

Burlington Planning Commission

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

www.burlingtonvt.gov/pz

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

Burlington Planning Commission

Tuesday, July 23, 2024, 6:30 PM

Remote & Virtual Meeting via Zoom

In person option available:

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

To Join the Meeting on a Computer

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

Passcode: 658929

To Join the Meeting on a Phone

Number: +1 646 931 3860 US Meeting ID: 979 4188 3790

1. Agenda

2. Public Forum

Subject	2.1. Speakers will be limited to no more than 3 minutes during the public forum
Meeting	July 23, 2024 - Agenda - Tuesday, July 23, 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 2A

Subject	5.1. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2A
Meeting	July 23, 2024 - Agenda - Tuesday, July 23, 2024, 6:30 PM, Burlington Planning Commission
Category	5. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2A
Department	Planning

Type	Presentation
Recommended Action	Ask questions and provide feedback on the draft amendment. Warn the amendment for a public hearing and approve the municipal bylaw amendment

6. Proposed CDO Amendment: ZA-25-01 Overdose Prevention Centers

Subject	6.1. Proposed CDO Amendment: ZA-25-01 Overdose Prevention Centers
Meeting	July 23, 2024 - Agenda - Tuesday, July 23, 2024, 6:30 PM, Burlington Planning Commission
Category	6. Proposed CDO Amendment: ZA-25-01 Overdose Prevention Centers
Department	Planning
Type	Presentation
Recommended Action	Ask questions and provide feedback on the draft amendment. Warn the amendment for a public hearing and approve the municipal bylaw amendment.

7. Commissioner Items

8. Adopt Minutes

Subject	8.1. Review and approve the 7/9 Planning Commission meeting minutes
Meeting	July 23, 2024 - Agenda - Tuesday, July 23, 2024, 6:30 PM, Burlington Planning Commission
Category	8. Adopt Minutes
Department	Planning
Type	

9. Communications

9.1. Review and accept the communications

10. Adjournment

Guidance for Participating in a Virtual Planning Commission Meeting

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

General Guidance for Public Participation

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

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

How to Join a Virtual Meeting

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

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

How to Participate in a Virtual Meeting

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

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

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



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*)

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

Relationship to **Inclusionary Zoning** requirements

Solutions to **implementation + homeownership** opportunities

Topics to carry out with other departments:

Neighborhood Code 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
- ✓ Considerations for utilizing existing non-conforming and non-residential buildings that are encroaching in setbacks
- ✓ Relationship between secondary buildings and citywide provisions for ADUs

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**

Review of Proposed Ordinance Changes

Recommended Ordinance Change:

Article 3, Part 3: Impact Fees

Sec. 3.3.3: Exemptions + Waivers

- **Proposal (Sec. 3.3.3 (a) 5):** Adds “the creation of an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling as described in Sec. 4.4.5 (d) 4. D.” to developments exempt from Impact Fees.
- **Rationale:** The purpose of this change is to explicitly state that the creation of one additional unit on a lot with an Owner-Occupied Single Detached Dwellings is exempt from Impact Fees, which is relevant to changes made in Sec. 4.4.5-4. (d) 4. that clarifies the relationship between secondary residential structures allowed in residential districts and citywide provisions for Accessory Dwelling Units (ADUs)

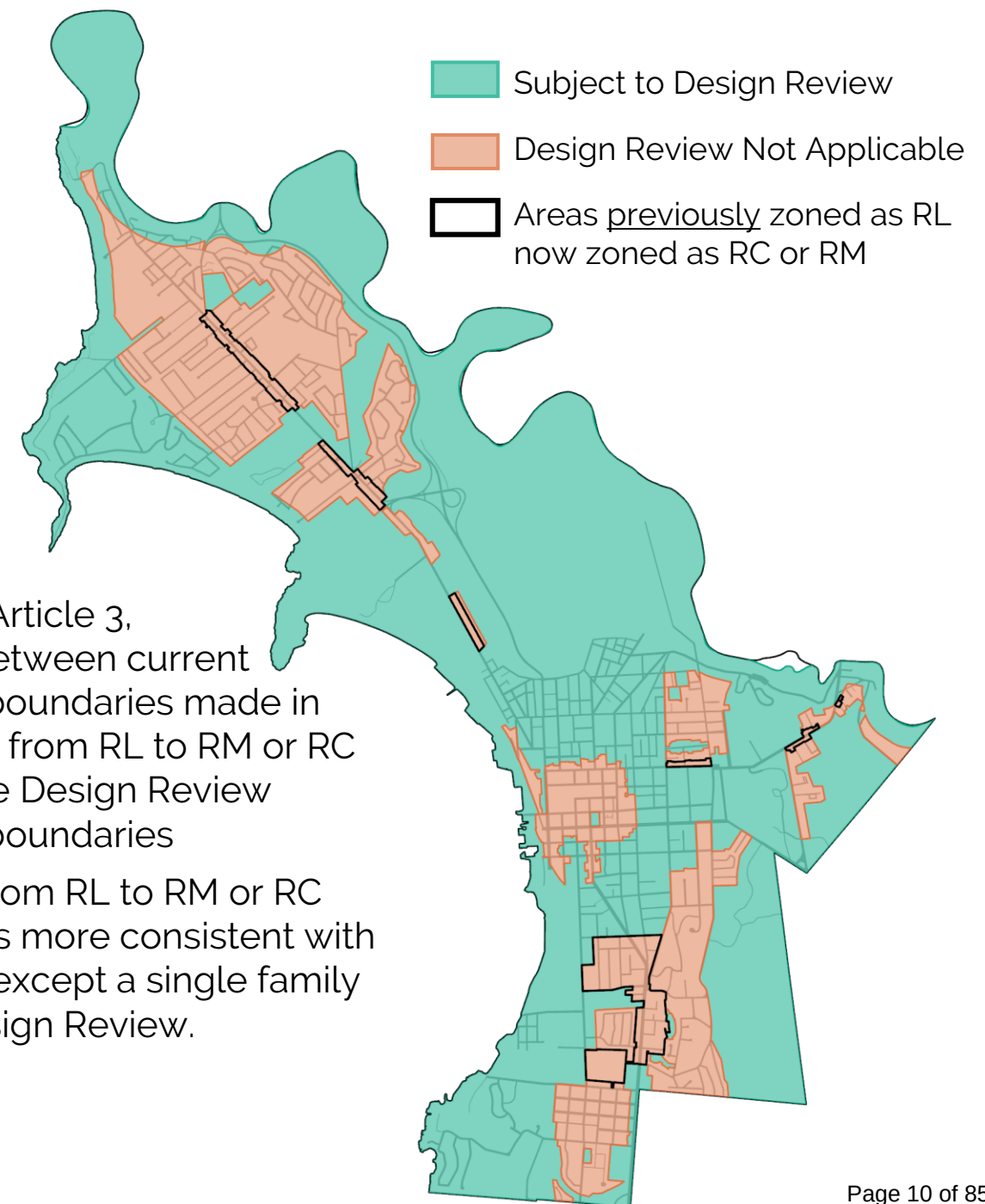
Recommended Ordinance Change:

Map 4.5.1-1: Design Review Overlay District

The changes made to Design Review in Neighborhood Code Part 2-A **do not fundamentally change the applicability of design review**, but seek to make the standards and requirements more clear and address the need for continuity and ease of reference.

Map 4.5.1-1: Design Review Overlay District

- **Proposal: (1)** Map 4.5.1-1 is recommended to be moved to Article 3, Part 4: Site Plan and Design Review **(2)** Resolve any gaps between current Design Review Overlay District and the changes in district boundaries made in ZA-24-02 by including areas that were previously re-zoned from RL to RM or RC as part of the Design Review Overlay District. **(3)** Update the Design Review Overlay District to reflect current Downtown Form District boundaries
- **Rationale:** The outlined areas on the right were re-zoned from RL to RM or RC under Neighborhood Code Pt 1 and thus now allow for uses more consistent with those applicable for Design Review. Additionally, anything except a single family home or duplex in these areas would still be subject to Design Review.



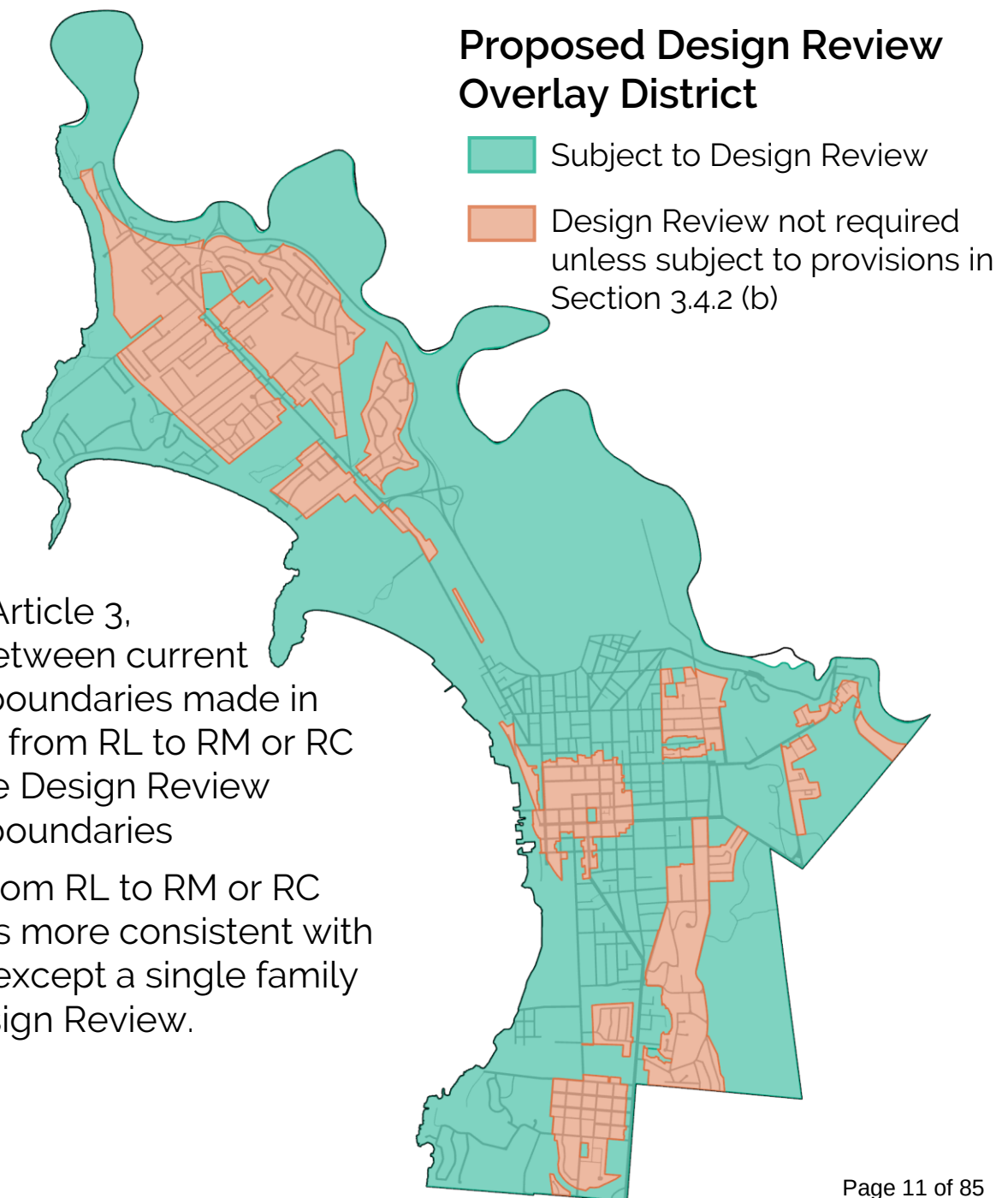
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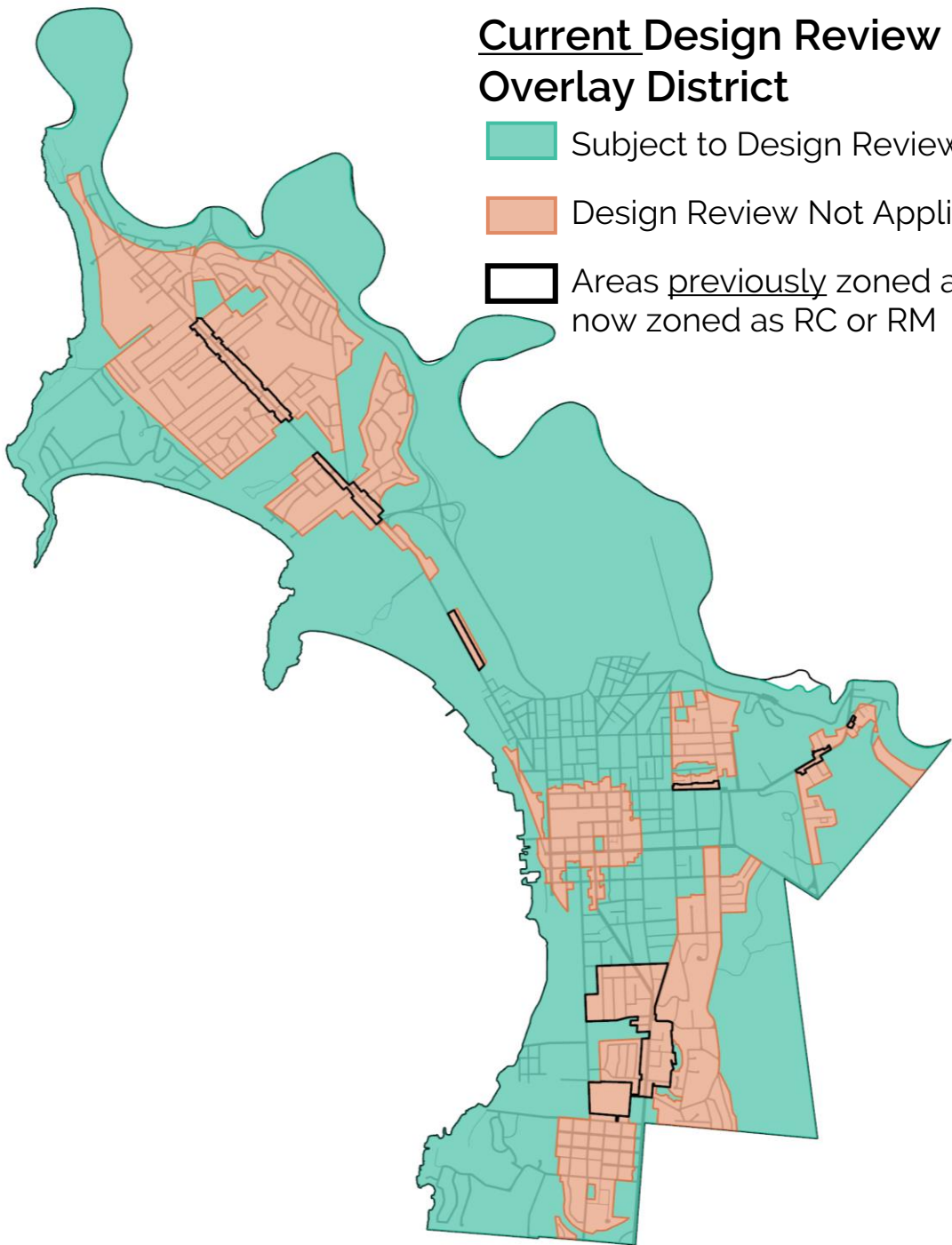
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- **Rationale:** The outlined areas on the right were re-zoned from RL to RM or RC under Neighborhood Code Pt 1 and thus now allow for uses more consistent with those applicable for Design Review. Additionally, anything except a single family home or duplex in these areas would still be subject to Design Review.



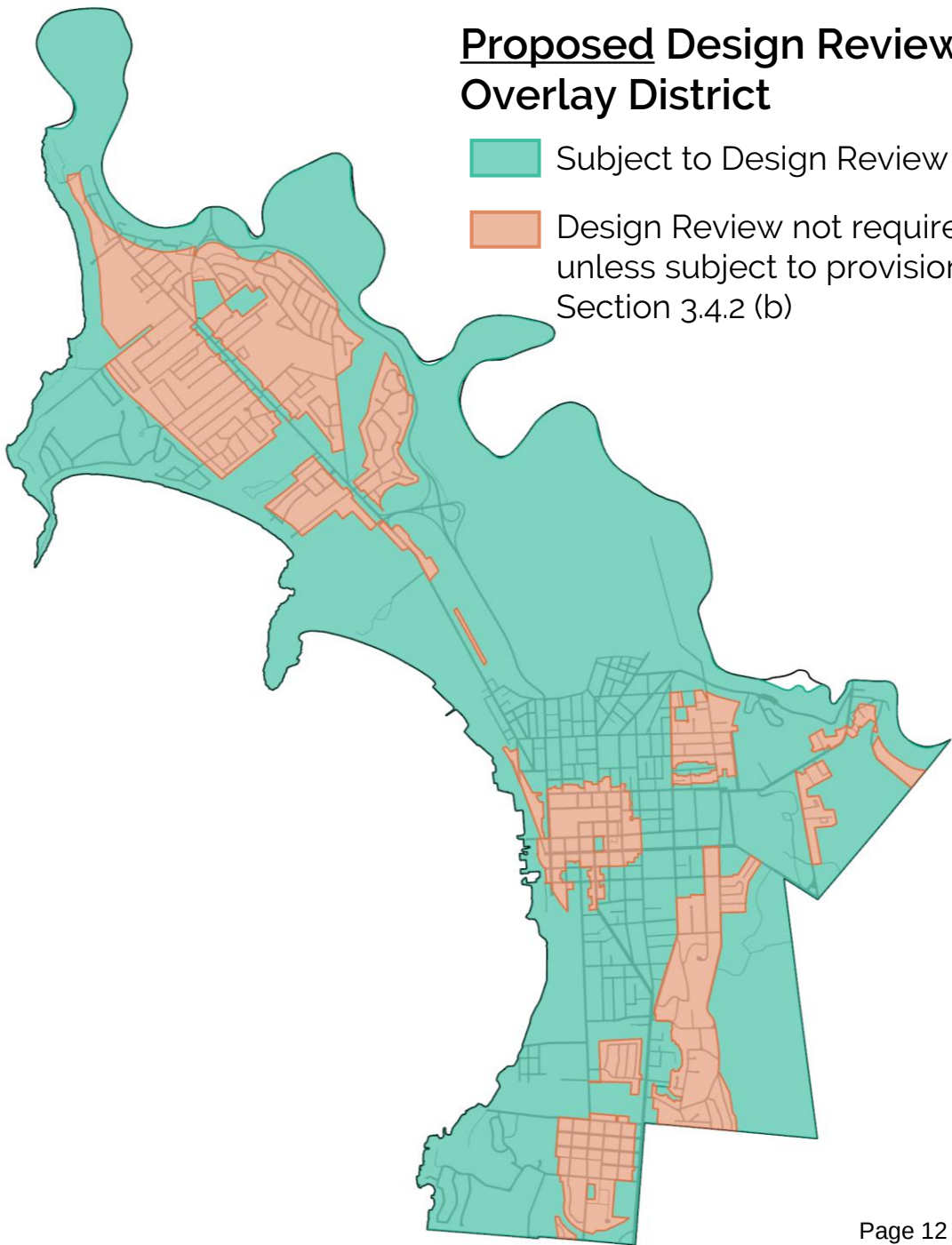
**Current Design Review
Overlay District**

- Subject to Design Review
- Design Review Not Applicable
- Areas previously zoned as RL
now zoned as RC or RM



**Proposed Design Review
Overlay District**

- Subject to Design Review
- Design Review not required
unless subject to provisions in
Section 3.4.2 (b)



Recommended Ordinance Change:

Article 3, Part 4: Site Plan and Design Review

Sec. 3.4.2 Applicability

- **Proposal:** Move Map 4.5.1-1 into Section 3.4.2
 - **Rationale:** By starting with the map of where Design Review is applicable, it presumes that all of the project types listed under 3.4.2 (b) 2. are subject to Design Review within the overlay district. Section 3.4.2 (b) 2 is retained to provide clarity that projects within this list will still be subject to design review despite being outside of the Design Review Overlay District.
- **Proposal:** Include language acknowledging that “single detached dwellings and duplex dwellings within an RL district are not otherwise subject to any of the above provisions.”
 - **Rationale:** Facilitate the development of duplexes in residential districts and establish consistency that considers the Act 47 requirement that duplexes be granted the same geographic and dimensional standards as single-family homes.

Recommended Ordinance Change:

Article 4, Part 3: Zoning Districts Established

Sec. 4.3.1 Base Districts Established

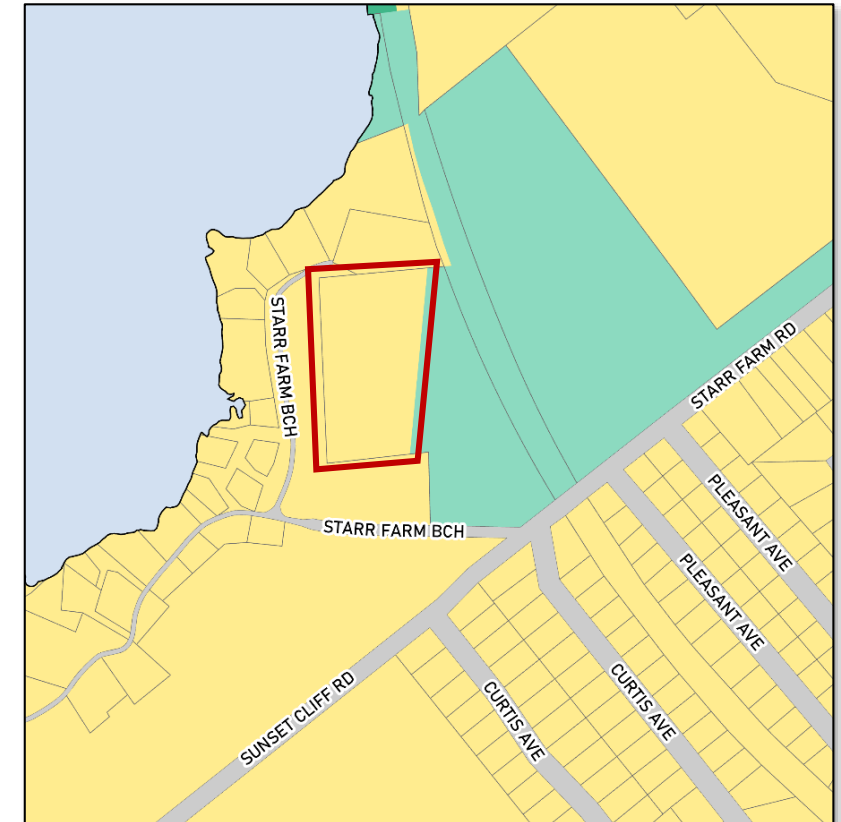
- **Proposal (4.3.1 (e)):** Technical clarification of how the RC zone is applied and a correction of a typo
 - **Rationale:** This technical correction provides clarity regarding the depth of the RC zone, where applied.

Recommended Ordinance Change:

Article 4, Part 3: Zoning Districts Established

Sec. 4.3.1 Base Districts Established

- **Proposal:** Provide a technical correction clarifying that this district applies to properties with street frontage on the identified corridors.
 - **Rationale:** This technical correction provides clarifications that parcels without frontage on the identified corridors are not applicable to Residential Corridor standards and provides consistency with how the Downtown & Multimodal Mixed Use Parking District works.
- **Proposal:** Map 4.3.1-1 Base Zoning Districts technical correction
 - **Rationale:** Corrects the inadvertent zoning change to a portion of Starr Farm Park from ZA-24-02



Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

Sec. 4.4.5 Residential Districts

- **Proposal (Sec 4.4.5 (a)4):** Adjust the purpose statement of the Residential Corridor District
 - **Rationale:** Corrects the inconsistency between the purpose statement and table 4.4.5-2
- **Proposal:** Make the same residential district correction in Map 4.4.5-1
 - **Rationale:** Corrects the inadvertent zoning change to a portion of Starr Farm Park from ZA-24-02
- **Proposal:** Internal reference correction to Table 4.4.5-1
 - **Rationale:** Made space for a footnote related to Cottage Courts in future amendment
- **Proposal:** Modifications to Table 4.4.5-2 include **(1)** an internal reference correction, **(2)** replacement of the term building “face” with building “Elevation”, and **(3)** modify footnote 3 to reference changes proposed to Sec. 4.4.5 (d) 4. D.
 - **Rationale:** Provides clarity on what is considered as a building “face” in Table 4.4.5-2, related to the maximum building face before providing offset. *A new definition was created for the term “Elevation” in Article 13. See slide X. The modification to footnote 3 calls attention to the new section created which brings ADU standards into Sec. 4.4.5 (see slide X).*

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

Sec. 4.4.5 (d) 1. B. (i): Residential Development Bonuses, Senior Housing and Housing for Individuals with Disabilities Bonus

- **Proposal:** Clarify the bonus referenced specifically applies exclusively for projects containing housing for seniors and/or individuals with disabilities.
 - **Rationale:** The intent is that only projects providing housing exclusively for these populations are eligible for the bonus.
- **Proposal (Sec. 4.4.5 (d) 1. B. (i) c):** Eliminates the bonus of an additional 10 feet of building height for the current Senior Housing Bonus
 - **Rationale:** Act 47 provides an additional story of height to projects including at least 20% affordable housing. Thus, the bonus' application to projects providing a minimum of 25% affordable housing makes the current height bonus redundant and unnecessary.
- **Proposal:** Creates new Sec. 4.4.5 (d) 1. B. (i) c) that refers to amended Table 4.4.5-4.
 - **Rationale:** This line is added to denote amended Table 4.4.5-4.
- **Proposal:** Modifies Table 4.4.5-4 to **(1)** reflect the new Neighborhood Code Lot Cover standards, **(2)** replaces the Maximum Density requirement with a Maximum Development Intensity measure in FAR, and **(3)** includes a Maximum Height limit.
 - **Rationale:** Table requires amending as bonus now applies to height and FAR (rather than density), in addition to lot coverage.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

Sec. 4.4.5 (d) 1. B. (ii): Residential Development Bonuses, Residential Conversion Bonus

- **Proposal: (1)** Adds language under Sec. 4.4.5 (d) 1. B. (ii) a) clarifying that any applicable lot coverage, height, FAR, and units per building may be modified by the DRB up to a limit of 100% of the pre-application coverage, height, and GFA condition (2) Eliminates Table 4.4.5-5
 - **Rationale:** 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.

Sec. 4.4.5 (d) B. (iii): Limitations on Residential Development Bonuses

- **Proposal: (1)** Clarifies the administration of projects meeting multiple bonus standards and **(2)** replaces the use of density with development intensity.
 - **Rationale:** The CDO offers multiple bonuses, including those in Articles 4 and 9. When a project qualifies for more than one bonus, including an Art. 9 bonus, it is currently unclear how these are granted.
- **Proposal: (1)** Re-numbers Table 4.4.5-6 to 4.4.5-5 and **(2)** replaces Maximum Density requirements with Maximum FAR requirements, as well as updates Maximum Height and Maximum Lot Coverage requirements.
 - **Rationale:** Table is amended to reflect replacement of density (DU/acre) with intensity (FAR). All standards are amended to reflect NC II standards. Height bonus is adjusted to accommodate a true additional floor.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

Sec. 4.4.5 (d) 2.: Exceptions to Dimensional Standards

- **Proposal:** Create an exception to Maximum Building Footprint Limit under Sec. 4.4.5 (d) 2. D.
 - **Rationale:** This answers the question of whether existing buildings that are already larger than the newly adopted building footprints should be allowed to expand.

Sec. 4.4.5 (d) 4.: Miscellaneous Standards

- **Proposal:** Create new standards for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.)
 - **Rationale:** These modifications streamline the ordinance in an effort to make understanding ADU requirements less complex for the general user. This standard aims to 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 incentives including the admin review and the waiver of impact fees.

Recommended Ordinance Change:

Article 4, Part 5: Overlay Zoning District Regulations

Sec. 4.5.1: Design Review Overlay District

- **Proposal:** Move the Design Review Overlay District out of Article 4 and into Article 3, where the Design Review requirements are currently housed.
 - **Rationale:** Moving the Design Review Overlay District regulations into Sec. 3.4.2 (b) will condense the applicability standards of design review into one section, thus making Design Review applicability less complex for the general user.

Recommended Ordinance Change:

Article 5, Part 2: Dimensional Requirements

Sec. 5.2.3 (b): Exceptions to Lot Coverage

- **Proposal:** Eliminates the additional lot cover waiver specific to Accessory Dwelling Units (Section 5.2.3 (b) 10.).
 - **Rationale:** Lot cover limits were modestly increased across all Residential Districts through ZA-24-02 to provide flexibility that would allow secondary structures.
-

Recommended Ordinance Change:

Article 5, Part 4: Special Use Regulations

Sec. 5.4.5: Accessory Dwelling Units

- **Proposal:** Collapses section into Section 4.4.5 under the incentive for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.)
 - **Rationale:** These modifications streamline the ordinance in an effort to make understanding ADU requirements less complex for the general user. This standard aims to 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 incentives including the admin review and the waiver of impact fees.

Recommended Ordinance Change:

Article 7, Part 2: Sign Types

Table 7.2.1-B: Sign Types Permitted by Form/Zoning District

- **Proposal:** Updates Residential Districts with updated abbreviations following ZA-24-04
 - **Rationale:** Corrects abbreviations.
- **Proposal:** Creates a new column for the RC district.
 - **Rationale:** RC district is proposed to be equated with the NMU district's sign standards, reflecting the potential for mixed-use development along the corridors.

Recommended Ordinance Change:

Article 11, Part 1: Planned Unit Development

Table 11.1.3-1: Planned Unit Development Project Size Standards

- **Proposal:** Reduces the minimum project size for RL, RCO-R/G from 2 acres to 0.5 acres and creates new minimum project size for PUDs in RM of 0.5 acres (currently no min. size).
 - **Rationale:** Amended project size standards intended to facilitate infill PUD development

Recommended Ordinance Change:

Article 11, Part 1: Planned Unit Development

Table 11.1.3-1: Planned Unit Development Project Size Standards

- Proposal:**

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	<u>0.5-1 Acre</u>	<u>0' Min</u> 20' Max.	<u>Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides.</u> <u>Max Required: 20 ft.</u>	<u>0.5</u>	<u>3 Stories</u> 35 ft.	<u>1,800 sq. ft.</u> <u>5,000 sq. ft.</u> <u>15,000 sq. ft.</u>	<u>N/A</u>
	<u>1–3 Acres</u>			<u>50 ft.</u>			
	<u>3+ Acres</u>						
RM	<u>0.5-1 Acre</u>			<u>N/A</u>			
	<u>1–3 Acres</u>			<u>50 ft.</u>			
	<u>3+ Acres</u>						

- Rationale:** Base standards intended to facilitate PUDs. Staff recommends exploring in upcoming NC Part 2B bonus provisions for projects demonstrating exceptional sustainability and other community benefits (e.g. TDM, GSI, community facilities).

Recommended Ordinance Change:

Article 13, Part 2: Definitions

- **Proposal:** Create a definition for Building Footprint
 - **Rationale:** Building footprint is not understood by all in the same way. Recommended definition clarifies intent that only insulated areas intended for human occupancy should be considered as within a building's footprint, excluding protrusions in walls such as bay windows.
- **Proposal:** Create a definition for Elevation
 - **Rationale:** The CDO employs elevation in multiple instances, yet the term is not defined. New definition is intended to provide clarity to the public and staff.

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: July 23, 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

This amendment currently includes modifications to the Planned Unit Development (PUD) 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. However, at its July 9 meeting, the Commission discussed deferring action on amendments to PUD standards to the upcoming Neighborhood Code Part 2B amendments. An ultimate decision on this question will be made at the July 23 meeting.

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: ZA-24-04

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment augments Neighborhood Code Part 1 by making technical corrections to various standards for Residential Districts, clarifies the relationship between secondary buildings allowed in the residential standards and citywide provisions for secondary structures, 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 mapping error on *Maps 4.3.1-1 Base Zoning Districts & 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 density & intensity standards that apply to projects utilizing Residential Development Bonuses to be consistent with standards used in Tables 4.4.5-1 & 4.4.5-2 and Article 11
- Re-names Section Sec. 4.4.5 (d) 1. B. (i) and Table 4.4.5-4 to "Senior Housing and Housing for Individuals with Disabilities" bonus.
- Corrects *Map 4.5.1-1 Design Review Overlay* to reflect Downtown Form Code boundaries, removing the applicability of design review from the areas

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

- Clarifies that the creation of an Accessory Dwelling Unit as described in Sec 4.4.5 (d) 4. D. is exempt 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 7 – Signs to reflect changes made in ZA-24-02

- Modifies Table 7.2.1-B Sign Types Permitted by Form/Zoning District by correcting column headers with updated Residential Districts
- Creates a new column for the RC district, which is proposed to equated with the NMU district's sign standards, reflecting the potential for mixed-use development along the corridors

5) 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 Ratio, 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.

6) 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, 6/25, 7/9, 7/23

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

In the Year Two Thousand Twenty-Four

Public Hearing Dates: _____

An Ordinance in Relation to

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

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and hereby is amended by Sec. 3.3.3(a) Impact Fee Exceptions and Waivers; 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; amends the Residential Corridor District purpose statement in Sec. 4.4.5 (a) 5; 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 7.2.1-B Sign Types Permitted by Form/Zoning District in 7.2.1 Sign Types; amends Table 11.1.3-1 Planned Unit Development Project Size Standards and creates Table 11.1.3-2 Planned Unit Development Standards; 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).

4.5. the creation of an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling as described in Sec. 4.4.5 (d) 4. D.

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:

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

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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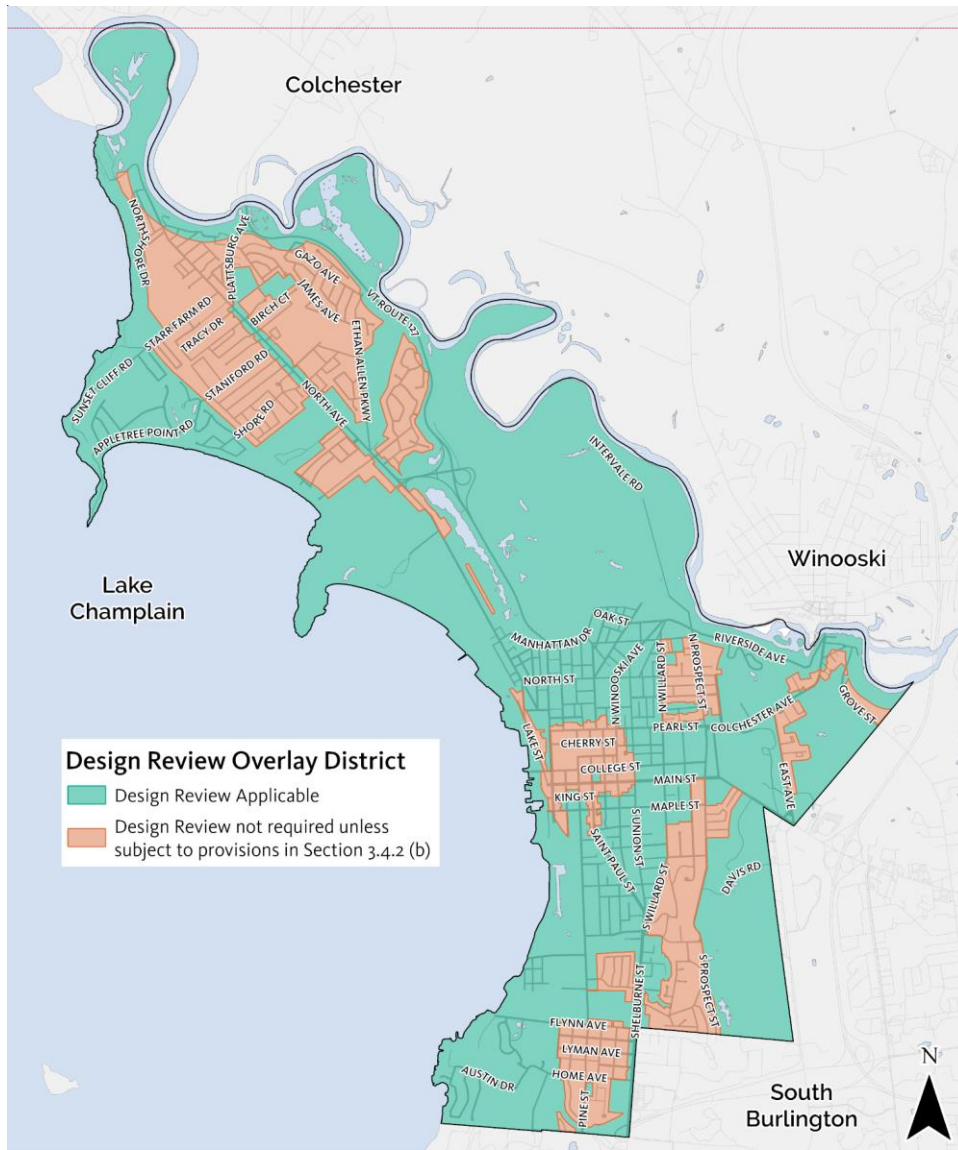
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Map 3.4.2-1 Design Review Overlay District

*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:

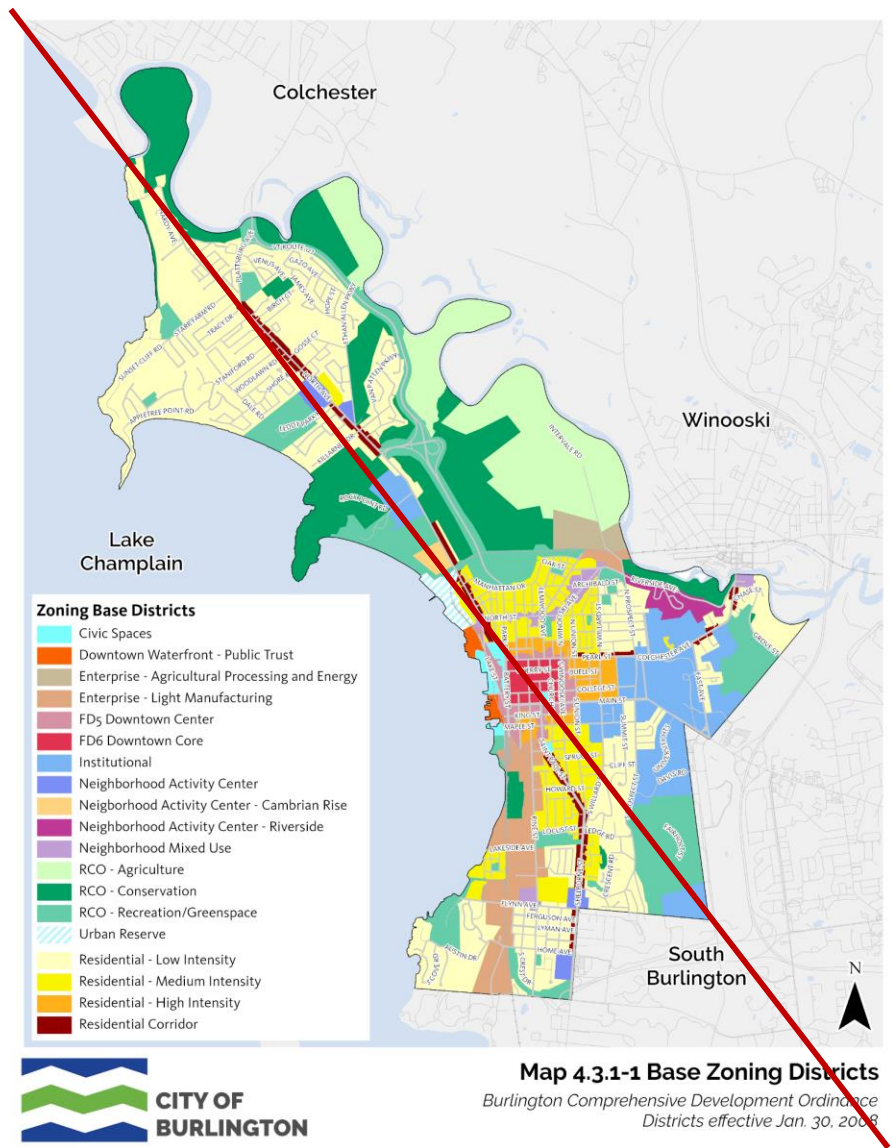
(a) through (d) – *As Written*

(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);

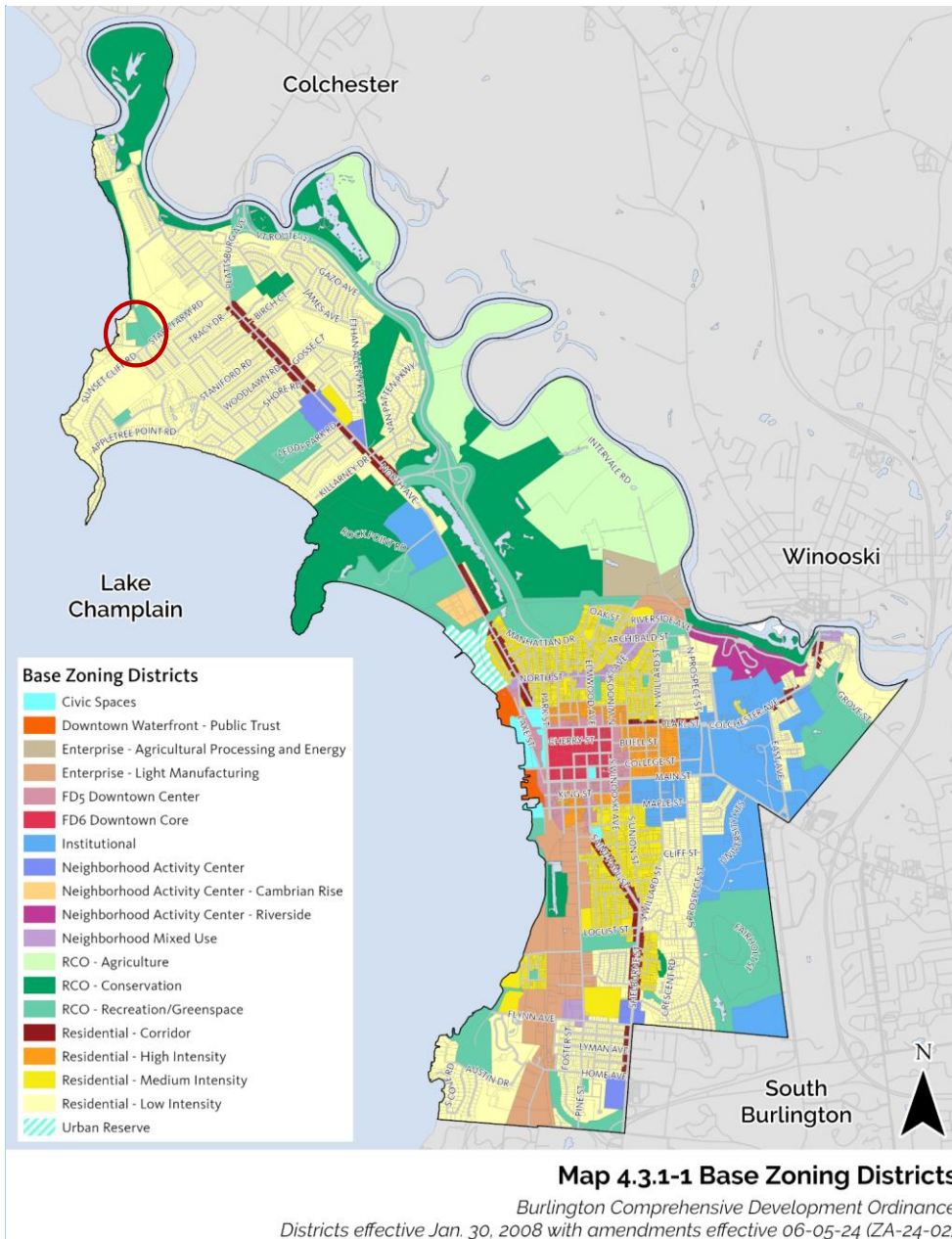
(f) through (g) – *As Written*

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

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



Article 4: Zoning Maps and Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

Sec. 4.4.5 Residential Districts

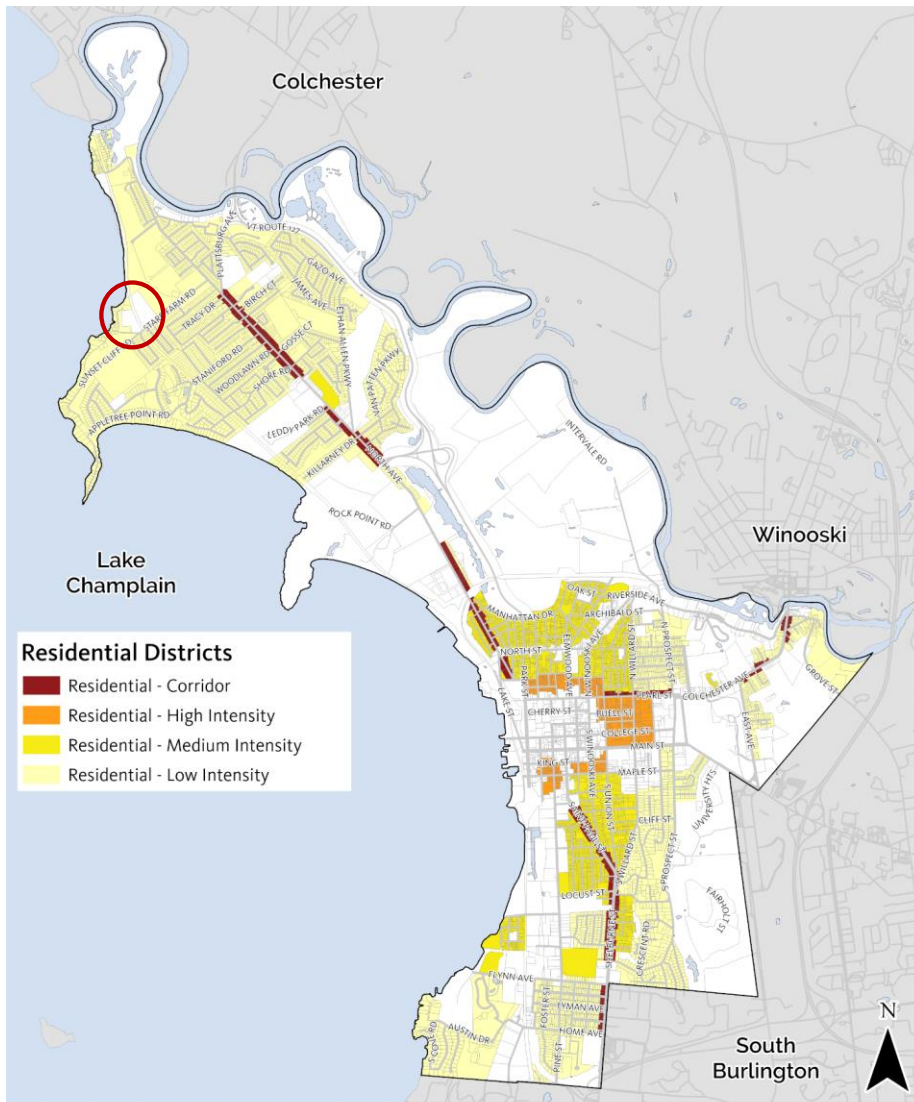
(a) Purpose:
As Written

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.





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)*

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
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 <u>Max. Linear Elevation before offset⁴</u>	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 facesElevations. 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 and Housing for Individuals with Disabilities 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, housing for individuals with disabilities, or a mixture exclusively thereof -provided the following conditions are met:

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.

- a) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) percent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);
- b) The proposal shall be subject to the design review provisions of Art. 6;
- ~~c) A maximum of an additional 10 feet of building height may be permitted in the RH District; and;~~
- ~~d) Lot coverage, 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 and Housing for Individuals with Disabilities Bonus

District	Maximum Lot Coverage	Maximum Development Intensity Density	Maximum Height
RL	4455%	20 du/ae 1.5 FAR	4 stories, 50 ft
RM	4865%	40 du/ae 1.75 FAR	
RH	9290%	80 du/ae 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/ae (8.75 with inclusionary allowance)
RM	60% (72% with inclusionary allowance)	30 du/ae (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ae (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:

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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	4562-feet	9290%
RM	40-du/ac/1.75 FAR	3550-feet	7265%
RL	20-du/ac/1.5 FAR	3550-feet	6255%

*- 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

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

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.
- (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.

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.

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 dwelling unit 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.

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

Commented [SM23]: Removing "shall be eligible" to following PC discussion on 6/11 to prevent any questions that might come from using the term "eligibility"

(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.

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 geographic⁴ 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:

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.

⁴This 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.

Commented [MT24]: 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.



Commented [MT25]: 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 [SM26]: 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

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.

Commented [MT27]: Per discussion with the PC, we collapsed this into an incentive within Sec. 4.4.5.

Article 7: Signs
PART 2: SIGN TYPES
Sec. 7.2.1 Sign Types

Table 7.2.1-B Sign Types Permitted by Form/Zoning District (continued)									
	Residential				Civic, RCO & Urban Reserve				Sign Type Standards
Sign Type	<u>RC</u>	RH	RM/ RM-W	RL/ RL-W	Civic & RCO-R/G	RCO-A	RCO-C	UR	
Awning & Canopy Sign	●	●	○	○	○	○	○	○	7.2.2
Band Sign	●	○	○	○	○	○	○	○	7.2.3
Blade Sign	●	●	●	●	●	●	●	○	7.2.4
Directory Sign	●	●	●	●	●	●	○	○	7.2.5
Freestanding Sign	●	○	○	○	●	○	○	●	7.2.6
Freestanding Yard Sign	●	●	●	●	●	●	●	●	7.2.7
Marquee	○	○	○	○	○	○	○	○	7.2.8
Monument Sign	●	○	○	○	●	○	○	●	7.2.9
Outdoor Display Case	●	○	○	○	●	●	○	○	7.2.10
Projecting Sign	●	○	○	○	●	○	○	○	7.2.11
Sandwich Board	●	○	○	○	●	●	●	●	7.2.12
Wall Sign	●	●	●	●	●	○	○	○	7.2.13
Window Sign	●	●	●	●	●	●	●	○	7.2.14
● - Sign Type is permitted					○ - Sign Type is <u>not</u> permitted				

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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. 5,000 sq. ft. 15,000 sq. ft.	N/A
	1–3 Acres			50 ft.			
	3+ Acres						
RM	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.	1.0	3 Stories 35 ft.	1,800 sq. ft. 5,000 sq. ft. 15,000 sq. ft.	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.

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



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

www.burlingtonvt.gov/plan

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

Overview & Background

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

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

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	----------------------

Purpose Statement

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

Proposed ordinance language is below.

[Begin text amendment]

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

Sec. 13.1.2 Definitions.

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

[End text amendment]

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

Relationship to planBTV

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

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

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

Impact on Safe & Affordable Housing

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

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

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

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

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

CDO—OVERDOSE PREVENTION CENTERS
ZA-25-01

ORDINANCE _____
Sponsors: Planning, Planning
Commission
Public Hearing Dates: _____
First reading: _____
Referred to: _____
Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 8.1.9 Maximum On-Site Parking Spaces, Sec. 13.1.2 Definitions, Sec. 14.3.4 FD6 – Downtown Core, Sec. 14.3.5 FD5 – Downtown Center, and Appendix A, thereof to read as follows:

Sec 8.1.9 Maximum On-Site Parking Spaces

The total number of off-street parking spaces provided in any parking district shall not be more than as allowed in Table 8.1.9-1 below:

(a) As written

(b) As written

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
RESIDENTIAL USES¹	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	3	2	1
Single Family detached and Duplex	3	2	2
1. Adjusted for development with inclusionary housing units per Sec. 8.1.8(c)			
RESIDENTIAL USES - SPECIAL¹	Per Dwelling Unit except as noted		
Assisted Living	1	1	1
Boarding House (per two (2) beds)	1	1	1
Community House	1	1	1

Table 8.1.9-1 Maximum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Convalescent Home (per four (4) beds)	1	1	1
Dormitory (per two (2) beds)	1	1	1
Emergency Shelter	1	1	1
Group Home (per two (2) beds)	1	1	1
Historic Inn (per room, in addition to single-family residence)	1	1	1
Sorority & Fraternity (per two (2) beds)	1	1	1
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
Adult Day Care (per two (2) employees)	1	1	1
Agricultural Use	1	1	1
Amusement Arcade	3	2	1
Animal Boarding/Kennel/Shelter	3	3	2
Animal Grooming (per grooming station)	1	1	1
Animal Hospitals/Veterinarian Office	4	3	2
Appliance & Furniture Sales/Service	3	3	1
Aquarium	2	1	1
Art Gallery/Studio	4	3	3
Auction Houses	4	3	3
Automobile & Marine Parts Sales	3	3	2
Automobile Body Shop	3 plus 1/bay	3-plus 1/bay	2 plus 1/bay
Automobile Repair/Service	3 plus 2/bay	3 plus 2/bay	2 plus 1/bay
Automobile Sales – New & Used (for public and employee parking only; unregistered for-sale vehicles exempt from limits)	3	2	2
Bakery	3	3	3
Bank, Credit Union	3	3	2
Bar/Tavern	5	4	3
Beauty/Barber Shop (per station/chair)	1	1	1

Table 8.1.9-1 Maximum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Bicycle Sales/Repair	3	2	1
Billiard Parlor (per game table)	1	1	1
Boat Repair/Service	3	2	2
Boat Sales/Rental	3	2	2
Boat Storage	4	3	2
Bowling Alley (per lane)	4	3	2
Building Material Sales	4	3	3
Café (per four (4) seats)	1	1	1
Camp Ground (per camping space)	1	1	1
Car Wash (stacking spaces per wash bay)	5	4	4
Cemetery	1	1	1
Cinema (per four (4) seats)	1	1	1
Club, Membership	4	3	3
Community Center	4	3	3
Community Garden (per ten (10) plots)	1	1	1
Conference Center	4	3	2
Contractor Yard (per 1,000 gfa of office space)	3	3	2
Convenience Store	4	3	2
Convention Center	n/a	n/a	3
Courthouse	n/a	n/a	3
Crematory (per FTE employee)	1	1	1
Crisis Counseling Center	5	4	3
Daycare - Home (6 children or less)	1	1	1
Daycare - Large (Over 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children
Daycare - Small (20 children or less) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children

Table 8.1.9-1 Maximum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Dental Lab	3	2	1
Distribution Center (per 3,000 gfa)	1	1	1
Dry Cleaning Plant	2	1	1
Dry Cleaning Service	3	3	2
Film Studio	4	3	3
Fire Station (per apparatus)	n/a	n/a	n/a
Food & Beverage Processing	2, plus 4 per 1,000 gfa devoted to patron use	1, plus 3 per 1,000 gfa devoted to patron use	1, plus 2 per 1,000 gfa devoted to patron use
Fuel Service Station (per employee/shift)	3	3	2
Funeral Home (per four (4) seats)	1	1	1
Garden Supply Store (per 1,000 gfa of retail area.)	4	3	2
General Merchandise/Retail	4	3	2
Grocery Store	4	3	2
Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)	1	1	1
Health Club	4	3	2
Health Studio	3	2	1
Hospitals (per patient bed)	3	2	2
Laundromats (per washing machine)	1	1	1
Library	2	1	1
Lodging	1	1	1
Lumber Yard (per 1,000 gfa of retail area.)	4	3	2
Manufacturing-Light	2, plus 4 per 1,000 gfa devoted to patron use.	1, plus 3 per 1,000 gfa devoted to patron use.	1, plus 2 per 1,000 gfa devoted to patron use.
Manufacturing	2, plus 4 per 1,000 gfa	1, plus 3 per 1,000 gfa	1, plus 2 per 1,000 gfa

Table 8.1.9-1 Maximum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
	devoted to patron use.	devoted to patron use.	devoted to patron use.
Marina (per berth)	1	1	1
Medical Lab	3	2	1
Museum	1	1	1
Office - General	3	2	2
Office - Medical, Dental	4	3	2
Office – Technical	3	2	2
Open Air Markets	1	1	1
Operations Center - Taxi (per three (3) employees)	1	1	1
Operations Center - Truck/Bus (per 1,000 gfa) (registered transit vehicles exempt from limits)	1, plus 1 per 1 employee	1, plus 1 per 1 employee	1, plus 1 per 1 employee
<u>Overdose Prevention Center</u>	<u>5</u>	<u>4</u>	<u>3</u>
Park (per playing area)	6	5	1
Parking Garage – Private	N/A	N/A	N/A
Parking Lot – Private	N/A	N/A	N/A
Performing Arts Center (per four (4) seats)	1	1	1
Performing Arts Studio	1	1	1
Pet Store	3	3	1
Pharmacy	4	3	2
Photo Studio	3	3	1
Photography Lab	1	1	1
Police Station	n/a	n/a	n/a
Post Office	2	1	1
Post Office - Local	3	2	2
Printing Plant	2	1	1
Printing Shop	3	2	2

Table 8.1.9-1 Maximum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
Public Transit Terminal	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space
Public Works Yard/Garage (for public and employee parking only; fleet parking exempt from limits)	1	1	1
Radio & TV Studio	3	2	2
Rail Equip. Storage & Repair	1	1	1
Recording Studio	2	1	1
Recreational Facility - Indoor (per four (4) seats)	1	1	1
Recreational Facility - Outdoor (per playing field)	19	15	10
Recreational Facility - Outdoor Commercial	Larger of 1per 4 seats or 19 per playing field	Larger of 1 per 4 seats or 15 per playing field	Larger of 1 per 4 seats or 10 per playing field
Recreational Vehicle Sales – New and Used	3	2	2
Recycling Center - Large above 2,000 gfa	1	1	1
Recycling Center - Small 2,000 gfa or less	1	1	1
Research Lab	3	3	2
Restaurant	5	4	3
Restaurant – Take-Out	5	4	3
Salon/Spa	5	4	4
School - Secondary (per Classroom)	9	7	5
School - Primary (per Classroom)	2	2	2
School – Preschool Large (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children
School – Preschool Small (up to 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children
School - Trade/Professional	6	5	3

Table 8.1.9-1 Maximum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Districts
School, - Post-Secondary	3	2	2
Solid Waste Facility - Incinerator, Landfill, Transfer Station	1	1	1
Tailor Shop	3	2	1
Vehicle Salvage	1	1	1
Warehouse	1	1	0
Warehouse - Self Storage Facility	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces
Warehouse - Retail	4	3	3
Wholesale Sales	2	1	1
Worship, Place of (per four (4) seats)	1	1	1

Sec. 13.1.2 Definitions

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

Sec. 14.3.4-H Use Types**Office & Service**

Overdose Prevention Center P

Sec. 14.3.5-H Use Types

Overdose Prevention Center P

Appendix A Use Table – All Zoning Districts

***For changes See attached Appendix A

* Material stricken out deleted.

** Material underlined added.

32 Planning/KS/Ordinances 2024/ZA-25-01 Overdose Prevention Centers
33 CDO Sections
34 07/18/2024

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

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

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

Appendix A-Use Table – All Zoning Districts

2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.

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

4. Reserved.

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

6. Must be owner-occupied.

7. Must be located on a major street.

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

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

10. Exterior storage and display not permitted.

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

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

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

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

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

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

17. Allowed only as an accessory use.

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

19. [Reserved].

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

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

22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.

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

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

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

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

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

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

29. Must be fully enclosed within a building.

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

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

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

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

34. See Sec. 4.5.8(c) 5 for permitted uses in the Enterprise – Innovation District (E-SEID) Overlay
- | | |
|--------|---|
| NMU | Neighborhood Mixed Use |
| NAC | Neighborhood Activity Center |
| NAC-RC | NAC – Riverside Corridor |
| NAC-CR | NAC – Cambrian Rise |
| E-AE | Enterprise – Agricultural Processing and Energy |
| E-LM | Enterprise – Light Manufacturing |

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

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

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

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

Appendix A-Use Table – All Zoning Districts

2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.

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

4. Reserved.

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

6. Must be owner-occupied.

7. Must be located on a major street.

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

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

10. Exterior storage and display not permitted.

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

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

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

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

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

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

17. Allowed only as an accessory use.

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

19. [Reserved].

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

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

22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.

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

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

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

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

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

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

29. Must be fully enclosed within a building.

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

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

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

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

34. See Sec. 4.5.8(c) 5 for permitted uses in the Enterprise – Innovation District (E-SEID) Overlay
- | | |
|--------|---|
| NMU | Neighborhood Mixed Use |
| NAC | Neighborhood Activity Center |
| NAC-RC | NAC – Riverside Corridor |
| NAC-CR | NAC – Cambrian Rise |
| E-AE | Enterprise – Agricultural Processing and Energy |
| E-LM | Enterprise – Light Manufacturing |

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

ZA-25-01

Overdose Prevention Centers



CHARLES DILLARD, AICP, PRINCIPAL PLANNER

Background

On June 17, 2024, the Vermont legislature enacted H. 72 – now 18 V.S.A. § 4254, legislation that authorizes overdose prevention centers.

Overdose Prevention Centers are facilities are intended to reduce the potential risks of drug use, including overdose and undesirable public drug use, by providing facilities and trained staff for the on-site use of regulated substances.

Background

The Department of Health will be issuing operating guidelines for OPCs, including level of on-site staff qualifications, by September 15th.

It is the City's goal to support the establishment of an OPC as soon as possible following the State's approval.

Proposed Ordinance

Proposal:

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

Rationale:

Overdose Prevention Centers do not conform perfectly to any use defined in the Comprehensive Development Ordinance. Given the complex legal framework enabling this use, a standalone definition is recommended. Furthermore, it is standard City practice to define any uses specifically enabled by state legislation as such by denoting its enabling statute.

Proposed Ordinance

Proposal:

Allow the OPC use in the following districts:

- Institutional
- Neighborhood Mixed-Use
- Downtown Form Districts 5/6

Rationale:

Overdose Prevention Centers should be located in mixed-use areas with the highest development intensity and where potential impacts can be mitigated. They should also be located in areas where related and supportive addiction, medical and social services are allowed.

Burlington Planning Commission

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

www.burlingtonvt.gov/pz

Andy Montroll, Chair
Erhard Mahnke
Ryan Nick
Alexander Friend
Michael Gaughan
Erin Malone
Julia Randall

Burlington Planning Commission

Tuesday, July 9, 2024, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, A. Friend, M. Gaughan, J. Randall, E. Malone, R. Nick, E. Mahnke
Staff Present	C. Dillard, S. Gustin (DPI)
Public Attendance	Jak Tiano, Sharon Bushor, Daniel Goltzman, Evan Gould, Barbara Headrick

1. Agenda

Call to Order	Time: 6:30pm
Agenda	Recommended action for item 5: Ask questions and provide feedback on the draft amendment. Warn the amendment for a public hearing and the bylaw. Recommended action for item 7: Receive the report. No action required

2. Public Forum

Name(s)	Comment
Jak Tiano	- The PUD lot coverage should be increased. - The NC needs to be accessible for people doing their own developments. - Made a note about exceptions to maximum building footprint. - PUD FAR seems low. Increase FAR to 1.25 or 1.5.
Sharon Bushor	- Noted to the Planning Commission to go over the ordinance in its entirety. - Found hard to follow the table format for PUDs 11.1.3 - Asked why some sections of the neighborhood were excluded from the design review. - Commented on the differences in existing corridors. - Commented that the minimum lot frontage of 30 feet is far too narrow.
Daniel Goltzman	- About the maximum building footprint: the increase in lot coverage is rendered practically useless by adding the provision of the maximum building footprint. - Advocates to an addition to table 4.4.5-2 to say: Max structure footprint is subject to review and alteration by the DRB.
Evan Gould	- Agrees with Jak's comment about having additional lot coverage in the PUD standards. - Add conversion of a multi unit dwelling into a single-family house to design review. - Asked what's the goal for the design review process. - Agrees with Jak Tiano that the FAR is too low.
Barbara Headrick	Commented that the UVM single occupancy rate is still high at 63%.

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	• Provided ideas to reduce the SOV rates: increasing the parking permit fees for on campus by a couple \$1000, not providing people with parking permits, requiring them to use public transportation to come in town. • Thinks that adding 400 parking spaces is a bad idea. • Suggested that UVM need to reorient its thinking about the TDM.
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3. Chair's Report

A. Montroll	N/A
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4. Director's Report

C. Dillard	• The TDM study is nearing completion. The consultants have delivered the draft action plan. Presenting it to the Transportation, Energy and Utilities Committee on Thursday 7/11 at 5:30 at Pine St. The action plan includes both policy based and regulatory recommendations to address TDM and does include also some specific strategies to address neighborhood TDM. • First pre-development meeting for the South End Coordinated redevelopment on Thursday 7/11 at 6:30. Working over the last few months with the team of consultants through a CPND grant from the state to do exactly this sustainable design planning. There will be more neighborhood meetings and an open house in addition to some online engagement in the next couple of months. • To Barbara's comment about the TDM: the expectation is for next year's annual report to incorporate more TDM measures. • Charles and Sarah will start offering office hours to Commissioners on the Friday before a PC meeting.
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5. Proposed CDO Amendment: ZA-24-04 Neighborhood Code Part 2A

Action: N/A		
Motion: N/A	Seconded by: N/A	Vote: N/A
Commissioner discussed the language of the ordinance as it relates to the Neighborhood Code Part 2A.. Councilor Becca Brown McNight raised concerns about the height of secondary structures. Alex F. suggested including the phrase “formerly known as an accessory dwelling unit” to the language of the ordinance. Julia would like to address the FAR numbers in part 2A rather than later in part 2B. Alex M. put forward the possibility of deferring the decision on PUDs to part 2B. It was decided to start the next meeting with a recap of the decision points the Commission has made so far, and read through the code itself.		

6. Annual Organizational Meeting

Action: nominate A. Montroll for Chair		
Motion: M. Guaghan	Seconded by: E. Malone	Vote: unanimous
Action: nominate M. Gaughan for Vice Chair		

Motion: J. Randall	Seconded by: E. Malone	Vote: unanimous
Action: nominate J. Randall for Executive Committee at-large member		
Motion: M. Gaughan	Seconded by: A. Friend	Vote: unanimous
Action: nominate C. Dillard for Commission clerk		
Motion: A. Montroll	Seconded by: Michael Gaughan	Vote: unanimous
Action: nominate A. Friend for Chair of the Long-Range Planning Committee and M. Gaughan and E. Malone as the at-large members		
Motion: Michael Gaughan	Seconded by: J. Randall	Vote: unanimous
Action: nominate J. Randall for Chair of the Ordinance Committee		
Motion: E. Mahnke	Seconded by: A. Montroll	Vote: unanimous
The names of the additional members from the DRB, DAB, CB will be presented at the next meeting.		

7. **Joint Institutional Parking Management Plan**

It was decided to move the discussion to the PC meeting on August 13.

Julia asked what the 10% "other" entails on UVM Medical Center's graph, and on whether there is any data on people's commuting destinations to understand the rates for different destinations. She made a comment that the report is focused on a lot of data but it lacks strategy. She also suggested integrating some sort of analysis of housing and density in relationship to the metrics that they're already providing.

8. **Commissioner Items**

N/A

9. **Minutes**

Action: Review and approve the 6/25 Planning Commission minutes

Motion by: A. Friend	Second by: M. Gaughan	Approved: Unanimous
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10. **Communications**

Action: Review and accept the communications

Motion by: A. Friend	Second by: M. Gaughan	Approved: Unanimous
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11. **Adjournment**

Adjournment	Time: 8.42 p.m.
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Motion: E. Mahnke	Second: R. Nick	Vote: unanimous
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Gordon Dragoon

From: Charles Dillard
Sent: Tuesday, July 23, 2024 12:57 PM
To: Alex Friend; Alex Friend (personal); Andy Montroll; Erhard Manke; Erin Malone; Julia Randall; Michael Gaughan; Ryan Nick
Cc: Sarah Morgan
Subject: FW: Planning Commission - Speed Limit Reduction

Commissioners,

I am forwarding a communication our office received from Gordon Dragoon. Gordon had initially hoped to provide this comment at your last meeting but was unable to do so.

This is not included in your packet but passing along so that you can accept it as one of your communications at the end of tonight's agenda.

Best,
Charles

From: Gordon Dragoon <gordondragoon@gmail.com>
Sent: Thursday, July 18, 2024 12:54 PM
To: Charles Dillard <cdillard@burlingtonvt.gov>
Subject: Planning Commission - Speed Limit Reduction

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

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

Hi there, my name is Gordon Dragoon. On Wednesday 7/17 I called into the Planning Commission meeting with the intention of making a short public comment, but it seems as if calling in isn't supported for that meeting so if it isn't too much trouble I'd like this message forwarded to the members of the Planning Commission.

The primary danger to all forms of active transit is cars. Reducing the speed limit will better serve people who are walking, in a wheelchair, or cycling. Our designated downtown area is not and should not be primarily concerned with moving vehicles through it as quickly as possible, but should instead be a place where people feel safe and want to visit.

Yesterday afternoon you heard a presentation from Phillip Peterson from the Department of Public Works that proposed reducing the speed limit in downtown Burlington to 20 mph. Myself and members of the Burlington Walk & Bike Council support this proposal wholeheartedly and would like the commission to consider further changes on top of what was proposed. The following message was agreed upon by all members of the walk and bike council and every attending guest at our meeting:

We support 15 mph in the downtown district, with consideration that the perimeter arterials are currently built for 20 mph. The perimeter arterials of Battery, Pearl, Main, and S. Winooski can be kept at 20 mph until we can have the infrastructure to support 15 mph.

I appreciate the presentation that Mr. Peterson gave yesterday and accepting DPWs proposal will certainly lead to an improvement for Burlington, but we'd appreciate your consideration for our proposal as well. We believe that a further reduction will only serve to make our city safer and more enjoyable for those that visit it.

Thanks for your time,
Gordon Dragoon

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

Sharon Bushor

From: Sharon Bushor <sfbushor@gmail.com>
Sent: Tuesday, July 23, 2024 4:38 PM
To: Charles Dillard; Sarah Morgan; Andrew Montroll
Subject: Draft Neighborhood Code Zoning Amendment

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

Good morning,

This has been a difficult process for the public. I see this as equal to PlanBTV yet the rollout has been quite different and pales in comparison to the City wide resident inclusion for PlanBTV. I attribute most of this to the every changing scope of the proposal. What started as an amendment to accommodate what once was allowed (the missing middle) became a MAJOR zoning rewrite. Even the language used (now called the Neighborhood Code) doesn't reflect the enormity of the impact of this rewrite. I only mention this to perhaps spark a conversation among staff and the Commission to how better include City residents in the remaining proposed amendments. Having said that, I do have some comments, questions and suggestion for this current proposed draft amendment.

I will move through this in chronological order.

1. Sec 3.4.1 Purpose (lines 34 and 35)

" provide for necessary landscaping and screening and protect and maintain the character and development pattern of the surrounding area" This is no longer referenced in this amendment and all proposed development deviates from the existing pattern. Please rewrite to reflect the factual intent of this revision.

2.Question for lines 62 and 63...Does this apply to a separate structure ADU?(It is more than one structure on a lot)

3. Map 3.4.2-1 Design Review Overlay District Will this map be further revised to address triggers for Design Review.

4. Residential Corridor (lines 88 and 89)

This needs further analysis and consideration before you designate additional streets as Corridors. Maybe consider two types of corridors ,major and minor with unique criteria for each . For this existing amendment, line 89 says the depth is 200 feet. Has anyone mapped this out? When driving down North Ave and Shelburne Street, I see many lots having that depth. On Colchester Ave. I was unable to find many with the exception between Mainsfield Ave and Fletcher Place. From East Ave down to Barrett Street, I believe there are none. If that depth is maintained it would include multiple lots and encroach into the residential lots behind. My concern is that it will encourage lot boundary adjustments and further erode the surrounding neighborhoods. Burlington has such a small land mass which makes the concept of transitions next to impossible. With the proposed additional height and density for RC, it inserts RH into RL zones. See Map 4.4.5 where lot coverage for RH and RC are both 80%.

Corridors must designate the entire street or clearly define start and end points. Map 4.3 2-1 Base Zoning Districts reveals the compression RCs create in our small City and reflects a jumbled zoning proposal. Please take more time with this aspect of NC. Please map it out to see what this would look like if realized.

NOW I WANT TO FOCUS ON COLCHESTER AVE. I continue to maintain this street is very different than North Ave and Shelburne Street. It is in an older part of the City with larger historic homes. Yet this Ordinance has eliminated protection for older homes built on Colchester Ave between East Ave and Barrett Street lines 239 and 240. This is a real loss of the history of this section of Burlington and clears the way for significant alterations to these residential structures without adequate review. It also is a street with limited parking and no

opportunity for off street parking so the mixed use component will not be able to be realized. Two businesses exist on this roadway. Kampus Kitchen that survives because of land owned by UVM in close proximity where people briefly park plus 2 designated street spaces out front . Domino's Pizza which delivers pizza and barely has space for its delivery vehicles. I agree it is a transportation corridor but is unable to accommodate the other zoning allowances. Therefore, that is why I suggested two corridor designations with each having unique criteria and opportunities. Please consider removing Colchester Ave from the current Corridor designation. It does not meet the criteria.

5. Table 4.4.5-1. This table has the minimum lot frontage for RL and RM as 30 feet. The few lots that currently exist with this width have had difficulty creating a driveway for cars to park without having their door hit the neighbors house. Why would this happen? With this narrow lot, sideyard setbacks are 10% or 3 feet. If an existing structure is on the property line, you can see the potential problem. In this table it has mandates. Please change the wording under RC Front Setback . Currently states maximum permitted, please change to maximum required. Also why make the new additions to Corridors stick out and not be in line with surrounding neighbors and thus use the same averaging tool to determine setbacks?. The few feet gained is not worth the visual disruption.

6. Table 4.4.5-2 In this table, which defines the size of the secondary structure, an assumption is made that RL lots have more buildable space than RM lots. This is factually untrue. Lot sizes vary greatly throughout RL and RM. When the determination to disregard lot size in zoning was made by this Commission during your initial NC meetings, you have created an Ordinance that misses housing opportunities on larger lots in RM. Note: second structure in RL is 1100 vs 900 in RM.

7. Lines 164-166. I am not sure what this allows. Where are the justifications for exceptions? As granted by the DRB, will they be tracked to understand if amendments to this Ordinance are needed?

8. Lines 202 and 203. Administrative approval of a single unit (internal or external) Will there be a Z card posted?

This is a big change from a DRB process to now one that allows no neighbor input. In my neighborhood a change was made that caused water to flow into neighbors basements. How will staff know about the idiosyncrasies and problems that exist?

9. Lines 214 - 216 . These lines are deleted and contain language explaining the purpose of protection of older historical structures. Where does this live now? If not present in this draft, then please don't delete until protection is defined and included. The conversations have included discussions for change but not elimination. When you remove language without replacing it, the result is elimination of that protection.

10. Lines 259- 264 have been deleted since they were regulations for ADUs. Please look at these closely for guidance and the framework to address stormwater runoff. In essence, it refers to the expansion of lot coverage and the need to evaluate the impact on the right of way (streets) requiring review by the DPW Stormwater Program Manager to evaluate and propose necessary conditions NOTE: THIS WAS INCLUDED FOR THE ADDITION OF ONE SRRUCTURE (900 SQFT MAX). Now this draft proposed larger structures with greater lot coverage and there is no required review. Why does this make sense?

Also where is the evaluation of the impact of cumulative development on wastewater and stormwater capacity? This seems like a health and safety issue that needs to be included in this Ordinance Now not later.

This draft is addressing "the missing middle". My next comments are recommendations for what is " missing" in this draft and are offered to strengthen (and admittedly change) what is proposed.

#1 Many conversations and opinions were expressed regarding the height of the 2nd structure in relation to the primary structure. My suggestion is if the second structure is either taller than 2 stories (to address the one story home) or taller than the primary multistory home, it would require DAB review.

#2 Add a condition that would require a permit to remove healthy mature trees from the lot BEFORE the building permit was issued. Need to discuss enforcement. Trees are essential for air quality and an important component of cooling a more fully developed City.

#3 REQUIRE the submission of a stormwater plan if lot coverage reaches the maximum allowed and MANDATE if bonuses allow greater lot coverage.

#4 Please consider having IZ apply if the total number of units on a lot exceed 5 . Therefore it would not be applied to each structure independently. Ideally, I would favor an IZ Ordinance that would trigger at 4 units.

#5 A memory lane issue. I recall when the ADU Ordinance was proposed, the issue of a structure not having street frontage came up in relation to Fire Department access. Most had to meet this safety concern by installing a sprinkler system. With the NC structures will be in the backyard without street frontage and this issue was never discussed. So what are the requirements for a new structure or conversion of a garage etc. ? Looking back at recent legislation it offered greater detail and gave guidance to the person attempting to comply with our Ordinances.

I believe that had value.

#6 I still have concerns about the conversion of non residential or nonconforming structures into residential uses. Please understand I AGREE with this proposal. What is missing are conditions if this structure is right on the property line. Activity levels, privacy concerns need to be addressed with recommended screening or placement of windows. Once again these considerations are missing.

#7 Last comment: I still believe we would have,a better quality of life if we limited the number of units in the second structure to two, not four. It may encourage larger units for families or even the creation of a duplex for rent or homeownership. This still would add much needed housing.

Thank you for your time.

Sharon Bushor

Ward 1 Resident