



Friday, May 9, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

When: May 9, 2025 02:00 PM Eastern Time (US and Canada)

Topic: Ordinance Committee Meeting

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1. Agenda

1.1. Motion to amend/adopt agenda

2. Public Forum

Subject	2.1. Verbal Comments
Meeting	May 9, 2025 - Ordinance Committee Meeting - Friday, May 9, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	2. Public Forum
Department	Council and Board
Type	

3. Comprehensive Development Ordinance: ZA-25-02 Neighborhood Code - Additional Housing Development Options

Subject	3.1. Comprehensive Development Ordinance: ZA-25-02 Neighborhood Code - Additional Housing Development Options
Meeting	May 9, 2025 - Ordinance Committee Meeting - Friday, May 9, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	3. Comprehensive Development Ordinance: ZA-25-02 Neighborhood Code - Additional Housing Development Options
Department	Council and Board
Type	
Recommended Action	

4. Any Other Committee Business

Subject	4.1. Any Other Committee Business
Meeting	May 9, 2025 - Ordinance Committee Meeting - Friday, May 9, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	4. Any Other Committee Business
Department	Council and Board
Type	
Recommended Action	

5. Adjournment

Subject	5.1. Motion to adjourn
Meeting	May 9, 2025 - Ordinance Committee Meeting - Friday, May 9, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	5. Adjournment
Department	Council and Board
Type	
Recommended Action	

Here are my comments as stated at the 5/7/2025 meeting regarding ZA-25-02 NC Part 2B.

Pocket Neighborhoods:

1. Separation between individual structures was proposed at 10 feet. It was changed to 6 feet without explanation. Nothing is gained by reducing the distance. Privacy is what is lost.

2. Parking structure in the Common Area

Look at line 108 which states " surface parking areas and driveways do not qualify as common area". Then look at line 121 which states "off street parking can be located within the Common Building", a building that is allowed within the Common Area. This use is incompatible with other allowable uses; walkways, play areas, gardens. It makes these uses and activities less safe and car fumes will impact air quality. Seems contrary to our health, safety and environmental values. One idea is to restrict the location of this use to the side of the Common Area and have driveway/ car access on the outside of the Common area.

Next, Miscellaneous Standards

D. Additional Unit on a lot

Lines 170 to 175 contains new language that merges the eliminated ADU section lines 279 through 284. This merger makes sense since every lot can now have 2 structures. What is lost is reference of the need for review by the DPW Stormwater Program Manager of structures of 400 sq ft or larger. When discussing this with Scott Gustin, I was assured this happens and is addressed in Chapter 26. What I am asking is that language be added to refer to Chapter 26

that makes clear our commitment to address stormwater runoff and it's impact on infrastructure and the lake.

Moving on to line 177, Residential Development Bonuses

Two tables are included ; Table 4.4.5-6 line 199 entitled Housing for Older Persons and Individuals with Disabilities Bonus. and then on line 209 under C. Limitations on Residential Development Bonuses, Table 4.4.5-7, line 215 entitled Maximum Intensity, Lot Coverage and Building Heights with Bonuses. These two tables appear identical in information with the only difference being format. Why have two? Language on line 213 saying in no case can Development Bonuses granted enable Building to exceed maximum development intensity and refers to Table 4.4.5-7. Language suggests a difference yet there isn't.

Last item is PUDS. I find this tool for Development very useful.

The original presentation from Planning staff had a 3 tier proposal.

0.5 to 1 acre

1 to 3 acre

3 or more acres.

This addressed flexibility in development patterns with keeping with one of the fundamental goals of allowing growth yet keeping with the underlying zoning in the area. When it was reduced to 2 tiers, the reason given was for simplicity. I am an advocate for right sized development and lumping the 0.5 to 1 acre into the 1 to 3 acre does not achieve that. It falls apart when you get to the size of structures allowed. A 5000 sq ft structure with the potential for multiple structures is too large a footprint. Refer to Table 11.1.5-1 , line 403 Residential PUD Standards. I would like the Ordinance Committee to consider returning to the original 3 tier proposal and have the maximum square footage of structures in 0.5 to 1 acre be 3600 square feet. This is larger than but more consistent with the size of structures in the surrounding neighborhoods and better addresses compatibility. Thank you.

Last thing for staff to look at is line 422, Table 11.1.5-2. Column heading "Side". At the very bottom of this column it states max. required is 20 feet and under that is "0". The zero needs words to clarify what is 0. Question no min side yard setback?

Thank you all for reading this attempt to reduce to print my verbal comments.

Sec. 3.4.2 Applicability

(a) Site Plan Review:

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

(b) Design Review:

Design Review shall be required for the approval of all development subject to the provisions of this ordinance within the Design Review Overlay District as defined in Article 4, Sec. 4.5.1, and any of the following:

1. Any development subject to the provisions of Article 3, Part 5 – Conditional Use and Major Impact Review;
2. Any development subject to the provisions of Article 5, Part 3 – NonConformities;
3. Any development subject to the provisions of Article 5, Part 4 – Special Use Regulations;
4. Any development subject to the provisions of Sec. 7.1.6 Non-Conforming Signs and Article 7, Part 3 Sign Plans;
5. Any development subject to the provisions of Article 10 – Subdivision;
6. Any development subject to the provisions of Article 11 – Planned Development; and,
7. Any development made subject to the provisions of this Part by direct reference not otherwise noted here.

All applications subject to the planBTV: Downtown Code under Art. 14 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.

Sec. 6.2.2(i) Vehicular Access:

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.

Driveways for commercial properties may require a traffic study to identify the impacts of the movement of traffic to and from the property, and design for safe access. Access for service and loading areas should be located behind buildings or otherwise screened from streets or public ways with landscaping or other barriers. Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.

Sec. 3.2.7(a)(13):

Creation of an Accessory Dwelling Unit where no other applicable standards would require review by the DRB.

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 or public waters.

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

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

Sec. 11.1.5 Approval Requirements:

The following requirements shall be met for the DRB to approve a planned unit development:

- (a) The minimum project size requirements of Sec. 11.1.3 shall be met;
- (b) The minimum setbacks required for the district have been met at the periphery of the project;
- (c) The project shall be subject to design review and site plan review of Article 3, Part 4;
- (d) The project shall meet the requirements of Article 10 for subdivision review where applicable;
- (e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;
- (f) All other requirements of the underlying zoning district have been met as calculated across the entire project;
- (g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB;
- (h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development;
- (i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests; and,
- (j) The proposed development shall be consistent with the municipal development plan.
- (k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.



TO: Burlington Ordinance Committee
FROM: Michael Monte, Champlain Housing Trust, Chief Executive Officer *MM*
Kirsten Merriman Shapiro, Champlain Housing Trust, Real Estate Project Developer
DATE: May 5, 2025
RE: Proposed ZA-25-02 Neighborhood Code

Background:

In August of 2023 Champlain Housing Trust (CHT) was awarded a state planning grant by the Vermont Department of Disabilities, Aging and Independent Living (DAIL) to develop a new model of supportive housing for individuals with intellectual and developmental disabilities (I/DD). CHT, the Developmental Disability Housing Initiative (DDHI), Howard Center, Champlain Community Services, and people with lived experience collaborated to develop a replicable model for this type of service-supported housing.

An existing CHT property was identified to implement this new model of housing to serve the I/DD community in Burlington, where service partners indicate there is a density of clients, where many clients want to be integrated into the community, and at a scale that is replicable and operationally sustainable. At the same time, the City of Burlington implemented its new Neighborhood Code to help address the City's chronic and emerging housing challenges, allowing neighborhoods to evolve to increase housing opportunities. These factors aligned to encourage this I/DD housing model in Burlington's Neighborhood Code Residential Corridor (RC) district. It presents an opportunity to repurpose an existing building in need of rehab with an addition densifying an existing Burlington parcel, to help to meet the needs of the I/DD community.

Issue:

The project goal of 10 new units of I/DD affordable housing can be met with Neighborhood Code's lot coverage and setback requirements. However, the current Neighborhood Code limitation on building footprint in the RC district at 3600 square feet makes the project infeasible.

This CHT property in the RC district has an existing building footprint that is ~2343 square feet. The project requires an addition to this building that is ~3422 square feet for a total of ~5765 square feet, allowing for the creation of 10 units of perpetually affordable housing. If the current footprint limit were to remain in place, an addition could not be larger than 1257 square feet. The one-bedroom apartments designed for this project are approximately 556 square feet. An addition of the permissible size would only allow a density increase of two apartments. At that scale redevelopment of the site with additional affordable housing is **not** financially viable.

322 St. Paul under current zoning	
Existing Building footprint (3 units)	2,343
New Addition footprint (2 units)	1,257
Total Building footprint on site (5 units)	3,600

322 St. Paul proposed amendment	
Existing Building footprint (3 units)	2,343
New Addition footprint (7 units)	3,422
Total Building footprint on site (10 units)	5,765

The project is unable to proceed into the permitting process including a presentation to the Neighborhood Planning Assembly until this matter is resolved. CHT is hopeful the Ordinance Committee and City Council will quickly take action and the project can begin the permitting process in June before many NPAs take a summer break in July and August.

Request:

CHT supported the Planning Commission's redress of this footprint limitation as presented in the amendments before the Ordinance Committee on May 7, 2025. CHT is requesting the Ordinance Committee's support of the zoning amendment below and its recommendation to City Council for adoption.

Footnote 6 to table 4.4.5-2 would allow for limited exemptions to the footprint standard in the RC district

**"6. 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."**

Kirsten will be present at the Ordinance Committee meeting on May 7, 2025, to answer any questions. Thank you for your consideration of this small but important item.

Neighborhood Code: Additional Housing Development Options

CITY COUNCIL

2025.04.14



About the Neighborhood Code

- The Neighborhood Code aims to incrementally evolve Burlington's neighborhoods to meet the changing needs of households by increasing housing opportunities through neighborhood-scale solutions.
- Changes aim to ensure that our zoning allows new homes to be added to neighborhoods, that those homes can take many forms, and that they share characteristics with homes in those neighborhoods today

Neighborhood Code

Part 1

(ZA-24-02)

Adopted by City Council 3/25/24

Neighborhood Code

Part 2-A

(ZA-24-04)

Adopted by City Council 10/28/24

Neighborhood Code

Part 2-B

(ZA-25-02)

Proposed

Neighborhood Code **Part 1**

ZA-24-02, Adopted by City Council 3/25/24

Purpose: Implement tools that balance development predictability and flexibility by evolving residential zoning district standards, allowable uses, and district boundaries.

- ✓ Modified and streamlined residential zoning districts and boundaries to more closely align with existing neighborhood development patterns
- ✓ Created a new Residential Corridor (RC) district along major thoroughfares identified in the *planBTV* Comprehensive Plan.
- ✓ Replaced density standards with massing standards by establishing maximum building footprints and units per building, standardizing rear setbacks, and updating lot coverage.
- ✓ Allowed 2 free-standing structures in the RL and RM districts with 4 units per building.
- ✓ Allowed for Neighborhood Commercial Uses (such as cafes, bars, laundromats, small groceries, etc.) to be permitted in the Residential Corridor district.

Neighborhood Code **Part 2-A**

ZA-24-04, Adopted by City Council 10/28/24

Purpose: Corrected technical aspects related to the process and implementation of the Neighborhood Code Part 1 and clarified the relationship between secondary buildings permitted under the residential standards and the citywide provisions for secondary structures.

- ✓ Created additional miscellaneous definitions to clarify and support consistent implementation of new standards, including what is counted with the maximum “building footprint”.
- ✓ Technical Corrections, including clarifying the Residential Corridor Zone required frontage on a major thoroughfare and allowed for multiple Principal Uses; updating zoning for Starr Farm Park; internal reference correction.
- ✓ Increased the maximum building footprint permitted in the RM
- ✓ Required that Secondary Structures be placed behind the Principal Structure.

Neighborhood Code **Part 2-B**

ZA-25-02, Proposed

Purpose: Provide clarity related to Design Review and ADU standards. Address additional housing opportunities in residential districts, including standards for Planned Unit Developments, Pocket Neighborhoods, and Rowhouses.

- ✓ Modifies Planned Unit Development standards, including consideration of a threshold for lot/project size in the Residential districts as revised under the Neighborhood Code Part 1, as well as development intensity, permitted uses and other topics as identified.
- ✓ Establishes standards for rowhouses and pocket neighborhoods in Pocket Neighborhoods that also account for and support fee-simple ownership.
- ✓ Consolidates the applicability for the Design Review and Overlay District into one section to provide clarity of what is subject to review.
- ✓ Addresses possible situations where exceptions to maximum building footprint standards may be considered.
- ✓ Addresses the relationship between Secondary Structures & citywide ADU standards.

Neighborhood Code **Related Topics**

Citywide Comprehensive Plan (2025 – 2026)

Mixed-Use Districts + Corridors:

- Consider the transition of heights/intensities of development and mixed-use allowances of existing mixed-use districts adjacent to new Residential Corridor district (i.e. neighborhood mixed use and neighborhood activity center districts)
- Potentially expand the factors that warrant Residential Corridor zone designation, and identify other applicable locations for this district
- Re-visit use table allowances for residential districts across the city

Residential Parking Standards

- Potential additional flexibility to allow stacked parking (3+ cars in a row) for residential developments and/or consideration of infill-related parking impacts in neighborhoods with high parking demand
- Implementation of TDM Recommendations

Inclusionary Zoning Amendment (2025)

- Consideration for whether Article 9 Inclusionary Zoning should apply to lots with two structures exceeding 5 units, where the number of units in each building individually would not require IZ
- Updates to applicable lot coverage, height, and development intensity bonuses for residential developments in Article 9 (regarding projects with required Inclusionary Zoning units)

preserveBTV (2025 – 2026)

- Consider the impact on infill implementation resulting from existing regulations for historic properties

planBTV: NNE (2025 – 2026)

- Beyond the creation of the Residential Corridor zone, consider other opportunities for redevelopment of larger sites, overall scale of development, and mix of uses along the North Avenue Corridor

Open Space Plan (2025 – 2026)

- Identify open space lands with potential for neighborhood-level green infrastructure projects.
- Protect, maintain, and enhance the City's natural areas, including corridors and greenways that provide connectivity and mobility for people and wildlife

Implementation Update: **Year 1 Permits**

- **21 permits** since adoption of Neighborhood Code Part 1
 - 2 Withdrawn
 - 1 Denied

Proposed Net Change in Units by Permit Application Status

 Approved
 Pending

 1 Unit
 2 Units
 4 Units
 12 Units

Net Change in Units by Residential District			
	Net Change in Units	Units Approved	Pending Approval
Res. Low	10	6	4
Res. Med.	22	15	7
Res. High	1	1	-
Res. Corr.	3	3	-
Total Units	36	25	11

Implementation Update: **Year 1 Permits**

Proposed Net Change in Units by Project Type

- Creation of New Structure
 - Conversion of Existing Structure
 - Both Conversion + Creation
- 1 Unit
● 2 Units
● 4 Units
● 12 Units

- Projects adding 1 unit are typically through conversions of existing structures, such as garages, attic space, or existing multi-family structures.
- Available data shows that of the 36 units either approved or in the process of approval, 14 are 1 bedrooms or studios.
- 4 of the 19 active permits involve secondary residential structures. 2 of these will be converted sheds or garages.

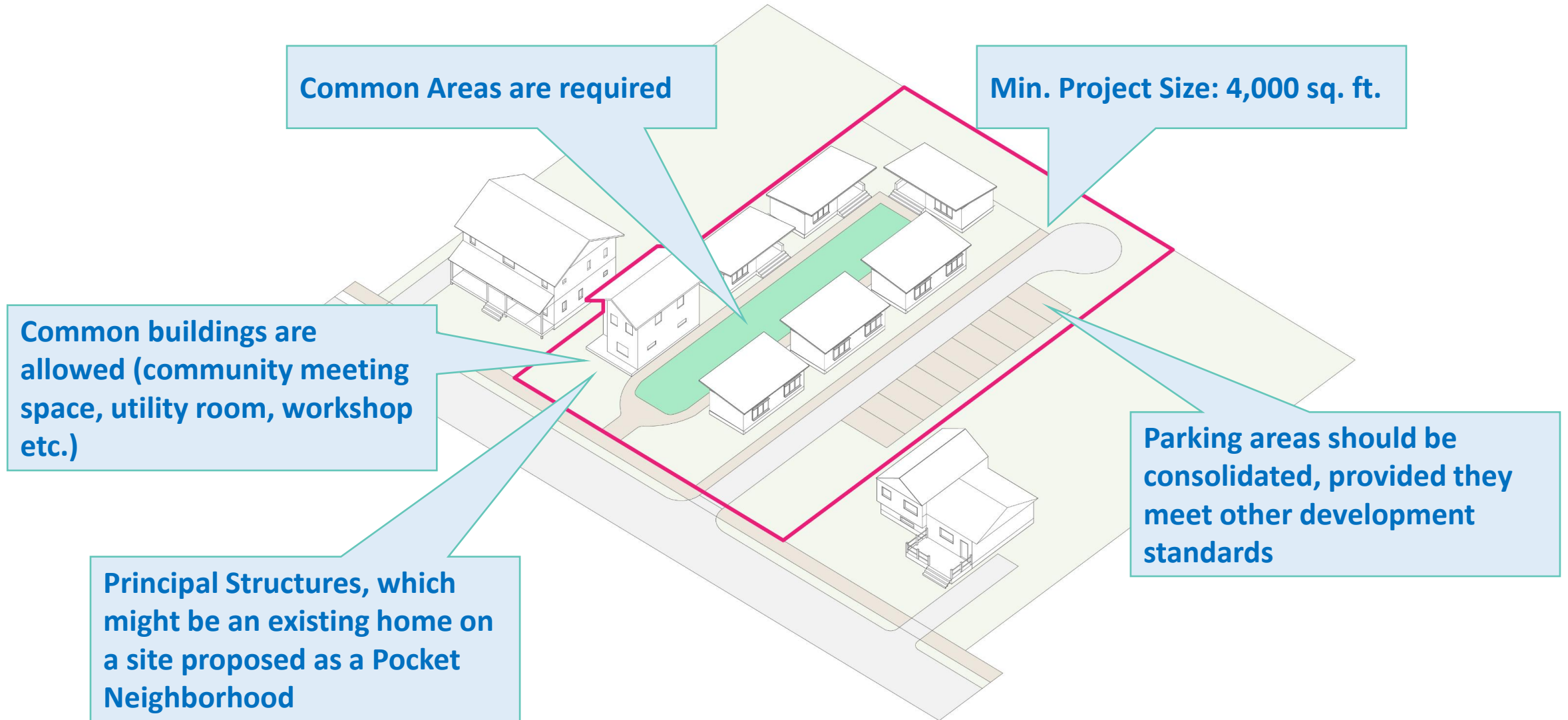
ZA-25-02: **Pocket Neighborhoods**

Pocket Neighborhoods, sometimes referred to as Cottage Courts, are a group of cluster of small detached houses or two-unit attached houses that share a common area.

Benefits of Pocket Neighborhoods:

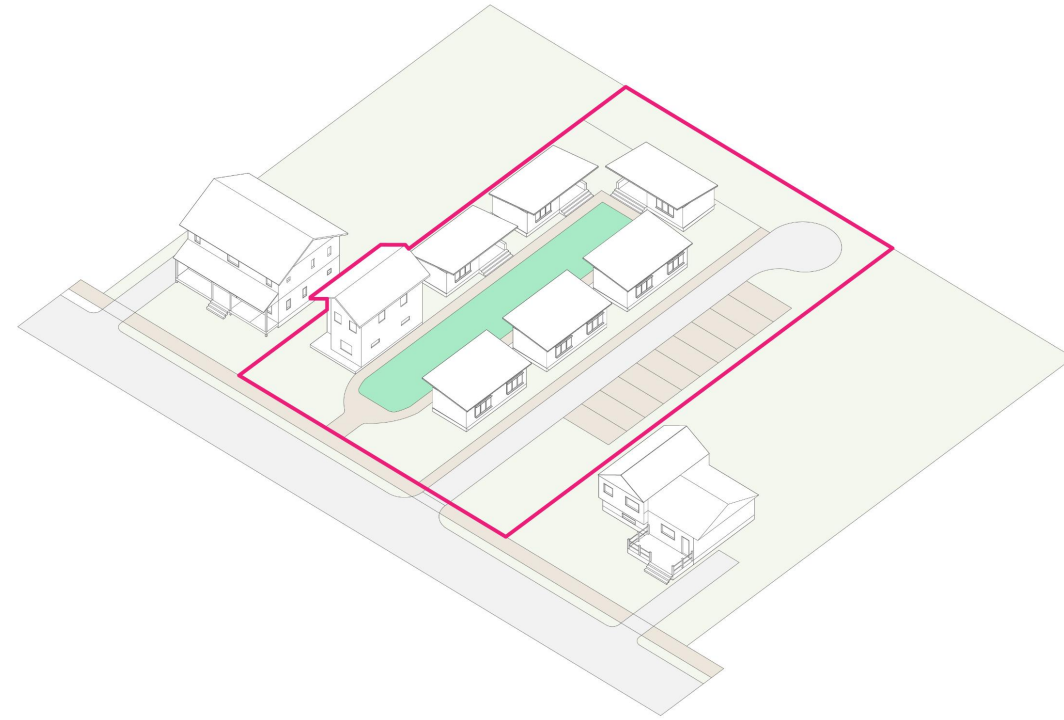
- Smaller homes reduce housing costs
- Community open space instead of rear yards
- Shared amenities amongst residents
- Designed to promote interaction community among members while still respecting personal privacy
- Address diverse housing needs

ZA-25-02: **Pocket Neighborhoods**



ZA-25-02: **Pocket Neighborhoods**

- Min. lot size: 4,000 sf
- Principal Structures are allowed (could be an existing home or a purpose-built new structure)
- Homes must be oriented toward and close to the common area
- Min./Max. # of homes: 3/12
- Structures can have up to two units
- Max. building footprint: 1,000 sf
- Common Area standards ensure usability and accessibility
- Parking can be provided in surface spaces or individual garages



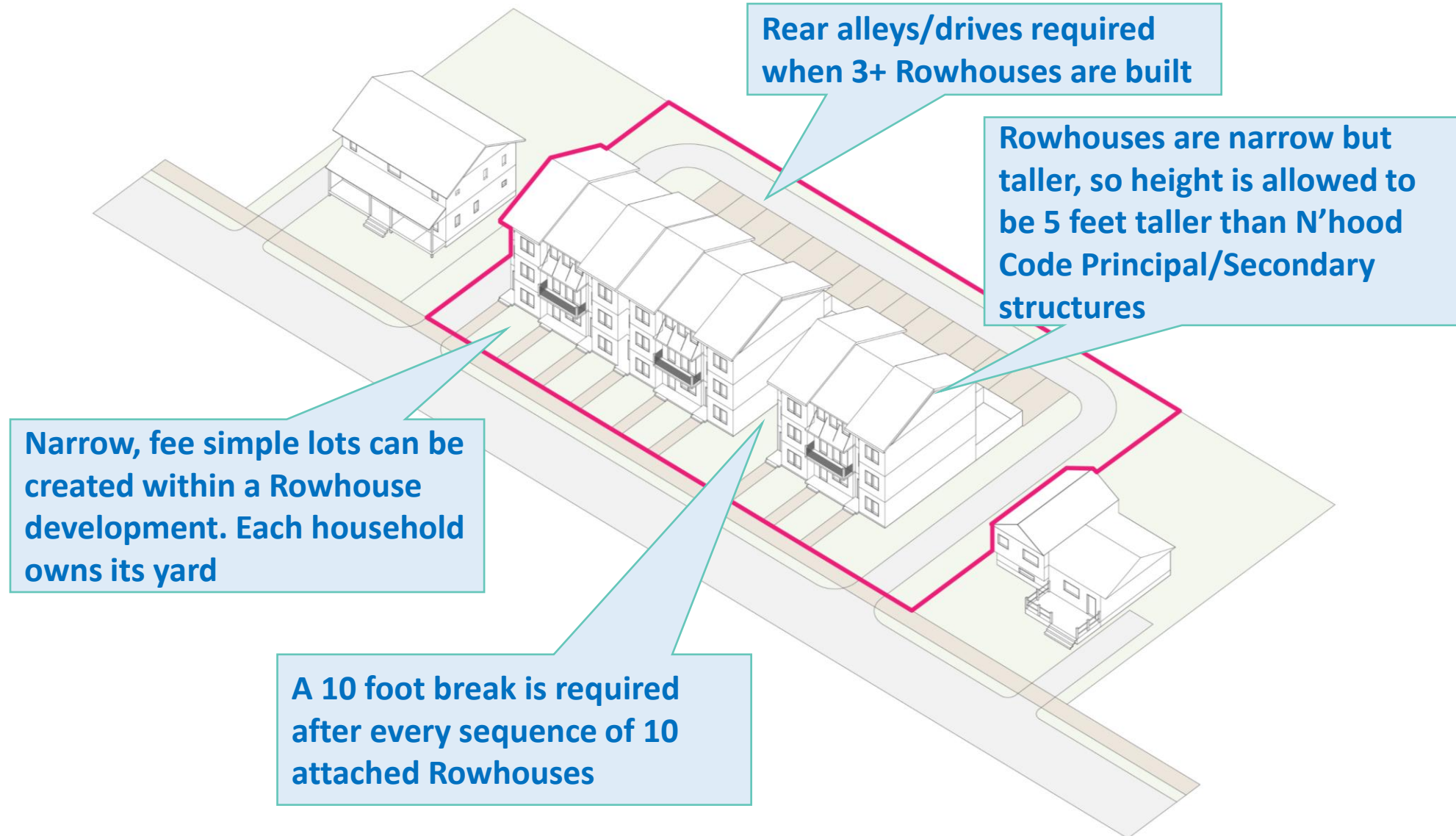
ZA-25-02: **Rowhouses**

Rowhouses, also known as townhouses, are a historic development pattern in cities across the US and are ideally suited for infill redevelopment. **They are also the fastest growing percentage of new housing across “missing middle” housing types.**

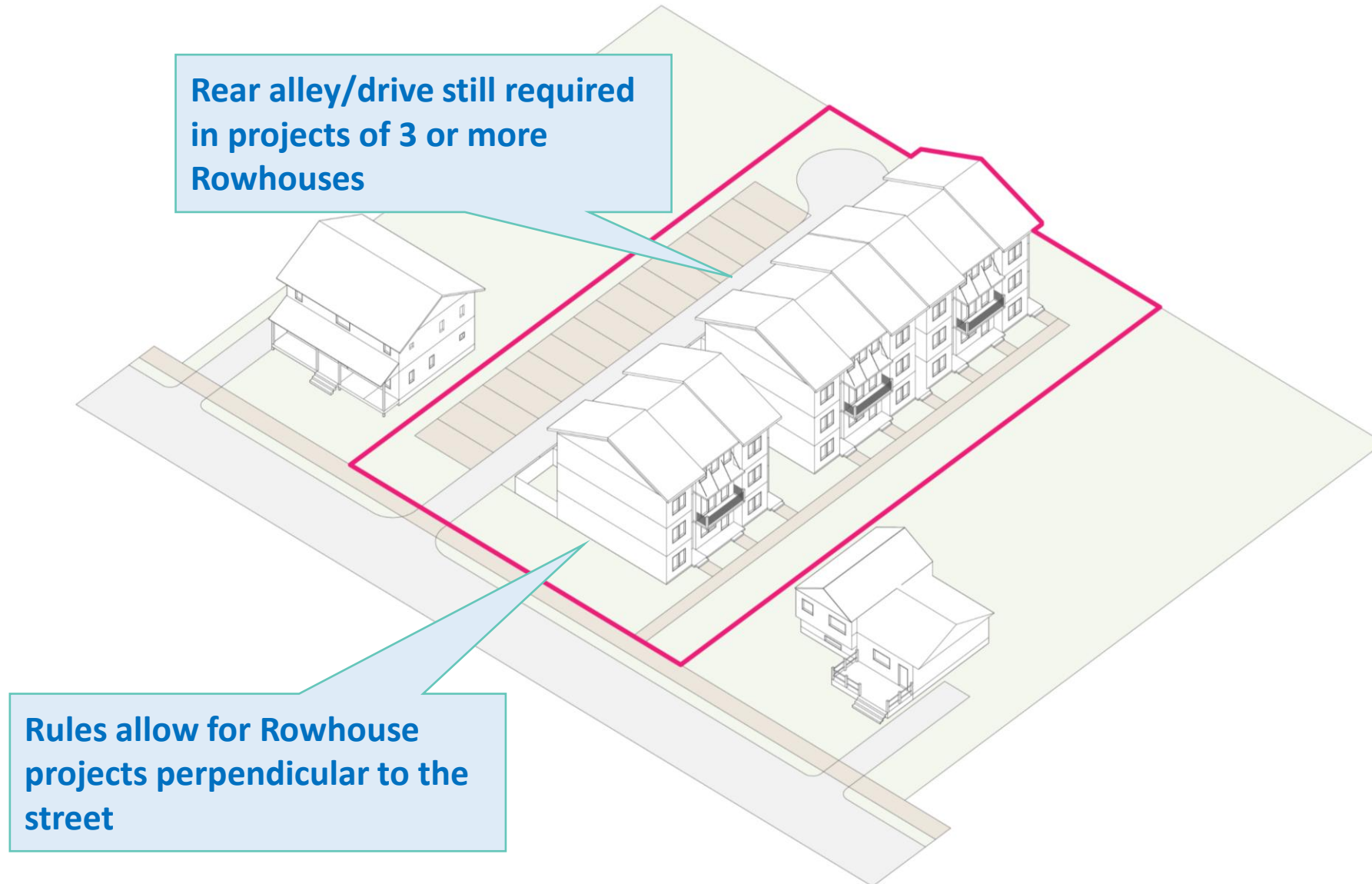
Benefits of Rowhouses:

- Can be sold as “fee simple” units, making the construction, sale, and maintenance less complex.
- Small footprints + shared walls lead to lower construction costs and lower sale prices Attached nature reduces energy use and costs
- Narrow lots create efficiencies for density and land use
- Fee simple Rowhouses are in high demand in cities where they’ve been enabled
- Typically contain 3+ bedrooms
- Can be arranged to meet different lot shape and condition

ZA-25-02: **Rowhouses**

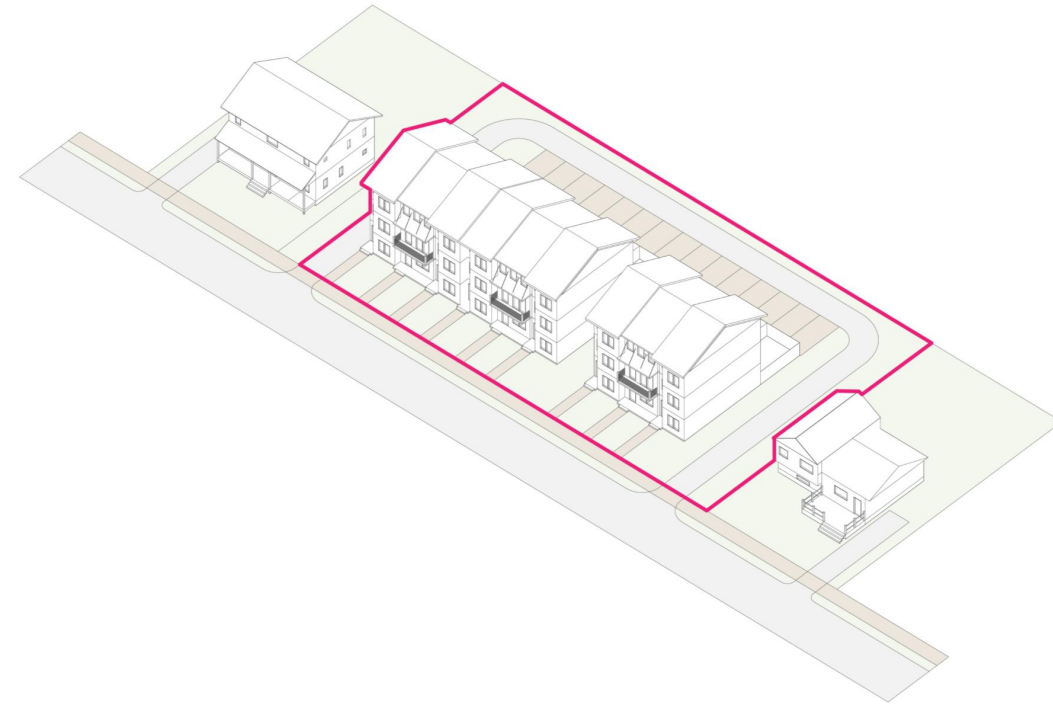


ZA-25-02: **Rowhouses**



ZA-25-02: **Rowhouses**

- Proposed rules facilitate fee simple duplex and rowhouse housing options
- Vehicular access managed to limit curb cuts and front-of-house parking
- Min. lot width: 16 feet
- Max. building height: 3 stories/40 feet
- Max. bldg. footprint (Rowhouse): 900 sf
- Max. bldg. footprint (secondary structure: 600 sf



ZA-25-02: **Planned Unit Developments**

Planned Unit Developments (PUDs) are a development type currently allowed in the RL and RM districts, but not yet in the RC district. They offer larger properties in the Residential district a flexibility that balances infill development with neighborhood context.

Benefits of Planned Unit Developments:

- Promote the most appropriate use of land through flexibility of design and development of land
- Offer opportunities to creatively plan and design for housing on large sites within residential neighborhoods, including those with existing uses and structures
- Proposed rules limit larger buildings to projects of 3+ acres
- A mix of housing types is encouraged and can offer options to a broad range of residents

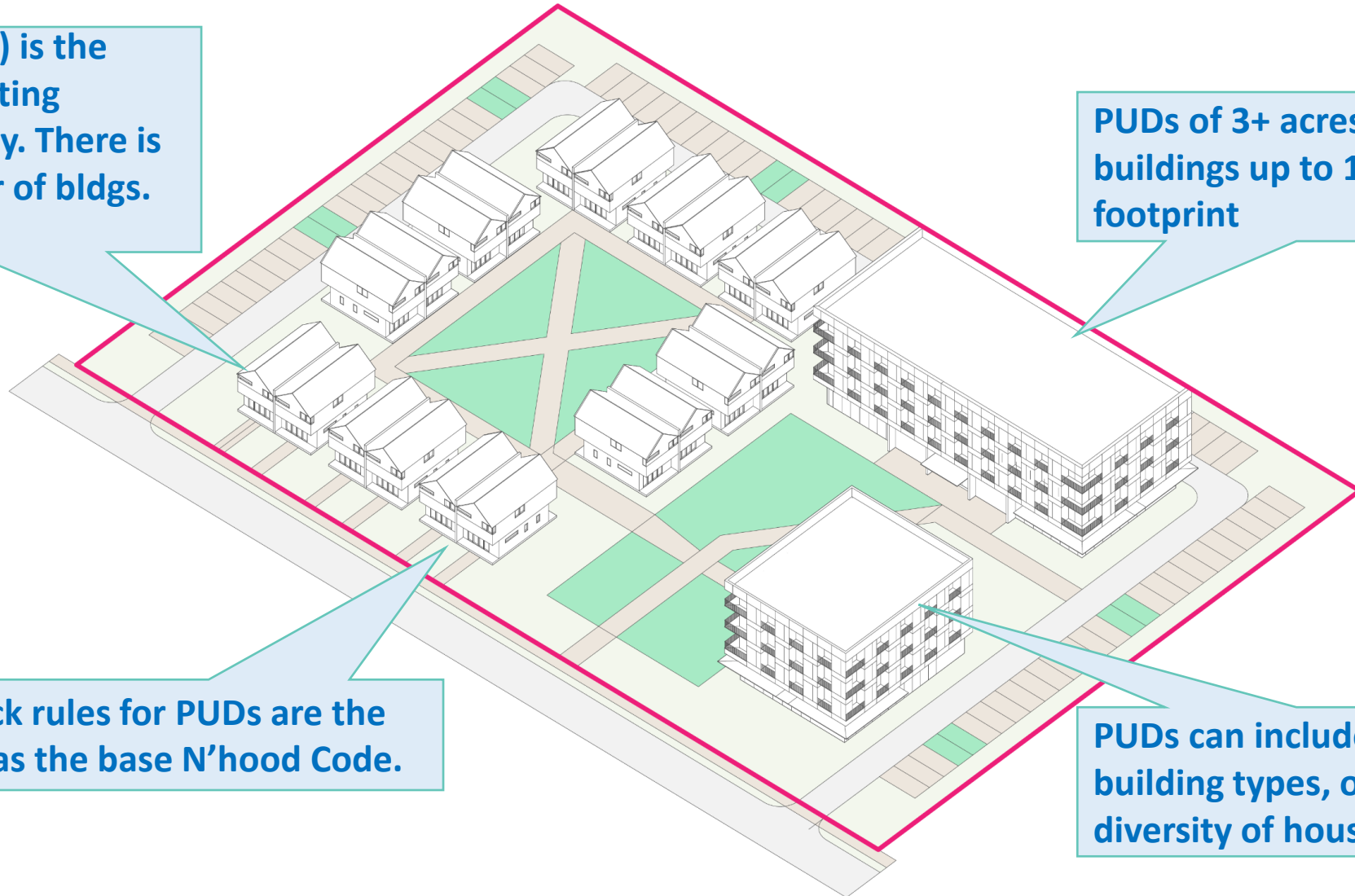
ZA-25-02: **Planned Unit Developments**

Floor Area Ratio (FAR) is the main standard regulating development intensity. There is no maximum number of bldgs. allowed.

PUDs of 3+ acres can have buildings up to 15,000 sf in footprint

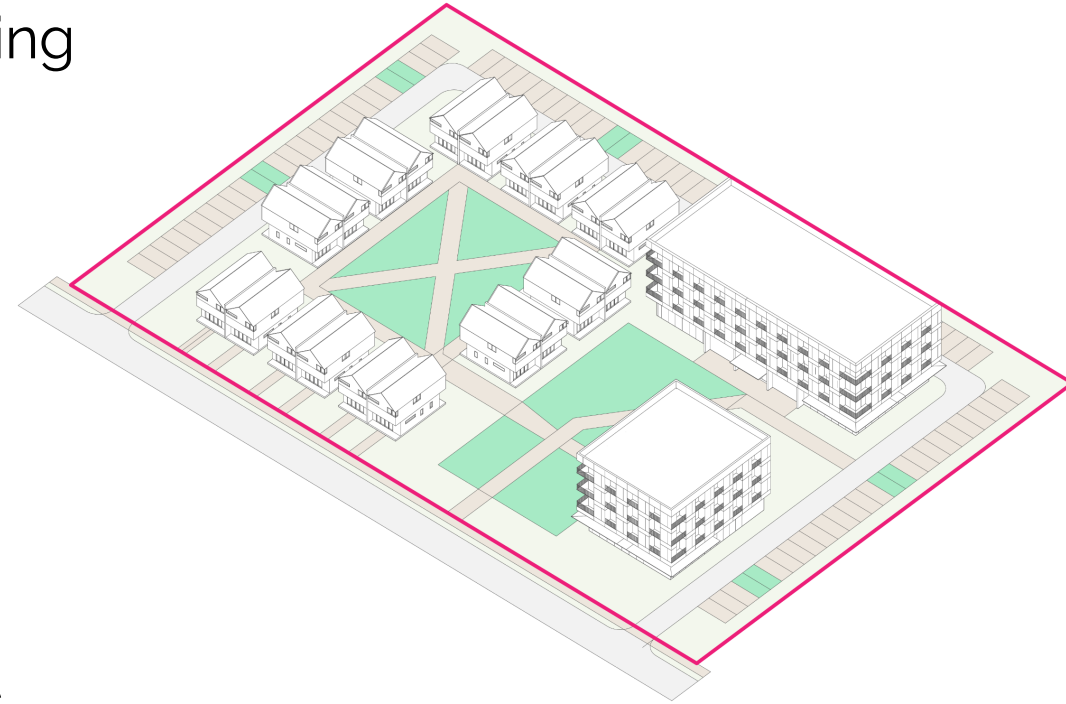
Setback rules for PUDs are the same as the base N'hood Code.

PUDs can include different building types, offering a diversity of housing choice



ZA-25-02: **Planned Unit Developments**

- Small PUDs (<0.5 acres) are allowed but only with Rowhouses and/or Pocket Neighborhoods
- Medium PUDs (0.5-2.99 acres) can have building footprints up to 5,000 sf
- Large PUDs (3+ acres) can have buildings footprints up to 15,000 sf
- Max. bldg. footprint flexibility in additions to existing structures, with DRB approval
- Max. FAR: 0.75 in RL/1.0 in RM, RC and RH
- Setback rules same as base N'hood Code
- Large buildings (>5,000 footprint) must be set back 50' from the street and adjacent residential properties in most cases



ZA-25-02: **Planned Unit Developments**

Building size in PUDs:

- The amendment proposes to allow larger buildings than the base N'hood Code.
- Buildings with footprints of 5,000 sf or less are especially conducive to family-size units
- Larger buildings can be integrated into neighborhoods with little impact to surrounding context.

Heineberg Senior Housing has a footprint of 24,000 sf.



Thayer Commons (NNE) has buildings with footprints between 8,000 sf and 25,000 sf



TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Director, Office of City Planning
Sarah Morgan, AICP, Senior Planner
DATE: April 7, 2025
RE: Proposed ZA-25-02 Neighborhood Code – Additional Housing Development Options

This memo is intended to provide an overview about Burlington’s Neighborhood Code amendments, an update of the impact the Neighborhood Code has had on the City’s housing stock, and relevant information and context about the proposed amendment, ZA-25-02: Neighborhood Code - Additional Housing Development Options. **Details related to ZA-25-02 are outlined in Section 3 of this memo.**

1. Overview & Background of the Neighborhood Code

Burlington’s Neighborhood Code is a series of zoning amendments that aim to enable more neighborhood-scale housing types citywide, including duplex, triplex, and four-unit buildings, as well as townhomes and other small-to-medium sized multi-unit building types in some locations.

Following a nine-month engagement period, the initial Neighborhood Code proposal was reviewed and refined by a Joint Committee made up of the City Council Ordinance Committee members and the Planning Commission in the fall of 2023. Eight meetings were held between October 4 and December 19, 2023 to review the proposed Neighborhood Code and make modifications to several recommendations originally presented by staff. Over the course of these meetings, the Joint Committee’s work focused on the major recommendations related to the Neighborhood Code purpose, and a number of standards to ensure these recommendations can be implemented.

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 the subsequent packages of amendments known as Neighborhood Code Part 2.

Neighborhood Code Part 1 (ZA-24-02, Adopted by City Council March 25, 2024)

The City Council adopted ZA-24-02 (Neighborhood Code) at its March 25, 2024. This amendment created 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 enabled 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.

Changes made to Burlington’s Comprehensive Development Ordinance (CDO) during this initial package of amendments aimed to enable more housing types across residential districts by using the tools that balanced development predictability and flexibility. This amendment addressed substantive changes to Article 4 and Appendix A, as well as other sections, by evolving the residential zoning district standards, allowable uses, and district boundaries. Key changes made to Burlington’s residential zoning standards as part of ZA-24-02 included the following:

- Modified and streamlined residential zoning districts and boundaries to more closely align with existing neighborhood development patterns.
- Created the Residential Corridor district, which allows greater flexibility for housing types and intensity along transportation corridors identified in the City’s Comprehensive Plan, *planBTV*.
- Replaced traditional density standards with massing standards, including the number of units per building, updated lot coverage, standardization of rear setbacks, maximum building footprints, and building height.
- Allowed two free-standing structures in the Residential – Low and Residential – Medium districts with up to four units per building.
- Allowed for Neighborhood Commercial Uses (such as cafes, bars, laundromats, small groceries, etc.) to be permitted in the Residential Corridor district.

About Neighborhood Code Part 2

The purpose of Part 2 of the Neighborhood Code has been to explore technical details and related standards necessary for implementing neighborhood-scale infill development across Burlington. Following the adoption of Neighborhood Code Part 1, there were a number of related standards that needed to be addressed throughout the CDO. Many of these were originally intended to be discussed as part of the Joint Committee discussions, and some have emerged from additional public discussion at the hearings for Part 1 as well as from inquiries following the adoption of the code. Additionally, during the City Council Public Hearing for Neighborhood Code Part 1, City Council requested that the Planning Commission discuss considerations related to the allowance of secondary structures in Residential Districts as part of the Neighborhood Code Part 2 amendments.

Unlike Part 1 of the Neighborhood Code, recommendations have come from the Planning Commission as two separate amendments, Part 2A and Part 2B.

Overview of ZA-24-04: Neighborhood Code Part 2A: Secondary Structures + Technical Corrections

The purpose of the Neighborhood Code Part 2A amendment was to clarify and correct technical aspects related to the process and implementation of Neighborhood Code Part 1. The amendments include the following:

- Created additional miscellaneous definitions to clarify and support consistent implementation of new standards, including what is counted with the maximum “building footprint”.
- Technical Corrections, including clarifying the Residential Corridor Zone required frontage on a major thoroughfare and allowed for multiple Principal Uses; updating zoning for Starr Farm Park; internal reference correction.

Per the request from the City Council on March 25th, this amendment clarified the relationship between secondary buildings permitted under the residential standards and the citywide provisions for secondary structures. Though most standards related to Secondary Structures remained unchanged from what had been adopted in March 2024, the following changes were made as part of this amendment:

- The maximum building footprint for Secondary Structures in the Residential – Medium district was increased from 900 square feet to 1,100 square feet.
- Secondary Structures, except as otherwise permitted in Article 11, were required to be placed behind the Principal Structure.

Additional corrections and clarifications were also included as part of ZA-24-04, such as the possible situations where exceptions to maximum building footprint standards should be considered or the consolidation of the applicability of Design Review and the Design Review Overlay zone into one section that provides clearer expectations of what is subject to review. However, the City Council Ordinance Committee decided during its 9/11/24 and 9/16/24 meetings to limit the scope of this amendment to focus specifically on Secondary Structures.

Ultimately, the City Council adopted Part 2A (ZA-24-04) on October 28, 2024, which included considerations for secondary structures and recommended technical corrections. The remaining recommendations from the Planning Commission, those unrelated to Secondary Structures and more substantive than technical, remained with the City Council Ordinance Committee awaiting further discussion. This set of recommendations held by the Ordinance Committee was referred back to the Planning Commission to incorporate into Neighborhood Code Part 2B (ZA-25-02).

Details related to “ZA-25-02: Neighborhood Code Part 2B – Additional Housing Development Options” are outlined in Section 3 of this memo.

2. Neighborhood Code Implementation – 1 year later

Since March 2024, a total of eighteen permits have been sought under the adopted Neighborhood Code standards. Of these, two permits have been withdrawn, and one has been denied, resulting in fifteen permits currently on record for staff review. Eleven of these zoning permits have been approved, allowing for the addition of 25 units to Burlington’s housing stock. Among the eleven approved permits, most involve the addition of one to two units through the conversion or renovation of existing structures. One project in the RH district will enter the Planned Unit Development (PUD) process to create 12 new units.

There are four permits still undergoing the permitting process, which together represent a total of 10 additional units.

Overall, the proposed units are not concentrated in a specific neighborhood; they are distributed across various neighborhoods in Burlington.

Net Change in New Units by Residential District			
District	Total Units	Units Approved	Units Pending Approval
Residential – Low	10	6	4
Residential – Medium	21	15	6
Residential – High	1	1	-
Residential – Corridor	3	3	-

3. **ZA-25-02: Neighborhood Code - Additional Housing Development Options**

This amendment, ZA-25-02, addresses additional housing opportunities, including standards for Planned Unit Developments, Pocket Neighborhoods, and Rowhouses. Additionally, the amendment also 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. The housing typologies this proposed amendment enables in Burlington’s residential districts are described below.

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. The predominant trend for Rowhouse development in the United States is the fee simple model, which is currently not facilitated by the CDO. Rowhouse developments may or may not share common spaces, though ideally a project creating multiple rowhouses will include common access routes, including alleys and consolidated driveways to limit the number of curb cuts.

Pocket Neighborhoods

Pocket Neighborhoods, often known as Cottage Courts, consist of small-scale homes that are typically one to two stories tall and are oriented around a shared common area. These neighborhoods are designed to promote interaction and community among neighbors while still respecting personal privacy. 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](#).

Below are key themes and recommendations related to Pocket Neighborhoods:

Shared Common Area: The central, shared area in most Pocket Neighborhoods is intended to serve the functions typically fulfilled by individual yards. Homes within Pocket Neighborhoods are recommended to be within a comfortable walking distance from this shared common area, with entrances facing this space. The size of the common area can vary depending on the site, but the amendment establishes a minimum of 400 square feet per dwelling, with dimensions of at least 20 feet in either width or length. Furthermore, the proposed standards for common areas state that (1) they shall not include slopes greater than 15%, and (2) at least 75% of the common area must be Usable Open Space. Usable Open Space, as defined in Article 13 of the Community Development Ordinance (CDO), refers to:

“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 recommend a maximum of 12 dwelling units per site. Each structure may contain up to 2 dwelling units, with a maximum building footprint of 1,000 square

feet. Additionally, these detached dwellings must be at least 6 feet apart from one another and have a maximum building height of 30 feet. Due to the smaller scale of these homes, a Pocket Neighborhood can be developed on a lot as small as 4,000 square feet.

Common Building: Although not mandatory, a common building may be established within a Pocket Neighborhood to serve as a community facility, separate from the individual homes. Given the smaller sizes of the dwellings, a common building could provide shared amenities such as laundry facilities or other accessory uses. It is recommended that a common building be allowed in the common area, but it should not occupy more than 25% of the required open space.

Planned Unit Developments

A Planned Unit Development (PUD) is a development type currently allowed and regulated by Article 11 of the CDO that intends to create design and economic flexibility. This amendment proposes PUD standards specific to Residential zoning districts in order to facilitate infill housing that is context-sensitive but also in a manner that acknowledges that some, primarily larger, development sites can accommodate larger buildings in thoughtful and cohesive ways. This amendment modifies, at minimum, the following Planned Unit Development (PUD) 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: Floor Area Ratio (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.

Staff recommends allowing larger format buildings with footprints up to 15,000 square feet only in PUD projects of three or more acres. A previous recommendation that PUDs should only be allowed to contain one such large format building has been deleted from the current proposal. Any consideration for allowing even larger buildings should be made outside of the Neighborhood Code project, particularly through area planning processes like the upcoming *planBTV: New North End*.

The recommendation to reduce the maximum allowable building footprint acknowledges the Neighborhood Code's call to create new "neighborhood-scale" housing citywide. That said, the recommendation to facilitate buildings up to 5,000 square feet in PUDs between 0.5 and 3 acres is made also to address specific segments of the housing market, namely the significant need to create infill homes with multiple bedrooms and those that can facilitate "aging-in-place." Large format buildings with footprints greater than 5,000 square feet, especially those with footprints of 8,000 square feet or more, are invariably double-loaded corridor structures in which studio and one-bedroom apartments predominate. Smaller footprint buildings up to 5,000 square feet in footprint lend themselves much more readily to units with two, three, or more bedrooms. Ground floor units in these buildings can also be accessible "flats" with multiple bedrooms, which do allow for Burlington's older populations and individuals with disabilities to remain in the city's neighborhoods. Furthermore, these smaller format buildings tend to have units with multiple aspects, allowing for cross-ventilation and improved indoor air quality and energy performance compared to single-aspect units in double-loaded corridor structures.

4. **Proposed Amendment: ZA-24-04**

a) **Amendment Type**

Text Amendment	Map Amendment	Text & Map Amendment
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b) **Purpose Statement**

This amendment, ZA-25-02, addresses additional housing development opportunities, including standards for Planned Unit Developments, Pocket Neighborhoods, and Rowhouses. Additionally, the amendment also 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.

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.
 - Rationale: 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. D. that clarifies the relationship between secondary residential structures allowed in residential districts and citywide provisions for Accessory Dwelling Units (ADUs).
- Moves Map 4.5.1-1 Design Review Overlay to Article 3, becoming Map 3.4.2-1.
 - Rationale: By starting with the map of where Design Review is applicable, it presumes that all of the project types listed under 3.4.2 (b) 2 are subject to Design Review within the overlay district. Section 3.4.2 (b) 2 is retained to provide clarity that projects within this list will still be subject to design review despite being outside of the Design Review Overlay District.
- Corrects Map 4.5.1-1 Design Review Overlay (Proposed to become Map 3.4.2-1).
 - Rationale: This map change as made 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.”
 - Rationale: 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. **Amendments to Article 4 – Zoning Districts and Maps:**

- Amends Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts to remove footnote 10, which is currently *Reserved*.
- Amends Footnote 3 in Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts.
 - Rationale: This modification was made to call attention to Sec. 4.4.5 (d) 4 D. which identifies the specific scenario in which an applicant may be subject to administrative review.
- Creates Footnote 6 in Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts
 - Rationale: 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 footnote clarifies which Residential-Special Uses are broadly appropriate and of low-impact and should therefore be exempted from the footprint standards.
- Creates Footnote 7 in Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts
 - Rationale: Maximum building footprint limits can pose challenges for property owners looking to convert existing accessory or secondary structures, such as garages, into housing. Allowing

these conversions, even for buildings that exceed the footprint regulations, can benefit the community, particularly when compared to the environmental and financial cost of demolishing all or a portion of such structures specifically to comply with the standard.

- Creates Footnote 8 in Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts
 - Rationale: 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.”
- Amends Sec. 4.4.5 (d) 1 Additional Residential Development Permitted:
 - Creates new standards for Pocket Neighborhoods under the currently “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.
- Creates an exception to Maximum Building Footprint Limits under Sec. 4.4.5 (d) 2.D.
 - Rationale: This change confirms that existing structures in excess of the building footprint limits in Table 4.4.5-2 shall not be considered non-conforming and cross-references provisions in Articles 5 and 11 that would allow for their reuse and/or expansion. This correction aligns with the District’s purpose of allowing neighborhood-serving commercial uses.
- Creates new standards for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.).
 - Rationale: The purpose of this section is to streamline the ordinance in an effort to make understanding ADU requirements less complex for the general user. This standard aims to enable a situation where, if someone adds an additional unit in an owner-occupied unit or if they build a single-unit secondary structure meeting these requirements, they can benefit from incentives including the admin review and the waiver of impact fees.
- Collapses ADU requirements from Article 3 into Section 4.4.5 under the incentive for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling in Sec. 4.4.5 (d) 4. D.
 - Rationale: This change clarifies the relationship between secondary structures and ADUs, as described above.
- Amends Sec. 4.4.5 (d) 5: Residential Development Bonuses 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.
- Amends Sec. 4.4.5 (d) 5: Residential Development Bonuses to clarify that housing for Older Persons is defined by the federal Fair Housing Act and housing for Individuals with Disabilities is defined by the federal Americans with Disabilities Act.
- Removes and Reserves Sec. 4.5.1 Design Review Overlay District
 - Rationale: This change defers to Section 3.4.2 (b) 2 to provide clarity that projects within this list will still be subject to design review despite being outside of the Design Review Overlay District.
- Re-numbers Map 4.5.1-1 Design Review Overlay to Map 3.4.2-1, thus moving the map to Article 3.

3. Amendments to Article 5 – Citywide General Standards:

- Amends Sec. 5.2.2 Required Frontage or Access
 - Rationale: 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. This specific amendment aims to address situations in which rowhouses developed perpendicular to the street may not necessarily include a public road to which the Rowhouses would draw their frontage. Current standards in Article 5 preclude subdivision of land on lots that do not have frontage on a public road or public waters. In the case of fee simple Rowhouses, subdivision with frontage on an access easement would serve the function of this standard, while providing the flexibility to develop perpendicular rowhouses.

- Removes the exception to lot cover related to Accessory Dwelling Units (Sec. 5.2.3 (b) 10.)
 - Rationale: The need for this exemption was addressed by the modest increases to lot cover standards made in ZA-24-02.
- Deletes Sec. 5.4.5 Accessory Dwelling Units
 - Rationale: Accessory Dwelling Units were folded into the proposed Sec. 4.4.5 (d) 4. D., as described in the above section, Amendments Made to Article 4.

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.
- Re-number and adjust standards in the following Sections:
 - Re-number Sec. 11.1.5 Approval Requirements to Sec. 11.1.6.
 - Creates Sec. 11.1.7 Non-Residential Facilities and moves standards formerly found in 11.1.6 into this newly created section.
- Creates new dimensional standards for Planned Unit Developments under Sec. 11.1.5 Residential District Planned Unit Developments.

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, 3/25/25	Approved & forwarded to Council: 3/25/25	
City Council Process					
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read	Public Hearing	Council Approval & Adoption

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

In the Year Two Thousand Twenty-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 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. the Overlay District as defined in Article 4, Sec. 4.5.1, and any of the following:

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:

1.a. Any development subject to the provisions of Article 3, Part 5 – Conditional Use and Major Impact Review;

2.b. Any development subject to the provisions of Article 5, Part 3 – Non-Conformities;

3.c. Any development subject to the provisions of Article 5, Part 4 – Special Use Regulations;

4.d. Any development subject to the provisions of Sec. 7.1.6 Non-Conforming Signs and Article 7, Part 3 Sign Plans;

5.e. Any development subject to the provisions of Article 10 – Subdivision;

6.f. Any development subject to the provisions of Article 11 – Planned Development; and,

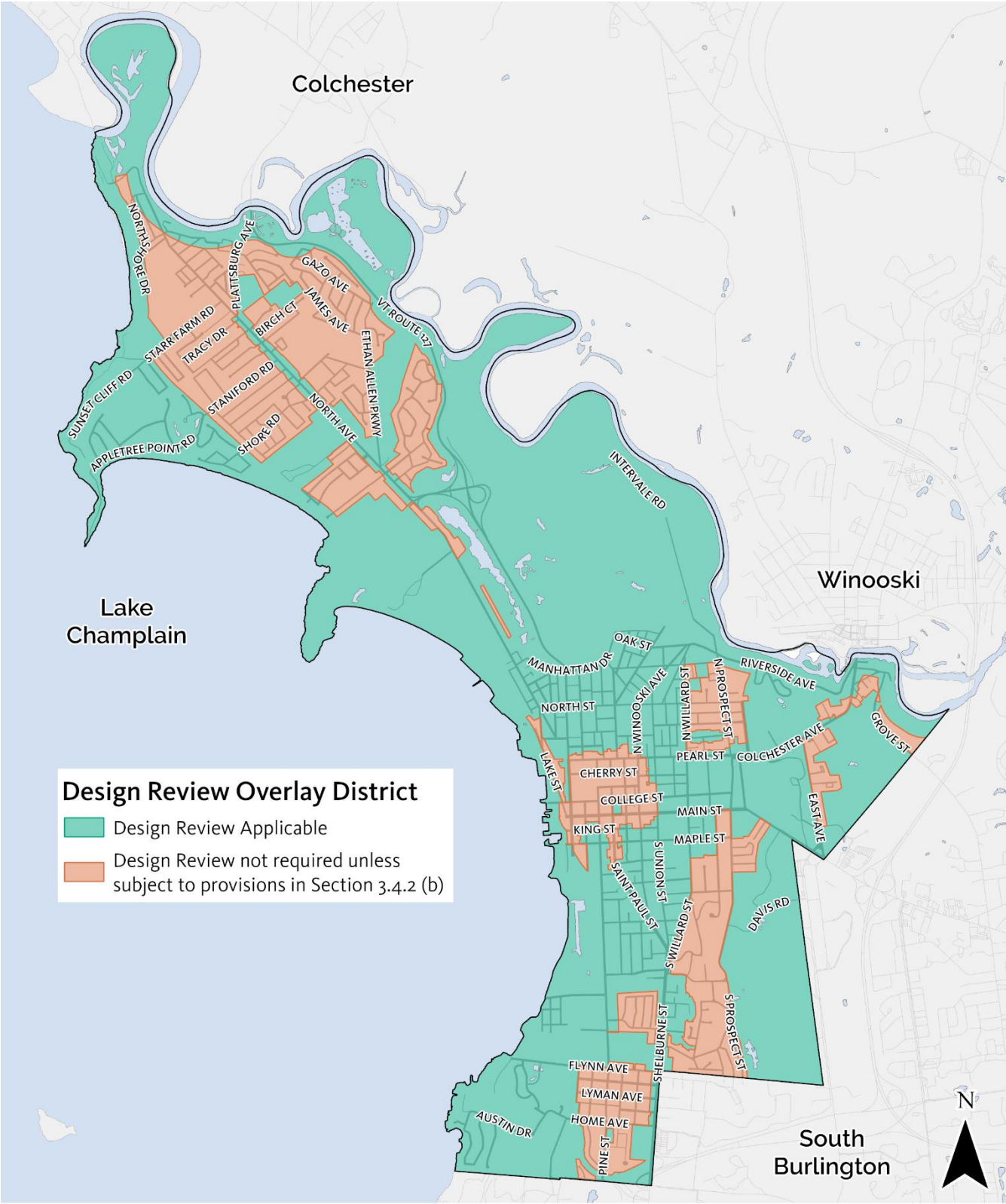
g. A project within an RL District where a building contains 3 or more units or proposes more than one building on a lot subject to Sec. 4.4.5.

7.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.

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%

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.
2. 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.
3. Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2
4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.
5. 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.
6. 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.
7. 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.
8. 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.
9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.

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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, 5}	Max Dwelling Units per Structure ^{2,3}	Max. Principal Structure Footprint ^{3,6,7}	Max. Secondary Structure Footprint ^{3, 5, 6, 7}	Max. Linear Elevation before offset ⁴	Min. Distance between Structures on same lot
Residential Low (RL)	35’ 3 stories	4	1,800 sq.ft.	1,100 sq.ft.	50’	15’
Residential Medium (RM)	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> 7. <u>The conversion to a Residential Use of an existing structure exceeding this standard as of January 1, 2025 shall be allowed.</u> 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**

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

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 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 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 moved to new number 5 below}*

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 Width (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>	<u>55%</u>	<u>65%</u>	<u>20 ft.</u>	<u>Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less</u> <u>Max Required: 20 ft</u>	<u>Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u> <u>Max Required: 20 ft</u>	<u>0 ft.</u>	<u>16 ft</u>
<u>Residential Medium (RM)</u>	<u>65%</u>	<u>65%</u>	<u>15 ft.</u>				
<u>Residential High (RH)</u>	<u>80%</u>	<u>80%</u>					
<u>Residential Corridor (RC)</u>	<u>80%</u>	<u>80%</u>					

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

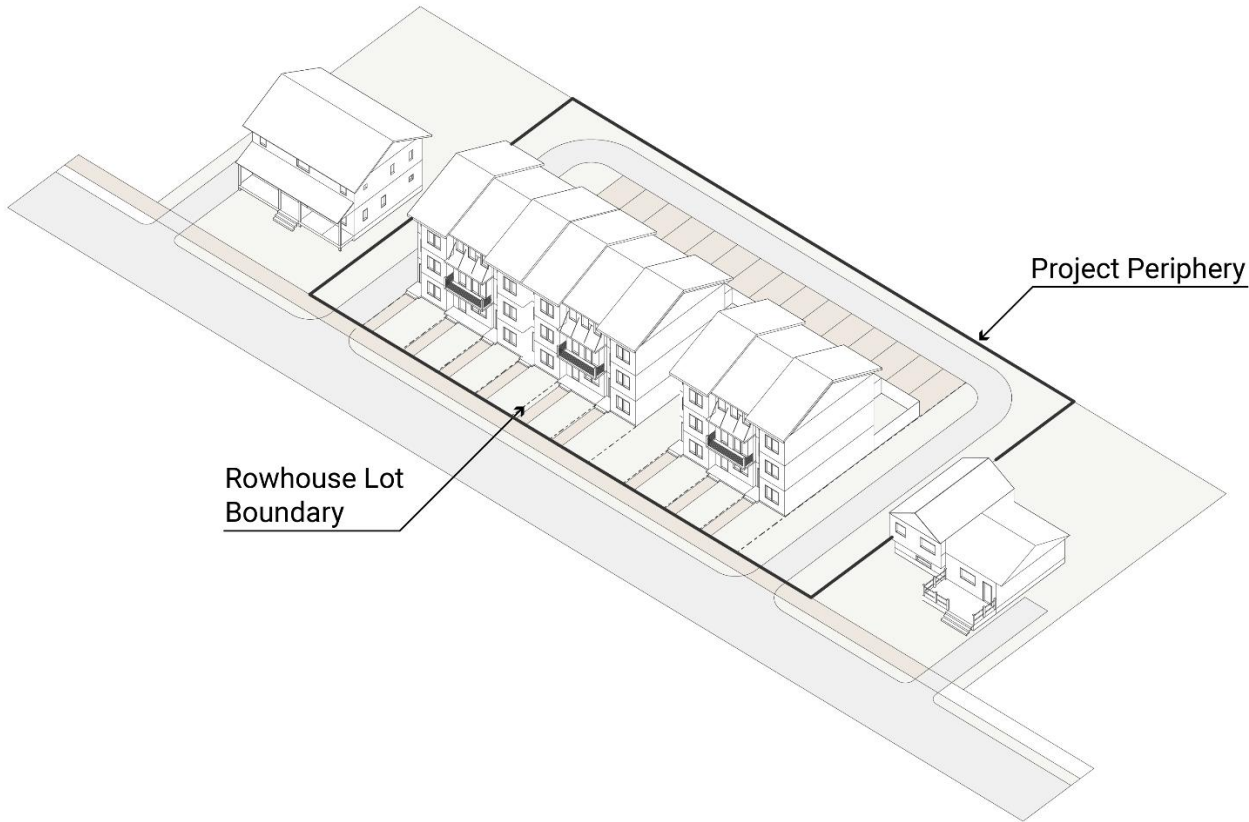


Table 4.4.5-5 Rowhouse Principal & Secondary Structure Massing & Intensity Standards

<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>

- 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.

(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. (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 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) a) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) percent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);

(ii) 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, 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 4.4.5-46: Housing for Older Persons and Individuals with Disabilities Bonus

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

B. (iii) 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 <u>Coverage</u>	Maximum <u>Density</u>
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. (iii) Limitations on Residential Development Bonuses:

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

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

Table 4.4.5-76: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

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

*- 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;~~

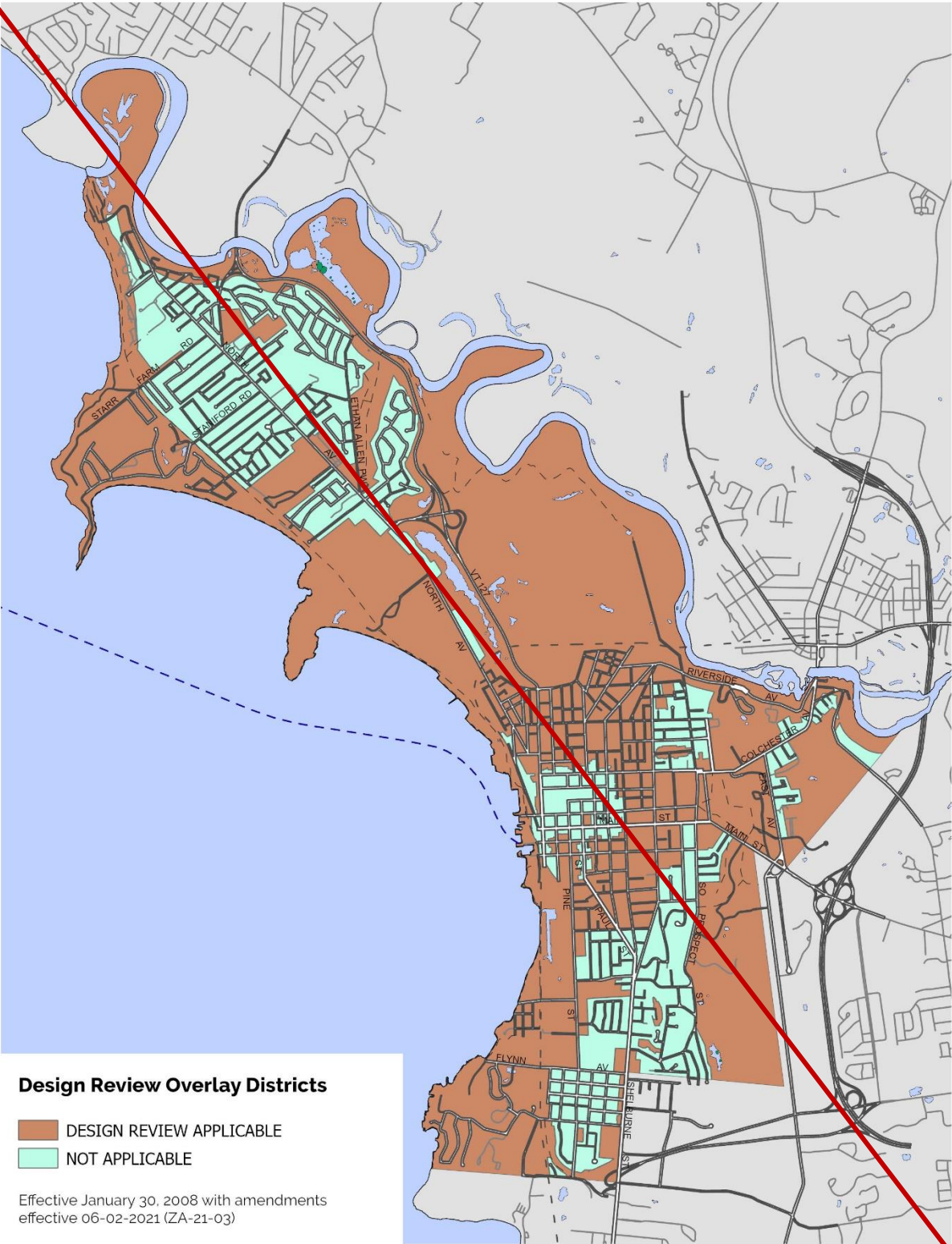
~~(iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett Street; and~~

~~(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 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
RH, RM , Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
<u>RH, RL, RM, RC</u>	<u>See 11.1.5-1 for additional standards for PUD project sizes in the Residential districts.</u>
RL , RCO-R/G	<u>2-acres or more See 4.4.6 (c) for additional standards for PUD project sizes in the RCO-R/G Districts.</u>

Sec. 11.1.4 Modification of Regulations

As Written

Sec. 11.1.5 Approval Requirements-Residential District Planned Unit Developments**(a) Dimensional Standards**

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

1. A Planned Unit Development with Project Size of less than 0.5 acres and consisting of a Pocket Neighborhood or Rowhouse project, shall be allowed, subject to underlying standards in Sec. 4.4.5(d)1.
- 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</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'</u> <u>0 ft.</u>	<u>0' Min 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>			

- Buildings with a footprint greater than 5,000 sq. ft. must be set back at least 50 feet from any adjacent Lot not within the PUD and located in an RL or RM district.
- Buildings fully contained in the RL and RM districts with a footprint greater than 5,000 sq. ft. must have a front project periphery setback of at least 50 feet. This footnote does not apply to any building that partially occupies any portion of a lot zoned RC.
- Front setbacks shall be measured from the edge of the Right-of-Way that is fully internal to the project, to which the building draws its frontage. Buildings must be at least 10' from the curb or edge of a public Right-of-Way if no curb exists, except where the ROW is a Public Path, in which case the building must be at least 5' from the edge of the Public Path.

Sec. 11.1.5-6 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.

Ordinances 2024/ZA-24-04 Neighborhood Code 2-A
4/10/25

ARTICLE 6: DEVELOPMENT REVIEW STANDARDS

Introduction: This Article of the Burlington Comprehensive Development Ordinance provides a comprehensive set of development principles and design standards that are intended to apply to all types of development throughout the city. The “Development Principles” are drawn from community goals as defined in adopted city plans, while the “Design Standards” provide more specific direction regarding design methods or strategies that may be used to achieve the development principles. Divided into three sections, these standards address issues regarding the creation of new lots and streets, site plans for individual properties, and the characteristics of individual buildings.

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Sec. 6.0.1 Intent and Citywide Development Principles

This Article is intended to provide specific direction in the planning, design, and subsequent review of development in Burlington with the objective of ensuring that all proposed development furthers Burlington’s vision for a dynamic, vibrant, sustainable city amidst a scenic, natural setting. Burlington’s built environment must protect the city’s rich collection of historical, architectural, and natural features, while enhancing the urban experience and livability of neighborhoods by ensuring that development is sensitive to the scale, detailing, and intensity appropriate to each district and allowable use.

Burlington is a leader in advancing the goal of creating a sustainable community. In order to reach this goal, all development in the city shall address the following development principles as applicable:

Development in Burlington shall:

- (a) Complement its context and environment – both natural and built, and enhance the community with creative design, durable materials, and quality construction.*
- (b) Retain and preserve important natural features by incorporating them into site plans and landscape designs.*
- (c) Emphasize function - natural, aesthetic, social, and recreational – in its landscape design.*

- (d) Promote effective and efficient transportation systems to mitigate the adverse impacts of vehicles such as by maintaining and perpetuating the urban street grid, supporting multiple and integrated modes, giving pedestrian the priority, reducing curb cuts, integrating parking and circulation into architectural and landscape designs, and minimizing the presence of service areas.*
- (e) Promote personal safety and accessibility for those with disabilities in the design of publicly accessible outdoor and indoor spaces.*
- (f) Complement Burlington's architectural and cultural heritage by conserving and/or reflecting dominant design elements and characteristics of neighborhoods, and maintaining neighborhood proportions of scale and mass.*
- (g) Incorporate climate sensitive and environmentally-conscious design considerations to create healthier, more productive, and more sustainable places to live and work.*
- (h) Ensure that public buildings, structures, and spaces, be designed and constructed to the highest standards in order to reflect community values, inspire future development, foster civic pride, and serve as a model to others.*

Given their more dynamic and complex nature, the following development principles shall also apply as applicable within any mixed-use zoning district as defined in Article 4:

- (i) Contribute to Burlington's moderately scaled urban form, and emphasize a more efficient pattern of development.*
- (j) Ensure the scale, massing, and dominant architectural elements contribute to the overall composition and developing character of the surrounding area.*
- (k) Complement Burlington's natural setting and conserve scenic public views and view corridors.*
- (l) Enhance the city's skyline and promote visual interest with a variety of roof forms and architectural elements.*
- (m) Unify architectural elements, details, and materials of a building, such that all components appear integral to the whole.*
- (n) Compose the massing of the building to create a transition of height, bulk, and scale to less intensively developed neighboring properties.*
- (o) Compose building facades at and near the street level with human-scaled elements and details that promote pedestrian interest, comfort, and safety.*
- (p) Facilitate pedestrian movement, and provide access to the lakeshore and other natural and cultural amenities.*
- (q) Orient advertising features to the pedestrian, and compliment the architecture of the building.*

The role of these development principles, and the design standards found later in this Article, are as follows:

- Development Principles are drawn from established community goals as defined in adopted city plans, and serve as the highest order of importance in cases where individual standards appear to conflict and greater discretion on the part of the DRB is required.
- Design Standards provide more specific direction regarding design methods or strategies that may be used to achieve the development principles. Design standards include both required (“shall”) and flexible (“should”) components. It is understood that many of the standards presented are not the only options available, and creativity is encouraged to achieve the desired result.

It is recognized that the application of these principles and standards involves value-based design and decision-making requiring a balancing of complex factors, interests, and needs. In applying these city-wide development principles and design standards, particular attention shall be given to the context of the development proposal and achieving conformance with the purpose of the district(s) in which the project is located.

The intent of Article 14, the planBTV Downtown Code, also embodies these same principles and standards through an emphasis on the intended physical form, character of place, and compatibility of uses of new development in the city’s downtown and waterfront area through a more objective and prescriptive set of development and urban design standards. As such, all applications subject to the planBTV Downtown Code shall not also be subject to the requirements of this Article 6.

PART 1: LAND DIVISION DESIGN STANDARDS

Sec. 6.1.1 Applicability.

These standards are enacted to apply to all development subject to the provisions of this ordinance found in Art. 10 – Subdivisions or Art. 11 – Planned Development involving the subdivision of land, or an adjustment or reconfiguration of lot lines.

Sec. 6.1.2 Review Standards

(a) Protection of important natural features:

The arrangement of blocks and lots shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas to the extent practicable.

(b) Block Size and Arrangement:

The size and arrangement of new blocks shall maintain the size and arrangement of existing neighborhood blocks within the zoning district, and support the pattern of interconnected streets throughout the city.

(c) Arrangement of lots:

The size and arrangement of new lots shall reflect and perpetuate the existing development pattern of the surrounding neighborhood. Lots shall be created in such a way as to enable their development pursuant to the requirements of this ordinance, and ensure a clear transfer of title.

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent feasible. Flag lots and through lots are discouraged, and shall be allowed only to the extent where topography and existing block and lot arrangement allow no suitable alternative. In such cases, a minimum frontage for access of 20-feet shall be required.

(d) Connectivity of streets within the city street grid:

The established grid of interconnected streets shall be maintained and extended to the extent practicable. All streets shall be in conformance with applicable street design & construction details as provided by the department of public works, and shall be dedicated to the city.

(e) Connectivity of sidewalks, trails, and natural systems:

The established sidewalk network shall be maintained and extended to the extent possible. Trail networks and uninterrupted corridors of greenspace outside of the established street grid should be maintained and extended wherever possible. All sidewalks shall be in conformance with applicable street design & construction details as provided by the department of public works, and shall be dedicated to the city.

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.1 Applicability.

These standards shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(1) – Site Plan Review.

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The landscape, existing terrain and any significant trees and vegetation shall be preserved in their natural state insofar as practicable in keeping with the objectives of the underlying zoning district. Development and site disturbance shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas insofar as practicable in keeping with the objectives of the underlying zoning district. Site plans shall provide suitable buffers from any proposed site improvements, and maintain continuity and contiguousness of greenspace while allowing reasonable development in support of the overall intent of the zoning district. Where any natural features are proposed to be removed or the topography altered, special attention shall be given to replace or mitigate the loss of such features. Any development occurring on parcels containing significant natural areas identified in the city's *Open Space Protection Plan* shall avoid disturbance to these natural areas and establish appropriate buffers that protect their natural functions.

(b) Topographical Alterations:

Alteration to the natural contour of the site shall minimize grading, cut, and fill, and shall take necessary measures to protect against erosion and future instability. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. In areas where more intense levels of development are encouraged, development should seek to take advantage of topographical changes to hide and/or blend new construction into the landscape. Proposed design and construction details for any cut and fill, or retaining walls over 3-feet in height, or any height along the lakeshore, shall be subject to review and approval by the city engineer before receiving approval of the site plan.

(c) Protection of Important Public Views:

Distant terminal views of Lake Champlain and the mountains to the east and west, and important public and cultural landmarks, framed by public rights-of-way or viewed from public spaces shall be maintained through sensitive siting and design to the extent practicable. This shall not be construed to include views from exclusively private property.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

(e) Supporting the Use of Renewable Energy Resources:

Where feasible, the site plan should be so designed as to take advantage of the site's inherent potential to utilize sources of renewable energy including direct sunlight, wind, or running water. The site plan should also incorporate site planning and landscaping decisions intended to minimize energy demand such as siting buildings to maximize solar access or the use of deciduous and coniferous trees to create shade and windbreak.

Buildings should, where appropriate within the context of the neighborhood development pattern, maximize their solar exposure by being oriented to maximize natural light and heat gain during winter months, and to minimize casting shadows into ground floor living space of a building on an adjacent property.

(f) Brownfield Sites:

Where a proposed development involves a known or suspected brownfield, the site plan shall indicate areas of known or suspected contamination, and the applicant shall identify completed or planned remediation necessary to support the intended use(s).

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

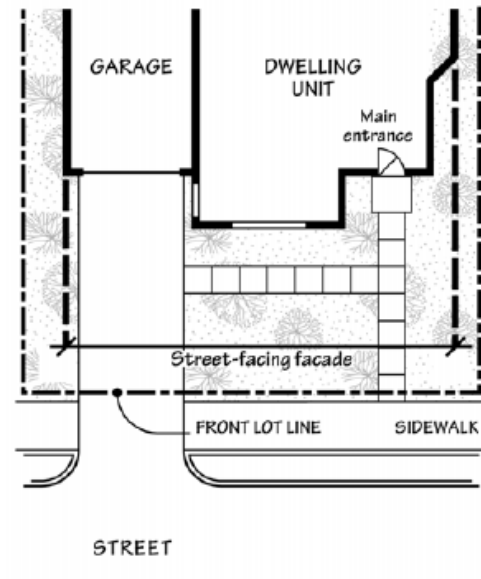
(h) Building Location and Orientation:

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. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the

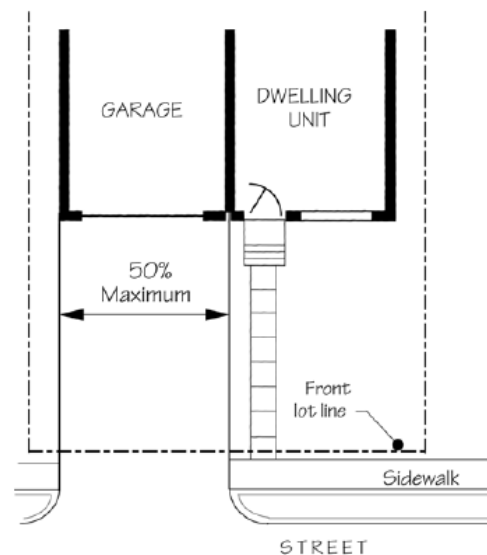
intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

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



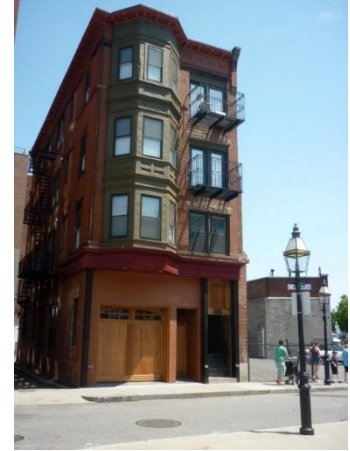
Where a garage is attached to a principal single-family or duplex residential structure and oriented to the street (i.e. the garage doors face the street) the following standards shall apply:

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



2. Each bay of the garage shall have a separate entrance door of no more than 10-feet in width.

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



(i) Vehicular Access:

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.

Driveways for commercial properties may require a traffic study to identify the impacts of the movement of traffic to and from the property, and design for safe access. Access for service and loading areas should be located behind buildings or otherwise screened from streets or public ways with landscaping or other barriers. Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.

(j) Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

(k) Accessibility for the Handicapped:

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.

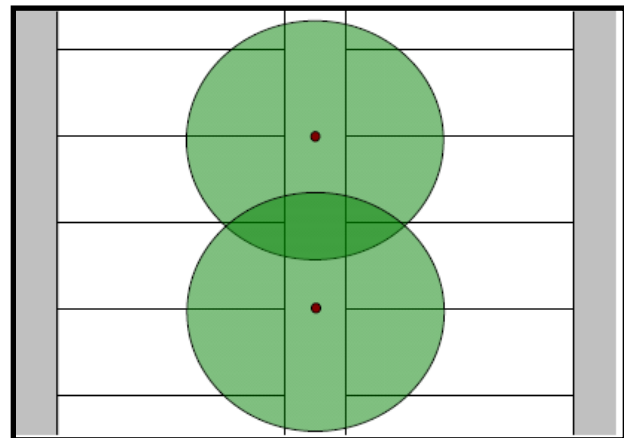
(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and 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.

(m) Landscaping, Fences and Retaining Walls:

Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the uses and buildings on the site. These include but are not limited to stormwater retention and erosion control, winter windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and creating privacy for and from adjacent property.

Existing trees shall be retained and incorporated into a landscape plan to the extent possible, and existing trees to be retained shall be protected during construction in accordance with specifications provided by the city arborist. Contiguous green space, both within the site and with adjacent properties, should be provided on a site whenever possible and be designed to provide wildlife travel corridors and habitat preservation, as well as enabling recreational access. If open space is intended to be publicly accessible, it shall be designed to maximize accessibility for all individuals including the disabled, encourage social interaction, and facilitate ease of maintenance. Along the street edge, landscaping shall be used to provide a visual buffer into parking areas from the public street and reinforce the streetscape.

The selection of plant materials and planting sites should create a sustainable landscape, and consideration shall be given to factors such as hardiness, salt tolerance, disease resistance, invasiveness, root and canopy spread, underground and overhead utilities, soil conditions, and microclimates. The use of native plant materials is encouraged, and the use of plants considered invasive by VT Agency of Agriculture shall be prohibited. For more information on sustainable landscapes, applicants are encouraged to consult *Planting Sustainable Landscapes: A Guide for Plan Reviewers* prepared for the Vermont Department of Forests Parks and Recreation by the Vermont Chapter of the American Society of Landscape Architects.

New or replacement street trees shall be provided consistent with the city's *Street Tree Master Plan*. All proposed street trees shall be selected and planted in accordance with specifications provided by the city arborist.

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle shall adhere to the standards of Sec. 5.2.6 (c). Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties. As with fences, retaining wall styles, materials, and dimensions shall be compatible with the context of the neighborhood and use of the property.

(n) Public Plazas and Open Space:

Where public open space is provided as an amenity to the site plan, it should be sited on the parcel to maximize solar exposure, with landscaping and hardscape (including fountains, sitting walls, public art, and street furniture) to encourage its use by the public in all seasons. Public plazas should be visually and physically accessible from public rights-of-ways and building entrances where appropriate and shall be designed to maximize accessibility for all individuals, including the disabled and encourage social interaction.

Public space should be coordinated with the surrounding buildings without compromising safety and visibility. Public spaces should be surrounded by active uses that generate pedestrian traffic, and connect the space to major activity centers, streets, or corridors.

New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.1 Applicability.

These standards are enacted and shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(b) – Design Review.

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to the purpose of the zoning district. They should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development should maintain an overall scale similar to that of

surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium residential districts, the height and massing of existing residential buildings should be carefully considered when evaluating the compatibility of additions and infill development; however, no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height, and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2. Where the zoning encourages greater intensity and larger scale buildings in high density residential and non-residential zoning districts, buildings that are over 3-stories should provide a transition by employing design elements that reduce the apparent building mass from the street level. Taller buildings and elements are most appropriate where they provide a focal point of a terminal view, anchor a street corner, frame view corridors, or relate to larger scaled structures. The impacts at the street-level of increased or altered wind currents and downdrafts created by buildings over six (6) stories should be considered.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) *Provide an active and inviting street edge* below.)

2. Roofs and Rooflines.

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

Dormers shall not exceed the height of the ridgeline of the roof to which they are attached, and shall be set back a minimum of 1-foot from the edges of the underlying roofline. Individual dog house dormers shall be limited to 33% of the horizontal eave length of the principal roofline.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or "green" roof technologies (with a clearly articulated maintenance plan) and "gray water" collection are encouraged. Active rooftop uses are

also encouraged to add to the visual complexity and activity of the city's skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

3. Building Openings

Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an "accessible route" to the building. Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.

Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise they should be setback a minimum of 5-feet.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

(c) Protection of Important Public Views:

Development shall preserve distant terminal views of Lake Champlain and the Adirondack Mountains and important public and cultural landmarks from public places and along east-west public rights-of-way to the extent practicable. This shall not be construed to include similar views from exclusively private property.

Sensitivity shall be used in the massing of proposed development such that light and air is allowed to penetrate and some views may be preserved. Alternatives that extend access to such views by allowing public access into and through the proposed development are encouraged. In no case shall development be permitted to span across the public rights-of-way in such corridors.

(d) Provide an active and inviting street edge:

Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. Large expanses of undifferentiated building wall shall be avoided. This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional facade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street-level are particularly important in order to facilitate the flow of pedestrian traffic.

Non-residential buildings should provide visual access into the interior of building at the street level through the use of large transparent windows and/or window displays in order to create a dynamic and engaging public streetscape. The use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street-level façade. In contrast, residential buildings may be slightly recessed and/or elevated from the street-level in order to provide privacy. In such cases, visual interest along the streetscape can be provided through the use of landscaping, porches, and other similar features that offer a transition between public and private space.

Buildings in downtown districts that provide open space by way of building setbacks at the ground level shall utilize landscaping, street furniture, public art, sitting walls, fountains, etc. to maintain a sense of the existing street wall, define a sense of entry for the building and create a space that enhances the pedestrian's experience. Urban "open" space shall maximize accessibility for all individuals including the disabled, and encourage social interaction.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

(f) Reduce energy utilization:

New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of

Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

(g) Make advertising features complementary to the site:

Where signs and other advertising features are proposed, the applicant shall meet the requirements as per Article 7 - Signs. The size, location, design, texture, lighting, and materials of all exterior signs and advertising features shall not detract from the use and enjoyment of proposed buildings or surrounding properties. National branding through signage and architecture shall be discouraged.

(h) Integrate infrastructure into the building design:

Exterior machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory features shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties.

Rooftop mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure's design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building. Where such rooftop features do not exceed ten percent (10%) of the total roof area, they may be considered "ornamental and symbolic features" pursuant to Sec. 5.2.7 for the purposes of measuring building height.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

Neighborhood Code: Additional Housing Development Options

CITY COUNCIL ORDINANCE COMMITTEE

2025.05.07



About the Neighborhood Code

- The Neighborhood Code aims to incrementally evolve Burlington's neighborhoods to meet the changing needs of households by increasing housing opportunities through neighborhood-scale solutions.
- Changes aim to ensure that our zoning allows new homes to be added to neighborhoods, that those homes can take many forms, and that they share characteristics with homes in those neighborhoods today

Neighborhood Code

Part 1

(ZA-24-02)

Adopted by City Council 3/25/24

Neighborhood Code

Part 2-A

(ZA-24-04)

Adopted by City Council 10/28/24

Neighborhood Code

Part 2-B

(ZA-25-02)

Proposed

Neighborhood Code **Part 2-B**

ZA-25-02, Proposed

Purpose: Provide clarity related to Design Review and ADU standards. Address additional housing opportunities in residential districts, including standards for Planned Unit Developments, Pocket Neighborhoods, and Rowhouses.

- ☐ Addresses possible situations where exceptions to maximum building footprint standards may be considered.
- ☐ Consolidates the applicability for the Design Review and Overlay District into one section to provide clarity of what is subject to review.
- ☐ Addresses the relationship between Secondary Structures & citywide ADU standards.
- ☐ Modifies Planned Unit Development standards, including consideration of a threshold for lot/project size in the Residential districts as revised under the Neighborhood Code Part 1, as well as development intensity, permitted uses and other topics as identified.
- ☐ Establishes standards for rowhouses and pocket neighborhoods in Pocket Neighborhoods that also account for and support fee-simple ownership.

Neighborhood Code **Part 2-B**

ZA-25-02, Proposed

** Topics originally proposed as part of ZA-24-04*

Discussion Structure

1. Maximum Building Footprint Standards + Existing Structures
 - Residential Special Uses
 - Neighborhood Commercial Uses
2. Design Review Applicability*
3. Residential Development Bonuses*
4. Clarifications Related to ADUs+ Secondary Structures*
5. Pocket Neighborhoods
6. Rowhouses
7. Planned Unit Developments

Topic 1: **Max. Building Footprint Standards + Existing Structures**

Issue:

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

Concern:

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



322 SAINT PAUL STREET

BURLINGTON, VERMONT

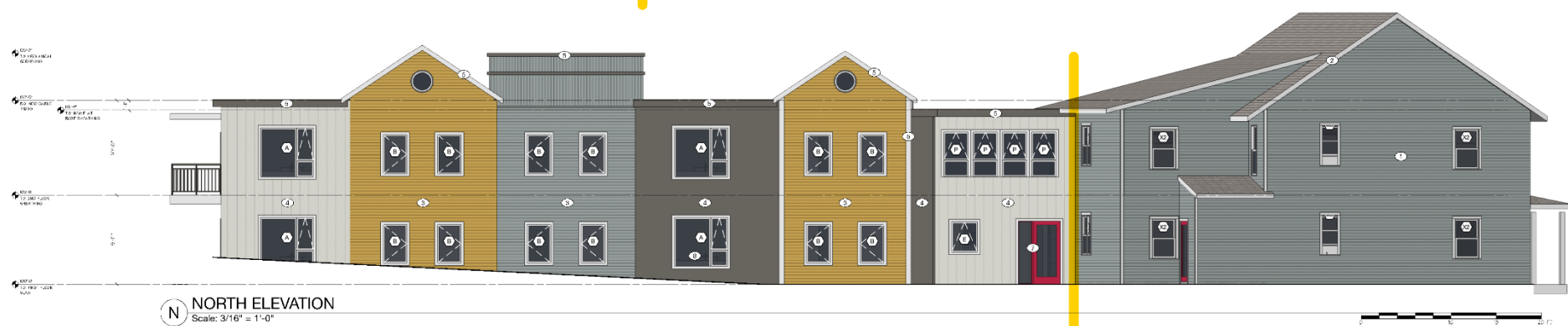
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DUNCAN WISNIEWSKI ARCHITECTURE, LLC
A PROFESSIONAL CORPORATION

SCHEMATIC DESIGN

**Duncan
Wisniewski**
ARCHITECTURE
235 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T. 202.894.6693

DRAFT

DATE: 11.29.21
DRAWN: TAB, BAW
L1-1



EXISTING FOOTPRINT: 2343 SF
ADDITION FOOTPRINT: 3422 SF

ELEVATION MATERIALS:		
1. HORIZONTAL SLAT CLADDING	4. CONCRETE FOUNDATION WALL	7. HORIZONTAL SLAT CLADDING
2. HORIZONTAL SLAT CLADDING	5. CONCRETE FOUNDATION WALL	8. HORIZONTAL SLAT CLADDING
3. HORIZONTAL SLAT CLADDING	6. CONCRETE FOUNDATION WALL	9. HORIZONTAL SLAT CLADDING

322 SAINT PAUL STREET
BURLINGTON, VERMONT

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DUNCAN WISNIEWSKI ARCHITECTURE
A PROFESSIONAL CORPORATION

PROGRESS SET

Duncan
Wisniewski
ARCHITECTURE

DRAFT

DATE: 12/16/2024
DRAWN: TEL

A2-1.0

Topic 1: **Max. Building Footprint Standards + Existing Structures**

Issue:

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

Proposal:

- Exempt the following Residential Special Uses from Maximum Principal and Secondary Structure Footprint Standards (Table 4.4.3-2):
 - Assisted Living, Community House, Convalescent/Nursing Home, Emergency Shelter, Historic Inn.

Topic 1: **Max. Building Footprint Standards + Existing Structures**

Opportunity for Motion:

- Refer the amendment exempting the stated Residential-Special Uses from Maximum Principal and Secondary Structure Footprint Standards to the City Council with a recommendation to warn a public hearing dated June 2nd and a second reading of the amendment.

Topic 1: **Max. Building Footprint Standards + Existing Structures**

Issue:

- Prior to the adoption of the Neighborhood Code and the creation of Maximum Building Footprint Limits in Residential Districts, the Neighborhood Commercial Use has their own standards in 4.4.5 (d) 3 iii, Exceptions for Neighborhood Commercial Uses.
- This standard states that: *“Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.”*

Concern:

- There is inconsistency between the maximum building footprints permitted in Table 4.4.5-2 and Sec. 4.4.5 (d) 3 iii

Topic 1: **Max. Building Footprint Standards + Existing Structures**

Issue:

- Prior to the adoption of the Neighborhood Code and the creation of Maximum Building Footprint Limits in Residential Districts, the Neighborhood Commercial Use has their own standards in 4.4.5 (d) 3 iii, Exceptions for Neighborhood Commercial Uses.
- There is inconsistency between the maximum building footprints permitted in Table 4.4.5-2 and Sec. 4.4.5 (d) 3 iii

Proposal:

- Exempt Maximum Principal and Secondary Structure Footprint Standards for Neighborhood Commercial Uses and refer to section 4.4.5 (d) 3 iii.

Topic 1: **Max. Building Footprint Standards + Existing Structures**

Issue:

- By establishing Maximum Building Footprint limits, there is the question of whether existing buildings that are already larger than the newly adopted building footprints should be allowed to expand.

Proposal:

- Create exception under Sec. 4.4.5 (d) 2.: Exceptions to Dimensional Standards (p. 11, Lines 191 – 198 of Amendment)
- This change confirms 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.

Topic 2: **Design Review Applicability**

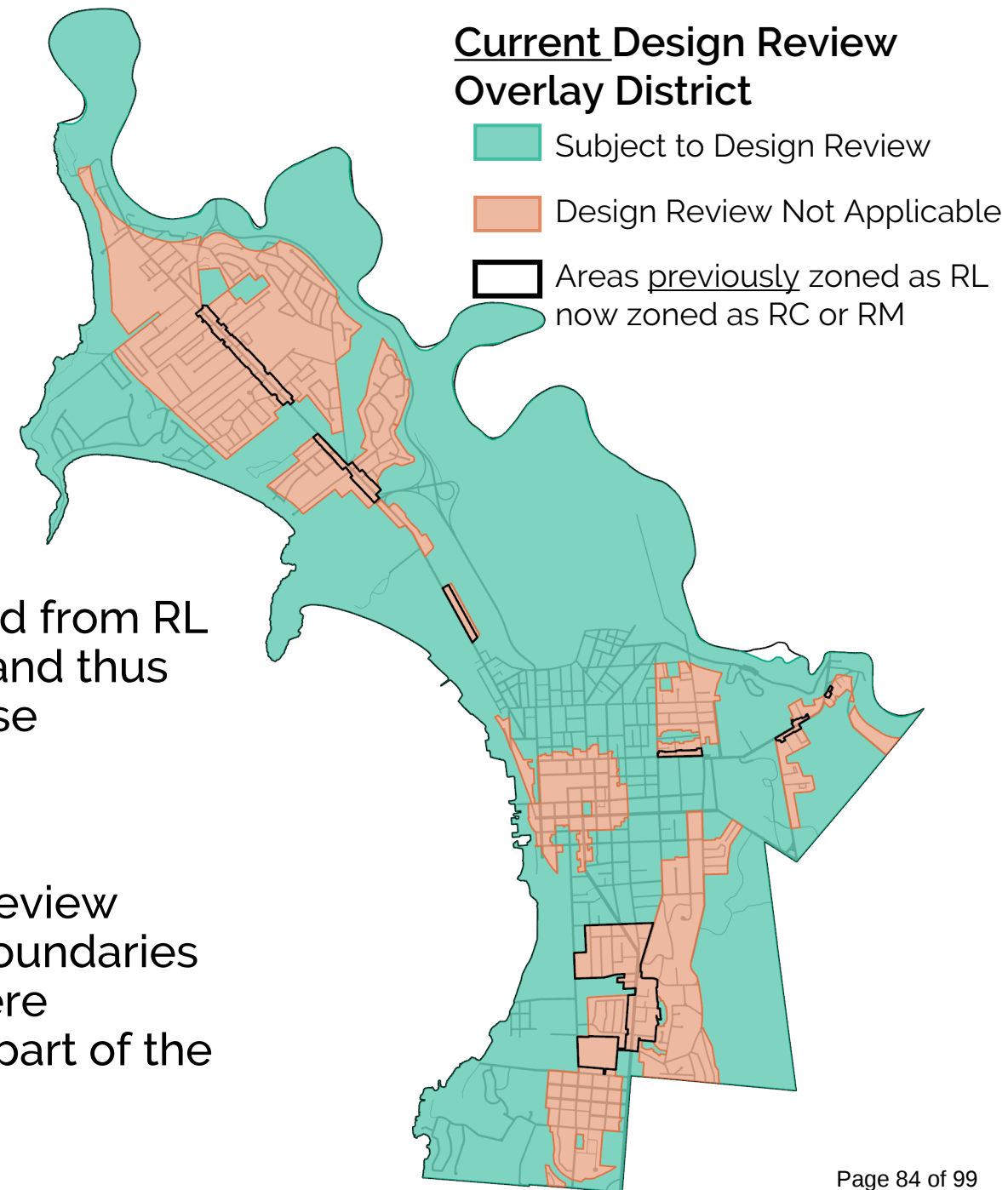
The following changes proposed to Design Review do not fundamentally change the applicability of design review, but seek to make the standards and requirements more clear and address the need for continuity and ease of reference.

Issue:

- The outlined areas on the right were re-zoned from RL to RM or RC under Neighborhood Code Pt 1 and thus now allow for uses more consistent with those applicable for Design Review.

Proposal:

- 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.



Topic 2: **Design Review Applicability**

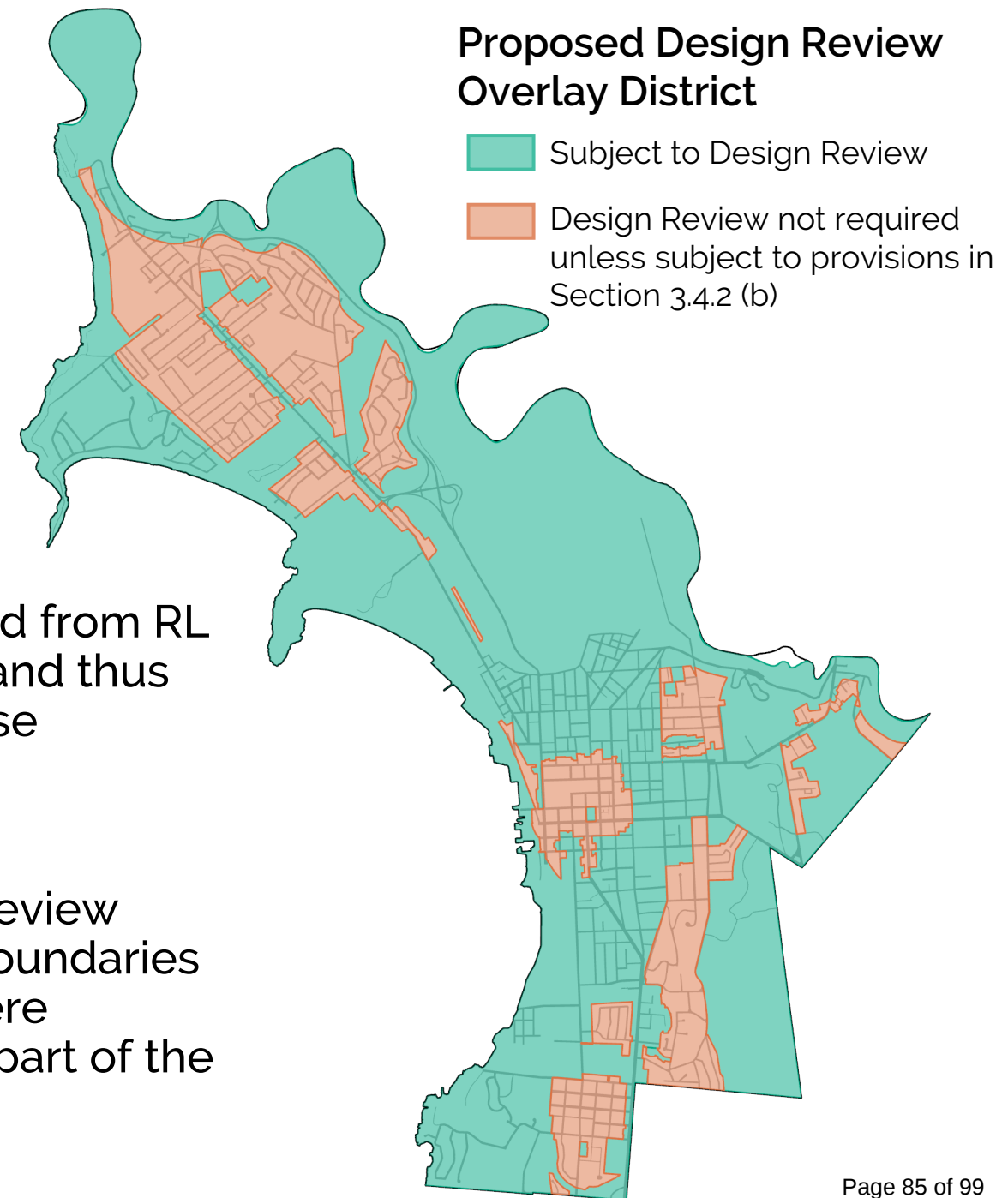
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Proposal:

- 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.

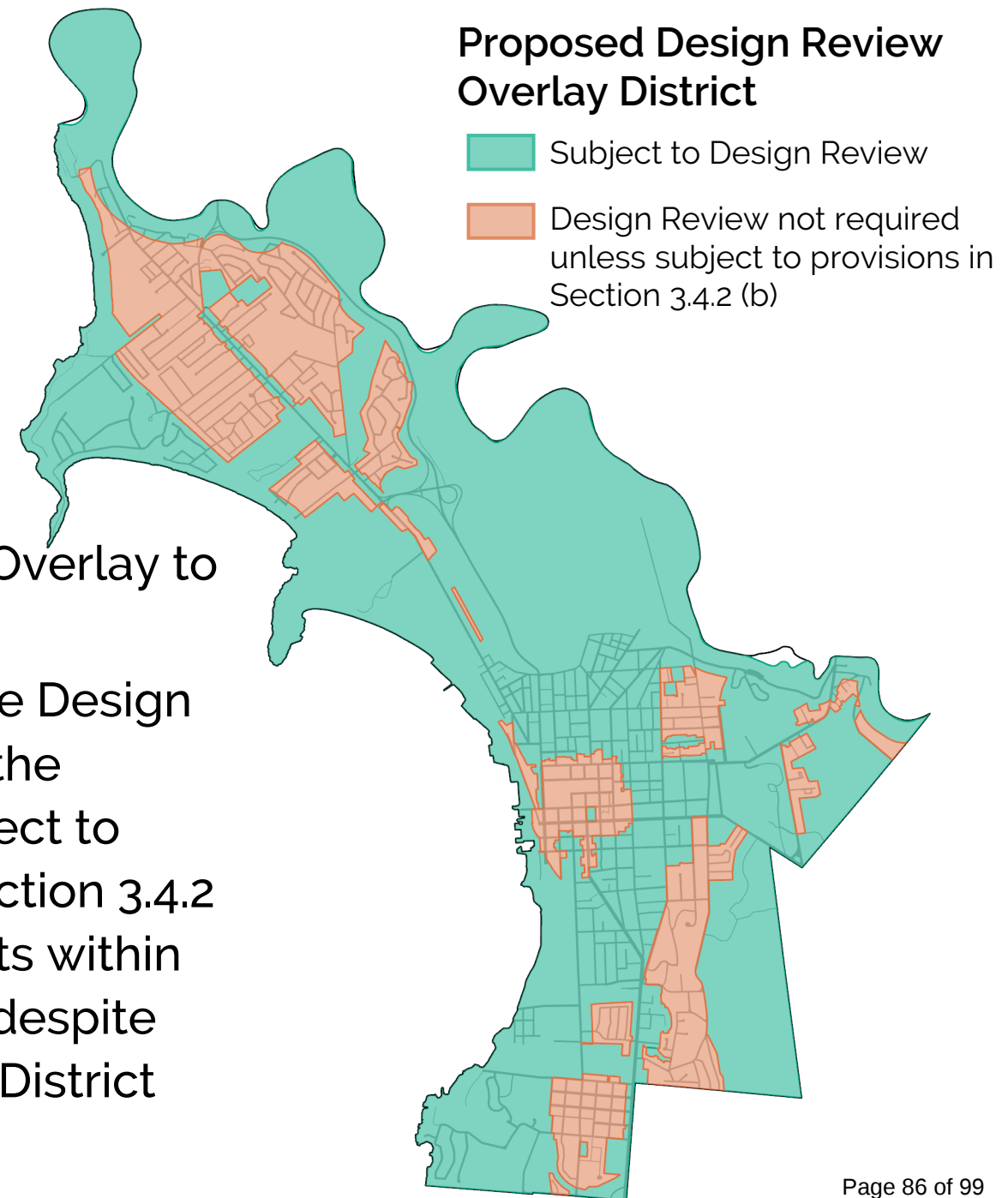


Topic 2: **Design Review Applicability**

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

Proposal: Move Map 4.5.1-1 Design Review Overlay to Article 3, becoming Map 3.4.2-1

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

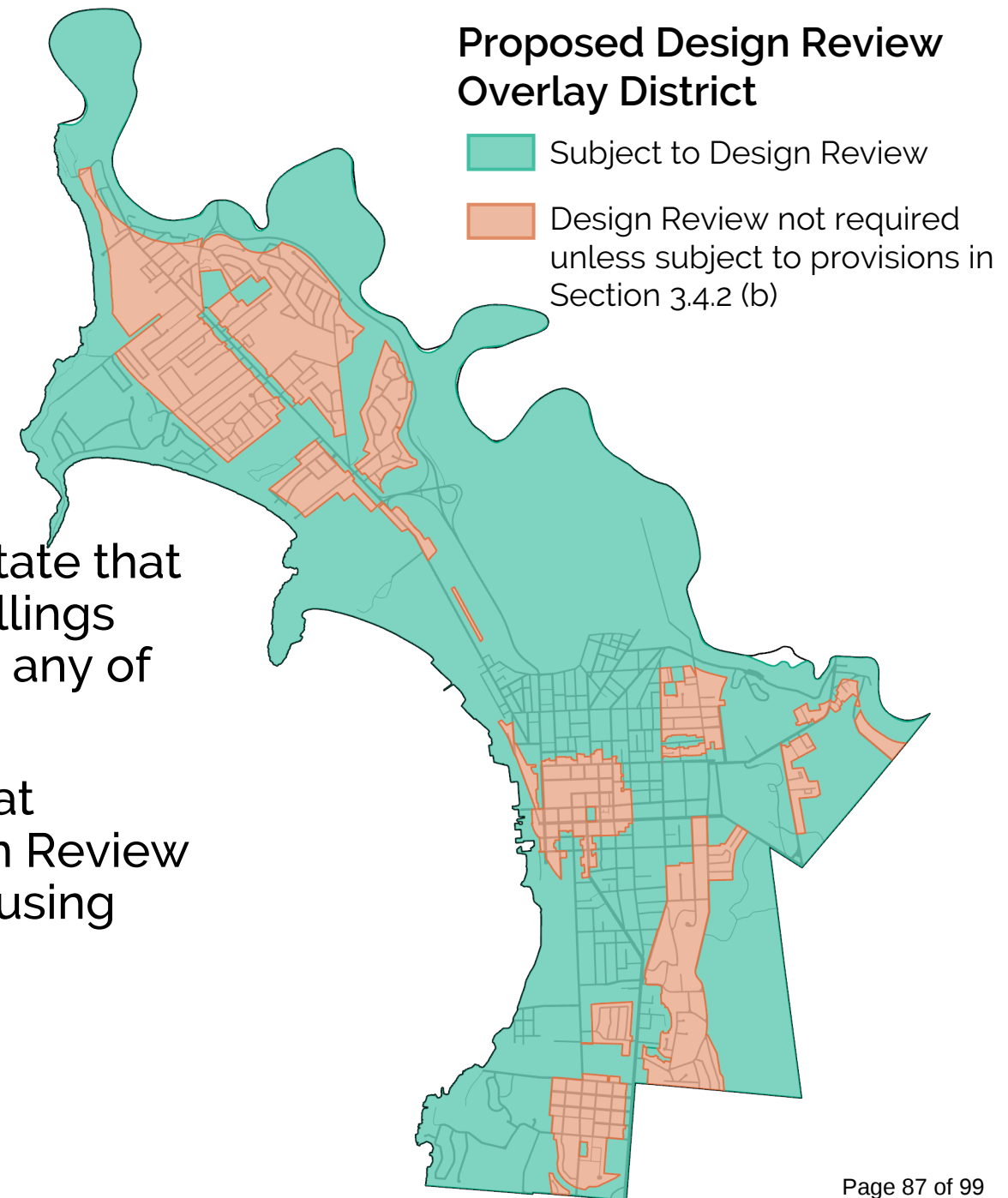


Topic 2: **Design Review Applicability**

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

Proposal: Amend 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.”

Rationale: 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

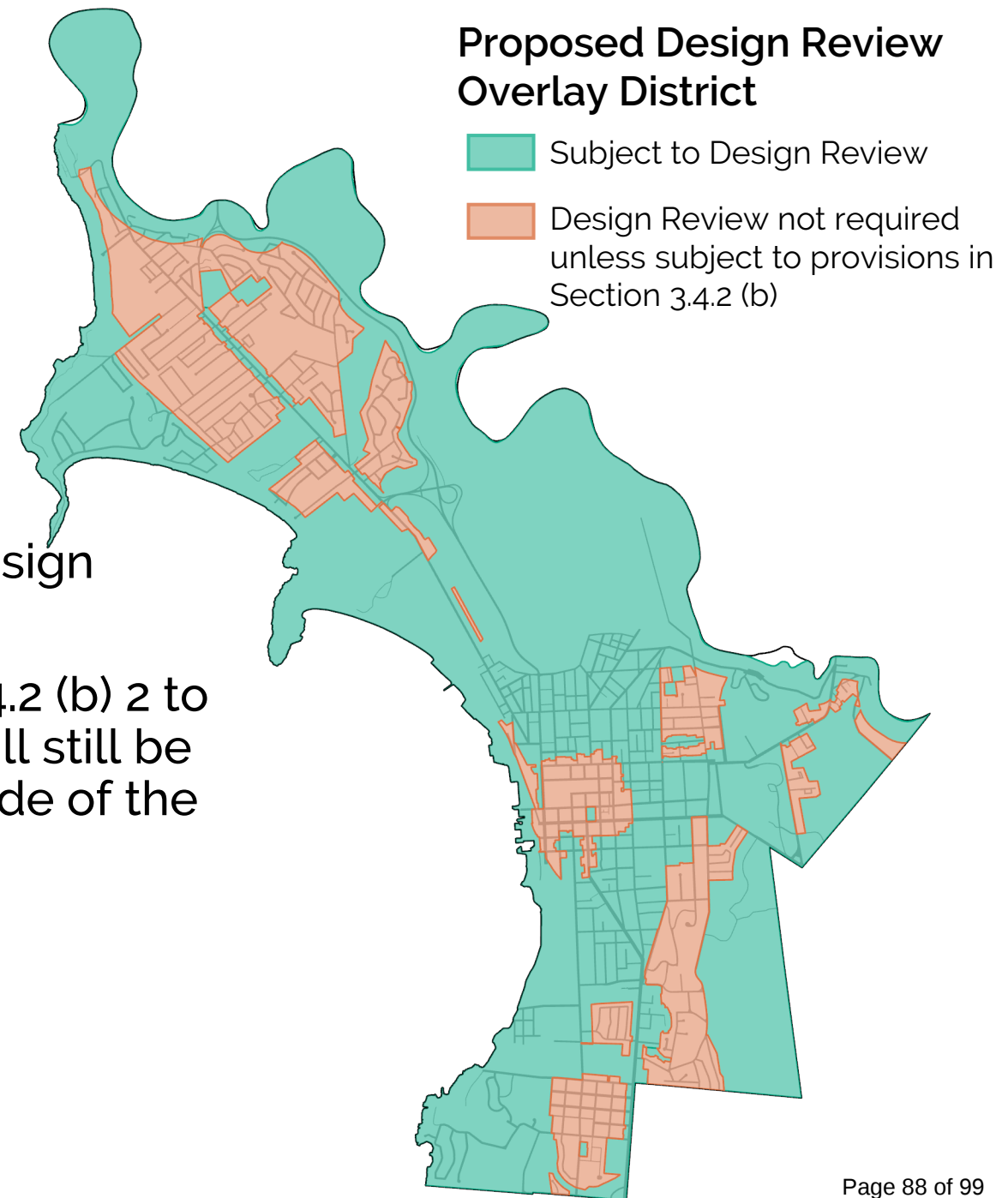


Topic 2: **Design Review Applicability**

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

Proposal: Remove and Reserve Sec. 4.5.1 Design Review Overlay District

Rationale: This change defers to Section 3.4.2 (b) 2 to provide clarity that projects within this list will still be subject to design review despite being outside of the Design Review Overlay District.



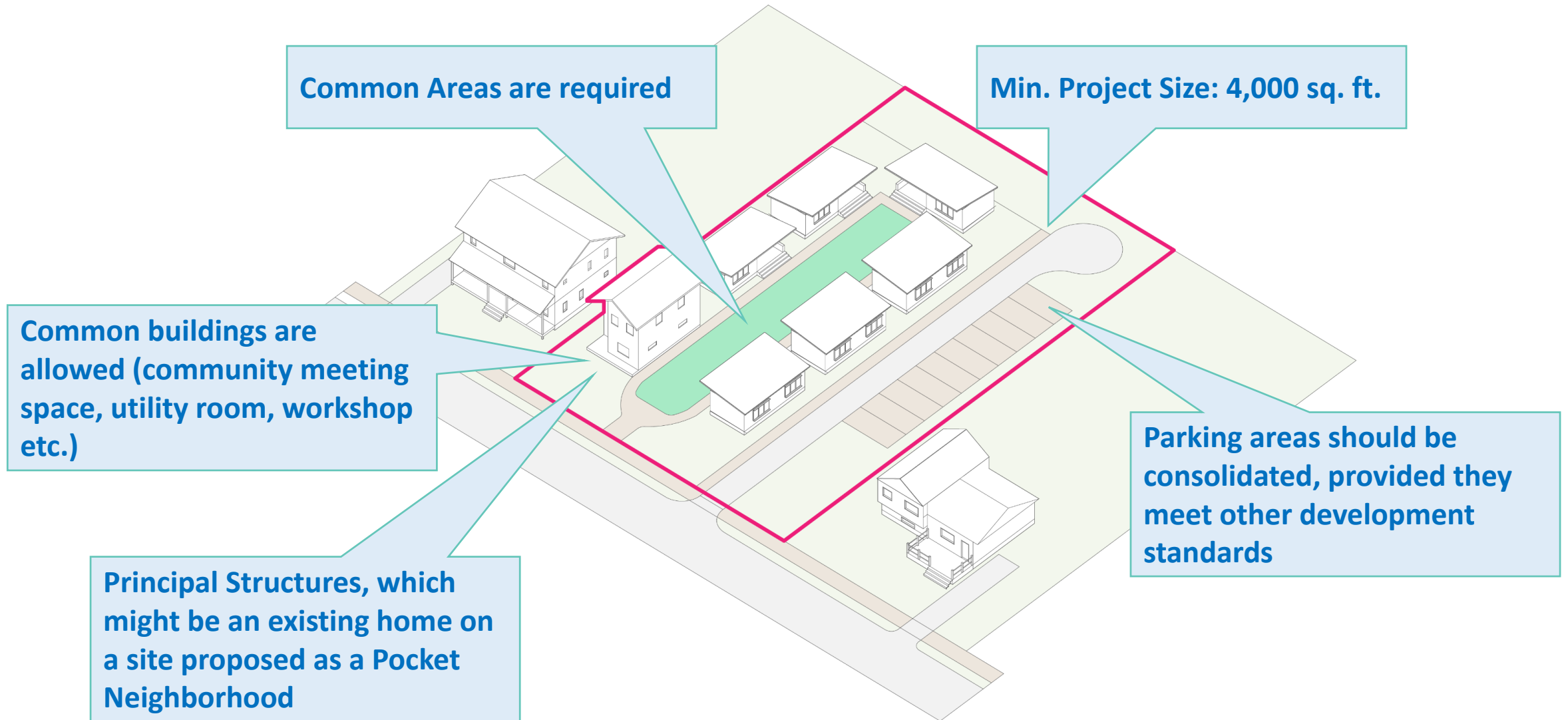
ZA-25-02: **Pocket Neighborhoods**

Pocket Neighborhoods, sometimes referred to as Cottage Courts, are a group of cluster of small detached houses or two-unit attached houses that share a common area.

Benefits of Pocket Neighborhoods:

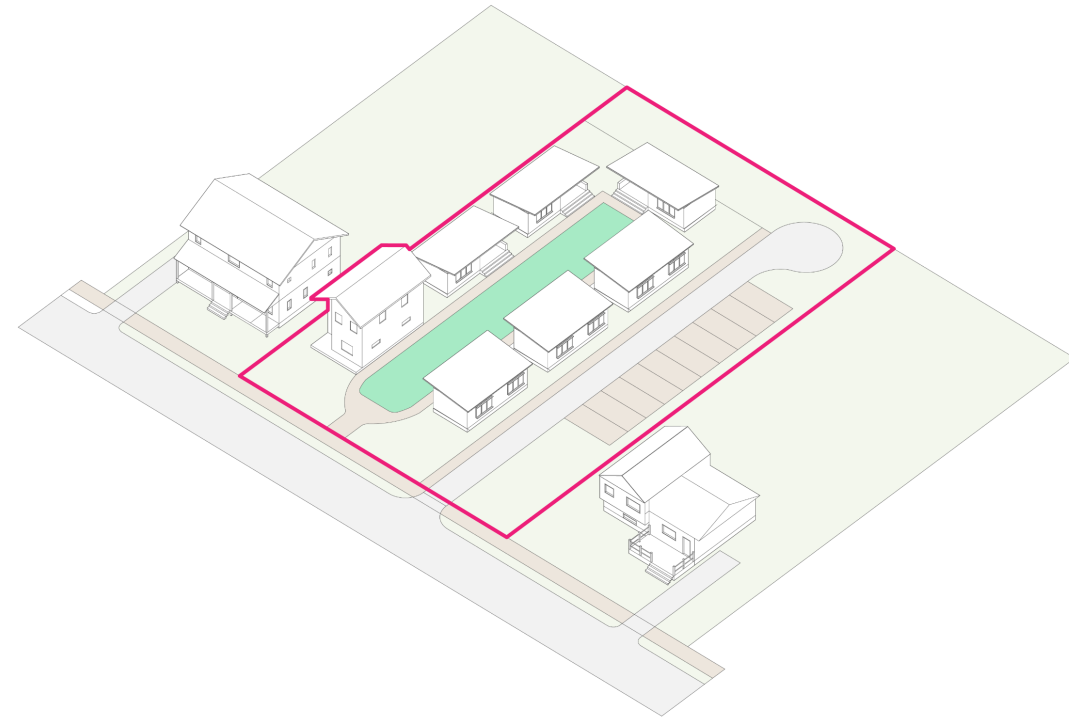
- Smaller homes reduce housing costs
- Community open space instead of rear yards
- Shared amenities amongst residents
- Designed to promote interaction community among members while still respecting personal privacy
- Address diverse housing needs

ZA-25-02: **Pocket Neighborhoods**



ZA-25-02: **Pocket Neighborhoods**

- Min. lot size: 4,000 sf
- Principal Structures are allowed (could be an existing home or a purpose-built new structure)
- Homes must be oriented toward and close to the common area
- Min./Max. # of homes: 3/12
- Structures can have up to two units
- Max. building footprint: 1,000 sf
- Common Area standards ensure usability and accessibility
- Parking can be provided in surface spaces or individual garages



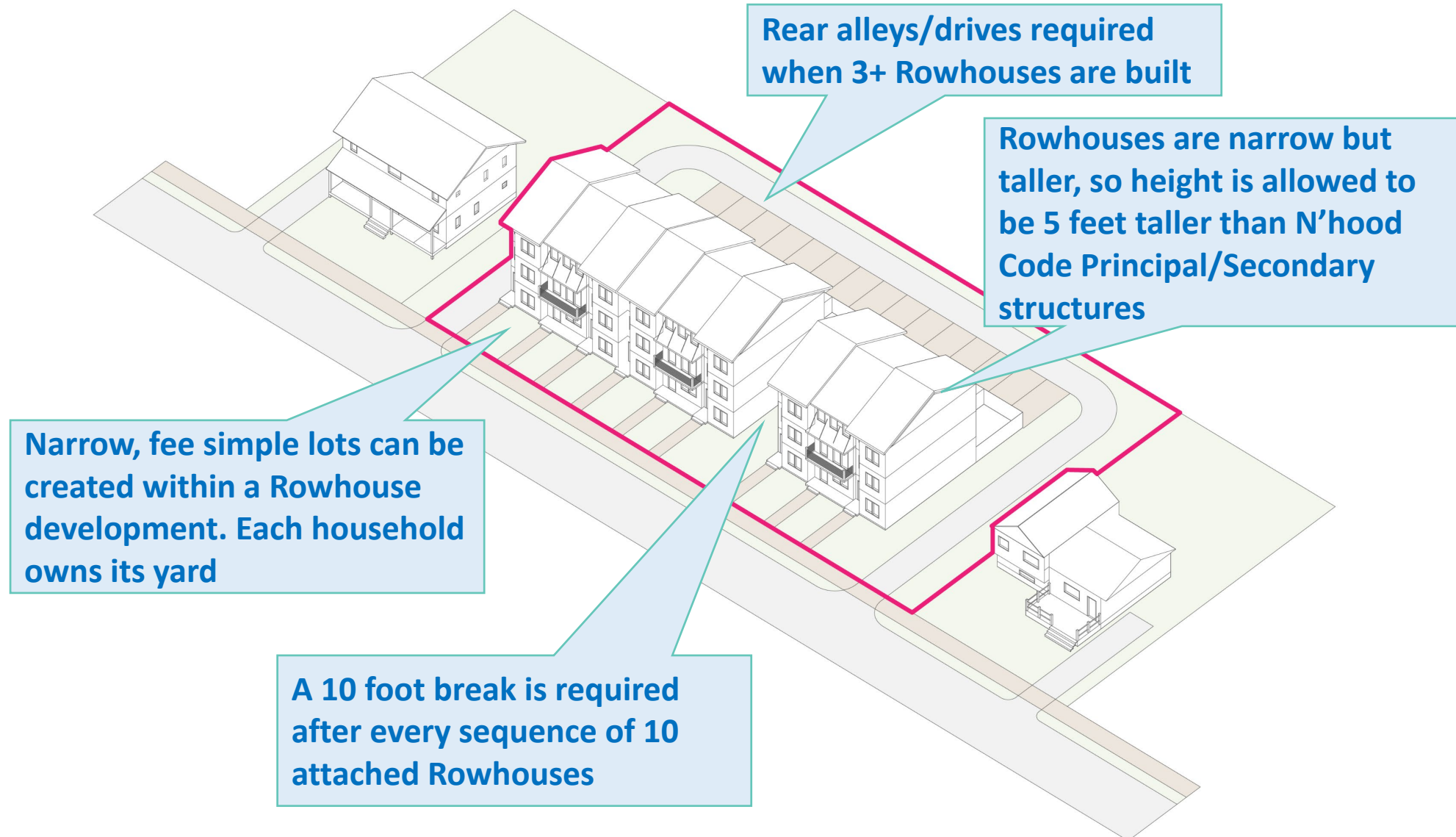
ZA-25-02: **Rowhouses**

Rowhouses, also known as townhouses, are a historic development pattern in cities across the US and are ideally suited for infill redevelopment. **They are also the fastest growing percentage of new housing across “missing middle” housing types.**

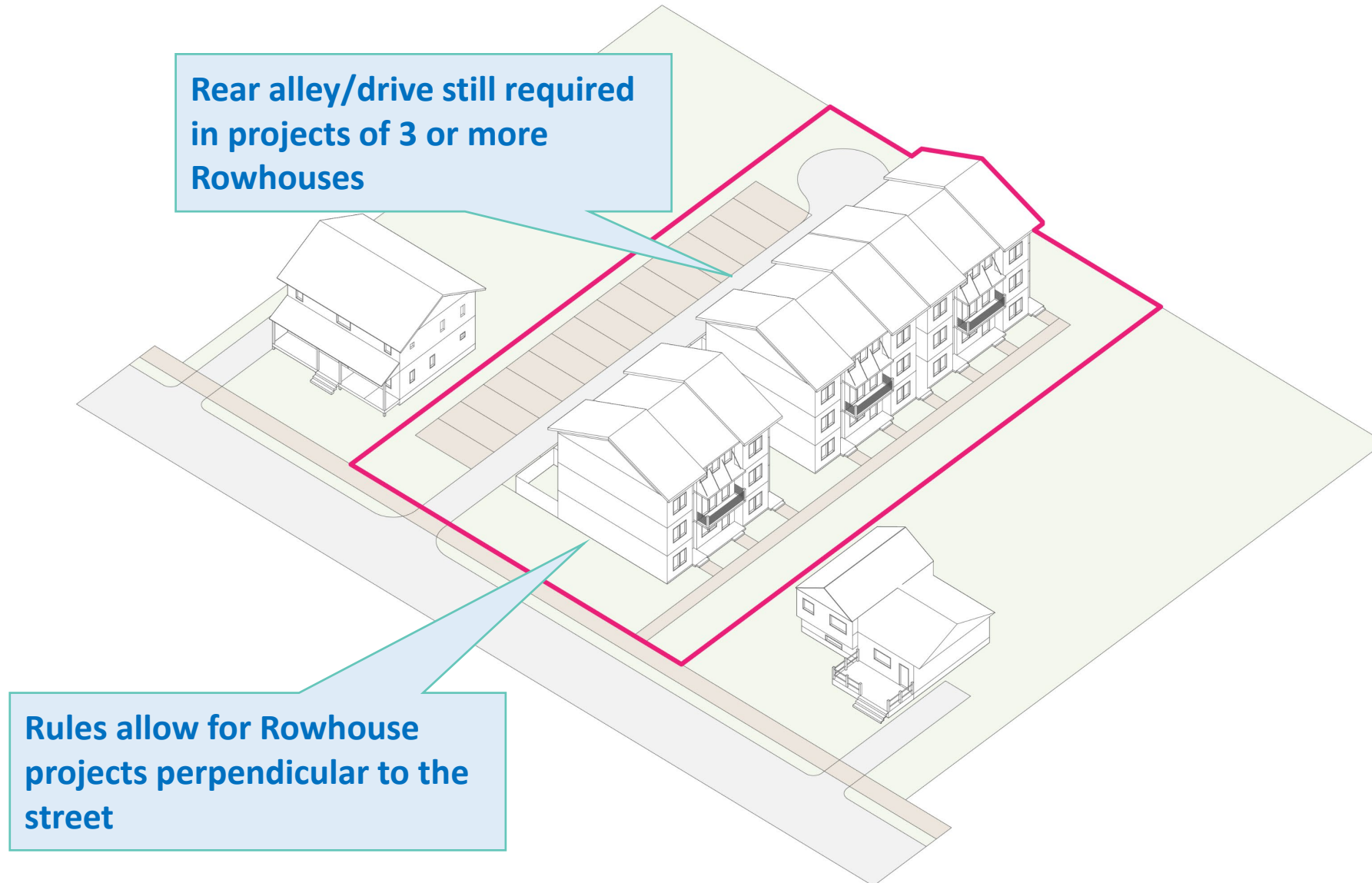
Benefits of Rowhouses:

- Can be sold as “fee simple” units, making the construction, sale, and maintenance less complex.
- Small footprints + shared walls lead to lower construction costs and lower sale prices Attached nature reduces energy use and costs
- Narrow lots create efficiencies for density and land use
- Fee simple Rowhouses are in high demand in cities where they’ve been enabled
- Typically contain 3+ bedrooms
- Can be arranged to meet different lot shape and condition

ZA-25-02: **Rowhouses**

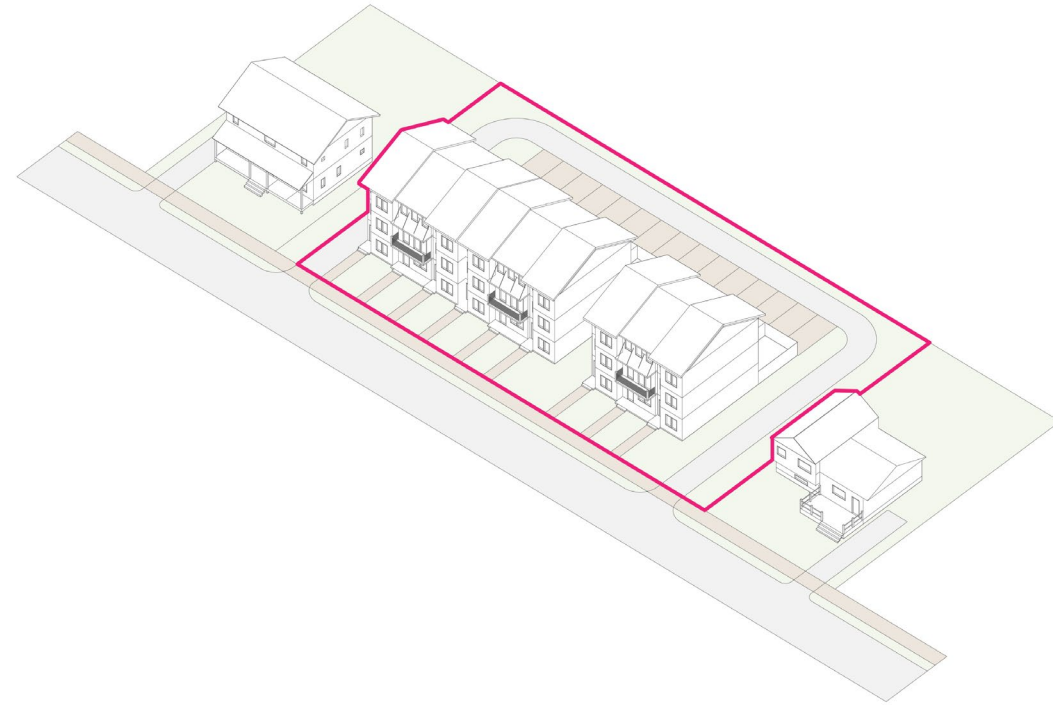


ZA-25-02: **Rowhouses**



ZA-25-02: **Rowhouses**

- Proposed rules facilitate fee simple duplex and rowhouse housing options
- Vehicular access managed to limit curb cuts and front-of-house parking
- Min. lot width: 16 feet
- Max. building height: 3 stories/40 feet
- Max. bldg. footprint (Rowhouse): 900 sf
- Max. bldg. footprint (secondary structure: 600 sf



ZA-25-02: **Planned Unit Developments**

Planned Unit Developments (PUDs) are a development type currently allowed in the RL and RM districts, but not yet in the RC district. They offer larger properties in the Residential district a flexibility that balances infill development with neighborhood context.

Benefits of Planned Unit Developments:

- Promote the most appropriate use of land through flexibility of design and development of land
- Offer opportunities to creatively plan and design for housing on large sites within residential neighborhoods, including those with existing uses and structures
- Proposed rules limit larger buildings to projects of 3+ acres
- A mix of housing types is encouraged and can offer options to a broad range of residents

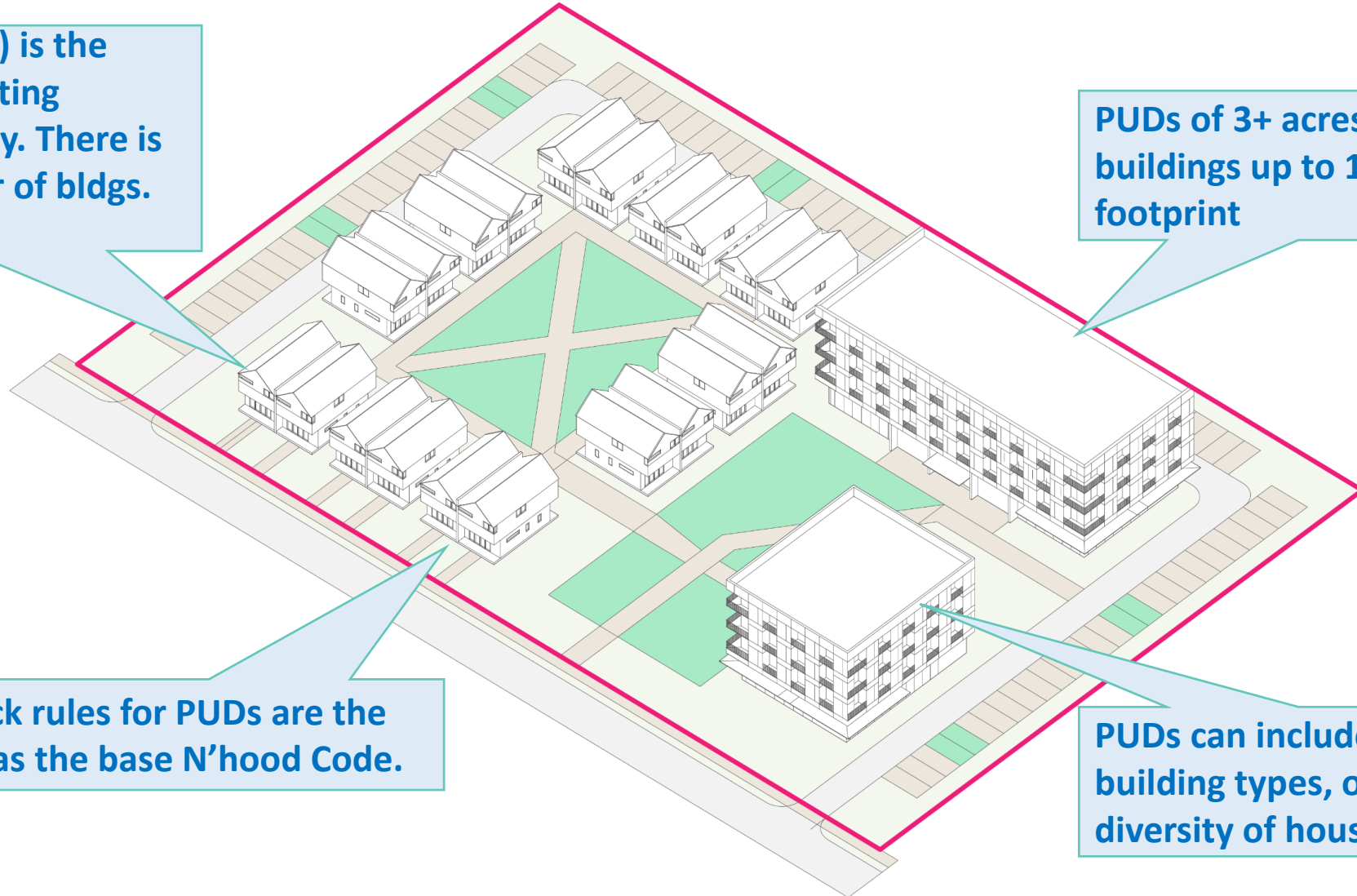
ZA-25-02: **Planned Unit Developments**

Floor Area Ratio (FAR) is the main standard regulating development intensity. There is no maximum number of bldgs. allowed.

PUDs of 3+ acres can have buildings up to 15,000 sf in footprint

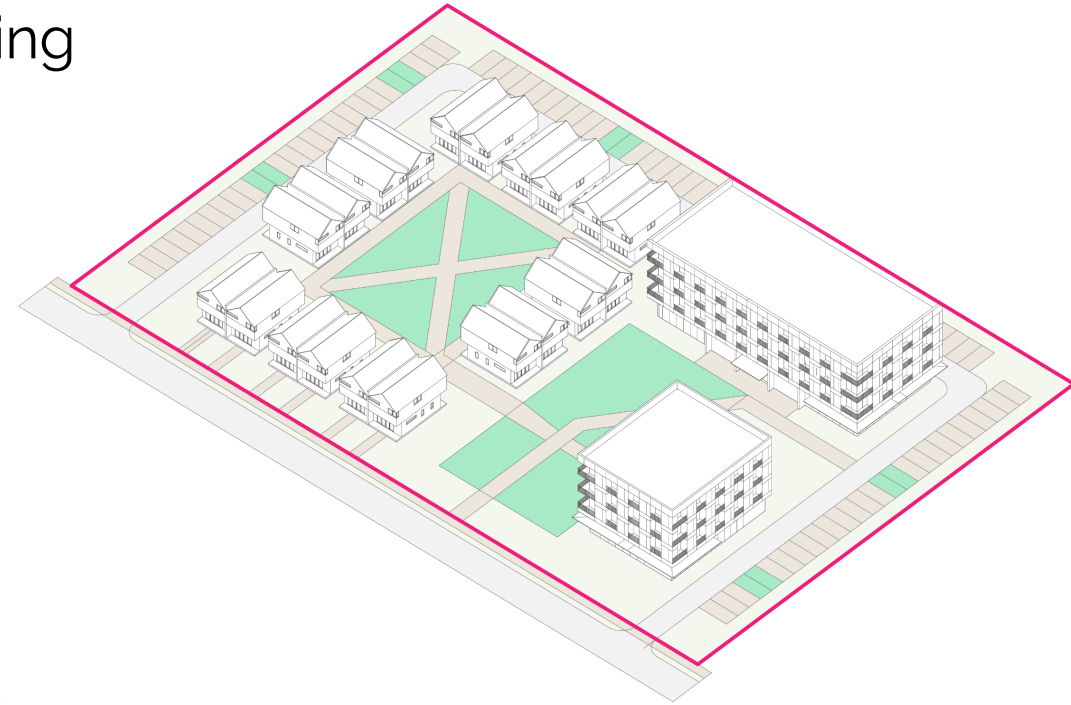
Setback rules for PUDs are the same as the base N'hood Code.

PUDs can include different building types, offering a diversity of housing choice



ZA-25-02: **Planned Unit Developments**

- Small PUDs (<0.5 acres) are allowed but only with Rowhouses and/or Pocket Neighborhoods
- Medium PUDs (0.5-2.99 acres) can have building footprints up to 5,000 sf
- Large PUDs (3+ acres) can have buildings footprints up to 15,000 sf
- Max. bldg. footprint flexibility in additions to existing structures, with DRB approval
- Max. FAR: 0.75 in RL/1.0 in RM, RC and RH
- Setback rules same as base N'hood Code
- Large buildings (>5,000 footprint) must be set back 50' from the street and adjacent residential properties in most cases



ZA-25-02: **Planned Unit Developments**

Building size in PUDs:

- The amendment proposes to allow larger buildings than the base N'hood Code.
- Buildings with footprints of 5,000 sf or less are especially conducive to family-size units
- Larger buildings can be integrated into neighborhoods with little impact to surrounding context.

Heineberg Senior Housing has a footprint of 24,000 sf.



Thayer Commons (NNE) has buildings with footprints between 8,000 sf and 25,000 sf

