

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

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, May 14, 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 US

Webinar ID: 979 4188 3790

1. Agenda

2. Public Forum

Subject	2.1. Public Guidelines for Virtual Meeting Participation
Meeting	May 14, 2024 - Agenda - Tuesday, May 14, 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: ZA-24-04 Neighborhood Code Part 2

Subject	5.1. Draft amendment
Meeting	May 14, 2024 - Agenda - Tuesday, May 14, 2024, 6:30 PM, Burlington Planning Commission
Category	5. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2
Department	Planning

Type	Presentation
------	--------------

Recommended Action	Ask questions and provide feedback on the draft amendment.
--------------------	--

6. Commissioner Items

7. Adopt Minutes

Subject	7.1. Review and approve the 4/23 Planning Commission Meeting minutes
Meeting	May 14, 2024 - Agenda - Tuesday, May 14, 2024, 6:30 PM, Burlington Planning Commission
Category	7. Adopt Minutes
Department	Planning

Type

8. Communications

8.1. Review and accept written communications

9. 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.

TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP Director, Office of City Planning
Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: April 26, 2024
RE: Proposed ZA-24-04 Neighborhood Code Part 2 Topics

Overview & Background

The City Council adopted ZA-24-02 (Neighborhood Code) at its March 25, 2024 meeting. This amendment creates a new framework for the city's residential zoning districts that enables a range of housing types, including single-family, ADUs, duplex through four-unit developments, and townhouses and small multi-unit buildings. These amendments enable greater flexibility for existing homes as well as a range of housing options within neighborhoods, create new zoning standards along transportation corridors identified in *planBTV*, and comply with Act 47 of 2023 of the VT Legislature.

During its discussion of the proposed Neighborhood Code amendments in fall and winter 2023, the Joint Neighborhood Code Committee bifurcated the Code to facilitate discussion of the Code's core concepts while reserving later discussion for a second package of amendments. Part One, those amendments adopted in March, addresses substantive changes to Article 4 and Appendix A, as well as other sections. These changes evolve the residential zoning district standards, allowable uses, and district boundaries.

Neighborhood Code Part 2 Amendments

A number of related standards need to be addressed throughout the CDO. Many of these were originally included in the "Relationship of Core Zoning Recommendations to other Ordinance Details" chart used in Joint Committee discussions, and some have emerged from additional public discussion at the hearings for Part 1 as well as from inquiries following the adoption of the code.

The purpose of Part 2 of the Neighborhood Code is to explore technical details and related standards necessary for implementing neighborhood-scale infill development across Burlington. Unlike Part 1 of the Neighborhood Code, recommendations will come from the Planning Commission as four or more separate amendments, detailed below. Using the general direction from past discussions of the Joint Committee, the Planning Commission, either as a body or through its Ordinance Committee, can review or make recommendations for these related standards within each proposed amendment.

Neighborhood Code Part 2-A: Secondary Structures, Planned Unit Developments, and Technical Corrections

Per the request of the City Council on March 25th, this amendment will cover considerations related to the allowance of secondary structures in the Residential Districts, including but not limited to the following topics:

- Height of secondary structures relative to primary structures
- The context of secondary buildings in historic districts or on a lot with a listed structure
- The relationship between secondary buildings allowed in the residential standards and citywide provisions for Accessory Dwelling Units (ADUs)
- Considerations for allowing existing non-conforming and non-residential buildings that are encroaching in setbacks to be converted and/or vertically expanded through additional height

This amendment will also modify Planned Unit Development standards, including consideration of a threshold for lot/project size in the Residential districts as revised under ZA-24-02, as well as

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

development intensity, permitted uses, and other topics as identified. Lastly, this initial amendment will provide clarifications and corrections relevant to the process and implementation of Neighborhood Code Part 1, including:

- Additional miscellaneous definitions to clarify and support consistent implementation of new standards, including what is counted with the maximum “building footprint”
- Consolidation of the applicability of Design Review and the Design Review Overlay zone into one section that provides clearer expectations of what is subject to review
- Possible situations where exceptions to maximum building footprint standards may be considered
- Technical Corrections, including clarifying the Residential Corridor Zone purpose statement to require frontage on a major thoroughfare; updating zoning for Starr Farm Park; internal reference correction

Neighborhood Code Part 2-B: Lot Subdivisions

As discussed in Neighborhood Code Part 1, there is a demand to provide housing typologies such as Cottage Courts and townhouses, as well as unique subdivision types that could create land use efficiencies and facilitate infill housing development. This amendment package will focus on the following topics:

- Flag Lot and fee-simple small lot standards, including site and lot dimensions, frontage, and access
- Other standards that allow subdivision to facilitate fee-simple ownership of lots under duplex, townhouse, and cottage court housing types
- Cottage Court standards, including site and lot dimensions, frontage, access, development intensity, open space, and other topics as identified
- Townhouse and fee-simple duplex standards, including site, lot and building dimensions, frontage, access, development intensity and other topics as identified

Neighborhood Code Part 2-C: Residential Corridors and Neighborhood Commercial Uses

The Neighborhood Code initiative focuses on housing standards. However, consistent with *planBTV*'s call for appropriate and contextual neighborhood evolution and following requests to expand allowable uses within residential districts, this amendment will explore the following topics related to non-residential uses and the transitions between residential districts and mixed-use development.

- The potential expansion of what factors warrant Residential Corridor zone designation and the identification of other applicable locations for this district
- Consideration of the transition of heights/intensities of development and mixed-use allowances of existing mixed-use districts adjacent to the new Residential Corridor district (i.e. neighborhood mixed-use and neighborhood activity center districts)
- Re-visit use table allowances for residential districts across the city

As noted below under “Other Relevant Topics + Related Planning Projects,” the upcoming *planBTV: New North End* will be an opportunity to explore expanded mixed-use and commercial development within New North End neighborhoods. Zoning amendments specific to the New North End should be informed by that planning process, which will commence in fall 2024, with anticipated completion in 2026.

Neighborhood Code Part 2-D: Residential Parking Standards

This amendment will explore parking standards, including potential additional flexibility to allow stacked parking (3+ cars in a row) for residential developments and/or consideration of infill-related parking impacts in neighborhoods with high parking demand. This amendment will also provide an opportunity to implement recommendations following the Citywide Transportation Options Study.

Other Relevant Topics + Related Planning Projects

Throughout the Joint Committee discussions, a number of questions and related issues were raised that are not within the core focus of the Neighborhood Code or relate to issues that staff strongly recommends should be discussed in other plans and studies on the near horizon before the

Commission provides recommendations. These upcoming planning projects, anticipated start dates, and requested discussion topics include the following:

- The impact on infill implementation resulting from existing regulations for historic properties (*planBTV: Historic Preservation Plan, Fall 2024*)
- Opportunities for expanded mixed-use and neighborhood commercial development in the New North End, including building scale and land use mix for the topics below (*planBTV: New North End, fall 2024*).
 - Large site redevelopment along the North Avenue Corridor, including the overall scale of development and mix of uses
 - Potential for small mixed-use and/or commercial nodes within neighborhoods and/or within close proximity to the Burlington Greenway
- How to ensure access to greenspace across all of Burlington's neighborhoods, including corridors and greenways that provide connectivity and mobility for both people and wildlife (*Open Space Plan, Summer 2024*)

Finally, some requested discussion topics must be carried out in conjunction with other departments. These topics are broad in scope and involve policies outside of, but adjacent to, the purview of the Planning Commission. In most cases, conversations are already underway with other departments and community stakeholders to strategize how to effectively accomplish these goals.

- Stormwater and wastewater impacts resulting from infill development, including consideration of the need for development review criteria and whether change to Chapter 26 (stormwater) may be needed to address and accelerate residential-scale and neighborhood-green stormwater infrastructure solutions (Note: this must be undertaken in conjunction with DPW-Water division)
- Consideration for whether or not Article 9 Inclusionary Zoning should apply to lots with two structures exceeding 5 units, where the number of units in each building individually would not require IZ (Note: several IZ updates are under consideration currently, and the discussion should include how this question relates to IZ updates)
- Solutions to address implementation feasibility and homeownership opportunities, including:
 - Technical and financial assistance for "small" developers/homeowner developers to help build new homes at this scale
 - Homeownership incentives (funding and other policies not in the purview of zoning) to support first-time homebuyers and owner occupancy of multi-unit infill developments
 - Consider whether building/fire code exceptions/alternative approaches have applicability for implementing middle housing types (i.e. sprinklers, stairs, etc.)
 - Review the role that condo conversion plays in prohibiting homeownership



Neighborhood Code **Part 2-A**

Secondary Structures, Planned Unit Developments,
and Technical Corrections

BTV Neighborhood Code Topics + Amendments

Nighborhood Code Part 1 (ZA-24-02)

Adopted by City Council: March 25, 2024
Secondary Structures effective Oct. 1, 2024

- Modified and streamlined residential districts and boundaries
- Created new Residential Corridor (RC) district along major street corridors adjacent to low intensity zones
- Replaced density standards with massing standards, including number of units per building, updated lot coverage, standardized rear setbacks, maximum building footprints, and building height
- Allowed 2 free-standing structures in RL and RM districts with 4 units per building; does not limit the number of units per building in RH and RC zones



NC Part 2-A (ZA-24-04)

Next Up for PC Discussion:

- Adt'l considerations related to secondary structures
- Planned Unit Development standards
- Clarifications and technical corrections relevant to Part 1

NC Part 2-B (ZA-TBD)

- Standards for small-lot subdivisions to facilitate fee-simple ownership
- Standards for townhouse, fee-simple duplex, Cottage Court developments

NC Part 2-C (ZA-TBD)

- Other potential locations for Residential Corridor zone
- Consider how RC district relates to existing mixed-use districts
- Re-visit use table allowances for all residential districts

NC Part 2-D (ZA-TBD)

- Consider infill-related parking impacts in high-demand areas
- Parking configuration options for residential lots
- Other recommendations of the Transportation Options study

Other Relevant Topics + Related Projects:

Infill implementation + **historic preservation** regulations (*Historic Preservation Plan, Fall 2024*)

Expanded **mixed-use + commercial** in the New North End (*planBTV: New North End, Fall 2024*)

Access to multi-functional + quality **green spaces** (*Open Space Plan, Summer 2024*)

Impact of infill development on **stormwater + wastewater**

Relationship to **Inclusionary Zoning** requirements

Solutions to **implementation + homeownership** opportunities

Topics to carry out with other departments:

Neighborhood Code **Next Steps**

- **April/May:** Planning Commission Discussion & Communication to Council re: Code Part 2 scope
- **May 14:** Planning Commission begins discussion on **Part 2-A** Topics – beginning with ZA-24-04
- **Summer/Fall** (date tbd based on duration of discussion): PC holds public hearing on recommendations on Part 2-A; refers to Council and begin discussion of Part 2-B Topics
- **Summer/Fall** (date tbd): Council receives PC's Part 2-A recommendations, refers to Ordinance Cmte for review/any potential changes; refers to Council for public hearing/action
- **October 1, 2024:** Portion of Neighborhood Code Part 1 relating to allowance for secondary structures becomes effective
- **November 2024:** Report on first 6 months of Neighborhood Code implementation (# applications submitted, # projects under construction, # units added)

Neighborhood Code (NC) Relationship to Existing Standards

Existing zoning regulations related to FAQ's, and were not changed by NC Part 1:

- **Historic Preservation, [CDO Sec. 5.4.8](#)**
 - Applies to properties that are listed or eligible for listing on State & Federal Register of Historic Places
 - One reason a project may be subject to the Design Review process by the DAB & DRB
 - In review, consider issues such as (but not limited to) maintenance of distinctive features & materials, new work is compatible but distinct from original/old, and that additions/modifications will not impair the historic elements if removed in the future
- **Design Review, [CDO Sec. 3.4.2 \(b\)](#) and [CDO Sec. 4.5.1](#) and [CDO Article 6](#)**
 - Design review is a reason a project may be subject to DAB & DRB review
 - Purpose provides specific direction on design principles and standards for land division, site plans, and architectural standards
 - NC Part 1 only modified: updating these Sections to refer to new zoning districts, and updated architectural standards language to ensure review does not limit building size/height/density otherwise permitted (as required by Act 47 of 2023)
 - NC Part 2 should consider ways to provide more continuity between these three sections for transparency, ease of reference

Neighborhood Code (NC) Relationship to Existing Standards

Existing zoning regulations related to FAQ's, and were not changed by NC Part 1:

- **Parking, [CDO Article 8](#)**
 - Minimum on-site parking requirements replaced by max. parking limits for all uses in all districts (except units that exceed unrelated occupancy limits), as of ZA-20-04 (2020) and ZA-22-07 (2022)
 - Art. 8 provides standards for where parking can be located on a lot, dimensions, etc when provided, allowances for shared/off-site parking. NC Part 2 may consider additional allowances for stacked pkg.
 - Zoning does not regulate streets/public rights of way, and therefore does not extend to street parking
- **Natural Resources & Open Spaces, [CDO Sec. 4.4.6 & 4.4.7](#) plus [Sec. 4.5.4* thru Sec. 4.5.7*](#)**
 - Districts protect function & integrity of natural systems, support ecosystem services, and help balance development & undeveloped area.
 - Include Agriculture, Recreation/Greenspace, and Conservation base zoning districts, plus series of overlays that relate to mapped Natural Resource areas and special/environmentally-sensitive areas
 - Standards specifically either limit development or include standards for review by Zoning Administrator and/or DRB to minimize impacts on significant resources
 - In addition, Design Review Criteria (Art 6) requires consideration for natural features (including wildlife habitat/corridors), topography, nature's events, maintenance of existing trees to extent possible

**Note: These Sections have been/will officially be renumbered when NC Part 1 is incorporated, and ordinance is republished later this month.*

Neighborhood Code (NC) & Other Existing Standards

Related issues that are not regulated by the zoning ordinance and/or directly in the Planning Commission purview:

- **Homeownership incentives** (financial & technical assistance, deed restrictions, etc)
 - Typically advanced by CEDO/other agency policies or programming, sometimes limited to private tools
- **Condominium Conversion Ordinance** (process for converting rental housing to condo ownership)
 - Burlington Code of Ordinances (BCO), [Chapter 18, Article 5](#)
 - Updates would be purview of Ord. Cmte and/or CDNR
- **Street parking restrictions/regulations** (meters, residential permits, enforcement)
 - Residential Parking Permits Required, other street parking regulations, [BCO, Chapter 27](#)
 - Updates would be purview of DPW Commission and/or Council (depending on context)
- **Stormwater control and management regulations** (i.e. incentives, beyond lot cover/zoning standards)
 - Stormwater & Erosion Control Process and permits, [BCO, Chapter 26](#)
 - Updates would be coordinated with DPW-Water Resources, particularly to determine if most appropriate to be in CDO or Ch.26, and in purview of Council

Neighborhood Code Part 2-A: Secondary Structures, Planned Unit Developments, and Technical Corrections

- Covers considerations related to secondary structures, including:
 - Secondary structure height relative to Primary structure, including a discussion of context of secondary buildings in a historic district/on a lot with a listed structure
 - Relationship between secondary buildings allowed in residential standards and citywide provisions for Accessory Dwelling Units (ADUs)
 - Considerations for non-conforming and non-residential buildings encroaching in setbacks to be converted or expanded through additional height
- Modifies Planned Unit Development standards, including the threshold for lot/project size in Residential districts, development intensity, permitted uses, and other topics as identified

Neighborhood Code Part 2-A: Secondary Structures, Planned Unit Developments, and Technical Corrections

- Provide clarifications and corrections relevant to the process and implementation of Neighborhood Code Part 1, including:
 - Additional miscellaneous definitions to clarify and support consistent implementation of new standards, including what is counted with the maximum “building footprint”
 - Possible consolidation of the applicability of Design Review and the Design Review Overlay zone into one section that provides clearer expectations of what is subject to review
 - Possible situations where exceptions to maximum building footprint standards may be considered
 - Technical Corrections, such as clarifying the Residential Corridor Zone purpose statement and to require frontage on a major thoroughfare; internal reference corrections; etc.

Neighborhood Code Part 2-A: **Secondary Structures**

Height of secondary structures relative to primary structures

- NC standards limit secondary structures to height limit otherwise allowed the district
- **Key Questions:**
 - Should code require some consideration for/relationship to the height of an existing/primary structure?

Neighborhood Code Part 2-A: **Secondary Structures**

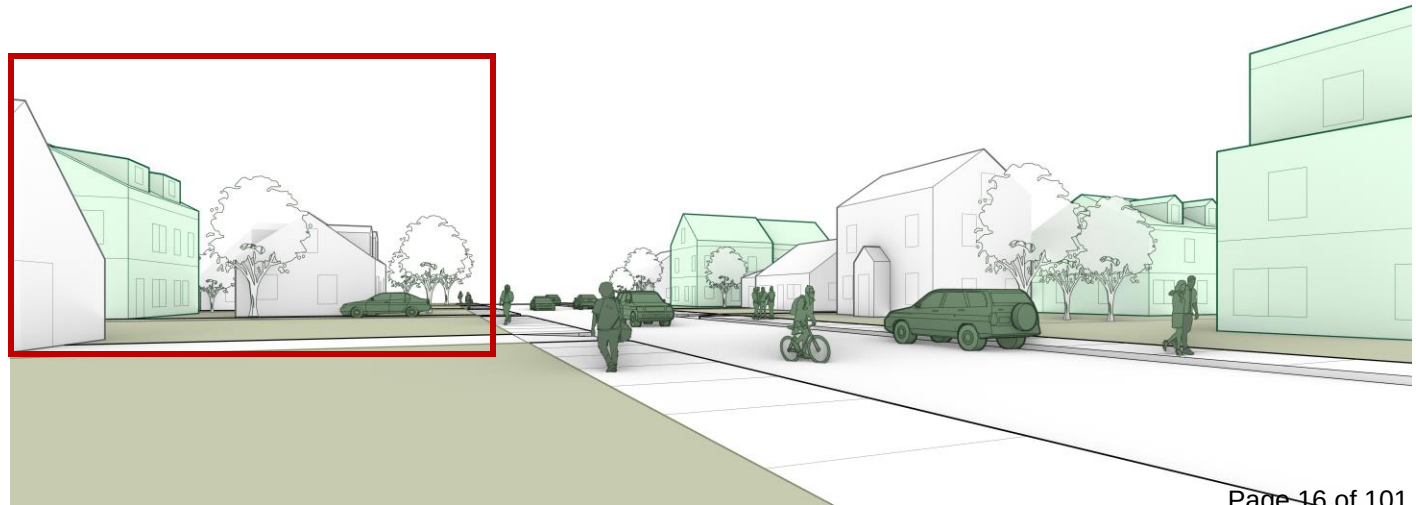
Height of secondary structures relative to primary structures

The following images visualize scenarios of heights from a pedestrian perspective in an RL neighborhood:

Scenario 1: Secondary Buildings are limited to the height of the primary buildings



Scenario 2: Secondary Buildings are allowed to surpass the height of primary buildings, up to a max of 2.5 stories



Neighborhood Code Part 2-A: **Secondary Structures**

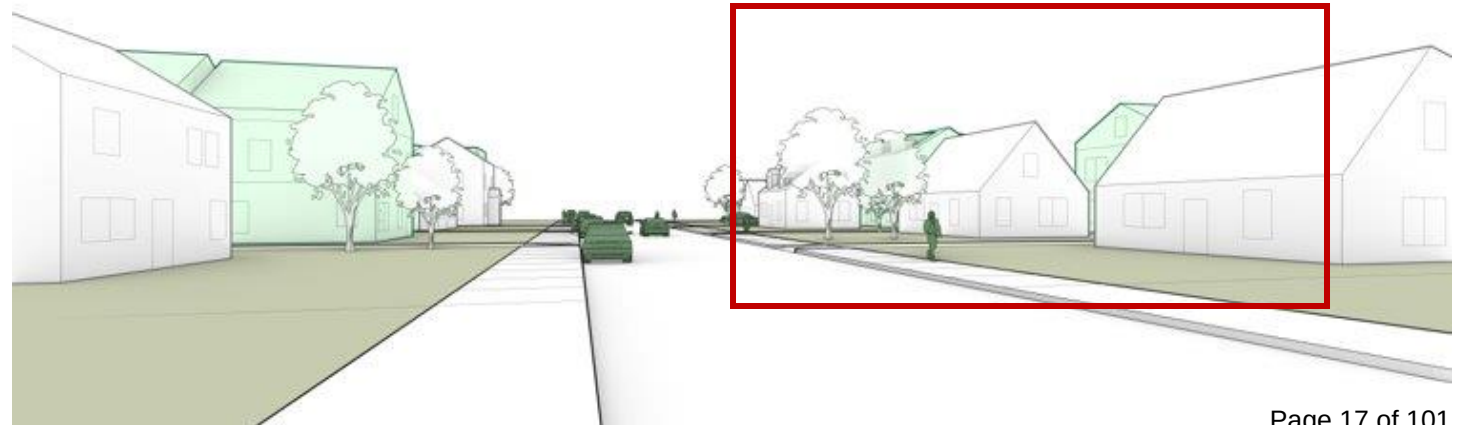
Height of secondary structures relative to primary structures

The following images visualize scenarios of heights from a pedestrian perspective in an RL neighborhood:

Scenario 1: Secondary Buildings are limited to the height of the primary buildings



Scenario 2: Secondary Buildings are allowed to surpass the height of primary buildings, up to a max of 2.5 stories



Neighborhood Code Part 2-A: **Secondary Structures**

Context of secondary buildings in historic districts or on a lot with a listed structure

- See prior slides re: standards for Design Review under Sec. 5.4.8.
- Historic regulations do not prohibit renovations/additions, or new buildings to be added to lots
- Review considers issues such as (but not limited to) maintenance of distinctive features & materials, new work is compatible but distinct from original/old, and that additions/modifications will not impair the historic elements if removed in the future
- First project reviewed: 44 Wright Avenue
 - Renovation to existing multi-unit structure, plus added secondary multi-unit structure
 - Historic review considerations applied only to existing structure; but Design Review allowed consideration of secondary building. Core comments related to historic building included:
 - Staff recommendations related to siding reveal and window fenestration pattern
 - Design Advisory Board tabled application, gave applicant guidance to make some adjustments to design relative to features in the surrounding neighborhood, including to the continuity of materials on new secondary structure, and further explore parking

Neighborhood Code Part 2-A: **Secondary Structures**

Relationship between secondary buildings and citywide provisions for Accessory Dwelling Units (ADUs) ([CDO Sec. 5.4.5](#))

- One accessory dwelling unit is allowed where there is a primary, owner-occupied single-family home on a lot
 - ADUs are "clearly subordinate to the principal dwelling" and must have facilities/provisions for independent living
 - Unit cannot exceed 900 ft² or 30% of the Gross Floor Area of the principal home
 - Provides lot cover bonus allowance for footprint of detached ADU to recognize previous limits due to difference allowable and existing lot cover (particularly in RM)
-
- **Key Question:**
 - Should the code maintain that ADUs continue to be differentiated from secondary structures, or should they rely on the allowance for secondary structures?

Neighborhood Code Part 2-A: **Secondary Structures**

Considerations for **utilizing existing non-conforming and non-residential buildings that are encroaching in setbacks**

- [CDO Article 5, Part 3](#) outlines standards related to non-conforming uses, structures, and lots—including any allowances for changes/modifications, when non-conformities must be discontinued
- Fire Code regulates proximity to property line/other structures independent of zoning
- Non-conformity standards only apply to uses, structures, lots that were legally created, but no longer comply with standards because of changes over time
 - Does not extend to uses, structures, lots that were not legally created (i.e. without a permit); some situations where changes in code may allow a permit to be sought for use/structure/lot that was not legal at the time of creation
- Generally, existing homes and non-residential structures (i.e. a garage/outbuilding) that are already in a setback cannot be expanded—in footprint or height (or, made *more* non-conforming)
 - Exceptions allow existing single-family home and community centers to vertically expand
 - Structures under 15 ft in height can encroach (including ADUs) as long as 5 ft from property line
- **Key Question:**
 - Should existing structures encroaching in setbacks, to be converted to a dwelling unit(s) or renovated to accommodate additional unit(s), be allowed to expand their physical size (i.e. footprint or height)?

Neighborhood Code Part 2-A: **Planned Unit Developments**

Updates to Planned Unit Development standards *(Note: more detail to be provided)*

- Clarifications for how to apply Neighborhood Code under PUD scenarios
- The threshold for lot/project size in Residential districts
- Relationship to development intensity & bonuses in residential districts
- Permitted uses

Neighborhood Code Part 2-A: **Technical Corrections**

Clarifications to Residential Corridor Standards

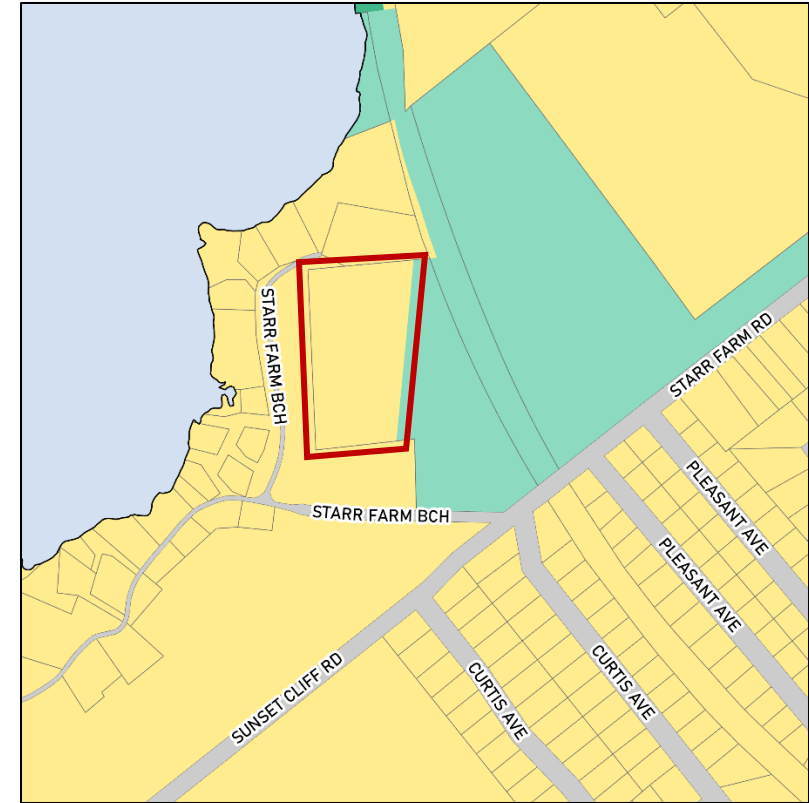
- Written description of height inconsistent with height allowed in Table 4.4.5-2
- Clarify that RC district applicability requires frontage on certain thoroughfares (similar to the applicability of the Multimodal Mixed Use Parking District)

“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~~ **up to four** stories and high lot coverage. Neighborhood-serving commercial uses may be incorporated in existing or new buildings.”

Neighborhood Code Part 2-A: **Technical Corrections**

Other Technical Corrections to incorporate in amendment package:

- Updating **zoning map** for Starr Farm Park. Residential and park zoning map "layers" were transposed, reflecting city-owned land in RL instead of RCO zone. Correct back to RCO.
- **Internal reference** correction: Table 4.4.5-1 footnote
- **Definition** to clarify what is counted with the **maximum "building footprint"** and possible situations where exceptions to footprint may be considered
- Consolidation of interrelated **Design Review standards** into one section that provides clearer expectations of what is subject to review





Questions?

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

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, April 23, 2024, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, A. Friend, E. Malone, J. Randall
Staff Present	C. Dillard, S. Morgan
Public Attendance	Bruce Alice, Mary Kehoe, Todd DeLuca, Richard Hilliard, Evan Gould

1. Agenda

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

2. Public Forum

Name(s)	Comment
Mary Kehoe	In regards to the proposal to build an accessory unit at 44 Wright St. in the Lakes Lakeside neighborhood near Hula. • Out of scale with the neighborhood's structures and its physical character • It doesn't respect the plan BTV • Keep the area's character
Bruce Alice	• Preserve the Lakeside and the historic aspect of it • The parking in that area is difficult • Exempt Lakeside from new zoning regulations
Todd DeLuca	Thoughts on the NC: • 1,800 sq ft seems small for the fourplex footprint plans • 3 stories seem small to build a fourplex. Recommends 4 stories and 50 ft • IZ should be made voluntary • Sheetz decision coming out of the Supreme Court • Thinks the City should lift the ban on condominium conversions
Richard Hilliard	Read a paragraph from a FPF post and had the point that the City Councilors need to take notice of the problems that neighbors see with the NC as it is currently written. • Talked about the fact that pay in Burlington lags behind the acceleration of the cost of housing.
Evan Gould	Pertaining to the NC: • Stormwater: "worth exploring would be incentives to both add stormwater mitigation as well as conversion of traditional grass lawns to more deep-rooted plants that are better at mitigating stormwater. More native plants, strawberries and grasses, constructing incentives in that way."

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.

	• Height: "changes the feasibility of developments, especially in the new North End where many buildings are one story, basically gutting the potential for infill development in in that area." • Parking: "One thing that's worth exploring, as we're developing and building out the neighborhood code, there's going to be increased parking demand on free street parking in our neighborhoods. Figuring out how to mitigate that as well as charge appropriately for the valuable resource of our streets like extending paid parking to more areas than just downtown in the immediate surroundings, having residential parking permit structures and in more neighborhoods. Another kind of thought that I think would be interesting in the extension of residential corridors is having a low car extension of residential corridor that abuts potentially the bike path, I think would be an interesting idea to at least explore for those who kind of treat that as their major corridor for commuting to work." • Interested in exploring something similar to the right of return
Karen Long	• The issue of selling more parking passes than there is parking on the street. • Where is the Neighborhood Code going to make additional improvements? To the Planning Commission or the Ordinance Committee? • Agrees with Mary Kehoe's comment that NC doesn't go along with plan BTV • Would like someone to answer the condo conversion comment by Todd Deluca • Pro homeownership • Re-think the one size fits all approach of the NC code A. Montroll: • The Planning Commission is in the process of looking at phase 2 of the NC. The Planning staff put together a list of the topics to be considered for part 2 of the NC. The topics come from the discussions the PC had during the fall and winter and from the City Council discussions over what was going to be deferred until after part one was discussed and voted on by the Council. All that was summarized in a memo. Encouraged the public to take a look at the memo and give the PC feedback on it or whether something is missing. • About 44 Wrights St: the PC doesn't address specific projects.
Jak Tiano	About NC part 2: • Completely supports the original passage of the code • Continuing the conversation about mixed use. Expanding the use tables in all residential zones. • Thinking more holistically about the IZ regulations • Would like the City to put together a pocket park program
Sharon Bushor	• Please that the PC is taking up the list of things to address before the new structures will be built in October • The affordability and the housing types were not addressed • Made a comment about losing families in Burlington • Homeowners make payments to the Housing Trust fund

Diane Freiheit	• In support of infill development in Burlington that is done responsibly and provides affordable housing for renters as well as affordable home ownership • Hope that parking and other issues like historic districts will be addressed. Infill related parking shortages impact renters. • Historic districts and historic structures in Burlington that are listed on the National Register of Historic Places are distinct from although included in the design overlay District. There are clear guidelines for new construction within the boundaries of historic structures and sites such that the massing size, scale and design of new construction should be compatible with those of historic buildings. • Responsible site development • Concerned about any and all sites, any and all backyard, side yard, front yard development along Lake Champlain and the Winooski River regarding stormwater runoff. All along Lake Champlain, erosion as well.
Ann Vivian	• Thought S. Bushor's comment on affordability was excellent • Concerned about the scale and massing of different projects • Thinks there is a need for higher density housing throughout the City of Burlington because the city is overbuilt with massive parking lots. Advocating for parking spaces to be built underground.
Tim Stevens	• Thanks the Commissioners and the staff for going through the process of creating the NC • Looking at fee simple townhomes as a different topology. Buildings that are on separate lots but share a party wall between them. Common in historic neighborhoods. • Thinks putting restrictions on historic districts will restrict the up zoning and might not allow for any different development there.

3. **Chair's Report**

A. Montroll	No Report
-------------	-----------

4. **Directors Report**

C. Dillard	• Director M. Tuttle and C. Dillard were in Minneapolis last week for the National Conference of the American Planning Association. Reach out to C. Dillard for more info about the conference.
------------	---

5. **Project Update: Great Streets**

Action: Receive the presentation and provide feedback.		
Motion: N/A	Seconded by: N/A	Vote: N/A
Presentation by Laura Wheelock, Sr. Public Works Engineer. What does curb lessness look like? • It's done to be able to allow a lot of permutation side to side, to allow people to cross the street organically. It helps be a natural traffic calming feature. Trees previously put on Cherry St didn't survive. • Looking at doing shade tolerant plantings rather than trees necessarily. Will the new vegetation will help mitigate heat islands? • The study done on Great Streets did not include data on heat islands, but the standards were developed in a way to try to support healthy trees.		

Are there any public art elements included in the design?

- Main Street will have four pieces installed. It honored the 1% public garden and went a little bit above what was required. The first installation will be a snail family installation and so they are stone snails that will be installed in front of the courthouse building that are playful, whimsical, but they look really nice and can actually be interacted with the folks of all ages. A monument piece will be at the intersection of Main and Church St. A floral arch will be installed in the City Hall Park. Bank and Cherry will have 2 public art pieces selected. That project is broken up into 2 phases. One is a book tree that is made out of recycled book binds. But it will be in the shape of the tree and it has an interactive component where you can scan a QR code and it will read stories. The second piece is called Dance in Motion, and it is a wire framed people in active looking poses that will be on Bank, Bank and Saint Paul together.

J. Randall thinks the direction this project is going is great.

A. Montroll is excited to see this project is taking shape.

6. Project Update: Memorial Block Redevelopment

Action: Receive the presentation and provide feedback.

Motion: N/A

Seconded by: N/A

Vote: N/A

Presentation by C. Dillard.

7. Project Update: South End Coordinated Redevelopment

Action: Receive the presentation and provide feedback.

Motion: N/A

Seconded by: N/A

Vote: N/A

Presentation by C. Dillard.

A. Friend noted that the Seven Days Stuck in Vermont series on YouTube about the Ravine sewer is fantastic.

8. Proposed CDO Amendment: Neighborhood Code Part II

Action: Receive the presentation and provide feedback.

Motion: N/A

Seconded by: N/A

Vote: N/A

Presentation by S. Morgan

J. Randall:

- Thinks it's a good idea to add the conversion coordinates to the list.
- About stormwater: "I agree with what Evan said about trying to introduce incentives to have more mitigation and storm water mitigation and I like the idea of converting grass lawns to these are more productive like bio soils.
- IT would be great to have some sort of density bonus for developers who are able to provide some sort of pocket park in the same census tract or something like that.
- Appreciated the 2 points in public forum about parking. There is a need to think about the ways that these changes are going to affect demand and create certain pinch points.
- Would also like to see the mixed-use elements addressed.
- In regards to comments about the IZ and the way it interfaces with NC: would like to know the timeline of how those changes will happen relative to the neighborhood code because we may want to be considering the changes that we need to the inclusionary zoning ordinance while we're working on this neighborhood code Part 2.

Tuesday, April 23, 2024

- Agrees with people about being cautious about IZ requirements. Encourages everybody to read Collins communication that was in the packet and the accompanying article because it's really, really well done.

C. Dillard:

- "We've got a consultant EPS who's actually been working on the impact fee study doing some development sort of feasibility analysis, pro forma analysis using our existing and some of these proposed IZ amendments. They are going to be taking the next month and a half to two months to do that work. So will likely be coming back to you Midsummer with the next update on that package of amendments aside from whatever the City Council directs and the mayor direct shot to look at.

A. Montroll:

- On the historic preservation issue: "it would be good just to understand better how that interfaces with the NC that was done just so we're a little bit better educated on that.
- The mixed-use: "A good discussion to have not just for the north ADD border but to look at it a little bit more broadly."
- The amendment towards the end of the discussion by the City Council asked the PC to pull out the secondary structures and to look at that. Thinks it would be helpful to pull those out and identify them.
- Thinks that part 2 will be discussed topic by topic as opposed to all in one.

The Planning team will bring back the presentation on what the IZ is, before the specific amendment proposals will be presented to the Commission.

9. Commissioner Items

A Long Range Planning Committee meeting is scheduled for Thursday, May 9th from 4-5:30 p.m. to discuss the draft scope for plan BTV New North End.

J. Randall recommends checking out the Homes for All Tool Kit.

10. Minutes

Action: Review and approve the 3/26 meeting minutes

Motion by: A. Friend

Second by: E. Malone

Approved: unanimous

11. Communications

Action: Review and accept written communications

Motion by: A. Friend

Second by: E. Malone

Approved: unanimous

12. Adjournment

Adjournment

Time: 8:42 p.m.

Motion: J. Randall

Second: E. Malone

Vote: unanimous



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
Director of City Planning

RE: **Report on Proposed Amendments to the City's Unified Land Use and Development Regulations including Multiple Sections in Articles II, III, IV, V, IX, and Appendix B**

DATE: May 01, 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:

- Section 2.3 - Applicability
- Section 2.4 - Land Use Table
- Section 2.5 - Dimensional Requirements Table
- Section 2.6 - Residential A, "R-A"
- Section 2.7 - Residential B, "R-B"
- Section 2.8 - Residential C, "R-C"
- Section 2.9 - Central Business District, "C-1"
- Section 2.10 - General Commercial, "C-2"
- Section 2.11 - Downtown Core, "DC"
- Section 2.13 - Industrial, "I"
- Section 2.14 - Public, "P"
- Section 3.2 - Uses
- Section 3.3 - Dimensional Standards
- Section 3.6 - Parking
- Section 3.7 - Zoning Permits in the Downtown Core
- Section 4.2 - Access, Driveways, Roads, and Circulation
- Section 4.3 - Conversion or Change of Use
- Section 4.12 - Parking
- Article V - All Sections except Section 5.6
- Article IX - Definitions
- Appendix B - Form Based Code Part 4
- Appendix B - Form Based Code Part 6
- Appendix B - Form Based Code Part 8

The City of Winooski's Planning Commission will hold a public hearing on Thursday, May 23, 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/83144277522>; or by calling (646) 558 8656 and using Webinar ID: **831 4427 7522**. 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, May 20, 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, May 23, 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/83144277522>**; or by calling **(646) 558 8656** and using Webinar ID: **831 4427 7522**. Toll charges may apply.

Amendments to the Unified Land Use and Development Regulations

- Section 2.3 - Applicability
- Section 2.4 - Land Use Table
- Section 2.5 - Dimensional Requirements Table
- Section 2.6 - Residential A, "R-A"
- Section 2.7 - Residential B, "R-B"
- Section 2.8 - Residential C, "R-C"
- Section 2.9 - Central Business District, "C-1"
- Section 2.10 - General Commercial, "C-2"
- Section 2.11 - Downtown Core, "DC"
- Section 2.13 - Industrial, "I"
- Section 2.14 - Public, "P"
- Section 3.2 - Uses
- Section 3.3 - Dimensional Standards
- Section 3.6 - Parking
- Section 3.7 - Zoning Permits in the Downtown Core
- Section 4.2 - Access, Driveways, Roads, and Circulation
- Section 4.3 - Conversion or Change of Use
- Section 4.12 - Parking
- Article V - All Sections except Section 5.6
- Article IX - Definitions
- Appendix B - Form Based Code Part 4
- Appendix B - Form Based Code Part 6
- Appendix B - Form Based Code Part 8

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

- Section 2.3 -** Establishes a new subpart F to clarify the number of primary structures on a property.
- Section 2.4 -** Updates multiple sections of the use table for consistency with state statute and internal consistency with the regulations.
- Section 2.5 -** Updates the dimensional requirements including minimum lot size, setbacks, and building heights
- Section 2.6 -** Updates the purpose statement for the district.
- Section 2.7 -** Updates the purpose statement for the district.
- Section 2.8 -** Updates the purpose statement for the district.
- Section 2.9 -** Updates the purpose statement for the district.
- Section 2.10 -** Updates the purpose statement for the district.
- Section 2.11 -** Updates the purpose statement for the district.
- Section 2.13 -** Corrects table references.
- Section 2.14 -** Updates the purpose statement for the district and corrects table references.
- Section 3.2 -** Updates the list of uses for internal consistency.
- Section 3.3 -** Clarifies the method to determine street grade for establishing building heights.
- Section 3.6 -** Eliminates parking minimums for specific uses and adds requirements for bicycle parking.

- Section 3.7 –** Clarifies the application requirements for zoning permits in the Downtown Core Zoning District.
- Section 4.2 –** Adds new subparts to clarify encroachment for existing driveways serving multi-unit and non-residential properties.
- Section 4.3 –** Adds provisions exempting specific uses from needing a zoning permit.
- Section 4.12 –** Provides updates for consistency with state statute and internal document consistency.
- Article V –** Updates and clarifies all sections of this article except Section 5.6.
- Article IX –** Adds new definitions for consistency with state statute and amends several existing definitions.
- Appendix B**
- Form Based Code Part 4 –** Updates several sections for consistency with state statute.
- Appendix B**
- Form Based Code Part 6 –** Updates several sections for clarification and internal consistency.
- Appendix B**
- Form Based Code Part 8 –** Removes language related to affordable housing.

Geographic Area Affected: The proposed amendments will apply to the entire City including all zoning districts.

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

Section 2.3 – Adds a new Subpart F to clarify that each lot in the City’s Residential Zoning Districts (R-A, R-B, and R-C) shall have one primary or principal structure unless the property is configured as a Planned Unit Development.

Section 2.4 – Updates the land use table to add new uses and proposes editorial changes to existing uses for consistency with other sections of the code. This includes deleting the use of “Detached Cottage”, amending text for the uses of “Group Home”, “Retail Sales, Neighborhood Commercial”, “Restaurant, Café”, and “Daycare Facility”, and adds new uses for “Multi-Unit Dwelling (5+ Units)”, “Family Child Care Facility” and “Family Child Care Home”. The footnotes are also amended and updated to correct conflicts with statute. Definitions are added to clarify the meaning of “P”, “CU” and “P/CU”.

Section 2.5 – The dimensional table has been completely revised and separated into two tables; one for primary structure and one for accessory structure. Minimum lot sizes, setbacks, and dimensions have been updated to reflect conditions on the ground in most zoning districts. This change also clarifies the overall building height for accessory structures as a percentage of the primary structure with additional relief for accessory dwelling units.

Section 2.6 – Expands the purpose statement for the R-A zoning district to include references to densities and uses.

Section 2.7 – Expands the purpose statement for the R-B zoning district to include references to densities and uses.

Section 2.8 – Expands the purpose statement for the R-C zoning district to include references to densities and uses.

Section 2.9 – Includes editorial changes for high-density.

Section 2.10 – Expands the purpose statement for the C-2 zoning district to clarify that multi-unit developments may be included in this district.

Section 2.11 – Includes editorial changes in the purpose statement for high-density and mixed-uses.

Section 2.13 – Updates section references for permitted and conditional uses in Section 2.4 and Section 2.5

Section 2.14 – Clarifies the properties that are included in this zoning district under the purpose statement and updates section references for permitted and conditional uses in Section 2.4 and Section 2.5

Section 3.2 – Updates the permitted uses list for consistency of terminology. This specifically applies to the use of “Child care facilities” and “Hotels, motels, inns, and bed and breakfasts”.

Section 3.3 – Clarifies Subpart C.2 to provide additional detail on the determination of building heights when Street Grade Level is used to establish the overall height. New language is added when buildings front on multiple public streets.

Section 3.6 – Parking minimums have been updated for consistency with state statute related to residential dwellings. This change also eliminates minimum parking requirements for all uses except residential uses and lodging establishments. Editorial changes are also included in Subpart D, as well as the removal of Subparts E and F. A new Subpart E is included to require minimum parking for bicycles. This section is consistent with bicycle parking regulations as included in Section 4.12.

Section 3.7 – Includes editorial changes to clarify the process for zoning applications in the Downtown Core Zoning District and what documents need to be submitted with the application. Also includes a new Subpart E.3 to clarify when a zoning permit is needed.

Section 4.2 – Adds language to Subpart F related to encroachment of existing driveways serving multi-unit or non-residential driveways for clarification and interpretation of the regulations. Also clarifies the encroachment permitted by Subpart I.

Section 4.3 – Replaces language under Subpart A.1 to allow changes of use from permitted uses to other permitted uses; or conditional uses to permitted uses be done without requiring a permit if specific conditions are met. Also includes editorial changes under Subpart A.2. for clarification.

Section 4.12 – Adds new language under Subpart C to clarify exemptions to maximum parking limitations. Updates use categories in the minimum vehicle and bicycle parking tables for consistency with other sections of the regulations. Reduces the minimum number of required parking spaces for residential uses consistent with state statute. Removes the dimensional standards for parking spaces under Subpart I and establishes references to Public Works Standards for these dimensional requirements.

Article V – Includes changes to all sections under Article V except Section 5.6. Changes include editorial updates and/or changes for clarification. Specific changes are as follows:

Section 5.1 includes clarifications on accessory dwelling units and where they are permitted. This section also includes regulations for non-owner-occupied properties or properties with multiple dwellings, which were previously regulated as “Detached Cottages”. This section also clarifies dimensional standards for the accessory dwelling unit.

Section 5.2 includes editorial amendments for consistency with state statute related to “Family Child Care Home”, “Family Child Care Facility”, and “Day Care Facility”. This section also includes clarification on when a zoning permit is needed.

Section 5.3 provides clarification on when the regulations apply and adds references to the Gateway Zoning District and Downtown Core Zoning District.

Section 5.4 proposes to delete all the existing text and make this section reserved for future regulations.

Section 5.5 includes clarification for where fuel sales are permitted.

Section 5.7 adds new language to clarify when a zoning permit is needed for home occupations.

Section 5.8 updates references to statute and reorganizes this section. Editorial changes are also included for clarification.

Section 5.9 includes clarification for retail sales and neighborhood commercial uses including where the use is permitted. Changes also include editorial updates for clarity, removal of language that limits the number of residential uses permitted with neighborhood commercial uses, clarifies when a zoning permit is needed.

Section 5.10 updates references to the Agency of Education, and includes new language to include emergency shelters and references to other statutory language.

Section 5.11 adds language to clarify the minimum height of a fence for a swimming pool and adds language to clarify when a zoning permit is needed.

Section 5.12 creates new standards for temporary structures and exempts them from needing a zoning permit provided specific standards are met.

Section 5.13 includes editorial updates for consistency with other sections of the land use regulations.

Section 5.14 amends incentives for priority housing projects based on changes to statute. Other amendments in this section include increases in lot coverage in exchange for priority housing under various categories, creates new language for a bonus story consistent with state statute, including minimum requirements to receive the bonus story. This section also includes a new incentive related to administrative review of projects that include priority housing that is offered for sale.

Section 5.15 includes an updated reference to a map included in Article X.

Article IX – Includes new definitions consistent with state statute for “affordable housing development” and “emergency shelter”; and new definitions for multi-unit dwellings with five or more dwellings; family childcare facility; principal use; property; and front yard. Multiple editorial changes have been included for various definitions to include consistency with state statute, consistency with other sections of the regulations, or for clarification of when or how the definition should and could be used.

Appendix B - Form Based Code Part 4 – Deletes a reference to a bonus story provision for affordable housing and includes a new reference to Section 5.14 that includes new language on bonus stories. Also updates Section 406 related to minimum lot size requirements, and allowable uses for consistency with Section 2.4 and state statutes. Also clarifies that properties in the Detached Frontage Building Form Standard are eligible for an accessory dwelling unit.

Appendix B - Form Based Code Part 6 – Includes clarification for Section 604 related to roofs and parapets. Specifically provides information on roof configurations and techniques; and updates the standards for when an attic story is exempt from the overall building height requirements. Section 604 also includes organizational amendments for clarity. Section 607 is updated to include standards for lighting related to signs, and other editorial and organizational standards. Section 608 is amended to include clarification on what mechanical equipment may be permitted in the street space and under what circumstances. This section also includes organizational and editorial changes for clarity.

Appendix B - Form Based Code Part 8 – Deletes standards previously included for affordable housing related to the bonus story as included under Section 804.H

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, Director of City Planning by calling 802.655.6410 or evorwald@winooski.vt.gov.



Memorandum

TO: City of Winooski Planning Commission

FROM: Eric Vorwald, AICP
Director of City Planning

RE: **Report on Proposed Amendments to the City's Unified Land Use and Development Regulations including Multiple Sections in Articles II, III, IV, V, IX, and Appendix B**

DATE: May 23, 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:

- Section 2.3 - Applicability
- Section 2.4 - Land Use Table
- Section 2.5 - Dimensional Requirements Table
- Section 2.6 - Residential A, "R-A"
- Section 2.7 - Residential B, "R-B"
- Section 2.8 - Residential C, "R-C"
- Section 2.9 - Central Business District, "C-1"
- Section 2.10 - General Commercial, "C-2"
- Section 2.11 - Downtown Core, "DC"
- Section 2.13 - Industrial, "I"
- Section 2.14 - Public, "P"
- Section 3.2 - Uses
- Section 3.3 - Dimensional Standards
- Section 3.6 - Parking
- Section 3.7 - Zoning Permits in the Downtown Core
- Section 4.2 - Access, Driveways, Roads, and Circulation
- Section 4.3 - Conversion or Change of Use
- Section 4.12 - Parking
- Article V - All Sections except Section 5.6
- Article IX - Definitions
- Appendix B - Form Based Code Part 4
- Appendix B - Form Based Code Part 6
- Appendix B - Form Based Code Part 8

Background

With the enactment of legislation in 2024 (Act 47), the City of Winooski began to review the Unified Land Use and Development Regulations (ULUDR) for consistency with the Act. Based on Act 47 multiple sections of the ULUDR required updates. Since large sections of the ULUDR were being reviewed, this was also an opportunity for other sections of the regulations to be reviewed for updates, including consistency with statute. These proposed amendments will add clarity and consistency internally to the ULUDR, but also with statutory requirements and definitions.

Purpose of Amendments

In accordance with 24 V.S.A. § 4444, these amendments are being proposed to bring the existing ULUDR into conformance with state statutes, specifically related to changes made with Act 47 of 2024. In addition to specific statutory changes, other amendments are being proposed to ensure

overall consistency with existing statutory requirements and statutory definitions; and internal consistency with section references and definitions. The changes will impact Articles II, III, IV, V, IX, and Appendix B. Proposed amendments include the addition and removal of land uses from Section 2.4; changes to the minimum dimensional standards regarding lot size, lot coverage, and setbacks in Section 2.5; updates to parking throughout the City; clarification on specific uses including updates to section headings for consistency with identified uses; updates to existing definitions and inclusion of new definitions as required by statute and to incorporate missing definitions; and changes to the Gateway Zoning District to comply with statutory changes and to add clarification and consistency for administration.

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 have safe, affordable housing for all residents. The proposed amendments will increase densities in the three residential zoning districts, and includes incentives that would promote priority housing as identified by the City Council. Specifically, the City Council identified dwellings that are affordable and include three or more bedrooms as priority housing. The amendments also support other aspects of the Municipal Master Plan by helping to clarify development densities, remove parking requirements, and similar standards in support of additional development density that is orderly and predictable. The amendments also remove barriers to changing uses in existing structures in support of creating economic opportunities when available to expand the variety of businesses and opportunities for residents.

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

As proposed, the draft amendments clarify and support the uses included in this section of statute. Specifically, information is added to ensure mobile and manufactured homes are permitted; multi-unit buildings are now permitted in all zoning districts where residential development is allowed; definitions are updated for consistency regarding residential care or group homes; and similar provisions as outlined in this section. No amendments are proposed that would run counter to these provisions.

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. Amendments are also included to ensure the uses listed in this section of statute are specifically permitted. Statutory definitions accompany the list of uses to ensure consistency with statutory requirements.

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

No new zoning districts are proposed with these regulations. Updates to the land use table helps to clarify the limitations of the land use regulations, and what other documents may need to be referenced for specific regulations. 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 or increase 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 development at density and intensity levels consistent with areas planned for growth, including within water and wastewater service areas. Draft amendments provide clarity and consistency with specific land uses and definitions.

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 intended to bring the ULUDR into conformity with enacted statutes. 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.

ARTICLE II - ZONING DISTRICTS

SECTION 2.3 - APPLICABILITY

- A. Development of lots may only be permissible based on the uses and dimensional criteria defined in this Article, and in accordance with the review procedures defined in this regulation and all applicable local, state and federal ordinances and regulations.
- B. All lots created after the effective date of these regulations that are intended for development must meet minimum applicable frontage requirements along public road rights-of-way, ~~land~~ and area and ~~yard~~ setback dimensional requirements for the district(s) in which they are located unless modified or waived by the DRB for planned unit development under Section 6.3, or under Section 6.8.
- C. For the Gateway Districts, no lot intended for development shall be so reduced that development cannot be established in accordance with the Building Form Standards in Part 4 of Appendix B of these regulations.
- D. Any proposed USE not identified in the use table of Section 2.4, described in Article IX or otherwise regulated in this Ordinance shall be reviewed through the Conditional Use process by the DRB in accordance with Section 6.7 of these regulations.
- ~~E. Each lot in the City's Residential A, Residential B, or Residential C Zoning Districts shall have only one principal structure, but may have multiple accessory structures provided the dimensional standards in Section 2.5 are not exceeded for the zoning district where the property is located. Planned Unit Developments, as outlined in Section 6.3 are exempt from this provision. All other zoning districts may include multiple principal structures provided the dimensional standards in Section 2.5 are met.~~

SECTION 2.4 - LAND USE TABLE

LAND USE	Residential A	Residential B	Residential C	Central Business District	General Commercial	Downtown Core	Gateway Urban General & Storefront ²		Gateway Townhouse Small Apartment/ Detached Residential ³	Industrial	Public
	R-A ¹	R-B ¹	R-C ²	C-1	C-2	DC				I	P
RESIDENTIAL USES											
Single Unit Dwelling	P	P	P				See Part 4 of the Form-Based Code	See Part 4 of the Form-Based Code			
Accessory Dwelling Unit ⁴	P/CU	P/CU	P/CU								
Two Unit Dwelling (attached)	See Note 9P	P	P		CU						
Detached Cottage	CU	CU	CU								
Multi-Unit Dwelling (3+ - 4 units)*	See Note 10P	See Note 10P	See Note 10P	P	CU	P					
Multi-Unit Dwelling (5+ units) ³	See Section 5.14	See Section 5.14	See Section 5.14	P	P	P					
Assisted Living & Residential Care Homes				P	CU	P	P	P			
Bed-and-Breakfast (B&B)		CU	CU	P	CU	P	P	P			
Family Child Care Home	P	P	P	P	P	P	P	P			
Group, Boarding, and Residential Care Home ⁶	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU			
Home Occupation	P	P	P	P	P	P	P	P			
COMMERCIAL USES											
Adult Establishment										CU	
Alcohol Manufacturing Facility				CU	CU	CU	P			P	
Animal Care & Boarding										P	
Bar				CU		P	P				
Brew Pub				CU	CU	P	P			CU	
Industry				CU	P					P	
Laboratory				CU						P	
Lodging Establishment				P	CU	P	P				
Office				P	P	P	P			CU	
Personal Service Establishment				P	P	P	P				
Retail Sales				P	P	P	P			CU	
Retail Sales, and Neighborhood Commercial Uses	CU	CU	CU					P			
Recreation & Entertainment, Commercial				P	CU	P	P			CU	
Restaurant				P	P	P	P				
Restaurant, Cafe, Neighborhood	CU	CU	CU					P		CU	
Restaurant with Drive-thru							P				
Vehicle Repair & Sales				CU			P			P	

LAND USE	Residential A	Residential B	Residential C	Central Business District	General Commercial	Downtown Core	Gateway Urban General & Storefront ⁺	Gateway Townhouse Small Apartment/ Detached Residential ⁺	Industrial	Public
	R- A ¹	R- B ²	R- C ²	C-1	C-2	DC	Storefront ¹	Residential ¹	I	P
CIVIC & PUBLIC USES										
Association, Fraternal Organization, Social Club				P	CU	P	P		P	
Crematorium							P		P	
Cultural Facility				P	CU	P	P			P
Daycare ³ Day Care Facility	CU	CU	CU	P	P	P	P	PCU	P	P
Family Child Care Facility	CU	CU	CU	P	P	P	P	CU		
Family Child Care Home	P	P	P					P		
Education Facility	CU	CU	CU	P	P	P	P	P	PCU	P
Funeral Home				P	P	P	P			
Healthcare Facility				P	CU	P	P			
Recreation & Entertainment, Non-Commercial	P	P	P	P	CU	P	P	P	CU	P
Religious Facility	P	P	P	P	P	P	P	P	P	
OTHER										
Accessory Structure ⁵	P	P	P	P	P	P	P	P	P	P
Supporting Use ⁶	CU	CU	CU	P	P	P	P	CU	CU	CU

Notes:

1. Maximum dwelling units per lot in R- A and R- B shall be 2 total dwelling units no matter how it is configured in the allowable use types as listed above (i.e. Two Unit Dwelling in R- B only, Single Unit Dwelling and Accessory Dwelling, or Single Unit Dwelling and Detached Cottage).
2. Maximum dwelling units per lot in R- C shall be 3 total dwelling units no matter how it is configured (i.e. Two Unit Dwelling and a Detached Cottage, or Single Unit Dwelling and Accessory Dwelling and Detached Cottage).
31. Some of the FBC permitted uses are subject to specific Development and Performance Standards in **Section 804** of the code in Appendix B.
42. One accessory dwelling consistent with **Section 5.1** is permitted per lot.
53. Maximum density for Multi-Unit housing ~~multi-unit dwellings~~ in C1 Properties in the Central Business District (C-1) that front on East Allen Street or Main Street shall have no maximum density for residential dwelling units. All other properties in the C-1 Zoning District will have a maximum residential dwelling unit density of 60 units/ per acre; maximum dwelling unit density for multi-unit dwellings properties in the General Commercial District (C-2) is 30 units per acre lot; see Article III for maximum density for multi-unit dwellings in the Downtown Core (DC) Zoning District.
64. If a Group, Boarding, or Residential Care Home, as outlined in **Section 5.6** is group home located proposed within 1,000' of another Group, Boarding, or Residential Care Home, group home it shall be subject to Conditional Use review and approval.
75. One accessory structure not to exceed 100 square feet per lot is exempt under **Section 6.13** except for setback requirements. Otherwise all applicable dimensional standards in **Section 2.5** shall apply.
86. Supporting Use shall be limited to "uses" such as administrative offices or services that relate to the "primary" use of the site/parcel and shall be operated (solely) by the property owner or owner representative for the purpose of providing services to the site. Supporting Uses may be incorporated into an existing structure or in a standalone structure provided the dimensional requirements of **Section 2.5** are met.
9. Two unit dwellings are permitted in the R- A Zoning District if proposed as part of a Planned Unit Development consistent with the standards of **Section 5.14** and **Section 6.3**. Otherwise, two unit dwellings are not permitted in the R- A Zoning District.
10. Multi-unit dwellings are permitted in the R- A, R- B, and R- C Zoning Districts if proposed as part of a Planned Unit Development consistent with the standards of **Section 5.14** and **Section 6.3**. Otherwise, multi-unit dwellings are not permitted in these districts.

"P" Indicates the use is **PERMITTED** by right and only requires administrative approval provided no dimensional relief is requested.

"CU" Indicates the use is **CONDITIONAL** and requires review and approval by the Development Review Board, including a public hearing.

"P/CU" Indicates that special circumstances exist that, if met, would allow the use to be administratively approved. Otherwise, the use requires review and approval by the Development Review Board.

SECTION 2.5 - DIMENSIONAL REQUIREMENTS TABLE

		Residential A R-A	Residential B R-B	Residential C R-C	Central Business District C-1	General Commercial C-2	Downtown Core DC	Gateway Districts	Industrial I	Public P
Parcel	Lot Size (Minimum Square Feet)	10,000	7,500	7,500	3,000	7,500	NA	See Appendix B	20,000	NA
	Frontage (Minimum Feet)	75	75	50	50	75	NA		100	NA
	Lot Depth (Minimum Feet)	100	100	60	60	60	NA		60	NA
	Lot Coverage (Maximum %)	40	50	50	100 ¹	80	NA		70	50
Primary Structure	Front Setback (Minimum Feet)	20	10	10	0	0	NA		10	10
	Rear Setback (Minimum Feet)	15	15	15	0	0	NA		10	15
	Side Setback (Minimum Feet)	15	10	10	0	0	NA		10	10
	Building Height (Maximum Feet)	35	35	35	60	35	See Article III		35	35
Accessory Structure	Front Setback (Minimum Feet)	10	10	10	NA	NA	NA			10
	Rear Setback (Minimum Feet)	5	5	5	NA	NA	NA			5
	Side Setback (Minimum Feet)	5	5	5	NA	NA	NA			5
	Building Height (Maximum Feet)	35	35	35	NA	NA	See Article III			35

Notes:-

1. _____ Conditional upon attainment of all necessary State and City stormwater management approvals.

PRINCIPAL or PRIMARY STRUCTURE									
ZONING DISTRICT	MINIMUM LOT SIZE ¹ (in square feet)		MINIMUM FRONTAGE (in feet)	MINIMUM LOT DEPTH (in feet)	MAXIMUM LOT COVERAGE (percent of total lot)	MINIMUM SETBACKS (in feet)			MAXIMUM HEIGHT (in feet)
	Residential Uses	Non-residential Uses				Front	Side	Rear	
RESIDENTIAL A (R-A)	7,500	7,500	50	100	50	10	10	10	35
RESIDENTIAL B (R-B)	5,000	5,000	50	100	50	5	5	10	35
RESIDENTIAL C (R-C)	3,000	3,000	50	60	50	5	5	10	35
CENTRAL BUSINESS DISTRICT (C-1)	3,000	3,000	50	60	100 ³	0	0	0	60
GENERAL COMMERCIAL (C-2)	7,500	7,500	75	60	80	0	0	0	35
DOWNTOWN CORE (DC)	SEE ARTICLE III								
GATEWAY	SEE APPENDIX B								
INDUSTRIAL (I)	N/A ²	20,000	100	60	70	10	10	10	35
PUBLIC (P)	N/A	No Minimum	No Minimum	No Minimum	50	10	10	15	35

ACCESSORY STRUCTURE				
<u>ZONING DISTRICT</u>	<u>MINIMUM SETBACKS (in feet)</u>			<u>MAXIMUM HEIGHT*</u>
	<u>Front</u>	<u>Side</u>	<u>Rear</u>	
<u>RESIDENTIAL A (R-A)</u>	10	5	5	75% of Principal or Primary Structure, but no less than 10 feet or more than 25 feet
<u>RESIDENTIAL B (R-B)</u>	10	5	5	75% of Principal or Primary Structure, but no less than 10 feet or more than 25 feet
<u>RESIDENTIAL C (R-C)</u>	10	5	5	75% of Principal or Primary Structure, but no less than 10 feet or more than 25 feet
<u>CENTRAL BUSINESS DISTRICT (C-1)</u>	10	5	5	25 feet
<u>GENERAL COMMERCIAL (C-2)</u>	10	5	5	75% of Principal or Primary Structure, but no less than 10 feet or more than 25 feet
<u>DOWNTOWN CORE (DC)</u>	SEE ARTICLE III			
<u>GATEWAY</u>	SEE APPENDIX B			
<u>INDUSTRIAL (I)</u>	10	5	5	75% of Principal or Primary Structure, but no less than 10 feet or more than 25 feet
<u>PUBLIC (P)</u>	10	5	5	75% of Principal or Primary Structure, but no less than 10 feet or more than 25 feet

Notes:

1. Permitted or conditional residential and non-residential uses are outlined in Section 2.5 by zoning district.
2. N/A means the use is not permitted in the zoning district therefore no standard is necessary.
3. Conditional upon attainment of all necessary State and City stormwater management approvals.
4. An accessory dwelling unit, consistent with Section 5.1, may be up to 20 feet in height unless the primary or principal structure would permit a greater height.

SECTION 2.6 - RESIDENTIAL A, 'R-A'

- A. Purpose. The purpose of the Residential A district is to accommodate a safe, livable, and pedestrian friendly single- and multi-unit residential neighborhoods with low density development at an equivalent density of approximately five units per acre and an inviting streetscape including limited non-residential uses to serve the adjacent neighborhoods at a size and scale to support the adjacent residential areas within a comfortable walking distance.
- B. Permitted and Conditional Uses – See Table Section 2.4.
- C. Dimensional Standards – See Section Table 2.5.

SECTION 2.7 - RESIDENTIAL B, 'R-B'

- A. Purpose. The purpose of the Residential B district is to accommodate a safe, livable, and pedestrian friendly single- and multi-unit residential neighborhoods with moderately higher density development than R-A at an equivalent density of approximately eight units per acre and an inviting streetscape including limited non-residential uses to serve the adjacent neighborhoods at a size and scale to support the adjacent residential areas within a comfortable walking distance.
- B. Permitted and Conditional Uses – See Section Table 2.4.
- C. Dimensional Standards – See Section Table 2.5.

SECTION 2.8 - RESIDENTIAL C, "R-C"

- A. Purpose. The purpose of the Residential C district is to accommodate safe, livable, and pedestrian friendly single and multi-unit residential housing neighborhoods. Infill development will be balanced with privacy of surrounding homes, ~~preservation of neighborhood character~~ and safe housing conditions. R-C serves as a transition to higher residential density and non-residential districts and may include limited non-residential uses to serve the adjacent neighborhoods at a size and scale to support the adjacent residential areas within a comfortable walking distance at an equivalent density of approximately 14 units per acre.
- B. Permitted and Conditional Uses – See Section Table 2.4.
- C. Dimensional Standards – See Section Table 2.5.

SECTION 2.9 - CENTRAL BUSINESS DISTRICT, "C-1"

- A. Purpose. The regulations associated with this district are intended to encourage, retain, and protect commercial, business, and ~~high-density~~ high-density housing land uses which are compatible with historic sites and pedestrian activity.
- B. Permitted and Conditional Uses – See Section Table 2.4.
- C. Dimensional Standards – See Section Table 2.5.

SECTION 2.10 - GENERAL COMMERCIAL, "C-2"

- A. Purpose. The regulations associated with this district are intended to encourage, retain and protect a variety of general business and service activities; and higher density multi-unit developments.
- B. Permitted and Conditional Uses – See Section Table 2.4.
- C. Dimensional Standards – See Section Table 2.5.

SECTION 2.11 - DOWNTOWN CORE, "DC"

- A. Purpose. The Downtown Core District is composed of the core of the City's downtown and has been the subject of a Master Plan which has been developed by the City over many years after extensive public input and hearings. The Master Plan was approved by the DRB, the City Council and by the State of Vermont District Environmental Commission under "Act 250" in 2001. The regulations associated with this district are intended to protect the public health, safety and welfare and to provide for orderly physical and economic growth by allowing and encouraging ~~high-density, mixed-use~~ high-density, mixed-use land development within the downtown core.
- B. Permitted and Conditional Uses – See Section Table 2.4 and Article III.
- C. Dimensional Standards – See Section Table 2.5 and Article III.
- D. Development Review and Standards. The Master Plan permits a range of uses within pre-approved vertical and horizontal building envelopes as shown on the Building Height and Location Map. Approval of the exterior design details must be submitted by the applicant, with the City as a co-applicant, and must be approved by the District Environmental Commission under Act 250 as complying with the approved Master Plan. Therefore, all development proposed in this District is subject to review and conformance with Article III of these Regulations.

SECTION 2.12 - GATEWAY DISTRICTS

- A. Purpose. The purpose the Gateway Districts is to create a walkable, mixed-use development dependent on three factors: density, diversity of uses, and design. Development and redevelopment of the Gateway Districts are intended to follow the vision identified in the Winooski Public Design Workshop Vision Plan and the Municipal Development Plan for these areas. The development regulations are established in the Winooski Gateways Form Based Code ("the Code") found in Appendix B of these Regulations. The Code places greatest emphasis on design, or physical form, because of its importance in defining neighborhood and corridor character. The Code shall be applied to new, infill development, and redevelopment within the Gateway Districts both in order to achieve the vision set forth and to provide a mechanism for implementing the following specific goals, using both public and private sector investment:
1. Capitalize on public investment in existing infrastructure
 2. Stabilize and strengthen mixed-use commercial areas and residential neighborhoods
 3. Create a pedestrian-friendly and multi-modal district
 4. Promote, create, and expand housing options
 5. Ensure a complementary relationship between the Corridors and the surrounding neighborhoods
- B. Permitted and Conditional Uses – See Section Table 2.4 and Appendix B.
- C. Dimensional Standards – See Appendix B.
- D. Development Review and Standards. The Gateway Districts are regulated by the Form Based Code in Appendix B. Therefore, all development proposed in this District is subject to review and conformance with Appendix B of these Regulations, unless specified otherwise in throughout these Regulations.

SECTION 2.13 - INDUSTRIAL, "I"

- A. Purpose. The regulations associated with this district are intended to encourage, retain, protect, and provide for wholesale and warehousing activities, manufacturing and commercial activities compatible to abutting residential districts.

- B. Permitted and Conditional Uses – See [Table 2.5 Section 2.4](#).
- C. Dimensional Standards – See [Table 2.6 Section 2.5](#).

SECTION - 2.14 - PUBLIC, "P"

- A. Purpose. The purpose of the Public District is to retain these lands for public use, public utility, natural resource management, and conservation. The Public District encompasses Landry Park, [a portion of the Gilbrook Natural Area](#), and [a portion of the Winooski School District](#).
- B. Permitted and Conditional Uses – See [Table 2.5 Section 2.4](#).
- C. Dimensional Standards – See [Table 2.6 Section 2.5](#).

DRAFT

SECTION 3.2 - USES

- A. **Permitted Uses.** In addition to the uses listed in [Section 2.4](#), the following uses are permitted in the Downtown Core Zoning District
1. Accessory Uses
 2. Banks without drive-thru windows.
 3. ~~Family Child-care~~ child care or day care facilities; and family child care homes.
 4. Community Centers.
 5. Dwellings, multi-unit.
 6. Fitness centers.
 7. Governmental offices.
 8. Grocery stores, supermarkets, and pharmacies.
 9. ~~Hotels, motels, inns,~~ Lodging establishment ~~and or~~ bed and breakfasts.
 10. Job training centers.
 11. Libraries, museums, art galleries, art centers.
 12. Offices.
 13. Outdoor parks.
 14. Outdoor recreation.
 15. Parking garages and outdoor parking.
 16. Police stations.
 17. Post offices.
 18. Restaurants without drive-thru windows.
 19. Retail sales of goods and services, but excluding motor vehicle sales, repair, service, and washing, sales of gasoline, diesel fuel, and other petroleum products, auto body painting and repair, and building materials.
 20. Schools and educational facilities.
 21. Theaters and cinemas.
- B. **Outdoor Use.** All permitted sales and servicing activities in the Downtown Core District shall be conducted inside building, except for customary accessory uses involving sidewalk sales of retail goods for periods of time not exceeding 5 days per event; seasonal sales of retail good within wholly open

sided rooftop structures identified as Area “D” on the “Building height and Location Map”; and seasonal outdoor restaurant uses.

SECTION 3.3 – DIMENSIONAL STANDARDS

- A. **Intent.** The Master Plan approved for Downtown Winooski through State Act 250 Permit C4-1065 (as amended) provides prescribed dimensional standards for all developments in the Downtown Core. This section provides additional detail as to how building heights and locations are calculated and determined.
- B. **Applicability.** Except as set forth herein, there shall be no dimensional requirements in the Downtown Core District, including but not limited to lot size, lot frontage, lot depth, setbacks, or floor area ratios.
- C. **Maximum Height.** Within the Downtown Core District, a person shall not commence any land development which would result in a building or structure exceeding the elevation or height above street grade level, as the case may be, designated on the “Building Height and Location Map”; for the area where such building or structure is or will be located.
1. **Determination of Elevation.** Where elevation controls maximum height, the point shown on the “Building Height and Location Map” at the intersections of the centerlines of Main Street and East Allen Street, having an elevation 190 feet, shall be used as the control point and the following standards shall apply:
 - a. If maximum elevation shown on the Map for an area exceeds the elevation at the control point, the difference shall be added to the 190-foot elevation at the control point, and a horizontal plane extended from the point so calculated shall establish maximum building or structure height for the area.
 - b. If a maximum elevation shown on the Map for an area is less than the 190-foot elevation at the control point, the difference shall be subtracted from the 190-foot elevation at the control point, and a horizontal plane extended from the point so calculated shall establish maximum building or structure height for the area.
 2. **Determination of Street Grade Level.** Where street grade level controls maximum building or structure height, and the street grade ~~level~~ level or levels fronting a building slopes, the highest grade level along the entirety of the building or structure frontage on a public street shall be used to determine the maximum building or structure height of the building. For lots fronting on more than one public street, the roadway associated with the E911 addressing of the principal structure shall be used for determining building height.
 3. **Measurement of Maximum Height.** Maximum building or structure height shall be determined by vertical measurement to the highest point of the building or structure, exclusive of the building components which are not to be included in measuring height, as listed on the Building Height and Location Map.
- D. **High Density Requirements.** In order to maximize development density in the Downtown Core Zoning District, the following high density requirements will apply.
1. **Minimum Floor Requirements.** Within the Downtown Core District, except as provided in **Section 3.3.-D.-2.** (Parking Garages and Public Spaces), and **Section 3.6.-F.** (Non-complying Structures) no building shall be constructed, enlarged, or used unless the construction or enlargement results in a building which contain at least three floors used for one or more uses permitted in **Section 3.2.-A.**, excluding of cellars, basements, attics, and floors used for below street grade parking garages.
 2. **Parking Garages and Public Spaces.** The requirements of **Section 3.3.-D.1.** shall not apply to buildings in the areas designated on the Building Height and Location map as “Public Spaces”, or to parking garages, but such requirements shall apply to any building area constructed over and/or connected to a parking garage.

SECTION 3.6 – PARKING

- A. **Intent.** Development in and around Downtown Winooski is intended to create a vibrant mixed-use pattern that promotes walkability and pedestrian oriented activities. The diversity of uses will promote centralized parking locations that accommodate multiple uses based on the time of day and the day of week.
- B. **Applicability.** These regulations will apply to any new development or redevelopment in the Downtown Core Zoning District.
- C. **Minimum Off-Street Vehicle Parking Requirements.** The required quantity of parking for a proposed use shall be provided in accordance with the following:

MINIMUM OFF-STREET <u>VEHICLE</u> PARKING SCHEDULE	
	Minimum Parking Requirements
Residential — General Elderly Student [†]	1.0 spaces per bedroom <u>dwelling unit</u> 1.0 spaces per unit 0.3 spaces per bedroom
Commercial, Retail, or Restaurant	3.2 spaces per 1,000 gross square feet
Office	3.2 spaces per 1,000 gross square feet
Hotel <u>Lodging Establishment</u> <u>or</u> Bed & Breakfast	1.0 spaces per <u>sleeping</u> room
Theatre	100 spaces per screen/stage
Municipal Uses	3.2 spaces per 1,000 gross square feet

[†] Student residents in buildings attached to municipal parking garages only. Otherwise, student housing is calculated the same as general residential.

**ADJUSTMENTS FOR SHARED PARKING
IN MUNICIPALLY CONTROLLED OR RELATED PARKING GARAGES²**

Use	Minimum Parking Requirements	X Daytime/Weekday	X Week Night	X Weekend/Holiday
Residential— General Elderly Student ¹	1.0 spaces per bedroom 1.0 spaces per unit 0.3 spaces per bedroom	X 0.60 ➡	X 1.00 ➡	X 1.00 ➡
Commercial, Retail, or Restaurant	3.2 spaces per 1,000 gross square feet	X 0.75 ➡	X 0.50 ➡	X 1.00 ➡
Office	3.2 spaces per 1,000 gross square feet	X 0.90 ➡	X 0.30 ➡	X 0.20 ➡
Hotel/Bed & Breakfast	1.0 spaces per room	X 0.25 ➡	X 1.00 ➡	X 0.50 ➡
Theatre	100 spaces per screen/stage	X 0.25 ➡	X 1.00 ➡	X 1.00 ➡
Municipal Uses	3.2 spaces per 1,000 gross square feet	X 0.90 ➡	X 0.30 ➡	X 0.20 ➡

D. **Location of Vehicle Parking.** All parking spaces for uses in the Downtown Core District shall be located within the Downtown Core Zoning District, and shall either be located on the land where the use is occurring or the parking spaces shall be in a municipally owned or controlled parking facility, in which event, the applicant shall provide a written contract with the municipality which guarantees the continuous use of the required parking spaces for the identified uses(s) for the reasonable expected duration of the use(s).

E. **Changes or Expansions of Use.** In the Downtown Core District, whenever there is an alteration or conversion of a building or a change or expansion of a use of a building, which increases the parking requirements, the total additional parking requirements for the alteration, conversion, change, or expansion shall be provided in accordance with the Minimum Off-Street Parking Schedule.

E. **Required Bicycle Parking.** The following standards shall be used to determine the number of bicycle parking spaces required for proposed developments.

1. For all uses, at least one bicycle rack with a minimum two-bicycle capacity to accommodate short-term parking; and one long-term bicycle parking space shall be included, regardless of the size of the proposed use.
2. The required number of bicycle parking spaces calculated in this section shall be rounded up to the nearest whole space.
3. All bicycle parking shall be designed and installed in accordance with the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Standards.
4. Existing public bicycle parking may be used to satisfy the required short-term bicycle parking requirements if:
 - a. It is designed and installed in accordance with **Section 3.6.E.3**; and

² The minimum parking requirements for uses which are utilizing parking spaces in a municipally controlled or related parking garage may be adjusted for shared parking using the following adjustments. Prior to issuance of a zoning permit the applicant shall provide a calculation of the parking spaces allocated in the garage for each use and time period to demonstrate sufficient parking is available in the garage for the proposed use during the requisite time periods and that the applicant has a contract with the municipality for such parking.

- b. Is located in a way that meets the standards outlined in **Section 3.6.E.7.a**; and
- c. Is approved by the Department of Public Works or their designee.
- d. Any required short-term bicycle parking not accommodated by an existing public bicycle parking facility shall be designed and located on-site as outlined in **Section 3.6.E.3** and **Section 3.6.E.7.a**.

MINIMUM REQUIRED BICYCLE PARKING		
Uses	Minimum Bicycle Parking Requirements	
	Short-term	Long-term
<u>Residential</u>		
<u>Multi-Unit Dwellings</u>	<u>1.0 spaces per 5 dwelling units</u>	<u>1.0 spaces per dwelling unit</u>
<u>Assisted Living & Residential Care Homes</u>	<u>1.0 spaces per 10 dwelling units</u>	<u>1.0 spaces per 10 dwelling units</u>
<u>Non-Residential</u>		
<u>Personal Services or retail sales</u>	<u>1.0 spaces per 2,000 gross square feet of floor area</u>	<u>1.0 spaces per 6,000 gross square feet of floor area</u>
<u>Restaurant/Bar/Brew Pub</u>	<u>1.0 spaces per 500 gross square feet of floor area</u>	<u>1.0 spaces per 1,000 gross square feet of floor area</u>
<u>Lodging Establishment or Bed & Breakfast</u>	<u>1.0 spaces per 10 guest or sleeping rooms</u>	<u>1.0 spaces per 20 guest or sleeping rooms</u>
<u>Theater/Entertainment</u>	<u>1.0 spaces per 2,000 gross square feet of floor area</u>	<u>1.0 spaces per 15,000 gross square feet of floor area</u>
<u>Office</u>	<u>1.0 spaces per 5,000 gross square feet of floor area</u>	<u>1.0 spaces per 5,000 gross square feet of floor area</u>
<u>Civic</u>		
<u>Educational Facility</u>	<u>3.0 spaces per instructional space</u>	<u>1.0 spaces per 20,000 gross square feet of floor area</u>
<u>Community Center/Cultural Facility/Religious Facility</u>	<u>1.0 spaces per 1,000 gross square feet of floor area</u>	<u>1.0 spaces per 20,000 gross square feet of floor area</u>
<u>Healthcare Facility</u>	<u>1.0 spaces per 5,000 gross square feet of floor area</u>	<u>1.0 spaces per 8,000 gross square feet of floor area</u>
<u>Family Child Care or Day Care Facility; and Family Child Care Home</u>	<u>1.0 spaces per 10,000 gross square feet of floor area</u>	<u>1.0 spaces per 20,000 gross square feet of floor area</u>
<u>Other uses not listed</u>	<u>1.0 spaces per 5,000 gross square feet of floor area</u>	<u>1.0 spaces per 5,000 gross square feet of floor area</u>

5. Any required bicycle parking shall accommodate different types of bicycles with a minimum of 10% of the required bicycle parking designed to accommodate electric or cargo bicycles; or similar styles.

6. For the purposes of this section the following definitions shall apply:
- a. Short-term bicycle parking shall mean bicycle parking that has unrestricted access and is designed to meet the needs of visitors of uses located within a building with visits typically lasting up to two hours.
 - b. Long-term bicycle parking shall mean bicycle parking that is designed to limit access to a specific group of users (such as residents or tenants of a building) and is fully sealed from the weather. Long-term bicycle parking is designed to meet the bicycle storage needs of daily bicycle commuters, occupants of residential dwellings, or public transit users.
7. Bicycle parking shall be located such that it is separated from vehicle parking to ensure protection from conflicts with motor vehicles; have a surface that is easily maintained to remain clear of snow, mud, or debris; and be in a location that is highly visible and accessible including dedicated lighting. In addition, the following shall apply:
- a. Short-term bicycle parking shall be located as follows:
 - i. On-site and within 50 linear feet of a publicly accessible entrance to the associated building; or
 - ii. On-site in a covered location to protect from the elements if located further than 50 linear feet from a publicly accessible entrance to the associated building.
 - iii. If the bicycle parking is located further than 50 linear feet from a publicly accessible entrance to the building, signage shall be required that is visible from the associated entrance indicating the location of the short-term bicycle parking.
 - b. Short-term bicycle parking may be located in the City's Right-of-Way as follows:
 - i. The applicant shall receive approval of a right-of-way encumbrance permit from the Department of Public Works including means and methods for installation of the short-term bicycle parking; and
 - ii. The short-term bicycle parking shall meet the design and location standards of Section 3.6.E.3 and Section 3.6.E.7.a; and
 - iii. Conditions of this approval shall include provisions for long-term maintenance or upkeep of the short-term bicycle parking infrastructure.
 - c. Long-term bicycle parking shall be located in a completely enclosed secure on-site facility or structure that is protected from the elements and includes controlled access limited to all residents or tenants of the building. This could take the form of a dedicated room on-site for bicycles, individual storage units assigned to each dwelling, or similar space.
8. Required long-term bicycle parking shall be made available to the residents or tenants of the building free of charge.

F. ~~**Non-Complying Structures.** Any building in the Downtown Core District which is a non-complying structure as to off-street parking requirements shall not be subject to the requirements of Section 3.6 so long as the kind or extent of use is not changed, and provided further that the number of parking spaces legally required to serve at the time such uses were approved shall not in the future be reduced.~~

SECTION 3.7 – ZONING PERMITS IN THE DOWNTOWN CORE

- A. **Intent.** Projects in the Downtown Core Zoning District are subject to both a local zoning permit and a State Act 250 Land Use Permit.
- B. **Applicability.** The standards set forth under this section apply only to projects in the Downtown Core Zoning District.
- C. An application for a zoning permit for land development in the Downtown Core District shall include the following:
 1. Plans and specifications for any proposed improvements to be made;
 2. A narrative description of the proposed uses;
 3. A certification of a registered architect or surveyor that the proposed improvements comply with the requirement of the Building Height and Location Map;
 4. A narrative description of how the proposed uses and ~~improved~~ improvements comply with the Master Plan and with the applicable provisions of these regulations;
 5. A copy of the ~~approval by~~ approved Act 250 permit or permit amendment issued by the State of Vermont District Environmental Commission ~~of for the proposed project or improvements;~~ or a Jurisdictional Opinion from the District Environmental Commission indicating that an Act 250 permit or permit ~~an amendment to the Act 250 permit is or is not required for the project or improvements;~~
 6. A certification, along with any required contracts, showing compliance with the parking requirements of Section 3.6;
- D. Upon a determination that the proposed land development within the Downton Core District meet the requirements of these regulations, the Zoning Administrator shall issue a zoning permit.
- E. No other permit, except a building permit, shall be required for land development in the Downton Core District unless otherwise noted in these regulations.
 1. A proposed improvement, building or use in the Downton Core District shall not require site plan, design review, or planned unit development approval under these regulations.
 2. No approval shall be required under the Section 6.2 of these regulations.
 3. If site work such as removal of soils or demolition of an existing building or structure is proposed without a plan to redevelop the site, the applicable standards of Article IV and Article V shall apply.
- F. An application for an amendment to the State Act 250 Land Use permit shall include the following:
 1. Review and approval of all design details by the City Council.
 - a. At their discretion, the City Council may refer the development proposal to the Development Review Board for comments and input.
 - i. Comments from the Development Review Board would be advisory only and not require a public hearing.
 - ii. The City Council may establish a timeline for comments to be returned from the Development Review Board.
 - b. Based on comments from the Development Review Board or any other entity, the City Council may request additional information or alterations to the designs of a proposal.

2. Authorization of the City Council as co-applicant to any Act 250 Land Use Permit amendment prior to submission to the District Environmental Commission.

DRAFT

ARTICLE IV - GENERAL USE REGULATIONS

SECTION 4.2 - ACCESS, DRIVEWAYS, ROADS AND CIRCULATION

F. **Multi-Unit and Non-Residential Driveways.** New driveways serving more than ~~3~~five residential dwellings units, non-residential lot(s) and parking garages shall meet the following standards:

1. Driveways shall be constructed to the Standards and Specifications as identified by the City of Winooski's Department of Public Works unless otherwise approved by the DRB.
2. Curb cuts shall be designed and constructed per the Standards and Specifications as identified by the City of Winooski's Department of Public Works.
3. Driveways shall be set back a minimum of 25 feet from adjoining property lines unless providing shared access to contiguous properties.
4. Existing driveways may be extended to serve additional dwellings or non-residential uses provided they remain at least five feet from the adjacent property line.
5. Existing driveways may encroach into the five-foot setback as outlined in Section 4.2.I if applicable.

I. **Encroachment for Existing Driveways.** For purposes of allowing existing, developed, nonconforming lots to create a driveway and provide a maximum of two side by side parking spaces from the street, driveways may encroach into the required 5-foot setback ~~up to 4 feet from the property line~~ by one additional foot with ZA approval, and additional encroachment with DRB approval.

SECTION 4.3 - CONVERSION OR CHANGE OF USE

A. The conversion or change in use of land or structures to another use is subject to the provisions of these regulations as follows:

1. Conversion or change of use from one permitted use to another permitted use; or from a conditional use to a permitted use in the same zoning district, as outlined in Section 2.4 does not require a zoning permit provided that:
 - a. no new square footage, new lot coverage, or new dwelling units are proposed; and
 - b. the use is only listed as permitted in Section 2.4 and not permitted/conditional; and
 - c. site plan approval, as identified in Section 6.6.B is not required.
1. ~~A conversion or change of use from one permitted use to another permitted use, or from a conditional use to a permitted use as identified in Section 2.4, may require a Site Plan approval from the DRB or ZA under Article VI of these regulations as outlined in Section 6.6.B, and requires a zoning permit issued by the ZA under Article VI of these regulations.~~

2. A conversion or change of use from a permitted use to a conditional use, or from a conditional use to another conditional use as identified in Section 2.4, requires conditional use approval from the DRB under Article VI, and may require site plan approval from the DRB under Article VI, followed by a zoning permit issued by the ZA under Article VI of these regulations.
- B. The proposed use shall be subject to all the requirements of these regulations pertaining to such use, as well as any other applicable municipal, state or federal regulations currently in effect.

SECTION 4.12 - PARKING REQUIREMENTS

- A. **Intent.** Off-street parking is required with all developments or redevelopments and therefore a permitted use on all building lots, in all zoning districts ,however parking lots are not permitted as a standalone use. These parking standards are intended to:
1. Enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.
 2. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.
 3. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.
 4. Maximize on-street parking where available.
- B. **Applicability.** These parking requirements shall apply only to uses and buildings newly constructed, changed, extended, or restored and shall not apply to those uses and buildings lawfully repaired or improved where no increase in gross floor area or change of use is made. The regulations in this section shall apply to all Zoning Districts except the Downtown Core Zoning District
- C. **Minimum Vehicle Parking Requirements.**
1. The minimum quantity of parking spaces to be provided in each development proposal shall be determined based on the uses included in the following table. When calculating the spaces required, a decimal shall be rounded up to the nearest whole number.
 2. Any project that proposes surface parking that exceeds the minimum required parking by 125% or more shall receive approval from the Development Review Board under the standards of conditional use review as outlined in Section 6.7. This provision does not apply to ~~single-unit, two-unit, or accessory dwelling units proposed in the R-A, R-B, or R-C Zoning Districts~~ or municipally owned or controlled parking structures or facilities.

MINIMUM REQUIRED VEHICLE PARKING	
Uses	Minimum Parking Requirements
Residential	<u>1.0 spaces per dwelling unit</u>
Single Unit or Two-Unit Dwellings	2.0 spaces per dwelling unit
Multi-Unit Dwellings	1.0 spaces per dwelling unit + 1 space for every 4 units (calculated at increments of 4)
Multi-unit dwellings in R-A, R-B, or R-C Zoning Districts	2.0 spaces per dwelling unit
Accessory Dwellings <u>Dwelling Unit (ADU)</u> and Detached Cottages	1.0 spaces per dwelling unit
Assisted Living & Residential Care Homes	1.0 spaces per 3 beds
Non-Residential	
Personal Services	1.0 spaces per 500 gross square feet of floor area
Retail Sales	1.0 spaces per 1,000 gross square feet of floor area
Restaurant/Bar/Brew Pub	1.0 spaces per 500 gross square feet of floor area
Hotel <u>Lodging Establishment</u> or Bed & Breakfast	1.0 spaces per sleeping room
Theater/Entertainment	0.25 spaces per seat or 1.0 space per 500 gross square feet of floor area if no seats
Industrial	1.5 spaces per 1,000 sq. ft. of gross floor area
Office	1.0 spaces per 500 gross square feet of floor area
Civic	
Schools (public or private)	3.0 spaces per instructional space
Community Center/Cultural Facility/Religious Facility	1.0 spaces per 300 gross square feet of floor area
Healthcare Facility	2.0 spaces per patient bed or room
<u>Family Child Care or Day Care Facility; and Family Child Care Home</u> Daycare Facility	1.0 spaces per 500 gross square feet of floor area
Funeral Home	1.0 spaces per 500 gross square feet of floor area
Other uses not listed	1.0 spaces per 500 gross square feet of floor area

2. The applicant shall provide a calculation of the parking spaces allocated for each use (including for employees and for customers/clients) and by time period.

D. **Vehicle Parking Adjustments.** The following options are intended to support reductions to the minimum parking for each use. The required reserved parking spaces may be adjusted, with approval from the DRB or ZA depending on the application requested, as follows:

1. **Shared Use.** Mixed use projects that include residential and non-residential uses may be eligible to share a portion of the required parking based on the following:
 - a. Projects that include no more than one non-residential unit or suite can share up to 15% of the minimum required non-residential parking with the residential parking.
 - b. Projects that include two or more non-residential units or suites can share up to 30% of the minimum required non-residential parking among the non-residential uses.

- c. For projects that are located within 500 feet of a municipally controlled garage or metered surface lot, as measured in a straight line from the proposed development site to a pedestrian access at the identified location of parking, 100% of the total parking for non-residential^{t-3} uses may be met within this facility provided that:
 - i. There is a complete ADA accessible walkway that is surfaced and maintained by the City for year-round use providing a complete connection between the development site and the parking facility; and
 - ii. There is unencumbered public parking available in the facility.
 - d. Any shared parking as outlined in **Section 4.12.D.1** shall be accommodated on-site except as indicated in **Section 4.12.D.1.c**.
 - e. For the purposes of this calculation, parking garages shall not count towards the non-residential gross square footage.
 - f. Parking calculations in this section will be rounded up to the nearest whole space.
 - g. Projects that include multiple phases shall base shared parking as outlined in this section on each individual phase or completed phase and not the overall project until the final phase is proposed.
2. **Transportation Demand Management (TDM).** Use of TDM strategies may be incorporated for a reduction of no greater than 15% of the required reserved parking spaces. To qualify for this reduction, the applicant must provide the following:
- a. Site specific information including:
 - i. Existing and proposed land uses identifying the number of residential units (including bedrooms); non-residential square footage; or similar information associated with the development.
 - ii. Maps identifying all local transportation accommodations within ¼ mile of the site including dedicated bicycle lanes; transit routes and stops; carshare, rideshare, or bikeshare locations; or other similar transportation accommodations.
 - iii. Existing and proposed number of employees, residents, visitors, or other users to be associated with the development.
 - iv. Existing and proposed travel demand estimates generated by the proposed development including the most current methodology identified by the Institute of Transportation Engineers (ITE) for determining trips. This information shall be prepared by a Vermont Licensed Engineer, including their stamp or seal.
 - b. Specific TDM strategies to be implemented, including, at a minimum, short-term ~~outdoor covered~~ bicycle parking that exceeds the standards included in **Section 4.12.G** and at least one of the following:
 - i. Provide funding for a transit shelter for use by Green Mountain Transit, or another municipally supported transit provider to be established within one quarter mile of the site. Acceptance of funding from the transit provider must be included with the request.

^{t-3} For the purposes of this provision, hotels, motels, bed & breakfasts, rooming houses, or similar lodging facilities shall be considered residential uses.

MINIMUM REQUIRED BICYCLE PARKING		
Uses	Minimum Bicycle Parking Requirements	
	Short-term	Long-term
Residential		
Multi-Unit Dwellings	1.0 spaces per 5 dwelling units	1.0 spaces per dwelling unit
Assisted Living & Residential Care Homes	1.0 spaces per 10 dwelling units	1.0 spaces per 10 dwelling units
Non-Residential		
Personal Services or retail sales	1.0 spaces per 2,000 gross square feet of floor area	1.0 spaces per 6,000 gross square feet of floor area
Restaurant/Bar/Brew Pub	1.0 spaces per 500 gross square feet of floor area	1.0 spaces per 1,000 gross square feet of floor area
Hotel <u>Lodging Establishment</u> or Bed & Breakfast	1.0 spaces per 10 guest or sleeping rooms	1.0 spaces per 20 guest or sleeping rooms
Theater/Entertainment	1.0 spaces per 2,000 gross square feet of floor area	1.0 spaces per 15,000 gross square feet of floor area
Industrial	1.0 spaces per 20,000 gross square feet of floor area	1.0 spaces per 25,000 gross square feet of floor area
Office	1.0 spaces per 5,000 gross square feet of floor area	1.0 spaces per 5,000 gross square feet of floor area
Civic		
Educational Facility	3.0 spaces per instructional space	1.0 spaces per 20,000 gross square feet of floor area
Community Center/Cultural Facility/Religious Facility	1.0 spaces per 1,000 gross square feet of floor area	1.0 spaces per 20,000 gross square feet of floor area
Healthcare Facility	1.0 spaces per 5,000 gross square feet of floor area	1.0 spaces per 8,000 gross square feet of floor area
<u>Family Child Care or Day Care Facility; and Family Child Care Home</u> Daycare Facility	1.0 spaces per 10,000 gross square feet of floor area	1.0 spaces per 20,000 gross square feet of floor area
Funeral Home	1.0 spaces per 2,000 gross square feet of floor area	1.0 spaces per 20,000 gross square feet of floor area
Other uses not listed	1.0 spaces per 5,000 gross square feet of floor area	1.0 spaces per 5,000 gross square feet of floor area

- Any project pursuing parking reductions through TDM Strategies as identified under **Section 4.12.D.2** shall exceed the minimum short-term bicycle parking requirements included herein for the proposed use.

6. Any required bicycle parking shall accommodate different types of bicycles with a minimum of 10% of the required bicycle parking designed to accommodate electric or cargo bicycles; or similar styles.
 7. For the purposes of this section the following definitions shall apply:
 - a. Short-term bicycle parking shall mean bicycle parking that has unrestricted access and is designed to meet the needs of visitors of uses located within a building with visits typically lasting up to two hours.
 - b. Long-term bicycle parking shall mean bicycle parking that is designed to limit access to a specific group of users (such as residents or tenants of a building) and is fully sealed from the weather. Long-term bicycle parking is designed to meet the bicycle storage needs of daily bicycle commuters, occupants of residential dwellings, or public transit users.
 8. Bicycle parking shall be located such that it is separated from vehicle parking to ensure protection from conflicts with motor vehicles; have a surface that is easily maintained to remain clear of snow, mud, or debris; and be in a location that is highly visible and accessible including dedicated lighting. In addition, the following shall apply:
 - a. Short-term bicycle parking shall be located as follows:
 - i. On-site and within 50 linear feet of a publicly accessible entrance to the associated building; or
 - ii. On-site in a covered location to protect from the elements if located further than 50 linear feet from a publicly accessible entrance to the associated building.
 - iii. If the bicycle parking is located further than 50 linear feet from a publicly accessible entrance to the building, signage shall be required that is visible from the associated entrance indicating the location of the short-term bicycle parking.
 - b. Short-term bicycle parking may be located in the City's Right-of-Way as follows:
 - i. The applicant shall receive approval of a right-of-way encumbrance permit from the Department of Public Works including means and methods for installation of the short-term bicycle parking; and
 - ii. The short-term bicycle parking shall meet the design and location standards of [Section 4.12.G.3](#) and [Section 4.12.G.8.a](#); and
 - iii. Conditions of this approval shall include provisions for long-term maintenance or upkeep of the short-term bicycle parking infrastructure.
 - c. Long-term bicycle parking shall be located in a completely enclosed secure on-site facility or structure that is protected from the elements and includes controlled access limited to all residents or tenants of the building. This could take the form of a dedicated room on-site for bicycles, individual storage units assigned to each dwelling, or similar space.
 9. Required long-term bicycle parking shall be made available to ~~all~~ the residents or tenants of the building free of charge.
- H. **Changes of Use.** When the use of a preexisting building or structure changes to a use that is permitted in the zoning district where it is located, as outlined in [Section 2.4](#), no additional vehicle or bicycle parking shall be needed, except as follows:
1. Newly established residential uses

2. Additions or alterations that increase the usable square footage of the building or structure.
3. Projects meeting either **Section 4.12.H.1** or **Section 4.12.H.2** shall be brought into conformance with **Section 4.12.C.** for the new residential uses or new square footage only; and may require site plan approval as outlined in **Section 6.6.**

I. Vehicle Parking Standard Dimensional Requirements.

1. ~~Parking~~ On-site vehicle parking spaces shall be a minimum width of 9 feet, minimum length of 18 feet, and if enclosed, a minimum ceiling height of 7 feet. designed in accordance with the standards and specifications as developed by the City's Department of Public Works including compact, standard, and oversized vehicle parking spaces.
2. Compact vehicle parking spaces shall comprise no more than 20% of the minimum required vehicle parking.
23. The drive aisle space for on-site vehicle parking shall be as follows: meet the standards and specifications as developed by the City's Department of Public Works. The drive aisle space may be increased or decreased based on review by the City's emergency services.

Parking Pattern	Minimum One-Way Aisle Width	Minimum Two-Way Aisle Width
90 degree perpendicular	20 feet	20 feet
60 degree angle	18 feet	18 feet
45 degree angle	16 feet	16 feet
30 degree angle	14 feet	16 feet
Parallel	12 feet	16 feet

J. Surface Vehicle Parking Site Requirements.

1. No parking space shall be allowed within the minimum front setback of the district in which the use or property is located except as accommodated in a driveway serving a single property.
2. Parking shall be located at the rear or side of buildings, or within or under the structure, except in the R-A, R-B, R-C, and Industrial Zoning Districts.
3. Parking may be located in a side or rear setback consistent with the standards for residential drives as outlined in **Section 4.2.E**, and **Section 4.2.I.**
4. All parking spaces, circulation areas and connected driveways shall be surfaced in accordance with the Standards and Specifications as identified by the City of Winooski's Department of Public Works.

ARTICLE V – SPECIFIC USE STANDARDS

SECTION 5.1 - ACCESSORY DWELLING UNITS

- A. ~~Accessory dwelling units (ADUs) are a permitted use in all districts where single-unit detached dwellings are permitted.~~ the Residential A, Residential B, and Residential C Zoning Districts; and the Detached Frontage Building Form Standard of the Gateway Zoning District. An ~~accessory dwelling unit~~ ADU is a distinct unit that is located within or appurtenant to a single-unit dwelling ~~on an owner-occupied lot or appurtenant to a multi-unit dwelling.~~ An ~~accessory dwelling unit~~ ADU is clearly subordinate to a ~~single-unit~~ the existing dwelling(s) and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation; ~~provided there is compliance with all the following:~~
- B. An ADU is considered a permitted use if the property complies with the following:
1. The property is owner occupied; and
 2. The property is developed with only one single-unit dwelling; and
 3. The property has a sufficient wastewater allocation; and
 4. The accessory unit ADU does not exceed thirty (30)% percent of the total habitable floor area of the single-unit dwelling or 900 gross square feet, whichever is greater; and,
 5. Setback, coverage Dimensional standards as specified in Section 2.5; and off-street parking requirements as specified in the bylaws Section 4.12 are met for the ADU.
- B. ~~A Zoning Permit is required for any accessory dwelling unit.~~
- C. ~~At time of sale or transfer of title the accessory residential use shall continue provided that one of the dwelling units is and remains owner-occupied.~~
- C. An ADU is considered a conditional use if the property does not meet the standards in Section 5.1.B, but does comply with the following:
1. The property is developed with four or fewer total dwelling units; and
 2. All existing dwelling units are located within the same building or structure; and
 3. None of the existing units is an accessory dwelling; and
 4. The property has a sufficient wastewater allocation; and
 5. The accessory dwelling unit does not exceed 30% of the average total habitable floor area of the existing dwelling units or 900 square feet, whichever is greater; and
 6. The ADU is detached from the multi-unit building or structure; and
 7. Dimensional standards as specified in Section 2.5; and off-street parking requirements as specified in Section 4.12 are met for the ADU.
- D. A zoning permit is required for any ADU, including additional review by the DRB as applicable under Section 6.7 for conditional use review.

SECTION 5.2 - ~~DAY CARE~~ FAMILY CHILD CARE HOME, FAMILY CHILD CARE FACILITY, & DAY CARE FACILITY ~~(HOME CHILD CARE, DAY CARE FACILITY)~~

- A. A family child care ~~home child care business~~, the owner of which is licensed or registered by with the state State of Vermont, ~~which serves no more than six children~~ shall be considered a permitted accessory use to single unit dwellings a caregiver's own residence provided that. ~~A zoning permit shall be required under Section 6.10 only for purposes of documenting and recording the use in the land records of the city.~~
1. No more than 10 children are served at any one time with up to six children provide care on a full-time basis and the remainder on a part-time basis; and
 2. The owner of the property lives on site; and
 3. No zoning permit shall be required if Section 5.2.A.1 and Section 5.2.A.2 are met.
- B. ~~A home child care business~~ family child care facility that serves ~~no more than six full-time and four part-time children~~, is a ~~permitted~~ allowed accessory use to single unit dwellings provided that; ~~but shall be subject to site plan review under Section 6.6, prior to the issuance of a zoning permit.~~
1. A zoning permit has been received consistent with Section 6.10; and
 2. Conditional use or site plan approval is received from the Development Review Board if required under Section 2.4 or Section 6.6 of these regulations; and
 3. The facility is licensed or registered with the State of Vermont
- B. ~~A state-licensed nonresidential child care or adult day care facility may be allowed in Gateway, C-1, C-3, DC and I zoning districts subject to site plan review under Section 6.6, except Gateway and DC (see Appendix B and C for those review procedures).~~
- C. A day care facility that provides care to the elderly or individuals with disabilities in a protective setting for a portion of a 24-hour day is an allowed use provided that:
1. A zoning permit has been received consistent with Section 6.10; and
 2. Conditional use or site plan approval is received from the Development Review Board if required under Section 2.4 or Section 6.6 of these regulations; and
 3. The facility is licensed or registered with the State of Vermont.

SECTION 5.3 - FILLING OR REMOVAL WITH EARTH PRODUCTS

- A. In any district, including the Downtown Core and Gateway Zoning Districts, the removal of, or filling with loam, gravel, stone, fill, topsoil or other similar materials, except when incidental to or in connection with the construction of a building on the same lot, shall be permitted only upon issuance of a permit from the ZA. Any removal or filling incidental to or in connection with the construction of a building on the same lot shall be considered development and not require a separate zoning permit for the removal or fill of materials. In considering such a permit the ZA may consider and impose conditions relating to the following factors:
1. Depth of excavation, especially in proximity to roads or adjacent properties.
 2. Existing grade and proposed grade created by this removal or addition of material.
 3. Effect upon public health, safety and welfare.
 4. Erosion potential due to removal of vegetative cover.

5. Slope stability problems created by the activity.
6. Effect upon use of adjacent properties by reason of noise, dust or vibrations.
7. Effect upon traffic hazards in residential areas or excessive congestion or physical damage on public ways.

B. Permit Conditions. When issuing a zoning permit, the ZA may:

1. Limit the duration of the permit to any length of time deemed appropriate;
2. Require the submission of an acceptable plan for the rehabilitation of the site at the conclusion of operations including slope stabilization as required;
3. Limit the hours of operation, routes of transportation or materials removed; and
4. Require a suitable bond or escrow deposit to assure compliance with provisions of this Section for the proper rehabilitation of the site.

C. Any such activity proposed for the floodplain shall be permitted only if it meets regulations in Appendix A: Inundation Hazard Area Regulations.

SECTION 5.4 - ~~GARAGE SALES~~ RESERVED

~~A. Garage sales are permitted provided such sales conform to the following provisions:~~

- ~~1. One garage sale not to exceed ten consecutive days, or two garage sales not exceed 72 hours each shall be permitted per residential unit in one calendar year.~~
- ~~2. One temporary sign per garage sale is permitted on the property provided that such sign conforms to Section 4.14.F of this ordinance. Such sign shall not create a public hazard. The ZA may remove or cause to be removed any unsafe sign.~~
- ~~3. The ZA shall request the cessation of any non-conforming garage sale.~~

SECTION 5.5 - GAS STATION AND FUEL SALES

- A. Gas Stations and fuel sales are only allowed in the Gateway Zoning Districts and are subject to review and approval under Appendix B of these regulations.
- B. Sale of fuel is not an allowed accessory use of ~~convenience stores~~ retail sales and neighborhood commercial uses.

SECTION 5.7 - HOME OCCUPATION

A. Customary home occupations are permitted residential accessory uses in all districts. Nothing in this regulation shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof, and which meets the following standards:

1. The home occupation shall be carried on wholly within the principal dwelling;
2. The home occupation shall be carried on by residents of the household and no more than one non-household employee;

3. No exterior displays or signs or other advertising material shall be permitted, except as allowed under **Section 4.14** of this regulation;
4. Exterior storage of material shall not be permitted and the home occupation shall not include servicing of motorized vehicles or motorized equipment;
5. No traffic shall be generated in greater volumes than would normally be expected in the neighborhood;
6. No objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall be produced;
7. The home occupation shall not utilize more than ~~twenty-five percent (25%)~~ of the total square footage of the dwelling.

B. No zoning permit shall be required for a home occupation that meets the standards under **Section 5.7.A**.

SECTION 5.8 - MOBILE HOME PARK

- A. In accordance with the Act [~~24 V.S.A. § 4412(1)~~], these regulations shall not have the effect of excluding mobile homes and mobile home parks from the city.
- B. For the purposes of this ordinance, all mobile homes used for residential purposes shall be considered single-family-unit detached dwellings.
- C. Mobile home parks shall be allowed where all single-family-unit homes-dwellings are allowed, and constructed and operated in accordance with 10 V.S.A. Chapter 153.
- D. Each mobile home in a mobile home park shall meet the requirements of this ordinance applicable to single-family-unit detached dwellings.

SECTION 5.9 -- ~~RETAILS SALES AND~~ NEIGHBORHOOD COMMERCIAL USES

- A. Retail Sales and Neighborhood Commercial Uses: ~~Neighborhood commercial uses~~ are intended to primarily serve the nearby residential area in the R-A, R-B, and R-C zoning districts and Gateway Zoning Districts subject to the following:
 1. ~~Neighborhood commercial uses~~ Retail Sales and neighborhood commercial ses shall be limited to a single story on the street level of any structure.
 2. ~~Neighborhood commercial uses~~ Retail sales and neighborhood commercial uses shall be treated as a conditional use except as permitted in the Gateway Zoning District per **Section 2.4**.
 3. ~~The neighborhood commercial use shall be counted against the property's allowable residential density; every 1,000 ft² counts as one residential unit or portion thereof.~~
 - ~~4~~3. The sale of fuel for motor vehicles, or new or expanded gas station canopies, servicing of motor vehicles, and exterior storage of material shall be prohibited.
 - ~~5~~4. 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 and approval from the DRB as outlined in **Section 6.7**.
 - ~~6~~5. All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed ~~60~~50% unless otherwise authorized by these regulations.
 - ~~7~~6. Signage shall be subject to **Section 4.14** of this regulation.

87. No objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall be produced as outlined in Section 4.13.
98. Home occupations as defined and regulated under this article are not restricted by the provisions of this section.

B. A zoning permit shall be required, consistent with Section 6.10 and conditional use standards consistent with Section 6.7 shall be provided as part of the application if necessary.

SECTION 5.10 - PROTECTED USES, PUBLIC FACILITY

A. The following uses may be regulated only with respect to the location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

1. State- or community-owned and ~~operated~~ institutions and facilities;
2. Public and private schools and other educational institutions certified by the ~~state department of education~~ Agency of Education;
3. Churches and other places of worship, convents, and parish houses;
4. Public and private hospitals;
5. Regional solid waste management facilities certified under 10 VSA Chapter 159;
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA § 6606(a); and

7. Emergency Shelters

B. Except for State-owned and -operated institutions and facilities, a municipality may regulate each of the land uses listed in Section 5.10.A for compliance with the National Flood Insurance Program and for compliance with a municipal ordinance or bylaw regulating development in a flood hazard area or river corridor, consistent with the requirement of 24 V.S.A. § 2291(25) and 24 V.S.A. § 4424. These regulations shall not have the effect of interfering with the intended functional use.

SECTION 5.11 — SWIMMING POOLS

A. Outdoor swimming pools are permitted and shall be considered accessory use provided they conform to the following requirements:

1. ~~Such a~~ A swimming pool shall be located within the dimensional setback requirements applicable to the district in which the pool is to be located;
2. ~~Such a~~ A swimming pool shall be completely enclosed by a wall, fence or other substantial structure ~~adequate to~~ that is at least four feet in height and designed to prevent the accessibility to the pool by small children or other unattended individuals;
3. The owner obtains an electrical permit detailing the installation of electrical appliances for ~~such~~ a swimming pool; and
4. No swimming pool be constructed on a required front yard.

B. A zoning permit shall be required, consistent with Section 6.10 to confirm the information outlined herein has been met.

SECTION 5.12 — TEMPORARY STRUCTURES

- ~~A. Temporary Structures in Residential Districts. Temporary structures shall be considered residential accessory uses when they are incidental to the principal residential use or structure located on a residential lot. Any temporary structure with a permanent foundation or which exceeds 100 square feet shall conform to the requirements of this regulation for the district in which it is located.~~
- ~~B. Temporary Structures in All Other Districts. Temporary structures shall be considered accessory uses when they are incidental to the principal use or structure located on a lot. The DRB may grant conditional use approval for a temporary non-conforming use provided that the use is in conformance with the following provisions:~~
- ~~1. That such a use is incidental to the development of a neighborhood or project.~~
 - ~~2. That a bond or an escrow account has been properly filed with the City Manager conditional upon the payment to the City of the costs of the removal of such a building or use upon the revocation or the expiration of such a permit if such a use or building is not removed by the owner within the permit period.~~
 - ~~3. That conditional use approval for such a use shall limit the period of time to a maximum of one (1) year; and~~
 - ~~4. That, upon application, the DRB may grant an extension for one (1) year, provided that the total time for any such permit and extensions shall not exceed two (2) years.~~

A. Temporary structures are permitted in all zoning districts.

B. A temporary structure shall be exempt from these regulations, including dimensional standards outlined in Section 2.5 if the following apply:

1. it is located a minimum of five feet from the property boundaries; and
2. it is erected for less than 30 consecutive days.

C. If the proposed structure does not meet the standards in Section 5.12.B, a zoning permit will be required, including conformance with Section 2.5 and any other applicable regulations contained herein.

D. For the purposes of this section, structures associated with redevelopment of property that has received a zoning permit as outlined in Section 6.10 shall not be considered temporary structures and do not require separate permitting.

SECTION 5.13 — VEHICLE SERVICE & REPAIRS AND SALES

- A. **Motor Vehicle Service Repair and Sales.** The display of three or more vehicles for sale at any time on a property shall be considered a commercial motor vehicle sales establishment allowed within designated zoning districts in accordance with ~~Table~~ Section 2.4, and all other applicable requirements of these regulations. The occasional and temporary display for sale of up to two motor vehicles on a lot, which are owned by the resident or property owner, are exempted from these regulations.
- B. In addition to applicable sections of Article IV, site plan standards and, if required, conditional use standards, commercial motor vehicle service and sales establishments must also meet the following requirements:
1. No more than ten vehicles for sale or lease may be parked in outdoor display areas at any time.
 2. Motor vehicles intended for sale or lease shall be displayed in an enclosed building or within a designated exterior display area approved by the DRB that meets required side and rear setbacks for the district in which it is located. Exterior display areas may be located within the front setback area, however no vehicle shall be parked within a public right-of-way.

3. The DRB may require landscaping and/or fencing as it deems appropriate for public safety, and to screen exterior display areas from adjoining properties.
4. Vehicles scheduled for repair shall be parked within an enclosed structure or within a designated yard or parking area approved by the DRB, which meets all setback requirements for the district in which it is located and shall be located to the side or the rear of the garage or maintenance building. The ~~Board~~ DRB may require landscaping and/or fencing as it deems appropriate for public safety, and to screen the yard or parking area year-round from adjoining properties and public rights-of-way.
5. No more than three unregistered vehicles shall be stored on-site unless the property is a licensed salvage yard.
6. All maintenance and repair work shall be conducted within an enclosed structure which meets all applicable municipal and state regulations for water supply, wastewater and waste disposal.
7. Fuel and hazardous materials stored and used on the premises shall be limited to those materials necessary for the operation of the business, and shall be stored in an enclosed and secure structure in accordance with all applicable state and federal regulations.

SECTION 5.14 – INCENTIVES FOR PRIORITY HOUSING

- A. **Intent.** The intent of these regulations is to provide incentives for the development of dwelling units that meet specific criteria as identified by the City to provide a mix of housing options for current and future residents. The standards outlined herein are optional and not required to be included in any application for land development.
- B. **Applicability.** These incentives will apply to any dwelling units as identified under **Section 5.14.D** in all zoning districts except the Downtown Core.
- C. **Definitions.** For the purposes of this section, the following terms shall apply:
 1. **Affordable Housing** – Affordable Housing shall mean housing that is owned or rented by inhabitants whose gross annual household income is not more than 100% of the HUD Area Median Family Income (HAMFI) for the Burlington-South Burlington Metropolitan Statistical Area (MSA) as defined by the U.S. Department of Housing and Urban Development and the total cost of the housing, including principal, interest, taxes, insurance, and condominium association fees, if owned housing; or the total cost of housing, including rent, utilities, and condominium association fees, if rental housing, is not more than 30% of the gross annual income.
 2. **HUD Area Median Family Income (HAMFI)**¹ – HAMFI is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.²
- D. **Qualifications.** To qualify for the incentives identified herein, dwelling units shall meet all the applicable standards listed below for Affordable Housing, Bedroom Count, or both as required to achieve the identified incentive as outlined in **Section 5.14.E**.
 1. **Affordable Housing.** Where housing affordability is included as part of the identified incentive, the affordable dwelling units shall meet the following requirements:
 - a. Dwelling units shall be continuously affordable to identified households as identified in **Section 5.14.D.C.1** for a minimum of 20 years regardless if they are offered for sale or rent.

¹ HAMFI definition taken from https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

² Methodology on HAMFI adjustments at <https://www.huduser.gov/portal/datasets/il/il18/Medians-Methodology-FY18r.pdf>

- b. To ensure income eligibility and rents or sale prices are consistent with **Section 5.14.C**, when a dwelling unit is newly rented or sold, the owner of the unit shall submit verification of household income and rent(s) or sale price(s) to the City to ensure eligibility and compliance for qualifying units. This provision shall be waived if the management of the qualifying units, including leasing or (re)sale of the units is contracted to, or supervised by, a housing authority, housing trust or other qualified affordable housing provider receiving or managing state or federal housing funds including vouchers where income verification is included as standard practice.
- c. If the owner of a proposed project is a housing authority, housing trust or other qualified affordable housing provider receiving or managing state or federal housing funds including vouchers, the requirements of **Section 5.14.D.1.b** shall be waived provided ownership in the project is maintained for the duration of affordability as described in **Section 5.14.D.1.a**.
- d. Documentation indicating compliance with **Section 5.14.D.1.b** shall be submitted to the City with the application for development. This shall include but not be limited to:
 - i. A list of units including the number of bedrooms and the rents to be charged including utilities and condominium association fees per unit size or unit type and corresponding median income levels associated with the unit size or type.; or the cost of ownership including principal, interest, taxes, insurance, and condominium association fees.
 - ii. The name, address, and primary contact of the housing authority, housing trust, or affordable housing provider as outlined in **Section 5.14.D.1.b** if different from the applicant or owner of the project.
 - iii. Draft documents, to be recorded in the City's Land Records, designating the dwelling units as affordable for the duration identified in **Section 5.14.D.1.a**.
 - iv. Other information as necessary to ensure the standards of **Section 5.14.D.1** have been met.

2. **Bedroom Count.** Where bedroom count is included as part of the identified incentive, the dwelling units shall have a minimum of three bedrooms per unit.

- a. The applicant shall provide architectural plans prepared by a qualified design professional or similar entity in a clearly legible format.
- b. Submissions shall include a level of detail sufficient to ensure the existence of no less than three bedrooms of a size consistent with the minimum housing standards as outlined in Chapter 9 of the City's Municipal Code or other applicable regulations are included in each unit.

E. **Incentives.** The following incentives may be utilized for projects that propose qualifying dwelling units as described in **Section 5.14.D**.

1. **Planned Unit Developments.** Planned Unit Developments, as outlined in **Section 6.3**, are eligible for the following incentives.

- a. **Multi-unit Buildings.** Projects proposed in the Residential A, Residential B, or Residential C Zoning Districts that include dwelling units with three or more bedrooms per unit as outlined in **Section 5.14.D.2** may configure these dwellings in multi-unit buildings based on the following.
 - i. ~~Projects in the Residential A or Residential B Zoning Districts may configure buildings with up to four~~ **six** units per building.

- ~~ii. Projects in the Residential C Zoning District may configure buildings with up to six units per building.~~
 - ~~iii. A minimum of 50% of the dwelling units included in the overall project or proposal shall meet the qualifications as outlined in Section 5.14.D.2 related to the required minimum number of bedrooms per unit.~~
 - ~~iv. All other standards and requirements for Planned Unit Developments, as outlined in Section 6.3 shall still apply.~~
 - ~~iv. Projects developed under this provision shall be eligible for an increase in lot coverage of up to an additional 15% above what is included in Section 2.5.~~
- b. Density. Qualifying projects in the Residential A, Residential B, or Residential C Zoning Districts that are proposed as part of a Planned Unit Development where 100% of the proposed dwelling units meet the qualifications included in Section 5.14.D.1 and Section 5.14.D.2 related to affordability and bedroom count may be eligible for additional density as follows:
 - i. Projects located in the Residential A Zoning District shall be eligible for .5 additional dwelling units per new lot included in the project.
 - ii. Projects located in the Residential B Zoning District shall be eligible for .75 additional dwelling unit per new lot included in the project.
 - iii. Projects located in the Residential C Zoning District shall be eligible for 1.0 additional dwelling unit per new lot included in the project.
 - iv. Dwelling units included under this provision will be rounded up to the nearest whole unit.
 - v. All other standards and requirements for Planned Unit Developments, as outlined in Section 6.3, including dimensional standards outlined in Section 2.5 shall still apply, except lot coverage may increase by up to an additional 25% above what is included in Section 2.5.
 - vi. Bonus units established under this section are not required to meet the affordability or minimum bedroom count standards as outlined in Section 5.14.D unless configured in a multi-unit building as outlined in Section 5.14.E.1.a.
- 2. **Minimum Parking.** Qualifying dwelling units in the Gateway, Central Business, or General Commercial Zoning Districts that meet the qualifications included in Section 5.14.D.1 and Section 5.14.D.2 related to affordability and bedroom count shall be eligible for exemptions or reductions to the minimum parking standards outlined in Section 4.12 as follows:
 - a. Up to 20%, but no more than four qualifying dwelling units included in a development will be exempt from the minimum vehicle parking standards of Section 4.12.
 - b. Qualifying dwelling units shall not be excluded from having access to vehicle parking on-site.
- 3. **Bonus Story.** Any project that meets or exceeds the requirements for an affordable housing development as defined in 24 V.S.A § 4303(2) and in Article IX of this regulation, including mixed use developments, shall be eligible for the following incentives:
 - a. Projects may exceed the maximum density permitted in the zoning district where it is located by up to 40%; and
 - b. The project may exceed the maximum permitted height by one additional story or floor, provided the project complies with the Vermont Fire and Building Safety Code and any

dimensional standards for the zoning district where the project is located as included in Section 2.5.

c. All other dimensional standards as outlined in Section 2.5 and minimum parking requirements included in Section 4.12 must be met.

d. Information as outlined in Section 5.14.D.1 shall be provided to confirm the standards for affordability are met to qualify for the bonus story.

4. **Administrative Review.** Projects may be eligible for administrative review and not require site plan review as outlined in Section 6.6 provided that:

a. At least 50% of the dwelling units in the overall project meet all of the following standards:

i. Meet the affordability standards included in Section 5.14.D.1; and

ii. Meet the minimum bedroom count as identified in Section 5.14.D.2; and

iii. Are offered for sale

b. Projects that meet the requirements of Section 5.14.E.4.a may still have conditions imposed to provide appropriate safeguards or controls to reduce impacts on adjacent properties consistent with conditional use review as outlined in Section 6.7.

c. Projects proposed as planned unit developments or requesting conditional use, waivers, or variances will still be subject to review and approval by the Development Review Board.

F. Incentives outlined in Section 5.14.E may be used collectively or independently.

G. The maximum total lot coverage for any project that utilizes incentives listed under Section 5.14.E shall be 75%, unless the zoning district would permit greater lot coverage.

SECTION 5.15 – INCENTIVES FOR ADAPTIVE REUSE

A. **Intent.** The City of Winooski's Master Plan includes specific goals and objectives throughout the Master Plan that support the protection and preservation of historic resources. The intent of these standards is to provide incentives for the adaptive reuse or preservation of all or parts of buildings or structures that have been identified as having historic, architectural, cultural, or archeological significance to the City.

B. **Applicability.** This section is applicable in all Zoning Districts in the City and shall apply to any building, in full or in part that is or has been occupied for residential or non-residential purposes that are included in or eligible for inclusion in:

1. A national, state, or local historic register; or

2. A national, state, or local historic district; or

3. The Cultural and Historic Resources Map included in the City's Master Plan. The Local Register of Historic, Cultural, Architectural, or Archeological Resources as included in Article X of these regulations.

ARTICLE IX - DEFINITIONS

In this Regulation, the following terms shall have the following meanings. There are other definitions unique to the ~~Downtown Core District, Gateway Districts and the Flood Hazard Area Districts~~ Inundation Hazard Areas and Gateway Zoning District that can be found in the respective appendices; and therefore these definitions ~~do not apply to those districts unless expressly stated~~ only apply to those districts if no other definition is included with the regulations for Inundation Hazard Areas or Gateway Zoning District.

Abandonment: An intentional and absolute relinquishment and cessation of a use for 6 months without intention to resume said use.

Accessory: A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the lot.

Accessory Dwelling: A distinct dwelling unit that is located within or appurtenant to an owner-occupied single-unit dwelling, and is clearly subordinate to that dwelling. An accessory dwelling unit has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Accessory dwellings are regulated under [Section 5.1](#).

Accessory Structure: a structure which is detached from and clearly incidental and subordinate to the principal use of or structure on a lot and is located on the same lot as the principal structure or use, and is clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses

Addition: New construction performed on a building which increases the outside dimensions of the structure. An addition increases floor area of a structure.

Adult establishment: An establishment that utilizes five percent (5%) or more of its retail selling area for the purpose of sale, rental or viewing of printed and visual materials which are distinguished by their emphasis on creating sexual interest through sight, sound or touch.

Affordable Housing: Affordable Housing shall mean a housing unit that is owned or rented by inhabitants whose gross annual household income is not more than 100% of the HUD Area Median Family Income (HAMFI) for the Burlington-South Burlington Metropolitan Statistical Area (MSA) as defined by the U.S. Department of Housing and Urban Development and the total cost of the housing, including principal, interest, taxes, insurance, and condominium association fees, if owned housing; or the total cost of housing, including rent, utilities, and condominium association fees, if rental housing, is not more than 30% of the gross annual income.

Affordable Housing Development: A housing development of which at least 20% of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 year or longer as provided by this bylaw.

Alterations: Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Alcohol Manufacturing Facility: A facility where alcoholic beverages can be manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises. The facility may include a tasting or tap room as an accessory use.

Animal care provider/ Veterinarian: Any facility which provides medical care to animals, and may include facilities for keeping animals overnight as part of veterinary care. Also includes establishments which provide overnight boarding and caring for animals not part of veterinary care.

Assisted Living & Residential Care Homes: State-licensed facilities that provide rooms, meals, and personal care services in living arrangements designed to meet the needs of people who cannot live independently and usually do not require the type of care provided in a nursing home.

Association, fraternal organization, social club: A membership organization that holds regular meetings, has formal written membership requirements, and that may, subject to regulations controlling such uses, maintain

dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

Bar: A licensed establishment subject to State and municipal licensing and regulations in which the principal business is serving alcoholic beverages for consumption on the premises. Food may also be served as an accessory use subject to Vermont Health Regulations.

Bed-and-breakfast (B&B): A single-dwelling residence with four or fewer rooms for rent, accommodating a maximum of ten guests, for short-term overnight lodging by the day or by the week. The single-dwelling residence must be the primary residence of the owner or operator of the bed and breakfast. Employment shall not exceed one (1) full-time employee in addition to the owner. It may provide meals for compensation incidental to the provision of accommodation.

Brew pub: A restaurant where malt beverages can be manufactured, stored, bottled and sold to be consumed on the premises. Licensing for brew pubs are regulated by VSA Title 7 and other relevant State and municipal regulations.

Buffer: A strip of land, fence, or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, and separations.

Building: A structure having a roof and used for the shelter, support, or enclosure of persons, animals or property of any kind.

Building height and location map: Only applicable to the Downtown Core Zoning District. The building height and location map is included in Article III. The locations of the areas designated on the Building Height and Locations Map shall be determined by the distances designated on the Map; these shall be construed as distances are not applicable due to curving right of way lines or otherwise, or if the location of the Green Space Boundary shown on the Map is in question, the locations of the areas or location of the Green Space Boundary shall be determined from the scale of the official Building Height and Location Map in the office of the Administrative Officer.

Certificate of Appropriateness: The written approval as recommended by the Local Resources Advisory Board (LRAB) indicating a project's consistency and compatibility with the historic, cultural, architectural, or archeological standards as outlined in [Section 4.4](#). A Certificate of Appropriateness is required prior to the commencement of any activities covered under [Section 4.4.C](#).

Certificate of Fitness: The written approval, signed by the Code Enforcement Officer, or duly authorized municipal official, setting forth that the building, structure and premises comply with the Municipal & State Codes, this Certificate of Fitness is required prior to a dwelling unit, and or a public building, to be occupied.

Certificate of Occupancy: The written approval of the ZA certifying that a newly constructed structure, addition and or alterations to an existing structure, or an existing structure undergoing a change in use is in full compliance with the zoning provisions of Municipal By-laws, Ordinances and Codes adopted under the authority of the City Charter.

Contributing Element: A building, object, structure, detail, site, or similar component which adds to the historical integrity; architectural quality; or cultural or historical significance and is identified in a National, State, or Local Historic Register, including districts.

Crematorium: A facility containing properly installed, certified apparatus intended for use in the act of cremation.

Cultural facility: A public or non-profit establishment open to the public providing for the documentation, display, performance, or gathering space for the enjoyment of heritage, culture, history, science or the arts, such as a library, museum, performance venue or community center. May include the occasional sale or provision of refreshments, souvenirs, or other articles as related to and accessory to the activities occurring at the center.

Curb cut: A legally designated vehicular point of access from a street to a driveway.

~~Daycare~~ Day Care facility Facility: An establishment providing care for children, the elderly or individuals with disabilities in a protective setting for a portion of a 24-hour day. ~~This use includes a state-registered or licensed child care provider serving more than six full-time and four part-time children.~~

Deck: An above ground outdoor living space that is open to the sky, but may be temporarily covered by an awning or partially covered by a pergola. When attached to the primary structure, a deck will be considered part of the primary structure and subject to the dimensional standards of **Table 2.5**.

Demolition permit: A permit that gives the applicant/owner the right to demolish a building and to ensure that no unsafe condition exists on the site when the demolition is complete. Demolition permits are issued by the City's Building Code Office, but a zoning permit is required before a demolition permit can be issued.

~~Detached Cottage:~~ ~~A detached building or structure containing only one dwelling unit, which shall not exceed 1,000 square feet of finished habitable floor area. In the R-A and R-B zoning districts a detached cottage shall take the place of the permitted accessory dwelling unit.~~

DRB: City of Winooski Development Review Board

Dwelling, Multi-Unit (3 – 4 units): A building or structure or portion thereof containing ~~three~~ no more than four ~~or more dwelling units in the same building.~~

Dwelling, Multi-Unit (5+ units): A building or structure or portion thereof containing five or more dwelling units in the same building.

Dwelling, Single-Unit: A detached building or structure containing only one dwelling unit.

Dwelling, Two-Unit: A detached building or structure containing no more than two dwelling units that are contained under the same roof, share a common "party wall", or share a common entry; and neither unit is an accessory dwelling unit.

Dwelling Unit: A building or entirely self-contained portion thereof contain complete house-keeping facilities for only one household, and having no enclosed space other than vestibules, entrances, or other hallways, in common with any other dwelling unit. A boarding house, rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home or similar structure shall not be deemed to constitute a dwelling unit.

Education Facility: An establishment providing instruction to students and including accessory structures and uses traditionally associated with a program of study, which is operated under state licensing and/or professional accreditation.

Emergency Shelter: Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

Family Child Care Facility: A state licensed or registered facility that serves more than six full-time children and four part-time children as outlined in 24 V.S.A. § 4412(5).

Family Child Care Home: A state ~~registered or licensed~~ licensed or registered child care home that is operated out of the caregiver's own residence and serves ~~or facility serving~~ not more than 10 children at any one time with up to six or fewer children provided care on a full-time basis and the remainder on a part-time basis considered by right in ~~as outlined in 24-33 V.S.A. Section § 4412(5)3511(7)~~ as a permitted single-unit residential use of property; and a state registered or licensed child care home or facility serving no more than six full-time and four part-time children.

Fence: Any material or combination of materials erected to enclose, screen, or separate areas of land. Fences may be of an open (e.g. picket), semi-open, or closed (e.g. brick or stone) style. Closed fences may also be known as walls.

Floor area: The total area of all floors of the building or buildings on a lot as measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. The floor area shall include halls, stairways, elevator shafts, porches, balconies, garages, and accessory use. The floor area shall not include cellars, basements and attics.

Floor area, gross: The total floor area of a building or structure designed for occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet and measured from the outside face of the exterior walls and from the centerline of common walls or joint partitions. This excludes stairwells, elevator shafts, mechanical rooms, space related to the operation and maintenance of the building, and lobbies and bathrooms located for common or public use rather than for internal use.

Frontage: That lot line or property line or lines which is coincident with a public right-of-way. Corner lots with frontage on two or more roads must meet frontage on primary road right-of-way and lot depth on secondary road right-of-way as determined by the ZA.

Funeral home: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; and (c) the storage of funeral vehicles.

Garage sale: A short term sale of household goods from a residence which shall include similar terms such as porch, lawn, or cellar sales. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute garage sales.

Garage, parking: A garage, other than a private or storage garage, which is used for the short-term parking of vehicles.

Government facility: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

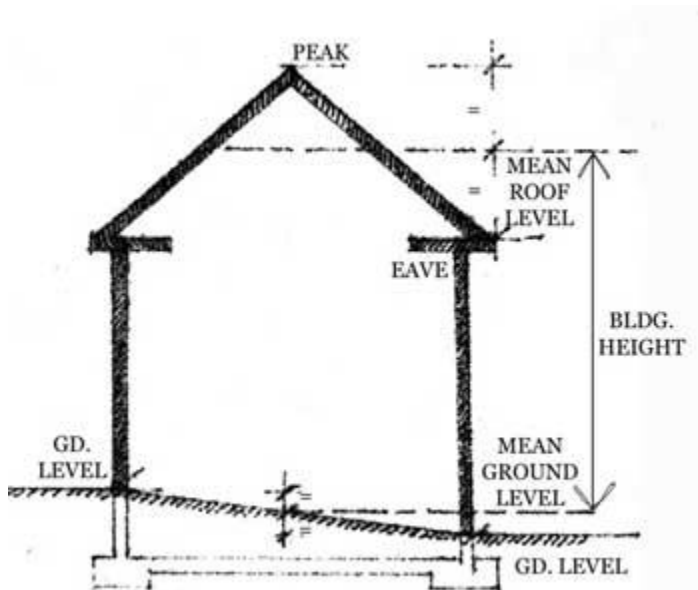
Group, Boarding, and Residential Care Home: A residential establishment operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501. Group homes are considered by right a permitted single-unit residential use of property, except shall be considered a Conditional Use when such home is located within 1,000 feet of another existing or permitted group home.

Healthcare facility: Any facility maintained and operated to provide licensed medical care, including, but not limited to hospitals, nursing homes, clinics and private healthcare provider offices.

Height: The vertical distance measured from the average (or mean) elevation of the finished grade immediately adjacent to the structure to:

- a) the highest point of a flat roof, mansard roof, stepped building or terraced building OR
- b) the mean height level between eaves and peak for all other roof types.

Height calculation of a building shall not include rooftop apparatus such as chimneys, solar collectors, heating & cooling equipment, antennas or similar projections, unless the projections are greater than 10 vertical feet. See the following illustration for guidance in defining building height:



Source: http://www.mass.gov/envir/smart_growth_toolkit/pages/CS-fbc-lowell.html

Home Occupation: An occupation, profession, activity or use that a) is clearly a customary, secondary, and incidental use of a dwelling unit, b) is carried on for gain by a resident of the dwelling, and c) does not alter the exterior of the property or affect the character of the area. Home occupation is considered a permitted right in V.S.A. 24 Chap 117-S 4412(4) as a permitted residential use of property.

Household: One (1) or more persons living together in a single dwelling unit, provided that a household other than an extended household may not contain more than five (5) persons who are not related by blood or marriage.

Household, extended: A household that contains at least six (6) persons who are not related by blood or marriage, but does not contain more than eight (8) persons who are not related by blood or marriage.

HUD Area Median Family Income (HAMFI): HAMFI is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.

Industry: A business use or activity at a scale greater than home occupation involving processing, manufacturing, fabrication, assembly, finishing, warehousing, and/or storage. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

Instructional Space: A space included inside a building intended for teaching or academic use including traditional classrooms, art rooms, music rooms, computer rooms, or seminar rooms.

Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Land development: Means the construction, reconstruction, conversion, structural alteration, relocation, demolition, or enlargement of any building or other structure; or of any mining operation, excavation or landfill; and any change in the use of any building or other structure, land or extension of use of land. Also see "Development" as defined for purposes of flood hazard area management and regulation in Appendix A.

Loading space: An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodging establishment: A facility, other than a bed and breakfast, offering transient ~~lodging~~ sleeping accommodations for a fee to the general public on a year-round basis and may include 24-hour desk service or host contact for guests; and may include other amenities such as housekeeping, laundry service, recreational facilities, guest only breakfast, or similar amenities. A lodging establishment ~~which may provide additional services, such as restaurants, bars, meeting rooms, and recreational or banquet facilities.~~

Lot: Land whose boundary lines have been established by a duly recorded conveyance.

Lot, corner: A lot at the junction of an abutting two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees; on a curved street the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot coverage: A measure of intensity of land use that represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes but is not limited to all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of pavement. In all districts, the following shall not be counted as lot coverage: Lawns, gardens and unpaved landscaped areas; Open play structure without roofs and not located on a paved surface; Fountains; Swimming pools (Note: aprons, decks and walks adjacent to swimming pools shall be considered as lot coverage); Fences; and, Ramps for the disabled, for which the sole purpose is to provide access for the disabled, and which have no more than the minimum dimensions required to meet accessibility standards.

Lot depth: The minimum distance from the street line of a lot to the rear lot line of such lot.

Lot line: A boundary of a lot other than a street line.

Lot line, rear: The lot line generally opposite the street line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be that line as nearly parallel to the frontage as possible and lying farthest from the frontage, having a length of not less than 10 feet.

Master plan: The master plan for the Winooski Falls Riverfront Downtown Project which the City created with an intent to recreate a traditional urban environment in the downtown core and riverfront of the City, with a high density mix of uses, including offices, basic retail and services and a range of housing options. The Master Plan was approved by the State of Vermont District Environmental Commission in Land Use Permit 4C1065 (Revised) July 6, 2001 and Land Use Permit 4C1065-1 (Corrected) dated November 1, 2002, and which may be further revised by the City.

Municipal development plan: The comprehensive long-range plan intended to guide the growth and development of the City of Winooski; included are analyses, recommendations and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

Nonconforming lots or parcels: Means lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Nonconforming structure: Means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

Nonconforming use: Means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

Nonconformity: Means a nonconforming use, structure, or lot.

Office: Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

Owner: The person or persons holding legal title to the property as recorded in the City's Land Records. In the event a trust, estate, or other ownership interest holds title, the controlling person or persons of said entity shall be considered the owner.

Owner-Occupied: Where owner occupancy is required by these regulations it shall mean the owner (as defined herein) maintaining principal residency at a property or premise year-round.

Party Wall: An internal shared wall that separates one dwelling unit from another.

Patio: A patio is an improved at-grade living space that is open to the sky.

Person: Means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

Personal service establishment: A business that provides services of a personal nature including but not limited to: beauty salons, apparel cleaning or repair, banks, and pet grooming shops. Sales of products must be clearly incidental to the services provided.

Planned unit development: Means one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with the exception of density, lot coverage and height.

Principal structure: A building or structure which contains the main or principal use of the lot on which said building or structure is located. Each lot shall contain only one principal structure unless configured as a Planned Unit Development as regulated under Section 6.3. The principal structure may also be referred to as the primary structure.

Principal use: The primary or predominant use of a lot or property as listed in Section 2.4. The principal use is also consistent with the purpose statement included in the zoning district where the property is located. The principal use may also be referred to as the primary use.

Priority Housing: For the purposes of these regulations, priority housing shall mean dwelling units that have been identified by the City of Winooski that are desired for development due to their size, bedroom count, configuration, or similar elements. The desired housing may change from time-to-time based on the policies and priorities of the City Council which may necessitate amendments to these regulations.

Property: As referenced in these regulations, property shall mean a designated piece of land that has a corresponding deed; survey; metes and bounds description; or similar legal documentation that is recorded in the City's Land Records. Properties can also be referred to as parcels.

Recreation and entertainment, Commercial: Recreation and entertainment facilities operated for profit including, but not limited to, health clubs, instructional studios, and theaters. Excludes adult establishments.

Recreation and entertainment, Non-commercial: Recreation and entertainment facilities owned or operated by a public or non-profit entity including, but not limited to, sports fields, parks and trails, playgrounds, recreation centers and farmers markets.

Religious facility: Places of worship, such as churches, chapels, mosques, synagogues, and temples, including facilities customarily related to a place of worship, such as: rectory or convent, parsonage, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

Restaurant: A licensed commercial establishment subject to Vermont Health Regulations where food and beverages are prepared, served and consumed primarily within the principal building and adjacent street-space, and where a minimum of 60% of gross sales must be created by the sale of food. See also RESTAURANT, ~~café~~ NEIGHBORHOOD and RESTAURANT, with drive-thru.

Restaurant, ~~café~~ Neighborhood: A licensed commercial establishment subject to Vermont Health Regulations containing less than or equal to 2,000 gross square feet where food and drinks ~~and non-alcoholic beverages~~ are prepared, served, and consumed either on or off premises.

Restaurant, with drive-thru: A licensed commercial establishment subject to Vermont Health Regulations where customers order and are served food and non-alcoholic beverages at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

Retail Sales, and Neighborhood commercialCommercial Uses: Non-residential establishments consisting of no more than 2,500 gross square feet and intended to serve or accommodate the needs of a limited geographic segment of a community or area. Such uses include but are not limited to: neighborhood convenience stores, hardware and general merchandise; pharmacies, ~~and cafes~~ or similar uses.

Retail sales: Establishments engaged in selling an assortment of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Setback: The distance between the nearest portion of a building projection on a lot and the right-of-way of the street or property line. Corner lots with frontage on two or more roads must meet front setback requirements for each adjoining road right-of-way. Above grade projections from a building such as roof overhangs, balconies, sills, cornices or similar architectural features may be permitted to extend up to 30 inches into required setbacks, except that no projection shall extend over a public or private right-of-way unless otherwise specified in these regulations.

Storage, outdoor: The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.

Structure: Means an assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall, or fence.

Structure, temporary: An assembly of material for occupancy or use which lacks a permanent foundation and can be easily removed.

Subdivision: The division of any lot, parcel, or tract of land into two or more lots, plots, sites, parcels of other division for any purpose. See **Section 6.2** for exemptions.

Substantially Commenced: For new construction to be considered substantially commenced it shall include either the first placement of permanent construction of a structure on a site such as the pouring of slab or footings; the installation of piles; the construction of columns; or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Substantially commenced does not include land preparation such as clearing; grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units; or not part of the main structure. For improvements to an existing structure, substantially commenced means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Supporting Use: A use that is clearly subordinate to the primary use on a lot. A supporting use may be considered on a conditional basis by the DRB if the use is not otherwise permitted in the zoning district where it is proposed and the property is in conformance (or could be made conforming) with these regulations.

Technical deficiency: Means a defect in a proposed plan or bylaw, or any amendment or repeal thereof, correction of which does not involve substantive change to the proposal, including corrections to grammar, spelling, and punctuation as well as the numbering of sections.

Vehicle Repair & Sales: A building or establishment where the following activities may occur: selling or leasing vehicles, general repair, engine rebuilding, reconditioning of vehicles, collision repair, painting, and general maintenance. No abandoned vehicles shall be stored on the premises.

Wall: Any solid assemblage of materials intended to separate or delineate one space from another. Walls are typically constructed of brick, stone, masonry, or similar materials. Walls can be standalone features or may be designed and engineered to hold back earth.

Wetlands: Means those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Yard, Front: The area between the fronting street and the primary structure on the property.

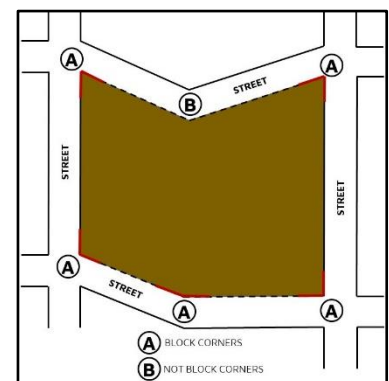
DRAFT

F. **Bonus Story.** Where an Urban General or Urban Storefront property has been approved by the City as eligible for a BONUS STORY, it is entitled to the maximum story limit and ULTIMATE BUILDING HEIGHT identified in the BFS.

1. To be eligible for a BONUS STORY, each project must meet or exceed at least one of the following:
 - a. ~~Affordable Housing. The uppermost FULL story will be allowed so long as a Gross Floor Area equal to 50% of that additional story is provided in the same building as Affordable Housing, as defined as 80% to 120% of Area Median Household Income (See Affordable Housing Development and Performance Standards in Section 804 for further requirements).~~ See Section 5.14.E.3 for bonus story requirements related to affordable housing.
 - b. Sound Mitigation Construction Standards. Construction of the building shall meet or exceed sound mitigation standards to limit interior acoustic levels from external influences to no more than 45 decibels and incorporate windows and doors with a minimum sound transmission class rating of 30.
 - c. Green Building Construction Standards. Construction shall meet or exceed a LEED rating of no less than Silver as identified by the U.S. Green Building Council or equivalent green building construction standard.
2. Documentation certified by a Vermont Licensed Engineer or equivalent design professional shall be submitted with the application verifying the standards under subpart b or c above in order to qualify for the BONUS STORY.
3. The BONUS STORY shall only be constructed within 80 feet of the RBL.

G. **Siting.** Siting of buildings is critical to establishing a vibrant and active STREET SPACE. The following information describes the requirements related to the siting of buildings

1. Building FAÇADES shall be built to the RBL as prescribed in the BFS.
2. The building FAÇADE shall be built to the RBL within 30 feet of a BLOCK CORNER, unless otherwise specified in the BFS. *(See diagram 402.G.2.)*
3. The RBL, for all BFS frontages except Detached, designated on the REGULATING PLAN as an absolute line, incorporates an offset area (or depth) of 24 inches behind that line (into the BUILDABLE AREA). Therefore, where the FAÇADE is placed within that 24-inch zone, it is considered to be "built to" the RBL.



402.G.2

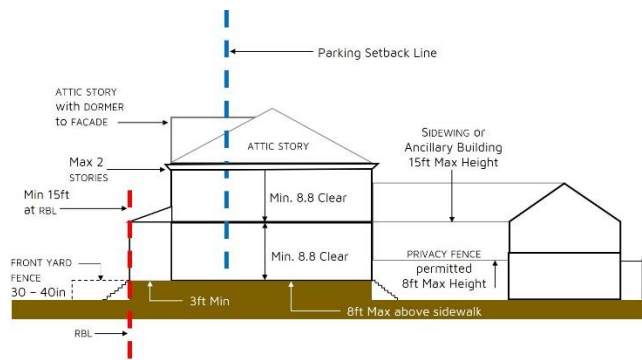
406. Detached Frontage

ILLUSTRATIONS AND INTENT

Note: These photos and statements are provided as illustrations of intent and are advisory only. They do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Detached Building form standard. Where these photos or statements may be inconsistent with the regulations, the regulations prevail.

The detached frontage is represented by the traditional single family house with small front, side, and rear yards along a tree-lined street. Structures are 1 to 2 stories in height with pitched roofs and front porches. Its purpose is to reinforce the character of existing single family neighborhoods.





HEIGHT

Building Height

1. Each building shall be at least 15 feet tall at the REQUIRED BUILDING LINE (RBL), but no greater than 2 STORIES with an ULTIMATE BUILDING HEIGHT of 27 feet.
2. A SIDEWING or ancillary structure shall be no higher than 15 feet.

Ground Story Height

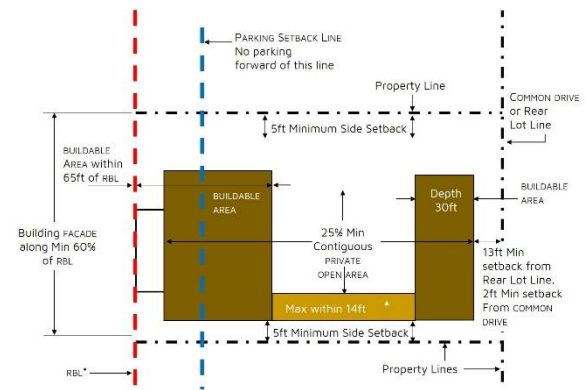
1. The finished floor elevation shall be no less than 3 feet and no more than 8 feet above the average exterior sidewalk elevation at the RBL.
2. At least 80% of the first story shall have an interior CLEAR HEIGHT of at least 8.8 feet.

Upper Story Height

1. At least 80% of each upper story shall have an interior CLEAR HEIGHT of at least 8.8 feet.

Front Yard Fence

Any FRONT YARD FENCE has a minimum height of 30 inches and a maximum height of 40 inches.



SITING

Façade

1. *For Detached frontages the REQUIRED BUILDING LINE (RBL) shall be ~~ten (10)~~ feet deep/wide, extending into the lot (see 402.G.4).
2. On each lot the FAÇADE shall be built parallel to the ~~REQUIRED BUILDING LINE (RBL)~~ for at least 60% of the building width. The FRONT PORCH shall be built to the RBL.
3. For CORNER LOTS the minimum 60% build-to shall include the frontage within 20 feet of the BLOCK CORNER.

Buildable Area

1. The BUILDABLE AREA is ~~as defined in~~ on the diagram above.
2. A contiguous PRIVATE OPEN AREA equal to at least 25% of the total BUILDABLE AREA shall be preserved on every lot. Such contiguous area shall be located at grade, anywhere behind the PARKING SETBACK LINE and not include any side or rear setbacks.

Lot Size and Setbacks

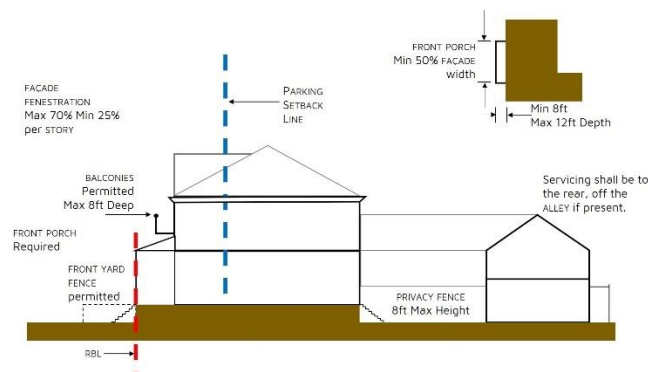
1. All lots of record are buildable under this code.
2. Newly subdivided lots shall have a minimum width at the RBL of 32 feet for all uses, and a maximum width of 55 feet for single- or two-unit dwellings; or a maximum width of 100 feet for three- or four-unit dwellings at the RBL; and a minimum depth of ~~85-75~~ feet for all lots.
3. The minimum side lot setbacks are 5 feet or as otherwise designated on the REGULATING PLAN.

Front Yard

1. The FRONT YARD/DOORYARD shall not be paved excepting walkways.
2. Where through lots or CORNER LOTS exist, any FRONT YARD standards shall be applied on both STREET-SPACE FRONTAGES.

Garages, Parking and Common drives

1. Garage doors shall not be located on the RBL/FAÇADE.
2. There is a 2 foot required setback from COMMON DRIVES.



ELEMENTS

Fenestration

- Blank lengths of wall exceeding 15 linear feet are prohibited on all FAÇADES.
- FENESTRATION shall comprise at least 25%, but not more than 70%, of all FAÇADES.
- No window may face or direct views toward a COMMON LOT LINE within 10 feet unless:
 - that view is contained within the lot (e.g. by a PRIVACY FENCE/GARDEN WALL), or
 - the window sill is at least 6 feet above the finished floor level.

Building Projections

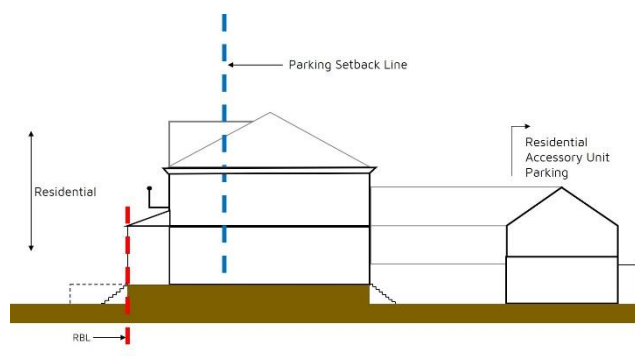
- Each building FAÇADE shall include a FRONT PORCH at the RBL, between 8 feet and 12 feet deep with a width not less than 1/2 of the FAÇADE width.
- No building element except the FRONT PORCH eaves and steps may encroach beyond the RBL into the DOORYARD.

Doors/Entries

At least one functioning entry door shall be provided along the GROUND STORY FAÇADE of each building FAÇADE.

Street Walls and Fences

- There is no STREET WALL requirement.
- Any FRONT YARD FENCE shall be within one foot of the CLEAR WALKWAY/DOORYARD line parallel to the RBL and along COMMON LOT LINES to a point at least 10 feet behind the RBL.
- A PRIVACY FENCE may be constructed along a COMMON LOT LINE behind the FAÇADE.



USE

All Stories

- Only ~~RESIDENTIAL~~ uses are permitted. This includes ~~Home Occupation~~ uses listed in Article II, Section 2.4 of these regulations are permitted in the Detached Frontage Building Form Standard.
- Individual DETACHED lots may have up to ~~two~~ four residential dwelling units, ~~plus one ACCESSORY UNIT, provided one unit is owner occupied.~~ within the same structure, plus one ACCESSORY DWELLING UNIT as outlined in Section 5.1.

Gateway District Perimeter Frontages

Where a Detached frontage at the perimeter of the Gateway District is under common ownership with an Urban General frontage: the front porch and side setback requirements are waived. The building may then be attached and a part of the adjacent Urban General building. The façade shall then be built to the RBL instead of the front porch.

604. ___-Roofs and Parapets

A. **Applicability.** The following shall apply only WHERE CLEARLY VISIBLE FROM THE STREET-SPACE.

B. **Intent.** The following information is intended for advisory purposes only. Specific regulations regarding roofs and parapets are described on the following page(s).

1. ___ Roofs and parapets should demonstrate common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the district. Roof forms are not interchangeable. The roof type is integral to the design of the building and its architectural character.

2. ___ The slope of a pitched roof is determined by local climatic conditions (such as the ability to shed snow loads) and physical properties of the roofing material.

3. ___ Parapets are low guarding walls at the edge of roofs (usually flat) and are formed by extensions of the building FAÇADES.

4. ___ Cornices are crowning (trim) projections on a parapet wall. While the code contains parameters for the horizontal projection, these elements should be designed to be appropriate for the building and proportionate for the dimensions of the FAÇADE.



Roof with multiple pitch configurations



Pitched roof with enclosed eaves

The illustrations and statements of subsection B. Intent, are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



Parapet wall with projecting cornice



Pitched roof gable end with brackets



Parapet wall with coping



Projecting cornice



Overhanging eave



Pitched roof with large overhang, brackets, and exposed rafter tails

C.

Materials. Only the following roofing materials are permitted:

1. ~~Only the following roofing materials are permitted:~~

- ~~a~~1. Clay or concrete (faux clay).
- ~~b~~2. Tile (beavertail or flat roman).
- ~~c~~3. Slate (and equivalent synthetic or better).
- ~~d~~4. Metal (standing seam, equivalent or better).
- ~~e~~5. Dimensional Architectural Grade composition shingles.
- ~~f~~6. Wood Shingles

~~2D.~~ **Additional Permitted Roof Features.** The following features are permitted with all roof configurations:

- ~~a~~1. Skylights and Solar Panels.
- ~~b~~2. Cornices and soffits may be a combination of wood, vinyl, synthetic materials (above the second story) as approved by the Zoning Administrator, and/or metal.
- ~~c~~3. Gutters and downspouts may be vinyl, and/or metal in accordance with industry standards.

~~DE.~~ **Configurations and Techniques.** The following configurations and techniques are permitted for the roof types listed below. Other roof types, while not explicitly called out, are also permitted in context with building design.

1. Flat Roofs with Parapet Walls are ~~Are~~ allowed for General Urban, General Storefront, and

Townhouse/Small Apartment frontage sites where the roof material is not visible from any adjacent STREET-SPACE.

2. Pitched Roofs. The Pitch (exclusive of roofs behind parapet walls) of any roof shall comply with the following ratios:
 - a. Simple hip and gable roofs shall be pitched between 5:12 and 12:12.
 - b. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.
 - c. ATTIC STORIES or roofs with a pitch that exceeds 12:12 (or a 45% slope) shall count towards the ULTIMATE BUILDING HEIGHT or STORY height measurement, but do not require compliance with the CLEAR STORY HEIGHT standards for the BFS where it is located.
3. Overhang Requirements. The following shall apply to all roof overhangs:
 - a. Eaves shall overhang 8 to 30 inches on the primary structure.
 - b. Eaves on accessory buildings, dormers, and other smaller structures shall overhang at least six inches.
 - c. Timber eaves and balcony brackets shall be a minimum of three ~~four~~ inches by three inches in dimension.
 - d. Buildings may satisfy the overhang requirement with a cornice or similar form projecting from near the top of the building wall horizontally between 6 and 24 inches beyond the building wall.
4. ~~Other Features~~Roof vents are permitted only on the roof plane opposite the STREET-SPACE (or REQUIRED BUILDING LINE) or when shielded from STREET-SPACE view by the building's parapet wall.

607. Signage

- A. **Applicability.** The following shall apply only WHERE CLEARLY VISIBLE FROM THE STREET-SPACE.
- B. **Intent.** The following information is intended for advisory purposes only. Specific regulations regarding signs and signage are described on the following page(s).
1. Signs along commercial frontages should be clear, informative to the public and durable.
 2. Signs should be scaled and detailed for this mixed-use, pedestrian- oriented area and not for high speed automobile traffic.
 3. Signage that is glaring or too large creates distraction, intrudes into or lessens the urban experience, and creates visual clutter.
 4. The substitution clause in Section 4.4514.C and Temporary Signs clause in Section 4.14.F of the Regulations applies to the Gateway Districts as well.

The illustrations and statements of subsection B. Intent, are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



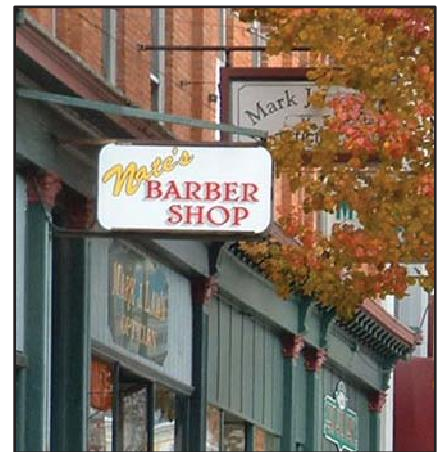
Parapet sign



Wall sign



Neon sign, within the building envelope



Blade sign



Window, blade, and awning signs



Wall sign

C. **General Design and Materials.** All signs must be consistent with the designs and materials identified below.

1. Wall signs are permitted within the area between the second STORY floor line and the first-floor ceiling, within a horizontal band not to exceed three feet in height. In no case may this band be higher than 24 feet or lower than 12 feet above the adjacent sidewalk.
2. Letters may not exceed 24 inches in height or width and 2 inches in relief. Signs may not come closer than two feet to an adjacent COMMON LOT LINE.
3. Company logos may be placed within the horizontal sign band or placed or painted within GROUND STORY and SHOPFRONT windows.
4. A single masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/ parapet wall or under the eaves, and above the upper STORY windows. Any such plaque shall be no larger than a rectangle of 18 square feet in size. Company logos or names in this position shall not be larger than a rectangle of eight square feet in size.
5. Blade signs and marquee signs are permitted. (Not more than two feet by three feet, vertical or horizontal with a minimum nine feet clear height above the sidewalk) may be hung within the permitted wall sign area, perpendicular to the REQUIRED BUILDING LINE or from a GROUND STORY overhang or AWNING.
6. Prohibited Signs: Billboards, free-standing pole signs, monument signs, any kind of animation, and roof signs are prohibited. No internally lit, flashing, traveling, animated, or intermittent lighting may be mounted on the exterior of any building whether such lighting is of temporary or long-term duration (they are allowed within the building behind the window glass, in the Urban General and Urban Storefront.) Portable or wheeled signs and advertising devices located outside any building shall not be permitted, pursuant to City regulations (excepting as provided in this Code for the DOORYARD area). Signs painted on FAÇADES are prohibited (excepting those existing prior to February 2015) but are permitted, subject to approval by the Zoning Administrator, on the other exterior walls (side, rear, and courtyard elevations).
7. Temporary Sandwich Boards - shall not exceed 12 square feet on each face. Signs may occupy the dooryard area only and shall not occupy the CLEAR SIDEWALK LINE, and must be removed when the business they advertise is closed.

D. **Awnings Overhangs.** The following standards shall apply to awnings and overhangs:

1. AWNING overhangs shall have a minimum of ten feet clear height above the sidewalk and be minimum of five feet deep, measured from the FAÇADE. The maximum depth is to back-of-curb or the TREE LAWN edge, whichever is less.
2. Only the following materials are permitted: canvas or equivalent (no shiny or reflective materials), metal or glass.
3. Internal illumination through the AWNING or overhang is not permitted.
4. Lettering on AWNINGS shall be limited to 6 inches in height on the outside edge/vertical face of the AWNING.

5. One-quarter cylinder configurations are not permitted.

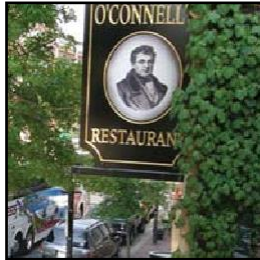
E. Lighting. Signs may only be lit in one of the following manners:

1. External lighting shall be designed and aimed to provide illumination directly towards the sign surfaces.
2. Lighting sources shall be top mounted only and, when possible, integrated into the sign structure.
3. Lighting shall be shielded to limit light spill and glare.
4. Back lighting is permitted so long as the sign lettering is of a solid material where the light does not shine through the lettering, only around the lettering.
5. Lighting shall be designed to complement the architectural materials and styles of the building.
6. Information necessary to comply with these standards shall be included with the application for zoning approval.

The illustrations below are advisory only.



Wall sign



Blade sign



Awning sign



Awning and wall signs

608. Lighting & Mechanical Equipment

A. **Applicability.** The following regulations shall apply district wide.
District wide.

B. **Intent.** The following information is intended for advisory purposes only. Specific regulations regarding lighting and mechanical equipment are described on the following page(s).

1. Appropriate lighting is desirable for night-time visibility, crime deterrence, and decoration.

2. However, lighting—~~Lighting~~ that is too bright or intense creates glare, hinders night vision, and creates light pollution.

3. Every attempt should be made to preserve the ambiance of the night by applying the appropriate fixtures in the correct locations – pedestrian-scaled streetlights should occur along all streets as per the City Street-lighting Regulation.

4. “Cobra-head” highway-type fixtures should only occur at intersections when absolutely necessary.

5. All materials and equipment chosen for lighting fixtures should be durable to age well without demanding maintenance requirements.

6. Mechanical equipment is generally any heating, ventilation, and air conditioning (HVAC) or electrical machinery but also includes air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements.

7. These elements should not be located in any public areas, be visible from the street, or detract/interfere with the pedestrian space.

The illustrations below are examples of mechanical equipment arrangements that are only acceptable away from and/or not visible from a STREET-SPACE (e.g. within a COMMON DRIVE or hidden from view).



Not permitted, visible from the STREET-



Not permitted, within the STREET-SPACE

The illustrations and statements of subsection B. Intent, are advisory only. Refer to the Code standards on the following page for the specific prescriptions of this section.



Street light with banner



Pedestrian-oriented



Not permitted, within the STREET-SPACE

C. Lighting

1. STREETLIGHTS and STREET TREE placement should be coordinated by the Department of Public Works. STREETLIGHTS should be located between 9 feet and 16 feet above grade with a maximum average spacing (per BLOCK FACE) of 70 feet on center on General Urban and General Storefront frontages, and 85 feet on Townhouse/ Small Apartment and Detached frontages along the STREET TREE ALIGNMENT LINE on each side of the STREET-SPACE (unless otherwise indicated on the REGULATING PLAN). STREETLIGHT and STREET TREE placement should be coordinated and should sit no closer than 10 feet.
2. At the building FAÇADE, exterior lights (maximum 100-watt incandescent or equivalent lumens) shall be mounted between 8 feet and 12 feet above the adjacent sidewalk. These fixtures shall illuminate the DOORYARD and CLEAR SIDEWALK area, and shall be shielded or aimed in such a way that they do not direct light upward, or out of the Gateway District.
3. All lots with COMMON DRIVES shall have lighting fixtures within five feet of the COMMON DRIVE. These fixtures shall illuminate the COMMON DRIVE, be between 9 and 16 feet in height, and not cause glare in adjacent lots.
4. Lighting elements shall be specified to proscribe those that cast a clearly/perceptively unnatural spectrum of light (such as low pressure sodium). LED, metal halide, or halogen elements with a spectrum of light more perceptively “natural” are preferred. HID or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) shall not be used on the exterior of buildings. These standards may be updated by the Zoning Administrator as technologies advance and produce additional EQUIVALENT OR BETTER lighting elements.
5. Floodlights or directional lights (maximum 100-watt incandescent or equivalent) may be used to illuminate COMMON DRIVES, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, the STREET-SPACE, or direct light out of the Gateway District.
6. Flood or uplighting may not be used to illuminate private building walls. Accent lighting may be permitted on CIVIC USE BUILDINGS or monuments, to highlight architectural features (such as church steeples or courthouse domes).
7. Site lighting shall be of a design, height and location so as to illuminate only the lot. An exterior lighting plan shall be approved as consistent with these standards by the Zoning Administrator.
8. Flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building whether such lighting is of temporary or long-term duration.
9. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) *intent*.
10. Temporary (per City regulations) Holiday Lighting is exempt from these regulations.
11. Refer to Section 607. E. for lighting related to signage

D. Mechanical Equipment

1. The following shall be placed behind and away from any REQUIRED BUILDING LINE, may not be stored or located within any STREET-SPACE, and shall be screened from view from the STREET-SPACE: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.
2. The following shall be screened from pedestrian-level view from the STREET-SPACE: air compressors, mechanical pumps, exterior water heaters, water softeners, garbage cans, storage tanks, and similar equipment.
3. Roof mounted equipment shall be placed behind and away from any REQUIRED BUILDING LINE and be screened from view from the STREET-SPACE.
4. Exhaust vents, air intake vents, or similar components of mechanical systems shall not be located within any STREET-SPACE regardless of height above the ground.
5. If circumstances are presented whereby mechanical equipment is too large to reasonably be screened, or located on a corner lot, it shall be situated such that it is in the least visually intrusive place to be functionally useful.
 - a. Measures shall be taken to integrate the equipment into the overall site plan or layout.
 - b. This integration may include paint treatments, material choices, or similar options to reduce the impact of the equipment in the context of the overall site.
6. Infrastructure specifically required for life safety, such as Fire Department Connections, may be permitted within the STREET-SPACE provided that:
 - a. The location is specifically identified by the Agency Having Jurisdiction as the preferred location to provide optimum service
 - b. The infrastructure does not obstruct or encroach into the CLEAR SIDEWALK.

804. Development and Performance Standards

~~H. Affordable Housing for Bonus Provision (see 402.F.1)~~

- ~~1. The units must remain affordable for at least 20 years.~~
- ~~2. Applicants must demonstrate that the housing costs will be affordable to occupants whose gross annual household income falls within 80 to 120% of the Area Median Household Income.~~

- a. ~~Applicants must provide the total annual cost of the housing as rent or expected mortgage payment with condominium association fees, and utilities.~~
 - b. ~~Applicants must demonstrate that the housing costs will be no greater than 30% of 80 to 120% of the Area Median Household Income.~~
3. ~~These affordability provisions shall be evidenced by deed restriction and recorded in the City Land Records. Draft documents must be submitted to the City with the Application for review.~~
4. ~~An audit must be submitted to the City on a two-year basis verifying that the units are being maintained in accordance with these provisions.~~
5. ~~The Certificate of Occupancy will be contingent upon perpetual affordability as defined herein. The Zoning Administrator has the authority to revoke the Certificate of Occupancy for the affordable units if these affordability requirements are not adhered to.~~

From: Doug Viehmann <dv@gvvarchitects.com>

Date: May 14, 2024 at 10:35:23 AM EDT

To: Meagan Tuttle <mtuttle@burlingtonvt.gov>, "Bruce D. Baker" <Bdbaker@burlingtonvt.gov>, Yves Bradley <ybradley@burlingtonvt.gov>, Michael Gaughan <mgaughan@burlingtonvt.gov>, Erin Malone <emalone@burlingtonvt.gov>, Julia Randall <jrandall@burlingtonvt.gov>, Andrew Montroll <amontroll@burlingtonvt.gov>, Alexander Friend <afriend@burlingtonvt.gov>

Cc: Joan Shannon <jshannon@burlingtonvt.gov>, Carter Neubieser <cneubieser@burlingtonvt.gov>

Subject: Comments for Neighborhood Code AFFORDABILITY

You don't often get email from dv@gvvarchitects.com. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

Unfortunately I cannot attend tonight's meeting due to a conflict with another board meeting I must attend.

I am attaching a few comments that should be considered to help build affordable units in the city.

I understand that the difference between 'affordable' and 'low income' can be misunderstood. With the cost of building today, even affordable housing will be beyond the reach of many.

In the 1950's, they understood that a three bedroom, 1,000 sf home was affordable. That same home on a private lot would be more expensive to build than affordable guidelines allow today.

I believe that smaller is more important to attain affordability than the false pretense that more=less cost.

Douglas Viehmann AIA - NCARB
G V V Architects, Inc
284 S Union St, Burlington, VT
802-862-9631 ph

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Comments on Zoning and Neighborhood code for affordability.

Items that decrease affordability:

4.4.5 (d) 4. C.(iii) Residential Occupancy Limits. (last sentence)

Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. HUD allows for 90 sf bedrooms. International Residential Code minimum is 70 sf. Smaller units will be less costly. 120 SF minimum is for 2 occupants in a bedroom and may be appropriate for a one bedroom unit.

11.1.3 Minimum Project Size.

2 acre minimum project size for PUD's in RL, RL-W, RCO-R/G zones. **This precludes condominium (ownership) development on lots under 2 acres, therefore a second building on a lot can only be a rental.**

FYI, adding a sprinkler system:

At 52- Isham street to change duplex to three units. Owner states: *"Seems like sprinkling the building is going to be upwards of 30, some offers coming in 40-50k..."* **Building codes may not be too easily revised, but other options need to be considered. Additional egress would relieve the need for sprinklers in this case, but the only place for that egress on this building is on the front, which has not been allowed in design review in the past.**



781 Blakely Road • Colchester, Vermont • 05446 • 802.264.5500

www.colchestervt.gov

Proposed Amendments to the Development Regulations

Notice of Public Hearing

Colchester Planning Commission

Tuesday, June 4, 2024

7:00 PM

TO: Chair of Planning Commission:

Burlington
Essex Junction
Essex Town
Milton
South Burlington
South Hero
Westford
Winooski

Charles Baker, Executive Director, Chittenden County Regional Planning
Commission

Taylor Newton, Planning Program Manager, Chittenden County Regional Planning
Commission

FROM: Cathynn LaRose, AICP, Director of Planning & Zoning

DATE: May 13, 2024

RE: Notice of Proposed Amendments to the Colchester Development Regulations,
known as Supplement 47

Pursuant to Title 24 VSA, Chapter 117, the Colchester Planning Commission will hold a public hearing on Tuesday, June 4, 2024, at 7 P.M. at the Colchester Town Offices, 781 Blakely Road, for the purpose of considering amendments to the Colchester Development Regulations. The proposed amendments, referred to as Supplement 47, are as follows:

- a. Modify bylaw relating to non-conforming uses [§2.12-A, Article 12];
- b. Clarify bylaw relating to assignment of uses as residential vs non-residential for purposes of height maximums in the LS1 and LS2 districts [Table A-2].

This is a summary of the proposed changes. Copies of the adopted and proposed regulations can be viewed at the Town Offices at 781 Blakely Road and the Burnham Memorial Library, 898 Main Street Colchester. They may also be viewed online at <https://colchestervt.gov/150/Planning-Zoning>

To participate in the hearing, you may 1) attend and speak in person or 2) send written comment to the Colchester Planning Commission via USPS at the address herein or via email to Cathyann LaRose, clarose@colchestervt.gov.

Background: Planning Commission and Public Outreach and Discussion

The Planning Commission held discussion of these items at several noticed meetings, including April 2, 2024 and May 7, 2024.

The Planning Commission has considered the proposed amendments for the purpose of fostering the goals and objectives of the adopted 2019 Colchester Town Plan.

Additional Documents and Resources:

- In accordance with 24 V.S.A. §4441, and included herein, the Colchester Planning Commission has prepared a report regarding the proposed amendments and adoption of the Town's Development Regulations.
- Minutes for all Colchester Planning Commission meetings, including those enumerated herein, may be viewed online at <https://clerkshq.com/Colchester-vt>.
- Formal public notice of this hearing has been transmitted to Seven Days VT and is expected to be published on May 15, 2024; it is also posted for public viewing at the Colchester Town Offices, the Colchester Post Office, and Colchester's Burnham Memorial Library. Public notice is also posted to the town's website, www.colchestervt.gov
- Please address any questions to Cathyann LaRose, Director of Planning and Zoning, at clarose@colchestervt.gov or by phone at 802-264-5606.
- Please address any comments to the Colchester Planning Commission, 781 Blakely Road, Colchester, VT or by email to Cathyann LaRose at the email or phone listed above.

TOWN OF COLCHESTER PLANNING COMMISSION
NOTICE OF PUBLIC HEARING
June 4, 2024

Colchester Development Regulations

Pursuant to Title 24 VSA, Chapter 117, the Colchester Planning Commission will hold a public hearing on Tuesday, June 4, 2024, at 7 P.M. at the Colchester Town Offices, 781 Blakely Road, for the purpose of considering amendments to the Colchester Development Regulations. The proposed amendments, referred to as Supplement 47, are as follows:

- a. Modify bylaw relating to non-conforming uses [§2.12-A, Article 12];
- b. Clarify bylaw relating to assignment of uses as residential vs non-residential for purposes of height maximums in the LS1 and LS2 districts [Table A-2].

This is a summary of the proposed changes. Copies of the adopted and proposed regulations can be viewed at the Town Offices at 781 Blakely Road. They may also be reviewed online at <http://www.colchestervt.gov>. To participate in the hearing, you may 1) attend and speak in person or 2) send written comment to the Colchester Planning Commission via USPS at the address herein or via email to Planning and Zoning Director Cathyann LaRose, clarose@colchestervt.gov.

COLCHESTER PLANNING COMMISSION

Publication date
May 15, 2024

Colchester Planning Commission
Proposed Amendments to the Colchester Development Regulations
Supplement 47

Amendment & Adoption Report
Approved May 7, 2024

Planning Commission Public Hearing
June 4, 2024
7:00 PM

Pursuant to Title 24 VSA, Chapter 117, the Colchester Planning Commission will hold a public hearing on Tuesday, June 4, 2024 at 7 P.M. at the Colchester Town Offices, 781 Blakely Rd, for the purpose of considering amendments to the Colchester Development Regulations.

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

Overview of Amendments

The proposed amendments shall be known as Supplement 47 and are as follows:

- a. Modify bylaw relating to non-conforming uses [§2.12-A, Article 12];
- b. Clarify bylaw relating to assignment of uses as residential vs non-residential for purposes of height maximums in the LS1 and LS2 districts [Table A-2].

These are a summary of the proposed changes. The existing and proposed regulations can be found at the Town Offices at 781 Blakely Road and may also be reviewed online at <http://www.colchestervt.gov>.

Background: Planning Commission and Public Outreach and Discussion

The Planning Commission held discussion of these items at several noticed meetings, including April 2, 2024 and May 7, 2024.

The Planning Commission has considered the proposed amendments for the purpose of fostering the goals and objectives of the adopted 2019 Colchester Town Plan. In doing so, the Commission has thoughtfully considered the following with respect to the proposed amendments:

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:**

These are minor amendments neutral to the availability of affordable housing.

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

The proposed changes, individually and as a whole, are aligned with the stated future land uses identified in the adopted 2019 Town Plan. No part of the proposed amendment is contradictory to the identified policies and actions within the adopted Plan.

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

The proposed changes to the regulations will not impact planned community-owned facilities.

This report is respectfully submitted by the Town of Colchester Planning Commission, having approved it May 7, 2024.