engineering geologist on staff that can provide a technical opinion regarding the potential for the project to contribute to slope instability. The Agency respectfully recommends the Commission require the Applicant to demonstrate all project activities, not just the proposed shallow surface treatment wetland, can be undertaken without increasing the potential for erosion related to slope stability. This may require the presentation or submission of additional information by a geotechnical engineer or engineering geologist.

Respectfully submitted,
State of Vermont
Agency of Natural Resources

By:

Kevin Anderson
Regulatory Policy Analyst
ANR Office of Planning
(802) 798-2087

E-Notification CERTIFICATE OF SERVICE FILE #4C1320

I hereby certify that I, Kevin Anderson, Regulatory Policy Analyst for the Agency of Natural Resources Office of Planning, sent a copy of the foregoing **Agency Comments and Entry of Appearance**, dated February 4, 2020, regarding File #4C1320 by U.S. mail, postage prepaid, to the individuals without email addresses and by electronic mail to those with email addresses as indicated:

District #4 Environmental Commission
111 West Street
Essex Junction, VT 05452
NRB.Act250Essex@vermont.gov
aaron.brondyke@vermont.gov

Colchester Avenue Housing, LLC
c/o FJ von Turkovich
One National Life Drive, M230
Montpelier, VT 05604
fvonturkovich@fvtlaw.com

Abby Dery/Karina Dailey
Trudell Consulting Engineers
478 Blair Park Road
Williston, VT 05495
abby.dery@tcevt.com
karina.dailey@tcevt.com

Chair, Selectboard
Chair, Planning Commission
City of Burlington
149 Church Street
Burlington, VT 05401
burlingtontownclerk@burlingtonvt.gov
abovee@burlingtonvt.gov

Chittenden Co. Regional Planning Commission
c/o Charlie Baker, Exec. Dir.
Regina Mahony, Planning Program Manager
110 West Canal Street, Suite 202
Winooski, VT 05404
permitting@ccrpvt.org

Barry Murphy/Vt. Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov
psd.vtdps@vermont.gov

Craig Keller/Jeff Ramsey/C. Clow
VTrans Policy, Planning & Research Bureau
219 N. Main Street
Barre, VT 05641
aot.act250@vermont.gov

Vt. Agency of Ag., Food & Markets
116 State Street, Drawer 20
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Division for Historic Preservation
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scott.dillon@vermont.gov
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Kevin Anderson, Regulatory Policy Analyst
Office of Planning



State of Vermont
Division for Historic Preservation
Deane C. Davis Building, 6th Floor
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[phone] 802-828-3540

*Agency of Commerce and
Community Development*

State of Vermont
Division for Historic Preservation

RE: Colchester Avenue Housing, LLC
DISTRICT #4 ENVIRONMENTAL COMMISSION
Application #4C1320

Entry of Appearance

Please enter the appearance of the Division for Historic Preservation, State of Vermont, by and through its staff, R. Scott Dillon and Elizabeth Peebles, in the above captioned matter. Please see the attached comment letter.

Dated at Montpelier, Vermont this 5th day of February 2020.

VERMONT DIVISION FOR HISTORIC PRESERVATION

By: E-SIGNED by Scott Dillon
on 2020-02-05 21:51:56 GMT

R. Scott Dillon
Senior Historic Preservation Review Coordinator
Vermont Division for Historic Preservation
National Life Davis Building
One National Life Drive-6th Floor
Montpelier, VT 05620-0501
802-272-7358
scott.dillon@vermont.gov





State of Vermont
Division for Historic Preservation
Deane C. Davis Building, 6th Floor
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*Agency of Commerce and
Community Development*

February 5, 2020

Aaron Brondyke, State Coordinator
District #4 Environmental Commission
Natural Resources Board
111 West Street
Essex Junction, VT 05452

**Re: Colchester Avenue Housing, LLC Residential Housing Construction, 72, 80, and 94
Colchester Avenue, Burlington, Vermont. Act 250 Land Use Permit Application # 4C1320.**

Dear Aaron:

Thank you for opportunity to comment on the above-referenced project. The Division for Historic Preservation (VDHP) has reviewed this proposed undertaking (VDHP #CH18-23) for purposes of Criterion 8, 10 V.S.A. Chapter 151 (Act 250). Project review consists of evaluating the project's potential impacts to historic buildings and structures, historic districts, historic landscapes and settings, and known or potential archeological resources. The purpose of the VDHP's review under Act 250 is to provide the District #4 Environmental Commission with the information necessary for them to make a positive finding under the "historic sites" aspect of Criterion 8.

The proposed project consists of construction of a 71-unit residential apartment building with surface and underground parking modifications on three adjoining lots located at 72, 80, and 94 Colchester Avenue in Burlington, Vermont. The VDHP conducted a site visit to the project area on March 30, 2018 with Trudell Consulting Engineers to assess the Project's potential impacts to above ground and archaeological historic sites. Portions of the project area were identified as archaeologically sensitive and VDHP recommended that a Phase I site identification survey be undertaken. The VDHP also requested that visual simulations of the proposed building be submitted to assist in our review.

In November 2018, the University of Vermont Consulting Archaeology Program (UVM CAP) completed a Phase I survey in the project area. A Native American archaeological site, now designated as VT-CH-1235 in the Vermont Archaeological Inventory, was found in the western part of the project parcel. Since VT-CH-1235 could not be avoided by project components, the UVM CAP conducted a Phase II Site Evaluation of the site in June and July 2019. As summarized in their July 31, 2019 Phase II End-of-Field letter, the UVM CAP recommended that VT-CH-1235 was not culturally significant due to the absence of cultural features such as cooking hearths and the low density of formal stone tool types.



February 5, 2020

Colchester Avenue Housing, LLC Construction, Burlington, Vermont

Page 2 of 3

The VDHP did not concur with the UVM CAP determination that VT-CH-1235 was not significant. In particular, a concentration of artifacts recovered from intact contexts in the east section of the site seemed to indicate that a focused activity area may be present in this part of the site and that sampling was too limited to identify cultural features or diagnostic tools. Accordingly, a Phase III data recovery plan was developed in consultation with the Applicant and the UVM CAP. The Phase III data recovery excavation was completed in September 2019.

The VDHP has received the October 14, 2019 Phase III End-of-Field letter summarizing the results of the UVM CAP's Phase III data recovery efforts. A total of 13.5 square meters was excavated as part of the Phase III study, predominantly oriented in two discrete excavation blocks placed within the area of highest artifact density. Recovered artifacts include a high quantity of quartzite flakes produced during stone tool manufacturing or maintenance activity, a smaller number of chert flakes, and large amounts of fire-cracked rock, although no defined cooking hearths were found. A quartzite scraper, two projectile point preform fragments, and a small amount of burned bone was also recovered. One of the projectile point preforms appears to be a triangular Levanna type projectile point, which is attributable to the Middle and Late Woodland cultural periods, or from ca. 1,000-400 calendar years before present. Based on the recovery of an Otter Creek projectile point from the Phase I survey, which is diagnostic of the Late Archaic cultural period from ca. 5,500-4,000 years ago, VT-CH-1235 was occupied several times over the millennia, and was an important site location on the high terrace above the Winooski river.

The combined excavation of close to 32 square meters of site area during all phases of investigation constitutes a representative sample of the cultural deposits present at VT-CH-1235. The Phase III data recovery goal was met, and the excavation was enhanced by the visitation of approximately 120 University of Vermont anthropology/archaeology students. Accordingly, the VDHP concludes that no additional archaeological investigation is warranted in the project area. A final Phase I – Phase III archaeological report that will meet the VDHP Guidelines for Conducting Archaeological Studies in Vermont (2017) is currently in production. The VDHP recommends that the following condition be included in Land Use Permit #4C1320 if the District # 4 Environmental Commission concurs:

- 1) A digital copy of the final archaeological report will be submitted to the Vermont Division for Historic Preservation by December 31, 2020. The Permittee will also submit a copy of the final report to the District #4 Environmental Commission to be used for public dissemination that shall have specific archaeological site locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c) (20).

VDHP has also reviewed the Project's direct and indirect effects on historic structures, districts, and landscapes. The proposed new construction is located behind existing buildings on Colchester Avenue and Fletcher Place. Of the properties involved or adjacent to the undertaking the following addresses are listed in the State Register of Historic Places and therefore are historic sites for the purposes of Act 250: 19, 27, 31, and 43 Fletcher Place and 72, 80, 96, 106, and 120 Colchester Ave.



February 5, 2020

Colchester Avenue Housing, LLC Construction, Burlington, Vermont

Page 3 of 3

The only direct effect to above ground historic resources is the proposed demolition of the c.1940 garage associated with the c.1825 house at 72 Colchester Avenue. Although the demolition of a historic structure is adverse it is the opinion of VDHP that in this case the effect is not undue. The historic house is the primary historic resource at this site and will be retained as part of this undertaking. It is our understanding that the garage removal is needed due to space constraints with the access road and parking. In addition to direct effects VDHP has considered the indirect visual effects of the proposed new development on historic resources. Although larger than the existing structures it is VDHP's recommendation that the visual effects will be minimized by the setback between the buildings and the proposed landscaping plan (Exhibit 52).

Based on the above considerations, VDHP concludes that the Colchester Avenue Housing Project will have an **Adverse Effect, Not Undue** on historic sites. Thank you for your cooperation in protecting Vermont's irreplaceable archeological and historic heritage. R. Scott Dillon and Elizabeth G. Peebles reviewed this project and prepared this letter. I concur with the findings and conclusions described above.

Sincerely:

VERMONT DIVISION FOR HISTORIC PRESERVATION

E-SIGNED by Laura Trieschmann
on 2020-02-05 22:28:30 GMT

Laura V. Trieschmann
State Historic Preservation Officer

Cc: Service List



CERTIFICATE OF SERVICE

I, Elizabeth Peebles, hereby certify that I sent a copy of the foregoing Division for Historic Preservation Entry of Appearance and Comment Letter on ACT 250 Application #4C1320, (Colchester Avenue Housing, LLC), was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by electronic mail, to the following with email addresses on this 5th day of February, 2020.

District #4 Environmental Commission
111 West Street
Essex Junction, VT 05452
aaron.brondyke@vermont.gov
nrb.act250essex@vermont.gov

Colchester Avenue Housing, LLC
c/o FJ von Turkovich
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fvonturkovich@fvtlaw.com

Abby Dery/Karina Dailey
Trudell Consulting Engineers
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Chair, Selectboard/Chair, Planning Commission
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Chittenden County Regional Planning Commission
c/o Charlie Baker, Exec. Dir.
Regina Mahony, Planning Program Manager
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Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
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Barry Murphy/Vt. Dept. of Public Service
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Vt. Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@vermont.gov

John Alden/Kevin Trout
Scott + Partners Architecture
7 Carmichael Street
Essex Junction, VT 05452
jba@scottpartners.com
kevin@scottpartners.com

Dated at Montpelier, Vermont this 5th day of February, 2020

BY: Elizabeth Peebles

Elizabeth Peebles
Historic Resources Specialist
Vermont Division for Historic Preservation

Kathleen Ryan
274 Maple Street
Burlington, VT 05401

Office of City Planning
149 Church Street
Burlington, Vermont 05401
c/o mtuttle@burlingtonvt.gov
February 11, 2020

Dear Commission Members,

I have been an Airbnb host since December 2013, offering a spare bedroom in my Maple Street home. I embraced the Airbnb values stated early on, of offering hospitality to visitors, making strangers making them feel at home in my city. I enjoyed meeting guests and found I always learned something from each of them. In the early years there were many foreign travelers. Most all of these travelers appreciated the opportunity to stay in a private home, they left notes and sometimes small house gifts.

Over the years Airbnb has expanded and changed, moving toward offering more private spaces, where the host often never meets the owner. AirDNA seems to promote and encourage (with, I believe, questionable data) using STR for a full-time income stream encouraging more buildings being taken off the rental market and converted to STR, and also changing the culture of neighborhoods.

Although the details are not clear to me at this time, I am encouraged that the ordinance being developed by the Planning Commission will at least initially limit the scale of this trend.

I do have concerns about the impact of the ordinance on my personal use of Airbnb for supplemental income. These are my concerns.

Additional fees: I have concerns about additional registration or other fees being discussed. I have hosted an average of 60 nights a year with an average total income of \$6400 a year gross. Most stays are one or two nights at \$68-\$85/night but I offer the whole house for at least one week when on vacation at a higher nightly rate. This income is reduced by hosting expenses, state and federal income tax and self-employment tax.

Life Safety Regulations/inspections: I am concerned that my 150-year-old house may not meet the standards of regulations or will result in the need for expensive renovations.

Parking Requirements: I have one garage space for my car and one tandem space in front of my garage. Many of my guests park on-street. Maple Street parking spaces serve many Champlain parking employees during the week but spaces open up on the weekend.

Homestead Tax Status: Will registration make my hosting a business and negate my real estate tax status with the State.

Thank you for considering my thoughts and thank you for your work on this important issue.

Kathleen Ryan

February 6, 2020

Aaron Brondyke
State Coordinator
111 West Street
Essex Junction, VT 05452

RE: Colchester Avenue Housing, LLC; Burlington; #4C1320

Dear Mr. Brondyke:

The Chittenden County Regional Planning Commission's Staff and Executive Committee have reviewed this Act 250 application for a Project described as the construction of a 71-unit residential apartment building with surface and underground parking on 3 adjoining lots. The project is located at 72, 80 and 94 Colchester Avenue, in Burlington, Vermont. The City of Burlington's Development Review Board has approved the project. **We offer the following comments:**

The project is located within the Center Planning Area as defined in the Chittenden County Regional Plan, entitled the *2018 Chittenden County ECOS Plan*. We find this project to be consistent with the Planning Areas for the following reasons:

1. The Center Planning Area is identified in the Plan as an area planned for growth, and therefore this project helps implement Strategy #2 of the Plan, which calls for 80% of new development in the areas planned for growth.
2. The project is served by municipal water and sewer, is located on bus lines and is within walking distance to many services/jobs.
3. The density and uses are consistent with the local regulations, as evidenced by the Burlington DRB's approval of the project.

Therefore, we find this project to be in conformance with the Planning Areas of the *2018 Chittenden County Regional Plan*.

Additionally, we find that this project complies with Criterion 9(L), as it is a residential project.

The Traffic Impact & Parking Assessment dated 4/11/2017 conducted by Trudell Consulting Engineers with assistance from RSG was reviewed. We concur with the overall findings of the study and do not have any concerns regarding the Project's anticipated traffic impacts.

Due to the detailed level of development review in most Chittenden County municipalities and the environmental permit reviews at the Department of Environmental Conservation, CCRPC will give specific attention in its Act 250 reviews to the type of use and the Planning Areas section of the *2018 Chittenden County ECOS Plan*. While there are many other topics covered in the *2018 Chittenden County ECOS Plan*, there has been significant analysis at the Regional level regarding transportation impacts. The CCRPC will also focus its attention on transportation, where appropriate, in accordance with the Metropolitan Transportation Plan, which is within the *2018 Chittenden County ECOS Plan*.

These comments are based on information currently available; we may have additional comments as the process continues. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Charlie Z. Baker". The signature is written in a cursive, flowing style.

Charlie Baker
Executive Director

Cc: CCRPC Board
Certificate of Service

Comments on Short Term Rentals

From: Kathleen Ryan <kr.la@burlingtontelecom.net>
Sent: Sunday, February 16, 2020 7:23 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: RE: to planning commission -STR

Hi Megan,

Thanks for your thorough reply.

On the State registration, it is actually for tax purposes (see attached.) We are required to put the registration # on our airbnb page and also post it in the room. The State has not written any regs for health or life safety as of yet!!! I only mentioned this registration in case some some efficiency could be had out of the State and local efforts but I understand that zoning a different concern.

Thanks for sending the matrix. I think I understand it. Only one response to the PC so far.

For myself and I think for most people who host in their home, having two bedrooms available does not mean that you a hosting two separate parties. Some parties of two want separate bedrooms and some are happy to share the room with two twin beds. I offer both choices but never two different parties. The guests who book both two bedrooms arrive in one car. Some guests fly forgo the car rental and Uber to my house, never needing a parking space at all. I think this is really the typical situation for in-home hosts with two bedrooms.

It would be a deal breaker for me if I had to have two extra spaces plus my own car. One advantage of my location is, once the guests have parked their car, they can walk everywhere. And what a shame if this regulation means we are paving more of Burlington we don't need to pave.

Thanks for your work on this ordinance. I do think it will result in keeping Burlington a community of residents vs mini hotels.

Kathleen

From: lynn bundy <lynnsbundy@yahoo.com>
Sent: Tuesday, February 18, 2020 2:42 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Impact Tax for short term rentals

[WARNING]: External Message

February 15, 2020

Good Morning,

Ms Tuttle,

I am writing to you concerning the City Council's desire to implement an additional tax called the "Impact Tax" for citizens with short-term rentals.

As I learn about various bills and regulations that the City Council has voted to enact (past and present), in my opinion, the Council is not looking at the whole picture, short and long term, of the economy or health and welfare of the citizens of Burlington and the State. Laws and regulations seem to give tenants, tourists and students more rights than the Citizens, and there is a refusal to revisit what actions actually need to happen to have a happy and healthy economy. It appears that the Council has a hidden agenda for another way of generating revenue for tourism and the University, leaving behind an unhealthy economy for its Citizens. I ask you, do you believe this is legal or even moral?

The effect this bill will have on me and my family is extreme. We did the math of how much we would have to charge short-term renters and it would result in an increase of over 100%. When we asked a current short-term renter, a traveling nurse, if he would pay \$1,850. monthly for one room, he said NO. We asked him if he thought any of the other traveling nurses would pay it, he said NO. I can imagine what just a couple of the effects would be:

1. The current shortage of nurses in this area would increase due to the lack of affordable, short-term housing
2. The economy, health and welfare of the communities and the State would be at more risk

A tax of this nature only compounds the financial burden that we are currently experiencing due to zoning issues that are being heard by the Vermont Superior/Environment Court. The costs associated are very high. In addition, we are unable to sell the house until these issues are resolved. In the meantime, we are forced to rent out two rooms to visiting nurses as without that income, we would go bankrupt. Many other people, like Grandma down the street, rent out to help pay their taxes, food, etc.

I do not agree to accept or vote for this "Impact Tax" nor will I negotiate to a smaller amount. I do not believe that the "Impact Tax" will solve or have positive outcomes for Burlington's housing affordability.

I have several questions I would liked to have answered.

1. What is the real motivation for this tax?
2. Is the "Impact Tax" being voted on separately from other issues or will others issues be included with the "Impact Tax"? If so, what will bundle be called?
3. When is the voting taking place?
4. Who else can I send this letter to?

I look forward to hearing back from you.

Lynn Bundy,
a tax payer and long time resident
512-318-3018

From: Philippa Owens <philippa.b.owens@gmail.com>
Sent: Tuesday, February 18, 2020 8:18 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Short term rentals

Hi there,

I am writing in regard to the new regulations being proposed around short term rentals, i.e. AirBNB. I can certainly understand the city wanting to make sure that people are not living far afield and profiting off of having many short term rental properties, as this would be of concern to the overall housing shortage, and so regulations to require homeowners to live in the building they rent out on AirBNB makes sense. I think there might also be a bit about making sure these rentals are certified with the city, also makes sense to me.

What does not make sense to me are the other ways in which us small time hosts are being penalized and disincentivised (only one rental apartment per building, steep fees). Hosting has allowed me to work part time and stay home with my 2 year old children part time. Hosting has allowed us to invest in fixing up the property (a grungy small triplex) in the first place. We are a young family just trying to get by in an expensive city and make a good life for our kids.

If the concern is really about the housing shortage, then I'd ask you, why are there two new hotels about to be built in Burlington? Why do wealthy investors get to profit off of this market, but not us? (The old YMCA, and CityPlace both have proposed hotels going in). Honestly, in this whole conversation, that is the most upsetting part to me that feels like it really gives the advantage to people who don't need it. The people with the most money get to make the most money.

Thank you for your consideration,

Philippa Owens

From: Maggie Sherman <maggie@oneofakindbnb.com>
Sent: Wednesday, February 19, 2020 4:32 PM

To: Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: More to add about STR's

Dear Meagan, Please add/forward my comments to the committee pondering this issue.
Please confirm receipt of this email.

Follow-up to STR presentations

While much is being made about first time home owners, investment building owners and long time homeowners not surviving without STR, I question how could they afford home/building ownership to begin with?

Banks have a stringent vetting system to make sure there is ample income to pay the mortgage, taxes and insurance. If someone is able to purchase a home or property only with the expectation of expected STR revenue, doesn't that mean STR will have to operate in perpetuity to maintain ownership? Does that mean the property becomes a permanent STR? What does that do to Burlington's efforts to build more rental stock and home ownership?

I was able to finance needed structural improvements on my single-family home because of the success I was having as a licensed and registered Bed and Breakfast. That happened due to my own business acumen, hard work, and marketing skills. I was not supported/subsidized by a multi-national corporation sending me clients in return for me performing illegal practices by defying local Planning and Zoning to set up business.

Also, if some homeowners who are using these corporate platforms are providing food, the State of Vermont Dept. of Health requires a specific license and requirements for cooked food prep, which as a legal business, I have obtained. The STR platforms don't vet for those licenses either.

How will the city honor/protect/ distinguish those of us who have played by the rules, built our businesses legally and with our own business savvy, from those who simply sign onto a multinational listing service? The additional review and logging services needed to keep track of "informal" STRs (versus licensed, permitted B and B businesses such as mine) should bear that new cost to the city.

Finally, to protect the integrity and livability of our neighborhoods, there should be a capacity limit in neighborhoods or streets so entire sections of town are not overrun with non-residents. After all, isn't that the purpose and goal of Planning and Zoning?

Sincerely,

Maggie Sherman
Contessa of Comfort

One Of A Kind Bed & Breakfast

53 Lakeview Terrace
Burlington, VT 05401
802-862-5576

www.oneofakindbnb.com

maggie@oneofakindbnb.com



Main Office and Mailing Address:
412 Farrell Street, Suite 300
South Burlington, VT 05403

Central Vermont Office:
149 State Street
Montpelier, VT 05602

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HomeShareVermont.org

Our mission
is to improve lives
and communities by
bringing Vermonters
together to share homes.

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STAFF

Kirby Dunn

Aaron Guman

Amy Jelen

Kathy Johnson

Aaron Retherford

Joyce Touchette

TO: Burlington Planning Commission Members & City Councilors

FROM: Kirby Dunn, Executive Director, HomeShare Vermont

RE: Short-Term Rental Regulations

DATE: 2/19/20

I strongly support the work of the Planning Commission and City Council in looking at the effect of short-term rentals on the overall housing market. As a city we need to preserve the existing stock of housing that we have.

Burlington has a long history of preserving existing housing, including:

- The Housing Replacement Ordinance which came about initially to address the loss of housing when downtown building owners were converting apartments into offices. If this ordinance has not passed, our City could look very different today as businesses, institutions and colleges encroached on our neighborhoods.
- Similarly, the City supported the protection of rental housing from Conversion to Condominiums which was threatening to displace and price out renters from our City.

Burlington can't afford to reduce the availability of housing for the residents of our City. The data provided by the Planning Department Staff showed that there were 410 short term rentals in the City as of July 2019, and of these 275 or 2/3rds were entire housing units, not someone just renting out a bedroom. No one can argue that taking 275 housing units out of the housing market doesn't have repercussions for the affordability and availability of housing for City residents. Tens of millions of dollars of public and private funds have gone into preserving or creating housing in this City. We need to protect that investment. This wholesale removal of units from the housing market to the vacation rental market is a growing trend locally and in hot housing markets across the country, one that worsens the housing crisis while making wealth for a few.

Of these 410 short-term rentals, less than 20 were registered with the City? The time has come to address short-term rentals head on and decide what we want our City to look like and who can afford to live here. Without the regulation of short-term rentals, we will continue to lose much need housing and see rents and home prices rise faster than incomes.

In addition, as a strong supporter of the ADU zoning changes which just passed, I would hate to see most of those new units, which received generous zoning and parking changes, turn into short-term rentals. With the passage of the ADU ordinance, the short-term housing regulations must follow suit so that today's gains don't become tomorrow's losses.



Comments on Parking

From: Joshua katz <jkatz615@gmail.com>

Sent: Wednesday, February 19, 2020 2:36 PM

To: David E. White <DEWhite@burlingtonvt.gov>; Meagan Tuttle <mtuttle@burlingtonvt.gov>; Sharon Bushor <sbushor@burlingtonvt.gov>; Adam Roof <ARoof@burlingtonvt.gov>; Chip Mason <cmason@burlingtonvt.gov>; jwallacebrodeaur@burlingtonvt.gov; Harris Roen <hroen@burlingtonvt.gov>; Andrew Montroll <amontroll@burlingtonvt.gov>; Emily Annick Lee <elee@burlingtonvt.gov>; Alexander Friend <afriend@burlingtonvt.gov>; Yves Bradley <ybradley@burlingtonvt.gov>; Bruce D. Baker <Bdbaker@burlingtonvt.gov>

Subject: Minimum Parking Requirements

Members of the Planning and Ordinance Committee,

My name is Josh Katz. I am a Ward 2 resident, intern for Sustainable Transportation Vermont, and have voiced my support for Minimum Parking Requirements at many of the committee meetings regarding this policy.

I am writing once again to voice my support to eliminate the Minimum Parking Requirements and to support the proposal brought by Car Share Vermont. The idea of giving a \$70 monthly transit subsidy and \$50 monthly subsidy for CATMA members will be crucial in helping to push people away from cars and along with reducing the other negative effects of excess parking.

I am writing to you as I will be unable to attend the meeting tonight, but I hope you consider my support in your decision.

I hope you will pass this policy will pass the committee tonight and be moved to the city council.

Thank you for taking the time to read my comments,

Josh Katz

[Stop Requiring Parking](#)



February 19, 2020

Re: Follow-up on TDM requirements

Members of the Planning Commission and Ordinance Committee,

A number of good questions were raised last week which I hope to speak to in these written comments before tonight's meeting.

Councilor Bushor asked about whether structuring the monthly transportation subsidy in a way that is tied to parking permits provides enough flexibility to encourage car owners to also reduce their vehicle miles traveled. As I said last week, there is some flexibility, in that a household which shares one vehicle can also receive and share a TDM subsidy. And because the stipend would be on a monthly basis, this does allow for behavioral shifts and eligibility changes mid-year. I do think, though, that the parking pass status provides a clear, measurable impact for the TDM program. It is also true that one of the most reliable predictors of vehicle miles traveled is vehicle ownership--owning a vehicle induces more travel because of perceived sunk costs. The more we can work towards lower vehicle ownership, the more we can make the gains in lower VMT and emissions more permanent.

Councilor Mason raised an important question about how a TDM subsidy might apply in various employment scenarios where the employer has not or will not provide parking. The absence of an employee parking pass is not necessarily as an effective criterion as it is in the residential context. Longer-term, the city must tackle the thorny issue of pricing public parking appropriately, and reforming the residential parking program to fully account for what is essentially the private use of public space. However, to address this issue in the near-term, we would propose that a TDM subsidy only apply to residential development. For commercial developments, there should likewise be flexibility in creating a transportation demand management plan which suits the particulars of a business. We would propose that at least three measures from the approved list already in the ordinance (under parking management plans for parking waivers) be implemented by a developer/employer and written into the proposed TDM Agreement. This distinction ensures that the housing affordability goals for the proposed reform do not

lead toward unintended consequences that sacrifice the environmental, transportation and urban design benefits we are also seeking. We've included suggested language below for your consideration.

I've not yet had an opportunity to meet with Director White on his analysis of the TDM subsidy cost comparisons, but will address some of what he has shown in his charts. The first set of charts in your packet assumes that all tenants would be eligible to receive a monthly transportation stipend, but as proposed, this scenario would only occur if no parking were built at all, or no residents took advantage of the parking built. This is unlikely to happen, particularly in the multi-modal corridors outside of the downtown. Director White's examples were all Redstone developments located in the lower land value areas of the proposed multi-modal, mixed-use district, where parking costs are thus lower than sites downtown. In this way, they represent the opportunities least ripe for cost-savings from unbuilt parking when factoring in a TDM subsidy. The charts clearly show that despite this, providing a \$70 monthly TDM subsidy is still quite competitive with providing the parking currently required. In scenarios developed for the downtown (or even for two of these three developments highlighted which use structured parking underneath the building), a predictable monthly TDM subsidy is even more competitive. The question for the Planning Commission and ultimately the City Council becomes what subsidy level do members think strikes the right balance in all cases. We are certainly open to that discussion, and hope we can be helpful to it.

Lastly, Commissioners had questions about various assumptions in our analyses that deserve a response:

First, there was the question about whether developers would really see any savings at all, as many already charge for parking and could reasonably expect to do so in future projects to cover the costs to build and maintain it. However, as the parking cost calculator developed by transportation expert Todd Litman shows, the true costs of parking are actually much higher than what is charged now in Burlington (and most of the country). For example, Redstone already (partially) unbundles its parking and charges \$50 for a monthly parking permit, even though the cost to acquire, construct, and maintain the spaces could be nearly four times that amount. The calculators that I sent in a prior communication do not rely on any assumptions around parking price for the tenant. It provides information for individual analyses about breakeven points and what level of parking revenue is generated in different scenarios.

Second, there was the suggestion that we may have incorrectly assumed that all the parking space now



provided or foregone in the future is, in fact, buildable. There are issues of setbacks and other zoning requirements which could preclude the use of all the space. This question is somewhat related to the first, as it seeks to understand what the true cost of parking really is. The calculator sent out in prior communications includes all of these assumptions and allows users to modify them for their own purposes and analyses, but I'll explain how we arrive at parking costs here. Parking consists of the obvious construction and maintenance costs, but also the land acquisition costs. The latter is the best way to account for the opportunity costs of minimum parking requirements--a developer could avoid buying the extra land necessary, or could build more income-generating units instead. In either case, the variable of setbacks and other zoning requirements is constant and accounted for in the price of land. The parking costs are not determined by a simple 1:1 square foot conversion of parking space to housing, but rather by what opportunity exists to build on-site, which is governed both by the area required for parking *and* the other city zoning regulations that impact how much housing can be built with such an area.

I hope this helps clarify some issues raised last week, and I'm happy to discuss further. Thanks again for your work on this.

All the best,

Patrick Ó. Murphy

Proposed Amendment to Minimum Parking and TDM Requirements

After “b. TDM Strategies: In addition to the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall be made available at a minimum:”

Strike lines 431-448:

“i. A Guaranteed Ride Home benefit offered to all employees whereby transit users, bikers, walkers, vanpoolers, and carpoolers who may face an occasional unforeseen change of plans that prevents them using their typical mode of travel to and from work are reimbursed for the cost of a taxi or ride-share to get them where they need to go.

Such a benefit shall define: who is eligible to participate; what trips are eligible for reimbursement; the maximum number of uses allowed during a certain period, maximum miles within a period, or maximum cost per trip; and procedures for using the benefit.

ii. GMT Transit passes offered to all tenants and employees at a minimum subsidy of 20% as follows:

1. Tenants and/or employees living or working outside Chittenden County must be offered a pass that includes access to inter-regional commuter routes;

2. Tenants and/or employees living and working within Chittenden County may be offered a pass that only includes access to local and intra-regional as applicable.”

And replace with:

“i. For residential development, a minimum sustainable transportation subsidy of no less than \$___ shall be credited on a monthly basis to any tenant (up to two tenants per dwelling unit) who has not held a parking pass in the preceding month. The minimum sustainable transportation subsidy amount shall be adjusted annually consistent with the U.S. Consumer Price Index.

ii. For commercial development, a minimum of three strategies outlined in Section 8.1.5 (a)(4) shall be implemented and included in its Transportation Demand Management Agreement.”

(change in bold)

Section 8.1.5 (a)(4) references the following lines (352 - 361):

“(4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:

- i. A telecommuting program;
- ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
- iii. Implementation of a car-share program;
- iv. Development or use of a system using offsite parking and/or shuttles; and,
- v. Implementation of public transit subscriptions for employees.”

Joint Committee Discussion Topics

Relative to the scenarios presented, the Joint Committee is requested to offer input on:

- **Does the proposed framework meet the proposed goals for this scenario?**

Per Oct 2019 Council Resolution, a framework that “creates tiers for different types of [STRs] and disincentivizes the most impactful uses...by:

- *limiting the number of housing units that can be converted for [STR] purposes and*
- *ensuring that those conversions are contributing to the city’s efforts to preserve and expand permanently affordable housing, while also*
- *preserving some flexibility and ability to earn greater income for Burlington homeowners, and*
- *recognizing that some supply of [STRs] benefits the Burlington economy...”*

- **Are there some scenarios wherein an off-site host would be acceptable?**

- **Is Housing Replacement vs. an alternative fee/tax more appropriate to achieve goals?**

- **Any other comments/input on the proposed framework for these scenarios?**

Flexibility for host More permissive

Limit Conversion More restrictive

	Scenario 1: Renting my own home occasionally as an STR		Scenario 2: Renting my own home for several months at a time	Scenario 3: Renting bedroom(s) as STR within the home I live in		Scenario 4: Renting an ADU or ½ of a duplex, I live in the other unit		Scenario 5: Renting a unit(s) in a building with 3+ units, when I live on the property		Scenario 6: Renting more 4+ unit(s) in a building as STRs, <u>and/or</u> I don't live on the property	
Zoning For all scenarios: - Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year - Parking space(s) not required in new parking district per ZA-20-04		1 parking space per rented unit	If rental "term" 30+ days, NOT considered an STR. Renting a housing unit does not require a Zoning Permit.		1 parking space per rented room		1 parking space per rented unit		1 parking space per rented unit		
	Permitted Use in: N/A	Conditional Use: In all zoning districts		Permitted Use: - Up to 2 rooms in residential zones - Up to 5 rooms in mixed use zones Conditional Use: - 3 rooms in RL zones - 3-5 rooms in residential & institutional zones		Permitted Use: N/A Conditional Use: In all zoning districts		Permitted Use: In mixed use districts Conditional Use: In residential districts # of STR in Bldg: - 1 STR in Bldgs up to 3 units - 2 STR in Bldgs up to 5 units - 3 STR in Bldgs w/ 6+ units		Permitted Use: In mixed use zoning districts No limit to # of rented units. Prohibited Use: In residential zoning districts	
Rental Duration Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	- Individual rental "terms" are less than 30 days No limit to number of nights rented as STR as long as continues to be host's primary residence		Individual rental "terms" are more than 30 days	- Individual rental "terms" are less than 30 days No limit to number of nights rented as STR as long as continues to be host's primary residence		- Individual rental "terms" are less than 30 days No limit to number of nights rented as STR as long as host's primary residence		- Individual rental "terms" are less than 30 days No limit to number of nights rented as STR as long as host's primary residence		- Individual rental "terms" are less than 30 days No limit to number of nights rented Not required to be host's primary residence	
Housing Code Requirements	- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18		- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18	- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18 Owner-occupied homes with 1 or 2 rented rooms are exempt from rental registration & annual housing inspection		- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18		- Register annually as a rental - Meet basic Life Safety Standards in Chapter 18		"Minimum Housing" and rental registration not applicable because not "residential" - Building code requirements will depend on number of occupants in building	
Taxes & Fees	NOT required to pay Housing Replacement Fee - Register as a business - Pay Burlington & VT Rooms & Meals Taxes		- NOT required to pay Housing Replacement Fee - Not required to register as a business - Not required to pay Burlington & VT Rooms & Meals Taxes	NOT required to pay Housing Replacement Fee - Register as a business - Pay Burlington & VT Rooms & Meals Taxes		- Register as a business - Pay Burlington & VT Rooms & Meals Taxes Housing Replacement Fee if STR is replacing a long-term housing unit - Not required to pay Housing Replacement if building a new unit for use as an STR		- Register as a business - Pay Burlington & VT Rooms & Meals Taxes Housing Replacement Fee if STR is replacing a long-term housing unit		- Register as a business - Pay Burlington & VT Rooms & Meals Taxes Housing Replacement Fee if replacing long-term housing unit(s)	
Property Assessment NOT based on Zoning "Change of Use," but of independent analysis of activity for taxation purposes.	- Likely assessed as "residential" - Report any rental use to State of VT for Homestead Declaration		- Likely assessed as "residential" - Report any rental use to State of VT Homestead Declaration	- Some configurations may be assessed as "commercial" with 120% commercial value factor - Report any rental use to State of VT for Homestead Declaration		- Likely assessed as "residential" - Report any rental use to State of VT Homestead Declaration		- Some configurations may be assessed as "commercial" with 120% commercial value factor - Report any rental use to State of VT for Homestead Declaration		- Considered "commercial" by Assessor, with 120% commercial value factor - Considered "commercial" for purpose of State of VT Homestead Declaration	

Scenario 1

Flexibility for Host
More Permissive

“I want to rent my entire home as a short-term rental for part(s) of the year, but it will still be my primary residence.”

<u>Zoning</u> For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required in new parking district per ZA-20-04	 Whole Unit STR 1 parking space/rented unit
	Permitted Use in: N/A
	Conditional Use: All zoning districts
<u>Rental Duration</u> Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No limit to number of nights rented as STR, as long as continues to be host's primary residence
<u>Housing Code Requirements</u>	• Register annually as a rental • Meet basic Life Safety Standards in Ch. 18
<u>Taxes & Fees</u> STR's already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	<u>NOT</u> required to pay Housing Replacement Fee

- Does this proposal meet the proposed goals?
- Are there some scenarios wherein an off-site host would be acceptable? *Not Applicable*
- Is Housing Replacement v. alternative fee more appropriate for this scenario? *Not Applicable*
- Any other comments/input on the proposed framework relative to this Scenario?

Scenario 6

Limit Conversion
More Restrictive

“I own a building with 3+ units, and want to rent the units as short-term rentals. I do not live in the building.”

<u>Zoning</u> For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required in new parking district per ZA-20-04	 Hotel/Motel 1 parking space per room/unit Permitted Use in: Mixed Use districts with no limit on # of rented rooms Prohibited Use: Residential districts
<u>Rental Duration</u> Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No limit to number of nights rented Not required to be host primary residence
<u>Housing Code Requirements</u>	• Housing Code & Rental Registration not applicable because not "residential" • Building code based on # occupants in Bldg.
<u>Taxes & Fees</u> Already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	Pay <u>Housing Replacement Fee</u> if replacing housing units

- Does this proposal meet the proposed goals?
- Are there some scenarios wherein an off-site host would be acceptable? *Not Applicable*
- Is Housing Replacement v. alternative fee more appropriate for this scenario?
- Any other comments/input on the proposed framework relative to this Scenario?

Scenario 3

Flexibility for Host
More Permissive

“I want to rent bedrooms as short-term rentals within my home.”

<u>Zoning</u> For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required in new parking district per ZA-20-04	 Partial Unit STR 1 parking space/room Permitted Use: - Up to 2 rooms in residential zones - Up to 5 rooms in mixed use zones Conditional Use: - 3 rooms in RL zones - 3 to 5 rooms in other residential & institutional zones
<u>Rental Duration</u> Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No limit to number of nights rented as STR, as long as continues to be host's primary residence
<u>Housing Code Requirements</u>	• Register annually as a rental • Meet basic Life Safety Standards in Ch. 18 • Continue current exemption from registration & inspections for owner-occupied homes with 1 or 2 rented rooms
<u>Taxes & Fees</u> STR's already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	<u>NOT</u> required to pay Housing Replacement Fee

- Does this proposal meet the proposed goals?
- Are there some scenarios wherein an off-site host would be acceptable? *Not Applicable*
- Is Housing Replacement v. alternative fee more appropriate for this scenario? *Not Applicable*
- Any other comments/input on the proposed framework relative to this Scenario?

Scenario 5

Limit Conversion
More Restrictive

“I own a building with 3+ units, and want to rent some of the units as short-term rentals. I live in one of the units.”

<u>Zoning</u> For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required in new parking district per ZA-20-04	 Whole Unit STR 1 parking space per unit Permitted Use in: Mixed Use districts Conditional Use in: Residential Districts Limit to # STR in Bldg: - 1 STR in Bldgs up to 3 units - 2 STR in Bldgs up to 5 units - 3 STR in Bldgs 6+ units
<u>Rental Duration</u> Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No limit to number of nights rented as STR Property continues to be host's primary residence
<u>Housing Code Requirements</u>	• Register annually as a rental • Meet basic Life Safety Standards in Ch. 18
<u>Taxes & Fees</u> Already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	Pay <u>Housing Replacement Fee</u> if replacing housing units

- Does this proposal meet the proposed goals?
- Are there some scenarios wherein an off-site host would be acceptable?
- Is Housing Replacement v. alternative fee more appropriate for this scenario?
- Any other comments/input on the proposed framework relative to this Scenario?

Scenario 4

Limit Conversion
More Restrictive

“I own a duplex/single-family home with an ADU. I want to live in one unit and use the other as a short-term rental.”

<u>Zoning</u> For all scenarios: • Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year • Parking space(s) not required in new parking district per ZA-20-04	 Whole Unit STR	1 parking space per unit	
	Permitted Use in: N/A	Conditional Use: All zoning districts	
<u>Rental Duration</u> Host's "primary residence" means that the host lives in/at the unit/property for at least half the year	No limit to number of nights rented as STR Property continues to be host's primary residence		
<u>Housing Code Requirements</u>	• Register annually as a rental • Meet basic Life Safety Standards in Ch. 18		
<u>Taxes & Fees</u> Already req. by state & city to register as a biz and pay Rooms & Meals Taxes.	Pay <u>Housing Replacement Fee</u> if replacing an existing long-term housing unit		

- Does this proposal meet the proposed goals?
- Are there some scenarios wherein an off-site host would be acceptable?
- Is Housing Replacement v. alternative fee more appropriate for this scenario?
- Any other comments/input on the proposed framework relative to this Scenario?

Off-site Host Approach

Potential framework for enabling some (yet limited) STRs when host does not live on property:

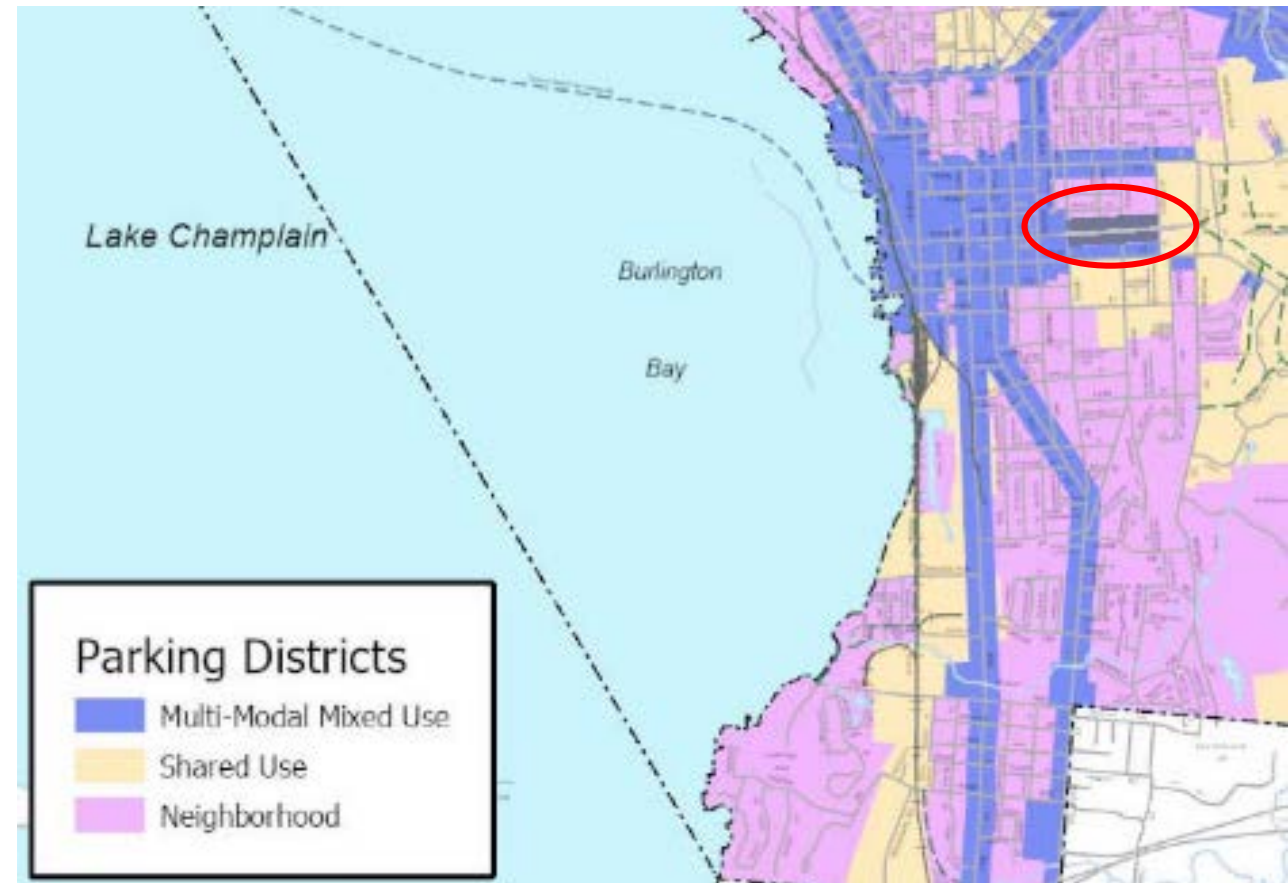
When Host does not live on Property:	Residential & Institutional Districts	Mixed Use Districts	Notes
Single Family Home	Not Permitted	Not Permitted	Does not prohibit host from renting own home (primary residence)
Duplex OR SF Home w/ ADU* <i>*By definition, ADUs are only permitted on owner-occupied properties.</i>	Not Permitted	Not Permitted	In all scenarios, not required that host physically be present during guest stay
Multiple Dwelling Unit building - 1 STR in Bldg up to 3 units - 2 STR in Bldg up to 5 units - 3 STR in 6+ unit Bldg	Conditional Use	Permitted Use	
Hotel/Motel/Hostel** <i>**By definition, does not require host to reside on property</i>	Not Permitted	Permitted	Need to revise definitions to eliminate inconsistencies and make uniquely different from STRs; perhaps as more general "Lodging" not to include STR's

Minimum Parking Requirements

February 11 Proposed Amendment #1



Motion: Include College St. from S. Union to Williams St. in Multi-Modal Mixed Use District
Motion approved by Commission- see map at right



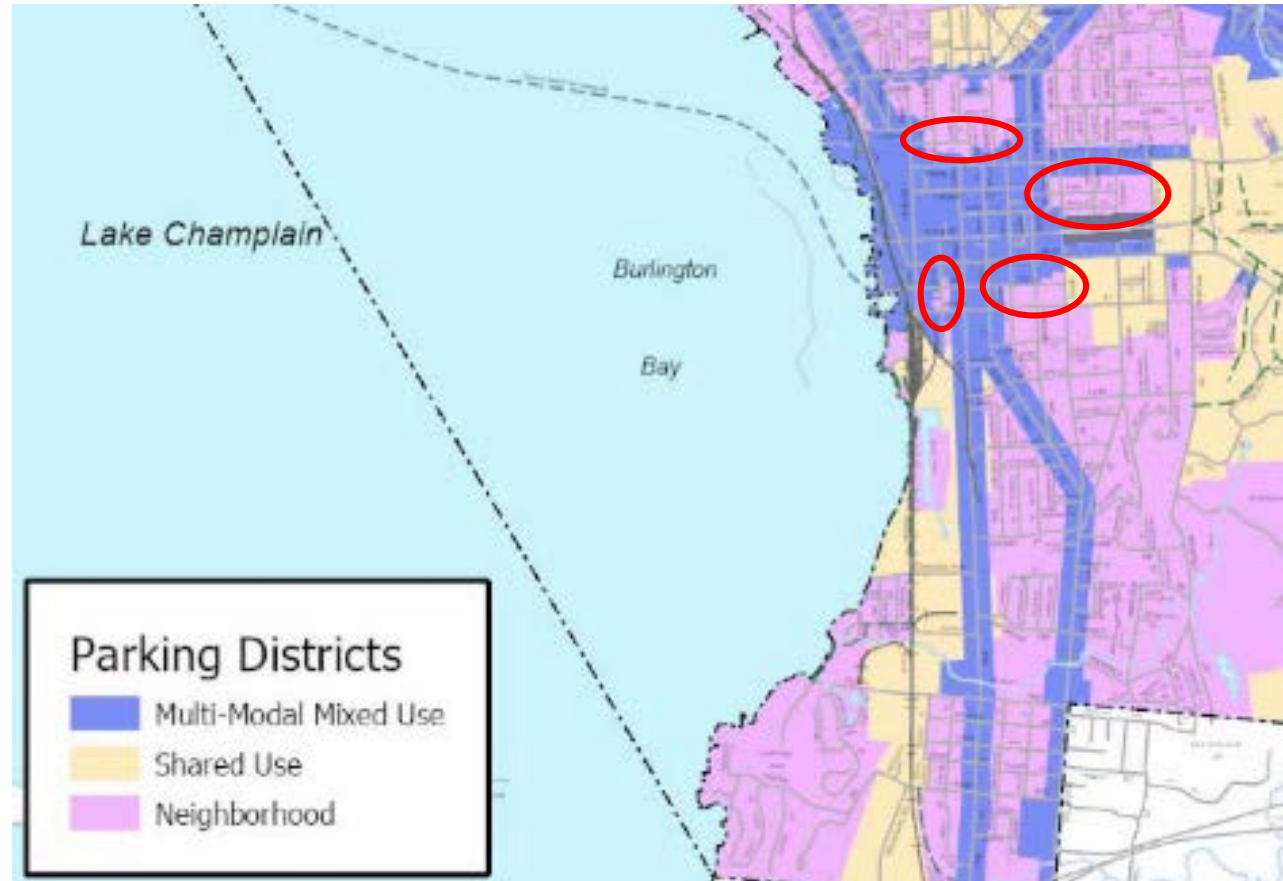
Minimum Parking Requirements

February 11 Proposed Amendment #1



Motion: Include College St. from S. Union to Williams St. in Multi-Modal Mixed Use District
Motion approved by Commission

Alternative Request: Include all of Residential High Density (RH) Zoning District
No action- see map at right



Minimum Parking Requirements

February 11 Proposed Amendment #2

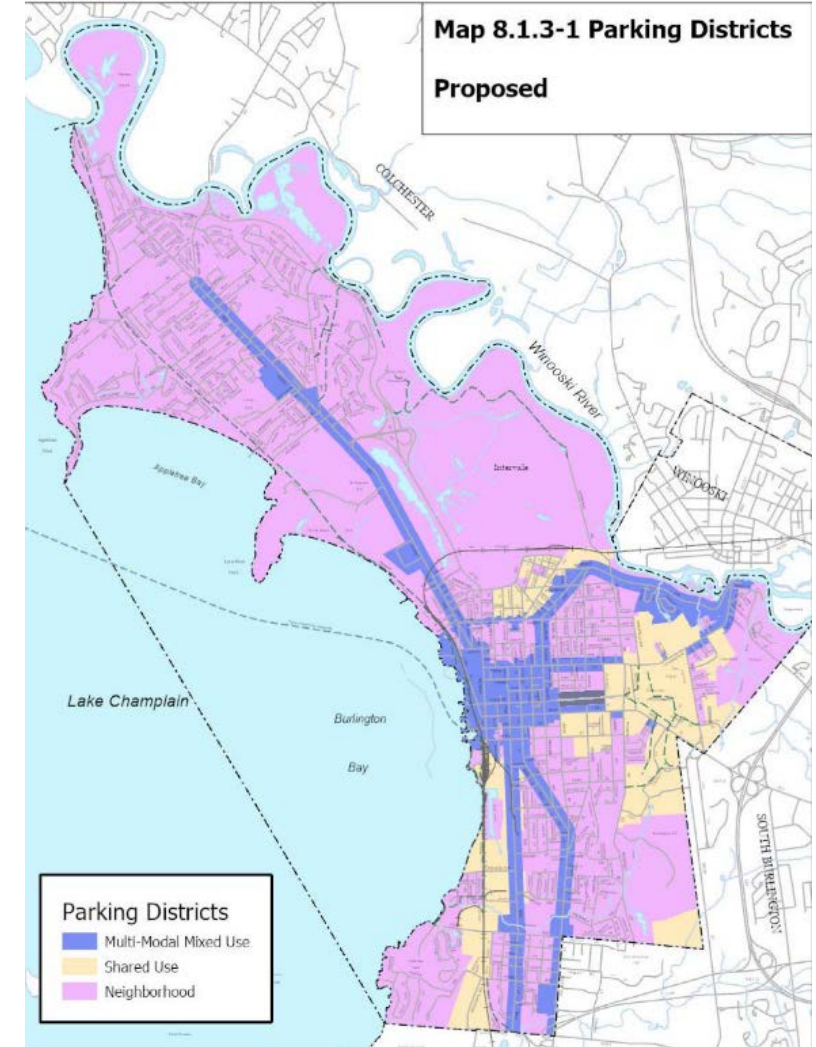


TDM Recommendation from Staff:

- Min 20% subsidy on transit pass available to all tenants/employees
- Access to a Guaranteed Ride Home benefit for all tenants/employees

Rationale:

- Transit is most universal benefit
 - Accessibility of system across the geographic areas of the parking district
 - Seasonality, age, ability, etc.
- Support and increase ridership to strengthen transit system for all users



Minimum Parking Requirements

February 11 Proposed Amendment #2



TDM Recommendation from Staff:

- Min 20% subsidy on transit pass available to all tenants/employees
- Access to a Guaranteed Ride Home benefit for all tenants/employees

CarShare VT (CSVT) Proposal:

- Min \$70 sustainable transportation subsidy to up to 2 tenants/unit, all employees
- Based on forfeiture of parking pass

Commission Action 2/11: Requested specific language to incorporate this proposal with recommendation on amount of subsidy

Balance is key- benefits to tenants vs. disincentive to build units in lieu of parking

Minimum Parking Requirements

February 11 Proposed Amendment #2



Applicable language to replace Sec. 8.1.6 (c) b. i & ii. (to replace lines 438-455):

(Based on CarShare VT proposed language with modifications by staff)

A sustainable transportation ~~subsidy~~ stipend valued at no less than \$70 shall be ~~credited~~ made available on a monthly basis to any tenant (up to two tenants per dwelling unit) or employee who has not held a parking pass in the preceding month. For members of a transportation management association, the minimum stipend may be reduced to \$50. The minimum sustainable transportation ~~subsidy~~ stipend amount shall be adjusted annually consistent with the U.S. Consumer Price Index (with 2020 as the baseline).

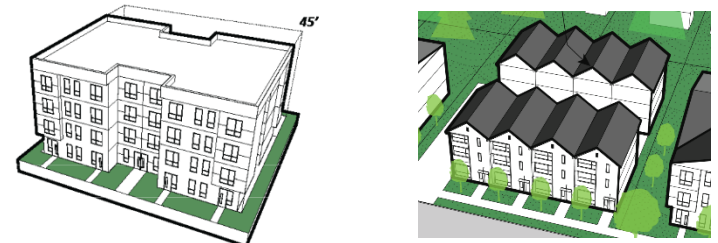
Minimum Parking Requirements

Parking impact on housing creation & affordability



Case Study: Better Housing by Design, Portland, OR

- Evaluated zoning changes to mid-density residential areas (small apartments, townhomes, etc)
- Contracted a real-estate economics firm to analyze policy change scenarios via “proformas”



A Shareable Conclusion:

On the same piece of land with/without parking required:

- 1.5 spaces/unit required, most profitable development is 10 townhomes, with garages, valued at \$733,000/ea.
- No parking required, most profitable development is 32 condos, 28 valued at \$280,000/ea. + 4 below-market units

	w/o GZ, CET		w/ GZ, CET		w/ GZ, CET		w/ GZ, CET	
	Stacked	Titls	Stacked	Titls	Stacked	Titls	Stacked	Titls
Development Costs								
Construction Costs								
Hard Costs (excl. soft costs)	\$ 1,971,529	\$ 2,060,000	\$ 1,971,529	\$ 2,060,000	\$ 1,971,529	\$ 2,060,000	\$ 3,154,447	\$ 2,060,000
Soft Costs								
Structural, back-up (per space)	\$ 240,000	\$ 150,000	\$ 240,000	\$ 150,000	\$ 240,000	\$ 150,000	\$ 720,000	\$ 150,000
Surface (per space)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total (SC)	\$ 2,211,529	\$ 2,210,000	\$ 2,211,529	\$ 2,210,000	\$ 2,211,529	\$ 2,210,000	\$ 3,874,447	\$ 2,210,000
Soft Costs (per unit)								
System Development Charges	\$ 48,370	\$ 60,400	\$ 48,370	\$ 60,400	\$ 48,370	\$ 60,400	\$ 77,340	\$ 60,400
Sanitary Sewer	\$ 2,310	\$ 1,089	\$ 2,310	\$ 1,089	\$ 2,310	\$ 1,089	\$ 2,310	\$ 1,089
Stormwater	\$ 20,240	\$ 20,140	\$ 20,240	\$ 20,140	\$ 20,240	\$ 20,140	\$ 32,304	\$ 20,140
Transportation (PDOC)	\$ 91,940	\$ 110,540	\$ 91,940	\$ 110,540	\$ 91,940	\$ 110,540	\$ 147,104	\$ 110,540
Parks & Recreation	\$ 17,591	\$ 24,150	\$ 17,591	\$ 24,150	\$ 17,591	\$ 24,150	\$ 28,626	\$ 24,150
Construction (Excl. Taxes) (CET)	\$ 552,882	\$ 702,500	\$ 552,882	\$ 702,500	\$ 552,882	\$ 702,500	\$ 968,812	\$ 702,500
Other Soft Costs (as % of HC)	\$ 715,742	\$ 802,729	\$ 715,742	\$ 802,729	\$ 715,742	\$ 802,729	\$ 1,294,428	\$ 802,729
Subtotal (SC, excluding loan interest carry)	\$ 1,368,955	\$ 1,587,758	\$ 1,368,955	\$ 1,587,758	\$ 1,368,955	\$ 1,587,758	\$ 2,364,451	\$ 1,587,758
as % of HC	32%	32%	32%	32%	32%	32%	32%	32%
Construction Loan Interest	\$ 88,000	\$ 87,000	\$ 88,000	\$ 87,000	\$ 88,000	\$ 87,000	\$ 120,255	\$ 87,000
Total (SC)	\$ 1,456,955	\$ 1,674,758	\$ 1,456,955	\$ 1,674,758	\$ 1,456,955	\$ 1,674,758	\$ 2,484,706	\$ 1,674,758
Cost-Reducing Incentives								
SCC Waivers	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CET Waivers	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal Cost-Reducing Incentives	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Development Costs (TDC) (excluding land)	\$ 2,968,484	\$ 3,794,758	\$ 2,968,484	\$ 3,794,758	\$ 2,968,484	\$ 3,794,758	\$ 6,339,153	\$ 3,794,758
per unit	\$ 268,588	\$ 375,975	\$ 268,588	\$ 375,975	\$ 268,588	\$ 375,975	\$ 561,196	\$ 375,975
per GFA sqft	\$ 213	\$ 303	\$ 213	\$ 303	\$ 213	\$ 303	\$ 453	\$ 303
Revenues & Valuation Assumptions								
Less: GL insurance premium for construction defects	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
For Sale Revenues								
MR Revenues	\$ 4,562,500	\$ 6,240,000	\$ 4,562,500	\$ 6,240,000	\$ 4,562,500	\$ 6,240,000	\$ 7,332,000	\$ 6,240,000
APR Revenues	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal Sales	\$ 4,562,500	\$ 6,240,000	\$ 4,562,500	\$ 6,240,000	\$ 4,562,500	\$ 6,240,000	\$ 7,332,000	\$ 6,240,000
Sales Marketing Costs	\$ (81,650)	\$ (124,800)	\$ (81,650)	\$ (124,800)	\$ (81,650)	\$ (124,800)	\$ (146,640)	\$ (124,800)
Total Sales Revenues	\$ 4,480,850	\$ 6,115,200	\$ 4,480,850	\$ 6,115,200	\$ 4,480,850	\$ 6,115,200	\$ 7,185,360	\$ 6,115,200
Unleveraged Hard Costs	\$ (448,065)	\$ (611,520)	\$ (448,065)	\$ (611,520)	\$ (448,065)	\$ (611,520)	\$ (718,536)	\$ (611,520)
Leveraged Hard Costs	\$ (873,820)	\$ (917,280)	\$ (873,820)	\$ (917,280)	\$ (873,820)	\$ (917,280)	\$ (1,077,808)	\$ (917,280)
Revenues, Less Profit	\$ 3,812,225	\$ 5,183,400	\$ 3,812,225	\$ 5,183,400	\$ 3,812,225	\$ 5,183,400	\$ 6,107,556	\$ 5,183,400
Revenues - TDC + Stacked Land Value	\$ 794,343	\$ 1,298,174	\$ 794,343	\$ 1,298,174	\$ 794,343	\$ 1,298,174	\$ 994,491	\$ 1,298,174
Land Value (per unit)	\$ 72.13	\$ 129.82	\$ 72.13	\$ 129.82	\$ 72.13	\$ 129.82	\$ 89.64	\$ 129.82
Land Value (per unit)	\$ 67,363	\$ 91,720	\$ 67,363	\$ 91,720	\$ 67,363	\$ 91,720	\$ 67,363	\$ 91,720

Source: <https://www.sightline.org/2019/10/02/in-mid-density-zones-portland-has-a-choice-garages-or-low-prices/>

Minimum Parking Requirements

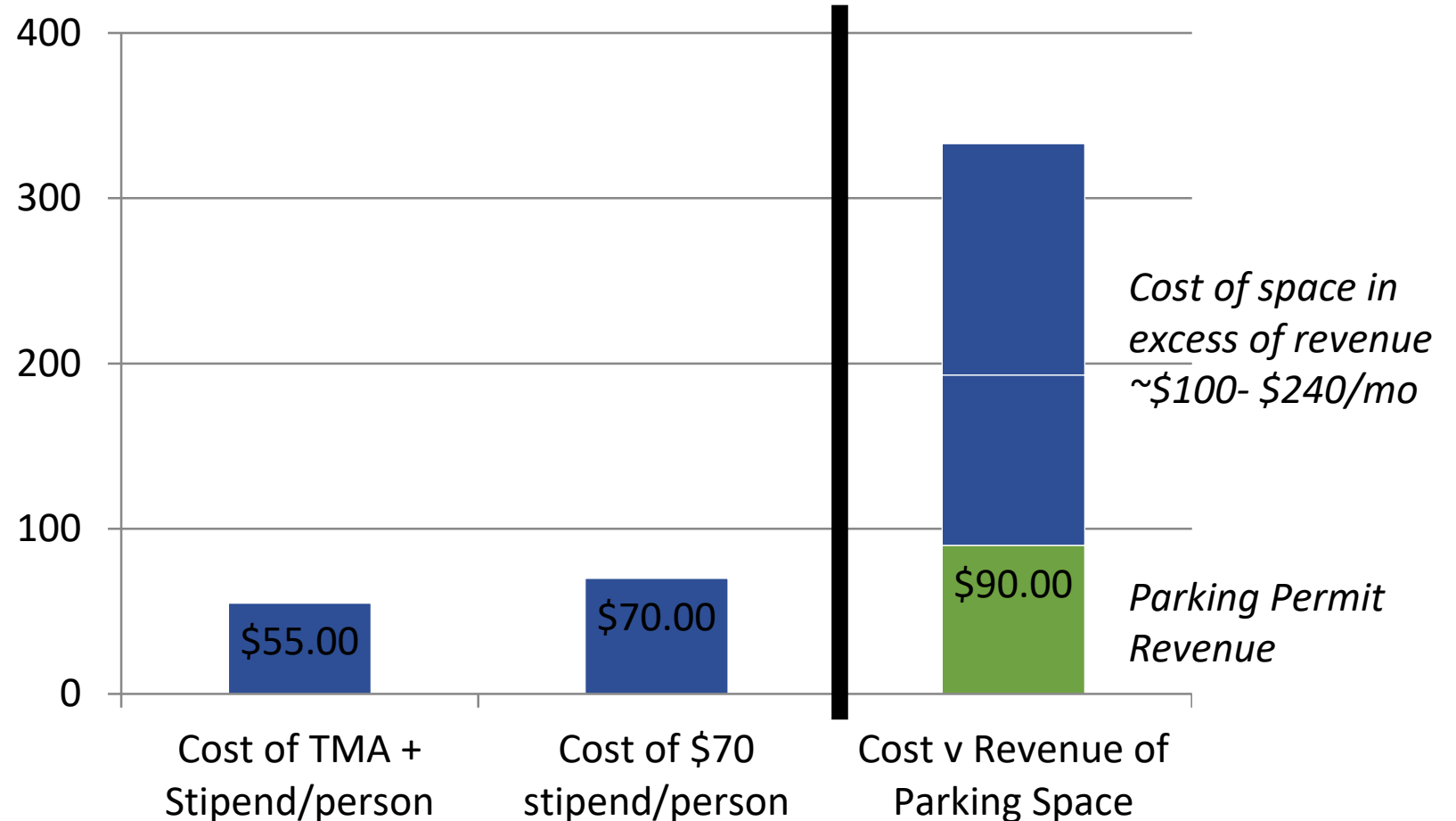
Monthly Cost Comparison



Est. Monthly Parking Cost:

\$193- \$345/space

(Includes land, construction, interest (6% over 20), O&M, taxes)



Minimum Parking Requirements

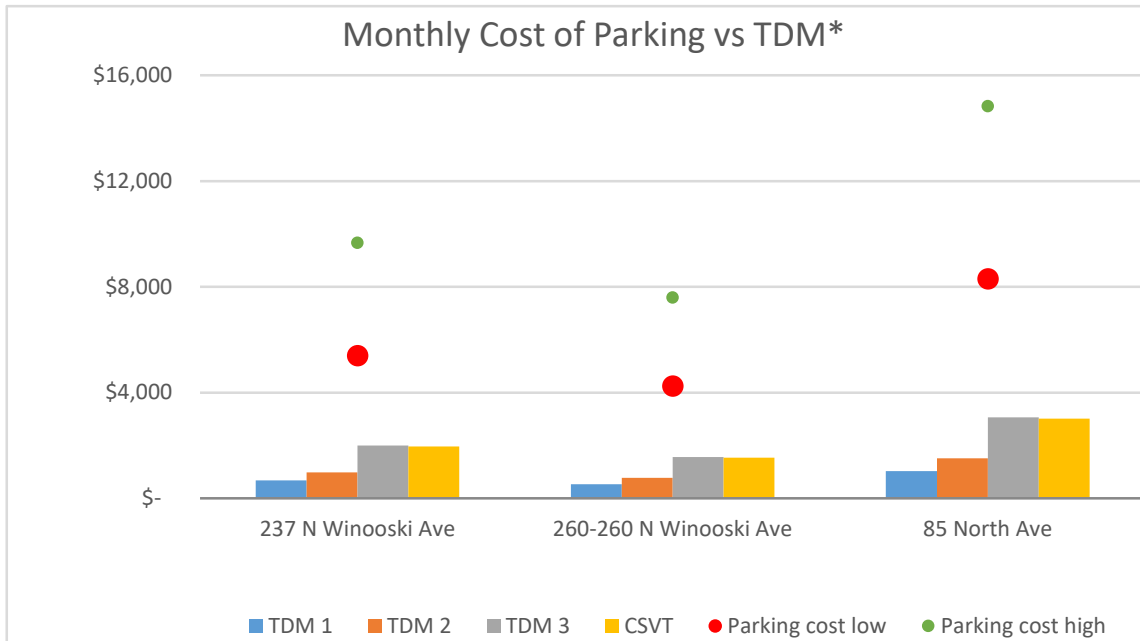
Monthly Cost Comparison



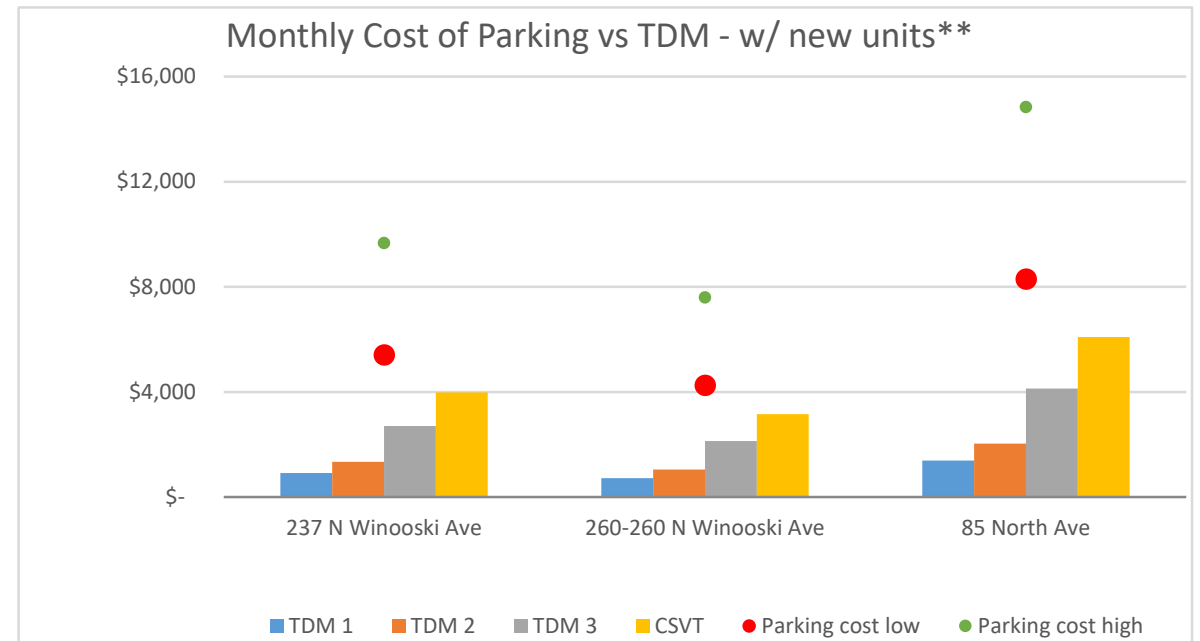
	237 N Winooski Ave	260-260 N Winooski Ave	85 North Ave
Monthly Cost	28 units, 28 spaces	22 units, 22 spaces	43 units, 43 spaces
Scenario: Assumes no change to number of housing units built			
Parking cost low (100% spaces)	\$ 5,404	\$ 4,246	\$ 8,299
Parking cost high (100% spaces)	\$ 9,660	\$ 7,590	\$ 14,835
<i>TDM Costs in addition to <u>or</u> instead of parking cost:</i>			
TDM as proposed ZA-20-04	\$ 673	\$ 528	\$ 1,033
Stipend @ \$70- 1 per unit	\$ 1,960	\$ 1,540	\$ 3,010
Stipend @ \$50 w/TMA- 1 per unit	\$ 1,512	\$ 1,188	\$ 2,322
<i>Using CATMA Members' actual transit passholder proportions (77% local, 7% commuter, 16% LINK pass allocation) and subsidy for non-parkers</i>			
Scenario: Assumes 25% of parking spaces built, utilize remainder of space to add adt'l. 700sq.ft. housing units			
Parking area (sq.ft.)	9,100	7,150	13,975
Adt'l units created	9.8	7.7	15.0
Parking cost low (25% spaces)	\$ 1,351	\$1,158	\$2,123
Parking cost high (25% spaces)	\$ 2,415	\$2,070	\$3,795
<i>TDM Costs in addition to reduced parking cost:</i>			
TDM as proposed ZA-20-04	\$ 913	\$ 721	\$ 1,393
Stipend @ \$70	\$ 3,990	\$ 3,150	\$ 6,090
Stipend @ \$50 w/TMA Membership	\$ 3,078	\$ 2,430	\$ 4,698

Minimum Parking Requirements

Monthly Cost Comparisons



*assumes same number units built + only 1 stipend/unit



**assumes 25% of the parking is built, and new units added, some units 2 stipends

Assumptions:

Monthly Parking Cost: \$193/space (low) - \$345/space (high)

Uses CATMA Member's Passholder Portions (77% local, 7% commuter, 16% LINK)

Transit subsidy for non-parkers only

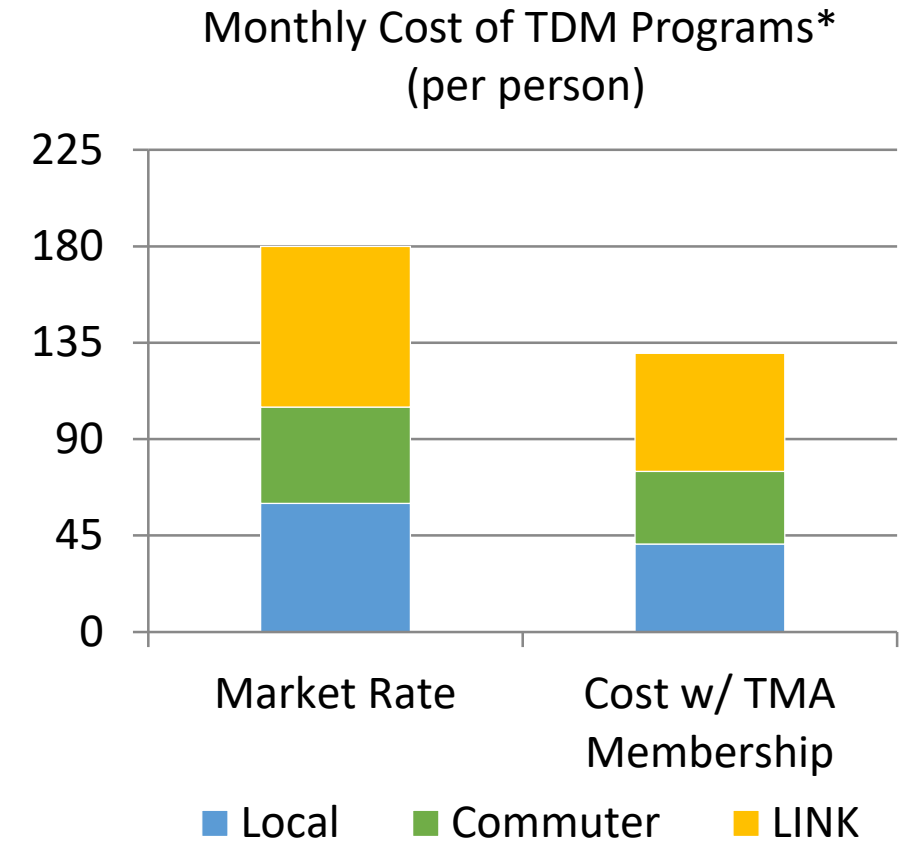
Minimum Parking Requirements

Cost/Benefit Comparison of Transportation Stipend



Monthly Total Cost of Alternate Modes (Market Rate)			
	<u>Local</u>	<u>Commuter</u>	<u>LINK</u>
Transit Pass	\$40	\$75	\$150
	<u>Membership</u>		
Bike Share	\$15		
	<u>Share a Little</u>	<u>Share a Lot</u>	
Carshare	\$5	\$15	
Total Monthly Cost	\$60	\$105	\$180

Monthly <u>value</u> of what developer is providing by joining a TMA...			
Stipend	\$50.00	\$50.00	\$50.00
Transit Pass Discount	<u>Local</u>	<u>Commuter</u>	<u>LINK</u>
	\$11.20	\$21.00	\$42.00
Bike Share Discount	\$7.50	\$7.50	\$7.50
Bike/Walk Rewards	\$7.50	\$7.50	\$7.50
Total	\$76.20	\$86.00	\$107.00



*Includes transit, bike share and car share

ARTICLE 8: PARKING

PART 1: GENERAL REQUIREMENTS

Sec. 8.1.1 Purpose

It is the purpose of this article to:

- (a) Ensure there are adequate parking and loading facilities to serve the use or uses of the property;
- (b) Ensure that parking facilities are designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjoining properties from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles parking off the street;
- (c) Reduce congestion in the streets and contribute to traffic safety; and
- (d) Encourage alternate modes of travel that will reduce dependence upon the single-occupancy automobile.

These regulations are enacted under the provisions of 24 V.S.A. Chapter 117

Sec. 8.1.2 Applicability

No structure shall be erected or altered, or any use changed or established, unless or until the provisions of this Article have been met. No onsite parking shall be required or provided within the Urban Reserve District.

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 on-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) Neighborhood Parking District:

This parking district establishes the baseline of parking requirements throughout the city where the demand for on-site parking is largely dependent on the needs and characteristics of an individual site or land use.

(b) Shared Use Parking District:

This parking district reduces the requirements from the baseline standards recognizing that opportunities exist to share parking demand between related

nearby land uses, and that travel to and between these uses may not be strictly automobile dependent.

(c) Downtown Multimodal Mixed-Use Parking District:

This parking district ~~further reduces~~eliminates the minimum on-site parking requirements ~~from the baseline standards of Sec. 8.1.8~~ recognizing ~~that the opportunity for~~ extensive sharing of parking demand between nearby mixed land uses ~~occurs; that a majority of~~ makes travel to and between proximate land uses ~~is~~ largely independent from an automobile; and that an array of non-vehicular transportation modes, public parking facilities, and frequent transit service greatly reduces the need for independent on-site parking for individual land uses.

This Parking District includes all properties in the following Zoning Districts:

- (a) Downtown Core (FD6)
- (b) Downtown Center (FD5)
- (c) Downtown Waterfront – Public Trust (DW-PT)
- (d) Neighborhood Activity Center (NAC)
- (e) Neighborhood Mixed Use (NMU)
- (f) NAC – Riverside (NAC-R)
- (g) NAC – Cambrian Rise (NAC-CR)

With the exception of those properties subject to Part 3 - Institutional Parking Management Plans, t-his Parking District also includes all properties with street frontage on the following major thoroughfares below to a maximum depth of 200-ft.:

- (a) North Avenue from Battery Park to Plattsburg Avenue
- (b) Colchester Avenue
- (c) Pearl Street
- (d) North Winooski Avenue
- (e) Riverside Avenue from N. Winooski Ave to Colchester Ave
- (f) Battery Street
- (g) Main Street
- (h) College Street to South Williams Street
- (i) Pine Street
- (j) Saint Paul Street
- (k) Shelburne Street

With respect to permits issued with parking requirements in this Parking District prior to the effective date of the amendment to eliminate minimum onsite parking, an administrative permit amendment may be requested to remove the parking requirement based upon the change in regulation. This does not apply to permits containing public parking provided in exchange for an Article 4 Development Bonus (See Sec. 4.4.1(d)(5)(A). For those permits, the public parking provided shall be maintained.

Commented [DEW1]: Correction per City Attorney

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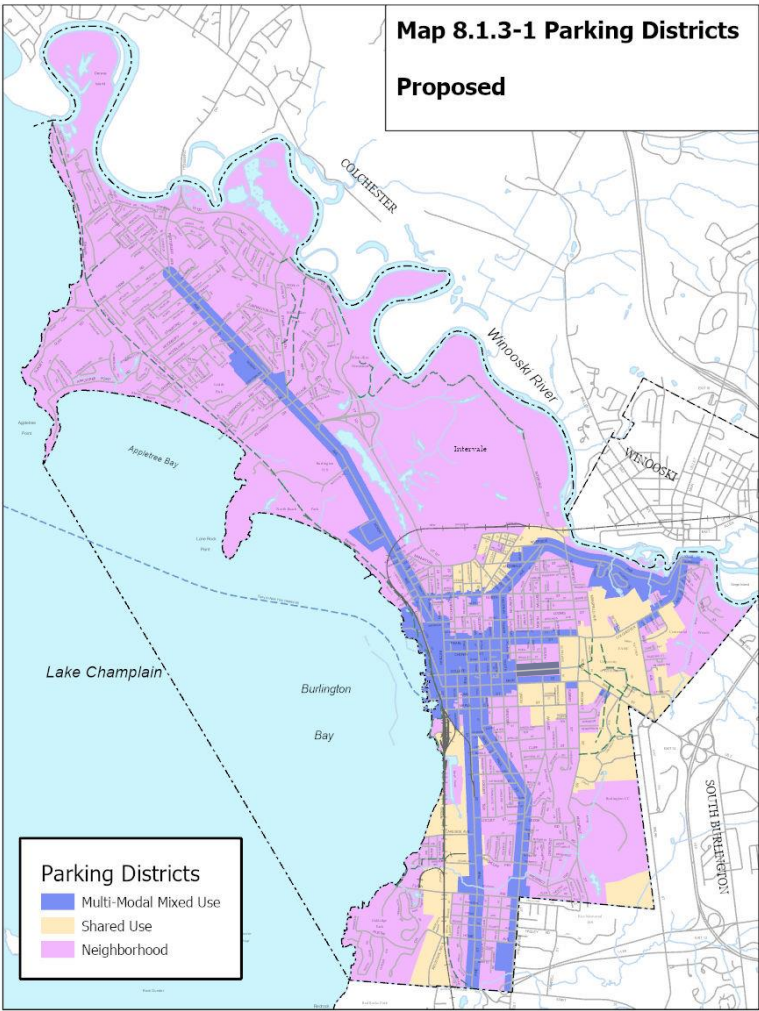
Commented [DEW2]: Added by PC on 2/11/20

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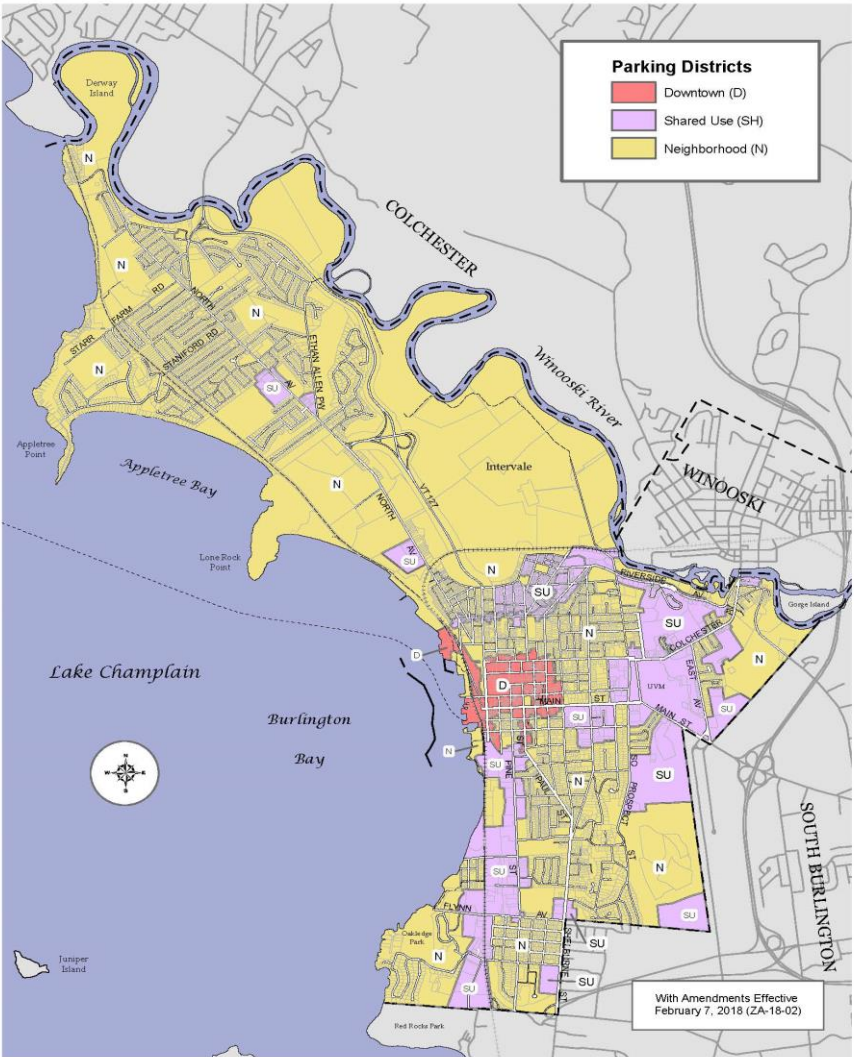
Commented [DEW3]: Revised as per City Attorney

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Commented [DEW4]: Need to refine the corridors so it doesn't capture lots that don't actually have frontage on them.

Commented [MT5R4]: This map has been updated to incorporate College Street from Union to Williams.



Map 8.1.3 -1 Parking Districts

Sec. 8.1.4 Existing Structures

Any structure or land use lawfully in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article as long as the kind or extent of

use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be reduced below such requirements.

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. 8.1.15.

Sec. 8.1.6 ~~Existing Structures: Affordable Housing and Historic Buildings 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. Regardless of location, the Minimum Off-Street Parking Requirements found under Sec. 8.1.8 below shall not apply to any of the following:~~

- ~~(a) The creation of permanently affordable inclusionary housing units satisfying the applicable provisions of Article 9 Part 1 - Inclusionary Housing (see Sec. 9.1.10 Income Eligibility and Sec. 9.1.11 Calculating Rents and Selling Prices);~~
- ~~(b) The adaptive reuse and/or substantial rehabilitation of a building listed on the State or National Register of Historic Places; and,~~
- ~~(c) The creation of an Accessory Dwelling Unit subject to the provisions of Sec. 5.4.5.~~

Commented [DEW6]: No longer applicable

Commented [DEW7]: **NOTE:** Track cross reference to the proposed in ADU amendment

Sec. 8.1.7 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. 8.1.8, one (1) parking space shall be provided for each additional room. Single detached dwellings shall be exempt from this requirement.

Sec. 8.1.8 Minimum Off-Street Parking Requirements

~~A minimum number of off-street parking spaces~~ for all uses and structures shall be provided in accordance with Table 8.1.8-1 ~~below~~.

- ~~(a) Where a use is not listed, no requirement is designated, and the use is not comparable to any of the listed uses, the minimum parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use, the capacity of the facility and its associated uses.~~

Commented [DEW8]: Revised to be consistent with Sec. 5.1.1

Article 8: Parking

ZA-20-04 Public Hearing DRAFT v 2.0: Feb. 19, 2020

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

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use 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 0
Single Family detached and Duplex	2	2	1 0
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0.4 0
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0.5 0
Boarding House (per two (2) beds)	1	0.75	0.5 0
Community House	1	0.75	0.5 0
Convalescent Home (per four (4) beds)	1	1	1 0
Dormitory (per two (2) beds)	1	1	1 0
Emergency Shelter	0	0	0
Group Home (per two (2) beds)	1	1	1 0
Historic Inn (per room, in addition to single-family residence)	1	0.75	0.5 0
Sorority & Fraternity (per two (2) beds)	1	1	1 0
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 0
Agricultural Use	None 0	None 0	None 0
Amusement Arcade	2	1	0
Animal Boarding/Kennel/Shelter	2.5	1.5	1 0
Animal Grooming (per grooming station)	1	1	0
Animal Hospitals/Veterinarian Office	3	2	1 0
Appliance & Furniture Sales/Service	2.5	1	1 0
Aquarium	1.3	1	1 0
Art Gallery <u>Studio</u>	3.3	2.5	1 0

Commented [DEW9]: Added per expired ZA-19-03

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Auction Houses	3.3	2.5	+0
Automobile & Marine Parts Sales	2.5	1.5	+0
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	+0
Bakery	2.5	2.5	+0
Bank, Credit Union	2.5	2	+0
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	+0
Boat Sales/Rental	2	2	+0
Boat Storage	3	2	+0
Bowling Alley (per lane)	3	2	+0
Building Material Sales	3.3	2.5	+0
Café (per four (4) seats)	1	None	None
Camp Ground (per camping space)	1	1	+0
Car Wash (stacking spaces per wash bay)	4	4	+0
Cemetery	None	None	None
Cinema (per four (4) seats)	1	1	None
Club, Membership	3.3	2.5	+0
Community Center	3.3	2.5	+0
Community Garden (per ten (10) plots)	1	1	None
Conference Center	3	2	+0
Contractor Yard (per 1,000 gfa of office space)	2.5	2	+0
Convenience Store	3	2	+0
Convention Center	n/a	3	+0
Courthouse	n/a	3.3	+0
Crematory (per FTE employee)	1	1	+0
Crisis Counseling Center	4	3	+0
Daycare - Home (6 children or less)	None	None	+ drop-off

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Daycare - Large (Over 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	2 drop-off
Daycare - Small (20 children or less) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1
Dental Lab	2	1	None
Distribution Center (per 3,000 gfa)	1	0.75	0.75
Dry Cleaning Plant	1.3	1	1
Dry Cleaning Service	2.5	2	2
Film Studio	3.3	2.5	1
Fire Station (per apparatus)	2	2	1
Food & Beverage Processing	1.3, plus 3 per 1,000 gfa devoted to patron use	1, plus 2 per 1,000 gfa devoted to patron use	1
Fuel Service Station (per employee/shift)	1	1	1
Funeral Home (per four (4) seats)	1	1	1
Garden Supply Store (per 1,000 gfa of retail area.)	3	2	1
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	1
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	1
Manufacturing-Light	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	1

Commented [DEW10]: Added per expired ZA-19-03

Commented [DEW11]: Added per expired ZA-19-03

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Manufacturing	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	+0
Marina (per berth)	0.5	0.5	0.50
Medical Lab	2	1	None0
Museum	1.3	1	+0
Office - General	2	2	20
Office - Medical, Dental	3	2	+0
Office – Technical	2	2	20
Open Air Markets	None0	None0	None0
Operations Center - Taxi (per three (3) employees)	1	1	+0
Operations Center - Truck/Bus (per 3,000 gfa)	1	0.75	0.750
Park (per playing area)	5	None0	None0
Parking Garage – Private	None0	None0	None0
Parking Lot – Private	None0	None0	None0
Performing Arts Center (per four (4) seats)	1	1	None0
Performing Arts Studio	1	None0	None0
Pet Store	2.5	1	None0
Pharmacy	3	2	+0
Photo Studio	2.5	1	None0
Photography Lab	1	1	None0
Police Station	2.5	2	20
Post Office	1.3	1	+0
Post Office - Local	2	2	None0
Printing Plant	1.3	1	+0
Printing Shop	2	2	None0
Public Transit Terminal	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	None0
Public Works Yard/Garage	None0	None0	None0
Radio & TV Studio	2	2	20
Rail Equip. Storage & Repair	None0	None0	None0

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Recording Studio	1.3	1	+0
Recreational Facility - Indoor (per four (4) seats)	1	1	0-50
Recreational Facility - Outdoor (per playing field)	15	10	None0
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-seats0
Recreational Vehicle Sales – New and Used	2	2	+0
Recycling Center - Large above 2,000 gfa	None0	None0	None0
Recycling Center - Small 2,000 gfa or less	None0	None0	None0
Research Lab	2.5	2	20
Restaurant	4	3	None0
Restaurant – Take-Out	4	3	None0
Salon/Spa	4	4	20
School - Secondary (per Classroom)	7	5	20
School - Primary (per Classroom)	1.5	1.5	1-50
School – Preschool Large (over 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1-plus-1-per-5 children0
School – Preschool Small (up to 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	+0
School - Trade/Professional	5	3	+0
School, - Post-Secondary	2	2	20
Solid Waste Facility - Incinerator, Landfill, Transfer Station	None0	None0	None0
Tailor Shop	2	1	None0
Vehicle Salvage	None0	None0	None0
Warehouse	0.5	0.35	0-350
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 spaces0
Warehouse - Retail	3.3	2.5	2-50

Commented [DEW12]: Added per expired ZA-19-03

Commented [DEW13]: Added per expired ZA-19-03

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Wholesale Sales	1.3	1	+0
Worship, Place of (per four (4) seats)	1	1	+0

Sec. 8.1.9 Maximum On-Site Parking Spaces

The total number of off-street parking spaces provided in all any 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 8.1.8-1 below. In no case shall the maximum number of required spaces be less than one (1) per unit of measurement (beds, units, 1000 gross sqft, etc.) for the use.

Table 8.1.9-1 Maximum Off-Street Parking Requirements		
Neighborhood District	Shared Use District	Multimodal Mixed-Use District
125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1

Commented [MT14]:

Example of how the min/max works:

Today, a 5,000 sq.ft. Tavern is located in the Shared Use Parking District.

It would be required to have 3 parking spaces per 1,000 sq.ft. at minimum, or at least 15 spaces. Its maximum allowed parking spaces would be 125% of the Neighborhood District requirement of 4 spaces/1,000 sq.ft, or 25 spaces.

Under the proposed changes to the Max Parking table, the new maximum allowed is only 100% of what is required in the Neighborhood Parking District, or 20 spaces (so, 5 fewer).

Alternatively, if that same Tavern were to be located in the Multi-modal Mixed Use District under this proposed ordinance amendment, it would have no minimum requirement to provide parking spaces, and the maximum would be limited to what is required in the Shared Use District- or 15 spaces.

(a) **Exemptions:** The following shall ~~reduce not be included in~~ the maximum number of allowable spaces required by this section:

1. Structured Parking: Spaces provided within the footprint of a structure containing one or more other uses, including rooftop, at-grade, or below grade spaces shall not be counted towards the maximum, provided the floor area dedicated to parking is less than 50% of the total gross floor area of the structure;

2. Public Parking: Spaces provided and available for use by the public shall not be counted towards the maximum. Such spaces shall be available to the public at a minimum of nights and weekends, and be signed or marked accordingly;

3. Carpool, Vanpool, and Car-Share Parking: Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed or marked accordingly; and,

4. Alternative Fueled Vehicle Parking. Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural

gas, and hydrogen shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed and/or the space painted with the words “Alternative Fueled Vehicles Only.”

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 8.1.15 with the following additional requirements:

A. The applicant requesting the waiver shall also provide:

- (i) a peak demand parking study for two similar uses in the area; and,
- (ii) a TDM Plan pursuant to the requirements of Sec. 8.1.16

B. The following additional review criteria shall be addressed regarding how:

- (i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
- (ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,
- (iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Sec. 8.1.10 Off-Street Loading Requirements.

Outside of the [Downtown Multimodal Mixed-Use](#) Parking District, every structure constructed after the effective date of this ordinance and used for non-residential use shall provide sufficient space for the unloading and loading of vehicles. The adequacy of any proposed loading areas shall be considered as part of the site plan and traffic circulation review. Such loading areas shall have access to a public alley or a public street in such a way to minimize conflicts with the circulation of other vehicles and pedestrians, be screened from public view, and provide safe and effective access to the city’s street network.

Sec. 8.1.11 Parking Dimensional Requirements

The following standards in Table 8.1.11-1 below shall be ~~used~~ [applicable in all Parking Districts](#) 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 [after consultation with the city engineer](#) due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve [previous lot coverage for on-site stormwater management](#), existing trees, and mature vegetation. [Mechanical access parking shall be exempt from the dimensional requirements of this section.](#)

Table 8.1.11-1 Minimum Parking Dimensions						
Angle of Parking Space Type	Space Width (A) of Space	Space Length (B) of Space	Vertical Clearance (C) (Stall and Aisle)	Width of Angled Space	Length of Angled Space	Minimum Back-Up Length
Standard Cars						
Parallel Parking	89.0'	2218.0'	7.5'	-	-	-
45° Angle ²	9.0' ¹	2018.0'	7.5'	12.7'	20.5'	15.0'
60° Angle ²	9.0' ¹	2018.0'	7.5'	10.4'	21.8'	18.0'
90° Angle ²	9.0' ¹	2018.0'	7.5'	9.0'	20.0'	24.0'
Compact³ Cars						
Compact spaces must be clearly identified with pavement marking and signage.						
Parallel Parking	8-97.5'	2015.0'	6.8'	-	-	-
45° Angle ²	8.0'	1816.0'	6.8'	11.2'	18.3'	13.0'
60° Angle ²	8.0'	1816.0'	6.8'	9.2'	19.8'	15.0'
90° Angle ²	8.0'	1816.0'	6.8'	8.0'	18.0'	20.0'
Tandem	9.0'	36'	7.5'			
Scooter/Motorcycle	4'	8.0'	6.8'			
Aisle Width (D)						
Aisle width (one-way)	40-12' 14' for 60° angled spaces 90° angled spaces not permitted		7.5'			
Aisle width (two-way)	20' 23' for 90° angled spaces		7.5'			

¹ The minimum stall width may be reduced to 8.5' for spaces dedicated to residential uses.

² Angled spaces may be either head-in or back-in.

³ The overall proportion of compact spaces may not exceed 50%.

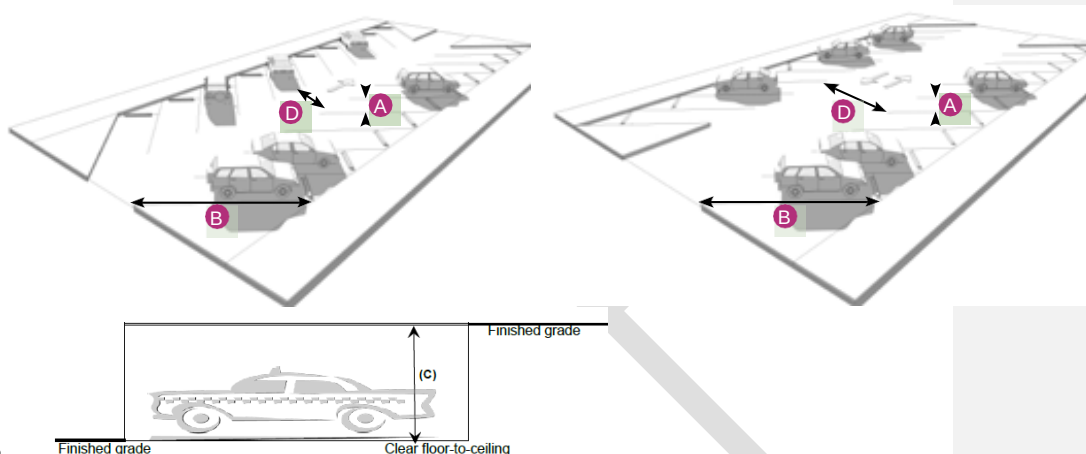


Illustration 8.1.11-A - Parking Dimensions

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land. The off-site parking area shall be within the same zoning district as the use it serves or is in a zoning district that allows parking lots or parking garages as primary-Principal uses. Parking that serves any use located outside a residential zoning district shall not be located within a residential zoning district. Off-site parking spaces shall be subject to the site plan design standards of Article 6: Part 2. The maximum parking limitations of Section 8.1.9 apply. Off-site parking facilities shall be as follows:

1. Neighborhood Parking District: No more than 50% of the total required off-street parking from Table 8.1.8-1 shall be provided at a distance greater than 600 feet from the use it is intended to serve. For residential uses, a minimum of 1 space per unit shall be provided on-site.
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. 8.1.15 approved by the DRB.
3. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the

Commented [DEW15]: redundant

required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board [per Sec. 8.1.15 \(b\)](#). The right to use the off-site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed, ~~or easement, lease, or similar written instrument~~ as approved by the City Attorney and recorded in the Burlington land records. ~~Use of off site parking for parking spaces in excess of the minimum parking requirements of Sec. 8.1.8 may be secured by lease or similar written instrument.~~

(b) Downtown Street Level Setback:

~~In order to maintain an active streetscape, any off-street parking occupying street level frontage in the Downtown Parking District shall be setback from the front property line in order to reserve street level frontage for pedestrian-oriented uses.~~

(c) Front Yard Parking Restricted:

Required parking in all residential zoning districts shall not be located in a required front yard setback area abutting a public street, except alleys. This prohibition extends from the edge of the public right-of-way into the required front yard setback for the entire width of the property with the exception of a single access drive no more than eighteen feet (18') or less in width. The provisions of this subsection shall not be applicable during such times as when the winter parking ban pursuant to Section 20-56 of the Code of Ordinances is in effect. Where parking is provided outside the front yard setback, but either partially or entirely between the principle structure and the street, such parking shall be screened to the extent practicable from view from the public street.

(d) Shared Parking in Neighborhood Parking Districts:

In the event that a mix of uses occupy a single structure or parcel of land located in a Neighborhood [or Shared Use](#) Parking District, the total requirement for off-street parking shall be the sum for all individual uses unless it can be shown that the peak parking demands are offset and spaces can be shared (for example: retail and residential, or theater and office uses) [as evidenced by a shared parking analysis utilizing the most current edition of the Urban Land Institute's Shared Parking Report, the ITE's Shared Parking Guidelines, or other comparable and industry-recognized publications](#). ~~In such cases the parking required must at least meet the requirements for Shared Use Districts.~~

(e) Single Story Structures in Shared Use Districts:

In the event that a single story structure is proposed to be located in a Shared Use District, the total requirements for off-street parking shall be calculated as for a Neighborhood Parking District. This provision does not apply to single story structures existing and occupied as of the effective date of this ordinance.

(f) Joint Use of Facilities:

The required parking for two (2) or more uses, structures, or parcels may be combined in a single parking facility if it can be shown by the applicant to the

Commented [DEW16]: Superseded by Article 14- the downtown form based code.

satisfaction of the DRB that the use of the joint facility does not materially overlap with other dedicated parking in such facility, and provided that the proposed use is evidenced by a ~~irrevocable~~ deed, lease, contract, reciprocal easement, or similar written instrument establishing the joint use acceptable to the city attorney.

(g) Availability of Facilities:

Required parking pursuant to this Article shall be available for parking of operable passenger vehicles used by residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials. The distribution of parking spaces for any and all individual uses will be required to be arranged in such a way as to ensure optimal access and use by the patrons of such use(s).

(h) Compact Car Parking:

~~Compact parking spaces may be used in parking structures or lots. Up to fifteen (15%) percent of the total parking spaces in a parking garage may be designated for compact cars. Such spaces shall be signed or the space painted with the words "Compact Car Only."~~

Commented [DEW17]: Replaced by footnote #4 in table 8.1.11-1

Sec. 8.1.13 Parking for Disabled Persons

Parking spaces for disabled persons in all Parking Districts shall comply with current the Americans with Disabilities Act guidelines and shall be at least eight feet (8') wide with an adjacent access aisle at least five feet (5') wide. Parking access aisles shall be part of an accessible route to the building or facility entrance. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Painting of the paved area for the dedicated parking spaces alone shall not be sufficient as the sole means of identifying these spaces.

Sec. 8.1.14 Stacked and Tandem Parking Restrictions

Except as otherwise provided below, all parking facilities in all Parking Districts shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle. The requirements for minimum or maximum spaces continue to apply for stacked and Tandem parking.

- (a) ~~Stacked or valet parking may be allowed if an attendant is present to move vehicles.~~
If stacked parking is used for required parking spaces, a written guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation.

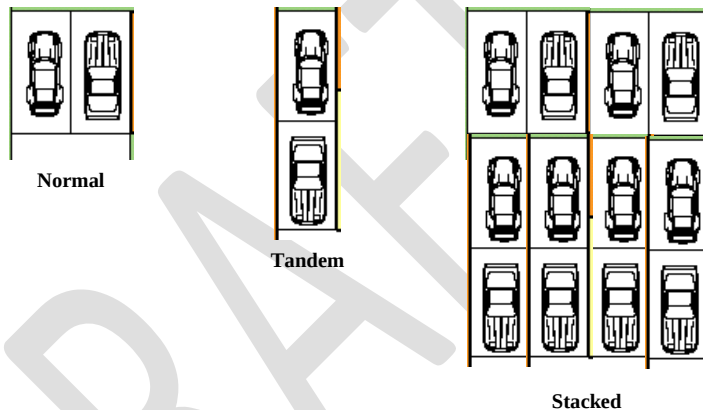
Commented [DEW18]: **NOTE:** Track related proposed changes in ADU amendment

Commented [MT19R18]: Updated to add item "C" below per ZA-20-03 as adopted on 2/18 by Council.

Commented [DEW20]: Note: ADU amendment removes this requirement for SF and ADU

(b) Tandem Parking ~~may shall~~ be allowed for all dwelling units (whether attached or detached). Each dwelling unit may have a pair of tandem parking spaces, however any pair of tandem parking spaces shall not serve more than one dwelling unit single family detached dwelling units, accessory apartments, duplex dwelling units, and Tandem parking shall also be allowed for dedicated employee-only parking where signed as such. In no case shall more than 4 parking spaces (2 pairs) in total be provided in tandem on any one lot.

(c) Stacked parking shall be allowed for single-family detached dwelling units and Accessory Dwelling units with no requirement for an attendant to be present. ~~The requirements for minimum or maximum spaces continue to apply for stacked parking.~~



Commented [DEW21]: Updated to be consistent with expired ZA-19-03

Commented [MT22]: Added to reflect adopted ZA-20-03 on 2/18

Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

(a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be ~~reduced~~ modified 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 for a residential use 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 which may be waived by as much as one hundred percent (100%).~~ Any waiver granted for a non-residential use may be as much as ninety percent (90%) ~~except that a waiver for ground floor retail uses in any Form or Mixed Use district may be 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.

Commented [DEW23]: Superseded by new exemption

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 [or Sec. 8.1.9](#) 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:

- (1) A calculation of the parking spaces required pursuant to Table 8.1.8-1, [and Sec. 8.1.9 regarding parking maximums where applicable.](#)
- (2) A narrative that outlines how the proposed Parking Management Plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.
- (3) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:
 - i. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;
 - ii. Anticipated parking demand by time of day and/or demand by use;
 - iii. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;
 - iv. Availability and frequency of public transit service within a distance of 800-feet.
 - v. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,
 - vi. Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.
- (4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:
 - i. A telecommuting program;
 - ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
 - iii. Implementation of a car-share program;
 - iv. Development or use of a system using offsite parking and/or shuttles; and,
 - v. Implementation of public transit subscriptions for employees.

[\(5\) An analysis and narrative pursuant to Sec. 8.1.9 regarding waivers of parking maximums where applicable](#)

Prior to any approval by the DRB pursuant to this section, the means by which the Parking Management Plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party

to the management contract or easement, shall be made acceptable to the city attorney.

(b) Shared Parking for Off-Site Use

Onsite parking spaces may be made available for use by off-site users subject to review and approval of a Parking Management Plan by the DRB.

The A Parking Management Plan [for Shared Parking for Off-Site Use](#) must include the following:

1. A calculation of the parking spaces required pursuant to Table 8.1.8-1 and a calculation of those parking spaces to be shared for off-site parking use.
2. Information specifying the actual onsite demand for required parking by day, time of day, and by use and also information specifying when and how much parking would be made available to off-site users.
3. A narrative that outlines how the proposed Parking Management Plan will allow for shared use of required parking spaces with off-site users; how it will enable continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.

The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their ability for onsite users to park due to either:

1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec. 8.1.8; and/or,
2. The spaces are to be made available during off-peak hours of the onsite and/or required users.

Parking spaces being made available to off-site users may be made available:

- Either with or without a fee;
- For transient use by the general public; and/or,
- By lease, provided the term of any lease does not exceed one (1) year.

Prior to any approval by the DRB pursuant to this section, the means by which the Parking Management Plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

Sec. 8.1.16 Transportation Demand Management

(a) Purpose: [This section requires the implementation of Transportation Demand Management strategies for certain projects for the purpose of advancing the goals of the City's land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:](#)

- [Reducing parking demand;](#)

- Reducing vehicle miles traveled (VMT);
- Increasing transit use and non-motorized travel; and,
- Reducing car ownership

(b) **Applicability:** Transportation Demand Management shall be required for all projects located in the Multimodal Mixed Use Parking District (see Sec. 8.1.3(c)), and involving any one or more of the following:

<u>Dwelling Units</u>	<u>Creation of ten (10) or more dwelling units</u>
<u>Non-residential or Mixed Use Development</u>	<u>A building footprint of eight thousand (8,000) s.f. or more, or the creation of fifteen thousand (15,000) s.f. or more of gross floor area.</u>

Commented [MT24]: Recommendation to delete "and" to improve clarity of statement.

(c) **TDM Requirements:** Transportation Demand Management shall include each of the following elements:

a. Outreach and Education:

- i. Designation of a Transportation Coordinator who directly or indirectly shall be responsible for each of the following:
 1. Prepare and present informational and educational materials regarding available TDM strategies to all tenants and employees;
 2. Organize and host an annual meeting for all tenants and employees to present and discuss available TDM strategies, and opportunities for increased use and participation;
 3. Preparation and dissemination of an annual travel survey of all tenants and employees; and,
 4. Record-keeping and annual reporting to City of all TDM activities and rates of participation (and parking utilization if applicable) to validate continued compliance with the provisions of this Section.

b. TDM Strategies: In addition to the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall be made available at a minimum:

- i. A Guaranteed Ride Home benefit offered to all employees whereby transit users, bikers, walkers, vanpoolers, and carpoolers who may face an occasional unforeseen change of plans that prevents them using their typical mode of travel to and from work are reimbursed for the cost of a taxi or ride-share to get them where they need to go.

Such a benefit shall define: who is eligible to participate; what trips are eligible for reimbursement; the maximum number of uses

446 allowed during a certain period, maximum miles within a period,
447 or maximum cost per trip; and procedures for using the benefit.

448 ii. GMT Transit passes offered to all tenants and employees at a
449 minimum subsidy of 20% as follows:

450 1. Tenants and/or employees living or working outside
451 Chittenden County must be offered a pass that includes
452 access to inter-regional commuter routes;

453 2. Tenants and/or employees living and working within
454 Chittenden County may be offered a pass that only includes
455 access to local and intra-regional as applicable.

456 iii. Where on-site parking is also made available:

457 1. Conduct parking utilization studies at least annually;

458 2. With the exception of permanently affordable housing units
459 the cost of parking shall be un-bundled from all residential
460 and non-residential leases and deeds;

461 3. Where parking spaces are made available to off-site users
462 parking spaces may be made available by a renewable
463 lease, provided the term of any lease does not exceed one
464 (1) year; and,

465 4. Priority parking spaces, located in closest proximity to a
466 primary building entrance and/or public street frontage,
467 shall be made available for:

468 a. Handicapped spaces;

469 b. Bicycles, scooters, and motorcycles spaces;

470 c. Car-share where 1 space must be offered for every
471 20 residential units not to exceed 5 spaces subject to
472 an agreement with a car-share provider; and,

473 d. Carpool and/or Vanpool vehicles where there are
474 more than 20 parking spaces on the site available
475 for non-residential uses. In such cases, 5 spaces or
476 5% of the parking spaces on site, whichever is less,
477 must be reserved for carpool use before 9:00 AM on
478 weekdays.

479 c. TDM Agreement:

480 i. Commitment to ongoing implementation of the TDM requirements
481 as set forth above;

482 ii. Acknowledgement that the project has no claim to the ongoing
483 availability of nearby on-street public parking, and that, as is the
484 case with other on-street public parking, the City retains the right
485 to charge for or remove such on-street parking at any time;

Commented [DEW25]: Replace with:

"A sustainable transportation stipend valued at no less than \$70 shall be made available on a monthly basis to any tenant (up to two tenants per dwelling unit) or employee who has not held a parking pass in the preceding month. For members of a transportation management association, the minimum stipend may be reduced to \$50. The minimum sustainable transportation stipend amount shall be adjusted annually consistent with the U.S. Consumer Price Index (with 2020 as the baseline)."

Commented [DEW26]: Added per City Attorney

iii. Acknowledgement that failure to maintain transportation demand management as required above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,

iv. Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

(d) **Review and Enforcement:** The Administrative Officer shall be responsible for determining compliance with the TDM requirements set forth above, and ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Guidelines regarding compliance with these TDM requirements shall be developed and provided to applicants by the Administrative Officer.

Failure to maintain transportation demand management as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without an approved TDM plan in effect.

The remainder of this Article is unchanged:

- *Part 2 – Bicycle Parking*
- *Part 3 – Institutional Parking Plans*

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

Burlington Joint Planning Commission with City Council Ordinance Committee Wednesday, February 19, 2020, 6:30 P.M. Conference Room 12, City Hall, Burlington Minutes

Members Present	Commission: A Montroll, Y Bradley, H Roen, E Lee, J Wallace-Brodeur, A Friend Council: C Mason, S Bushor, A Roof
Staff Present: M Tuttle, S Gustin, K Sturtevant	

I. Agenda

Call to Order	Time: 6:32pm
Agenda	No change.

II. Proposed CDO Amendment: Short Term Rentals

No Action		
Motion by:	Second by:	Vote:
Type: Work Session	Presented by: S Gustin, M Tuttle	
The Commission reviewed discussed the details of the proposed short-term rental regulatory framework compared to a number of common scenarios. Presentation materials can be found online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas .		
Committee Comments:		
- Regarding "Scenario 1" (using one's own home as an STR), Commissioners question why this would be considered a Conditional Use, and why an additional parking space is necessary. Majority of Committee felt that this is no different than the owner living in the home. Committee supports requiring rental registration, but some questioned the need for a zoning permit. - Regarding "Scenario 6" (conversion of an entire apartment building to STRs), Commissioners question why this would be considered a "hotel" and staff explained that the definitions of lodging vs STRs could be clarified. Commission supported not allowing this scenario in residential areas, and thought that Housing Replacement should apply if buildings are converting long-term rentals. - Regarding "Scenario 5" (an STR within a multi-unit building): - Commissioners discussed Housing Replacement at length, and concluded that it does not make sense in this scenario as it disincentivizes people from converting units back to long-term housing, is too onerous at the 3-unit threshold, and is too blunt a tool to support affordable housing. Committee supported exploring an alternative that assesses a tax/fee based on how often the STR use occurs, and perhaps applies to all STR scenarios equally.		

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

- Committee had mixed opinions on whether or not the host should live on the site in this scenario, and suggested that there may be a need for Scenario #7 that recognizes off-site host.
- A Commissioner questioned whether this should apply to condominiums, where there are multiple owners on the property vs just one in a rental apartment building.
- A Commissioner suggested that perhaps there is a way to encourage STRs in a building to support lower rent for long-term rentals, by waiving fees or some other approach, using Lead Program as an example.
- Committee felt that this should be a Permitted Use in all zones, and clarify that this does not require an additional parking space to what the unit already requires.

III. Public Forum

Name	Comment
J Sharpe	Suggest Committee increase the limit on the number of STRs permitted in buildings of a certain size. If a tenant renting their own unit within a multi-unit building, is it Scenario 1 or 5?
J Shenton	Live in a condo development of duplexes- is there an extra parking space required if renting just one room?
G Kruesi	Why is there a parking requirement for condos? Can parking be based on occupancy rather than number of bedrooms?
A Stark	STRs are labor intensive, and hosts won't do it forever. Ensure that affordable housing fees don't preclude these units from returning to long-term housing.
L Jensen	Consider a cap on overall number of STRs in Burlington, number of STRs under common ownership, or number of each scenario the city is comfortable with. Subletting is mostly prohibited, so unlikely tenants will be hosts. How much money has the city collected from Housing Replacement and what is it used for?
D Geesen	Support idea of an alternative to housing replacement such as a per night fee. Unsure how own STR fits into the Scenarios- one room of a three bedroom apartment within a three unit building.
A Magyar	Regarding neighborhood character, hosts of STRs have much greater flexibility to set and enforce rules, and screen renters than long-term housing. "Superhosts" in particular have high standards.
D Lyons	Appreciate the idea to transition to an alternative housing replacement fee. Question the city's efforts around affordable housing—what is an "affordable" 1-bedroom apartment in Burlington?
K Cassella	Believe the housing crisis is not about availability, but rather affordability. Support the discussion about an alternative to housing replacement.
J Marks	Support the question about what the number of units in a building trigger scenario 5- consider raising the number, or increasing the number of STRs allowed in a building (i.e. 2 STRs in a 3 unit). Encourage a Scenario 7 that distinguishes when a host does not live on site, and encourage considering instead a cap on the nights rented.

IV. Proposed CDO Amendment ZA-20-04 Minimum Parking

No Action		
Motion by:	Second by:	Vote: N/A
Type: Presentation, Discussion	Presented by: M Tuttle	

Wednesday, February 19, 2020

M Tuttle shared updates on how the proposed amendment had been modified from the February 11 public hearing, and an analysis of the "CarShare VT" alternative Transportation Demand Management proposal. Slides posted online here: <https://www.burlingtonvt.gov/CityPlan/PC/Agendas>.

Committee Comments:

- Committee agrees that RH zone is in need of an update, but do not support adding all of RH into the Multi Modal Mixed Use District.
- Several Commissioners questioned how CarShare proposal would apply to commercial tenants. Concerns were raised about the forced relationship between a building owner and the employees of the commercial tenants. G Bergman offered a new proposal from CarShare to address this challenge.
- A Commissioner asked whether there should be more detail about what eligible expenses a tenant could be reimbursed for in the subsidy, and requirements for how it is administered.
- A Commissioner was unsure about how the alternative impacts the incentive to not build parking, and has less of a relationship to transit.

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Joint Committee will continue working on items at March 10 meeting. Will explore scheduling an additional meeting before March 10. - M Tuttle shared that the ADU Amendment was adopted by Council on Feb 18 - M Tuttle updated that PC Ordinance Cmte meeting was rescheduled to Feb 20		

VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by : J Wallace-Brodeur	Second: A Friend	Vote: Approved Unanimously
Minutes Approved: Joint Committee Meeting on February 11, 2020		
Communications Filed:		
- Written communications enclosed in packet, and submitted in advance of meeting (posted online)		

VII. Adjourn

Adjournment		Time: 9:02pm
Motion: E Lee	Second: J Wallace Brodeur	Vote: Approved Unanimously



Signed: March 12, 2020

Andy Montroll, Chair

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner