

CITY OF SOUTH BURLINGTON INTERIM BYLAWS

I. PURPOSE

Our community values a balance among our natural, open spaces and our developed, residential and commercial, spaces so that the flora and fauna co-exist alongside human dwellings, schools, industries and services. All of these spaces will sustain our economic viability going forward. Together these spaces provide, for the benefit of our residents and visitors, clean, fresh air to breathe, clean water to drink and swim in, recreational opportunities, homes, jobs, and valuable industries and services. As more homes are built in South Burlington, we must examine carefully the intensity and nature of development and its potential impacts on the balance that we seek to maintain. Based on previous studies, the City needs to review developable lands outside of the Transit Overlay District and certain business park areas, including undeveloped open spaces, forest blocks and working landscapes such as the City's remaining large farms and parcels in the Institutional & Agricultural District.

City staff regularly considers the infrastructure and staffing needs, short and long term, of the community. For the past three years, some City department heads have raised concerns about an ongoing strain on City resources. In the face of ongoing development, South Burlington must continue to safeguard against the possibility that the costs of emergency services and construction and maintenance of sewers and roads will outstrip City revenues such that City residents and business will face the prospect of an acute increase in their tax burden.

For all these reasons, the City Council has adopted a smart growth strategy in its policy initiatives, including the preservation of open spaces, forest blocks and working landscapes, and amended the Land Development Regulations to encourage dense development in our urban core, which includes City Center and the Shelburne Road corridor. We also have sought to encourage commercial development and construction of affordable housing. However, the pace of residential development has outstripped the planning tools and processes intended to ensure sustainability and encourage affordability.

With the delicate ecosystems and preparedness of both our natural and constructed infrastructure in mind, the City needs to determine what locations, types, and densities of development are most desirable in order to maintain the balance between natural and developed spaces and sustainability and to avoid a fiscal crisis -- not when it is upon us, but before we reach that point.

For all these reasons, the City Council considers it necessary to preserve temporarily the land development that currently exists outside of the Transit Overlay District and certain business parks in order to accomplish the following tasks:

- Undertake an analysis of undeveloped open spaces, forest blocks and working landscapes and update the prioritization of these lands for conservation, permanent open space, and/or recreation.
- Give the Planning Commission time to complete its extensive study of Planned Unit Developments and Master Plans, which necessarily includes the study of density of development and open space.
- Undertake an analysis of the program for the Transfer of Development Rights established in and by the Land Development Regulations and recommend options for its implementation.
- Conduct a cost-benefit analysis of hypothetical development, including density and type, on existing developable open spaces, forest blocks, and working landscapes.

Once the City has determined which parcels in South Burlington are most critical to our environmental and economic goals, the City can assess whether, and possibly how, the current Land Development Regulations or tools, regulatory or nonregulatory, require amendment and act accordingly.

II. LANDS TO WHICH THE INTERIM BYLAWS APPLY

These Interim Bylaws shall apply to all lands in the City of South Burlington as depicted on the Interim Zoning map, except for those lands depicted on the Interim Zoning map as Exempt Areas. The Interim Zoning map describes the areas to which these Interim Bylaws apply and the Exempt Areas to which these Interim Bylaws do not apply, and is incorporated herein by reference.

III. DEFINITIONS

- A. Words, terms and phrases specifically defined in the South Burlington Land Development Regulations shall have the same meaning in these Interim Bylaws unless another meaning is clearly indicated.
- B. New Planned Unit Development shall mean any planned unit development for which a complete preliminary plat application had not been submitted to the City of South Burlington Planning and Zoning Department before October 25, 2018.
- C. New Subdivision:
 - (1) For subdivisions classified as “minor”, a new subdivision shall mean any minor subdivision for which a complete final plat application had not

been submitted to the South Burlington Planning and Zoning Department before October 25, 2018.

(2) For subdivisions classified as “major”, a new subdivision shall mean any major subdivision for which a complete preliminary plat application had not been submitted to the South Burlington Planning and Zoning Department before October 25, 2018.

D. New Principal Buildings shall mean any principal building for which a complete zoning permit application had not been submitted to the City of South Burlington Planning and Zoning Department before October 25, 2018, unless such principal building had been:

(1) Proposed as part of a complete application for approval of a site plan, a conditional use or a planned unit development submitted before October 25, 2018, or

(2) Approved as part of a site plan, conditional use, or planned unit development application that the City Development Review Board or the City Administrative Officer approved by unexpired written decision dated before October 25, 2018.

IV. LIMITATIONS ON LAND DEVELOPMENT

Within the areas to which these Interim Bylaws apply, the following shall not be allowed:

A. New Planned Unit Developments.

B. New Subdivisions.

C. New Principal Buildings.

D. Amendment of a master plan or any related site plans or plats that deviates from an approved Master Plan in one of the respects set forth in Article 15.07(D)(3)(a)-(e) of the South Burlington Land Development Regulations.

V. REVIEW OF APPLICATIONS

Upon application, the City Council may authorize the issuance of permits for the development prohibited in Section IV, above, after public hearing preceded by notice in accordance with 24 V.S.A. section 4464, but only upon a finding by the Council that the proposed use is consistent with the health, safety, and welfare of the City of South Burlington and the following standards:

A. The capacity of existing or planned community facilities, services, or lands.

- B. The existing patterns and uses of development in the area.
- C. Traffic on roads and highways in the vicinity.
- D. Environmental limitations of the site or area and significant natural resource areas and sites.
- E. Utilization of renewable energy resources.
- F. Municipal plans and other municipal bylaws, ordinances, or regulations in effect.

The applicant and all abutting property owners shall be notified in writing of the date of the hearing and of the City Council's final determination.

VI. ENACTMENT; EFFECT; SEPARABILITY

- A. **Enactment and Duration.** These Interim Bylaws are enacted pursuant to the provisions of 24 V.S.A. section 4415, are to be administered in the manner provided for in 24 V.S.A. section 4415, as amended from time to time, and shall be effective upon passage. These Interim Bylaws shall be limited in duration to nine months from the date they become effective. The City Council may extend these Interim Bylaws in accordance with 24 V.S.A. section 4415 for subsequent three-month periods, but not beyond the initial two-year period authorized by 24 V.S.A. section 4415(a).
- B. **Effect on Existing Law.** These Interim Bylaws shall not repeal or alter any existing ordinances, regulations or bylaws of the City of South Burlington. These Interim Bylaws establish restrictions that are in addition to those contained in any other City ordinance, regulation or bylaw.
- C. **Separability.** Should any section, sub-section, paragraph, sentence, clause, provision or phrase of these Interim Bylaws be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other portion of these Interim Bylaws, except the section in question.

Adopted this 13th day of November 2018.

Received and recorded this _____ day of December, 2018.

Donna Kinville, City Clerk