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TO: Planning Commission
FROM: Charles Dillard, Interim Director, Office of City Planning
DATE: July 18, 2024
RE: Proposed ZA-25-01 Overdose Prevention Centers

Overview & Background

On June 17, 2024, the Vermont legislature enacted H. 72 – now 18 V.S.A. § 4254, legislation that authorizes overdose prevention centers. Overdose Prevention Centers are facilities are intended to reduce the potential risks of drug use, including overdose and undesirable public drug use, by providing facilities and trained staff for the on-site use of regulated substances. As defined in this proposed amendment, OPCs also may contain offices and facilities for providing addiction, medical, and social services. The legislation grants immunity from liability to individuals using regulated substances while on-site and in the service of providers, staff employed or volunteering at the OPC, and the property owner where the OPC is located. Finally, the Department of Health will be issuing operating guidelines for OPCs, including level of on-site staff qualifications, by September 15th.

Overdose Prevention Centers do not conform perfectly to any use defined in the Comprehensive Development Ordinance. Furthermore, it is standard City practice to define any uses specifically enabled by state legislation as such by denoting its enabling statute. A primary reason for this is that in the event that the statute is amended, the City's definition does not therefore and subsequently have to be amended. As such, this amendment provides a definition for OPCs. The amendment also establishes standards regulating maximum and where OPCs may be located in the city.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The proposed amendment establishes a definition and use standards for Overdose Prevention Centers, a use enabled by 18 V.S.A. § 4254.

Proposed ordinance language is below.

[Begin text amendment]

New language is underlined in red. Amendments to parking and use standards are provided in the attached ordinance document.

Sec. 13.1.2 Definitions.

Overdose Prevention Center: An establishment containing offices and facilities for providing addiction, medical and social services, including supervised possession and use of regulated substances, as enabled by 18 V.S.A. § 4254.

[End text amendment]

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact the City Planning department or 711 if you are hearing or speech impaired.

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

The proposed amendment has minimal impact on future land use and no impact on density. It creates a new use definition and standard for Overdose Prevention Centers, a use specifically enabled by 18 V.S.A. § 4254.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on safe and affordable housing.

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: Staff .7/18/24	Presentation to & discussion by Commission 07/18/24	Approved for Public Hearing	Public Hearing	Approved & forwarded to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend as modified	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected