

Burlington Planning Commission

Tuesday, March 25, 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. Continuation of Public Hearing for Proposed CDO Amendment ZA-25-02: Neighborhood Code - Additional Housing Development Options

Subject	5.1. Continue discussion of Amendment from Public Hearing held on 3/11. Approve the Municipal Bylaw Amendment Report, make changes and refer amendment to Council with recommendation.
Meeting	March 25, 2025 - Planning Commission Agenda - Tuesday, March 25, 2025, 6:30 PM, Burlington Planning Commission
Category	5. Continuation of Public Hearing for Proposed CDO Amendment ZA-25-02: Neighborhood Code - Additional Housing Development Options
Department	Planning
Type	
Recommended Action	

6. VT ACCD Municipal Planning Grant

Subject	6.1. Approve the resolution provided by staff to authorize the Department's application to the Agency of Commerce & Community Development's Municipal Planning Grant.
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Meeting	March 25, 2025 - Planning Commission Agenda - Tuesday, March 25, 2025, 6:30 PM, Burlington Planning Commission
Category	6. VT ACCD Municipal Planning Grant
Department	Planning
Type	
Recommended Action	

7. Proposed CDO Amendment ZA-25-03 SEID Stormwater Standards

Subject	7.1. Continue discussion related to the proposed CDO Amendment ZA-25-03 SEID Stormwater Standards.
Meeting	March 25, 2025 - Planning Commission Agenda - Tuesday, March 25, 2025, 6:30 PM, Burlington Planning Commission
Category	7. Proposed CDO Amendment ZA-25-03 SEID Stormwater Standards
Department	Planning
Type	
Recommended Action	

8. Commissioner Items

9. Adopt Minutes & Communications

Subject	9.1. Review and approve 3/11/25 meeting minutes
Meeting	March 25, 2025 - Planning Commission Agenda - Tuesday, March 25, 2025, 6:30 PM, Burlington Planning Commission
Category	9. Adopt Minutes & Communications
Department	Planning
Type	

10. Adjournment

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Director, Office of City Planning
Sarah Morgan, AICP, Senior Planner
DATE: March 21, 2025
RE: Proposed ZA-25-02 Neighborhood Code – Additional Housing Development Options

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 additional housing development opportunities, including 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 were returned to the Planning Commission and have since been incorporated into this amendment.

Following Planning Commission's decision to warn this amendment for a public hearing, staff worked internally to review the changes and ensure continuity across the CDO. During this amendment's Public Hearing on March 11th, the Planning Commission requested more information and time to review the changes proposed by staff, ultimately deciding to continue the Public Hearing in its meeting on March 25th.

Recommended changes from staff can be seen highlighted in yellow and blue in the attached document titled "ZA-25-02 - Staff Recommendations". Details related to the recommended changes are outlined in Section 5 of this memo.

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

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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**

Pocket Neighborhoods, often referred to as Cottage Courts, are made up of small-scale homes that are typically 1 to 2 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 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. Additionally, the proposed Common Area standards dictate 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 already 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 up 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. Pocket Neighborhoods can have a maximum of 2 Dwelling Units per structure with a maximum building footprint of 1,000ft².

Common Building: Though not required, a common building in a Pocket Neighborhood may be established to be a community building, detached from any homes. Acknowledging the small size of the dwellings in Pocket Neighborhoods, 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.

Staff recommends reviewing the two Fit Tests of Cottage Courts in Burlington created by Opticos Design during the Neighborhood Code process, [which are available online](#).

4. **Planned Unit Developments**

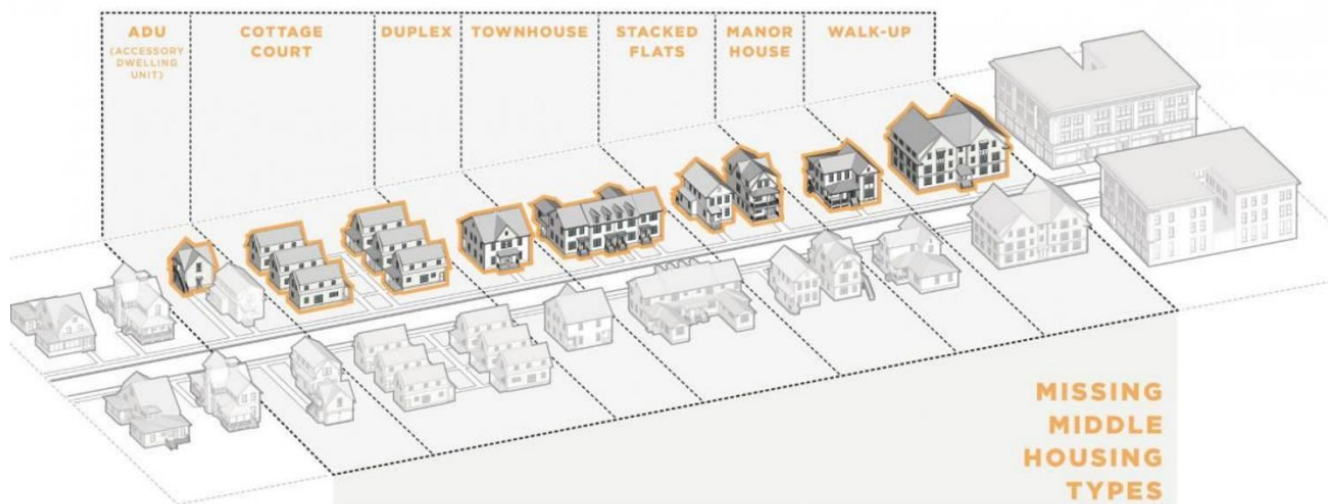
This amendment will modify, at minimum, the following Planned Unit Development standards:

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

During its 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 following images.



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. Recommended Changes from Staff to Consider during Public Hearing

As discussed in Section 1 of this memo, Staff has identified issues related to the continuity of the Comprehensive Development Ordinance as it relates to the proposed amendment. The recommendations outlined below would address these concerns as the CDO is administered:

Recommendation 1: Proposed Footnote Change to Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts – *Staff Recommendations Document, Page 5, Line 72*

- **Creation of Footnote 6:** The Residential – Special Uses category includes a diverse range of housing types, only some of which are broadly appropriate in the Residential districts and likely to have little to no impact to the character and function of Burlington’s neighborhoods. This revision was called for by Planning Commission during its meeting on February 11th, and clarifies which Residential-Special Uses are broadly appropriate and of low-impact and should therefore be exempted from the footprint standards.
- **Creation of Footnote 8:** Prior to the adoption of the Neighborhood Code and the creation of Maximum Building Footprint Limits in Residential Districts, the Neighborhood Commercial Use had their own standards in 4.4.5 (d) 3 iii, which. To remain consistent with Sec. 4.4.5 (d) 3 iii, Staff recommends a footnote that states that “*Maximum Principal and Secondary Structure Footprint Standards shall not apply to Neighborhood Commercial Uses. See Sec. 4.4.5 (d) 3 iii for Neighborhood Commercial Use size limitations.*”

Recommendation 2: Table 4.4.5-4 Rowhouse Lot and Site Standards – *Staff Recommendations Document, Page 9, Line 175*

- **Replace the term “Frontage” with “Width”:** Frontage is a specific regulatory term that describes a building’s relationship to the street. The intent of this standard is merely to regulate the minimum width of the Rowhouse’s property.

Recommendation 3: Sec. 4.4.5 (d) 2 Exceptions to Dimensional Standards – *Staff Recommendations Document, Page 11, Line 192*

- **Additional text in Sec. 4.4.5 (d) 2 D (i) to provide clarity as it relates to Sec. 4.4.5 (d) 2. D (ii):** The existing adopted language allows for the expansion up to 125% of the pre-existing footprint when no units are added, while the language in (i) does not acknowledge this allowance. This revision is proposed for clarity.

Recommendation 4: Sec. 5.2.2 Required Frontage or Access – *Staff Recommendations Document, Page 15, Lines 295-303.*

- **Remove the term “Access Easement” from line 295:** Frontage is defined as “that dimension of the lot which abuts a public street or right-of-way.” Rowhouses developed in the typical arrangement will be oriented toward and have frontage on the street. Rowhouses, particularly those in projects of three or more, are required to have a rear alley for vehicular access but not otherwise required to have frontage on a public ROW. The previously proposed language inadvertently would have required that there be a separate access easement, in addition to the required rear alley, which was not the intention.
- **Remove lines 298 – 301:** There exist and could exist lots that only have frontage on public waters. In these cases, there must be a permanent access for vehicles, especially emergency vehicles.

Recommendation 6: Sec. 11.1.3 General Requirements and Applicability, Table 11.1.3-1 Planned Unit Development Project Size Standards – *Staff Recommendations Document, Page 18*

- **Retain Table 11.1.3-1 Planned Unit Development Project Size Standards:** This table is the only location in the CDO that states that there is no minimum project size for PUDs in the Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM districts. By deleting this table, as proposed in the warned version of the amendment, there would no longer be any indication that these districts allow PUDs.
- **Amend Table 11.1.3-1 Planned Unit Development Project Size Standards:** If this table is retained as recommended above, Staff recommends addressing the contradiction in minimum project size requirements for PUDs in the RCO-RG District. In the current version of the CDO, this table states that the minimum project size for PUDs in the RCO-RG district is 2 acres or more, contradicting Sec. 4.4.6 (c)'s requirement for a minimum of 5 acres.

Recommendation 5: Re-number the proposed Sec. 11.1.4 Residential District Planned Unit Developments to Sec. 11.1.5 – *Staff Recommendations Document, Page 16, Line 365; Pages 18 - 20*

- **Re-number proposed Sec. 11.1.4 to 11.1.5:** Staff had mistakenly proposed the section titled "Residential District Planned Unit Developments" to replace the existing Sec. 11.1.4: Modification of Regulations. To address this, staff recommends the following:
 - Retain Sec. 11.1.4. Modification of Regulations as it currently exists in the CDO.
 - Re-number Sec. 11.1.5 Approval Requirements to Sec. 11.1.6.
 - Re-number Sec. 11.1.6 Non-Residential Facilities to Sec. 11.1.7.
 - Create a new Sec. 11.1.5 for the newly created Residential District Planned Unit Developments standards.

Recommendation 7: Table 11.1.5-1 Residential District Planned Unit Development Intensity Standards – *Staff Recommendations Document, Page 19, Line 437*

- **Establish a third tier for the Residential Corridor District for projects that are less than 0.5 acres:** This change aims to facilitate more intensive development in the RC, similar to what is seen in the Residential High (RH) or Mixed Use districts, which do not have a minimum project size requirement. However, it will still require building footprints that are appropriate and consistent with the character of the surrounding Residential Low (RL) neighborhoods.

Recommendation 8: Table 11.1.5-2: Residential District Planned Unit Development Setback Standards – *Staff Recommendations Document, Page 20, Line 458.*

- **Strike "Or Access Easement" in column header:** PUDs inherently have the ability to arrange buildings along public rights-of-way. It is only in perpendicular Rowhouse arrangements where the allowance for access easements should be granted.

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. 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).

- 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.

2. Amends Article 4 – Zoning Districts and Maps:

- Amends Sec. 4.4.5(d) 1: *Additional Residential Development Permitted* by creating new standards for Pocket Neighborhoods under the reserved sub-section 4.4.5(d) 1 A.
- Creates Sec. 4.4.5(d) 5: *Residential Development Bonuses* and moves standards formerly found in Sec. 4.4.5(d) 1.B into this newly created section, re-formatting sub-sections.
- Amends Sec. 4.4.5(d) 1.B to create new standards for Rowhouses
- 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 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.
- 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.
- 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.

3. Amends Article 5 – Citywide General Standards:

- 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.

4. Amends Article 6 – Development Review Standards:

- Amends Sec. 6.2.2 (h) Building Location to allow rowhouses to be developed perpendicularly to public streets and Sec. 6.2.2 (l) Parking and Circulation to account for the need to screen parking areas

5. 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 2/11/25	Public Hearing 3/11/25	Approved & forwarded to Council	
City Council Process					
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read	Public Hearing	Council Approval & Adoption

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

ZA-25-02: Neighborhood Code - Additional Housing
Development Options

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 of
2 Burlington be and hereby amends Sec. 3.3.3(a) Impact Fee Exceptions and Waivers; Sec. 3.4.2(b) Design Review
3 Applicability; moves Map 4.5.1-1 Design Review Overlay District to Sec. 3.4.2(b) as amended and renumbers Map
4 3.4.2; amends Article 4, Sec. 4.4.5(d) by: modifying Tables 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage
5 Standards in Residential Districts and Table 4.4.5-2 Principal & Secondary Structures Massing and Placement
6 Standards in Residential Districts; replaces the previously Reserved Sec. 4.4.5 (d) 1 A. with Pocket Neighborhoods;
7 modifies the formerly reserved Table 4.4.5-3 to establish Pocket Neighborhood Standards; creates and moves Sec.
8 4.4.5 (d) 1 B. Residential Development Bonuses to a new section, Sec. 4.4.5 (d) 5.; creates Sec. 4.4.5 (d) 2 B.
9 Rowhouses and re-numbers subsequent tables within the subsection; amends the newly-moved Sec. 4.4.5 (d) 5.
10 Residential Development Bonuses by modifying Sec. 4.4.5 (d) 5. A., Sec. 4.4.5 (d) 5. B., Sec. 4.4.5 (d) 5. C., and,
11 deleting Table 4.4.5-5 Residential Conversion Bonus, and renumbering and reformatting subsections and tables;
12 creates Sec. 4.4.5-2 (d) 2. D. Exceptions to Maximum Building Footprint Limit; creates Sec. 4.4.5 (d) 4. D. Additional
13 Unit; deletes Sec. 4.5.1 Design Review Overlay District and reserves section; modifies Sec. 5.2.2 Required Frontage or
14 Access; deletes Sec. 5.2.3 (b) 10 under Exceptions to Lot Coverage.; deletes Sec. 5.4.5 Accessory Dwelling Units;
15 modifies Sec. 6.2.2 (h) Building Location and Orientation and Sec 6.2.2 (l) Parking and Circulation; modifies Sec.
16 11.1.3 General Requirements & Applicability by deleting table 11.1.3-1 Planned Unit Development Project Size
17 Standards; creates Sec. 11.1.4 Residential District Planned Unit Developments; creating Table 11.1.4-1 Planned Unit
18 Development Project Size Standards; creating Table 11.1.4-2 Planned Unit Development Standards; renumbers Secs.
19 11.1.5-7; and modifies Article 13 by creating a definition for Pocket Neighborhoods and Rowhouses; thereof to read as
20 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. – 4. *As Written*

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) *As Written*

(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,

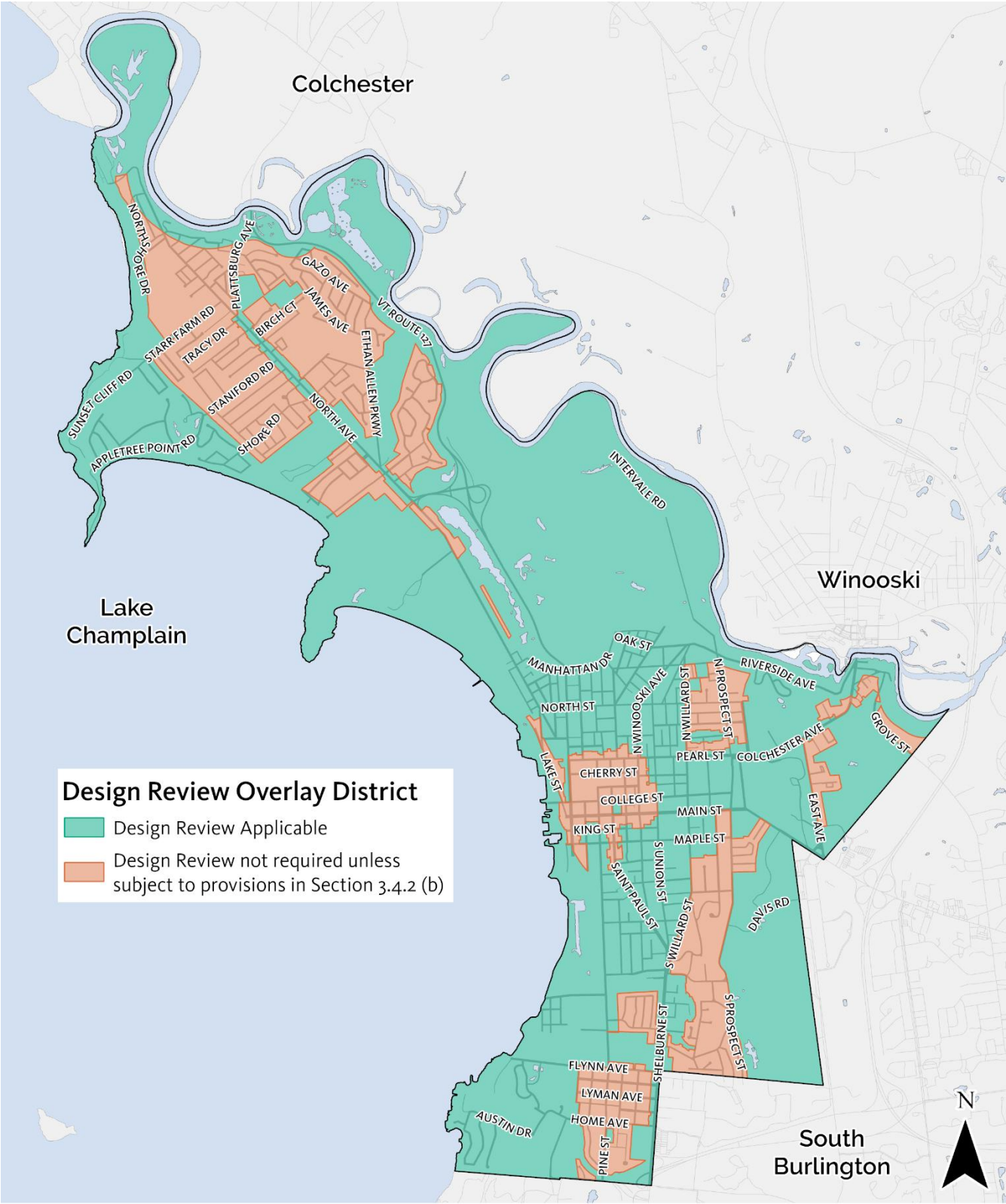
g. A project within an RL District where a building contains 3 or more units or proposes more than one building on a lot subject to Sec. 4.4.5.

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.



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****(a)** *As Written***(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

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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. 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 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.						

(c) **Permitted and Conditional Uses:***As Written*(d) **District Specific Regulations**1. **Additional Residential Development Permitted**

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

A. Reserved 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>
<u>2</u>	<u>Min: 3</u> <u>Max: 12</u>	<u>1,000ft²</u>	<u>30'</u>	<u>3'</u>

(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 Residential Development Bonuses

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

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

Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB for senior housing provided the following conditions are met:

a) No less than twenty-five (25) percent 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) Lot coverage and residential densities shall not exceed the following:

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

<u>District</u>	<u>Maximum Coverage</u>	<u>Maximum Density</u>
<u>RL</u>	<u>44%</u>	<u>20 du/ae</u>
<u>RM</u>	<u>48%</u>	<u>40 du/ae</u>
<u>RH</u>	<u>92%</u>	<u>80 du/ae</u>

(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) 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/ac (8.75 with inclusionary allowance)
RM	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

~~(iii) Limitations on Residential Development Bonuses~~

~~For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.~~

~~In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:~~

~~Table 4.4.5-6 Maximum Intensity, Lot Coverage and Building Heights with Bonuses~~

District	Maximum Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45 feet	92%
RM	40 du/ac	35 feet	72%
RL	20 du/ac	35 feet	62%

~~* 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~~

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

<u>District</u>	<u>Lot Coverage</u>		<u>Setback</u>				<u>Min. Lot Frontage (Individual Fee Simple Lot within Project)</u>
			<u>Project Periphery</u>			<u>Party Wall Boundary (Lot or Structure)</u>	
	<u>Project¹</u>	<u>Lot²</u>	<u>Rear</u>	<u>Side</u>	<u>Front³</u>	<u>Side</u>	
<u>Residential Low (RL)</u>	55%	65%	20 ft.	Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less Max Required: 20 ft	Avg. of front setback 2 adjacent lots on both sides +/- 5 feet Max Required: 20 ft	0 ft.	16 ft
<u>Residential Medium (RM)</u>	65%	65%	15 ft.				
<u>Residential High (RH)</u>	80%	80%					
<u>Residential Corridor (RC)</u>	80%	80%					

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

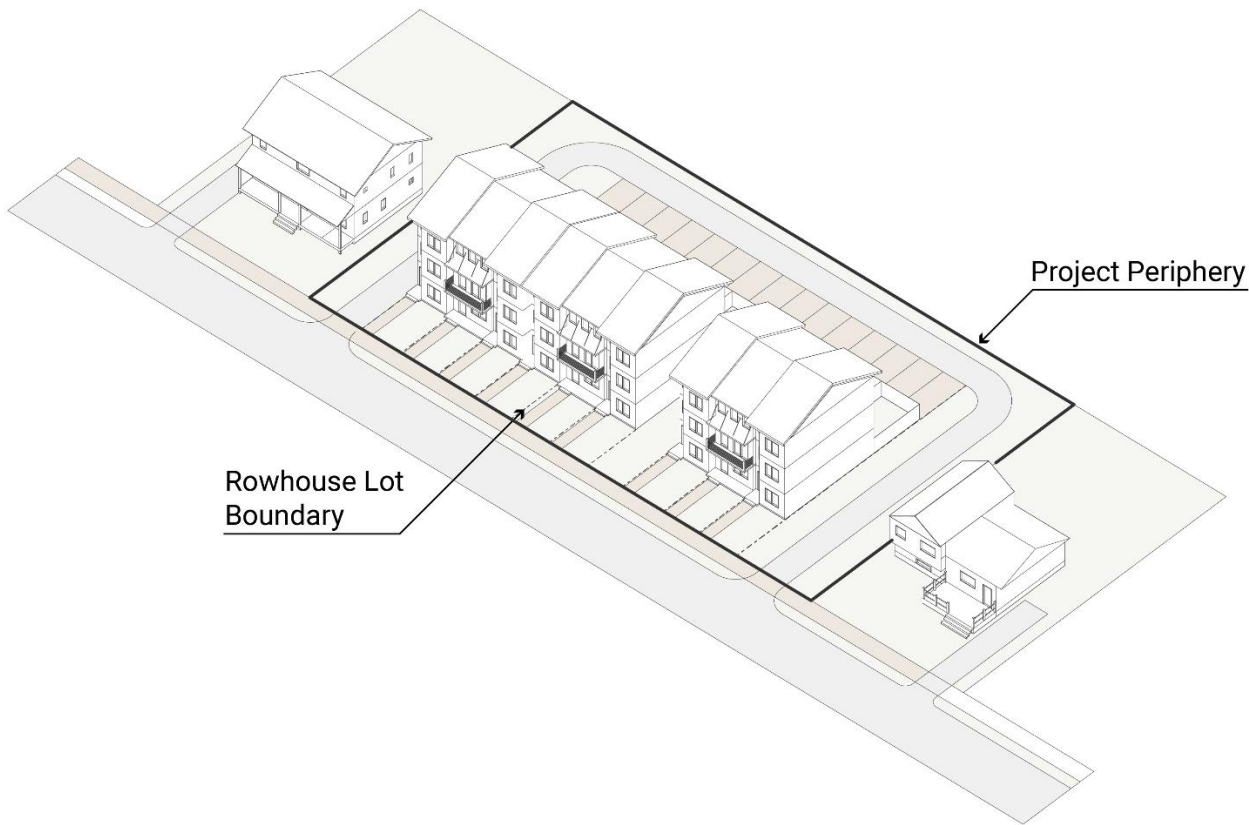


Table 4.4.5-5 Rowhouse Principal & Secondary Structure Massing & Intensity Standards

<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>
			<u>Side</u>	<u>Rear</u>		
<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>

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

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 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.

5. Residential Development Bonuses

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

A. Housing for Older Persons and Individuals with Disabilities Bonus

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

- (i) 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.);
- (ii) The proposal shall be subject to the design review provisions of Art. 6;
- ~~(iii) A maximum of an additional 10 feet of building height may be permitted in the RH District; and,~~
- ~~(iv)(iii) 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 4.4.5-6: 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 <u>stories, 62 ft.</u>

B. 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. Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Residential Conversion Bonus

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

C. 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:

Table 4.4.5-75: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum <u>DensityFAR*</u>	Maximum Height	Maximum Lot Coverage*
RH	80 du/ae 2.0 FAR	45 62-feet	92 90%
RM	40 du/ae 1.75 FAR	35 50-feet	72 65%
RL	20 du/ae 1.5 FAR	35 50-feet	62 55%

*- 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

(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;~~

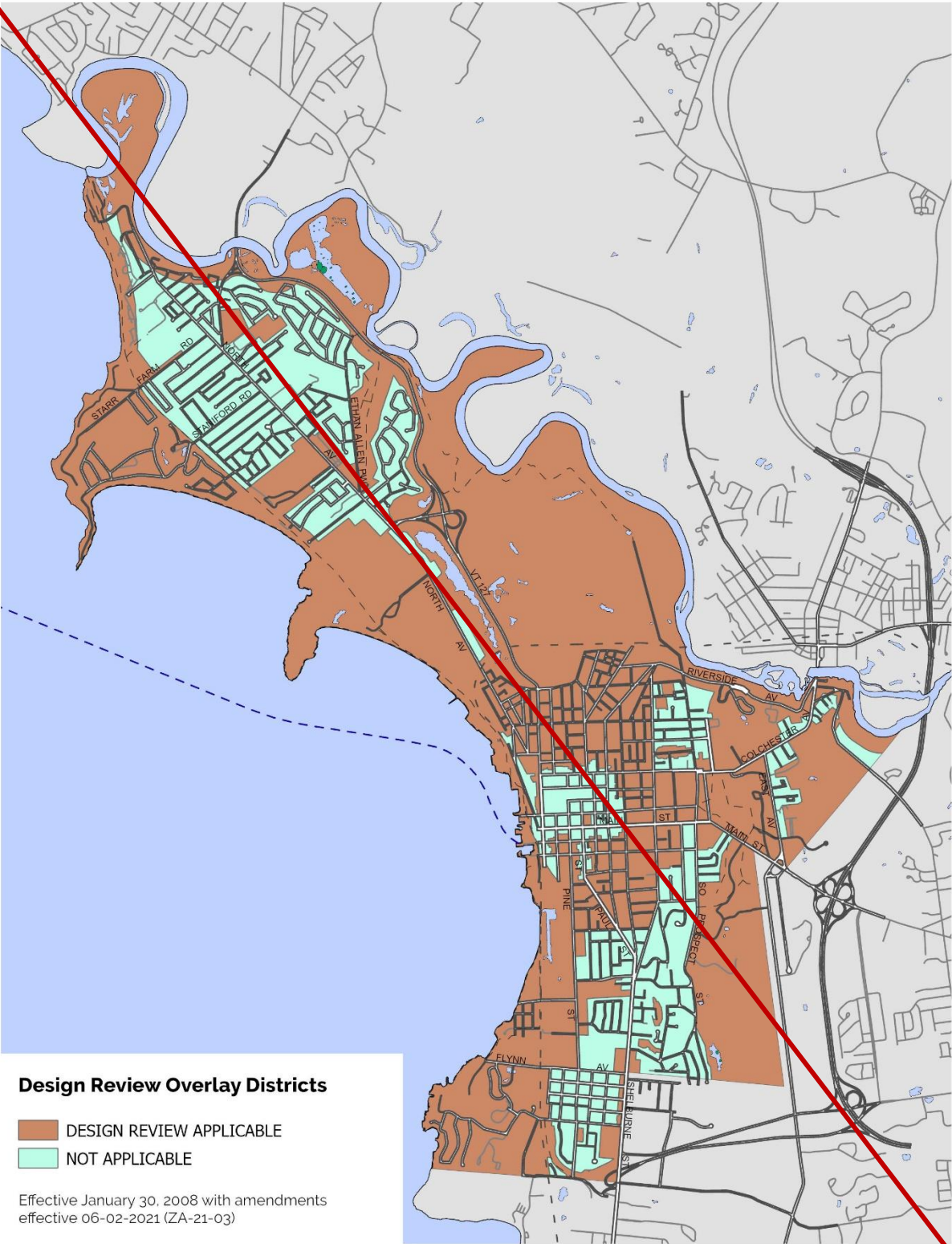
~~(iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett Street; and~~

~~(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

293

294 **Article 5 Citywide General Regulations**295 **PART 2: DIMENSIONAL REQUIREMENTS**296 **Sec. 5.2.2 Required Frontage or Access**

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

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

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

303 **Sec. 5.2.2 Lot Coverage Requirements**

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

307 **(a) Calculating Lot Coverage:**308 *As Written*309 **(b) Exceptions to Lot Coverage:**

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

311 1. through 9. – *As Written*

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

318 **Article 5: Citywide General Regulations**319 **PART 4: SPECIAL USE REGULATIONS**320 **Sec. 5.4.5 Accessory Dwelling Units**321 **(a) Accessory Units, General Standards/Permitted Uses:**

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

328 ~~1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and~~

329 ~~2. The unit does not consist of more than 900 sq.ft., or 30 percent (30%) of the Gross Floor Area of the principal~~
 330 ~~home, whichever is greater; and~~

331 ~~3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and~~

~~4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.~~

(b) Discontinuance of Accessory Units:

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

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

Article 6: Development Review Standards

PART 2: SITE PLAN DESIGN STANDARDS

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 curblin 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. *As Written*

(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. – As Written

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 acres¹

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

Sec. 11.1.4 ~~Modification of Regulations~~ 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.~~
- ~~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.~~

Table 11.1.4 -1 Residential District Planned Unit Development Intensity Standards

<u>District</u>	<u>Project Size</u>	<u>Max. Building Footprint^{1, 2}</u>	<u>Max. Dwelling Units Per Structure³</u>	<u>Max. FAR</u>	<u>Max. Bldg. Height</u>
<u>RL</u>	<u>0.5 – 2.99 Acres</u>	<u>5,000 sq. ft.</u>	<u>12</u>	<u>0.75</u>	
	<u>3+ Acres</u>	<u>15,000 sq. ft.</u>	<u>Bldg. footprint of 5,000 sq. ft or less: 12 units</u> <u>Bldg. footprint greater than 5,000 sq. ft.: N/A</u>		
<u>RM</u>	<u>0.5 – 2.99 Acres</u>	<u>5,000 sq. ft.</u>	<u>12</u>	<u>1.0</u>	<u>3 Stories</u> <u>35 ft.</u>
	<u>3+ Acres</u>	<u>15,000 sq. ft.</u>	<u>Bldg. footprint of 5,000 sq. ft or less: 12 units</u> <u>Bldg. footprint greater than 5,000 sq. ft.: N/A</u>		
<u>RH</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>1.0</u>	<u>4 Stories</u> <u>50 ft.</u>
<u>RC</u>	<u>0.5 – 2.99 Acres</u>	<u>5,000 sq. ft.</u>	<u>N/A</u>	<u>1.0</u>	<u>4 Stories</u> <u>50 ft.</u>
	<u>3+ Acres</u>	<u>15,000 sq. ft.</u>			

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

<u>District</u>	<u>Setback</u>				
	<u>Project Periphery</u>			<u>Front Internal ROW³</u> <u>Or Access Easement</u>	<u>Rowhouse Party Wall Boundary (Lot or Building)</u>
	<u>Rear¹</u>	<u>Front²</u>	<u>Side</u>		
<u>RL</u>	<u>20 ft.</u>	<u>Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u> <u>Max Required: 20'</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' 0 ft.</u>	<u>0' Min</u> <u>20' Max</u>	<u>0 ft.</u>
<u>RM</u>	<u>15 ft.</u>				
<u>RH</u>					
<u>RC</u>		<u>Min Required: 5'</u> <u>Max Required: 20'</u>			

1. 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.
2. 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.
3. 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

Sec. 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.

* Material stricken out deleted.

** Material underlined added.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

In the Year Two Thousand Twenty-Five

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 - Additional Housing
Development Options

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 of
2 Burlington be and hereby amends Sec. 3.3.3(a) Impact Fee Exceptions and Waivers; Sec. 3.4.2(b) Design Review
3 Applicability; moves Map 4.5.1-1 Design Review Overlay District to Sec. 3.4.2(b) as amended and renumbers Map
4 3.4.2; amends Article 4, Sec. 4.4.5(d) by: modifying Tables 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage
5 Standards in Residential Districts and Table 4.4.5-2 Principal & Secondary Structures Massing and Placement
6 Standards in Residential Districts; replaces the previously Reserved Sec. 4.4.5 (d) 1 A. with Pocket Neighborhoods;
7 modifies the formerly reserved Table 4.4.5-3 to establish Pocket Neighborhood Standards; creates and moves Sec.
8 4.4.5 (d) 1 B. Residential Development Bonuses to a new section, Sec. 4.4.5 (d) 5.; creates Sec. 4.4.5 (d) 2 B.
9 Rowhouses and re-numbers subsequent tables within the subsection; amends the newly-moved Sec. 4.4.5 (d) 5.
10 Residential Development Bonuses by modifying Sec. 4.4.5 (d) 5. A., Sec. 4.4.5 (d) 5. B., Sec. 4.4.5 (d) 5. C., and,
11 deleting Table 4.4.5-5 Residential Conversion Bonus, and renumbering and reformatting subsections and tables;
12 creates Sec. 4.4.5-2 (d) 2. D. Exceptions to Maximum Building Footprint Limit; creates Sec. 4.4.5 (d) 4. D. Additional
13 Unit; deletes Sec. 4.5.1 Design Review Overlay District and reserves section; modifies Sec. 5.2.2 Required Frontage or
14 Access; deletes Sec. 5.2.3 (b) 10 under Exceptions to Lot Coverage.; deletes Sec. 5.4.5 Accessory Dwelling Units;
15 modifies Sec. 6.2.2 (h) Building Location and Orientation and Sec 6.2.2 (l) Parking and Circulation; modifies Sec.
16 11.1.3 General Requirements & Applicability by modifying Table 11.1.3-1 Planned Unit Development Project Size
17 Standards; creates Sec. 11.1.5 Residential District Planned Unit Developments; creating Table 11.1.5-1 Planned Unit
18 Development Project Size Standards; creating Table 11.1.5-2 Planned Unit Development Standards; renumbers Secs.
19 11.1.6-7; and modifies Article 13 by creating a definition for Pocket Neighborhoods and Rowhouses; thereof to read as
20 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. – 4. *As Written*

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) *As Written*

(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,

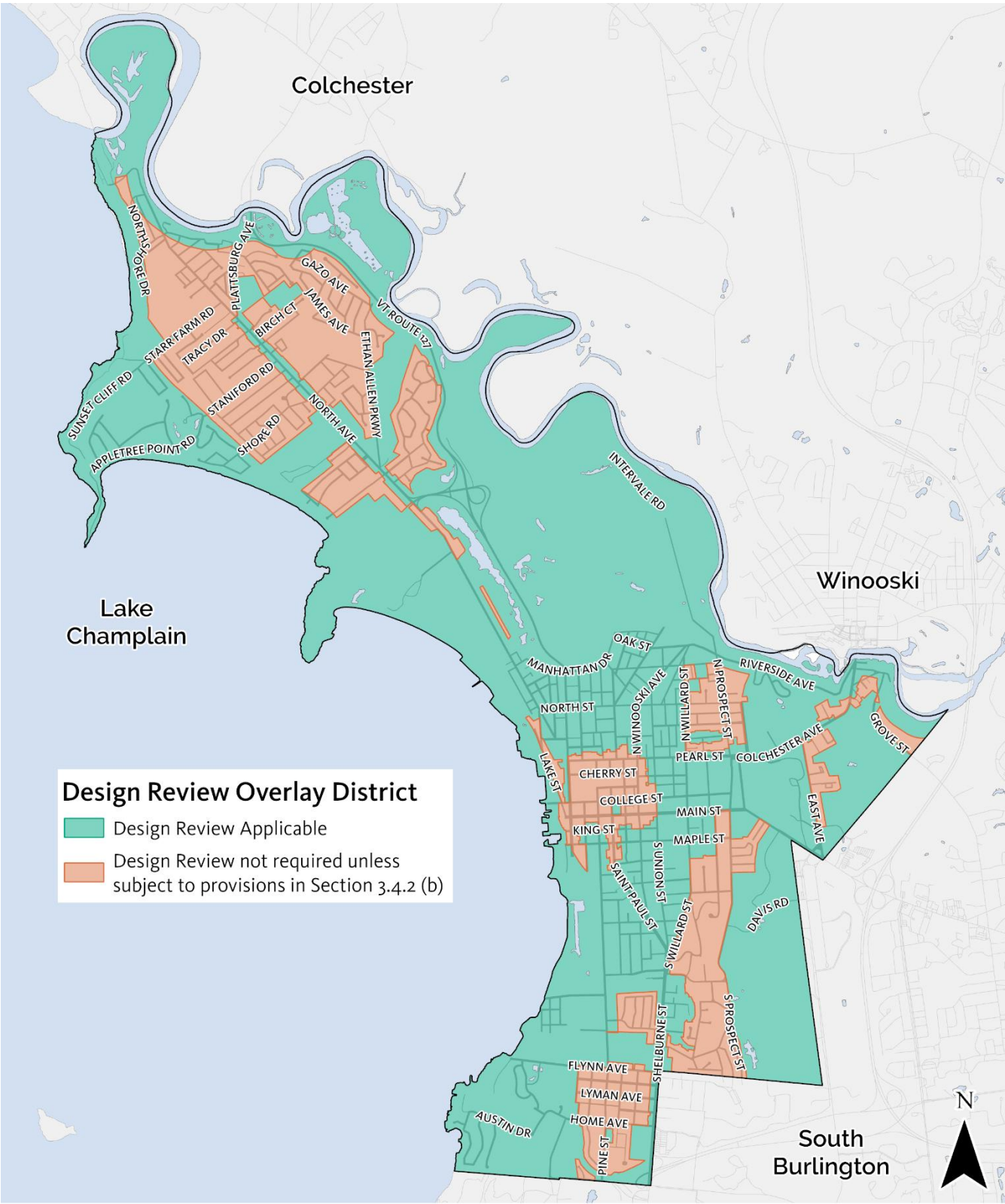
g. A project within an RL District where a building contains 3 or more units or proposes more than one building on a lot subject to Sec. 4.4.5.

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****(a)** *As Written***(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

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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. <u>Where an existing Principal Structure contains only an owner-occupied Single detached dwelling, and proposes to add one additional unit within the Principal Structure or in a Secondary Structure, see additional provisions in Sec. 4.4.5 (d) 4. D.</u> 4. Required on all building 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. <u>Maximum Principal and Secondary Structure Footprint Standards shall not apply to the following Residential – Special Uses: Assisted Living, Community House, Convalescent/Nursing Home, Emergency Shelter, Historic Inn.</u> 5-7. <u>The conversion to a Residential Use of an existing structure exceeding this standard as of January 1, 2025 shall be allowed.</u> 6-8. <u>Maximum Principal and Secondary Structure Footprint Standards shall not apply to Neighborhood Commercial Uses. See Sec. 4.4.5 (d) 3 iii for Neighborhood Commercial Use size limitations.</u>						

(c) **Permitted and Conditional Uses:***As Written*(d) **District Specific Regulations**1. **Additional Residential Development Permitted**

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

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>
<u>2</u>	<u>Min: 3</u> <u>Max: 12</u>	<u>1,000ft²</u>	<u>30'</u>	<u>3'</u>

(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 Residential Development Bonuses

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

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

Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB for senior housing provided the following conditions are met:

a) No less than twenty-five (25) percent 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) Lot coverage and residential densities shall not exceed the following:

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

<u>District</u>	<u>Maximum Coverage</u>	<u>Maximum Density</u>
<u>RL</u>	<u>44%</u>	<u>20 du/ae</u>
<u>RM</u>	<u>48%</u>	<u>40 du/ae</u>
<u>RH</u>	<u>92%</u>	<u>80 du/ae</u>

(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) 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/ac (8.75 with inclusionary allowance)
RM	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

~~(iii) Limitations on Residential Development Bonuses~~

~~For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.~~

~~In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:~~

~~Table 4.4.5-6 Maximum Intensity, Lot Coverage and Building Heights with Bonuses~~

District	Maximum Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45 feet	92%
RM	40 du/ac	35 feet	72%
RL	20 du/ac	35 feet	62%

~~* 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~~

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

<u>District</u>	<u>Lot Coverage</u>		<u>Setback</u>				<u>Min. Lot Frontage Width (Individual Fee Simple Lot within Project)</u>
			<u>Project Periphery</u>			<u>Party Wall Boundary (Lot or Structure)</u>	
	<u>Project</u> ¹	<u>Lot</u> ²	<u>Rear</u>	<u>Side</u>	<u>Front</u> ³	<u>Side</u>	
<u>Residential Low (RL)</u>	55%	65%	20 ft.	<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>	65%	65%	<u>15 ft.</u>				
<u>Residential High (RH)</u>	80%	80%					
<u>Residential Corridor (RC)</u>	80%	80%					

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.

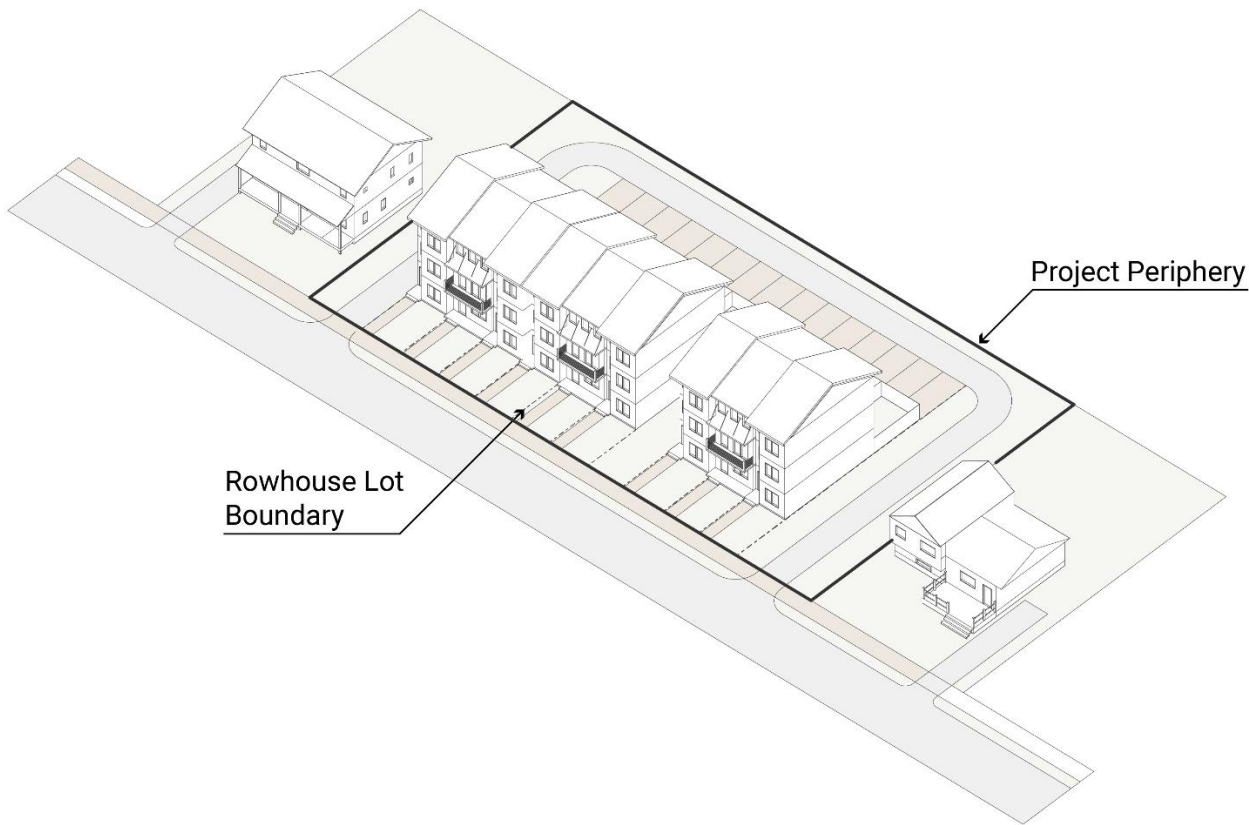


Table 4.4.5-5 Rowhouse Principal & Secondary Structure Massing & Intensity Standards

<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>
			<u>Side</u>	<u>Rear</u>		
<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>

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

2. Exceptions to Dimensional Standards**A. through C – As Written****D. Exceptions to Maximum Building Footprint Limit**

(i) Except as provided for in (ii) below, 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.

~~(i)(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 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.

5. Residential Development Bonuses

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

A. Housing for Older Persons and Individuals with Disabilities Bonus

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

- (i) 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.);
- (ii) The proposal shall be subject to the design review provisions of Art. 6;
- ~~(iii) A maximum of an additional 10 feet of building height may be permitted in the RH District; and,~~
- ~~(iv)(iii)~~ 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 4.4.5-6: 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 <u>stories, 62 ft.</u>

B. 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. 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)

C. Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, and where any applicable development allowances per Article 9 are utilized, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum ~~density~~development intensity, lot coverage, and building height permitted in any district as defined below:

Table 4.4.5-75: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum <u>Density</u> <u>FAR*</u>	Maximum Height	Maximum Lot Coverage*
RH	80 du/ae 2.0 FAR	45 62-feet	92 90%
RM	40 du/ae 1.75 FAR	35 50-feet	72 65%
RL	20 du/ae 1.5 FAR	35 50-feet	62 55%

*- 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

(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;~~

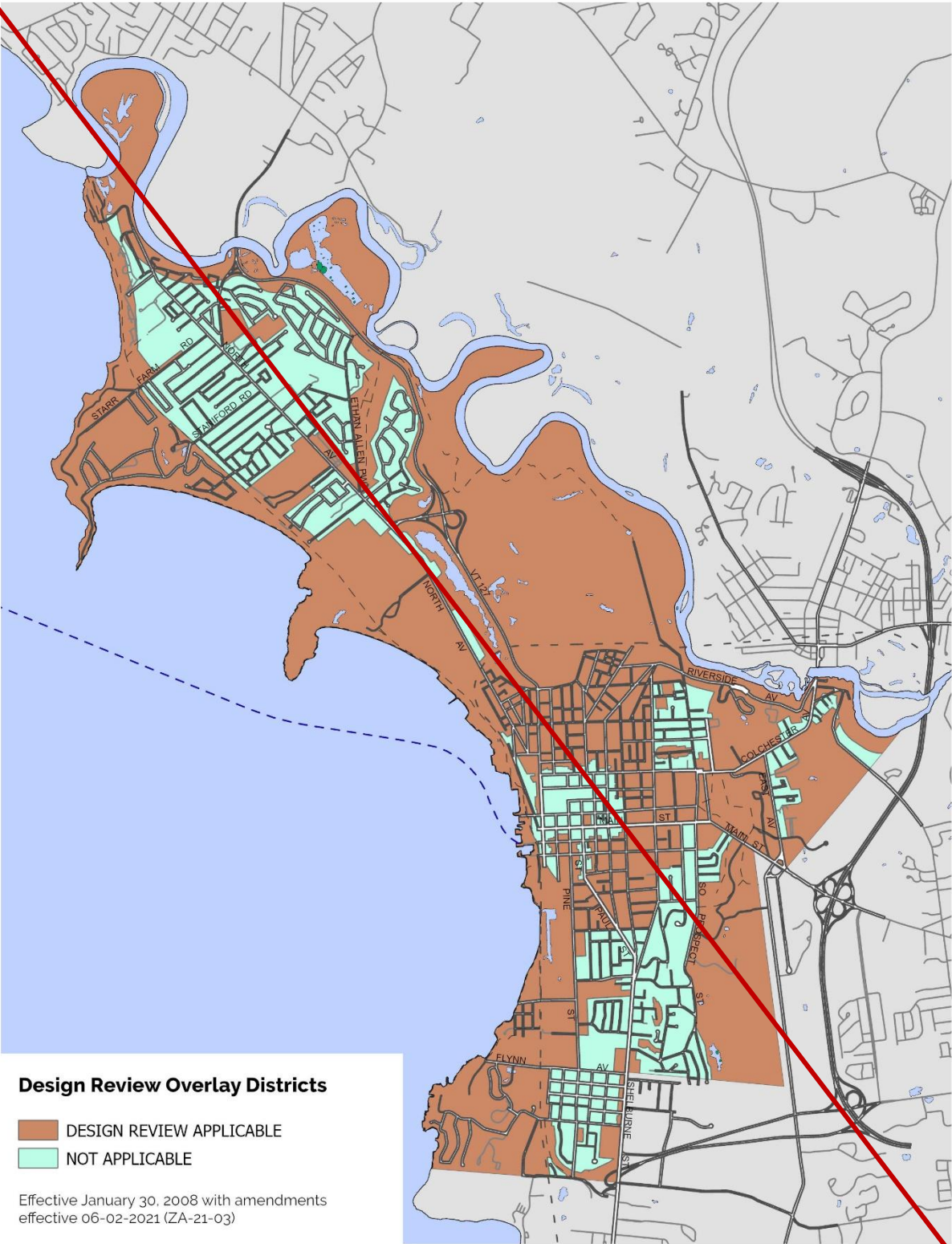
~~(iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett Street; and~~

~~(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****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, ~~except for rowhouses. For rowhouses only, access to such road or waters may be provided by a permanent easement of at least twenty-five (25) feet in width.~~

~~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.~~

Sec. 5.2.3 Lot Coverage Requirements

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

(a) Calculating Lot Coverage:

As Written

(b) Exceptions to Lot Coverage:

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

1. through 9. – *As Written*

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

Article 5: Citywide General Regulations**PART 4: SPECIAL USE REGULATIONS****Sec. 5.4.5 Accessory Dwelling Units****(a) Accessory Units, General Standards/Permitted Uses:**

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

~~1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and~~

~~2. The unit does not consist of more than 900 sq.ft., or 30 percent (30%) of the Gross Floor Area of the principal home, whichever is greater; and~~

~~3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and~~

~~4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.~~

(b) Discontinuance of Accessory Units:

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

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

Article 6: Development Review Standards

PART 2: SITE PLAN DESIGN STANDARDS

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 curblin 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. 11.1.5. 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. *As Written*

(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.** – As Written**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
Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RH, RL, RM, RC	See 11.1.5-1 for additional standards for PUD project sizes in the Residential districts.
RCO-R/G	See 4.4.6 (c) for additional standards for PUD project sizes in the RCO-R/G Districts.

Sec. 11.1.4 Modification of Regulations

As Written

Sec. 11.1.5 ~~Modification of Regulations-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.
- 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 11.1.5-1 and Table 11.1.5-2.

Table 11.1.5 -1 Residential District Planned Unit Development Intensity Standards

<u>District</u>	<u>Project Size</u>	<u>Max. Building Footprint^{1, 2}</u>	<u>Max. Dwelling Units Per Structure³</u>	<u>Max. FAR</u>	<u>Max. Bldg. Height</u>
<u>RL</u>	<u>0.5 – 2.99 Acres</u>	<u>5,000 sq. ft.</u>	<u>12</u>	<u>0.75</u>	
	<u>3+ Acres</u>	<u>15,000 sq. ft.</u>	<u>Bldg. footprint of 5,000 sq. ft or less: 12 units</u> <u>Bldg. footprint greater than 5,000 sq. ft.: N/A</u>		
<u>RM</u>	<u>0.5 – 2.99 Acres</u>	<u>5,000 sq. ft.</u>	<u>12</u>	<u>1.0</u>	<u>3 Stories</u> <u>35 ft.</u>
	<u>3+ Acres</u>	<u>15,000 sq. ft.</u>	<u>Bldg. footprint of 5,000 sq. ft or less: 12 units</u> <u>Bldg. footprint greater than 5,000 sq. ft.: N/A</u>		
<u>RH</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>1.0</u>	<u>4 Stories</u> <u>50 ft.</u>
<u>RC</u>	<u>Less than 0.5 Acres</u>	<u>3,600 sq. ft.</u>	<u>N/A</u>	<u>1.0</u>	<u>4 Stories</u> <u>50 ft.</u>
	<u>0.5 – 2.99 Acres</u>	<u>5,000 sq. ft.</u>			
	<u>3+ Acres</u>	<u>15,000 sq. ft.</u>			

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 11.1.5-2 Residential District Planned Unit Development Setback Standards

<u>District</u>	<u>Setback</u>				
	<u>Project Periphery</u>			<u>Front Internal ROW³ Or Access Easement</u>	<u>Rowhouse Party Wall Boundary (Lot or Building)</u>
	<u>Rear¹</u>	<u>Front²</u>	<u>Side</u>		
<u>RL</u>	<u>20 ft.</u>	<u>Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u> <u>Max Required: 20'</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' 0 ft.</u>	<u>0' Min</u> <u>20' Max</u>	<u>0 ft.</u>
<u>RM</u>	<u>15 ft.</u>				
<u>RH</u>					
<u>RC</u>		<u>Min Required: 5'</u> <u>Max Required: 20'</u>			

1. 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.
2. 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.
3. 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. 11.1.5-6 Approval Requirements
As Written

Sec. 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.

* Material stricken out deleted.

** Material underlined added.



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

Project Commitment Form for FY25 Municipal Planning Grant

Municipal Planning Grant Applicant: City of Burlington, Office of City Planning

Project Name: 2025 Comprehensive Plan Update

By signing this document, the City of Burlington ("City") agrees to the following:

1. The City is applying for Municipal Planning Grant ("MPG") funding as provided for in the State of Vermont's FY25 Budget Act.
2. The Department of Housing and Community Development may offer a Grant Agreement to the City for said funding.
3. The City is requesting \$30,000 in MPG funding and is responsible for providing \$3,000 in local funds for planning purposes related to this application.
4. The Burlington City Council has voted and approved a Resolution for the city's FY25 budget that allocates local funds for municipal planning purposes and will vote before June 30, 2025 to approve the FY26 budget for the same purposes.
5. The City of Burlington Purchasing Policy ("Purchasing Policy") affirms that the threshold for a designee of a department head to approve Contracts with Public Agencies shall be \$15,000 or less on a per fiscal year basis for contracts not paid out of capital or enterprise funds; and such approvals shall require a written agreement approved as to form the City Attorney or designee.
6. The Purchasing Policy affirms authority to accept grants shall be consistent with the aforementioned thresholds.
7. The department head affirms that the exceptions defined in Article 12 of the Purchasing Policy do not apply to this application.
8. The following employees are designated to serve as the Municipal/Authorizing Official (M/AO) and Alternate M/AO for the Grant Electronic Application and Reporting System (GEARS), and to execute the Grant Agreement and other such Documents as may be necessary to secure these funds:
 - a. M/AO Name & Title: Charles Dillard, Director of City Planning
 - b. Alternate M/AO Name & Title: Chapin Spencer, Director of Public Works
9. The following employee is hereby designated as the Grant Administrator, with the overall Administrative responsibility for the MPG program activities related to the application and any subsequent Grant agreement provisions:
 - a. Name & Title: Sarah Morgan, Senior Planner

The Municipal Planning Commission recommends applying for said grant,

Planning Commission Chair: _____

Signature: _____

Authorized municipal official,

Name & Title: _____

Signature: _____

TO: Burlington City Council
FROM: Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: March 21, 2025
RE: Proposed ZA-25-03 SEID Stormwater Standards

1. Overview & Background

In July 2023, Burlington adopted the South End Innovation District overlay (SEID), a district intended to provide for a dense, vibrant and highly sustainable mixed-use district. Among the sustainability goals of the SEID is a focus on innovative stormwater management. To support that goal, the overlay's standards include requirements for significant amounts of green stormwater infrastructure (GSI), including requirements for specific GSI practices. In the months following the adoption of SEID, several development proposals have been contemplated that have raised concerns among the City's Water Resources staff that the SEID GSI standards may not be feasible due to contaminated soil and high water table conditions. The three prescribed GSI practices are constructed wetlands, suspended pavement systems for shade trees, and pervious pavement. Given the constraints identified by Water Resources staff, the Office of City Planning proposes to address this issue in two phases:

1. This amendment proposes to eliminate the SEID GSI standards to facilitate development in the district in the near term.
2. Through an interdepartmental collaboration, and with consultant assistance as needed, the City should create a set of standards for ecological design in development projects. Such standards would address innovative, appropriate and feasible stormwater management strategies, in addition to strategies that address habitat, native and/or appropriate plant selection, building and site energy performance, and other topics as identified.

It is important to stress that the removal of the SEID GSI standards does not absolve development in the district from managing or proposing alternative stormwater management practices. Chapter 26 of the Burlington Code of Ordinances establishes standards for wastewater, stormwater and pollution control. This ordinance "establishes minimum stormwater management requirements and erosion controls to protect and safeguard the general health, safety, and welfare of the public, Lake Champlain, and its tributaries. Regarding alternative practices, Chapter 26, "encourages Green Infrastructure, Best Management Practices, Low Impact Design or other innovative practices that in the opinion of the Department of Public Works satisfies the requirement of (the Stormwater Management division of Article 3). Article 3 of Chapter 26, which addresses stormwater and erosion controls, is attached for reference.

Further, the intent statement of the SEID will continue to state that innovative green stormwater management practices are encouraged.

Planning Commission Ordinance Committee Discussion

At its March 10th meeting, the PC Ordinance Committee discussed the amendment with staff from the Office of City Planning, the Department of Permitting and Inspections, and the Water Resources division of the Department of Public Works. Water Resources staff provided context as to the specific soil and groundwater conditions in the SEID and why these conditions make green stormwater infrastructure implementation a complex undertaking. Additionally, staff described the rigorous standards established in Chapter 26 of the Code of Ordinances, which includes language encouraging the use of context-appropriate green stormwater infrastructure. Based on those discussions, the Committee voted to retain the proposed amendment's regulatory language, but to add language further encouraging and clarifying how stormwater should be managed in the SEID.

Proposed Amendment: ZA-24-04

Amendment Type

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

Purpose Statement

This amendment eliminates the GSI requirements in Table 4.5.6-1: SEID Dimensional Standards & Density, as well as the lot coverage bonus offered in exchange for very substantial provision of GSI practices. The lot coverage bonus remains in place when a site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI). Reflecting the elimination of these standards, the amendment also revises the SEID purpose statement to encourage, rather than require, a high degree of permeable surface achieved through GSI practices.

Proposed Amendments

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

1. Amends Sec. 4.5.6(a) Purpose to state that GSI practices are encouraged, rather than required, in the SEID;
2. Amends Table 4.5.6-1 SEID Dimensional Standards & Density to strike the requirement that a minimum of 25% of a lot's pervious area must utilize GSI and deletes Footnote 6, which stipulates that GSI provided on lots be in the form of constructed wetlands, suspended pavement systems for shade trees, and pervious pavement;
3. Amends Sec. 4.5.6 (c) 1 – Dimensional Standards & Density to remove the GSI provisions that relative to the lot coverage bonus offered in this Section.

Relationship to *planBTV*

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

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

Compatibility with Proposed Future Land Use & Density

The proposed amendment will help implement a key land use policy adopted in 2019 with planBTV: South End, and amended through the 2021 Housing Action Plan which directed the city to explore the inclusion of housing. Specifically, in removing constraints related to Green Stormwater Infrastructure feasibility, the amendment facilitates residential and non-residential development in the SEID.

Impact on Safe & Affordable Housing

The amendment eliminates an unintended barrier to developing housing in the SEID, thereby creating opportunities to expand housing options and produce affordable housing through the City's Inclusionary Zoning and the State's Priority Housing Project standards.

Planned Community Facilities

This amendment, in removing constraints to developing large surface parking lots and contaminated sites in the SEID, will support public and ecological health. Specifically, in replacing largely impervious surfaces with development sites that will be much more pervious, the amendment will help reduce surface runoff of stormwater into adjacent waterbodies, including Lake Champlain.

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 10/01/24	Presentation to & discussion by Commission 10/8/2024	PC Ordinance Comm. 3/10/2025	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

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

CDO—SEID Stormwater Standards
ZA-25-03

ORDINANCE _____
Sponsors: 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: _____

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

Sec. 4.5.6 South End Innovation District Overlay

(a) Purpose:

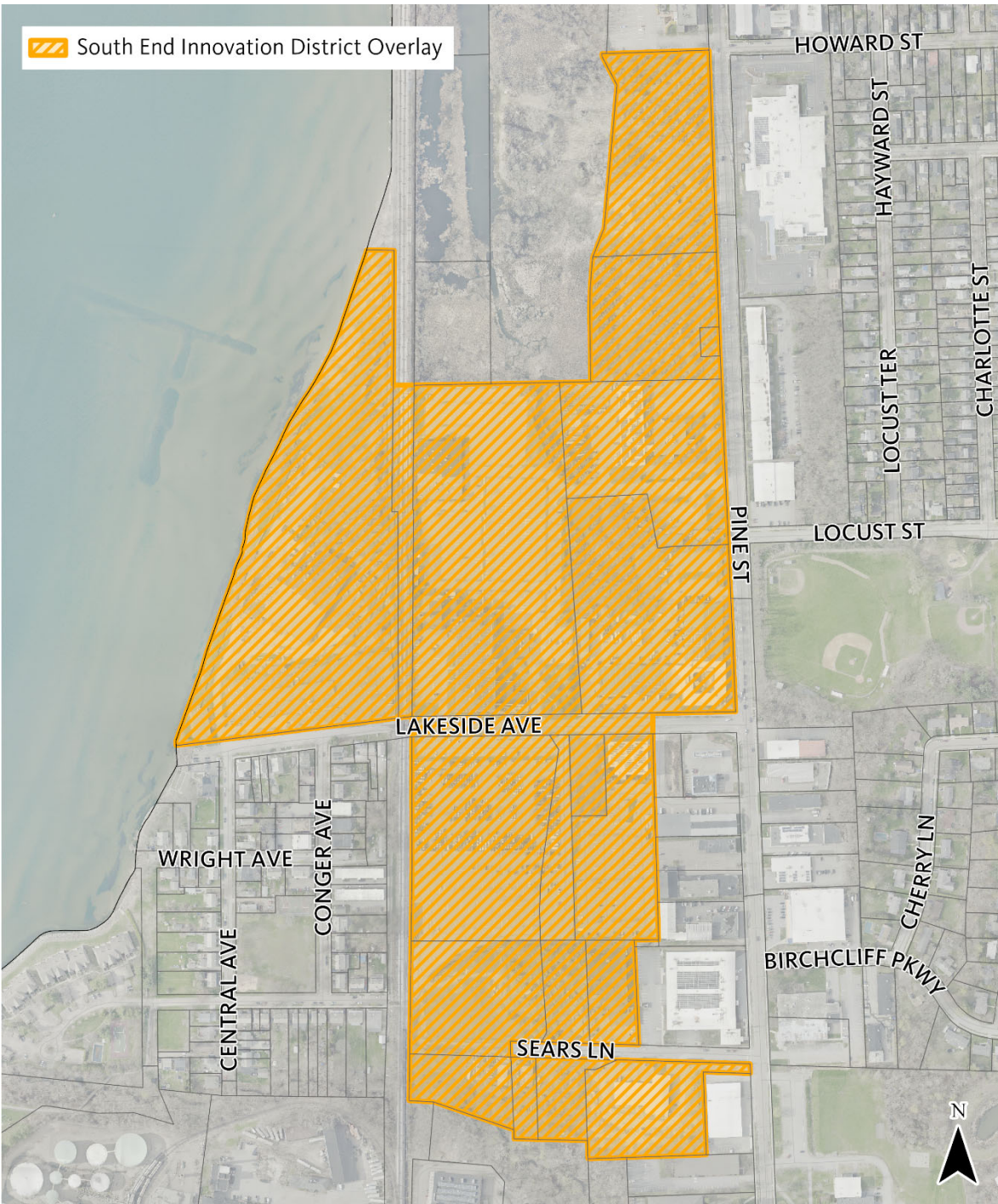
The South End Innovation District Overlay (SEID) is intended to provide for a dense, vibrant and dynamic mixed-use district. The overlay is unique in its allowance for residential uses in an in that it limits the most intensive manufacturing and industrial uses allowed elsewhere in the district. The overlay permits arts, employment, and other non-residential uses intrinsic to an amenity-rich, convenient urban neighborhood.

Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but ~~require~~ a high degree of permeable surfaces achieved through green stormwater infrastructure is encouraged. The City of Burlington maintains a rigorous stormwater management program, administered by Chapter 26 of the Code of Ordinances. This ordinance provides and encouragement and clarity regarding green stormwater infrastructure and other innovative methods. Development in the SEID must adhere to Chapter 26 and projects are encouraged to incorporate its recommended best management practices where feasible. As the SEID is located primarily on formerly industrial land, soils may be contaminated. As such, the City will advise applicants and coordinate appropriate stormwater management practices on a case-by-case basis. Buildings should range in height from one to eight stories, and should be constructed of materials and in manners that limit embodied carbon and achieve the highest possible energy performance permitted by the Vermont Building Code. Sites should incorporate ample public and private open spaces and include extensive networks of accessible paths that are free of cars. Streets should be constructed in a manner that allocates the majority of their space to pedestrians and cyclists. Buildings should be oriented to the public realm – streets, paths and open spaces, in a manner that creates a safe and inviting district. Site and building design should support public and ecological health to the highest possible degree.

Parking should be hidden behind structures, including perimeter buildings or screening devices. Where possible, parking structures should be located along the most heavily trafficked roads to encourage residents, employees and visitors who arrive by car to park at the district's edge and travel on foot, by bike, or other mode of transportation that is compatible with Burlington's climate objectives. Special consideration should be given to the design and construction of parking structures to allow for their renovation to other uses in coming decades as Burlington evolves from car dependence.

(b) Areas Covered:

- 31 The South End Innovation District includes those portions of the E-LM Zoning District as delineated
32 on Map 4.5.6-1.
33 *Map 4.5.6-1 SEID Overlay*



Map 4.5.6-1 South End Innovation District (E-SEID) Overlay
Overlay District Effective 08/23/23 (ZA-23-01)

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(c) District Specific Regulations

Table 4.5.6-1: SEID Dimensional Standards & Density

Block Perimeter ¹	Max. Intensity (floor area ratio ^{2,3})	Max Building Size per Floorplate ^{4,5}	Max. Lot Coverage & Pervious Surface Required ⁶	Minimum Building Setbacks ⁷			Max. Height ⁸
				Front	Side	Rear	
1,600' max	2.5 FAR	Floors 1-6: 15,000 sq. ft. Floors 7-8: 10,000 sq. ft. <i>Except as permitted by Sec. 4.5.6 (c) 1</i>	80% max impervious 25% min of pervious area must utilize GSI	0' min 20' max ⁵	0' min 20' max ⁵	0' min 20' max ⁶	85'

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1. Blocks may be enclosed by any combination of streets within public Rights-of-Way or Public Paths. Where a property abuts a railroad or area identified as Wetland, Conservation or Natural Area on Map 4.5.3-1 Natural Resource Protection Overlay District, such boundaries may serve as enclosing block boundaries.
2. Floor area ratio is described in Sec 5.2.7.
3. Bonuses for additional FAR for inclusionary housing projects are described in Sec. 9.1.12.
4. Maximum square footage applies to each floorplate.
5. One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floorplate maximum standard according to the following:
 - a. When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - b. When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.
- ~~6. At least 25% of the pervious area on a lot must include one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with shade trees, or pervious pavement. No more than 50% of the required GSI area may utilize pervious pavement.~~
- ~~7.6.~~ Setbacks are measured from the property line; however, buildings must be at least 15' from the curb or edge of a public Right of Way if no curb exists.
- ~~8.7.~~ Maximum building height in the E-SEID shall be further limited by Map 4.5.6-2: SEID Specific Height Area Map.

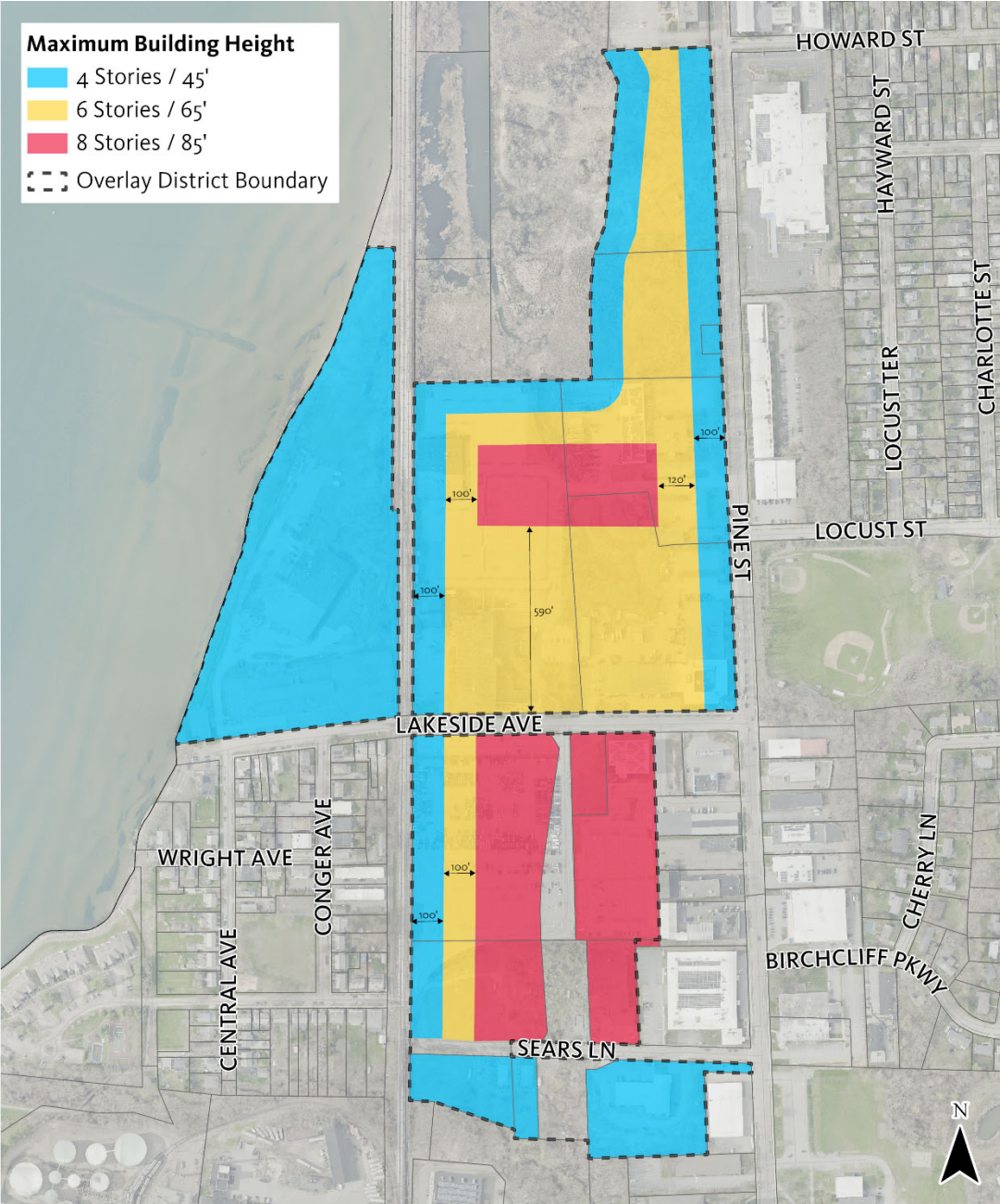
1. Dimensional Standards & Density

Within the SEID the standards set forth in *Table 4.5.6-1* shall apply to new development and redevelopment, except:

Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of Mass Timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances.

The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI), ~~or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.~~

Map 4.5.6-2 SEID Specific Height Area Map



Map 4.5.6-2 SEID Specific Height Area Map

Overlay District Effective 08/23/23 (ZA-23-01)

Map 4.5.6-2 SEID Specific Height Area Map

Table 4.5.6-2: Frontage and Activation Standards

Frontage Type	Min lot frontage occupied by buildings ^{1,2}	Percent of ground floor building frontage containing non-residential uses ¹	Ground floor entries required
Primary	80% min	80% min	Every 60' min
Secondary	70% min	20% min or 500 sq. ft. whichever is greater	

1) Measured linearly.

2) A courtyard on a building façade adjacent to a street or Public Path, with minimum dimensions 12 feet minimum and 35 feet maximum, shall be counted in the calculation of frontage to satisfy this requirement.

2. Frontage and Ground Floor Activation Standards

A. Lot Frontage Occupied by Buildings: Buildings shall be placed on a lot such that they frame Streets and Public Paths. The percentage of a lot's frontage that must be occupied by a building(s) located between the minimum and maximum setback is determined by Table 4.5.8-2.

- i. Primary and Secondary frontages must be identified by the property owner. Each Block must contain at least one Primary frontage.
- ii. A lot's frontage buildout may be reduced by up to 10 percent upon the determination of the Zoning Administrative Officers that the relief is necessary to access to the rear of the lot as a result of lot width or building placement constraints.

B. Building Frontage Occupied by Non-Residential Uses: Buildings fronting on Streets of Public Paths must contain a minimum amount of non-residential uses on the ground floor as determined by Table 4.5.8-2.

- i. Building corners, when located at the intersection of two Streets or Public Paths, must include non-residential uses.
- ii. The depth of a building's ground floor non-residential uses shall be at least an average of 15 feet, measured orthogonally from the building facade.
- iii. For all Streets and Public Paths, Primary and Secondary frontages must be identified by the property owner.
- iv. The minimum non-residential frontage requirements may be reduced to 35% for Primary Frontages and 0% for Secondary Frontages using one of two, but not a combination thereof, of the alternative compliance methods described below:

Alternative 1: The required percentage of ground floor non-residential uses may be reduced in 15% increments for each Primary frontage and 7% increments for each secondary frontage for each of the following methods:

- a. At least 30% of non-residential use ground floor area is maintained as affordable for at least 30 years, as defined and administered by the Community and Economic Development Office (CEDO).
- b. A building is placed adjacent to one or more publicly accessible open spaces on the

same lot. Such open spaces must be at least 4,000 sq. ft. in area and no portion of the open space may have a dimension less than 10 feet. Qualifying open spaces may be located in a courtyard on the building's frontage, to the side, or in front of the building for which a reduction in ground floor non-residential use is being sought.

- c. A building containing residential uses includes an allocation of at least 10% three-bedroom units and 15% percent two-bedroom units.

Alternative 2: A detached, one- or two-story permanent structure containing non-residential uses that is constructed within or adjacent to the public realm, including Rights-of-Way, or open space on the same lot may be provided in lieu of required ground floor non-residential uses on a one-to-one basis as determined by the square footage of the detached structure.

- V. In buildings with 16 or fewer units, the non-residential ground floor use is not required to be in the building as long as an equal amount of non-residential square footage is provided in another building on the same lot.

- C. Ground Floor Entries: At least one ground floor public entry, not including service doors, is required each 60' linear feet of each building façade fronting on a Street, Public Path or open space on the same lot.

3. Parking

- A. No more than 25 total spaces or 15% of the Lot's area, whichever is greater, may be permitted in Surface Parking Lots on any one lot. For the purposes of this standard, Surface Parking Lot area shall include area of all stalls and drive aisles. The total number of off-street parking spaces provided shall not be more than as allowed in Table 8.1.9-1. On Primary Frontages, Parking is not permitted between a building and the Street or Public Path. In such Parking Lots, priority parking spaces shall be made available, as described in Sec. 8.1.16 (c) c.4 – Parking Management.

- B. Structured Parking

- i. All above ground Parking Structures shall be located behind a Perimeter Building, or screened so that cars and internal structure lighting are not visible from adjacent streets or properties. Screening can be provided by architectural structure or vegetative trellis.
- ii. Parking Structure ingress/egress shall be consolidated into one façade opening and shall not exceed 24 feet in width or shall be separated into no more than two openings per façade, with a combined width of no more than 28 feet. Each façade opening shall not exceed 16 feet clear height.
- iii. At least one pedestrian route shall lead directly to a Street or Public Path. When portions of a Building containing parking front on more than one street, multiple pedestrian routes to the Frontage are strongly encouraged.

4. Uses

Within the SEID, only the following uses shall be permitted.

Table 4.5.6-3 Uses Permitted & Limited within the SEID

Permitted Uses:	
Residential ¹	
Assisted Living	
Attached Dwellings - Multi-Family	
Co-Housing	
Convalescent/Nursing Home	
Emergency Shelter	
Group Home	
Dormitory	
Non-Residential	
Adult Day Care	Office - General
Agricultural Use	Office – Medical/Dental
Amusement Arcade	Office - Technical
Animal Boarding/Kennel Shelter	Open Air Markets
Animal Grooming	Park
Animal Hospital/Veterinarian's Office	Parking Garage ³
Appliance Sales/Service	Parking Lot ³
Art Gallery/Studio	Performing Arts Center
Bakery	Performing Arts Studio
Bank/Credit Union	Pet Store
Bar/Tavern	Pharmacy
Beauty/Barber Shop	Photo Studio
Bicycle Sales/Repair	Photography Lab
Billiard Parlor	Place of Worship
Bowling Alley	Police Station - Local
Cafe	Post Office - Local
Cinema	Printing Plant
Community Center	Printing Shop
Community Garden	Public Transit Terminal
Convenience Store	Public Works Yard/Garage
Crisis Counseling Center	Radio & TV Studio
Daycare	Recording Studio
Dry Cleaning Service	Recreational Facility - Indoor
Film Studio	Recreational Facility - Outdoor
Fire Station	Research & Development Facility
Food & Beverage Processing	Research Lab
Garden Supply Store	Restaurant

Permitted Uses:	
General Merchandise/Retail - Small < 4,000 sqft	Restaurant – Take Out
Grocery Store ≤ 10,000 sf	Salon/Spa
Health Club	School – Post-Secondary and CC
Health Studio	School - Preschool
Laundromat	School - Primary
Library	School - Secondary
Manufacturing - Light	School – Trade, or Professional
Mental Health Crisis Center	Tailor Shop
Museum – Small ≤ 10,000 sf	

1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.
2. Parking Structure and Parking Lot uses are regulated by Sec. 4.5.6(c) 3 Parking and Table 4.5.6-1 SEID Dimensional Standards & Density.

Planning/KS/Ordinances 2025/ZA-25-03 SEID Stormwater Standards

CDO Sections

10/4/2024

Burlington Planning Commission

149 Church Street
Burlington, VT 05401

www.burlingtonvt.gov/cityplanning

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

Burlington Planning Commission

Tuesday March 11, 2025, 6:30 P.M.

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

Draft Minutes

Commissioners Present:

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

City Staff Present:

☒ Charles Dillard, Director
☒ Sarah Morgan, Senior Planner
☒ Scott Gustin

Public Attendance: Sharon Bushor, Jak Tiano, Evan Gould, Dan Castrigano, Kirsten Merriman Shapiro, Ashley Sullivan, Robert Dempsey

1. Agenda

Call to Order: 6:30pm

Changes to Agenda: N/A

2. Public Forum

Attendees chose to speak during the public forum reserved for ZA-25-02.

3. Chair's Report

4. Director's Report

5. Vermont ACCD Municipal Planning Grant

6. Public Hearing for Proposed CDO Amendment ZA-25-02: Neighborhood Code – Additional Housing Development Options

Public Forum

<u>Name(s)</u>	<u>Comment</u>
Ashley Sullivan	
Sharon Bushor:	
Jak Tiano	See Meeting Recording for Public Forum
Evan Gould	
Dan Castrigano	

Action: Planning Commission requested more information and time to review the changes proposed by staff and decided to continue the Public Hearing in its meeting on March 25th.

Motion by: N/A

Seconded by: N/A

Vote: N/A

7. Commissioner Items

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

8. Adopt Minutes + Accept Communications

Action: Approve minutes and accept communications.

Motion by: A. Friend

Seconded by: R. Nick

Vote: 5 Voted in approval, 2 commissioners abstained

Notes or Corrections: N/A

9. Adjournment

Action: Motion to Adjourn

Time of Adjournment: 7:45 pm

Motion by: R. Nick

Seconded by: A. Friend

Vote: Unanimous