



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

[www.burlingtonvt.gov/plan](http://www.burlingtonvt.gov/plan)

**TO:** Burlington Planning Commission  
**FROM:** Meagan Tuttle, AICP, Director  
**CC:** Scott Gustin, AICP, Zoning Division Manager, DPI  
Charles Dillard, AICP, Principal Planner  
**DATE:** December 8, 2022  
**RE:** Proposed Amendment ZA-22-07: Maximum Parking & TDM

---

### **Overview & Background**

The proposed amendment was introduced by the City Council and referred to its Ordinance Committee in the fall of 2021. The amendment expands upon the recently adopted policy that eliminated minimum on-site parking requirements in some areas of the city; it establishes limits on the maximum number of on-site parking that can be provided for all uses citywide rather than requiring a minimum number of spaces be provided. Additionally, it expands the transportation demand management (TDM) requirements beyond the Multimodal Mixed Use parking district, creating two TDM tiers citywide based on the scale of development. The purpose of this proposed amendment is to change the way the City regulates parking in order to reduce the climate impacts of the transportation sector and to further reduce a common barrier to establishing new housing units.

At the Commission's request, this amendment was previously referred to and discussed by the Commission in three meetings earlier this year. The Council's Ordinance Committee accepted many, but not all, of the Commission's recommendations with respect to the change from minimum parking requirements to maximum parking limits. Additionally, it modified the related transportation demand management requirements as a result of Commission's feedback.

This item was referred by the City Council for the Commission to prepare the Municipal Bylaw Amendment Report and hold a public hearing on the proposed changes. Following the public hearing, state statute affords the Commission an opportunity to correct technical deficiencies in the amendment before referring it back to the City Council. To this end, staff has reviewed additional sections of the CDO for other references to minimum parking standards and has provided a number of additional technical corrections in the attached amendment. The Commission has also included a memo outlining any additional recommendations or comments it may have for the Council's consideration.

City Council recommended modifications to the amendment at its December 5<sup>th</sup> meeting, which were reviewed by the Planning Commission on December 20<sup>th</sup> without additional comment.

### **Proposed Amendment**

#### **Amendment Type**

|                       |               |                      |
|-----------------------|---------------|----------------------|
| <b>Text Amendment</b> | Map Amendment | Text & Map Amendment |
|-----------------------|---------------|----------------------|

#### **Purpose Statement**

To replace minimum on-site parking requirements with maximum on-site parking limits and establish tiers for transportation demand management requirements citywide. This amendment also addresses a number of related standards that pertain to the provision and maintenance of parking for specific uses and situations.

#### **Proposed Amendments**

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in the attached ordinance language:

**1. Replaces minimum parking requirements with maximum parking limits**

The amendment replaces minimum on-site parking requirements in *Article 8- Parking* with maximum on-site parking limits in all parking districts in the city. Additionally, the amendment modifies a number of related standards in *Article 4, Part 4- Base Zoning District Regulations*; *Article 4, Part 5- Overlay Zoning District Regulations*; and *Article 5- Citywide General Regulations* for the purpose of eliminating minimum on-site requirements and removing or modifying standards that are no longer applicable in the absence of minimum requirements.

**2. Expands existing exemptions to maximum parking limits**

In addition to maintaining a requirement for parking spaces to be provided when a dwelling unit is occupied by more than 4 unrelated occupants in residential districts, the amendment identifies particular uses and situations in which maximum parking limits are not applicable. These include certain automotive-based uses in which automobiles are a business' primary "goods"; for transit operations, public utility, and public safety facilities; and parking that is provided by higher education and medical institutions as per an approved Institutional Parking Management plan.

**3. Expands TDM program applicability citywide, and creates two tiers for standards**

The amendment expands requirements for a Transportation Demand Management (TDM) program beyond the Multimodal Mixed Use parking district. The proposal applies the standards for a TDM program to developments citywide that include the creation of 10 or more dwelling units, or 15,000 sq.ft. of new non-residential or mixed-use development, provided limited exemptions for project containing 100 percent affordable housing. Additionally, a new TDM tier requires developments of five or more units to unbundle the cost of parking from leases and deeds.

**4. Strengthens the applicability of and reporting on Institutional Parking Management Plans**

The amendment modifies the review standards for parking management plans in *Article 8, Part 3- Institutional Parking Plans* as a result of a shift from minimum on-site parking requirements to maximum limits. Additionally, it specifies applicable data points that must be provided in a plan and annual performance reports, and establishes an approved, effective plan as a pre-requisite for granting permits for institutional projects covered by these plans.

**Relationship to planBTV**

*This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).*

| Theme    | Dynamic  | Distinctive | Inclusive | Connected |
|----------|----------|-------------|-----------|-----------|
| Land Use | Conserve | Sustain     |           | Grow      |

**Compatibility with Proposed Future Land Use & Density**

*planBTV* intends generally to guide the city's development and evolution away from dependence on automobiles and toward land use and density patterns that support walking, bicycling and transit use. This amendment supports this overarching policy goal through eliminating requirements for parking, a land use that encourages reliance on cars and often precludes density levels that support active and transit mobility. Parking is generally considered a land-intensive and financially costly component of development. Removing parking requirement and implementing maximums will reduce costs toward development of plan-supported densities and will make development of sites, particularly for housing, more feasible citywide. With respect to the relationship between land use and the climate emergency, the amendment specifically addresses Policy 6.1, which directs the city to "develop a roadmap for identifying objectives and steps necessary to transition Burlington to a Net Zero

Energy community in the electric, thermal, and ground transportation sectors." Finally, the amendment's proposed revisions to TDM requirements supports the Plan's goal to establish guidelines for TDM that can be a regional model and provide "greater predictability and consistency for new development."

#### Impact on Safe & Affordable Housing

Parking is a land-intensive and costly component of housing development that typically limits the number of homes that can be developed. This amendment, in proposing maximums paired with strengthened TDM practices, helps advance an overarching *planBTV* policy goal to promote housing development policies in keeping with the city's local character and its role as a regional growth center. Specifically, the amendment addresses a policy to "remove barriers and disincentives to development in pursuit of housing at all income levels." If approved, housing developers would be restricted from providing excessive parking while being provided with a more transparent TDM practice, resulting in more efficient and affordable housing development.

#### Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

### **Process Overview**

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

| Planning Commission Process   |  |  |                                      |                       |  |                          |
|---|--|--|--------------------------------------|-----------------------|--|--------------------------|
| Draft Amendment prepared by:<br>City Council, with PC & staff input | Presentation to & discussion by Commission<br>12/14/21,<br>12/22/21,<br>1/11/22,<br>1/25/22,<br>2/8/22<br>12/20/22 | Approved for Public Hearing<br>4/12/22 | Public Hearing<br>6/14/22            |                       | Approved & forwarded to Council<br>6/28/2022 |                          |
| City Council Process  |  |  |                                      |                       |  |                          |
| First Read & Referral to Ordinance Cmte<br>9/27/21                  | Ordinance Cmte discussion<br>10/20/21,<br>11/23/21,<br>12/22/21,<br>3/2/22,<br>3/10/22                             | Ordinance Cmte recommend<br>3/10/22    | Second Read & Refer to PC<br>3/21/22 | Third Read<br>7/18/22 | Fourth Read<br>9/12/2022                     | Fifth Read<br>12/05/2022 |
| Public Hearing<br>1/9/2023  | Council Approval & Adoption  |  |                                      |                       |  |                          |