

Burlington Planning Commission

Tuesday, September 24, 2024, 6:30 PM

Remote & Virtual Meeting via Zoom

In person option available:

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

To Join the Meeting on a Computer

Link: <https://zoom.us/j/97941883790?pwd=bGZBNzNyV1lL3p5NkhIL2dqUFIzdz09>

Passcode: 658929

To Join the Meeting on a Phone

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

1. Agenda

2. Chair's Report

3. Director's Report

4. Public Forum

Subject	4.1. Speakers will be limited to no more than 3 minutes during the public forum
Meeting	September 24, 2024 - Planning Commission 9/24/24 - Tuesday, September 24, 2024, 6:30 PM, Burlington Planning Commission
Category	4. Public Forum
Department	Planning
Type	

5. Proposed CDO Amendment: ZA-25-02 Neighborhood Code - PUDs

Subject	5.1. Recommended Action: Ask questions and provide feedback on the draft amendment
Meeting	September 24, 2024 - Planning Commission 9/24/24 - Tuesday, September 24, 2024, 6:30 PM, Burlington Planning Commission
Category	5. Proposed CDO Amendment: ZA-25-02 Neighborhood Code - PUDs
Department	Planning
Type	

6. Commissioner Items

7. Adopt Minutes

Subject	7.1. Recommended Action: Review and Approve the 8/27 Planning Commission meeting minutes
Meeting	September 24, 2024 - Planning Commission 9/24/24 - Tuesday, September 24, 2024, 6:30 PM, Burlington Planning Commission
Category	7. Adopt Minutes
Department	Planning
Type	

8. Communications

9. Adjournment

Guidance for Participating in a Virtual Planning Commission Meeting

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

General Guidance for Public Participation

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

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

How to Join a Virtual Meeting

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

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

How to Participate in a Virtual Meeting

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

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

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

TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: September 20, 2024
RE: Proposed ZA-25-02 Neighborhood Code Planned Unit Development Standards

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 subsequent packages 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. A subsequent 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. This amendment, ZA-25-02, address Planned Unit Development standards

2. Planned Unit Developments

This amendment will modify, at minimum, the following Planned Unit Development standards:

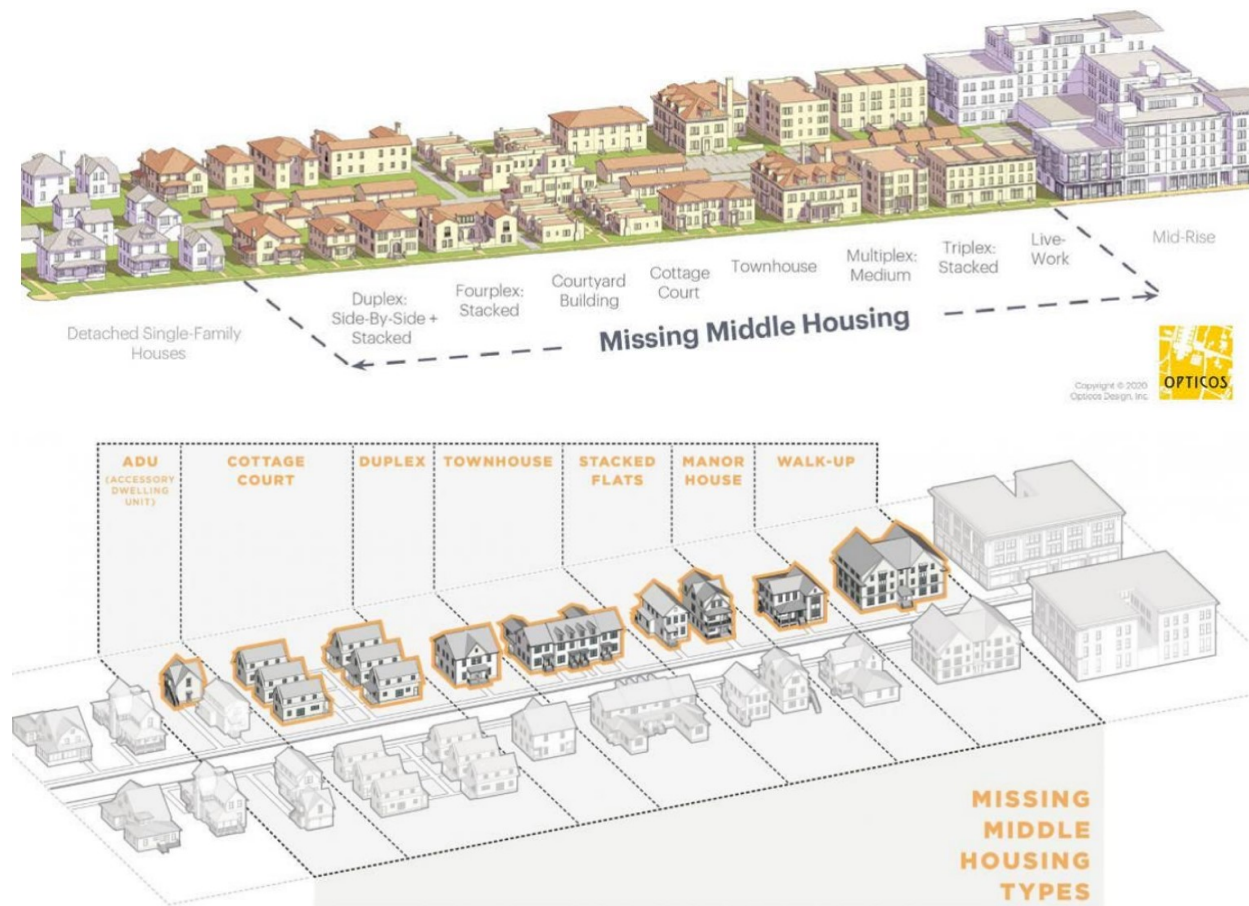
- Thresholds for lot/project size in the Residential districts;
- Development intensity (FAR);
- Permitted Uses;
- Setbacks; and,
- Other topics as identified

During its spring/summer 2024 discussions of ZA-24-04 Neighborhood Code 2A, the Planning Commission discussed an initial staff proposal for PUDs. Ultimately, staff recommended to remove PUD standards from the amendment at its public hearing, due to the complexity of this development type and its lack of direct connection to the topic of Secondary Structures, the latter of which City Council directed the Commission to review once again prior to the October 1 effective date for those Secondary Structures.

During its PUD discussions, the Commission focused on two topics primarily: FAR and maximum Building Footprint. Regarding FAR, the Commission expressed interest in understanding the housing output of various FAR standards, and also heard support from some in the community for FAR standards higher than those proposed by staff. After reviewing the initial FAR standards once again, staff recommends similar or slightly increased FAR standards of 0.75 in the RL district and 1.0 in the RM and RC districts (there are no specific PUD standards proposed for the RH district).

With respect to building footprint, the initial proposal recommended allowing buildings up to 10,000 or 15,000 square feet in PUDs of 1 to 3 acres and 3+ acres, respectively. In hindsight, these proposed maximums are far too large or permissive. Any changes to the PUD standards within the frame of the Neighborhood Code should seek primarily to employ those building typologies facilitated in the

district's base standards. In other words, Neighborhood Code-related PUDs should seek to facilitate "missing middle" scale housing typologies, typically ranging in size from two to 16 units, such as those identified in the two images below.



Source: Union Studio

Staff recommends allowing larger format buildings with footprints up to 10,000 square feet only in PUD projects of three or more acres, and provided that only one such structure may be built on such a PUD site. Any consideration for allowing even larger buildings or larger quantities of such buildings, should be made outside of the Neighborhood Code project, particularly through area planning processes like the upcoming *planBTV: New North End*.

The recommendation to reduce the maximum allowable building footprint acknowledges the Neighborhood Code's call to create new "neighborhood-scale" housing citywide. That said, the recommendation to facilitate buildings up to 4,000 square feet in PUDs between 0.5 and 3 acres is made also to address specific segments of the housing market, namely the significant need to create infill homes with multiple bedrooms and those that can facilitate "aging-in-place." Large format buildings with footprints greater than 4,000 square feet, especially those with footprints of 10,000 square feet or more, are invariably double-loaded corridor structures in which studio and one-bedroom apartments predominate. Smaller footprint buildings up to 4,000 square feet in footprint lend themselves much more readily to units with two, three, or more bedrooms. Ground floor units in these buildings can also be accessible "flats" with multiple bedrooms, which do allow for Burlington's older populations and individuals with disabilities to remain in the city's neighborhoods. Furthermore, these smaller format buildings tend to have units with multiple aspects, allowing for cross-ventilation and improved indoor air quality and energy performance compared to single-aspect units in double-loaded corridor structures.

Staff recommends that the Planning Commission resume its PUD discussion with these fundamental standards in mind, while acknowledging that subsequent meetings should address additional standards such as permitted uses and bonuses and incentives

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 establishing standards for Planned Unit Developments in the Residential zoning districts

c. Proposed Amendments in the Ordinance Committee version

1. Amends Article 11 – Planned Development:

- Amends Table 11.1.3-1 to decrease the Minimum Project Size for PUDs in the RL and RCO-R/G districts and establishes a new Minimum Project Size in the RM district.
- Creates a new Table 11.1.3-2 that establishes dimensional standards for PUDs in the RL, RM and RC districts.

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 9/18/24	Presentation to & discussion by Commission 9/24/24	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council	
City Council Process					
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read	Public Hearing	Council Approval & Adoption

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

ZA-25-02 Neighborhood Code PUD Standards

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and hereby amends Table 11.1.3-1 Planned Unit Development Project Size Standards and creates Table 11.1.3-2 Planned Unit Development Standards; thereof to read as follows:

Article 11: Planned Development

PART 1: PLANNED UNIT DEVELOPMENT

Sec. 11.1.1 Intent. – *As Written*

Sec. 11.1.2 Authority.

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

Sec. 11.1.3 General Requirements and Applicability

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

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

Table 11.1.3-1 Planned Unit Development Project Size Standards

Districts	Minimum Project Size
RH, RM , Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, RCO-R/G, RM , RC	2 acres or more <u>0.5 acres¹</u>

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

Table 11.1.3-2 Planned Unit Development Standards

District	Lot Size	Max. Building Footprint ^{1,3,4}	Max. FAR	Max. Bldg. Height	Setback	
					Front Internal ROW ²	Project Periphery ⁵
RL	<u>0.5-1 Acre</u>	<u>4,000 sf</u>	<u>0.75</u>	<u>3 Stories</u> <u>35 ft.</u>	<u>0' Min</u> <u>20' Max.</u>	<u>Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides.</u> <u>Max Required: 20 ft.</u>
	<u>1-3 Acres</u>					
	<u>3+ Acres</u>	<u>10,000 sf</u>				
RM	<u>0.5-1 Acre</u>	<u>4,000 sf</u>	<u>1.0</u>			
	<u>1-3 Acres</u>					
	<u>3+ Acres</u>					
RC	<u>0.5-1 Acre</u>	<u>4,000 sf</u>	<u>1.0</u>	<u>4 Stories</u> <u>50 ft.</u>		
	<u>1-3 Acres</u>					
	<u>3+ Acres</u>	<u>10,000 sf</u>				

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Commented [CD1]: Consider FAR bonus to incent community benefits, such as green building standards (e.g. Passivhaus, SITES), publicly accessible open space, high TDM point total (TDM point system TBD)

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1. Only one structure with Building Footprint between 4,000 and 10,000 square feet may be constructed on a lot consisting of three (3) or more acres.
2. Front setbacks shall be measured from the edge of the Right-of-Way, that is fully internal to the project, to which the building draws its frontage. Buildings must be at least 10' from the curb or edge of a public Right-of-Way if no curb exists, except where the ROW is a Public Path, in which case the building must be at least 5' from the edge of the Public Path.
3. For projects within RL & RM zones, the limit on the number of primary and secondary structures is not applicable.
4. The DRB may grant an expansion beyond these maximum footprints for additions to existing buildings in excess of these footprint limits as of January 1, 2024.
5. Any structure with a Building Footprint exceeding 4,000 sf shall be set back from the project periphery by at least 50 feet.

Sec.11.1.4 Modification of Regulations.

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

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

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

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

Ordinances 2024/ZA-24-04 Neighborhood Code 2-A
DRAFT v1.0 07/23/24

Burlington Planning Commission

Tuesday August 27, 2024, 6:30 P.M.

Hybrid Meeting via Zoom and in City Hall's Bushor Conference Room

Draft Minutes

Commissioners Present:

- | | |
|--|---|
| ☒ Andy Montroll | ☐ Michael Gaughan |
| ☒ Erhard Mahnke | ☒ Erin Malone |
| ☒ Ryan Nick | ☒ Julia Randall |
| ☒ Alexander Friend | |

City Staff Present:

- | |
|---|
| ☒ Charles Dillard, Interim Director |
| ☒ Sarah Morgan, Planner |

Public Attendance: Sharon Bushor

1. Agenda

Call to Order: 6:30pm

Changes to Agenda: No Changes

2. Public Forum

<u>Name(s)</u>	<u>Comment</u>
Sharon Bushor	Feels that this is a significant amendment and wants to see changes that make it stronger. Has issues with the Colchester Avenue Corridor Designation and has feedback that the 200ft depth language is not clear. Also wants to insert the stormwater language from the ADU section back into the amendment. Concerned that policy still doesn't address affordability. <i>Note: Attendee has additional communication included in the PC Packet.</i>

3. Director's Report

Charles Dillard:

- Department has had Transportation Options Study strategies for the last month and plans to discuss with DPI/DPW and will aim to schedule a PC meeting to provide an update in the coming months with a future CDO amendment in late 2024/early 2025.
- The RFP for *planBTV*: New North End closed last week, and Staff will review proposals with CCRPC the week of the 3rd. The goal is to select a consultant by the end of September, get them on a contract, and have them begin work in earnest in Jan. 2025.
- There are two big development projects that the City is involved in: Memorial Block and South End Coordinated Redevelopment (SECORD). There will be a public meeting for Memorial Block on Sept. 18th that will focus on the administration and partners' visions for the redevelopment, and outreach this fall will also include an online engagement component. There will be a council work session for SECORD in September with a public meeting in October.

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

Public Forum: See comments from Item 2: Public Forum.

Action: Motion to remove PUD considerations from amendment

Motion by: E. Mahnke **Seconded by:** E. Malone **Vote:** Unanimous

Action: Motion to amend Table 4.4.5-2 to increase the maximum building footprint in the Residential Medium district from 900ft² to 1,100 ft²

Motion by: J. Randall **Seconded by:** E. Mahnke **Vote:** Unanimous

Action: Motion to add St. Paul Street and Pearl Street to streets listed under Sec. 4.3.1 (e), lines 86 + 85 related to the Residential Corridor

Motion by: E. Malone **Seconded by:** R. Nick **Vote:** Unanimous

Action: Motion to forward the amendment as amended and transmittal memo as amended to City Council

Motion by: E. Mahnke **Seconded by:** J. Randall **Vote:** Unanimous

Discussion Notes:

- The presentation related to the amendment includes edits made from last PC meeting, as well as a few other technical corrections following discussions
- There was discussion brought up by E. Mahnke on whether to include additional language to Sec. 4.3.1 (e) to further clarify that lots behind those fronting on the streets listed are not subject to RC. Commissioners determined that the existing language was sufficient.
- E. Mahnke brought up that he shares S. Bushor's concern that Colchester Avenue's Residential Corridor designation is not appropriate. Staff recommended that this designation be discussed further in the Comprehensive Planning process, and that the RC designation is consistent with *planBTV*.
- Stormwater was addressed by Scott Gustin, who clarified the following:
Chapter 26 sets the bar for stormwater review of development activities at 400 sf of earth work. Any development activity that includes 400ft² or more earthwork requires stormwater review. For administrative purposes, there is a short form for stormwater review of projects involving single family homes and duplexes. Others require more comprehensive information for review. The 400 ft² threshold for stormwater review is independent of changes in zoning. A single family home doing an addition of 400ft² or more will still require stormwater review. If the addition also includes a change in use to a triplex, it will no longer qualify for short form review. The threshold for stormwater review remains unchanged, as do the applicable standards. As Chapter 26 is written, there is no gap due to Neighborhood Code zoning changes.
- Commissioners made recommendations to amend the transmittal memo. Included in this is a recommendation from E. Mahnke to address questions related to affordability and stormwater in the memo to City Council.

5. Commissioner Items

6. Adopt Minutes + Communications

Action: Review and approve the communications and 8/13/24 Planning Commission meeting minutes

Motion by: J. Randall **Seconded by:** R. Nick **Vote:** Unanimous

7. Adjournment

Action: Motion to Adjourn **Time of Adjournment:** 8:50 pm

Motion by: E. Mahnke **Seconded by:** R. Nick **Vote:** Unanimous

