

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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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
Eamon Dunn, Youth Member



Burlington Planning Commission

Tuesday, January 23, 2018, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
AGENDA

Note: times given are
approximate unless
otherwise noted.

I. **Agenda**

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

III. **Report of the Chair**

IV. **Report of the Director**

V. **Proposed ZA-18-06: Article 8 Bike Parking Amendments** (15 min)

The Planning Commission will continue a discussion of a proposed amendment to the *Comprehensive Development Ordinance* regarding bike parking in Article 8 parking requirements. The proposed amendment addresses how parking is sheltered and the ratio of required parking for selected uses. Information related to this item is included in the agenda packet on pages 3-18.

Staff Recommendation: The Commission should discuss the proposed amendment and make any modifications necessary. If the amendment is satisfactory, the Commission should take action to approve the Municipal Bylaw Amendment Report and warn a public hearing.

VI. **Proposed ZA-18-04: Density Calculations** (15 min)

The Planning Commission will continue a discussion of a proposed amendment to the *Comprehensive Development Ordinance* regarding the calculation of density. The proposed amendment addresses the methodology for determining the number of units based a site's area and permitted density. Information related to this item is included in the agenda packet on pages 19-21.

Staff Recommendation: The Commission should discuss the proposed amendment and make any modifications necessary. If the amendment is satisfactory, the Commission should forward to City Council for their consideration.

VII. **Proposed CDO Amendment: FD5 Boundaries** (20 min)

The Planning Commission will discuss potential modifications to the Form District 5 Boundaries, based on discussions with the Joint Form Based Code Committee that were not pursued in the initial adoption of *planBTV: Downtown Code*. Information related to this item is included in the agenda packet on pages 22-26.

Staff Recommended Action: No action is requested during this meeting. The Commission is invited to ask questions and provide feedback on the proposed amendment for future discussion.

VIII. **Proposed ZA-18-07: Article 3 Amendments** (Time Permitting)

The Planning Commission will discuss a proposed amendment to the *Comprehensive Development Ordinance* regarding time limits for action on permit applications and time extensions for approved permits. Information related to this item is included in the agenda packet on pages 27-31.

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

Staff Recommendation: The Commission should discuss the proposed amendment and make any modifications necessary. If the amendment is satisfactory, the Commission should take action to approve the Municipal Bylaw Amendment Report and warn a public hearing.

IX. Proposed CDO Amendment: Article 7 Sign Regulations *(Time Permitting)*

The Planning Commission will continue its discussion of a proposed amendment to the *Comprehensive Development Ordinance* regarding Article 7 Sign Regulation.

Staff Recommended Action: No action is requested during this meeting. The Commission is invited to ask questions and provide feedback on the proposed amendment.

X. Committee Reports

XI. Commissioner Items- *Next meeting is a special meeting in conjunction with the DAB and DRB on Tuesday, January 30, 2018 at 5:00pm in Contois Auditorium.*

XII. Minutes & Communications

The Commission will review and approve the minutes of the January 9, 2018 meeting, enclosed in the agenda packet on pages 32-34, and a communication, on page 35.

XIII. Adjourn

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Department of Planning and Zoning

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

DRAFT

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

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

The purpose of this proposed amendment is to modify bike parking regulations in Article 8, and in Table 8.2.5-1. These changes include a switch from "short" and "long" term parking to "sheltered" and "unsheltered" parking, and increases the required ratios of bicycle parking for selected uses to more closely align with the Association of Pedestrian and Bicycle Professional (APBP) guidelines.

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

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

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

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

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on planned community facilities.

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Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Anita Wade, Zoning Clerk



TO: Planning Commission
FROM: Scott Gustin
DATE: January 23, 2018
RE: Article 8: Bicycle Parking Standards

At their November 14, 2017 meeting, the Planning Commission reviewed proposed changes to the bicycle parking standards of CDO Article 8. Comments received from the Commission, DPW, and Planning & Zoning staff touched on a number of items including:

- Relationship of the changes to PlanBTV: Walk Bike
- Costs
- Trade increased bike parking for lessened car parking
- Increased flexibility

The initial draft discussed November 14 included elimination of the present 50-space maximum limitation and revisions to some of the bicycle parking requirements in Table 8.2.5-1. The draft amendment has been substantially reworked since the initial review and following consultation among DPW, Planning & Zoning, and Local Motion staff. The revised draft directly addresses recommendations from the PlanBTV: Walk Bike, including changes to specific bike parking standards for various uses in Table 8.2.5-1. Express provision has been made for bike parking within the public right-of-way, and a payment in lieu option has been included (with attached cost estimates from DPW). Greater locational flexibility has been provided as to short term parking. Sec. 8.1.15, *Waivers from Parking Requirements/Parking Management Plans* already accounts for non-automotive means of transportation such as bicycles as part of a parking management plan to lessen onsite car parking requirements. No changes to that section are proposed.

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

ARTICLE 8: PARKING

PART 1: GENERAL REQUIREMENTS

As written.

PART 2: BICYCLE PARKING

Sec. 8.2.1 Intent

It is the intent of this subpart to:

- (a) Ensure the provision of parking spaces that are designed for bicycles and to ensure that bicycle parking needs of new land uses and development are met, while ensuring bicycle parking spaces are designed and located in a consistent manner. Provide bicycle access to employment, commercial destinations, and other transportation alternatives;
- (b) Provide safe, convenient, and adequate bicycle parking facilities that:
 1. Meet the demands of the use of the property;
 2. Reduce hazards to pedestrians;
 3. Enhance the visual quality of the city;
 4. Reduce the adverse impacts associated with the bicycle parking, which includes bicycles parked on parking meters, signs, street trees, etc; and,
 5. Encourage the use of bicycles which has the effect of as an alternative to motor vehicle transportation, thereby reducing traffic congestion, influencing modal split, and increasing the safety and welfare of residents and visitors to the city.

Sec. 8.2.2 Provisions Applicability

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

Sec. 8.2.3 Existing Structures

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

Sec. 8.2.4 Joint Use of Bicycle Parking Facilities

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

Sec. 8.2.5 Bicycle Parking Requirements

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

- (a) Where no requirement is designated, and the use is not comparable to any of the listed uses, bicycle parking requirements shall be determined by the DRB upon recommendation of the city's bicycle and pedestrian planner based upon the capacity of the facility and its associated uses.
- (b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.
- (c) Where bicycle parking is required, the minimum number of bicycle parking spaces provided at each site shall be two (2) ~~and the maximum shall be fifty (50), not including long term parking.~~
- ~~(e)(d)~~ Bicycle parking that meets the requirements for both long term and short term bicycle parking may contribute to the minimum requirement of one type or the other but not both.

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Table 8.2.5-1 Bicycle Parking Requirements

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

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Retail sales and service		1 per 20 12,000 sq. ft.	1 per 5 2,000 sq. ft.
	Auto, boat, motorcycle related sales, service and retail	1 per 30,000 sq. ft.	1 per 10,000 sq. ft.
	Restaurants, bars, taverns	1 per 40-8 employees	6% of occupancy load 1 per 500 sf seating space
INDUSTRIAL			
Industrial, manufacturing, production, and warehousing		1 per 20,000-sq.-ft.-10 employees	1 per 50 25,000 sq. ft. (at least 2 per public entrance)
PERMITTED PUBLIC/INSTITUTIONAL USES			
Colleges or Universities	Excluding dormitories	1 per 20 15,000 sq. ft.	3 1 per 5 1,000 sq. ft.
Daycare, except home		1 per 20,000 sq. ft.	1 per 10,000 sq. ft.
Schools	Grades 2-5	1 per 20,000-sq.-ft.-7 employees, plus 1 per 10 of student capacity	2 per classroom
	Grades 6-12	1 per 20,000-sq.-ft.-7 employees, plus 1 per 10 of student capacity	4 per classroom
Community Services	Museums, aquariums, libraries, community centers, municipal buildings, post office	1 per 20,000-sq.-ft.-6 employees	3-1 per 5,000 1,500 sq. ft.
Medical Center	Excluding medical or dental offices	1 per 10,000 sq. ft.	1 per 20,000 sq. ft.
Worship, places of		1 per 20,000 sq. ft.	1 per 40-20 seats
Recreation, government owned	Parks	Per DRB review	1 per 10 daily users
OTHER			
Terminal	Taxi/Bus/Passenger/ Ferry	As determined during Site Plan Review by DRB	As determined during Site Plan Review by DRB
Parking	Parking lot, garage; public or private	4, or 5% of 1 per 20 automobile spaces, whichever is greater (minimum of 6)	None 1 per 10 automobile spaces (minimum of 6) – to be located within view of entrance

Sec. 8.2.6 Limitations

- (a) No bicycle parking spaces required by this standard shall be rented or leased to employees or residents residing at the location at which bicycle parking is required; however, a refundable deposit fee may be charged. This does not preclude a bike parking rental business.
- (b) Short term bicycle parking may be provided within the public street right-of-way. Providing bicycle racks on the public right-of-way must be approved. Provision of bicycle parking within the public right-of-way requires an encumbrance permit issued at the discretion of the City Council with recommendation from by the Department of Public Works.

Sec. 8.2.7 Location & Design Standards

- (a) All bicycle parking facilities shall be installed in accordance with the Association of Pedestrian and Bicycle Professionals' department of public works "Bicycle Parking Guidelines."
- (b) Short term bBicycle parking or a sign leading thereto shall be visible from the main entrance of the structure or facility.
- (c) Short term bBicycle parking shall be ~~visible, well lit, and~~ as convenient to cyclists as auto parking.
- (d) Short term bicycle parking may be provided within the interior of a building. In such cases, the bicycle parking must be located such that it is immediately apparent and accessible to the public, such as within the front lobby. Outdoor directional signage shall indicate the availability of such parking indoors.
- ~~(d)~~(e) Bicycle parking facilities such as bicycle racks and lockers shall provide sufficient security from theft and damage. ~~They~~ Bicycle racks shall be securely anchored to the ground, shall allow the bicycle wheel and frame to be locked to the ~~facility~~rack, and shall be in a location with sufficient lighting and visibility.
- ~~(e)~~(f) Bicycle parking facilities shall be visually compatible and of a design standard consistent with their environment and the development standards of Art 6.
- ~~(f)~~(g) Required bicycle parking spaces shall be of a sufficient dimension to accommodate a full-sized bicycle, including space for access and maneuvering.
- ~~(g)~~(h) Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles.
- ~~(h)~~(i) The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud and snow.
- (j) Bicycle parking racks and lockers shall be anchored securely. Bicycle parking facilities shall be kept in place and maintained for year-round use.

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

~~(l)~~ Existing bicycle parking may be used to satisfy the requirements of this section provided the rack design is consistent with the Association of Pedestrian and Bicycle Professionals' ~~department of public works~~ "Bicycle Parking Guidelines."

Sec. 8.2.8 Payment in Lieu

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

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Sec. 8.2.98 Long Term Bicycle Parking

- (a) Long term bicycle parking shall:
 1. Protect bicycles from the weather;
 2. Provide secure storage that prevents theft of the bicycle and accessories; and,
 3. Be located in a well lit area.
- (b) Long Term bicycle parking requirements can be met in any of the following ways:
 1. A bicycle storage room;
 2. Bicycle lockers, pods, or lids;
 3. Lockable bicycle enclosure; or
 4. By certifying to the city's bicycle and pedestrian planner that employees may store their bicycles within their workspace.
- (c) When long term parking is required, showers and changing facilities for employees shall be required in accordance with Table 8.2.8-1, except for parking garages, parking lots, and residential units, which are exempt from the requirements of this section. Shower and changing facilities shall be provided onsite or through an agreement for offsite use.

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

Sec. 8.2.109 Waivers from Bicycle Parking Requirements

- (a) Requests for reductions to bicycle parking requirements shall be made and documented separately from requests made for reductions in the automobile parking requirements.
- (b) The requirements of Sec. 8.2.5 may be reduced upon approval of the DRB based upon recommendation of the city's bicycle and pedestrian planner to the extent that the applicant can demonstrate the regulation is unnecessarily stringent due to:
 - 1. The characteristics of the use, structure, or facility makes the use of bicycles unlikely;
 - 2. The characteristics of the site or area preclude the installation of bicycle parking; and/or,
 - 3. Results from a documented survey of bicycle parking use in similar situations.
- (c) For reductions granted due to the characteristics of a site or area, applicants must mitigate the loss of bicycle parking through contribution into the capital fund. The amount shall be equal to the cost required for installation of required bicycle parking.

PART 3: INSTITUTIONAL PARKING PLANS

As written.

ARTICLE 13: DEFINITIONS

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

1.10.18

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

DRAFT



Memo

Date: November 14, 2017

To: Planning Commission
Scott Gustin, Principal Planner

From: Nicole Losch, Senior Planner

Subject: Proposed Amendments to Article 8, Bicycle Parking

The Transportation Planning staff in the Department of Public Works would like to thank Planning & Zoning staff for considering amendments to Article 8, Bicycle Parking, for better alignment with guidelines provided by the Association of Pedestrian and Bicycle Professionals. This effort not only leads Burlington to be more proactive about meeting national standards, it boots our rapid implementation of recommendations from *planBTV Walk Bike*. This plan acknowledges that improving bicycle parking options for both short and long-term use is critically important to supporting cycling as a viable mode of transportation in Burlington.

As the proposed amendments are deliberated, please consider Recommendation #4 of the Bicycle Parking Action Plan from *planBTV Walk Bike*:

Revise the City's Zoning Code and Bicycle Parking Guide

- Develop bicycle parking ratio requirements calibrated to the city's present and future land use, urban form, density, and urban design, and mode share characteristics. Review at least every five years and update as necessary.
- Revise Chapter 8, section 8.2.2 of Burlington's zoning code to allow long-term bicycle parking serving multiple uses or buildings to be pooled into a single area, enclosure or facility if located within close proximity of all the buildings it serves.
- Make clear that any bicycle parking space that meets the requirements for both long-term bicycle parking and short-term bicycle parking may contribute to the minimum requirement for one type or the other, but not both.
- If a property owner cannot meet the requirements for bicycle parking on-site, the owner must contribute to a dedicated Public Bicycle Parking Fund (not just capital general fund), a new fund to be set up by the City. This new fund would finance additional public spaces added by the City where supply/quality is not sufficient.

- Establish long- and short-term bicycle parking provision as function of total bedrooms, not units, and add a baseline minimum number of spaces per building, no matter the unit total.
 - Increase short- and long-term residential bicycle parking supply requirements for Fraternity, Sorority, and Dormitory uses, with a minimum number of spaces provided for each category.
 - Increase short- and long-term bicycle parking requirements for Office uses, including medical/dental; improve supply/demand accuracy by requiring short-term parking ratios to utilize a square footage calculation while long-term parking ratios should be calculated using the number of current or anticipated employees; explicitly require a minimum number of spaces provided for each short- and long-term parking category.
 - Improve short and long-term parking supply/demand requirements for Retail/Restaurant by using 1,000 square foot increments for short-term parking ratios; long-term parking ratios should be calculated using the number of current or anticipated employees; explicitly require a minimum number of spaces provided for each short- and long-term parking category.
 - For Industrial, Manufacturing, Production, or Warehousing uses, peg long-term bicycle parking requirements to the number of employees, not the amount of square footage; explicitly require a minimum number of spaces provided for each short- and long- term parking category.
 - Increase the long- and short-term bicycle parking supply for non-residential university buildings.
 - Require short-term Community Services bicycle parking to be a function of square footage ratio, while long-term ratios should be tied to the number of employees; explicitly require a minimum number of spaces provided for each category.
 - Require short-term office ratios to use square footage ratios and long-term office ratios to be pegged to the number of employees; explicitly require a minimum number of spaces provided for each category.
 - Increase short-term bicycle parking requirements for Places of Worship; explicitly require a minimum number of spaces provided for each parking category.
 - Increase the number of long-term bicycle parking spaces required for automobile parking lots/garages; require short-term bicycle parking be provided along the perimeter or within a single parking space of a parking garage or surface parking lot.
-

- ☐ Develop bicycle parking ratio requirements calibrated to the city's present and future land use, urban form, density, and urban design, and mode share characteristics. Review at least every five years and update as necessary.
- X Revise Chapter 8, section 8.2.2 of Burlington's zoning code to allow long-term bicycle parking serving multiple uses or buildings to be pooled into a single area, enclosure or facility if located within close proximity of all the buildings it serves.
 - **Not currently present. Needs to be added.**
 - **Recommendation:**
 - ☐ **Add language to section 8.2.4 ("Joint Use of Bicycle Parking Facilities") to clarify this.**
- ✓ Make clear that any bicycle parking space that meets the requirements for both long-term bicycle parking and short-term bicycle parking may contribute to the minimum requirement for one type or the other, but not both.
 - ~~**Needs to be added. Sec. 8.2.5 (d) would be an ideal location.**~~
- ✓ If a property owner cannot meet the requirements for bicycle parking on-site, the owner must contribute to a dedicated Public Bicycle Parking Fund (not just capital general fund), a new fund to be set up by the City. This new fund would finance additional public spaces added by the City where supply/quality is not sufficient.
 - Located in Sec. 8.2.9 (c)
- ✓ Establish long- and short-term bicycle parking provision as function of total bedrooms, not units, and add a baseline minimum number of spaces per building, no matter the unit total.
 - Included in proposed edits, although baseline minimum is only identified in section overview for all categories.
- X Increase short- and long-term residential bicycle parking supply requirements for Fraternity, Sorority, and Dormitory uses, with a minimum number of spaces provided for each category.
 - **Partially included in proposed edits. Long-term is increased but short-term remains the same.**
 - **Recommendation: Update short-term to 1 per 6 residents**
- X Increase short- and long-term bicycle parking requirements for Office uses, including medical/dental; improve supply/demand accuracy by requiring short-term parking ratios to utilize a square footage calculation while long-term parking ratios should be calculated using the number of current or anticipated employees; explicitly require a minimum number of spaces provided for each short- and long-term parking category.

- **Proposed edits do not increase requirements and do not change long-term parking ratios to account for number of employees (currently a ratio of square footage).**
 - **Recommendation:**
 - ❑ **Short-term: keep as is (minimum of 2)**
 - ❑ **Long-term: change to 1 per 6 anticipated employees (minimum of 2)**
- X Improve short and long-term parking supply/demand requirements for Retail/Restaurant by using 1,000 square foot increments for short-term parking ratios; long-term parking ratios should be calculated using the number of current or anticipated employees; explicitly require a minimum number of spaces provided for each short- and long-term parking category.
- **Restaurants, bars, and taverns are calculated using a parking to staff ratio for long-term parking, but other retails types are calculated using a square footage ratio. Short term-parking for restaurants, bars, and taverns is calculated by 6% of occupancy load rather than square footage. General retails and service is improved, but not other types.**
 - **Recommendations:**
 - ❑ **Short-term**
 - ❑ **Restaurants, bars, taverns: change to 1 per 500 square feet of seating space**
 - ❑ **Retail: Keep proposed edit**
 - ❑ **Long-term**
 - ❑ **Restaurants, bars, taverns: change to 1 per 8 employees**
 - ❑ **Retail: keep proposed edit**
- X For Industrial, Manufacturing, Production, or Warehousing uses, peg long-term bicycle parking requirements to the number of employees, not the amount of square footage; explicitly require a minimum number of spaces provided for each short- and long- term parking category.
- **Current calculations based on square footage. Minimum spaces not identified specifically for this category.**
 - **Recommendations:**
 - ❑ **Long term: change to 1 per 10 anticipated employees (minimum of 2)**
 - ❑ **Short-term: change to 1 per 25,000 square feet of floor space (minimum of two per public entrance)**
- X Increase the long- and short-term bicycle parking supply for non-residential university buildings.
- **Proposed edits do not include increased parking requirements.**
 - **Recommendations:**
 - ❑ **Long-term: change to 1 per 15,000 square feet of floor space**

- ☐ **Short-term: change to 1 per 1,000 square feet of floor space**
- X Require short-term Community Services bicycle parking to be a function of square footage ratio, while long-term ratios should be tied to the number of employees; explicitly require a minimum number of spaces provided for each category.
 - **Short-term parking is based on square footage. Long-term is not based on number of employees (currently square footage). Minimum spaces not identified specifically for this category.**
 - **Recommendations:**
 - ☐ **Long-term: change to 1 per 6 anticipated employees (minimum of 2)**
 - ☐ **Short-term: change to 1 per 1,500 square feet of floor space (minimum of 2)**
- X Require short-term office ratios to use square footage ratios and long-term office ratios to be pegged to the number of employees; explicitly require a minimum number of spaces provided for each category.
 - **Short-term parking is based on square footage. Long-term is not based on number of employees (currently square footage). Minimum spaces not identified specifically for this category.**
 - **Recommendations:**
 - ☐ **See above for office recommendations**
- X Increase short-term bicycle parking requirements for Places of Worship; explicitly require a minimum number of spaces provided for each parking category.
 - **Proposed edits do not include increased parking requirements. Minimum spaces not identified specifically for this category.**
 - **Recommendations:**
 - ☐ **Short-term: change to 1 per 20 seats (minimum of 2)**
- X Increase the number of long-term bicycle parking spaces required for automobile parking lots/garages; require short-term bicycle parking be provided along the perimeter or within a single parking space of a parking garage or surface parking lot.
 - **Long-term parking requirements need to be increased. There is currently no short-term requirements.**
 - **Recommendations:**
 - ☐ **Long-term: change to 1 per 20 automobile spaces (minimum of 4)**
 - ☐ **Short-term: change to 1 per 10 automobile spaces - located within view of entrance with signage (minimum of 6)**

COST ESTIMATES FOR BIKE PARKING

DERO Downtown Rack	\$	133
Average S/H per rack	\$	13
Anchors	\$	6
Install	\$	87
Subtotal materials	\$	239

Maintain / Replace 15 yrs	15.933333
Subtotal with maintenance	\$ 255

Permeable pavement	\$	1,034
Concrete	\$	200
Average	\$	617
Subtotal with surface treatment	\$	872

ROW encumbrance fee / 15 yrs	\$	810
Subtotal with surface treatment	\$	1,682

Staff admin time @ 10%	\$	168.19
Total In-Lieu Fee (parks 2 bikes)	\$	1,850

Dimensions for encumbrance	s.f.	
1 bicycle with handlebars / panniers		18
Room to maneuver per bike		18
Typical 2 bikes / rack		
Typical surface coverage		54

Scott Gustin

From: Ross Saxton <[REDACTED]>
Sent: Friday, December 29, 2017 11:44 AM
To: Scott Gustin
Cc: Nicole Losch; Elizabeth Gohringer; Jason Van Driesche; Laura Wheelock
Subject: Re: Bike Parking zoning amendment

The numbers are mostly from APBP recommended standards for an urban setting, and the few proposed requirements that go beyond these standards are there because the planBTV Walk Bike document includes language to increase/improve bike parking for these categories over existing ordinance numbers. It's also important to note that biking for transportation is increasing and has been increasing, so increasing bike parking now is preparing for continued increased bike usage. It is especially important to prepare for increased bike usage as we see more e-bikes in Burlington, which provide a more accessible option than conventional bikes for many people (we're 5-10 years behind Europe in e-bike usage, and usage there "exploded"). In terms of Burlington specific data, we're currently collecting responses to a downtown bike parking survey. From the responses so far, one third say that current bike parking options are a deterrent from biking to work, which means that improved parking options (covered parking in particular according to survey results) is needed. Anecdotally, for what it's worth, we hear from Burlington bike commuters regularly that racks along the Church Street corridor (1 block to the east and west) are near capacity frequently. I can attest to that personally.

Ross

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Burlington Planning Commission Report Municipal Bylaw Amendment ZA-18-04 Density Calculations

DRAFT

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

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

The purpose of this proposed amendment is largely a technical correction, addressing a discrepancy in the current CDO regarding calculation of permitted density on a site. The current method described results in calculations of intensity that in some cases exceed the permitted maximum density in the zoning district.

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

The proposed amendment is largely a technical correction, addressing the methodology outlined in the *Comprehensive Development Ordinance* such that lots may be developed, and the densities more accurately calculated, in order to allow housing units on sites at the densities permitted within various zoning districts.

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

The proposed amendment corrects the methodology outlined in the *Comprehensive Development Ordinance* such that lots may be developed, and the densities more accurately calculated, at the densities permitted within various zoning districts.

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on planned community facilities.

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TO: Planning Commission
FROM: Scott Gustin
DATE: December 28, 2017
RE: Sec. 5.2.7; Density and Intensity of Development Calculations

Following initial review by the Planning Commission in October 2017, the Ordinance Committee discussed this amendment at their December 7, 2017 meeting. The proposed amendment would drop the language pertaining to rounding fractional units up or down when calculating allowable residential density on a particular lot. The proposed language would simply keep the express residential density limits as is. Retention of the language pertaining to rounding fractional units up or down enables excess of allowable residential density by 1 unit in cases wherein the fractional unit is 0.5 or greater.

Ordinance Committee members were split on whether to recommend approval or denial of the amendment and forwarded it to the full Planning Commission for further discussion.

The basic question here is whether we adhere to the defined residential density limits expressed in Article 4 of the Comprehensive Development Ordinance or whether we allow surplus density by 1 unit in cases of rounding fractional units. Adhering to the express residential density limits affords clarity and predictability. Enabling surplus density where the math and site conditions allow permits additional housing units.

As noted at the October 10, 2017 Planning Commission meeting, this amendment is most applicable to the residential – high density, residential – medium density (incl. waterfront), and institutional zones. The residential – low density zone is generally limited to just single family homes or duplexes, regardless of lot size unless part of a planned unit development. Other zoning districts either do not allow residential use, or if they do, there is no per-acre density limit.

The density calculation prior to that presently in Sec. 5.2.7 entailed multiplying the allowable per-acre density by the lot size expressed in acreage.

Example (RM zone)

20 units (allowable per-acre density) X 0.58 acre = 11.6 units.

The fractional 11.6 is rounded up to 12, so 12 units would be permitted with rounding.

The density calculation articulated in Section 5.2.7 is different and starts with a number of dwelling units and divides by the lot size expressed in acreage.

Example (RM zone)

12 units (desired) / .58 acres = 20.7 units.

This number exceeds the 20 unit/acre limitation in the RM zone, so 12 units cannot be permitted.

As a matter of practice, units in excess of the permissible density have not been allowed, even with a fractional result of less than 0.5. Keeping the rounding language and changing practice to incorporate rounding can result in 1 surplus unit.

Example (RM zone)

12 units (desired) / .59 acres = 20.3 units.

The fractional 0.3 is rounded down to 20 units, which is compliant with the 20 units/acre density limitation in the RM zone. Note, however, that 11 units is the maximum density that results in less than 20.0 units/acre ($11/.59 = 18.6$).

Staff recommends keeping to the methodology that retains the integrity of the express density limits of the residential and institutional zones. Existing bonus provisions may be sought to exceed those limits in the residential zones based on defined performance measures. Proposed amendment language is noted below.

Deleted language is ~~crossed out~~.

Sec. 5.2.7 Density and Intensity of Development Calculations

(a) Dwelling Units per Acre:

In accordance with the district-specific provisions of Article 4, the calculation of development intensity shall be measured as follows in such cases where the intensity of development is measured on a dwelling unit per acre basis:

1. Density Calculation: The total number of dwelling units provided on a development site, or portion of the site where split by a zoning district boundary, shall be divided by the gross site area expressed in acres. ~~In calculating the number of residential units permitted, fractional units of less than five tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation for any development.~~
2. Density Equivalent, Nonresidential Uses: For purposes of density calculations, each one thousand, five hundred (1,500) square feet of nonresidential gross floor area not contained within a dwelling unit or within common hallways, stairwells and elevator shafts serving said dwelling units shall be counted as one dwelling unit.

(b) Floor Area Ratio:

As written.

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TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: January 16, 2018
RE: Proposed CDO Amendment: Form District 5 Boundaries

In 2017, the Form-Based Code Joint Committee completed its work on the development of *planBTV: Downtown Code*, which was subsequently adopted by City Council in November 2017. During its early discussions, requests and recommendations were made to the Joint Committee to consider properties to be added to the proposed FD5 district. The Committee, however, chose to maintain the FD5 boundaries largely consistent with the previous Downtown Transition and Battery Street Transition zoning districts. This amendment considers properties bordering on the now enacted FD5 boundary, currently zoned Residential High Density, which may be appropriate for inclusion in the FD5 district.

The attached maps indicate properties that the Commission may consider for inclusion in FD5—identified as those outlined in bold, colored lines. These include properties evaluated by staff as well as those for which property owners have requested Planning Commission's consideration of the present zoning. Below are photos and a brief description of sample properties outlined on the maps which illustrate the present conditions and the purpose for inclusion in FD5.

- **#1: 196-198 Pearl** is a two-story mixed use building with street level retail and 3 rental



apartments built close to or on the Frontage Line and the western side yard line. The building is non-conforming to the current standards of the RH district for encroachment into the front and side yard setbacks, and the non-residential uses are permitted as Neighborhood Commercial Uses given the age and format of the building type but are very restricted in how they can change to another use as they are not otherwise permitted in a residential zoning district.

With the exception of compliance with the minimum building height (3-stories), this is a good example of a Mixed-Use Building Type with a Sideyard Yard Type and a Shopfront Frontage Type meeting the development standards of FD5 as proposed. Including this property in FD5 provides greater consistency between the existing condition and the zoning requirements by eliminating the front and side yard non-conformities and enabling greater flexibility in the modification of the non—residential uses for this commercial building type.

- **#2: 200 Pearl** is a two-story residential building with 4 rental apartments set back substantially (~58-ft) from the Frontage Line. The building is non-conforming to the current standards of the RH district for encroachment into a side yard setback.



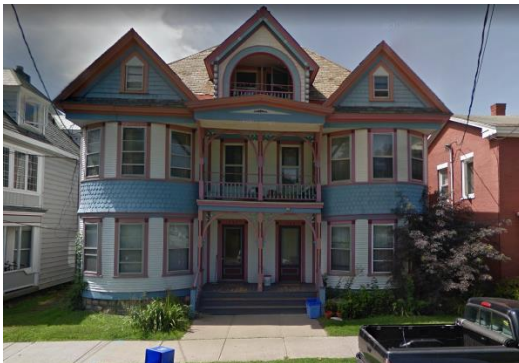
This is a good example of a Multi-Family Small Building Type with a Sideyard Yard Type and a Projecting Porch Frontage Type meeting the development standards of FD5 as proposed. Including this property in FD5 provides greater consistency between the existing condition and the zoning requirements by eliminating the side yard non-conformity.

- **#3: 8 Clarke Street** contains two, 2-story residential buildings with a total of 14 units. The buildings are non-conforming to the current standards of the RH district for encroachment into a side yard and rear setbacks, lot coverage, and density (units per acre).

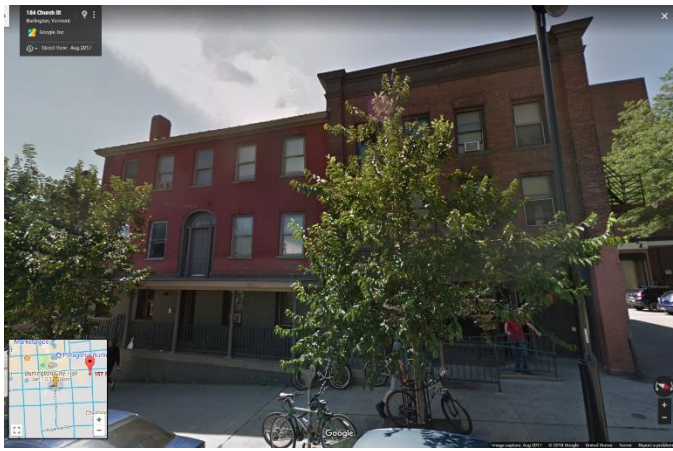


With the exception of compliance with the minimum ground floor height, this is an example of a Multi-Family Large building type, with a Doorway Frontage Type, and Rear Yard Type. Including this property in FD5 provides greater consistency between the existing conditions the zoning requirement by eliminating the side yard and density non-conformities.

- **#4: 157-159 S Union** is a two-story residential building with 6 apartments built close to or on the Frontage Line and the northern side yard line. The building is non-conforming to the current standards for the RH district for encroachment into the front and side yard setbacks, and the number of units exceeds the permitted density.



This is an excellent example of a Multi-Family Small Building Type with a Rear Yard Type and an Integral Porch Frontage Type. Including this property in the FD5 provides greater consistency between the existing condition and the zoning requirements by eliminating the front and side yard and density non-conformities.



- **#5: 187-189 Church Street** contains two adjacent historic structures, each three stories, housing a 22-unit community house, built on or close to the Frontage Line and the side yard lines. The northern building is an example of a Mixed Use Building Type with a Shopfront Frontage Type. The southern building is an example of a Large Multi-Family Building Type with a Projecting Porch Frontage Type.

- **#6: 97 King Street** is a 10-unit residential building. The building is non-conforming to the current standards of the RH district for encroachment into side yards and lot coverage.



This is a good example of a Multi-Family Large Building Type with a combination of the Lightwell & Landing and Projecting Front Porch Types projecting into the First Lot Layer. Including this property in the FD5 provides greater consistency between the existing

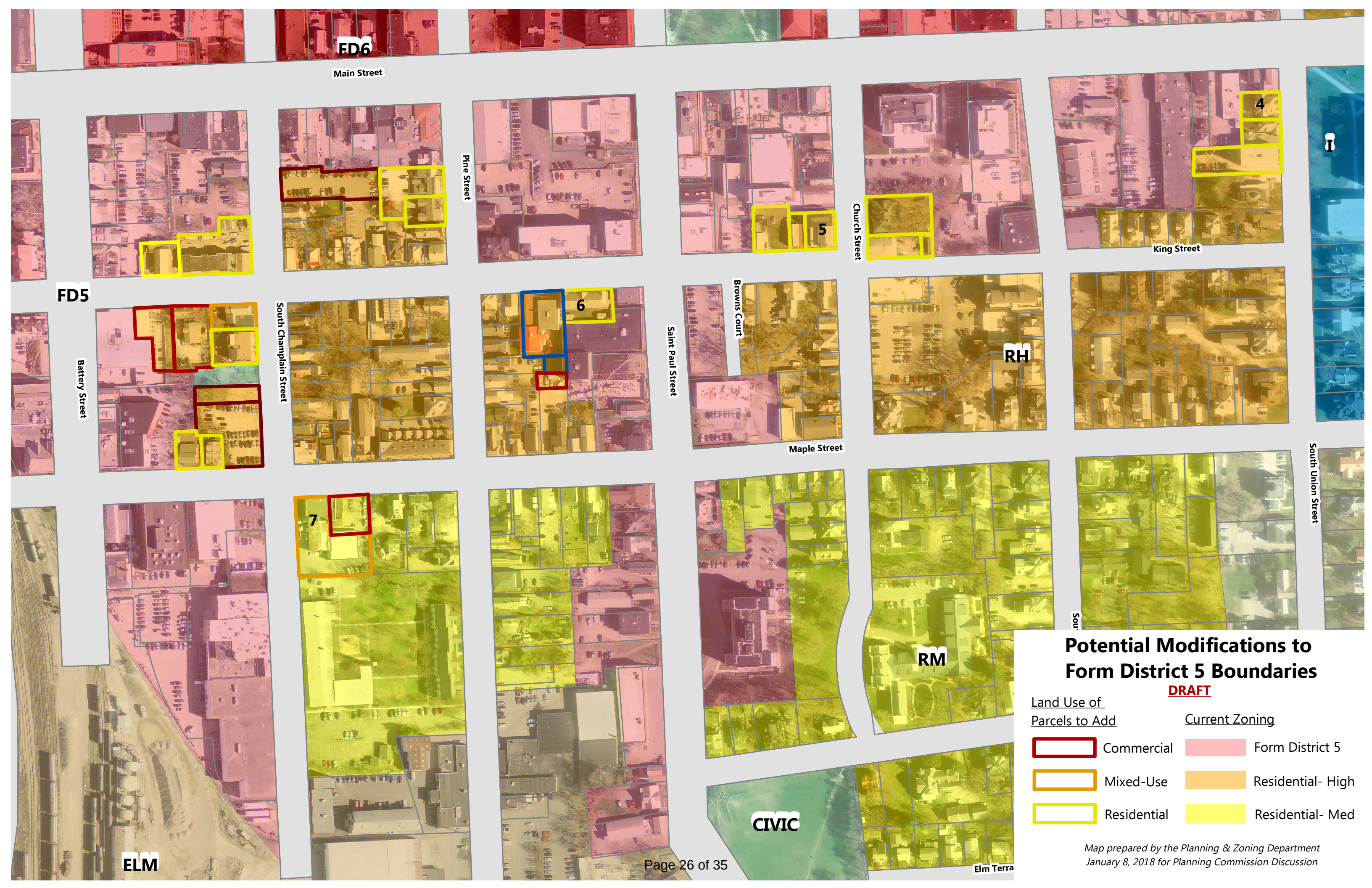
condition and the zoning requirements by eliminating the side yard non-conformity.

- **#7: 75 Maple Street** is a mixed use building with retail and 4 residential units, built on or close to the Frontage Line and side yard lines. The building is non-conforming to the current standards of the RM district for encroachment into the front and side yard setbacks, building height, and the non-residential uses are permitted as Neighborhood Commercial Uses given the age and format of the building type but are very restricted in how they can change to another use as they are not otherwise permitted in a residential zoning district.



The building is a good example of a Mixed Use Building Type with an Officefront Frontage Type meeting the development standards of Form District 5. Including this property in FD5 provides greater consistency between the existing condition and the zoning requirements by eliminating the front and side yard and height non-conformities and enabling greater flexibility in the modification of the non—residential uses for this commercial building type.





FD6

Main Street

Pine Street

Church Street

King Street

South Union Street

FD5

Battery Street

South Champlain Street

Saint Paul Street

Maple Street

Browns Court

RH

RM

CIVIC

ELM

Elm Terra

Potential Modifications to Form District 5 Boundaries

DRAFT

Land Use of
Parcels to Add

Current Zoning

- | | | | |
|-------------|-------------|-------------|-------------------|
| <div></div> | Commercial | <div></div> | Form District 5 |
| <div></div> | Mixed-Use | <div></div> | Residential- High |
| <div></div> | Residential | <div></div> | Residential- Med |

Map prepared by the Planning & Zoning Department
January 8, 2018 for Planning Commission Discussion

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Burlington Planning Commission Report Municipal Bylaw Amendment ZA-18-07 Article 3 Amendments

DRAFT

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

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

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

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

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

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

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

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on planned community facilities.

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

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

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

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

Proposed language is underlined in red.

Sec. 3.2.5 Completeness of Submission, Administrator's Action

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

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

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

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

Sec. 3.2.7 Administrative Review and Approval

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

(a) – (b) As written.

(c) Administrative Decisions:

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

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

(d) As written.

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

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

Proposed language is underlined in red.

Sec. 3.2.9 Zoning Permits

(a) As written.

(b) Permit Appeal Period:

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

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

(c) – (f) As written.

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

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

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

Sec. 3.2.9 Zoning Permits

(a) – (c) As written.

(d) Time Limit on Zoning Permits:

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

(e) – (f) As written.

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

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

Proposed language is underlined in red.

Sec. 3.2.9 Zoning Permits

(a) – (c) As written.

(d) Time Limit on Zoning Permits:

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

(e) Time Limit on Zoning Permits: Violations:

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

(f) As written.

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
Eamon Dunn, Youth Member*



Burlington Planning Commission Tuesday, January 9, 2018, 6:30 P.M. Conference Room 12, City Hall, 149 Church Street **Minutes- DRAFT**

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

I. Agenda

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

II. Public Forum

No members of the public were present to speak.

III. Report of the Chair

Nothing to report.

IV. Report of the Director

D White: Meagan is continuing to work on the Great Streets Project.

V. Proposed CDO Amendment: Article 7 Sign Regulations

D White: At last meeting, introduced sign regulations in general and preview of new sign regulations. Distributed first draft after review with staff and the City Attorney's office. Does not radically change the regulations themselves, but reorganizes Article 7, makes it more content neutral, and adds design standards. Signs are regulated through time, manner, and place; standards need to provide a content neutral message and a form-based perspective. Reviewed intent of the ordinance and purpose for regulating signs.

A Montroll: How does this relate to shopfront and visibility requirements of the new Form Based Code? Would like to look at interior signage in buildings and their visibility from outside.

E Lee: What about flags as holiday décor. What about flags that project off of structures, rather than flying on a pole? Really only allow one per lot?

D White: Regarding flags, receiving guidance from municipal lawyers pertaining to size and limit to the number of freestanding flags in the zoned district

M Tuttle: Some are used as holiday decorations, and decorations are exempt from the ordinance.

D White: Ordinance requires signs to be reviewed for interference with roadway and pedestrian activity. When placed in the public ROW, the review belongs to DPW. The courts have upheld off regulations on off-premise commercial signage, which is the basis of the state's billboard law. Commercial signs on vehicles are

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not regulated, unless when someone parks a trailer on the street for long time. Does not allow wind-blown signage, search lights. or outdoor projections.

H Roen: What about sign content which is offensive?

D White: We do not have a say in this.

A Montroll: This pertains to a free speech issue, not zoning.

D White: Typically, we regulate commercial speech. What the sign means may get challenged by others. There are size and number limits for commercial signs.

A Montroll: What about political and real estate signs? Would need to read them to know what they are.

D White: This does regulate estate signs and length of time they are displayed.

A Montroll: Seems that much of this doesn't have to do with zoning and would be hard to enforce.

Y Bradley: There is also case law about how winter months have an effect on signage such as realty signs.

A Montroll: What about signs inside windows? Why do we need to be concerned about this?

J Wallace-Brodeur: The screens in the Periwinkle's store windows are an example of signs that face outward and obscure view in.

D White: We need to decide what we really care about. We don't want to regulate inside signs unless they are close to the interior storefront window and obscure the view inside, which is required of the form based code.

Y Bradley: What is the difference between an establishment's signs inside and the Window Sign type?

D White: Interior signs need to be more than a foot away and not legible from the street.

Y Bradley: How are murals handled?

D White: It is art, and exempt from signage ordinance.

A Montroll: What about other examples like the ones pictured in the draft document that are projecting and non-conforming under the sign code?

D White: May be okay with keeping certain signs and codifying so that they don't become non-conforming and have to be removed if discontinued. Question is whether or we want projecting signs in the future.

E Lee: Like the projecting, moving signs.

M Tuttle: If these are permitted, this is where design standards come into consideration to ensure that signage has a certain character we expect, and isn't generic signage.

H Roen: Is there a height limit for signs?

D White: Different height limits for each type, but ultimately, no sign can be higher than the parapet. The highest height for sign is the second to third floor.

Y Bradley: Regarding illuminated signs, what is a nit?

D White: Do we want to allow for these types of signs? Nit is a unit of measurement of light.

E Lee: Perhaps the reason we don't like some signs is due to brightness. What is the equivalent of the allowable nit in lumens?

Y Bradley: Should use a term that is known to people and can be measured.

D White: Ordinance should include a brightness standard regarding laminated internal, external, or ground mounted. Will bring more detail for a future meeting. Provided additional detail on the form requirements for various types of signs and what zoning districts they are permitted in. The DRB can modify requirements.

B Baker: Should grandfathering signs be addressed? For example, the Leunig's building sign is non-conforming, but was changed from the previous establishment's name.

A Montroll: City of South Burlington changed their sign ordinance 10 years ago. No signs were grandfathered, and they gave non-conforming signage a time limit to change. Not sure that we need to do this.

E Lee: The sign ordinance seems too strict. Signage on Church St, College Street are small. Signage can be artful and beautiful, and is essential to wayfinding. There are opportunities for signs on the sides of buildings, and we should not over regulate.

Y Bradley: Regarding iconic signs, don't know why we wouldn't want more of those in the future.

A Montroll: We don't want to go to extremes, but I think the current ordinance is too limiting. We want to be careful about what we regulate inside a building and be clear about commercial vs non-commercial signage, obviously with less restriction on non-commercial signage. If we identify what the problems are and fix those, in the long run we have a better ordinance that is more likely supported by the courts.

E Lee: Would like to see sign size that's permitted double.

B Baker: Concerned about putting people through the permitting process having to go to two different locations for permits, which may be the reason why so many permits are outstanding permits.

A Friend: Agree that the detail of the sign ordinance is overly restrictive.

D White: understands Commission is looking for a sign ordinance that is more permissive to allow for multiple sign types and flexibility, but still asking the question why it should be this way.

A Montroll: Continue discussion on a future agenda.

VI. Proposed CDO Amendment: FD5 Boundaries

A Montroll: Due to timing, defer discussion of this item to a future meeting.

M Tuttle: Introduced a map of potential boundary changes based on deferred discussion of the Joint Form Based Code committee and request from owners and operators of the music store on Maple Street. Asked Commission members to review the information and bring suggestions to the next meeting.

VII. Committee Reports

A Friend: The Ordinance Committee met to discuss updates to Article 3.

VIII. Commissioner Items

M Tuttle: Eamon has volunteered to keep the Commission informed of the school board's discussions of the future of Burlington High School.

D White: Two more Planning Commission meetings in January, including a joint meeting with other boards.

IX. Minutes & Communications

A Montroll: Correct second paragraph on page 3, by replacing 'commercial signs' with 'non-commercial signs' to portray intent of statement.

The Commission unanimously approved a motion by A Friend, seconded by J Wallace-Brodeur, to approve the minutes of December 13, 2017 as corrected.

X. Adjourn

The Commission unanimously approved a motion by H Roen, seconded by E Lee, to adjourn the meeting.

MSKMURPHY
SULLIVAN
KRONK**RECEIVED**

JAN 16 2018

January 11, 2018

Judith Whitney, Clerk
Public Utility Commission
112 State Street, Drawer 20
Montpelier, VT 05620-2701DEPARTMENT OF
PLANNING & ZONING

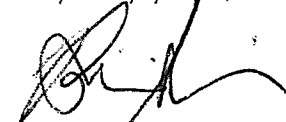
Re: **De Minimis Application**, Certificate of Public Good pursuant to 30 V.S.A. § 248a
Applicant: Bell Atlantic Mobile Systems of Allentown, Inc. and Cellco
Partnership, each d/b/a Verizon Wireless ("Verizon")
Project: Co-location of a Wireless Telecommunication Facility on an
Existing Building
Location: 97 Spear Street, Burlington, Vermont
Landowners: University of Vermont

Dear Ms. Whitney:

On behalf of Verizon Wireless, and pursuant to 30 V.S.A. § 248a, enclosed is an original De minimis Application for a Certificate of Public Good for a proposed telecommunication facility; Prefiled Direct Testimony of AJ Lanpher and Louis Hodgetts, with supporting exhibits; a Notice of Appearance; Certification of Notice and a draft of the Proposed Findings and Certificate of Public Good.

Please let me know if additional information or documentation is required.

Very truly yours,

Brian J. Sullivan
BSullivan@mskvt.com

Enclosures

c: Statutory Parties on attached Certification of Notice (w/enclosures)

00092572.DOCX

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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(802) 865-7195 (FAX)
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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
Eamon Dunn, Youth Member*



Burlington Planning Commission Tuesday, January 23, 2018, 6:30 P.M. Conference Room 12, City Hall, 149 Church Street Minutes

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

I. Agenda

The Chair called the meeting to order at 6:33pm. Item 5 was postponed until after Items 6 and 7.

II. Public Forum

M Trombley: Representing the Advance Music site, attending to answer questions about the requested zoning district change to 75 Maple St area.

III. Report of the Chair

No report.

IV. Report of the Director

D White: Zoning permit activity is down by 15% from last fiscal year as a result of fewer applications coming through the door. 10-year trend was increasing each year, with peak for zoning permits two years ago. Will provide a more detailed report on permitting activity at a future meeting. Staff is currently working on updating the master plan; an intern has started working with Meagan this week for this purpose. Reminder about Economics of Housing being held at Trader Duke's on Monday, January 29th and Joint Meeting of all boards on Tuesday, January 30.

H Roen: How many years until the plan expires?

M Tuttle: Current plan expires after 5—in 2019—but going forward, will be in effect for 8 years.

V. Proposed ZA-18-06: Article 8 Bike Parking Amendments

S Gustin: Follow up from initial draft to better incorporate more specific recommendations of planBTV Bike/Walk, and follow up discussion with DPW, Local Motion, particularly on bike racks in public areas and payment in lieu. This resulted in some additions and changes to Section 8.2.2, 8.2.3, and 8.2.5.

A Montroll: How can zoning tie a requirement to number of employees if the number could change? Should stick to building size.

M Tuttle: This is trying to address potential demand. Depending on number of employees, same size space can have a wide ranging demand.

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B Baker: Uncomfortable with setting standards by outside groups. These don't always consider local variances—we know what is needed.

N Losch: Current ordinance refers to DPW Standards, and DPW uses APBP. This ensure we don't have to rewrite our standards each time the APBP changes. APBP describes the rack types, dimensions to consider to allow enough space.

D White: Is there enough specificity in Great Streets standards?

M Tuttle: General info on all elements and where they can be placed in the ROW including issues like distance from the curb. Did not get into greater detail because where bike parking is placed is an individual decision that DPW will assist with.

B Baker: Need to look at APBP to know what's in it and understand what burden it might place on owners.

J Wallace-Brodeur: Basing parking requirements on number of employees is an important concept to encourage people to drive less. How have other communities set ratios that recognize demand?

M Tuttle: We do have examples of other metrics that are defined and provide parking based on number of residents and caretakers, etc.

B Baker: Does bike racks in individual units satisfy the requirement for long-term bike parking? If so, does the ordinance specify?

N Losch: Yes, and there is more flexibility for creating long-term spaces. It is really the short-term for which APBP guidelines will be important.

S Gustin: Another option is payment in lieu to Public Works

H Roen: Should be some guidance for when to evaluate that in-lieu or in the ROW is actually necessary vs being able to achieve on site. Shouldn't just be at the discretion of the engineer.

N Losch: Under constrained scenarios DPW might recommend placement in the ROW, or try to accommodate on another site.

D White: Standards on how DPW will place in ROW?

M Tuttle: Standards indicate how things can be placed in the ROW—criteria for evaluating all requests for encumbrance. But the question is more about how to determine that they won't actually fit on a site. This came up in discussion of conflict between form-based code requiring building to the frontage line, but also requiring short term parking accessible in the front.

B Baker: Need to look at different lot types and frontage. In the downtown district, I imagine it is not that easy with frontage requirements and constraints of ROW.

S Gustin: The options for this scenario include a request for waiver and payment in-lieu. Short-term parking can be inside an entry lobby.

M Tuttle: If placement is within a lobby, need to make sure it's not going to meet definition and then be counted as long-term parking, and not get credit for it.

H Roen: Is off-site parking possible.

A Montroll: Is there bike parking in any parking lots?

S Gustin: Yes, off site is allowed within 200 ft. And yes, there are racks in City parking garages.

B Baker: Right now DPW hands off review of bike parking to Planning and Zoning. Do these changes mean there is another layer to certify?

N Losch: Not necessarily, but will provide more clarity on whether it has been built the way it was identified.

H Roen: Can shared parking be further than 200 feet?

N Losch: For short-term parking, more than 200 feet is too far.

S Gustin: Staff will revisit employee parking metric, and provide a link to APBP standards for PC to review, and bring back to a future meeting.

VI. Proposed ZA-18-04: Density Calculations

S Gustin: Need to make a decision about whether or not to allow rounding when calculating allowable density. Mainly impacts RM and RH zones.

L Murphy: There are two issues: one is that the calculation method described is difficult, and no guidance about how many decimals to round to. Second is that the ordinance doesn't define development site. Furthermore, there are internally inconsistencies throughout the ordinance which impact the application and interpretation of this method, such as whether or not density is based on gross or net area. Providing proposed language that is a compromise on the policy choice, and an easier way to come up with the density intended.

S Gustin: Agree with the point about how many decimals to round to. Development site is intentionally worded in the ordinance, and while not defined in Article 13 it means all lots collectively intended for development with a certain zoning district.

L Murphy: Simply eliminating the last sentence of the ordinance is disservice, because it doesn't solve any problems. Better to come up with something that's easy to understand and apply.

A Montroll: Ordinance Committee all had different takes, which is why there's no recommendation. Personal position is that wherever we set the density, we stick to it and don't create a scenario that allows more than that density.

B Baker: Lots of places where the ordinance has the effect of rounding down. Part of the reason why housing is so expensive. We will never get to the allowable density in most districts.

J Wallace-Brodeur: Liam was suggesting an interesting solution for rounding when it's a little more than half of an additional unit.

A Montroll: Commission agrees that if there is rounding, it should be from a higher fraction. However, disagreement about whether to round or not.

The Commission approves a motion by E Lee, seconded by H Roen, to send back to the Ordinance Committee to discuss rounding up or down. A Montroll opposed.

A Montroll: Opposed for the reasons that rounding up would have the effect of allowing more units than ordinance states.

VII. Proposed CDO Amendment: FD5 Boundaries

M Tuttle: The maps in packet identify properties on the boundaries that could be included in Form District 5; includes a mixture of commercial, mixed use, residential and nonconforming. Two concerns in reviewing where what properties should be included in mixed use district, and what properties provide an opportunity to alleviate nonconformities.

D White: We're trying to establish areas of continuity with a district based uses, areas of higher pedestrian activity. Also thinking of creating a new district, FD 4, for downtown residential and multi-family residential.

E Lee: About 99% of properties in RH are likely nonconforming and in this area is extremely diverse. No problem with #1, but #2 is interesting in its historic nature.

A Montroll: Consensus that #1 becomes part of FD5 and that #2 stays as existing.

M Tuttle: Number 3 includes two abutting that front on Clarke St and N Winooski St. Clarke St was requested by the property owner who is interested in including it in a potential development on Pearl Street. For this one, looked at if there were redevelopment at these properties what would make the most sense in terms of the compatibility and cohesion of properties around.

A Montroll: What are dimensional and other standards for each district.

M Tuttle: Setbacks aren't easy to articulate because they are based on averages of the properties around them, or a percent of the lot dimensions. In the RM and RH height is 35 feet, FD5 is 45 feet. FD5 has no required front setback.

E Lee: This conversation doesn't seem to be about nonconformity, but about something else. So we should have an honest conversation about what the real reasons are for wanting rezone.

D White: Depends on what the nonconformities are. Regarding Clarke St, there are a number of things at issue. The objective is to create opportunities for conformity as well as cohesion in how block faces are zoned.

J Wallace-Brodeur: We could do a lot better with the whole block, but trying to decide if this is a good transition building between more intense development on Pearl, or better off as part of bigger development at this site.

A Montroll: Let's skip to #7 at 75 Maple Street, and come back to this one.

M Trombley: The concern is about being grandfathered and losing the opportunity to have retail if for some reason it wasn't continued for a year. Ground floor is not a good place for housing. Would like to be part of FD5 for more opportunities for reuse.

M Tuttle: This is a good example of how the nonconformity is limiting the current use, and how changing could allow more opportunities and flexibility for uses to allow it to stay the way it is today.

A Montroll: We want to keep it the way it's being used—it's a good use of the property, and good example of an FD5 building.

D White: Being a corner lot also makes it well suited for FD5.

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by A Friend, to propose rezoning of Advanced and Freeman French Freeman sites to FD5.

J Wallace-Brodeur: Provide more information about how to retain the special character of some of the single-family homes tucked into this area.

M Tuttle: Will look into how it integrates other parts of the ordinance for next discussion. For example, we allow SF homes in this district if they were originally built for that.

VIII. Proposed ZA-18-07: Article 3 Amendments

Postponed due to time.

IX. Proposed CDO Amendment: Article 7 Sign Regulations

Postponed due to time.

X. Committee Reports

None

XI. Commissioner Items

B Baker: Concerned about City records and search-ability of records among city departments. He would like to know if the department could provide an index, or work with the Bar Association to help.

E Lee: Hearing concerns about staff report on YMCA at DAB, and requiring frontage on Bradley Street. Why are we applying form-based code requirements outside of the districts? This will be a radical and expensive

change for the YMCA that seems unnecessary. The YMCA is a non-profit and this project has a lot of support in the community.

S Gustin: Has nothing to do with the form-based code. The lot is a through-lot and has two frontages. Article 6 requires a structure on the frontages.

D White: The reason why this might seem like the application of form-based code, is because the code codifies the design guidance from Article 6. There are other issues with the design regarding parking and height. Zoning does not make distinctions about who owns the property.

A Montroll: Commissioner Lee can think about a proposed change to the rules that could address this problem.

XII. Minutes & Communications

The commission unanimously approved a motion by A Friend, seconded by H Roen, to approve the minutes of January 9, 2018 and communications.

XIII. Adjourn

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by H Roen, to adjourn the meeting at 8:32pm.



Andy Montroll, Chair

Signed: February 13, 2018



Anita Wade, Planning Commission Clerk