

Burlington Planning Commission

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www.burlingtonvt.gov/pz

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

Burlington Planning Commission- **REVISED**

Tuesday, January 26, 2021, 6:30 P.M.

Remote Meeting via Zoom

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/88320882690>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 883 2088 2690

AGENDA

I. Agenda

II. Chair's Report

III. Director's Report

IV. Public Forum

See the Agenda Packet for details on how to participate in the public forum for this meeting.

V. Proposed CDO Amendment: Adaptive Reuse Definition

The Commission will consider a proposed amendment to update the Adaptive Reuse definition in the *Burlington CDO*. This amendment has been recommended by the Commission's Ordinance Committee. Information related to this item is included in the agenda packet on p. 4.

Staff Recommendation: Approve the Municipal Bylaw Amendment report and warn for public hearing.

VI. Proposed CDO Amendment: Parking Garage Illumination Standard

The Commission will consider a proposed amendment to update references to IESNA lighting standards in the *Burlington CDO*. Information related to this item is included in the agenda packet on p. 6.

Staff Recommendation: Approve the Municipal Bylaw Amendment report and warn for public hearing.

VII. Proposed CDO Amendment: R-L Boundary at 925 North Ave.

The Commission will consider a request by representatives from the Elk's Lodge to relocate the R-L zoning district boundary that bisects the property at 925 North Avenue. Information related to this item is included in the agenda packet on p. 8.

Staff Recommendation: Approve the Municipal Bylaw Amendment report and warn for public hearing.

VIII. Proposed CDO Amendment: Shoreline Property Setbacks and Buffer

The Commission will consider a proposed amendment to establish a maximum front yard setback and shoreline naturalization for shoreline properties in the *Burlington CDO*. This amendment has been recommended by the City's Conservation Board and the Commission's Ordinance Committee. Information related to this item is included in the agenda packet on p. 18.

Staff Recommendation: Approve the Municipal Bylaw Amendment report and warn for public hearing.

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

Tuesday, January 26, 2020

Staff Recommendation: Approve the Municipal Bylaw Amendment report and warn for public hearing.

IX. Commissioner Items

- a. Committee Reports
- b. Joint Meeting with Council Ordinance Committee, February 9 at 6:30

X. Minutes & Communications

- a. The minutes of the January 12 meeting are enclosed in the agenda packet on p. 25

XI. Adjourn

Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at mtuttle@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.

TO: Planning Commission
FROM: Mary O'Neil, Principal Planner
Scott Gustin, Principal Planner & Zoning Division Manager
DATE: January 26, 2021
RE: Proposed CDO Amendment: Adaptive Reuse Definition

Overview & Background

Adaptive Reuse, in accepted language and common development practice refers to the process of reusing an old site or building for a purpose other than which it was built or for which it was designed, while retaining their historic features. Along with brownfield reclamation, adaptive reuse is often utilized as a key tool in land conservation and the reduction of urban sprawl. Retention and rehabilitation of existing buildings also reduces the consumption of building materials, resources, energy and water needed for new construction.

Adaptive reuse deals with the issues of conservation and heritage policies. When old buildings become unsuitable for their programmatic requirements, as progress in technology, politics, and economics moves faster than the built environment, adaptive reuse comes in as a sustainable option for the reclamation of sites. In many situations, the types of buildings most likely to become subjects of adaptive reuse include 1) industrial buildings, as the process of manufacture moves away from cities; 2) political buildings, such as palaces and buildings which cannot support current and future visitors of the site; and 3) community buildings such as churches or schools where the use has changed over time. (Think the Adams School on South Union Street, or the Steeple Market in Fairfax.)

Adaptive reuse is as an effective way of reducing urban sprawl and environmental impact. By reusing an existing structure within a site, the energy required to create these spaces is lessened, as is the material waste that comes from destroying old sites and rebuilding using new materials. Through adaptive reuse old, unoccupied buildings can become suitable sites for many different types of use. It is the structural example of reduce-reuse-recycle.

The current Article 13 definition of adaptive reuse misses the key point as to reuse of an historic structure for something other than what it was originally built for. This amendment would revise the definition to include that point.

The Planning Commission Ordinance Committee discussed this amendment October 1, 2020 and unanimously recommended forwarding the amendment to the full Planning Commission for consideration.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The intent of the proposed amendment is to more accurately reflect the intent and purpose of adaptive reuse as it pertains to reuse of historic buildings.

Proposed Amendments

Deleted language is ~~crossed out~~ and new language is underlined in red.

[Begin text amendment]

Sec. 13.1.2 Definitions

Adaptive Reuse: ~~For the purposes of this ordinance, adaptive reuse shall refer to~~ The rehabilitation and reuse of a building or site listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places ~~for a purpose other than that for which it was built or for which it was designed~~ where alterations do not radically change, obscure, or destroy character-defining spaces, materials, features or finishes.

[End text amendment]

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).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment does not impact the types or density of potential land use and density. Standards as to adaptive reuse remain unchanged. The amendment revises the Article 13 definition to better reflect the intent and purpose of adaptive reuse of historic buildings.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety or affordability.

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: Staff, PC OC	Presentation to & discussion by Commission 1/26/21	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend as modified	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected

TO: Planning Commission
FROM: Mary O'Neil, Principal Planner
Scott Gustin, Principal Planner & Zoning Division Manager
DATE: January 26, 2021
RE: Proposed CDO Amendment: Parking Garage Illumination Standard

Overview & Background

Sec. 5.5.2, *Outdoor Lighting*, (f) *Specific Outdoor Lighting Standards*, 5, *Parking Garage Lighting*, of the CDO sets the standard for illumination within parking garages. The language presently reads:

- A. *Light levels shall not exceed minimums recommended in IESNA document RP-20-98 or current edition.*

This standard is out of date. The referenced document has been replaced (not simply updated) at least twice. Rather than referring to a specific document, the Planning Commission Ordinance Committee recommended changing the section to simply refer to the current IESNA (Illuminating Engineering Society of North America) standard for parking garage illumination.

The Planning Commission Ordinance Committee discussed this amendment April 4, 2019 and unanimously recommended forwarding the amendment to the full Planning Commission for consideration.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The intent of the proposed amendment is quite simply to refer to the current lighting standard for parking garages as established by IESNA.

Proposed Amendments

Deleted language is ~~crossed out~~ and new language is underlined in red.

[Begin text amendment]

PART 5: Performance Standards

Sec. 5.5.2 Outdoor Lighting

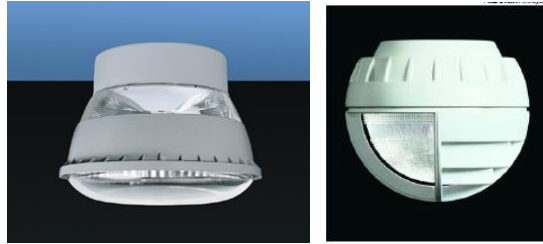
(f) Specific Outdoor Lighting Standards

5. Parking Garage Lighting

Recommended illumination levels for parking garages are generally higher and more uniform than that of exterior parking lots. Non-cut-off, up-light and in-direct light is often used to create a uniform lighting environment and an added feeling of security.

- A. Light levels shall not exceed minimums currently recommended in by IESNA document ~~RP-20-98 or current edition~~.

- B. Any fixture visible from the exterior of the garage facility shall be a full cutoff or cut-off fixture or shall be constructed in a manner that prevents glare to be visible from the exterior of the parking garage (see examples pictured below)



6. – 9. As written.

[End text amendment]

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).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment does not impact the types or density of potential land use and density. It simply brings the standards for parking garage illumination up to date, and the wording is such that reference will remain current.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety or affordability.

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: Staff, PC OC	Presentation to & discussion by Commission 1/26/21	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
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First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend as modified	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Planning Commission
FROM: Meagan Tuttle, Principal Planner, Office of City Planning
DATE: January 22, 2021
RE: Proposed CDO Amendment: R-L Boundary at 925 North Ave.

Overview & Background

This amendment was requested by the Board of Trustees for the Burlington Elks Lodge #916, located at 925 North Avenue. Representatives from the Elks have discussed this property with the Mayor and a number of City departments since 2014. Various options have been considered to enable the future use of the portion of the property abutting North Avenue by the Elks, while balancing conservation and connectivity to Bike Path and the adjacent Arms Forest and Rock Point lands. The Elks have re-engaged the City in this discussion, with a request to move the R-L zoning district boundary between R-L and RCO to the west.

The Elks' property at 925 North Avenue stretches east to west between North Avenue and the lakeshore, intersecting the bike path easement, and north to south between the boundary of the residential properties along Killarney Drive and the Arms Park and Rock Point properties. The approximately 400 feet of depth of the parcel from North Avenue is zoned R-L, while the balance of the property is zoned RCO-Conservation.

The Elks are requesting that the R-L boundary be moved to the west, from its current point between 25 and 41 Killarney Drive to a point between 65 and 75 Killarney Drive—a distance of approximately 340 feet. According to a survey conducted by the Elks, this change would rezone approximately 2.4 acres of the property from RCO to R-L. This is illustrated on the maps attached to this memo.

The requested change has been determined by the Elks to enable flexibility for additions or alterations to the Elks property to remain viable in its current location. Presently, the portion of the property zoned R-L is nonconforming in its lot coverage. The current R-L boundary encompasses just the developed portion of the property, with a 35% lot coverage limit. The requested change would move the boundary line the west of the clearing behind the Elks parking lot into the wooded area abutting Arms Park. The boundary has been proposed to enable the property to become conforming and allow a modest increase in lot coverage to meet the Elks future needs.

Attached maps indicate portions of the property are also within the Natural Resource Overlay zone—specifically significant natural areas and wetland areas mapped as part of the Open Space Protection Plan. The NR Overlay- Natural Areas zone applies to much of the 2.4 acres requested to be rezoned. There are several trails traversing the private property that connect North Avenue and the bike path to trails in Arms Park and Rock Point.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The intent of the proposed amendment is to rezone approximately 2.4 acres of the property located at 925 North Avenue from RCO-C to R-L.

Proposed Amendments

The following amendments to the Burlington CDO are included in this proposal:

1. Amend map 4.3.1-1 Base Zoning Districts

This rezones 2.4 acres of the property at 925 North Avenue from RCO-C to R-L. See attached maps.

2. Amend maps 4.4.5-1 Residential Zoning Districts; 4.4.6-1 Recreation, Conservation, Open Space Districts; and 4.5.1-1 Design Review Overlay.

These changes ensure consistency among other maps tied to either the RCO or Residential zoning districts. See attached maps.

The excerpt of map 4.5.4-1 *Natural Resource Overlay District* is not proposed to be amended, and is included herein only to illustrate where the overlay districts apply to the portion of the property being rezoned.

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).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment is compatible with the future land use plan in *planBTV*:

Comprehensive Plan. *planBTV* identifies the North Avenue Corridor as an area planned to accommodate future growth, while the lands to the west and south of the developed area of the Elks Property as an area to conserve. Rezoning a portion of the property to RL enables greater intensity of development on the Elks property near North Avenue, while protecting the open space and natural communities contained on the western portion of the property. The Natural Resource Overlay districts are not proposed to change, and provide an additional protection against development encroaching into the significant natural areas on the property.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety or affordability.

Planned Community Facilities

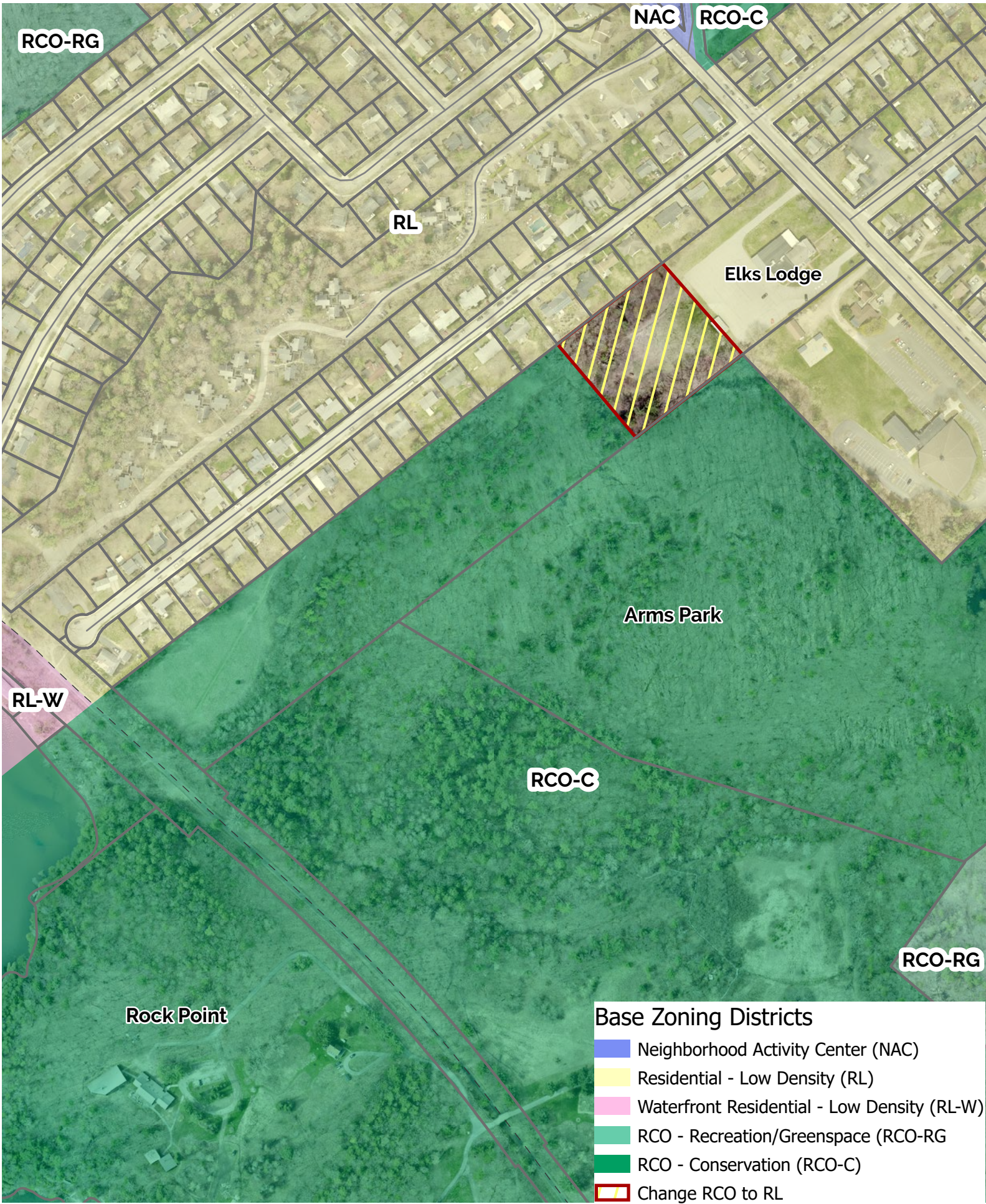
The proposed amendment has no impact on planned community facilities.

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: Requested by property owner	Presentation to & discussion by Commission 1/26/21	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
				Continue discussion
City Council Process				
	Ordinance Cmte discussion			CCOC Recommends

First Read & Referral to Ordinance Cmte		Ordinance Cmte recommend as modified	Second Read & Public Hearing	Approval & Adoption
				Rejected



Base Zoning Districts

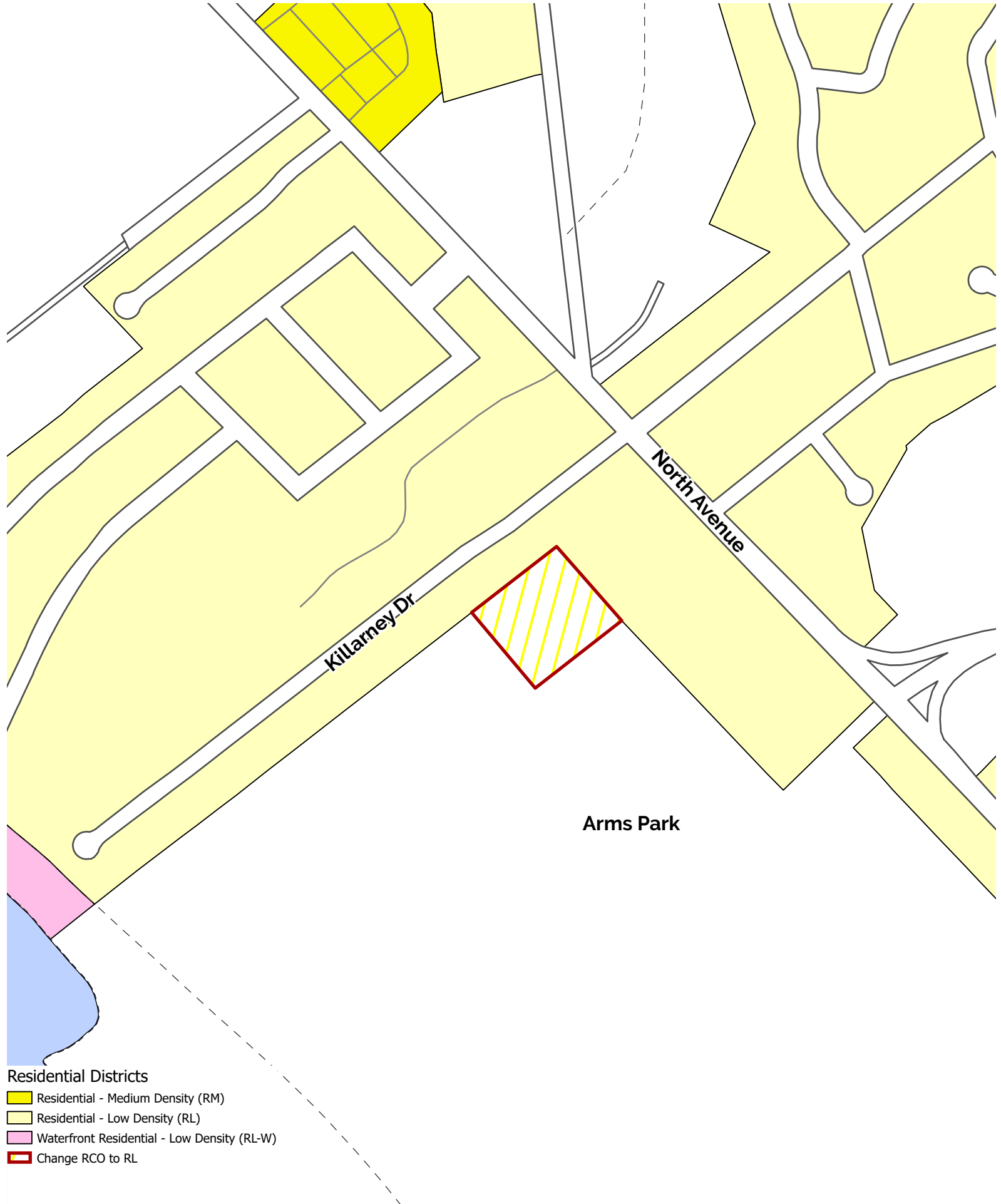
- Neighborhood Activity Center (NAC)
- Residential - Low Density (RL)
- Waterfront Residential - Low Density (RL-W)
- RCO - Recreation/Greenspace (RCO-RG)
- RCO - Conservation (RCO-C)
- Change RCO to RL

Excerpt of Base Zoning Districts Map

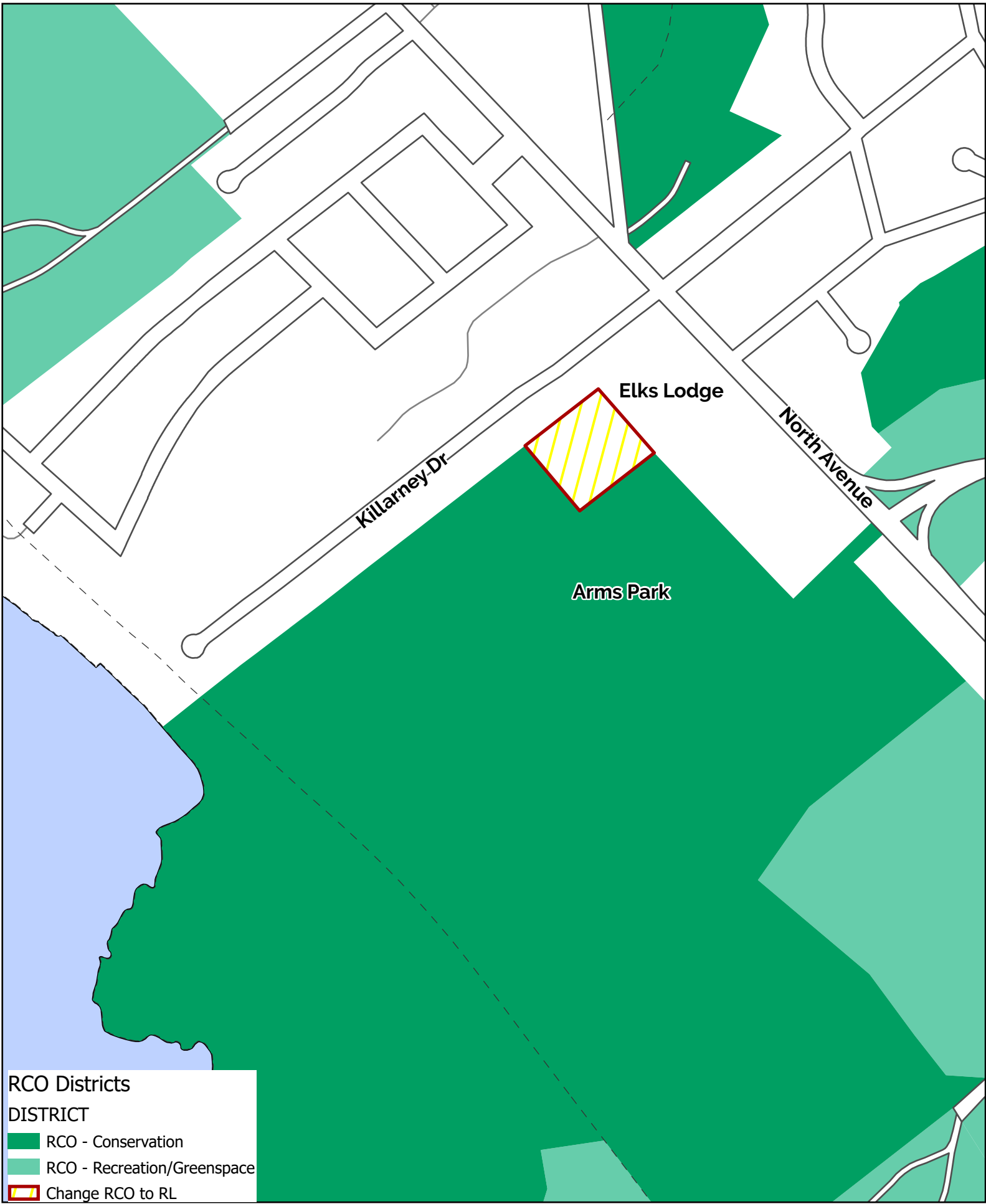


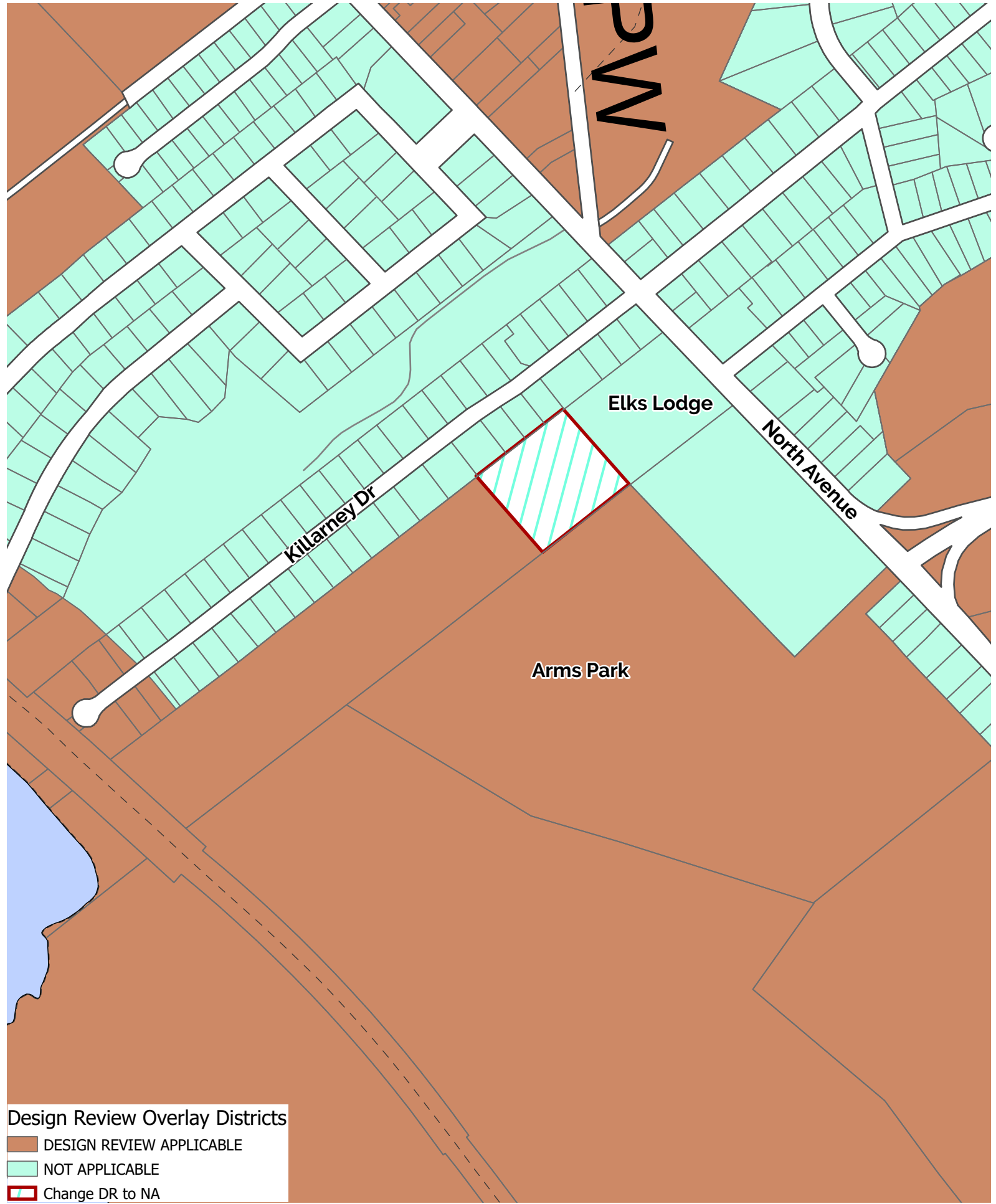
**CITY OF
BURLINGTON**





- Residential Districts**
- Residential - Medium Density (RM)
 - Residential - Low Density (RL)
 - Waterfront Residential - Low Density (RL-W)
 - Change RCO to RL



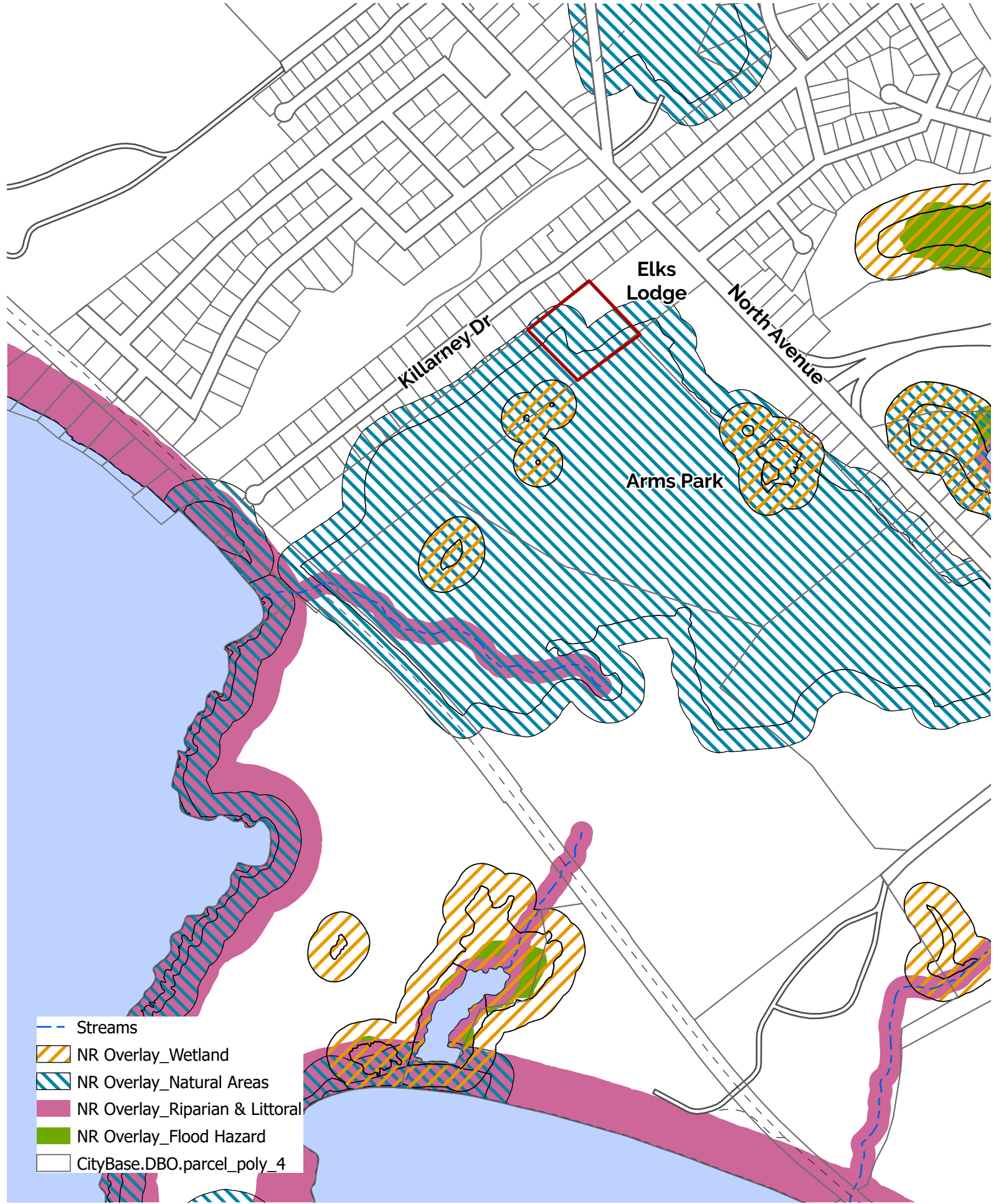


Design Review Overlay Districts

- DESIGN REVIEW APPLICABLE
- NOT APPLICABLE
- Change DR to NA



Excerpt Design Review Overlay Districts Map



Excerpt Natural Resource Protection Overlay Districts Map

To: Meagan Tuttle, AICP

Principal Planner, Comprehensive Planning

City of Burlington, Office of City Planning

mtuttle@burlingtonvt.gov

Date: December. 30, 2020

Burlington Lodge #916 of The Benevolent & Protective Order of Elks would like to respectfully request the Burlington Planning Commission to make a Zoning Adjustment to their property at 925 North Avenue.

Currently, the front portion of the land that the lodge building, driveway, parking lot, and a rear storage/picnic shelter is zoned Res-Low Density, and the larger rear balance of the land is zoned RCO.

Our request would entail the RCO line that starts at the end of our storage/picnic shelter be moved west to match the front of the property which is Res-Low Density.

It would mean moving the RCO line 338.02 feet along the south line of the Killarney Drive property to the line corner of #65 & #75 Killarney Drive, and extending their division line in a straight line to our south property line abutting Park Department land.

That would only change approx. 2.42 acres to Res-Low Density, and leaves approximately 13 acres of RCO land to the lake front. There is discussion with the City to add these 13 RCO acres to the Park Department property that adjoins.

The Elks property would be maxed out for lot coverage if a rear portion was conveyed without the RCO line adjustment, thus the Elks need to secure the possibility of any small addition of, say, a walk-in cooler or freezer, or more storage to the picnic shelter. The movement of the RCO line would provide enough footage to allow those types of needs in the future.

The property address is 925 North Ave., but please correspond with
to me at: Rosaire Longe, Trustee 802-862-8503
Burlington Elks Lodge #916 rosaireirene@yahoo.com
55 Tracy Drive
Burlington, VT 05408

Thank you for your consideration. I am available to answer any questions, or attend any meeting you wish me to be present.

Respectfully yours,

TO: Planning Commission
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
DATE: January 26, 2021
RE: Shoreline property setbacks & buffer zone

Overview & Background

This amendment seeks to establish a maximum front yard setback for shoreline properties in the waterfront residential districts and to provide a measure of shoreline naturalization upon development of shoreline properties.

The maximum front yard setback is proposed to remedy a recurring problem wherein the front yard setback, based on the average of neighboring properties, pushes development closer towards the shoreline and further into the riparian and littoral conservation zone. The shoreline is irregular. As a result, many shoreline properties vary in depth. In turn, placement of homes on these properties also varies. The residential front yard setback is based on the average of neighboring homes and works well in uniform neighborhoods. The average in these cases provides consistency along the street edge. Among shoreline properties, the variability of lot configurations and building locations renders the use of the average inappropriate. In some cases, strict use of the average actually pushes redevelopment closer towards the shoreline than existing development, counter to the intent of the riparian and littoral conservation zone. This amendment proposes a maximum front yard setback for waterfront residential properties to avoid recurrence of this problem.

The provision for shoreline naturalization is intended to establish a development threshold for improving shoreline conditions by allowing for some vegetative regeneration. Within the riparian and littoral conservation zone, development involving site work is reviewed by the Conservation Board with an eye towards tree retention and stormwater management capacity. Redevelopment of Burlington's widely developed shorelines has a fairly low bar for shoreline impacts. Existing conditions cannot be made worse, but there is currently no provision for improving vegetative conditions along the shoreline. The proposed amendment, applied to development above a certain threshold, will allow for some degree of vegetative regeneration by establishing no-mow areas along the shoreline.

The Conservation Board reviewed this draft amendment December 7, 2020 and unanimously recommended approval. The Planning Commission Ordinance Committee discussed this amendment January 7, 2021 and unanimously recommended forwarding the amendment to the full Planning Commission for consideration.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The intent of the proposed amendment is to enhance protection of the city's environmentally sensitive shorelines. The city has already identified the need to protect surface waters from encroaching development and from nonpoint source pollution associated with stormwater runoff. It has also identified the need to preserve natural vegetative cover along the shoreline to protect native plants, wildlife habitat and corridors, and water quality.

The proposed maximum setback for shoreline properties within the waterfront residential zones will substantially limit occurrences of the average front yard setback requirement pushing development closer towards the shoreline.
The no-mow provision is a simple and effective way to allow for vegetative regeneration along the shoreline. Such regeneration is consistent with the city's articulated goals of protecting shoreline integrity, water quality, and wildlife habitat.

Proposed Amendments

Deleted language is ~~crossed out~~ and new language is underlined in red.

[Begin text amendment]

Sec. 4.4.5 Residential Districts

(a) Purpose:

As written.

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W²

	Lot Frontage ¹		Lot Size	
Use	(linear feet)		(square feet)	
	RL,WRL	RM,WRM	RL, WRL ³	RM, WRM
Single detached dwelling	Min: 60'	Min: 30'	Min: 6,000	NA
Duplex and above			Min: 10,000	
1. The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street. 2. There are no minimum lot size or frontage requirements in the RH District. 3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.				

Table 4.4.5-2: Base Residential Density

District	Maximum dwelling units per acre ¹
Low Density: RL, RL-W	7 units/acre
Medium Density: RM, RM-W	20 units/acre
High Density: RH	40 units/acre
Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.	

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ^{2, 7}	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet <i>(60-feet under Sec. 4.4.5(d)2A)</i>
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. 2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4. 3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to exceed 75-feet.						

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ^{2,7}	Side ³	Rear	Waterfront	
4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone. 5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5. 6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width. 7. <u>For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River the front yard setback shall not be required to exceed 50 feet in any event.</u>						

(c) Permitted and Conditional Uses:

As written.

(d) District Specific Regulations:

As written.

Sec. 4.5.4 Natural Resource Protection Overlay (NR) District

(a) Purpose and Authority:

The Natural Resource Protection Overlay District is intended to:

- Protect surface waters and wetlands from encroachment by development, and from sources of non-point pollution;
- Preserve natural lakeshore vegetative cover where reasonably possible consistent with the Vermont Shoreland Protection Act, and the protection of native plants and vegetative cover that provide lake shoreland wildlife habitat, to the greatest extent possible;
- Protect the functions and values of Burlington's wetlands;
- Protect and enhance water quality near public beaches and other water-based recreation areas from sources of non-point pollution;
- Preserve natural features and communities, geologic features and cultural sites for education and research.
- Provide opportunities for public access where feasible and appropriate;
- Facilitate connections and corridors for wildlife between areas of publicly protected sites.
- Ensure that development that occurs within a Flood Hazard Area conforms to the requirements of the National Flood Insurance Program.
- Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and

- Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- Make the City of Burlington and its residents eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

(b) Areas Affected

As written.

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

1. Permitted Uses:

Except where otherwise noted herein, only the following uses are permitted within the Riparian and Littoral Conservation Zone and its associated buffer subject to the requirements and limitations set forth below under subpart 4.

- Normal maintenance of existing lawns and maintained grounds including mowing, trimming of vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping and planting, vegetable and flower gardens, and the repair of existing private landscaping structures such as walkways and walls;
- "Accepted agricultural and silvicultural practices" as defined under 24 VSA Ch 117;
- Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;
- Normal maintenance of existing docks, roads, rail lines, bridges, and culverts provided that disturbance to any shoreland is minimized in conjunction with such maintenance;
- Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,
- Recreational and educational activities such as hiking, walking, fishing, nature study, and bird watching and associated boardwalks and unimproved trails.

2. Prohibited Uses:

Except where noted herein, the following uses shall be prohibited within the Riparian and Littoral Conservation Zone and its associated buffer.

- The deposition or introduction of organic and inorganic chemicals, including herbicides and pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,
- The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized vehicles used to construct and maintain permitted or regulated activities are specifically exempted from this prohibition);

3. Regulated Uses:

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated buffer after review and approval pursuant to the requirements and limitations below under Subpart 4.

4. Requirements:

- Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been

graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.

In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater, prevent erosion, and control sedimentation. The city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules;

For properties with frontage along Lake Champlain or the Winooski River, development that includes 400 square feet or more of new or redeveloped lot coverage shall establish a no-mow zone along the shoreline. A no-mow zone is a new or existing vegetated area that is not mowed and allows vegetation to grow and mature. A no-mow zone shall be at least 15 ft. wide as measured inland from the 100 ft. elevation and shall be of a size equivalent to, or greater than, the new or redeveloped lot coverage, except that in no event shall a no-mow zone be required to extend along more than 80% of a property's shoreline frontage;

For properties with frontage along Lake Champlain or the Winooski River, development shall be located no closer to the shoreline than existing development wherever reasonably possible.

2. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality;
3. Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB; and,
4. No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer.

[End text amendment]

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).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment does not impact the types or density of potential land use and density. It provides enhanced protection of Burlington's environmentally sensitive shorelines and is consistent with express goals of the city to protect its shorelines, water quality, and wildlife habitat and contiguity. The amendment enables more appropriate development siting and establishes a threshold for improving shoreline conditions.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety or affordability.

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: Staff, Conservation Board	Presentation to & discussion by Commission 1/26/21	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend as modified	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected

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 Planning Commission

Tuesday, January 12, 2021, 6:45 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A Montroll, B Baker, H Roen, A Friend, E Lee, J Wallace-Brodeur, Y Bradley, C Mason, Z Hightower, J Hanson
Staff Present:	D White, M Tuttle, S Gustin, K Sturtevant, W Ward, P Wehman
Attendance:	Kyle Salonga, Rolf Danielson, Abbott Stark, Cher Campbell, Cindi Wight, Christopher Haessly, Ellis McArdle, Erhard Mahnke, Phil Draper, Bill Gonyaw, Denis O'Brien, Amanda Goossen, Lori Kettler, Rosaire Longe, Deborah Cooper, Julie Marks, Emily Wadhams, Deb Ward Lyons, Amy Magyar, Lucas Jenson, Phil Bair, Sharon Bushor, (one additional phone participant not identified by name)

I. Agenda

Call to Order	Time: 6:49pm
Agenda	No Changes

II. Public Forum

Name	Comment
R Longe	Requesting the Commission consider moving the boundary line for RCO and RL to the west to enable Elks Club to modestly expand lot coverage, and to facilitate a transfer of the remaining property for conservation. Commission requested staff to bring this item to a future meeting for discussion.

III. Proposed CDO Amendment: Short Term Rentals Working Session

Action: No formal action taken.		
Motion:	Second:	Vote:
Staff presented a proposal to the Committee to move the bulk of regulations contemplated for STRs to the Chapter 18, the City's Minimum Housing Code, in order to address some of the Committee's concerns about flexibility, and answered questions about the draft policy.		
Committee Discussion: - Majority of the Committee was supportive of the staff proposal to move the bulk of the short-term rental regulations into Chapter 18, the City's Minimum Housing Code. - Several Committee members wanted to know how the shift would impact several members' intentions to establishing new fees for STRs through a Charter Change. Staff indicated this would have no impact on that separate process. - A Committee member asked about how STRs are enforced under Ch. 18 vs. Zoning. The DPI Director and Housing Division Manager described the rental housing registration, inspection, and enforcement processes. Staff additionally noted that the City will contract with HostCompliance to assist with enforcement.		

- It was noted that a potential downside from a host perspective is that there is not permanence to the Ch.18 registration process as there is for a zoning permit (i.e. having a non-conforming status). Many Committee members saw this as a positive, so that any changes to Ch.18 requirements could take effect upon renewal of the annual rental registration.
- Two Committee members shared opposed points of view regarding whether host-residency should be required for STR properties: one felt that it should be required in all scenarios, while the other felt that it should not be required for STRs in buildings of 1 to 4 units.
- The Committee was interested in providing an exemption for STRs rented less than a certain number of days per year (i.e. less than 30 days are exempted in a year does not require a zoning permit), and requested staff explore how this overlaps with state req. for life/safety codes.
- A Committee member suggested that the Committee should reconsider having an overall limit on the number of STRs city-wide.
- Regarding the draft provisions in Table 5.4.14-1, the Committee provided the following input:
 - A few Commissioners felt that owner-occupancy/host-residency should not be required for Single Detached Dwellings. However, the majority of the Committee felt this was an important protection to prevent investment interest in this limited housing supply solely for STR use.
 - The Commission debated allowing STRs in non-owner-occupied/off-site-host for duplexes. While some felt that this should be allowed, the majority of the Committee supported requiring owner-occupancy/host-residency.
 - The Committee discussed whether to allow STRs in buildings with more than 4 units. While many members seemed supportive of preventing STRs in larger multi-unit buildings rented by off-site hosts, there were questions about how this would impact condo buildings and the ability for tenants to rent their own unit. The Committee requested staff to follow up on this issue, considering a way for individual unit occupants to STR their primary residence.

IV. Public Forum

Name	Comment
S Bushor	Ch. 18 direction is very interesting, support where policy is for duplexes and the discussion about 3-4 units.
J Marks	Draw attention to proposal from STR hosts for how to regulate STRs in a way that achieves mutual benefits. Recommend STR allowance based on 2 factors: allowing up to 1 STR regardless of whole or partial and host residency in buildings up to 4 units, and no more than 2 units in any other building. Let HOAs and CCRs determine their process for determining STRs allowed. Make sure STRs are prohibited in units receiving public funding. Require annual registration, plus a \$100/year fee for STR operation for the HTF.
D Lyons	Allow off-site host if they live elsewhere in VT. STR allows personal financial flexibility and ability to afford home, as well as flexible living situations for a range of long and short-term housing situations for guests.
E Mahnke	Ch.18 is an elegant solution, and is consistent with the statewide Rental Housing Advisory Board's concept. Agree with banning STR in buildings with more than 5 units, and support requiring owner-occupancy for 3-4 units. Suggest to grandfather existing STRs.
A Magyar	Should seriously consider grandfathering existing STRs as suggested by E Mahnke. AirBnb is shocked to hear that City is worried about regulating single-family homes because it is not the market. Buildings and properties in BTV need flexibility.
C Haessly	How is using single-family homes as an STR different than use as student rental housing or commercial or non-profit space? Committee should focus on the larger

Tuesday, January 12, 2021

	issues of affordability, and dissuade the conversion of single-family homes into anything other than homes. As a renter and STR host, concerned personally won't be able to rent anymore.
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V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Planning Commission's next meeting is Jan. 26, 2021 at 6:30pm and next Joint Committee meeting is February 9, 2021 at 6:30pm. - H Roen attended Conservation Board meeting for the kick-off of the Open Space Protection Plan addendum regarding Nature Based Climate Solutions.		

VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: Y Bradley	Vote: Approved Unanimously
• Minutes Approved: Dec. 8, 2020 • Communications filed enclosed in agenda packet, and additional communications posted online at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

VII. Adjourn

Adjournment	Time: 9:14 pm	
Motion: J Wallace-Brodeur	Second: H Roen	Vote: Approved Unanimously

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Burlington Planning Commission- **REVISED**

Tuesday, January 26, 2021, 6:30 P.M.

Remote Meeting via Zoom

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/88320882690>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 883 2088 2690

AGENDA

I. Agenda

II. Chair's Report

III. Director's Report

IV. Public Forum

See the Agenda Packet for details on how to participate in the public forum for this meeting.

V. Proposed CDO Amendment: Adaptive Reuse Definition

The Commission will consider a proposed amendment to update the Adaptive Reuse definition in the *Burlington CDO*. This amendment has been recommended by the Commission's Ordinance Committee. Information related to this item is included in the agenda packet on p. 4.

Staff Recommendation: Approve the Municipal Bylaw Amendment report and warn for public hearing.

VI. Proposed CDO Amendment: Parking Garage Illumination Standard

The Commission will consider a proposed amendment to update references to IESNA lighting standards in the *Burlington CDO*. Information related to this item is included in the agenda packet on p. 6.

Staff Recommendation: Approve the Municipal Bylaw Amendment report and warn for public hearing.

VII. Proposed CDO Amendment: R-L Boundary at 925 North Ave.

The Commission will consider a request by representatives from the Elk's Lodge to relocate the R-L zoning district boundary that bisects the property at 925 North Avenue. Information related to this item is included in the agenda packet on p. 8.

Staff Recommendation: Approve the Municipal Bylaw Amendment report and warn for public hearing.

VIII. Proposed CDO Amendment: Shoreline Property Setbacks and Buffer

The Commission will consider a proposed amendment to establish a maximum front yard setback and shoreline naturalization for shoreline properties in the *Burlington CDO*. This amendment has been recommended by the City's Conservation Board and the Commission's Ordinance Committee. Information related to this item is included in the agenda packet on p. 18.

Staff Recommendation: Approve the Municipal Bylaw Amendment report and warn for public hearing.

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

IX. Commissioner Items

- a. Committee Reports
- b. Joint Meeting with Council Ordinance Committee, February 9 at 6:30

X. Minutes & Communications

- a. The minutes of the January 12 meeting are enclosed in the agenda packet on p. 25

XI. Adjourn

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Burlington Planning Commission

Tuesday, January 26, 2021, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	E Lee, A Montroll, H Roen, A Friend, J Wallace-Brodeur, Y Bradley
Staff Present	D White, M Tuttle, S Gustin, M O'Neil, K Sturtevant
Attendance	Cindi Wight (BPRW), Dan Cahill (BPRW), Rosaire Longe (Elks), A Magyar, S Bushor, A Stark, D Lyons

I. Agenda

Call to Order	Time: 6:33pm
Agenda	Add new item IX to update Commission on 2020 VT Legislative changes.

II. Chair Report

A Montroll	No report, thank you for participating virtually.
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III. Director's Report

D White	Planning staff continue to support city's COVID-19 research and data, and manage a team of contact tracers. FY22 budget process is starting. Applied to the CCRPC for the FY22 UPWP for funding for Impact Fee Study. Intern started this month, will be documenting residential development patterns specifically related to 2, 3, 4 unit buildings. Supporting project reviews by DPI and Airport.
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IV. Public Forum

Name(s)	Comment
A Magyar	First rule of governing is do no harm. Changes to STR contemplated has potential to make sweeping changes, and we do not know what the impact is. Please consider an option for non-owner occupant hosts as a conditional use.
S Bushor	Regarding shoreline buffer amendment, glad to see consistency with state standards. Concerned about lakeshore erosion and have further questions about the proposed change to setbacks, which seems to conflict with other parts of the ordinance.

V. Proposed CDO Amendment: Adaptive Reuse Definition

Action: Approve Municipal Bylaw Amendment report and warn for public hearing.		
Motion by: A Friend	Second by: J Wallace-Brodeur	Vote: Approved unanimously
Type: Discussion, Action	Presented by: M O'Neil	
Discussion & Notes: • Proposal is largely a housekeeping item to more accurately reflect the federal standards for adaptive reuse.		

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VI. Proposed CDO Amendment: Parking Garage Illumination Standard

Action: Approve Municipal Bylaw Amendment report and warn for public hearing.		
Motion by: A Friend	Second by: H Roen	Vote: Approved unanimously
Type: Discussion, Action	Presented by: M O'Neil	
Discussion & Notes: • The lighting standards referenced in the CDO have changed, not only edition, but in some cases replacements of actual standards. • A Commissioner asked if the language intended to limit lighting levels to minimum required by lighting standards. Staff clarified that this was the intent. • A Commissioner requested that the Commission consider lighting standards, specifically spillover beyond property lines and exposed light fixtures. Staff noted there is also an interest in updating this section of the ordinance. The Chair requested this to be on the list of topics to review at an Executive Committee meeting.		

VII. Proposed CDO Amendment: R-L Boundary at 925 North Ave.

Action: Approve Municipal Bylaw Amendment report and warn for public hearing.		
Motion by: J Wallace-Brodeur	Second by: E Lee	Vote: Approved unanimously
Type: Discussion, Action	Presented by: M Tuttle	
Discussion & Notes:		
• Requested change to the zoning boundary between RCO and R-L by the Elks to enable future use and flexibility for portion of the lot developed closest to North Avenue, while continuing to conserve the area adjacent to Rock Point and Arms Park. • A Commissioner asked if this amendment was being contemplated in exchange for the sale of the conserved portion of the property. BPRW Director and Elks Trustee indicated that City and Elks have long discussed options for purchase or easement, but that the zoning request is not predicated on this. Planning staff further indicated that request is independent of discussion about ownership of the remaining conserved land, and is intended to facilitate development closer to North Ave, while preserving natural areas. • Commissioners expressed support for the conservation of the open space on the property, as well as the community benefits from the Elks continued use of its building.		

VIII. Proposed CDO Amendment: Shoreline Property Setbacks & Buffer

Action: Approve Municipal Bylaw Amendment report and warn for public hearing, with amendments to add a 50' limit on required no-mow zone and clarification of "no-mow".		
Motion by: E Lee	Second by: J Wallace-Brodeur	Vote: Approved unanimously
Type: Discussion, Action		Presented by: S Gustin
Discussion/Notes: • Initiated by the Conservation Board. A maximum setback is proposed to help preclude situations where setback based on neighboring properties causes situations where new development is pushed closer to the lakeshore than existing developments. Also proposes to improve conditions along the lakeshore for developments over a certain threshold by creating a no-mow zone along the lakeshore of a size equivalent to the area of development. • Staff recommended to add an upper limit on a width of a no-mow zone of 50' within proposed text for Sec.4.5.4 (c) 4.1. This is specifically relevant for narrow, deep lots with frontage, where it is conceivable that a significant portion of the open space could be no-mow, which is not the intent. • Commissioners requested that no-mow be further defined, specifically to ensure invasive species and seasonal vegetation management is enabled.		

IX. 2020 VT Legislative Session Updates

Action: None required		
Motion by:	Second by:	Vote:
Type: Discussion	Presented by: M Tuttle, S Gustin, D White, K Sturtevant	
Discussion & Notes:		
- As a result of statutory changes in Act 179, updates are required to the Burlington CDO, including: - Removing bedroom and occupant limits for ADUs, and increasing the maximum size to 900 sq.ft. (from 800 sq.ft.). - Small adjustments to existing small lot provisions regarding connections to water and sewer. - Staff provided options for how to incorporate the change to conditional use review standards. Commission requested review by the Ordinance Committee and generally expressed that terms like "character of the area" can be problematic and should be clarified. - Staff noted that the Act 164, the "Retail Cannabis" bill, is prompting a ballot question in March. Details about how cannabis establishments will function will be subject of state-wide rulemaking and licensing. Staff will follow the process over the next year, so it is unclear whether it will impact the CDO. Staff perspective is that cannabis establishments shouldn't be regulated differently than other uses of the same type within the zoning ordinance. Some Commissioners concurred that cannabis businesses don't necessarily require a separate use category.		

X. Commissioner Items

Executive	No Report
Ordinance	No Report
Long Range	No Report
Next Meeting is Feb 9, 6:30pm as Joint Committee Meeting with Council Ordinance Committee. Commissioners asked about the timeline for discussion of STR amendments and how to inform property owners about when changes/enforcement go into effect. The Chair noted his intention for Committee discussion to focus on the details of the language, and staff reminded the Commission about the proposed grace period before active enforcement of any new requirements would begin.	

XI. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A Friend	Second by: H Roen	Vote: Approved unanimously
Minutes Filed: January 12, 2021 Communications Filed: None		

XII. Adjourn

Adjournment	Time: 8:07 pm	
Motion: H Roen	Second: E Lee	Vote: Approved Unanimously



Signed: February 11, 2021

Andy Montroll, Chair

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Meagan", with a long horizontal flourish extending to the right.

Meagan Tuttle, Comprehensive Planner