



Wednesday, September 11, 2024, 1:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

When: Sep 11, 2024 01:30 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

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1. Agenda

Subject

1.1. Motion to amend/adopt agenda

Meeting

September 11, 2024 - Ordinance Committee Meeting - Wednesday, September 11, 2024, 1:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category

1. Agenda

Department

Type

Recommended Action

2. Adopt Draft Minutes

Subject	2.1. Adopt Draft Minutes from August 26
Meeting	September 11, 2024 - Ordinance Committee Meeting - Wednesday, September 11, 2024, 1:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	2. Adopt Draft Minutes
Department	Council and Board
Type	
Recommended Action	

3. Public Forum

Subject	3.1. Verbal Comments
Meeting	September 11, 2024 - Ordinance Committee Meeting - Wednesday, September 11, 2024, 1:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	3. Public Forum
Department	Council and Board
Type	

4. Condo Conversion Discussion ***ITEM REMOVED - POSTPONED TO FUTURE MEETING***

Subject	4.1. Condo Conversion Discussion ***ITEM REMOVED - POSTPONED TO FUTURE MEETING***
Meeting	September 11, 2024 - Ordinance Committee Meeting - Wednesday, September 11, 2024, 1:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	4. Condo Conversion Discussion ***ITEM REMOVED - POSTPONED TO FUTURE MEETING***
Department	Council and Board
Type	
Recommended Action	

5. Police Oversight Ordinance Discussion

Subject	5.1. Police Oversight Ordinance Discussion
Meeting	September 11, 2024 - Ordinance Committee Meeting - Wednesday, September 11, 2024, 1:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	5. Police Oversight Ordinance Discussion
Department	Council and Board
Type	
Recommended Action	

6. Comprehensive Development Ordinance Discussion regarding Secondary Structures

Subject	6.1. Comprehensive Development Ordinance Discussion regarding Secondary Structures
Meeting	September 11, 2024 - Ordinance Committee Meeting - Wednesday, September 11, 2024, 1:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	6. Comprehensive Development Ordinance Discussion regarding Secondary Structures
Department	Council and Board
Type	
Recommended Action	

7. Any Other Committee Business

Subject	7.1. Any Other Committee Business
Meeting	September 11, 2024 - Ordinance Committee Meeting - Wednesday, September 11, 2024, 1:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	7. Any Other Committee Business
Department	Council and Board
Type	
Recommended Action	

8. Adjournment

Subject	8.1. Motion to adjourn
Meeting	September 11, 2024 - Ordinance Committee Meeting - Wednesday, September 11, 2024, 1:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	8. Adjournment
Department	Council and Board
Type	
Recommended Action	

**Ordinance Committee
Monday, August 26, 2024
Sharon Bushor Conference Room
at City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES**

Members Present: Councilor Shannon (Chair), Councilor Bergman, Councilor Brown McKnight

Staff Present: Kim Sturtevant (Assistant City Attorney), Jessica Brown (City Attorney), Brian Pine (CEDO Director)

Public Present: Michael Monte, Todd DeLuca, Sharon Bushor, Christopher Aaron-Felker, Pat Bradley

Meeting called to order at 7:04 PM.

**1. Adopt the Agenda
1.01 Adopt the Agenda**

Motion to Adopt Agenda as is.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

**2. Adopt Draft Minutes
2.1 Adopt Draft Minutes from August 14**

Motion to Adopt the Draft Minutes from August 14 with an amendment to Councilor Shannon's opinion on the Condo Conversion ordinance regarding home ownership.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

**3. Public Forum
3.1 Verbal Comments**

Todd DeLuca: I live in Ward Four. I support the Condo Conversion ordinance changes. We should focus on displacement and work on programs to help with issues with displacement.

4. Condo Conversion Discussion

Michael Monte and Brian Pine both submitted comments to the Committee. These comments are available in the agenda packet.

Michael Monte (Champlain Housing Trust Director) said that CHT advocates for home ownership for moderate income people. There have been 20 families that were displaced in Winooski due to redevelopment. These families are now scattered around the county. He said that it is good to promote home ownership but low to middle income people must be the focus so there is not consequences for them. There has to be a balance between promoting ownership and safeguarding against displacement.

Councilor Shannon asked Michael Monte to elaborate more on the Winooski scenario and what rules exist in Winooski.

Michael Monte said there are some statewide rules, but the apartments in Winooski are being redeveloped to yield higher rents rather than to create home ownership.

Councilor Bergman asked Michael Monte about the impact of striking the fee for condo conversion and the changing of the stated purpose of the ordinance.

Michael Monte said providing resources and time to current tenants that will be displaced is very important. Also ensuring that the intended condos are affordable to people making \$70-80,000 is important. He said that the fee could be replaced with a limit on the sale price for the resulting condo. This would replace moderate income rental housing with moderate income home ownership.

Councilor Brown McKnight said she would like more information about what kind of apartments are being converted and what the rents are for them.

Brian Pine (CEDO Director) said the census says that just over half of Burlington renters are cost burdened meaning they spent more than 30% of their income on housing. Half of the rent burdened residents are paying over 50% of their income on housing. He said that during the rental registration process the City does not ask for the rent. He said that no government body in the state of Vermont asks about rents that he knows of.

Councilor Bergman said the questions on the rental registration form are defined in ordinance and only available on paper instead of having a database. He said he would be supportive of collecting rent data via that registration form.

Brian Pine said over 80% of rental registrations are done online already. Michael Monte said that an ordinance alone likely will not solve the issue and it would take a program to assist in protecting tenants and promoting homeownership.

Michael Monte said that, for an example, a \$260,000 condo would be a \$240,000 mortgage, about \$1,500 a month for just the mortgage. That is without insurance or taxes. For condos under \$200,000 a mortgage is usually cheaper than market rate rent.

Brian Pine said the current 4% fee does not seem like it is a deterrence from doing a conversion, but the revenue generated from the fee is helpful for the Housing Trust Fund.

Attorney Sturtevant shared the draft ordinance change resolution. This draft is available in the agenda packet.

Councilor Bergman asked for more detail and clarity from the City Attorney's Office and CEDO about recommendations from the Burlington Affordable Housing Task Force as well as about state statutes relating to condo conversion. He said that the ordinance statement of purpose should be changed to directly incorporate the recommendations that are only currently alluded to.

Councilor Bergman asked for some analysis from staff about potential exemptions for tri- and quadplexes. He said he is not currently comfortable with expanding the exemption to all of those units based on the large number of units.

Brian Pine clarified the exemption requirement in 18-302(b)(2) and said when the units were being converted that a deed restriction regarding low income housing would be added. The deed restriction was not required ahead of that time to be exempt.

Councilor Shannon said the tenant relocation costs of up to the proposed two thousand dollars should also be given to a tenant as cash if they are the buyer of the converted condo.

Brian Pine said the application fees generate practically no revenue because there are so few conversions. Councilor Bergman said multiple City offices are involved in conversion administration and that fees should pay for the program's staff time.

Brian Pine said the current application fee of \$25 is too little, but he is unsure what the right amount should be. All councilors agreed that CEDO and the City Attorney's Office should look into how much the application fee should be.

Councilor Shannon said that some larger property developers have complained about the 4% fee and the wait time being onerous to conversions and thus further development.

Councilor Brown McKnight said she would need more analysis on the current fee but would be open to having a sliding scale relative to condo sale price.

Councilor Bergman asked City staff to draft ordinance language based on the recommendations in Michael Monte's memo. He also said that the Committee should look at other housing-related ordinances to see if any others need to be updated after the present one is referred back to Council.

5. Police Oversight Ordinance Discussion

Councilor Shannon shared her thoughts on the makeup of the new oversight panel. She suggested having one member be the City's HR Director, one member be the head of either CEDO, REIB, or the CJC as chosen by the Mayor, two individuals appointed by the Mayor with at least ten years' experience in law enforcement as an LEO, prosecutor, or public defender, and one individual appointed by the Council President with the same ten years' experience requirement. Two of the three outside individuals appointed by the Mayor and Council President

must be Burlington residents. The Mayor and President will coordinate to ensure that there is sufficient diversity on the panel and that the panel can meet in a timely fashion.

Councilor Brown McKnight said she took issue with having the Mayor effectively appoint four of the five members, as well as the Chief of Police. She said she would prefer the Mayor only appoint two of the five. She also said preference should be given to Burlington residents, but could be expanded to Chittenden County if necessary.

Councilor Bergman said he did not want City staff being on the panel. He said all the Department Heads mentioned work with the Chief of Police on a regular basis. He also disagreed with the high professional experience requirement. He said any person chosen from outside the City should have a connection to Burlington. He agreed with Councilor Brown McKnight about not having four of the five members be appointed by the Mayor. He also wanted the new City Attorney Jessica Brown to give her opinion on this issue.

6. Trespass Ordinance Discussion

Agenda item tabled for a future meeting.

7. Any Other Committee Business

The next meeting is set for September 11th at 1:30PM.

8. Adjournment

Motion to Adjourn.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 9:07 PM.

From: Sharon Bushor, Ward One

July 23rd, 2024

Public Comments to the Planning Commission re: Neighborhood Code Amendment

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

Title 24 : Municipal and County Government

Chapter 061 : Regulatory Provisions; Police Power of Municipalities

Subchapter 011 : Miscellaneous Regulatory Powers

(Cite as: 24 V.S.A. § 2293)

- **§ 2293. Regulation of condominium conversion; referendum**

A town may adopt an ordinance governing the conversion of rental units to condominiums which is supplemental to and not inconsistent with the provisions of 27 V.S.A. chapter 15, subchapter 2. Such an ordinance shall be submitted to the voters and shall be adopted if approved by a majority of those present and voting. (Added 1985, No. 175 (Adj. Sess.), § 6.)



August 7, 2024

Ordinance Committee
City of Burlington

Re: Conversion of Rentals to Homeownership

Dear Ordinance Commtee:

Thank you for the opportunity to speak to the importance of the City of Burlington's Condo Conversion Ordinance.

The Champlain Housing Trust, through its predecessor the Bulington Community Land Trust (BCLT), was created in 1984 to provide permanently affordable housing through homeownership as a way to prevent displacement and gentrification. The Old North End, and the City of Burlington has been a key target area.

Soon after BCLT's creation, the City of Burlington's condo conversion ordinance was created in response to the potential massive displacement of low-income renters from Northgate in the late 1980's, which at the time would have displaced 330 families and over a thousand people. It was successful, and Northgate remains a stable, affordable resident owned rental property.

Unfortunately, displacement continues to occur unchecked due to higher rents and redevelopment of existing multi-family properties. The need for tenant protections, and the condo conversion ordinance, is greater than ever.

CHT has a long history of successfully converting rental housing into homeownership. We have done this on a single-family home basis and through the conversion of multi-family properties.

Here are some of our practices and lessons that we have learned:

- Any conversion that we undertake includes a long notification period, an opportunity for the tenant to purchase the home, relocation expenses, and assistance in finding an affordable apartment at another location.
- Most importantly, all of the homes we create through conversion are permanently affordable for generations to come, providing stability for a neighborhood while also providing opportunity for wealth creation.
- Many apartments do not have the amenities that a new homeowner is seeking. Typically, homeowners are looking for these standard features: two bedrooms or more, full sized kitchen and dining, adequate storage, some privacy.
- Our experience has been that most renters do not want to own the home that they are renting due to their individual preferences or they are not able to qualify for a mortgage due to credit or other reasons.

Much of Burlington's older rental housing stock has been created through conversions of larger single-family homes into multiple apartments. The cost of converting these back to single family homes would be very high, considering the base cost would be the purchase of two or more apartments, and the substantial cost of conversion back into a single-family home.

The best opportunity for conversion of rental property is with newer properties that are more updated and need less improvements. These properties often serve a higher income tenant who may be better positioned to purchase and therefore there would be less impact from displacement.

Any program that the City would adopt should consider the following:

- First right of refusal to a non-profit entity or for the tenants to form a coop to purchase the property, say 120 days.
- If not purchased by a non-profit or coop:
 - A two-year notice to tenants (eliminate 4 year notice for elderly or disabled)
 - Payment of relocation costs as a set stipend for the tenant (\$2,000 in 2024 dollars)
 - Payment of rent differential for low and moderate income tenants with consideration to create a system that is simple and less complicated than federal standards.
- The majority of the homes converted should be permanently affordable.
- Relocated tenants should be given the opportunity to relocate to an affordable apartment or there should be substantial payment into the Housing Trust Fund to support the creation of the home or replacement apartment.

Thank you for your time and consideration.

Sincerely,

Michael Monte

Michael Monte
Chief Executive Officer

CITY OF BURLINGTON

ORDINANCE 6.06

Sponsor: Councilors Shannon,
Traverse, Brown McKnight
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

First reading: 06/03/24
Referred to: Ordinance Committee

An Ordinance in Relation to

CHAPTER 18 HOUSING ARTICLE V. REGULATION OF
CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS
OR COOPERATIVES

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 Chapter 18, Article V, of the Code of Ordinances of the City of Burlington be and hereby is amended
by amending Section 18-300, Statement of purpose; 18-303, Definitions; 18-304, Notice to tenants; deleting
Section 18-306, Application fee; and Section 18-307, Condominium conversion fee, thereof to read as
follows:

18-300 Statement of purpose.

The intent and purpose of this article is as follows:

- (1) To support the retention of rental housing in the city;
- (2) To prevent large scale displacement of low-and moderate-income persons;
- (3) To mitigate the impact on tenants displaced or threatened by displacement by the conversion of rental housing to condominiums or cooperatives;
- (4) To mitigate the impact of such displacement on the city's housing market;
- (5) To provide opportunities for tenants and/or public entities to purchase rental housing in order to maintain perpetual affordability of that housing;
- (6) To provide broad opportunities for persons to rent or own housing that will be perpetually affordable;
- ~~(7) To provide funds to replace low-and moderate-income housing lost through conversion of rental housing to condominiums and cooperatives;~~
- ~~(7)~~ (8) To promote the rehabilitation and construction of housing for low-and moderate-income persons; and
- ~~(9)~~ (8) To follow recommendations of the Burlington Affordable Housing Task Force regarding the problems created by the conversion of rental housing to condominiums or cooperatives; and
- ~~(9)~~ (10) To expand on existing Vermont law related to conversions to address specific concerns of the city and its citizens and provide special benefits to existing tenants, especially elderly and disabled people.

(Ord. of 3-30-87)

CHAPTER 18 HOUSING ARTICLE V. REGULATION OF
CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS OR
COOPERATIVES

18-301 Authority and applicability.

This article is enacted under the specific authority granted to Vermont towns and cities by 24 V.S.A. § 2293 and is applicable to the conversion of rental housing in the City of Burlington.

(Ord. of 3-30-87)

18-302 Exemptions.

(a) This article shall not be applicable to single-family homes and duplexes.

(b) This article shall not be applicable to properties that meet all of the following requirements:

(1) land tract with ten (10) or fewer housing units;

(2) a deed restriction making at least twenty-five (25) per cent of the housing units affordable to low income tenant households; and

(3) located in United States Census Bureau tract that contains less than fifty (50) per cent home ownership.

(c) This article shall not be applicable to short term rentals.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07; Ord. of 6-27-22)

18-303 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

~~Application fee means a fee of twenty-five dollars (\$25.00) per residential rental unit proposed to be converted to a condominium or cooperative. The application fee shall be paid to the city, and the proceeds from this fee shall be used by the city for the specific purpose of administering this article. The amount paid as the application fee shall be deductible from the amount due as the impact fee if the conversion actually takes place.~~

Certified tenant organization means a bona fide association of resident tenants of a rental property, as certified by the community and economic development office. To receive such certification, the tenant organization of a property having three (3) to ten (10) rental units must represent at least fifty (50) per cent of the units occupied by tenants who have lived in their unit for more than ninety (90) days; the tenant organization of a property having more than ten (10) units must represent at least thirty (30) per cent of the units occupied by tenants who have lived in their unit for more than ninety (90) days.

~~Condominium conversion fee means a four (4) per cent fee on the actual sale price of residential units converted from rental housing to condominium or cooperative ownership. The condominium conversion fee is due at the time of property transfer of each individual residential unit prior to the recording of the deed or the proprietary lease for the transfer with the city clerk. The condominium conversion fee applies only at the time of the original conversion of the residential unit to a condominium or cooperative and not to any subsequent sale or transfer of the condominium or cooperative unit.~~

Conversion means a change in character of residential real property from a rental to an ownership basis. A condominium, stock cooperative or similar arrangement shall be deemed such a change in character of ownership.

Designated housing agency means a public entity or a 501 (c)(3) tax-exempt, nonprofit corporation whose purpose is creating or preserving housing for low-and moderate-income persons. The city's designated housing agency or agencies shall be designated by the city council.

Disabled tenant means a tenant who has a physical or mental impairment which restricts one or more major life activities, including functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working.

Elderly tenant means a tenant who is sixty-two (62) years of age or older or the surviving spouse of such a tenant who is at least fifty (50) years of age.

Low-income tenant household means a household having an income not exceeding eighty (80) per cent of median income for area of residence as set forth in regulations promulgated from time-to-time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Moderate-income tenant household means a household having an income not exceeding one hundred ten (110) per cent of median income for area of residence as set forth in regulations promulgated from time-to-time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Notice to tenants means the written notice to vacate or purchase a residential unit that a landlord is required to send by certified and regular mail to the current tenants of any rental property that is slated for conversion.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-304 Notice to tenants.

(a) When an owner of rental housing decides to convert that housing to condominium or cooperative ownership, the owner shall give to each tenant the following minimum written notice to vacate or purchase the unit: ~~Four-Two (24)~~ years to elderly and disabled tenants; ~~two-one (12)~~ years to all other tenants. The burden shall be on the tenant to prove that ~~he or she~~ they ~~qualifies~~ qualify as meeting the definition of "elderly" or "disabled" as defined in this article.

(b) The notice shall state that the rental housing is to be converted to condominium or cooperative ownership. It shall set forth generally the rights of tenants and certified tenant organizations under this article and the Vermont statute related to conversions (27 V.S.A. section 1331 et seq.). The notice shall be given by certified mail, return receipt requested, at the address of the housing unit or any other mailing address provided by the tenant. A copy of the notice shall also be sent by regular mail to the address of the housing unit or any other mailing address provided by the tenant. Failure to give notice as required by this article and the Vermont statute is a defense to an action for possession.

(c) During the notice period, a ~~tenancy~~ tenant may not be ~~required to vacate~~ terminated except for a reason specified in subsection (a) or (b) of Section 4467 of Title 9 of Vermont Statutes Annotated.

(d) During the notice period, rent increases shall be limited to an amount which reflects reasonable profits, actual increased costs of maintenance and operation of the housing unit subject to conversion. Costs associated with the proposed conversion are not a permissible basis for a rent increase.

(e) After receipt of the notice, prescribed in paragraph (a) above, a tenant may terminate the rental agreement upon thirty (30) days' written notice to the owner.

(f) Nothing in this section permits termination of a written lease by an owner in violation of its terms.

(g) The notice requirements imposed by this article shall not affect the right of an owner to transfer ownership interests in housing units which are not subject to those requirements or as to which the notice period has expired.

(h) The notice period shall end ~~four-two (24)~~ years after the receipt of the written notice for elderly tenants, or ~~two-one (12)~~ years after the receipt of the notice for all other tenants, or when the existing lease ends, whichever is later.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-305 Right of tenant organizations, public entities, nonprofit corporations, and individual tenants to purchase.

(a) A certified tenant organization or the City of Burlington or the city's designated housing agency shall have the first right to purchase any rental housing that is proposed to be converted to condominium or cooperative ownership.

(b) This first right to purchase in a certified tenant organization, the city or its designee goes into effect at the time the first notice to tenants required by this article is issued by the owner. A copy of all such notices shall be sent to the certified tenant organization, the city and the city's designated housing agency or agencies. This first right to purchase shall be a prior right to the right of an individual tenant to purchase his or her individual unit described in paragraph (i) below.

CHAPTER 18 HOUSING ARTICLE V. REGULATION OF
CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS OR
COOPERATIVES

(c) At the request of the certified tenant organization, the city or the city's designated housing agency, the owner shall provide within seven (7) working days of the request the following materials:

(1) A copy of any bona fide contract for sale which already exists between the owner and a third party;

(2) A rent schedule for the housing units;

(3) Operating expenses and income for the property for the previous two (2) years;

(4) List of capital expenditures for the previous five (5) years;

(5) Floor plans of the housing units and any common areas, if available; and

(6) A list of any outstanding mortgages or liens against the property.

(d) The parties which have a first right to purchase the property have ninety (90) days to sign a purchase and sale agreement with the owner, contingent upon the prospective buyer's ability to obtain financing. If the owner has not provided the information listed in paragraph (c) above to the certified tenant organization, the city or the city's designated housing agency within the specified seven (7) working days, each day's delay shall be added to this ninety-day period. The city or its designated housing agency may enter into such an agreement if and only if a certified tenant organization does not choose to do so.

(e) The sale price of the property shall be set either by a bona fide contract of sale which already exists with a third party at the time of the notice to tenants or by an appraisal process which has both the owner and prospective buyer commissioning an independent appraisal and a third appraiser reviewing the two (2) appraisals if the two (2) parties cannot agree on a price or the two (2) original appraisals are more than ten (10) per cent apart.

(f) As part of a purchase and sale agreement, an owner may require a deposit of earnest money by the certified tenant organization, the city or its designated housing agency. The owner shall not require an earnest money deposit which is more than five (5) per cent of the total purchase price, nor can the owner require this deposit to be nonrefundable.

(g) After signing the purchase and sale agreement, the prospective buyer shall have an additional one hundred eighty (180) days to obtain financing and to settle.

(h) If the first right to purchase the rental housing is not exercised by the certified tenant organization, the city or the city's designated housing agency, the owner is free to proceed with the conversion of the property to condominium or cooperative ownership subject to the provisions of this article, the city's zoning ordinance and Vermont statutes.

(i) After the time period for the certified tenant organization, the city or the city's designated housing agency to exercise its first right to purchase expires, individual tenants in housing units proposed to be converted to condominiums or cooperatives shall have the ninety-day exclusive right to purchase their individual unit, the right to be offered and to accept comparable housing, and the right to receive relocation costs as provided in 27 V.S.A. sections 1334, 1335 and 1336. The additional protections offered to tenants by 27 V.S.A. sections 1337, 1338 and 1339 are also specifically protected by this article.

(Ord. of 3-30-87)

~~18-306 Application fee.~~

~~(a) An application fee of twenty-five dollars (\$25.00) per rental unit proposed to be converted by an owner to condominium or cooperative ownership shall be payable to the city at the time the original notices to tenants are issued by the owner. The amount of the application fee may be adjusted as necessary by the city council.~~

~~(b) This fee is for the specific purpose of covering the cost of administering this article by the city.~~

~~(c) The application fee shall be nonrefundable, but shall be deductible from any impact fee which shall be due if the conversion takes place.~~

~~(Ord. of 3-30-87)~~

~~18-307 Condominium conversion fee.~~

~~(a) If a conversion of rental housing to condominium or cooperative ownership occurs, the seller of the units shall pay to the city a condominium conversion fee of four (4) per cent of the actual purchase price of each unit, assuming this purchase price is based upon the fair market value of the unit as determined by a certified appraiser. There shall be no reduction in this fee for closing or rehabilitation costs.~~

~~(b) The condominium conversion fee shall be paid prior to the recording of the deeds or proprietary leases for the transfer of the housing units.~~

~~(c) Prior to the recording of the deeds or proprietary leases for any transfer of the housing units, the seller shall provide documentation to the city that the notice requirements have been met, and that the first right of purchase processes set out in this article have been followed.~~

~~(d) The city shall certify that the article has been complied with and that the condominium conversion fee has been received prior to the recording of the deed or proprietary lease for the transfer of the property.~~

~~(e) The condominium conversion fee applies to the conversion from rental housing to condominium or cooperative ownership only and not to any subsequent sale(s) of the condominium or cooperative unit.~~

~~(f) The proceeds from the condominium conversion fee shall be paid into a trust fund established by the city council for the promotion, retention and creation of low and moderate income housing in the city and for the accomplishment of the goals set out in the statement of purpose of this article.~~

~~(g) The condominium conversion fee provision shall not apply to the acquisition of and conversion to condominium or cooperative ownership of rental housing by the certified tenant association, the city or the city's designated housing agency. Also, the condominium conversion fee provision shall not apply to sales of individual condominium or cooperative units to the tenant who resided in such unit at the time that the notice required by section 18-304(a) was given.~~

~~(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)~~

18-3068 Circumventing of this article.

An owner shall not attempt to circumvent the provisions of this article; nor shall any person willfully cause a tenant to vacate a dwelling unit or to be evicted from the unit without good cause in contemplation of conversion before the issuance of the notice prescribed in section 18-304(a).

(Ord. of 3-30-87)

18-3079 Penalty; civil remedies.

(a) It is hereby declared that any person who is found guilty of violating any provision of this article shall be deemed to have committed a civil ordinance violation which shall be punishable by a fine of not less than two hundred (\$200.00) dollars and not more than five hundred (\$500.00) dollars, and such violation shall be abated as a nuisance. Each day of such violation shall constitute a separate offense.

(b) In addition, any person who is injured as a result of a violation of this article may seek to recover damages and other just relief as contemplated by Section 54 of the Charter of the City of Burlington. Also, the City of Burlington may bring an action for equitable relief in the Chittenden Superior Court to restrain actual or threatened violations of this article as contemplated by Section 49 of the Charter of the City of Burlington.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-30810 Severability.

The provisions of this article shall be regarded as severable and should any portion thereof be held invalid, such invalidity shall not affect any other portion of such article.

(Ord. of 3-30-87)

CHAPTER 18 HOUSING ARTICLE V. REGULATION OF
CONVERSION OF RENTAL HOUSING TO CONDOMINIUMS OR
COOPERATIVES

~~18-30911~~ Additional regulations to administer this article.

The city council shall have the authority to promulgate additional regulations if necessary to administer the provisions of this article.

(Ord. of 3-30-87)

18-3102 Relocation costs.

(a) The owner shall pay the actual documented cost of relocation, not to exceed ~~one-two~~ thousand dollars (\$~~21~~,000.00), to any tenant entitled to receive notice under section 18-304 who does not purchase the unit which he or she occupies or another unit in the same building or buildings.

(b) Relocation costs shall be payable within ten days after the date the tenant vacates the unit; provided, however, that no tenant is eligible for relocation costs unless:

(1) all rent due and payable has been paid by the tenant prior to the date on which the unit is vacated; and

(2) the tenant has voluntarily vacated the unit on or before the expiration of half the applicable notice period.

(Amend. of 1-8-07, eff. 2-14-07)

18-3113—18-399 Reserved.

* Material stricken out deleted.

** Material underlined added.

Resolution Relating to

**CHANGES TO CITY CHARTER ARTICLES 62, 63, AND 65
REGARDING POLICE OVERSIGHT**

RESOLUTION 7.5.

Sponsor(s): Charter Change
Committee

Introduced: 07/15/24

Referred to: _____

Action: adopted as amended

Date: 07/15/24

Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, over the past several years, as part of its continued commitment to oversight and
2 accountability, the City Council and the Administration have continued to take steps to revise Burlington's
3 police oversight, transparency, and accountability practices; and

4 WHEREAS, pursuant to a resolution adopted by the Council on February 6, 2023, the City Council
5 requested the Ordinance Committee and Charter Change Committee to hold joint meetings, allowing for
6 community and stakeholder input on the disciplinary authority of the Chief of Police, the oversight role of the
7 Police Commission, and the creation of a separate community oversight body independent from the
8 Burlington Police Department; and

9 WHEREAS, over a span of eight months, the Joint Ordinance and Charter Change Committee met
10 fourteen times, seeking and receiving community and stakeholder input on the issues; and

11 WHEREAS, the Joint Committee voted to move forward a proposed charter change for public
12 comment with the understanding it may be placed upon the ballot after a final vote of the Burlington City
13 Council; however, after the first public hearing before the City Council on January 16, 2024 it was referred to
14 the Police Commission for review and comment; and

15 WHEREAS, the Police Commission met over the span of three months and brought forth their
16 thoughts to the City Council prior to the proposed Charter Change being brought back up by the Charter
17 Change Committee who met substantively four times regarding police oversight between June 12, 2024 and
18 July 1, 2024; and

19 WHEREAS, the Charter Change Committee unanimously referred the proposed language below to the
20 full City Council for consideration and voted 2-1 to place the proposed language on the November 5, 2024
21 ballot and warn the language for public hearing;

* * * * *

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Adopted by the City Council

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..... Clerk

Approved....., 20

..... Mayor

Vol. Page

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NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments to the city charter recommended by the Charter Change Committee and requests the Mayor to place the following question on the ballot of the General Election to be held on November 5, 2024 and the City Clerk to set public hearings on the this question in accordance with Charter §303 and 17 V.S.A. § 2645:

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or Suspension, thereto to read as follows:

ARTICLE 62. POLICE DEPARTMENT

183 Board of police commissioners; composition; terms.

The board of police commissioners shall consist of seven (7) legal voters and should represent the diverse nature of said city's constituents, including those from historically marginalized communities, to be appointed by the city council with mayor presiding to serve for three (3) years and until their successors are appointed and qualified.

184 Same-powers and duties.

(a) The city council shall make rules and regulations for the government of the entire police ~~foree-department~~ and shall fix the qualifications of applicants for positions and service on said ~~foree-department~~ and to the extent permitted by applicable law, the chief of police shall furnish the city council with any information they may require concerning the finances of the police department. The chief of police shall be responsible for all expenditures made by the police department and no expenditures shall be made by the department except in conformity with the standards promulgated by the city council.

(b) The board of police commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the police department, its services and facilities, as may be delegated from time to time by resolution, ordinances, and orders of the city council. Said board shall notify the mayor, ~~and the~~ chief administrative officer, and city council, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.

(c) Without limitation to the foregoing, the board of police commissioners and the chief of police may propose rules and regulations for the government of the entire police department in a manner not inconsistent with those established by the city council. Adoption of such proposed rules and regulations requires joint approval by the board of police commissioners and the chief of police. In the event joint approval is not provided by the board of police commissioners and the chief of police, either party may bring forward to the city council the proposed rule or regulation for the city council's consideration.

(d) The board of police commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the police department. The mayor's proposed budget and the city council shall annually appropriate an amount necessary for the adequate support and facilitation of such review. To the greatest extent permitted by law, the chief of police shall provide the board of police commissioners timely updates of any review, investigation, or disposition of alleged misconduct. The board of police commissioners shall have the ability to request additional information from the chief of police and access to those documents or other evidence relied upon by the chief of police in reviewing allegations of misconduct as the city council shall designate by ordinance. For complaints of alleged misconduct that constitute an offense subject to an investigation of the Vermont Criminal Justice Training Council pursuant to 20 V.S.A 2401 et seq. or for which the chief of police intends

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to impose discipline constituting loss of pay, suspension, or termination, the complaint may not be disposed until the board of police commissioners is notified of the proposed disposition.

After receiving notice from the chief of police of the recommended or actual disposition relating to the review of alleged misconduct, the board of police commissioners shall have the authority to:

(i) recommend an alternative disposition to the chief of police within a time established by ordinance; or

(ii) independently investigate any allegation of misconduct by members of the police department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the board of police commissioners, and approved by the city attorney's office, and completed within a time established by ordinance. Upon the conclusion of such an investigation, the board of police commissioners may make a recommendation per subsection (i). The board of police commissioners shall not have the authority to investigate or impose discipline upon the chief of police. Matters regarding the alleged misconduct of the chief of police shall be addressed in conformity with section 190(b) of this Charter and other relevant Vermont statutes.

(e) Upon receiving a recommendation by the board of police commissioners in subsection (d), the chief of police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the chief of police rejects the recommendation, the chief of police shall immediately notify the board of police commissioners. Upon receiving notice of the rejection, the board of police commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter within a time established by ordinance, subject to the notice and hearing provisions set forth in in Article 62, section 190(a). The disposition of the independent panel shall be final, subject to any applicable right of appeal or grievance process.

This independent panel shall consist of three (3) to five (5) persons appointed per ordinance.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

185 Officers of police ~~foree~~department designated.

(a) The direction and control of the entire police ~~foree~~department, except as herein otherwise provided, shall be vested in a police officer who shall be called the chief of police, and such other ranking police officers as the city council shall authorize, subject to the ordinances, resolutions, and orders of the city council; and, provided that the mayor shall retain the powers and duties of chief executive officer pursuant to §116. The order of rank and succession within the police department shall be as designated by the city council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of police may remove member for cause; hearing.

(a) Whenever it shall appear to the chief of police that any member of said ~~foree~~police department has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the chief of police by a responsible person against such member, the chief of police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~foree~~police department, order a reduction in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the chief of police's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the

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charges being considered. In connection therewith, the chief of police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. The board of police commissioners, or in the case it has already offered an opinion on discipline pursuant to §184(d)(i), or in the case that the voting number of commissioners falls below four (4) due to declared actual or apparent conflict(s) of interest, an independent panel comprised as in §184(e) shall hear any appeal filed in a timely manner with respect to such actions of the police chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such board of regulation. Following its consideration of any such appeal, the board may affirm, modify, or vacate the decision made by the police chief.

(b) Whenever it shall appear to the mayor that the chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the mayor by a responsible person, the mayor may suspend the chief of police from duty pending a hearing thereon by the city council. The city council shall forth-with notify the chief of police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the chief of police reasonable notice of the same, not less than 48 hours, and the city council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss the chief of police from the ~~free~~ police department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this Charter as pertains to the removal of the chief of police.

(d) The chief of police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the police department that may seem to the chief of police sufficient, suspend from duty without pay any member of the police ~~free-department~~ for a period not to exceed 14 days.

AND BE IT FURTHER RESOLVED, the Ordinance Committee shall prepare a draft ordinance outlining the composition of the independent panel authorized by §184(e) of the amended City Charter, if enacted, and shall transmit the draft ordinance to the City Council on or by its meeting on September 23, 2024.

*Materials underlined added

**Materials stricken deleted

KS/Resolutions 2024/Changes to City Charter Arts. 62, 63, & 65 Regarding Police Oversight
7/11/24

* * * * *

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RESOLUTION RELATING TO

Changes to City Charter Articles 62, 63, and 65 Regarding Police Oversight

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as amended
Adopted by the City Council

July 15....., 20 24.....

[Signature] Clerk

Approved..... July 17....., 20 27.....

[Signature] Mayor

Vol. Page

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Goals:

To create a committee that is trusted and perceived as fair by both the public and the police department to greatest extent possible.

Conceptual membership of panel:

- Members should be from outside of the community to limit bias
- Hired professionals-contract
- Should have a solid background in how policing works
- Take willing but random voters and ask to serve on panel—chosen like jurors from a pool
- Panel is a “binding” arbiter between police and commission so member should be agreed to by both (*GB concern not way panel set up*)
- Select from current Police Commissioners
- Members of Burlington general community
- Members who represent diversity of age, economic status, gender, areas of the city, ...
- Not come from a policing background

Who serves:

- Pay three independent arbiters \$1,000 per day
- Pay whoever serves
- Pay one individual contractor
- Representatives from business, crime victims
- Someone from police academy who is not from Burlington
- Representation from both police and social justice groups
- A retired police officer, retired public defender, or retired criminal court judge
- HR Director
- Subject matter expert
- Resident of City of Burlington regardless of immigration status
- Person with lived experiences—houseless, mental health issues, domestic violence, people who have had interactions with criminal justice system
- BIPOC or marginalized communities to have diversity of racial or national origin

- Gender diversity
- Representation from Church St. Marketplace Commission

Qualifications:

- City council president
- Politically neutral/balanced
- City resident
- Registered to vote in Burlington
- Have to be fair and have history that demonstrates that they can properly demonstrate discretion
- Some members from Burlington, not all
- In depth understanding of policing
- Support policing as part of a justice system
- Do not have strong political ideologies that would drive them in one or another direction
- Live in Burlington for at least 5 years
- Understanding how important and difficult a police officer's job is
- In depth knowledge of HR practices
- People who have been in police dept., mayor's office, commissions, city employees
- Demonstrated history of working to improve Burlington
- Subject matter expert

Disqualifications:

- Current law enforcement officials
- People who have been in police dept., mayor's office, commissions, city employees
- Non-resident

Who should make appointments:

8/14/24

Who serves:

- Ad hoc panel
- Expertise in DEI category that has been justice involved in past
- Expertise in HR discipline
- Previous policing experience
- Previous prosecutorial
- Public defender experience
- 2 lawyers
- Director of HR or REIB
- 10 years experience in law enforcement including policing, prosecution, investigation, law clerks, and/or judicial
- One member of general public appointed by Mayor
- Work in criminal society organizations involved in society reform or combatting systemic racism, ie: ACLU, Southern , Poverty Law Foundation
- People with experience in mental health, domestic violence

Who staffs:

- Independent attorney hired for each panel with access to administrative staff, investigative services

Timeline for creating body?

- 7 days
- Need more time then 7 days, up to 15 days

Timeline for making decision?

- Currently 14 days for Police Commission in directive
- 30 days internally, with up to additionally 60 days for extensions generally based on scheduling considerations
- 14 days for panel? 30 days for panel? If allow extensions, should put in criteria

8/26/24

Chair Shannon's proposal:

1-Director of HR

2-Mayor appoint director of REIB, CEDO, or CJC

3 & 4 Mayor appoint 2 people with at least 10 year experience in law enforcement as a law enforcement officer, prosecutor, or public defender

5-City Council President appoint 1 with at least 10 year experience in law enforcement as a law enforcement officer, prosecutor, or public defender

2 of the 3 outside individuals appointed by the Mayor and Council President must be Burlington residents. The Mayor and President will coordinate to ensure that there is sufficient diversity on the panel and that the panel can meet in a timely fashion.

Councilor McKnight said she took issue with having the Mayor effectively appoint four of the five members, as well as the Chief of Police. She said she would prefer the Mayor only appoint two of the five. She also said preference should be given to Burlington residents, but could be expanded to Chittenden County if necessary.

Councilor Bergman said he did not want City staff being on the panel. He said all the Department Heads mentioned work with the Chief of Police on a regular basis. He also disagreed with the high professional experience requirement. He said any person chosen from outside the City should have a connection to Burlington. He agreed with Councilor Brown McKnight about not having four of the five members be appointed by the Mayor.

TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: August 29, 2024
RE: Proposed ZA-24-04 Neighborhood Code Part 2

1. 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.

2. Neighborhood Code Part 2: Secondary Structures & Technical Corrections (ZA-24-04)

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.

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. This amendment originally included 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 its own upcoming amendment.

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 topics. Ultimately, the Neighborhood Code Part 2 amendment addresses the standards outlined below and issues while leaving some existing and previously adopted standards unchanged.

A comprehensive list of anticipated amendments related to the Neighborhood Code will be communicated to City Council in a forthcoming memo.

3. **Proposed Amendment: ZA-24-04**

a. Amendment Type

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

b. 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 residential development bonuses.

c. Proposed Amendments

The amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal and are categorized below to clarify which changes are related specifically to Secondary Structures and which are technical corrections:

i. Substantive Amendments related to Secondary Structures

1. Amendment to *Article 3: Applications, Permits and Project Reviews*

- Amends Sec. 3.3.3 (a) 5 by adding "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. 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).

2. Amendments to both *Article 3 – Application, Permits, and Project Reviews* and *Article 4 - Zoning Maps and Districts* to clarify design review standards and expectations

- 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*. 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.
- Corrects *Map 4.5.1-1 Design Review Overlay* (which will be re-named as *Map 3.4.2-1*) to (a) reflect Downtown Form Code boundaries, removing the applicability of design review from the areas and (b) 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.
- Amends Sec. 3.4.2 (b) to explicitly state that "Single detached dwellings and duplex dwellings within an RL district not otherwise subject to any of the above provisions." By

excluding the requirement that duplexes in RL districts are subject to Design Review aims to facilitate the development of this housing type in the RL District.

3. Amends *Article 4 – Zoning Maps and Districts* to make the following clarifications:

- Amends *Table 4.4.5-2* to increase the Maximum Secondary Structure Footprint in the RM district from 900 ft² to 1,100 ft².
- 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*
- Creates an exception to Maximum Building Footprint Limits under Sec. 4.4.5 (d) 2.D, confirming 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. This correction aligns with the District's purpose of allowing neighborhood-serving commercial uses.
- Creates new standards for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.). The purpose of this section is to 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.
- Collapses ADU requirements from *Article 3* 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.) in an effort to clarify the relationship between secondary structures and ADUs, as described above.

4. Amends *Article 5 – Citywide General Regulations* in the following ways:

- Removes the exception to lot cover related to Accessory Dwelling Units (Sec. 5.2.3 (b) 10.), which was taken into consideration when modestly increasing lot cover standards in ZA-24-02.

5. Amends *Article 13 Definitions*, creating the following new definitions:

- 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.

ii. Additional Technical Corrections:

1. Amends *Article 4 – Zoning Maps and Districts* to make the following Technical Corrections:

- Amends Sec. 4.3.1 to confirm that the Residential Corridor (RC) district, where mapped, apply only to properties with frontage on North Avenue, St. Paul Street, Pearl Street, Colchester Avenue or Shelburne Street. 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.
- Corrects the description of the Residential Corridor district in Sec. 4.4.5 to confirm the maximum building height of 4 stories and clarifies that multiple principal uses are allowed on lots in this district. This correction aligns with the District's purpose of allowing neighborhood-serving commercial uses.
- Corrects mapping error on *Maps 4.3.1-1 Base Zoning Districts & 4.4.5-1 Residential Zoning Districts*.
- Replaces an undefined term, "face," in *Table 4.4.5-2* with the defined term, "Elevation," in order to facilitate project review and provide clarity.
- 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.

2. Amends *Article 5 – Citywide General Regulations* to make the following technical corrections:
 - Amends references made under Sec. 5.2.5 (b) to refer to tables created under ZA-24-02.
3. 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 in *Table 7.2.1-B Sign Types Permitted by Form/Zoning District*, which is proposed to equate with the NMU district's sign standards, reflecting the potential for mixed-use development along the corridors

d. 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

e. 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." 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."

f. 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.

g. 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.

h. Process Overview

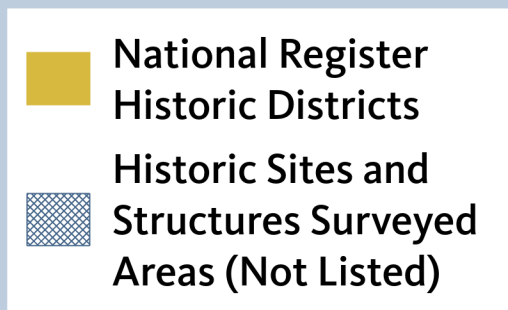
The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff 6/25/24	Presentation to & discussion by Commission Various Dates*	Approve for Public Hearing 7/23/24	Public Hearing 8/27/24	Approved & forwarded to Council 8/27/24
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

Historic Districts + Surveyed Areas

Map does not include properties identified in the
Modern Architecture Survey.



September 3, 2024

From Charles Dillard, Principal Planner

Summary of Planning Commission Discussion on Secondary Structures

[T]he PC spent the first few meetings of this 2A discussion on the secondary structures standards. I'm attaching the version that they recommended out to CC. Here's a recap of the secondary structure discussion:

- Ultimately, they only recommended one change from the NC Part 1 adopted (delayed) standards – they are recommending to increase the maximum secondary structure footprint in the RM district from 900 sf to 1,100 sf, which is the standard adopted for the RL district.
- There was discussion of the height allowed in secondary structures. Councilor Brown McKnight attended one of the meetings where this was discussed. Essentially, the PC abstained from making any reduction or other change to the allowable building height. They discussed the idea of limiting secondary structure height to the existing primary structure, but decided that this would be unfair to existing properties/owners where the prevailing heights are low (e.g. NNE). There was an acknowledgement that some areas of the city that have steeper slopes – Hill District, for example, where secondary structures built in backyards that are sloping up from the street may appear quite tall. However, ultimately this did not outweigh their arguments in favor of keeping the max. Secondary structure height at 3 stories/35'.
- They discussed and decided not to make any changes to the max dwelling units per structure standard
- There was some discussion of the lot coverage standards, specifically whether the 45% allowed in the RL district should be increased to 55%, but they decided against that.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Ordinance Committee Members

FROM: Lori Olberg, Licensing and Records Coordinator

DATE: September 10, 2024

SUBJECT: 09/09/24 City Council Ordinance: Comprehensive Development Ordinance
ZA-24-04, Neighborhood Code ZA

Enclosed please find copies of the ordinance (and memo) that was referred to your Committee for consideration. Please keep these as part of your records.

Thank you.

CITY OF BURLINGTON

ORDINANCE 5.28

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

First reading: 09/09/24
Referred to: Ordinance Committee

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
ZA-24-04, Neighborhood Code 2A

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

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Article 3: Applications, Permits, and Project Reviews, Part 3, Impact Fees, Sec. 3.3.3(a), Exceptions and Waivers; Part 4 Design Review, Sec. 3.4.2(b) 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 Table 4.4.5-2; amends Sec. 4.4.5 (d) 1. B. Residential Development Bonuses by re-naming and modifying both Sec. 4.4.5 (d) 1. B. (i) and Table 4.4.5-4; amends Sec. 4.4.5 (d) 1. B. (ii) and deletes Table 4.4.5-5; amends Sec. 4.4.5 (d) 1. B. (ii) and re-numbers Table 4.4.5-6; creates Sec. 4.4.5-2 (d) 2. D. Exceptions to Maximum Building Footprint Limit; creates Sec. 4.4.5 (d) 4. D. Additional Unit; deletes Sec. 4.5.1 Design Review Overlay District and reserves section; deletes Sec. 5.2.3 (b) 10.; amends Sec. 5.2.5 (b) 7.; 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; and amends Article 13 – Definitions thereof to read as follows:

Article 3: Applications, Permits, and Project Reviews

PART 3: IMPACT FEES

Sec. 3.3.3 Exemptions and Waivers

(a) Exemptions:

The following types of development are exempt from this Part:

1. additions to existing dwelling units, provided such additions are for residential purposes;
2. alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage;

3. land development which does not result in new building square footage (e.g. parking lots, facade renovations, signs, etc.);
4. additions to existing buildings for which the sole purpose is to provide additional means of egress (e.g. stair towers, elevators, etc).
5. the creation of an Additional Unit on lot or within Owner Occupied Single Detached Dwelling as described in Sec. 4.4.5 (d) 4. D.

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:

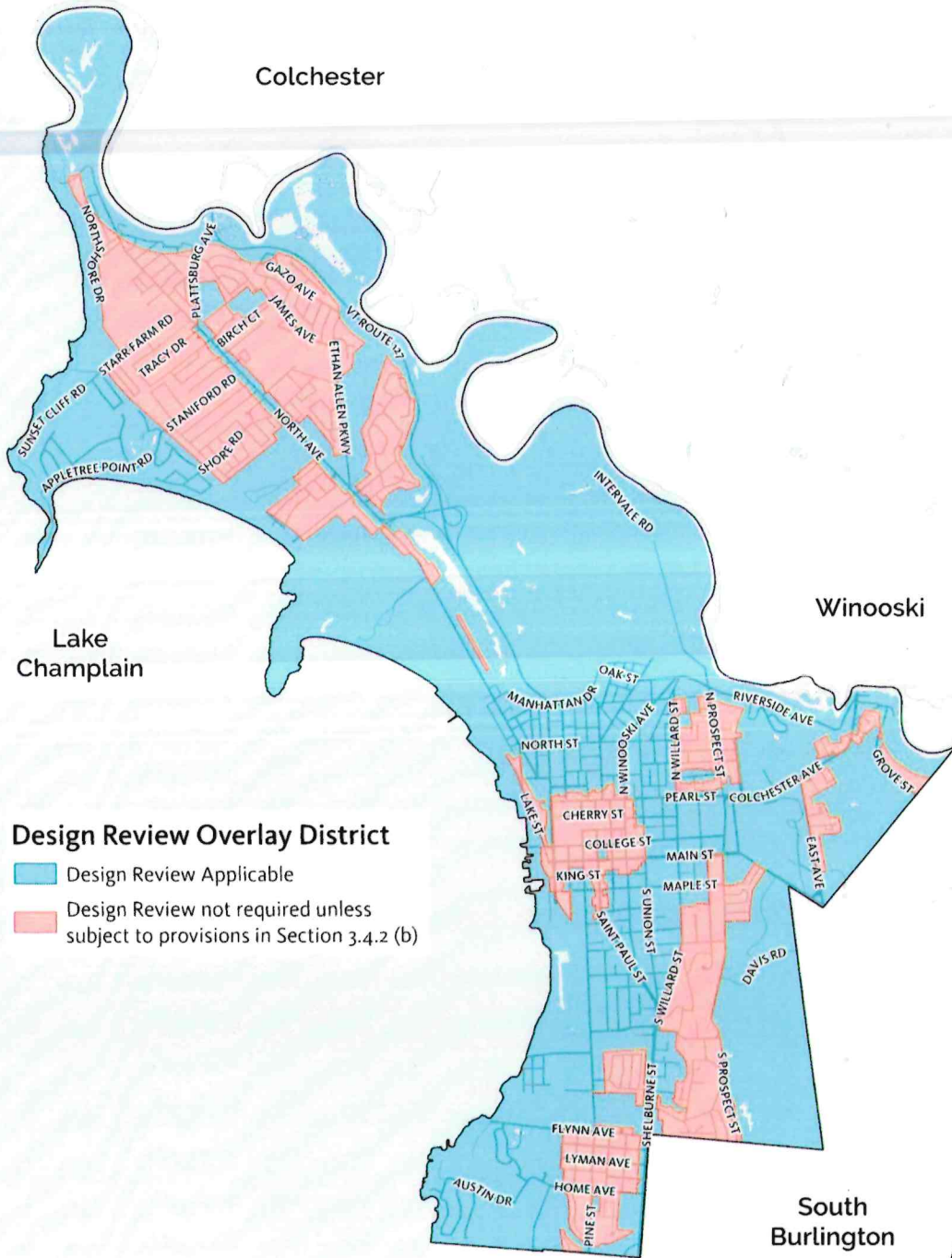
No structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of this part and the review criteria described in Art 6 Design Review shall be required for the approval of all development subject to the provisions of this ordinance within the Design Review Overlay District as defined in Article 4 Sec. 4.5.1, and any of the following: 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 Design Review Applicable.
- 1.2. For any projects within geographic areas delineated as not applicable on Map 3.4.2-1 but that are subject to the following provisions:
 - a. Any development subject to the provisions of Article 3, Part 5 – Conditional Use and Major Impact Review;
 - b. Any development subject to the provisions of Article 5, Part 3 – Non-Conformities;
 - c. Any development subject to the provisions of Article 5, Part 4 – Special Use Regulations;
 - d. Any development subject to the provisions of Sec. 7.1.6 Non-Conforming Signs and Article 7, Part 3 Sign Plans;
 - e. Any development subject to the provisions of Article 10 – Subdivision;
 - 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.
 - 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.

72 ~~1.2.~~ All applications subject to the planBTV: Downtown Code under Art. 14, ~~which shall be exempt from review under~~
73 ~~this section, and the development review principles and standards contained in Article 6—Development Review~~
74 ~~Standards, and~~ instead shall be subject to the requirements of Article 14.
75



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)

Article 4: Zoning Maps and Districts

PART 3: ZONING DISTRICTS ESTABLISHED

Sec. 4.3.1 Base Districts Established:

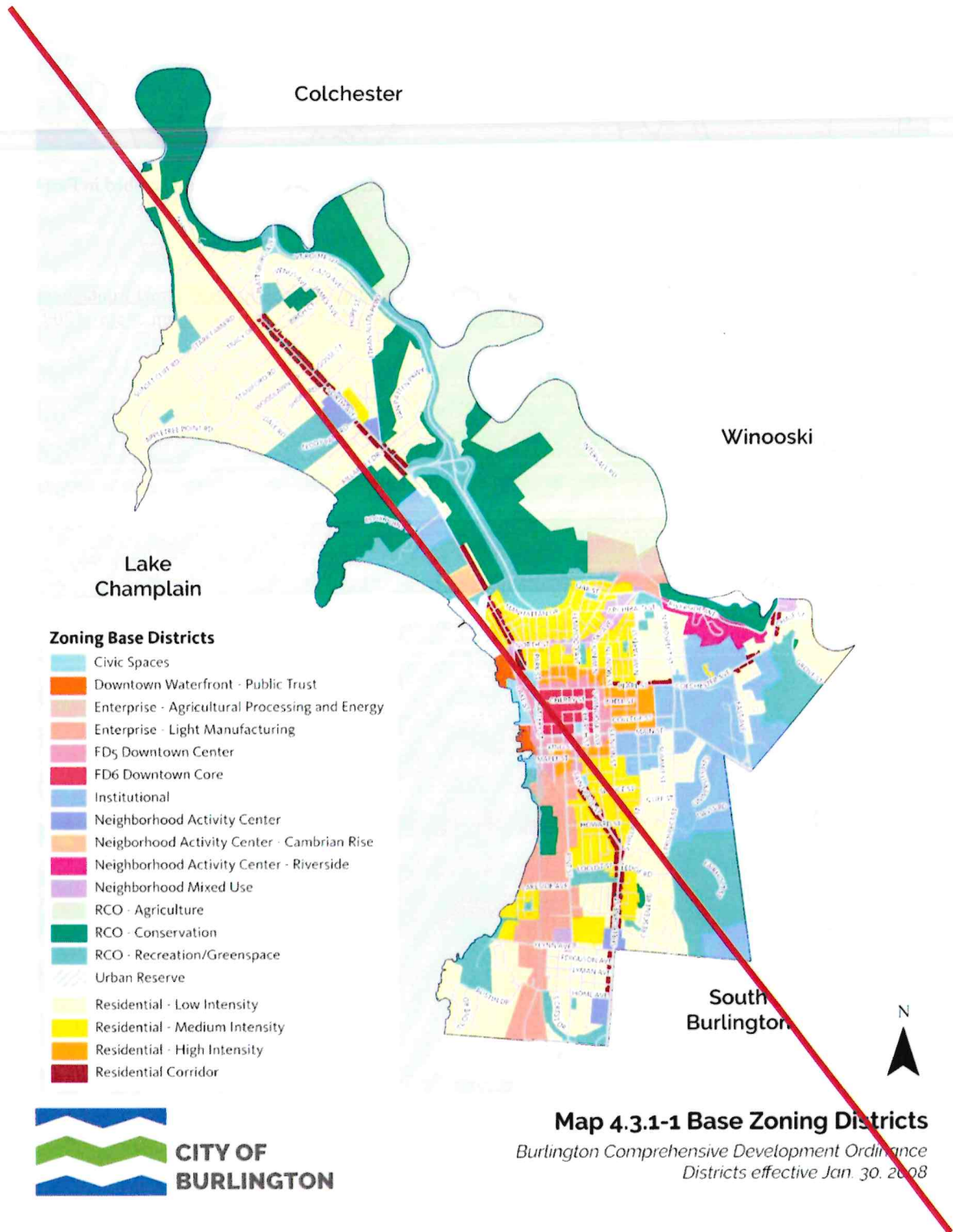
The following zoning districts are hereby established as illustrated in Map 4.3.1-1 and further described in Part 4 below:

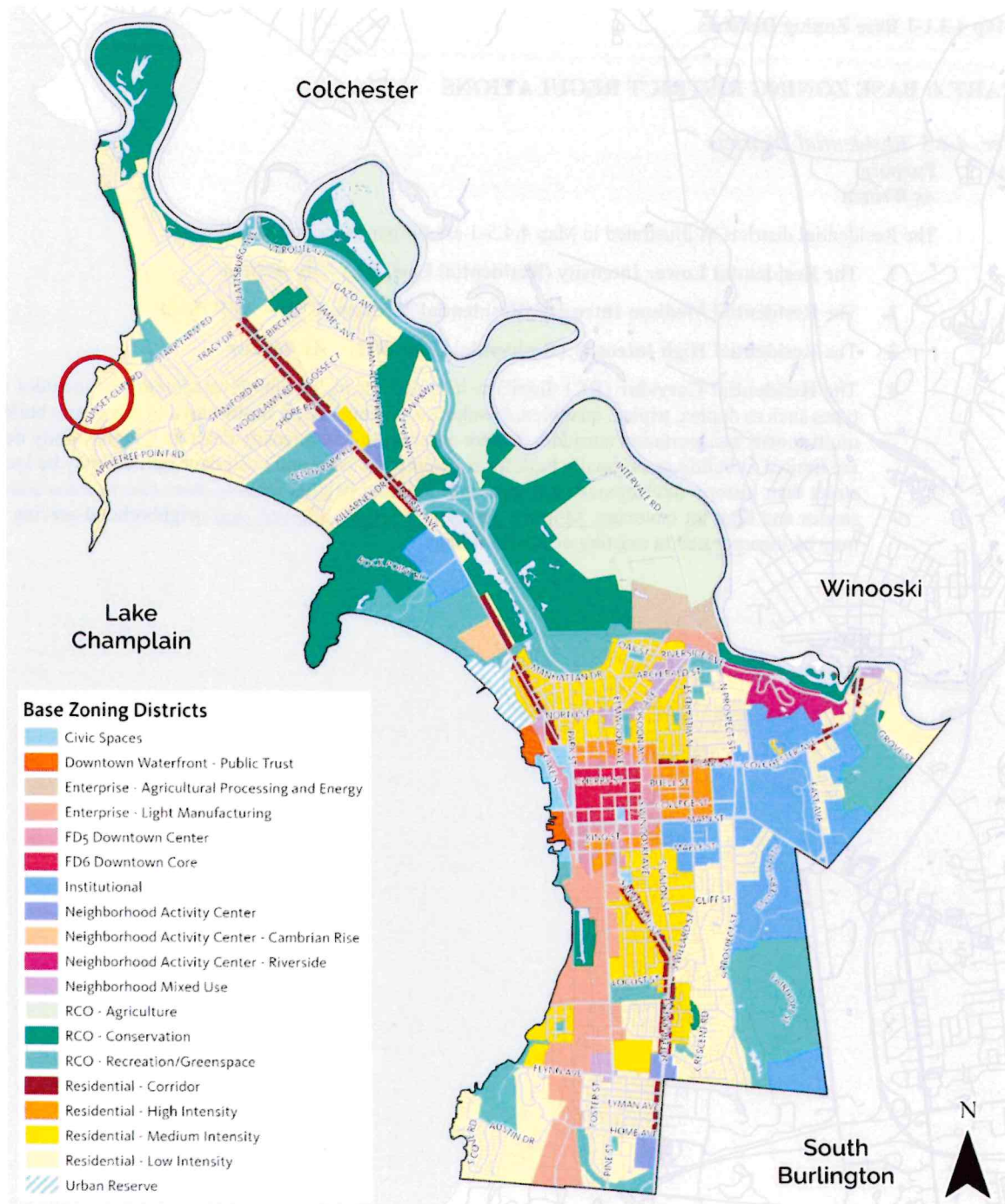
(a) through (d) – *As Written.*

(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, St. Paul Street, Pearl Street, and Shelburne Street to a maximum depth of 200 ft;
- Residential High Intensity (RH);
- Residential Medium Intensity (RM); and
- Residential Low Intensity (RL);

(f) through (g) – *As Written.*





Map 4.3.1-1 Base Zoning Districts

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

Map 4.3.1-1 Base Zoning Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

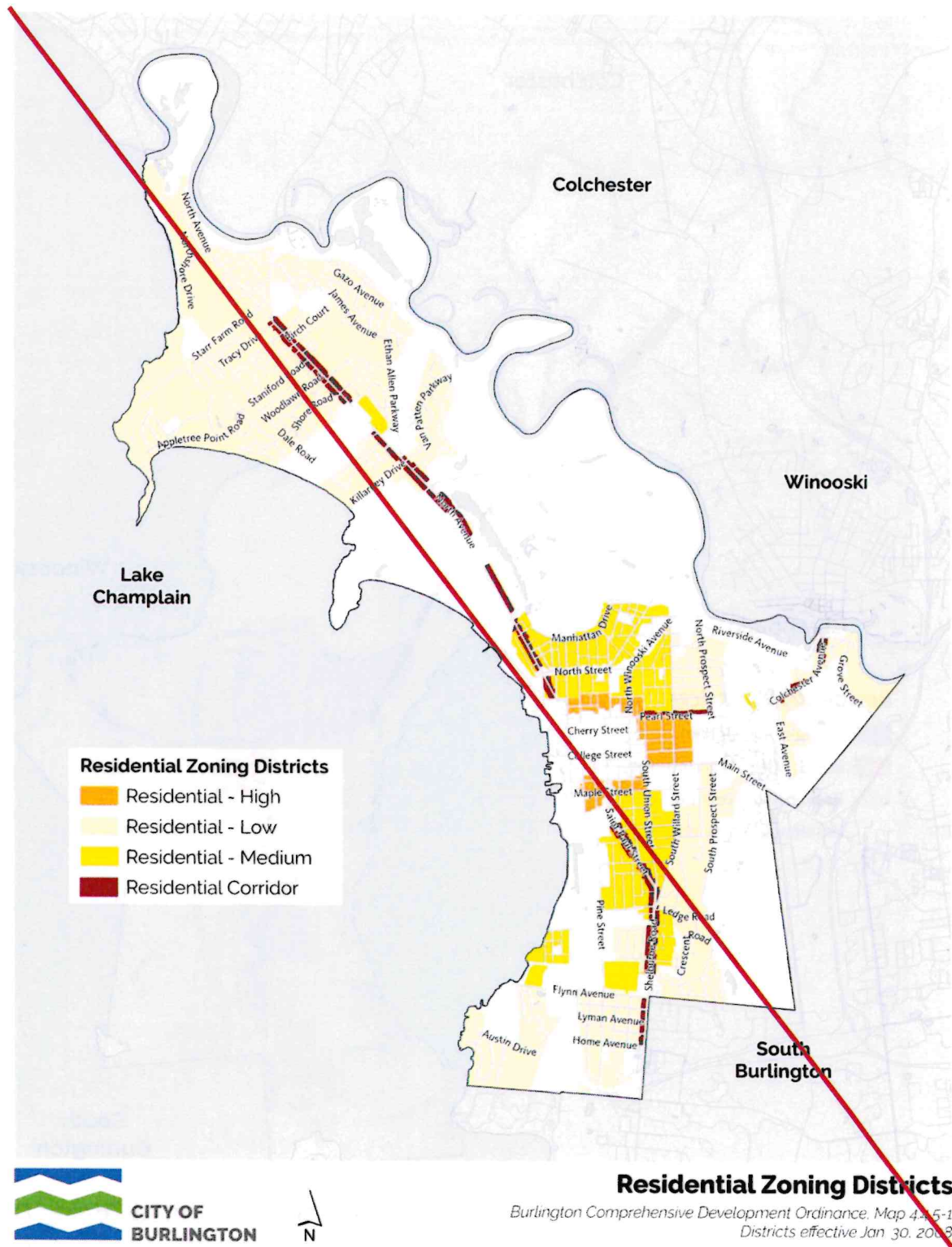
Sec. 4.4.5 Residential Districts

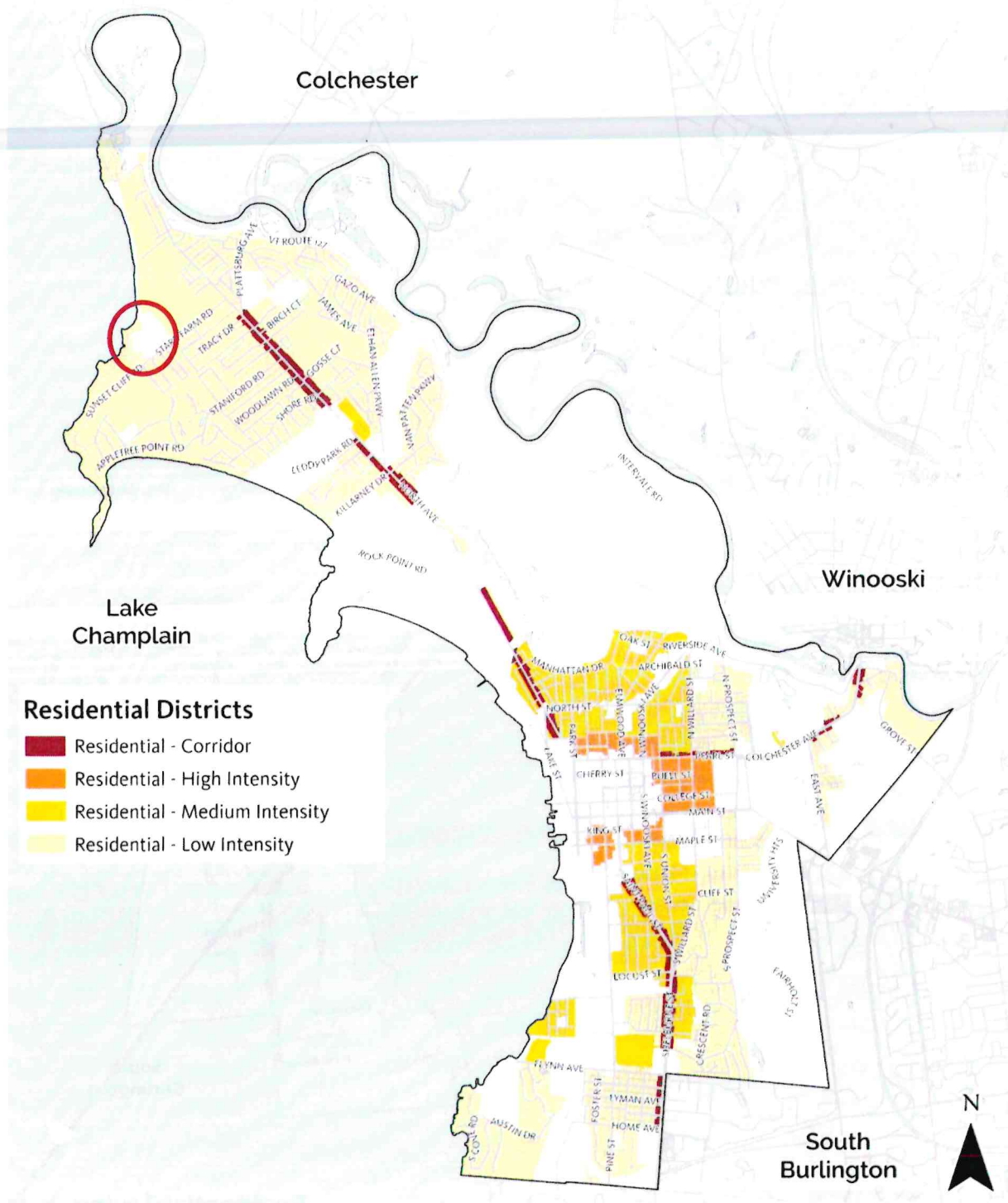
(a) **Purpose:**

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. Multiple Principal Uses are allowed, and neighborhood-serving commercial uses may be incorporated in existing or new buildings.





(b) Dimensional Standards

As written.

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

As written.

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. 1,100 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 <u>Table 4.4.5-3</u> or Article 11. <u>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.</u> 4. Required on all building fae<u> Elevations</u>. Minimum offset is 5 ft measured perpendicular to the building face <u>Elevation</u> 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 for Older Persons and 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 Older Persons (as defined by the federal Fair Housing Act), housing for Individuals with Disabilities (as defined by the federal Americans with Disabilities Act), or a mixture exclusively thereof provided the following conditions are met:

- a) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) percent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);
- b) The proposal shall be subject to the design review provisions of Art. 6;
- ~~e) A maximum of an additional 10 feet of building height may be permitted in the RH District; and;~~
- ~~d)c) Lot coverage, height, and development intensity shall not exceed the following. The maximum dwelling units per building in Table 4.4.5-2 may be waived subject to the DRB approval under Article 11. and residential densities shall not exceed the following:~~

Table 4.4.5-4: Senior Housing for Older Persons and Individuals with Disabilities Bonus

District	Maximum <u>Lot Coverage</u>	Maximum <u>Development Intensity Density</u>	Maximum <u>Height</u>
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:

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

District	Maximum <u>Density</u> FAR*	Maximum Height	Maximum Lot Coverage*
RH	<u>80-du/ae2.0 FAR</u>	<u>4562-feet</u>	<u>9290%</u>
RM	<u>40-du/ae1.75 FAR</u>	<u>3550-feet</u>	<u>7265%</u>
RL	<u>20-du/ae1.5 FAR</u>	<u>3550-feet</u>	<u>6255%</u>

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

2. Exceptions to Dimensional Standards

A. *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.

3. Exception for Neighborhood Commercial Uses

As Written

4. Miscellaneous Standards

(A) *Through (C) –As Written*

D. Additional Unit on lot or within 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.

(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 geographic⁺ 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;~~

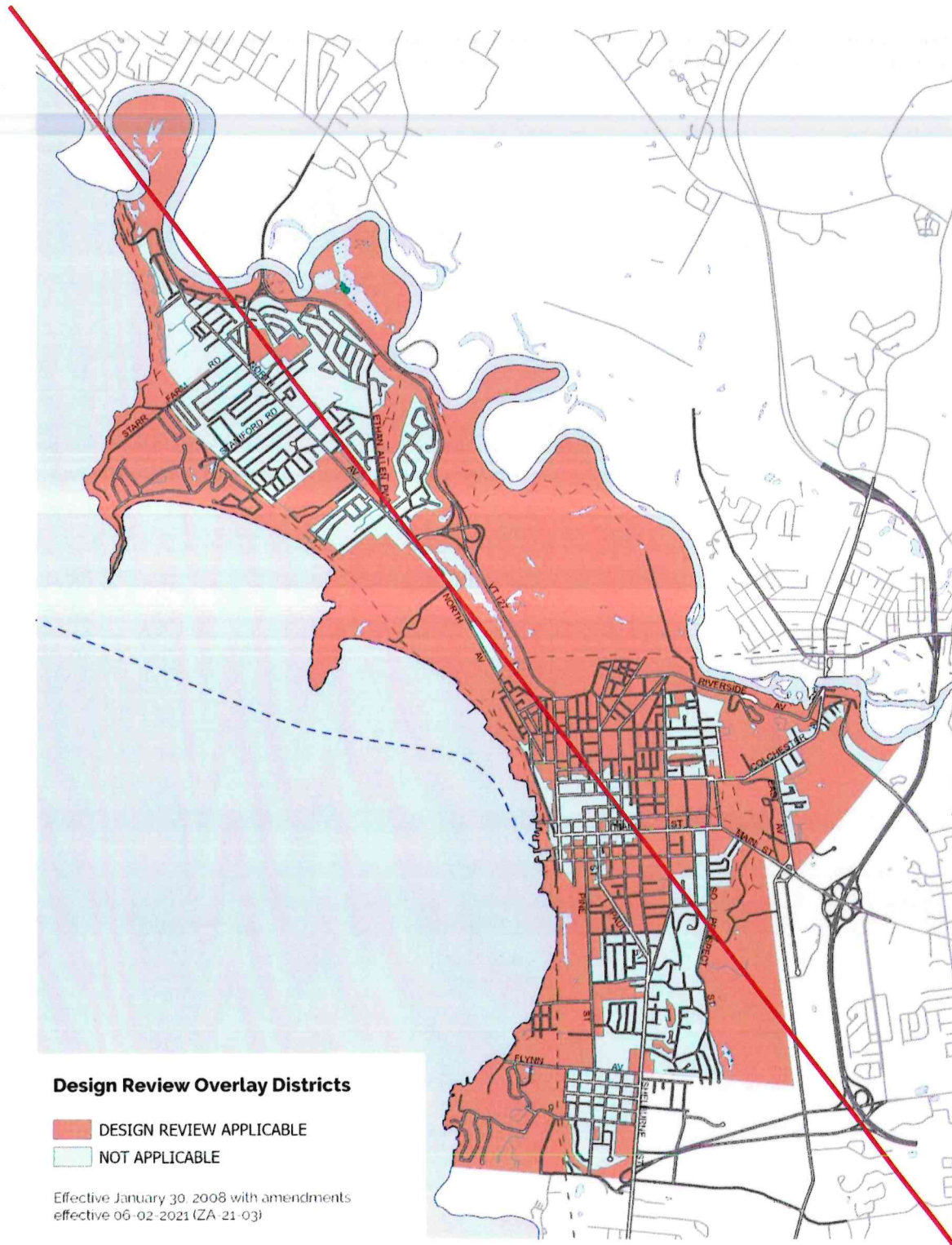
~~(iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett Street; and~~

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

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

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

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



~~Map 4.5.1-1: Design Review Overlay~~**Article 5: Citywide General Regulations****PART 2: DIMENSIONAL REQUIREMENTS****Sec. 5.2.3 Lot Coverage Requirements**

Where a maximum lot coverage is specified pursuant to the requirements of Article 4, no building or part of a building or impervious surface or other form of coverage shall exceed such maximum allowable except as specifically authorized by this ordinance.

(a) Calculating Lot Coverage:

As written.

(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.~~

Sec. 5.2.5 Setbacks

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

(a) Setback Required: As written**(b) Exceptions to Yard Setback Requirements**

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

1. through 6. – *As Written*

7. Driveways

Common or shared driveways and walkways along shared property lines and associated parking areas, including those to serve residential lots and developments per Sec. 4.4.5 (d) 4.A and Sec. 5.2.2, do not have to meet setback requirements along the shared property line. Other driveway encroachments may be permitted subject to Sec. 4.4.5 (d) 1.A. Tables 4.4.5-1 and 4.4.5-2.

8. *As Written*

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.~~

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)

Sign Type	Residential				Civic, RCO & Urban Reserve				Sign Type Standards
	<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			

Article 13: Definitions

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

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.

Ordinances 2024/ZA-24-04 Neighborhood Code 2A
CC 1ST Read

TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: August 29, 2024
RE: Proposed ZA-24-04 Neighborhood Code Part 2

1. 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.

2. Neighborhood Code Part 2: Secondary Structures & Technical Corrections (ZA-24-04)

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.

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. This amendment originally included 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 its own upcoming amendment.

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 topics. Ultimately, the Neighborhood Code Part 2 amendment addresses the standards outlined below and issues while leaving some existing and previously adopted standards unchanged.

A comprehensive list of anticipated amendments related to the Neighborhood Code will be communicated to City Council in a forthcoming memo.

3. **Proposed Amendment: ZA-24-04**

a. Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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b. 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 residential development bonuses.

c. Proposed Amendments

The amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal and are categorized below to clarify which changes are related specifically to Secondary Structures and which are technical corrections:

i. Substantive Amendments related to Secondary Structures

1. Amendment to *Article 3: Applications, Permits and Project Reviews*

- Amends Sec. 3.3.3 (a) 5 by adding "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. 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).

2. Amendments to both *Article 3 – Application, Permits, and Project Reviews* and *Article 4 – Zoning Maps and Districts* to clarify design review standards and expectations

- 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*. 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.
- Corrects *Map 4.5.1-1 Design Review Overlay* (which will be re-named as *Map 3.4.2-1*) to (a) reflect Downtown Form Code boundaries, removing the applicability of design review from the areas and (b) 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.
- Amends Sec. 3.4.2 (b) to explicitly state that "Single detached dwellings and duplex dwellings within an RL district not otherwise subject to any of the above provisions." By

excluding the requirement that duplexes in RL districts are subject to Design Review aims to facilitate the development of this housing type in the RL District.

3. Amends *Article 4 – Zoning Maps and Districts* to make the following clarifications:
 - Amends *Table 4.4.5-2* to increase the Maximum Secondary Structure Footprint in the RM district from 900 ft² to 1,100 ft².
 - 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*
 - Creates an exception to Maximum Building Footprint Limits under Sec. 4.4.5 (d) 2.D, confirming 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. This correction aligns with the District's purpose of allowing neighborhood-serving commercial uses.
 - Creates new standards for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.). The purpose of this section is to 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.
 - Collapses ADU requirements from *Article 3* 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.) in an effort to clarify the relationship between secondary structures and ADUs, as described above.
4. Amends *Article 5 – Citywide General Regulations* in the following ways:
 - Removes the exception to lot cover related to Accessory Dwelling Units (Sec. 5.2.3 (b) 10.), which was taken into consideration when modestly increasing lot cover standards in ZA-24-02.
5. Amends *Article 13 Definitions*, creating the following new definitions:
 - 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.

ii. Additional Technical Corrections:

1. Amends *Article 4 – Zoning Maps and Districts* to make the following Technical Corrections:
 - Amends Sec. 4.3.1 to confirm that the Residential Corridor (RC) district, where mapped, apply only to properties with frontage on North Avenue, St. Paul Street, Pearl Street, Colchester Avenue or Shelburne Street. 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.
 - Corrects the description of the Residential Corridor district in Sec. 4.4.5 to confirm the maximum building height of 4 stories and clarifies that multiple principal uses are allowed on lots in this district. This correction aligns with the District's purpose of allowing neighborhood-serving commercial uses.
 - Corrects mapping error on *Maps 4.3.1-1 Base Zoning Districts & 4.4.5-1 Residential Zoning Districts*.
 - Replaces an undefined term, "face," in *Table 4.4.5-2* with the defined term, "Elevation," in order to facilitate project review and provide clarity.
 - 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.

2. Amends *Article 5 – Citywide General Regulations* to make the following technical corrections:
 - Amends references made under Sec. 5.2.5 (b) to refer to tables created under ZA-24-02.
3. 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 in *Table 7.2.1-B Sign Types Permitted by Form/Zoning District*, which is proposed to equate with the NMU district's sign standards, reflecting the potential for mixed-use development along the corridors

d. 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

e. 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." 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."

f. 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.

g. 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.

h. 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 7/23/24	Public Hearing 8/27/24	Approved & forwarded to Council 8/27/24
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

