

Burlington Planning Commission

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Burlington Planning Commission

Tuesday, March 12, 2024, 6:30 PM

Remote & Virtual Meeting via Zoom

In person option available:

Bushor Conference Room (Room 102), 1st Floor of City Hall, 149 Church St.

To Join the Meeting on a Computer

Link: <https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFIzd09>

Passcode: 658929

To Join the Meeting on a Phone

Number: +1 646 931 3860

Webinar ID: 979 4188 3790

Passcode: 658929

1. Agenda

2. Public Forum

Subject	2.1. Public Guidelines for Virtual Meeting Participation
Meeting	March 12, 2024 - Agenda - Tuesday, March 12, 2024, 6:30 PM, Burlington Planning Commission
Category	2. Public Forum
Department	Planning
Type	

3. Chair's Report

4. Director's Report

5. Proposed CDO Amendment: Neighborhood Code

Subject	5.1. Neighborhood Code
Meeting	March 12, 2024 - Agenda - Tuesday, March 12, 2024, 6:30 PM, Burlington Planning Commission
Category	5. Proposed CDO Amendment: Neighborhood Code
Department	Planning
Type	Discussion

Recommended Action Discuss City council changes to proposed ordinance and reapprove the Municipal Bylaw Report

6. Proposed CDO Amendment: Inclusionary Zoning

Subject	6.1. Inclusionary Zoning
Meeting	March 12, 2024 - Agenda - Tuesday, March 12, 2024, 6:30 PM, Burlington Planning Commission
Category	6. Proposed CDO Amendment: Inclusionary Zoning
Department	Planning
Type	Presentation

Recommended Action Staff will present material related to this item at the meeting

7. Commissioner Items

8. Communications

8.1. Review and accept Written Communications

9. Adopt Minutes

Subject	9.1. Review and approve the 1/23 Planning Commission Meeting Minutes
Meeting	March 12, 2024 - Agenda - Tuesday, March 12, 2024, 6:30 PM, Burlington Planning Commission
Category	9. Adopt Minutes
Department	Planning
Type	

10. Adjournment

Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at cdillard@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.

CITY OF BURLINGTON

ORDINANCE

Sponsor: Office of City Planning,
Planning Commission, Council
Ordinance Committee

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
ZA-24-02 Neighborhood Code, Part 1

Public Hearing Dates: _____
2/26/24, 3/25/24

First reading: 1/29/24

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Appendix A, Burlington Comprehensive Development Ordinance, of the Code of Ordinances of the
2 City of Burlington be and hereby is amended by amending Sec. 4.3.1 Base Districts Established; Map 4.3.1-1
3 Base Zoning Districts; Sec. 4.3.2 Overlay Districts Established; Map 4.4.3-1 Enterprise Districts; replaces
4 the entirety of Sec. 4.4.5 Residential Districts; Map 4.4.5-1 Residential Zoning Districts; replaces Tables
5 4.4.5-1, 4.4.5-2, 4.4.5-3, 4.4.5-5, 4.4.5-7, and 4.4.5-8 with new Tables 4.4.5-1 through 4.4.5-6; Map 4.4.6-1
6 Recreation, Conservation and Open Space Districts; Sec. 4.5.1 (b) Design Review Areas Covered; deletes
7 Sec. 4.5.3 RH Density Bonus Overlay District and Map 4.5.3-1; deletes Sec. 4.5.5 RL Larger Lot Overlay
8 District and Map 4.5.5-1; rennumbers Sec. 4.5.4 Natural Resource Protection Overlay (NR) District and Map
9 4.5.4-1 and updates internal references within this and other Sections with new numbering; rennumbers Sec.
10 4.5.6 Mouth of the River Overlay District and Map 4.5.6-1 and updates internal references within this and
11 other Sections with new numbering; rennumbers Sec. 4.5.7 Centennial Woods Overlay District and Map
12 4.5.7-1 and updates internal references within this and other Sections with new numbering; and rennumbers
13 Sec. 4.5.8 South End Innovation District and Maps 4.5.8-1 and 4.5.8-2 and updates internal references within
14 this and other Sections with new numbering; deletes standards associated with Sec. 5.2.1 Existing Small
15 Lots, and replaces it with a reserved section header; amends Sec. 5.2.4 (a) Buildable Area Calculation;
16 amends Sec. 5.2.5 (b) 7.; amends internal references to Sec. 4.4.5 and Article 4, Part 5 within Sec. 5.3.4, Sec.
17 5.4.8, and Sec 5.4.12 to be consistent with new section numbering; amends Sec. 6.2.2 (h) Design Review-
18 Building Location and Orientation; amends Sec. 6.3.2 (a) 1. Architectural Review- Massing, Height and
19 Scale; amends Sec. 11.1.3 and 11.1.4 regarding standards for Planned Unit Development; amends Article 13-
20 Definitions; and amends Appendix A- Use Table thereof to read as follows:

Article 4: Zoning Maps and Districts**PART 3: ZONING DISTRICTS ESTABLISHED****Sec. 4.3.1 Base Districts Established**

The following zoning districts are hereby established as illustrated in Map 4.3.1-1 and further described in Part 4 below.

(a) - (d) *As Written.*

(e) A series of ~~five (5)~~four (4) **Residential** districts: (*see Sec. 4.4.5*)

- Residential Corridor (RC);
- Residential High ~~Density~~ Intensity Residential (RH);
- Residential Medium ~~Density~~ Intensity Residential (RM); and
- ~~Medium Density Residential Waterfront (RM-W);~~
- Residential Low ~~Density~~ Intensity (RL); and;
- ~~Residential Low Density Waterfront (RL-W);~~

(f) - (g) *As Written.*

Sec. 4.3.2 Overlay Districts Established

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. Properties within an Overlay District may be used and developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in Part 5 below:

(a) - (b) *As Written.*

~~(e) An RH Density Bonus Overlay (RHDB) district;~~

(c) (d)—A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

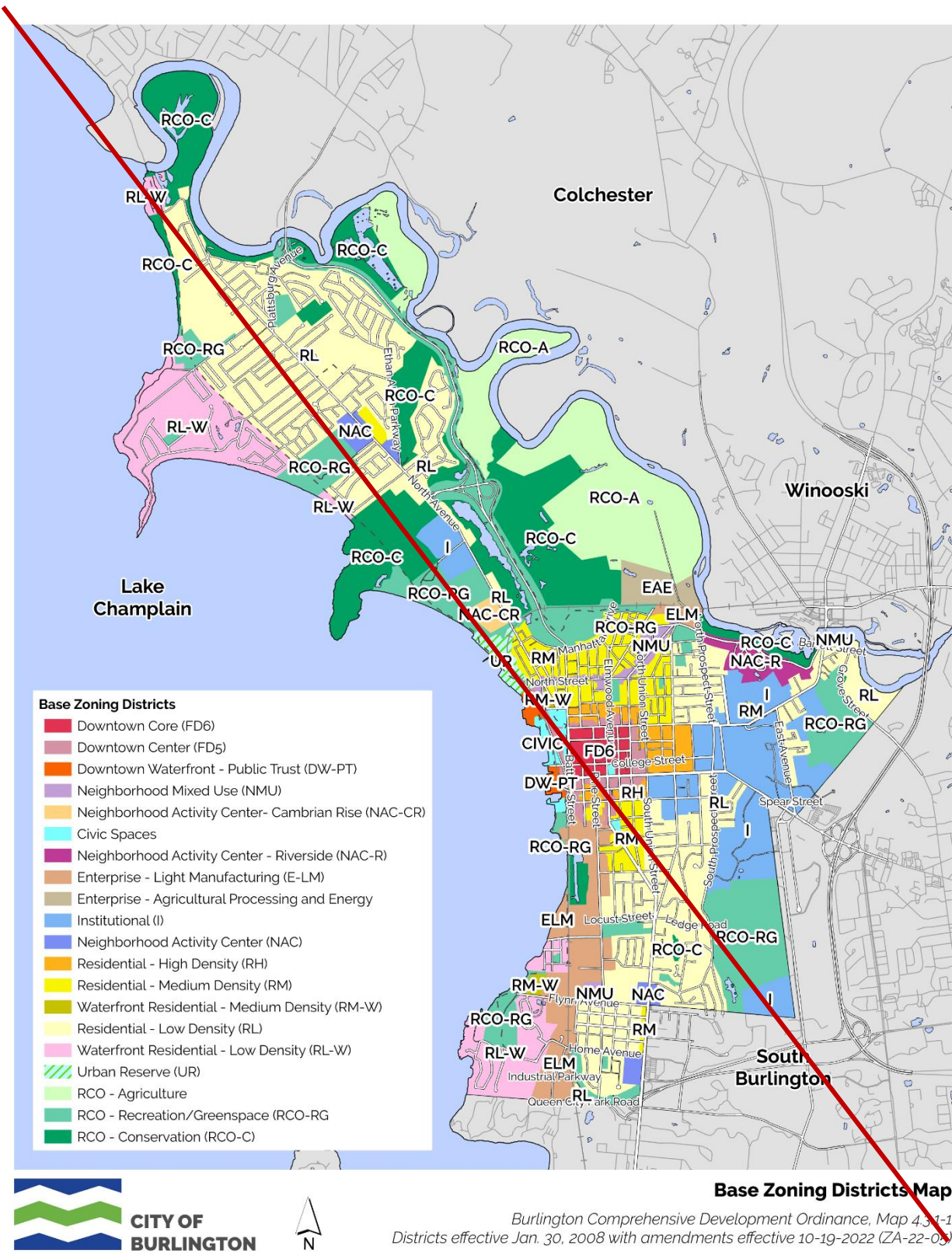
- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and
- Special Flood Hazard Area;

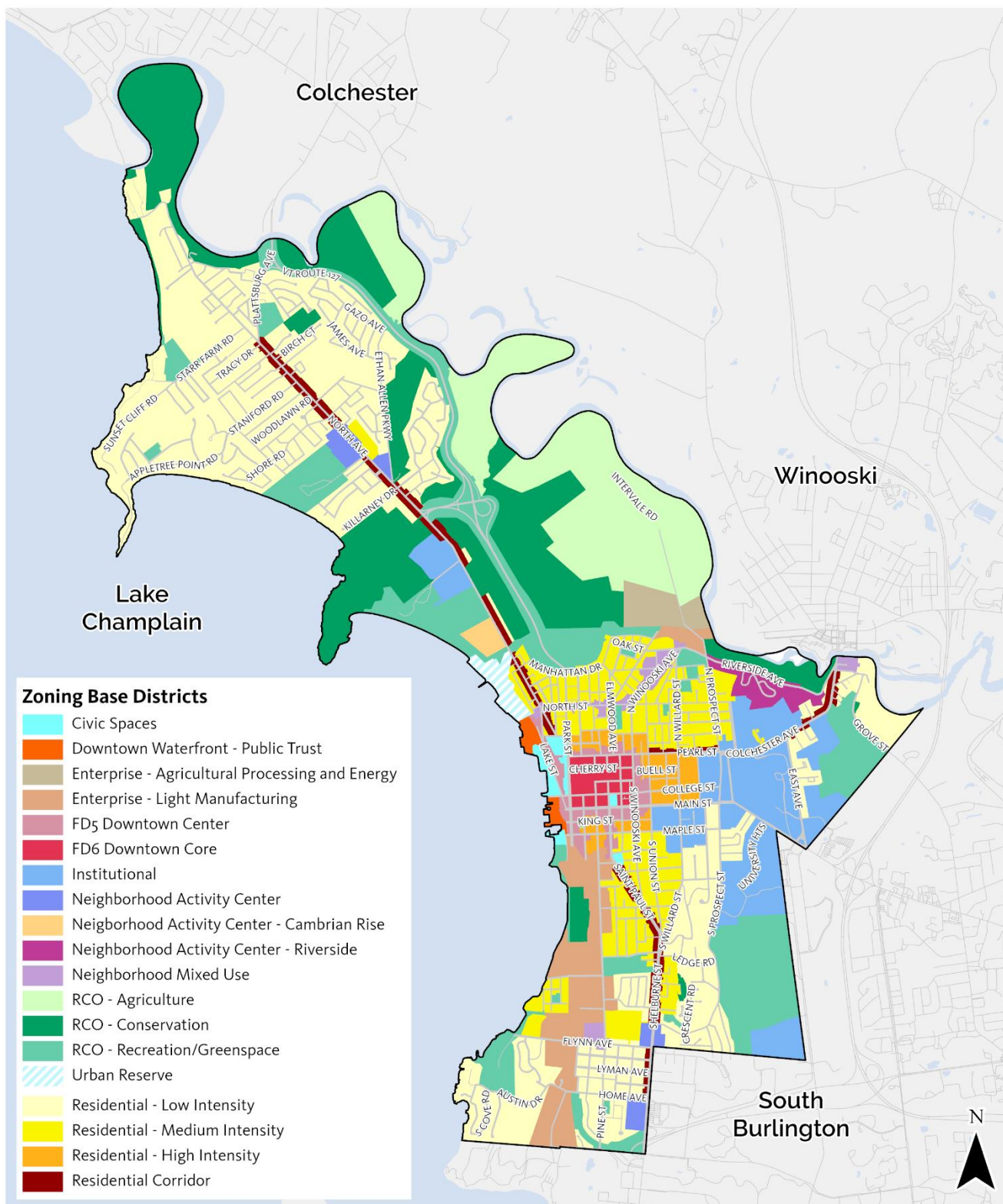
~~(e) A RL Larger Lot Overlay (RLLL) district;~~

(d) (f)—A **Mouth of the River Overlay (MOR)** district; ~~and;~~

(e) (g)—A **Centennial Woods Overlay (CWO)** district; and.

(f) A South End Innovation District Overlay.





Map 4.3.1-1 Base Zoning Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

Sec. 4.4.3 Enterprise Districts

(a) As Written.

(b) Dimensional Standards and Density As Written.

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ^{1, 4})	Max. Lot Coverage ^{1, 4}	Minimum Building Setbacks ^{1, 4} (feet)			Max. Height ^{1, 4} (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Agricultural Processing and Energy	0.75 FAR	60%	10 min	10 min	10 min	45'

1 – 3 As written.

4 – Maximum intensity, lot coverage, setbacks and building height in portions of the E-LM district are modified by provisions of the South End Innovation District overlay (~~E~~-SEID) in Sec. 4.5.68.

(c) Permitted and Conditional Uses:

1. - 2. As Written.
3. Uses that may be permitted, or conditionally permitted within the South End Innovation District overlay (SEID) are identified on Table ~~4.5.8-3~~ 4.5.6-3.

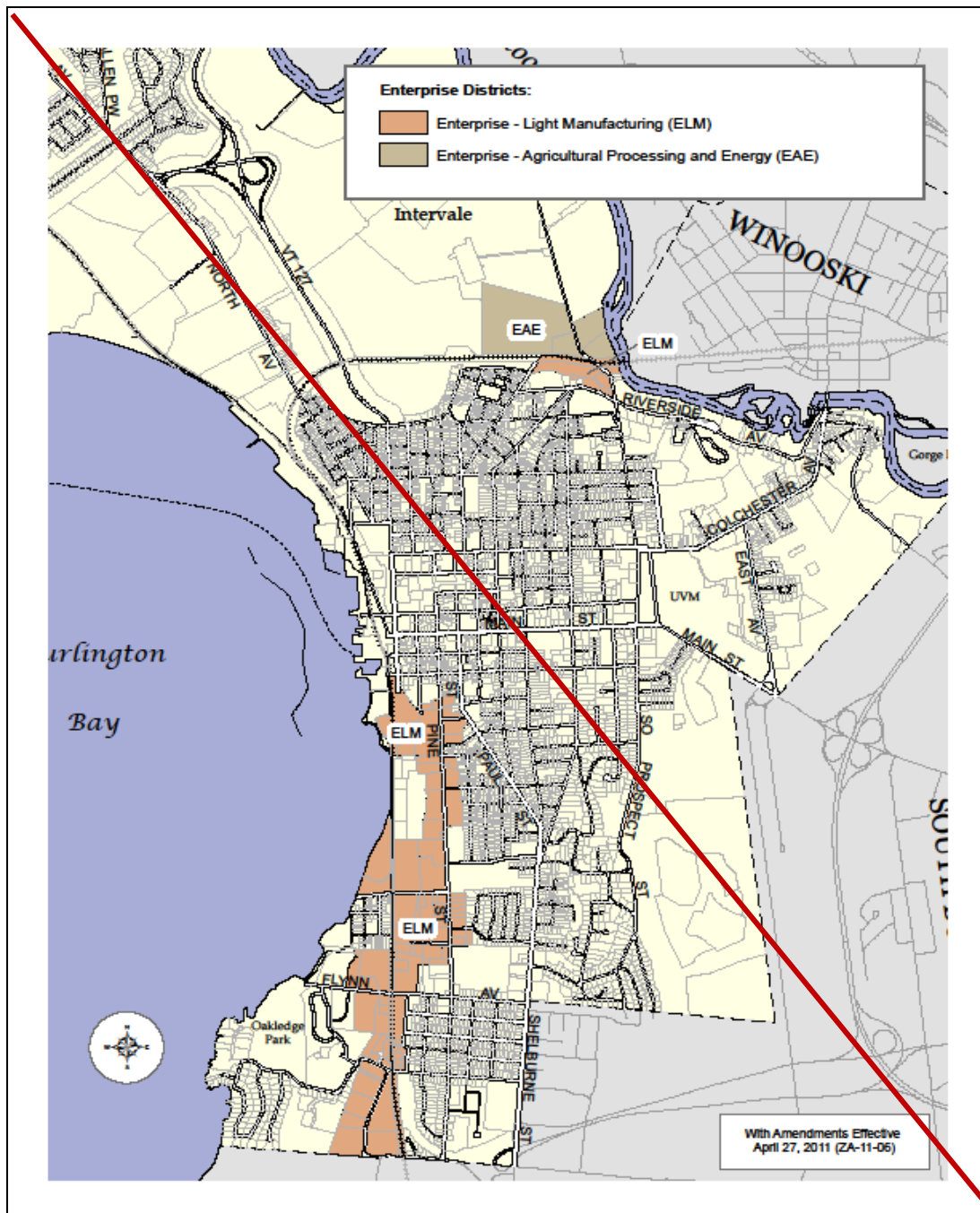
(d) District Specific Regulations

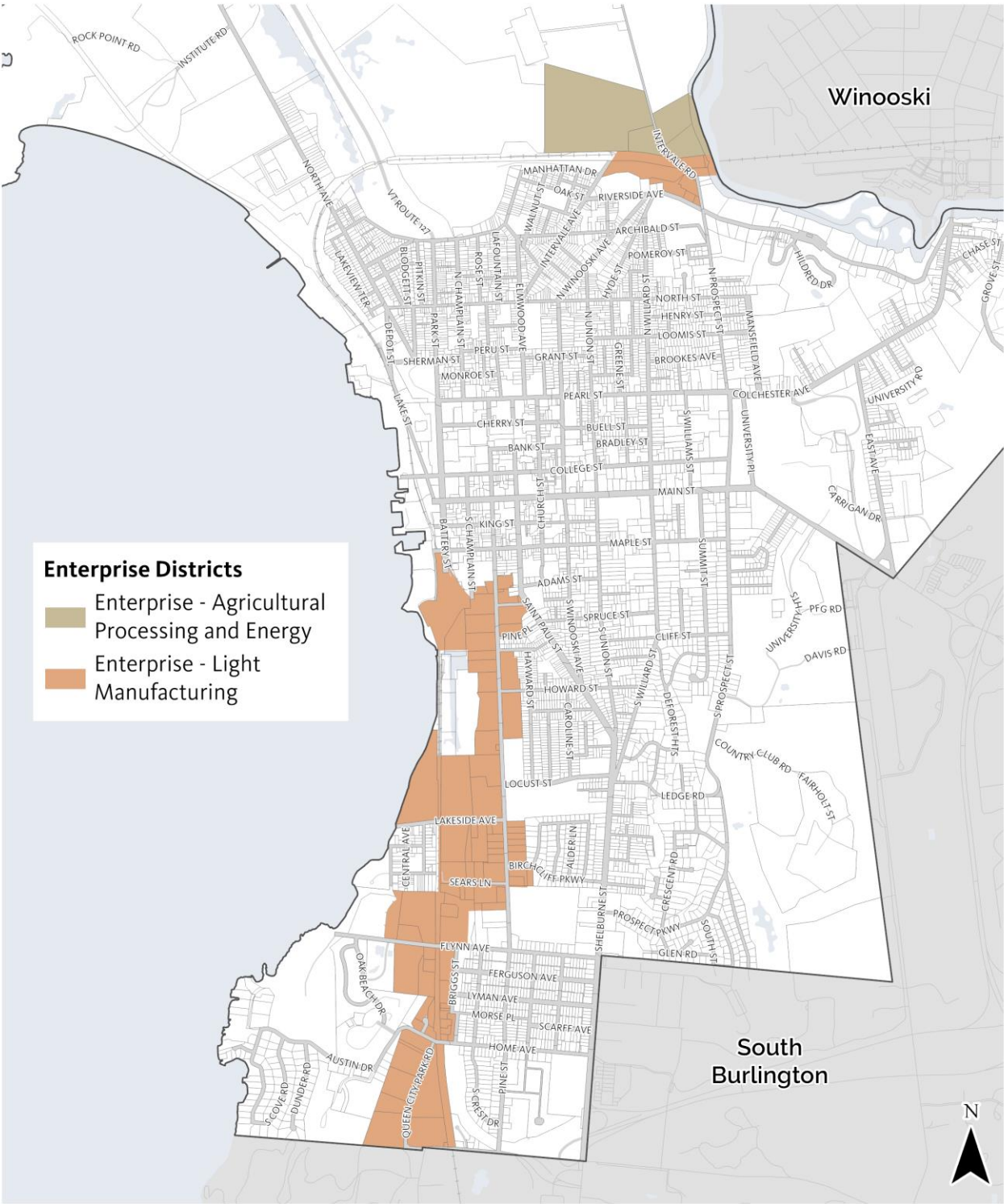
1. Convenience Stores

The following shall apply to the review and approval of convenience stores in the E-LM district, except as regulated in Sec. 4.5.68: South End Innovation District, in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:

A. - E. As Written

2. Drive Thrus are not permitted.





Map 4.4.3-1 Enterprise Districts
*Burlington Comprehensive Development Ordinance
Districts effective Jan. 30, 2008*

Map 4.4.3-1 Enterprise Districts

Sec. 4.4.5 Residential Districts

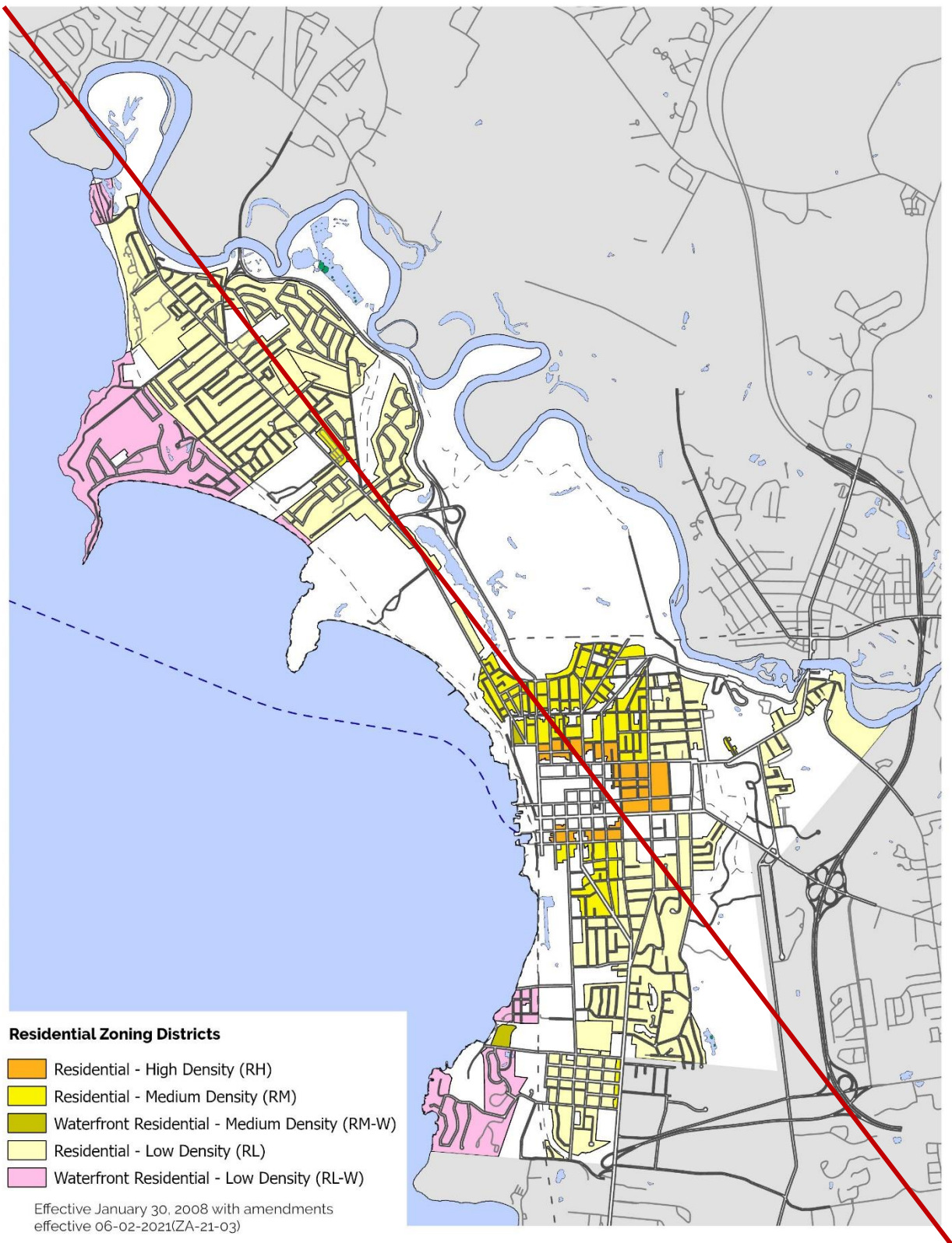
(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment, while enabling neighborhoods to evolve to meet the changing needs of households and the economy, and as a result of the climate emergency. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and new buildings are interspersed within a wide range of historic development patterns are reinforced across the city. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood and b. Building facades designed for parking shall be secondary to the residential aspect of a structure.

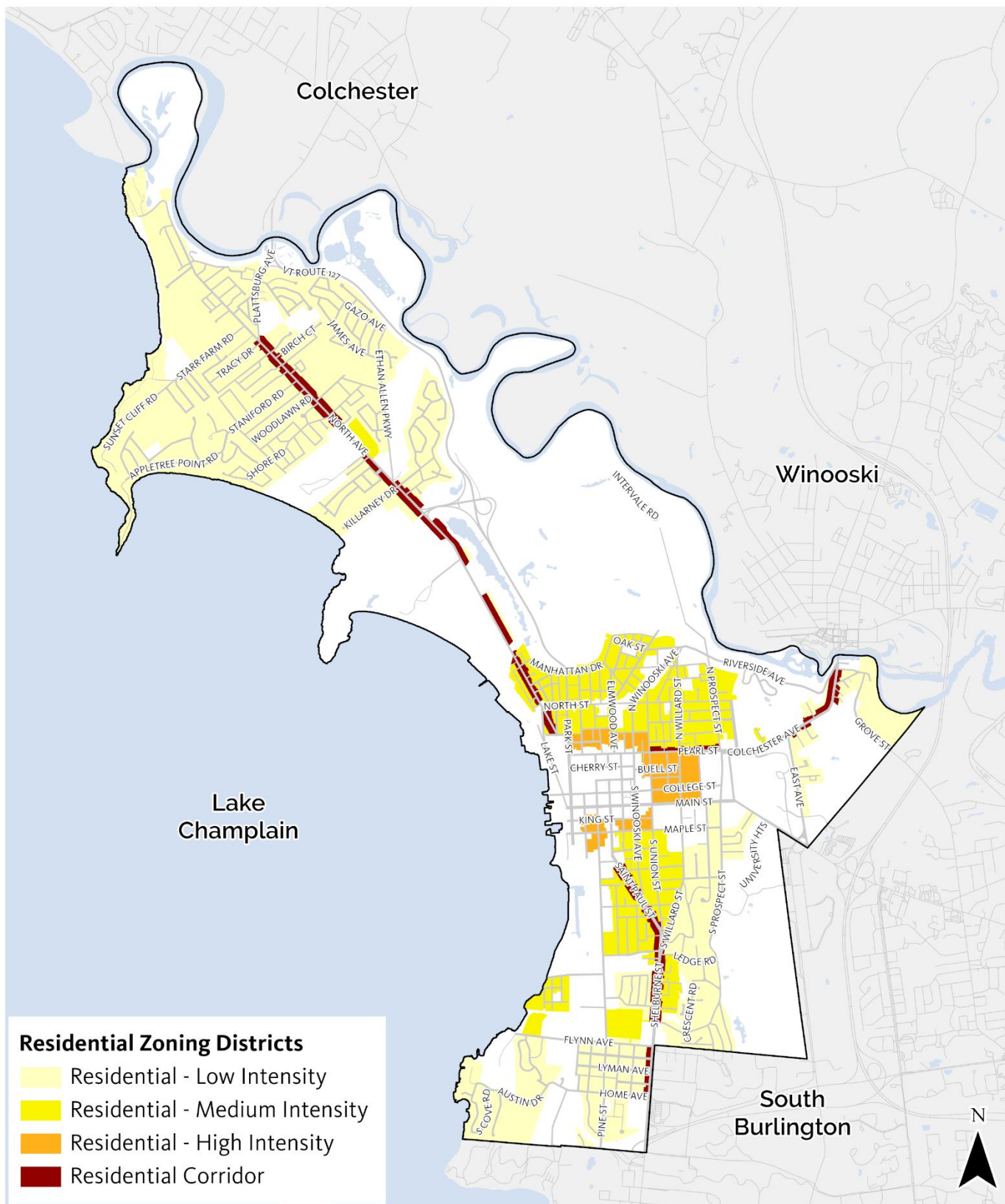
The ~~5~~ Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

1. The **Residential Lower Density Intensity (Residential Low, RL)** district is intended primarily for low density residential development that includes a mix of housing types such as in the form of single detached dwellings, with or without accessory dwelling units, and duplexes, triplexes and quadplex. This district is typically characterized by a organized in a compact and cohesive neighborhood-scale that complements residential development pattern reflective of the respective neighborhoods' development and open space history patterns. Building heights typically vary from one to two and half stories, and development generally results in lower lot coverage than in other residential districts. Limited commercial uses take the form of home-based businesses and the adaptive reuse of historic buildings as neighborhood-serving uses.
2. The ~~Waterfront Residential Low Density (RL-W)~~ district is intended primarily for low density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.
- 3.2. The **Residential Medium Density Intensity (Residential Medium, RM)** district is intended primarily for medium density residential development that includes a mix of housing types such as in the form of single-family detached dwellings, with or without accessory dwelling units, duplex, triplex, quadplex, and attached multi-family unit apartments buildings in compact, walkable neighborhoods. Building heights typically range from two to three stories, and development generally results in moderately higher lot coverage as compared to the RL district. Neighborhoods within this district are typically walkable to downtown or other mixed-use areas of the city, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.
4. The ~~Waterfront Residential Medium Density (RM-W)~~ district is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi-family apartments. This district is distinguished from the Residential Medium Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.
3. The **Residential High Density Intensity (Residential High, RH)** district is intended primarily for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized and larger high density-attached multi-family-unit buildings residential development. Single-family detached dwellings are limited to buildings originally built for such purpose. Development is intended to be more intense than other residential areas, with building heights ranging from two to three and a half stories, high lot coverage, large buildings, and buildings placed close to the street and each other together on small lots. Parking is intended to be hidden either behind or underneath structures. Neighborhoods within this district are typically immediately adjacent to downtown and the institutions, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.

5.4. The **Residential Corridor (RC)** district is intended for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized, multi-unit and mixed-use buildings along major multi-modal transportation corridors that are adjacent to low intensity districts. Single-family detached dwellings are limited to buildings originally built for such purpose. New and infill development may be located closer to the street than historic development patterns, with building heights ranging from two to three and a half stories and high lot coverage. Neighborhood-serving commercial uses may be incorporated in existing or new buildings.



146
147



Map 4.4.5-1 Residential Zoning Districts

(b) **Dimensional Standards and Density**

The ~~density and~~ intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W²

	Lot Frontage ¹		Lot Size	
Use	(linear feet)		(square feet)	
	RL,WRL	RM,WRM	RL,WRL ³	RM,WRM
Single-detached dwelling	Min: 60'	Min: 30'	Min: 6,000	NA
Duplex and above			Min: 10,000	
1.— The DRB may adjust the frontage requirements for lots fronting on cul-de sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street. 2.— There are no minimum lot size or frontage requirements in the RH District. 3.— Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.				

Table 4.4.5-2: Base Residential Density

District	Maximum dwelling units per acre ¹
Low Density: RL, RL-W	7 units/acre
Medium Density: RM, RM-W	20 units/acre
High Density: RH	40 units/acre
Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.	

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RL, WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides ± 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35 feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	NA	35 feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35 feet
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	NA	35 feet
1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. 2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4. 3. In no event shall the side yard setback be required to exceed 20 feet, or the rear yard setback be required to exceed 75 feet. 4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone. 5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5. 6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width. 7. For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet in any event.						

Table 4.4.5-1. Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

<u>District</u>	<u>Min. Lot Frontage^{2,3,4} 5 (linear feet)</u>	<u>Setbacks^{1,6,7,8,9}</u>			<u>Lot Coverage^{1,10}</u>
		<u>Front</u>	<u>Side</u>	<u>Rear</u>	
<u>Residential Low (RL)</u>	<u>30'</u>	<u>Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u> <u>Max required: 25 ft</u>	<u>Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides</u>	<u>20 ft.</u>	<u>45%</u>
<u>Residential Medium (RM)</u>				<u>15 ft.</u>	<u>60%</u>
<u>Residential High (RH)</u>	<u>N/A</u>				<u>80%</u>
<u>Residential Corridor (RC)</u>	<u>N/A</u>	<u>Min required: 5 ft</u> <u>Max permitted: 20 ft</u>	<u>Max required: 20 ft</u>		<u>80%</u>
1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5. 2. The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern. 3. Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2 4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'. 5. Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation. 6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details. 4-7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.3 Riparian and Littoral Conservation Overlay Zone. 2-8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet. 9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)-3A 2C below.					

Table 4.4.5-2. Principal & Secondary Structures Massing and Placement Standards in Residential Districts

<u>District</u>	<u>Max Height & Stories^{1,3}</u>	<u>Max Dwelling Units per Structure^{2,3,4}</u>	<u>Max. Principal Structure Footprint³</u>	<u>Max. Secondary Structure Footprint³</u>	<u>Max Building face before providing offset⁵</u>	<u>Min. Distance between Structures on same lot</u>
<u>Residential Low (RL)</u>	<u>35'</u> <u>3 stories</u>	<u>4</u>	<u>1,800 sq.ft</u>	<u>1,100 sq.ft.</u>	<u>50'</u>	<u>15'</u>
<u>Residential Medium (RM)</u>	<u>35'</u> <u>3 stories</u>	<u>6</u>	<u>1,800 sq.ft.</u>	<u>900 sq.ft.</u>		
<u>Residential High (RH)</u>	<u>50'</u> <u>4 stories</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>		

Residential Corridor (RC)			3,600 sq.ft.	N/A		
1. Details regarding the measurement of and exceptions to height limits are found in Art 5. 2. Minimum dwelling unit size is 350 sq.ft. 3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11. 4. Within the RM district, a maximum of six (6) dwelling units are permitted in a Principal structure, and a maximum of four (4) units are permitted in a Secondary structure. 5. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.						

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Residential districts shall be as defined in Appendix A – Use Table [and as may be modified by district specific regulations in Sec. 4.4.5 \(d\)](#).

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Additional Residential Development -Permitted

[In addition to any applicable development permitted according to Article 11- Planned Unit Development, the following additional development types and intensities shall be allowed within the Residential Districts, subject to the following standards.](#)

A. Reserved**Table 4.4.5-3 Reserved****B. Residential Development Bonuses**

[The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.](#)

(i) Senior Housing Bonus

[Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB for senior housing provided the following conditions are met:](#)

- [a\) No less than twenty-five \(25\) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten \(10\) percent reserved for low-income households. \(Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.\);](#)
- [b\) The proposal shall be subject to the design review provisions of Art. 6;](#)
- [c\) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,](#)
- [d\) Lot coverage and residential densities shall not exceed the following:](#)

Table 4.4.5-4: Senior Housing Bonus

<u>District</u>	<u>Maximum Coverage</u>	<u>Maximum Density</u>
<u>RL</u>	<u>44%</u>	<u>20 du/ac</u>
<u>RM</u>	<u>48%</u>	<u>40 du/ac</u>
<u>RH</u>	<u>92%</u>	<u>80 du/ac</u>

(ii) Residential Conversion Bonus

Development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

a) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Residential Conversion Bonus

<u>District</u>	<u>Maximum Coverage</u>	<u>Maximum Density</u>
<u>RL</u>	<u>50%</u> <u>(62% with</u> <u>inclusionary</u> <u>allowance)</u>	<u>8 du/ac</u> <u>(8.75 with inclusionary</u> <u>allowance)</u>
<u>RM</u>	<u>60%</u> <u>(72% with</u> <u>inclusionary</u> <u>allowance)</u>	<u>30 du/ac</u> <u>(37.5 with inclusionary</u> <u>allowance)</u>
<u>RH</u>	<u>80%</u> <u>(92% with</u> <u>inclusionary</u> <u>allowance)</u>	<u>60 du/ac</u> <u>(69 with inclusionary</u> <u>allowance)</u>

(iii) Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-6: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

<u>District</u>	<u>Maximum Density*</u>	<u>Maximum Height</u>	<u>Maximum Lot Coverage*</u>
<u>RH</u>	<u>80 du/ac</u>	<u>45-feet</u>	<u>92%</u>
<u>RM</u>	<u>40 du/ac</u>	<u>35-feet</u>	<u>72%</u>
<u>RL</u>	<u>20 du/ac</u>	<u>35-feet</u>	<u>62%</u>

*- or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

2. Exceptions to Dimensional Standards**A. Encroachment into Side Setback for Residential Driveways**

For purposes of enabling narrow or flag lots to create a driveway to provide a maximum of two tandem parking spaces, or to access a parking area behind a principal structure, driveways may encroach into a required side setback

up to the property line. The maximum waiver from the side setback shall be the minimum necessary for the purposes of creating such a driveway or access to parking spaces. Applications for such waiver shall demonstrate that there will be no undue adverse impact on drainage, safety, light, and air, nor encroachment into a neighboring side yard. With such approval, the lot shall not be considered nonconforming due to the decreased setback.

B. Encroachment into the Waterfront Setback.

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under Sec. 4.5.4:

(i) Replacement of Existing Structure

Replacement of a conforming principle structure existing as of the effective date hereof, may encroach into the required setback provided the replacement does not increase the area or extent of the encroachment more than the existing structure.

(ii) Averaging of Setbacks of Existing Structures

If the setback from the waterfront of existing principal structures within one hundred fifty (150) feet on either or both sides of a subject lot is less than the minimum required setback, the setback for the subject lot may be reduced to the average setback of such neighboring structures.

C. Exceptions to Lot Coverage for Accessory Residential Features

In addition to lot coverage exemptions in Sec. 5.2.3(b), within the RL and RM districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed:

(i) Decks;

(ii) Patios;

(iii) Porches;

(iv) Terraces;

(v) Tennis or other outdoor game courts;

(vi) Swimming pool aprons;

(vii) Walkways;

(viii) Window Wells; and/or

(ix) Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Administrator.

With the exception of the additional lot coverage allowances provided for under Article 9: Inclusionary and Replacement Housing, requirements for such additional lot coverage shall not be permitted for any development where other bonus provisions of this ordinance are applicable.

3. Exception for Neighborhood Commercial Uses

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in RL, RM, RH and Institutional districts subject to the following:

(i) This exemption shall only apply to:

a. Historic buildings that are listed or eligible for listing on the state or national register; or,

b. A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.

(ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.

- (iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.
- (iv) The neighborhood commercial use shall not be counted against the property's allowable residential density.
- (v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.
- (vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.
- (vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.
- (viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.
- (ix) To the extent that additional parking is necessary, the parking standards for Shared-Use Districts shall apply pursuant to Article 8.
- (x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.
- (xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section.
- (xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.

4. Miscellaneous Standards

A. Additions to Existing Residential Structures.

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

B. Accessory Residential Structures, Buildings, and Uses

An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses which do not contain residential units, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- (i) Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5 (b) of this Article and related requirements in Art 5, Parts 1 and 2;
- (ii) Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;
- (iii) Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building; and
- (iv) The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.

C. Residential Occupancy Limits.

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

- (i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,
- (ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).
- (iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus 1 additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

1. Setbacks

A. Encroachment for Residential Driveways

For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two tandem parking spaces, driveways may encroach into a required sideyard setback up to the property line with DRB approval.

Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, conditional use criteria, and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, protection of neighboring side yard, light and air. In addition, the lot shall be found to have dimensions that are smaller than the existing standards for lot size or frontage. The maximum relief from the 5' minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot. With such approval by the DRB, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.

B. Encroachment into the Waterfront Setback

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under Sec. 4.5.4:

(i) Replacement of Existing Structure.

Replacement of a conforming principle structure existing as of the effective date hereof, may encroach into the required setback provided the replacement does not increase the area or extent of the encroachment more than the existing structure.

(ii) Averaging of Setbacks of Existing Structures.

If the waterfront setback of existing principal structures within a distance of one hundred fifty (150) feet on either or both sides of a lot is less than the required setback, the setback may be reduced to the average alignment of such structures.

2. Lot Coverage

A. Exceptions for Accessory Residential Features.

In addition to lot coverage exemptions in Sec. 5.2.3(b), within the RL and RL-W, RM and RM-W districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking:

- (i) Decks;

(ii) ~~Patios;~~

(iii) ~~Porches;~~

(iv) ~~Terraces;~~

(v) ~~Tennis or other outdoor game courts;~~

(vi) ~~Swimming pools and swimming pool aprons;~~

(vii) ~~Walkways;~~

(viii) ~~Window Wells; and/or~~

(ix) ~~Pervious pavement designed and maintained to infiltrate the 1 year/24 hour storm event onsite, subject to review and approval by the Stormwater Administrator.~~

~~With the exception of the additional lot coverage allowances provided for under Inclusionary Zoning Article 9: Inclusionary and Replacement Housing, requirements for such additional lot coverage shall not be permitted for any development where other bonus provisions of this ordinance are applicable.~~

~~3. Accessory Residential Structures, Buildings, and Uses~~

~~An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:~~

~~A. Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5 (b) of this Article and related requirements in Art 5, Parts 1 and 2;~~

~~B. Any accessory structure or building that is seventy five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;~~

~~C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy five percent (75%) of the ground floor area of the principal structure or building; and~~

~~D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.~~

~~4. Residential Density~~

~~A. Additional Unit to Multi-Family.~~

~~One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007, if approved in advance as a conditional use, by the DRB.~~

~~B. Additions to Existing Residential Structures.~~

~~No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.~~

~~C. Residential Occupancy Limits.~~

~~In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.~~

~~Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty five hundred (2,500) square feet excluding its attic and basement pursuant to the following:~~

If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,

If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).

If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus 1 additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

5.—Uses

A.—Exception for Neighborhood Commercial Uses.

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in all Residential and Institutional districts subject to the following:

(i) This exemption shall only apply to:

1) Historic buildings that are listed or eligible for listing on the state or national register; or,

2) A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.

(ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.

(iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use.

Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.

(iv) The neighborhood commercial use shall not be counted against the property's allowable residential density.

(v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.

(vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.

(vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.

(viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.

(ix) To the extent that additional parking is necessary, the parking standards for Shared Use Districts shall apply pursuant to Article 8.

(x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.

(xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section.

(xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.

6.—Residential Development Bonuses

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

A.—Senior Housing Bonus

Residential development in excess of the density, lot coverage and building height limits specified in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB for senior housing provided the following conditions are met:

a) — No less than twenty five (25) per cent of the total number of units shall be reserved for low/moderate income

households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);

b) The proposal shall be subject to the design review provisions of Art. 6;

c) A maximum of an additional 10 feet of building height may be permitted in the RH District; and,

d) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Senior Housing Bonus

District	Maximum Coverage	Maximum Density	
RL/RL-W	44%	20 du/ac	
RM	48%	40 du/ac	
RM-W	72%	40 du/ac	
RH	92%	80 du/ac	

B. Residential Conversion Bonus

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

(i) Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

District	Maximum Lot Coverage	Maximum Density (dwelling unit/acre)
RL, RL-W	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
RM, RM-W	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

C. Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (c) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential densities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

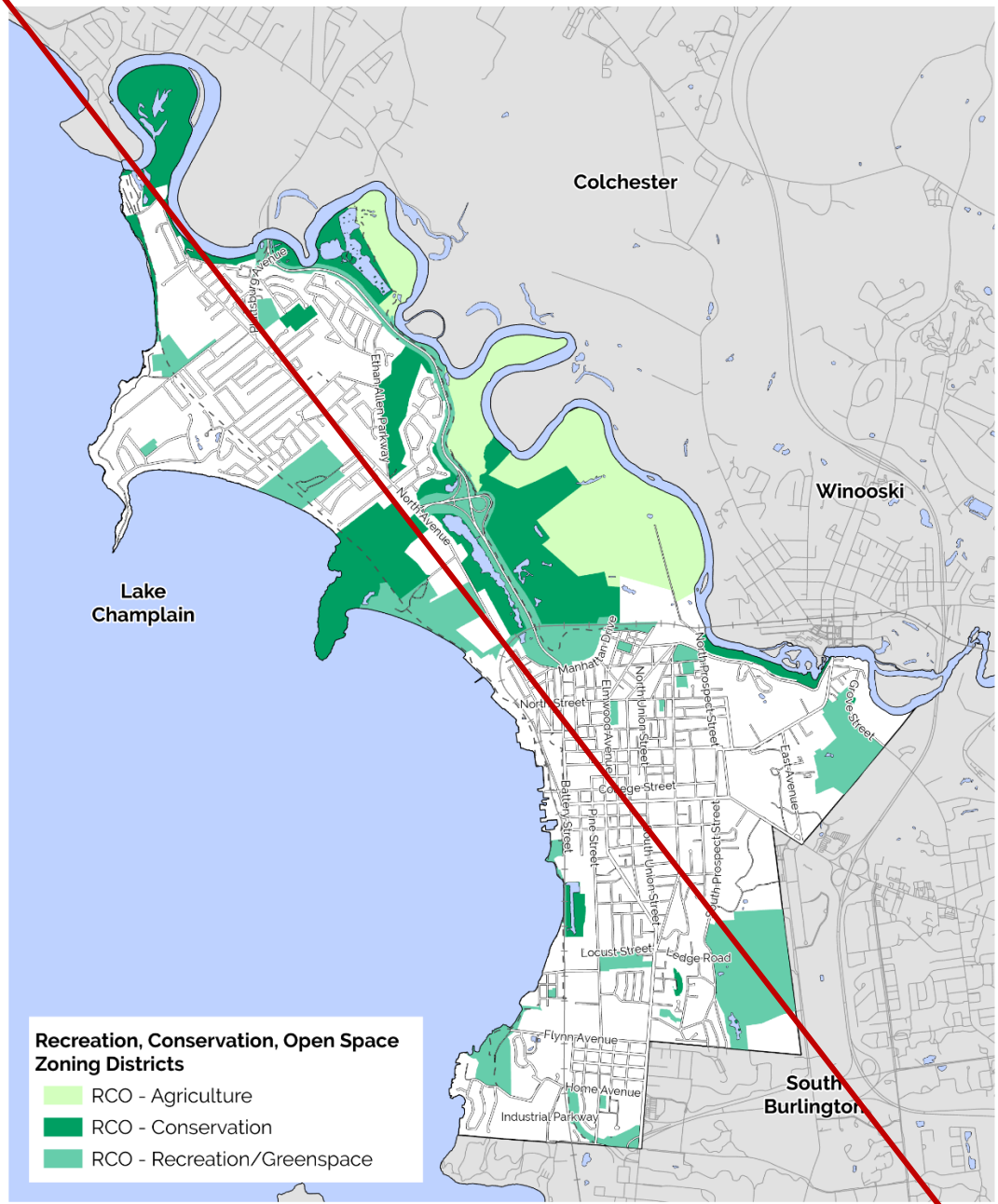
Table 4.4.5-8: Maximum Density, Lot Coverage and Building Heights with Bonuses

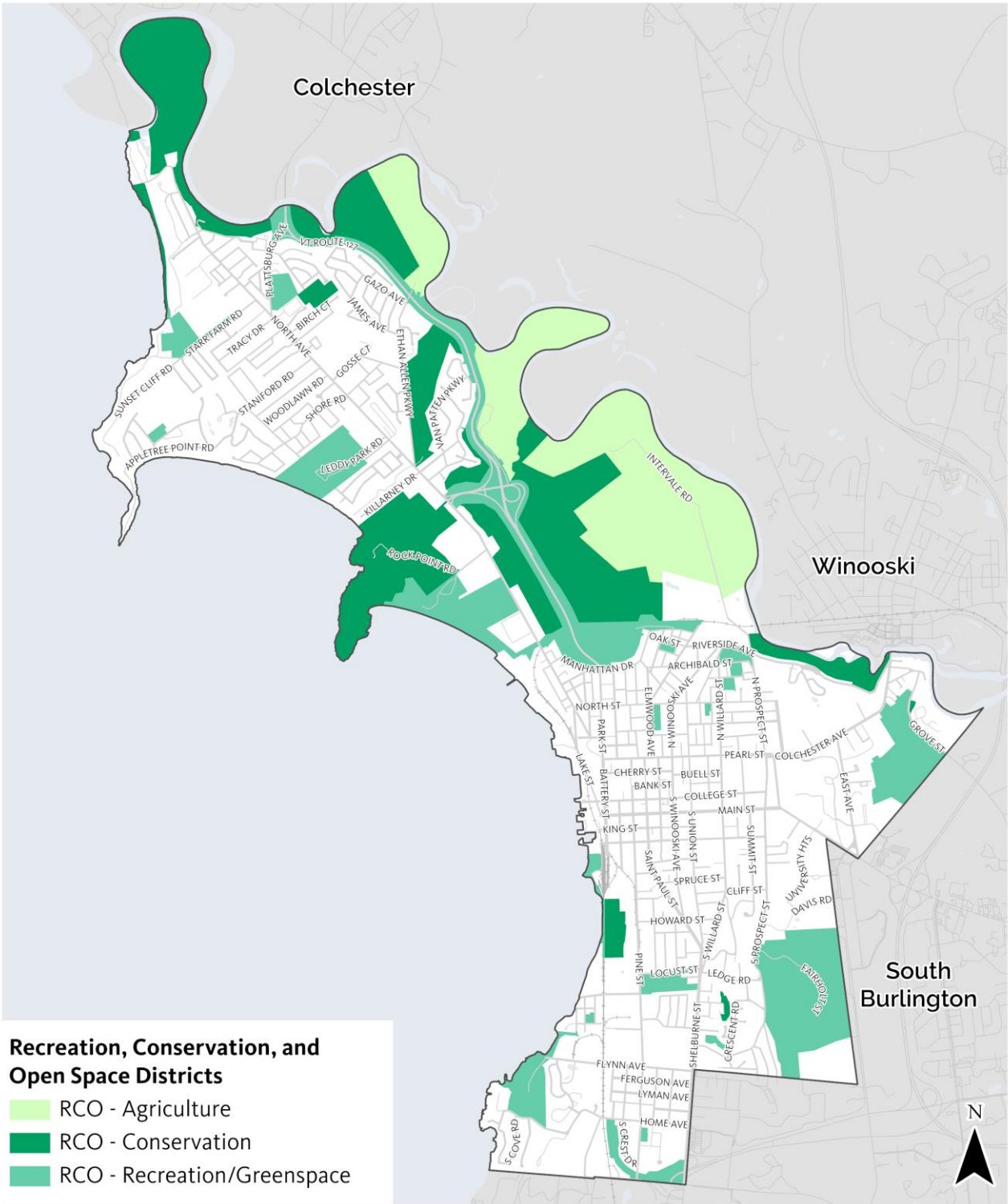
District	Maximum Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45-feet (68 ft in RH Overlay)	92%
RM-W	40 du/ac	60-feet	72%
RM	40 du/ac	35-feet	72%
RL, RL-W	20 du/ac	35-feet	62%

* or 125% of the pre application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

Sec. 4.4.6 Recreation, Conservation, and Open Space Districts

(a) - (d) – As Written.





*Map 4.4.6-1 Recreation, Conservation, Open Space Districts***PART 5: OVERLAY ZONING DISTRICT REGULATIONS****Sec. 4.5.1 Design Review Overlay District****(a) Purpose:**

The Design Review Overlay District (DR) is intended to provide detailed individual review of certain uses and structures in those areas of the city which contain structures of historical, architectural, or cultural merit, and where the community has a particular interest in the design of future development in order to address specific land development objectives.

(b) Areas Covered:

The geographic¹ areas subject to the Design Review Overlay shall be as delineated on Map 4.5.1 – 1: Design Review Overlay, that include the following:

(1) The following zoning districts:

A. The Downtown Waterfront – Public Trust district and all Neighborhood Mixed Use, Enterprise, Institutional, Urban Reserve, and Recreation, Conservation and Open Space districts; and,

B. Portions of the Residential Districts as identified in Map 4.5.1-1 and described below. The High Density Residential (RH), Medium Density Residential (RM), Medium Density Residential – Waterfront (RM-W), and Residential Low Density – Waterfront (RL-W) districts.

(2) The following areas within ~~the~~ Residential ~~– Low Density~~ Districts:

A. – G. As Written.

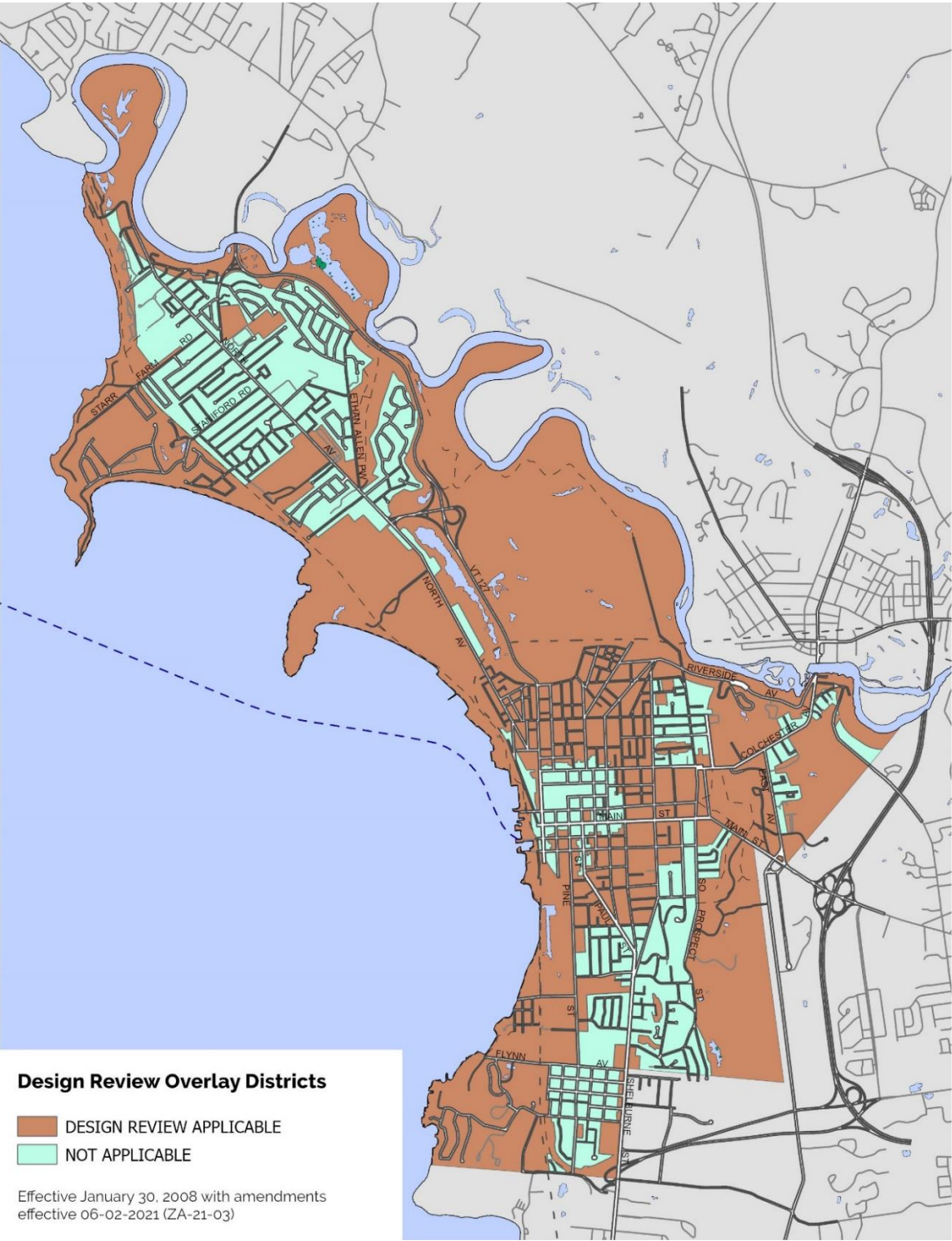
(3) The following uses, buildings, and properties within ~~the~~ Residential ~~– Low~~ Districts:

A. As Written.

(c) District Specific Regulations: Design Review Overlay District:

Within this overlay district, no structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of Article 3, Part 4 pertaining to Design Review and the review criteria described in Art 6.

¹ This Section only defines the geographic areas of the city that are subject to Design Review. Other types of development are also subject to Design Review pursuant to the requirements of Article 3, Part 4.



Map 4.5.1-1: Design Review Overlay

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) - (h) – As Written.

Sec. 4.5.3 RH Density Bonus Overlay District

(a) Purpose:

The RH Density Bonus Overlay District is intended to provide an incentive for the conversion of non-residential uses to residential uses within the RH Zoning District to reduce the number of non-conforming uses and increase the supply of housing near the downtown area.

(b) Areas Covered:

The RH Density Bonus Overlay District includes that portion of the RH Zoning District bordered on the north by Main Street, on the south by Maple Street, on the west by Pine Street and on the east by South Union Street as delineated on Map 4.5.3-1 RH Density Bonus Overlay District. Eligible properties shall be limited to only those existing non-residential single lots of record as of February 8, 2001 of at least one half acre in size (21,780 sqft). Contiguous lots shall not be combined to meet this minimum lot size standard with the following exception: a half-acre lot may be combined with any contiguous surface parking lot(s) of any size in order to receive the benefits as set forth in this overlay.



Map 4.5.3-1: RH Density Bonus Overlay

~~(c) — District Specific Regulations: RH Density Bonus Overlay:~~~~1. Conditional Use Review~~~~Any redevelopment undertaken pursuant to the provisions of this overlay district shall be subject to conditional use review pursuant to Article 3.~~~~2. Maximum Residential Density:~~~~An existing non-residential property may be redeveloped for a residential use at a density not to exceed 92 units per acre inclusive of any applicable inclusionary allowances pursuant to Article 9 or development bonuses pursuant to Sec. 4.4.5.~~~~3. Building Height:~~~~For the purposes of regulating building height, this overlay district is divided into the following two (2) areas:~~~~A. In that portion of this overlay between South Union and Church Street, in no event shall the height of any structure exceed sixty eight (68) feet.~~~~B. In that portion of this overlay between Church and Pine Street, in no event shall the height of any structure exceed fifty five (55) feet.~~~~Subject to such maximum building heights, the following shall also apply:~~~~C. The height of any proposed building or addition shall not be more than fifteen (15) feet greater than the average height of existing buildings within the same block having frontage on the same street as the proposed;~~~~D. A height greater than that allowed in (C) above may be permitted if such additional height is set back from the front property line a minimum of twenty five percent (25%) of the width of the street right of way, and in no event less than fifteen (15) feet from the front property line.~~~~E. The height allowance for frontage on one street shall not adversely impact the streetscape of an adjacent street, in the judgment of the development review board~~~~F. That portion of any building which is constructed to a height in excess of the height allowed per the underlying zoning district as provided above, must maintain a setback equal to fifty percent (50%) of that portion's height from the property line shared with any adjacent residential structure. The distance of such a setback will be maintained only for that portion of the building immediately adjacent to an existing residential property.~~~~4. Setbacks:~~~~Front yard setbacks shall be as required in the underlying zoning district, subject to the following exceptions:~~~~A. Up to twenty five percent (25%) of the building façade above the ground level story may project into the front yard setback by not more than fifty percent (50%) for the purpose of creating architectural variation and avoiding large expanses of undifferentiated building wall.~~~~B. At the ground level, patios, paved courtyards, and sitting areas may be allowed within the front setback. Such allowances are subject to approval by the development review board under the design review criteria of Article 6. If the board deems it necessary, it may impose a greater setback in order to achieve the streetscape objectives found in Article 6.~~

5. Construction Materials:

Any new structure utilizing the height bonus provisions as specified under this subsection shall be constructed of quality masonry materials or other comparable materials of similar durability on all elevations. The exterior material and windows shall also be of a type that the DRB deems effective for sound buffering.

6. Parking Standards:

In addition to the parking standards found in Article 8, the following shall also apply within this Overlay:

At least seventy-five (75%) of the parking spaces shall be provided onsite as structured parking spaces. Any structured parking shall be concealed by the structure or the building so that it is not visible from the street (the entrance and exit may be visible).

7. Permitted Non-Residential Uses:

The following nonresidential uses may be permitted by the DRB on the ground floor of the structure: art gallery, bakery, bank/credit union, beauty/barber shop, daycare, food store, health club, laundromat, office (general), office (medical or dental), open air market, photo studio, restaurant, retail, tailor shop, and theatre.

8. Residential Occupancy:

Each unit of any structure erected pursuant to this subsection shall be occupied by a "family" as defined in Article 13.

9. Character of the Area Affected:

When the DRB reviews a project under the provisions of Article 3 Conditional Use Review, it shall take into consideration that developments utilizing this bonus are located in an area adjacent to the Downtown. In making its determinations and setting conditions under the standard "Character of the area affected," the DRB shall consider that it is the public policy of the City of Burlington that where there are conflicts between public uses and activities and the quiet enjoyment of residents in developments utilizing the bonuses permitted in the underlying district, the public uses and activities shall take precedence and the development shall be designed in a manner that mitigates the conflicts.

Sec. ~~4.5.4~~ 4.5.3 Natural Resource Protection Overlay (NR) District

(a) As Written.

(b) Areas Affected

This overlay district consists of all areas delineated on Map ~~4.5.4-1~~ 4.5.3-1 Natural Resources Protection Overlay (NR) District and is divided into four (4) subparts:

1. As Written.
2. A Wetland Conservation Zone which consists of wetlands and corresponding upland buffer area for the following areas:
 - A. Uplands within 100 feet of all wetlands depicted in Map ~~4.5.4-1~~ 4.5.3-1 Natural Resource Protection Overlay District except in cases where the State of Vermont has established a greater buffer zone width; and,
 - B. As Written.
3. - 4. As Written.

(c) - (e) As Written.

(f) District Specific Regulations: Special Flood Hazard Area:

1. - 2. As Written.

3. **Permitted Uses in Special Flood Hazard Areas (including Floodway areas)**

- A. All those permitted open space uses as listed in Section ~~4.5.4~~ 4.5.3.(f)2 above shall be permitted in the Special Flood Hazard Areas.
- B. All other uses permitted in the underlying zoning district are permitted only upon review and approval per subpart 7 below.

4. - 7. As Written.

8. Approval Conditions
As Written.

A. - G. As Written.

B. Recreational Vehicles:

Recreational Vehicles placed on sites with special flood hazard areas shall either:

A. Be on the site for fewer than 180 consecutive Days, or

B. Be fully licensed and ready for highway use, or

C. Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Sec. 4.5.4 4.5.3(f)8D.

9. - 11. As Written.

Sec. 4.5.5 RL Larger Lot Overlay District

(a) Purpose:

The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods’ development history.

(b) Areas Covered:

The RL Larger Lot Overlay District includes those portions of the RL Zoning District as delineated on Map 4.5.5-1 RL Larger Lot Overlay District.

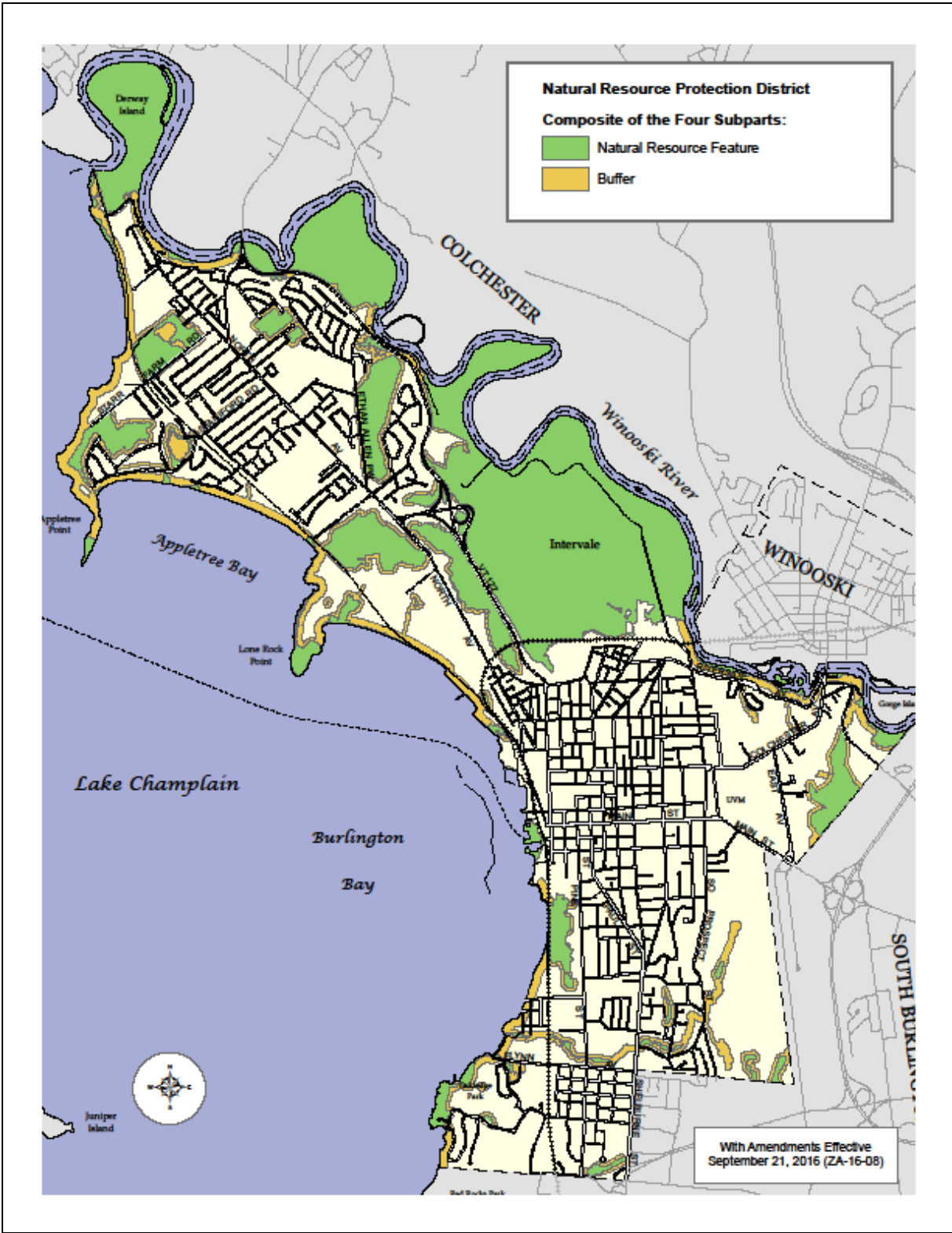
(c) District Specific Regulations: RL Larger Lot Overlay

1. Minimum Lot Size and Density

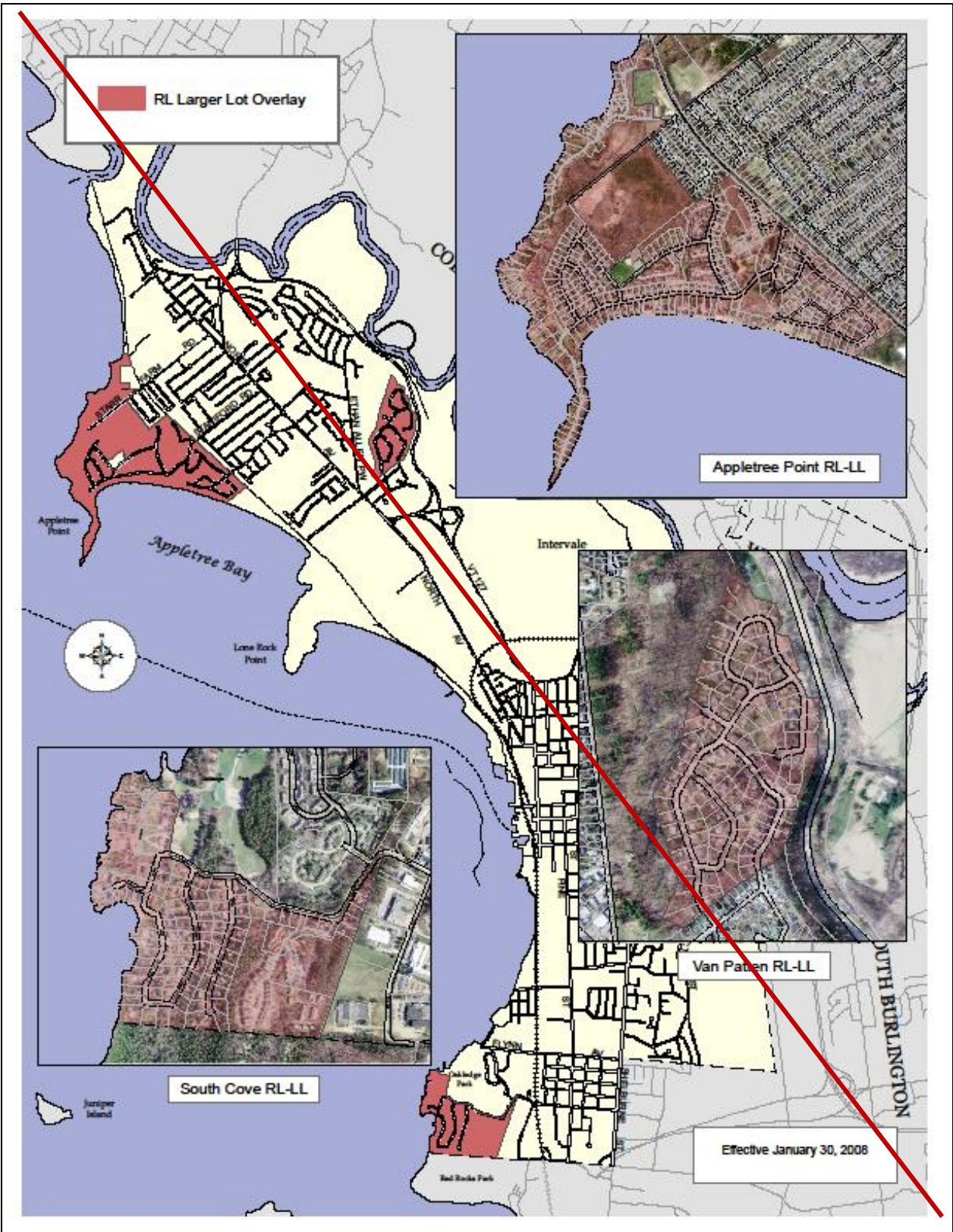
The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5 and 4.4.5-2 as follows:

Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage¹ (In linear feet)	Minimum Lot Size (In square feet)	Maximum dwelling units per acre² (without bonuses or any Inclusionary Zoning allowances)
Single detached dwelling	75 feet	9,900sqft	4.4 units/acre
Duplex and above	100 feet	15,840 sqft	5.5 units/acre
The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street. Inclusive of new streets but exclusive of existing streets.			



Map 5.4-14.5.3-1: Natural Resource Overlay District



Map 4.5.5-1: RL Larger Lot Overlay

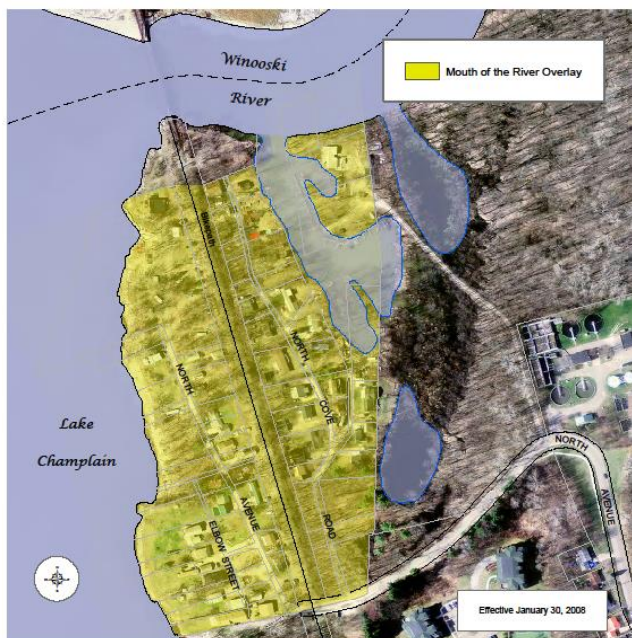
Sec. 4.5.6 4.5.4 Mouth of the River Overlay District

(a) As Written.

(b) Areas Covered.

The Mouth of the River Overlay District includes those portions of the RL Zoning District as delineated on Map 4.5.6-1 4.5.4-1.

(c) As Written.



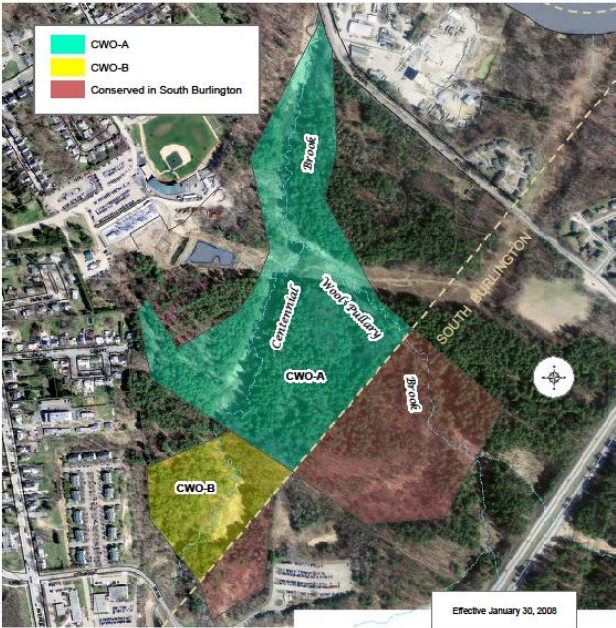
Map 4.5.6-1 4.5.4-1: Mouth of the River Overlay

Sec. 4.5.7 4.5.5 Centennial Woods Overlay District

(a) As Written.

(b) Areas Covered.

The Centennial Woods Overlay District includes those portions of the Institutional (I) and RCO-Recreation/Greenspace (RCO-RG) zoning districts as delineated on Map 4.5.7-1 4.5.5-1.



Map ~~4.5.7-1~~ 4.5.5-1: Centennial Woods Overlay

(c) *As Written.*

Sec. ~~4.5.8~~ 4.5.6 South End Innovation District Overlay ~~District~~

(a) **Purpose:** *As Written.*

(b) **Areas Covered:**

The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map ~~4.5.8-1~~ 4.5-6-1.

(c) **District Specific Regulations**

~~The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.8-1.~~

Table 4.5.~~68~~-1: SEID Dimensional Standards & Density

Block Perimeter ¹	Max. Intensity (floor area ratio ^{2,3})	Max Building Size per Floorplate ^{4,5}	Max. Lot Coverage & Pervious Surface Required ⁶	Minimum Building Setbacks ⁷			Max. Height ⁸
				Front	Side	Rear	
1,600' max	2.5 FAR	Floors 1-6: 15,000 sq. ft. Floors 7-8: 10,000 sq. ft. <i>Except as</i>	80% max impervious 25% min of pervious area	0' min 20' max ⁵	0' min 20' max ⁵	0' min 20' max ⁶	85'

		<i>permitted by Sec.4.5.8-6(c) 1</i>	must utilize GSI				
--	--	--	---------------------	--	--	--	--

1. Blocks may be enclosed by any combination of streets within public Rights-of-Way or Public Paths. Where a property abuts a railroad or area identified as Wetland, Conservation or Natural Area on Map 4.5.4-1 4.5.3-1 Natural Resource Protection Overlay District, such boundaries may serve as enclosing block boundaries.
2. – 7. As written.
8. Maximum building height in the E-SEID shall be further limited by Map 4.5.8-2 4.5.6-2: SEID Specific Height Area Map.

1. **Dimensional Standards & Density**

Within the SEID the standards set forth in Table 4.5.8-1 4.5.6-1 shall apply to new development and redevelopment, except:

A. Exception for Educational Uses:

a. Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of Mass Timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances.

b. The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI) or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.

Table 4.5.86-2: Frontage and Activation Standards As written.

2. **Frontage and Ground Floor Activation Standards**

As Written

3. **Parking**

As Written

4. **Uses**

Within the E-SEID, only the following uses shall be permitted.

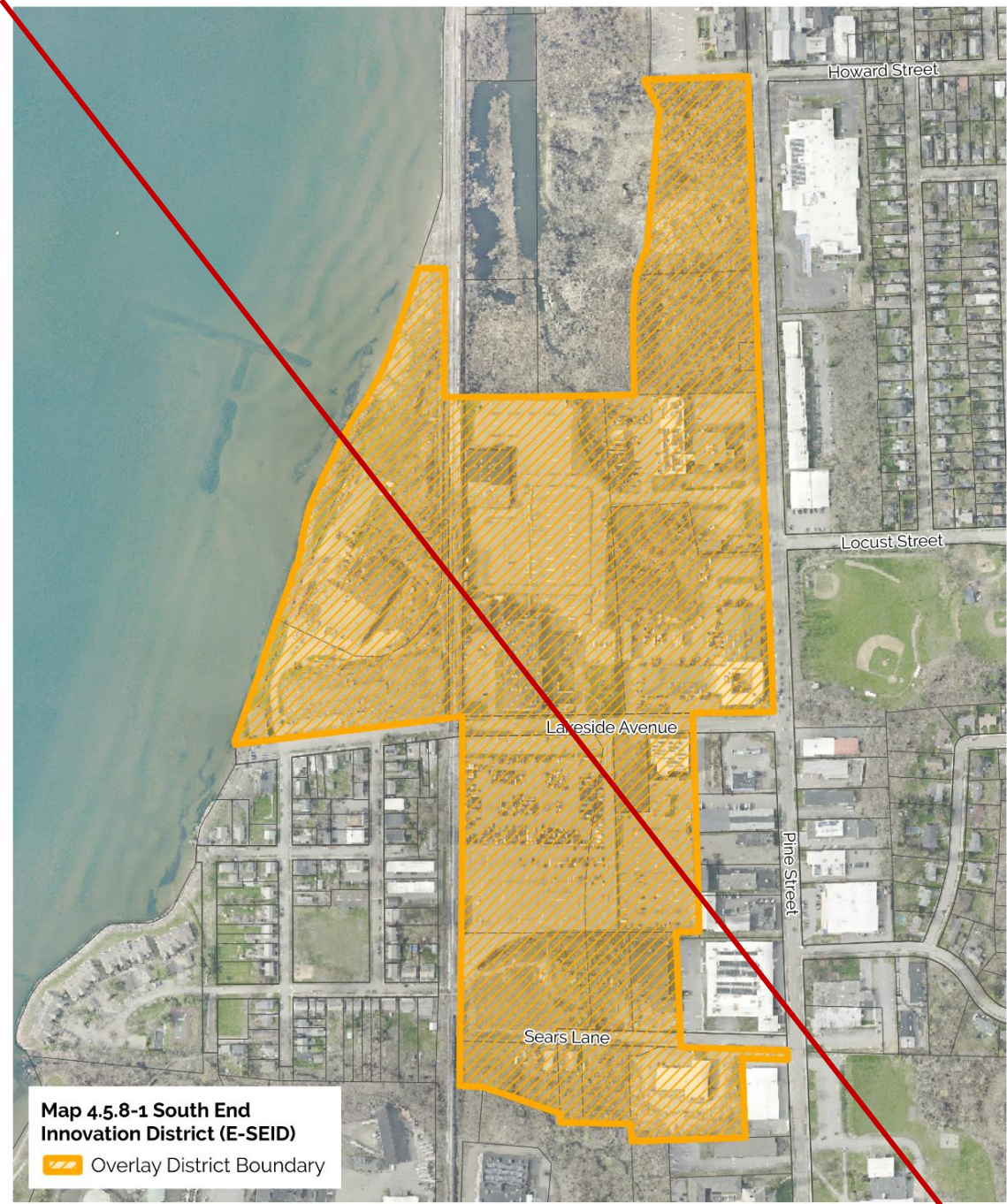
Table 4.5.68-3 Uses Permitted & Limited within the SEID

Permitted Uses:	
Residential ¹	

Non-Residential	
***	***

1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.
2. Parking Structure and Parking Lot uses are regulated by Sec. 4.5.68(c) 3 Parking and Table 4.5.68-1 SEID Dimensional Standards & Density.

712
713
714



Map 4.5.8-1 South End
Innovation District (E-SEID)
Overlay District Boundary



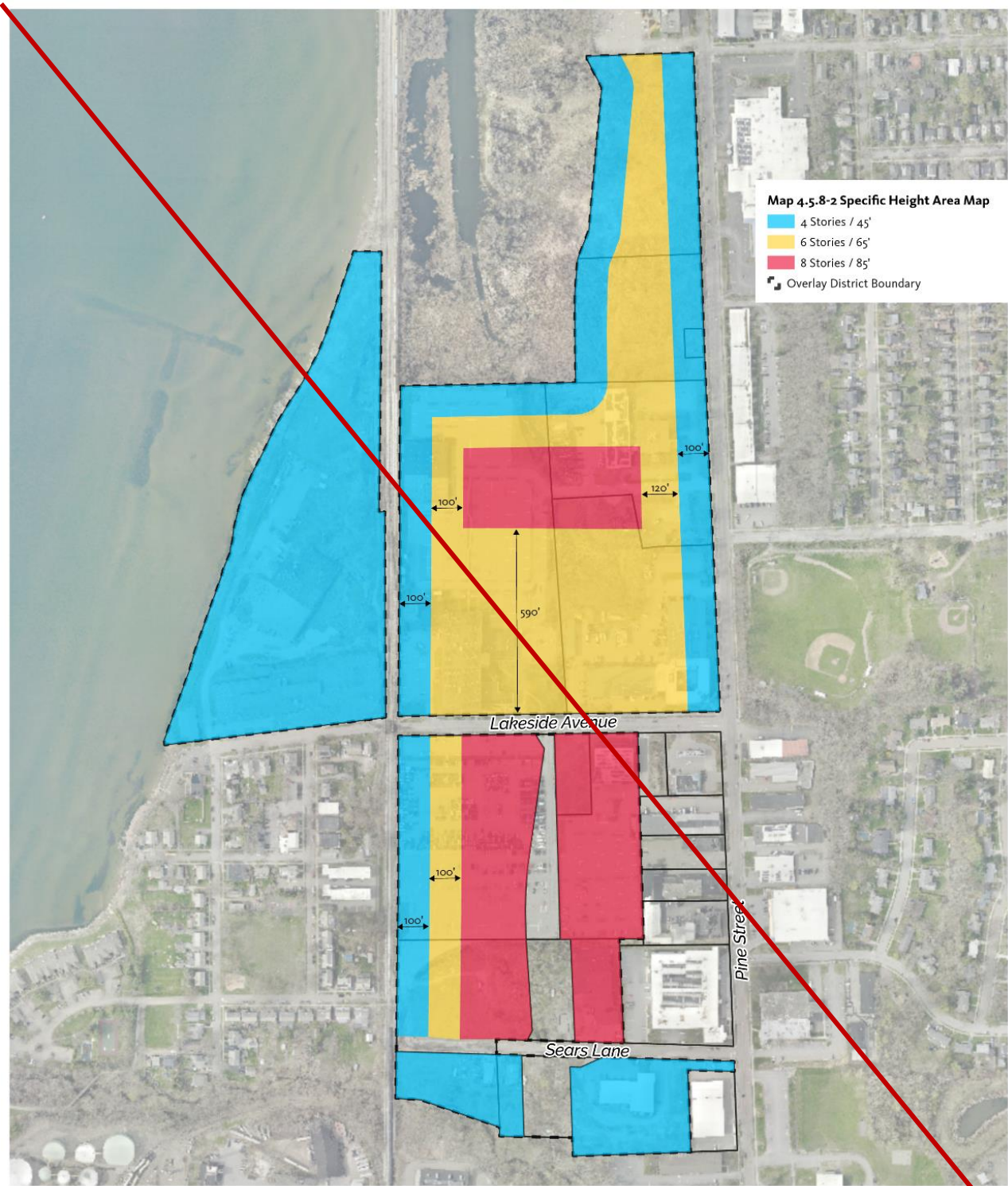
South End Innovation District (E-SEID) Overlay Boundary

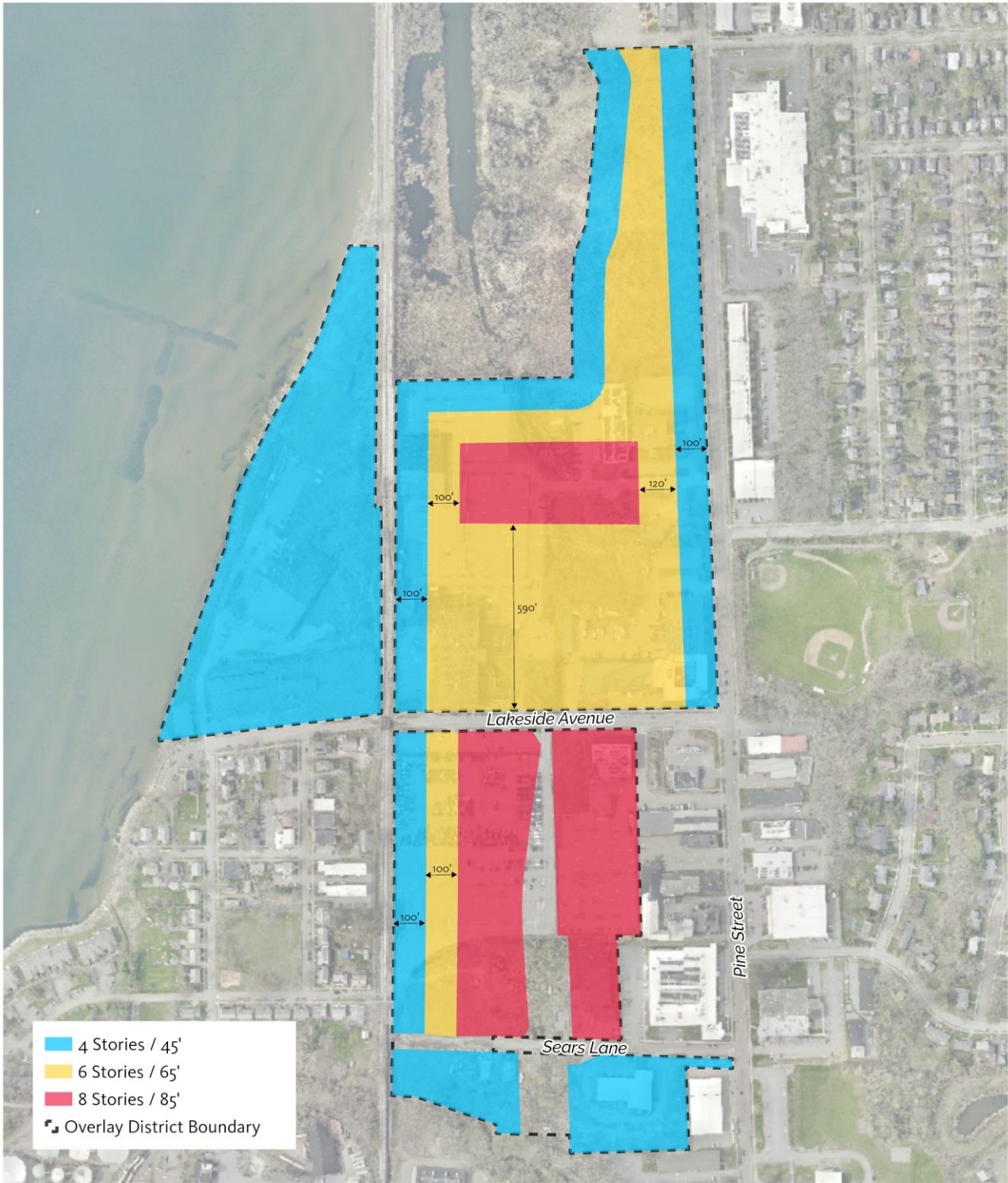
715
716



**Map 4.5.6-1 South End Innovation District (E-SEID)
Overlay Boundary**







Article 5: Citywide General Regulations**PART 1: USES AND STRUCTURES**

Sec. 5.1.2 Structures

Except as otherwise provided by law or by this ordinance, no structure in any district shall be created, removed or altered except in conformance with the provisions of this Article and the requirements of the district in which such land or structure is located.

(a) - (b) *As written.*

(c) Principal Structures:

~~Only one principal structure shall be permitted on any lot~~ More than one principal structure is permitted on in any a lot within a residential zoning district defined pursuant to subject to the limits of Article 4 – Zoning Districts, Sec. 4.4.5 Residential Districts, or as unless otherwise authorized pursuant to the requirements of Article 11 – Planned Development. In all other districts, more than one principal structure may be permitted on any single lot.

(d) Accessory Residential Structures or Buildings:

An accessory structure or building customarily incidental and subordinate to a principal residential use, structure, or building shall also be governed by the provisions of Sec. 4.4.5(d) 34. (B).

(e) - (f) *As written.*

PART 2: DIMENSIONAL REQUIREMENTS**Sec. 5.2.1 Reserved. Existing Small Lots**

~~Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements if the lot:~~

- ~~• can be served by municipal water and sewer service; and,~~
- ~~• is at least four thousand (4,000) square feet in area; and,~~
- ~~• has a minimum width and depth dimension of forty (40) feet or more.~~

~~Any such development shall require a permit pursuant to standards of Article 4 and, where design review is applicable, the design review provisions of Article 3 and the development standards of Article 6.~~

Sec. 5.2.2 Required Frontage or Access

As Written.

Sec. 5.2.3 Lot Coverage Requirements

As Written.

Sec. 5.2.4 Buildable Area Calculation & Steep Slopes Overlay District

As Written.

(a) Buildable Area Calculation

For any properties two (2) or more acres in size within any RCO, WRM, RM, WRL, or RL zoning district, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water; and lands with a slope in excess of 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the additional density or lot

coverage will be compatible within the existing scale and intensity of the surrounding neighborhood, and not have an undue negative impact on sensitive natural features.

(d) Steep Slopes Overlay District

As Written.

Sec. 5.2.5 Setbacks

Setbacks between structures and property lines where required are intended to provide access to light and air, provide fire separation and access, and maintain the existing neighborhood pattern of structures and open spaces between them and to the street.

(a) Setbacks Required:

As Written.

(b) Exceptions to Yard Setback Requirements:

The following projections into required yard setbacks may be permitted subject to the standards of Article 6 to ensure compatibility with neighboring properties:

1. *through* 6. *As Written*
7. Shared Driveways. Common or shared driveways and walkways along shared property lines and associated parking areas, including those to serve residential lots and developments per Sec. 4.4.5 (d) 4.A and Sec. 5.2.2, do not have to meet setback requirements along the shared property line. Other driveway encroachments may be permitted subject to Sec. 4.4.5 (d) 1.A.
8. Additional exceptions for nonconforming structures under Sec. 5.3.5.

Sec. 5.2.6 Building Height Limits

As Written.

Sec. 5.2.7 Density Calculations

As Written.

PART 3: NON-CONFORMITIES

Sec. 5.3.1 – 5.3.3 *As Written.*

Sec. 5.3.4 Nonconforming Uses

(a) Changes and Modifications

As Written

1. Nonconforming Non-Residential Use:

A nonconforming non-residential use shall not be expanded or altered in any way, other than to full conformity under this Ordinance, except as follows:

A. Exception for residential conversion.

A non-residential nonconforming use may be converted to a residential non-conforming use pursuant to the applicable residential conversion provisions of Sec. 4.4.5 (d)6(1).

B. Existing Neighborhood Commercial Uses.

Existing non-residential uses intended to primarily serve the nearby residential area shall not be considered non-conforming to the extent they comply with the provisions of Sec. 4.4.5(d)(35).

2. Nonconforming Residential Use:

A change or expansion of a non-conforming residential use may be allowed subject to conditional use approval pursuant

to the provisions of Article 3, Part 5 by the DRB provided:

- A. Such expansion does not add any additional dwelling units except as may be permitted for residential conversion bonuses approved per the provisions of Sec. 4.4.5(d)(16), this Historic Building Rehabilitation Bonus under Sec. 5.4.8 (e) and for Accessory Dwelling Units per the provisions of Sec. 5.4.5.;
- B. Such expansion does not increase the degree of non-conformity of any non-conforming structure; and,
- C. In such cases where the non-conforming residential use is located in a zoning district where residential uses are generally permitted, expansion of a non-conforming residential use into an existing and previously uninhabited attic or basement within the principle structure may be permitted subject to administrative review provided no additional dwelling units are created, except for Accessory Dwelling Units per Sec. 5.4.5.

(b) Discontinuance

As Written.

PART 4: SPECIAL USE REGULATIONS

Sec. 5.4.1 - Sec. 5.4.7 *As Written.*

Sec. 5.4.8 Historic Buildings and Sites

As Written.

(a) - (d) *As written.*

(e) Historic Building Rehabilitation Bonus

In order to facilitate the rehabilitation and reuse of historic buildings in Residential and Institutional districts, development in excess of the limits set forth in Tables 4.4.1-1, 4.4.5-2-1 and 4.4.5-2-3 may be permitted by the DRB subject to all of the following conditions:

i. - iii. *As Written.*

iv. Neighborhood commercial uses may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(35)(A); and,

v. *As Written.*

Sec. 5.4.9 - Sec. 5.4.11 *As Written.*

Sec. 5.4.12 Mobile Home Parks

As Written.

a) Mobile Home Parks

Regarding the establishment and operation of a Mobile Home Park:

1. The required minimum ~~lot size, lot frontage, and waterfront setback, and required maximum density and building height~~ lot and building dimensions, development intensities, and setbacks shall be as required per the applicable Zoning District standards found in Tables 4.4.5-1 ~~and~~, 4.4.5-2, ~~and~~ 4.4.5-3.
2. - 8. *As Written.*

b) Non-Conforming Mobile Home Parks

As Written.

Article 6: Development Review Standards**PART 2: SITE PLAN DESIGN STANDARDS****Sec. 6.2.1** *As written.***Sec. 6.2.2** *Review Standards*(a) - (g) *As Written.***(h) Building Location and Orientation:**

The introduction of new buildings and additions shall ~~be consistent with the intent of the district, maintain the existing development pattern and rhythm of structures along the existing streetscape.~~ New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

**Remainder of section As Written.*

PART 3: ARCHITECTURAL DESIGN STANDARDS**Sec. 6.3.1** *Applicability*

These standards are enacted and shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(b) – Design Review.

Sec. 6.3.2 *Review Standards***(a) Relate development to its environment:**

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to ~~their context~~ the purpose of the zoning district. They ~~shall~~ should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development ~~shall~~ should maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium ~~density~~ residential districts, the height and massing of existing residential buildings ~~is the most important consideration~~ should be carefully considered when evaluating the compatibility of additions and infill development; however, no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2.

**Remainder of section As Written.*

2. – 3. As Written.

(b) - (i) As Written.

Article 11: Planned Development

PART 1: PLANNED UNIT DEVELOPMENT

Sec. 11.1.1 – Sec. 11.1.2 – As Written.

Sec. 11.1.3 General Requirements and Applicability

With the exception of development subject to the requirements of Art 14, any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	Minimum Project Size
RH, RM, RM-W , Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, RL-W , RCO-R/G	2 acres or more

Sec.11.1.4 Modification of Regulations.

With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:

- ~~density, minimum lot size,~~ frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis;
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;
- ~~more than one principal use and more than one principal structure may be permitted on a single lot;~~
- ~~one or more residential uses not otherwise permitted may be permitted;~~ and,
- buildings may be of varied types including single detached, attached, duplex or apartment construction.

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Sec. 11.1.5 and Sec. 11.1.6.

Article 13: Definitions

Sec. 13.1.2 Definitions

Building Height: The vertical measurement of a building. See Sec. ~~2-75.2.6~~ for specific calculation provisions.

Appendix A- Use Table – All Zoning Districts ***See attached markups.*

- * Material stricken out deleted.
 - ** Material underlined added.
- MET/Ordinances 2024/ZA-24-02 Neighborhood Code
1/26/24 for City Council First Read 01/29/24

ZA-24-02: Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL AW	RM AW	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³⁴
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL AW	RM AW	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y ²	Y ²	N ³⁰	<u>N³⁰</u>	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	Y ²	Y ²	Y	<u>Y</u>	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	NY ²	Y ²	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL AW	RM AW	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	<u>Y</u>	N	CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	<u>N</u>	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	<u>N</u>	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Short Term Rental ³³	N	N	N	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL AW	RM	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	<u>N</u>	N	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	<u>N</u>	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	<u>N</u>	N	N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	<u>N</u>	N	N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	<u>Y</u>	N	Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	<u>N</u>	N	CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	<u>Y</u>	N	Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	<u>N</u>	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	<u>N</u>	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	<u>N</u>	N	N	Y	Y	N	N	CU ²⁷
Automobile Body Shop	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	Y	N	N	Y ²⁷

ZA-24-02: Appendix A-Use Table – All Zoning Districts

Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	CU	Y	Y	Y	N	Y ²⁷
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	N	N	CU ^{9, 12, 14}	CU ^{9, 12, 14}	CU ¹⁴	N	N	Y ²⁷
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Automobile/Vehicle Salvage Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	Y	N	Y	Y	Y	Y	Y	Y ²⁷
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	N	Y	Y	Y	Y	N	Y
Bar, Tavern	N	N	N	N	N	N	N	N	Y	N	CU	CU	CU	CU	N	N
Beauty/ Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ¹³	Y	N	Y	Y	CU	Y	N	N
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	Y	N	Y	Y	Y	Y	N	Y ²⁷
Billiard Parlor	N	N	N	N	N	N	N	N	N	N	CU	Y	CU	Y	N	N
Boat Repair/Service	N	N	CU	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	N	N	Y ²⁷
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	Y	N	N	Y ²⁷
Boat Storage	N	N	CU	N	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Bowling Alley	N	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	Y
Building Material Sales	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	Y	N	N	Y ²⁷
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	Y	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Camp Ground	N	Y	Y	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	N	N	N	CU	Y	CU	N	CU ²⁷
Cemetery	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU	N	N	CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	Y	N	CU	CU	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	Y	N	Y	Y	Y	Y	N	CU ²⁷
Community Garden	N	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y ²⁷
Conference Center	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ¹²	Y¹²	N	Y ¹²	Y	Y	Y ¹²	N	Y ²⁷
Convention Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Courthouse	N	N	N	N	Y	N	N	CU	N	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	Y	N	Y	Y	Y	Y	N	N
Daycare (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	Y	N	Y	Y	Y	Y	CU	CU ^{17,27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	N	N	Y	Y	Y	Y	N	Y
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU

ZA-24-02: Appendix A-Use Table – All Zoning Districts

Dry Cleaning Plant	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	N	Y ²⁴	Y	Y	Y ²⁴	N	CU ²⁷
Film Studio	N	N	N	N	Y	N	N	N	N	N	N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	Y	N	Y	Y	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	N	N	CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	Y	N	CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	Y	N	CU ²⁴	Y	Y	N	Y	Y ²⁷
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	N	Y ²⁷
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU ¹⁸	CU	CU	N	CU ^{17,27}
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	Y	N	Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU	N	N	CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	Y	N	Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	N	N	N	N	N	N	N	N
Lodging	N	N	N	N	CU	N	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	N	Y	N	N
Junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	Y	N	Y ¹³	Y	Y	Y	N	Y ²⁷
Library	N	N	N	N	Y	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	N	N	N	CU ¹⁰	Y	N	N	Y
Manufacturing-Light	N	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	CU	Y
Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	Y
Marina	N	N	Y	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	N	N	CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	N	N	N	N	N	N	N	N
Museum–Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	N	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y ²⁷
Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	N	Y	Y	Y	Y	N	Y ²⁷

ZA-24-02: Appendix A-Use Table – All Zoning Districts

Office-Technical	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	N	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y ²⁷
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	N	N	N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	Y	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N	N	CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	N	(See Sec.4.4.1(d) 1)	CU	Y	N	CU	N	CU ^{27,32}
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	N	(See Sec.4.4.1(d) 1)	CU	CU	CU	Y	N	Y ²⁷
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	Y	N	Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N	N	Y	Y	Y	Y	N	Y
Photography Lab	N	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	CU	Y
Police Station - Central	N	N	N	N	CU	N	N	N	N	N	Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	Y	N	Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	Y	N	Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	N	N	CU	Y	Y	Y	N	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	Y	CU	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N	N	N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	N	N	CU	CU	Y	Y	N	Y
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	N	(See Sec.4.4.1(d) 1)	N	Y	CU	N	N	CU ²⁷¹
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	Y	CU	N	N
Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷

ZA-24-02: Appendix A-Use Table – All Zoning Districts

Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	N	CU	CU	CU	CU	CU	Y
Research and Development Facility	N	N	N	N	CU	N	N	N	N	N	CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	Y	(See Sec.4.4.1(d) 2)	Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	Y	(See Sec.4.4.1(d) 1)	Y ¹³	Y	Y	Y ¹³	N	Y ^{13,27}
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	Y	N	Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	CU	N	CU	CU	CU	CU	N	N
School – Preschool (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	Y	N	Y	Y	Y	Y	CU	CU ^{17,27}
School - Primary	N	N	N	N	CU	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	N	N	CU	N	N	CU	N	CU ²⁷
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	Y	N	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	Y ¹⁵	N	Y	Y
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	CU	N	Y	CU	CU	CU	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL AW	Residential Low Density , Waterfront Residential Low Density Intensity
RM AW	Residential Medium Density , Waterfront Residential Medium Density Intensity
RH	Residential High Density Intensity
RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center

ZA-24-02: Appendix A-Use Table – All Zoning Districts

2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1. Subject to applicable limits on the number of units per structure in Table 4.4.5-2.

3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.

4. Reserved.

5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.

6. Must be owner-occupied.

7. Must be located on a major street.

8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.

9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.

10. Exterior storage and display not permitted.

11. All repairs must be contained within an enclosed structure.

12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.

13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.

14. Such uses not to exceed ten thousand (10,000) square feet per establishment.

15. Excludes storage of uncured hides, explosives, and oil and gas products.

16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.

17. Allowed only as an accessory use.

18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.

19. [Reserved].

20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.

21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.

22. See Sec. 4.4.5 (d) 36 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.

23. Allowed only on properties with frontage on Pine Street.

24. Such uses shall not exceed 4,000 square feet in size.

25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.

26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.

27. For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses unrelated to Industrial or Arts production and with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.

28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.

29. Must be fully enclosed within a building.

30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.

31. See special use standards of Sec. 5.4.13, Emergency Shelters.

32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.

33. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.

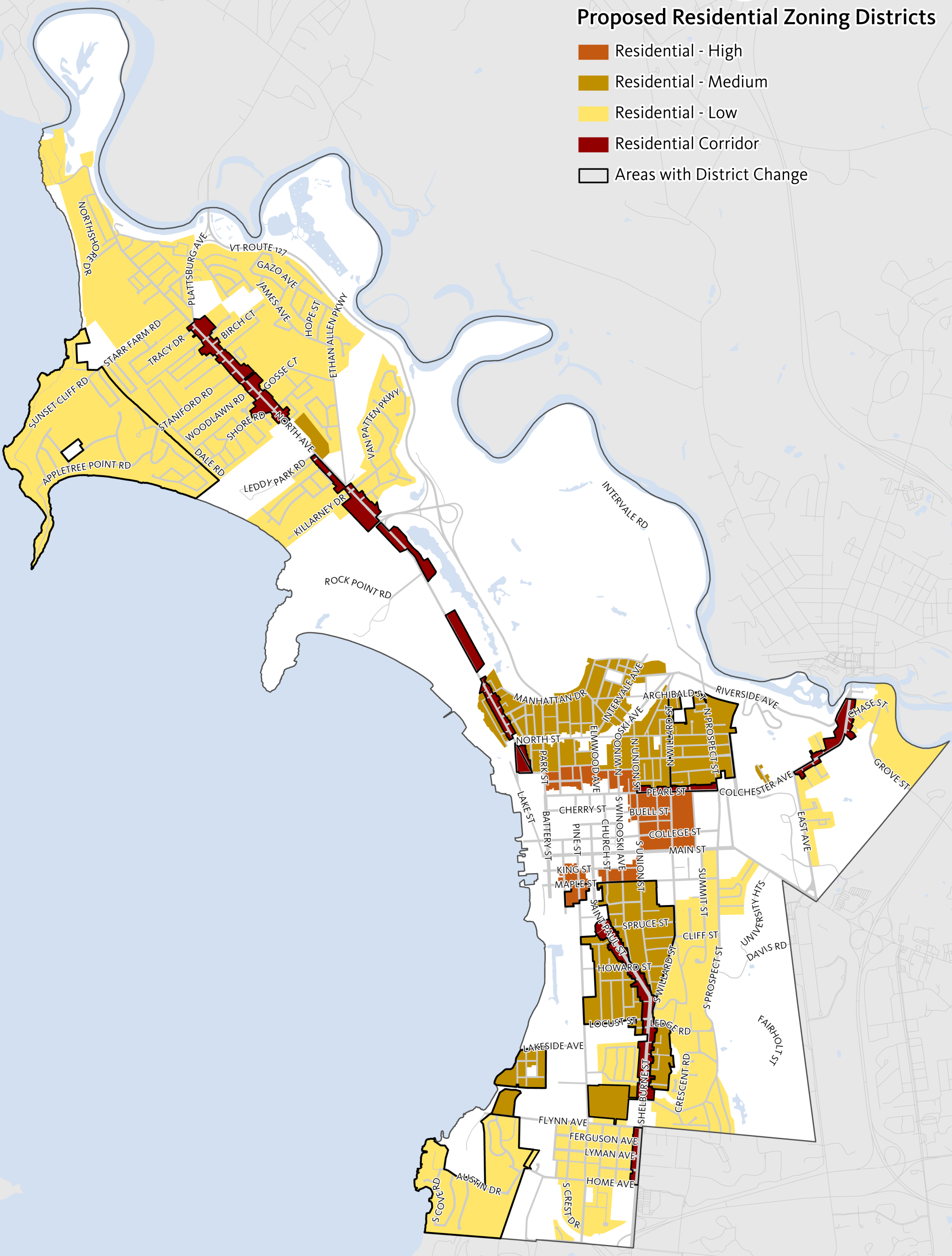
34. See Sec. 4.5.68(c) 5 for permitted uses in the Enterprise – Innovation District (E-SEID) Overlay
- | | |
|--------|---|
| NAC-RC | NAC – Riverside Corridor |
| NAC-CR | NAC – Cambrian Rise |
| E-AE | Enterprise – Agricultural Processing and Energy |
| E-LM | Enterprise – Light Manufacturing |

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

Proposed Neighborhood Code Residential Zoning Districts

Proposed Residential Zoning Districts

- Residential - High
- Residential - Medium
- Residential - Low
- Residential Corridor
- Areas with District Change



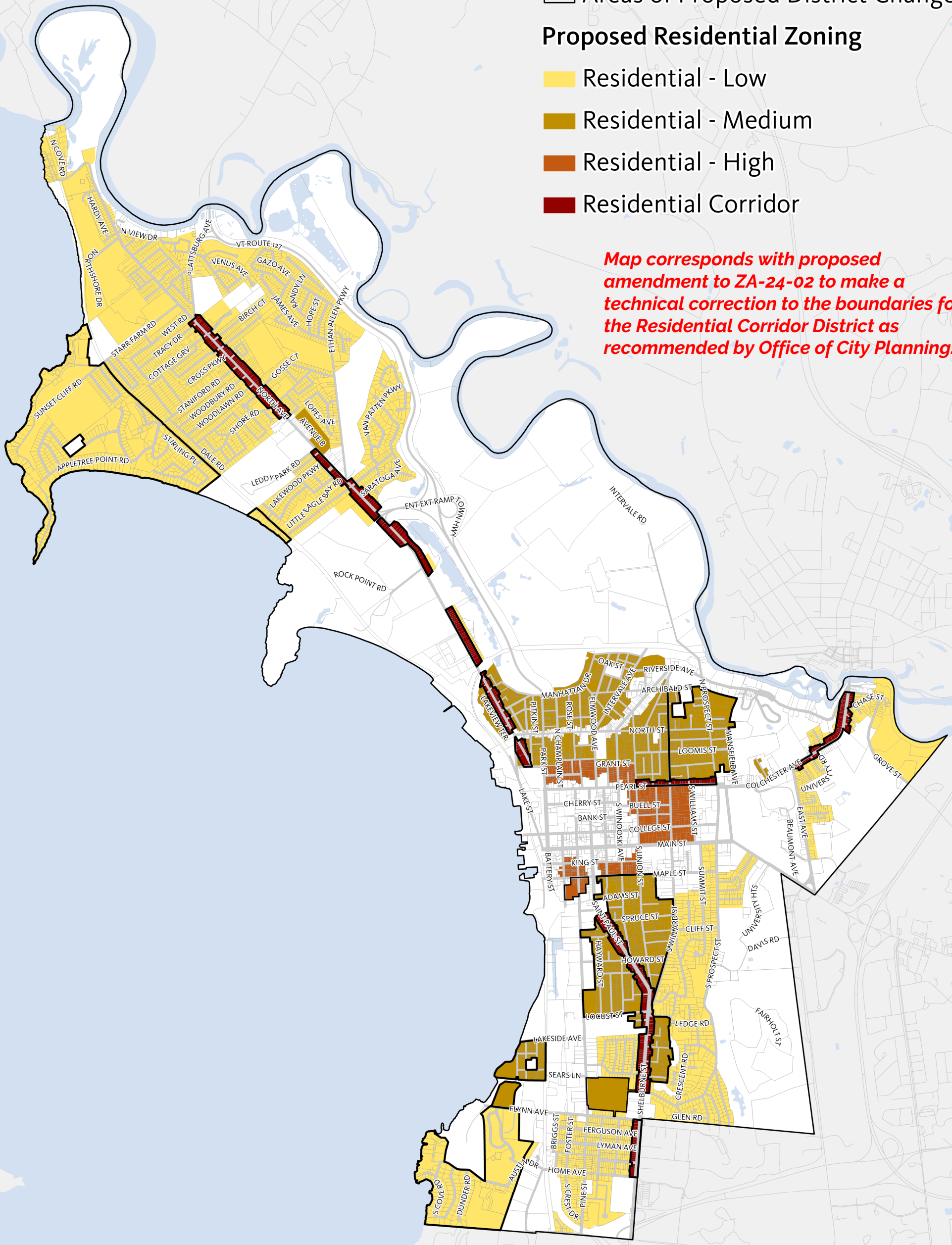
Proposed Neighborhood Code Residential Zoning Districts: Alternative 1

Areas of Proposed District Change

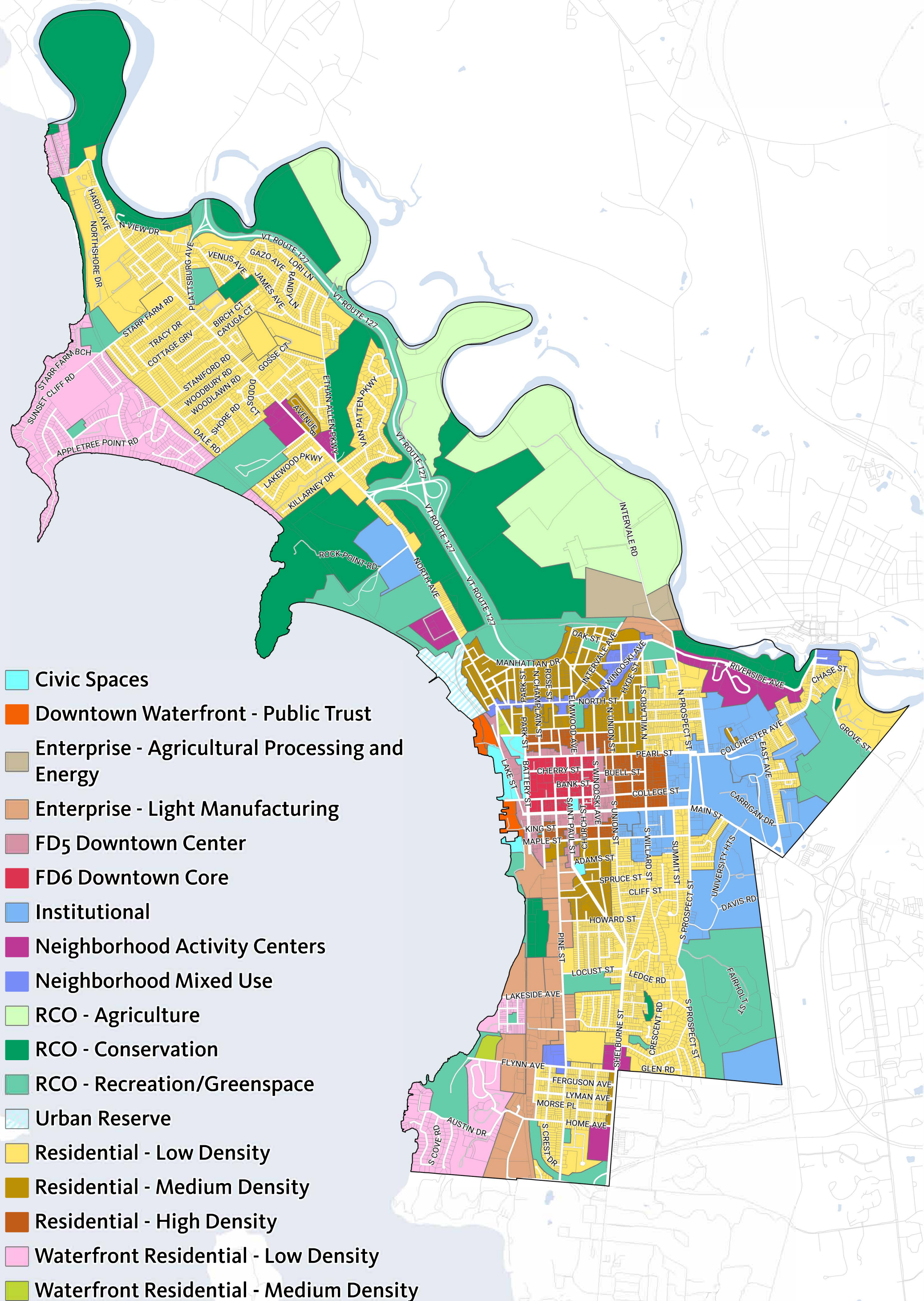
Proposed Residential Zoning

- Residential - Low
- Residential - Medium
- Residential - High
- Residential Corridor

Map corresponds with proposed amendment to ZA-24-02 to make a technical correction to the boundaries for the Residential Corridor District as recommended by Office of City Planning.



Existing Zoning Districts



As proposed by Councilor Hightower, further amend *Table 4.4.5-1 Lot Size, Frontage, Setback and Lot Coverage Standards in Residential Districts* on page 14, line 158 to reduce the allowable lot coverage in RM to 55%:

Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

<u>District</u>	<u>Min. Lot Frontage^{2,3,4,5} (linear feet)</u>	<u>Setbacks^{1,6,7,8,9}</u>			<u>Lot Coverage^{1,10}</u>
		<u>Front</u>	<u>Side</u>	<u>Rear</u>	
<u>Residential Low (RL)</u>	<u>30'</u>	<u>Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u> <u>Max required: 25 ft</u>	<u>Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides</u> <u>Max required: 20 ft</u>	<u>20 ft.</u>	<u>45%</u>
<u>Residential Medium (RM)</u>				<u>15 ft.</u>	<u>60% 55%</u>
<u>Residential High (RH)</u>	<u>N/A</u>	<u>80%</u>			
<u>Residential Corridor (RC)</u>	<u>N/A</u>	<u>Min required: 5 ft</u> <u>Max permitted: 20 ft</u>			<u>80%</u>
<u>1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.</u> <u>2. The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.</u> <u>3. Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2</u> <u>4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.</u> <u>5. Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation.</u> <u>6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.</u> <u>7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.3 Riparian and Littoral Conservation Overlay Zone.</u> <u>8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.</u> <u>9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 3A below.</u>					

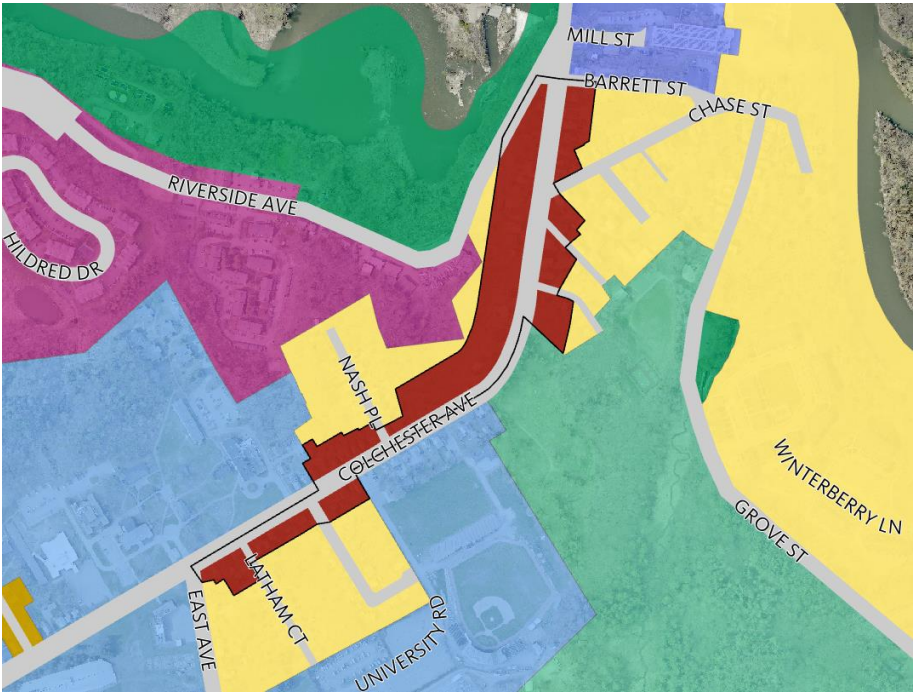
As proposed by Councilor Hightower, further amend *Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts* on page 14, line 161 to reduce the allowable units per building in RM to 4 units:

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts

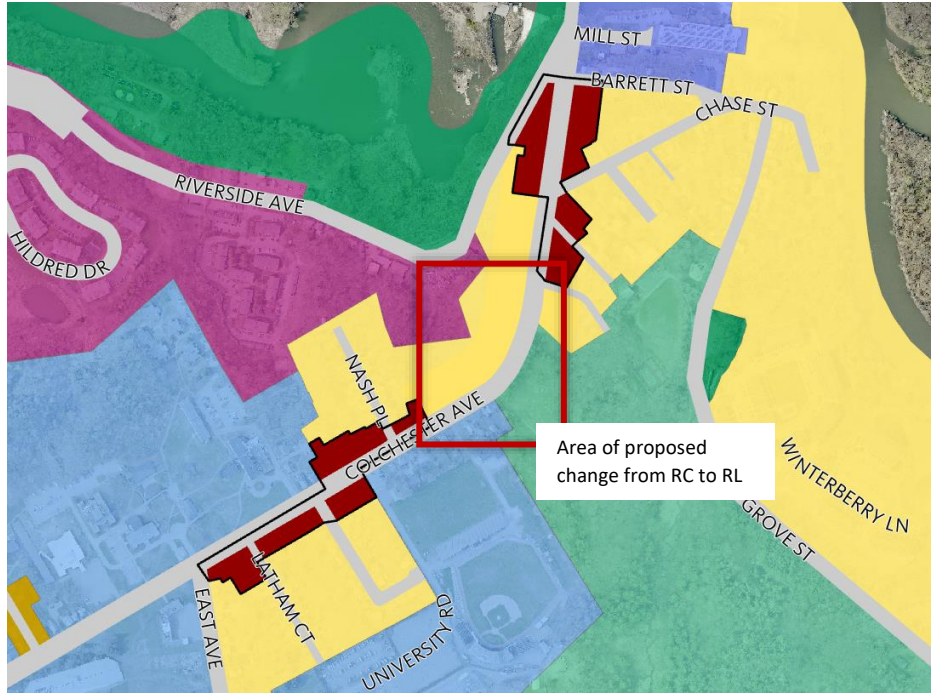
<u>District</u>	<u>Max Height & Stories^{1,3}</u>	<u>Max Dwelling Units per Structure^{2,3,4}</u>	<u>Max. Principal Structure Footprint³</u>	<u>Max. Secondary Structure Footprint³</u>	<u>Max Building face before providing offset⁵</u>	<u>Min. Distance between Structures on same lot</u>
<u>Residential Low (RL)</u>	<u>35'</u> <u>3 stories</u>	<u>4</u>	<u>1,800 sq.ft</u>	<u>1,100 sq.ft.</u>	<u>50'</u>	<u>15'</u>
<u>Residential Medium (RM)</u>	<u>35'</u> <u>3 stories</u>	<u>6 4</u>	<u>1,800 sq.ft.</u>	<u>900 sq.ft.</u>		
<u>Residential High (RH)</u>	<u>50'</u> <u>4 stories</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>		
<u>Residential Corridor (RC)</u>			<u>3,600 sq.ft.</u>	<u>N/A</u>		
<u>1. Details regarding the measurement of and exceptions to height limits are found in Art 5.</u> <u>2. Minimum dwelling unit size is 350 sq.ft.</u> <u>3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11.</u> <u>4. Within the RM district, a maximum of six (6) dwelling units are permitted in a Principal structure, and a maximum of four (4) units are permitted in a Secondary structure.</u> <u>5. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.</u>						

As proposed by Councilor Hightower, update proposed maps 4.3.1-1 *Base Zoning Districts* and 4.4.5-1 *Residential Zoning Districts* to apply the Residential Low District to residentially-zoned parcels with frontage on sections of Colchester Avenue and North Avenue, which were proposed to be within the proposed Residential Corridor District, due to wildlife sightings.

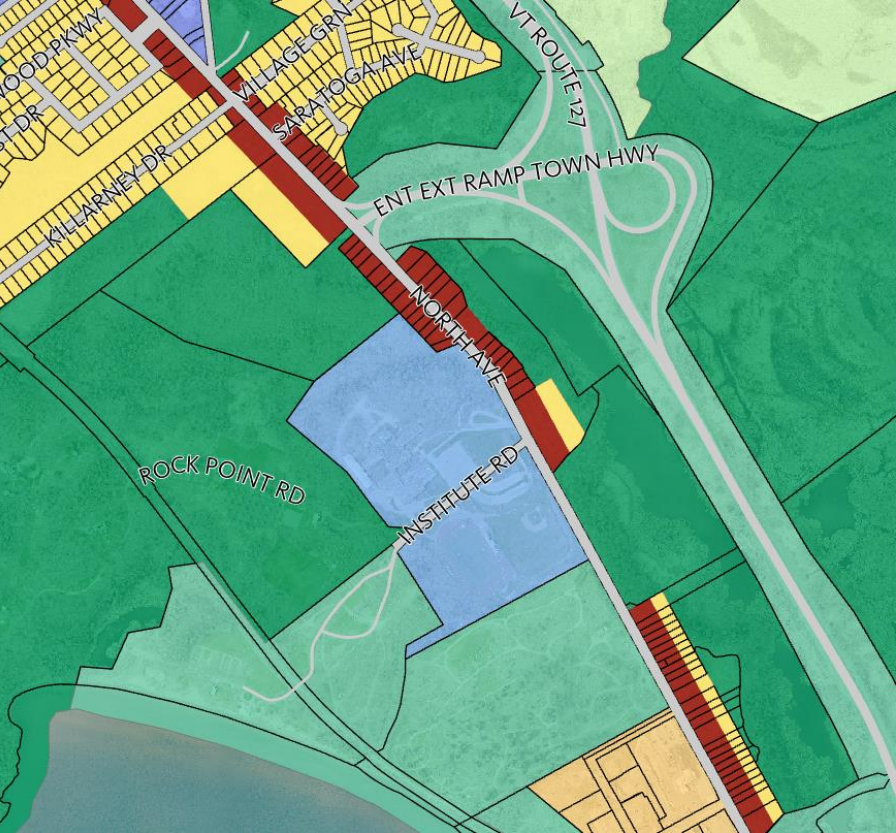
ZA-24-02: proposed RC boundary along Colchester Avenue



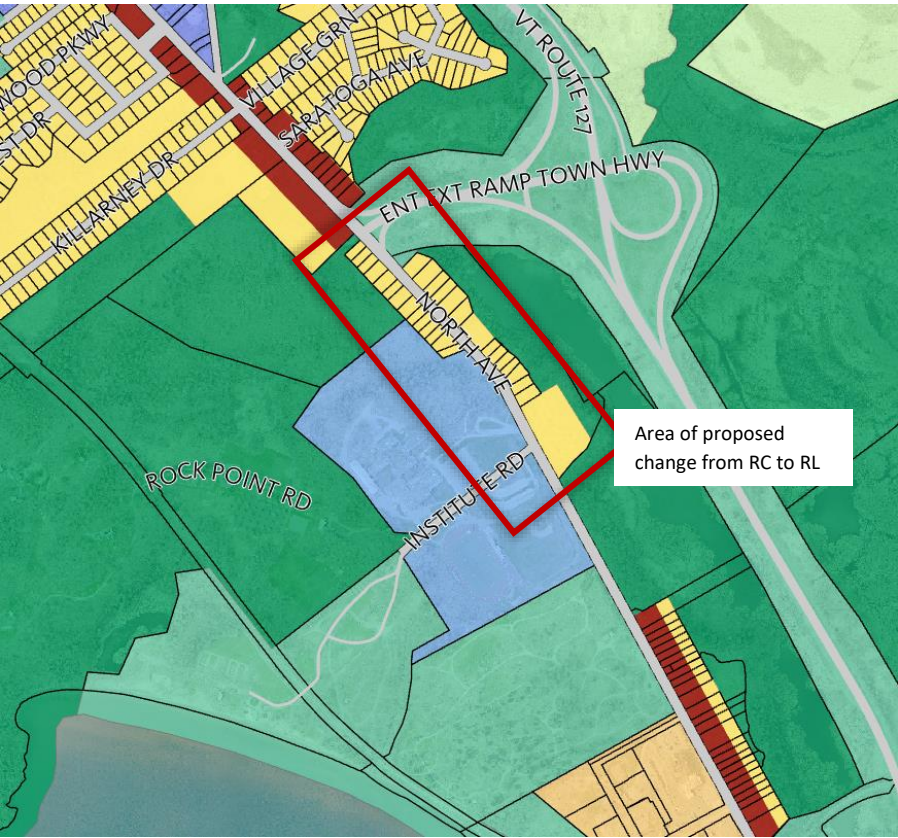
Amendment 3: proposed change to RC boundary along Colchester Avenue



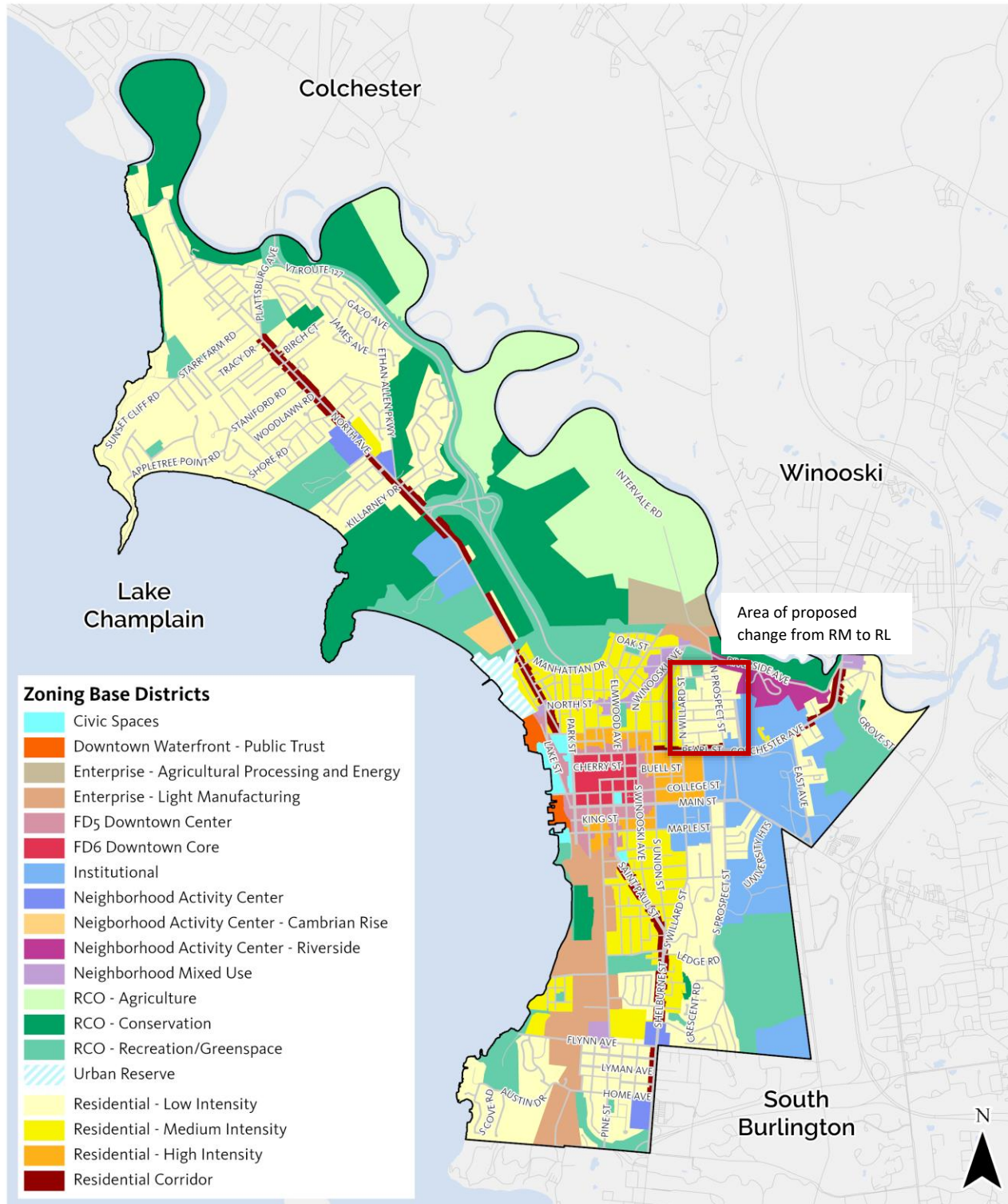
ZA-24-02: proposed RC boundary along North Avenue

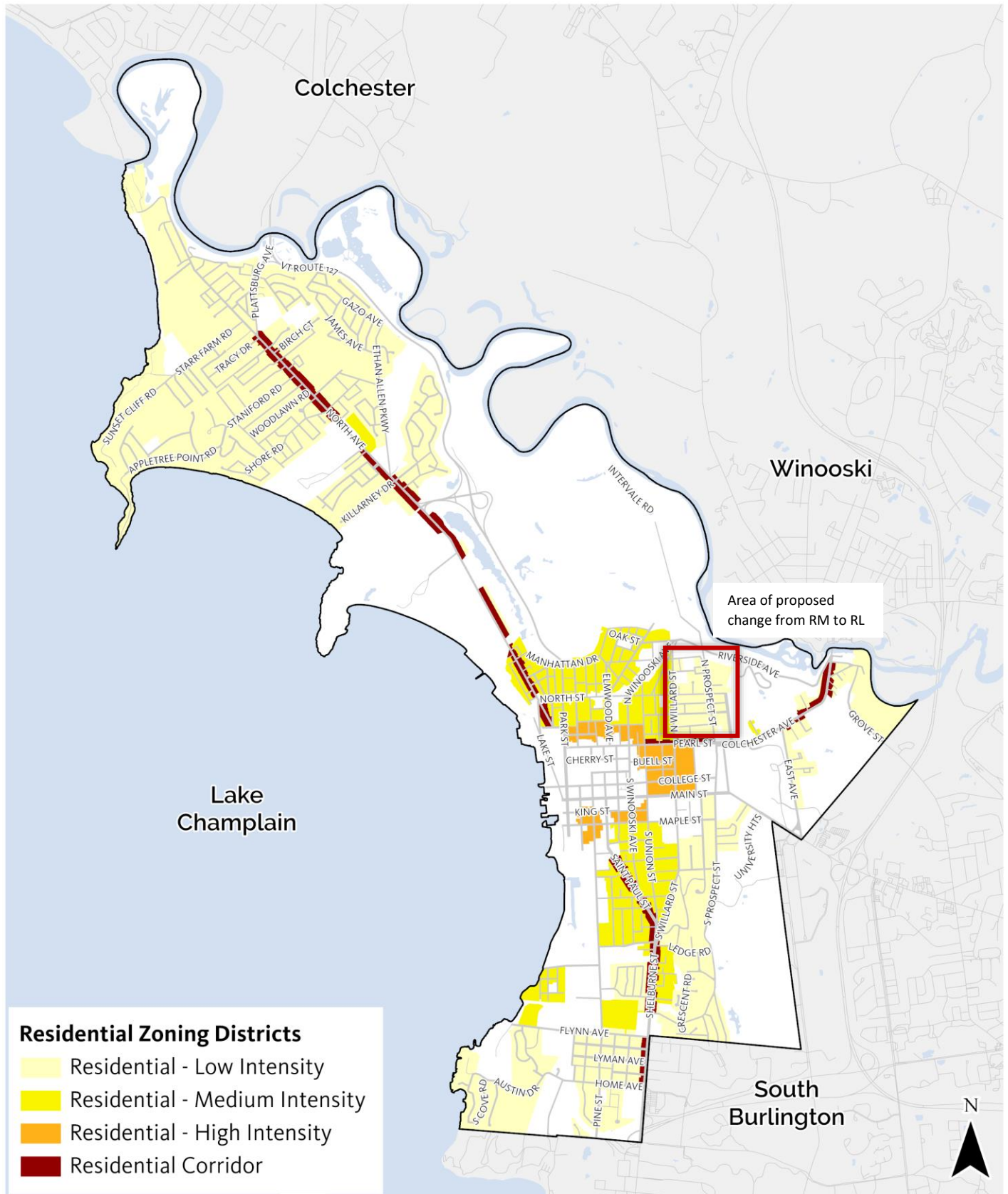


Amendment 3: proposed change to RC boundary along North Avenue

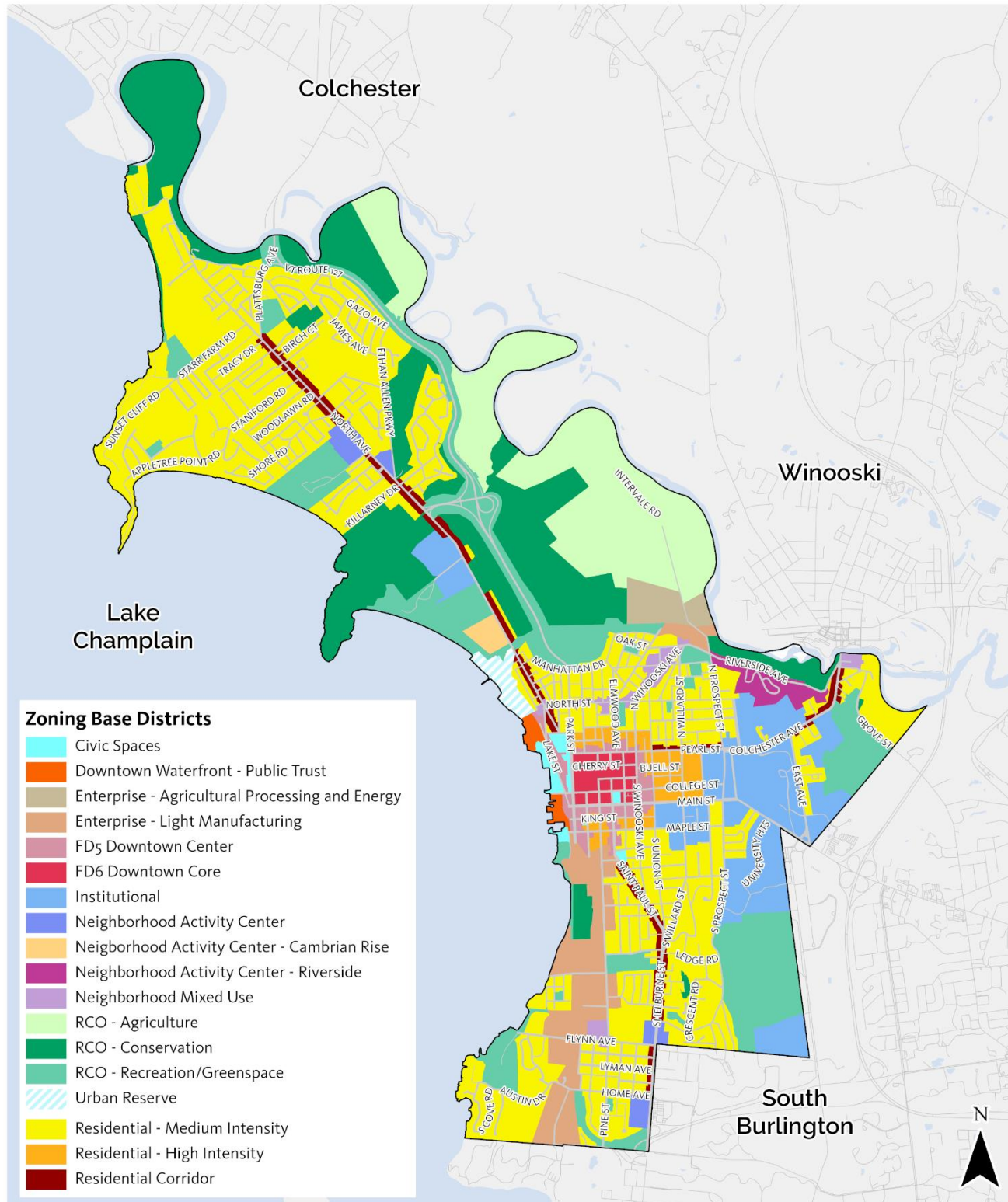


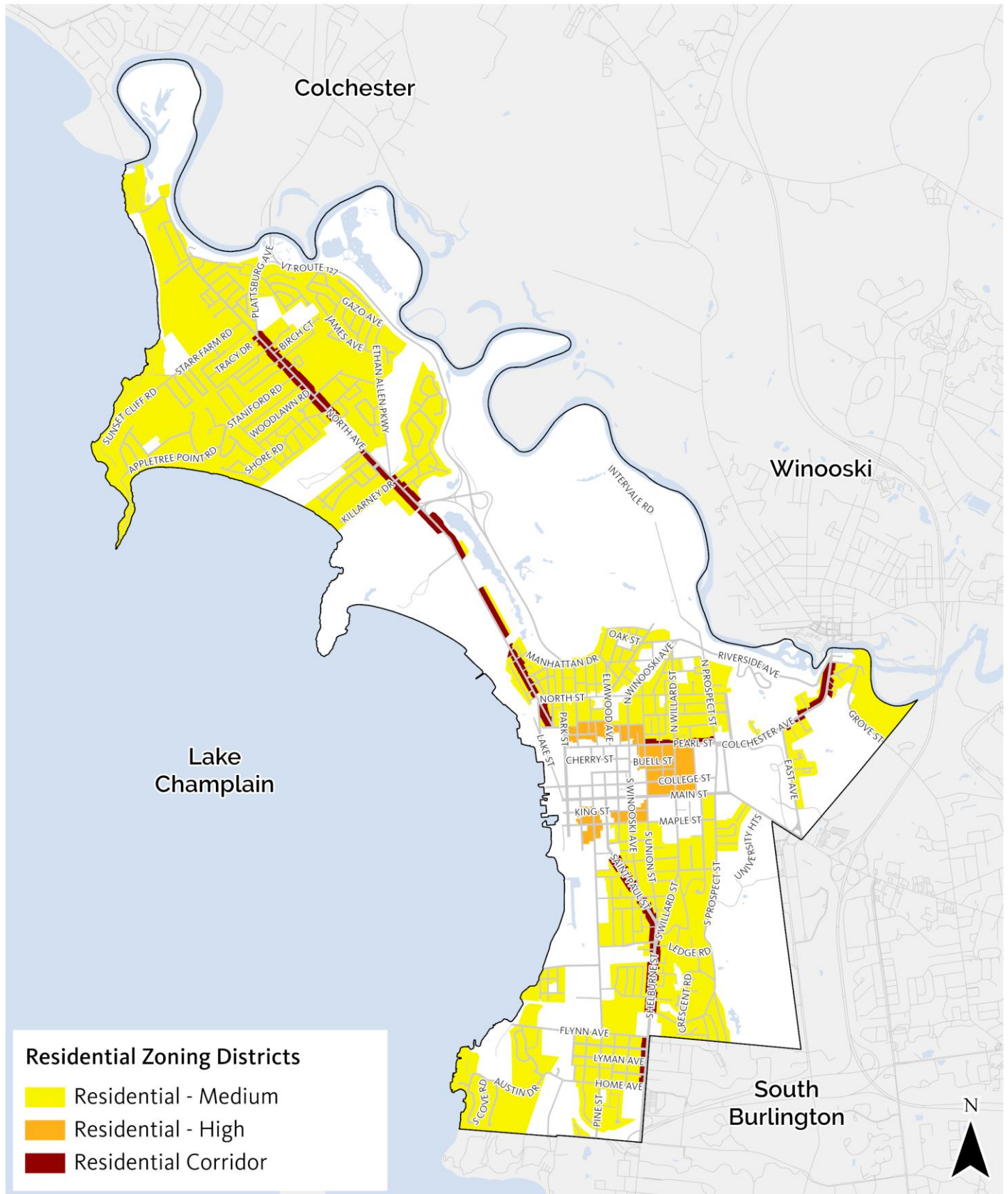
As requested by Councilor Dougherty, update proposed maps 4.3.1-1 *Base Zoning Districts* and 4.4.5-1 *Residential Zoning Districts* to apply the Residential Low District to residentially-zoned parcels generally bounded by N. Willard St., Mansfield Avenue, Archibald St., and Pearl St, except for the first 200 ft. depth of the properties with street frontage on Pearl Street between N. Willard and N. Prospect which are in the proposed Residential Corridor District.





As requested by Councilors Grant and Bergman, update proposed maps 4.3.1-1 *Base Zoning Districts* and 4.4.5-1 *Residential Zoning Districts* to apply the Residential Medium District to all residentially-zoned parcels that are currently proposed to be zoned for either Residential Medium or Residential Low. Further, amend all sections throughout proposed ZA-24-02 to remove references to and standards associated with the Residential Low district.







Memorandum

TO: Meagan Tuttle, AICP, City of Burlington Director of City Planning
Charles Dillard, AICP, City of Burlington Principal Planner
Paul Connor, AICP, City of South Burlington Director of Planning & Zoning
Cathyann LaRose, AICP, Town of Colchester Director of Planning & Zoning
The Chittenden County Regional Planning Commission
The Vermont Department of Housing and Community Development

FROM: Eric Vorwald, AICP
Planning & Zoning Manager

RE: **Report on Proposed Amendments to the City's Unified Land Use and Development Regulations including Article X and Appendix B**

DATE: February 22, 2024

Enclosed with this memo, please find proposed amendment to the City of Winooski's Unified Land Use and Development Regulations. The amendments relate specifically to:

- Article X – Map 1 – Zoning Map
- Article X – Map 2 – Gateway Zoning District Regulating Plan
- Appendix B – Section 803 – Use Categories
- Appendix B – Section 901 – Defined Terms

The City of Winooski's Planning Commission will hold a public hearing on Thursday, March 14, 2024 beginning at 6:30 p.m. to take public comments on the proposed amendments. This hearing will be held in person at Winooski City Hall, 27 West Allen Street, Winooski VT; or electronically by visiting <https://us06web.zoom.us/j/84972855990>; or by calling (646) 558 8656 and using Webinar ID: **849 7285 5990**. Toll charges may apply. The hearing notice is also included with this memo for reference.

Please ensure this information is provided to the chair of your Planning Commission. Comments related to these amendments should be submitted in writing to me by the close of business on Monday, March 11, 2024.



City of Winooski

Vermont's Opportunity City

27 West Allen Street
Winooski Vermont 05404
802 655 6410
winooski.vt.gov

PUBLIC HEARING NOTICE AMENDMENTS TO THE CITY OF WINOOSKI UNIFIED LAND USE AND DEVELOPMENT REGULATIONS

In accordance with 24 V.S.A § 4441 and § 4444, the City of Winooski's Planning Commission will hold a public hearing on **Thursday, March 14, 2024** beginning at **6:30 p.m.** Members of the public interested in participating in this hearing can do so by attending in person at Winooski City Hall, 27 West Allen Street, Winooski VT; or electronically by visiting <https://us06web.zoom.us/j/84972855990>; or by calling **(646) 558 8656** and using Webinar ID: **849 7285 5990**. Toll charges may apply.

Amendments to the Unified Land Use and Development Regulations

- Article X – Map 1 – Zoning Map
- Article X – Map 2 – Gateway Zoning District Regulating Plan
- Appendix B – Section 803 – Use Categories
- Appendix B – Section 901 – Defined Terms

Statement of Purpose: The purpose of these amendments are as follows:

Article X – Map 1 – Zoning Map – Rezones property at 21 Hickok Street from Residential C to Gateway.

Article X – Map 2 – Gateway Zoning District Regulating Plan – Relocates a neighborhood manners boundary from a common boundary between 21 Hickok Street and 32 Malletts Bay Avenue to the common boundary between 21 Hickok Street and 25 Hickok Street. Also classifies the O'Brien Community Center as a Civic Building.

Appendix B – Section 803 – Use Categories – Provides introductory language to provide more detail on the purpose of the section. Amends Section 803.C.

Appendix B – Section 901 – Defined Terms – Clarifies several definitions and includes new definitions for terms that were not currently defined.

Geographic Area Affected: The proposed amendments in Article X will only apply to 21 Hickok Street and 32 Malletts Bay Avenue. Other amendments will apply to all properties included in the Gateway Zoning District which includes properties along Main Street, East Allen Street, and Malletts Bay Avenue.

Section Headings Impacted: The following specific updates are included with these amendments:

Article X – Map 1 – Zoning Map – This involves a map amendment for property addressed as 21 Hickok Street. The property is currently zoned Residential C. The property is owned by the City of Winooski and is currently used as community gardens. This map amendment would change the zoning of the property to Gateway, which is consistent with the adjacent property

at 32 Malletts Bay Avenue. The intent of this change would be to support a proposed expansion of the O'Brien Community Center which is located at 32 Malletts Bay Avenue.

Article X – Map 2 – Gateway Zoning District Regulating Plan – The Gateway Zoning District Regulating Plan, as included in Article X as Map 2 Could be amended to remove and relocate a neighborhood manners boundary from the common property boundary between 21 Hickok Street and 32 Malletts Bay Avenue, to the common property boundary between 21 Hickok Street and 25 Hickok Street. This amendment is being proposed in conjunction with the rezoning of 21 Hickok Street and is needed to accommodate future expansion of the O'Brien Community Center. This map would also be amended to identify the O'Brien Community Center as a Civic Building to accommodate future expansion. The O'Brien Community Center is currently a pre-existing non-conforming structure and cannot be modified without compliance with the standards of the Gateway Zoning District, which is not possible without the designation as a Civic Building.

Appendix B – Section 803 – Use Categories – Adds new text as an introductory statement for this section of the land use regulations. Amendments to this section also include an updated introduction to the "Civic Use Category" heading by adding a reference to the definition of "Use, Civic; and "Civic Use" as included in Part 9 – Definitions. This section is also amended to delete the list of uses included under this heading.

Appendix B – Section 901 – Defined Terms – Amends the introduction to this section for clarity. Also amends the definition of "Accessory Unit" for consistency with state statute, and includes a cross reference to the standards for Accessory Dwelling Units as outlined in Section 5.1. Amends the definition of "Civic Use Building" for clarity and consistency with other sections of these regulations. Adds a new definition for "Green Roof" to provide specific detail on this standard. Finally, amends the definition of "Use, Civic" to include a more compressive list of uses that could be considered civic in nature.

The **full text** of these amendments is available at the Winooski City Hall, 27 West Allen Street, during normal business hours or by contacting Eric Vorwald, AICP, City of Winooski Planning & Zoning Manager by calling 802.655.6410 or evorwald@winooski.vt.gov.



Memorandum

TO: City of Winooski Planning Commission

FROM: Eric Vorwald, AICP
Planning & Zoning Manager

RE: **Report on Proposed Amendments to the City's Unified Land Use and Development Regulations including Article X and Appendix B**

DATE: March 14, 2024

This memo provides information related to proposed amendments to the City of Winooski's Unified Land Use and Development Regulations as discussed by the Planning Commission at multiple meetings. These amendments specifically impact the following parts of these regulations:

- Article X – Map 1 – Zoning Map
- Article X – Map 2 – Gateway Zoning District Regulating Plan
- Appendix B – Section 803 – Use Categories
- Appendix B – Section 901 – Defined Terms

Background

In January 2024, the City of Winooski, through the City Manager, formally requested the Planning Commission consider a change to the Unified Land Use and Development Regulations (ULUDR) that would impact the zoning map and zoning text. The purpose of this request is to support the possible expansion of the O'Brien Community Center. This property is located in the Gateway Zoning District as regulated by the City's Form Based Code.

Purpose of Amendments

In accordance with 24 V.S.A. § 4444, these amendments are being proposed to bring an existing building (the O'Brien Community Center) into conformance with the ULUDR from both a zoning map and zoning text perspective. The proposed changes impact two zoning maps (Map 1 – Zoning Map; and Map 2 – Gateway Zoning District Regulating Plan); as well as two sections in Appendix B of the ULUDR related to use categories (Section 803) and definitions (Section 901). No other amendments are proposed. Draft changes to the text include additional uses in the "civic" category, while amendments to the map would categorize the O'Brien Community Center building as a "civic" building which will make it conforming in relation to the overall size and location of the structure on the property. These changes will also accommodate future expansions of the existing building to increase services provided to the community consistent with the municipal master plan goals and objectives.

Proposed Amendments

Included with this memorandum are the proposed amendments to the ULUDR as outlined above. Proposed additional text is shown in red and underlined. Text that appears with a ~~strikeout~~ is proposed to be deleted. If a section is not included, no changes are being proposed to those regulations.

Consistency with the Winooski Master Plan

The following information is provided to address the requirements of 24 V.S.A. § 4441 regarding consistency of the proposed amendments to the City of Winooski Master Plan, adopted March 2019. Specifically, statute requires municipalities to consider three parts when reviewing proposals for new or amended bylaws. These considerations include:

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 and 24 V.S.A §§ 4412, 4413, and 4414.*

The City updated their master plan in 2019. The master plan includes multiple components that discuss the need to maintain community spaces such as the O'Brien Community Center, including their expansion. These amendments, as proposed, would allow for improvements to be made to this facility, including needed expansions for the Winooski Library; as well as upgrades to other areas of the existing building. These amendments also clarify the uses that would be permitted including the need to serve a public purpose or good for the community. These amendments do not impact (positively or negatively) the availability of safe and affordable housing; and no existing dwelling units are impacted by these proposed amendments.

- a. *24 V.S.A. § 4412 – Required Provisions and Prohibited Effects*

As proposed, the draft amendments include clarification to support the development of child care, day care, or learning centers as part of the “civic use” category. The draft amendments are consistent with the other statutory requirements under this section. This includes both the text and the map amendments.

- b. *24 V.S.A. § 4413 – Limitations on Municipal Bylaws*

The proposed amendments support the uses that are included under this section of statute. Specific uses that are identified are permitted in the City’s Unified Land Use and Development Regulations. No section of these amendments will prohibit or limit the specific uses included herein.

- c. *24 V.S.A. § 4414 – Zoning; Permissible Types of Regulations*

No new zoning districts are proposed with these regulations. While there are map amendments being considered, they support additional development opportunities to further community facilities and services. Uses are also more clearly defined for compatibility with existing zoning districts and maps.

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

The proposed amendments maintain future land uses and densities as outlined in the City's Master Plan including the Future Land Use Map. These amendments are intended to support future expansion of services that are included on the facilities map (Map 10) in the municipal master plan. The amendments also provide clarity for future regulation and enforcement, thereby maintaining consistency and compatibility with the municipal master plan.

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

No specific proposals for community facilities are planned that would be impacted by the proposed amendments. Specifically, the proposed amendments are included to bring a pre-existing non-conforming structure into conformance, and to rezone an existing property. These amendments will not conflict with any future planned community facilities. Developments that may be established due to these proposed changes will support existing community facilities.

Part 8.____-Building Functions

803.____-Use Categories

The following outlines the general uses included under each category as described on the use table under Section 802. Additional development and performance standards for use categories are outlined under Section 804.

C. Civic Use Category

Civic uses are intended to provide public functions, services, or support. Specific uses and other regulatory elements are outlined in Part 9. Definitions under USE, CIVIC; and CIVIC USE BUILDING.

- 1.——~~See Part 9. Definitions: CIVIC USE~~
- 2.——~~College, community college, university~~
- 3.——~~Museum, library, auditorium, arena~~
- 4.——~~Places of worship including church, mosque, synagogue, temple~~
- 5.——~~Police, fire, EMS station, substation~~
- 6.——~~Public or private (K-12) school~~
- 7.——~~Neighborhood arts center, Community Center or similar community facility (public)~~
- 8.——~~Farmers Market~~
- 9.——~~Transit Center~~

804.____-Development and Performance Standards

C. Civic

Buildings that ~~house CIVIC uses located on CIVIC sites~~ are specifically designated on the REGULATING PLAN as a CIVIC USE BUILDING or structure are not subject to *Part 4. Building Form Standards*, or *Part 6. Architectural Standards*.

Part 9. Definitions

901. Defined Terms

The following terms are defined for the purpose of this Code. Terms not defined here may be defined elsewhere in the ~~City of Winooski Zoning Ordinance~~ Unified Land Use and Development Regulations (ULUDR).

In such case, the definition contained in the ~~Zoning Ordinance~~ ULUDR shall be used. Certain terms in this Code are used in very specific ways, often excluding some of the meanings of common usage. Where there is an apparent conflict or contradiction, the definition herein shall prevail.

Accessory Dwelling Unit. A building or addition for living purposes that is not the primary structure or principal dwelling unit on a lot, ~~that can be used as additional residential or home occupation space.~~ See also Section 5.1 and Article IX of the Unified Land Use and Development Regulations.

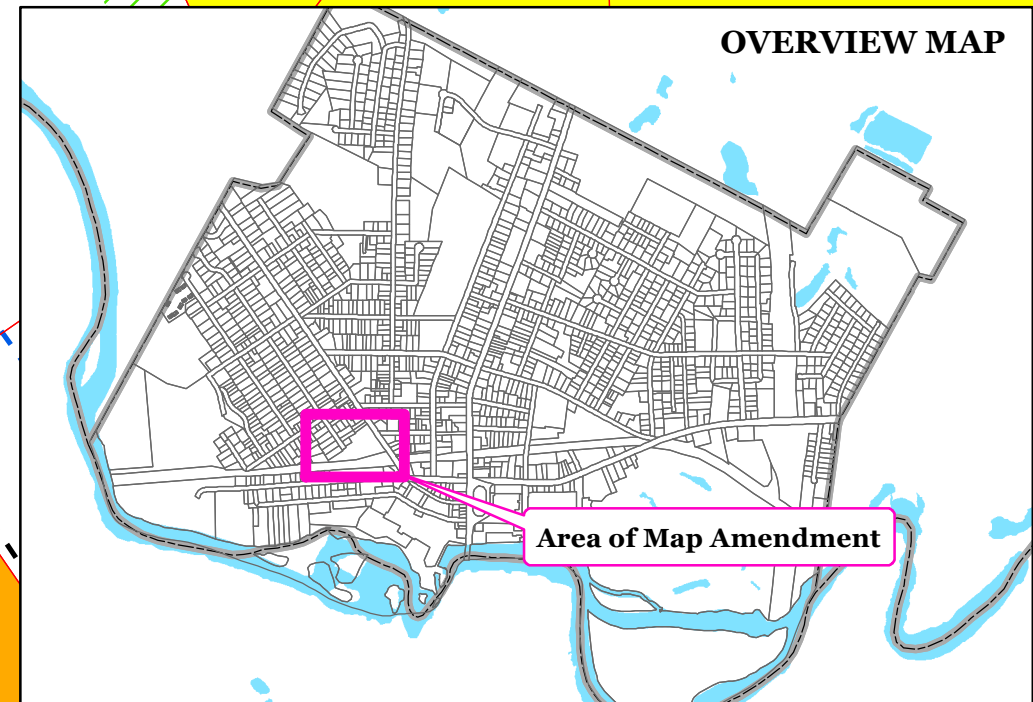
Civic Use Building. Those buildings that house ~~strictly CIVIC USES~~ as defined herein or historically and urbanistically significant structures and are specifically designated on the REGULATING PLAN. CIVIC USE buildings and publicly-owned public art are not subject to the BUILDING FORM STANDARD prescriptions of this Code. ~~See also Use, CIVIC.~~

Green Roof. A vegetative layer that covers an entire roof area as required herein and serves to mitigate stormwater runoff and reduce heat islands created by the built environment. Green roofs can be either Extensive or Intensive as described by the United States Environmental Protection Agency.

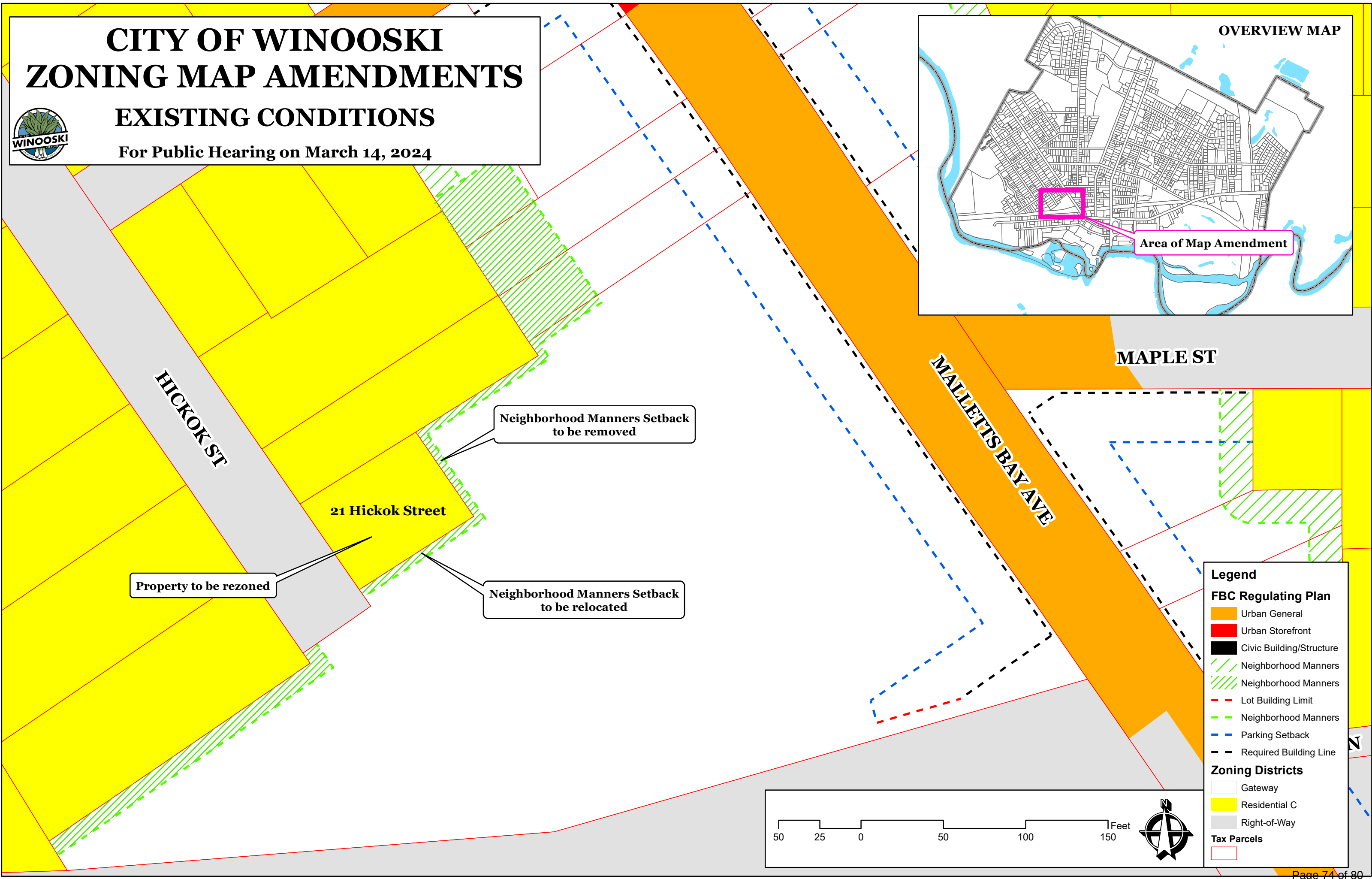
Use, Civic. For the purpose of this Code, CIVIC USES are intended to provide public functions, services, or support. CIVIC USES include: meeting halls; libraries; public or private schools; day care or child care facilities; adult or early learning centers; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; auditoriums; arenas; transit centers; community centers; community health centers or clinics; public health organizations; job training facilities; farmers markets; government functions open for the public; and, other similar community uses. ~~Public ownership alone does not constitute civic USE.~~

CITY OF WINOOSKI ZONING MAP AMENDMENTS EXISTING CONDITIONS

For Public Hearing on March 14, 2024



Area of Map Amendment



MAPLE ST

MALLETT'S BAY AVE

HICKOK ST

21 Hickok Street

Property to be rezoned

Neighborhood Manners Setback
to be removed

Neighborhood Manners Setback
to be relocated

Legend

FBC Regulating Plan

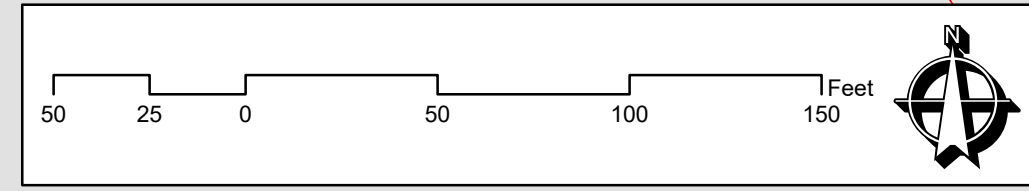
- Urban General
- Urban Storefront
- Civic Building/Structure
- Neighborhood Manners
- Neighborhood Manners
- Lot Building Limit
- Neighborhood Manners
- Parking Setback
- Required Building Line

Zoning Districts

- Gateway
- Residential C
- Right-of-Way

Tax Parcels

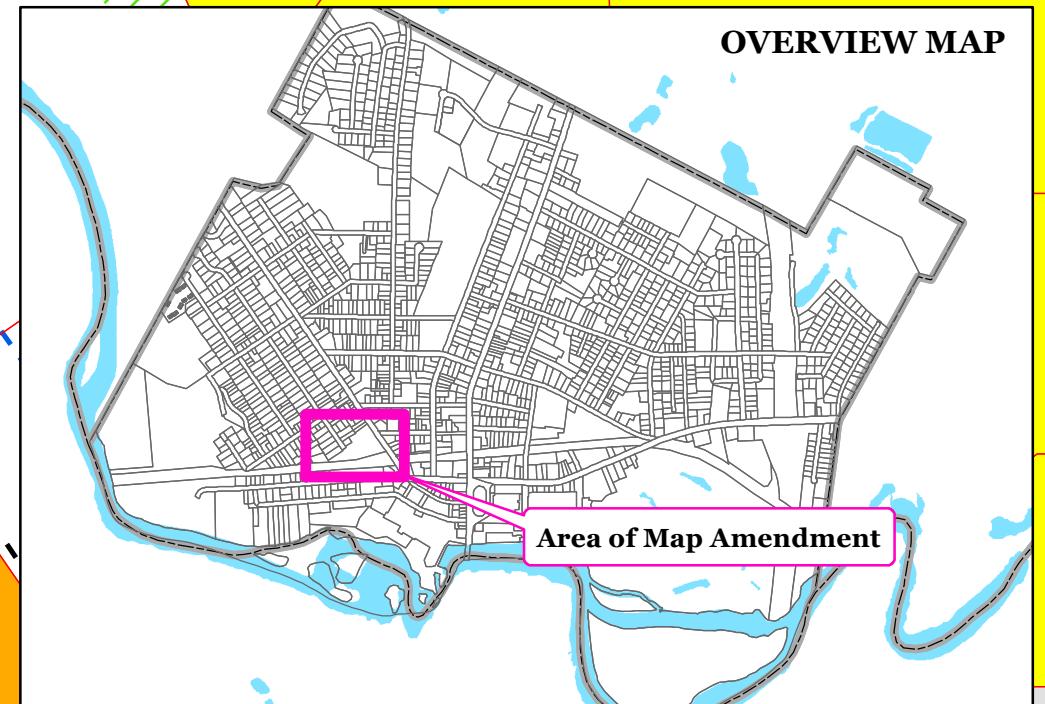
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CITY OF WINOOSKI ZONING MAP AMENDMENTS PROPOSED CONDITIONS



For Public Hearing on March 14, 2024



Area of Map Amendment

HICKOK ST

21 Hickok Street

Relocated Neighborhood
Manners Setback

Property rezoned to
Gateway

DESIGNATE O'BRIEN COMMUNITY CENTER
AS A CIVIC BUILDING/STRUCTURE

MALLETT'S BAY AVE

MAPLE ST

Legend

FBC Regulating Plan

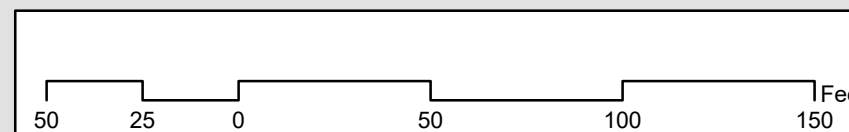
- Urban General
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- Lot Building Limit
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- Parking Setback
- Required Building Line

Zoning Districts

- Gateway
- Residential C
- Right-of-Way

Tax Parcels

-



Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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(802) 865-7195 (FAX)
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www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Erin Malone
Julia Randall

Burlington Planning Commission

Tuesday, January 23, 2024, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, E. Malone, B. Baker, A. Friend, J. Randall, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	Sharon Bushor, Todd DeLuca, Eric Farrell, Michael Monte

1. Agenda

Call to Order	Time: 6:30pm
Agenda	No changes.

2. Public Forum

Name(s)	Comment
Sharon Bushor	- Up until this point the joint committee has dealt with ways to accommodate more housing in Burlington but that it doesn't ensure any of that to be affordable. Doubtful that just because there's more housing that will mean affordability will follow. - Inclusionary zoning is one way affordability can be guaranteed to a certain level.
Todd DeLuca	- Concerned about the "tax" on new housing that inclusionary zoning puts. - Appeals the Commission to make inclusionary zoning voluntary.

3. Chair's Report

A. Montroll	Nothing to report.
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4. Director's Report

M. Tuttle	- Reaching out to PC's Executive Committee to set up a meeting in a public area - Anticipating introducing the NC to the City Council on Monday 1/29 - Beyond the neighborhood code work, our team has been really busy with a number of other projects over the last several months. - Working with the City Council and UVM on housing agreement that is focused on identifying opportunities for the expansion of on-campus beds for undergraduates. Have had a number of public presentations in collaboration with CEDO. - It includes a renewed commitment by UBM to provide 1 1/2 beds for everyone additional undergraduate that it enrolls after the fall of 2023.
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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 Human Resources Department at (802) 540-2505.

	▪ It makes transparent their undergraduate enrollment goal of approx. 3,000 first-year students. ▪ Commits to pursue additional housing development on campus if enabled by changes to the zoning. ▪ This draft MOU contemplates changes to the Trinity campus as well as to the Waterman block on Prospect St. and to the site that we've been calling the Rugby Field on East Avenue. ▪ Will be presented at the City Council in February. ○ Presented to the City Council meeting the previous week the UVM Medical Center requests about renewing their land use MOU that they have with the city and really with the city on behalf of the neighbors in Ward One. The MOU is set to expire in 2024. The Medical Center is preparing its 10-year plan for the growth of the hospital here in Burlington and its needs related to expansion of beds, parking and auxiliary services. ○ C. Dillard has been leading the transportation demand management study. Working closely with the team's consultant to develop a series of recommendations that they're getting close to having ready to begin betting more thoroughly and sharing with stakeholders and the public in terms of getting us to a near final report. ○ C. Dillard also leading the Planning departments collaboration in advancing some development interests in the area that was recently zoned the for the South end Innovation District zoning. ▪ planning MOU with the private property owners and Champlain College for the property that each of us, the city and each of those owners hold in that area between Lakeside and Sears Lane to help us develop a sort of shared framework and understanding of order of magnitude development capacity for those sites. ▪ A new multimodal transportation framework for increasing that accessibility of that area and assessing the sort of traffic and other utility impacts of those developments. ▪ Anticipate that the results of that are going to hopefully inform a predevelopment agreement between those partners that may be coming to the council in the next few meetings. • The ongoing discussions at the state legislature over the past few sessions about changes to municipal planning law in terms of housing and ACT 250 in particular. ○ There were a number of special summer studies that were set up that ranged from creating common future land use categories that the Regional Planning Commissions would use in their planning across the state to an NRB led recommended updates to the Act 250 process and structure overall. ○ M. Tuttle involved in the working group that was trying to explore and more fully flesh out a concept for a full municipal exemption from Act 250 upon a community's demonstration that their local
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	rules are functionally equivalent to the Act 250 criteria. Will also present to a joint set of Senate committees on 1/24 about the view that tool of municipal delegations will work on that, fitting into the overall framework of active into your farms that are under consideration.
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5. **Proposed CDO Amendment: Inclusionary Zoning**

Action: N/A

Type: Informational, Discussion

J. Randall:

- What the process is like to manage these units and what is the application process on the City side?

M. Tuttle:

- The Zoning permitting team at DPI, is sort of the initial application in terms of determining the appropriate percentages that projects are required to meet, but engaged closely with CEDO in actually confirming those amounts and working with the specific developers to ensure that they're meeting the requirements, particularly for pricing.
 - The ordinance does require that for a project final rents or sale prices are confirmed by the Housing Trust fund manager before a certificate of occupancy can be issued.
 - Then there is a required like ongoing monitoring that CEDO also manages through the Housing Trust fund.
- Are there any like characteristics you know of an IZ unit that would make it not suitable for a market rate unit and vice versa?

M. Tuttle:

- In theory it shouldn't.
- we've been hearing about some of these potential developments that are, you know, just not feasible and obviously these changes are trying to make these projects more feasible. When those projects aren't happening, are those developers looking to neighboring communities to complete those projects or are they just not happening.

B. Pine: It's fair to say that if the economics don't work and that individual or that group is looking to continue to develop real estate that they're going to seek out other opportunities in, in nearby markets where they can make those numbers work.

- Echoes E. Malone's comment #3.
- About bullet #3 on presentation: what exactly is the hang up here with? Is it specific to this partnership between nonprofit housing developers and large-scale private developers that inhibits them from accessing funding for sale units, or is there just broader lack of funding for sale units versus rental units right now? And is that something that is possible to change in the future?

M. Monte: In a rental affordable housing stack of money, we will use low-income housing tax credits which is winds up being free money to us about 2/3. We use cash grant equity, public equity from the funding sources like VT Housing Conservation Board or VT Housing Trust Fund or whatever we can get our hands on from governmental sources. And then there might be a little debt and that's how you do affordable rental housing. When you do home ownership, there is no low-income housing tax credit doesn't exist. So now you have to build just government grant equity sources and some debt that you are doing in mortgage, but you really have to make up a big chunk of money in equity, which equity grant sources, which simply doesn't exist as a program. We have used new market tax credits and there is state federal legislation that we've been trying to push for the last 10 years which will create a tax credit

program which would be 1/3 of the money would come in as credit and essentially equity. Then you can build capital stack of these this equity fees, tax credit sources, those grant sources from the state and other sources that want to support us. And then a private mortgage essentially with the individual against divide their own. The issue is that that tax credit equity is simply not available for home ownership now unless it's in a special place or location.

- Is it possible to have off site developments also have a mix of affordability and market rate?
M. Tuttle: I don't think there's anything in the ordinance that mandates that the that an offsite project can only include with the inclusionary units. It could be hard to develop two projects at one time. But if somebody were developing another project that could qualify as a receiving site for the inclusionary units, I don't think there's any reason why that could be the case.

E. Malone:

- Does the Champlain Housing Trust own and manage these IZ units or does the developer?
M. Monte: We don't own all the IZ units that are rental. There are other IZ units in the city that are owned by private developers. Usually on a scale project we can and will often partner with a private developer to take on sort of the full development component. In that case we own and outright right.
- Is there a threshold for size of project?
M. Monte: We don't want to do less than 20 really. We've been that happy doing 30 and 40 and 50. We may simply do it as a as an affordable housing component.
- The way to build wealth in America and our country is through home ownership and so to not I have policies that support that for low income it's a little problematic.

A. Friend:

- What is the market demand for sale vs rental for affordable housing?
M. Monte: Sold 30 for sale in 2023, and 50 in 2022. We would have 20 or 25 people interested.
M. Tuttle: What is the AMI % that you're typically selling through your portfolio?
M. Monte: We have targeted sales up to 100% of union income, and we're raising it to 120%. We typically have sold it at our homes at 70% and we targeted our sales price at 80%.
- Agrees with Y. Bradley. Whatever we can do to increase home ownership and convert some of our long-term rental population to people who have to own homes, we should be pursuing that.

Y. Bradley:

- I think what you guys are doing is absolutely fantastic. Ownership is something that's extremely important particularly the fabric of the community.

B. Baker:

- There's a provision in the inclusionary ordinance to allow you to designate existing units if you have some quality measures to make sure they're of certain quality was a consideration given to designating existing units because a fork construction unit is 2 to 3 years away and may not even get off the ground.

6. Commissioner Items

B. Baker:

- About the condo conversion ordinance: I think we might want to refer back to it more than just the notice provisions and you know, what City Council is looking at doing to it because they could work in hand.
M. Tuttle: Brian and I have both been asked to talk with a couple counselors who are thinking of bringing forward some recommended changes to the condo conversion ordinance. That's not part of our zoning ordinance, that's a separate stand-alone city ordinance.

7. **Adopt Minutes**

Action: Approve the 1/9 minutes.		
Motion by: J. Randall	Second by: A. Friend	Approved: unanimous

8. **Adjournment**

Adjournment	Time: 8:20 p.m.	
Motion: J. Randall	Second: A. Friend	Vote: unanimous

DRAFT