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

Burlington Planning Commission

Tuesday, June 25, 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
https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFIzdz09
Passcode: 658929
To Join the Meeting on a Phone
Number: +1 646 931 3860 US Meeting ID: 979 4188 3790

1. Agenda

2. Public Forum

Subject	**2.1. Speaker will be limited to no more than 3 minutes during the public forum.**
Meeting	June 25, 2024 - Agenda - Tuesday, June 25, 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. Recommended Action: Ask questions and provide feedback on the draft amendment.**
Meeting	June 25, 2024 - Agenda - Tuesday, June 25, 2024, 6:30 PM, Burlington Planning Commission
Category	5. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2
Department	Planning

Type

Recommended Action

6. Commissioner Items

7. Adopt Minutes

Subject	**7.1. Review and accept the 6/11 Planning Commission meeting minutes**
Meeting	June 25, 2024 - Agenda - Tuesday, June 25, 2024, 6:30 PM, Burlington Planning Commission
Category	7. Adopt Minutes
Department	Community & Economic Development Office (CEDO)

Type

8. Communications

8.1. Review and accept the communications.

9. Adjournment

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

www.burlingtonvt.gov/plan

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.

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.

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Office of City Planning, Planning Commission

Public Hearing Dates: _____
_____

In the Year Two Thousand Twenty-Four

First reading: _____
Referred to: _____

An Ordinance in Relation to

Rules suspended and placed in all stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

ZA-24-04 Neighborhood Code 2-A: Technical Corrections & PUD Standards

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

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sec. 3.4.2(b) Design Review Applicability; moves Map 4.5.1-1 Design Review Overlay District to Sec. 3.4.2(b) as amended and renumbered Map 3.4.2; amends Sec. 4.3.1(e) Residential Districts established; modifies Map 4.3.1-1 Base Zoning Districts; modifies Map 4.4.5-1 Residential Zoning Districts; updates Tables 4.4.5-1 and Tables 4.4.5-2; amends Sec. 4.4.5 (d) 1. B. Residential Development Bonuses; creates Sec 4.4.5-2 (d) 2. D. Exceptions to Maximum Building Footprint Limit; creates Section 4.4.5 (d) 4. D. Additional Unit; deletes Sec. 4.5.1 Design Review Overlay District and reserves section; deletes Sec. 5.4.5 Accessory Dwelling Units; amends Table 11.1.3-1 Planned Unit Development Project Size Standards; establishes Table 11.1.3-2 Planned Unit Development Standards in RL & RM; and amends Article 13 - Definitions thereof to read as follows:

Article 3: Applications, Permits, and Project Reviews
PART 3: IMPACT FEES

Sec. 3.3.3 Exemptions and Waivers

(a) Exemptions:

The following types of development are exempt from this Part:

1. additions to existing dwelling units, provided such additions are for residential purposes;
2. alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage;
3. land development which does not result in new building square footage (e.g. parking lots, facade renovations, signs, etc.);
4. additions to existing buildings for which the sole purpose is to provide additional means of egress (e.g. stair towers, elevators, etc).
5. the creation of an Accessory Dwelling Unit or Additional Unit on lot or with in Owner Occupied Single Detached Dwelling as described in Sec. 4.4.5 (d) 4. D.

Commented [SM1]: Added to explicitly state that ADUs are exempt from Impact Fees, per PC recommendation.

Waiting on a response from City Atty office per PC request to consider if ADU needs to appear in ordinance. Will be updated for July meeting.

DRAFT

Article 3: Applications, Permits, and Project Reviews
PART 4: SITE PLAN AND DESIGN REVIEW

Sec. 3.4.1 Purpose

These site plan review regulations are enacted to provide for the consideration of site features and their location and arrangement so as to protect important natural and cultural features, ensure the adequacy of parking and circulation, provide for necessary landscaping and screening, and protect and maintain the character and development pattern of the surrounding area.

Additionally, design review regulations are intended to provide for the detailed review of certain uses, structures, and architectural features in those areas of the city which contain structures of historical, architectural, or cultural merit, and where the community has a particular interest in the design of future development in order to address specific land development objectives.

Sec. 3.4.2 Applicability

(a) Site Plan Review:

Site Plan Review shall be required for the approval of all development subject to the provisions of this ordinance with the exception of single-family dwellings not otherwise subject to the requirements of Design Review.

(b) Design Review:

No structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of this part and the review criteria described in Art 6

Design Review ~~shall be required for the approval of all development subject to the provisions of this ordinance for~~within the following geographic areas or for all development subject to the following provisions:

1. For any projects located within the geographic areas as delineated as applicable on Map 3.4.2-1 ~~within the~~ Design Review ~~Overlay District~~Applicable ~~as defined in Article 4, Sec. 4.5.1, and any of the following:~~

~~1.~~2. For any projects within geographic areas delineated as not applicable on Map 3.4.2-1 but that are subject to the following provisions:

   ~~2.~~ a. ~~Any development subject to the provisions of~~ Article 3, Part 5 – Conditional Use and Major Impact Review;

   ~~3.~~ b. ~~Any development subject to the provisions of~~ Article 5, Part 3 – Non-Conformities;

   ~~4.~~ c. ~~Any development subject to the provisions of~~ Article 5, Part 4 – Special Use Regulations;

   ~~5.~~ d. ~~Any development subject to the provisions of~~ Sec. 7.1.6 Non-Conforming Signs and Article 7, Part 3 Sign Plans;

   ~~6.~~ e. ~~Any development subject to the provisions of~~ Article 10 – Subdivision;

   ~~7.~~ f. ~~Any development subject to the provisions of~~ Article 11 – Planned Development; and,

   g. A project within an RL District where a building contains 3 or more units or proposes more than one building on a lot subject to Sec. 4.4.5.

   ~~8.~~ h. Any development made subject to the provisions of this Part by direct reference not otherwise noted here.

Design Review shall not be required for:

1. Single detached dwellings and duplex dwellings within an RL district not otherwise subject to any of the above provisions.
2. All applications subject to the planBTV: Downtown Code under Art. 14, which ~~shall be exempt from review under this section, and the development review principles and standards contained in Article 6 – Development Review Standards, and~~ instead shall be subject to the requirements of Article 14.

Commented [MT2]: See the proposed changes to Art 3 & 4. This proposes to condense the applicability standards for design review from Article 3 & 4 together, proposes some approaches where there are gaps with new NC standards, and suggests a few minor map changes to resolve gaps between current map and NC Residential District boundary changes.

This does not fundamentally change the applicability of design review, but seeks to make it more clear. If a broader discussion about the locations/uses of design review is warranted, suggest removing this from Part 2-A and discussing in a subsequent amendment.

Commented [MT3]: This will move existing Map 4.5.1-1 to this location and renumber/rename accordingly.

Potential changes to the map to integrate existing policy with map changes from NC Part 1:

Areas that were RL that are now RM or RC – should they be added to Design Review? (RM used to be a threshold for requiring DR)

Commented [MT4]: By starting with the map of where DR is applicable, it presumes that all of the following project types are subject to DR within those zones. These are only needed to be retained for areas where DR would not otherwise be required by virtue of zoning district

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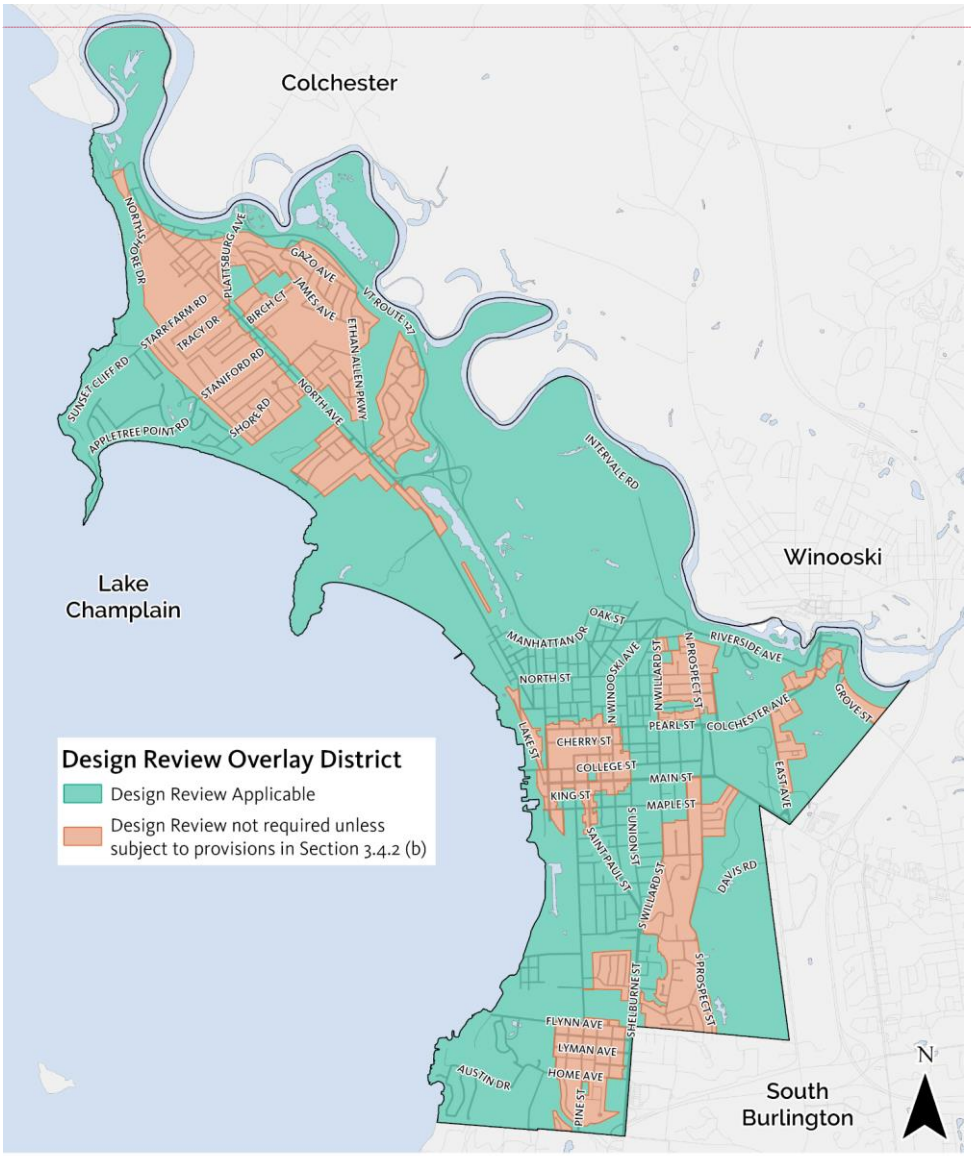


Map 3.4.2-1 Design Review Overlay District

Burlington Comprehensive Development Ordinance
Districts effective Jan. 30, 2008 with amendments effective 06-02-2021 (ZA-21-03)

Commented [SM5]: Incorporates the new Corridor District as well as RM areas previously zoned as RL into the Design Review Overlay District.

This new map also adjusts the colors used in an effort to make the map more intuitive.

Article 4: Zoning Maps and Districts

PART 3: ZONING DISTRICTS ESTABLISHED

Sec. 4.3.1 Base Districts Established:

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

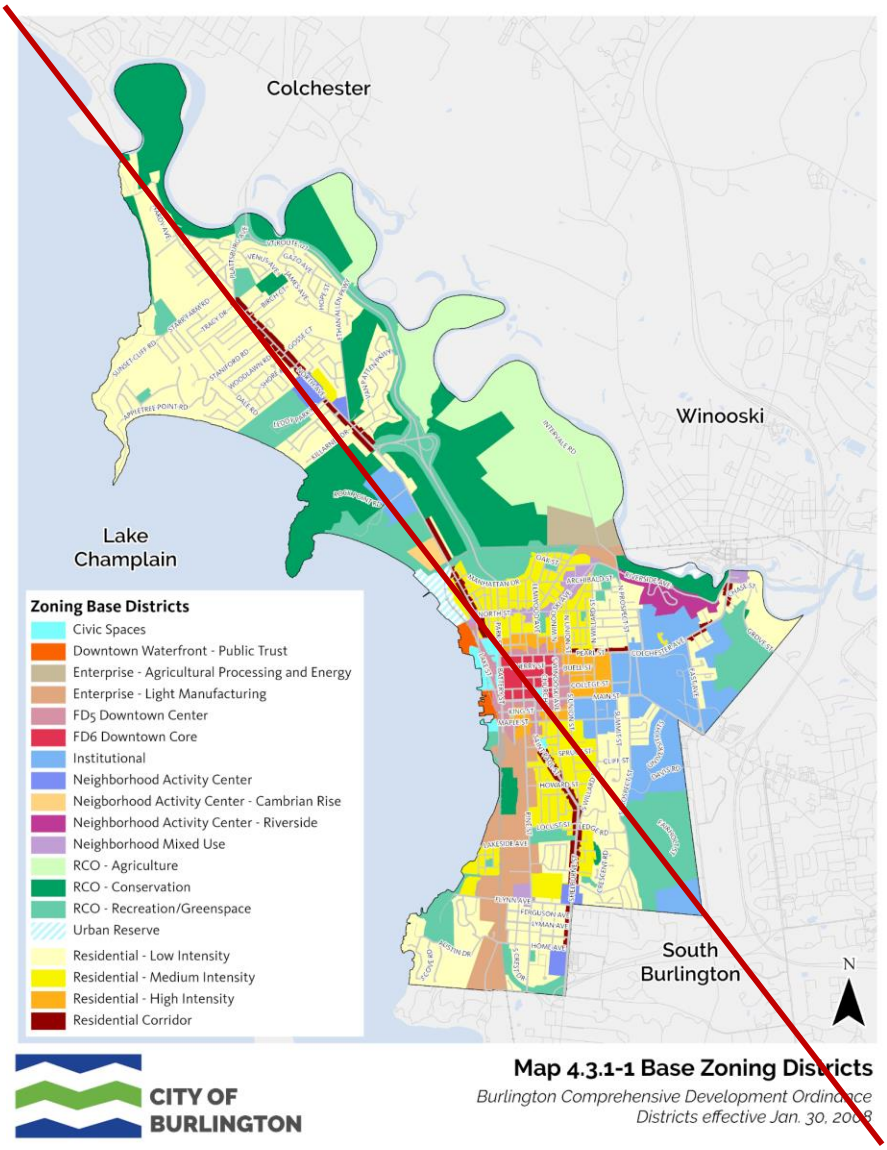
(a) through **(d)** – ***As Written***

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

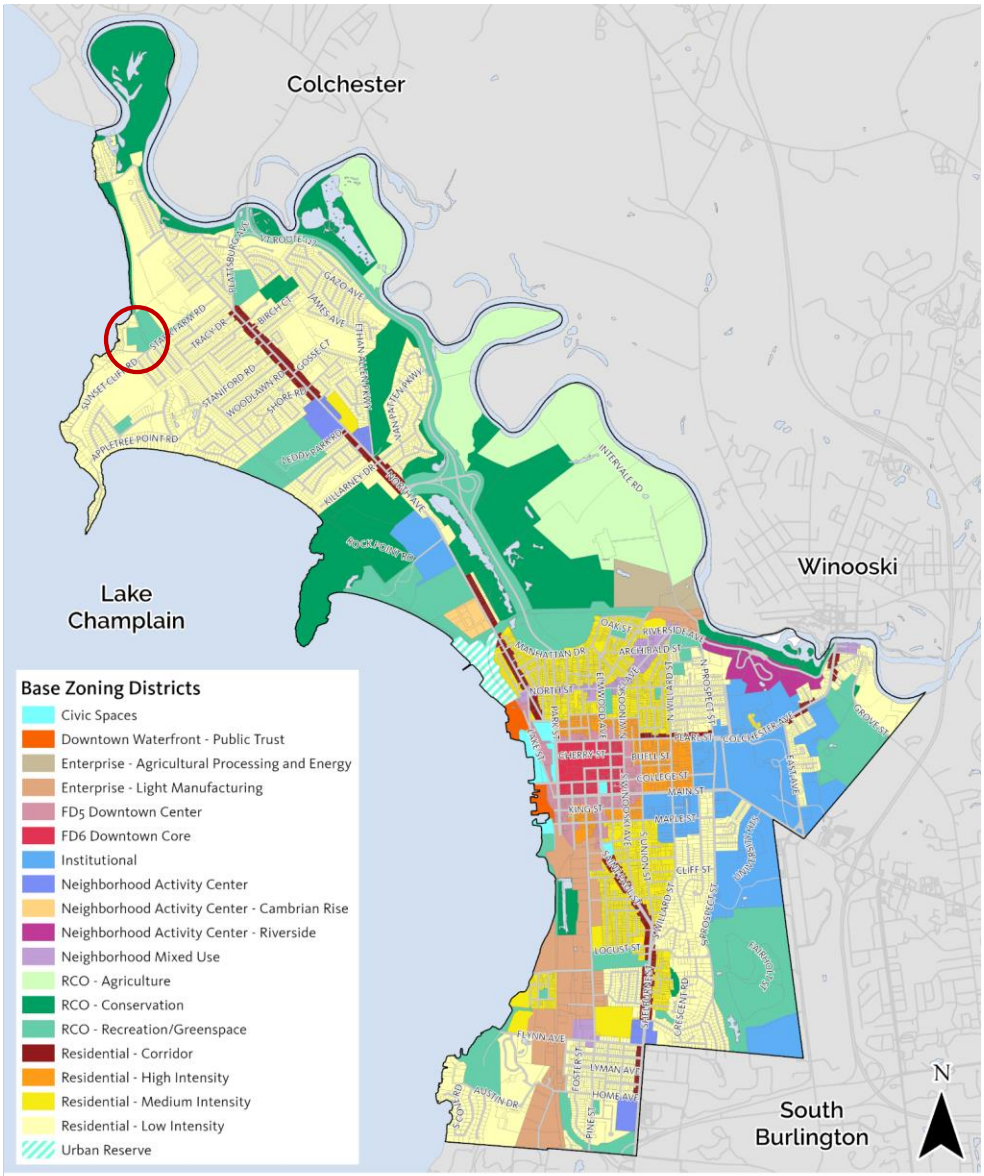
- Residential Corridor (RC), where mapped, this district applies to properties with street frontage on North Avenue, Colchester Avenue, and Shelburne Street to a maximum depth of 200 ft;
- Residential High Intensity (RH);
- Residential Medium Intensity (RM); and
- Residential Lower Intensity (RL);

(f) through **(g)** – ***As Written***

Commented [MT6]: Technical correction to clarify how to apply RC zone, and consistent with how the Downtown & Multimodal mixed use parking district works.



Map 4.3.1-1 Base Zoning Districts



Map 4.3.1-1 Base Zoning Districts
Burlington Comprehensive Development Ordinance
Districts effective Jan. 30, 2008 with amendments effective 06-05-24 (ZA-24-02)

Commented [MT7]: This corrects the inadvertent zoning change to portion of Starr Farm Park from ZA-24-02

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Article 4: Zoning Maps and Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

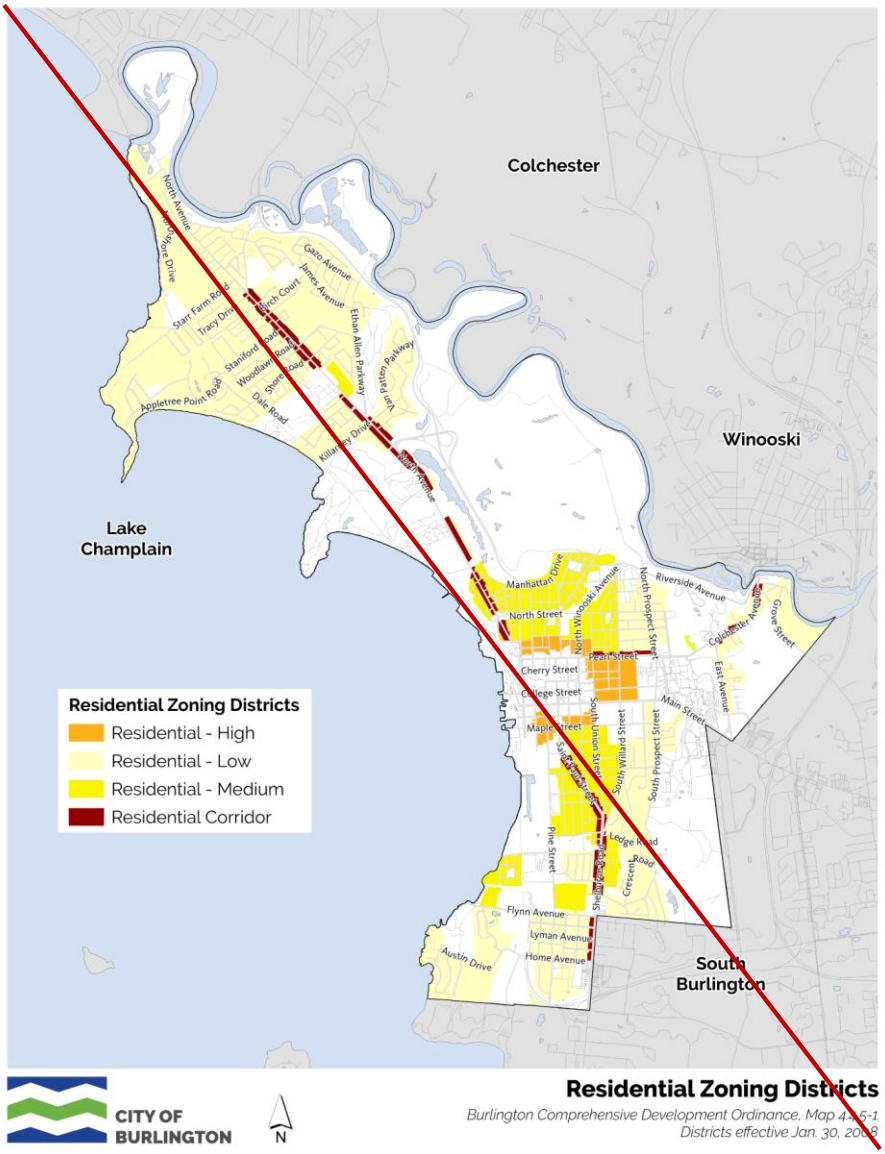
Sec. 4.4.5 Residential Districts

(a) Purpose:
As Written

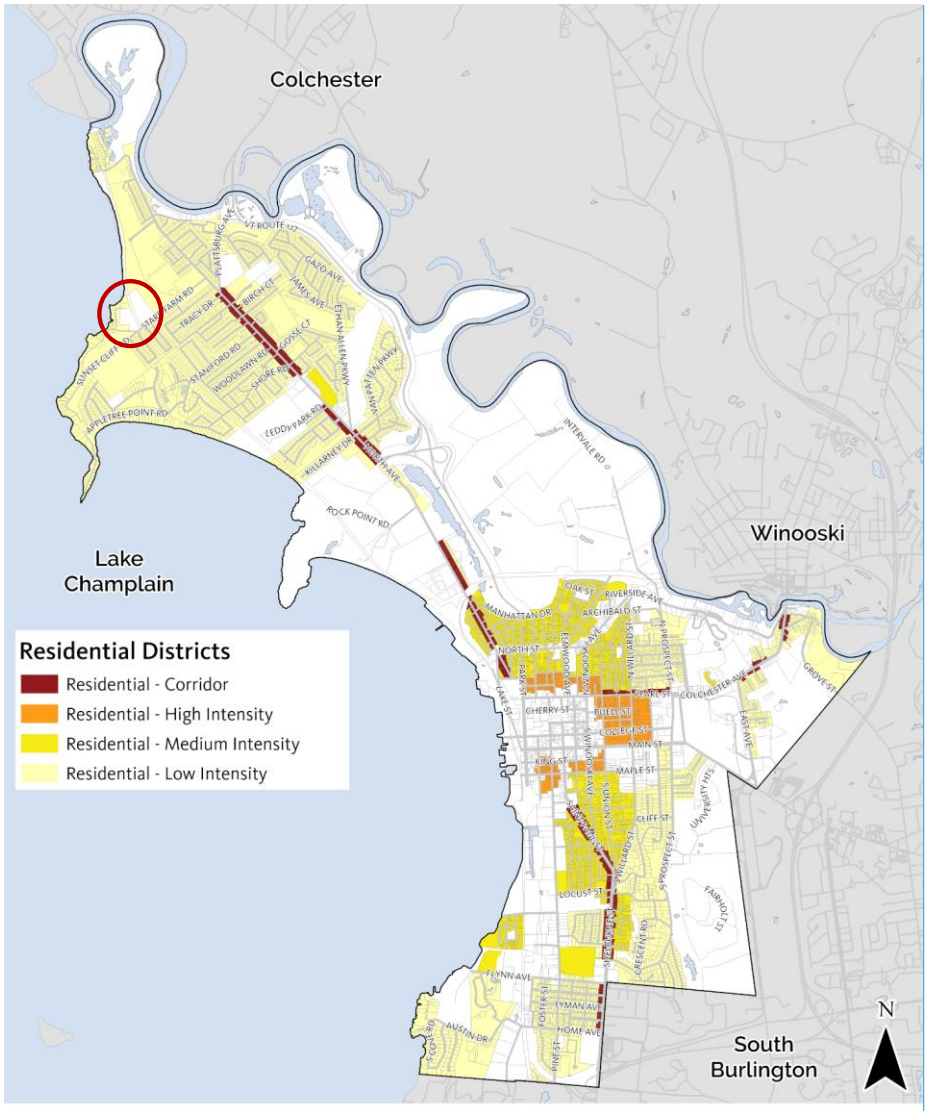
The Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

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

Commented [MT8]: Corrects an inconsistency between the purpose statement and tables that follow.


Colchester
Winooski
Lake Champlain
South Burlington
Residential Zoning Districts
Residential - High
Residential - Low
Residential - Medium
Residential Corridor
CITY OF BURLINGTON
N
Residential Zoning Districts
Burlington Comprehensive Development Ordinance, Map 4.4.5-1
Districts effective Jan. 30, 2018

116



Map 4.4.5-1 Residential Zoning Districts
Burlington Comprehensive Development Ordinance
Districts effective Jan. 30, 2008 with amendments effective 06-05-24 (ZA-24-02)

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Commented [MT9]: Makes same correction to Starr Farm.

Sec. 4.4.5 Residential Districts

(b) Dimensional Standards

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

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

District	Min. Lot Frontage[2,3,4,5] (linear feet)	Setbacks[1,6,7,8,9]			Lot Coverage[1,10]
		Front	Side	Rear	
Residential Low (RL)	30'	**Min:** Avg. of front setback 2 adjacent lots on both sides +/- 5 feet **Max required:** 25 ft	**Min:** 10% of lot width or avg. of side setback of 2 adjacent lots on both sides **Max required:** 20 ft	20 ft.	45%
Residential Medium (RM)				15 ft.	55%
Residential High (RH)	N/A				80%
Residential Corridor (RC)	N/A	**Min required:** 5 ft **Max permitted:** 20 ft			80%

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

Commented [MT10]: This is a placeholder for the lot cover footnote that will relate to Cottage courts in a future amendment, rather than deleting the stray footnote number from the table.

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

District	Max Height & Stories[1,3]	Max Dwelling Units per Structure[2,3]	Max. Principal Structure Footprint[3]	Max. Secondary Structure Footprint[3]	~~Max Building face before providing offset[5]~~ Max. Linear Elevation before offset[4]	Min. Distance between Structures on same lot
Residential Low (RL)	35’ 3 stories	4	1,800 sq.ft	1,100 sq.ft.	50’	15’
Residential Medium (RM)	35’ 3 stories	4	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50’ 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft.	N/A		

1. Details regarding the measurement of and exceptions to height limits are found in Art 5.
2. Minimum dwelling unit size is 350 sq.ft.
3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Table 4.4.5-3 or Article 11. Where an existing Principal Structure contains only an owner-occupied Single detached dwelling, and proposes to add one additional unit within the Principal Structure or in a Secondary Structure, see additional provisions in Sec. 4.4.5 (d) 4. D.
4. Required on all building ~~faces~~Elevations. Minimum offset is 5 ft measured perpendicular to the building ~~face~~ Elevation in excess of 50 ft linear feet.

(c) Permitted and Conditional Uses:
As Written

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

1. Additional Residential Development Permitted
In addition to any applicable development permitted according to Article 11- Planned Unit Development, the following additional development types and intensities shall be allowed within the Residential Districts, subject to the following standards.

A. Reserved

Table 4.4.5-3 Reserved

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

(i) Senior Housing Bonus
Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB for projects including exclusively senior housing provided the following conditions are met:

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

Commented [MT11]: Reference to Table 4.4.5-3 is an intentional placeholder for cottage courts in a future amendment.

Commented [MT12]: This is to call attention to the new section in the residential districts which brings the ADU standards into the NC details.

Commented [MT13]: FYI: This section was already adopted into the code as a placeholder for Cottage Courts related to the footnote comments in the tables above.

Commented [MT14]: This section has been updated to address how the development bonuses adapt to Table 4.4.5-2 and Article 11 approach recommended.

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

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

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

~~d)~~c) Lot coverage, height, and development intensity shall not exceed the following. The maximum dwelling units per building in Table 4.4.5-2 may be waived subject to the DRB approval under Article 11. ~~and residential densities shall not exceed the following:~~

Table 4.4.5-4: Senior Housing Bonus

District	Maximum Lot Coverage	Maximum Development Intensity ~~Density~~	Maximum Height
RL	~~44~~55%	~~20 du/ac~~ 1.5 FAR	4 stories, 50 ft
RM	~~48~~65%	~~40 du/ac~~1.75 FAR	
RH	9290%	~~80 du/ac~~ 2.0 FAR	5 stories, 62 ft.

(ii) Residential Conversion Bonus

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

a) Any applicable lot coverage, height, FAR, and units per building limits may be modified by the DRB up to a limit of 100% of the pre-application coverage, height and GFA condition.

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

~~**Table 4.4.5-5: Residential Conversion Bonus**~~

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

(iii) Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, and where any applicable development allowances per Article 9 are utilized, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

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

Commented [MT15]: This aligns the lot cover bonus to new NC standards for lot cover in these zones. Generally, this bonus previously allowed approx. a 10% lot cover for each district.

Commented [MT16]: Most often, these projects are going to be subject to PUD developments, vs small individual NC scale projects. Therefore, these bonuses are calibrated to the FAR that is allowed in the new proposed standards for Article 11.

Commented [MT17]: This did not used to allow an additional story in RL & RM. However, changes to Act 47 of 2023 state that if a project is providing 20% affordable housing, they shall be entitled to an extra story of height. Because this is separate from Article 9, and therefore any intensity bonuses afforded to a project under that, this change is necessary to ensure this bonus complies with state requirement.

Commented [MT18]: Previously, RH height was limited to 3 stories, and this bonus allowed an extra floor just for the RH district. If we wish to keep the extra floor bonus in RH, with the new height limit in RH of 4 stories, then this is the new max height.

Commented [MT19]: The focus here is on converting a non-conforming and non-residential use in a residential area to residential. This takes the approach that any existing non-conformity can be retained, but repurposed into residential uses with whatever # of units works within those limits.

Table 4.4.5-56: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum ~~Density~~FAR*	Maximum Height	Maximum Lot Coverage*
RH	~~80 du/ac~~2.0 FAR	~~45~~62-feet	~~92~~90%
RM	~~40 du/ac~~1.75 FAR	~~35~~50-feet	~~72~~65%
RL	~~20 du/ac~~1.5 FAR	~~35~~50-feet	~~62~~55%

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

2. Exceptions to Dimensional Standards

A. *through* **C – *As Written***

D. Exceptions to Maximum Building Footprint Limit

(i) Existing structures legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.4.5-2 shall not be considered non-conforming. Such buildings shall only be allowed to be converted, adaptively reused, or enlarged, including for the purpose of adding additional units, within the limits this part or as otherwise permitted in Sec. 5.4.8 or Article 11.

~~(i)~~(ii) Single-family homes legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.4.5-2 may be expanded to 125% of the pre-existing footprint, as long as no additional units are added.

3. Exception for Neighborhood Commercial Uses

As Written

4. Miscellaneous Standards

(A) Through ***(C) –As Written***

D. Additional Unit on lot or with in Owner Occupied Single Detached Dwelling

Where an existing Principal Structure in any Residential Zoning District contains only an owner-occupied Single Detached Dwelling, and an applicant proposes to add a single additional Accessory ~~d~~Dwelling U~~u~~nit (ADU) within the Principal Structure or within a detached Secondary Structure on the same lot as the owner-occupied home, the application ~~shall be eligible for~~shall be subject to administrative review and approval according to Sec.3.2.7 (a) 13, and exempt from paying impact fees, according to Sec. 3.3.3., except where otherwise required.

(e) Effective Date.

The amendments to this Section 4.4.5 that allow for a secondary structure within RL and RM zones, except as may otherwise be allowed by Article 11, are effective October 1, 2024.

Commented [MT20]: Renumbered because the prior table is getting deleted.

Commented [MT21]: This is to answer the question we have received about existing buildings that are already larger than the limit, as well as whether existing SF homes already bigger than 1800 sf should be allowed to expand.

Some policy questions have come up about why would exempt SF homes, and not buildings that allow another unit. Can discuss with PC if needed.

Commented [MT22]: Per commission discussion of using admin review and impact fee waiver as an owner incentive.

Commented [SM23]: Includes the term Accessory Dwelling Unit/ADU per the PC discussion on 6/11

Commented [SM24]: Removing "shall be eligible" to following PC discussion on 6/11 to prevent any questions that might come from using the term "eligibility"

Article 4: Zoning Maps and Districts
PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.1 ***Reserved*** ~~**Design Review Overlay District**~~

~~**(a) Purpose:**~~

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

~~**(b) Areas Covered:**~~

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

~~(1) The following zoning districts:~~

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

~~B. Portions of the Residential Districts as identified in Map 4.5.1-1 and described below.~~

~~(2) The following areas within Residential Districts:~~

~~A. All properties west of the Burlington Bike Path north of College Street;~~

~~B. All properties west of the Vermont Railway line south of Lakeside Ave;~~

~~C. All properties within 500' of Lake Champlain or the Winooski River;~~

~~D. All properties with frontage on Brooks Avenue;~~

~~E. All properties within the area bounded by Maple, South Willard, Howard and South Union streets;~~

~~F. All properties with frontage on the west side of South Union St. between Main and Howard streets;~~

~~G. All properties with frontage on the north side of Howard St. between South Union and St. Paul streets;~~

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

~~A. All nonresidential uses, residential uses with home occupations, or other conditional uses, having frontage on the following major streets:~~

~~(i) Shelburne Street, from its point of beginning southerly to its intersection with Home Avenue;~~

~~(ii) South Union Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;~~

~~(iii) St. Paul Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;~~

~~(iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett Street; and~~

~~(v) North Avenue, from its intersection with Convent Square northerly to its intersection with Plattsburg Avenue.~~

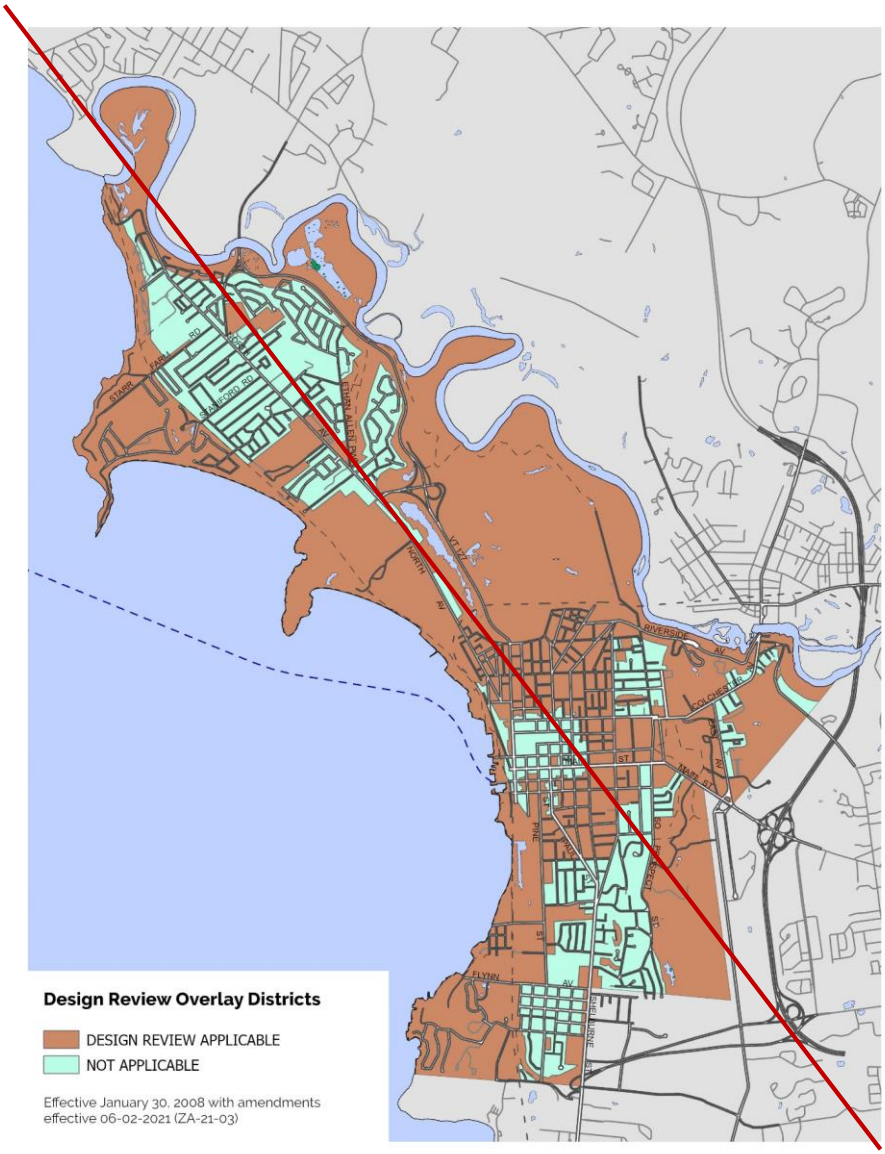
~~**(c) District Specific Regulations: Design Review Overlay District:**~~

Commented [MT25]: By creating the RC, which allows multiunit buildings and neighborhood commercial uses, effectively means that anything except a single family home or duplex within the RC would be subject to design review if we want to keep the same applicability thresholds. We should update the map to add RC areas to the "applicable" to make this clear.

The area covered by ii. is now in RM. Based on the other changes embedded here, same would apply: all but SF & duplex would be applicable.

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

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



~~Map 4.5.1-1: Design Review Overlay~~

Commented [MT26]: This map will be moved to Article 3, and may incorporate changes per the above sections.

Article 5: Citywide General Regulations
PART 2: DIMENSIONAL REQUIREMENTS

(b) Exceptions to Lot Coverage:

In all districts, the following shall not be counted as lot coverage:

1. through 9. – ***As Written***

10. ~~For~~ lot area occupied by an ADU, the DRB may approve up to 650 sq. ft. additional lot coverage over existing lot coverage, ~~even if present or proposed lot coverage exceeds the standard lot coverage limits. To grant such an exemption, the DRB must find that the existing lot coverage has been lawfully created, and that the proposed location, site design, and improvements will enable on-site management of the first one inch of stormwater runoff from the lot area of the ADU exceeding the applicable lot coverage limit, and will not have undue adverse impact on public rights of way based on the review of the DPW Stormwater Program Manager.~~

Commented [SM27]: Addressed in ZA-24-04's modest increases to the maximum allowable lot cover in Residential Districts.

Article 5: Citywide General Regulations
PART 4: SPECIAL USE REGULATIONS

Commented [MT28]: Per discussion with the PC, we collapsed this into an incentive within Sec. 4.4.5.

~~**Sec. 5.4.5 Accessory Dwelling Units**~~

~~**(a) Accessory Units, General Standards/Permitted Uses:**~~

~~Where there is a principal structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means a dwelling unit that is clearly subordinate to the principal dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:~~

~~1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and~~

~~2. The unit does not consist of more than 900 sq.ft., or 30 percent (30%) of the Gross Floor Area of the principal home, whichever is greater; and~~

~~3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and~~

~~4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.~~

~~**(b) Discontinuance of Accessory Units:**~~

~~Approval of an accessory dwelling unit is contingent upon owner-occupancy of either the principal or accessory dwelling unit as a primary residence. For purposes of this section, owner-occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the principal unit or in the accessory unit. If neither the principal unit nor the accessory unit is owner-occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval.~~

~~Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.~~

Article 11: Planned Development

PART 1: PLANNED UNIT DEVELOPMENT

Sec. 11.1.1 Intent. – *As Written*

Sec. 11.1.2 Authority.
These regulations are enacted under the provisions of 24 V.S.A. Section 4417.

Sec. 11.1.3 General Requirements and Applicability
With the exception of development subject to the requirements of Art 14, any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

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

Table 11.1.3-1 Planned Unit Development Project Size Standards

Districts	Minimum Project Size
RH, ~~RM,~~ Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, RCO-R/G, RM	~~2 acres or more~~0.5 acres[1]

1. See Table 11.1.3-2 for additional standards for PUD project sizes in the RL and RM districts.

Table 11.1.3-2 Planned Unit Development Standards

District	Lot Size	Setback		Max. FAR	Max. Bldg. Height	Max. Bldg. Footprint[2,3]	Max. Bldg. Elevation Before Providing Offset
		Front Internal ROW[1]	Project Periphery				
RL	0.5-1 Acre	0' Min 20' Max.	Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides. Max Required: 20 ft.	0.5	3 Stories 35 ft.	1,800 sq. ft.	N/A
	1–3 Acres					5,000 sq. ft.	50 ft.
	3+ Acres					15,000 sq. ft.	
RM	0.5-1 Acre			1.0			N/A
	1–3 Acres						50 ft.
	3+ Acres						

1. Front setbacks shall be measured from the edge of the Right-of-Way, that is fully internal to the project, to which the building draws its frontage. Buildings must be at least 10' from the curb or edge of a public Right-of-Way if no curb exists, except where the ROW is a Public Path, in which case the building must be at least 5' from the edge of the Public Path.
2. For projects within RL & RM zones, the limit on the number of primary and secondary structures is not applicable.

3. The DRB may grant an expansion beyond these maximum footprints for additions to existing buildings in excess of these footprint limits as of January 1, 2024.

Sec.11.1.4 Modification of Regulations.

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

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

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

Article 13: Definitions

Sec. 13.1.2 Definitions

Building Footprint: The sum of the area of the largest floor of a Building measured from the exterior Elevations. It does not include un-insulated porches if said areas are not used for human occupancy, nor protrusions in a wall (i.e. a bay window) if such protrusions do not create habitable area.

Elevation: An exterior wall of a Building.

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* Material stricken out deleted.
** Material underlined added.

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TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
Meagan Tuttle, AICP Director, Office of City Planning
DATE: June 11, 2024
RE: Proposed ZA-24-04 Neighborhood Code Part 2

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. Those changes evolved the residential zoning district standards, allowable uses, and district boundaries. This amendment, ZA-24-04, addresses the first series of additional amendments to incorporate the Neighborhood Code into other sections of the CDO, as well as to address technical corrections from ZA-24-02.

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, the Commission has discussed 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

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.

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

During the course of several meetings, the Commission has discussed the aforementioned proposed Part 2-A topics. Ultimately, the Neighborhood Code Part 2A amendment addresses the standards outlined below and issues while leaving some existing and previously adopted standards unchanged:

Neighborhood Code Part 2-B: Lot Subdivisions
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

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	**Text & Map Amendment**

Purpose Statement

This amendment augments Neighborhood Code Part 1 by making technical corrections to various standards for Residential Districts, streamlines ordinance sections related to Design Review applicability, and addresses standards for Planned Unit Developments and residential development bonuses.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal:

1) **Amends *Article 3 – Application, Permits, and Project Reviews* and *Article 4 - Zoning Maps and Districts* to clarify design review standards and expectations**

- Consolidates the applicability of Design Review and the Design Review Overlay zone into one section that provides clearer expectations of what is subject to review. In doing so, the amendment amends Sec. 3.4.2, deletes *Sec. 4.5.1 Design Review Overlay District* and moves *Map 4.5.1-1 Design Review Overlay to become Map 3.4.2-1*.

2) **Amends *Article 4 – Zoning Maps and Districts* to make the following technical corrections and clarifications:**

- Amends Sec. 4.3.1 to confirm that the Residential Corridor (RC) district, where mapped, apply only to properties with frontage on North Avenue, Colchester Avenue or Shelburne Street.
- Corrects the description of the Residential Corridor district in Sec. 4.4.5 to confirm the maximum building height of 4 stories.
- Makes a technical correction to replace an undefined term, "face," with the defined term, "Elevation," in order to facilitate project review and provide clarity.
- Corrects a mapping error on *Map 4.3.1-1 Base Zoning Districts* and *Map 4.4.5-1 Residential Zoning Districts*.
- Confirms that existing structures in excess of the building footprint limits in Table 4.4.5-2 shall not be considered non-conforming and cross-references provisions in Articles 5 and 11 that would allow for their reuse and/or expansion.
- Updates the density and intensity standards that apply to projects utilizing Residential Development Bonuses to be consistent with standards used in Tables 4.4.5-2 and Article 11.

3) **Amends *Article 3 – Applications, Permits, and Project Reviews, Article 4 – Zoning Maps and Districts* and *Article 5 – Citywide General Regulations* to clarify the relationship of Accessory Dwelling Units to Secondary Structures**

- Clarfies that the creation of an Accessory Dwelling Unit as described in Sec 4.4.5 (d) 4. D. is excempt from impact fees.
- Clarifies the relationship between secondary buildings allowed in the residential standards and citywide provisions for Accessory Dwelling Units (ADUs).
- Creates a new Miscellaneous Standard allowing for single additional dwelling units to be constructed on a lot with an existing owner-occupied Principal Structure under administrative review and with a waived impact fee.
- Removes the exception to lot cover related to Accessory Dwelling Units, which was taken into consideration when modestly increasing lot cover standards in ZA-24-02.

4) **Amends *Article 11 Planned Development* to establish standards for Planned Unit Development in the RL and RM districts.**

- Modifies Table 11.1.3-1 Planned Unit Development Project Size Standards to establish a new minimum size for PUDs in the RL and RM districts.
- Creates a new Table 11.3.1-2 Planned Unit Development Standards that creates new regulations for lot size, setbacks, Floor Area Ration, building height, building footprint and building elevations.

- Establishes a process wherein the Design Review Board may grant an expansion beyond this Section's maximum building footprint standards when a project proposes an addition to existing buildings.

5) Amends *Article 13 Definitions* to create new definitions for Building Footprint and Elevation

- Creates a new definition for Building Footprint to clarify how building mass is measured as regulated in Table 4.4.5-2.
- Creates a new definition for Elevation to clarify how building offset standards in Table 4.4.5-2 are applied.

Relationship to planBTV

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

Theme:	Dynamic	Distinctive	Inclusive	Connected
Land Use:	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent in many respects with the Land Use and Density-related policies of *planBTV.* Generally, the slow pace of housing construction and rising housing costs are noted as one of the biggest challenges facing Burlington. Since the Plan's adoption, these challenges have become more pronounced. The foundational policy response to this challenge is the Plan's call to "identify and address unintended or unnecessary barriers to creating new housing and commercial spaces within parts of the city that are suitable to accommodate additional development." To that end, these amendments are largely technical in nature and are intended to clarify for the public and staff the standards and processes regulating residential construction in Burlington's neighborhoods.

The "Sustain" theme intends to "anticipate small and incremental change that is consistent with existing development patterns, building scale and neighborhood character." The amendment's primary substantive changes address the topic of Planned Unit Development in the residential districts. These standards allow for more intensive infill development while remaining consistent with established built character on similar sites within Burlington's residential districts through the regulation of scale in various contexts.

Specific policy goals and objectives, and their nexus with the amendment, are provided below:

- A primary and foundational change proposed in the amendment is to provide additional clarity and specificity to the form-based approach established in Neighborhood Code Part 1. This change is supported by Objective 2.2.
- Objective 8.1 directs the community to "enable the development of additional housing at all income levels…by reducing regulatory barriers and disincentives to development, and encouraging infill and redevelopment of underutilized sites."

Impact on Safe & Affordable Housing

The amendment addresses safe and affordable housing in the following ways:

- In creating additional opportunities in some areas for developments where five or more homes are constructed, the amendment will help produce more purpose-built affordable homes through the Article 9 Inclusionary Zoning standards.
- In removing barriers to housing construction for all developers, including affordable housing developers, the amendment significantly expands the areas where such developers may operate and provide homes at scale.
- In facilitating the creation of more homes throughout the city, the amendment should help to slow the growth in housing costs as they relate to an undersupply.

- In facilitating greater choice in the housing market, the amendment will create expanded opportunities for aging-in-place, homes for individuals with disabilities who may require on-site assistance, and other types of supportive housing.
- Confirms established zoning standards facilitating Accessory Dwelling Unit construction, which are consistent with Objective 9.1.

Planned Community Facilities
This amendment has no direct impact on planned community facilities, aside from facilitating growth within the city's neighborhoods and thereby expanding the population of individuals with proximate access to such facilities.

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

Planning Commission Process				
Draft Amendment prepared by: Staff 6/25/24	**Presentation to & discussion by Commission Various Dates***	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion Various Dates*	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

* The Planning Commission met on the following dates within 2024: 4/23. 5/14, 5/28, 6/11

Neighborhood Code **Part 2-A**

Secondary Structures, Planned Unit Developments, and Technical Corrections

BTV Neighborhood Code Topics + Amendments

Neighborhood 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)

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

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)*

Topics to carry out with other departments:

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

Relationship to **Inclusionary Zoning** requirements

Solutions to **implementation** + **homeownership** opportunities

Neighborhood Code Part 2-A **Timeline**

6/11	6/25	7/9	7/23	8/13	8/27
Continue Discussion on Neighborhood Code 2-A (ZA-24-04)			Last day for Commission to warn ZA-24-04 for Public Hearing to meet 10/1 deadline		Hold Public Hearing + refer to City Council

- City Council or the Ordinance Committee should decide to warn ZA-24-04 for a Public Hearing by 9/19, allowing amendment to be in effect before the Secondary Structures standards go into effect on 10/1. City Council could then adopt ZA-24-04 during their meeting on 10/28.
- November 2024: Report on first 6 months of Neighborhood Code implementation (# applications submitted, # projects under construction, # units added)

Neighborhood Code Part 2-A: **Progress + Recommendations**

Considerations to Secondary Structures

- ✓ Height of Secondary Structures relative to primary structures: Leave as is and allow Secondary Structures to use the full height allowed in the district.
- ✓ Considerations for utilizing existing non-conforming and non-residential buildings that are encroaching in setbacks: Revisit discussion topic in a future zoning amendment related to Administrative Waivers.
- ❑ Relationship between secondary buildings and citywide provisions for ADUs: *Discuss drafted ordinance language provided by staff.*

Technical Corrections

- ✓ Update zoning map for Starr Farm Park
- ✓ Internal reference correction: Table 4.4.5-1 footnote
- ❑ Consolidation of interrelated Design Review standards into one section that provides clearer expectations of what is subject to review

Provide clarity on:

- ✓ What is considered in the definition of a "building footprint"
- ✓ What is considered as a building "face" in Table 4.4.5-2, related to the maximum building face before providing offset.
- ✓ Residential Corridor Districts: (1) Written description of height inconsistency and (2) frontage requirement

Planned Unit Development Standards

- ❑ Identify how base standards in residential areas may be modified by PUD's (i.e. building types & sizes, other urban design considerations). Consider relationship to Cottage Courts.
- ❑ Define minimum project size for projects to utilize PUD in RL areas
- ❑ Update Residential Density Bonuses in Sec. 4.4.5 to be consistent with approach to PUDs in these zones

Neighborhood Code **Part 2-A**

Current Discussion Topics + Recommendations

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

Discussion Topic: Relationship between secondary buildings and citywide provisions for Accessory Dwelling Units (ADUs) (CDO Sec. 5.4.5)

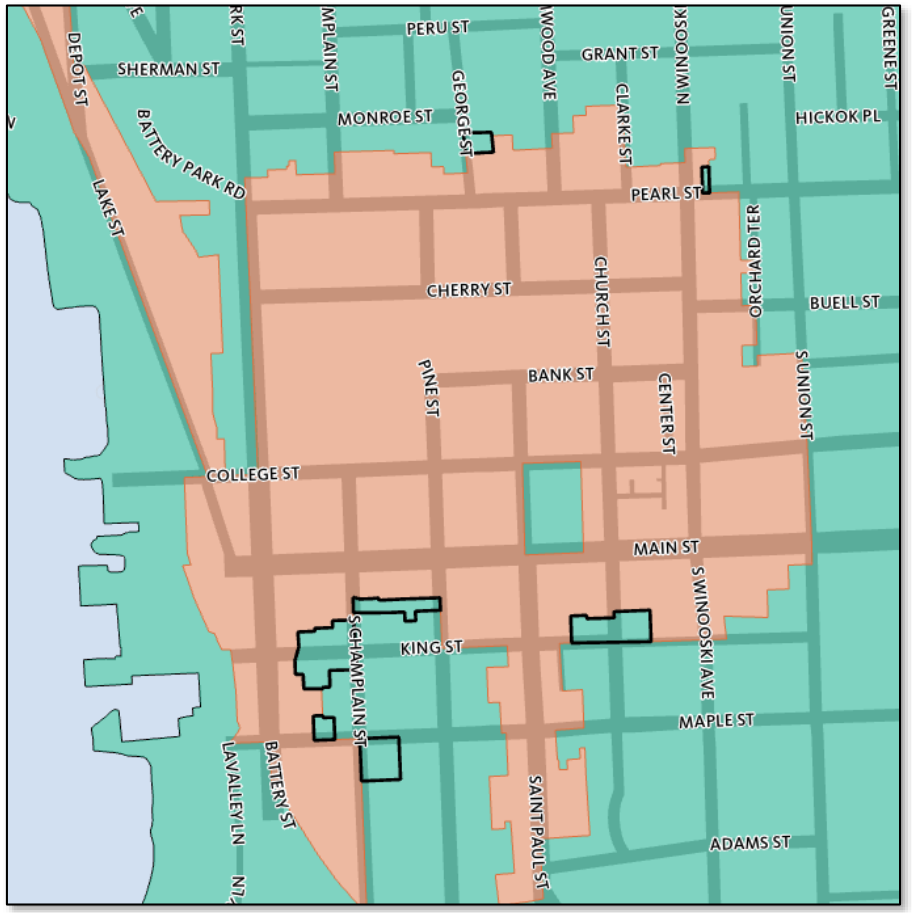
Key Question: Should the code maintain that ADUs continue to be differentiated from secondary structures, or should they rely on the allowance for secondary structures?

Staff Recommendation

- Make modifications to streamline the ordinance in an effort to make it less complex for the general user. Enable a situation where, if someone adds an additional unit in an owner-occupied unit or if they build a single-unit secondary structure meeting these requirements, they can benefit from these incentives (Impact fee, lot cover, admin review).

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

- Update Design Review Overlay District (Map 4.5.1-1) to reflect Downtown Form District boundaries



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

Discussion Topic: Continuity between three sections that provide specific directions on Design Review (CDO Sec. 3.4.2 (b) and CDO Sec. 4.5.1 and CDO Article 6)

Key Question: Should the interrelated Design Review standards described in Articles 3, 4, and 6 be consolidated into one section that provides clearer expectations of what projects are subject to Design Review and where?

CDO Article 3

- **Sec. 3.4.1:** Defines purpose of Design Review
- **Sec. 3.4.2(b):** Describes the circumstances in which Design Review or Site Plan Review is required for approval, including within the Design Review Overlay District

CDO Article 4

- **Sec. 4.5.1(a):** Defines purpose of Design Review Overlay District
- **Sec. 4.5.1(a):** Describes what geographic areas of the city are included in the Design Review Overlay District, as well as some other project types in RL areas not otherwise subject to review

CDO Article 6

- **Sec. 6.3.1:** Establishes that the Architectural Design Standards in Sec. 6.3.2 must be satisfied for the circumstances listed in Sec. 3.4.2(b).
- **Sec. 6.3.2:** Describes the Review Standards applicable for Design Review

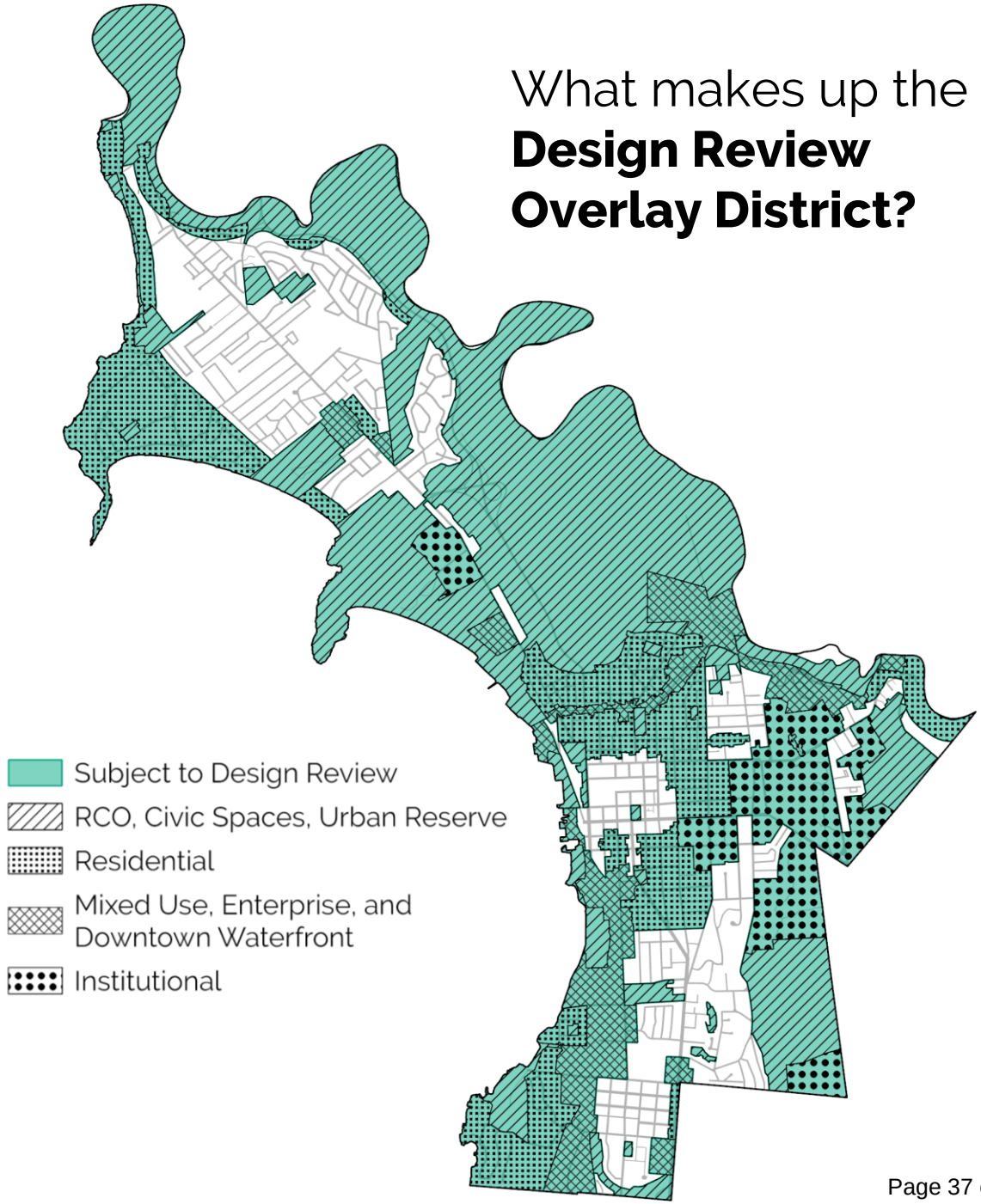
Neighborhood Code Part 2-A: **Technical Corrections**

Discussion Topic: Continuity between three sections that provide specific directions on Design Review (CDO Sec. 3.4.2 (b) and CDO Sec. 4.5.1 and CDO Article 6)

Design Review Overlay District does not currently apply to:

- Downtown Form Districts (because controlled by highly prescriptive urban design standards)
- Part of the areas formerly zoned as Residential-Low Density

What makes up the **Design Review Overlay District?**



Neighborhood Code Part 2-A:
Technical Corrections

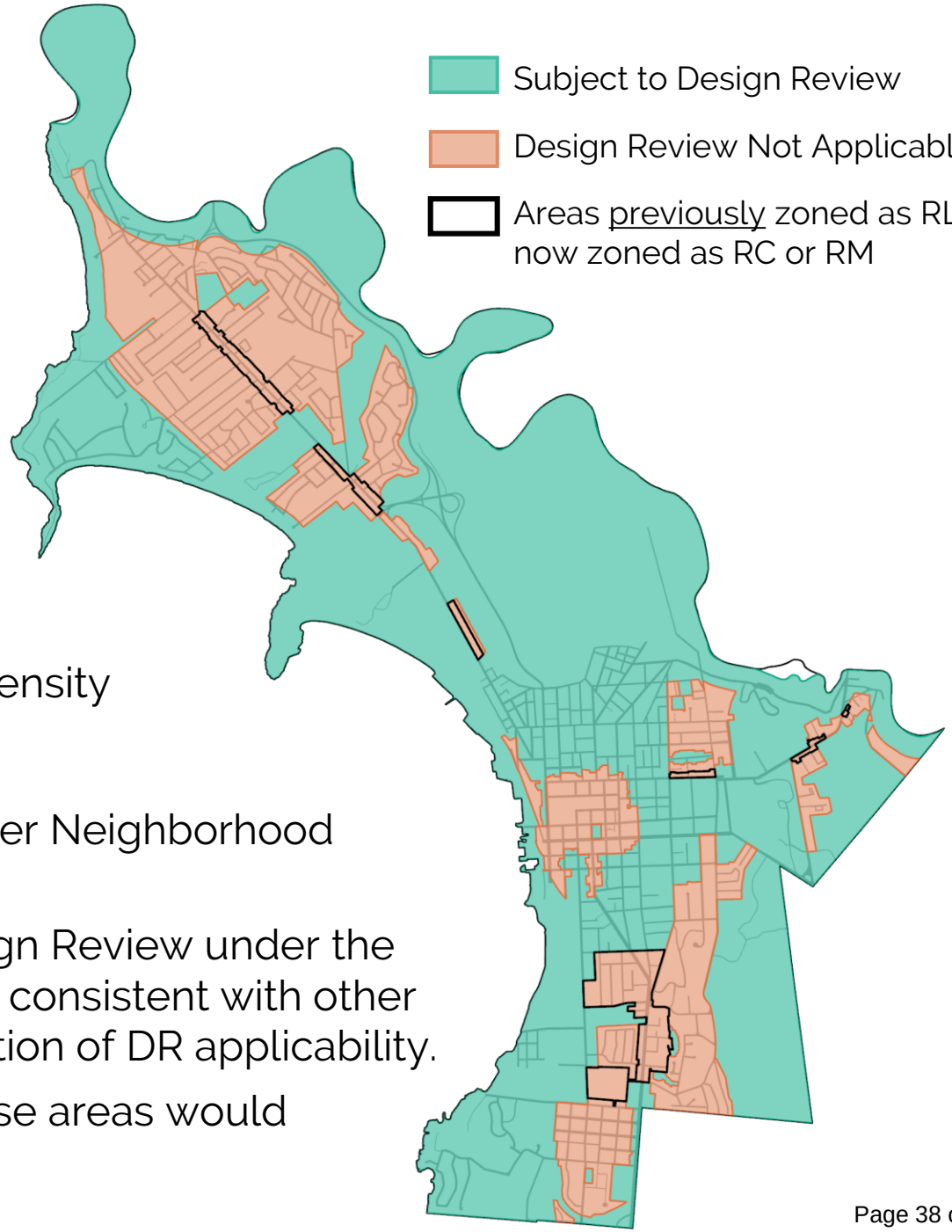
Discussion Topic: Continuity between three sections that provide specific directions on Design Review (CDO Sec. 3.4.2 (b) and CDO Sec. 4.5.1 and CDO Article 6)

Design Review Overlay District does not currently apply to:

- Downtown Form Districts
- Part of the areas formerly zoned as Residential-Low Density

Other Considerations:

- The areas on the right were re-zoned to RM or RC under Neighborhood Code Pt 1.
- Though not currently delineated as applicable to Design Review under the Overlay District, this makes all areas of RM/Mixed Use consistent with other areas of the city and/or the previously written description of DR applicability.
- Anything except a single family home or duplex in these areas would still be subject to Design Review

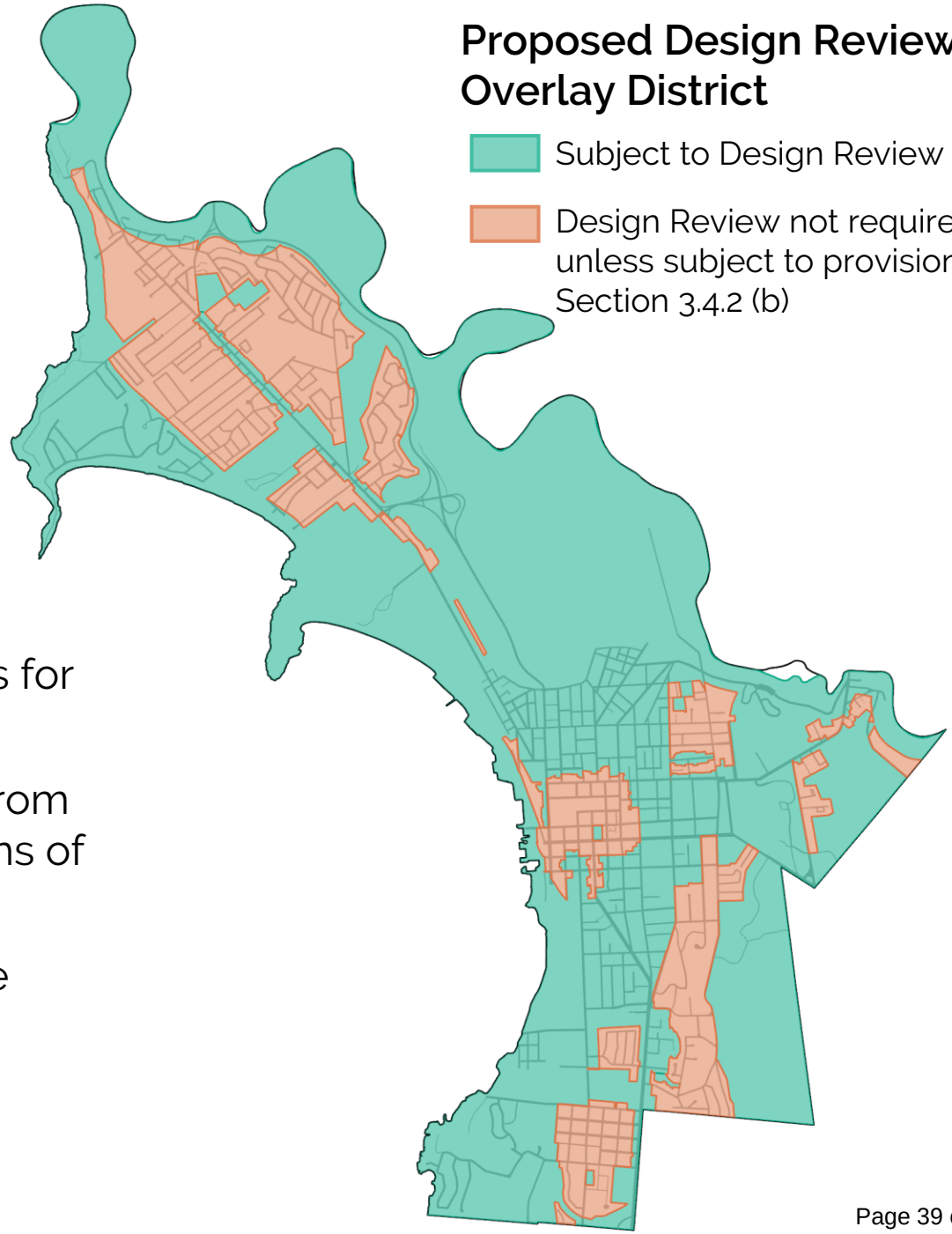


Neighborhood Code Part 2-A:
Technical Corrections

Discussion Topic: Continuity between three sections that provide specific directions on Design Review (CDO Sec. 3.4.2 (b) and CDO Sec. 4.5.1 and CDO Article 6)

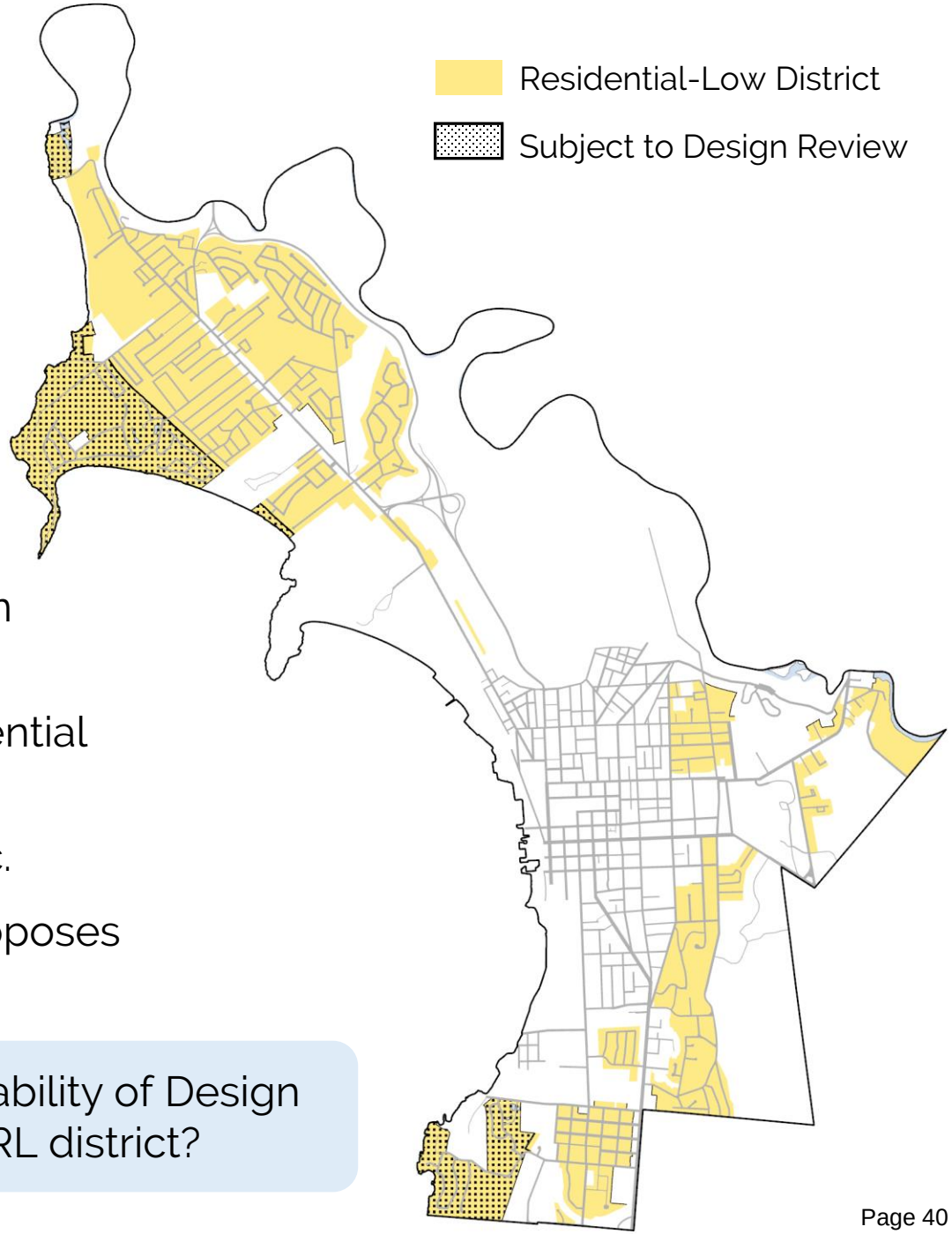
Staff Recommendations

- Neighborhood Code Part 2 should consider ways to provide more continuity between these three sections for transparency and ease of reference
- Condense applicability standards for Design Review from Articles 3 + 4 in an effort to provide clearer expectations of what is subject to review
- Resolve gaps between current overlay district and the changes in district boundaries made in ZA-24-02



Neighborhood Code Part 2-A:
Technical Corrections

Discussion Topic: Continuity between three sections that provide specific directions on Design Review (CDO Sec. 3.4.2 (b) and CDO Sec. 4.5.1 and CDO Article 6)



Considerations related to the Residential-Low District

A project located in the RL district is ***not*** subject to Design Review **unless** it is:

- Located in areas formerly zoned as Waterfront Residential Districts (WRL & WRM)
- Otherwise subject to major impact, historic review, etc.
- Within a building containing three or more units or proposes more than 1 building on a lot (subject to Sec. 4.4.5)

Future policy questions may include: Should the applicability of Design Review be standardized for projects in the new. Single RL district?

Neighborhood Code Part 2-A: **Planned Unit Development Standards**

Discussion Topic: How do we apply the Neighborhood Code to sites greater than ½ acre in residential zones?

Key Question: What updates are needed to Article 11 to facilitate the type of development on large sites in residential areas that we aim to allow?

Staff Recommendation

- Lower barrier to utilizing PUD standards in RL zone
- Create tiers for overall building massing based on the site's size, and allow flexibility from base neighborhood code building footprint & building number limits

Table 11.1.3-1 Planned Unit Development Project Size Standards	
Districts	**Minimum Project Size**
RH, ~~RM,~~ Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, RCO-R/G, RM	~~2 acres or more~~ 0.5 acres
1. See table 11.1.3-2 for additional standards for PUD project sizes in the RL and RM districts.	

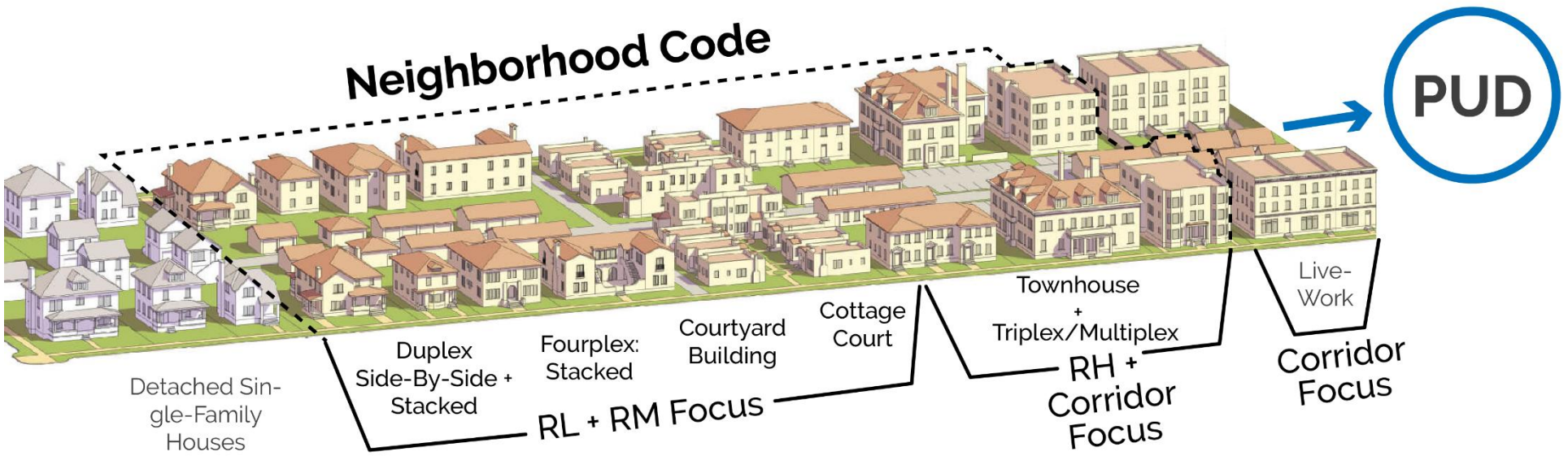
Neighborhood Code Part 2-A: **Planned Unit Development Standards**

Table 11.1.3-2 Planned Unit Development Standards

District	Lot Size	Setback		Max. FAR	Max. Bldg. Height	Max. Bldg. Footprint[2,3]	Max. Bldg. Elevation Before Providing Offset
		Front Internal ROW[1]	Project Periphery				
RL	0.5-1 Acre	0' Min 20' Max.	Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides. Max Required: 20 ft.	0.5	3 Stories 35 ft.	1,800 sq. ft.	N/A
	1–3 Acres					5,000 sq. ft.	50 ft.
	3+ Acres					15,000 sq. ft.	
RM	0.5-1 Acre			1.0		1,800 sq. ft.	N/A
	1–3 Acres					10,000 sq. ft.	50 ft.
	3+ Acres					15,000 sq. ft.	

1. Front setbacks shall be measured from the edge of the Right-of-Way that is fully internal to the project and to which the building draws its frontage. Buildings must be at least 10' from the curb or edge of a public Right-of-Way if no curb exists, except where the ROW is a Public Path, in which case the building must be at least 5' from the edge of the Public Path.
2. For projects within RL & RM zones, the limit on the number of primary and secondary structures is not applicable.
3. The DRB may grant an expansion beyond these maximum footprints for additions to existing buildings in excess of these footprint limits as of January 1, 2024.

Neighborhood Code Part 2-A:
Planned Unit Development Standards



258 N. Winooski Ave.
2 x 4,500 SF

Champlain School Apts.
15,000 SF + 8,000 SF

Thayer Commons
Range (8,000 SF - 14,000 SF)

Neighborhood Code Part 2-A: **Planned Unit Development Standards**

CDO Floor Area Ratio definition:

"In accordance with the district-specific provisions of Article 4 where the intensity of development is measured on a floor area ratio basis, the calculation of development intensity shall be measured by dividing the gross floor area of all structures on a lot or lots, or portion of the lot(s) where split by a zoning district boundary, by the area of the lot(s)."

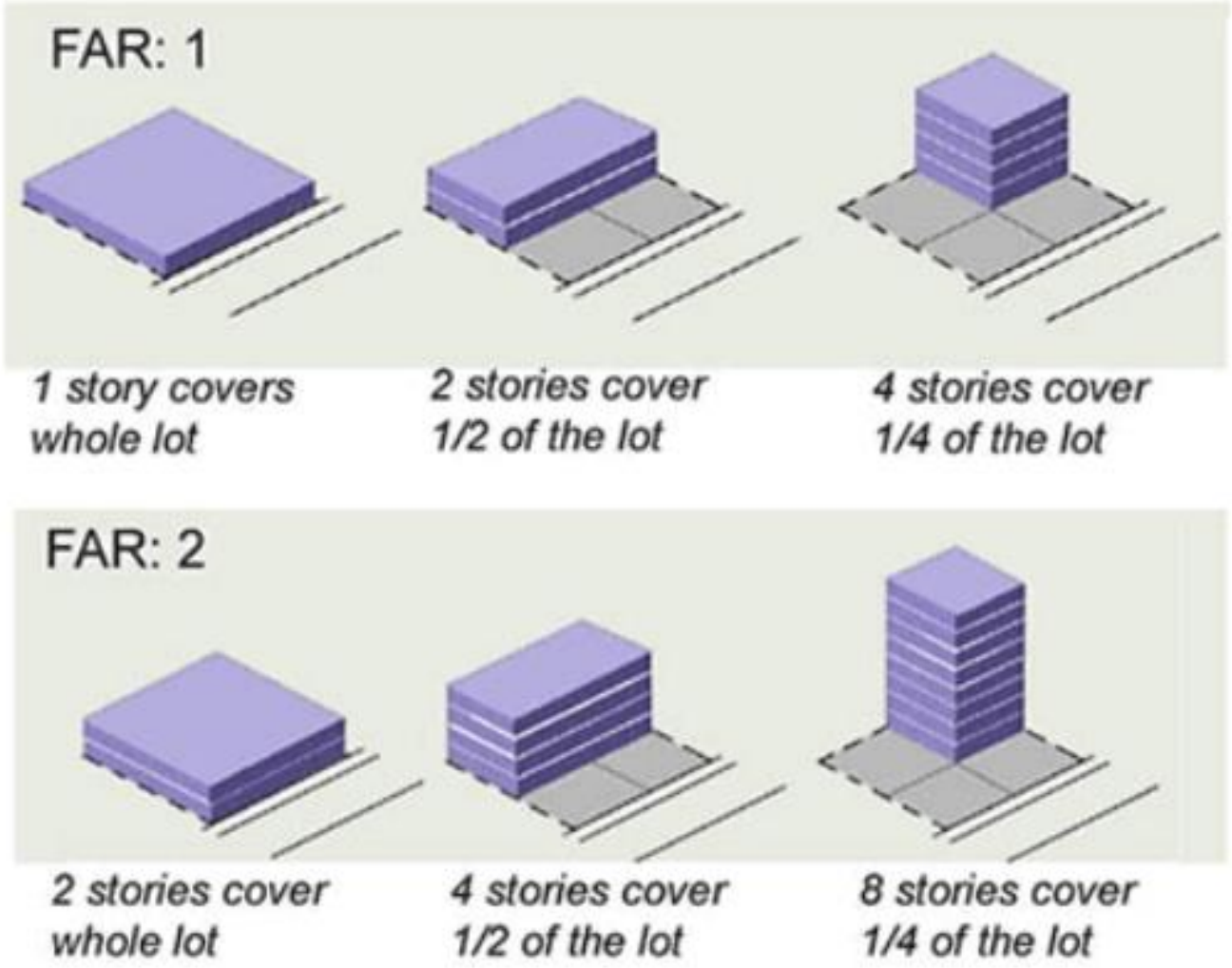


Image Credit: Julie Campoli

Neighborhood Code **Part 2-A**

Appendix A: Accepted Recommendations of Discussion Topics

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

Discussion Topic: Provide clarity on what is considered in the definition of a "building footprint"

Staff Recommendation

- In Article 13, create new definition for Building Footprint:

Building Footprint: The sum of the area of the largest floor of a Building measured from the exterior Elevations. It does not include un-insulated porches if said areas are not used for human occupancy, nor protrusions in a wall (i.e. a bay window) if such protrusions do not create habitable area.

- In Article 4, establish exceptions to Maximum Building Footprint Limit in Sec. 4.4.5-2:

D. Exceptions to Maximum Building Footprint Limit

(i) Existing structures legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.4.5-2 shall not be considered non-conforming. Such buildings shall only be allowed to be converted, adaptively reused, or enlarged, including for the purpose of adding additional units, within the limits this part or as otherwise permitted in Sec. 5.4.8 or Article 11.

(ii) Single-family homes legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.5.5-1 may be expanded to 125% of the pre-existing footprint, as long as no additional units are added.

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

Discussion Topic: Height of secondary structures relative to primary structures

- Neighborhood Code standards currently limit secondary structures to the height limit otherwise allowed in the district

Key Question: Should the code require some consideration for/relationship to the height of an existing/primary structure?

✓ Leave as is and allow Secondary Structures to use the full height allowed in the district.

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

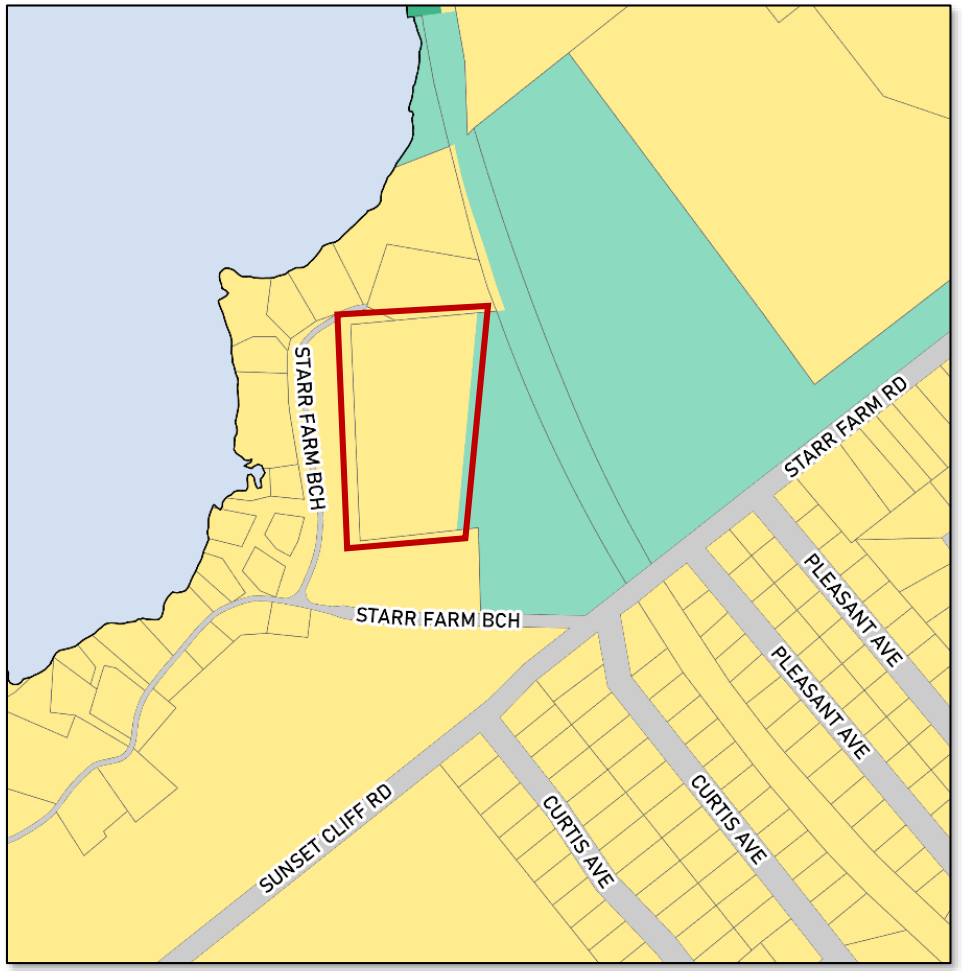
Discussion Topic: Considerations for utilizing existing non-conforming and non-residential buildings that are encroaching in setbacks

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)?

✓ Revisit discussion topic in a future zoning amendment related to Administrative Waivers.

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

- ✓ Update 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



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

✓ Provide clarity on what is considered as a building "face" in Table 4.4.5-2, related to the maximum building face before providing offset.

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

District	Max. Height & Stories[1,3]	Max. Dwelling Units per Structure[2,3]	Max. Principal Structure Footprint[3]	Max. Secondary Structure Footprint[3]	~~Max. Building face before providing offset~~[5] Max. linear elevation before offset[4]	Min. Distance between Structures on same lot
Residential Low (RL)	35' 3 stories	4	1,800 sq.ft	1,100 sq.ft	50'	15'
Residential Medium (RM)	35' 3 stories	4	1,800 sq.ft	900 sq.ft		
Residential High (RH)	50' 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft	N/A		

1. Details regarding the measurement of and exceptions to height limits are found in Art 5.
2. Minimum dwelling unit size is 350 sq.ft.
3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11.
4. Required on all building ~~faces~~ **Elevations**. Minimum offset is 5 ft measured perpendicular to the building ~~face~~ **Elevation** in excess of 50 ft.

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)

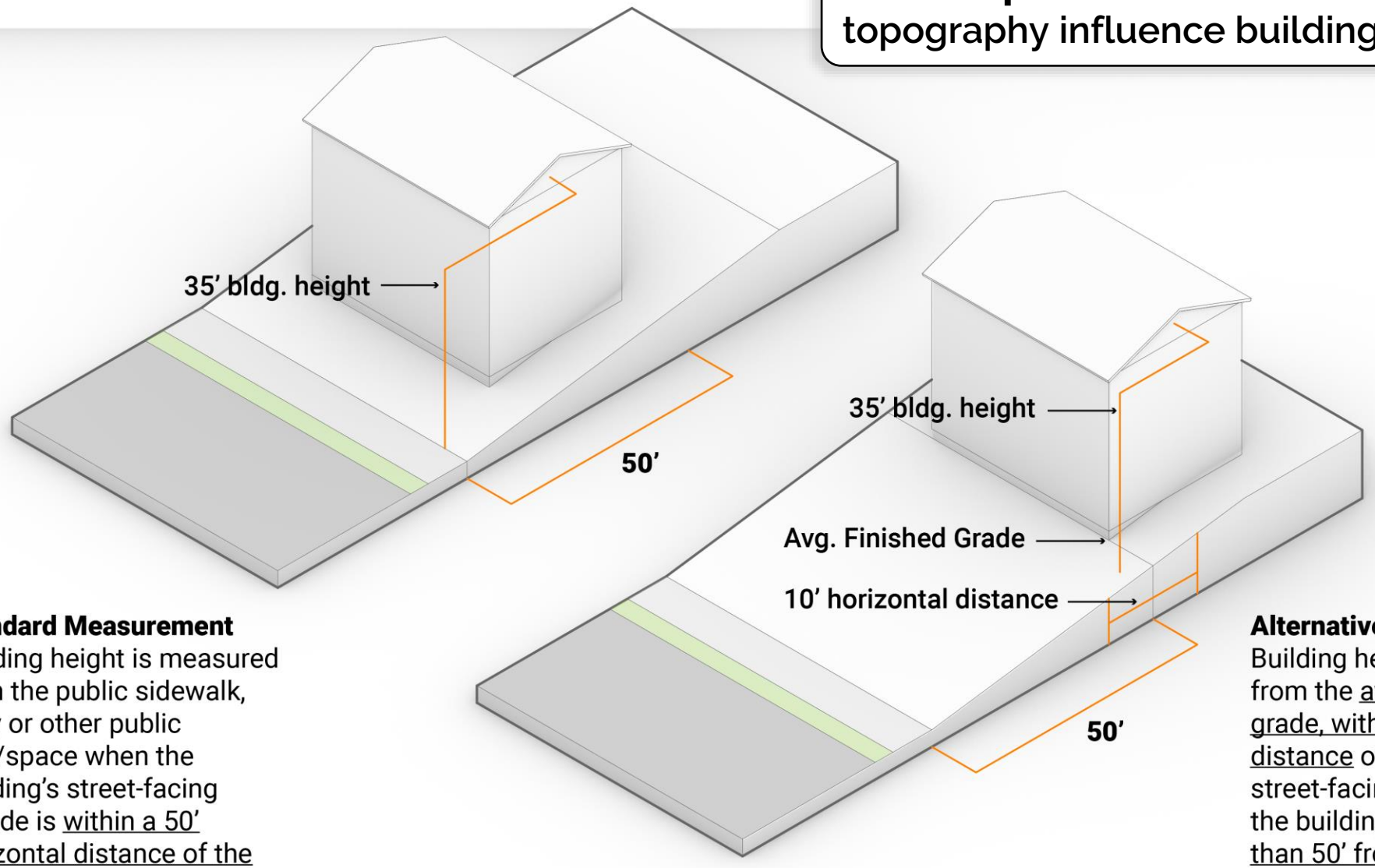
"The **Residential Corridor (RC)** district is intended for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized, multi-unit and mixed-use buildings along major multi-modal transportation corridors that are adjacent to low intensity 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**

Appendix B: Relevant Information

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

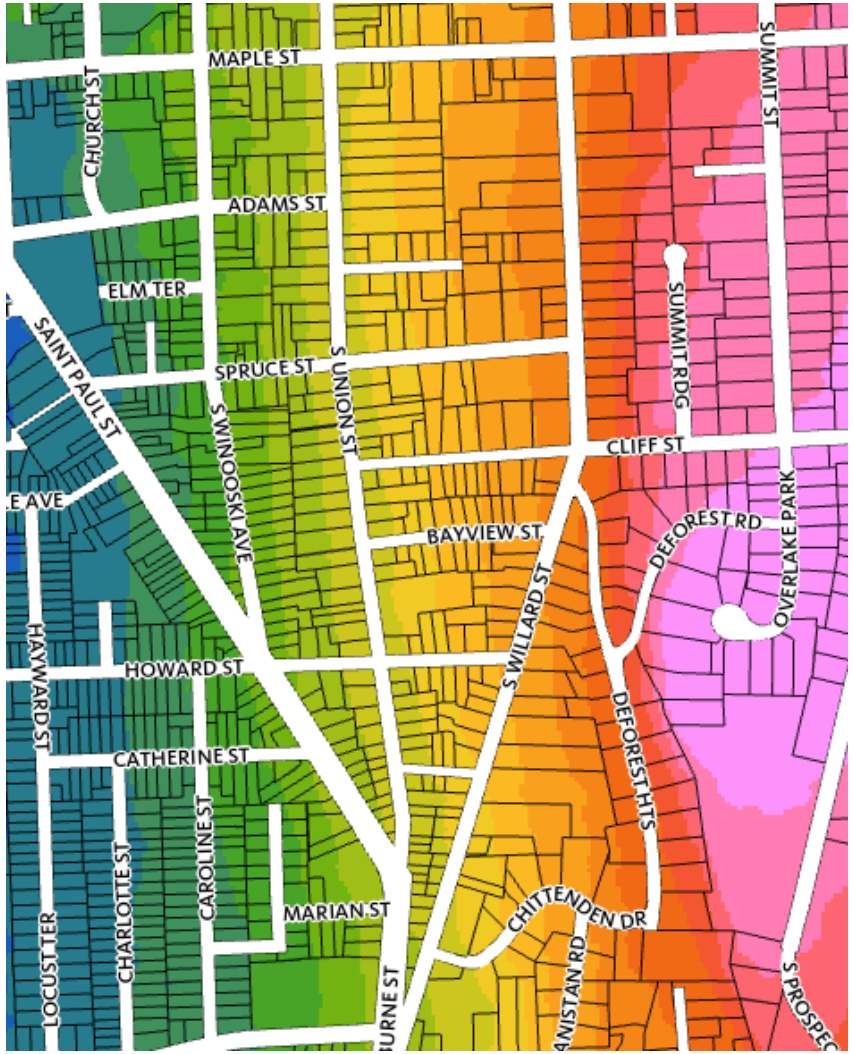
Follow Up Consideration: How does topography influence building height limits?



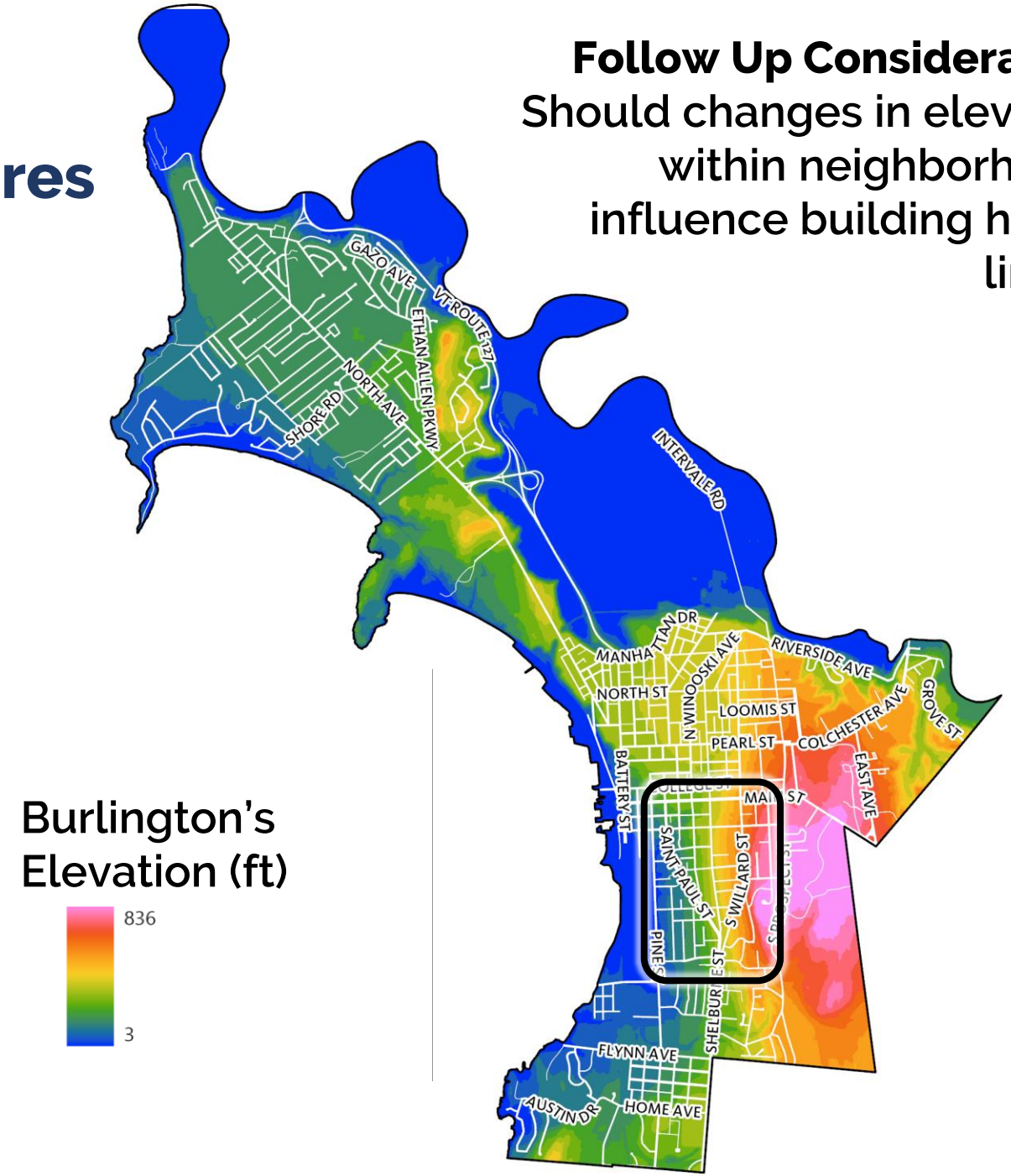
Standard Measurement
Building height is measured from the public sidewalk, alley or other public way/space when the building’s street-facing facade is within a 50’ horizontal distance of the lot’s street frontage

Alternative Measurement
Building height is measured from the average finished grade, within a 10’ horizontal distance of the building’s street-facing facade when the building is located more than 50’ from the lot’s street frontage.

Neighborhood Code Part 2-A:
Height of Secondary Structures



Follow Up Consideration:
Should changes in elevation within neighborhoods influence building height limits?



Burlington's Elevation (ft)

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

Discussion Topic: 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

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

	Accessory Dwelling Unit	Single-Unit in a "Secondary Structure" Under Neighborhood Code
Permitted to be built on the same lot as*	Owner-Occupied Single Family Home **or added within the same building as*	A primary structure of 1 – 4 units
Maximum Building Footprint**	30% of gross floor area of primary home** or 900ft², whichever is greater. ***This can be internal to existing home or a detached unit of 1+ stories*	RL District: 1,100ft² RM District: 900 ft²
Owner Occupancy Requirements	Yes: Either the primary home or the ADU must be owner-occupied	None
Lot Cover Considerations	Up to 650ft² of lot area exempt from lot coverage limit if storm water impacts are mitigated	All structures on the lot must comply with the standards of the district
Zoning Permit Review Process	Administrative Review: Staff decision followed by 15-day appeal period	Development Review Board decision followed by 30-day appeal period
Impact Fees	Exempt	Any new unit created under the NC must comply with impact fees
Additional Incentives	VHIP grant funding	

Neighborhood Code Part 2-A Timeline **Option 1**

6/11	6/25	7/9	7/23	8/13	8/27
Commission to continue discussion on ZA-24-04	Commission to continue discussion + warn ZA-24-04 for Public Hearing		Hold Public Hearing + refer ZA-24-04 to City Council	Begin work on Part 2-B	

City Council would be able to adopt ZA-24-04 on or before 9/23, which is the last City Council meeting before Secondary Structures go into effect on 10/1.

Neighborhood Code Part 2-A **Timeline**

6/11	6/25	7/9	7/23	8/13	8/27
Continue Discussion on Neighborhood Code 2-A (ZA-24-04)			Commission to continue discussion + warn ZA-24-04 for Public Hearing		Hold Public Hearing + refer to City Council

City Council or the Ordinance Committee would decide to warn ZA-24-04 for a Public Hearing by 9/19, and could be in effect before the Secondary Structures standards go into effect on 10/1. City Council could then adopt ZA-24-04 during their meeting on 10/28.

Burlington Planning Commission
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www.burlingtonvt.gov/pz

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

Burlington Planning Commission

Tuesday, June 11, 2024, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, A. Friend, B. Baker, E. Malone, J. Randall
Staff Present	M. Tuttle, S. Morgan, C. Dillard, N. Stetson, F. Klitzke
Public Attendance	Sharon Bushor, Diane, Evan Gould, Earhard Manka

1. Agenda

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

2. Public Forum

Name(s)	Comment
Sharon Bushor	• Congratulated Julia and Michael on their reappointment, and Earhart for this appointment to the PC. • Is sorry to see B. Baker leave the Commission. • Valued Y. Bradley role in the Commission. • Build affordability in the NC. • Include stormwater in the conditions of approval as far as criteria for stormwater. • Concerned about a lack in addressing the retention of mature trees and vegetation. • Agrees with Michael's comment in the previous meeting regarding the height of the secondary structures. • Spoke about the lack of incentive for creating family units.
Diane	• Agrees with Sharon's comment about heigh limits. • No mention about Article 6. • Question about eliminating street boundaries. • What are the plans for incorporating historic structures? • What is the difference between secondary structures and ADUs? • Not against 3 story buildings.
Evan Gould	• Spoke about the FAR calculations for PUDs. • Voiced his support for where the PC is moving forward with the height of secondary buildings.
Earhart Manka	• Introduced himself and spoke about this background to the PC.

3. Chair's Report

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.

A. Montroll	• Spoke about an example for commercial uses within a neighborhood in Salt Lake City.

4. Director's Report

M. Tuttle	• Congratulated the new Commissioners – Ryan and Earhart. • Thanked Bruce and Yves for their service. • Schedule a PC Executive Committee meeting before June 25th. • No updated about the budget. • Julia and staff discussed ideas she has around housing policies that could support the NC work. • Spoke about the work happening outside the scope of the PC. • Possibly inviting Brian Pine to share other tools that exist outside of the zoning and outside of the purview of the Planning Commission. • Spoke about a whole code of ordinances that live outside of our zoning ordinance that address things like storm water, which is a separate standalone ordinance that's managed by the water resources department.

5. BTV Stat Housing Presentation

Presentation by Nancy Stetson, and Felix Klitzke.
BTVstat Data Hub (arcgis.com)

6. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2

Action:		
Motion:	Seconded by:	Vote:

Design review was discussed.

It was suggested to consolidate the technical corrections to have a more focused discussion.

The Commission discussed recommendations for Planned Unit Developments.

Q: "For both RL and RM on the smaller lots of .5 acre to 1 acre where you could have a maximum footprint of up to 1,800 square feet, what's the difference between what's allowed as a PUD for that size lot and what's allowed just normally in the RL and RM?"

A: "1,800 square foot is the maximum building footprint in the base neighborhood code district. On the smallest sites there is no difference". The real difference is when you have a site that's one to three or even three or three plus acres, the building footprint really ratchets up. The other difference in this example is for the maximum building footprint within a PUD context, the limits that you can only have one primary and one secondary building don't apply in a PUD, so there you could have more buildings on a lot."

To be discussed in Part 2-B is the specific rules that would be desirous to develop for cottage courts.

Andy Montroll commissioner expressed concerns about the zero foot front yard setback.

Timeline for getting Part 2-A in effect for the October 1st step:
Option 1: continue the conversation into the next meeting (6/25), then warn the public hearing with the public hearing date for July 23rd, then having this potentially be adopted before September 23rd.
Option 2: Warn the public hearing at the second meeting in July. The hearing would be held August 27th. The City Council ordinance committee would then warn a hearing by September 19th, which then would allow the changes to be in effect prior to October 1st deadline. City Council could then adopt this zoning amendment during its 10/28 meeting.

DRAFT

7. Commissioner Items

Next meeting, June 25th. CCTV does public access in the community and trains people to tell their stories about communities. They also house the Vermont Language Justice Project, that is celebrating their 4th anniversary. On their website you can find storytelling by all sorts of people.

8. Minutes

Action: Review and approve the 5/28 PC meeting minutes		
Motion by: J. Randall	Second by: E. Malone	Approved: unanimous
Correct Jack Tiano's award to "Vermont Planners Association".		

9. Communications

Action: Review and accept the communications		
Motion by: J. Randall	Second by: E. Malone	Approved: unanimous

10. Adjournment

Adjournment	Time:	
Motion: A. Friend	Second: B. Baker	Vote: unanimous

DRAFT

Sarah Morgan

From: Susan Rivers <srivers284@gmail.com>
Sent: Wednesday, June 12, 2024 9:33 PM
To: Sarah Morgan
Subject: Planning meeting 6/11

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from srivers284@gmail.com. Learn why this is important

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

Hello,
I got the email about the meeting yesterday (on 6/11) and was not able to respond/attend. I am very interested in the planning commission's work especially as allowing lots of extra buildings in backyards etc. I think there would be more housing available in Burlington if there were NO short term rentals! There are several in my neighborhood (on Shelburne Road and in the Birchcliff Parkway areas). I personally find it disgusting that so many people are now using nice family neighborhoods as big money-makers. While they live out of town/state and have no reason to take care of the properties. And while there are so many hotels and more being built!

Over 25 years ago there were several big apartments/condos built in backyards of large houses in Burlington. Other than paving the backyards and making sure the rich folks moved to Spear/Dorset streets (or Jericho) that didn't seem to do much for the housing crisis either.

My husband and I are both retired and hoping to be able to live in our home as long as possible. We moved to our present house in 1978. Taxes were $1,125/year then.

thank you,
Susan Rivers
237 Shelburne Road