

Burlington Planning Commission

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



Burlington Planning Commission

Tuesday, January 10, 2017, 6:30 P.M.
Conference Room 12, City Hall, 149 Church Street
AGENDA

I. **Agenda**

II. **Public Forum** - Time Certain 6:35 p.m.

Note: times given are
approximate unless
otherwise noted.

III. **Report of the Chair**

IV. **Report of the Director**

V. **Proposed CDO Amendment ZA-17-08 Food & Beverage Processing** (10 min)

The proposed amendment creates a definition and regulations for "Food and Beverage Processing" in the *Burlington Comprehensive Development Ordinance*. This is intended to replace several definitions related to food and beverage production and processing, and to provide greater flexibility for the evolution of the craft food and beverage industries. Information and the Municipal Bylaw Amendment Report are included in the agenda packet on pages 3-8.

VI. **Proposed CDO Amendment ZA-17-10 Green Roof Lot Coverage** (20 min)

The proposed amendment to the *Burlington Comprehensive Development Ordinance* provides guidance on how to calculate lot coverage for green roofs when they are constructed at grade, partially at grade, and above grade. A recommendation from the Commission's Ordinance Committee is included in the agenda packet on pages 9-10.

VII. **Municipal Bylaw Amendment Report: ZA-17-05** (5 min)

City Council's Ordinance Committee modified the proposed amendment ZA-17-05 *Permit Conversion of Former Single-Family Use back to Single-Family Use* to also include the Downtown and Downtown Transition zones as districts in which single-family uses may be re-established. The amendment has been returned to the Planning Commission to update the Municipal Bylaw Amendment Report before City Council's public hearing. The updated Report and proposed amendment are included in the agenda packet on pages 11-12.

VIII. **Municipal Bylaw Amendment Report: ZA-17-02** (5 min)

Staff and the City Council Ordinance Committee have made modifications to the proposed amendment ZA-17-02 Family Daycare Exemptions & Preschools. These changes address both small and large daycares and preschools, and simplifies the definition for Family Day Care Homes to rely on state statute. The amendment has been returned to the Planning Commission to update the Municipal Bylaw Amendment Report before City

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Council's public hearing. The Report and updated amendment are included in the agenda packet on pages 13-16.

IX. Committee Reports

X. Commissioner Items

XI. Minutes & Communications

The Commission will review and approve the minutes of the December 13, 2016 meeting, enclosed on pages 17-19 of the agenda.

XII. Upcoming Meetings

Tuesday, January 24, 2017- 6:30pm- Conference Room 12 City Hall

Wednesday, February 15, 2017- 6:30pm- Conference Room 12 City Hall

Tuesday, February 28, 2017- 6:30pm- Conference Room 12 City Hall

XIII. Adjourn

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January 10, 2017
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Ryan Morrison, Associate Planner
Anita Wade, Planning & Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-08 – Food and Beverage Processing

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

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

The proposed amendment replaces Food Processing, Bakery-Wholesale, Distillery, Brewery, and Winery uses with a "Food and Beverage Processing" use. The purpose of this amendment is to ensure more consistency in the regulation of food and beverage production facilities, and their permitted locations throughout the City. The amendment treats Food and Beverage Production facilities as a conditional use in all districts in which they are permitted, except in the Enterprise- Light Manufacturing district where they are permitted by-right, and limits the size of these operations in Downtown, Downtown Transition, Neighborhood Mixed Use and Neighborhood Activity Center districts.

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

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

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

The proposed amendment does not have an impact on the goals and policies in the Municipal Development Plan regarding density. The proposed amendment brings the City's permitted land uses up-to-date by recognizing the evolving food and craft beverage industries and into alignment with state and local laws regarding alcohol production and consumption.

The proposed amendment has minimal impact areas of the City in which these uses are permitted. Under current regulations, a variety of food and beverage production facilities are permitted to operate in zoning districts throughout the City with little consistency. The amendment permits Food and Beverage Processing as a conditional use in those districts where it will be important to carefully evaluate any potential nuisance or infrastructure impacts that may result from these operations, and to permit the use by-right in the Enterprise-Light Manufacturing district, which is a part of the City widely considered to be appropriate for production and distribution of these goods.

Implementation of specific proposals for planned community facilities:

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

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Anita Wade, Zoning Clerk



TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: January 5, 2017
RE: Proposed ZA-17-08: Food & Beverage Processing- Updated

Purpose

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

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

Planning Commission Discussion

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

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

Evaluation of Current CDO

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

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

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

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

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

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

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

Food & Beverage Processing

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

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

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

Burlington Comprehensive Development Ordinance
PROPOSED: ZA-17-08- Food and Beverage Processing
Updated January 5, 2017

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

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

Article 13: Definitions

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

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

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

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

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

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

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

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

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

Appendix A-Use Table – All Zoning Districts

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

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

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

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

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

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

6. Must be owner-occupied.

7. Must be located on a major street.

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

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

10. Exterior storage and display not permitted.

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

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

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

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

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

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

17. Allowed only as an accessory use.

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

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

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

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

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

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

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

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

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

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

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

Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district

Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
D	Downtown
DW	Downtown Waterfront
DT	Downtown Transition
BST	Battery Street Transition
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

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vacant, Department Secretary



TO: Planning Commission
FROM: Scott Gustin
DATE: December 12, 2016
RE: Green Roofs & Lot Coverage

At its December 1, 2016 meeting, the Planning Commission Ordinance Committee continued its discussion of the request by UVM Medical Center to amend the CDO to specifically address lot coverage calculations relative to green roofs. The Medical Center made the request so that there are clear guidelines as to exactly what amounts to lot coverage and what does not concerning green roofs. The Medical Center has a handful of green roofs, including the partially at-grade radiation oncology green roof wherein the DRB declined to make a determination relative to lot coverage due to a lack of guidelines in the CDO.

The Committee's discussions identified three tiers: 1) at-grade green roofs, 2) partially at-grade green roofs, and 3) above-grade green roofs. Following discussion and related research as to how other municipalities regulate green roofs relative to lot coverage, the Committee voted 3-0-0 to recommend to the full Planning Commission that above-grade green roofs count as lot coverage and that at-grade green roofs be counted as open space. For those green roofs that are partially at-grade and partially above-grade, the same principal would apply: At-grade portions would count as open space, and above-grade portions would count as lot coverage.

Proposed Ordinance Language:

Sec. 5.2.3, Lot Coverage Requirements

(b) Exceptions to Lot Coverage

(1) – (8) as written.

(9) For the purposes of lot coverage calculations, at-grade green roofs shall be counted as open space, above-grade green roofs shall be counted as lot coverage. Partially at-grade green roofs will be counted as open space for the portion at-grade, and above-grade portions will count as lot coverage.

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Burlington Planning Commission Report Municipal Bylaw Amendment

DRAFT

ZA-17-10 Green Roof Lot Coverage

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 create clear guidelines for how lot coverage is calculated on sites with buildings which are constructed with a green roof. At-grade green roofs will be counted as open space, above-grade green roofs count as lot coverage, and partially at/above grade green roofs will be counted as open space for the portion at-grade, and as lot coverage for the portion above-grade.

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

This proposed amendment does not impact the goals and policies related to the provision of safe and affordable housing contained within the Municipal Development Plan.

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

This proposed amendment clarifies how lot coverage is calculated for green roofs and is largely administrative. It is compatible with proposed future land uses and densities contained within the Municipal Development Plan in that it preserves existing lot coverage as defined in the *Burlington Comprehensive Development Ordinance*, and does not increase the allowable lot coverage for buildings which are constructed with green roofs when those buildings are above grade. Only those portions of buildings with green roofs at-grade are considered open space.

Implementation of specific proposals for planned community facilities:

This proposed amendment does not implement a plan for community facilities.

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Burlington Planning Commission Report Municipal Bylaw Amendment

Revised per Ordinance Committee Changes

ZA-17-05 – Permit Conversion of Former Single-Family Use Back to Single-Family Use

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 amendment is to permit the reconversion of single-family detached dwellings back to single-family uses in the Downtown, Downtown Transition, Battery Street Transition, neighborhood mixed use, and high density residential zones. Presently, single-family uses are not permitted in these districts in order to foster higher intensity development within these higher density zones. However, there are cases in which single-family detached dwellings have been converted to non-residential or multi-family uses, and the current owner wishes to reconvert to a single-family use. This amendment would allow for such a property to be reconverted to a single-family use as long as the building was originally constructed for that purpose. This change is consistent with existing provisions in Sec. 4.4.5 D 6 A, which allows neighborhood commercial uses within a building originally designed and constructed for such a purpose, regardless of its present use.

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

This amendment conforms with and advances the goals and policies contained in the City's municipal development plan, including the availability of safe and affordable housing. Specifically, this amendment is consistent with the policy to encourage the reversion of single family occupancy of properties, especially in areas with high concentrations of student rental housing, which have been converted into multi-unit dwellings.

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

This amendment is compatible with proposed future land uses and densities. While these zoning districts will not permit the development of new single-family homes, which would be incompatible with the proposed scale and density of these areas of the City, the ability to reinstate single-family uses in structures originally built for that purpose does not prevent a majority of the properties in these zoning districts to be developed or redeveloped according to the land uses and densities identified by the Municipal Development Plan.

Implementation of specific proposals for planned community facilities:

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

Appendix A-Use Table—All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use			Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC- RC	E-AE	E-LM
RESIDENTIAL	UR	RCO – A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC- RC	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ²⁹	N ²⁹	N	N	N ²⁹	N ²⁹	N ²⁹	N ²⁹	N ²⁹	N	N
*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****

1. – 28. As written.

29. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single-family use regardless of its present use if the building was originally designed and constructed for that purpose.

LEGEND: As written.

Department of Planning and Zoning

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-17-02 – Family Daycare Exemptions & Preschools

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 align the definition of Daycare to be consistent with state regulatory review; to assure exemption from zoning requirements as noted, and to affirmatively distinguish daycare use from home occupations.

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

This amendment conforms with and advances the the goals and policies contained in the City's municipal development plan. In particular this amendment helps to ensure the provision of small family daycare options within the city.

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

This amendment does not have an impact on the goals and policies for future land use and density contained in the City's Municipal Development Plan, and helps to ensure the provision of small family daycare options within the city to support the city's families and economy.

Implementation of specific proposals for planned community facilities:

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

Article 3: Applications, Permits and Project Reviews

Section 3.1.2 Zoning Permit Required

(a) – (b) as written

(c) Exemptions:

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1-9 as written

10. Family day care homes.

Article 5: Citywide General Regulations

Sec. 5.4.1 Small and Large Day Care Centers and Small and Large Preschools

In addition to the provisions of Art 3, Part 5 for conditional uses, and applicable site and design review standards in Art 6, the following additional regulations shall be applicable to an application involving a small day care center, large day care center, small preschool, or large preschool where such uses are treated as conditional uses pursuant to Appendix A – Use Table:

- (a) No playground equipment shall be located within the front yard;
- (b) ~~No more than twenty (20) full-time children are served; [Reserved]~~
- (c) The site plan review shall insure adequate and safe drop-off and pickup space is provided and that traffic problems are not created;
- (d) Any additions, signage, or site improvements shall be residential in character;
- (e) The facility shall be licensed ~~or registered~~ by the State of Vermont;
- (f) No more than one residential unit may be converted for the creation of a single small day care center, large day care center, small preschool, or large preschool. Such a conversion shall be exempt from the requirements of Article 9, Part 2- Housing Replacement; and,
- (g) The neighborhood is not overburdened with other small day care centers, large day care centers, small preschools, or large preschools.

Article 13: Definitions

Day Care Center: (See Article 5 for specific provisions.)

- (a) ~~**Family Day Care Home:** A state-registered or licensed daycare facility serving up to six (6) pre-school plus four (4) school-aged children. A family day care shall be considered by right to constitute a permitted accessory use to single detached dwellings.~~
For the purposes of this ordinance, family day care home shall have the same meaning as that set forth in 24 V.S.A. sec. 4412 (5).

- (b) **Small Day Care Center:** A state-~~registered or~~ licensed daycare facility serving no more than twenty (20) full-time children in total.
- (c) **Large Day Care Center:** A state-licensed facility providing day care services for more than twenty (20) full-time children.

School: The academic space and accessory uses for the teaching of children or adults.

- (a) **Primary:** elementary school, inclusive of grades K-8.
- (b) **Secondary:** a high school and/or vocational center for attendance after elementary/primary school, granting a high school diploma for levels of education inclusive of grades 9-12.
- (c) **Post-Secondary:** after high school, including colleges, community colleges, universities, or continuing education.
- (d) **Trade or Professional:** a school that offers instruction in skilled trades.
- (e) **Small Preschool:** a school providing educational services for children from 3 years of age until their admission to first grade and that may include kindergarten, serving no more than twenty (20) full-time children in total.
- (f) **Large Preschool:** a school providing educational services for children from 3 years of age until their admission to first grade and that may include kindergarten, for more than twenty (20) full-time children.

See also the attached **ZA-17-02 Appendix A - Use Table**

ZA-17-02 Appendix A-Use Table

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use					Neighborhood Mixed Use			Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC	E-AE	E-LM
Daycare - Large (Over 20 children) (see Sec.5.4.1)	N	N	N	N	CU	CU ¹³	CU ¹³	CU ¹³	Y	Y	N	CU	CU	Y	Y	Y	N	CU ¹⁷
Daycare - Small (up to 7-20 children) (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	Y	Y	N	CU	CU	Y	Y	Y	CU	CU ¹⁷
Daycare – Family Home (6 children or less)	N	N	N	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	CU	N	N	CU	CU	CU	CU	CU	N	N
School – Preschool Large (over 20 children) (see Sec.5.4.1)	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU¹³</u>	<u>CU¹³</u>	<u>CU¹³</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>CU¹⁷</u>
School – Preschool Small (up to 20 children) (see Sec.5.4.1)	<u>N</u>	<u>CU⁸</u>	<u>CU⁸</u>	<u>CU⁸</u>	<u>CU</u>	<u>CU¹³</u>	<u>CU¹³</u>	<u>CU¹³</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>CU</u>	<u>CU¹⁷</u>
School - Primary	N	N	N	N	CU	CU	CU	CU	CU	N	N	CU	N	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	CU	N	N	CU	N	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	Y	N	N	CU	CU	CU	N	N	N	CU

1-7 remain unchanged

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

9-28 remain unchanged

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

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vacant, Youth Member



Burlington Planning Commission Tuesday, December 13, 2016, 6:30 P.M. Conference Room 12, City Hall, 149 Church Street **DRAFT Minutes**

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

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

I. Agenda

Called to order at 6:33 p.m. No changes made to agenda.

II. Public Forum

No members of public spoke.

III. Report of the Chair

No report offered.

IV. Report of the Director

Cambrian Rise plans were submitted on November 23, 2016. We anticipate an application soon for Burlington Town Centre. We are wrapping up the Great Streets and Park presentations.

V. 2017 Meeting Calendar

The joint meeting scheduled for January 31, 2017 has been cancelled; special meeting to be called in March. Otherwise calendar was unchanged from agenda packet.

The Commission unanimously approved a motion by J. Wallace-Brodeur, second by A. Friend, to accept the 2017 meeting calendar without the January 31 meeting.

VI. Presentation: Great Streets Initiative 6:39 p.m.

M. Tuttle gave Great Streets Initiative presentation which included plans for Main Street and City Hall Park.

E. Lee asked about public restrooms in City Hall Park.

M. Tuttle replied that restrooms would be located on perimeter of park. A type of restroom "Portland Loo" is a possibility. Also trailer type portable restrooms called "Crowd Pleasers" for larger events would be an option.

H. Roen commented that he is pleased about the improvements to soil and park. He questions need for coffee kiosk as there are many coffee shops nearby. Likes the sweeping walkway and the large expanse of green area.

J. Wallace-Brodeur noted differences in amount of green space presented in 2012 vs. 2016 plans.

A. Montroll: City Hall Park has had many incarnations over the decades. It is likely these changes will be changed again in 30 years. How likely is implementation of the Main Street changes?

M. Tuttle: There is currently TIF funding for the section of Main St from Church St. to Pine St.

A. Montroll: Where would the fountain (circa 1901) currently in park be re-located?

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Planning Commission Agenda
January 10, 2017
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D. White: Not sure.

B. Baker: How to address public safety, particularly at night?

M. Tuttle: Increased lighting throughout park, perhaps incorporated into fountain.

D. White: The coffee kiosk would offer a set of "eyes" on the park as well. It would be a constant presence and draw people to the park. Also, increased open space offers safety through visual transparency. Having a large open space for children to play also deters certain behavior.

J. Wallace-Brodeur: What about the platform structure at the bottom of the stairs?

M. Tuttle: That is a flexible performance space, the stairs can act as seating if performances are facing City Hall, or facing towards the open green space.

J. Wallace-Brodeur: I like the play space, we should keep fountain clean enough for children to play in. I also question the viability of a coffee kiosk.

Y. Bradley: The kiosk and fountain offer focal points to draw people to the park. Kids need a large green space for playing. The back steps to City Hall could curve around on sides to eliminate dead space.

A. Friend: I don't find City Hall park scary.

E. Lee: What about RiRa's renting out space in the park?

D. White: This isn't incorporated in the current plan.

A. Montroll: Ben & Jerry's were unable to have seating in park due to language in the park deed.

M. Tuttle: Licensing vs. leasing issues will allow for food carts and a kiosk like the one on Church St.

E. Lee: The decking used along Main Street should be made of sustainable materials, not Ipe.

J. Wallace-Brodeur: What about parking meters?

M. Tuttle: The parking meters will be between bike lane and street to act as buffer for cars opening their doors without hitting bicyclists. Single meters (instead of parking kiosks) are preferred.

VII. Presentation: CLC Plan for City Hall Park

Carolyn Bates gave a presentation regarding City Hall Park.

Barbara McGrew: Supports keeping fountain. Doesn't like more open space. Need more police.

Lynn Martin: This should be a sanctuary in the city. Funding must provide good maintenance.

Charlie Messing: Bathrooms are of the utmost importance. Also more eyes on the park.

A. Montroll: Who approves the final plans?

D. White: DRB will approve plan for Park after a few interim steps.

M. Tuttle: We are still gathering public feedback and then will refine concept plan, possibly by February. City Council and DPW will have to approve the changes to Main Street.

VIII. Proposed CDO Amendment ZA-17-09 Major Impact Review

David White discussed changes to this amendment that were made by the City Council Ordinance Committee. The amendment has expired due to being more than one year since it was sent to Council by the Commission. If still interested in considering, need to reintroduce it through the process.

The Commission unanimously approved a motion by B Baker, second by Y Bradley, to warn the proposed amendment for public hearing and approve the Municipal Bylaw Amendment Report.

IX. Regional Energy Plan Mapping

H Roen: Committee met and discussed that this exercise is more oriented to rural municipalities. Map and notes provided in memo drafted by M Tuttle recognizes urban character and recommends moving these comments forward.

J. Wallace-Brodeur: Memo is a good summarization of the LRPC's conversation. Glad we're committed to solar energy generation, but need to recognize opportunities.

M. Tuttle: Memo recognizes ground mounted solar panels are too restrictive for city, and that roof-top panels are more appropriate.

The Commission unanimously approved a motion by H Roen, second by J Wallace-Brodeur, to send the memo and map to the CCRPC for consideration.

X. Committee Reports 8:06 p.m.

A Friend: Ordinance Committee looking at green roofs and lot coverage percentages – considered how to treat at grade, partial grade, above grade roofs. Sending a recommendation to the Commission.

XI. Commissioner Items

No items.

XII. Minutes & Communications

The Commission unanimously approved a motion by H Roen, second by J Wallace-Brodeur, to accept the minutes of November 9, 2016 meeting and a communication.

XIII. Adjourn

The commission unanimously approved a motion by A Friend, second by B. Baker, to adjourn the meeting at 8:08pm.

The heart and science of medicine.

UVMHealth.org/MedCenter

Proposed CDO Amendment ZA-17-10 Green Roof Lot Coverage

City of Burlington

Planning Commission Meeting

January 10, 2017

THE
University of Vermont
MEDICAL CENTER

Planning Commission Presentation

- Introductions
- Proposed CDO Amendment: Green Roof and Lot Coverage
 - Benefits / Definition
 - Language clarity: ways to approach
 - Examples

Proposed CDO Amendment

- Address Green Roofs and lot coverage throughout City
- Presented 3 Circumstances
- Planning Commission Ordinance Committee reviewed in 2016
- Proposed language in 2017

Proposed CDO Amendment

Original Proposal for Three Circumstances for Green Roofs:

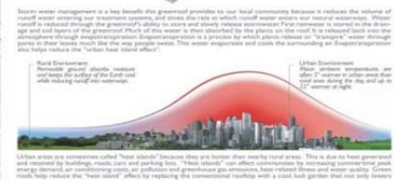
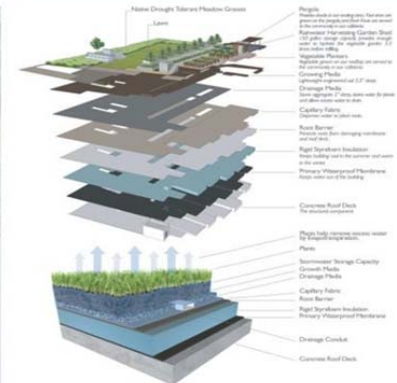
1. Building underground;
Green roof at grade - *Support*
2. Building partially underground;
Green roof at grade access 1 or more sides -
Support
3. Above ground building;
No grade access for green roof – *No support*

Overall Benefits

Green Roofs:

- Absorb stormwater runoff
- Create usable / accessible green spaces
- Create educational opportunities - best practices
- Create healing environments
- Connect indoor and outdoor environments

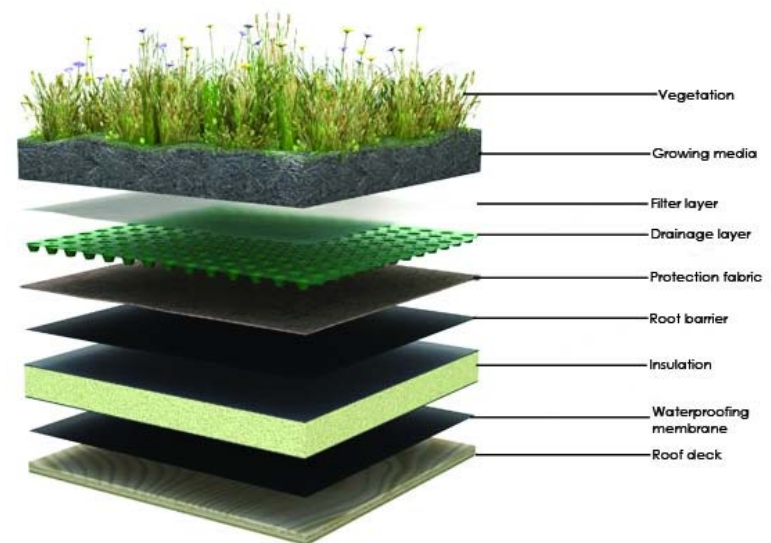
GREEN ROOF ANATOMY AND DESIGN



City Benefits

Why Green Roofs?

- Beneficial to environment
- Improves quality of life in City
- Plan BTV discusses
- Form Based Codes encourages



Green Roof Definition

Article 13: Definitions

Add in the following definition:

Green Roof: A green roof is a building roof that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. Preplanted tray systems with green roof layers combined into small units shall qualify as a green roof. The depth of soil and planted material shall be at least two (2) inches to be considered a functional Green Roof area. Container gardens with plants in pots or roofs painted a reflective color without plants shall not qualify as a green roof for purposes of this section.

Language Clarity: Ways to Approach

Proposed language:

...Partially at-grade green roofs will be counted as open space for the portion at-grade, and above-grade portions will count as lot coverage.

How to determine portion
at-grade vs. portion above-grade?

Language Clarity: Ways to Approach

Propose Three Ways to Apply:

1. 100% accessible at grade counted as green space – SIMPLE
2. Calculate building face visible above grade vs. not at grade – MORE COMPLICATED
3. 75% green space - SIMPLE

Example – Ambulatory Care Center

Aerial View



Example – Ambulatory Care Center

*View of
Ambulatory Care
Center from
Medical Library*



*Existing Conditions
before Radiation
Oncology Building*



Example – Radiation Oncology Building

*Existing conditions
before Radiation
Oncology Building*



Example – Radiation Oncology Building

Rendered Site Plan



Example – Radiation Oncology Building

*View of Green
Roof from
Mary Fletcher
Drive*



Example – Radiation Oncology Building



East Elevation

Language Clarity: Ways to Approach

Propose Three Ways to Apply:

1. 100% accessible at grade counted as green space – SIMPLE
2. Calculate building face visible above grade vs. not at grade – MORE COMPLICATED
3. 75% green space - SIMPLE

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Burlington Planning Commission **Tuesday, January 10, 2017, 6:30 P.M.** **Conference Room 12, City Hall, 149 Church Street** **Minutes**

Present: A. Montroll, B. Baker, Y. Bradley, A. Friend, E. Lee, H. Roen
Staff: S. Gustin, M. Tuttle, L. Brelsford

I. Agenda

Called to order at 6:37 pm

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

II. Public Forum

No members of public spoke.

III. Report of the Chair

No report offered.

IV. Report of the Director

M Tuttle: D. White absent due to illness. Department is busy with applications for the major projects the PC worked on this year, and prioritizing how to bring projects to a close in the coming year.

V. Proposed CDO Amendment ZA-17-08 Food & Beverage Processing

M. Tuttle: Began as an amendment to remove restriction on accessory café for microbrewery, and to add a definition of craft beverage production. At last meeting, discussed this becoming a new use "Food and Beverage Processing" to include both craft beverage, as well as bakeries and other food production. PC wanted to ensure the definition does not include restaurants and cafes unless as accessory. Language has been updated to reflect this.

H Roen: Is there still a production limit?

M Tuttle: No production limits due to variability of businesses. Size limit on the use is 25,000 sq.ft. and only applies to downtown and neighborhood mixed use areas.

B Baker: Accessory uses still permitted under accessory definition?

S Gustin: Yes.

The Commission unanimously approved a motion by Y. Bradley, seconded by A. Friend, to approve the Municipal Bylaw Amendment report and warn the amendment for public hearing.

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VI. Proposed CDO Amendment ZA-17-10 Green Roof Lot Coverage

David G. White (White & Burke), Gail Henderson-King (White & Burke), and Dave Keelty (UVM Medical Center) shared a presentation regarding green roofs and applications at the UVM Medical Center. These representatives are concerned that the proposed language for the amendment is unclear, and needs more specific detail on how to measure portions of a green roof at or above grade. They provided three alternatives that could be included in the ordinance for how to measure green roofs and corresponding lot coverage or open space.

A Montroll: Main goal of lot coverage is to preserve appearance of open space above grade; this was focus of Ordinance Committee.

Y Bradley: Want to incorporate green roofs in the City. Using examples in UVM-MC presentation, where is the measuring point for what is considered above grade versus below grade?

S. Gustin: Simple is better when it comes to calculating coverage. Have similar provisions in the ordinance for measuring building height on slopes.

E. Lee: Green roofs are expensive compared to regular roofs, and we should do more to encourage them. If the example of the Radiation/Oncology building were a flat open space built into the hill using a retaining wall, it would be counted as open space. That has a diminished aesthetic value to pedestrians versus seeing the side of a building built into the hill. In current form, does not seem to work. Also need to consider definition for green roof to get an appropriate and functional system.

Y. Bradley: We should promote intelligent design and plans that appreciate our topography, and reduce ambiguity in our ordinances.

D.G. White: Hospital is not looking for credit for its open space. This is about developing a clear standard that both applicants and the general public can understand. As defined, it is unclear how the existing green roofs at UVM-MC would be measured.

A Montroll: We also should look at longevity of these roofs.

M Tuttle: Send back to Committee or keep at full Commission level?

The Commission unanimously approved a motion by E Lee, seconded by H Roen, to send the amendment back to the Ordinance Committee for modification.

VII. Municipal Bylaw Amendment Report: ZA-17-05

M Tuttle: This amendment was modified by City Council Ordinance Committee to include downtown and downtown transition zones. These districts were not included in the original amendment by the Planning Commission. Statutory requirement is for Commission to reapprove Municipal Bylaw Amendment for ZA-17-05 regarding this change.

A Montroll: What are the Commission's feelings on whether or not to provide comment with the report?

Y Bradley: Do not think we should discourage people from investing in single family properties in the City if they wish to. What if someone wanted to convert the Follette house back to a single-family.

A Montroll: Not consistent with our policies. Don't think that would be an appropriate use in that part of downtown. Not so concerned about the downtown transition.

E Lee: There is an historic preservation argument that can be made for allowing single-family use.

The Commission unanimously approved a motion by A. Friend, seconded by E. Lee, to amend and reapprove the Municipal Bylaw Amendment report without comment by the Commission.

VIII. Municipal Bylaw Amendment Report: ZA-17-02

M Tuttle: Staff and the City Council Ordinance Committee updated the language of the amendment to be explicit about including both large and small daycares and preschools, and to rely on statute for the definition of home daycares to avoid inconsistencies. No substantive change to the amendment, but statutory requirement for Commission to reapprove the Municipal Bylaw Amendment for ZA-17-02 for these changes.

The Commission unanimously approved a motion by Y. Bradley, seconded by A. Friend, to reapprove the Municipal Bylaw Amendment report.

IX. Committee Reports

A.Friend: Ordinance Committee has had a meeting with the Community Health Center and Champlain Housing Trust regarding homeless shelters and a proposal to create defining language.

M Tuttle: CEDO reports the City of Burlington received an additional \$200,000 this year from HUD due to the work of the partner agencies to address homelessness with the goal to move people towards permanent housing. While homelessness is decreasing in Chittenden County, on any given night there are approximately 300 homeless individuals in the county, many of them children.

Y Bradley: If anyone is interested in having lunch and learning more about board and Pathways to Housing, Vermont, let him know.

H Roen: Long Range Committee waiting to complete work on planBTV South End. Timeline?

M Tuttle: Hope to be able to resume work in February. Will set up a meeting with H Roen and Executive Committee to discuss.

X. Commissioner Items

No items.

XI. Minutes & Communications

The Commission unanimously approved a motion by H. Roen, seconded by E. Lee to accept the minutes of the December 13, 2016 meeting and the packet provided by Gail Henderson-King for the January 10, 2017 meeting.

XII. Upcoming Meetings

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

XIII. Adjourn

The Commission unanimously approved a motion by B. Baker, seconded by A. Friend, to adjourn the meeting at 7:56pm.



Andy Montroll, Chair

Signed: January 27, 2017



Submitted by: Lynn Brelsford