



Wednesday, June 18, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

When: Jun 18, 2025 04:30 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

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1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Draft Minutes

Subject	2.1. Adopt Draft Minutes from 5/7
Meeting	June 18, 2025 - Ordinance Committee Meeting - Wednesday, June 18, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	2. Adopt Draft Minutes
Department	Council and Board

Type

Recommended Action

Subject **2.2. Adopt Draft Minutes from 5/9**

Meeting June 18, 2025 - Ordinance Committee Meeting - Wednesday, June 18, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 2. Adopt Draft Minutes

Department Council and Board

Type

Recommended Action

Subject **2.3. Adopt Draft Minutes from 5/14**

Meeting June 18, 2025 - Ordinance Committee Meeting - Wednesday, June 18, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 2. Adopt Draft Minutes

Department Council and Board

Type

Recommended Action

3. Public Forum

Subject **3.1. Verbal Comments**

Meeting June 18, 2025 - Ordinance Committee Meeting - Wednesday, June 18, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 3. Public Forum

Department Council and Board

Type

4. ZA-25-03 SEID Stormwater Standards

Subject **4.1. ZA-25-03 SEID Stormwater Standards**

Meeting June 18, 2025 - Ordinance Committee Meeting - Wednesday, June 18, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 4. ZA-25-03 SEID Stormwater Standards

Department Council and Board

Type

Recommended Action

5. ZA-25-06 PlanBTV Downtown Code

Subject **5.1. ZA-25-06 PlanBTV Downtown Code**

Meeting	June 18, 2025 - Ordinance Committee Meeting - Wednesday, June 18, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	5. ZA-25-06 PlanBTV Downtown Code
Department	Council and Board
Type	
Recommended Action	

6. Any Other Committee Business

Subject	6.1. Any Other Committee Business
Meeting	June 18, 2025 - Ordinance Committee Meeting - Wednesday, June 18, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	6. Any Other Committee Business
Department	Council and Board
Type	
Recommended Action	

7. Adjournment

Subject	7.1. Motion to adjourn
Meeting	June 18, 2025 - Ordinance Committee Meeting - Wednesday, June 18, 2025, 4:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	7. Adjournment
Department	Council and Board
Type	
Recommended Action	

Ordinance Committee
Wednesday, May 7, 2025
Bushor Conference Room Conference Room
or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Bergman (Chair), Councilor Barlow, Councilor Carpenter, Councilor Kane

Staff Present: Kim Sturtevant (Assistant City Attorney), Charles Dillard (Director of Planning), Sarah Morgan (City Planner)

Public Present: Sharon Bushor, Todd Deluca, Kirsten Merriman Shapiro

Meeting called to order at 12:30 PM.

1. Adopt the Agenda
1.01 Adopt the Agenda

Motion to Adopt Agenda.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes
2.1 Adopt Draft Minutes from March 18.

Motion to accept and place the the draft minutes from March 18 on file.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Sharon Bushor: I do not oppose anything in the ordinance regarding row houses. I like pocket neighborhoods as well, but including parking structures in the common space is not great and parking structures should be placed off to the side. I think the ordinance should reference the fact that Chapter 26 still applies.

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

Charles Dillard and Sarah Morgan presented a presentation on the proposed amendments. The presentation is available in the agenda packet on CivicClerk.

Kirsten Merriman Shapiro (Champlain Housing Trust) said that CHT has already created a plan to create apartments using the amendments to CDO that would provide supportive housing for those with disabilities. She said that while CHT would be the landlord, a separate healthcare provider would provide care. She continued that the building currently is not accessible for people with disabilities and so changes had to be requested to the CDO to accommodate those needs.

Councilor Carpenter asked how and why historic inns became part of this proposed change. Sarah Morgan said that the Planning Commission decided on the categories to include in the proposed amendment.

Councilor Carpenter also asked about the inclusion of emergency shelters. Charles Dillard said that state statute allows municipal regulation of size, location, set backs, and other criteria to the extent they do not interfere with the intended function. He continued that the state legislation is still up in the air and there could be changes.

Councilor Barlow said he would be interested in amending the proposed change to include approval of emergency shelter pending additional information on state policy.

Charles Dillard said that the proposed amendment could be changed to exempt the stated residential special uses excluding emergency shelters from maximum principal and secondary structure footprint standards as stated in line 72, table 4.4.5.2 footnote 6.

Motion to refer the proposed amendment regarding convalescent housing/assisted living to City Council with recommendation to warn a public hearing and for second reading.

Motion by Councilor Carpenter, Seconded by Councilor Barlow

Final Resolution: Motion Passes

Yes: Unanimous

Councilor Carpenter said that in the past nursing homes or other community houses have been created and then later left without funding and so the providers were no longer there. Kirsten Merriman Shapiro (CHT) said that the draft MOU between CHT and the provider is for an initial five year term. She continued that if the provider fell through in the future and another could not be found, the housing would remain for those individuals.

Councilor Carpenter asked how the City would address a building that was built for assisted living and no longer did so, despite having the larger footprint allowed under the proposed ordinance. Attorney Sturtevant said that the building would need a change of use which could result in the structure having a nonconformity.

Sarah Morgan presented the proposed changes to the Neighborhood Code. Relevant documents are available in the agenda packet on CivicClerk.

Councilor Carpenter asked if the changes to the definition of ADU for the City would affect individuals looking to apply for grants to help finance the building of ADUs on their property.

Charles Dillard said that the City could and should create a guide to help guide residents that want to build an ADU and inform them of any eligibility for outside grants or financing.

Presentation and amendment discussion to be continued at the next meeting.

5. Any Other Committee Business

No other committee business.

6. Adjournment

The next Ordinance Committee meeting is scheduled for May 9 at 2:00 PM.

The meeting was adjourned at 2:31 PM.

Ordinance Committee
Friday, May 9, 2025
Bushor Conference Room Conference Room
or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Bergman (Chair), Councilor Barlow, Councilor Carpenter, Councilor Kane

Staff Present: Kim Sturtevant (Assistant City Attorney), Charles Dillard (Director of Planning), Sarah Morgan (City Planner)

Public Present: Sharon Bushor

Meeting called to order at 2:00 PM.

1. Adopt the Agenda
1.01 Adopt the Agenda

Motion to Adopt Agenda.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

2. Public Forum

Sharon Bushor: I sent written comments earlier today. On Table 11.1.5-2, I believe there needs to be more explanation on the setbacks. I like the rowhouses on College Street that have setbacks and would like to see more.

Sharon Bushor's written comments are posted to the agenda packet on CivicClerk for this meeting.

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

Sarah Morgan (City Planner) shared a presentation. This presentation is available in the agenda packet on CivicClerk for this meeting.

Councilor Carpenter asked about striking the portion of line 217 of the draft ordinance that allows for larger developments for housing for individuals with disabilities per the ADA in addition to older residents as she would prefer such housing to have services provided and that exemption is already available under other ordinances.

Councilor Bergman disagreed with striking that portion of the ordinance.

Motion to Remove the Provision in Lines 217-218 of the Draft Ordinance to Include the Possibility of an Exemption for Individuals with Disabilities as defined by the ADA.
Motion by Councilor Carpenter.
Motion Withdrawn by Councilor Carpenter.

Motion to Ask the Planning Department to Draft Language about Requirements around Parking and Driveway Access to Pocket Developments.
Motion by Councilor Bergman, Seconded by Councilor Barlow.
Final Resolution: Motion Passes
Yes: Unanimous

Motion to Ask the Planning Department to Draft Language about Requiring Rowhouses Facing Perpendicular to Another Street to have a Façade or a Minimum Number of Windows.
Motion by Councilor Carpenter, Seconded by Councilor Barlow.
Final Resolution: Motion Passes
Yes: Unanimous

Motion to Refer the Draft Ordinance Back to City Council for Public Hearing, Second Reading, and Potential Adoption.
Motion by Councilor Barlow, Seconded by Councilor Carpenter.
Final Resolution: Motion Passes
Yes: Unanimous

4. Any Other Committee Business

No other committee business.

5. Adjournment

The next Ordinance Committee meeting is scheduled for May 14 at 12:00 PM.

The meeting was adjourned at 3:59 PM.

Ordinance Committee
Wednesday, May 14, 2025
Bushor Conference Room Conference Room
or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Bergman (Chair), Councilor Barlow, Councilor Carpenter, Councilor Kane

Staff Present: Kim Sturtevant (Assistant City Attorney), Erik Ramakrishnan (Assistant City Attorney)

Public Present: Sharon Bushor

Meeting called to order at 12:06 PM.

1. Adopt the Agenda
1.01 Adopt the Agenda

Motion to Adopt Agenda.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

2. Public Forum

Sharon Bushor: I like the provision that requires a review of impact fees at least every five years. I think it might be relevant to have an initial review within two years at first to make initial adjustments. I think the resolution or ordinance should indicate which department or group will conduct the review. We also no longer have a zoning board of adjustment but the ordinance references them repeatedly regarding appeals.

3. BCO Impact Fee Discussion

Attorney Ramakrishnan shared a presentation on the review of impact fees. The materials are available in the agenda packet on CivicClerk.

Attorney Sturtevant said that the Development Review Board has taken over the jurisdiction of the Zoning Board of Adjustment and so the draft language will be changed to reflect that.

Motion to Change References to the Zoning Board of Adjustment to the Development Review Board.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

Motion to Delete Language Regarding Accounting and Refunds as that Information will be in the Administrative Regulations.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

Motion to Add Language to the Enforcement Section that clarifies that Each Day that a Violation Occurs Constitutes a Separate Offense.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

Motion to Refer the Draft Ordinance Back to the City Council for a Second Reading on June 2nd.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

4. CDO Impact Fee Discussion

Motion to Refer the Draft Ordinance Back to City Council with a Recommendation to Suspend the Rules, Ask that it be Warned, and For First Reading.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

5. Any Other Committee Business

Motion to Recommend the City Council Refer the 2.5% Gross Receipts Ordinance that will Sunset on June 30 to the Board of Finance for Consideration on Extension or Permanency.

Motion by Councilor Carpenter, Seconded by Councilor Barlow.

Final Resolution: Motion Passes

Yes: Unanimous

6. Adjournment

The meeting was adjourned at 1:52 PM.

TO: Burlington City Council
FROM: Charles Dillard, AICP, Director, Office of City Planning
Sarah Morgan, AICP Senior Planner
DATE: May 12, 2025
RE: Proposed ZA-25-03 SEID Stormwater Standards

1. Overview & Background

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

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

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

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

Planning Commission Ordinance Committee Discussion

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

Planning Commission Deliberation and Communication

At its April 22nd public hearing, the Planning Commission referred the amendment to the City Council, with a recommendation to approve based on the merits of the amendment itself, but also given that the City has three opportunities in the coming months and years to strengthen its approach to ecological design in development projects generally, and in the South End Innovation District specifically. The Commission submits a memo outlining these opportunities.

Proposed Amendment: ZA-24-04

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

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

Proposed Amendments

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

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

Relationship to *planBTV*

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

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

Compatibility with Proposed Future Land Use & Density

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

Impact on Safe & Affordable Housing

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

Planned Community Facilities

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

Process Overview

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

Planning Commission Process					
Draft Amendment prepared by: Staff 10/01/24	Presentation to & discussion by Commission 10/8/2024	PC Ordinance Comm. 3/10/2025	Approve for Public Hearing	Public Hearing 4/22/2025	Approved & forwarded to Council 4/22/2025
City Council Process					
First Read & Referral to Ordinance Cmte 5/12/2025	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption	

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
SEID Stormwater Standards
ZA-25-03

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

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and hereby amends Section 4.5.6, South End Innovation District Overlay; Table 4.5.6-1, SEID Dimensional Standards & Density; and Section 4.5.6(C)1, Dimensions Standards & Density; thereof to read as follows:

Sec. 4.5.6 South End Innovation District Overlay

(a) Purpose:

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

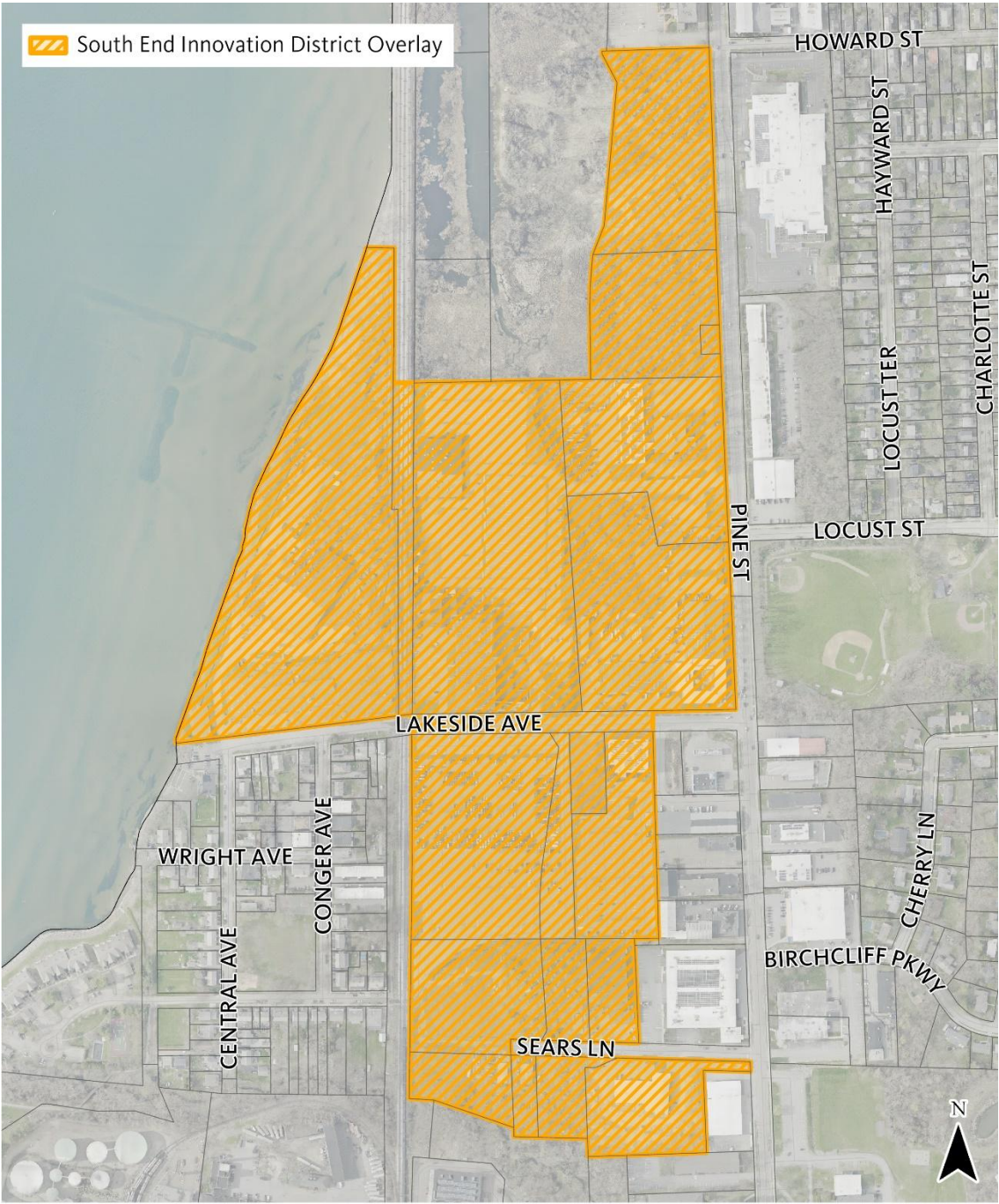
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but ~~require~~ a high degree of permeable surfaces achieved through green stormwater infrastructure is encouraged. Buildings should range in height from one to eight stories, and should be constructed of materials and in manners that limit embodied carbon and achieve the highest possible energy performance permitted by the Vermont Building Code. Sites should incorporate ample public and private open spaces and include extensive networks of accessible paths that are free of cars. Streets should be constructed in a manner that allocates the majority of their space to pedestrians and cyclists. Buildings should be oriented to the public realm – streets, paths and open spaces, in a manner that creates a safe and inviting district. Site and building design should support public and ecological health to the highest possible degree.

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

(b) Areas Covered:

The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.6-1.

25 Map 4.5.6-1 SEID Overlay



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

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27

28

(c) District Specific Regulations**Table 4.5.6-1: SEID Dimensional Standards & Density**

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

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

1. Dimensional Standards & Density

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

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

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

57 *Map 4.5.6-2 SEID Specific Height Area Map -- As written.*

58 **Table 4.5.6-2: Frontage and Activation Standards** -- *As written.*

59 **2. Frontage and Ground Floor Activation Standards** -- *As written.*

60 **3. Parking** -- *As written.*

61 **4. Uses** -- *As written.*

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

63 **Table 4.5.6-3 Uses Permitted & Limited within the SEID** -- *As written.*

64

65

66 * Material stricken out deleted.

67 ** Material underlined added.

68

69 Ordinances 2025/ZA-25-03 SEID Stormwater Standards

70 CDO Sec. 4.5.6 (a), Table 4.5.6-1, Sec. 4.5.6(C)1

71 05/15/25

TO: Burlington City Council
FROM: Andy Montroll, Chair, Burlington Planning Commission
DATE: May 7, 2025
RE: Commissioner Comments on proposed ZA-25-03: South End Innovation District GSI

I am submitting this communication on behalf of Burlington Planning Commission with the intent to provide pertinent context and rationale behind the Commission's referral of ZA-25-03 to City Council. After several discussions regarding the rationale and context of this amendment, the Planning Commission voted to refer the proposed amendment to the City Council following a public hearing on April 22nd.

1. Amendment Background

Section 4.5.6-1 of the Comprehensive Development Ordinance currently notes that at least 25% of the pervious area on a lot must include Green Stormwater Infrastructure (GSI). The specific GSI practice must be one of the following three if a project intends to meet the maximum lot coverage limit in the South End Innovation District: 1) constructed wetland, 2) suspended pavement planted with one shade tree per 250 square foot area (Silva Cells), or 3) pervious pavement. However, it was brought to the Planning Commission's attention that, the amount of GSI needed on a lot should be linked to the amount of stormwater treatment needed rather than the pervious area on the site. Additionally in some cases, it is not feasible to implement any of the three specified GSI techniques due to varying site conditions across the district and other stormwater treatment practices would be better suited.

Prescribing three specific GSI management practices does not take into account the site-specific variables and conditions that must be considered when determining appropriate stormwater management techniques. Permitting a more diverse application of practices allows site conditions and performance standards to dictate the most appropriate method or methods for developments subject to Chapter 26 standards.

2. Assurances of Existing Protections

Planning Commissioners have been assured by city staff within the Water Resources Division, the Department of City Planning, and the Department of Permitting and Inspections that this amendment is not a softening of standards as it relates to Stormwater Treatment.

Chapter 26 of the Burlington Code of Ordinances establishes comprehensive standards for wastewater, stormwater, and pollution control. This ordinance, which is overseen by City Council and administered by Burlington's Water Resources division, establishes minimum stormwater management requirements and erosion controls to protect and safeguard the general health, safety, and welfare of the public, Lake Champlain, and its tributaries. This ordinance encourages Green Infrastructure, Best Management Practices, Low Impact Design, and other innovative practices. Article 3 of Chapter 26, Stormwater and Erosion Control, is applicable to all developments and projects, including all projects and construction activities subject to zoning review, regardless or independent of the Comprehensive Development Ordinance. Chapter 26

already contains stringent requirements for erosion prevention and sediment control, as well as post construction stormwater management, more so than neighboring and similar municipalities. For example, while an earth disturbance of 400 sq ft triggers Erosion Control Plan requirements for Burlington, Portland, ME does not require any Erosion Plan for any single-family or duplex properties, and its trigger for other properties is 1 acre. Additionally, the Chapter 26 is designed so that any redevelopment of any existing large impervious surface necessitates a level of stormwater treatment of areas that were not previously subject to treatment. Lastly, Article 3.a.3 of Chapter 26 denotes that any property with hydrological conditions that would lead to offsite sediment runoff or pollutant load to a natural outlet is subject to the ordinance, regardless of impervious area or disturbed area proposed. As it relates to current state regulations, Chapter 26 requires design to be compliant with the Vermont Stormwater Manual.

The Commission's recommendation was made with the understanding that, in addition to these existing regulatory standards, there are additional upcoming opportunities to enhance coordination among departments concerning Burlington's stormwater and wastewater management practices outside of the Comprehensive Development Ordinance.

3. Upcoming Opportunities for Strengthening Stormwater & Wastewater Standards

After several discussions regarding the rationale and context of this amendment, the Planning Commission voted to refer the proposed amendment to the City Council following a public hearing on April 22nd. This recommendation was made with the understanding that, in addition to the existing regulatory standards at both the municipal and state levels, there are several upcoming opportunities to enhance coordination among departments concerning Burlington's stormwater and wastewater management practices outside of the Comprehensive Development Ordinance. Over the next three years, the following efforts will be made to continue to support the health, safety, and welfare of the public, as well as the well-being of Lake Champlain and its tributaries.

Chapter 26 – Existing Standards and Future Updates: As the amendment was developed over the course of several Planning Commission meetings, staff from the Water Resources Division assured Commissioners that Burlington's stormwater management practices were highly rigorous, exceeding requirements set by both the EPA as well as existing state requirements. Water Resource Staff also informed attendees that there are also efforts underway within the Water Resources division to propose amendments to the Ordinance in the coming year.

The Planning Commission recommends that instead of establishing Green Stormwater Infrastructure standards within the Comprehensive Development Ordinance, the City Council Ordinance Committee collaborate closely with the Water Resources Division on the proposed amendments to Chapter 26. Commissioners view this upcoming process as an opportunity to enhance the language regarding best practices for stormwater management, particularly in relation to green stormwater infrastructure.

SECORD Development Agreement: Commissioners acknowledge the importance of incorporating Green Stormwater Infrastructure in major redevelopment projects, specifically as part of the South End Coordinated Redevelopment project (SECORD). The City, as owner of approximately three acres at 68 Sears Lane, is party to a pre-development agreement with Champlain College and Ride Your Bike, LLC, to develop collaboratively more than 13 acres that will become a new dense neighborhood in the South End. The pre-development agreement

includes a commitment to “demonstrate the ecological sustainability of potential development concepts.” It also commits the parties to developing the framework plan in accordance with the City’s engineering standards. As part of the work carried out in the pre-development agreement, conceptual designs for streetscapes have been created and include on-street bioswales, a green stormwater management practice. Additionally, the parties have identified generalized open space locations, one goal of which is to accommodate GSI practices. Ultimately, the goal of the parties is to establish a development agreement that will guide this multi-year construction project. The development agreement should generally guide the project’s stormwater management strategy, and specifically, establish minimum commitments for green stormwater infrastructure where feasible. The City should authorize the Water Resources division of DPW to play a lead role in establishing these commitments.

Creation of Ecological Design Standards: A long-term opportunity identified by staff is the development of ecological design standards to guide future projects in or near Burlington’s ecologically sensitive areas.

The establishment of these standards was initially recommended as a strategy in the Nature-Based Climate Solutions Addendum of the 2020 Open Space Plan. This recommendation is currently being discussed in the ongoing Citywide Open Space Plan. Additionally, this recommendation should be further explored in the Citywide Comprehensive Plan and should involve community engagement with stakeholders and experts.

TO: Burlington City Council
FROM: Charles Dillard, AICP, Director, Office of City Planning
Sarah Morgan, AICP, Planner
DATE: May 12, 2025
RE: Proposed ZA-25-06 Downtown Code Parking Setbacks

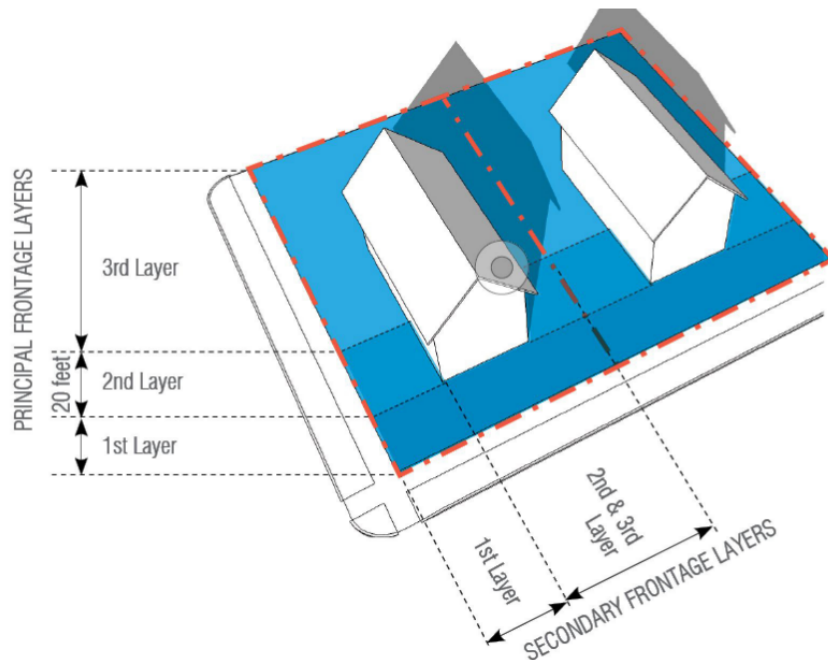
1. Overview & Background

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

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

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

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



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

Proposed Amendment: ZA-24-06

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

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

1. Amendment to Article 14: PlanBTV Downtown Code

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

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

Relationship to *planBTV*

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

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

Compatibility with Proposed Future Land Use & Density

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

Impact on Safe & Affordable Housing

The amendment has no impact on Safe & Affordable Housing

Planned Community Facilities

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

Process Overview

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

Planning Commission Process					
Draft Amendment prepared by: Staff 2/7/25	Presentation to & discussion by Commission: 2/11/25	Approve for Public Hearing:	Public Hearing	Approved & forwarded to Council:	
City Council Process					
First Read & Referral to Ordinance Cmte 25/15/2025	Referred back to Planning Commission:	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE

PlanBTV Downtown Code Parking Setbacks

ZA-25-06

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

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and hereby amends Article 14, PlanBTV Downtown Code, Sec. 14.6.7, Parking and Circulation, subsection (f), Parking Lots and Parking Areas, thereof to read as follows:

Article 14: PlanBTV Downtown Code

Sec. 14.6.7 Parking and Circulation

a) – e) *As Written*

f) Parking Lots and Parking Areas

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

g) – j) *As Written.*

* Material stricken out deleted.

** Material underlined added.

Ordinances 2025/ZA-25-06 PlanBTV Downtown Code Parking Setbacks

CDO Sec. 14.6.7(f)

05/14/25