Burlington Planning Commission
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/cityplanning

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

Burlington Planning Commission

Tuesday, December 3, 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=bGZBNzNyV1liL3p5NkhIL2dqUFIzdz09
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

5. Proposed CDO Amendment ZA-25-04: Performing Arts Centers in the E-LM District

Subject	**5.1. Ask questions and provide feedback on the draft amendment.**
Meeting	December 3, 2024 - Planning Commission Agenda - Tuesday, December 3, 2024, 6:30 PM, Burlington Planning Commission
Category	5. Proposed CDO Amendment ZA-25-04: Performing Arts Centers in the E-LM District
Department	Planning
Type	
Recommended Action	

6. Proposed CDO Amendment ZA-25-05: Champlain College Bed Caps

Subject	**6.1. Ask questions and provide feedback on the draft amendment.**
Meeting	December 3, 2024 - Planning Commission Agenda - Tuesday, December 3, 2024, 6:30 PM, Burlington Planning Commission
Category	6. Proposed CDO Amendment ZA-25-05: Champlain College Bed Caps

Department	Planning
Type	
Recommended Action	

7. Proposed CDO Amendment ZA-25-02: Neighborhood Code PUDs and Pocket Neighborhoods

Subject	**7.1. Ask questions and provide feedback on the draft amendment.**
Meeting	December 3, 2024 - Planning Commission Agenda - Tuesday, December 3, 2024, 6:30 PM, Burlington Planning Commission
Category	7. Proposed CDO Amendment ZA-25-02: Neighborhood Code PUDs and Pocket Neighborhoods
Department	Planning
Type	
Recommended Action	

8. Commissioner Items

9. Adopt Minutes

Subject	**9.1. Review and approve the 11/12/24 Planning Commission meeting minute**
Meeting	December 3, 2024 - Planning Commission Agenda - Tuesday, December 3, 2024, 6:30 PM, Burlington Planning Commission
Category	9. Adopt Minutes
Department	Planning
Type	

10. Communications

10.1. Review and Accept Communications

11. Adjournment

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Office of City Planning, Planning Commission

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

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

ZA-25-04 Performing Arts Centers in the E-LM District

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 Appendix A – Use Table thereof to read as follows:

Appendix A Use Table – All Districts

***For changes see attached Appendix A

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

DRAFT

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use[i]	Downtown Form Districts (See Article 14)	Neighborhood Mixed Use				Enterprise	
USES	**UR**	**RCO - A**	**RCO - RG**	**RCO - C**	**I**	**RL**	**RM**	**RH**	**RC**	**DW-PT[16]**	**Downtown FDs**	**NMU**	**NAC**	**NAC-R**	**NAC-CR**	**E-AE**	**E-LM[34]**
RESIDENTIAL USES	**UR**	**RCO - A[1]**	**RCO - RG**	**RCO - C**	**I**	**RL**	**RM**	**RH**	**RC**	**DW-PT[16]**	**Downtown FDs**	**NMU**	**NAC**	**NAC-R**	**NAC-CR**	**E-AE**	**E-LM**
Single Detached Dwelling	N	N[1]	N	N	Y	Y	Y	N[30]	N[30]	N		N[30]	N[30]	N[30]	N	N	N
Attached Dwellings - Duplex	N	N[1]	N	N	Y	Y[2]	Y	Y	Y	N		Y[3]	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N[1]	N	N	Y	N	Y	Y	Y	N		Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	**UR**	**RCO – A**	**RCO - RG**	**RCO - C**	**I**	**RL**	**RM**	**RH**	**RC**	**DW-PT[16]**	**Downtown FDs**	**NMU**	**NAC**	**NAC-R**	**NAC-CR**	**E-AE**	**E-LM**
Assisted Living	N	N	N	N	CU	CU	Y	Y	Y	N		Y	Y	Y	Y	N	N
Boarding House[6] (4 persons or less)	N	N	N	N	CU	CU	Y	Y	Y	N		Y	Y	Y	N	N	N
Boarding House[6] (5 persons or more)	N	N	N	N	CU	CU	CU	CU	CU	N		CU	CU	CU	N	N	N
Community House (*See Sec.5.4.4*)	N	N	N	N	CU	CU	CU	CU	CU	N		CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	Y	N		Y	Y	Y	Y	N	N
Dormitory[5]	N	N	N	N	CU	N	N	N	N	N		N[25]	CU	CU	N	N	N
Emergency Shelter[31]	N	N	N	N	N	CU	CU	CU	CU	N		CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	Y	N		Y	Y	Y	Y	N	N
Historic Inn (*See Sec.5.4.2*)	N	N	N	N	CU	CU	CU	CU	CU	N		CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N		N	N	N	N	N	N
Sorority/Fraternity[5]	N	N	N	N	CU	N	N	N	N	N		N	N	N	N	N	N
Short Term Rental[33]	N	N	N	N	Y	Y	Y	Y	Y	N		Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	**UR[21]**	**RCO - A**	**RCO - RG**	**RCO - C**	**I**	**RL**	**RM**	**RH**	**RC**	**DW-PT[16]**	**Downtown FDs**	**NMU**	**NAC**	**NAC-R**	**NAC-CR**	**E-AE**	**E-LM**
Adult Day Care	N	N	N	N	CU	N	N	N	N	N		Y	Y	Y	Y	N	N
Agricultural Use[20]	N	Y	Y	CU	Y	N	N	N	N	N		N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	N	N		N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	N		N	CU	CU	CU	CU	CU[27]
Animal Grooming	N	N	N	N	N	N	N	N	Y	N		Y	Y	Y	Y	CU	CU[27]
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	N	N		CU	CU	CU	CU	Y	Y[27]
Appliance Sales/Service	N	N	N	N	N	N	N	N	Y	N		Y[24]	Y	Y	Y[24]	N	Y[27]
Aquarium	N	N	CU	N	CU	N	N	N	N	(*See Sec.4.4.1(d) 1*)		N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU[13]	N	(*See Sec.4.4.1(d) 1*)		Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	N	N		N	Y	Y	N	N	CU[27]

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

Appendix A-Use Table – All Zoning Districts

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

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

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	**Zoning District**
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL	Residential Low Intensity
RM	Residential Medium Intensity
RH	Residential High Intensity

RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

2. Subject to applicable limits on the number of units per structure in Table 4.4.5-2.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. Reserved.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 3 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses unrelated to Industrial or Arts production and with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
29. Must be fully enclosed within a building.
30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
31. See special use standards of Sec. 5.4.13, Emergency Shelters.
32. Performing Arts Centers (PACs) in the E-LM zone shall be limited to properties with frontage on Pine St. or Queen City Park Road. PACs with frontage on Queen City Park Road are limited to no more than 15,000 sf. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.~~Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.~~
33. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.
34. See Sec. 4.5.6(c) 5 for permitted uses in the Enterprise – Innovation District (SEID) Overlay

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

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149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7194
www.burlingtonvt.gov/plan

TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: November 26, 2024
RE: Proposed ZA-25-04 Performing Arts Centers in the E-LM District

Overview & Background

As affirmed in the 2019 *planBTV: South End*, this district is a hub for creative social, cultural and economic activities. Indeed, the Plan's very first "Key Action to Preserve and Enhance the South End" is a call to reinforce an arts hub in the South End. To that end, the City of Burlington has created and maintained an arts-forward zoning framework, along with cultural and economic development initiatives and investments. One such initiative was a 2015 zoning amendment, adopted during the *planBTV: South End* planning process, to allow Performing Arts Centers (PACs) as a use in the South End's Enterprise-Light Manufacturing zoning district for the first time. As stated at the time, allowing PACs in the E-LM supports and enhances the South End's vibrant arts community. The 2015 zoning amendment includes the following standards, established as a conditional use footnote in Appendix A – Use Table:

- Allows PACs only on properties with frontage on Pine Street or Industrial Parkway (now Queen City Park Road);
- Limits PACs on parcels with Pine St. frontage to no more than 5,000 square feet, and on parcels with frontage on Queen City Park Road to no more than 15,000 square feet; and,
- Establishes that no more than 50 percent of any PAC can be devoted to accessory space for the sale and serving of food and beverages, including alcohol.

The size limitation for PACs on the Pine St. corridor were aimed at "preserving and acknowledging the existing built environment within the E-LM zone," according to the amendment's accompanying memo.

To date, just one Performing Arts Center, Arts Riot, exists in the E-LM. However, following its failed attempt to relocate to Queen City Park Road, the South Burlington-based music venue Higher Ground has expressed interest in relocating to the Pine St. corridor, a move that can only be facilitated through the amending of the aforementioned standards for PACs in the E-LM. Specifically, Higher Ground, and any similar Performing Arts Center that operates as a music venue for touring musical acts, requires a total square footage greater than what is allowed in the E-LM today. As such this amendment proposes to delete the square footage limit for PACs, only on properties with frontage on Pine Street, entirely. No other changes to the current standards are proposed.

In addition to the manifest way in which PACs support and are consistent with the South End's arts character, PACs are also critical components of the arts-based economy in Burlington. A 2019 study produced by an economic development organization in Chicago and referenced in communications to the US Congress by the National Independent Venue Association estimates that every $1 spent on a ticket at a local music venue produces $12 in economic activity in the form of restaurant and retail purchases and hotel stays.

Proposed Amendment: ZA-25-04

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

Purpose Statement

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

This amendment eliminates the limit on square footage for Performing Arts Centers in the E-LM district in order to facilitate the establishment of larger PACs in this arts-based district.

Proposed Amendments

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

1. Amends Footnote 32 in Appendix A – Use Table, to remove the square footage limit for Performing Arts Centers on properties with frontage on Pine Street in the E-LM district.
2. Replaces in the same Footnote 32 a reference to "Industrial Parkway" with the street's new name, "Queen City Park Road.

Relationship to *planBTV*

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

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

Compatibility with Proposed Future Land Use & Density

The proposed amendment will help implement a key land use policy adopted in 2019 with planBTV: South End as well as the *planBTV* Comprehensive Plan. With respect to the South End Plan, this amendment reinforces the South End as an arts hub, a key plan objective. The Comprehensive Plan calls for the fostering and maintenance of existing neighborhood characters, and identifies the South End E-LM as a district where growth is encouraged. Thus, in a similar fashion, this amendment is consistent with the Comprehensive Plan's future land use map.

Impact on Safe & Affordable Housing

The amendment has no significant impact on the provision of safe and affordable housing. Housing is not an allowed use in the E-LM (outside of the South End Innovation District overlay).

Planned Community Facilities

This amendment supports and complements a recently constructed and evolving Burlington City Arts facility at 405 Pine Street. The amendment, through facilitating a PAC on the Pine St. corridor, promotes a prosperous arts community and presents opportunities for partnerships between the City and successful arts-based Burlington businesses.

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 11/24/24	**Presentation to & discussion by Commission 12/3/24**	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: _____
_____
First reading: _____
Referred to: _____
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

ZA-25-04 Champlain College Bed Caps

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 Article 4, Sec. 4.5.2 Institutional Core Campus Overlay Districts thereof to read as follows:

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a-f) As written

(g) District Specific Regulations: Champlain College (ICC -CC):

1-3: As written

4. Density

For the purposes of regulating the intensity of development and the total number of residential beds, the core campus district shall be divided into two areas: a Residential Core Campus and an Academic Core Campus as delineated on Map 4.5.2-7 ICC-CC Core Campus below.

Core Campus	Floor Area Ratio	~~Maximum Residential Beds~~
Residential Core Campus	1.0	~~530~~
Academic Core Campus	1.1	~~150~~

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* Material stricken out deleted.

** Material underlined added.

DRAFT

City of Burlington, VT
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Phone: (802) 865-7194
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TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: November 26, 2024
RE: Proposed ZA-25-05 Champlain College Bed Caps

Overview & Background

Across Burlington's segmented housing market, scant tenant protections and lack of supply contribute to what is generally considered a crisis for renters and those looking to own a home in the city. This crisis in affordability and quality extends to the student populations of Champlain College and the University of Vermont. Champlain College prioritizes housing for all first year students and seeks to house as many upper-class students on campus as possible. Historically, as is the case with UVM's student population, many Champlain College upper-class students have chosen to live off campus in Burlington or one of its surrounding communities. However, changing preferences and a worsening shortage of quality and affordable housing near its campus has created a new paradigm in which Champlain College upper-class students increasingly request housing on campus. Unfortunately, due to density standards, in the form of maximum bed counts established in 2009, Champlain College is unable to construct adequate amounts of new housing or convert existing non-residential square footage to residential use.

Density standards were first applied to the Institutional Core Campus – Champlain College overlay district in 2008. At the time, residential density was limited on Champlain's campus to no more than 24 units per acre. One year after this standard was established, an alternative density standard in the form of bed caps was adopted, as was the creation of two distinct areas within the College's campus: a Residential Core Campus and an Academic Core Campus. Those standards remain in effect today, with the Residential Core Campus limited to a maximum of 530 beds and a Floor Area Ratio (FAR) of 1.0, and the Academic Core Campus limited to 150 beds and an FAR of 1.1. As stated in a Champlain College memo attached to this memo, the College has capacity to create just 14 beds in the Academic Core Campus, and 111 beds in the Residential Core Campus.

In summer 2024, Champlain College requested that the City consider a zoning amendment to remove these limits on beds on its campus, without also requesting an increase in FAR. As part of this request, the College stated its desire and intent to adaptively reuse an administrative building in the Academic Core Campus that would create an additional 33 accessible beds in a cost-effective manner. This project is not possible without a zoning amendment to remove the existing bed caps.

Proposed Amendment: ZA-25-04

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

Purpose Statement

This amendment eliminates the Maximum Residential Beds standards in Sec. 4.5.2(g) 4 in order to facilitate on-campus residential conversion and development for Champlain College students.

Proposed Amendments

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

1. Amends the table in Sec. 4.5.2(g) 4 to eliminate the Maximum Residential Beds standards and the associated column in its entirety from the table.

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Relationship to *planBTV*

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

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

Compatibility with Proposed Future Land Use & Density

The proposed amendment will help implement a key land use policy adopted in the *planBTV* Comprehensive Plan. The Comprehensive Plan calls for the City's Institutional Campuses to be places of growth. The success of this Institutional growth is contingent on the Institutions' ability to develop housing in a manner that is consistent with established City policy and, in some cases, the character of surrounding neighborhoods. This proposed amendment facilitates the concentration of much-needed housing that will create much-needed housing options for Champlain College students, and, in turn, allow for the College's continued role in strengthening Burlington's economy.

Impact on Safe & Affordable Housing

The amendment facilitates the creation of on-campus housing at Champlain College, and thus significantly impacts the provision of safe and affordable housing for Champlain College students, as well as the general population who currently compete with students for limited supply of quality housing.

Planned Community Facilities

This amendment supports and complements a wide range of existing and planned community facilities in the vicinity of Champlain College's campus. Providing for more housing in Burlington's core creates new users for these facilities and promotes a symbiotic socio-economic relationship between Champlain College and the City.

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 11/24/24	**Presentation to & discussion by Commission 12/3/24**	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
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TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, AICP Candidate, Planner
DATE: November 29, 2024
RE: Proposed ZA-25-02 Neighborhood Code PUD and Pocket Neighborhood 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, addresses Planned Unit Development and Pocket Neighborhood standards.

2. Pocket Neighborhoods

During its October 22, 2024 meeting, the Planning Commission decided to include Cottage Court standards in the forthcoming amendment addressing Planned Unit Developments. To be more inclusive about the style and aesthetic of homes, Staff recommends referring to these housing types as Pocket Neighborhoods.

Pocket Neighborhoods are made up of small-scale homes that are typically 1 to 1.5 stories tall and oriented around a common area. They are designed to foster interaction and community between neighbors while still maintaining personal privacy. Key themes of Pocket Neighborhoods and related recommendations from Staff are discussed below:

Shared Common Area: This is a central, shared area intended to replace the function of an individual yard. Homes in the Pocket Neighborhoods are recommended to be within a comfortable walking distance (60 feet) from the shared common area and have entrances oriented towards the shared space. The size of the Common Area can vary depending on the site, but Staff recommends this space be a minimum of 400 ft^2 per dwelling and have dimensions of at least 20 feet in width or length.

Following the discussion on 11/12/24, Staff has added Common Area standards dictating that (1) Common Areas shall not include areas of steep slopes greater than 15% and (2) require for a minimum of 75% of Common Area to be Usable Open Space, as defined in Article 13 of the CDO as: *"Any lot area(s) or portion thereof, which enhance utility and amenity by providing space for active or passive recreation including improvements such as: recreational facilities, walkways, plazas, tennis courts, bikeways, boardwalks, recreational piers, sitting walls, fountains, lawns, gardens, unprogrammed landscaped areas and works of art. Usable open space shall not include parking or drives."*

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Size of Pocket Neighborhoods: Best practices for Pocket Neighborhoods call for between 3 to 12 structures. Due to the smaller scale of structures, this housing type can be built on a lot as small as 4,000 ft². Additionally, detached dwellings must be at least 10 feet from one another.

Following the discussion on 11/12/24, Staff has provided clarification that Pocket Neighborhoods can have a maximum of 2 Dwelling Units per structure, a maximum of 12 Dwelling Units per Site, and has increase the Maximum Building Footprint to 1,000ft².

Access and Parking: Off-street parking in Pocket Neighborhoods is typically located away from the cluster of homes. However, following the discussion on 11/12/24, Parking Requirements have been updated by Staff to indicate that:

- Parking shall be consolidated to minimize the number of parking areas, and shall be located on the pocket neighborhood development property.
- Single- and two-car garages and carports may be attached to individual residential structures, provided such garages are oriented towards the rear of the structure.

Common Building: A common building in a Pocket Neighborhood is intended to be a community building, detached from any homes. Acknowledging the small size of the dwellings in Cottage Courts, a Common Building can offer shared facilities like laundry or other accessory uses. Staff recommends that a Common Building be allowed in the Common Area but may not take up more than 25% of the required open space.

Following the discussion on 11/12/24, Staff has clarified in the Proposed Amendment that Common Buildings are not required in Pocket Neighborhoods, and that off-street parking can be located within a Common Building.

As the Planning Commission continues its discussion on Pocket Neighborhoods, Staff recommends reviewing the two Fit Tests of Cottage Courts in Burlington created by Opticos Design during the Neighborhood Code process. These can be found on Civic Clerk.

Staff also recognizes that Commissioners are interested in a more in-depth conversation about the opportunities for fee-simple home ownership in Pocket Neighborhoods, and aim to discuss this topic further at a future meeting.

3. Planned Unit Developments

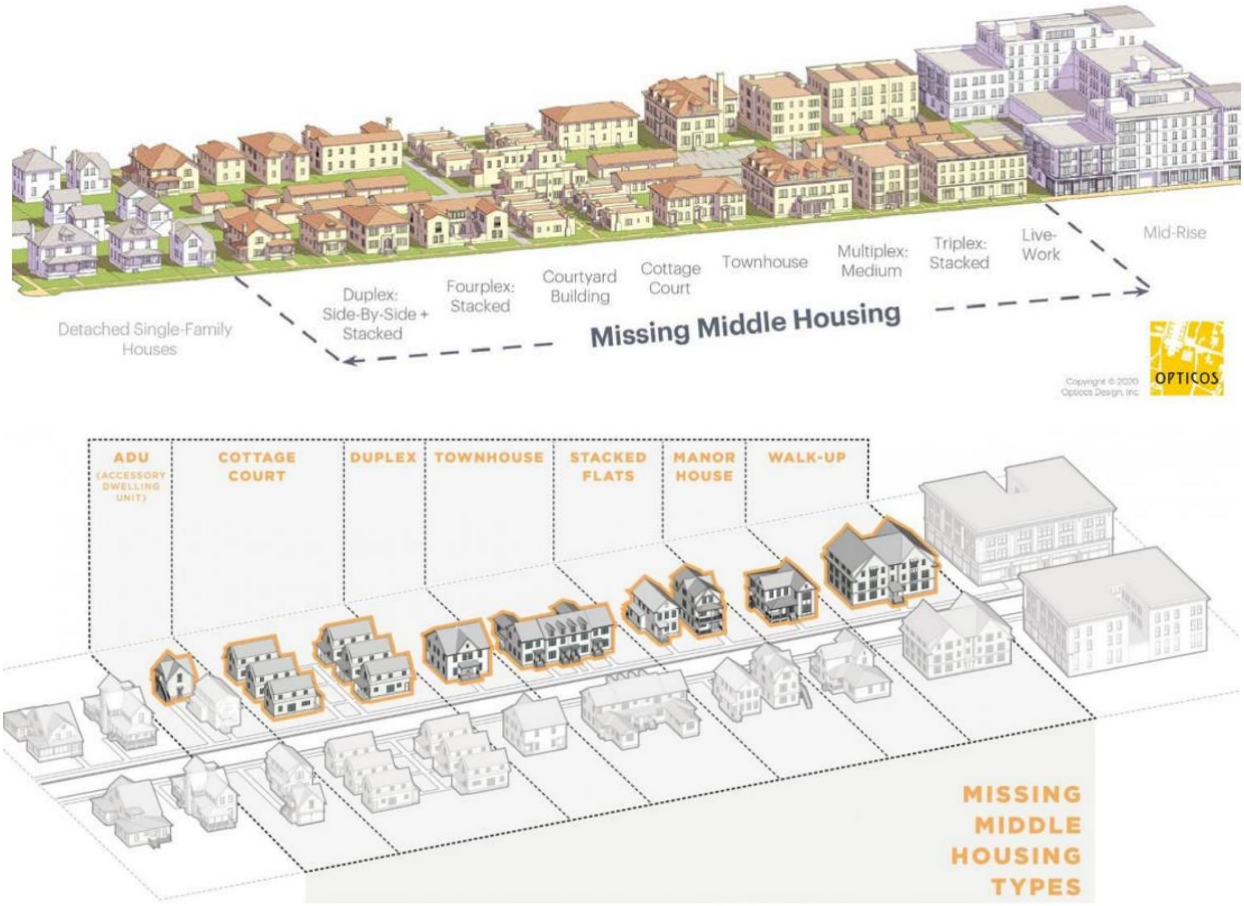
This amendment will modify, at minimum, the following Planned Unit Development standards:

- 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, staff suggests these proposed maximums are too large on PUD sites less than three acres. Generally, 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, with exceptions for large projects (3+ acres). 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 15,000 square feet only in PUD projects of three or more acres. A previous recommendation that PUDs should only be allowed to contain one such large format building has been deleted from the current proposal. Any consideration for allowing even larger 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 5,000 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 5,000 square feet, especially those with footprints of 8,000 square feet or more, are invariably double-loaded corridor structures in which studio and one-bedroom apartments predominate. Smaller footprint buildings up to 5,000 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.

4. **10/22 Revisions**

In light of the above policy recommendations and recent Planning Commission discussions, staff has revised the proposed Table 11.1.3-2 – Neighborhood Code Planned Unit Development Standards, which is attached in the accompanying ordinance. A description and rationale for each proposed standard is provided below:

- Project Size: staff recommends reducing from three to two the number of Project Size tiers. Those tiers are 1.) 0.5 acres to 2.99 acres, and 2.) 3+ acres.
    - Rationale: reducing the number of tiers creates more flexibility and draws a clearer distinction between small/moderate PUDs and large PUDs of three or more acres.
- Maximum Building Footprint: staff recommends limiting building footprints to 5,000 square feet or less in PUDs below three acres, and 15,000 square feet in PUDs of three or more acres.
    - Rationale: The 5,000 square foot limit facilitates missing middle scale building types that are consistent with the overall Neighborhood Cod approach, as well as supportive of the policy goals outlined above regarding units with multiple bedrooms. Larger PUDs can support building footprints up to 15,000 square feet and remain consistent with the Neighborhood Code, but only in the careful implementation of other standards such as Floor Area Ratio, maximum height, and setback, all of which are intended to provide for these buildings while limiting the extent to which they proliferate in neighborhoods and have adverse impacts on neighborhood character.
- Maximum Dwelling Units Per Structure: staff recommends limiting buildings with footprints less than or equal to 5,000 square feet to 12 units (16 if the PUD is designated a Priority Housing Project). There is no limit proposed in buildings with footprints greater than 5,000 square feet
    - Rationale: These maximums encourage unit diversity, including multi-bedroom homes for families and other household types. For example, a typical 5,000 square foot, three story building with four units on each floor produces 12 1,125 square foot units, each typically with windows on multiple sides. The lack of a maximum unit count in the larger building types allows for the largest PUDs to have flexibility to include building types that typically include a greater number of one-bedroom homes.
- Maximum Floor Area Ratio: staff recommends a maximum FAR of 0.75 in the RL district and 1.0 in the RM and RC districts.
    - Rationale: These FAR standards typically allow for between 20 and 40 units per acre. Ultimately, a PUD's housing output is dependent on multiple factors, including parking, lot coverage, open space and other site conditions. It should be noted that a PUD that is designated a Priority Housing Project would be granted an additional 40% FAR, which increases the FAR standards in the RL to 1.05 and in the RM/RC districts to 1.4.
- Maximum Building Height: the proposed height standards are unchanged from the underlying standards adopted in Neighborhood Code Part 1
    - Rationale: Buildings in residentially-zoned PUDs should have heights consistent with their surroundings. However, given the housing supply and affordability benefits achieved in Priority Housing Projects, staff considers an additional floor of height in these projects to be of public benefit.
- Setback – Front Project Periphery: staff recommends retaining the underlying front setback standards as adopted in Neighborhood Code Part 1, with a slight reduction in the maximum required setback from 25 feet to 20 feet.

- Rationale: Development patterns on the periphery of a PUD should correspond to surrounding context. The averaging method ensures consistent setbacks across a street's edge, while the maximum required distance of 20 feet ensures flexibility and walkable, accessible PUDs.

- Setback – Side/Rear Project Periphery: As with the front project periphery standard, this recommendation is consistent with the underlying approach adopted in Neighborhood Code Part 1
  - Rationale: This recommendation aims to make development in PUDs consistent with surrounding development patterns while establishing a maximum that does not unduly limit development potential.
- Setback – Front Internal Right-of-Way: staff recommends that buildings on internal, typically new, streets be placed within a range of zero to 20 feet from the edge of the ROW.
  - Rationale: PUDs should establish their own development pattern on new and internal streets. These flexible setbacks allow for a range of development types, including more compact, walkable forms, and more permeable and less dense forms.

5. 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 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: _____
_____
First reading: _____
Referred to: _____
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

ZA-25-02 Neighborhood Code PUD + Pocket Neighborhood Standards

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

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and hereby amends Article 4, Sec. 4.4.5(d) 1 by creating Pocket Neighborhood Standards; Table 11.1.3-1 Planned Unit Development Project Size Standards and creates Table 11.1.3-2 Planned Unit Development Standards; and Article 13 by creating a definition for Pocket Neighborhoods; thereof to read as follows:

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

(a-c) *As Written*

(d) District Specific Regulations

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. Article 11: Planned Development

A. ~~**Reserved**~~ A.~~Reserved~~ **Pocket Neighborhoods**

A Pocket Neighborhood is a group or cluster of small detached houses or two-unit attached houses that share a common area.

(i) Development Standards

Unless otherwise stated, Pocket Neighborhood standards are required to follow the underlying district dimensional standards in table 4.4.5-1

(ii) Building and Site Standards

a) Lot Size: Pocket Neighborhoods must have a Minimum Lot Size of 4,000 ft2

b) Principal Structure: Pocket Neighborhoods Pocket Neighborhoods may have a Principle Structure adhering to the requirements listed in Table 4.4.5-2.

c) Pocket Neighborhood Dwelling Units must adhere to the standards in Table 4.4.5-3 below. However, Principle Structures are subject to the standards in Tables 4.4.5-1 and 4.4.5-2:

DRAFT

Table 4.4.5-3: Pocket Neighborhood Standards

Max. Dwelling Units per Structure	Number of Dwelling Units per Site	Max. Building Footprint	Maximum Building Height	Minimum Setback from Common Area
2	Min: 3 Max: 12	1,000ft^2	30’	3’

d) Building Separation: Detached dwellings shall be separated by a minimum of 10 feet. Each pair of two-unit attached dwellings shall be separated from any other detached or attached dwelling by a minimum distance of 10 feet.

e) Building Orientation: Dwellings shall be oriented toward and within 60 feet walking distance of the Common Area. However, this standard shall not apply to a Principal Structure in existence at the time of application.

(iii) Common Area Requirements

a) Pocket Neighborhoods shall have a Common Area that is a minimum of 400 square feet per Dwelling made up of either a continuous open space or a series of interconnected open spaces

b) No portion of the Common Area may be less than 20 feet in width or length.

c) Parking areas and driveways do not qualify as a Common Area.

d) A minimum of 75% of a Common Area shall be Usable Open Space.

e) Common Areas shall not include areas of steep slopes greater than 15%.

(iv) Common Building Requirements

a) Common Buildings are intended to be utilized as a community building for the sole use of the Pocket Neighborhood Residents.

b) Common Buildings are not required in Pocket Neighborhoods.

c) May take up to 25% of the required common open space, but no greater than 1,500 square feet and shall not be attached to “cottages”.

d) Uses of the common building must be accessory to the Pocket Neighborhood.

(v) Parking Requirements for Pocket Neighborhoods

a) Driveway and parking areas shall meet the standards outlined in Article 8.

b) Parking shall be consolidated to minimize the number of parking areas, and shall be located on the pocket neighborhood development property.

c) Off-street parking can be located within a Common Building.

d) Single- and two-car garages and carports may be attached to individual residential structures, provided such garages are oriented toward the rear of the structure.

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~~ 0.5 acres[1]

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

Table 11.1.3-2 Neighborhood Code Planned Unit Development Standards

District	Project Size	Max. Building Footprint [1, 2, 7]	Max. Dwelling Units Per Structure [3]	Max. FAR	Max. Bldg. Height	Setback		
						Project Periphery		Front Internal ROW[4]
						Front[5]	Side/Rear [6]	
RL	0.5 – 2.99 Acres	5,000 sq. ft.	12	0.75	3 Stories 35’	Avg. of front setback 2 adjacent lots on both sides +/- 5 feet Max Required: 20’	Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less Max Required: 20’	0’ Min 20’ Max
	3+ Acres	15,000 sq. ft.	Bldg. footprint of 5,000 sq. ft or less: 12 units Bldg. footprint greater than 5,000 sq. ft.: N/A					
RM	0.5 – 2.99 Acres	5,000 sq. ft.	12	1.0				
	3+ Acres	15,000 sq. ft.	Bldg. footprint of 5,000 sq. ft or less: 12 units Bldg. footprint greater than 5,000 sq. ft.: N/A					
RC	0.5 – 2.99 Acres	5,000 sq. ft.	N/A	1.0	4 Stories 50’	Min Required: 5’ Max Required: 20’		
	3+ Acres	15,000 sq. ft.						

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1. For projects within RL, RM, and RC zones, the limit on the number of ~~primary~~Principal and secondary structures is not applicable.
2. 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.
3. A PUD designated a Priority Housing Project as per 10 V.S.A. § 6001 may increase the maximum dwelling units per structure with footprint of 5,000 square foot or less to 16 when the building has a height of four stories.
4. 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.
5. Buildings fully contained in the RL and RM districts with a footprint greater than 5,000 sq. ft. must have a front project periphery setback of at least 50 feet. This footnote does not apply to any building that partially occupies any portion of a lot zoned RC.
6. Buildings with a footprint greater than 5,000 sq. ft. must be set back at least 50 feet from any adjacent parcel located in an RL or RM district.

The Development Review Board may exempt Planned Unit Developments existing as of January 1, 2024 from any standard in Table 11.1.3-2

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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:

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

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

Article 13: Definitions

Pocket Neighborhood: a group or cluster of small detached houses or two-unit attached houses that share a common area.

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

AARP Burlington VT

MMH Housing Study

Prepared for AARP Livable Communities
Technical Assistance Program (LC TAP)
for Burlington, Vermont

November 14, 2023

Opticos Design, Inc.
2100 Milvia St, Ste 125
Berkeley, CA 94704
opticosdesign.com

Site Plan

Scale: 1"=50'

N

0 *50'* *100'*

Program Summary

Site		
Zone		RL (Cottage Court)
[1] Area		84,831 sf / 1.95 ac
Setback	Req.	Prop.
Front	33'6" +/- 5'0"	-
Side (10% lot width)	18'10" min.	20'0"
Rear	20'0" min.	24'0"
Program	Req.	Prop.
Existing Unit Count	-	2 du
Proposed Unit Count	-	10 du
Total Unit Count	-	12 du
Density	-	6.15 du/ac
Primary Building Count	1 max.	2
[2] Primary Footprint 1	1,500 gsf/bldg	1,410 gsf
[2] Primary Footprint 2	-	2,450 gsf
[2] Secondary Footprint (Cottage)	900 gsf/bldg	900 gsf/bldg
[2] Secondary Footprint (Duplex)	900 gsf/bldg	1,800 gsf/bldg
Acc. Structures Footprint	-	3,140 gsf
Impermeable Surface	-	8,010 gsf
[3] Lot Coverage	45%	31%
Existing On-site Parking	-	2 sp
Proposed On-site Parking	-	12 sp
Total On-site Parking	-	14 sp
Proposed Building(s)	Unit Count	Stories
Cottage	1	1
Duplex	2	1
Parking Mix	Req.	Prop.
On-street	-	2 sp
Surface	-	2 sp
Garage (Existing)	-	2 sp
Garage (Proposed)	-	10 sp

[1] Assumes single lot with maintenance agreement for semi-private open space.

[2] Open porches not included in building footprints.

[3] Open porches included in lot coverage.

© 2023 Opticos Design Inc.

Aerial from the street

Eye-level from the cottages

Eye-level from the duplex court

© 2023 Opticos Design Inc.

Missing Middle Housing Study

AARP Vermont

New North End
Burlington, Vermont
June 28, 2022

OPTICOS

Cottage Court at 86 Staniford Road

Front of Lot from Staniford Road

Project Description

The existing condition is a single family house on a large lot, which has space to provide additional homes at a diversity of sizes.

The proposed design arranges smaller homes around a central green with the existing house anchoring the community and includes aggregated parking and a garden shed.

Missing Middle Housing Key Benefits

1. Diversity of choice in home sizes at a lower cost than a single family home.
2. Building size and form similar to a single family home.
3. Front porches, door yards, and stoops that support an active street life.
4. Housing types that contribute to walkable and rollable communities.
5. Housing types suitable for incremental and infill development.
6. Promotes safer environments through informal interactions with neighbors.
7. Cottage court has options for rent or ownership.
8. Options for extended family or multi-generational living.

Program Information

Aerial from Staniford Road

Program Info			
Site Info			
Width	149' - 6"		
Depth	273' - 6"		
Area	40,888 sf	(0.94 ac)	
Units	6		
Density	6.4 du/ac		
Total Lot Coverage	40%		
Building Coverage	23%		
Impervious Coverage	17%		
Building Info	(E) House	Large Cottage	Small Cottage
Stories	2	1-1.5	1
Building Count	1	4	1
Building Type	-	2 bed / 2 bath	1 bed / 1 bath
Building Size	2,160 gsf	1,220 gsf	675 gsf
Parking Info			
Garage	4		
Off-Street	5		
On-Street	6		

Key Code Barriers for this Site (Residential Low Density, RL District)

1. Not allowing multiple units (Section 4.4. Residential Density).
2. 20 ft minimum frontage and arrangement of new lots may not allow for cottage court site plan (Section 6.1.2 Review Standards).
3. 2 spaces per unit minimum (Section 8.1.8 Minimum Off-Street Parking Requirements).

Site Plan

Proposed Site Plan

N

Scale 1" = 50'

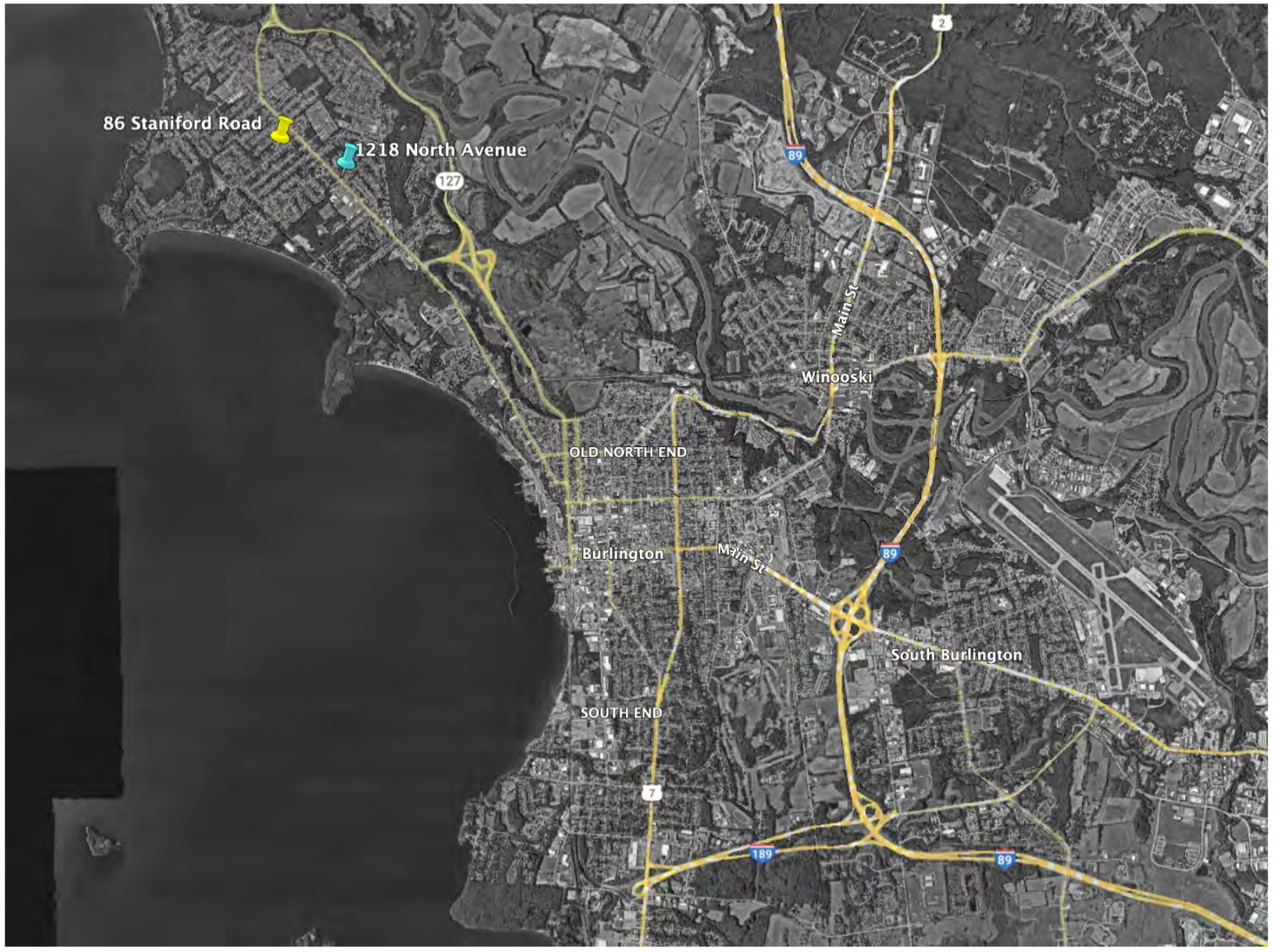
0 50' 100'

Existing Site

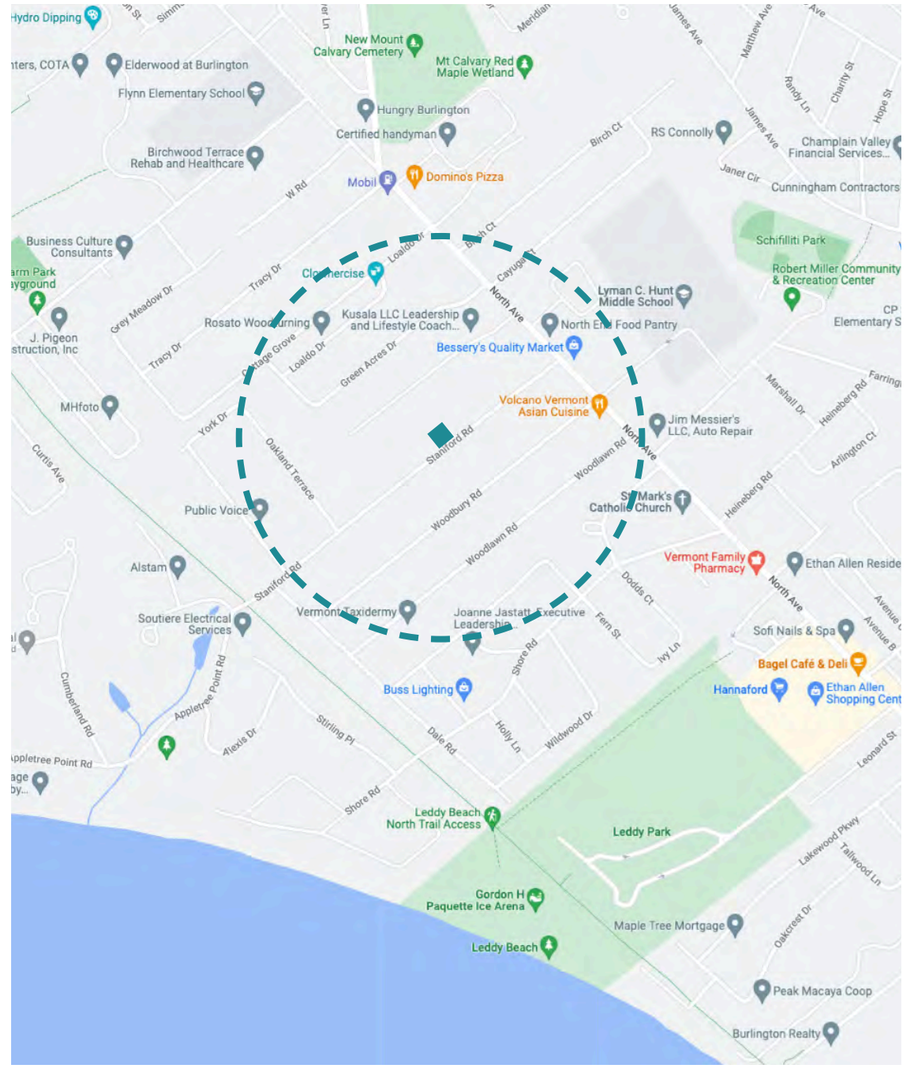
— Lot Test Study Area

OPTICOS

Context Information



City Context *(not to scale)*



Neighborhood Context *(not to scale)*

Lot Test Study Area

1/4 Mile Ped Shed

Shared Cottage Court

Looking South at the Garden and Cottage Court

Aerial from the North Corner of the Site.

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/cityplanning

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

Burlington Planning Commission

Tuesday November, 12, 6:30 P.M.
Hybrid Meeting via Zoom and in City Hall's Bushor Conference Room
Draft Minutes

Commissioners Present:

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

City Staff Present:

☒ Charles Dillard, Interim Director
☒ Sarah Morgan, Planner
☒ Scott Gustin, Zoning Division Manager

Public Attendance: Sharon Bushor

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1. **Agenda**
   Call to Order: 6:30pm
   Changes to Agenda: No Changes
2. **Chair's Report (A. Montroll)**
3. **Director's Report (C. Dillard)**

Providing updates on recent, current, upcoming amendments:

- ZA-24-04: City Council is still deliberating on some of the recommendations that originally made in ZA-24-04 but held in the City Council Ordinance Committee. These include the items related to streamlining Accessory Dwelling Units, clarifications for Design Review, and changes to residential bonuses.
- ZA-25-01: Overdose Prevention Centers are coming up again. City attorney's office is working through the legal agreement, and staff will bring it back to the Planning Commission when that's finished.
- ZA-25-02: we're discussing pocket neighborhoods as part of ZA-25-02
- SEID GSI: We had to propose the PC ordinance committee meeting, but in that conversation Staff may add in other small tweaks. Nothing materially significant, mainly issues the design team has been running into.
- Community Sailing Center: They're in the process of scheduling a community meeting in advance of the zoning amendment.
- Inclusionary Zoning: Next step will be a very brief work session in December with City Council to recap of the issues discussed in March and ultimately then will come back to Planning Commission. There will likely be a parallel amendment alongside that to deal with Neighborhood Code affordable housing.
- Likely Zoning Amendment to look at performing arts centers in the enterprise light manufacturing zone.
- Other Planning Efforts: We have our first NNE PAC meeting 11/14. Historic Preservation Plan RFP is about to go out. Long Range Planning Commission will likely need to meet soon.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

4. Public Forum

Name(s)	Comment
Sharon Bushor:	*See communication.* Feels optimistic about Pocket Neighborhoods and that this piece of legislation can strike balance of housing and livability.

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

Action: No Action

Motion by: N/A **Seconded by:** N/A **Vote:** N/A

Discussion Notes:

- See recording for full conversation. Staff to incorporate changes suggested during meeting and continue the conversation at a future meeting.

6. Commissioner Items

Upcoming Meetings: 11/26/24 and 12/24/24 meetings are cancelled. Commission will instead hold a special meeting on Tuesday, 12/3/24 in addition to the regularly scheduled meeting on 12/10/24.

7. Adopt Minutes + Accept Communications

Action: Approve minutes and accept communications.

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

Notes or Corrections: N/A

8. Adjournment

Action: Motion to Adjourn Time of Adjournment: 8:35 pm

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

Planning Commission Memo re: Aiken 7.4.24

CHAMPLAIN COLLEGE

Dear Planning Commission,

On behalf of Champlain College, I am writing to ask the Planning Commission to consider a zoning amendment to remove the cap on the number of student beds permitted on the college's campus. This would benefit both the college and the City by allowing Champlain to accommodate more of our students within our core campus area and relieving pressure on the housing market in the Burlington area.

Champlain College has two core campus overlays within the Institutional Zone: the Academic Core Campus Overlay and the Residential Core Campus Overlay. Many years ago, these two core campus overlays were encumbered with a cap on the maximum number of beds permitted as follows:

Overlay	**Bed Cap**	**Beds currently available**	**Bed capacity remaining**
Academic Core	150	136	14
Residential Core	530	419	111

Champlain College prioritizes providing housing for all first-year students and attempts to house as many students as possible, regardless of class year. As the housing market in Burlington has tightened, upper-class students are often not able to find suitable and affordable apartments off campus, and increasingly request campus housing.

The college currently has an opportunity for an adaptive reuse of an administrative building in the Academic Core, returning it to its original use as student housing. This project would create up to 33 accessible beds and would only require a minimal investment from the college. Unfortunately, the cap currently allows for the addition of only 14 more beds, which prevents us from proceeding with this project. While there is still some capacity for creating additional beds in the Residential Core Overlay, it does not make economic sense to do so unless we can maximize the number of beds with the proposed renovation.

If the Planning Commission agrees to a zoning amendment to remove the bed cap from both Campus Overlay Districts, Champlain would be able to plan for a future where we can potentially accommodate more of our students within our core campus area and relieve pressure on the City housing market. The cap is no longer consistent with the realities of the current housing market in Burlington.

The ideal timeframe for this project would be to allow students to reside in Aiken Hall by Fall 2025. In order to complete the renovations by this date we would appreciate your approval of a zoning change no later than February 2025. We would be happy to present to the Planning Commission anytime and look forward to this zoning amendment.

Regards
Nic Anderson
Assistant Vice President of Planning and Operations