

Burlington Planning Commission

Tuesday, January 14, 2025, 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. Public Forum

3. Chair's Report

4. Director's Report

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

Subject	5.1. Approve the Municipal Bylaw Amendment Report, make changes and refer amendment to Council with recommendation.
Meeting	January 14, 2025 - Planning Commission Agenda - Tuesday, January 14, 2025, 6:30 PM, Burlington Planning Commission
Category	5. Public Hearing for Proposed CDO Amendment ZA-25-04 Performing Arts Centers in the E-LM District
Department	Planning
Type	
Recommended Action	

6. Public Hearing for Proposed CDO Amendment ZA-25-05 Champlain College Bed Caps

Subject	6.1. Approve the Municipal Bylaw Amendment Report, make changes and refer amendment to Council with recommendation.
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Meeting	January 14, 2025 - Planning Commission Agenda - Tuesday, January 14, 2025, 6:30 PM, Burlington Planning Commission
Category	6. Public Hearing for Proposed CDO Amendment ZA-25-05 Champlain College Bed Caps
Department	Planning
Type	
Recommended Action	

7. Proposed CDO Amendment ZA-25-02: Neighborhood Code Part 2B

Subject	7.1. Ask questions and provide feedback on the draft amendment.
Meeting	January 14, 2025 - Planning Commission Agenda - Tuesday, January 14, 2025, 6:30 PM, Burlington Planning Commission
Category	7. Proposed CDO Amendment ZA-25-02: Neighborhood Code Part 2B
Department	Planning
Type	
Recommended Action	

8. Commissioner Items

9. Adopt Minutes

Subject	9.1. Review and approve 12/10/24 minutes
Meeting	January 14, 2025 - Planning Commission Agenda - Tuesday, January 14, 2025, 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: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

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

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 Appendix A – Use Table thereof to read as follows:

Appendix A Use Table – All Districts

***For changes see attached Appendix A

* Material stricken out deleted.

** Material underlined added.

Ordinances 2024/ZA-25-04 Performing Arts Centers in the E-LM District
DRAFT v1.0 11/25/24

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
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
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
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}

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

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
- 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

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

TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: December 23, 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
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Purpose Statement

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 12/3/2024	Public Hearing 1/14/2025	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

Performing Arts Centers in the E-LM District

PLANNING COMMISSION PUBLIC HEARING

2025.01.14

Overview

- *planBTV: South End* establishes a policy foundation for a zoning approach that reinforces an arts hub in the South End
- A 2015 zoning amendment, crafted during the South End planning process, allowed PACs in the E-LM for the first time
- That amendment created rules, in place today:
 - Allows PACs only on properties fronting on Pine St. or Queen City Park Road
 - Limits PACs to 5K sf and 15k sf on Pine St. and QCP Road, respectively
 - No more than 50 percent of any PAC can be devoted to accessory space for food and beverage sales
- To date, one PAC exists in the E-LM: Arts Riot on Pine St.

Overview

- Higher Ground, a PAC currently located in South Burlington and with roots in Winooski, has attempted for years to move to Burlington
- In 2024, Higher Ground's effort to move to Queen City Park Road concluded unsuccessfully
- The proposed zoning amendment originated from a request by Higher Ground as it explored alternative sites in Burlington and beyond

Overview

- Allowing PACs in the E-LM is consistent with both *planBTV: South End* and *planBTV*
- Additionally, according to a 2019 study, every \$1 spent on a ticket at a local music venue generates \$12 in economic activity in the form of restaurant, retail and hotel purchases

Proposed Amendment

The amendment proposes to eliminate the square footage limit for PACs on parcels with frontage on Pine St. and updates the name of Queen City Park Road (formerly Industrial Parkway):

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.~~

TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: December 23, 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-25-05

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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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.

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 12/3/24	Public Hearing 1/14/2025	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-25-04 Champlain College Bed Caps

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 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

* Material stricken out deleted.

** Material underlined added.

Champlain College Bed Caps

PLANNING COMMISSION PUBLIC HEARING

2025.01.14

Overview

- Density standards were first applied to the Institutional Core Campus – Champlain College overlay in 2008 (24 du/acre)
- One year later, in 2009, an amendment established the following:
 - A Residential Core Campus and Academic Core Campus
 - Bed Caps and FAR limits



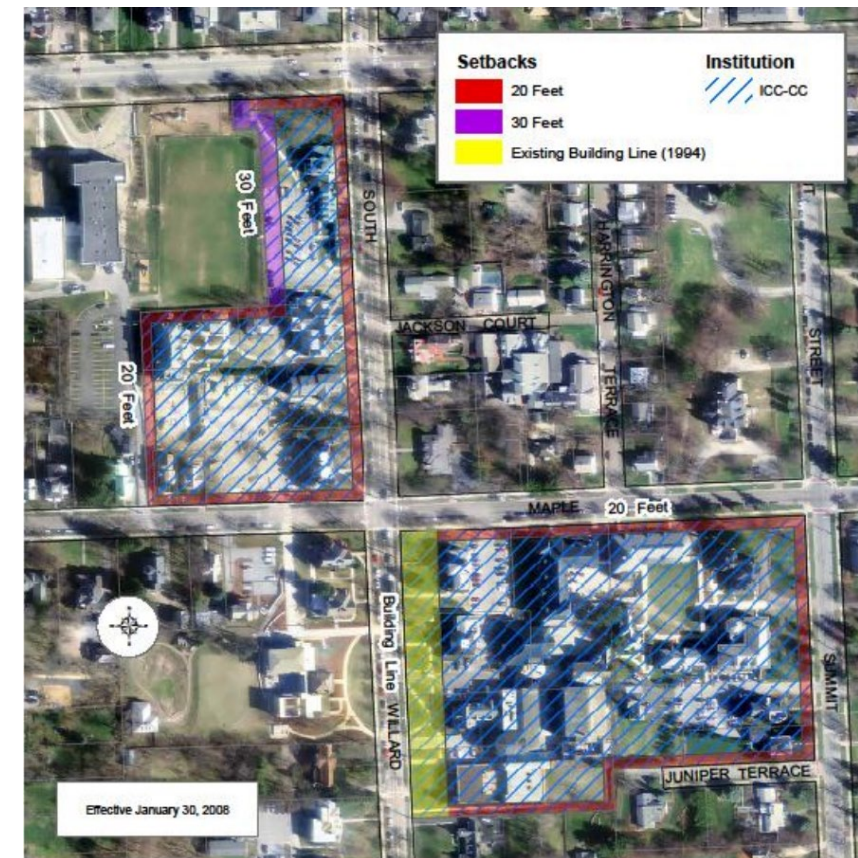
Overview

- Bed Caps and FAR limits:
 - Residential Core Campus:
 - 530 Beds
 - 1.0 FAR
 - Academic Core Campus:
 - 150 Beds
 - 1.1 FAR
- Remaining capacity:
 - Residential Core Campus: 111
 - Academic Core Campus: 14
 - Existing FAR (all Core Campus): 0.82



Overview

- Additionally, the CDO establishes specific setbacks for the ICC-CC overlay:



Overview

- Higher Ground, a PAC currently located in South Burlington and with roots in Winooski, has attempted for years to move to Burlington
- In 2024, Higher Ground's effort to move to Queen City Park Road concluded unsuccessfully
- The proposed zoning amendment originated from a request by Higher Ground as it explored alternative sites in Burlington and beyond

Proposed Amendment

- Champlain College first proposed the amendment in summer 2024 in response to increased demand for on-campus housing, particularly among upper-class students
- In its request, Champlain College noted a planned adaptive reuse of a portion of Aiken Hall (Academic Core Campus) to residential use, which would create 33 additional accessible beds.
- **The proposed amendment would eliminate the bed caps in the ICC-CC overlay but retain existing Floor Area Ratio limits**

Proposed Amendment

Sec. 4.5.2 (g) 4

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.

*the language above was not included in the warned amendment

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

Proposed Amendment

- The amendment is consistent with *planBTV's* call for the Institutional Campuses to be places of growth
- The retention of FAR and setback standards promotes context-sensitive housing growth in the ICC-CC

TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, AICP Candidate, Planner
DATE: January 9, 2025
RE: Proposed ZA-25-02 Neighborhood Code Part 2B

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, Pocket Neighborhood, and Rowhouse standards.

2. Rowhouses

Rowhouses, also known as townhouses, are a housing option commonly referred to as a missing middle type. Rowhouses are a historic development pattern in Burlington and across the United States, particularly in historic districts, though they are a common housing type in communities experiencing infill redevelopment. Rowhouses are characterized by their narrow footprint and arrangement in sequences, or rows, of attached units. Rowhouses are separated from one another by a party wall, and are frequently located on their own fee simple parcel. A sequence of two rowhouses is also known as a "fee simple duplex," in which each duplex unit occupies its own parcel. Rowhouses that are not on their own individual fee simple parcels are multifamily buildings in a condominium legal arrangement. Rowhouse developments may or may not share common spaces, though ideally a project creating multiple rowhouses will include common access routes, including alleys and consolidated driveways to limit the number of curb cuts.

Rowhouses are a desirable housing typology, the facilitation of which is consistent with the underlying objective of the Neighborhood Code.

3. 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 ft² 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."*

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.

4. Planned Unit Developments

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

- Thresholds for lot/project size in the Residential districts;

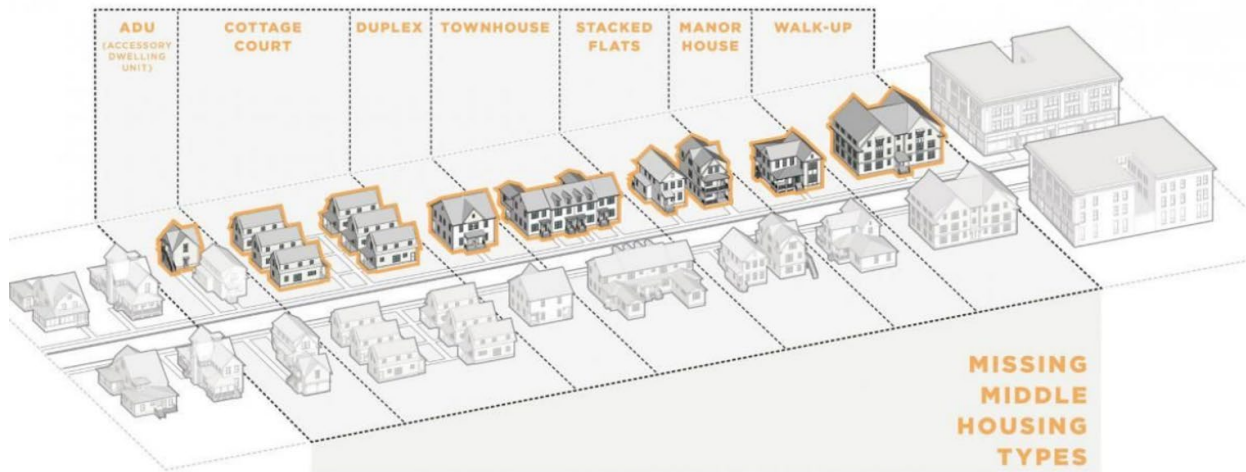
- Development intensity (FAR);
- Permitted Uses;
- Setbacks; and,
- Other topics as identified

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.

5. Revisions

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.

At its December 10 meeting, the Planning Commission provided feedback on draft Rowhouse and PUD standards, which inform the following revisions included in the draft amendment before the Commission on January 14th. Staff has included additional clarifying standards.

- Rowhouses – Sec. 4.4.5(d) 1 B has been amended in several ways, which are outlined below:
- Identification of Project and Lot: The Commission requested a diagram to be included in the amendment that clearly identifies and illustrates what a Project and Lot boundary is for the purposes of determining Lot coverage and Setback standards. That diagram has been added to the amendment.
- Lot Coverage – Project and Lot: The Commission requested footnotes clarifying what elements of a Project are included in determining "Project Lot Coverage" and what is included in the "Lot Lot Coverage." Those footnotes have been added.
 - Rationale: Lot coverage standards for Projects are proposed at 55% and 65%, respectively, for the RL and RM districts. Each represents a modest 10% lot coverage increase over the base Neighborhood Code lot coverage standards for individual lots, primarily to account for common paths and drives typically associated with these developments. In Rowhouse developments consisting of fee simple Lots, a separate lot coverage standard is needed and should be higher than the project lot coverage standard, in order to take into account their typically very small lot sizes.
- Setback – Project Periphery – Rear: The previous draft amendment did not include a standalone rear setback for Rowhouse Projects. The current draft includes a new column in Table 4.4.5-4 that establishes a rear setback relative to the Project Periphery.
 - Rationale: The rear setbacks of 15 ft for the RL district and 20 ft for the RM, RH and RC districts are proposed and are equivalent to underlying rear setback standards established in Neighborhood Code Part 1, which are located in Table 4.4.5-1.
- Setback – Party Wall Boundary: The previous draft amendment included a standard for "Party Wall Lot Boundary." The amendment has been revised to clarify that this setback (unchanged at 0 feet) applies both to Lot boundaries in the context of Rowhouse developments utilizing fee simple lots, as well as party wall structure boundaries in the context of Rowhouse developments that utilize a condominium ownership model.
 - Rationale: Both fee simple and condominium models are prevalent in Rowhouse development and standards should reflect this.
- Sequencing – Minimum Building Separation: The previous draft amendment proposed a maximum of 10 rowhouses in an uninterrupted sequence. That standard remains unchanged. However, the Commission requested an additional standard establishing a minimum distance between each uninterrupted sequence of rowhouses. This new draft proposes a separation distance of 10 feet.
 - Rationale: The building code allows for buildings to be separated by only ten feet. Given that rowhouses are allowed to be up to 40 feet in height, staff feels an additional five feet is necessary to provide adequate light, air, landscape design and pedestrian connectivity through rowhouse developments.
- PUD Setbacks: The new draft separates the setback standards from Table 11.1.3-2 for clarity purposes and establishes two new setback standards. The first is a separate rear Project Periphery setback that is equivalent to the underlying Neighborhood Code standards. However, the previously proposed footnote that establishes a min. 50 ft setback for buildings with footprints larger than 5,000 square feet remains. The second new standard is a repetition, for clarity purposes, of the Rowhouse Party Wall Boundary.
 - Rationale: Setbacks for PUD projects should be consistent with underlying Neighborhood Code standards. Other changes made in this Table are provided for the sake of clarity.

6. 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

1. Amends Article 4 Zoning Districts and Maps:
 - Amends Sec. 4.4.5(d) 1A to create new standards for Pocket Neighborhoods
 - Amends Sec. 4.4.5(d) 1B to create new standards for Rowhouses
 - Reformats current Sec. 4.4.5(d) 1B Residential Development Bonus to be renamed Sec. 4.4.5(d) 2
 - Reformats current Sec. 4.4.5(d) 2 to be renamed Sec. 4.4.5(d) 3
2. 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, 11/12/24, 10/22/24, 12/10/24, 1/14/25	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) by: creating Sec. 4.4.5 (d) 1 Pocket Neighborhoods; creating Sec. 4.4.5 (d) 2 Rowhouses; modifying sec. modifying Table 11.1.3-1 Planned Unit Development Project Size Standards; and creating 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.. 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 Principal 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, Principal Structures are subject to the standards in Tables 4.4.5-1 and 4.4.5-2:

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 6 feet. Each pair of two-unit attached dwellings shall be separated from any other detached or attached dwelling by a minimum distance of 6 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.

B. Rowhouses

A Rowhouse is a principal structure containing one unit that is attached in a row of no fewer than two (2) rowhouses in which each individual rowhouse is located within its own fee simple Lot.

(i) **Development Standards**

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

(ii) **Vehicular Access**

Unless otherwise stated, vehicular access standards are required to follow Sec. 6.2.2(i). In Rowhouse developments, no more than one curb cut per two units shall be permitted.

(iii) **Dimensional Standards**

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

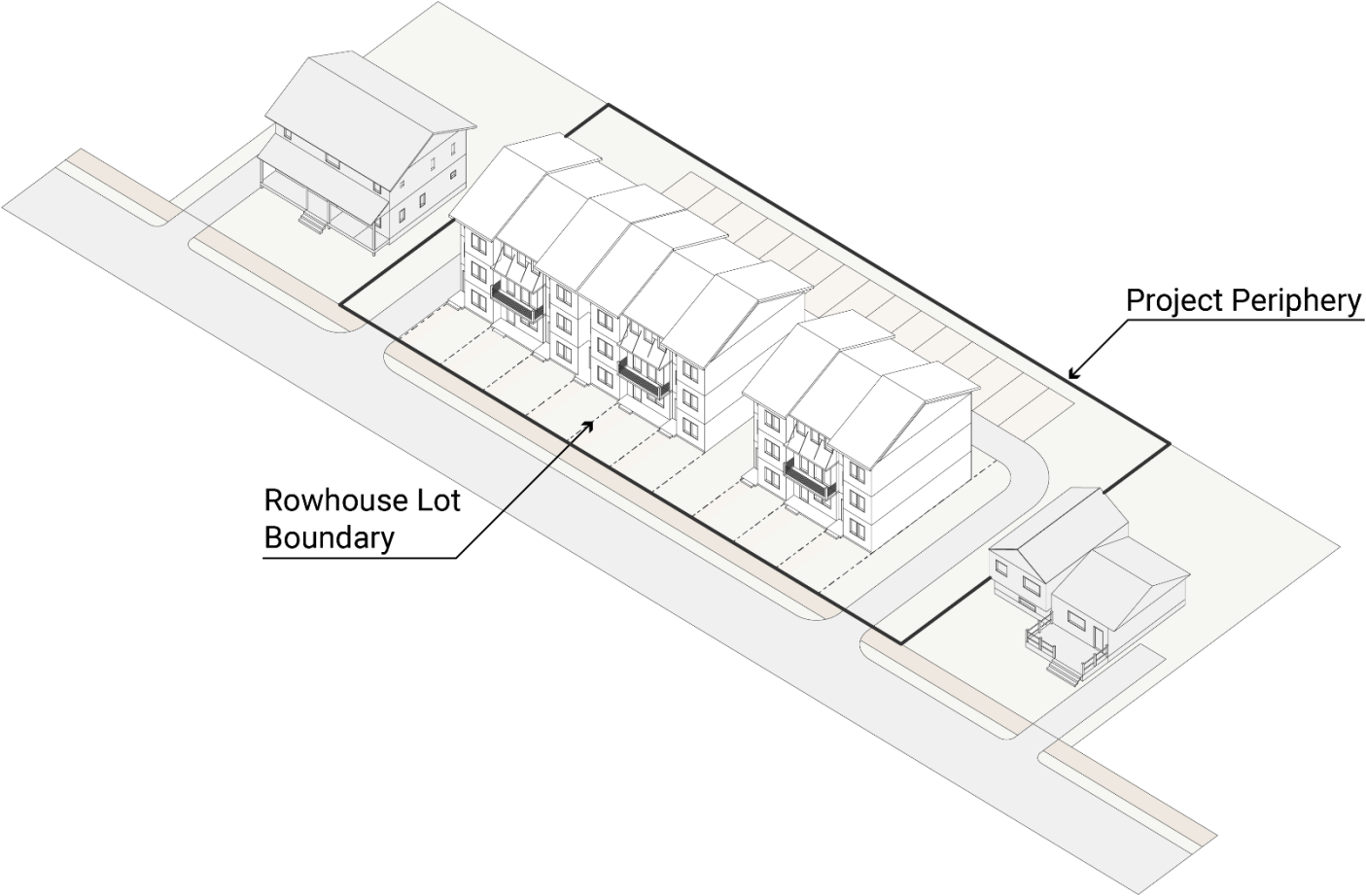
Table 4.4.5-4 Rowhouse Lot and Site Standards

<u>District</u>	<u>Lot Coverage</u>		<u>Setback</u>				<u>Min. Lot Frontage (Individual Fee Simple Lot within Project)</u>
			<u>Project Periphery</u>			<u>Party Wall Boundary (Lot or Structure)</u>	
	<u>Project¹</u>	<u>Lot²</u>	<u>Rear</u>	<u>Side</u>	<u>Front</u>	<u>Side</u>	
<u>Residential Low (RL)</u>	<u>55%</u>	<u>65%</u>	<u>20 ft.</u>	<u>Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less</u>	<u>Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u>		
<u>Residential Medium (RM)</u>	<u>65%</u>	<u>65%</u>	<u>15 ft.</u>				
<u>Residential High (RH)</u>	<u>80%</u>	<u>80%</u>					
<u>Residential Corridor RC</u>	<u>80%</u>	<u>80%</u>		<u>Max Required: 20 ft</u>	<u>Max Required: 20 ft</u>	<u>0 ft.</u>	<u>16 ft</u>

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1.

In Projects developed with Fee Simple Rowhouse Lots, lot coverage is based on the sum area of all individual Rowhouse Lots and any common areas; in all other Projects, lot coverage is based on the Project Lot.
2.

The maximum lot coverage allowed on each Fee Simple Rowhouse Lot within a Project consisting of multiple Rowhouses.



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Table 4.4.5-5 Rowhouse Principal & Secondary Structure Massing & Intensity Standards

<u>Max. Dwelling Units per Structure</u>	<u>Max. Height & Stories</u>	<u>Sequencing</u>		<u>Max. Structure Footprint</u>	
		<u>Max. Rowhouses in Uninterrupted Sequence</u>	<u>Min. Bldg Separation Between Uninterrupted Sequences</u>	<u>Principal</u>	<u>Secondary</u>
<u>1</u>	<u>40'</u> <u>3 stories</u>	<u>10</u>	<u>10 ft.</u>	<u>900 sq. ft.</u>	<u>600 sq. ft.</u>

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Article 6: Development Review Standards

Part 2: SITE PLAN DESIGN STANDARDS**Sec. 6.2.1 Applicability – As Written****Sec. 6.2.2 Review Standards**

(a) - (k) – As Written

(l) Parking and Circulation

To the extent possible, parking should be placed at the side or rear of the lot and shall be screened from view from surrounding properties and adjacent public rights of ways. Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active pedestrian-oriented uses. Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities. Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.

Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5”-3” at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be: of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.

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, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, RCO-R/G, RM, RC	0.5 acres ¹

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

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Table 11.1.3-2 Neighborhood Code Planned Unit Development Intensity Standards

District	Project Size	Max. Building Footprint ^{1, 2}	Max. Dwelling Units Per Structure ³	Max. FAR	Max. Bldg. Height
RL	0.5 – 2.99 Acres	5,000 sq. ft.	12	0.75	3 Stories 35 ft.
	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		
RH	0.5 – 2.99 Acres	N/A	N/A	1.0	
	3+ Acres				
RC	0.5 – 2.99 Acres	5,000 sq. ft.	N/A	1.0	4 Stories 50 ft.
	3+ Acres	15,000 sq. ft.			

1. For projects within RL, RM, and RC zones, the limit on the number of 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.

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

Table 11.1.3-3 Neighborhood Code Planned Unit Development Setback Standards

District	Setback				
	Project Periphery			Front Internal ROW ³	Rowhouse Party Wall Boundary (Lot or Building)
	Rear ¹	Front ²	Side		
RL	20 ft.	Avg. of front setback 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less	0' Min 20' Max	0 ft.
RM	15 ft.	Max Required: 20'			
RH					
RC		Min Required: 5' Max Required: 20'	Max Required: 20' 0 ft.		

- Buildings with a footprint greater than 5,000 sq. ft. must be set back at least 50 feet from any adjacent Lot located in an RL or RM district.
- 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.
- 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.

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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Article 13: Definitions

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

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Rowhouse: a principal structure containing one Dwelling Unit that is attached in a row of no fewer than two (2) rowhouses in which each individual rowhouse is located within its own fee simple Lot.

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

Neighborhood Code PUDs, Pocket Neighborhoods & Rowhouses

PLANNING COMMISSION

2025.01.14



ZA-25-02 - 1/14 Changes

At its 12/10 meeting, the Planning Commission provided feedback that inform that following changes to the proposed amendment:

- **Rowhouse** - Identification of Project and Lot – What are they?
- **Rowhouse** - Lot Coverage – Clarification of Project and Lot standards
- **Rowhouse** - Setback – Project Periphery (Rear)
- **Rowhouse** - Setback – Party Wall Boundary
- **Rowhouse** - Sequencing – Minimum Building Separation
- **PUDs** – Setbacks – Clarification and Improved Specificity



Neighborhood Code **Topics + Amendments**

Neighborhood Code Part 1 (ZA-24-02)

Adopted by City Council: March 25, 2024

Secondary Structures effective Oct. 1, 2024

- ✓ Modified and streamlined residential districts and boundaries
- ✓ Created new Residential Corridor (RC) district along major street corridors adjacent to low intensity zones
- ✓ Replaced density standards with massing standards, including number of units per building, updated lot coverage, standardized rear setbacks, maximum building footprints, and building height
- ✓ Allowed 2 free-standing structures in RL and RM districts with 4 units per building; does not limit the number of units per building in RH and RC zones



NC Part 2-A (ZA-24-04)

- ✓ Adt'l considerations related to secondary structures
- ✓ Clarifications and technical corrections relevant to Part 1

NC Part 2-B (ZA-25-02)

- ✓ Planned Unit Development standards
- ☐ Standards for Pocket Neighborhood Developments
- ☐ Standards for small-lot subdivisions

NC Part 2-C (ZA-TBD)

- ☐ Other potential locations for Residential Corridor zone
- ☐ Consider how RC district relates to existing mixed-use districts
- ☐ Re-visit use table allowances for all residential districts

NC Part 2-D (ZA-TBD)

- ☐ Consider infill-related parking impacts in high-demand areas
- ☐ Parking configuration options for residential lots
- ☐ Other recommendations of the Transportation Options study

Rowhouses

Rowhouses are a unique type of “missing middle” housing that is distinct from the typical homes envisioned under Neighborhood Code Part 1.

Primarily, rowhouses are distinguished by their relatively **narrow width**, their arrangement in **attached rows**, and frequently, by their **slightly taller heights**, relative to other forms of single-unit housing. When developed on fee-simple lots, they typically are located on small lots and occupy **greater amounts of that lot** than standard principal and secondary structures.

Rowhouses - Definition

The proposed amendment includes a new definition for Rowhouses:

- A Rowhouse is a principal structure containing one unit that is attached in a row of no fewer than two (2) rowhouses in which each individual rowhouse is located within its own fee simple parcel.

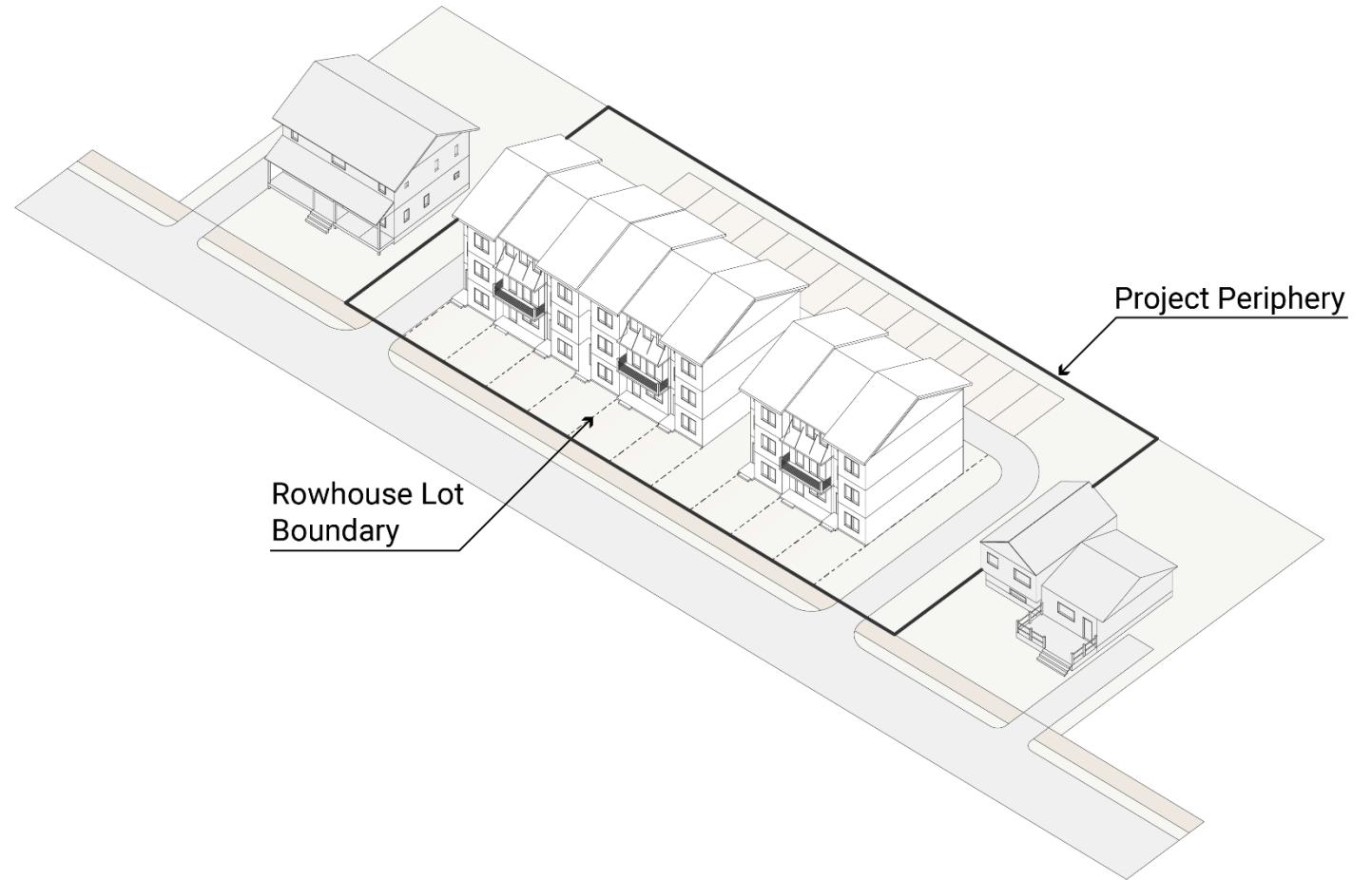
Rationale:

- The CDO, including Neighborhood Code Standards, do not facilitate this popular housing type. Rowhouses developed not on fee simple lots can be regulated by multifamily standards. Additionally, the definition establishes a minimum of two rowhouses in order to facilitate fee simple duplexes.

Rowhouses – Project/Lot Distinction

Proposal (new diagram):

The Commission requested a diagram to be included in the amendment that clearly identifies and illustrates what a Project and Lot boundary is for the purposes of determining Lot coverage and Setback standards. That diagram has been added to the amendment.



Rowhouses – Lot Coverage

Proposal (unchanged, but footnotes added for clarification):

Lot coverage standards are proposed both for the Project and the individual lot on which the parcel is located. Slightly higher lot coverage maximums are proposed, relative to the underlying Neighborhood Code standards.

Rationale:

Most rowhouse developments include multiple fee simple parcels within one project, or site. Particularly on the fee simple lots, rowhouses will always occupy more of their small lot than would a typical principal structure on a typical lot.

<u>District</u>	<u>Lot Coverage</u>		<u>Setback</u>				<u>Min. Lot Frontage</u> <u>(Individual Fee Simple Lot within Project)</u>
			<u>Project Periphery</u>			<u>Party Wall Boundary</u> <u>(Lot or Structure)</u>	
	<u>Project¹</u>	<u>Lot²</u>	<u>Rear</u>	<u>Side</u>	<u>Front</u>	<u>Side</u>	
<u>Residential Low (RL)</u>	<u>55%</u>	<u>65%</u>	<u>20 ft.</u>	<u>Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less</u>	<u>Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u>		
<u>Residential Medium (RM)</u>	<u>65%</u>	<u>65%</u>					
<u>Residential High (RH)</u>	<u>80%</u>	<u>80%</u>					
<u>Residential Corridor RC</u>	<u>80%</u>	<u>80%</u>	<u>15 ft.</u>	<u>Max Required: 20 ft</u>	<u>Max Required: 20 ft</u>	<u>0 ft.</u>	<u>16 ft</u>

Rowhouses – Lot Coverage

Proposal (unchanged, but footnotes added for clarification):

Proposed Footnotes:

1. In Projects developed with Fee Simple Rowhouse Lots, lot coverage is based on the sum area of all individual Rowhouse Lots and any common areas; in all other Projects, lot coverage is based on the Project Lot.
2. The maximum lot coverage allowed on each Fee Simple Rowhouse Lot within a Project consisting of multiple Rowhouses.

<u>District</u>	<u>Lot Coverage</u>		<u>Setback</u>				<u>Min. Lot Frontage</u> <u>(Individual Fee Simple Lot within Project)</u>
			<u>Project Periphery</u>			<u>Party Wall Boundary</u> <u>(Lot or Structure)</u>	
	<u>Project¹</u>	<u>Lot²</u>	<u>Rear</u>	<u>Side</u>	<u>Front</u>	<u>Side</u>	
<u>Residential Low (RL)</u>	55%	65%	20 ft.	Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less	Avg. of front setback 2 adjacent lots +/- 5 feet	0 ft.	16 ft
<u>Residential Medium (RM)</u>	65%	65%	15 ft.		Max Required: 20 ft		
<u>Residential High (RH)</u>	80%	80%					
<u>Residential Corridor RC</u>	80%	80%					

Rowhouses – Lot Frontage

Proposal **(unchanged)**:

Rowhouses are inherently narrow structures. They also, by definition, occupy the entirety of their parcel's width. As such, a narrow minimum lot frontage of 16' is proposed.

Rationale:

The underlying Neighborhood Code requires a 30' minimum lot width. This standard prohibits standard rowhouse development.

<u>District</u>	<u>Lot Coverage</u>		<u>Setback</u>				<u>Min. Lot Frontage (Individual Fee Simple Lot within Project)</u>
			<u>Project Periphery</u>			<u>Party Wall Boundary (Lot or Structure)</u>	
	<u>Project¹</u>	<u>Lot²</u>	<u>Rear</u>	<u>Side</u>	<u>Front</u>	<u>Side</u>	
<u>Residential Low (RL)</u>	<u>55%</u>	<u>65%</u>	<u>20 ft.</u>	<u>Min: 10% of lot</u>	<u>Avg. of front</u>		
<u>Residential Medium (RM)</u>	<u>65%</u>	<u>65%</u>	<u>15 ft.</u>	<u>width or avg. of</u>	<u>setback 2 adjacent lots</u>		
<u>Residential High (RH)</u>	<u>80%</u>	<u>80%</u>		<u>side setback of two adjacent lots on</u>	<u>on both sides</u>		
<u>Residential Corridor RC</u>	<u>80%</u>	<u>80%</u>		<u>both sides, whichever is less</u>	<u>+/- 5 feet</u>	<u>0 ft.</u>	<u>16 ft</u>
				<u>Max Required: 20 ft</u>	<u>Max Required: 20 ft</u>		

Rowhouses – Setback (Project Periphery)

Proposal (changed):

This amendment proposes to retain the underlying setback standards for the Project Periphery. **The proposal has been revised to introduce a standalone rear project periphery setback that is equivalent to the underlying rear setbacks in the Neighborhood Code.**

Rationale:

A Rowhouse project should fit within its physical and regulatory context. As such, setbacks should be consistent across project types, whether they contain rowhouses, SF homes, duplexes, triplexes or quads.

<u>District</u>	<u>Lot Coverage</u>		<u>Setback</u>				<u>Min. Lot Frontage (Individual Fee Simple Lot within Project)</u>
			<u>Project Periphery</u>			<u>Party Wall Boundary (Lot or Structure)</u>	
	<u>Project¹</u>	<u>Lot²</u>	<u>Rear</u>	<u>Side</u>	<u>Front</u>	<u>Side</u>	
<u>Residential Low (RL)</u>	<u>55%</u>	<u>65%</u>	<u>20 ft.</u>	<u>Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less</u>	<u>Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u>		
<u>Residential Medium (RM)</u>	<u>65%</u>	<u>65%</u>	<u>15 ft.</u>				
<u>Residential High (RH)</u>	<u>80%</u>	<u>80%</u>					
<u>Residential Corridor RC</u>	<u>80%</u>	<u>80%</u>		<u>Max Required: 20 ft</u>	<u>Max Required: 20 ft</u>		<u>16 ft</u>

Rowhouses – Setback (Party Wall Boundary)

Proposal (changed):

The amendment necessarily proposes to allow for attached rowhouses by not requiring a side setback, relative to party wall lot boundaries (the side of the lot touching the adjacent attached rowhouse). **The proposal has been revised to clarify that this setback (unchanged at 0 feet) applies both to Lot boundaries in the context of Rowhouse developments utilizing fee simple lots, as well as party wall structure boundaries in the context of Rowhouse developments that utilize a condominium ownership model.**

Rationale: A 0' side setback for rowhouse lots is inherent to this typology. It allows for the efficient development of new homes.

<u>District</u>	<u>Lot Coverage</u>		<u>Setback</u>				<u>Min. Lot Frontage (Individual Fee Simple Lot within Project)</u>
			<u>Project Periphery</u>			<u>Party Wall Boundary (Lot or Structure)</u>	
	<u>Project¹</u>	<u>Lot²</u>	<u>Rear</u>	<u>Side</u>	<u>Front</u>	<u>Side</u>	
<u>Residential Low (RL)</u>	<u>55%</u>	<u>65%</u>	<u>20 ft.</u>	<u>Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less</u>	<u>Avg. of front setback 2 adjacent lots</u>	<u>0 ft.</u>	<u>16 ft</u>
<u>Residential Medium (RM)</u>	<u>65%</u>	<u>65%</u>	<u>15 ft.</u>				
<u>Residential High (RH)</u>	<u>80%</u>	<u>80%</u>			<u>+/- 5 feet</u>		
<u>Residential Corridor RC</u>	<u>80%</u>	<u>80%</u>		<u>Max Required: 20 ft</u>	<u>Max Required: 20 ft</u>		

Rowhouses – Height

Proposal (unchanged):

This amendment proposes a slight five foot (5') increase in allowable height compared to the base Neighborhood Code standards.

Rationale:

Rowhouses are narrow and typically small in footprint. As such, many rowhouses tend to be three stories, with the first story raised a few feet, resulting in frequently taller structures.

<u>Max. Dwelling Units per Structure</u>	<u>Max. Height & Stories</u>	<u>Sequencing</u>		<u>Max. Structure Footprint</u>	
		<u>Max. Rowhouses in Uninterrupted Sequence</u>	<u>Min. Bldg Separation Between Uninterrupted Sequences</u>	<u>Principal</u>	<u>Secondary</u>
<u>1</u>	<u>40'</u> <u>3 stories</u>	<u>10</u>	<u>10 ft.</u>	<u>900 sq. ft.</u>	<u>600 sq. ft.</u>

Rowhouses – Sequencing

Proposal (unchanged):

This amendment proposes to limit the number of rowhouses in an uninterrupted sequence to no more than ten (10).

Rationale:

Rowhouses in the Neighborhood Code context will still be located in areas of predominantly detached principal and secondary structures. Limiting the number of attached rowhouses in sequence will preserve some character while allowing for much-needed density. Additionally, breaks in rowhouse sequences promote visual and physical porosity through rowhouse developments. These breaks are opportunities for open space and pedestrian connections through project sites.

<u>Max. Dwelling Units per Structure</u>	<u>Max. Height & Stories</u>	<u>Sequencing</u>		<u>Max. Structure Footprint</u>	
		<u>Max. Rowhouses in Uninterrupted Sequence</u>	<u>Min. Bldg Separation Between Uninterrupted Sequences</u>	<u>Principal</u>	<u>Secondary</u>
<u>1</u>	<u>40'</u> <u>3 stories</u>	<u>10</u>	<u>10 ft.</u>	<u>900 sq. ft.</u>	<u>600 sq. ft.</u>

Rowhouses – Sequencing

Proposal (changed):

The previous draft amendment proposed a maximum of 10 rowhouses in an uninterrupted sequence. That standard remains unchanged. However, the Commission requested an additional standard **establishing a minimum distance between each uninterrupted sequence of rowhouses**. This new draft proposes a separation distance of 10 feet.

Rationale:

The building code allows for buildings to be separated by only ten feet. Given that rowhouses are allowed to be up to 40 feet in height, staff feels an additional five feet is necessary to provide adequate light, air, landscape design and pedestrian connectivity through rowhouse developments.

<u>Max. Dwelling Units per Structure</u>	<u>Max. Height & Stories</u>	<u>Sequencing</u>		<u>Max. Structure Footprint</u>	
		<u>Max. Rowhouses in Uninterrupted Sequence</u>	<u>Min. Bldg Separation Between Uninterrupted Sequences</u>	<u>Principal</u>	<u>Secondary</u>
<u>1</u>	<u>40'</u> <u>3 stories</u>	<u>10</u>	<u>10 ft.</u>	<u>900 sq. ft.</u>	<u>600 sq. ft.</u>

Rowhouses – Max Footprint - Primary

Proposal (unchanged):

This amendment proposes to limit rowhouses structure footprint to no more than 900 square feet.

Rationale:

Rowhouses are narrow. A 900 square foot rowhouse with the minimum proposed width (16'), would be 56 feet deep, which is quite deep. Many rowhouses tend to be 40-50 feet deep. A 900 square foot rowhouse with a more generous 20 foot width would be 45 feet deep.

<u>Max. Dwelling Units per Structure</u>	<u>Max. Height & Stories</u>	<u>Sequencing</u>		<u>Max. Structure Footprint</u>	
		<u>Max. Rowhouses in Uninterrupted Sequence</u>	<u>Min. Bldg Separation Between Uninterrupted Sequences</u>	<u>Principal</u>	<u>Secondary</u>
<u>1</u>	<u>40'</u> <u>3 stories</u>	<u>10</u>	<u>10 ft.</u>	<u>900 sq. ft.</u>	<u>600 sq. ft.</u>

Rowhouses – Max Footprint - Secondary

Proposal (unchanged):

This amendment proposes to limit secondary rowhouses structures footprint to no more than 900 square feet.

Rationale:

Fee simple rowhouse lots should have the same opportunity to include a secondary structure as lots in the base Neighborhood Code. These structures can be homes for family members, or can provide additional income for rowhouse owners. However, these structures would most certainly also be attached (though at the rear of the fee simple parcel), and should be smaller in footprint.

<u>Max. Dwelling Units per Structure</u>	<u>Max. Height & Stories</u>	<u>Sequencing</u>		<u>Max. Structure Footprint</u>	
		<u>Max. Rowhouses in Uninterrupted Sequence</u>	<u>Min. Bldg Separation Between Uninterrupted Sequences</u>	<u>Principal</u>	<u>Secondary</u>
<u>1</u>	<u>40'</u> <u>3 stories</u>	<u>10</u>	<u>10 ft.</u>	<u>900 sq. ft.</u>	<u>600 sq. ft.</u>

Rowhouses – Vehicular Access

Proposal: This amendment refers to the existing vehicular access standards in Sec. 6.2.2(i), but also establishes a new requirement that in rowhouse developments, no more than one curb cut per two units shall be permitted.

Rationale: Rowhouses developments will ideally include an alley or project-specific drive that provides access to the rear of the units. Where infeasible, curb cuts should be limited so as to create a safe pedestrian environment and to limit potential for crashes and traffic congestion related to cars entering and exiting rowhouse lots

Rowhouses – Examples



Tyler Street, Pittsfield, MA



Union and College,
Burlington (20'-24' wide)



Marmalade Lane, Cambridge,
UK (20' wide)

Parcels (Excluding Parking Lot)

Median Lot Size	1,575 ft ²
Median Impervious Area	1,005 ft ²
Median % Lot Cover	65%



Parcels (Excluding Parking Lot)

Median Lot Size	1,575 ft ²
Median Impervious Area	1,005 ft ²
Median % Lot Cover	65%

Total Site

Site Size	22,282 ft ²
Impervious Area	12,102 ft ²
Site Lot Cover	54%



PUDs – Table 11.1.3-2

Proposal (changed):

The table header has been changed from “Neighborhood Code Planned Unit Development Standards” to “Neighborhood Code Planned Unit Development **Intensity** Standards”

Rationale:

A separate table has been created for setbacks, which calls for a new title for this table.

District	Project Size	Max. Building Footprint ¹ ₂	Max. Dwelling Units Per Structure ³	Max. FAR	Max. Bldg. Height
<u>RL</u>	<u>0.5 – 2.99 Acres</u>	<u>5,000 sq. ft.</u>	<u>12</u>	<u>0.75</u>	<u>3 Stories</u> <u>35 ft.</u>
	<u>3+ Acres</u>	<u>15,000 sq. ft.</u>	<u>Bldg. footprint of</u> <u>5,000 sq. ft or less:</u> <u>12 units</u> <u>Bldg. footprint</u> <u>greater than 5,000</u> <u>sq. ft.: N/A</u>		
<u>RM</u>	<u>0.5 – 2.99 Acres</u>	<u>5,000 sq. ft.</u>	<u>12</u>	<u>1.0</u>	<u>3 Stories</u> <u>35 ft.</u>
	<u>3+ Acres</u>	<u>15,000 sq. ft.</u>	<u>Bldg. footprint of</u> <u>5,000 sq. ft or less:</u> <u>12 units</u> <u>Bldg. footprint</u> <u>greater than 5,000</u> <u>sq. ft.: N/A</u>		
<u>RH</u>	<u>0.5 – 2.99</u>	<u>N/A</u>	<u>N/A</u>	<u>1.0</u>	<u>4 Stories</u> <u>50 ft.</u>
	<u>3+ Acres</u>				
<u>RC</u>	<u>0.5 – 2.99 Acres</u>	<u>5,000 sq. ft.</u>	<u>N/A</u>	<u>1.0</u>	<u>4 Stories</u> <u>50 ft.</u>
	<u>3+ Acres</u>	<u>15,000 sq. ft.</u>			

PUDs – Table 11.1.3-2

Proposal (changed):

A standalone rear Project Periphery setback is proposed as equivalent to the underlying Neighborhood Code standard.

Rationale:

A PUD project should fit within its physical and regulatory context. As such, setbacks should be consistent across project types.

District	Setback				Front Internal ROW ³	Rowhouse Party Wall Boundary (Lot or Building)
	Project Periphery			Side		
	Rear ¹	Front ²				
RL	20 ft.	Avg. of front setback 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less	0' Min 20' Max	0 ft.	
RM	15 ft.	Max Required: 20'	Max Required: 20' 0 ft.			
RH						
RC						

PUDs – Table 11.1.3-2

Proposal (changed):

The Rowhouse Party Wall Boundary setback is repeated in the PUD table.

Rationale:

A PUD may contain Rowhouses exclusively, or as part of a project with other building types. In either case, the Party Wall Boundary setback is repeated for clarity's sake.

District	Setback				Front Internal ROW ³	Rowhouse Party Wall Boundary (Lot or Building)
	Project Periphery					
	Rear ¹	Front ²	Side			
RL	20 ft.	Avg. of front setback 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less	0' Min 20' Max	0 ft.	
RM	15 ft.	Max Required: 20'				
RH		Min Required: 5' Max Required: 20'				
RC						

Pocket Neighborhoods

A Pocket Neighborhood is a group or cluster of small detached houses or two-unit attached houses that share a common area. Pocket neighborhoods are often designed to have a natural scale of sociability, with 6–12 households.

They can be **detached single-family homes, attached townhomes, or clusters of urban apartments.**



Article 13: Definitions

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

Building Placement

- 6' – 10' separation between structures provides space for a side yard or walkway between homes
- Orienting buildings around a shared common space supports community interaction and replaces the function of a front yard.
- Entrances to homes are a comfortable walking distance to the common area

Limited Dwellings + Smaller Homes

- Best practice recommend between 3 to 12 units in a cluster to maintain a manageable community.
- A typical unit of a “Cottage” in these neighborhoods is between 500 - 800 ft² (*smaller than a secondary structure*)
- Primary and Secondary Structures permitted

Building and Site Standards

Sec. 4.4.5 (d) 1. A (ii): Building and Site Standards

- a) **Lot Size:** Pocket Neighborhoods must have a Minimum Lot Size of 4,000ft²
- b) **Principal Structure:** 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.
- 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.

Building and Site Standards

Sec. 4.4.5 (d) 1. A (ii): Building and Site Standards

Table 4.4.5-3: Pocket Neighborhood Standards

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

Common Area Overview

- Made up of central open space or a series of interconnected spaces
- Can include gardens, courtyards, pedestrian streets, and joined backyards.
- Neither private (home or yard) nor public (street or park), but rather a defined space between the private and public realms.
- Residents surrounding this space share in its management, care and oversight, thereby enhancing a felt and actual sense of security and identity

Common Area Requirements

Sec. 4.4.5 (d) 1. A (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%.

Usable Open Space (Art. 13): 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

Common Building

- Permitted in Pocket Neighborhoods, but not required
- Intended to be a community building, detached from any homes.
- Can offer shared facilities like laundry, storage, a multipurpose community room, or other accessory uses.

Common Building Requirements

Sec. 4.4.5 (d) 1. A (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.

Parking + Access

- Cars and traffic do not enter the shared pedestrian space.
- If uncovered, off-street parking must be screened from public view.
- Parking may be located within an accessory structure (like a multi-vehicle garage) detached from any other building.
- A single-car garage may be attached to individual homes.

Parking Requirements

Sec. 4.4.5 (d) 1. A (iv): 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.

Kirby Cottages

Lot Size: 1.3 Acres

of Cottages: 7

Cottage Footprints:

725 ft² – 1,000 ft²

Building Separation: 10'

Common Area Size: 5,113 ft²
(730ft² per Cottage)

Lot Cover: 15%



Kirby Cottages

Lot Size: 1.3 Acres

of Cottages: 7

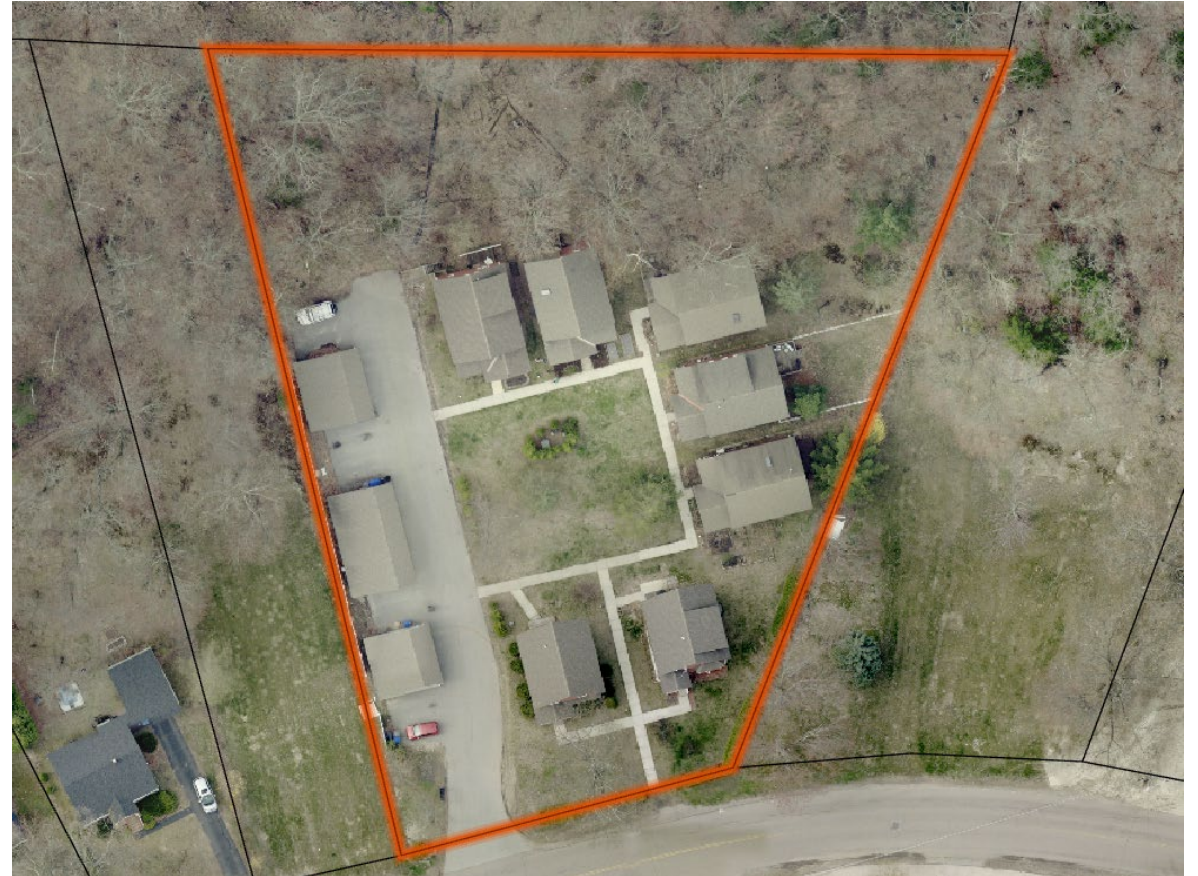
Cottage Footprints:

725 ft² – 1,000 ft²

Building Separation: 10'

Common Area Size: 5,113 ft²
(730ft² per Cottage)

Lot Cover: 15%



The Borough (Carlton Landing, OK)

Lot Size: .35 Acres

of Cottages: 8

Cottage Footprints:

800 ft² – 1,400 ft²

Building Separation: 6'

Common Area Size: 4,000 ft²
(500 ft² per Cottage)

Lot Cover: 64%



The Borough (Carlton Landing, OK)

Lot Size: .35 Acres

of Cottages: 8

Cottage Footprints:

800 ft² – 1,400 ft²

Building Separation: 6'

Common Area Size: 4,000 ft²
(500 ft² per Cottage)

Lot Cover: 64%



Third Street Cottages - Whidbey Island, WA

Lot Size: .7 Acres

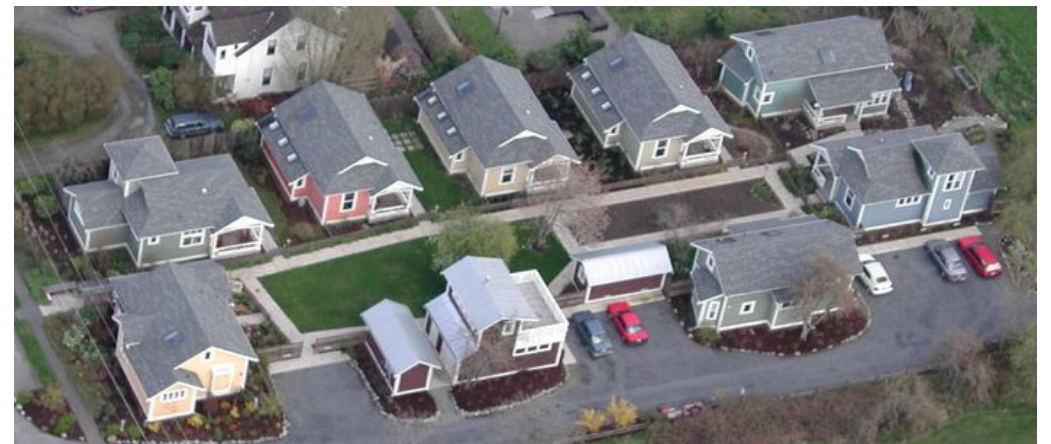
of Cottages: 8

Cottage Footprints: ~650 ft²

Building Separation: 10ft

Common Area Size: ~3,500 ft²
(437 ft² per Cottage)

Lot Cover: ~40%



Opticos Fit Test #1

Lot Size: .94 Acres

of Cottages: 5

1 Primary Structure

Cottage Footprints:
675 gsf – 1,220 gsf

Building Separation: 10'

Lot Cover: 40%



Opticos Fit Test #1

Lot Size: .94 Acres

of Cottages: 5

1 Primary Structure

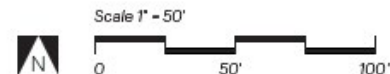
Cottage Footprints:
675 gsf – 1,220 gsf

Building Separation: 10'

Lot Cover: 40%



Proposed Site Plan



Opticos Fit Test #2

Lot Size: 1.95 Acres

of Cottages: 10

1 Primary Structure

1 Secondary Structure

Cottage Footprints: 900 ft²

Building Separation: 10'

Lot Cover: 31%



Lot Cover: 31%



Burlington Planning Commission

Tuesday December 10, 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 |
| ☒ Scott Gustin, Zoning Division Manager |

Public Attendance: Sharon Bushor, Evan Gould, Owen Milne

1. Agenda

Call to Order: 6:30pm

Changes to Agenda: No Changes

2. Chair's Report (A. Montroll)

3. Director's Report (C. Dillard)

- Emergency Shelters update. Monday night (12/16) Public Hearing. Notes that the amendment will bring City into compliance with HOME Act, which allows municipalities to regulate the location of emergency shelters, but cannot regulate them in a way that hinders their function.
- Bloomberg "What Works Cities" site visit taking place on 1/13.

4. Public Forum

<u>Name(s)</u>	<u>Comment</u>
Evan Gould:	Generally likes the standards for pocket neighborhoods and rowhouses but encourages commission to provide option for internal ROW. NNE have a lot of deep lots, could there be alley-oriented developments. Development or condos in South Burlington on Joy Drive where parking is on main circulation and townhouses/condos are on internal paths Residents park at car ports and you walk around them. Found language about projects to be confusing.
Owen Milne:	Communicating to Commissioners that the Community Sailing Center is looking for a zoning amendment in the Urban Reserve.
Sharon Bushor:	Related to emergency shelters: something identified was that they're allowed in the Institutional zone. There are residential neighborhoods zoned as IC and that is erroneous such as Fletcher drive (IC to RM). If they're allowed in IC, then that means they'll be allowed in residential neighborhoods in Ward 1. Ward 1 will be vulnerable. Also calling about PUDs and wanted to once again highlight the memo she'd sent last meeting. Wants to speak about 3 tiers. Wishes for graphics/ visuals, not cartoon drawings because impact is unclear. Still favors three tier proposal. Also wondered what the rationale was from changing max setback from 20 to 25. Encouraged Planning Commission to do site visits.

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

Action: No Action, discussion to continue next week.

Motion by: N/A

Seconded by: N/A

Vote: N/A

Discussion Notes:

Staff to make the following changes to rowhouse standards:

- Clarify that the lot cover for lots is just the individual fee simple row house parcel
- Include either a diagram or clarification footnote showing what a "project" is as it relates to setbacks.
- Related to sequencing: Increase standards to have 10ft building separation.
- Update definition of rowhouses to refer to dwelling units,

General Discussion:

- S. Gustin: Suggests using "lot" instead of parcel due to no definition of parcel in CDO.
- E. Mahnke: Has number of questions about PUDs and shares Sharon's questions about going from 2 – 3 tiers. Requests document with a number of scenarios including FAR and dimensional requirements for the lower tier.
- E. Malone: Requests using a white board for discussions about PUDs.

6. **Commissioner Items**

7. **Adopt Minutes + Accept Communications**

Action: Approve minutes and accept communications.

Motion by: A. Friend

Seconded by: R. Nick

Vote: Unanimous

Notes or Corrections: N/A

8. **Adjournment**

Action: Motion to Adjourn

Time of Adjournment: 7:46pm

Motion by: E. Mahnke

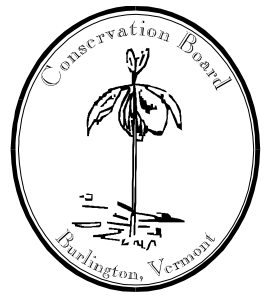
Seconded by: E. Malone

Vote: Unanimous

Burlington Conservation Board

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Rebecca Roman, Chair
Caryn Connolly, Vice Chair
Zoe Richards
Don Meals
Ryan Crehan
Hannah Brislin
Leslie Spencer
Kyle Tansley
Ethan Ely
Elizabeth Cunningham, Student



Conservation Board Meeting Minutes

Monday, January 6, 2025 – 5:30 pm

Remote & In Person Meeting

Attendance

- **Board Members:** Zoe Richards (ZR), Caryn Connolly (CC), Rebecca Roman (RR), Leslie Spencer (LS), Don Meals (DM), Ryan Crehan (RC), Hannah Brislin (HB), Kyle Tansley (KT), Elizabeth Cunningham (EC)
- **Absent:** Ethan Ely (EE)
- **Public:** Owen Milne (Sailing Center), Susan Ogden, Sharon Bushor (Public Comment), Nick Larned, Nick Warner, Lauren Chicote (WVPD), Jill Dixon (Open Space Plan)
- **Staff:** Scott Gustin (Permitting & Inspections), Dan Cahill, Daniel Schmidt (Parks & Rec)

RR, chair, called the meeting to order at 5:31 p.m.

Minutes

October 7, 2024 minutes

A MOTION was made by KT and SECONDED by DM:

Approve the October 7 minutes as written.

Vote: 8-0-0, motion carried.

Board Comment

RC mentioned he's the Conservation Board member on the Long Range Planning Committee. We had our first meeting last week since joining the Committee. The city is doing a lot of planning – New North End, 127 Path Scoping Study, Preservation Burlington, Open Space plan, and Comprehensive Plan due by end of 2026.

Public Comment

Sharon Bushor mentioned the Land and Water Conservation Fund as something that was used for the Schmanska barn. It may be a consideration for the WVPD. She agrees with the need and value of WVPD's boardwalk project, but not with use of the Legacy Fund for it. She also mentioned the Community Sailing Center. She values the mission of the Sailing Center, but could not find dimensional info for the land being asked for. She's concerned with the other project for Derway Island shoreland erosion mitigation. Has the US Army Corps of Engineers looked at this? Is this a smart thing to invest in, in light of climate change? There's an upcoming discussion of the Conservation Legacy Fund as part of the Open Space Plan work. She thinks it would be prudent to have someone with financial expertise involved in this discussion. When talking about long term funds, it may be good to have an expert without any skin in the game to provide advice. When the Legacy Fund was established, there was consideration

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of funds needed for management. She'd like open space to provide balance for species other than just humans.

Susan Ogden (author of deer email sent to the Board) commented to the Board. The deer are here and are continuing to come into the city. We've seen their numbers and impacts increase with some pretty negative results. There are no predators here. She feels its only a matter of time before we see more deer/vehicle collisions and more pronounced impacts on other wildlife species. Is this item on the Board's radar? RR said the Board has talked about deer, especially as related to Intervale farms. The Board has talked to Intervale Center staff as to potential management strategies. City ordinance is currently an obstacle to some forms of management. The Conservation Board is advisory and cannot make any requirements. DM said its been on the Board's radar but has seemingly dropped off as of late. Something does need to be done. Public perception may generate substantial outcry unless management proposals are carefully developed and considered. Having conversations with neighbors may help make progress. ZR mentioned participation in the Open Space outreach process. Deer have potential to substantially impact the city's long term tree canopy health. Susan Ogden said we really need a public education campaign as to the pretty serious consequences of high deer densities. She mentioned the Rock Creek Park controlled hunt in Maryland used to control deer numbers there. RR said something similar has been done in Pittsburgh. RR, do you know what happened with the information from the UVM student project? Dan Cahill, we still have the data. It could be used to move forward with an effort here in Burlington. ZR mentioned the Cornell deer management strategy.

Open Space Subcommittee

No meeting today.

Update & Discussion

1. Community Sailing Center

Overview of zoning amendment request to enable boat storage in the Urban Reserve

Owen Milne appeared for this item.

Owen Milne said there have been a couple of events to inform and solicit public comment as to the Sailing Center's proposal to use an area of the Urban Reserve (UR) for boat storage. He noted community services provided by the Sailing Center such as floating class rooms, summer camps, lake stewardship, and kayak and boat rentals. One of the services that used to be provided was storage for folks to use for their boats. Up to 200 people used this service. The last year we could do it was 2019. With completion of the Moran FRAME project, the city made the former storage space lawn area. Our current storage area is limited just to the Sailing Center's fleet. There is a public desire for this service to be reestablished. We are considering an area in the UR just to the north of our facility. It is city property. We are looking to prioritize kayak and paddle board access. He noted the recent shoreline access improvements and showed a slide of the potential storage area in relation to the existing facility. We've had UVM Rubenstein students do an ecological assessment of this proposal. He noted there are two wetlands in this area. They are presently considered class 2 wetlands. We may have a reassessment done. VHB will do a hazardous materials assessment of the area. We don't anticipate doing any building or paving. The area would be surfaced with crushed rock.

DM, how large are the trees that would be removed? Owen Milne, there are two trees in particular that are mature. The rest is dense low growth. We would do new plantings to mitigate the clearing. DM, what do you envision as the final surface? Owen Milne, crushed rock, not sur-pac. We would keep the surface permeable. DM, have you evaluated alternatives to this site? Owen Milne, no. We would not provide the service if it were located on a different property. Its fine if the city wants to provide it elsewhere. DM, possibly make it smaller. DM, what would the plan be if a delineation confirms the class 2 wetlands? Owen Milne, does not yet know. DM, this is the UR. The intent is to preserve it for the future. We are at most 40 years from its establishment.

RC has worked in, and is familiar with, the Urban Reserve. He noted the lakeshore buffer zone in addition to the wetlands and their 100' wide buffers. This area is also affected by the lakeshore flood hazard zone. The UR district standards says that no additional lot coverage is permissible, along with no permitted or conditional uses. The area is public trust land because it is filled – brings with it requirements for public access. He noted the interim waterfront management plan. The UR was conserved with an easement requiring a 100' wide shoreline buffer. RC is not sure where to start among these concerns. SG noted that there is no application yet. The Sailing Center is aware that the rules need to change to allow for this. Owen Milne said that the project would be approvable per the conservation easement. RC said the city is the easement holder and would need to concur. ZR asked for clarification of the process here. SG replied that the Sailing Center has requested a zoning amendment to allow the boat storage use in the UR. The Planning Commission will consider it for the first time January 28. If they support the amendment request, then it would go to public hearing with the Planning Commission. From there it would go to the City Council and basically repeat the process. The Conservation Board can weigh in now and additionally in the future if it wishes. RR said she was surprised to hear the VHCB found this compatible with the easement. She thinks the service is great, but not at this location. RR recommended a motion.

A MOTION was made by RC and SECONDED by DM:

The Conservation Board does not support a zoning change in the Urban Reserve because it is not in keeping with the intent of the natural resource overlay district, the Urban Reserve District, PlanBTV, or the intent of the conservation easement or public trust standards.

Vote: 8-0-0, motion carried.

2. Open Space Plan

Project update and solicitation of comment

SG provided a status update and overviewed the history of the Open Space Plan and some of the major related accomplishments. The effort to comprehensively rewrite the plan began this past summer. It includes the formerly separate Urban Forest Plan and includes a team of UVM's Spatial Analysis Lab, Agency Landscape & Planning, Dan Cahill, Sophie Sauve, Sarah Morgan, myself, and Zoe Richards. We hosted stakeholder meetings this past November and are gearing up for a first round of public outreach and engagement this month and next. We'll have a presence at the January 25 winter farmers market and also at the January 23 New North End plan event. We're aiming for an ad hoc event such as skating at the ice caves and also to have a presence at Wintervale. The initial outreach is aimed at gathering public input to help build a framework for the new Open Space Plan. This coming spring and summer, we'll host a second round of stakeholder meetings and public outreach and engagement. The second round is aimed at fleshing out a draft and, ultimately, a final Open Space Plan for adoption by the City Council.

Based on initial outreach and stakeholder discussions, emerging themes include:

- Connectivity and supportive frameworks
- Communities of care
- Balance and flexibility to do the work
- Challenges to successful open space

Some key considerations that have been identified include:

- Whether and how to revamp the Conservation Legacy Fund to support conservation infrastructure
- How best to shape our changing landscape in the coming years
- Climate change and resiliency
- Basis for a new Tree Ordinance
- Green design standards

SG, what comments does the Board have at this time?

DM said we should have some open spaces to be largely natural, not to emphasize public access and use. ZR noted the robust conversation that needs to be had in figuring that out. Jill Dixon said Kim Chapman, ecologist, is on the project team. His work will help to balance these needs of conservation and accessibility across the community. RR to DM, what do you mean by unmanaged? DM, areas that are not organized for human access. DC, Arms is a great example of an area with spaces for wildlife that had informal trails. It took active management to modify the trail network and to improve its natural function. RC, thinks its great and looks forward to seeing some of the connections. Connect more kids with nature and natural areas in and around their schools. LS, how were location outreach locations decided? Jill Dixon, the Farmers Market is likely a better way to connect with the community than a stand-alone event. We'll have info boards and activities for folks to engage with. Daniel Schmidt asked about the website. SG replied that its up and running. It will be updated with information as the project moves ahead. Currently, there's a way to sign up for project updates and events on the website. Dan Cahill mentioned an online component for outreach may be worthwhile as well. It worked well for the Open Space Addendum during Covid. CC, will there be an online survey? Jill Dixon, yes. RR emphasized the importance of engaging with the Conservation Board. ZR, especially as a draft emerges.

3. Winooski Valley Park District

Continued consideration of Conservation Legacy Fund application

Nick Larned overviewed the boardwalk reconstruction project. It involves infrastructure. He's hoping as the Open Space Plan changes, then projects like this one can become fundable. He knows of the Nature Based Climate Solutions grant program. Burlington is one of 8 municipalities within the Park District. In a way, the subject property (with the boardwalk) is city land. We've applied 2 or 3 times for the recreational trails grants and were denied. Its an expensive project due to its location within a wetland. The area is high visibility right off Rte. 127 and the bike path with a number of community garden plots nearby.

RR, the original Legacy Fund language is prescriptive and makes consideration of this request challenging. This application hits on the education and stewardship pieces. There's not an easy, clear path forward with the current language. Long term, we would like to develop a framework to enable funding of conservation infrastructure projects.

DM looks favorably on the application but wants to know how this aligns with the standards. RR said that the project is not acquisition. Stewardship standards refer to lands conserved with the Legacy Program. Consideration of a variance may be warranted due to the project's alignment otherwise with stewardship. (ZR mentioned that we should really revisit Urban Wilds as part of the Open Space Plan). RR mentioned thirdly the Legacy Fund's support of conservation education supported by the Legacy Program. CC, does it connect to an educational area? Nick Larned said it's a 300' long boardwalk through a wetland that is publicly accessible. CC said its an important access point. DM said he's uncomfortable with asking for a variance from the policy standards. He'd rather see a comprehensive reevaluation of the role of the Legacy Fund. CC, we don't want to see much infrastructure built in these areas. In this case, an existing pathway would be repaired. DM said there would still be Conservation Board and Parks Commission oversight. RR said she's looking for a motion to bring this application forward with a request for variance and to continue policy discussion around conservation infrastructure. SG summed up the prior Open Space Subcommittee discussions that the project does not really fit into the "box" of the current Legacy Fund standards but also that the Subcommittee felt that it doesn't hurt to ask now, especially in light of the continuing policy discussions that will take place with the Open Space Plan. ZR said that there is a lot of activity and educational opportunities at the Homestead right here in Burlington. The project will be great if we do it now or if we wait ~18 months for the Open Space Plan and possible Legacy Fund changes.

A MOTION was made by DM and SECONDED by CC:

The Conservation Board supports an exception for the Conservation Legacy Fund to fund this particular project and to proceed to the Parks Commission and the City Council.

Vote: 8-0-0, motion carried.

Dan Cahill said he'd like to see a resolution from the Conservation Board to support/articulate addressing the conservation infrastructure concept of this item in the new Open Space Plan. He supported Sharon Bushor's suggestion to bring a financial professional into the discussion and evaluation. We are in a city without a whole lot more land to conserve, but we are seeing progress in conservation education and seeing a need for conservation infrastructure in the community.

A MOTION was made by RR and SECONDED by ZR:

Conduct a comprehensive review of the Conservation Legacy Fund as it is written with periodic consultation with a conservation finance advisor to review how to achieve a healthy balance for fund acquisition and also to support conservation infrastructure and conservation education programs (not limited to Urban Wilds).

Discussion: DM, what do we want a financial advisor to do? Dan Cahill, to advise on how to support conservation infrastructure initiatives while also keeping sufficient reserve for acquisition. CC, maybe its just periodic advice – now and maybe every 5 years from now.

Vote: 8-0-0, motion carried.

4. 2025 Board Meeting Schedule

Review and approve 2025 meeting schedule

A MOTION was made by RR and SECONDED by ZR:

Approve the 2025 meeting schedule as presented.

Vote: 8-0-0, motion carried.

Adjournment

7:32 PM.