



South Burlington Planning Commission

575 Dorset Street
South Burlington, VT 05403
(802) 846-4106
www.sburl.com

Meeting Tuesday, November 10, 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-2020-11-10>

Telephone (audio only): (872) 240-3212; **Access Code:** 928-311-013

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. ****Public Hearing on Proposed Amendments to Land Development Regulations:** (7:15 pm)
 - a. LDR-17-13A: Allow for increase in maximum building and lot coverage on properties with land in the Urban Design Overlay District via installation of an on-site civic space
 - b. LDR-17-13B: Allow for increase in maximum lot coverage on properties with land in the Urban Design Overlay District via use of Transferable Development Rights from designated Sending Areas
 - c. LDR-19-06: Modify Table of Open Space Types (Appendix F) and Applicability in the City Center Form Based Code District
 - d. LDR-20-18A: Eliminate requirement for submission of paper copies of applications under the Land Development Regulations
5. **Review input from public hearing on Draft Amendments and possible action to approve and submit Amendments and Planning Commission Report to City Council** (7:30 pm)
6. ***Work Session on Land Development Regulation Amendments:** (7:35 pm)
 - a. Review possible standards applicable to the 0.2% (500-year) floodplain zone (7:35 pm)
 - b. Receive completed draft changes to mapped Habitat Block applicability and Southeast Quadrant Zoning district boundary adjustments requested by the Planning Commission 10/13 (8:20 pm)
 - c. Discuss Planned Unit Development types within the Southeast Quadrant Zoning District (8:25 pm)
7. **Minutes:** October 13, 2020 and October 27, 2020 (8:55 pm)
8. **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 circulated 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.



MEMORANDUM

TO: South Burlington Planning Commission
FROM: Paul Conner, Director of Planning & Zoning
SUBJECT: Planning Commission Meeting Memo
DATE: November 10, 2020 Planning Commission meeting

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:

- The City Council Extended Interim Zoning for a period of six (6) months last week, with two possible 3 months extensions beyond that period. Councilors expressed a strong interest in receiving the updated LDRs in the winter, in advance of the six-month period, but also wanted to set realistic expectations for all parties given the pandemic and upcoming holidays.
 - The City Council also heard a proposed application for a small, compact residential neighborhood at 600 Spear Street under the Interim Zoning Bylaw. The applicant discussed the manners in which they are striving to meet the objectives of the PUDs. The Council closed the hearing and will issue a decision in the coming weeks.
 - The City Council, thirdly, approved a fine structure for enforcement of the Land Development Regulations through the Judicial Bureau. This enables an additional enforcement tools for the Zoning Administrator for violations that are more operational in nature rather than site-plan or structure based (which would most likely be enforced through the traditional “notice of violation” to the Environmental Court)
 - If you have not been along Market Street recently, take a look! The new Library + City Hall is coming together!
4. ****Public Hearing on Proposed Amendments to Land Development Regulations:** (7:15 pm)
 - a. *LDR-17-13A: Allow for increase in maximum building and lot coverage on properties with land in the Urban Design Overlay District via installation of an on-site civic space*
 - b. *LDR-17-13B: Allow for increase in maximum lot coverage on properties with land in the Urban Design Overlay District via use of Transferable Development Rights from designated Sending Areas*
 - c. *LDR-19-06: Modify Table of Open Space Types (Appendix F) and Applicability in the City Center Form Based Code District*
 - d. *LDR-20-18A: Eliminate requirement for submission of paper copies of applications under the Land Development Regulations*

See enclosed memo and draft amendments.

5. Review input from public hearing on Draft Amendments and possible action to approve and submit Amendments and Planning Commission Report to City Council (7:30 pm)

If Commissioners are comfortable with the amendments as proposed, the following motion could be made:

"I move to approve amendments LDR-17-13A, LDR-17-13B, LDR-19-06, and LDR-20-18A and to submit the amendments and Planning Commission Report to the City Council."

Commissioners are also welcome to make changes to the draft and approve them at a later date.

6. *Work Session on [Land Development Regulation Amendments](#): (7:35 pm)

- a. *Review possible standards applicable to the 0.2% (500-year) floodplain zone (7:35 pm)*
See enclosed staff memo.

- b. *Receive completed draft changes to mapped Habitat Block applicability and Southeast Quadrant Zoning district boundary adjustments requested by the Planning Commission 10/13 (8:20 pm)*
See enclosed staff memo.

- c. *Discuss Planned Unit Developments within the Southeast Quadrant Zoning District (8:25 pm)*

In discussing PUD types applicable to the Southeast Quadrant (SEQ), Commissioners have flagged several topics for future discussion. They include:

- Role of land zoned SEQ-Natural Resource Protection within TNDs and Conservation PUDs.
- Options for Conservation Planned Unit Developments in the SEQ
- Applicability of TDRs in Traditional Neighborhood Developments (TNDs)

Staff would like to start a discussion on these topics and to consider overall applicability of the PUD types within objectives for the SEQ. We've been discussing some ideas that we'd like to share at this meeting in preparation for a full discussion at your next regular meeting, November 24th.

7. [Minutes](#): October 13, 2020 and October 27, 2020 (8:55 pm)

8. Adjourn (9:00 pm)



MEMORANDUM

TO: South Burlington Planning Commission
FROM: Paul Conner, Director of Planning & Zoning
SUBJECT: Proposed Amendments to the Land Development Regulations
DATE: November 10, 2020 Planning Commission meeting

Enclosed with your packet please find the amendments that the Commission warned for public hearing last month. Staff received no comments from the public.

The City Attorney provided a legal review. A number of small adjustments in wording are proposed, along with re-organizing the section on TDR transfer to put the standards for transfer into a single section. The remainder of the modifications are minor in nature.

For ease of reading, staff has incorporated those proposed adjustments directly into the draft and specifically noted the changes in the “comments” section of the text.

Please review the final comment on LDR-17-13A & B as there is a policy question for Commissioners to consider.

Note: The format of the Open Space table does not lend itself to comments outlining the changes. Instead, those adjustments are noted below.

Plaza/Square

Description & Service Intent:

Provided clarity on term “context sensitive”

Seating, Tables, etc.:

~~Minimum of~~ One seating space for each 500 sq.ft. of plaza area ~~with a minimum of~~ 10 seating spaces. Seating is encouraged to be of a variety of types and socially oriented.

Courtyard:

Seating, Tables, etc.:

One seating space for each 500 sq.ft. of courtyard area, with a minimum of 10 seating spaces. ~~3-~~

Private Yard Space

Description & Service Intent:

Private yard space associated with a residential units.

Location & Access:

Directly adjacent to, and accessible to, at least one entry of the associated dwelling unit ~~it is associated with.~~

LDR-17-13A: Allow for increase in maximum lot coverage on properties with land in the Urban Design Overlay District via installation of an on-site civic space

LDR-17-13B Allow for increase in maximum lot coverage on properties with land in the Urban Design Overlay District via use of Transferable Development Rights from designated Sending Areas

2.02 Definitions

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Transferrable Development Rights. The development potential of a parcel of land assigned by these regulations ~~and measured in dwelling units per gross acre,~~ which may be severed from a parcel, the sending parcel, and which may be transferred to and used on another parcel, the receiving parcel. To the extent that the development potential of a sending parcel is used on a receiving parcel, rights or interests in the parcel created by a legal instrument in perpetuity, conserving the sending parcel and limiting the possible uses of the sending parcel to agriculture, forestry, natural area and/or outdoor non-motorized recreation shall be granted to the City, a State agency or a Qualified Organization, as defined in 10 V.S.A. section 6301a, as amended from time to time.

10.06 Urban Design Overlay District (UDO)

A. Purpose. It is the purpose of the Urban Design Overlay District to recognize the impact of simple design principles and to reflect a design aesthetic that fosters accessibility and creates civic pride in the City's most traveled areas and gateways, while furthering the stated goals of the City's Comprehensive Plan. The Urban Design Overlay District aids in fulfilling the City's vision ~~for the Southwest quadrant, which is~~ to enable infill and conversion development, encourage pedestrian movement, serve local and regional shopping and employment needs, and make use of existing public transportation. The City intends for the applicable areas to provide safe and inviting access to adjacent neighborhoods.

...

E. Allowance for Increase Lot Coverage via supplemental On-Site Open/Civic Space or Transferable Development Rights. For parcels with land underlying the Urban Design Overlay District, the maximum lot coverage may be increased by up to ten (10) percentage points using one of the two methods described below. Such allowance shall apply only to the subject lot with land underlying the Urban Design Overlay District and not any adjacent lots and must be approved in conjunction with a site plan or Planned Unit Development for the subject lot.

Example: For a lot in a zoning district where the maximum lot coverage as identified in Appendix C is 70%, the maximum lot coverage for said lot may be increased to 80%.

(1) On-Site Open/Civic Space Option. The applicant shall demonstrate compliance with each of the following standards as part of any proposal to increase lot coverage under this subsection:

- (a) For each additional increment of lot coverage, an area on the site equal to thirty (30) percent of said increment shall be designated on the site plan for the subject parcel as one or more Snippets/Parklets and/or Pocket/Mini-Parks as enumerated in Appendix F;
- (b) The selected Open/Civic Space type(s) must comply with all requirements and guidelines for the applicable type in Appendix F;

Commented [PC1]: Add word "Open"

Commented [PC2]: Replace "within" with "underlying" per legal review

Commented [PC3]: Minor wording changes per legal review

- (c) All elements of the applicable Open/Civic Space type shall be constructed prior to the issuance of a certificate of occupancy;
- (d) Where elements of such Open/Civic Space type are pre-existing, they may be used to qualify under this section; and,
- (e) Impervious areas within an approved Open/Civic Space shall not be considered lot coverage for the purposes of these Regulations.

(2) Transfer of Development Rights Option. The applicant shall demonstrate compliance with each of the following standards as part of any proposal to increase lot coverage under this subsection:

- (a) Provision of Options to acquire all necessary TDRs from a designated Sending Area as part of any application to the Development Review Board or Administrative Officer in accordance with Article 9 of these Regulations.
- (b) Recording of required documentation demonstrating completed transfer(s) of all necessary TDR, in a form acceptable to the City Attorney, shall be required prior to issuance of any zoning permit enabling use of increased lot coverage.
- (c) Only the minimum quantity of Transferrable Development Rights necessary to satisfy the requirements of the site plan or Planned Unit Development application may be transferred to the receiving parcel. If the minimum quantity of TDRs results in more available lot coverage on the receiving parcel than is required for the site plan or PUD application, that shall be noted in the decision and may be used in a subsequent application with no additional TDR transfer.

Commented [PC4]: Some rewording per legal review. Removes purchase of TDRs in 2,500 s.f. lot coverage increments and instead relies on the table in Article 9 (see below)

(3) Combined Applications. In no case shall the options listed above be used in combination or in addition to one another.

Transfer of Development Rights

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. TDRs are transferred and severed from lands within designated sending areas and transferred to and used on lands within designated receiving areas.

- (1) **Sending Areas.** Lands within the following areas are designated as Sending Areas:
 - (a) Lands within the SEQ-NRP and SEQ-NRT sub-districts.
- (2) **Receiving Areas.** Lands within the following areas are designated as Receiving Areas:
 - (a) Lands within the SEQ-NR, SEQ-NRT, SEQ-NRN, SEQ-VR and SEQ-VC sub-districts;
 - (b) Parcels with land underlying the Urban Design Overlay District.

Commented [PC5]: Replace "within" with "underlying"

- ~~(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.~~

B. 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.

C. Allowable Density for Development that does not Include a Transfer of Development Rights: If a PUD does not use 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:

Commented [PC6]: Replace "include" with "use" per legal review.

- (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.

D. 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 maximum development density that may be located on a development parcel subject to a site plan or PUD approval shall be increased as follows:

Commented [PC7]: Replace "amount of" with "maximum" per legal review.

(a) In the Urban Design Overlay District, lot coverage indicated in Section 10.06 of these Regulations.

E. Development Rights Necessary to Obtain Density Increase

(1) To obtain the increased density allowable in a receiving area in the SEQ District, transferrable development rights must be acquired from 0.83 acres of land in a sending area for each additional dwelling unit (excluding accessory dwelling units) approved for development on the receiving parcel beyond the maximum average density that would be allowable on the receiving parcel if the PUD did not use transferrable development rights.

Commented [PC8]: Section separated into 2: allowable density increase in SEQ, and allowable density increase outside SEQ.

(2) To obtain the increased density allowable in a receiving area outside of the SEQ District, transferrable development rights must be acquired as set forth on Table 9-0.

Table 9-0: Density Rights Required to Obtain Lot Coverage Increase

<u>Additional Lot Coverage Approved for Receiving Parcel beyond the Maximum Lot Coverage Allowed on the Receiving Parcel if Site Plan or PUD did not use TDRs</u>	<u>TDRs required from land in sending areas</u>
<u>Up to 10,000 SF</u>	<u>0.83 acres</u>
<u>10,001 SF – 20,000 SF</u>	<u>1.67 acres</u>
<u>20,001 SF – 30,000 SF</u>	<u>2.50 acres</u>
<u>Each additional increment of 10,000 SF</u>	<u>0.83 acres</u>

Commented [PC9]: Proposed table. Establishes increments of purchase of TDRs and their requisite TDRs acreage required.

Note: Draft for hearing separated into two areas of the LDRs and allowed for purchase of full or partial TDRs, with a single TDR measured at 10,000 s.f.

Draft for hearing allowed purchase of TDRs in ¼ increments. As drafted, purchase would be for 10,000 s.f. Commissioners may adjust as desired.

Appendix F: SEE LDR AMENDMENT #LDR-19-06

LDR-19-06 Modify Table of Open Space Types (Appendix F) and Applicability in the City Center Form Based Code District

2.02 Definitions

Open space. Land maintained in essentially an undisturbed, natural state for purposes of resource conservation, and/or maintaining forest cover; or that is enhanced and managed for outdoor recreation and civic use, working lands, or local food production. Open space must be of a quality and size that supports its intended function or use. Open space specifically excludes streets, parking areas, driveways and other areas accessible to motor vehicles.

Open space, common. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or employees of the development, and may include such complementary structures and improvements as are necessary and appropriate.

Open space, public. Open space owned in fee or by the City, a public agency, land trust, or non-profit organization and maintained for the use and enjoyment of the general public, health, safety, and welfare of the general public, habitat preservation, agriculture or urban agriculture, or preservation of other public goods such as landscape or scenic vista preservation.

Open Space, or Open/Civic Space, Qualifying. Open Space that meets all of the requirements of Tables 8-1 (Open Space Requirements), ~~8-2 (Qualifying Open Space)~~ and the requirements of Appendix F, Open/~~Civic~~ Space.

Commented [PC1]: Minor wording changes per legal review 11/3/2020

Open Space, Qualifiable. Open Space that meets the requirements of Tables 8-1 (Open Space Requirements) ~~and 8-2 (Qualifying Open Space)~~, and the following elements of Appendix F, Open/~~Civic~~ Space: Type ~~allowed in the applicable Transect Zone~~, Description ~~& Service Intent~~, Size, and Location & Access.

Commented [PC2]: Minor wording changes per legal review 11/3/2020

8.08 Open Space Requirements

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C. ~~Qualifying Civic/Open/Civic Space.~~ Qualifying ~~Civic/Open/Civic~~ Space is defined per the palette of options included in ~~Appendix F Table 8-2~~, and specifically *excludes* areas also intended for motor vehicular use, such as parking areas, driveways, travel lanes, etc.

Commented [PC3]: Reversed title for consistency per legal review 11/3/2020

Table 8-2. Qualifying Open Space

Transect Zone	Allowable Open Space (see Appendix F for standards)
T5	Pocket/Mini Park
	Plaza/Square
	Outdoor café/restaurant seating (not within the public right of way)
	Sun Terrace (as restricted in Appendix F)

	Courtyard
	Pedestrian Pass
	Indoor Park / Atrium
T4	All Open Space listed as allowable in T5 and;
	Playgrounds
	Green (residential and campus style development only)
	Community gardens
	Rain Gardens (as restricted in Appendix F)
	Wooded area (as restricted in Appendix F)
	Enhanced or recreational Wetlands/Stormwater Treatment Area (as restricted in Appendix F)
T3/T3+	Pocket/Mini Park
	Courtyard
	Green residential with more than 7 units only
	Private yard space (respecting common space requirement indicated in Table 8-1)
	Playground
	Community gardens
	Wooded area (as restricted in Appendix F)

...
E. Open Space Location

(1) Locating Open Space Off-Site

- (a) Qualifying open space may be located off-site, or on a parcel other than the one where the subject use is located, in areas designated in Table 8-1. Designated off-site qualifying open space must be located within City Center FBC District boundaries and must meet the standards articulated herein. Designated off-site open space must qualify under the palette of options listed in ~~Table 8-2~~Appendix F.

...
G. Landscaping Requirements

- (2) Within the City Center FBC District, the minimum landscaping budget may be applied to non-bulb perennial vegetation, or other amenities, as detailed in Table 8-~~23~~ and Appendix F, as part of a cohesive landscaping plan for the site that provides adequate planting of trees and shrubs appropriate to the site.

...
Table 8-23. Landscaping Options
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8.09 Uses Allowed and Changes of Use.

A. General Provisions. Within the Transect Zones, all uses shall be allowed except as specified in Table 8-34, Table of Uses, these Land Development Regulations, other applicable City ordinances and regulations and by state statute or applicable state regulation. In Table 8-34 below (Transect Zone Table of Uses), where a use is not listed as prohibited within a specific Transect Zone, it is allowed in that Transect Zone pursuant to these Land Development Regulations.

B. Nonconforming structures. Table 8-34, Transect Zone Table of Uses, indicates uses that are prohibited in each Transect Zone for structures that are not in full compliance with the applicable Building Envelope Standards. See also Section 8.11 for nonconformities.

Table 8-34. Transect Zone Table of Uses

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APPENDIX F: ~~CIVIC~~/OPEN/~~CIVIC~~ SPACE TYPES

SEE ATTACHED TABLE

Commented [PC4]: Reversed title for consistency per legal review 11/3/2020

	Plaza/Square	Green	Pocket/Mini Park	Playground	Outdoor Café/ Restaurant Seating	Sun Terrace	Indoor Park/Atrium	Courtyard	Wooded Area	Community Shared Garden Space
Applicability	All FBC Districts	T3, T3+, T4	All FBC Districts, Parcels with land in Urban Design Overlay District	All FBC Districts	All FBC Districts (must be associated with a restaurant)	Buildings having 3 or more stories in T4 and T5	T4, T5	All FBC Districts	Onsite in FBC T3 and T3+ unless counting as off-site open space for T4 and T5 and meeting all of the requirements and limitations of 8.08E.	All FBC districts.
Description & Service Intent	Primarily hard-surface space. <u>Intended to serve public, allowing people to congregate, sit, walk, or access adjacent businesses.</u> Placement, design, and intended use should consider relationship to adjacent land uses.	Informal and centralized public, civic space or common/shared private space for residential use or campus-style development.	Small open area. <u>May be tucked adjacent to or between buildings, or adjacent to roadway. on a separate lot or portion of a lot.</u> Intended to primarily serve public or residents within 1/4 mile radius.	Programmed space and/or structure that serves the <u>active</u> recreational needs of children in the immediate vicinity.	An open-air seating area provided by a restaurant located on the subject or adjoining property, where restaurant patrons can eat or drink	Accessible and open area on upper story with seating and gathering amenities.	Interior open space where at least one wall facing the street consists entirely of glass.	Common Open Space area on a portion of a lot.	Naturally occurring area with predominance of canopy trees with enhancement and public access.	Land set aside and maintained for production of food to be used primarily for participating gardeners.
Size	Minimum 5,000 sq.ft.	Residential: 0.25-2 acres; Campus-style Development: 0.5-3 acres.	2,000- 40,25,000 sq. ft.	Total p Play area shall be a minimum of <u>1,500 2400</u> square feet. <u>Play space should include a buffer area around any play structures.</u>	Minimum 100 sq. ft.	500-3,000 sq.ft; total area shall not count as more than 50% of the minimum required qualifying open space.	Minimum area 1,500 sq.ft. Minimum ceiling height 20'. Area to be counted as qualifying open space shall not exceed twice the area of the glass wall <u>projected- onto the floor plane.</u>	5,000-20,000 sq. ft.	2,500 sq. ft. minimum; Shall include the land of the improvement (such as enhanced path, viewing platform, etc) and no more than 50 feet to either side; total area shall not count as more than 50% of the minimum required qualifying open space.	Minimum 400 square feet. Encouraged to serve at least 20% of units in multifamily developments.
Location & Access	Outdoors and within Public Realm. High Visibility from public rights of way. Accessible from a public street at grade or 3' above or below street level connected to street with wide, shallow stairs. May include space for a farmer's market.	For residential: Centralized; Accessible to all tenants/residents via pedestrian walkway or direct frontage (cottage court development). For campus-style development: Centralized; Accessible from a public right-of-way via direct walkway; Access from several locations encouraged.	Fronts on and is accessed from a street right-of-way. Pedestrian accessible.	Accessible from Public Right-of-Way or adjacent to private sidewalk. Should be centrally located and visually accessible to the greatest extent practicable.	Highly visible, directly adjacent to public right of way. See additional public realm standards below.	Second floor or above. Encourage location in places which have spectacular views. Accessible directly from the sidewalk or public corridors. For T5 Non-Residential, must provide adequate signage about location and accessibility in hallways and elevators.	Building interior adjacent to sidewalk or public open space. Direct access from street level. Provide several entrances to make the space available and inviting to the general public.	Physically defined by surrounding buildings on three <u>sides (outer)</u> or four sides (inner)	Must be accessible, at minimum, by residents, tenants, or customers of site. Must be onsite. Offsite wooded areas shall not be considered qualifying open space even where the LDR permit open space to be located off-site.	May not be located in any class wetland or wetland buffer. Shall have proper drainage.
Seating*, Tables, Etc.	Minimum one <u>One</u> seating space for each 500 sq.ft. of plaza area, with a M minimum <u>of 10 seating-spaces. Seating is encouraged to be of a variety of types and socially oriented.</u>	Provide formal and informally arranged seating, on sculptured lawn. Moveable chairs desirable. Three seats per quarter acre, rounded up.	One seat for each 750 sq.ft. of park size. Must include amenities which differentiate the space from basic lawn area. Examples include benches, bike racks, trash receptacles, gazebos, playgrounds- fixed play equipment, or public picnic tables.	Must provide benches or formal seating areas at one space for each 500 square feet, rounding up, as well as at least 200 square feet of level, grassed, informal seating.	Seating material shall be of moderate to high quality in order for café space to be considered qualifying open space.	One seating space for every 50 sq.ft. of terrace area.	Provide one seat for every 100 sq.ft. of floor area, one table for every 400 sq.ft. of floor area. At least one half of seating to consist of movable chairs.	One seating space for each 500 sq.ft. of courtyard area, with a minimum of <u>10 seating spaces 3-</u>	Light enhancement expected. Must include improvements, including cleared paths and benches.	None required.
Landscaping, Design-	Landscape is secondary to architectural elements. Use trees to strengthen spatial definition. Shall include attractive paving material or pattern to create unique space. Encouraged use of lush, dense plant material. Shall incorporate art, sculpture and/or water feature.	Provide lush landscape setting with predominantly lawn surfaces and planting such as: trees, shrubs, ground cover, flowers. Canopy trees should provide substantial shade.	Turf and landscape plantings. to <u>Should</u> promote shade over <u>at least 25% a portion of the</u> area.	Appropriate ground material- rubber or woodchips. Plantings for articulation of space <u>to complement active play ingredients encouraged.</u> Flat paved or concrete area for wheeled toys encouraged. Paved areas including space for basketball or other sport courts are encouraged and may be counted towards minimum required area of qualifying open space. Shade shall be provided in consultation with the Recreation Director.	For optional separated seating areas, use planting boxes of interesting patterns of plants, open fences of less than 3 feet in height, or decorative and moveable bollards with decorative chain connectors.	Terrace may take one of the following forms: complex architectural setting which may include art works; flower garden; space with trees and other planting. Planted roofs are permitted provided area is also a functional seating space.	Provide attractive paving material to create interesting patterns. Use rich plant material. Incorporate sculpture and/or water feature.	If paved, area shall be amended throughout with substantial planted areas or large planters of trees and lush greenery. If grassed, area should be articulated at perimeter with lush greenery.	Majority of area must be covered with canopy trees. Light enhancement expected. Must include cleared paths, benches, and/or other amenities.	Must have adequate planting soils, tested for pH balance, drainage, nutrients, etc. (proof provided prior to Certificate of Occupancy). Where they are inadequate, soils shall be amended for more suitable farming. Shall have water service directly to gardens. <u>Raised planters or other semi-permanent infrastructure encouraged.</u>
Commercial Services, Food	20% of space may be used for restaurant/cafe seating, taking up no more than 20% of the sitting facilities provided.	20% of space may be used for restaurant seating taking up no more than 20% of the sitting facilities provided.	Not permitted	Permitted but n Not counted towards open space requirement.	May serve as seating area for adjacent restaurant/food service, or be space provided for those bringing their own meals.	Dependent on Transect, may possibly be used up to 100% for commercial food services. See Table 8-1.	30% of area may be used for restaurant seating taking up no more than 30% of the seating and tables provided.	Not permitted	Not permitted.	Not permitted.
Sunlight and Wind	Sunlight to most of the occupied area from mid-morning to mid-afternoon.	Sunlight to most of the occupied area from mid-morning to mid-afternoon. Shelter from wind.	No requirements	Sunlight to most of the occupied area from mid-morning to mid-afternoon. <u>Mix of sun and shade.</u>	Sunlight encouraged to most of the occupied area at lunchtime.	No requirements	No requirements except as noted for street façade to be wall of glass. Encouraged to be south-facing.	Sunlight to sitting areas for most of day.	No requirements	Full sunlight.
Other				Shall include minimum components: 3 low-child-sized swings; 1 toddler-sized swing; 2 slides; one or more play houses. <u>Shall include added amenities specifically intended for play by toddlers and young children, to the satisfaction of the Administrative Officer in consultation with the Director of Recreation and Parks. Creativity in design strongly encouraged.</u>						<u>Plan shall be established and submitted to ensure continual use and maintenance of the gardens, whether by residents, association, property owner or property manager.</u>
Notes:										
Seating dimensions:	*Required dimensions for one seating space or one seat are as follows:	Height: 12" to 36"; ideally 17"; must allow user to bend knees and have feet below knees	Depth: 14" one-sided; 30-36" double-sided	Width: 30" of linear seating are counted as one seat						
Materials	All products installed in qualifying open spaces shall be of high quality materials intended to be used for commercial application.									

	Rain Garden	Snippet/ Parklet	Pedestrian Pass	Streetfront Open Space	Enhanced or Recreational Wetlands/Stormwater Treatment Area	Private Yard Space
Applicability	All FBC districts	All FBC districts; Parcels with land within the Urban Design Overlay District	T4, T5	All FBC districts	Onsite in FBC T3 and T3+ unless counting as off-site open space for T4 and T5 and meeting all of the requirements and limitations of 8.08E.	T-3 and T3+
Description & Service Intent	A shallow depression planted with native plants that captures rainwater runoff from impervious urban areas.	Small sitting area clearly intended to provide welcoming respite between or adjacent to buildings. May serve general public, employees, residents, or customers.	Narrow pedestrian right of ways that cut through blocks in residential and/or commercial areas.	Liner open space area to secondary streets, as permitted per the Regulations.	An existing wetland buffer or new stormwater treatment area which offers public amenities that exceed those minimally necessary for water resource management.	Private yard space associated with a residential unit.
Size	Maximum size of 3,500 sf; shall not count as more than 50% of minimum required qualifying open space.	600-4,000 sq. ft.	8' minimum width; 24' maximum width.	50' minimum depth from closest public street line; or if private, 50' minimum depth from edge of pavement or sidewalk as applicable.	Shall include the land of the improvement (such as enhanced path, viewing platform, etc) and 50 feet to either side; total area shall not count as more than 50% of minimum required qualifying open space.	As directed by minimum requirements.
Location & Access	The garden should be positioned near a runoff source like a downspout, driveway or sump pump to capture rainwater runoff and stop the water from reaching the sewer system.	Must be directly adjacent to public right of way and sidewalk or operable building entry. Applicants are encouraged to consider lighting and safety in design.	No vehicular traffic. Must connect two public streets. Storefronts and restaurants are highly encouraged to access the pedestrian pass.	Must be immediately adjacent to qualifying secondary street. See Chapter 8 for additional regulations. Must be on each side of roadway, unless a complying building is located on the opposite side.	Must be visible to public or tenants and users of building. Direct pedestrian access from adjacent public street type.	Directly adjacent to and accessible to at least one entry of the associated dwelling unit.
Seating*, Tables, Etc.	The space must serve as a visual amenity which can be enjoyed through paths or seating. Adjacent seating, proportionate with the size of the garden and number of users, intended to enhance the garden is are required and can be counted as part of the required open space.	Seating must be the main focus of the space. Seating must be present year-round and composed of high quality materials. Fixed seating is required unless the applicant demonstrates that moveable seating will meet the stated goals of the type.	One seating space for each 150 sq.ft.	Seating is encouraged, but there shall be no minimum requirement.	If functional for sitting and viewing, seating can be ledges, benches, and/or stairs.	No requirements.
Landscaping, Design-	Deep rooted native plants and grasses.	Landscaping shall also be a primary component of the space. Because the space is inherently small, it shall be carefully landscaped in a higher proportion than larger spaces. Landscaping should not interfere with seating, but instead complement it. Spaces should appear warm and inviting and permanent rather than temporary.	If paved, area shall provide trees or large potted plants at no more than 530 foot intervals. If grassed, area shall be accented with intermittent trees or public art.	Slight, gentle, and undulating berms from 1-3 feet in height are encouraged to block views of parking areas. Ever-green landscaping is required. Include canopy trees whose branches are above the average visual line of sight, located throughout the space, with no more than 40 feet between any two such trees or between a tree and the street or parking area. Landscaping should aim to distract from parking beyond, but should not create dense walls of shrubbery or trees. Artwork is also highly encouraged.	LID techniques; no fencing permitted.	No requirements. Landscaping, lawns or planned seating/dining areas (patios and decks) are encouraged.
Commercial Services, Food	Not permitted.	Permitted	40% of area may be used for restaurant seating taking up no more than 30% of the seating and tables provided.	Not permitted.	Not permitted.	Not permitted.
Sunlight and Wind	Appropriate to the plant species selection.	No requirements	Sunlight to most of the occupied area at lunchtime. Shelter from wind.	No requirements.	Appropriate to the plant species selection.	Exterior to building.
Other	See LID language for additional standards.	Bicycle parking may be permitted within these areas; however, the space dedicated to bicycle parking shall not count towards meeting the open space requirements.		Separate travelled way from parking areas; shall create pedestrian environment.	Must be located on applicant-owned property.	
Notes:						
Seating dimensions:						
Materials						

LDR-20-18A: Eliminate requirement for submission of paper copies of applications under the Land Development Regulations

Appendix E:

Submittal requirement:
Completed application form; one (1) full-sized, one (1) reduced [11" x 17"], and one (1) digital copy of plans; and a list of the owners or record of abutting property owners



**South Burlington Planning Commission
Proposed Land Development Regulations
Amendment & Adoption Report
Planning Commission Public Hearing November 10, 2020**

In accordance with 24 V.S.A. §4441, the South Burlington Planning Commission has prepared the following report regarding the proposed amendments and adoption of the City's Land Development Regulations.

Outline of the Proposed Overall Amendments

The South Burlington Planning Commission will hold a public hearing on Tuesday, November 10, 2020 at 7:00 pm, via GoToMeeting electronic platform, to consider the following amendments to the South Burlington Land Development Regulations:

- A. *LDR-17-13A: Allow for increase in maximum lot coverage on properties with land in the Urban Design Overlay District via installation of an on-site civic space*
- B. *LDR-17-13B: Allow for increase in maximum lot coverage on properties with land in the Urban Design Overlay District via use of Transferable Development Rights from designated Sending Areas*
- C. *LDR-19-06: Modify Table of Open Space Types (Appendix F) and Applicability in the City Center Form Based Code District*
- D. *LDR-20-18A: Eliminate requirement for submission of paper copies of applications under the Land Development Regulations*

Accessing the Hearing:

This will be a fully electronic meeting, consistent with recently passed legislation. There will be no physical site at which to attend the meetings. The City is presently using GoToMeeting as our service. Members of the public are welcome to call in by telephone, join by interactive internet service (with video conferencing and screen sharing capability), or both.

Interactive Online Meeting (audio & video): <https://www.gotomeet.me/SBCity/pc-2020-11-10>

Telephone (audio only): (872) 240-3212; **Access Code:** 928-311-013

Brief Description and Findings Concerning the Proposed Amendments

The proposed amendments have been considered by the Planning Commission for their consistency with the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. For each of the amendments, the Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and 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."*

A. LDR-17-13A: Allow for increase in maximum lot coverage on properties with land in the Urban Design Overlay District via installation of an on-site civic space

Brief explanation of the proposed bylaw

The amendment would allow for an increase in allowable lot coverage of up to ten (10) percentage points for any parcel with land in the Urban Design Overlay District with the provision of an on-site Civic Space equal to thirty (30) percent of the area being added as impervious surface.

- (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.*

The amendment would allow for additional lot coverage in areas designated in the Comprehensive Plan as priority areas for development and re-development. The amendment would have limited effect on the availability of safe and affordable housing other than to provide additional development flexibility, generally, within the Urban Design Overlay District; if any applicant did make of the provision for affordable housing, a minimum amount of civic space would be installed to serve users of the property

- (2) Is compatible with the proposed future land uses and densities of the municipal plan.*

The amendment is consistent with the Comprehensive Plan's objectives to support development re-development along the Shelburne and Williston Road corridors and to do so in a manner than supports pedestrian-scale design and amenities.

- (3) Carries out, as applicable, any specific proposals for any planned community facilities.*

The amendments do not impact specific proposals for any planned community facilities.

B. LDR-17-13B: Allow for increase in maximum lot coverage on properties with land in the Urban Design Overlay District via use of Transferable Development Rights from designated Sending Areas

Brief explanation of the proposed bylaw

The amendment would allow for an increase in allowable lot coverage of up to ten (10) percentage points for any parcel with land in the Urban Design Overlay District with the use of Transferable Development Rights. The amendment would designate properties with land in the Urban Design Overlay District as a Receiving Area and allow existing Sending Areas to direct TDRs to these locations.

- (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.*

The amendment would allow for additional lot coverage in areas designated in the Comprehensive Plan as priority areas for development and re-development. The amendment would have limited effect on the availability of safe and affordable housing other than to provide additional development flexibility, generally, within the Urban Design Overlay District.

- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*

The amendment is consistent with the Comprehensive Plan's objectives to support development re-development along the Shelburne and Williston Road corridors. Furthermore, it is consistent with the objective to support conservation of land within areas designed as "very low intensity, principally conservation" in the Comprehensive Plan by expanding the market for use of Transferable Development Rights

- (3) *Carries out, as applicable, any specific proposals for any planned community facilities.*

The amendments do not impact specific proposals for any planned community facilities.

C. LDR-19-06: Modify Table of Open Space Types (Appendix F) and Applicability in the City Center Form Based Code District

The proposal would amend Chapter 8 (City Center Form Based Code District) and the related Appendix F to provide for additional qualifying open space types, amend some minor details and clarify expectations of approved types, and provide for greater organization of the text related to applicability.

- (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.*

The amendments would not have a direct impact on the availability of safe and affordable housing. The amendments do continue to further several goals and policies within the 2016 Comprehensive Plan, including objective 33 related to the provision of varied recreational areas and facilities and objective 35 relating to a targeted open space to population service standard.

- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*

The amendments are not anticipated to impact proposed future land uses and densities as outlined in the Comprehensive Plan.

- (3) *Carries out, as applicable, any specific proposals for any planned community facilities.*

The amendments do not impact specific proposals for any planned community facilities. The requirements for qualifying open spaces are largely intended to be private spaces and not community-funded, though there could be the potential for large projects with related large open spaces to provide for identified or planned public parks or related community facilities.

D. LDR-20-18A: Eliminate requirement for submission of paper copies of applications under the Land Development Regulations

Brief explanation of the proposed bylaw

The proposed amendment would eliminate requirements for submittal of paper copies of applications to the Development Review Board and Administrative Officer. Digital versions of all documents will continue to be required. They can be provided via digital means to any interested person and can also be sent to a local printer for reduced or full-sized copies upon request. When the City's offices are open to the public, applications can also be made available for review in person on a public computer

- (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*
The amendments will reduce paper waste, furthering the City's objectives for energy efficiency.
- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*
The amendment has no impact on proposed future land uses or densities.
- (3) *Carries out, as applicable, any specific proposals for any planned community facilities."*
The amendment does not impact specific proposals for any planned community facilities.



MEMORANDUM

TO: South Burlington Planning Commission
FROM: Paul Conner, Director of Planning & Zoning
SUBJECT: Floodplain 0.2% Zone options and discussion
DATE: November 10, 2020 Planning Commission meeting

At the Commission's October 28th meeting, staff provided a brief update on the Commission's request for staff to explore options for avoiding future impacts to land within the 0.5% (500-year) floodplain. Staff reported on the results of discussions with Vermont State floodplain officials and staff from the CCRPC. Staff reported on the concept of dividing the 500-year floodplain into two categories: unbuilt areas, where land would be retained in a generally natural state, and built-up areas, where floodproofing/resilience be applied to future redevelopment.

Staff has prepared an *initial draft* for Commissioners' consideration. In the interest of time, staff has shared this draft with staff with the CCRPC who is a Certified Floodplain Manager and will share their feedback with you upon receipt. This draft has also not yet been reviewed by the City Attorney, and is therefore intended to be for discussion purposes only.

The working draft does the following:

1. Separates the 0.2% (500-year) floodplain zone into two categories: Floodplain 0.2% A Zone and 0.2% B Zone. Zone A would be for identified unbuilt areas, Zone B would be for built-up areas.

Staff has prepared a very rough map indicating 0.2% Floodplain Areas that are "unbuilt" [outlined in Red] and "built" [outlined in BLUE] throughout the City.

It can be viewed here: <https://arcg.is/0CqOHe>

2. For 0.2% Zone A (unbuilt areas)
 - a. Requires substantial improvements to existing structures and replacement structures to meet requirements the apply to such structures in the 100-year floodplain zones (Section 10.01)
 - b. Defines all land in this area as a "stream and surface water buffer" subject to all standards applicable to that resource (Section 12.02)
3. For 0.2% Zone B (built-up areas)
 - a. Allows for new structures, but requires all new structures, substantial improvements to existing structures and replacement structures to meet requirements the apply to such structures in the 100-year floodplain zones (Section 10.01) [This generally follows the provisions that the State of Vermont's model bylaws recommend for communities with pre-existing structures in the 100-year floodplain]

4. Updates floodplain standards to current best practices (still under review), as the language was last updated in 2011:
 - a. Raises the requirement for any substantial reconstruction within the 100 year to 2 feet above Base Flood Elevation (BFE) (per state model recommendations) rather than 1 ft above.
 - b. Consolidates all floodplain language into a single section (currently, the 100-year and the very limited restrictions on 500 year floodplain are in separate sub-sections)
 - c. Makes clear that new Critical Facilities are prohibited in both the 100-year and 500-year floodplain (likely already the case, but stated directly per State model recommendations)
 - d. Restricts new encroachments into the floodway itself based on the State model
 - e. Requires substantial improvements to existing critical facilities to have an access that is at or above flood elevation (per state model recommendation)
 - f. Adds a requirement that any new road have its surface 2 ft above BFE.

Questions for Commissioners:

1. Staff requests Commission feedback/direction on this possible approach.
 - Does it meet the Commission's previously-stated objectives?
 - Upon review of language, do Commissioners have additional direction/feedback?
2. Staff recommends Commissioners review the map and be prepared for discussion at the meeting
 - Staff seeks feedback on which areas should be considered for designation as Zone A and Zone B
 - Some streams, brooks, and areas are primarily "built" or "unbuilt", but also notes that in some cases, there is a mix of the two, and recommends the Commission discuss how it would like to address those circumstances.

Floodplain Overlay and 0.2% Floodplain Zone

3.01 Establishment of Districts and Description of Certain Districts

...

B. Description of Certain Districts.

(1) **Floodplain Overlay District.** The boundaries of the Floodplain Overlay District shall include those areas that are identified as areas of special flood hazard (Zones A, AE, A1-30, and 0.2%) in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof.)

(a) **Floodplain Overlay District (Zones A, AE, and A1-30) Subdistrict.** The boundaries of the ~~se Zones Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict shall~~ include those areas of special flood hazard designated in and on the above referenced studies and maps as Zones A, AE, or A1-30.

(b) **Floodplain Overlay District (Zones 0.2% A and B) Subdistrict.** The boundaries of the ~~se Zones Floodplain Overlay (Zone 0.2%) Subdistrict shall~~ include those areas of special flood hazard designated in and on the above referenced studies and maps as Zone 0.2%. ~~They are further classified into Zone A and Zone B on Map **** hereby incorporated into these Regulations.~~

Commented [PC1]: Updated references establishing the Zones.

10.01 Floodplain Overlay District (FP)

A. Purpose. It is the purpose of the Floodplain Overlay District to:

- (1) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;
- (2) Ensure that the selection, design, creation, and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair flood plain services or the stream corridor;
- (3) Manage the flood hazard area designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the City of South Burlington, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

B. Authority. In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the City of South Burlington Vermont. These regulations shall apply to development in all areas in the City of South Burlington identified as within the Floodplain Overlay District designated in Section 3.01(B).

C. ~~[reserved] Comprehensive Plan.~~ ~~These regulations hereby implement the relevant portions of the City of South Burlington's adopted Comprehensive Plan, and are in accord with the policies set forth therein.~~

Commented [PC2]: Removed throughout document as it is redundant to Article 1.

D. Warning of Disclaimer of Liability. This bylaw does not imply that land outside of the areas covered by this overlay district will be free from flood damages. This regulation shall not create liability on the part of the City of South Burlington, or any municipal official or employee thereof, for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

E. Precedence of Bylaw. The provisions of this Floodplain Overlay District shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this regulation imposes a greater restriction the provisions here shall take precedence.

F. ~~Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict~~

(F) ~~Development~~ ~~(1) Review in Hazard Areas~~

(1) ~~Permits.~~ A permit is required from the Administrative Officer for all development, as defined in Section 2.03 (Floodplain Definitions), in the Floodplain Overlay ~~(Zones A, AE, and A1-30) Subdistrict~~District.

(a) ~~All land lying within a River Corridor as defined in these Regulations is subject to the standards of Section 10.07 in addition to the standards of this section.~~

Commented [PC3]: Added as a cross-reference for applicability

(b) ~~All land lying within a stream or surface water buffer, and all land within the 0.2% A Zone, is subject to the standards of Section 12.02 in addition to the standards of this section.~~

(2) ~~Submission requirements.~~ In addition to all information required for permitted and conditional uses, the applicant shall prepare and submit a Project Review Sheet to Vermont Agency of Natural Resources. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer and attached to the permit before work can begin.

Commented [PC4]: Numbering / lettering is generally updated and simplified

(3) ~~Referrals.~~

(a) Upon receipt of a complete application for a substantial improvement or new construction the Administrative Officer shall forward a copy of the application and supporting information to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

(b) If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural

Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

(4) Permitted Uses. The following uses are permitted in the Floodplain Overlay ~~(Zones A, AE, and A1-30) Subdistrict District~~. Structures associated with any of the permitted uses below shall be allowed only as Conditional Uses subject to the provisions of this Section 10.01.

- (a) Park;
- (b) Recreation path;
- (c) Outdoor recreation facility;
- (d) Non-substantial improvements of existing structures;
- (e) Development related to on-site septic or water supply systems;
- (f) Building utilities;
- (g) At-grade parking for existing buildings; and,
- (h) Recreational vehicles.

(5) Conditional Uses. The following uses are allowed in the Floodplain Overlay ~~(Zones A, AE, and A1-30) Subdistrict District~~ as conditional uses subject to approval by the Development Review Board in accordance with the provisions of this Section 10.01 and Table C-2, Dimensional Standards.

- (a) Substantial improvement, elevation, relocation, or flood proofing of existing structures;
- (b) Accessory structures;
- (c) New or replacement storage tanks for existing structures;
- (d) Grading, excavation; or the creation of a pond;
- (e) Improvements to existing roads;
- (f) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
- (g) Public utilities.

(6) Prohibited Uses. In addition to any uses not specifically listed in this section, the following uses are specifically prohibited in the Floodplain Overlay ~~District (Zones A, AE, and A1-30) Subdistrict:~~

- (a) ~~(i) New critical facilities.~~
 - (c) ~~Storage or junk yards.~~
 - (b) New residential or non-residential structures (including the placement of manufactured homes) ~~except within Zone 0.2% B of the Floodway Overlay District;~~
 - (ii) ~~Storage or junk yards;~~
 - (d) ~~(iii) New fill except as necessary to elevate structures above the base flood elevation; and,~~
 - (e) ~~(iv) Within the floodway:~~
 - (i) Accessory structures in the floodway;
 - (ii) ~~New encroachments, except for minor improvements to existing structures or relating to bridges, culverts, roads, stabilization projects, public utilities, river and/or floodplain restoration projects, or health and safety measures. Minor improvements are those that would not affect base flood elevations, consistent with the provisions of FEMA P-480;~~
- Desk Reference for Local Officials

G. Area, Density and Dimensional Requirements. In the Floodplain Overlay ~~(Zones A, AE, and A1-30) Subdistrict District~~, all structures shall be subject to the area, density and dimensional requirements

Commented [PC5]: Updated based on state model

Commented [PC6]: Allow for new buildings within 0.2% Zone B

of the Residential 1 District as set forth in Section 4.01 and Table C-2, Dimensional Standards of these regulations.

H. Additional Standards.

(1a) No encroachment, including fill, new construction, substantial improvement, or other development, that would result in any increase in flood levels within the regulatory floodway during the occurrence of the base flood discharge, shall be permitted unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will: a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood; and b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

(b2) Within the Floodplain Overlay (~~Zones A, AE, and A1-30~~ Subdistrict District), excavation of earth products shall be prohibited in such cases where it is anticipated that such excavation will lower the level of the water table, interfere with natural flow patterns, or reduce flood storage capacity.

(3) ~~All new Permitted or Conditional roads, utilities and other infrastructure located within a flood hazard area must be designed and constructed to withstand flooding and result in no adverse impacts to surrounding properties during flood events. Road surfaces within delineated flood hazard areas must be elevated at least 2 feet above the Base Flood Elevation (within Zones A, AE, and A1-30) and two (2) feet above the 0.2% annual flood height (within Zone to maintain access and minimize highway flooding during flood events)~~

Commented [PC7]: Recommendation from Subdivision consultant, to be included here.

(4e) All development allowed as Conditional Uses pursuant to Section 10.01(F)(1)(e) above shall meet the following additional standards:

(a) All development shall be reasonably safe from flooding, as determined by compliance with the specific standards of this subsection.

(b) All development shall be designed (I) to minimize flood damage to the proposed development and to public facilities and utilities, and (II) to provide adequate drainage to reduce exposure to flood hazards.

(c) All development shall be (I) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (II) be constructed with materials resistant to flood damage, (III) be constructed by methods and practices that minimize flood damage, and (IV) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(e) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(f) The flood carrying capacity within any portion of an altered or relocated watercourse shall be maintained.

(g) Replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (pad) under the entire manufactured home is above the base flood elevation.

(h) Structures

(i) Structures to be substantially improved in Floodplain Overlay District Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least ~~one-two (12) feet~~ two (2) feet above base flood elevation; this must be documented, in the proposed and as-built condition, with a FEMA Elevation Certificate.

Commented [PC8]: Changed to 2 feet to follow State of VT Best practices

(ii) Structures to be substantially improved in Floodplain Overlay District 0.2% Zones A & B, and new structures in Floodplain Overlay District Zone 0.2% B shall be located such that the lowest floor is at least two (2) feet above elevation of the 0.2% annual flood height; this must be documented, in the proposed and as-built condition, with a FEMA Elevation Certificate.

Commented [PC9]: Applies floodproofing standards to new & existing structures in Zone B, and existing structures in Zone A.

(i) Non-residential structures to be substantially improved shall:

(i) ~~Meet the standards in Section 10.01(H)(4)(h)(F)(3)(e)(viii); or,~~

(ii) Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two (2) feet above the base flood elevation ~~(for structures in Zones A, A1-30, AE, and AH), or two (2) feet above the elevation of the 0.2% annual flood height (for structures in Zones 0.2% A and B),~~ the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

Commented [PC10]: Defines elevation for 0.2% Zone)

A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection. An occupancy permit for the structure shall not be issued until an "as-built" plan has been submitted and a licensed professional engineer or architect has certified that the structure has been constructed in accordance with accepted standards of practice for meeting the provisions of this subsection.

(j) For all new construction and substantial improvements, fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) shall be prohibited.

(k) For all new construction and substantial improvements, fully enclosed areas that are above grade, below the lowest floor, below Base Flood Elevation and subject to flooding, shall be (i) solely used for parking of vehicles, storage, or access, and such a condition shall clearly be stated on any permits; and, (ii) designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(l) In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data.

(m) In the AE Zone, where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one (1) foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.

(n) All recreational vehicles shall be fully licensed and ready for highway use.

(o) A small accessory structure of 500 square feet or less in gross floor area that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on a building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria of subsection (k) above.

(p) Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-floodproofed at least two (2) feet above the elevation of the 0.2% annual flood height, or three (3) feet above base flood elevation, whichever is higher. A critical facility shall have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than the elevation of the 0.2% annual chance flood event.

Commented [PC11]: Newly added based on state model 11/3/2020

Commented [PC12]: Modified from 1 foot in state model to 2 feet 11/3/2020

Commented [PC13]: Modified from "no lower than 6 inches below", in state model, to "no lower than" 11/3/2020

I. Administration and Enforcement.

(a1) The Zoning Permit issued for any development pursuant to this Section 10.01(F) shall include: a record of the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new construction or substantial improvements of structures.

(b2) Upon issuance of a zoning permit, the Administrative Officer shall properly file and maintain a record of:

(a) Elevation Certificates with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new or substantially improved structures (not including accessory structures) in the Special Flood Hazard Area;

(b) All flood proofing and other certifications required under this regulation; and,

(c) All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

(e3) Certificate of Occupancy. A Certificate of Occupancy shall be required for all new structures or substantial improvements to structures in the Floodplain Overlay ~~(Zones A, AE, and A1-30)~~ Subdistrict.

(d4) Enforcement

(a) A copy of any notice of violation of this section shall be mailed by the Administrative Officer to the State NFIP Coordinator.

(b) If any appeals have been resolved, but the violation remains, the Administrative Officer shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

(c) Any proposed agricultural structure that does not meet the criteria and process in the Accepted Agricultural Practices will be in violation of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

(e5) Variances

(a) A variance may be granted by the Development Review Board only in accordance with Title 24, Vermont Statutes Annotated and 44 CFR Section 60.6.

(b) Any variance issued in the Special Flood Hazard Area shall not increase flood heights, and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

~~G. Floodplain Overlay (Zone 0.2%) Subdistrict~~

~~(1) Permits. A permit is required from the Administrative Officer for all development, as defined in Section 2.02 (Definitions), in the Floodplain Overlay (0.2% Zone) Subdistrict.~~

~~(2) Permitted Uses. Those uses allowed as permitted uses in any underlying zoning district within the City may be permitted in the Floodplain Overlay (0.2% Zone) Subdistrict only in accordance with the provisions of this section.~~

~~(3) Conditional Uses. Those uses allowed as conditional uses in any underlying zoning district within the City may be permitted in the Floodplain Overlay (0.2% Zone) Subdistrict only in accordance with the provisions of this section.~~

~~(4) Prohibited Uses. In addition to any uses not specifically listed in the underlying zoning district, new Critical Facilities are specifically prohibited in the Floodplain Overlay (0.2% Zone) Subdistrict.~~

~~(5) Area, Density and Dimensional Requirements. In the Floodplain Overlay (0.2% Zone) Subdistrict, all structures shall be subject to the area, density and dimensional requirements of the underlying zoning district as set forth in Article IV and Table C-2, Dimensional Standards of these regulations.~~

~~(6) Additional Standards.~~

Commented [PC14]: Removed as these standards are proposed to be enhanced and incorporated above.

~~(a) — Any Critical Facilities to be expanded or substantially improved in the Floodplain Overlay (0.2% Zone) Subdistrict shall be located such that the lowest floor is at least one (1) foot above base flood elevation.~~

~~(b) — In the Floodplain Overlay (0.2% Zone) Subdistrict, where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data.~~

~~(7) — **Administration and Enforcement.** Administration and enforcement of development in the Floodplain Overlay (0.2% Zone) Subdistrict shall be subject to all requirements of Article XVII (Administration and Enforcement) of these Regulations.~~

12.02 Streams and Surface Waters

...

(4) B. Applicability. The requirements of this Section will apply to all lands described as follows, collectively referred to as Stream and Surface Water Buffers:

~~(1a) All land within one hundred (100) feet horizontal distance of the centerline of Muddy Brook and the main stem of Potash Brook from the top of bank or top of slope of major streams, whichever is applicable given the stream's fluvial geomorphology. Major streams are defined as the Winooski River, Muddy Brook and the main stem of Potash Brook.~~

~~(b) — All land within one hundred (100) feet horizontal distance of the edge of the channel of the Winooski River~~

~~(c) All land within fifty (50) feet horizontal distance of the centerline from the top of bank or top of slope of any minor stream, whichever is applicable given the stream's fluvial geomorphology.~~

~~(d) — All land within ten (10) feet horizontal distance of the centerline of a drainage way~~

~~(3) All land within ten (10) feet horizontal distance from the top of the bank or top of slope of a natural intermittent stream, whichever is applicable given the stream's fluvial geomorphology.~~

~~(4d) All land within or abutting the high-water elevation of Lake Champlain, which for the purposes of these regulations shall be one hundred two (102) feet above mean seal level datum.~~

~~(5) All land within Floodplain Overlay District 0.2% Zone A.~~

Commented [PC15]: Added for Commission consideration 11/3/2020



MEMORANDUM

TO: South Burlington Planning Commission
FROM: Paul Conner, Director of Planning & Zoning
SUBJECT: Draft changes to mapped Habitat Block Applicability and SEQ NRP
DATE: November 10, 2020 Planning Commission meeting

The Commission on October 13, 2020 reviewed the mapped boundaries of Forested Habitat Blocks as identified in the 2020 Arrowwood Environmental Forested Habitat Blocks Assessment and Ranking. The Commission provided direction to staff to:

- Modify the applicability of certain habitat block areas for regulatory purposes
- Modify certain Southeast Quadrant Zoning Subdistrict Boundaries, between the SEQ-NR and SEQ-NRP

A full summary of these possible modifications can be found in the October 13th meeting packet.

Staff has worked with the CCRPC to update the maps pursuant to Commission direction. A series of 4 maps can be found at the following link: <https://arcg.is/1PLyWW>

The maps show:

1. Arrowwood Forested Habitat Block vs with Commission direction on applicable areas
2. Current SEQ-NRP/NR boundary vs potential modified SEQ/-NRP-NR boundary
3. Maps 1 & 2 combined
4. NRP, Forest Blocks, Hazards, and 0.2% floodplain together

Meeting notes:

1. For the purposes of this meeting, staff is only seeking feedback as to whether Commissioners see any errors from the direction given on October 13th, and to have this map on hand as context leading into the next item
2. All proposed Environmental Protection Standards will be presented together at an upcoming meeting for review and feedback.

**SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
13 OCTOBER 2020**

The South Burlington Planning Commission held a regular meeting on Tuesday, 13 October 2020, at 7:00 p.m., via Go to Meeting remote technology.

MEMBERS PRESENT: J. Louisos, Chair; B. Gagnon, T. Riehle, M. Ostby, D. MacDonald, P. Engels

ALSO PRESENT: P. Conner, Director of Planning and Zoning; J. Weith, K. Wright, C. Trombly, L. Kingsbury, D. Long, D. Long, C. & A. Long, S. Dooley

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:

Mr. Trombly, the new Chair of the Affordable Housing Committee, asked the Commission to look for opportunities to convert land to usable housing supply. Ms. Louisos noted that the Commission is looking at changing some land use in some areas.

3. Planning Commissioner announcements and staff report:

Ms. Ostby noted seeing articles regarding energy as a part of smart planning and hoped the new PUD requirements take energy into consideration.

Mr. Conner two bills passed by the Legislature and approved by the Governor. The first (S-237) relates to affordable housing and requires the owner of the property to live on the property but not necessarily in the main unit. It also allows 30% of the property or 900 sq. ft., whichever is larger, to be converted to an additional dwelling unit. Bill S-54 relates to cannabis and has new provisions. Mr. Conner said he will get together with the City Attorney and let the Commission know the specifics.

4. Proposed Amendments to Land Development Regulations: review proposed amendments and consider and possibly approve Planning Commission Report and Warning of Public Hearing on same:

- a. **LDR-17-13A: Allow for increase in maximum building and lot coverage on properties with land in the Urban Design Overlay District via installation of an on-site civic space**
- b. **LDR-17-13B: Allow for increase in maximum lot coverage on properties with land in the Urban Design Overlay District via use of Transferable Development Rights from designated Sending Areas**
- c. **LDR-19-06: Modify Table of Open Space Types (Appendix F) and Applicability in the City Center Form Based Code District**
- d. **LDR-20-18A: Eliminate requirement for submission of paper copies of applications under the Land Development Regulations**

Mr. Gagnon moved to warn a public hearing for 10 November 2020 for changes to the Land Development Regulations and the accept the staff report that supports these changes. Mr. Riehle seconded.

Ms. Ostby asked how much land is involved in a TDR. Mr. Conner said a TDR would be 10,000 sq. ft. of lot coverage, about 0.83 acres. He noted that the City Attorney felt it best to approximate the amount of lot coverage which is why it is being suggested that TDRs be purchased in increments of not less than 2500 sq. ft. Mr. Conner stressed that the only thing being increased is lot coverage.

In the vote that followed, the motion passed 6-0.

5. Work Session on and Development Regulations Amendments:

a. Continue review of Forested Habitat Block applicability and related possible zoning district amendments:

Mr. Conner showed a map of forested habitat blocks and indicated staff's recommendations for each of them as follows:

1. South Point to South Village: In general, staff recommends that forest block areas be contained in an NRP. The recommendation here is to extend the NRP west to the north/south roadway, and to remove the applicability of forested blocks west of the roadway.
2. South Village: Staff recommends aligning the forested block to the approved development plan.

Ms. Ostby asked if there is any value to removing the "finger." Mr. Conner said this is what is approved for South Village. What is approved for conservation is already approved. Mr. Gagnon asked if a developer could come back in the future to change the plan. Mr. Conner said that is possible, but this would codify areas approved for development as the only such areas. Members agreed this is the best way for future protection.

3. Dorset Farms: Staff recommends changing the edge of the NRP at the north end of the map to add the forested area to the NRP. The house site on the southern parcel, or any other areas outside the forested blocks, could be redesignated for balance.

Ms. Ostby wanted to be sure there is a connector within these parcels that is protected. Mr. Riehle felt this is a significant corridor.

4. Hidden Meadow/Cobblestone: Staff recommends the highlighted area be added to the NRP.
5. Highland Terrace: Staff recommends adding an area to the NRP but removing the "fingers" from the NRP.

Mr. Macdonald asked if there has been any interest in doing infill on those lots. Mr. Conner said several, and the first Interim Zoning application was for one of those lots. Mr. Gagnon noted the area really isn't developable as it has steep slopes. Members agreed to leave it as forest block.

6. Technology Park: Staff recommends leaving the forested blocks as is.
7. East and South of the Airport: Staff recommends leaving the large forested area as is and considering removing the small one. Mr. Conner noted that at a recent Airport Master Plan meeting, they identified most of that area as wetland, and it is likely to stay the way it is.
8. I-189 and I-89 Corridors: Mr. Conner noted these are not within the city's jurisdiction. One option being looked at in the current I-89 study is redoing the interchange. Mr. Conner said he will talk with RPC and the City Attorney about this area so as not to cut off potential solutions.
9. Mayfair Park/High School Woods: Ms. Louisos noted the city is looking at some stormwater improvements there. Staff recommends retaining the forested areas as they are in Mayfair Park. For the High School, retain the forested areas as mapped.

Ms. Ostby suggested adding some wildlife crossing signs.

10. North of Patchen Road: Staff recommends retaining the forest block. Mr. Conner noted the VELCO right-of-way is not treed because of the power lines. There are also 25% slopes or huge floodplains.
11. Centennial Woods: Ms. Louisos noted there are a lot of ravines and slopes. Staff recommends no changes to the forested block as mapped except as previously decided by the Commission. Residential zoned parcels would be eligible for a Conservation subdivision. Mr. Conner noted the former dog park is now zoned I-Ag. The property owner could apply to be a Conservation PUD. They would have to conserve at least 70% of the land including any hazards.

Ms. Dooley noted that years ago UVM talked about developing that area as part of their Master Plan. Mr. Conner said staff has encouraged UVM to share their plans with the city. A number of properties are designated as "unplanned." Ms. Kingsbury said UVM has talked about coming to the Planning Commission for a larger discussion. There are areas designated for future development, including the former dog park area. They are now beginning to update their Master Plan.

Mr. Conner said staff recommends not doing PUD types for UVM properties at this time.

12. Red Rocks Lakeshore (North): Staff recommends continuing to regulate Red Rocks under the city's Natural Areas Management Plan. At Lakeshore, staff recommends removing the "tongue" that extends into a portion of the land and to consider a requirement that the

PUD adhere to the Official City Map. Mr. Conner noted this is a very valuable property. A significant portion of it is not to be built on, and staff is concerned with the potential for “a taking.” The area is marginal, and trees south of it are not a forest block.

Ms. Ostby wasn't sure she would leave Red Rocks to that plan. She felt the Commission should supplement the plan.

13. Lakeshore South: Mr. Conner noted this area requires future examination of habitat function and future planned roadways. Ms. Louisos noted the railroad track which can work as a habitat corridor. The recommendation is to leave the habitat block as it is.
14. Bartlett Brook: Staff recommends leaving the majority of the habitat block but removing a small area near Shelburne Road as it is otherwise a developable area within the transit overlay district. All setbacks would still apply.
15. Allen Road: Staff recommends retaining the habitat block as mapped and adding connecting pieces.
16. Eastwoods/Swift Street Are: Mr. Conner said staff is leaning toward having parcels with large amounts of forest blocks utilizing a Conservation PUD tool in order to retain the owner's value of the land. He added that the City Council could discuss non-regulatory tools with the owners.

Ms. Ostby suggested allowing higher density in the buildable areas, even more than the underlying zoning. Mr. Riehle agreed. Members questioned the Edlund property, and Mr. Conner explained what can be built there. It is currently zoning Inst-Ag. Ms. Ostby asked if UVM would have to follow the city's designation of 'forest block' for the Edlund property. Mr. Conner said staff is trying to find that out as there are specific rules for educational facilities. Mr. MacDonald noted it is the second most critical habitat block, and if the city was in a position to buy it they should. Mr. Conner reminded the Commission that the owner's economic value of the property also needs to be retained. Mr. Gagnon asked if they could broaden the building types in a Conservation PUD for non-residential buildings. Mr. Conner said the uses would be those allowed in the underlying zoning. That would include a dormitory. Mr. MacDonald asked where the zoning would fit here. Mr. Conner said if the Commission doesn't want to change the zoning, they could apply a TND type of PUD or a Conservation PUD.

Ms. Ostby spoke to the need to give all property owners a chance to discuss any changes the Commission is proposing.

17. Meadowood: Staff recommends retaining the forest blocks as drawn and adding a connector.
18. Wheeler/Hill Farm: Staff recommends pulling back the mapped forested areas to form a better demarcation. In the Nature Park, there is a piece the city is looking at for more active uses.

19. Meadowland: Staff recommends retaining the forested habitat block except for the removal of the square into Meadowland Business Park.
20. Cheesefactory Road/Dorset Street: Staff suggests the Commission consider the purposes and applicability of the NRT district as a whole and consider assigning areas as either Conservation, NRT or NR. Mr. Conner said he believed there is some recent wetland mapping that would dictate the location for any development. Members agreed to keep it as it is.

Ms. Ostby felt that after Interim Zoning they should make it a priority to welcome landowners' feedback for requests regarding their land. Mr. Rirhle noted they would still have a lot on their plate at that time. Ms. Louisos said they won't just ignore people and suggested a possible subcommittee.

6. Other Business:

- a. **Burlington Planning Commission public hearing on Comprehensive Development Ordinance Amendments, Tuesday, 13 October, 6:45 p.m. via Zoom**
- b. **Williston Planning Commission public hearing on Unified Development Bylaw amendments, Tuesday 20 October, 7 p.m., via Zoom**

Mr. Conner said Burlington will be codifying some temporary things (e.g., ability to do tents). Williston will be considering reduced parking standards.

Mr. Conner noted the City Council will meet the day after the Commission's next meeting and will be considering extending interim zoning. He suggested the Commission provide a status report. He also suggested a second meeting in the week of 27 October to consider the language for subdivision and to finalize natural resources work.

7. Meeting Minutes of 22 September 2020:

Mr. Gagnon moved to approve the Minutes of 22 September as written. Mr. MacDonald seconded. Motion passed 6-0.

As there was no further business to come before the Commission, the meeting was adjourned by common consent at 9:12 p.m.

Clerk

**SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
27 OCTOBER 2020**

The South Burlington Planning Commission held a regular meeting on Tuesday, 27 October 2020, at 7:00 p.m., via Go to Meeting remote technology.

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

ALSO PRESENT: P. Conner, Director of Planning and Zoning; C. & A. Long, L. Ravin, A. Jensen-Vargas, T. Barnes, L. Kingsbury, S. Dooley

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:

Mr. Barnes asked about proposed protection areas and how this could affect housing in the city. He was concerned that density could be increased in areas where development is allowed and that affordable housing would be affected. He was particularly concerned with the Wildwood Drive neighborhood.

Ms. Louisos said the Commission is evaluating habitat blocks that would have limited development as well as other changes in PUDs. The Commission thinking about the concerns mentioned including the affects on existing neighborhood.

Ms. Ostby asked if there is a way to bring the community up to speed on what the Commission is doing to prepare people for what is coming up.

3. Planning Commissioner announcements and staff report:

Ms. Ostby that on 17 October the girls' soccer team collaborated with UVM athletes to share experiences as people of color in Vermont. She noted that in Vermont, only 4% of people of color own homes compared to 70% of white Vermonters.

4. Work Session on Land Development Regulation Amendments:

a. Draft Subdivision Standards

Ms. Louisos noted the differences between subdivision, Master Plan and PUD standards.

Ms. Ostby asked whether street orientation in subdivision would be carried over to a PUD. Mr. Conner said generally it would with some more flexibility in some areas. The intent is that the subdivisions are the foundation.

Mr. Mittag said that in 15A #11, he would also exclude level 2 from the buildable area to keep as much open space as possible. He also felt that in #15 roads should be built to public standards under all

circumstances, not only when connecting to a public road. He cited a problem in neighborhood where not building a road to public standards has created a problem.

With regard to #11, Ms. Louisos said excluding level 2 from the buildable area creates a potential legal problem for reducing property values. Mr. Conner added that the standards in Article 12 would apply regardless, so level 1 resources would have to be adhered to. Mr. Gagnon noted that the Commission allowed flexibility in level 2, and that is why it was left as part of the buildable area calculation.

Ms. Ostby said she was all for protecting resources, but in terms of calculation of density, she didn't know why the number of units, even from level 1, can't count for density. She felt level 2 could be built on with restrictions because that is what Articles 10 and 12 are protecting. Ms. Louisos noted that in PUDs, level 1 resources do count toward density. They don't in subdivisions.

Mr. Barnes asked if a PUD is more restrictive. Mr. Riehle noted that there is a development planned where Mr. Barnes lives. Mr. Conner said that is a 6-7 acre parcel with a wide area at the end of Wildflower Lane. It would be a Traditional Infill neighborhood which allows for single family and duplexes and some multiplexes if they look like single family buildings. There would also be the need for a small park in the neighborhood. Mr. Conner noted the DRB saw a plan for a proposed neighborhood in that area, something like what would be allowed, possibly more creative in how buildings would be shaped. Mr. Barnes said that plan allowed for only 6 parking spaces, so parking would have flowed onto the street. Mr. Conner said there was also a dead-end street, which would be discouraged in the new regulations. The idea is to create a functional neighborhood.

Ms. Dooley said the last she knew you needed at least 4 acres for a PUD under the draft regulations. Some infill is less than that, so they wouldn't qualify for a PUD. That seems contrary to what is being said. Mr. Conner said a PUD is required at 4 acres; it is optional at 2 acres. That is consistent with current regulations in R-2 zoning districts. Ms. Dooley said then you still couldn't do Kirby Cottages, which are built on 1.6 acres, so the PUD is not necessarily the answer as it is inaccessible for a small development.

Regarding historic sites, Mr. Conner noted that there are a few eligible ones and some stone walls. The consultant said these should be identified. Ms. Ostby asked if a property owner was willing to tag and protect a feature, could they get some consideration as an incentive. Mr. Conner said there is credit given for retaining trees, and that could be extended.

Regarding street networks, Mr. Conner said that currently the city discourages dead end streets and has a length limit in the Southeast Quadrant (SEQ). In the new language, dead end streets would not be accepted anywhere in the city except for a short length with DRB criteria.

Mr. Riehle said he had mixed feelings about dead end streets as kids safely play there. He wasn't sure why to preclude them if they are appropriate. Mr. Gagnon questioned the ability to plow them. Also, if a street is too long and the entrance is blocked, emergency vehicles can't get there. Mr. Conner said the big cost is long-term maintenance, including plowing and looping of utilities.

Mr. Barnes said he would much rather have Wildflower loop around and connect with Hinesburg Road. There are many vehicles that come into the neighborhood, get frustrated and speed out at his speeds. The plow got stuck last year, and trash trucks often get stuck.

Mr. Conner said the critical component is street type, so that streets are appropriately scaled to the neighborhood. Mr. Gagnon said if you have a large piece of land, the developer or the city might want streets to go a certain way and suggest saying “as it logically relates to topography, level 1 resources, etc.” instead of “to the extent feasible.”

Ms. Ostby said they should add having rooftops face in a certain direction. Even if the street doesn’t face in a direction, part of the roof can.

Regarding sidewalk requirements, Ms. Ostby didn’t necessarily agree with having a required sidewalk on one side of the street. She said there are areas where people walk in the streets, and you get more green space without sidewalks. Mr. Conner noted that sidewalks are required on both sides of the street in City Center and on one side in the SEQ. He felt that where there are more than 4 units per acre, there should be sidewalks on both sides. He noted there is a Vermont mandate that might make it difficult not to have a sidewalk on either side.

He also noted there is a street type where the street is 20 feet wide but there is a different texture in one part to indicate public walking space.

Mr. Gagnon said he favored sidewalks on one side of the street. Ms. Ostby said she would favor flexibility on a neighborhood by neighborhood basis. Ms. Louisos said they would have to create a street type to accommodate that. Mr. Gagnon said accessibility is important for everyone. He would leave it as written to provide a safe form of walkability. Mr. Riehle added they are also important for seniors.

Regarding building roads to public standards, Mr. Mittag said the city should never take over any roads that aren’t built to public standards. Mr. Gagnon noted occasions when HOA run out of money and can’t maintain private roads. He favored building to city standards. Ms. Louisos noted the City Council has a policy on this. Mr. Conner noted there are times when a road is built to city standards but the city doesn’t take it over until it connects to something else.

Members agreed the city should not take over a road not built to city standards.

Mr. Riehle asked if they are talking about a grid system or meandering streets. Mr. Conner said more of a network as in the Orchards neighborhood. The idea is to create blocks, which can be different shapes. Wherever it can be done, streets can become the delineator between a park and a neighborhood or a resource and a neighborhood. Mr. Riehle noted that in Dorset Farms there is a grid inside with more meandering around it. He felt that was nicer than looking down a straight street. Mr. Conner said connectivity within the block would be up to the developer.

Regarding “blocks,” Mr. Conner noted that 10% of a block must be a “civic space,” usable for people in the neighborhood. It can’t be something that isn’t buildable per Article 12. This is already required in the SEQ and in PUDs. The consultant recommended this be part of a subdivision as well. Ms. Ostby questioned whether a civic space is necessary in a very small subdivision. Mr. Conner agreed there should be a minimum below which it doesn’t have to happen.

Regarding renewable energy facilities, Mr. Mittag felt the word “shall” should be used instead of “must.” Mr. Conner said “must” was recommended by the legal department because “must” is a stronger word. The intent is to be stronger.

Mr. Engels asked about connectivity in relation to Swift Street and other major connections.

Mr. Conner said before the Commission gets to the end of this discussion, they will have to specifically discuss Swift Street. It is a potentially significant roadway. Mr. Gagnon added it relates to the Official City Map. Members felt this should be an independent agenda item. Mr. Riehle noted that “connectivity” can be for vehicles or as a bike path, etc. Mr. Engels noted that neighbors can be next to each other, and you still have to drive miles to get from one to the other.

Mr. Mittag felt that at the end of the sentence in 15A #17, language should read, “Use of energy resources must include one or more of the following....”

Mr. MacDonald asked what the unintended consequences of that would be regarding pricing of housing. Mr. Mittag said they should do everything to ensure the health and welfare of those who live here in the next century.

Mr. Gagnon suggested adding a 6th item: participation in a community solar project that may be off-site. He felt that would accomplish the same goal. Ms. Louisos felt those areas should not be removed from the buildable area. Members agreed that made sense. Ms. Ostby said you could combine solar with a civic/public space. She added that new homes should have a level 2 capable electric panel. A charger could be added later.

Mr. Conner suggested making these additions to the buildings section. He also wanted to talk with the city’s electrical inspector.

Regarding 15A #11, Ms. Ostby asked if they are increasing or decreasing the number of units. Mr. Conner said today, in a straight subdivision, each lot has to stand on its own. The draft language might have some reductions that take place. In a PUD, density can be moved around, but because of resources, etc., that may not be feasible. In a Conservation PUD, units in a Level 1 area can be transferred to a developable area for the density. In TND and NCD, you take off the Level 1 area but the ceiling becomes a higher density. Regulations in PUDs in the future will allow for more density than now, but it won’t feel like more. Where it might be less would be areas with a lot of certain resources, but using a Conservation PUD could bring that density up.

Public comment was then solicited:

Ms. Dooley suggested reducing the minimum size for a PUD from 2 acres to 1 acre and requiring homes to have enough power for a charger for an electric vehicle.

Ms. Jensen-Vargas noted she had gotten stuck because of a 'no sidewalk' situation. She was also concerned with running gas lines to houses that are being added onto. This caused an explosion in New York. She said she would look skeptically at gas lines if electricity is available.

Mr. Mittag was concerned with opportunities for waivers that might cause deviation from what the Commission is trying to accomplish. Mr. Conner noted that in order for the DRB to grant a waiver all 4 criteria must be met. He felt that was very tight. What happens now is that if you can't meet a subdivision standard, you get a watered down PUD. Mr. Conner added that he will be speaking to the DRB next week and can bring this to them.

Mr. Gagnon said he was concerned with a sentence that begins "or other..."

Ms. Louisos was concerned with the "ownership" of a civic space lot and felt there should be language about that.

Ms. Louisos also noted comments in the chat box that members should read. Mr. Conner said he would download them and forward them to members.

Members agreed to consider Master Plans at tomorrow's special meeting.

5. Possible discussion of Presentation to the City Council November 2:

Ms. Louisos said she will attend that meeting but hasn't yet planned a presentation. Ms. Ostby suggested showing some maps. Mr. Conner noted that the RPC has gotten updated maps to him which he will share at tomorrow's meeting.

6. Meeting Minutes of 9 and 29 September:

Mr. Mittag moved to approve the minutes of 9 and 29 September 2020 as written. Mr. Gagnon seconded. Motion passed unanimously

As there was no further business to come before the Commission the meeting was adjourned by common consent at 9:12 p.m.

_____, Clerk