



## South Burlington Planning Commission

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[www.sburl.com](http://www.sburl.com)

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# Meeting Tuesday, September 22, 2020

## 7:00 pm

### **IMPORTANT:**

*This will be a fully electronic meeting, consistent with recently-passed legislation. Presenters and members of the public are invited to participate either by interactive online meeting or by telephone. There will be no physical site at which to attend the meeting.*

### **Participation Options:**

*Interactive Online Meeting (audio & video): <https://www.gotomeet.me/SBCity/pc-2020-09-22>*

*By Telephone (audio only): Phone # (872) 240-3412, access code: 489-092-925*

## **AGENDA:**

1. **Agenda: Additions, deletions or changes in order of agenda items** (7:00 pm)
2. **Open to the public for items not related to the agenda** (7:02 pm)
3. **Announcements and staff report** (7:10 pm)
4. **Work Session on Land Development Regulation Amendments** (7:15 pm)
  - a. **\*Environmental Protection Standards applicability** in Planned Unit Developments (PUD), Subdivisions, other forms of development (7:15 pm)
  - b. **\*Continue review of Forested Habitat Block applicability** (8:00 pm)
5. **\*Continue review of amendment to permit an increase in lot/building coverage within the Urban Design Overlay District** (8:30 pm)
6. **Consider approach to review of LDR amendments under consideration** (8:45 pm)
7. **\*Review and approve minutes of August 25, 2020** (8:57 pm)
8. **Other Business** (8:59 pm)
  - a. **Shelburne Planning Commission** public hearing on proposed amendments to Zoning Bylaw, October 8, 2020, 7 pm
9. **Adjourn** (9:00 pm)

Respectfully submitted,

Paul Conner, AICP,  
Director of Planning & Zoning

*\* item has attachments*

## **South Burlington Planning Commission Meeting Participation Guidelines**

1. The Planning Commission Chair presents these guidelines for the public attending Planning Commission meetings to ensure that everyone has a chance to speak and that meetings proceed smoothly.
2. Initial discussion on an agenda item will generally be conducted by the Commission. As this is our opportunity to engage with the subject, we would like to hear from all commissioners first. After the Commission has discussed an item, the Chair will ask for public comment. Please raise your hand to be recognized to speak and the Chair will try to call on each participant in sequence.
3. Once recognized by the Chair, please identify yourself to the Commission.
4. If the Commission suggests time limits, please respect them. Time limits will be used when they can aid in making sure everyone is heard and sufficient time is available for Commission to conduct business items.
5. Side conversations between audience members should be kept to an absolute minimum. The hallway outside the Community Room is available should people wish to chat more fully.
6. Please address the Chair. Please do not address other audience members or staff or presenters and please do not interrupt others when they are speaking.
7. Make every effort not to repeat the points made by others.
8. The Chair will make reasonable efforts to allow everyone who is interested in participating to speak once before speakers address the Commission for a second time.
9. The Planning Commission desires to be as open and informal as possible within the construct that the Planning Commission meeting is an opportunity for commissioners to discuss, debate and decide upon policy matters. Regular Planning Commission meetings are not "town meetings". A warned public hearing is a fuller opportunity to explore an issue, provide input and sway public opinion on the matter.
10. Comments may be submitted before, during or after the meeting to the Planning and Zoning Department. All written comments will be circulation to the Planning Commission and kept as part of the City Planner's official records of meetings. Comments must include your first and last name and a contact (e-mail, phone, address) to be included in the record.



**TO: South Burlington Planning Commission**  
**FROM: Paul Conner, Director of Planning & Zoning**  
**SUBJECT: PC Staff Memo**  
**DATE: September 9, 2020 Planning Commission meeting**

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- 1. Agenda: Additions, deletions or changes in order of agenda items (7:00 pm)**
- 2. Open to the public for items not related to the agenda (7:02 pm)**
- 3. Announcements and staff report (7:10 pm)**

Staff Report:

Council meeting 9/21: The Council meeting will include several items of possible interest to Commissioners – update on the I-89 corridor study, a presentation from the Energy Committee, a public hearing to consider possible extension of Interim Zoning to November 13<sup>th</sup>, and a presentation by the SB Land Trust regarding directing sewer allocations to certain parts of the City.

- 4. Work Session on Land Development Regulation Amendments (7:15 pm)**
  - a. *\*Environmental Protection Standards applicability in Planned Unit Developments (PUD), Subdivisions, other forms of development (7:15 pm)*
  - b. *\*Continue review of Forested Habitat Block applicability (7:45 pm)*

See attached memos

- 5. \*Continue review of amendment to permit an increase in lot/building coverage within the Urban Design Overlay District (8:30 pm)**

See attached memo

- 6. Consider approach to review of LDR amendments under consideration (8:45 pm)**

Commissioners are invited to discuss how they would like to approach the list of amendments provided at the last meeting.

- 7. \*Review and approve [minutes](#) of August 25, 2020 (8:57 pm)**

- 8. Other Business (8:59 pm)**

- a. Shelburne Planning Commission public hearing on proposed amendments to Zoning Bylaw, October 8, 2020, 7 pm

- 9. Adjourn (9:00 pm)**



## MEMORANDUM

**TO:** South Burlington Planning Commission

**FROM:** Paul Conner, Director of Planning & Zoning

**SUBJECT:** Environmental Protection Standards: Applicability in Site Plans, Subdivisions, TND/NCD Planned Unit Developments, and Conservation Planned Unit Developments; Initial outline of SEQ applicability

**DATE:** September 22, 2020 Planning Commission meeting

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At the Commission's recent meetings, you have reviewed a draft of the Environmental Protection Standards, street and block provisions of the subdivision standards, and determined the approach to calculating maximum density in different PUD types.

This memo returns to the Environmental Protection Standards, and specifically, how they apply and what results in different forms of development.

Below please find updated tables that attempt to hone in on these issues more closely. *Note: The recommendations / options below would in some cases result in some updates to the draft Article 12.*

There is a lot to unpack in the materials below. Staff has tried to boil it down to a handful of key questions / options, but also encourages Commissioners to raise any other questions that are presented in the tables below and in the attached maps. Mapping of all of these resources are available on the [Interactive Map Viewer](#).

**Terminology:** A reminder that we've attempted to categorize resources into two basic buckets:

*"Hazards"* are those natural resources which are either dangers for flooding, erosion, etc., or which are generally treated in state and Federal regulations as no-build (or limited build) areas. We've used the term Hazards so as to not conflate it with other terms in other documents, but they could be given a different title if Commissioners prefer.

*"Level I and Level II resources"* are typically rooted in local policy priorities. They are not typically hazardous to build in and are not frequently subject to Federal or State regulations. As a result, restrictions in these areas are typically off-set by allowances for development in other ways. The distinction between Level I and Level II is less significant than in previous iterations as a result of the Commission's decision regarding building-based density at its last meeting, but there remains a difference in how Forested Habitat areas are treated from the rest of the resources, as the tables show.

### Regarding Forested Habitat Blocks:

The Commission last month left room for a discussion of where the mapped areas might NOT apply, following up from the discussion you began in March. That is the following item on the agenda.

You will see in the tables below that staff distinguished between a "Habitat Block Core Area" and a "Habitat Block Edge." This is, for now, a placeholder. It is intended to indicate that in a Conservation PUD, the "core" and "other" parts of a forest block could be ranked differently. It could also apply

specifically in Article 12 if the Commission elects to allow for a mitigation or re-location option for certain habitat areas, or in the circumstance of a property being entirely covered in a habitat area without a subdivision taking place.

**Regarding the SEQ and TDRs:** See below at the end of this memo.

## 1. Site Plans / Zoning Permits

Beginning with the most straightforward types of projects: a site plan or zoning permit for a new house on its own lot, with no subdivision or PUD attached to it. In this case, the standards of Article 12 would apply directly to that parcel.

Note: One remaining item to be addressed: the rare circumstances where a parcel is 100% covered by a combination of Hazards and Level I/Level II Resources. Staff will return with a recommendation.

### Natural Resources in Site Plans and Zoning Permits

Site Plan, Zoning Permit	Article 12 Regulations	Initial Identification***	Field Verification / HDA
<b>Hazards</b>			
Floodplain (1%), Floodway	10.01	FEMA FIRM	Yes
River Corridor	10.07	ANR Atlas	Yes
Surface Waters, Buffers	12.02	ANR Atlas	Yes
Class I, II Wetlands, Buffers	12.03	ANR Atlas	Yes
<i>Very Steep Slopes (25+%)</i>	<i>12.09</i>	ANR Atlas	If impacted
<i>RTE Species Habitat</i>	<i>12.04</i>	Site Mapping	If Impacted
<b>Level I / Level II Resources</b>			
<i>Habitat Block Core Areas</i>	<i>12.05</i>	City LDR Map	If Impacted
<i>Habitat Connectors</i>	<i>12.06</i>	City LDR Map	If impacted
<i>Habitat Block Edge</i>	<i>TBD</i>	City LDR Map	If impacted
Floodplain (0.2%)	10.01	FEMA FIRM	If Impacted
Class III Wetlands, Buffers	12.03	ANR Atlas	If impacted
Steep Slopes (15 to 25%)	12.09	ANR Atlas	If impacted
Intermittent Streams, Buffers	12.02	Site Mapping	If impacted

## 2. Subdivisions and TND/NCD Planned Unit Developments

In standard subdivisions, TNDs, and NCDs,

- Standards from the Environmental Protection Standards would apply as presented in Articles 10 & 12.
- Newly-created lots would need to be arranged to as to exclude hazards & forested habitat areas (in most cases these resource areas would become their own “resource” lots).
- Hazards & habitat areas would be excluded from the calculation of “buildable area”
  - In a TND/NCD, the “buildable area” would become the starting point for the allocation of land uses (civic space, residential, non-residential) applicable to that PUD type and the building-type based density.

- In a standard subdivision, the “buildable area” would house the minimum civic space requirement and would be the area of land from which the parcel-based density is calculated.

**Natural Resources in Subdivisions, and TND / NCD PUDs**

<b>Subdivisions, NCD, TND</b>	<b>Article 12 Regulations</b>	<b>Building Lot Restrictions*</b>	<b>Buildable Area**</b>	<b>Initial Identification***</b>	<b>Field Verification / HDA</b>
<b><i>Hazards</i></b>					
Floodplain (1%), Floodway	10.01	Yes	No	FEMA FIRM	Yes
River Corridor	10.07	Yes	No	ANR Atlas	Yes
Surface Waters, Buffers	12.02	Yes	No	ANR Atlas	Yes
Class I, II Wetlands, Buffers	12.03	Yes	No	ANR Atlas	Yes
<i>Very Steep Slopes (25+%)</i>	<i>12.09</i>	Yes	No	ANR Atlas	If impacted
<i>RTE Species Habitat</i>	<i>12.04</i>	Species Specific	Species Specific	Site Mapping	If Impacted
<b><i>Level I/II Resources</i></b>					
<i>Habitat Block Core Areas</i>	<i>12.05</i>	Yes	No	City LDR Map	HDA Optional
<i>Habitat Connectors</i>	<i>12.06</i>	Yes	No	City LDR Map	HAD Optional
<i>Habitat Block Edge</i>	<i>12.05</i>	Yes	No	City LDR Map	HDA Optional
Floodplain (0.2%)	10.01	No	Yes	FEMA FIRM	If Impacted
Class III Wetlands, Buffers	12.03	No	Yes	ANR Atlas	If impacted
Steep Slopes (15 to 25%)	12.09	No	Yes	ANR Atlas	If impacted
Intermittent Streams, Buffers	12.02	No	Yes	Site Mapping	If impacted

### **3. Conservation Planned Unit Developments**

There are several ways that Conservation PUDs could manage natural resources. This specific PUD type has a dual purpose: (1) to offer a tool (optional or required) to conserve a significant amount of important natural resources on properties, and (2) to offer an option to property owners that retains economic value of the property.

**Staff has presents two options (each which can be further modified) for the Commission’s consideration. Determining this approach is the next “key issue” for completion of this project:**

***Option 1 (staff recommended):***

- A minimum percentage (staff presents 70% as a proposal) of the total area of property must be set aside as conserved open space.
- The conserved land includes all Hazards, and any Level I/Level II resources that are needed to reach the minimum percentage.
- If Hazards are less than 70% of the property, the applicant must assign at least the remaining percentage of land from Level I/Level II resources as conservation land. The applicant and DRB are guided based on a ranked priority order.
  - The regulations could include incentives to conserve additional land as well – a density increase on the non-conserved land, allowances for large estate lots (if maximum lot sizes are otherwise

established), or an allowance to build less than the minimum density (if a minimum density is assigned).

- If Hazards are more than 70% of the property, then all hazard areas *must* be conserved.
- Standards would allow for the balance of the land to be treated as “buildable land”, with guidance to the applicant and DRB as to how to manage site-specific Level I/Level II resources while accommodating the development
- Maximum density within buildable areas is calculated based on the underlying zoning for the parcel. *The Commission has three additional options here:*
  - (a) Allow full transfer of density from ALL conserved land within the parcel to the buildable area
  - (b) Allow full transfer of density from conserved LEVEL I/LEVEL II land within the parcel to the buildable area
  - (c) Allow PARTIAL transfer of density from conserved HAZARDS and FULL transfer of density from conserved LEVEL I/LEVEL II land to the buildable area. Staff would recommend that Hazards in this instance be assigned a value of 10-20% of a full unit of density. **[staff recommended approach]**

### **Option 2:**

Instead of requiring the conservation of ~70% of the total area of the parcel, Hazards could be separated from Level I/Level II resources. In this option:

- All Hazards must be set aside and conserved
- A minimum percentage (50%, 60%, 70%) of the identified Level I / Level II resources would be required to be set aside.

Staff has prepared a table outlining the applicability for Option 1 as part of the packet. We’ll endeavor to have a similar table in advance of the PC’s meeting for Option 2.

### **Natural Resources in Conservation PUDs- Option 1**

Conservation PUD	Article 12 Regs	Building Lot Restrictions *	Buildable Area**	Conservation Priority (to reach min %)	Density Transfer to buildable area	Initial Identification***	Field Verification / HDA
<b><i>Hazards</i></b>							
Floodplain (1%), Floodway	10.01	Yes	No	Excluded	<i>See Options A-C</i>	FEMA FIRM	Yes
River Corridor	10.07	Yes	No	Excluded	<i>See Options A-C</i>	ANR Atlas	Yes
Surface Waters, Buffers	12.02	Yes	No	Excluded	<i>See Options A-C</i>	ANR Atlas	Yes
Class I, II Wetlands, Buffers	12.03	Yes	No	Excluded	<i>See Options A-C</i>	ANR Atlas	Yes
Very Steep Slopes (25+%)	12.09	Yes	No	Excluded	<i>See Options A-C</i>	ANR Atlas	If impacted
RTE Species Habitat	12.04	Species Specific	Species Specific	Excluded	<i>See Options A-C</i>	Site Mapping	If Impacted
<b><i>Level I/II Resources</i></b>							
Habitat Block Core Areas	12.05	Yes	No if part of Min Conservation %	1	100%	City LDR Map	If Impacted
Habitat Connectors	12.06	Yes	No if part of Min Conservation %	2	100%	City LDR Map	If impacted

Class III Wetlands, Buffers	12.03	No	No if part of Min Conservation %	3	100%	ANR Atlas	If impacted
<i>Habitat Block Edge</i>	12.05	Yes	No if part of Min Conservation %	4	100%	City LDR Map	If impacted
Floodplain (0.2%)	10.01	Yes	No if part of Min Conservation %	5	100%	FEMA FIRM	If Impacted
Steep Slopes (15 to 25%)	12.09	No	No if part of Min Conservation %	6	100%	ANR Atlas	If impacted
Intermittent Streams, Buffers	12.02	No	No if part of Min Conservation %	7	100%	Site Mapping	If impacted
<i>Prime Ag. Soils or Working Farmland</i>	N/A	No	No if part of Min Conservation %	8	100%	ANR Atlas/Site Mapping	
<i>Cultural Features</i>	N/A	No	No if part of Min Conservation %	8	100%	Site Mapping	
<i>Additional buffers to any of the above</i>	N/A	No	No if part of Min Conservation %	8	100%	Per Resource	Per Resource

\* Subject to building lot, building envelope requirements and restrictions under Article 15A Subdivision Regulations.

\*\*Buildable Area Calculation: No – excluded; Yes –included within buildable area, but resource protections apply; No if part of Min conservation – see Conservation PUD discussion

\*\*\*As initially identified on site plans, sketch plans, master plans, subject to field verification, delineations, or surveys.

FIRM = Flood Insurance Rate Map published by the Federal Emergency Management Agency

ANR Atlas = VT Agency of Natural Resources, Natural Resource Atlas (Online)

City LDR Map = City Land Development Regulation Map, as mapped and adopted by the City

Site Mapping = as initially identified and mapped in association with site planning (Site Conditions Map)

### **Pros / Cons of the two Conservation PUD options:**

	<b>Option 1</b>	<b>Option 2</b>
<b>Pros</b>	<ul style="list-style-type: none"> <li>• More straightforward calculation of amounts of land</li> <li>• Assures that 70% of all land within a Conservation PUD is Conserved</li> <li>• Allows Commission to identify additional options for land conservation that do NOT otherwise have specific standards or definitions</li> </ul>	<ul style="list-style-type: none"> <li>• Assures that a certain percentage (50-70%, typically) of Level I/Level II resources on a parcel are conserved</li> <li>• Sets more total buildable land on parcels that have ~50% of their land in natural resources</li> </ul>
<b>Cons</b>	<ul style="list-style-type: none"> <li>• If a parcel is substantially covered in Hazards (&gt;70%), then there would be limited conservation of policy-based areas such as forests areas</li> </ul>	<ul style="list-style-type: none"> <li>• Does not allow for land conservation that do not otherwise have specific standards / definitions</li> <li>• If a parcel has relatively few Hazards, would result in a greater percentage Level I / Level II lands being excluded than in Option 1</li> </ul>



#### 4. Initial Staff thoughts on PUDs in the Southeast Quadrant (SEQ) and TDR applicability:

Staff is continuing to develop how this portion of the regulations would operate. The Commission's recent (and current) decisions will help to shape staff's recommendations for how to integrate the specific elements of the SEQ and TDR standards into the updated Regulations. Below, to help with this week's work on Environmental Protection Standards, is our current working outline:

*Current Standards:* all properties in the SEQ have a base density of 1.2 units per acre. Through transfer of TDRs, receiving areas have a maximum density of 4 units or 8 units per acre. All subdivisions must be PUDs under the current regulations. PUD standards are contained within Article 9 and reference the Subdivision/General PUD standards of Article 15.

*Possible Future Standards:* applicants exceeding the threshold for a PUD would be required to select a PUD type [replacing the existing Article 9 PUD standards]. Pending Commission review of applicability (later this month), these may be a Conservation PUD, a TND, an Infill TND, or a combination.

- TND PUD:
  - Land within the NRP is excluded from being in a TND, but may be included in a Master Plan to allow for be an internal transfer of TDRs and connectivity of trails, working lands, etc.
  - Hazards and Level I Resources outside the NRP are removed from buildable area as with TNDs citywide
  - Base density remains 1.2 dwelling units per acre *[Commission to discuss whether this includes or excludes Hazards]*
  - All designated buildable areas must have a minimum of 4 units per acre, which must be designated at the Master Plan level.
  - TDRs may be used to acquire TDRs for all development above 1.2 dwelling units per acre within buildable area, up to the amount allowable via building types
  - If, in designating buildable areas, there is leftover land (due to TDRs not having been fully applied), remainder of land must either be designated for permanent conservation, or reserved for future use. Reserved areas must be indicated on the Master Plan and are removed from the land use allocations for the PUD until the Master Plan is amended.
- Conservation PUD: standards apply per city-wide within the area outside the NRP.  
*[Commission/staff to review whether to apply minimum density, and to determine whether NRP on the parcel should be factored in]*

#### 5. NRP Subdistrict amendment:

*Related to, but not specifically part of the work above, staff recommends the following adjustments to the NRP subdistrict to advance its objectives to foster land conservation:*

*Current:* the NRP subdistrict permits one home on parcels up to 15 acres in size, and 3 homes on parcels up to 100 acres in size

*Proposed:* No change in dwelling unit total. Proposed modification to require establishment of a maximum building envelope for all homes (to provide the DRB with guidance on how large a home, lawn, etc. can be within the NRP), and to eliminate the requirement for each allowable dwelling unit to be a single family home (therefore allowing the 3 homes on a 15+ acre parcel to be in either a triplex or a duplex and a single family home).



## MEMORANDUM

**TO:** South Burlington Planning Commission  
**FROM:** Paul Conner, Director of Planning & Zoning  
**SUBJECT:** Continue Review of Forested Habitat Block Applicability  
**DATE:** September 22, 2020 Planning Commission meeting

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In March, the Commission had begun review of the applicability of Forested Habitat Blocks based on the Arrowwood Environmental Habitat Block Assessment and Ranking.

The Commission elected to remove the following areas from applicability:

- Areas within the City Center Form Based Codes District
- Areas on pre-existing lots less than 1 acre in size built with a single-family home
- Areas within 50' of an existing building

During the spring, staff worked with the consultants from Arrowwood Environmental as well as Jens Hilke from the Agency of Natural Resources to identify key “connectors” between habitat blocks. Those mapped connectors are included in the May 26<sup>th</sup> Environmental Protection Standards, and the rationale for their selection is discussed in the accompanying memo.

At this meeting, Commissioners are invited and encouraged to review the remainder of the Forested Habitat Blocks identified by Arrowwood Environmental and consider whether any additional areas should be exempted from review under the LDRs. These could include areas where other City objectives / priorities may outweigh the presence of the Forested Habitat Block.

We have recently added the City’s water & sewer infrastructure to the [Interactive Map Viewer](#). In addition, the planned infrastructure (principally transportation) is available via the [Comprehensive Plan](#) (see page 203 for the map), and upon request could add it to the Map Viewer. If Commissioners would like to have any other information or data to assist with this evaluation, please let staff know.

If Commissioners are prepared to make decisions regarding any of these possible areas, staff would happily accept them. The item is not “critical path” at the moment, but as it relates relatively closely to the prior agenda item, Jessica and staff felt it would be a good time to discuss this.

Staff would like to have the Commission’s full draft list in the next 1-2 meetings if not this evening, however, to help having a complete draft for Council and public review in October.



## MEMORANDUM

**TO:** South Burlington Planning Commission  
**FROM:** Paul Conner, Director of Planning & Zoning  
**SUBJECT:** LDR Amendment: Increased Coverage in Urban Design Overlay District [Continued]  
**DATE:** September 22, 2020 Planning Commission meeting

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At the Commission's August 11<sup>th</sup> meeting, members considered a possible amendment to allow for increased lot [and building] coverage within the Urban Design Overlay District. [8/11 [Packet & Memo](#); [Minutes](#)].

Staff was requested to explore two additional options for the Commission's consideration:

- Payment into a City fund that would be used for open space / parks development
- Use of Transferable Development Rights to obtain the increase

Below please find a discussion of each:

### **Payment-in-Lieu into a City Fund**

Staff reviewed this option with the City Attorney. The option is available to the Commission, subject to an amendment to the LDRs made by the Commission and adopted by the City Council. Key legal considerations are

- (a) As proposed, this would be a "bonus" and not a requirement for development of the land. The responsibility for a direct nexus between the standard and the implementing project is less acute in this instance, because this is an optional bonus, and the property owner is able to pursue development of their property without acquiring this additional lot coverage.
- (b) As proposed, the proposal is one of two (or more) options made available to a property owner to achieve this "bonus" lot coverage.
- (c) The fund to which a payment is made must be reasonably linked to the purposes of the regulation that allow the increased lot coverage, or the impact that it creates. In this case, a relationship would need to be established to the increased lot coverage – offsetting for the purposes of establishing or enhancing recreational land in the City, improving water quality, beautification, etc.

In terms of an amount of payment, if Commissioners would like to pursue this option, staff can develop a proposal. In the City Center FBC district, there is a similar option available, wherein a property of less than 2 acres in size may make a payment in lieu of their Open Space requirement equal to the average value of that amount of land across all parcels of land 2 acres or less in size in the FBC District. A similar metric could be applied in this instance. Staff will research the amount of that prior to the meeting. If the Commission elects to advance this option, draft language can be made available for an October meeting.

## **Transfer of Development Rights [pilot project]**

The proposal to permit an increase in lot coverage could additionally be achieved through the application of TDRs. This would be the first application of “receiving” TDRs outside the Southeast Quadrant. It could be advanced as a pilot project for future expansion of TDRs. The draft language below is intended to address this small pilot project; it does not otherwise yet address the recommendations of the TDR Interim Zoning Committee (which include a more thorough review/amendment of the standards). This pilot would not preclude those proposals.

### **9.05 Transfer of Development Rights; Sending & Receiving Areas and Residential Density**

The planned maximum residential build-out in the SEQ District has long been limited to approximately 3,800 dwelling units, plus an allowance for affordable housing density bonuses. In order to maintain this limitation on the overall development of the SEQ District and to encourage both well-planned residential development in clusters and the preservation or protection of open space, natural resources, scenic views and agricultural uses, the Transfer of Development Rights is hereby authorized within the SEQ District. To allow for the redistribution of development to areas priority development areas outside the SEQ District, the Transfer of Development Rights to land within the Urban Design Overlay District is also authorized as enumerated in this Section.

#### **A. Sending and Receiving Areas**

- ~~(1) Lands within the SEQ-NR, SEQ-NRN, SEQ-VR and SEQ-VC sub-districts are designated as receiving areas.~~
- ~~(2) Lands within the SEQ-NRP sub-district are designated as sending areas.~~
- ~~(3) Lands within the SEQ-NRT sub-district area designated both as sending areas and receiving areas.~~

**A. Sending and Receiving Area.** The Transfer of Development Rights (TDRs) is comprised of two parts: sending areas and receiving areas. Sending areas are those from which TDRs can be exported, and receiving areas are those to which TDRs can be imported.

#### **B. Sending Areas.** Lands within the following areas designated as Sending Areas:

- (1) Lands within the SEQ-NRP and SEQ-NRT sub-districts

#### **C. Receiving Areas.** Lands within the following areas designated as Receiving Areas:

- (1) Lands within the SEQ-NR, SEQ-NRT, SEQ-NRN, SEQ-VR and SEQ-VC sub-districts;
- (2) Parcels with land located within the Urban Design Overlay District

**DB. Assigned Density:** For the purposes of the Transfer of Development Rights, all land in the SEQ District is provided an Assigned Density based on the maximum residential build-out of the SEQ District. The maximum assigned density of a parcel shall be one point two (1.2) dwelling units and/or lots per gross acre.

- (1) SEQ-VC:** Lots in the SEQ-VC sub-district that were in existence as of the effective date of this Article and that are two acres or less in size shall be allowed an assigned residential density of four (4) dwelling units to the acre.

**EC. Allowable Density for Development that does not Include a Transfer of Development Rights:** If a PUD does not include Transferrable Development Rights, the number of dwelling units that may be developed, or the number of single family house lots that may be created, in the PUD shall not exceed an average density and a maximum number of units per structure as follows:

- (1)** In the SEQ-NRP sub-district, the provisions of Section 9.12 shall apply.
- (2)** In the SEQ-NRT, SEQ-NR, SEQ-NRN and SEQ-VR sub-districts: One point two (1.2) dwelling units to the acre and four (4) dwelling units per structure.
- (3)** In the SEQ-VC Subdistrict:

- (a) For lots that were in existence as of the effective date of this Article and that are two acres or less in size: four (4) dwelling units per acre
- (b) For all other lots: One point two (1.2) dwelling units to the acre and four (4) dwelling units per structure.

**FD. Allowable ~~Residential~~ Density for Development that Includes a Transfer of Development Rights**

(1) If a PUD in the Southeast Quadrant Zoning District uses Transferrable Development Rights, the number of dwelling units that may be located on, or the number of single-family house lots that may be created within, a contiguous development parcel subject to a single PUD or Master Plan approval shall be increased to a maximum average density as follows:

(a) In the SEQ-NRT and SEQ-NR sub-districts: Four (4) dwelling units to the acre and four (4) dwelling units per structure.

(b) In the SEQ-NRN sub-district: Four and two-thirds (4.67) dwelling units to the acre and four (4) dwelling units per structure.

(c) In the SEQ-VR and SEQ-VC sub-districts: Eight (8) dwelling units to the acre and six (6) dwelling units per structure.

Such average densities may be achieved only as part of a Planned Unit Development application.

Where a structure has been approved as part of a Master Plan prior to January 9, 2012 with a greater number of dwelling units than those permitted in these Regulations, such approved number of units in a structure shall remain in effect.

(2) If a site plan or PUD outside the Southeast Quadrant Zoning District uses Transferrable Development Rights, the amount of development density that may be located on a development parcel subject to a single site plan or PUD approval shall be increased as follows:

(a) In the Urban Design Overlay District, lot coverage equal to ten (10) percentage points greater than the maximum listed for the underlying zoning district in Appendix C.

**E. Development Rights Necessary to Obtain Density Increase**

To obtain the increased density allowable in a receiving area, transferrable development rights must be acquired from 0.83 acres of land in a sending area for each unit of increased development within a additional dwelling unit approved for development on the rReceiving Area parcel beyond the maximum average density that would be allowable on that parcel if the PUD-application did not use transferrable development rights. A unit of increased development is defined as:

(1) A residential dwelling unit (excluding accessory apartments), or;

(2) Lot coverage of 10,000 s.f. **[or 5,000 s.f.]**

Transferable Development Rights must be transferred in whole increments.

**SOUTH BURLINGTON PLANNING COMMISSION  
MEETING MINUTES  
25 AUGUST 2020**

The South Burlington Planning Commission held a regular meeting on Tuesday, 25 August 2020, at 7:00 p.m., via remote electronic participation.

**MEMBERS PRESENT:** J. Louisos, Chair; B. Gagnon, M. Ostby, M. Mittag, D. Macdonald, P. Engels

**ALSO PRESENT:** P. Conner, Director of Planning and Zoning; S. Dooley, L. Ravin, F. Von Turkovich, A. Chalnack, A. & C. Long, J. Nick, L. Kingsbury, D. Long, K. Ryder

**1. Agenda: Additions, deletions or changes in order of agenda items:**

No changes were made to the agenda.

**2. Open to the public for items not related to the Agenda:**

No issues were raised.

**3. Planning Commissioner announcements and staff report:**

Mr. Conner said things are very busy in the office due in part to lots of refinancing and to noise issues connected with the building of a street in the SEQ, and noted that the Council is looking into noise issues; this issue may get to the Planning Commission in the next few months.

**4. Work Session on Land Development Regulation Overhaul:**

- a. Presentation and discussion of Subdivision, Master Plan, and PUD Standards**
- b. Review and discussion of key questions**
- c. Staff update on Habitat Block map and analysis; Commissioner questions**

Mr. Conner noted the repackaging of materials to make things clearer. Things will all be pulled together in the next few meetings.

Mr. Conner then presented a power point focusing on subdivisions, master plans, PUDs, environment protection standards, site plan standards and related amendments.

PUDs are not intended to solve every problem. They address large neighborhoods and some infill neighborhoods and can complement zoning standards. Other tools include subdivision regulations, zoning district standards and Form Based Codes.

Mr. Conner showed overhead photos of city neighborhoods such as Mayfair Park, the Orchards and Prouty Parkway which do meet all the standards. He also showed the Village at Dorset Park which has some small blocks and one very large block (which would have had a mid-block connection were it to be approved today). He also showed the Dorset Street/Barrett Street neighborhood and noted the San Remo block where a street is planned to break up the long block. Mr. Conner also noted some commercial examples such as Larkin Terrace and the corner of Shelburne Rd. and Farrell Street as well

as Taft Corners in Williston which also meet block standards. The concept is that a standard block size can fit all types of development. Mr. Conner noted that once roads are set, there are there forever; the question is what can take place decades from now.

Regarding density, Mr. Conner showed how different arrangements can work in the same block area. The idea here is that the numeric density is secondary to the scale of the building on the site. He showed some examples from Oregon and said the question is how to get different housing types into a block. To demonstrate this, Mr. Conner showed a side-by-side duplex, stacked duplex, townhouses, a South Village triplex, a 4-plex that will look like a single-family home, and the Kirby Cottages (Mr. Conner noted that the Kirby Cottages have all been purchased by a South Burlington Company for housing for employees).

Mr. Mittag asked how you deal with traffic with 60+units on a block. Mr. Conner said South Burlington is not planning anything on that scale, probably about half of that. There can also be incentives so people are not always in cars, and there can be some non-residential components so every trip is not a vehicle trip.

Mr. Von Turkovich asked whether building types are exclusive or just a way to get a discussion started. Mr. Conner said they are just a sampling. There is a full list available. Mr. Von Turkovich said he liked the block sizing.

Ms. Louisos asked if housing types would be considered at the subdivision level. Mr. Conner said there is nothing to preclude that, but it is a leap to do so.

Ms. Ostby asked if there are examples of where this has happened. Mr. Conner said Minneapolis did it recently and cities in the Pacific Northwest have been doing it for some time.

Mr. Conner then outlined the 4 types of PUDs being considered:

- a. Traditional Neighborhood
- b. Neighborhood Commercial
- c. Conservation
- d. Infill/Redevelopment

He added that the Commission may look at a “Campus” PUD later, but that in order to complete the principal part of this project in the nearer term, that this piece had been put as a lower priority.

Each of the PUDs is proposed as a “floating zone” on an overlay zone as defined under the current LDRs, generally affiliated with an underlying district. Each PUD type will have a minimum trigger for applicability, and more than one PUD type may be permitted within a parcel as long as the minimums are met.

The Resource Protection Standards in Articles 10 and 12 would apply to PUDs. In all PUDs except the Conservation PUD, hazards and Level 1 resource areas would be set aside as undevelopable and would

be excluded from the buildable area calculation. In Level 2, resource areas, would be included in the buildable area to determine density. Resource protection standards would still apply.

In the Conservation PUD, 70% of natural resources must be set aside (how that is calculated would be up to the Planning Commission). It would be the Commission's option to base requirements on a full parcel and to exclude Level 1 and both Level 1 and Hazards. Level 2 resources may include land not otherwise regulated in Article 12, such as agricultural soils or farms. An applicant could build on 30% of non-hazard land which may include some Level 2 resources, if these resources exceed 70% of the remaining property. Mr. Conner noted that all of these numbers and calculations are up to the Commission

Mr. Conner then showed a chart of Residential Development Density Options. He showed 4 different ways to calculate maximum density. The remaining question for the Commission to consider is whether to go with a "land-based" density option or a "building type-based" option. The land-based option would, for example, could be 4 units per acre minus hazards, etc. The building-based option would construct density based on building types and their allocated land area. A maximum number of different types of homes would be established. In the latter case, a bonus would become more of an allowed housing type or possibly a different housing type.

Mr. Conner showed a chart describing various building types (e.g., detached house carriage house, duplex, multiplex, etc.). He also showed a chart of Building Form Based Density (buildings per acre on residential land after Level 1 and Hazards are removed).

Mr. Macdonald said it looks as though the building-based option allows more density. Mr. Conner said that you could draw the density numbers wherever you want. But if you went with, say, just doubling the minimum to be the maximum using the other method – the land-based method – you would wind up with fewer dwelling units per acre total in those areas and/or an odd mish-mash of building types in those areas if you allowed multi-plexes. So it does allow for more [density], but it is very context sensitive. The DRB would have guidance to consider such things as transit routes, adjacent neighborhoods, etc.).

Mr. Conner said both approaches could work for infill types of development and in a Conservation PUD (you can get the same amount of density you would get before deducting the 70%). While both forms would work, the message would be simpler with a "land-based" approach, especially for a Conservation subdivision.

Ostby asked if given the density issues being discussed, whether the current LDR stating that SEQ gross density of 1.2 units per acre is clear in its intent. Is it meant to be a maximum density average across the SEQ, as a goal? Or is it meant to be a maximum density per development? Further that if the changes being considered during Interim Zoning (enhancing PUDs and increasing natural resource protection) would impact the ability to meet a 1.2 unit per acre gross density, or if this calculation needs to be reconsidered by the PC.



Mr. Conner gave examples of how a Conservation PUD, or a TND, would work, and how the application of TDRs could make a difference. In the SEQ, staff's working draft states that without TDRs, there would be a minimum density set in whatever area you wanted to build. You would get density on the buildable part of the property. The remainder of the land would be for conservation or reserved for future use if you chose not to bring in TDRs.

Mr. Mittag asked what would happen if a person had a large parcel and wanted to set aside 90% and build homes on 4 or 5 large lots. Mr. Conner said the person could go with a straight subdivision. The Commission wouldn't have to put in a minimum density. He also noted that there are areas where the city may want a minimum amount development. He added that the Conservation PUD could also be designed without a minimum density in some areas.

Mr. Engels said he heard that there are only 700 acres left for development in the city. Mr. Conner said that is probably close in terms of land not incumbered. It does not include land that could be used for redevelopment and infill. Mr. Engels suggested focusing on those 700 acres. He said what he is hearing sound close to Form Based Code, and he felt that was worthwhile to explore. It is a simple system while the other is more complex, especially when you're looking at only 700 acres. Mr. Conner noted that PUDs and Form Based Code are not all that dramatically different from each other.

Mr. Gagnon noted that even with Form Based Code, certain building types and street types are defined, and that is what a PUD is doing....like a Form Based Code without the T-zones. Mr. Conner felt that was accurate. He felt there was nothing to preclude the city from over time moving away from PUDs once there are specific neighborhoods designed and laid out through the City's detailed work in those areas.

Mr. Mittag felt commercial and industrial zones might be appropriate places for Form Based Code.

Mr. Conner said he didn't expect anything to be settled at this meeting. At the next meeting, all this will be put together with the conservation pieces.

Mr. Chalnack asked about having a large parcel with a lot of resources to conserve, but a person wants to sell off a few parcels along the road. Mr. Conner said that is a policy decision. The first PUD draft did have a minimum density, but that is not set in stone. Mr. Chalnack asked whether a landowner could choose a Conservation PUD. Mr. Conner said in most of the country, that would be established. The proposal for the Planning Commission is that in all residential and lower density areas it would be an option for an owner.

Noah Hyman, another member of the public, said he wants to building houses for his 4 kids and create a "family compound." He asked if what is proposed would inhibit his ability to do that and whether he would have to create a minimum density. He also felt that what he heard tonight devalues TDRs.

Mr. Conner said it is an objective of the TDR Committee to retain the TDR value. TDRs could go outside PUD areas (e.g., Shelburne Road, Williston Rd) where residential density could be increased.

Ms. Dooley said she would like to hear the community's perspective on this, particularly with relevance to affordability and what kind of community people want.

Mr. Conner said that relates to the "missing middle," and that is why the proposal is looking at different ways to consider density and create a variety of housing. He stressed that this is not a "silver bullet." Ms. Dooley said it is important to make that link explicit. She felt it is important to have a goal of inclusion so that people of one income level aren't living in one part of the community and those of another level in another part of the community. Ms. Ostby said she felt inclusionary zoning needs to be city-wide.

Mr. Macdonald asked whether the 700 developable acres are identifiable. He felt if the Commission could see them, they could consider what should go there. Mr. Conner said "absolutely." The conversation could be tied to the map of available parcels.

Ms. Ostby said she would offer a remote listening session to community members and help develop a map so people can form questions for the Commission.

Ms. Louisos noted an offer from a community group to speak with the Commission regarding housing. They made a presentation to the City Council. Mr. Gagnon felt that would be good as some residents follow the Commission and not the Council, and the report does supplement what the Commission has been talking about.

Ms. Louisos said she would work with Mr. Conner about the timing for that presentation.

**5. Minutes of 27 November 2018, 17 December 2019, 2 February, 11 February and 11 August 2020:**

Mr. Gagnon moved to approve all of the above Minutes as written. Mr. Mittag seconded. Motion passed unanimously.

**6. Other Business:**

Ms. Ostby said she would like to know how people affected by the 2 different development types feel about them. Mr. Conner said the biggest difference is that with "parcel-based", unless you go with a really high number, you don't get a mixture of housing types and there are gaps which preclude walkable neighborhoods.

Members agreed to hold the next meeting on Wednesday following Labor Day as the City Council will be meeting on the Tuesday.

**As there was no further business to come before the Commission, the meeting was adjourned by common consent at 9:05 p.m.**

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Clerk

DRAFT



# Town of Shelburne, Vermont

CHARTERED 1763

P.O. BOX 88 5420 SHELBURNE ROAD SHELBURNE, VT 05482

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Clerk/Treasurer	Town Manager	Zoning & Planning	Assessor	Recreation	FAX Number
(802) 985-5116	(802) 985-5110	(802) 985-5118	(802) 985-5115	(802) 985-9551	(802) 985-9550

## INVITATION TO COMMENT ON ZONING AMENDMENTS

**TO: DISTRIBUTION LIST**  
**FR: SHELBURNE PLANNING COMMISSION VIA DEAN PIERCE, DIR OF PLANNING**  
**RE: ZONING BYLAW AMENDMENT**  
**DA: SEPTEMBER 11, 2020**

On September 10, 2020, the Shelburne Planning Commission voted to conduct a public hearing on proposed amendments to Shelburne's Zoning Bylaw at 7 PM on October 8, 2020. The extent of the proposed changes is detailed in the attached memorandum.

The meeting of which the hearing is part will begin at 7:00 p.m. To comply with Governor Phil Scott's 'Stay Home/Stay Safe' order the meeting will be conducted remotely using the Zoom online platform. It will also be possible to participate in the meeting via telephone. Those who plan to participate in the hearing are encouraged to also submit a written version of their comments in advance. (Details will be posted on the Town of Shelburne web site.)

### To participate:

#### Via web browser:

<https://us02web.zoom.us/j/88284148798?pwd=UThYYmtzOEVCTldYQXJLYTZ5bFNIUT09>

#### Via zoom.us app:

Meeting ID: 882 8414 8798; Password: 3Wu9Fx

#### Via telephone:

929 205 6099; Meeting ID: 882 8414 8798; Password: 292453

It is not necessary to participate in the hearing to offer comments. Written comments may be submitted in advance of the hearing to Dean Pierce, AICP, Director of Planning and Zoning, 5420 Shelburne Road, PO Box 88, Shelburne, VT 05482. Please direct email to [dpierce@shelburnevt.org](mailto:dpierce@shelburnevt.org).

# MEMORANDUM

TO: RECIPIENTS  
FR: DEAN PIERCE, ON BEHALF OF PLANNING COMMISSION  
RE: HEARING ON PROPOSAL TO AMEND ZONING BYLAWS  
DA: SEPTEMBER 11, 2020

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## BACKGROUND

On September 10, 2020, the Shelburne Planning Commission voted to conduct a public hearing on proposed amendments to Shelburne's Zoning Bylaw at 7 PM on October 8, 2020. In addition, Staff was directed to distribute the proposed amendment and a "zoning change report" as required by statute. This memo and other materials were prepared in response to that directive.

## PROPOSED MODIFICATIONS

The Planning Commission proposal would modify aspects of the bylaw relating to: a) Nonconforming structures and b) Setbacks. The first proposal would increase opportunity for expansion of structures in the Rural District. The second proposal would modify the definition of Setback by expanding the list of features that are not subject to default setback requirements. A list of the sections modified by the proposal is presented below.

<i>Article</i>	<i>Section</i>
XIX	1920.2.B.2
	1920.2.C
XXI	2110.146

The text of the language to be the subject of the hearing is presented in boxes in the documents attached. Language to be added to the bylaw (within the boxes) is shown in color with underscore. Language to be deleted is shown in color with ~~strikethrough~~ (strikethrough). Highlights are an artifact and are not part of any proposal to change the bylaw.

## ZONING CHANGE REPORT

A report prepared in accordance with 24 V.S.A. §4441(c) is also attached. This report describes how the proposal "Conforms with or furthers the goals and policies contained in the municipal plan..." and "Is compatible with the proposed future land uses and densities of the municipal plan."

Would modify 1920.2.B.2

#### Allowances in Rural District

2. In the Rural District, a structure that is nonconforming by virtue of the structure extending into the required front setback, may be expanded or extended if such expansion or extension does not extend any closer to the lot frontage than the existing structure, except as limited below.

a) that One and Two family Dwellings, Licensed Day Care, Registered Family Day Care and related accessory structures. In no case shall the building footprint of the expansion exceed one hundred (100) percent of the existing building footprint, or 1,500 square feet, whichever is greater.

b) Other allowed uses and related accessory structures not included in sub paragraph a above.

in no case shall the building footprint of the expansion exceed twenty-five (25) percent of the existing building footprint or 750 square feet, whichever is greater.

c) All allowed uses and related accessory structures. Such expansion or extension may occur within a required side yard setback so long as the expansion or extension does not extend any closer to the side boundaries than the existing structure.

## Procedures

- C. Structures that are nonconforming by virtue of encroachment in any required yard setback may be modified subject to the requirements above, pursuant to the following procedure:
1. One or two family residential structure or structure containing a licensed day care or registered family day care, or related accessory structure. Such requests may be approved upon review by the Administrative Officer. To approve any such proposal, the Administrative Officer must first determine that the proposal will not result in any of the following:
    - a) encroachment on any public highway right of way or municipal easement;
    - b) modification of established drainage pattern; or
    - c) undue, adverse impact on the character of the neighborhood..
  2. A ~~nonconforming s~~Structure containing other uses, or accessory structure related thereto. Such structure may not undergo ~~modification significant revision to major architectural elements (e.g., building massing, roof shape, entry arrangement, or fenestration pattern)~~ without prior conditional use approval of the Development Review Board under Section 1910 of these Regulations. In evaluating any such proposal, the DRB must determine before any approval is granted that the proposal will not result in any of the following:
    - a) encroachment on any public highway right of way or municipal easement;
    - b) modification of established drainage pattern; or
    - c) undue, adverse impact on the character of the neighborhood.

Setback Definition

The distance from any property line or street right-of-way line to the nearest point of a building on the lot bounded by that property line or street line, ~~including decks~~ but **excluding:** (A) eaves, sills, pilasters, gutters, leaders, cornices, bay windows, chimneys, and roof overhangs provided such features do not extend more than ~~three (3)~~four (4) feet from the remainder of the structure;

(B) ~~uncovered~~ steps to first floor entries and awnings provided such features do not extend more than ~~five (5)~~six (6) feet from the remainder of the structure;

(C) porches and decks provided such features do not extend more than eight (8) feet from the remainder of the structure and are at least 5 feet from the vertical plane of any lot line or Right of Way line;

(D) retrofit modifications to a structure made for energy efficiency purposes, provided that such features do not extend more than ~~eight (8) inches~~one (1) foot from the remainder of the structure; ~~and~~

(E) handicapped access ramps to the extent necessary to perform their proper function; ~~and~~

(F) Unenclosed patios or terraces, provided that such extension is at least 5 feet from the vertical plane of any lot line or Right of Way line.



# **Planning Commission Reporting Form for Municipal Bylaw Amendments (Form Based Zoning)**

Approved by Planning Commission on September 10, 2020

This report is in accordance with 24 V.S.A. §4441(c) which states:

*“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide (:)*

*(A) brief explanation of the proposed bylaw, amendment, or repeal and ....include a statement of purpose as required for notice under §4444 of this title,*

*(A)nd shall include findings regarding how the proposal:*

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

## **Brief explanation of the proposed bylaw amendment.**

The Planning Commission proposal would modify aspects of the bylaw relating to: a) Nonconforming structures and b) Setbacks. The first proposal would increase opportunity for expansion of structures in the Rural District. The second proposal would modify the definition of Setback by expanding the list of features that are not subject to default setback requirements.

## **Purpose**

The Planning Commission has developed the changes in response to requests and/or inquiries made by Shelburne property owners. The Commission believes the proposed changes address the issues expressed by the property owners while also reflecting the policy input and prerogatives of the Commission. The proposal also responds to and contributes to the advancement of Comprehensive Plan policies.

## **Findings regarding how the proposal conforms with or furthers the goals and policies contained in the municipal plan**

Under state law, the Zoning Regulations must be “in conformance with” the Plan. To be “in conformance with” the Plan, the bylaw must: make progress toward attaining, or at least not interfere with, the goals and policies contained in the Plan; provide for proposed future land uses, densities, and intensities of development contained in the Plan; and carry out any specific proposals for community facilities, or other proposed actions contained in the Plan.

The Planning Commission finds that the proposal conforms with or furthers the goals and policies contained in the municipal plan. Such policies include but are not necessarily limited to the following:

**GOAL:** Pursue future land use based on the principles of “placemaking.” Placemaking is the process of creating quality places where people want to live, work, play and learn. Thus, the explicit aim of the future land use section of this plan is to promote the creation of quality places that combine:

- a) Appropriate physical form (i.e., development occurs at a human scale and is pedestrian oriented),
- b) A mix of land uses and functions, and
- c) A mix of social opportunity.

**OBJECTIVES:**

- 6. Identify, preserve, and promote landscape aspects and structures that support Shelburne’s historic and contemporary character as a valley farming town set against the grandeur of lake and mountain vistas. Important vistas include both close and distant views of farms, woodlands, and water bodies as well as historic architecture and its setting. These scenic vistas and iconic landscapes we so value exist and are visible both in and from both the developed landscape and the rural and conservation zones.
- 7. Recognize that each development situation presents a unique set of factors. Throughout the town, achieve desirable forms of development that enhance existing scenic characteristics, minimize the introduction of discordant features, and safeguard the integrity of natural resources while protecting neighborhood values.

**RECOMMENDED ACTIONS:**

- 4. Create guidelines depicting how new development can be successfully integrated in a variety of settings in the undeveloped portions of the Growth Areas and in the Rural Area.

**GOAL:** To preserve and maintain the agricultural, economic, environmental, recreational, and aesthetic benefits provided by Shelburne’s rural lands while at the same time balancing the town’s need for growth and successful integration of the town into the larger regional community.

**OBJECTIVES:**

- 3. Recognize that Shelburne’s road corridors form the ‘bones’ of this community, and especially in the rural area, roadscape are the primary means by which both visitors and residents experience the town. They are the outward expression of community identity and heritage. Consider adopting design guidelines to guide site planning, height bulk and scale compatibility and architectural character of new development occurring in these irreplaceable scenic contexts to increase the likelihood that it will be compatible.
- 5. Recognize that collective sense of place in the Rural Area is an expression of the interplay of natural, scenic and historic resources. Support continuance of this cultural heritage by valuing and protecting rural place identities.

**RECOMMENDED ACTIONS:**

- 1. Revise the Zoning Regulations to implement the above goal and objectives.

**GOAL:** To have an adequate supply of housing to accommodate a diverse array of residents, but which does not adversely impact the town's scenic and natural resources or the ability to provide public facilities and services.

**OBJECTIVES:**

4. Consistent with regional guidelines, the Town will develop and pursue policies that result in, on average, ten percent of new housing units constructed being Workforce Housing, which is defined as housing for households with incomes between 80% and 120% of the county median income for the appropriate household size. Perpetual Workforce Housing designation shall be assured through binding legal mechanisms.
8. Continue to encourage the development of a variety of appropriately scaled housing options for elder residents (congregate housing, continuing care, assisted living, home care, nursing care, etc.) and a wider variety for singles, downsizers, young families (rental apartments, small condominiums, small detached dwellings).
9. Promote use of innovative and creative development layouts and design and construction techniques so that residential buildings fit their landscape and setting. Also require new construction to minimize energy footprint consistent with the Energy section of the Comprehensive Plan and state energy goals.

**RECOMMENDED ACTIONS:**

1. Amend the Town's Zoning Ordinance to encourage, within areas designated for high levels of growth, the development of housing for young families (e.g. rental apartments, small condominiums, and small, detached dwellings), and a variety of housing options for elders.

**GOAL:** To encourage the continued growth and diversification of Shelburne's economy in a manner that enhances the general well-being of the community, and which does not detract from the overall character of the community, while adhering to smart growth principles.

**OBJECTIVES:**

1. Ensure that commercial and appropriate industrial development, and associated employment opportunities, take place in accordance with the Land Use section of this Plan.
4. Encourage forms of economic development that complement and are compatible with existing institutions and businesses.

**RECOMMENDED ACTIONS:**

4. Facilitate development review and permitting to the extent permitted by law for commercial and industrial development in areas designated for such uses in the Land Use section of this Plan. Establish expedited review process for development projects implementing key objectives of Comprehensive Plan.

well as related Comprehensive Plan language. They believe that:

- By relaxing restrictions on expansion of certain non-conforming residential structures and further by authorizing administrative approval of changes, the proposal would promote housing and housing retention. Such expanded housing could help accommodate a diverse array of residents in ways that do not adversely impact the town's scenic and natural resources or public facilities and services. The Commission's reasoning is that the change would allow or perhaps encourage owners of certain residential structures to invest in those properties even when expansions would not meet setback requirements.
- Similarly, by relaxing restrictions on expansion of certain non-conforming commercial structures, the proposal would support the growth and diversification of the Town's economy and thus enhance the general well-being of Shelburne residents. The Commission's reasoning is that the change would allow, with DRB approval, certain commercial activities to 'expand in place' where structures housing those activities do not meet setback requirements.
- By modify the definition of Setback by expanding the list of features that are not subject to default setback requirements, the proposal would encourage "placemaking," which is the process of creating quality places where people want to live, work, play, and learn. The Commission's reasoning is that the change will remove barriers to certain placemaking-friendly building features, such as porches, in locations where they are currently precluded.

Commissioners also recognize the potential for the proposal to promote other Comprehensive Plan goals and objectives.

**Findings regarding how the proposal is compatible with the proposed future land uses and densities of the municipal plan**

The default development densities authorized by the zoning bylaws are not affected by the proposal. Thus, in conclusion, the Planning Commission finds that the zoning amendment proposal that is the subject of this report would be entirely compatible with the Comprehensive Plan.

**Findings regarding how the proposal carries out, as applicable, any specific proposals for any planned community facilities.**

The proposed amendment does not directly carry out specific proposals for any planned community facilities. In addition, the proposed amendment does not conflict with any specific proposals for planned community facilities.

## **CERTIFICATE OF SERVICE**

**I, Dean Pierce, hereby certify that this memorandum and enclosure were sent to the following people, via email, on April 27, 2020:**

**Department of Housing and Community Affairs** via Jenni Lavoie Administrative Services Coordinator  
National Life Building, 6th Floor  
Drawer 20  
Montpelier, VT 05620

**South Burlington** Planning Commission via **Paul Conner, Director of Planning and Zoning**  
South Burlington, Vermont 05403

**Williston** Planning Commission via **Matt Boulanger, Director of Planning and Zoning**  
Williston, Vermont 05495

**St. George** Planning Commission via **Planning Commission members Chantal Beliveau / Bill Newton / Nina Friscia**  
St. George, VT 05495

**Hinesburg** Planning Commission via **Alex Weinhagen, Director of Planning and Zoning**  
Hinesburg, VT 05461

**Charlotte** Planning Commission via **Larry Lewack, Town Planner**  
Charlotte, Vermont 05445

**Chittenden County Regional Planning Commission**, via Charles Baker, **Executive Director / Regina Mahoney, Senior Planner**  
Winooski, Vermont 05404

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**Dean Pierce**

**Date: \_\_September 11, 2020\_\_**