

Burlington Planning Commission

Tuesday, February 11, 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=bGZBNzNyV1liL3p5NkhIL2dqUFIzd09>

Passcode: 658929

To Join the Meeting on a Phone

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

1. Agenda

2. Public Forum

3. Chair's Report

4. Director's Report

5. Downtown Transportation Fund Grant Application

Subject	5.1. The Department of Public Works and the City's Grants Team is requesting Board of Finance, City Council, and Planning commission approval for the City to apply to the Downtown Transportation Fund, administered by the Vermont Agency of Commerce and Community Development to support the Main Street Project. The grant amount is \$200,000 to be paid upfront by the City of Burlington and then reimbursed by VACCD, with a local match of \$50,000 in previously-approved Downtown Tax Increment Financing (DT-TIF) funds for a total project budget of \$250,000.
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Meeting	February 11, 2025 - Planning Commission Agenda - Tuesday, February 11, 2025, 6:30 PM, Burlington Planning Commission
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Category	5. Downtown Transportation Fund Grant Application
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Department	Planning
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Type	Discussion Action
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Recommended Action	Planning Commission must vote on whether or not to approve the local match.
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6. Act 181 - Presentation + Discussion with CCRPC

Subject	6.1. Chittenden County Regional Planning Commission staff intends to present an overview of Act 181 to commissioners, including the initial draft of the Future Land Use map.
Meeting	February 11, 2025 - Planning Commission Agenda - Tuesday, February 11, 2025, 6:30 PM, Burlington Planning Commission
Category	6. Act 181 - Presentation + Discussion with CCRPC
Department	Planning
Type	Discussion Presentation Information
Recommended Action	Planning Commissioners are encouraged to ask questions, provide feedback, and participate in a conversation about Act 181 with CCRPC staff.

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

Subject	7.1. Review and discussion related to Neighborhood Code Part 2B
Meeting	February 11, 2025 - Planning Commission Agenda - Tuesday, February 11, 2025, 6:30 PM, Burlington Planning Commission
Category	7. Proposed CDO Amendment ZA-25-02: Neighborhood Code Part 2B
Department	Planning
Type	Discussion Presentation Action
Recommended Action	Ask questions and provide feedback on the draft amendment. Warn the amendment for a public hearing and approve the municipal bylaw amendment.

8. Proposed CDO Amendment ZA-25-07: Neighborhood Code Part 2A-2

Subject	8.1. Discussion related to Neighborhood Code 2A-2 Amendments.
Meeting	February 11, 2025 - Planning Commission Agenda - Tuesday, February 11, 2025, 6:30 PM, Burlington Planning Commission
Category	8. Proposed CDO Amendment ZA-25-07: Neighborhood Code Part 2A-2
Department	Planning
Type	Action Discussion Presentation
Recommended Action	Ask questions and provide feedback on the draft amendment. Warn the amendment for a public hearing and approve the municipal bylaw amendment. Append the amendments contained within 2A-2 to 2B, and warn 2B, as appended, for public hearing.

9. Proposed CDO Amendment ZA-25-06: PlanBTV Downtown Code Parking Setbacks

Subject	9.1. Discussion related to proposed CDO Amendment ZA-25-06: PlanBTV Downtown Code Parking Setbacks
Meeting	February 11, 2025 - Planning Commission Agenda - Tuesday, February 11, 2025, 6:30 PM, Burlington Planning Commission
Category	9. Proposed CDO Amendment ZA-25-06: PlanBTV Downtown Code Parking Setbacks
Department	Planning
Type	Presentation Discussion
Recommended Action	Ask questions and provide feedback on the draft amendment

10. Commissioner Items

11. Adopt Minutes

Subject	11.1. Action: Review and approve 1/28/25 meeting minutes
Meeting	February 11, 2025 - Planning Commission Agenda - Tuesday, February 11, 2025, 6:30 PM, Burlington Planning Commission
Category	11. Adopt Minutes
Department	Planning
Type	

12. Communications

12.1. Action: Review and approve communications.

13. Adjournment



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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Burlington, VT 05402-0849
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www.burlingtonvt.gov

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: Board of Finance, City Council, Planning Commission

FROM: Chapin Spencer, Director, Department of Public Works
Sarah Bermingham, Grants Associate, Clerk/Treasurer's Office

DATE: February 10, 2025 (BOF/CC); February 11, 2025 (Planning Commission)

CC: Peter Procaccio P.E., Senior Public Works Engineer
Laura Wheelock P.E., City Engineer/Division Director – Technical Services

RE: Downtown Transportation Fund Grant Application —

Request:

The Department of Public Works ("DPW") and the City's Grants Team is requesting Board of Finance, City Council, and Planning commission approval for the City to apply to the Downtown Transportation Fund, administered by the Vermont Agency of Commerce and Community Development to support the Main Street Project. The grant amount is \$200,000 to be paid upfront by the City of Burlington and then reimbursed by VACCD, with a local match of \$50,000 in previously-approved Downtown Tax Increment Financing (DT-TIF) funds for a total project budget of \$250,000. Prior approval of the local match from City Council and the Planning Commission is required to submit an application.

Background of the Main Street Project:

The purpose of Great Streets Main Street is to improve connectivity between Burlington's most significant assets: the downtown and Lake Champlain waterfront. This need is established in planBTV Downtown & Waterfront, the comprehensive plan that guides redevelopment in the project area, and Great Streets Design Standards, the standards that advance the community's vision for rebuilding the urban center according to four values articulated by the residents of Burlington: walkable and bikeable, sustainable, vibrant, and functional. As stated in these plans, Main Street's infrastructure has outlived its useful life and is hindering the transportation, economy, equity, and environmental goals of Burlington and the region.

The public vote in March 2015 authorized the initiative's first efforts in the City's Downtown Tax Increment Financing (DT-TIF) District by supporting the borrowing of \$10,000,000 to make new investments in downtown public infrastructure to ensure that Burlington residents have a downtown that is a vibrant, walkable and sustainable urban center. Voters additionally supported the Great Streets Main Street Project at the March 2022 Town Meeting Day public vote with support to secure an additional \$25,920,000 in debt, matching the Vermont Economic Progress Council (VEPC) approved borrowing amount of \$35,920,000. In August 2022, the City then issued Bond Series 2022B in the original principal amount of \$30,120,000, with \$4,261,971 in Premiums received, to support the improvements associated with the Great Streets Main Street project. In March of 2024, the City received authorization from VEPC for the updated project scope and full amount of proceeds and premiums issued with the Bond. Phase 1 construction began February 5, 2024 and includes Main Street between South Winooski Avenue and Pine Street – the voter-approved blocks for design and construction using the City's DT-TIF District. The project was split into two phases due to bids coming in higher than the engineers estimate. Phase 2 does not have a planned construction date at this time as funding still needs to be identified.

After a prioritization process to cover project costs with available funding, on-street amenities like seating/benches, a bus shelter, bike racks, and other geographical tie-ins were value-engineered out of the Main Street Great Streets project. Funding from this Downtown Transportation Fund Grant will create a funding source to bring these on-street amenities back into the project on a similar completion timeline as opposed to a future date post-completion. Funding from this grant will allow for the purchase and installation of a variety of street amenities including benches, 1 bus shelter, bike racks, and elevation indicators. These amenities were removed from the scope of work during the value engineering process to ensure funding was available for the critical infrastructure and utility work to be completed. This grant will allow the project to meet the initial vision of the community and ensure downtown's livability is welcoming to the needs of residents and visitors.

Additional project information can be found on the website: greatstreetsbtv.com

Funding for the Main Street Project:

The total construction budget for Phase 1 of the Great Streets- Main Street project is \$29,106,184 which includes contingency. The funding for this project comes from the TIF downtown district. Vermont Economic Progress Council's (VEPC) November 2021 approval authorized reconstruction of Main Street to Great Streets standards from South Union Street to Battery Street. It also included relocation or reconstruction of the Ravine Sewer to enable development on the City-owned parking lot at the corner of Main and South Winooski as well as other downtown parcels. In March 2022, the voters approved this revised plan and the General Obligation Bond to fund the identified improvements. Upon receipt of construction bids, the estimated cost of the entire project increased by about 50%. City staff then recommended reducing the scope of work to fit the available funds. This included: value engineering, reducing the project area from six blocks to three blocks (retaining the work on the Ravine Sewer), and additional funding from City sources such as Street Capital and Water Resources.

Proposed Grant Budget:

As described above, the on-street amenities were removed from the Main Street construction contract after receiving bids from the contractors. The budget below uses contract pricing to create the workplan for utilizing the proposed Grant funds.

Item Description	Quantity	Unit Cost (\$)	Unit of Measurement	Total Cost
SPECIAL PROVISION (BENCH - TYPE A)	11	\$ 2,800.00	EACH	\$ 30,800.00
SPECIAL PROVISION (BENCH - TYPE B)	1	\$ 10,000.00	EACH	\$ 10,000.00
SPECIAL PROVISION (HEX BENCH)	9	\$ 8,200.00	EACH	\$ 73,800.00
SPECIAL PROVISION (STANDARD BIKE RACK)	19	\$ 850.00	EACH	\$ 16,150.00
SPECIAL PROVISION (BUS SHELTER)	1	\$ 81,000.00	EACH	\$ 81,000.00
SPECIAL PROVISION (GRANITE ELEVATION INDICATOR PAVERS)	170	\$ 42.00	LF	\$ 7,140.00
CITY OF BURLINGTON DPW STAFF PROJECT SUPPORT	80	\$ 75.07	HR	\$ 6,005.60
CONTINGENCY	1	N/A	LUMP SUM	\$ 25,104.40
TOTAL (\$)				\$ 250,000.00

Motions

Actions for Board of Finance:

To approve and recommend that the Board of Finance authorize the Director of Public Works and the Grants Team to apply for the Downtown Transportation Fund grant administered by VACCD for the Main St amenities in the amount of \$200,000, obligating the City to commit a local match of \$50,000 of the total project budget of \$250,000, subject to approval by the City Attorney's Office.

Actions for City Council:

To approve and recommend that the City Council authorize the Director of Public Works and the Grants Team to apply for the Downtown Transportation Fund grant administered by VACCD for the Main St amenities in the amount of \$200,000, obligating the City to commit a local match of \$50,000 of the total project budget of \$250,000, subject to approval by the City Attorney's Office.

Actions for Planning Commission:

To approve and recommend that the Planning Commission authorize the Director of Public Works and the Grants Team to apply for the Downtown Transportation Fund grant administered by VACCD for the Main St amenities in the amount of \$200,000, obligating the City to commit a local match of \$50,000 of previously-approved TIF funds the total project budget of \$250,000, subject to approval by the City Attorney's Office.

An Equal Opportunity Employer

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Resolution Relating to

MUNICIPAL RESOLUTION FOR DOWNTOWN
TRANSPORTATION FUND

RESOLUTION_____

Sponsor(s): Board of Finance
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

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

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

That WHEREAS, the State of Vermont has established a Downtown Transportation and Related Capital Improvement Fund (the “Fund”), pursuant to 24 V.S.A. § 2796, which fund is managed by the Vermont Downtown Development Board; and

WHEREAS, subdivision (c) of Section 2796 provides for grants to municipalities from the Fund in the amount of not more than \$250,000 annually, subject to a 20 percent match, or \$50,000 in total, for the following purposes set forth in the statute: “financing capital transportation projects, including construction or alteration of roads and highways, parking facilities, and rail or bus facilities or equipment, or for the underground relocation of electric utility, cable, and telecommunications lines”; and

WHEREAS, the Clerk/Treasurer’s Office and Department of Public Works have prepared an application (the “Application”) for a grant from the Fund in the foregoing amount and subject to the foregoing match, for purposes set forth in the staff report;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Application; and

BE IT FURTHER RESOLVED that if a grant is awarded, the Public Works Director or designee is authorized to accept the award, to enter a grant agreement with the State for the award, including by committing to the required local match and subject to review and approval by the City Attorney, and to take such further actions, and to execute such further instruments approved as to form by the City Attorney, as may be necessary or convenient to effectuate the transactions contemplated hereby; and

BE IT FURTHER RESOLVED that, insofar as the Planning Commission’s positive recommendation is a grant requirement, the foregoing is subject to such a recommendation, and staff is hereby directed to present the Application to the Planning Commission at the earliest opportunity; and

BE IT FURTHER RESOLVED that if the Planning Commission recommends in favor of submitting the Application, staff is directed to attach a certified motion to that effect hereto as evidence of the Planning Commission’s support.

SUMMARY OF **ACT 181** and **MUNICIPAL HOUSING TARGETS**



More information available at: ccrpcvt.org/ecos-plan • Last updated: 1/21/25

SUMMARY OF **ACT 181**

Act 181, passed into law June 2024, overhauls Vermont's planning framework for coordinating state, regional, and municipal land use. This document provides a summary of Act 181 and a Community Engagement Plan specific to the Chittenden County Regional Planning Commission (CCRPC).

Goals of New Future Land Use Map & Housing Targets

The new **Future Land Use (FLU) Map** will guide development in Chittenden County by designating areas for growth, conservation, and other purposes based on **environmental**, **infrastructure**, and **community** factors.

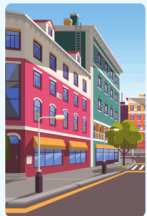


The FLU Map will be used to determine Act 250 location-based jurisdiction. It will be adopted by the Regional Planning Commission (RPC) and approved by the State Land Use Review Board (LURB) based upon statutory definitions.



Additionally, The Department of Housing and Community Development will set regional housing targets, which will be disaggregated by municipality. CCRPC will work with each municipality to develop municipal plans that can meet these housing targets.

Location-Based Jurisdiction & Designated Centers



Act 181 modernizes how Vermont maps and directs public investments to designated centers and speeds up Act 250's transition to location-based jurisdiction.

This change is intended to recognize that some areas of Vermont are:



PLANNED
FOR GROWTH



CONTAIN NECESSARY
INFRASTRUCTURE (E.G.
WATER, WASTEWATER)



HAVE SUFFICIENT MUNICIPAL ZONING
REGULATIONS IN PLACE TO ADEQUATELY
REGULATE DEVELOPMENT

Who Makes What Decisions?



When updating the FLU map, CCRPC will attempt to build community consensus between all Interested and Affected Parties (IAPs) in each municipality.

Ultimately, the CCRPC Board must ensure the FLU Map complies with legal requirements (24 V.S.A. 4348a) in order to be approved by the State's Land Use Review Board (LURB).

Meaningful Participation & Environmental Justice



Act 181 revises the adoption process that regional plans undergo to provide the opportunity for a more robust and comprehensive public participation process, with a specific focus on environmental justice (EJ) focus populations as defined in 3 V.S.A. 6002.

It necessitates that RPCs evaluate the distribution of environmental benefits and burdens of regional plans, including the Future Land Use Map.

Interested and Affected Parties (IAPs) include:



MUNICIPAL SELECTBOARDS,
PLANNING COMMISSIONS &
OTHER COMMITTEES



MUNICIPAL COMMUNITY
MEMBERS AND INTEREST
GROUPS REPRESENTING EJ
FOCUS POPULATIONS



REGIONAL AND
STATEWIDE INTEREST
GROUPS



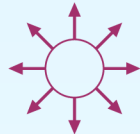
WHAT ARE MUNICIPAL HOUSING TARGETS?

Purpose

The **HOME Act** (Act 47 of 2023) introduced new requirements for regional and municipal plans. One is that the housing chapters must now include housing targets for 2029 and 2050 to ensure an adequate supply of safe, affordable housing in locations that keep transportation costs low.



The process starts with the **Vermont Statewide Housing Needs Assessment**, which includes a statewide housing target and targets assigned to each region.



Regional Planning Commissions are then responsible for allocating this regional housing target to their member municipalities.

Why it Matters



Housing targets are estimates of the number of housing units needed at the state, regional, and municipal levels to achieve and maintain a stable housing market. The targets are aspirational goals, not projections or quotas, that will help guide where and how communities plan for new homes to meet the needs of current and future residents while supporting compact, affordable, and environmentally responsible development.

These targets may require that some municipalities:



- ✓ Plan for water and wastewater systems that can support strategic housing growth.
- ✓ Analyze if local regulations allow for the development needed to meet targets.

What This Means for Municipalities

Municipalities are required to plan for housing by:



- ✓ Including housing targets provided to them by the Regional Planning Commission;
- ✓ Laying out the actions they'll take (a "recommended program") to achieve those targets and meet local housing needs.

Municipalities must plan to accommodate the substantial majority of the housing target in:



CENTERS



PLANNED GROWTH AREAS



VILLAGE AREAS



There is no penalty for failing to achieve the municipal housing targets provided that municipalities can demonstrate (through the process regional approval and confirmation of the municipal plan) that they're making substantial progress toward meeting the targets.

CONTACT

For more information, contact Taylor Newton, CCRPC Planning Program Director, at: tnewton@ccrpcvt.org
(802) 846-4490 x115

OVERVIEW OF CCRPC'S ACT 181 COMMUNITY ENGAGEMENT PLAN

Goals of Engagement



Ensure all 19 municipalities are fully informed about the Act 181 (H.687) requirements.



Collect detailed input from each municipality and IAPs to help inform the new Regional Future Land Use Map through multiple forms of engagement.



Foster a collaborative environment to attempt to build community consensus on the Regional Future Land Use Map, including with marginalized communities.



Provide clear, accessible information and resources to all participants throughout the process.



Develop a draft Regional Future Land Use Map with housing targets by **June 2025**.

Engagement Activities & Timeline

PHASE 1 | CCRPC Internal Planning & Coordination (August 2024 - Ongoing)



Develop initial draft FLU maps and housing target disaggregation methodology.



Create educational materials, including summaries and municipality-specific two-pagers.



Develop municipal engagement templates and materials.

PHASE 2 | Inform & Educate about Act 181 & Engagement Process (Fall 2024):



Hold educational meetings with selectboards and city councils to introduce the project, explain Act 181, and outline the engagement process.



Distribute informational materials to municipalities, relevant regional and state agencies, and planning commissions.



Develop customized engagement plans for each municipality based on their input.

PHASE 3 | Assess Environmental Benefits & Burdens (Fall - Spring 2025; Ongoing):



Map environmental justice focus populations within Chittenden County.



Define and visualize environmental benefits and burdens.



Assess how the proposed map changes affect environmental justice (EJ) populations.

PHASE 4 | Engagement to Review Draft FLU Map (Winter 2025):



Conduct municipal and regional meetings to review and amend the draft FLU map.



Hold discussion groups and community meetings as per the municipal engagement plans.



Distribute an interactive map to gather public feedback.

PHASE 5 | Review Final FLU Map Draft & Discuss Housing Targets (Spring 2025):



Conduct review meetings with all interested and affected parties to reflect their input and reach consensus.



Discuss housing target methodology and implications.



Hold selectboard and planning commission meetings to review the final draft and housing targets.

PHASE 6 | Finalize Map & Housing Targets, Prepare for Formal Approval (Summer 2025):



Present final map and housing targets to the LRPC, CCRPC Board, and the State Land Use Review Board for approval.

CONTACT

For more information, contact Taylor Newton, CCRPC Planning Program Director, at:

tnewton@ccrpcvt.org
(802) 846-4490 x115

Act 181: THE NEW FRAMEWORK



Tier 3 subject to rulemaking; not derived from regional maps.

This table represents land use, designation, and Act 250 jurisdiction categories, not land area acreage or percentage of land area.

TO: Burlington City Council
FROM: Charles Dillard, AICP, Director, Office of City Planning
Sarah Morgan, AICP, Planner
DATE: February 11, 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. Additionally, the amendment includes the portions of ZA-24-04 that were not adopted by City Council in October, 2024 but retained for discussion at the Ordinance Committee. Those proposed amendments have been returned to the Planning Commission and will be incorporated into this amendment.

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:

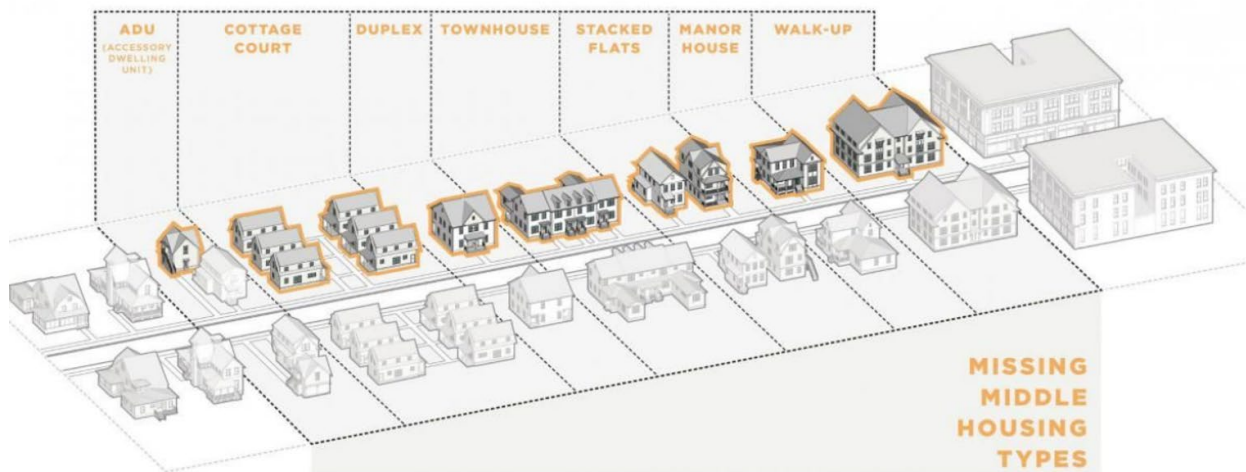
- Thresholds for lot/project size in the Residential districts;
- Development intensity (FAR);
- Permitted Uses;
- Setbacks; and,
- Other topics as identified

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.

1/28 Revisions

At its January 14 meeting, the Planning Commission provided feedback on draft Rowhouse standards, which inform the following revisions included in the draft amendment before the Commission on January 28th. Staff has included additional clarifying standards.

- **Rowhouse Vehicular Access:** The previous draft refers to existing standards in Sec. 6.2.2(i); that reference remains unchanged. Additionally, the previous draft proposed a standard limiting Rowhouses to including no more than one curb cut per two Rowhouses. The new draft proposes three new standards. First, in Rowhouse developments consisting of only two attached Rowhouses, otherwise known as a fee-simple duplex, there shall be only one curb cut that serves both Rowhouses. Second, in Rowhouse developments of three or more Rowhouses, access shall only be provided by a rear alley with a minimum width of 15 feet. Third, and finally, garages oriented toward the street are prohibited in Rowhouse developments consisting of three or more Rowhouses.
 - Rationale: With respect to two-Rowhouse developments (fee simple duplexes), the standard should allow for curb cuts onto the street upon which the development draws its frontage. These developments typically do not have the width and/or depth to accommodate an alley. Further, a small alley serving a two-Rowhouse development will likely produce extraneous impervious surfaces. Regarding developments of three or more Rowhouses, the standards are proposed in order to ensure comfort and safety for all users of the road on which Rowhouses front. The limited width of Rowhouses is not conducive to individual curb cuts and driveways for each Rowhouse. Further, front-facing garages on Rowhouses would typically occupy more than half of a Rowhouse's frontage, which is inconsistent with aesthetic and urban design best practice. Rowhouse developments of three or more Rowhouses should be accessed by rear alleys serving individual or shared parking areas, either in the form of surface parking spaces or garages. Alleys limit curb cuts, improving roadway safety, and create a more pedestrian-friendly frontage to Rowhouse developments.

2/11 Revisions

At its January 28 meeting, the Planning Commission provided feedback on draft Rowhouse standards and proposed exemptions to existing building footprints. Additionally, staff has revised several elements of the amendment for clarity. In sum, the following revisions are included in the draft amendment before the Commission on February 11th:

- Exemptions to Maximum Principal and Secondary Structure Footprint standards (Table 4.4.5-2): At the January 28 meeting, Champlain Housing Trust and Scott Gustin, the City's Zoning Administrator, shared examples of development proposals that have encountered challenges in complying with these footprint standards.
 - In the case of CHT, it is clear that there are certain housing typologies, including the proposed housing for adults with developmental and intellectual disabilities, that are of extremely high need in Burlington but that, due to the specific circumstances and services implied, require dimensional standards that are not permitted in the Neighborhood Code. Footnote 6 in Table 4.4.5-2 addresses this issue.
 - In other cases, applicants have sought the conversion of existing accessory or secondary structures (e.g. garages) to housing, but are unable to do so because of the structure footprint standards. In these cases, allowing conversion, even of buildings that exceed the structure footprint standard, is of community benefit, particularly when compared to the environmental and financial cost of demolishing all or a portion of such structures only to comply with the standard. As such, the newly proposed Footnote 7 in Table 4.4.5-2 proposes to allow the conversion to Residential Use of an existing structure exceeding the footprint standard, provided that structure existed prior to January 1, 2025.

- Pocket Neighborhood Building Separation (Sec. 4.4.5(d) 1.A.ii.d): This standard has been simplified for clarity only. No change to the substantive standard is proposed.
- Parking Requirements for Pocket Neighborhoods (Sec. 4.4.5(d) 1.A.v.b): The previously proposed standard inadvertently required that any parking be provided on-site, when Article 8 allows for off-site parking, which may be desirable in some circumstances. As such, the amendment is revised to acknowledge this off-site allowance.
- Rowhouse Definition (Sec. 4.4.5(d) 1.B): The definition has been simplified for clarity with no material impact on the Rowhouse standards.
- Rowhouses developed perpendicularly or otherwise not parallel to the street: The Planning Commission inquired as to how the proposed Rowhouse standards would or would not facilitate such projects, and requested that staff provide rationale for allowing or not this Rowhouse development type. Ultimately, staff proposes that such developments be allowed, provided safeguards against undesirable conditions that have been observed in other communities that have allowed this type. The revised amendment addresses this topic in several ways:
 - Front Setback (Table 4.4.5-4): To ensure consistency with underlying setback policy and neighborhood character, a new Footnote 3 is proposed that requires that the Front Project Periphery Setback shall apply to the Rowhouse closest to the street.
 - Rear Building Separation (Table 4.4.5-5): Some communities that have allowed Rowhouses to be developed perpendicularly to the street have inadvertently facilitated an undesirable development type, known as a "slot house." This development pattern consists of two or more parallel rows of Rowhouses placed very close together, such that there is little room for light, air, circulation or open space. To prevent this condition, a new Min. Bldg. Separation Between Uninterrupted Sequences – Rear standard is proposed that establishes a minimum 20 foot distance between parallel rows of Rowhouses. It should be noted that this would apply both to projects developed parallel to the street or otherwise.
 - Frontage (Sec. 5.2.2): Rowhouses developed perpendicularly to the street may not necessarily include a public road to which the Rowhouses would draw their frontage. Current standards in Article 5 preclude subdivision of land on lots that do not have frontage on a public road or public waters. In the case of fee simple Rowhouses, subdivision with frontage on an access easement would serve the function of this standard, while providing the flexibility to develop perpendicular rowhouses.
 - Frontage (Sec. 6.2.2): Article 6 requires that Principal buildings "shall have their main entrance facing and clearly identifiable from the public street." In the case of perpendicular Rowhouses, this is not feasible. However, the rationale remains applicable – Rowhouses should face and be clearly identifiable from a street or access easement. This addition reflects that need.
- Planned Unit Developments (Article 11): In further contemplating PUD standards, particularly in the context of Rowhouse and Pocket Neighborhood projects, staff concluded that revisions are needed to current and proposed Article 11 standards:
 - General Requirements and Applicability (Sec. 11.1.3): In light of the newly proposed allowance for PUDs below 0.5 acres in size, the existing Table (currently unnumbered) establishing minimum project size is proposed to be deleted. Only Residential District PUDs and those in the RCO-RG districts have or are proposed to have a minimum project size. With the inclusion of standards for Residential District PUDs in the newly proposed Sec. 11.1.4, this table is no longer needed.
 - Residential District PUD Standards (Sec. 11.1.4): A new section break is proposed to differentiate the standards for Residential District PUDs from others.
 - PUDs below 0.5 acres in size (Sec. 11.1.4(a) 1): Smaller PUDs must be entitled to allow for the development of some smaller Rowhouse and Pocket Neighborhood

projects. Such PUDs are proposed to be allowed, but only when consisting of one or both of those development types.

- PUDs above 0.5 acres in size (Sec. 11.1.4(a) 2 and Tables 11.1.4-1 and 11.1.4-2): This new section portion and the tables are revised to denote the aforementioned differentiation between Residential District PUDs and all others.
- PUDs and Rowhouses (Table 11.1.4-2): To facilitate Rowhouses in PUDs, an allowance for structures to front on an Access Easement is provided.

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, 1/28/25, 2/11/25	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

In the Year Two Thousand Twenty-Four

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: _____

An Ordinance in Relation to

ZA-25-02 Neighborhood Code PUD, Pocket Neighborhood, and
Rowhouses Standards

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

- 1 That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City
2 of Burlington be and hereby amends Article 4, Sec. 4.4.5(d) by: modifying Table 4.4.5-2 Principal &
3 Secondary Structures Massing and Placement Standards in Residential Districts; creating Sec. 4.4.5 (d) 1
4 Pocket Neighborhoods; creating Sec. 4.4.5 (d) 2 Rowhouses; modifying Sec. 5.2.2 Required Frontage or
5 Access; modifying Sec. 6.2.2 Review Standards; modifying Sec. 11.1.3 General Requirements &
6 Applicability; creating Sec. 11.1.4 Residential District Planned Unit Developments; creating Table 11.1.4-1
7 Planned Unit Development Project Size Standards; creating Table 11.1.4-2 Planned Unit Development
8 Standards; and renumbering Secs. 11.1.5-7; and modifying Article 13 by creating a definition for Pocket
9 Neighborhoods and Rowhouses; thereof to read as follows:

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

(a) *As Written*

(b) **Dimensional Standards**

(c) **Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts**

District	Max Height & Stories ^{1,3}	Max Dwelling Units per Structure ^{2,3}	Max. Principal Structure Footprint ^{3,6,7}	Max. Secondary Structure Footprint ^{3,6,7}	Max Building Elevation before providing offset ⁴	Min. Distance between Structures on same lot
Residential Low (RL)	35' 3 stories	4	1,800 sq.ft	1,100 sq.ft.	50'	15'
Residential Medium (RM)	35' 3 stories	4	1,800 sq.ft.	1,100 sq.ft.		
Residential High (RH)	50' 4 stories	N/A	N/A	N/A		

Residential Corridor (RC)			3,600 sq.ft.	N/A		
1. Details regarding the measurement of and exceptions to height limits are found in Art 5. 2. Minimum dwelling unit size is 350 sq.ft. 3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Table 4.4.5-3 or Article 11. 4. Required on all building Elevations. Minimum offset is 5 ft measured perpendicular to the building Elevation in excess of 50 linear feet. 5. Except as otherwise may be permitted in Article 11, PUD, a Secondary Structure shall be placed behind the Principal Structure. 6. Maximum Principal and Secondary Structure Footprint Standards shall not apply to Residential – Special Uses. 5.7. The conversion to a Residential Use of an existing structure exceeding this standard as of January 1, 2025 shall be allowed.						

(d) District Specific Regulations

1. Additional Residential Development Permitted

In addition to any applicable development permitted according to Article 11 – Planned Unit Development, the following additional development types and intensities shall be allowed within the Residential Districts, subject to the following standards. Article 11: Planned Development

A. Reserved 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 sq. ft.
- b) Principal Structure: 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;
- d) Building Separation: Within a pocket neighborhood, buildings shall be separated 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.

Table 4.4.5-3: Pocket Neighborhood Standards

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

(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) Surface 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.
- 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 Articles 6 and 8.
- b) If on-site parking is provided, the parking area shall be consolidated to minimize the number of parking areas, except as otherwise provided for in Article 6, Sec. 6.2.2(1).
- 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 or two units that is attached in a row of no fewer than two (2) rowhouses.

(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 a Rowhouse development consisting of only two Rowhouses, access shall be provided by no more than one curb cut serving both dwelling units. A Rowhouse development consisting of three or more Rowhouses shall be accessed by a rear alley with a minimum width of 15 feet. In a Rowhouse development consisting of three or more Rowhouses, a garage attached to a Rowhouse and oriented toward the street is prohibited.

(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

District	Lot Coverage		Setback				Min. Lot Frontage (Individual Fee Simple Lot within Project)
			Project Periphery			Party Wall Boundary (Lot or Structure)	
	Project ¹	Lot ²	Rear	Side	Front ²	Side	
<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>Max Required: 20 ft</u>	<u>Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u> <u>Max Required: 20 ft</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>Residential Corridor RC</u>	<u>80%</u>	<u>80%</u>					

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.

3. In Rowhouse Projects constructed perpendicularly to the street, the Front Project Periphery Setback shall apply to the foremost Rowhouse in relation to the street.

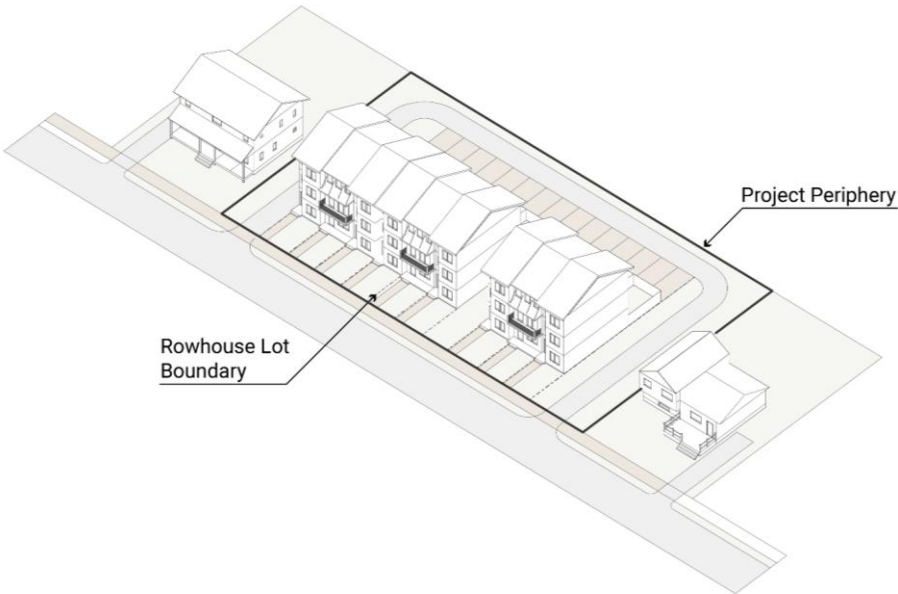


Table 4.4.5-5 Rowhouse Principal & Secondary Structure Massing & Intensity Standards

Max. Dwelling Units per Structure ¹	Max. Height & Stories	Sequencing		Max. Building Footprint	
		Max. Rowhouses in Uninterrupted Sequence	Min. Bldg Separation Between Uninterrupted Sequences		Rowhouse Unit
			Side	Rear	
1	40' 3 stories	10	10 ft.	20 ft.	900 sq. ft.
					600 sq. ft.

1. A Principal Rowhouse Structure may contain a second Dwelling Unit that is subordinate to and smaller than the Structure's main Dwelling Unit.

Commented [CD1]: Included to prevent the “Denver slot house” where parallel rows of Rowhouses are placed very closely to one another.

Article 5 Citywide General Regulations

Sec. 5.2.2 Required Frontage or Access

No subdivision of land may be permitted on lots that do not have frontage on a public road, **access easement** or public waters.

For lots that have access on both a public road and public waters, only the access on a public road shall be considered for the frontage required under this ordinance.

For lots of record existing as of April 26, 1973, subdivision may be permitted with approval of the DRB, if access to such road or public waters exists by a permanent easement or right-of-way of at least twenty-five (25) feet in width.

Article 6: Development Review Standards

Sec. 6.2.1 Applicability – As Written

Sec. 6.2.2 Review Standards

(a) - (g) – As Written

(h) Building Location and Orientation

The introduction of new buildings and additions shall be consistent with the intent of the district. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street **except as allowed in Sec. 5.2.2 and Sec. 11.1.4**. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure. A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be deferential yet consistent in character and design. Where a garage is not oriented towards the street (i.e. the garage doors face the rear or side yard), the street-facing garage wall shall have windows or doors or other features that break-up the mass into smaller elements, and be blended with the character of the residential portion of the structure.

Where a garage is attached to a principal single-family or duplex residential structure and oriented to the street (i.e. the garage doors face the street) the following standards shall apply:

1. Except as provided in subsections 3, 4 and 5 below, a street-facing garage wall shall constitute no more than 50% of the width of the street-facing façade of the entire structure (including the garage portion), and shall not exceed 24-feet. In cases where a street-facing garage wall constitutes between 30%-50% of the street-facing façade, living space is encouraged above to integrate the garage more closely into the design and mass of the overall structure. In cases where the street-facing garage wall constitutes more than 50% of the width of the street-facing façade, living space above is required.
2. Each bay of the garage shall have a separate entrance door of no more than 10-feet in width.

Commented [CD2]: 6.2.2 H - Principal buildings shall have their main entrance facing and clearly identifiable from the public street.
Need to add, “except as allowed in 4.4.5(d)1A and B

3. Where the width of the street-facing façade of the residential portion of the structure is less than 14 feet, the street-facing garage portion may be allowed up to but not exceeding 14 feet in order to allow for a single garage bay.
4. Where a garage entrance is within a single roofline and wholly integrated into the overall design the front façade of the structure, it may constitute more than 50% of the width of the street-facing façade provided there is interior living space above, and the primary pedestrian entrance offers a clear and welcoming entrance from the street.
5. Enclosed space originally designed and constructed as a garage for vehicular parking but converted to living space may be converted back to enclosed vehicular parking provided there is no expansion of the building footprint necessary to complete the conversion.

(i) - (p) – 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, RM, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, RCO-R/G, RM, RC	2 acres or more 0.5 acres ¹

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

Sec. 11.1.4 Residential District Planned Unit Developments

(a) Dimensional Standards

Unless otherwise stated, Planned Unit Development standards are required to follow the underlying district dimensional standards in table 4.4.5-1.

1. A Planned Unit Development with Project Size of less than 0.5 acres and consisting of a Pocket Neighborhood or Rowhouse project, shall be allowed, subject to underlying standards in Sec. 4.4.5(d)1.
2. A Planned Unit Development with Project Size of 0.5 acres or more shall be allowed, subject to the standards established below in Table 11.1.4-1 and Table 11.1.4-2.

Commented [CD3]: This intro and now the table aren't needed, as long as we limit PUDs below 0.5 acres to containing only Pockets and Rowhouses

Commented [CD4]: Rather than create a new table for these minor PUDs, this language is added and generally refers to the underlying standards for Pocket N'hoods and Rowhouses.

Table 11.1.4 -1 Residential District 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	N/A	N/A	N/A	1.0	4 Stories 50 ft.
RC	0.5 – 2.99 Acres	5,000 sq. ft.	N/A	1.0	4 Stories 50 ft.
	3+ Acres	15,000 sq. ft.			

Commented [CD5]: Change Table name to reflect deletion of table above

1. For projects within RL, RM, RH, 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 11.1.4-2 Residential District Planned Unit Development Setback Standards

District	Setback			Front Internal ROW ³ Or Access Easement	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 Max Required: 20' Min Required: 5' Max Required: 20'	Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less Max Required: 20' 0 ft.	0' Min 20' Max	0 ft.
RM	15 ft.				
RH					
RC					

Commented [CD6]: Added Access Easement for Perpendicular Rowhouses

- Buildings with a footprint greater than 5,000 sq. ft. must be set back at least 50 feet from any adjacent Lot not within the PUD and 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. 11.1.4-5 Modification of Regulations

As Written

Sec. 11.1.5-6 Approval Requirements

As Written

11.1.6-7 Non-Residential Facilities

As Written

Article 13: Definitions

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

Rowhouse: a principal structure containing one or two units that is attached in a row of no fewer than two (2) rowhouses.

246
247
248
249 * Material stricken out deleted.
250 ** Material underlined added.
251
252
253
254 Ordinances 2024/ZA-24-04 Neighborhood Code 2-A
255 DRAFT v1.0 07/23/24

Neighborhood Code Part 2B: Pocket Neighborhoods, Rowhouses, and PUDs

PLANNING COMMISSION

2025.02.11



ZA-25-02 – 2/11 Changes

At its 1/28 meeting, the Planning Commission provided feedback that inform that following changes to the proposed amendment:

- **Pocket Neighborhoods:**
 - Building Separation (Sec. 4.4.5(d) 1.A.ii.d)
 - Parking Requirements (Sec. 4.4.5(d) 1.A.v.b)
- **Rowhouses**
 - Definition (Sec. 4.4.5(d) 1.B)
 - Rowhouses developed perpendicularly or otherwise not parallel to the street (Tables 4.4.5-4 & 4.4.5-5; Sec. 5.2.2; Sec 6.2.2)
- **Planned Unit Developments**
 - General Requirements and Applicability (Sec. 11.1.3)
 - Residential District PUD Standards (Sec. 11.1.4)
 - PUDs below 0.5 acres in size (Sec. 11.1.4(a) 1)
 - PUDs above 0.5 acres in size (Sec. 11.1.4(a) 2 and Tables 11.1.4-1 and 11.1.4-2)
 - PUDs and Rowhouses (Table 11.1.4-2)
- **Exemptions to Maximum Principal and Secondary Structure Footprint standards (Table 4.4.5-2)**



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 technical corrections relevant to Part 1

NC Part 2-A2 (ZA-25-07)

- ✓ Additional clarifications & considerations relevant to Part 1

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

- ☐ Planned Unit Development standards
- ☐ Standards for Pocket Neighborhood Developments
- ☐ Standards for Rowhouses
- ☐ 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

Pocket Neighborhoods

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

a – c) *As Written*

d) **Building Separation:** ~~Single-Unit detached, or two-unit attached dwellings,~~ **Within a pocket neighborhood, buildings shall be separated** ~~from any other structure~~ **by a minimum distance of 6 feet.**

Rationale: This standard has been simplified for clarity only. No change to the substantive standard is proposed

Pocket Neighborhoods

Sec. 4.4.5 (d) 1. A (iv): Parking Requirements for Pocket Neighborhoods

a) *As Written*

b) ~~Parking shall be consolidated to minimize the number of parking areas, and shall be located on the Pocket Neighborhood development property, unless~~ **If on-site parking is provided, the parking area shall be consolidated to minimize the number of parking areas, except as otherwise provided for in Article 6, Sec. 6.2.2(1).**

Rationale: The previously proposed standard inadvertently required that any parking be provided on-site, when Article 8 allows for off-site parking, which may be desirable in some circumstances. As such, the amendment is revised to acknowledge this off-site allowance.

Rowhouses

Definition (Sec. 4.4.5(d) 1.B) and Article 13:

A Rowhouse is a principal structure containing one **or two units** 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 definition has been simplified for clarity with no material impact on the Rowhouse standards.

Rowhouses

The following revisions to the amendment address the request that staff provide standards that allow for rowhouses to be developed perpendicularly or otherwise not parallel to the street.

Rationale: To ensure consistency with underlying setback policy and neighborhood character, a new Footnote 3 is proposed that requires that the Front Project Periphery Setback shall apply to the Rowhouse closest to the street.

Table 4.4.5-4: Rowhouse Lot and Site Standards

District	Lot Coverage		Setback				Min. Lot Frontage (Individual Fee Simple Lot within Project)
			Project Periphery			Party Wall Boundary (Lot or Structure)	
	Project ¹	Lot ²	Rear	Side	Front ³	Side	
Residential Low (RL)	55%	65%	20 ft.	Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less Max Required: 20 ft	Avg. of front setback 2 adjacent lots on both sides +/- 5 feet Max Required: 20 ft	0 ft.	16 ft
Residential Medium (RM)	65%	65%	15 ft.				
Residential High (RH)	80%	80%					
Residential Corridor RC	80%	80%					

1. – 2. As Written

3. In Rowhouse Projects constructed perpendicularly to the street, the Front Project Periphery Setback shall apply to the foremost Rowhouse in relation to the street.

Rowhouses

The following revisions to the amendment address the request that staff provide standards that allow for rowhouses to be developed perpendicularly or otherwise not parallel to the street.

Table 4.4.5-4: Rowhouse Principal & Secondary Structure Massing & Intensity Standards

<u>Max. Dwelling Units per Structure¹</u>	<u>Max. Height & Stories</u>	<u>Sequencing</u>		<u>Max. Building Footprint</u>	
		<u>Max. Rowhouses in Uninterrupted Sequence</u>	<u>Min. Bldg Separation Between Uninterrupted Sequences</u>	<u>Rowhouse Unit</u>	<u>Secondary Structure</u>
			Side Rear		
<u>1</u>	<u>40'</u> <u>3 stories</u>	<u>10</u>	<u>10 ft.</u> <u>20 ft.</u>	<u>900 sq. ft.</u>	<u>600 sq. ft.</u>

Rationale: A new Min. Bldg. Separation Between Uninterrupted Sequences – Rear standard is proposed that establishes a minimum 20 foot distance between parallel rows of Rowhouses. It should be noted that this would apply both to projects developed parallel to the street or otherwise.

Rowhouses

The following revisions to the amendment address the request that staff provide standards that allow for rowhouses to be developed perpendicularly or otherwise not parallel to the street.

Article 5 Citywide General Regulations: Required Frontage or Access (Sec. 5.2.2)

No subdivision of land may be permitted on lots that do not have frontage on a public road, access easement or public waters.

For lots that have access on both a public road and public waters, only the access on a public road shall be considered for the frontage required under this ordinance.

For lots of record existing as of April 26, 1973, subdivision may be permitted with approval of the DRB, if access to such road or public waters exists by a permanent easement or right-of-way of at least twenty-five (25) feet in width.

Rationale: Current standards in Article 5 preclude subdivision of land on lots that do not have frontage on a public road or public waters. In the case of fee simple Rowhouses, subdivision with frontage on an access easement would serve the function of this standard, while providing the flexibility to develop perpendicular rowhouses.

Rowhouses

The following revisions to the amendment address the request that staff provide standards that allow for rowhouses to be developed perpendicularly or otherwise not parallel to the street.

Article 6 Development Review Standards: Review Standards (Sec. 6.2.2)

(h) Building Location

Principal buildings shall have their main entrance facing and clearly identifiable from the public street **except as allowed in Sec. 5.2.2 and Sec. 11.1.4**. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

Rationale: Article 6 requires that Principal buildings “shall have their main entrance facing and clearly identifiable from the public street.” In the case of perpendicular Rowhouses, this is not feasible. However, the rationale remains applicable – Rowhouses should face and be clearly identifiable from a street or access easement. This addition reflects that need.

Planned Unit Developments

In further contemplating PUD standards, particularly in the context of Rowhouse and Pocket Neighborhood projects, staff concluded that the following revisions are needed to current and proposed Article 11 standards.

General Requirements and Applicability (Sec. 11.1.3):

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

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

Table 11.1.3-1: Planned Unit Development Project Size Standards

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

~~1. For additional standards for PUD project sizes in the RL and RM Residential districts~~

Rationale: In light of the newly proposed allowance for PUDs below 0.5 acres in size, the existing Table (currently unnumbered) establishing minimum project size is proposed to be deleted. Only Residential District PUDs and those in the RCO-RG districts have or are proposed to have a minimum project size. **With the inclusion of standards for Residential District PUDs in the newly proposed Sec. 11.1.4, this table is no longer needed.**

Planned Unit Developments

In further contemplating PUD standards, particularly in the context of Rowhouse and Pocket Neighborhood projects, staff concluded that the following revisions are needed to current and proposed Article 11 standards.

Residential District PUD Standards (Sec. 11.1.4):

(a) Dimensional Standards

Unless otherwise stated, Planned Unit Development standards are required to follow the underlying district dimensional standards.

1. A Planned Unit Development with Project Size of less than 0.5 acres and consisting of a Pocket Neighborhood or Rowhouse project, shall be allowed, subject to underlying standards in Sec. 4.4.5(d)1.
2. A Planned Unit Development with Project Size of 0.5 acres or more shall be allowed, subject to the standards established below in Table 11.1.4 -1 and Table 11.1.4-2.

Rationale: A new section break is proposed to differentiate the standards for Residential District PUDs from others. Subsequent sections (Modification of Regulations, Approval Requirements, and Non-Residential Facilities) will be re-numbered and remain as written.

Planned Unit Developments

In further contemplating PUD standards, particularly in the context of Rowhouse and Pocket Neighborhood projects, staff concluded that the following revisions are needed to current and proposed Article 11 standards.

Residential District PUD Standards (Sec. 11.1.4):

(a) Dimensional Standards

Unless otherwise stated, Planned Unit Development standards are required to follow the underlying district dimensional standards.

1. A Planned Unit Development with Project Size of less than 0.5 acres and consisting of a Pocket Neighborhood or Rowhouse project, shall be allowed, subject to underlying standards in Sec. 4.4.5(d)1.
2. A Planned Unit Development with Project Size of 0.5 acres or more shall be allowed, subject to the standards established below in Table 11.1.4 -1 and Table 11.1.4-2.

Rationale: Smaller PUDs must be entitled to allow for the development of some smaller Rowhouse and Pocket Neighborhood projects. Such PUDs are proposed to be allowed, but only when consisting of one or both of those development types.

Planned Unit Developments

In further contemplating PUD standards, particularly in the context of Rowhouse and Pocket Neighborhood projects, staff concluded that the following revisions are needed to current and proposed Article 11 standards.

Residential District PUD Standards (Sec. 11.1.4):

(a) Dimensional Standards

Unless otherwise stated, Planned Unit Development standards are required to follow the underlying district dimensional standards.

1. A Planned Unit Development with Project Size of less than 0.5 acres and consisting of a Pocket Neighborhood or Rowhouse project, shall be allowed, subject to underlying standards in Sec. 4.4.5(d)1.
2. A Planned Unit Development with Project Size of 0.5 acres or more shall be allowed, subject to the standards established below in Table 11.1.4 -1 and Table 11.1.4-2.



Rationale: This new section portion, in addition to Tables 11.1.4-2 and 11.1.4-2 are revised to denote the aforementioned differentiation between Residential District PUDs and all others.

Planned Unit Developments

In further contemplating PUD standards, particularly in the context of Rowhouse and Pocket Neighborhood projects, staff concluded that the following revisions are needed to current and proposed Article 11 standards.

Table 11.1.4-2: Residential District Planned Unit Development Setback Standards

District	Setback				
	Project Periphery			Front Internal ROW ³ Or Access Easement	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.				
RH		Max Required: 20'			
RC		Min Required: 5' Max Required: 20'			

Rationale: An allowance for structures to front on an Access Easement is provided to facilitate Rowhouses in PUDs.

Neighborhood Code and Existing Structures

Issue:

- The adopted Neighborhood Code standards establish maximum building footprint standards for Principal and Secondary Structures. No exemptions are established in any case.
- The proposed PUD standards would allow the DRB to grant exemptions to the maximum building footprint standards.

Concern:

- The lack of possible exemption for building footprint standards may inadvertently cause the teardown of existing structures.
- Additionally, some specific project types, such as Residential Special Uses and Affordable Housing, may especially benefit from exemptions to building footprint.

Exemptions to Maximum Principal and Secondary Structure Footprint standards

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts

District	Max Height & Stories ^{1,3}	Max Dwelling Units per Structure ^{2,3}	Max. Principal Structure Footprint ^{3,6,7}	Max. Secondary Structure Footprint ^{3,6,7}	Max Building Elevation before providing offset ⁴	Min. Distance between Structures on same lot
Residential Low (RL)	35' 3 stories	4	1,800 sq.ft.	1,100 sq.ft.	50'	15'
Residential Medium (RM)						
Residential High (RH)	50' 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft.			

1. – 5. As Written

6. Maximum Principal and Secondary Structure Footprint Standards shall not apply to Residential – Special Uses.

7. The conversion to a Residential Use of an existing structure exceeding this standard as of January 1, 2025 shall be allowed.

Rationale: The newly proposed Footnote 7 in Table 4.4.5-2 proposes to allow the conversion to Residential Use of an existing structure exceeding the footprint standard, provided that structure existed prior to January 1, 2025.

Neighborhood Code and Existing Structures

Residential – Special Uses

- **Assisted Living**
- Boarding House
- **Community House**
- **Convalescent/Nursing Home**
- Dormitory
- Emergency Shelter
- Group Home
- **Historic Inn**
- Mobile Home Park
- Sorority/Fraternity
- Short-Term Rental

***Subset of uses
recommended to be eligible
for exemption**

Neighborhood Code Part 2A-2: Remaining Clarifications

ZA-25-07



Neighborhood Code Part 2-A (2): **Secondary Structures + ADUs**

The following proposed changes address relationship between secondary buildings and citywide provisions for Accessory Dwelling Units (ADUs)

Recommendations:

- Remove CDO Sec. 5.4.5: Accessory Dwelling Units from Article 5
- **Establish standards for Additional Unit on lot or with in Owner Occupied Single Detached Dwelling under Sec. 4.4.5-4. (d) 4.**
- Clarify that the creation of an ADU as described in under Sec. 4.4.5-4. (d) 4. is exempt from impact fees under Sec. 3.3.3 (a) 5.

D. Additional Unit on lot or with in Owner Occupied Single Detached Dwelling

Where an existing Principal Structure in any Residential Zoning District contains only an owner-occupied Single Detached Dwelling, and an applicant proposes to add a single additional ***dwelling unit*** within the Principal Structure or within a detached Secondary Structure on the same lot as the owner-occupied home, the application shall be ~~eligible to be reviewed under~~ ***subject to*** administrative review and waived of impact fees, ***according to Sec. 3.3.3.***, except where otherwise required.

Neighborhood Code Part 2-A (2): **Secondary Structures + ADUs**

The following proposed changes address the relationship between secondary buildings and citywide provisions for Accessory Dwelling Units (ADUs)

Recommendations:

- Remove CDO Sec. 5.4.5: Accessory Dwelling Units from Article 5
- Establish standards for Additional Unit on lot or with in Owner Occupied Single Detached Dwelling under Sec. 4.4.5-4. (d) 4.
- **Clarify that the creation of an ADU as described in under Sec. 4.4.5-4. (d) 4. is exempt from impact fees under Sec. 3.3.3 (a) 5.**

Sec 3.3.3 Exemptions and Waivers

(a) Exemptions:

The following types of development are exempt from this Part:

1. – 4. *As written*

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

Neighborhood Code Part 2-A (2):

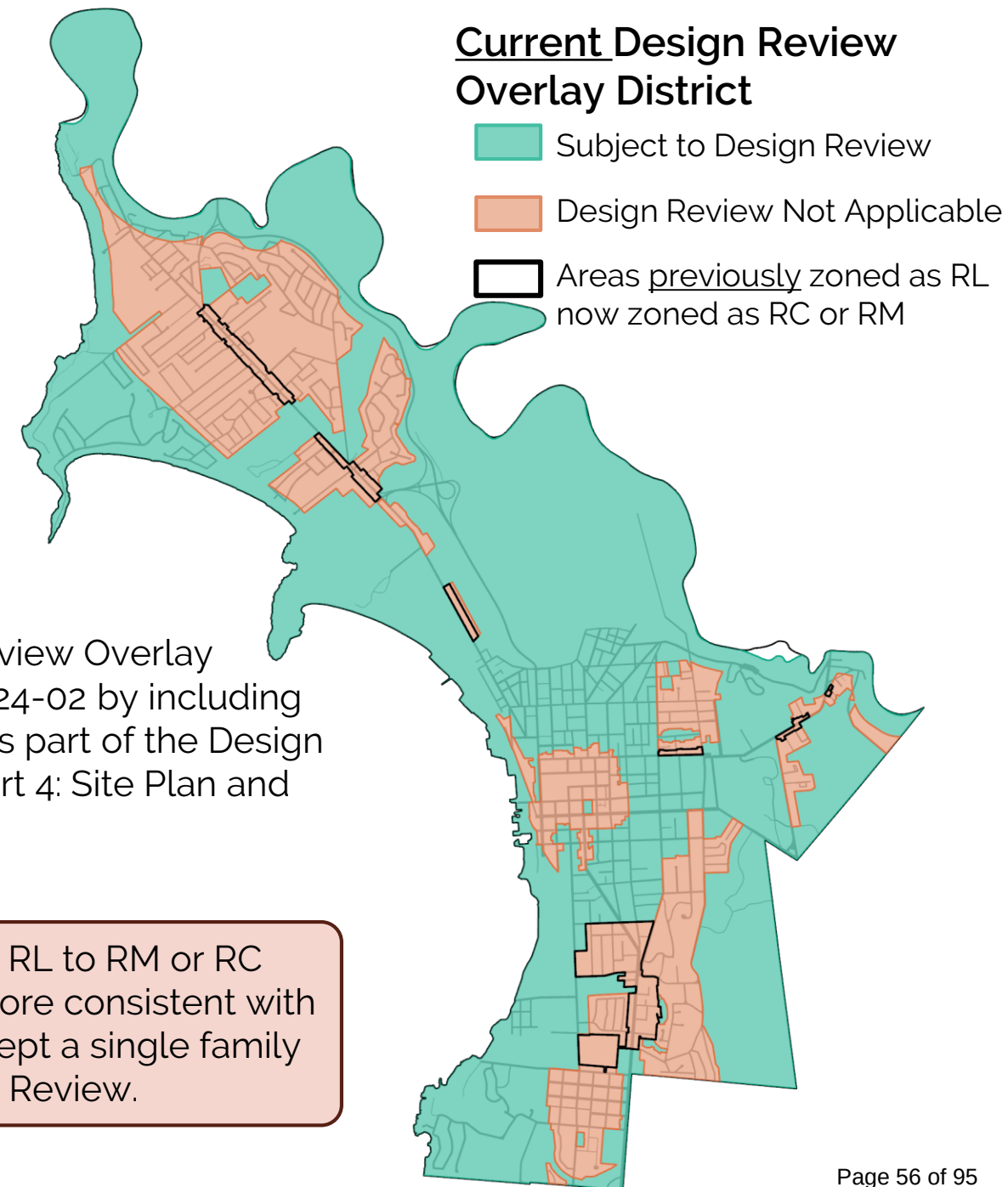
Map 4.5.1-1: Design Review Overlay District

*The following changes proposed to Design Review **do not fundamentally change the applicability of design review**, but seek to make the standards and requirements more clear and address the need for continuity and ease of reference.*

Map 4.5.1-1: Design Review Overlay District

- **Proposal: (1)** Resolve any gaps between current Design Review Overlay District and the changes in district boundaries made in ZA-24-02 by including areas that were previously re-zoned from RL to RM or RC as part of the Design Review Overlay District. **(2)** Move Map 4.5.1-1 to Article 3, Part 4: Site Plan and Design Review.

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



Neighborhood Code Part 2-A (2):

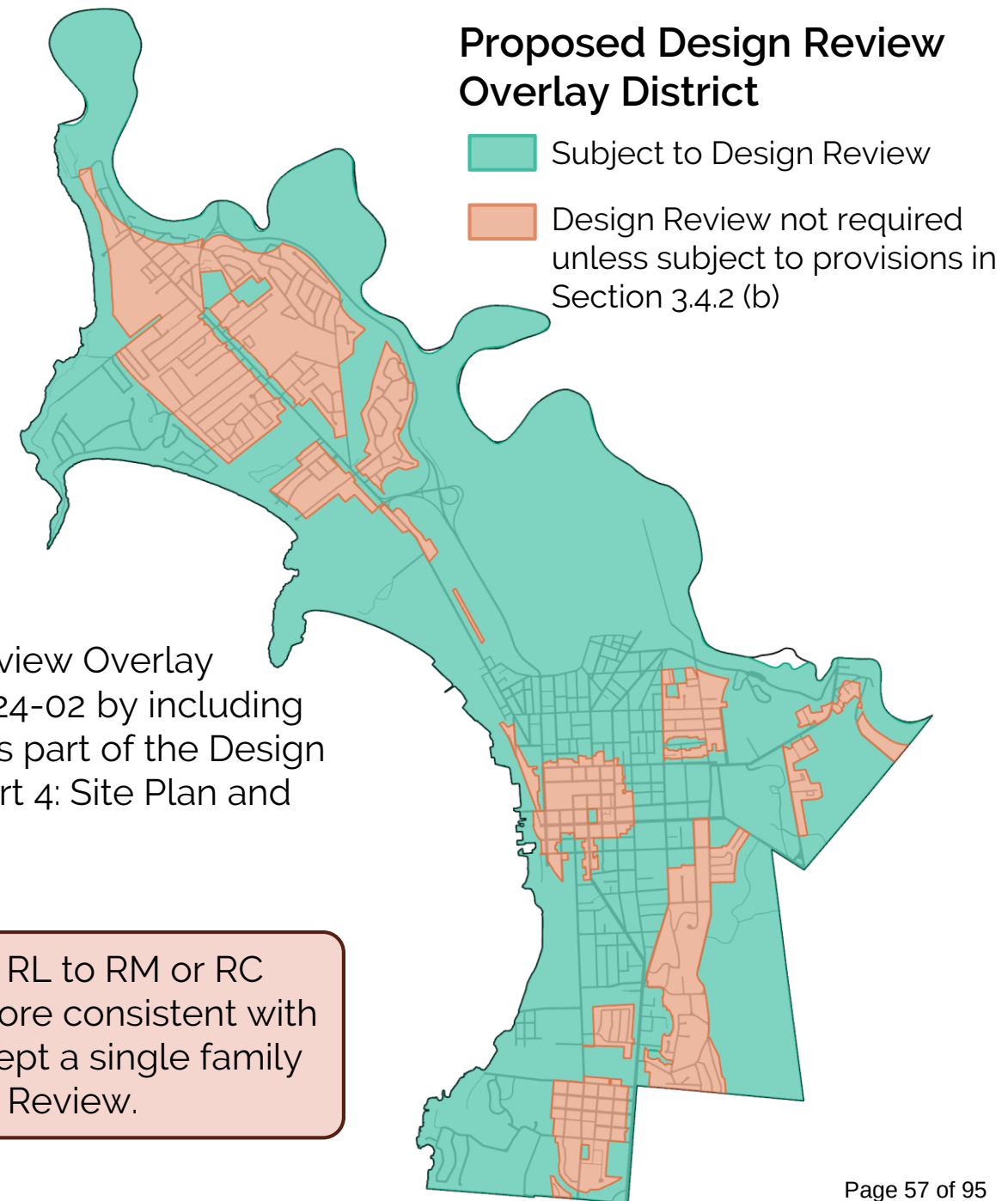
Map 4.5.1-1: Design Review Overlay District

*The following changes proposed to Design Review **do not fundamentally change the applicability of design review**, but seek to make the standards and requirements more clear and address the need for continuity and ease of reference.*

Map 4.5.1-1: Design Review Overlay District

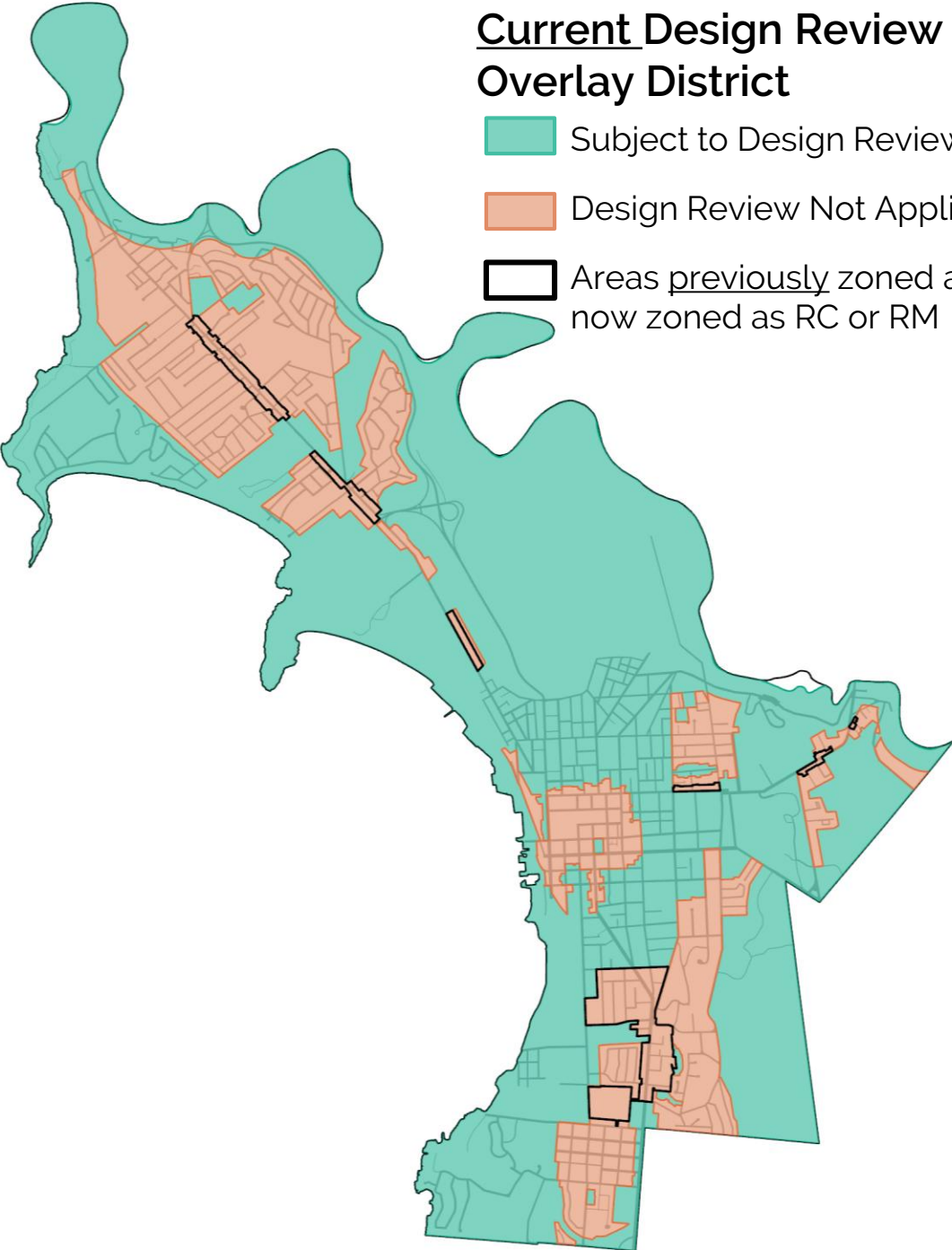
- **Proposal: (1)** Resolve any gaps between current Design Review Overlay District and the changes in district boundaries made in ZA-24-02 by including areas that were previously re-zoned from RL to RM or RC as part of the Design Review Overlay District. **(2)** Move Map 4.5.1-1 to Article 3, Part 4: Site Plan and Design Review

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



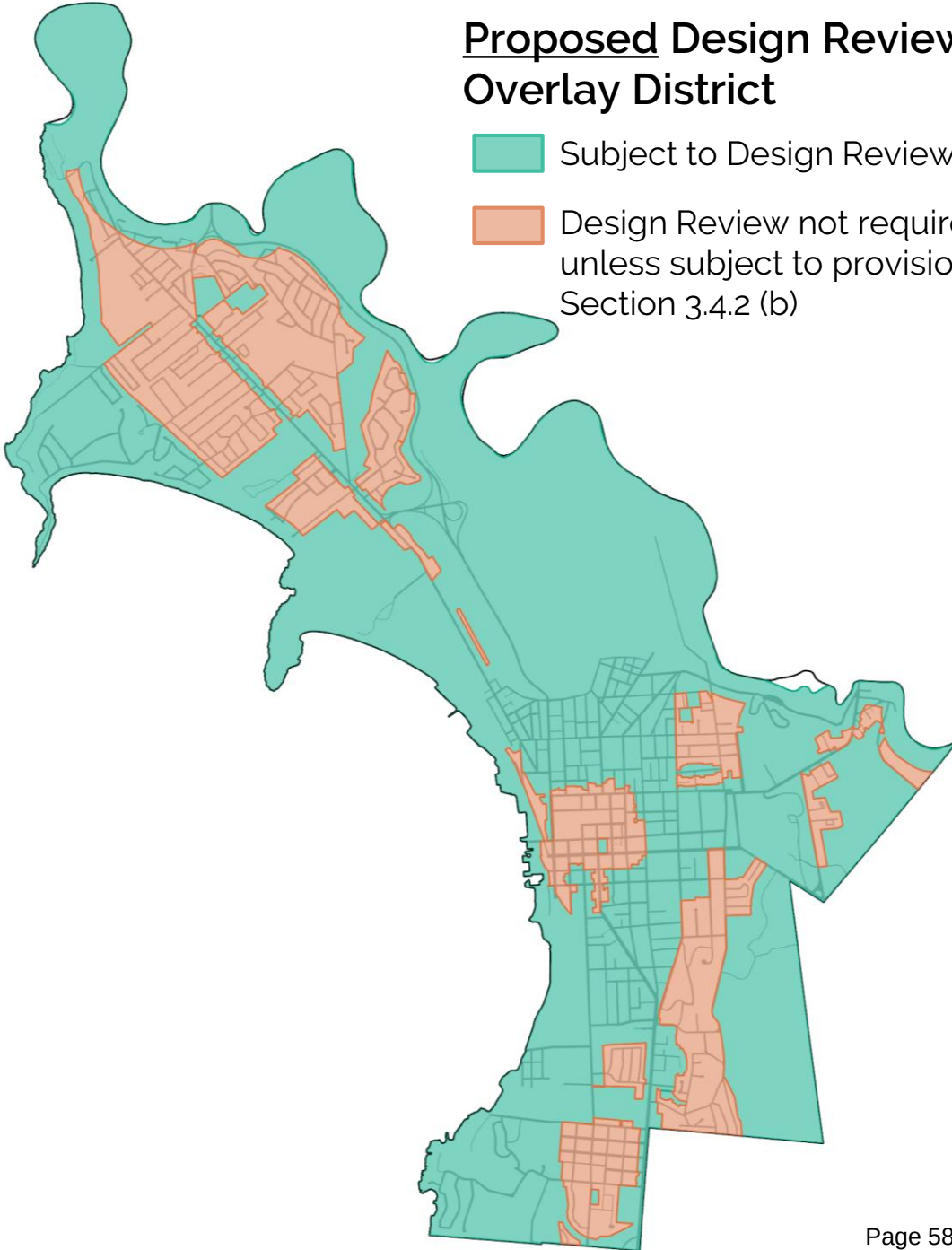
**Current Design Review
Overlay District**

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



**Proposed Design Review
Overlay District**

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



Recommended Ordinance Change:

Article 3, Part 4: Site Plan and Design Review

*The following changes proposed to Design Review **do not fundamentally change the applicability of design review**, but seek to make the standards and requirements more clear and address the need for continuity and ease of reference.*

Sec. 3.4.2 Applicability

- **Proposal:** Move Map 4.5.1-1 into Section 3.4.2

Rationale: By starting with the map of where Design Review is applicable, it presumes that all of the project types listed under 3.4.2 (b) 2. are subject to Design Review within the overlay district. Section 3.4.2 (b) 2 is retained to provide clarity that projects within this list will still be subject to design review despite being outside of the Design Review Overlay District.

- **Proposal:** Include language acknowledging that “single detached dwellings and duplex dwellings within an RL district are not otherwise subject to any of the above provisions.

Rationale: This change aims to facilitate the development of duplexes in residential districts

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

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

- **Proposal:** Clarify the bonus referenced specifically applies exclusively for projects containing housing for Older Persons (as defined by the federal Fair Housing Act) and/or individuals with disabilities (as defined by the federal Americans with Disabilities Act).

Rationale: The intent of this change is to clarify that only projects providing housing exclusively for these populations, as defined by the FHA and ADA, are eligible for the bonus.

- **Proposal (Sec. 4.4.5 (d) 1. B. (i) c):** Eliminate the bonus of an additional 10 feet of building height for the current Senior Housing Bonus.

Rationale: Act 47 provides an additional story of height to projects including at least 20% affordable housing. Thus, the bonus' application to projects providing a minimum of 25% affordable housing makes the current height bonus redundant and unnecessary.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

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

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

Rationale: The focus here is on converting a non-conforming and non-residential use in a residential area to residential. This takes the approach that any existing non-conformity can be retained, but repurposed into residential uses with whatever # of units works within those limits.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

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

- **Proposal: (1)** Clarifies the administration of projects meeting multiple bonus standards and **(2)** replaces the use of density with development intensity.

Rationale: The CDO offers multiple bonuses, including those in Articles 4 and 9. When a project qualifies for more than one bonus, including an Art. 9 bonus, it is currently unclear how these are granted.

- **Proposal: (1)** Re-numbers Table 4.4.5-6 to 4.4.5-5 and **(2)** replaces Maximum Density requirements with Maximum FAR requirements, as well as updates Maximum Height and Maximum Lot Coverage requirements.

Rationale: Table 4.4.5-5 is amended to reflect replacement of density (DU/acre) with intensity (FAR). All standards are amended to reflect NC II standards. Height bonus is adjusted to accommodate a true additional floor.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

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

- **Proposal:** Create an exception to Maximum Building Footprint Limit under Sec. 4.4.5 (d) 2. D.

Rationale: This answers the question of whether existing buildings that are already larger than the newly adopted building footprints should be allowed to expand.

Sec. 4.4.5 (d) 4.: Miscellaneous Standards

- **Proposal:** Create new standards for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.)

Rationale: These modifications streamline the ordinance in an effort to make understanding ADU requirements less complex for the general user. This standard aims to enable a situation where, if someone adds an additional unit in an owner-occupied unit or if they build a single-unit secondary structure meeting these requirements, they can benefit from incentives including the admin review and the waiver of impact fees.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

ZA-25-07 Neighborhood Code 2A-2 – Remaining Clarifications to
the Neighborhood Code

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

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and hereby is amended by Sec. 3.3.3(a) Impact Fee Exceptions and Waivers; Sec. 3.4.2(b) Design Review Applicability; moves Map 4.5.1-1 Design Review Overlay District to Sec. 3.4.2(b) as amended and renumbered Map 3.4.2; updates Tables 4.4.5-1 and Tables 4.4.5-2; amends Sec. 4.4.5 (d) 1. B. Residential Development Bonuses by modifying both Sec. 4.4.5 (d) 1. B. (i) and Table 4.4.5-4; amends Sec. 4.4.5 (d) 1. B. (ii) and deletes Table 4.4.5-5; amends Sec. 4.4.5 (d) 1. B. (iii) and re-numbers Table 4.4.5-6; creates Sec. 4.4.5-2 (d) 2. D. Exceptions to Maximum Building Footprint Limit; creates Sec. 4.4.5 (d) 4. D. Additional Unit; deletes Sec. 4.5.1 Design Review Overlay District and reserves section; deletes Sec. 5.2.3 (b) 10.; amends Sec. 5.2.5 (b) 7.; deletes Sec. 5.4.5 Accessory Dwelling Units thereof to read as follows:

Article 3: Applications, Permits, and Project Reviews

PART 3: IMPACT FEES

Sec. 3.3.3 Exemptions and Waivers

(a) Exemptions:

The following types of development are exempt from this Part:

1. additions to existing dwelling units, provided such additions are for residential purposes;
2. alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage;
3. land development which does not result in new building square footage (e.g. parking lots, facade renovations, signs, etc.);
4. Additions to existing buildings for which the sole purpose is to provide additional means of egress (e.g. stair towers, elevators, etc).
- 4.5. The creation of an Additional Unit on lot or within Owner Occupied Single Detached Dwelling as described in Sec. 4.4.5 (d) 4. D.

Article 3: Applications, Permits, and Project Reviews**PART 4: SITE PLAN AND DESIGN REVIEW****Sec. 3.4.2 Applicability****(a) Site Plan Review:**

Site Plan Review shall be required for the approval of all development subject to the provisions of this ordinance with the exception of single-family dwellings not otherwise subject to the requirements of Design Review.

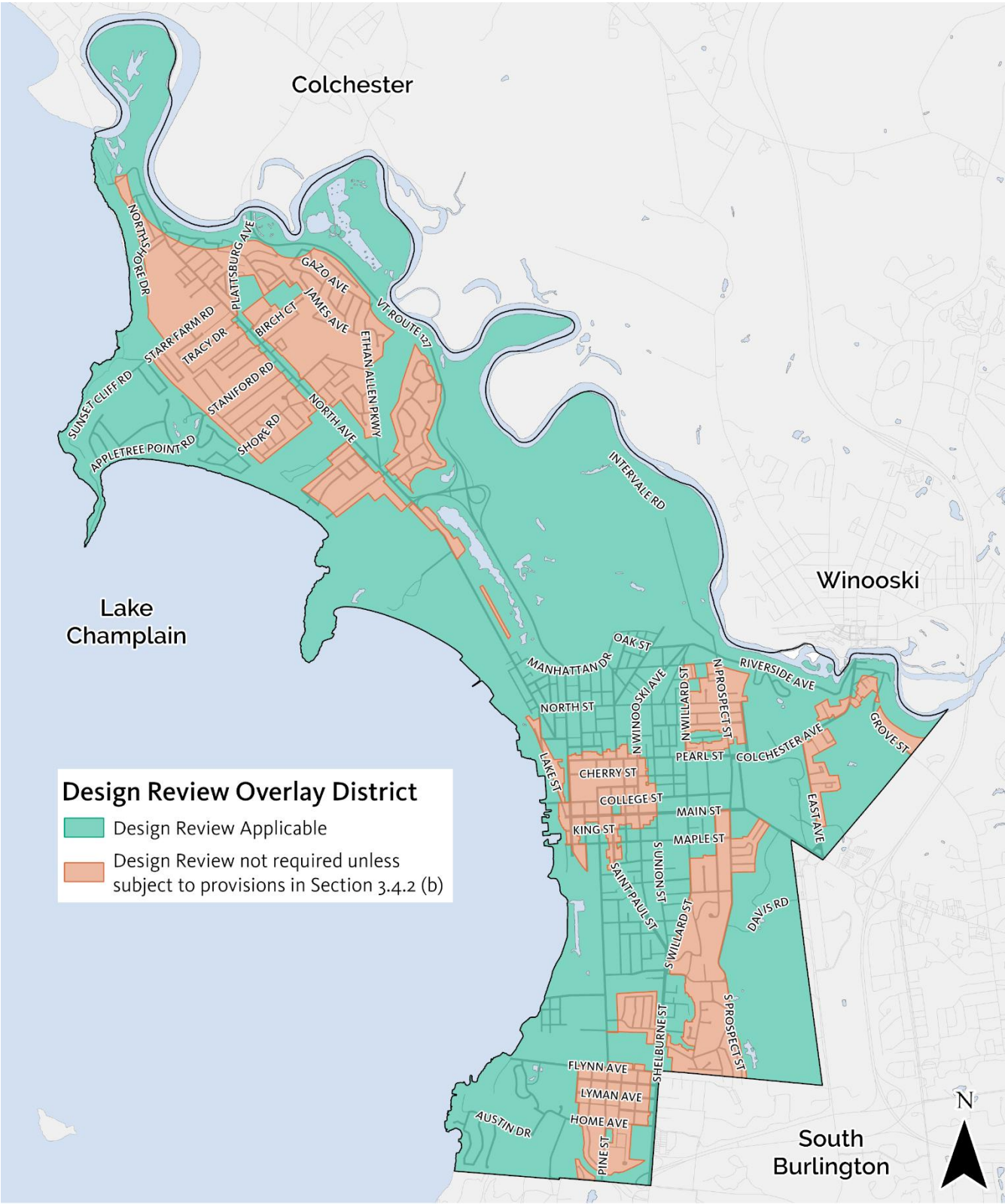
(b) Design Review:

No structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of this part and the review criteria described in Art 6
Design Review ~~shall be required for the approval of all development subject to the provisions of this ordinance for within~~
the following geographic areas or for all development subject to the following provisions:

1. For any projects located within the geographic areas as delineated as applicable on Map 3.4.2-1, within the Overlay District as defined in Article 4, Sec. 4.5.1, and any of the following:
- 1-2. For any projects within geographic areas delineated as not applicable on Map 3.4.2-1 but that are subject to the following provisions:
 - a. Any development subject to the provisions of Article 3, Part 5 – Conditional Use and Major Impact Review;
 - b. Any development subject to the provisions of Article 5, Part 3 – Non-Conformities;
 - c. Any development subject to the provisions of Article 5, Part 4 – Special Use Regulations;
 - d. Any development subject to the provisions of Sec. 7.1.6 Non-Conforming Signs and Article 7, Part 3 Sign Plans;
 - e. Any development subject to the provisions of Article 10 – Subdivision;
 - f. Any development subject to the provisions of Article 11 – Planned Development; and,
 - g. A project within an RL District where a building contains 3 or more units or proposes more than one building on a lot subject to Sec. 4.4.5.
 - h. Any development made subject to the provisions of this Part by direct reference not otherwise noted here.

Design Review shall not be required for:

1. Single detached dwellings and duplex dwellings within an RL district not otherwise subject to any of the above provisions.
- 1-2. All applications subject to the planBTV: Downtown Code under Art. 14, which shall be exempt from review under this section, and the development review principles and standards contained in Article 6—Development Review Standards, and instead shall be subject to the requirements of Article 14.



Map 3.4.2-1 Design Review Overlay District

*Burlington Comprehensive Development Ordinance
Districts effective Jan. 30, 2008 with amendments effective 06-02-2021 (ZA-21-03)*

Article 4: Zoning Maps and Districts**PART 4: BASE ZONING DISTRICT REGULATIONS****Sec. 4.4.5 Residential Districts****(b) Dimensional Standards**

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

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

District	Min. Lot Frontage ^{2,3,4,5} (linear feet)	Setbacks ^{1,6,7,8,9}			Lot Coverage ^{1,10}
		Front	Side	Rear	
Residential Low (RL)	30'	Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet Max required: 25 ft	Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides Max required: 20 ft	20 ft.	45%
Residential Medium (RM)				15 ft.	55%
Residential High (RH)	N/A				80%
Residential Corridor (RC)	N/A	Min required: 5 ft Max permitted: 20 ft			80%

- Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.
- The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.
- Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2
- For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.
- Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation.
- Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.
- A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.3 Riparian and Littoral Conservation Overlay Zone.
- For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.
- An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.
- Reserved

68 **Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts**

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts						
District	Max Height & Stories ^{1,3}	Max Dwelling Units per Structure ^{2,3}	Max. Principal Structure Footprint ³	Max. Secondary Structure Footprint ³	Max. Linear Elevation before offset ⁴	Min. Distance between Structures on same lot
Residential Low (RL)	35’ 3 stories	4	1,800 sq.ft	1,100 sq.ft.	50’	15’
Residential Medium (RM)						
Residential High (RH)	50’ 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft.			
1. Details regarding the measurement of and exceptions to height limits are found in Art 5. 2. Minimum dwelling unit size is 350 sq. ft. 3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Table 4.4.5-3 or Article 11. Where an existing Principal Structure contains only an owner-occupied Single detached dwelling, and proposes to add one additional unit within the Principal Structure or in a Secondary Structure, see additional provisions in Sec. 4.4.5 (d) 4. D. 4. Required on all building Elevations. Minimum offset is 5 ft measured perpendicular to the building Elevation in excess of 50 linear feet. 5. Except as otherwise may be permitted in Article 11, PUD, a secondary structure shall be placed behind a Principal Structure.						

69
70 **(c) Permitted and Conditional Uses:**
71 *As Written*

72 **(d) District Specific Regulations:**

73 The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They
74 are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as
75 provided above.

76 **1. Additional Residential Development Permitted**

77 In addition to any applicable development permitted according to Article 11- Planned Unit Development, the following
78 additional development types and intensities shall be allowed within the Residential Districts, subject to the following
79 standards.

80 **A. Reserved**

81
82 **Table 4.4.5-3 Reserved**

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84 **B. Residential Development Bonuses**

85 The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in
86 any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that
87 are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise
88 applicable.

89 **(i) Housing for Older Persons and Individuals with Disabilities Bonus**

90 Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the
91 DRB for [projects including exclusively senior housing housing for Older Persons \(as defined by the federal Fair](#)
92 [Housing Act\), housing for Individuals with Disabilities \(as defined by the federal Americans with Disabilities](#)
93 [Act\), or a mixture exclusively thereof](#) -provided the following conditions are met:

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

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

District	Maximum <u>Lot Coverage</u>	Maximum <u>Development Intensity Density</u>	<u>Maximum Height</u>
RL	44 55%	20 du/ae 1.5 FAR	4 stories, 50 ft
RM	48 65%	40 du/ae 1.75 FAR	
RH	92 90%	80 du/ae 2.0 FAR	5 stories, 62 ft.

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- (ii) **Residential Conversion Bonus**
- Development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:
- ~~a) Any applicable lot coverage, height, FAR, and units per building limits may be modified by the DRB up to a limit of 100% of the pre-application coverage, height and GFA condition.~~
- ~~a) Lot coverage and residential densities shall not exceed the following:~~

~~Table 4.4.5-5: Residential Conversion Bonus~~

District	Maximum Coverage	Maximum Density
RL	50% (62% with inclusionary allowance)	8 du/ae (8.75 with inclusionary allowance)
RM	60% (72% with inclusionary allowance)	30 du/ae (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ae (69 with inclusionary allowance)

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- (iii) **Limitations on Residential Development Bonuses:**
- For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, and where any applicable development allowances per Article 9 are utilized, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.
- In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum densitydevelopment intensity, lot coverage, and building height permitted in any district as defined below:
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- 117
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Table 4.4.5-56: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum DensityFAR*	Maximum Height	Maximum Lot Coverage*
RH	80 du/æ2.0 FAR	4562-feet	9290%
RM	40 du/æ1.75 FAR	3550-feet	7265%
RL	20 du/æ1.5 FAR	3550-feet	6255%

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

2. Exceptions to Dimensional Standards

A. through C – As Written

D. Exceptions to Maximum Building Footprint Limit

- (i) Existing structures legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.4.5-2 shall not be considered non-conforming. Such buildings shall only be allowed to be converted, adaptively reused, or enlarged, including for the purpose of adding additional units, within the limits this part or as otherwise permitted in Sec. 5.4.8 or Article 11.
- (ii) Single-family homes legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.4.5-2 may be expanded to 125% of the pre-existing footprint, as long as no additional units are added.

3. Exception for Neighborhood Commercial Uses

As Written

4. Miscellaneous Standards

(A) Through (C) –As Written

D. Additional Unit on lot or within Owner Occupied Single Detached Dwelling

Where an existing Principal Structure in any Residential Zoning District contains only an owner-occupied Single Detached Dwelling, and an applicant proposes to add a single additional dwelling unit within the Principal Structure or within a detached Secondary Structure on the same lot as the owner-occupied home, the application shall be eligible forshall be subject to administrative review and approval according to Sec.3.2.7 (a) 13, and exempt from paying impact fees, according to Sec. 3.3.3., except where otherwise required.

(e) Effective Date.

The amendments to this Section 4.4.5 that allow for a secondary structure within RL and RM zones, except as may otherwise be allowed by Article 11, are effective November 1, 2024.

Article 4: Zoning Maps and Districts**PART 5: OVERLAY ZONING DISTRICT REGULATIONS****Sec. 4.5.1 ~~Reserved~~ Design Review Overlay District****~~(a) Purpose:~~**

~~The Design Review Overlay District (DR) is intended to provide detailed individual review of certain uses and structures in those areas of the city which contain structures of historical, architectural, or cultural merit, and where the community has a particular interest in the design of future development in order to address specific land development objectives.~~

~~(b) Areas Covered:~~

~~The geographic¹ areas subject to the Design Review Overlay shall be as delineated on Map 4.5.1—1: Design Review Overlay, that include the following:~~

~~(1) The following zoning districts:~~

~~A. The Downtown Waterfront—Public Trust district and all Neighborhood Mixed Use, Enterprise, Institutional, Urban Reserve, and Recreation, Conservation and Open Space districts; and;~~

~~B. Portions of the Residential Districts as identified in Map 4.5.1—1 and described below.~~

~~(2) The following areas within Residential Districts:~~

~~A. All properties west of the Burlington Bike Path north of College Street;~~

~~B. All properties west of the Vermont Railway line south of Lakeside Ave;~~

~~C. All properties within 500' of Lake Champlain or the Winooski River;~~

~~D. All properties with frontage on Brooks Avenue;~~

~~E. All properties within the area bounded by Maple, South Willard, Howard and South Union streets;~~

~~F. All properties with frontage on the west side of South Union St. between Main and Howard streets;~~

~~G. All properties with frontage on the north side of Howard St. between South Union and St. Paul streets;~~

~~(3) The following uses, buildings, and properties within Residential Districts:~~

~~A. All nonresidential uses, residential uses with home occupations, or other conditional uses, having frontage on the following major streets:~~

~~(i) Shelburne Street, from its point of beginning southerly to its intersection with Home Avenue;~~

~~(ii) South Union Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;~~

~~(iii) St. Paul Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;~~

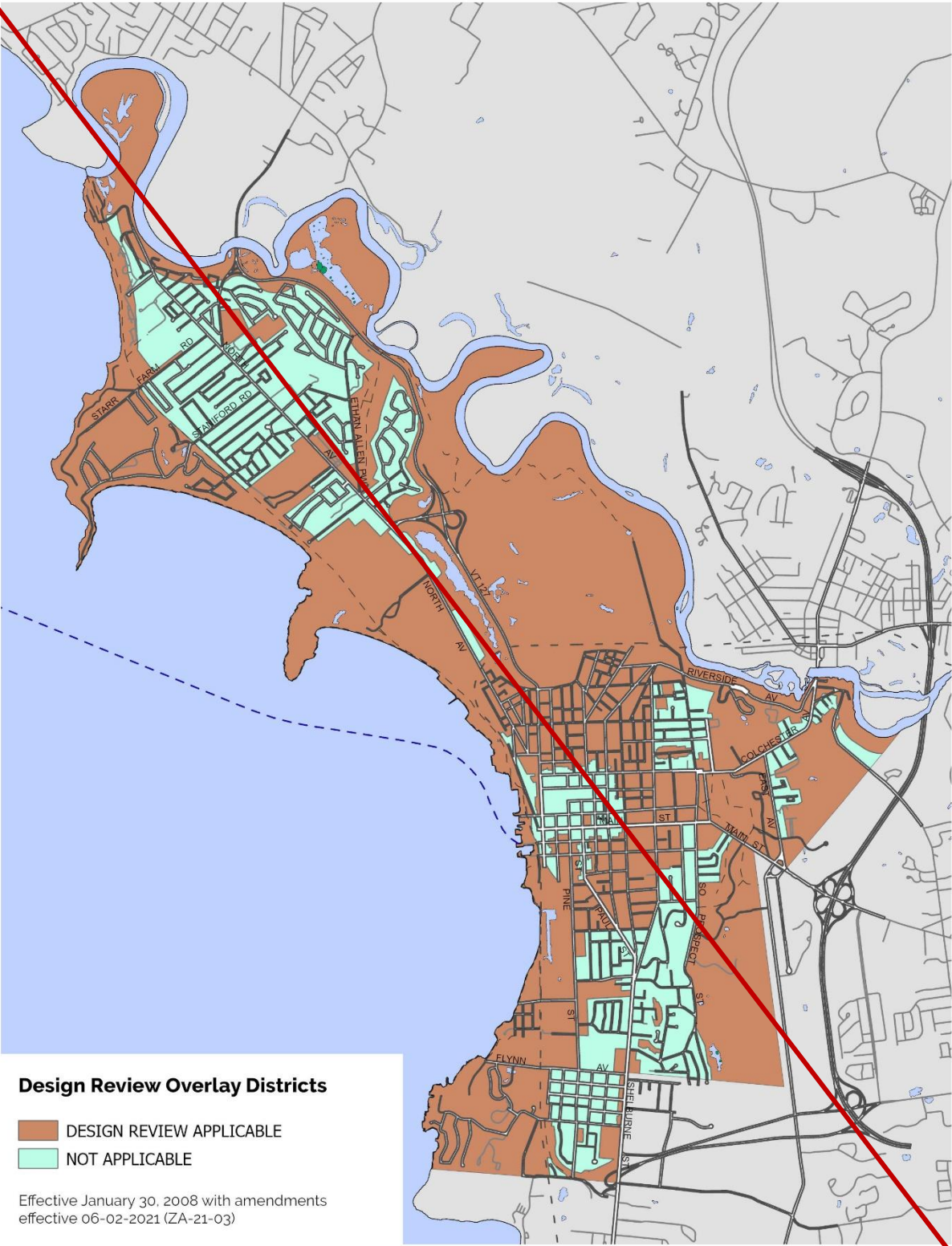
~~(iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett Street; and~~

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

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

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

¹ This Section only defines the geographic areas of the city that are subject to Design Review. Other types of development are also subject to Design Review pursuant to the requirements of Article 3, Part 4.



Map 4.5.1-1: Design Review Overlay

Article 5: Citywide General Regulations
PART 2: DIMENSIONAL REQUIREMENTS

(b) Exceptions to Lot Coverage:

In all districts, the following shall not be counted as lot coverage:

1. through 9. – *As Written*

~~10. For lot area occupied by an ADU, the DRB may approve up to 650 sq. ft. additional lot coverage over existing lot coverage, even if present or proposed lot coverage exceeds the standard lot coverage limits. To grant such an exemption, the DRB must find that the existing lot coverage has been lawfully created, and that the proposed location, site design, and improvements will enable on site management of the first one inch of stormwater runoff from the lot area of the ADU exceeding the applicable lot coverage limit, and will not have undue adverse impact on public rights of way based on the review of the DPW Stormwater Program Manager.~~

Article 5: Citywide General Regulations
PART 4: SPECIAL USE REGULATIONS

Sec. 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

~~Where there is a principal structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means a dwelling unit that is clearly subordinate to the principal dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:~~

- ~~1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and~~
- ~~2. The unit does not consist of more than 900 sq.ft., or 30 percent (30%) of the Gross Floor Area of the principal home, whichever is greater; and~~
- ~~3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and~~
- ~~4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.~~

(b) Discontinuance of Accessory Units:

~~Approval of an accessory dwelling unit is contingent upon owner occupancy of either the principal or accessory dwelling unit as a primary residence. For purposes of this section, owner occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the principal unit or in the accessory unit. If neither the principal unit nor the accessory unit is owner-occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval.~~

~~Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.~~

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Material stricken out deleted.

Material underlined added.

Ordinances 2024/ZA-24-04 Neighborhood Code 2-A

DRAFT v1.0 07/23/24

TO: Burlington City Council
FROM: Charles Dillard, AICP, Planning Director
Sarah Morgan, AICP, Planner
DATE: February 6, 2025
RE: Proposed ZA-25-07 Neighborhood Code Part 2A-2

1. Overview & Background

The City Council adopted ZA-24-02 (Neighborhood Code) at its March 25, 2024 meeting. This amendment created a new framework for the city's residential zoning districts, enabling a range of housing types, including single-family homes, ADUs, duplex through four-unit developments, and townhouses and small multi-unit buildings. This amendment enabled greater flexibility for existing homes and a range of housing options within neighborhoods, created new zoning standards along transportation corridors identified in *planBTV*, and brought Burlington into compliance with Act 47 of 2023 of the VT Legislature.

During its discussion of the proposed Neighborhood Code amendments in the fall and winter of 2023, the Joint Neighborhood Code Committee bifurcated the Code to facilitate discussion of the Code's core concepts while reserving later discussion for a second package of amendments, establishing the Neighborhood Code: Parts One and Two.

Part One, the amendments adopted in March, made substantive changes to the Comprehensive Development Ordinance, specifically within Article 4 and Appendix A. These changes evolved the residential zoning district standards, allowable uses, and district boundaries.

Part Two was intended to address technical details and related standards necessary for implementing neighborhood-scale infill development across Burlington¹. Office of City Planning staff grouped these amendments into subsequent amendment packages under the broader efforts of Part 2. The most relevant of these packages include:

- Part 2A: Clarifications and technical corrections relevant to Part 1; Additional considerations related to secondary structures².
- Part 2B: Planned Unit Development standards; Standards for Pocket Neighborhood Developments, Rowhouses, and small-lot subdivisions.

The Planning Commission began its work on Part 2A during its meeting on April 23rd. In addition to standards related to secondary structures, amendments considered in Part 2A provided clarifications and corrections relevant to the process and implementation of Neighborhood Code Part 1, including:

- Clarifications made to support the process of implementing the Neighborhood, including the creation of miscellaneous definitions and changes that better reflect the relationship between Accessory Dwelling Units and the newly established allowances for Secondary Structures.
- Consolidation of the applicability of Design Review and the Design Review Overlay zone into one section that provides clearer expectations of what is subject to review, with changes to the Design Review Overlay Zone to provide consistency across the new districts;

¹ Many of these standards were originally included in the "Relationship of Core Zoning Recommendations to other Ordinance Details" chart used in Joint Committee discussions, and some have emerged from additional public discussion at the hearings for Part 1 as well as from inquiries following the adoption of ZA-24-02.

² During the adoption of Part 1, City Council requested on March 25, 2024 that the Commission discuss considerations related to the allowance of secondary structures in the Residential Districts be included in Part 2.

- Technical Corrections, including clarifying the Residential Corridor Zone purpose statement to require frontage on a major thoroughfare; updating zoning for Starr Farm Park; internal reference correction

The Planning Commission discussed the aforementioned topics throughout seven meetings, establishing a set of amendments that addressed the issues listed above while leaving some existing and previously adopted standards unchanged. The Planning Commission recommended Part 2A (ZA-24-04) to the City Council on August 27, 2024.

The City Council Ordinance Committee discussed the amendment at its 9/11 and 9/16 meetings, focusing its discussions on standards related to Secondary Structures, the ability to build which was delayed until October 1, as per the Council's adopting resolution in March 2024.

Ultimately, the City Council adopted Part 2A-1 (ZA-24-04) on October 28, 2024, which included considerations for secondary structures and recommended technical corrections. The remaining recommendations from the Planning Commission, those unrelated to Secondary Structures and more substantive than technical, remained with the City Council Ordinance Committee awaiting further discussion.

To limit confusion, Office of City Planning staff requested that the set of recommendations held by the Ordinance Committee be referred back to the Planning Commission. Staff recommends that these remaining amendments, now referred to as "Neighborhood Code Part 2A-2" (ZA-25-07), be appended to the forthcoming Neighborhood Code Part 2B amendment.

Proposed Amendment: ZA-24-04

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment augments supports the broader goals of the Neighborhood Code providing necessary clarification to the relationship between secondary buildings allowed in the residential standards and citywide provisions for Accessory Dwelling Units, streamlines ordinance sections related to Design Review applicability, and addresses standards for residential development bonuses.

1. ***Amendment to Article 3: Applications, Permits and Project Reviews***
 - Amends Sec. 3.3.3 (a) 5 by adding "the creation of an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling as described in Sec. 4.4.5 (d) 4. D." to developments exempt from Impact Fees. The purpose of this change is to explicitly state that the creation of one additional unit on a lot with an Owner Occupied Single Detached Dwellings is exempt from Impact Fees, which is relevant to changes made in Sec. 4.4.5 4. (d) 4. that clarifies the relationship between secondary residential structures allowed in residential districts and citywide provisions for Accessory Dwelling Units (ADUs).
2. ***Amendments to both Article 3 – Application, Permits, and Project Reviews and Article 4 - Zoning Maps and Districts to clarify design review standards and expectations***
 - Deletes Sec. 4.5.1 Design Review Overlay District and moves *Map 4.5.1-1 Design Review Overlay to become Map 3.4.2-1*. By starting with the map of where Design Review is applicable, it presumes that all of the project types listed under 3.4.2 (b) 2. are subject to Design Review within the overlay district. Section 3.4.2 (b) 2 is retained to provide clarity that projects within this list will still be subject to design review despite being outside of the Design Review Overlay District.
 - Corrects *Map 4.5.1-1 Design Review Overlay* (which will be re-named as *Map 3.4.2-1*) to resolve any gaps between current Design Review Overlay District and the changes in district boundaries made in ZA-24-02 by including areas that were previously re-zoned from RL to RM or RC as part of the Design Review Overlay District.

- Amends Sec. 3.4.2 (b) to explicitly state that "Single detached dwellings and duplex dwellings within an RL district not otherwise subject to any of the above provisions." By excluding the requirement that duplexes in RL districts are subject to Design Review aims to facilitate the development of this housing type in the RL District.
3. Amends *Article 4 – Zoning Maps and Districts* to make the following clarifications:
- Updates density & intensity standards that apply to projects utilizing Residential Development Bonuses to be consistent with standards used in Tables 4.4.5-1 & 4.4.5-2 and Article 11
 - Creates an exception to Maximum Building Footprint Limits under Sec. 4.4.5 (d) 2.D, confirming that existing structures in excess of the building footprint limits in *Table 4.4.5-2* shall not be considered non-conforming and cross-references provisions in *Articles 5* and *11* that would allow for their reuse and/or expansion. This correction aligns with the District's purpose of allowing neighborhood-serving commercial uses.
 - Creates new standards for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.). The purpose of this section is to streamline the ordinance in an effort to make understanding ADU requirements less complex for the general user. This standard aims to enable a situation where, if someone adds an additional unit in an owner-occupied unit or if they build a single-unit secondary structure meeting these requirements, they can benefit from incentives including the admin review and the waiver of impact fees.
 - Collapses ADU requirements from Article 3 into Section 4.4.5 under the incentive for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.) in an effort to clarify the relationship between secondary structures and ADUs, as described above.
4. Amends *Article 5 – Citywide General Regulations* in the following ways:
- Removes the exception to lot cover related to Accessory Dwelling Units (Sec. 5.2.3 (b) 10.), which was taken into consideration when modestly increasing lot cover standards in ZA-24-02.

Relationship to *planBTV*

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

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

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent in many respects with the Land Use and Density-related policies of *planBTV*. Generally, the slow pace of housing construction and rising housing costs are noted as one of the biggest challenges facing Burlington. Since the Plan's adoption, these challenges have become more pronounced. The foundational policy response to this challenge is the Plan's call to "identify and address unintended or unnecessary barriers to creating new housing and commercial spaces within parts of the city that are suitable to accommodate additional development." To that end, these amendments are intended to provide clarification about the standards and processes regulating residential construction in Burlington's neighborhoods for the public and staff.

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."

Impact on Safe & Affordable Housing

The amendment addresses safe and affordable housing in the following ways:

- In creating additional opportunities in some areas for developments where five or more homes are constructed, the amendment will help produce more purpose-built affordable homes through the Article 9 Inclusionary Zoning standards.
- In removing barriers to housing construction for all developers, including affordable housing developers, the amendment significantly expands the areas where such developers may operate and provide homes at scale.
- In facilitating the creation of more homes throughout the city, the amendment should help to slow the growth in housing costs as they relate to an undersupply.
- In facilitating greater choice in the housing market, the amendment will create expanded opportunities for aging-in-place, homes for individuals with disabilities who may require on-site assistance, and other types of supportive housing.
- Confirms established zoning standards facilitating Accessory Dwelling Unit construction, which are consistent with Objective 9.1.

Planned Community Facilities

This amendment has no direct impact on planned community facilities, aside from facilitating growth within the city's neighborhoods and thereby expanding the population of individuals with proximate access to such facilities.

Process Overview

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

Planning Commission Process					
Draft Amendment prepared by: Staff 6/25/24	Presentation to & discussion by Commission: 4/23, 5/14, 5/28, 6/11, 6/25, 7/9, 7/23	Approve for Public Hearing: 7/23/24	Public Hearing 8/27/24	Approved & forwarded to Council: 8/27/24	
City Council Process					
First Read & Referral to Ordinance Cmte 9/9/2024	Referred back to Planning Commission: 1/28/25	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

Neighborhood Code Part 2A-2: Remaining Clarifications

ZA-25-07



Neighborhood Code Part 2-A (2): **Secondary Structures + ADUs**

The following proposed changes address relationship between secondary buildings and citywide provisions for Accessory Dwelling Units (ADUs)

Recommendations:

- Remove CDO Sec. 5.4.5: Accessory Dwelling Units from Article 5
- **Establish standards for Additional Unit on lot or with in Owner Occupied Single Detached Dwelling under Sec. 4.4.5-4. (d) 4.**
- Clarify that the creation of an ADU as described in under Sec. 4.4.5-4. (d) 4. is exempt from impact fees under Sec. 3.3.3 (a) 5.

D. Additional Unit on lot or with in Owner Occupied Single Detached Dwelling

Where an existing Principal Structure in any Residential Zoning District contains only an owner-occupied Single Detached Dwelling, and an applicant proposes to add a single additional ***dwelling unit*** within the Principal Structure or within a detached Secondary Structure on the same lot as the owner-occupied home, the application shall be ~~eligible to be reviewed under~~ ***subject to*** administrative review and waived of impact fees, ***according to Sec. 3.3.3.***, except where otherwise required.

Neighborhood Code Part 2-A (2): **Secondary Structures + ADUs**

The following proposed changes address the relationship between secondary buildings and citywide provisions for Accessory Dwelling Units (ADUs)

Recommendations:

- Remove CDO Sec. 5.4.5: Accessory Dwelling Units from Article 5
- Establish standards for Additional Unit on lot or with in Owner Occupied Single Detached Dwelling under Sec. 4.4.5-4. (d) 4.
- **Clarify that the creation of an ADU as described in under Sec. 4.4.5-4. (d) 4. is exempt from impact fees under Sec. 3.3.3 (a) 5.**

Sec 3.3.3 Exemptions and Waivers

(a) Exemptions:

The following types of development are exempt from this Part:

1. – 4. *As written*

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

Neighborhood Code Part 2-A (2):

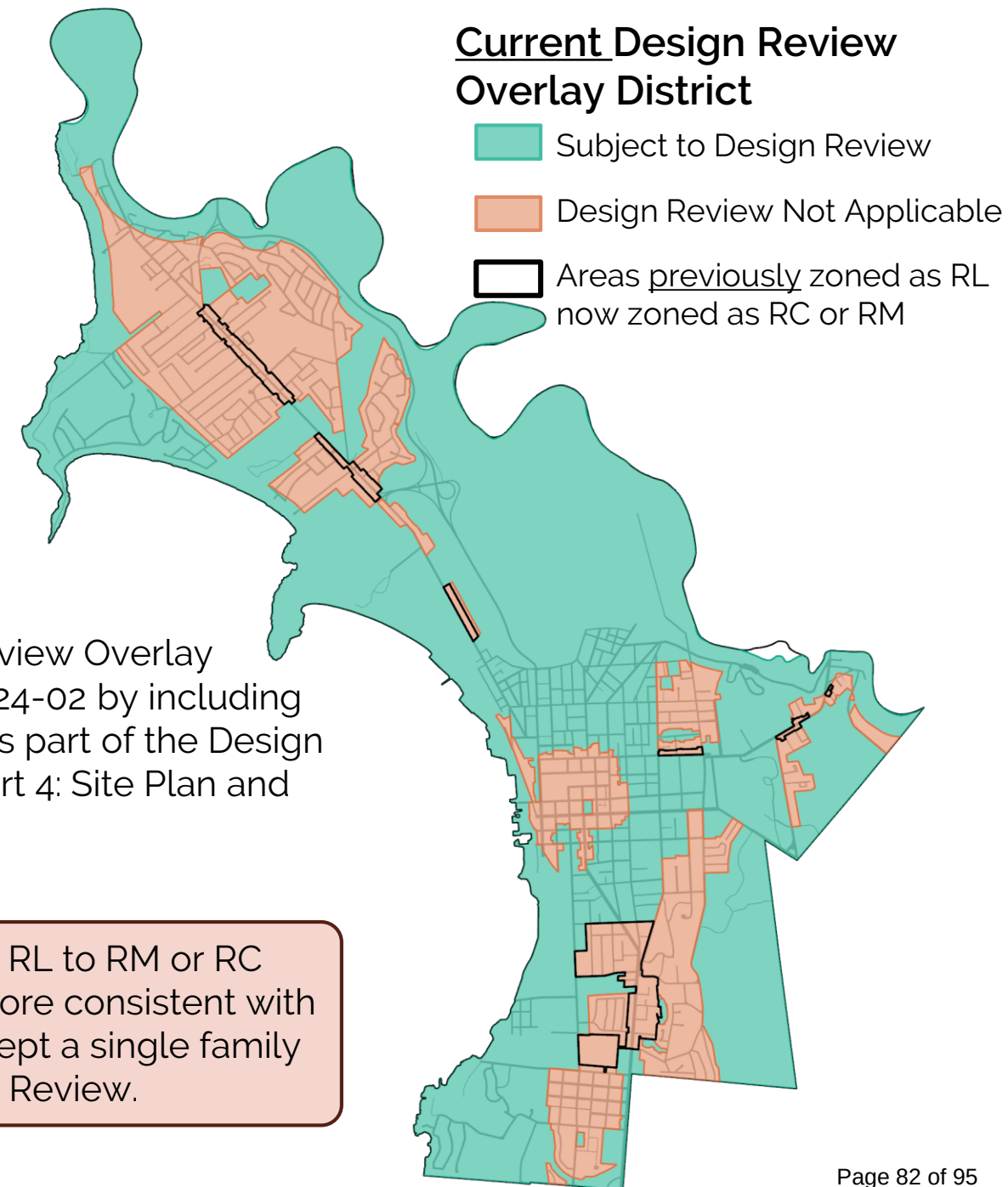
Map 4.5.1-1: Design Review Overlay District

*The following changes proposed to Design Review **do not fundamentally change the applicability of design review**, but seek to make the standards and requirements more clear and address the need for continuity and ease of reference.*

Map 4.5.1-1: Design Review Overlay District

- **Proposal: (1)** Resolve any gaps between current Design Review Overlay District and the changes in district boundaries made in ZA-24-02 by including areas that were previously re-zoned from RL to RM or RC as part of the Design Review Overlay District. **(2)** Move Map 4.5.1-1 to Article 3, Part 4: Site Plan and Design Review.

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



Neighborhood Code Part 2-A (2):

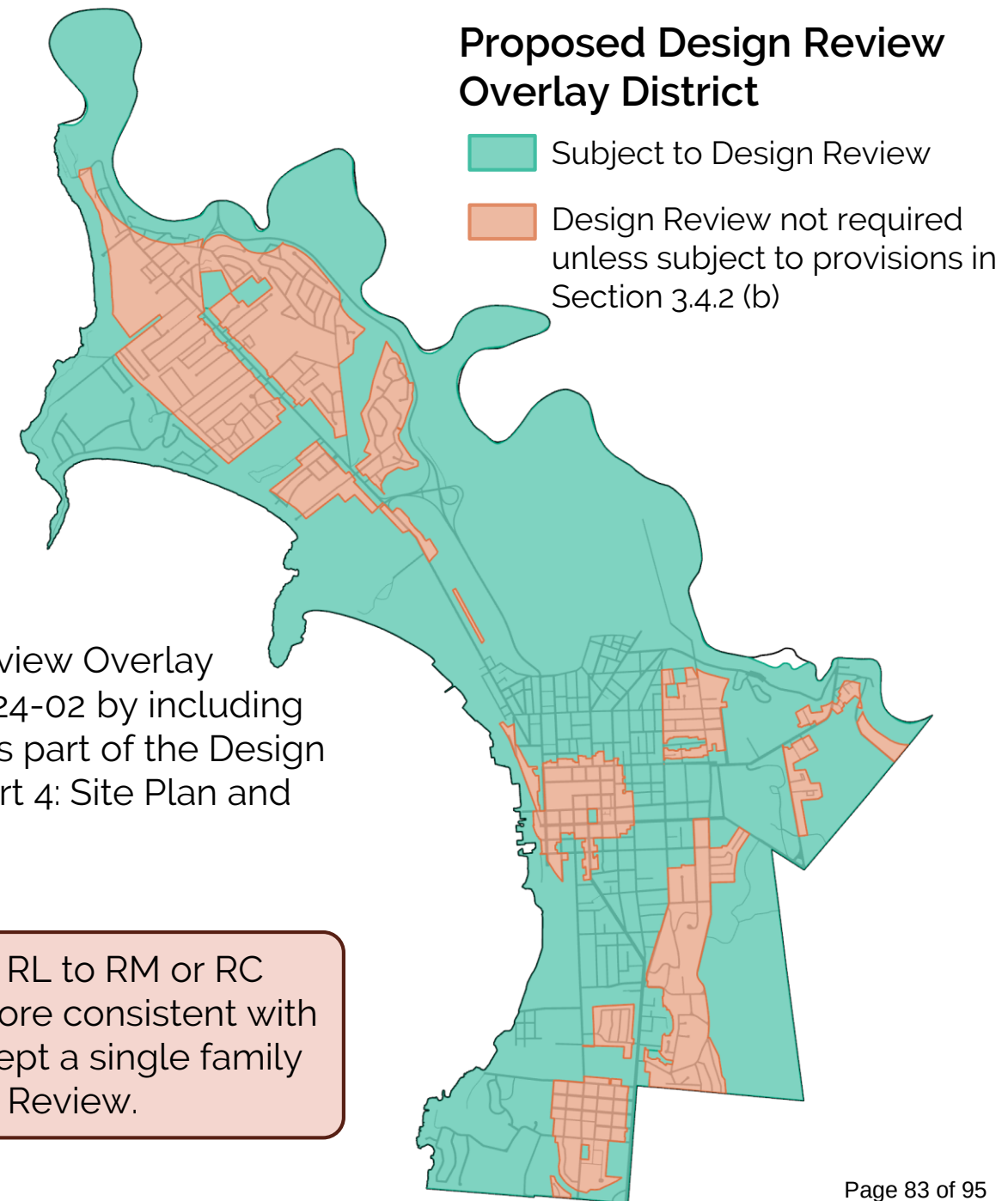
Map 4.5.1-1: Design Review Overlay District

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Map 4.5.1-1: Design Review Overlay District

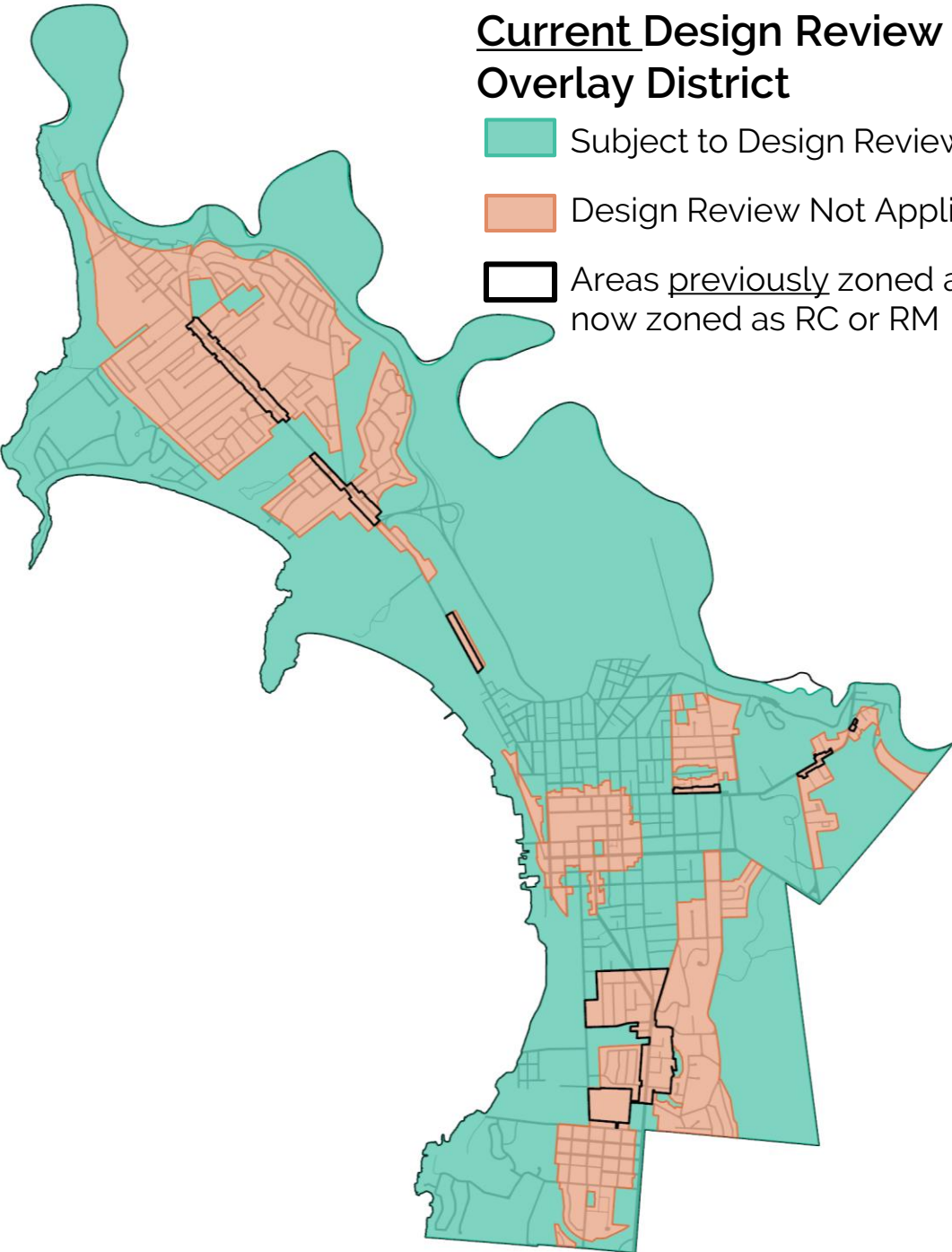
- **Proposal: (1)** Resolve any gaps between current Design Review Overlay District and the changes in district boundaries made in ZA-24-02 by including areas that were previously re-zoned from RL to RM or RC as part of the Design Review Overlay District. **(2)** Move Map 4.5.1-1 to Article 3, Part 4: Site Plan and Design Review

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



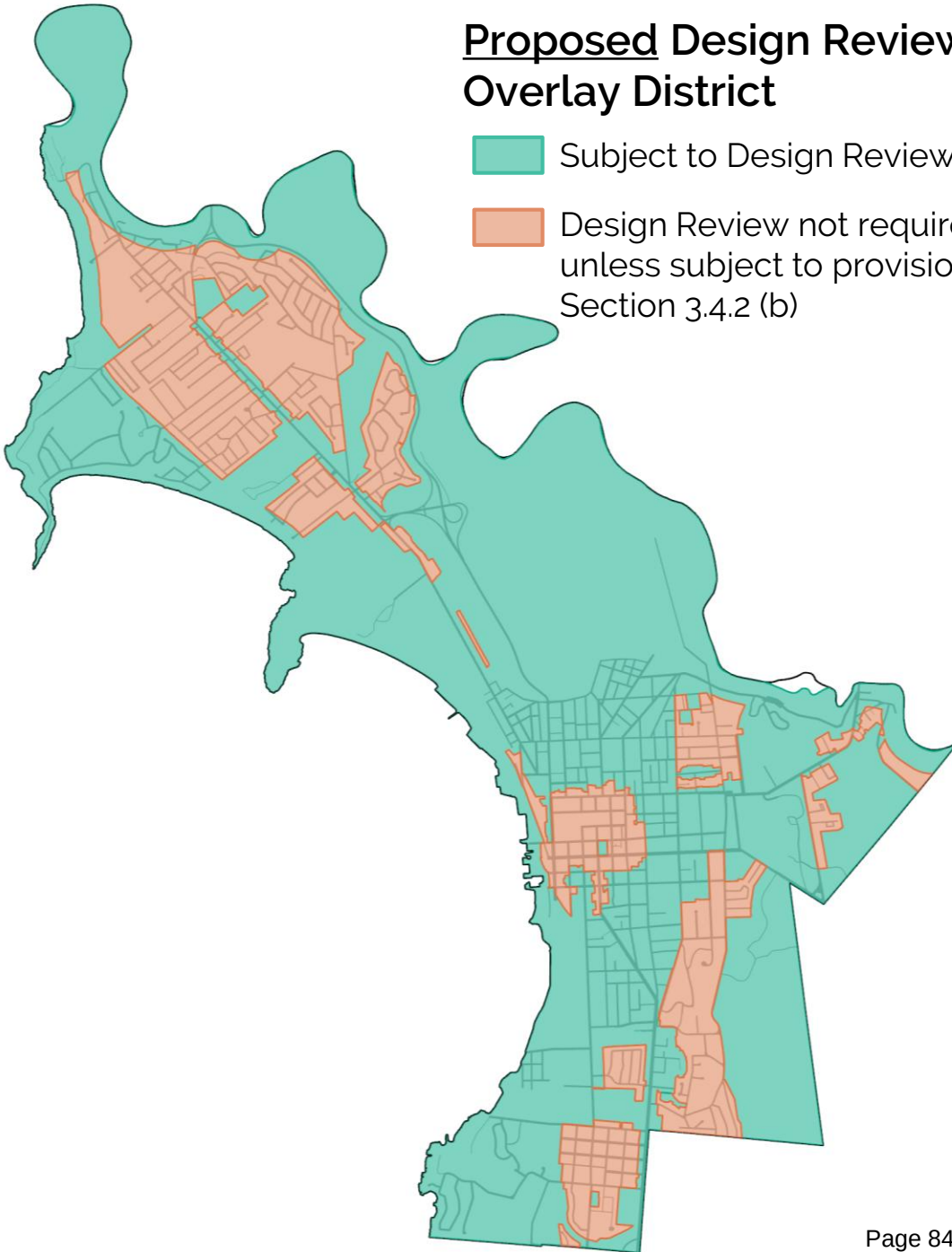
**Current Design Review
Overlay District**

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



**Proposed Design Review
Overlay District**

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



Recommended Ordinance Change:

Article 3, Part 4: Site Plan and Design Review

*The following changes proposed to Design Review **do not fundamentally change the applicability of design review**, but seek to make the standards and requirements more clear and address the need for continuity and ease of reference.*

Sec. 3.4.2 Applicability

- **Proposal:** Move Map 4.5.1-1 into Section 3.4.2

Rationale: By starting with the map of where Design Review is applicable, it presumes that all of the project types listed under 3.4.2 (b) 2. are subject to Design Review within the overlay district. Section 3.4.2 (b) 2 is retained to provide clarity that projects within this list will still be subject to design review despite being outside of the Design Review Overlay District.

- **Proposal:** Include language acknowledging that “single detached dwellings and duplex dwellings within an RL district are not otherwise subject to any of the above provisions.

Rationale: This change aims to facilitate the development of duplexes in residential districts

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

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

- **Proposal:** Clarify the bonus referenced specifically applies exclusively for projects containing housing for Older Persons (as defined by the federal Fair Housing Act) and/or individuals with disabilities (as defined by the federal Americans with Disabilities Act).

Rationale: The intent of this change is to clarify that only projects providing housing exclusively for these populations, as defined by the FHA and ADA, are eligible for the bonus.

- **Proposal (Sec. 4.4.5 (d) 1. B. (i) c):** Eliminate the bonus of an additional 10 feet of building height for the current Senior Housing Bonus.

Rationale: Act 47 provides an additional story of height to projects including at least 20% affordable housing. Thus, the bonus' application to projects providing a minimum of 25% affordable housing makes the current height bonus redundant and unnecessary.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

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

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

Rationale: The focus here is on converting a non-conforming and non-residential use in a residential area to residential. This takes the approach that any existing non-conformity can be retained, but repurposed into residential uses with whatever # of units works within those limits.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

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

- **Proposal: (1)** Clarifies the administration of projects meeting multiple bonus standards and **(2)** replaces the use of density with development intensity.

Rationale: The CDO offers multiple bonuses, including those in Articles 4 and 9. When a project qualifies for more than one bonus, including an Art. 9 bonus, it is currently unclear how these are granted.

- **Proposal: (1)** Re-numbers Table 4.4.5-6 to 4.4.5-5 and **(2)** replaces Maximum Density requirements with Maximum FAR requirements, as well as updates Maximum Height and Maximum Lot Coverage requirements.

Rationale: Table 4.4.5-5 is amended to reflect replacement of density (DU/acre) with intensity (FAR). All standards are amended to reflect NC II standards. Height bonus is adjusted to accommodate a true additional floor.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

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

- **Proposal:** Create an exception to Maximum Building Footprint Limit under Sec. 4.4.5 (d) 2. D.

Rationale: This answers the question of whether existing buildings that are already larger than the newly adopted building footprints should be allowed to expand.

Sec. 4.4.5 (d) 4.: Miscellaneous Standards

- **Proposal:** Create new standards for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.)

Rationale: These modifications streamline the ordinance in an effort to make understanding ADU requirements less complex for the general user. This standard aims to enable a situation where, if someone adds an additional unit in an owner-occupied unit or if they build a single-unit secondary structure meeting these requirements, they can benefit from incentives including the admin review and the waiver of impact fees.

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-25-06 PlanBTV Downtown Code Parking Setbacks

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 14, Sec. 14.6.7(f) thereof to read as follows:

Article 14: PlanBTV Downtown Code

Sec. 14.6.7 Parking and Circulation

(a-e) *As Written*

(f) **Parking Lots and Parking Areas**

- i. All parked vehicles, vehicle headlights, and interior lighting shall be screened from view from the street and ~~adjacent properties~~Civic Spaces by a Building or a landscaped area as follows:
 - a. A minimum 10-foot wide landscaped area, or a 36-inch high wall within a minimum 5-foot wide landscaped area, with a continuous row of trees and/or shrubs must be provided between the street and ~~the parking lot~~within the First or Second Lot Layer, or at the perimeter of the parking in the case of the adjacency to a Civic Space.
 - b. Plantings must be a minimum of 18-inches in height when planted and must reach a minimum size of 36 inches in height within 3-years of planting.
 - c. Breaks for pedestrian and vehicle access are allowed.
- ii. All Parking Lots and Parking Areas shall be setback a minimum of 5-feet from any side or rear property line that abuts any lot in a residential district or Civic Space.
- iii. Openings shall be combined for ingress/egress and shall not exceed 24-feet in width at the Frontage. Only one such opening per street Frontage may be permitted. Openings may be separated for ingress/egress where they access different Frontages.

* Material stricken out deleted.

** Material underlined added.

Ordinances 2024/ZA-25-06 PlanBTV Downtown Code Parking Setbacks
DRAFT v1.0 02/06/25

TO: Burlington City Council
FROM: Charles Dillard, AICP, Director, Office of City Planning
Sarah Morgan, AICP, Planner
DATE: February 11, 2025
RE: Proposed ZA-25-06 Downtown Form

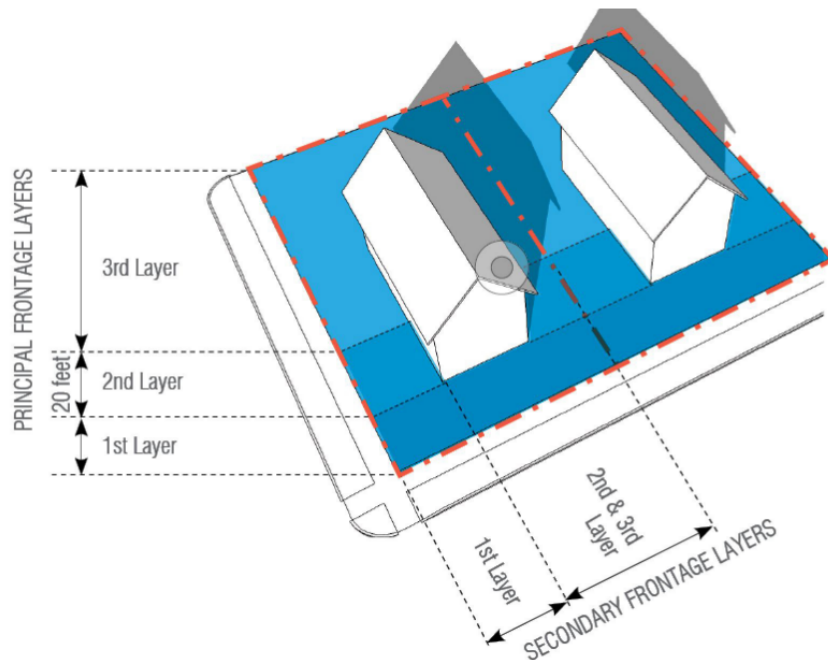
1. Overview & Background

The PlanBTV Downtown Code, Article 14 of the CDO (or, the Form Code), establishes parking and circulation standards that are intended to balance parking needs with the form-based code's objective of facilitating a walkable downtown. The Form Code's standards regulate all facets of parking, including driveways, loading, structures, parking lots and parking areas. Of those final two, the Form Code differentiates between a Parking Lot, defined as "an off-street, ground level, open area within a Lot for parking vehicles as an independent commercial Principal Use." A Parking Area is defined as, "an off-street, ground-level open area within a Lot for parking vehicles as an Accessory Use incidental to a Principal Use of the Lot." The Form Code makes clear that Parking Lot and Parking Area are not synonymous.

For both Parking Lots and Parking Areas, the Form Code establishes standards aimed at mediating the relationship of Parking Lots and Areas and adjacent properties and the street. Regarding the former, the Form Code currently requires a minimum 10-foot wide landscaped area or a five foot landscaped area accompanied by a 36-inch wall, all with a continuous row of trees and/or shrubs between the street and the parking. The Form Code also requires a minimum five foot setback between any Parking Lot or Parking Area and the side and rear property lines. Both standards are critical to maintaining a safe, comfortable and pleasant pedestrian experience. However, the standards have consequences for portions of the lot that are at a significant distance from the street, even in places that would have little impact on the pedestrian experience. In particular, setback standards within the Third Lot Layer have proven challenging for property owners seeking to provide parking for building users. The Form Code's Lot Layer definitions are described in the excerpt below:

Lot Layers. Lots are composed of three Lot Layers as shown in [Illustration 14.6.3-A \(Lot Layers\)](#).

- i. First Lot Layer: that portion of a Lot between the Frontage Line and the Façade of a Principal Building.
- ii. Second Lot Layer: that portion of a Lot extending 20 feet back from and parallel to the Façade of a Principal Building.
- iii. Third Lot Layer: that portion of a Lot bounded by (a) the Second Lot Layer and (b) the Rear Lot Line.



Given these challenges, this amendment seeks to provide some flexibility while retaining the overall mission of the Form Code to promote a highly walkable and attractive Downtown.

Proposed Amendment: ZA-24-06

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment amends parking setback standards in Article 14 that provide needed flexibility to owners and operators of constrained Downtown properties. These limited amendments will improve the feasibility of managing Downtown properties while respecting the Form Code's and Downtown Plan's vision of a walkable Downtown.

1. Amendment to Article 14: PlanBTV Downtown Code

- Amends Sec. 14.6.7.i Parking and Circulation in the following ways:
 - Clarifies that parked vehicles, vehicle headlights and interior lighting shall be screened from view from the street and Civic Spaces and removes this protection from adjacent properties. In reality, screening all vehicles, headlights and interior lighting from structures from adjacent properties is not practical.
 - Amends 14.6.7.f.i.a to only require a landscaped buffer or combination buffer and wall in the First and Second Lot Layers of a property. Importantly, the amendment retains the buffer protection to all portions of a lot adjacent to a Civic Space.

- o Amends 14.6.7.f.ii to require the established five foot setback at side and rear property lines only when abutting adjacent properties in a Residential district or a Civic Space.

Relationship to *planBTV*

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

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

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent in many respects with the Land Use and Density-related policies of *planBTV*. Generally, the amendment provides some needed flexibility and balance between the vision of a walkable downtown with remaining imperatives to accommodate cars and parking. Providing for reasonable modifications to parking setback will make use of constrained Downtown sites more feasible.

Impact on Safe & Affordable Housing

The amendment has no impact on Safe & Affordable Housing

Planned Community Facilities

This amendment has no direct impact on planned community facilities, aside from potentially facilitating some facilities parking needs in the Downtown area.

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 2/7/25	Presentation to & discussion by Commission: 2/11/25		Approve for Public Hearing:	Public Hearing	Approved & forwarded to Council:
City Council Process					
First Read & Referral to Ordinance Cmte	Referred back to Planning Commission:	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

Burlington Planning Commission

Tuesday January 28, 2025, 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, Director
☒ Sarah Morgan, Planner
☒ Scott Gustin, Zoning Division Manager

Public Attendance: Sharon Bushor, Kirsten Merriam Shapiro

1. Agenda

Call to Order: 6:30pm

Changes to Agenda: No Changes, but C. Dillard indicates there is new material that Staff is introducing as part of ZA-25-02.

2. Chair's Report (A. Montroll)

Andy offers congratulations to Charles and Sarah for a great event in the New North End and that he thought the event was well done.

3. Director's Report (C. Dillard)

Charles offers kudos to Sarah for organizing the New North End Neighborhood Plan kick-off event on 1/23 and provides a few highlights Event took place at St. Marks. City Planning invited colleagues at DPI and Parks to also do outreach on the Open Space Plan, and folks from Walk to Shop were also invited to participate. Erin Malone and Andy Montroll were there, and the Mayor was able to attend for about an hour. All three New North End city councilors stayed nearly the entire meeting. Consultant team had a great time, and there is a lot of feedback to collect and summarize, and we'll be doing that over the next couple of weeks.

4. Public Forum

<u>Name(s)</u>	<u>Comment</u>
Sharon Bushor:	See communication included in Commissioner Packet.

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

Action: No Action, discussion to continue next week.

Motion by: N/A

Seconded by: N/A

Vote: N/A

Discussion Notes [\(See recording for full discussion\):](#)

Planning received notice from City Council Ordinance Committee that they have a lot on their agenda and haven't had a chance to address the Neighborhood Code topics that were partitioned off ZA-24-04 back in October, and those remaining amendments are returning to Planning Commission. Next meeting, Planning Commissioners will review and discuss whether

to merge the amendments into Neighborhood Code 2B. No guidance for revisions was included in as part of this referral back to Planning Commission, given that this was done at the request of Staff. Logistically, it's better to have one singular package. Additionally, these amendments no longer have an assigned zoning number. A. Montroll notes that, in terms of logistics, we are almost into February and the election for City Council is in March. The new Council takes over at the beginning of April. At this stage, we are unlikely to get the amendments in front of the current council.

When reviewing Rowhouse Standards, A. Montroll asks whether Rowhouses are required to have street frontage. C. Dillard replies that yes, that is required, but Staff can look into examples for cases where Rowhouses are not fronting on roadways. E. Malone, in response to A. Montroll's question, indicates that housing type may no longer be called a Rowhouse, and that Rowhouses are typically oriented towards a street. J. Randall asks whether these questions would be better addressed as flag lots.

Related to PUDs, S. Morgan notes that a new version of the Amendment was added to Civic Clerk, late that afternoon and includes a minimal correction related to the footnote numbering.

C. Dillard introduces a new topic to consider as part of this amendment related to existing structures and building footprints. Kirsten Merriam Shapiro speaks about Champlain Housing Trust property on St. Paul Street.

Following review of ZA-25-02, S. Morgan provides a review of ZA-24-04 as originally recommended by the Planning Commission, indicating which of the recommendations were not included in the final version adopted by Council.

6. Commissioner Items

E. Malone asks Staff how many people came to the event and why it was so successful. S. Morgan answers that we got between 60 – 70 people and emphasizes that the Advisory Committee, made up of approx. residents, has been a great support in sharing information with their own neighbors and the larger community. Additionally, the collaboration across departments for multiple planning efforts probably helped get people there. C. Dillard notes that S. Morgan did a lot of background work in coordinating the event as well.

J. Randall flags that [a report came out earlier in January](#) focused on affordable housing initiatives and was a statewide analysis created as part of Act 181 implementation, and though much of the focus was on things that the Planning Commission doesn't have direct control over, it is a great analysis on available tools that the State is examining for increasing affordable housing more broadly.

7. Adopt Minutes + Accept Communications

Action: Approve minutes and accept communications.

Motion by: A. Friend

Seconded by: E. Mahnke

Vote: Unanimous

Notes or Corrections: N/A

8. Adjournment

Action: Motion to Adjourn

Time of Adjournment: 7:45 pm

Motion by: R. Nick

Seconded by: E. Mahnke

Vote: Unanimous