Burlington Planning Commission
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/cityplanning

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

Burlington Planning Commission

Tuesday, September 23, 2025, 6:30 PM

Remote & Virtual Meeting via Zoom
In person option available:
Bushor Conference Room (Room 102), 1st Floor of City Hall, 149 Church St.
To Join the Meeting on a Computer
Link:https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFIzdz09
Passcode: 658929
To Join the Meeting on a Phone
Number:+1 646 931 3860 US Meeting ID: 979 4188 3790

1. Agenda

2. Public Forum

3. Chair's Report

4. Director's Report

5. Proposed Open Space Plan

Subject	**5.1. Second review of the draft Open Space Plan with representatives of the Open Space Plan team. Click here for the draft of the Open Space Plan. Recommended Action: Warn Draft Open Space Plan with recommended changes for a Public Hearing on October 14.**
Meeting	September 23, 2025 - Planning Commission Agenda - Tuesday, September 23, 2025, 6:30 PM, Burlington Planning Commission
Category	5. Proposed Open Space Plan
Department	Planning
Type	
Recommended Action	

6. planBTV: 2050 - Burlington's Unified Comprehensive Plan

Subject	**6.1. Discussion of the opportunity to select a Comprehensive Plan Advisory Committee Representative.**
Meeting	September 23, 2025 - Planning Commission Agenda - Tuesday, September 23, 2025, 6:30 PM, Burlington Planning Commission
Category	6. planBTV: 2050 - Burlington's Unified Comprehensive Plan

Department	Planning
Type	
Recommended Action	

7. Proposed CDO Amendment ZA-26-01 Technical Corrections & Minor Revisions

Subject	**7.1. Discussion related to proposed CDO Amendment ZA-26-01: Technical Corrections and Minor Revisions.** **Recommended Action: Warn amendment for a Public Hearing on October 14th.**
Meeting	September 23, 2025 - Planning Commission Agenda - Tuesday, September 23, 2025, 6:30 PM, Burlington Planning Commission
Category	7. Proposed CDO Amendment ZA-26-01 Technical Corrections & Minor Revisions
Department	Planning
Type	
Recommended Action	

8. planBTV: New North End Transportation Scenarios

Subject	**8.1. Discussion related to planBTV: New North End Transportation Scenarios. Staff will present these concepts at the meeting, but they are also available online for review and comment.**
Meeting	September 23, 2025 - Planning Commission Agenda - Tuesday, September 23, 2025, 6:30 PM, Burlington Planning Commission
Category	8. planBTV: New North End Transportation Scenarios
Department	Planning
Type	
Recommended Action	

9. Commissioner Items

10. Minutes + Communications

Subject	**10.1. Accept minutes and communications.**
Meeting	September 23, 2025 - Planning Commission Agenda - Tuesday, September 23, 2025, 6:30 PM, Burlington Planning Commission
Category	10. Minutes + Communications
Department	Planning
Type	

11. Communications

12. Adjournment

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

TO: Burlington Planning Commission
FROM: Sarah Morgan, AICP, Principal Planner
Charles Dillard, AICP, Director of City Planning
DATE: September 23, 2025
RE: Proposed ZA-26-01 Technical Amendments and Minor Revisions

This memo is intended to provide an overview about the set of proposed changes included in ZA-26-01.

1. Overview & Background

The revisions included proposed by staff in ZA-26-01 include technical corrections to the ordinance as well as minor revisions to existing standards, described in below in Section 2 of this memo. The proposed set of minor zoning revisions aim to address challenges in the implementation of existing standards.

2. Minor Revisions to the CDO

The proposed minor revisions described below will support greater flexibility within current zoning regulations to accommodate development needs. Together, these minor revisions provide greater flexibility for ground-level design in the South End Innovation District, address challenges related to fence height in Downtown districts, and remove barriers to context-sensitive development for Planned Unit Developments in Burlington's residential neighborhoods.

South End Innovation District

The proposed amendment to the SEID Ground Floor Entries standards addresses a primary challenge that has arisen in reviewing ongoing development plans in the overlay. These entry standards were based on a desire for highly-activated ground floors, particularly those occupied by retail uses. However, local and national trends continue to demonstrate reduced viability of retail and non-residential uses, particularly those in ground floor podiums that are costly to build. As such, the ground floor standards should be amended, both to facilitate greater amounts of private entries into ground floor residential uses on Primary Frontages, and to acknowledge the aforementioned concerns regarding retail viability. Furthermore, the amendment proposes to eliminate the requirement for ground floor entries on Secondary Frontages to extend flexibility to site development and to facilitate marketable residential ground floor uses on these less prominent streets.

Finally, City staff has encountered several site-specific challenges related to topographical and infrastructural conditions that make meeting the current standards challenging. For example, Lakeside Avenue, long proposed as a Secondary Frontage in the first phase of the SECORD project, is approximately eight feet below the developable portion of the parcel. As the ROW width, particularly as it crosses under the railroad, does not accommodate a sidewalk, the requirement to locate ground floor entries along this Frontage is not reasonable. Similar challenges have been seen at other locations in the SEID.

Ultimately, this proposed amendment will increase flexibility in the SEID and allow for much-needed housing within a larger South End that continues to see successful business activity in existing buildings.

PlanBTV Downtown Code Fences

Downtown business owners, their employees, and service providers are facing ongoing challenges related to substance use, hygiene, and safety, particularly in alleys, entryways, and service areas. Due to the rigidity of the

planBTV Downtown Code, the Development Review Board has requested a zoning amendment to provide them with increased flexibility and authority to potentially allow for taller fences.

The proposed amendment to Article 14 would grant the DRB the authority to approve fence heights of up to 6 to 8 feet, provided that the applicant can demonstrate that such a waiver is justified for public or property safety and aligns with the intent of the Form-Based Code, as well as creating an administrative approval pathway allowing for fences to be up to 6 feet in height, as long as they are transparent.

3. Technical Corrections

In collaboration with the Department of Permitting and Inspections, this amendment includes a number of technical amendments, which are included and outlined in Section 4c of this memo.

4. Proposed Amendment: ZA-26-01

a) Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

b) Purpose Statement

The proposed changes in ZA-26-01 all aim to support greater flexibility within current zoning regulations to accommodate development needs and seeks to correct several errors in the CDO, enhancing clarity and consistency in administration for both staff and applicants.

c) Proposed Amendment

1. Amendments to Article 3: Applications, Permits, and Project Reviews

- Revises Sec. 3.1.2 (c) 11. to apply to "Buildings, as defined in Article 13" instead of "structures".
- Amends Table 3.5.2-1 Zoning Districts (Major Impact) to reflect changes made under the Neighborhood Code, including the creation of the Residential Corridor district.
- Deletes and reserves Sec. 3.5.3 (c) Major Impact Exemptions to reflect the elimination of minimum parking standards in ZA-22-07

2. Amendments to Article 4: Zoning Maps and Districts

- Corrects footnote reference in Table 4.4.2-1
- Amends Sec. 4.4.2 (d) 3. B. to reflect the changes made under ZA-25-04, including referring to Senior Housing as Housing for Older Persons and Individuals with Disabilities.
- Modifies Table 4.4.5-1 Lot Size, Frontage, Setback, & Lot Coverage Standards in Residential Districts:
  - Corrects a footnote reference in the column related to Lot Coverage.
  - Deletes and reserves Footnote 8, which is now irrelevant given the standard related maximum required front yard setback.
- Corrects reference made in Sec. 4.4.5 (d) 2. B. Encroachment to the Waterfront Setback
- Deletes and reserves 4.4.5 (d) 4. C. Residential Occupancy Limits to comply with 24 V.S.A. § 4412.
- Corrects reference made in Sec. 4.4.5 (d) 4. D. Additional Unit on lot or within Owner-Occupied Single Detached Dwelling
- Amends Tables 4.4.5-6 Housing for Older Persons and Individuals with Disabilities Bonus and Table 4.4.5-7 Maximum Intensity, Lot Coverage and Building Heights with Bonuses to include the Residential Corridor District.
- Amends Table 4.5.6-2 Frontage & Activation Standards to reflect changes proposed in Sec.4.5.6(c)2.D.

- Amends Sec. 4.5.6 (c) 2. D. SEID Ground Floor Entries to facilitate greater amounts of private entries into ground floor residential uses on Primary Frontages, and to acknowledge the aforementioned concerns regarding retail viability.

3. Amendments to Article 5: Citywide General Regulations

- Amends Sec. 5.3.5 (a) to remove reference to Sec. 5.2.3 (b) 10, which was eliminated under ZA-25-04.

4. Amendments to Article 6: Development Review Standards

- Corrects reference made in Sec. 6.2.2. (m) Landscaping, Fences, and Retaining Walls

5. Amendments to Article 7: Signs

- Amends Sec. 7.1.1 Authority and Intent to clarify that signs of advertising features not expressly permitted in this ordinance are prohibited.
- Amends Sec. 7.1.4 Historic Marker Exemptions to incorporate Freestanding Yard signs.

6. Amendments to Article 9: Inclusionary and Replacement Housing

- Amends Sec. 9.1.5 Applicability to remove reference to Adaptive Reuse.
- Amends table under Sec. 9.1.12 Additional Density and Other Development Allowances to align with changes made via the Neighborhood Code.
- Amends Sec. 9.2.10 (b) to remove reference to conditional use and incorporate the loss of non-residential uses.

7. Amendments to Article 11: Planned Development

- Amends Footnotes 1 in Table 11.1.5-2 Residential District Planned Unit Development Setback Standards to clarify that Residential Special Uses are exempt from the requirement of 50ft rear setbacks for buildings greater than 5,000ft^2 in the Residential Low and Residential Medium Intensity Districts.
- Amends Footnote 2 in Table 11.1.5-2 Residential District Planned Unit Development Setback Standards to exempt Residential – Special Uses.

8. Amendments to Article 13: Definitions

- Moves the definition for "Building" in Article 14 to Article 13 to consolidate definitions.
- Deletes definitions for "Elderly Housing", "Housing, Senior", and "Senior Housing" to reflect changes made in ZA-25-04, where Housing for Older Persons uses the definition established under the Fair Housing Act.
- Simplifies the definition of "Planned Unit Development" and references Article 11 for specific provisions.

9. Amendments to Article 14: PlanBTV Downtown Code

- Amends Sec. 14.6.8 (b) v. A. Fences and Free-Standing Walls to grant the DRB the authority to approve fence heights of up to 6 to 8 feet and create an administrative approval pathway allowing for fences to be up to 6 feet in height, as long as they are transparent.

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**	

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent with the Land Use and Density related policies of planBTV. As frequently discussed with the Planning Commission, the rise in housing costs and slow pace of construction are some of the biggest challenges related to housing in Burlington. The "Dynamic" theme prioritizes innovative solutions that are environmentally, economically, and socially sound, echoing this amendment's need to support greater flexibility within current zoning regulations to accommodate development needs.

Additionally, many of these amendments are primarily and are intended to clarify for the public and staff the standards and processes regulating development and growth across the city.

Impact on Safe & Affordable Housing

This amendment has no direct impact on safe and affordable housing, except in that it corrects errors and provides greater flexibility and clarity for applicants.

Planned Community Facilities

This amendment has no direct impact on planned community facilities, except in that it corrects errors and provides greater clarity.

h) Process Overview

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

<table>
<tr><th colspan="6">Planning Commission Process</th></tr>
<tr><td>Draft Amendment prepared by Staff
9/18/25</td><td>Presentation to & discussion by Commission:
9/23/25</td><td>Approve for Public Hearing</td><td>Public Hearing</td><td colspan="2">Approved & forwarded to Council</td></tr>
<tr><th colspan="6">City Council Process</th></tr>
<tr><td>First Read & Referral to Ordinance Committee</td><td>Ordinance Committee discussion</td><td>Ordinance Committee recommend</td><td>Second Read</td><td>Public Hearing</td><td>Council Approval & Adoption</td></tr>
</table>

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Office of City Planning, Planning Commission

Public Hearing Dates: _____
_____
First reading: _____
Referred to: _____
Rules suspended and placed in all stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

ZA-26-01 Technical Amendments and Minor Revisions

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 Sec. 3.1.2 (c) Exemptions, Table 3.5.2-1 Zoning Districts, and Removes Sec. 3.5.3 (c); Corrects a footnote referenced in Table 4.4.2-1 Dimensional Standards and Density; Amends Sec. 4.4.2 (d) 3. B. Senior Housing; Deletes and reserves footnote 8 in Table 4.4.5-1; Corrects reference to Table 4.4.5-1 made under Sec. 4.4.5. (d) 2. B.; Corrects reference made to Article 3 under Sec. 4.4.5. (d) 4. D.; Amends Table 4.4.5-6 Housing for Older Persons and Individuals with Disabilities Bonus and Table 4.4.5-7 Maximum Intensity, Lot Coverage and Building Heights with Bonuses; Amends Table 4.5.6-2 Frontage and Activation Standards and Sec. 4.5.5 (c) 2. C. Ground Floor Entries; Amends Sec. 3.5.3. A. 1. Changes and Modifications; Amends Sec. 5.3.5 (a) to remove reference to Sec. 5.2.3 (b) 10; Corrects reference made to Sec. 5.2.6 (d) under Sec. 6.2.2 (m); Amends Sec. 7.1.1 Authority and Intent and Sec. 7.1.3 (h) Historic Marker; Removes reference to Adaptive Reuse under Sec. 9.1.5 (b); Aligns table in Sec. 9.1.12 Additional Density and Other Development Allowances to reflect base allowances amended under ZA-25-02; Amends Sec. 9.2.10 (c); Amends Footnotes 1 and 2 in Table 11.1.5-2 Residential District Planned Unit Development Setback Standards; modifies Article 13 by deleting definitions for "Elderly Housing", "Housing, Senior", and "Senior Housing", moves the definition for “Building” from Article 13, and amends the definition for Planned Unit Development.

DRAFT

Article 3: APPLICATIONS, PERMITS, AND PROJECT REVIEWS
PART 1: GENERAL PROVISIONS AND ZONING PERMITS

3.1.2 Zoning Permit Required

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

(a - b) *As Written*

(c) Exemptions

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1. – 10. *As Written*

11. All ~~structures~~ buildings, as defined in Article 13, of 24 square feet or less and no taller than 15 feet, as long as they are located in compliance with applicable setbacks. This exemption is limited to 1 such structure, or multiple structures in aggregate up to 24 square feet, per property. This exemption does not apply to properties located within the Special Flood Hazard Area.

12. – 21. *As Written*

Article 3: APPLICATIONS, PERMITS, AND PROJECT REVIEWS
PART 5: CONDITIONAL USE AND MAJOR IMPACT REVIEW

Sec. 3.5.2 Applicability

(a) Conditional Use Review – *As Written*

(b) Major Impact Review

Major Impact Review shall be required for the approval of all development involving any one or more of the following:

Table 3.5.2-1 Zoning Districts

	Downtown Mixed Use and Form Districts	**Neighborhood Mixed Use, Institutional, Enterprise, Residential Corridor**	**Residential- Medium ~~Density~~Intensity, Residential – High ~~Density~~Intensity**	**Residential- Low ~~Density~~Intensity**	**RCO-A, RCO-C, RCO-RG, UR**
Dwelling Units	Creation of fifty (50) or more dwelling units	Creation of twenty-five (25) or more dwelling units	Creation of ten (10) or more dwelling units	Creation of five (5) or more dwelling units	NA
Land Subdivision	NA	NA	Creation of ten (10) or more lots;	Creation of five (5) or more lots	NA
Non-residential or Mixed Use Development	A development footprint[1] of fifty thousand (50,000) sf or more, or the creation of one hundred thousand (100,000) sf or more of gross floor area.	A development footprint[1] of twenty thousand (20,000) sf or more, or the creation of forty thousand (40,000) sf or more of gross floor area.	A development footprint[1] of eight thousand (8,000) sf or more, or the creation of fifteen thousand (15,000) sf or more of gross floor area.	A development footprint[1] of five thousand (5,000) sf or more, or the creation of ten thousand (10,000) sf or more of gross floor area.	Creation of five thousand (5,000) sf or more of gross floor area[2]

[1] Development Footprint: total area of impervious coverage – buildings and parking.
[2] Farm structures are exempt per 10 VSA 6001.

In addition, Major Impact Review shall also be required for multiple projects undertaken by the same applicant or responsible party within any consecutive twelve (12) month period on the same or adjacent property that in the aggregate equal or exceed the above criteria.

Sec. 3.5.3 Exemptions

Major Impact Review shall not be required for applications involving one or more of the following:

(a) Temporary structures that do not otherwise involve a conditional use;
(b) Rehabilitation that does not expand the floor area of an existing building or the structural capacity of existing development;
(c) *Reserved* ~~Projects that do not result in a change of use or increased parking demand;~~
(d) Subsurface site improvements including but not limited to underground utility lines and subsurface drainage ways; and,
(e) Projects where the scope and authority of municipal regulation is limited by statute pursuant to 24 VSA 4413.

Article 4: ZONING MAPS AND DISTRICTS

PART 4: BASE ZONING DISTRICT REGULATIONS

Sec. 4.4.2 Neighborhood Mixed Use Districts

(a) Purpose – *As Written*

(b) Dimensional Standards and Density:

The density and 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 4.4.2 -1 Dimensional Standards and Density

Districts	**Max. Intensity** (floor area ratio[1])	**Max. Lot Coverage**	**Minimum Building Setbacks** (feet) Front[3]	Side	Rear	**Building Height** (feet)
NAC	2.0 FAR	80%[4]	0	0[2]	0[2]	Min: 22', 2 stories Max: 35
NMU	2.0 FAR	80%	0[5]	0[2]	0[2]	Min: 22', 2 stories Max: 35
NAC-Riverside	2.0 FAR	80%	0	0[2]	0[2]	Min: 22', 2 stories Max: 35
NAC-CR	2.0 FAR	60%	Min. 0[7] Max. 20[7]	10[6]	20[6]	Min: 22', 2 stories Max: 65'
1 – 4. *As Written* 5. Notwithstanding footnote ~~4~~ 3, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet. 6 – 7. *As Written*						

(c) Permitted and Conditional Uses – *As Written*

(d) District Specific Regulations

1. – 2. *As Written*

3. Development Bonuses/Additional Allowances

A. Inclusionary Housing – *As Written*

B. ~~Senior Housing~~ Housing for Older Persons and Individuals with Disabilities

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB in the NAC and NAC-Riverside districts where no less than twenty-five per cent (25%) of the total number of onsite units are reserved 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 ~~low-moderate income senior households as defined by state or federal guidelines~~, including no less than ten percent (10%) reserved for low income households. The total gross floor area dedicated to ~~the senior housing~~ housing for older persons and individuals with disabilities shall be equivalent to the gross floor area resulting from the additional allowance. Increased lot coverage allowance for ~~senior housing~~such projects in these districts shall be the same as for inclusionary housing (see Sec. 9.1.12)

Sec. 4.4.5 Residential Districts

(a) Purpose – *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[1,9 ~~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 – 7: *As Written*

8. Reserved ~~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. *As Written* - An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.

(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 – *As Written*

2. Exceptions to Dimensional Standards

A. Encroachment into Side Setback for Residential Driveways – *As Written*

B. Encroachment into the Waterfront Setback

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under ~~Sec. 4.5.4:~~ Article 4, Table 4.4.5-1, footnotes 7 and 8.

3. Exception for Neighborhood Commercial Uses – *As Written*

4. Miscellaneous Standards

A – 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. 3.3.1~~3~~., except where otherwise required.

5. Residential Development Bonuses

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

A. Housing for Older Persons and Individuals with Disabilities Bonus

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

(i – iii) *As Written*

Table 4.4.5-6: Housing for Older Persons and Individuals with Disabilities Bonus

District	Maximum Lot Coverage	Maximum Development Intensity	Maximum Height
RL	55%	1.5 FAR	4 stories, 50 ft
RM	65%	1.75 FAR	
RH, RC	90%	2.0 FAR	5 stories, 62 ft.

B. Residential Conversion Bonus – *As Written*

C. Limitations on Residential Development Bonuses:

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

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

Table 4.4.5-7: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum FAR*	Maximum Height	Maximum Lot Coverage*
RL	1.5 FAR	50-feet	55%
RM	1.75 FAR	50-feet	65%
RH, RC	2.0 FAR	62-feet	90%

*- 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

(c) Effective Date – *As Written*

Article 4: ZONING MAPS AND DISTRICTS

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.6 South End Innovation District Overlay

(a - b) – *As Written*

(c) District Specific Regulations

1. Dimensional Standards & Density – *As Written*

Table 4.5.6-2: Frontage and Activation Standards

Frontage Type	Min lot frontage occupied by buildings[1,2]	Percent of ground floor building frontage containing non-residential uses[1]	Ground ~~floor~~level entries required
Primary	80% min	80% min	Every 60’ min
Secondary	70% min	20% min or 500 sq. ft. whichever is greater	N/A

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

2. Frontage and Ground Floor Activation Standards

A – B. – *As Written*

D. Ground ~~Floor~~ Level Entries: At least one ground level ~~floor public~~ entry into a building or interior courtyard or open space, not including service doors, is required each 60’ linear feet along a Primary frontage.~~of each building façade fronting on a Street, Public Path or open space on the same lot~~.

Article 5: CITYWIDE GENERAL REGULATIONS

PART 3: NON-CONFORMITIES

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

   Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

   i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);

   ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,

   iii) Be compatible with the character and scale of surrounding structures.

   Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

   ~~Within all districts, and subject to the Development Review Board approval, structures for the purpose of creating an ADU may be constructed on lots with legally non-conforming lot coverage per Sec.5.2.3 (b) 10~~.

Article 6: DEVELOPMENT REVIEW STANDARDS

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a – l) *As Written*

(m) Landscaping, Fences, and Retaining Walls

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 (~~e~~d). Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

Article 7: SIGNS

PART 1: GENERAL PROVISIONS

Sec. 7.1.1 Authority and Intent

These regulations are enacted under the provisions of 24 V.S.A. Section 4411 with the intent to ensure that all Signs and advertising features:

(a – e). *As Written*

Any sign or advertising feature not expressly permitted by this ordinance shall be prohibited.

Sec. 7.1.3 Exemptions

Repainting, refacing, repair, or change of lettering, logo, or colors using the same materials within an existing permitted Sign frame shall be exempt from the requirements of this Article and allowed without the requirement to obtain a new zoning permit.

The following types of Signs are permitted in all parts of the city, and shall also be exempt from the requirements of this Article and the necessity to obtain a permit:

(a – g) *As Written*

(h) Historic Marker: A non-illuminated sign, either a Wall Sign sixteen square feet or less in size or a Freestanding Yard sign of 14 square feet or less and 12 feet tall or less, commemorating the historic significance of a building or site.

(i – j) *As Written*

Article 9: INCLUSIONARY AND REPLACEMENT HOUSING

PART 1: INCLUSIONARY ZONING

Sec. 9.1.5 Applicability

This ordinance provision shall apply to any development of five or more residential units in a single structure. Multiple developments or projects by the same applicant or responsible party within any consecutive twelve (12) month period that in the aggregate equal or exceed the above criteria shall be subject to these regulations.

Except as otherwise provided in this ordinance, these regulations shall apply in the instances specified below.

(a) The creation of five (5) or more residential units through new construction and/or substantial rehabilitation of existing structures, including the development of housing units utilizing development provisions other than those specified in Sec 9.1.5 (b).

(b) Where units are created using the ~~Adaptive Reuse or~~ Residential Conversion criteria pursuant to the provisions of Art 4, Sec 4.4.5, this article shall be applicable when at least ten (10) or more dwelling units are created.

(c – d) *As Written*

Sec. 9.1.12 Additional Density and Other Development Allowances

All covered projects shall be entitled to increases in the development allowances of the underlying zoning district in accordance with the provisions of this section.

(a) Any covered project shall be entitled by right to an increase in the maximum lot coverage density/intensity, and, where applicable, height allowed for the lot(s) on which the project is located when all required Inclusionary Units are constructed on the same lot, or lots subject to Article 11 Planned Development. Calculations for these entitlements shall be based on the following table~~s~~:

Zoning District	~~Maximum Units/Acre~~	Maximum FAR	~~FAR/~~Height	Maximum Lot Coverage
RH, RC	~~46~~	2.0 FAR	5 Stories, 62 ft. 12' height set back 10' along street facade [1]	~~92~~90%
RM	~~25~~	1.75 FAR	~~n/a~~ 4 Stories, 50 ft.	~~48~~65%
~~**RM-W**~~	~~25~~		~~12' height set back 10' along street facade [1]~~	~~72%~~
RL~~, RL-W~~	~~8.75~~	1.5 FAR	4 Stories, 50 ft. ~~n/a~~	~~44~~55%
FD6, FD5	~~n/a~~	0.5 FAR	~~0.5 FAR~~	100%
NMU, NAC, NAC-R	~~n/a~~	0.5 FAR	~~0.5 FAR+~~12' height set back 10' along street facade	92%
NAC-CR	~~n/a~~	0.5 FAR	~~0.5 FAR+~~12' height set back 10' along street facade	72%
E-LM-SEID	~~n/a~~	0.25 FAR	~~0.25 FAR~~	n/a
[1.] In the ~~RH and RM-W~~ Neighborhood Mixed Use ~~residential~~ zones an additional 12 feet of building height shall be allowed by right only for an additional 5% of inclusionary housing units provided in excess of the minimum requirements of Sec. 9.1.8.				

(b – d) *As Written*

Article 9: INCLUSIONARY AND REPLACEMENT HOUSING

PART 2: HOUSING PRESERVATION AND REPLACEMENT/DEMOLITION AND CONVERSION

Sec. 9.2.10 Exemptions

This article shall not be applicable to:

(a – b) *As Written*

(c) The demolition, loss, or conversion to a nonresidential use of a single attached or detached housing unit or duplex that is occupied by the owner as his or her primary residence for the twelve-(12) month period preceding the date of application for ~~conditional use~~ approval. Nor shall this section be applicable in its replacement requirement to that portion of a multi-unit building of three (3) units or more that is occupied by the owner as his or her primary residence for the thirty-six-(36) month period preceding the date of application for ~~conditional use~~ approval. Any exemption allowed under this provision shall be void if the owner sells any of the applicable units within twenty-four (24) months of the date of ~~conditional use~~ approval; and,

(d) *As Written*

Article 11: PLANNED DEVELOPMENT
Part 1: PLANNED UNIT DEVELOPMENT

Table 11.1.5-2 Residential District Planned Unit Development Setback Standards

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

1. Buildings with a footprint greater than 5,000 sq. ft. must be set back at least 50 feet from any adjacent Lot not within the PUD and located in an RL or RM district. However, this footnote shall not apply to Residential - Special Uses.
2. Buildings fully contained in the RL and RM districts with a footprint greater than 5,000 sq. ft. must have a front project periphery setback of at least 50 feet. This footnote does not apply to any building that partially occupies any portion of a lot zoned RC, nor does it apply to Residential – Special Uses. ~~.~~
3. Front setbacks shall be measured from the edge of the Right-of-Way that is fully internal to the project, to which the building draws its frontage. Buildings must be at least 10’ from the curb or edge of a public Right-of-Way if no curb exists, except where the ROW is a Public Path, in which case the building must be at least 5’ from the edge of the Public Path.

Article 13: DEFINITIONS

Building: Not synonymous with Structure; man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter of enclosure for persons, animals, or property.

~~**Elderly Housing:** See Housing, Senior.~~

~~**Housing, Senior:** Housing that is designed for, and is occupied primarily by, those persons fifty-five (55) years of age or older.~~

Planned Unit Development: A development plan for one or more lots, tracts, or parcels to be developed as a single, integrated entity. See Article 11 for specific provisions. ~~One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards, pursuant to the authority and limitations set forth in the comprehensive master plan and 24 V.S.A. §4417 as amended.~~

~~**Senior Housing:** See Housing, Senior~~

Article 14 PlanBTV Downtown Code
Section 6: Applicable in All Form Districts

Section 14.6.8 – Site and Landscape Standards

a) Purpose and Applicability – *As Written*

b) Site Standards

i – iv. *As Written*

v. Fences and Free-standing Walls:

A. Fences and Free-standing Walls placed within the First Lot Layer shall not exceed 4-feet in height, except for see-through fences which shall not exceed 6 feet in height. Fences and Free-standing Walls placed within the Second or Third Lot Layer shall not exceed 8-feet in height unless a different height limit is specified under the applicable Form District or Frontage Type. The Development Review Board has the authority to allow the fences up to 8-feet in height in all lot layers where it is demonstrated by the applicant, at the judgment of the Board, that such a waiver is justified for public or property safety standards and otherwise meets the intent of the Form Based Code.

Article 14 PlanBTV Downtown Code
Section 8: Glossary

Building: ~~not synonymous with Structure; man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter of enclosure for persons, animals, or property.~~ See definition for "Building" in Article 13.

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

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Office of City Planning, Planning Commission

Public Hearing Dates: _____
_____
First reading: _____
Referred to: _____
Rules suspended and placed in all stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

ZA-26-01 Technical Amendments and Minor Revisions

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 Sec. 3.1.2 (c) Exemptions, Table 3.5.2-1 Zoning Districts, and Removes Sec. 3.5.3 (c); Corrects a footnote referenced in Table 4.4.2-1 Dimensional Standards and Density; Amends Sec. 4.4.2 (d) 3. B. Senior Housing; Deletes and reserves footnote 8 in Table 4.4.5-1; Corrects reference to Table 4.4.5-1 made under Sec. 4.4.5. (d) 2. B.; Corrects reference made to Article 3 under Sec. 4.4.5. (d) 4. D.; Amends Table 4.4.5-6 Housing for Older Persons and Individuals with Disabilities Bonus and Table 4.4.5-7 Maximum Intensity, Lot Coverage and Building Heights with Bonuses; Amends Table 4.5.6-2 Frontage and Activation Standards and Sec. 4.5.5 (c) 2. C. Ground Floor Entries; Amends Sec. 3.5.3. A. 1. Changes and Modifications; Amends Sec. 5.3.5 (a) to remove reference to Sec. 5.2.3 (b) 10; Corrects reference made to Sec. 5.2.6 (d) under Sec. 6.2.2 (m); Amends Sec. 7.1.1 Authority and Intent and Sec. 7.1.3 (h) Historic Marker; Removes reference to Adaptive Reuse under Sec. 9.1.5 (b); Aligns table in Sec. 9.1.12 Additional Density and Other Development Allowances to reflect base allowances amended under ZA-25-02; Amends Sec. 9.2.10 (c); Deletes Footnote 1 in Table 11.1.5-2 Residential District Planned Unit Development Setback Standards; modifies Article 13 by deleting definitions for "Elderly Housing", "Housing, Senior", and "Senior Housing", moves the definition for “Building” from Article 13, and amends the definition for Planned Unit Development.

DRAFT

Article 3: APPLICATIONS, PERMITS, AND PROJECT REVIEWS
PART 1: GENERAL PROVISIONS AND ZONING PERMITS

3.1.2 Zoning Permit Required

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

(a - b) *As Written*

(c) Exemptions

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1. – 10. *As Written*

11. All ~~structures~~ buildings, as defined in Article 13, of 24 square feet or less and no taller than 15 feet, as long as they are located in compliance with applicable setbacks. This exemption is limited to 1 such structure, or multiple structures in aggregate up to 24 square feet, per property. This exemption does not apply to properties located within the Special Flood Hazard Area.

12. – 21. *As Written*

Article 3: APPLICATIONS, PERMITS, AND PROJECT REVIEWS
PART 5: CONDITIONAL USE AND MAJOR IMPACT REVIEW

Sec. 3.5.2 Applicability

(a) Conditional Use Review – *As Written*

(b) Major Impact Review

Major Impact Review shall be required for the approval of all development involving any one or more of the following:

Table 3.5.2-1 Zoning Districts

	Downtown Mixed Use and Form Districts	**Neighborhood Mixed Use, Institutional, Enterprise, Residential Corridor**	**Residential- Medium ~~Density~~Intensity, Residential – High ~~Density~~Intensity**	**Residential- Low ~~Density~~Intensity**	**RCO-A, RCO-C, RCO-RG, UR**
Dwelling Units	Creation of fifty (50) or more dwelling units	Creation of twenty-five (25) or more dwelling units	Creation of ten (10) or more dwelling units	Creation of five (5) or more dwelling units	NA
Land Subdivision	NA	NA	Creation of ten (10) or more lots;	Creation of five (5) or more lots	NA
Non-residential or Mixed Use Development	A development footprint[1] of fifty thousand (50,000) sf or more, or the creation of one hundred thousand (100,000) sf or more of gross floor area.	A development footprint[1] of twenty thousand (20,000) sf or more, or the creation of forty thousand (40,000) sf or more of gross floor area.	A development footprint[1] of eight thousand (8,000) sf or more, or the creation of fifteen thousand (15,000) sf or more of gross floor area.	A development footprint[1] of five thousand (5,000) sf or more, or the creation of ten thousand (10,000) sf or more of gross floor area.	Creation of five thousand (5,000) sf or more of gross floor area[2]

[1] Development Footprint: total area of impervious coverage – buildings and parking.
[2] Farm structures are exempt per 10 VSA 6001.

In addition, Major Impact Review shall also be required for multiple projects undertaken by the same applicant or responsible party within any consecutive twelve (12) month period on the same or adjacent property that in the aggregate equal or exceed the above criteria.

Sec. 3.5.3 Exemptions

Major Impact Review shall not be required for applications involving one or more of the following:

(a) Temporary structures that do not otherwise involve a conditional use;
(b) Rehabilitation that does not expand the floor area of an existing building or the structural capacity of existing development;
(c) *Reserved* ~~Projects that do not result in a change of use or increased parking demand;~~
(d) Subsurface site improvements including but not limited to underground utility lines and subsurface drainage ways; and,
(e) Projects where the scope and authority of municipal regulation is limited by statute pursuant to 24 VSA 4413.

Article 4: ZONING MAPS AND DISTRICTS

PART 4: BASE ZONING DISTRICT REGULATIONS

Sec. 4.4.2 Neighborhood Mixed Use Districts

(a) Purpose – *As Written*

(b) Dimensional Standards and Density:

The density and 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 4.4.2 -1 Dimensional Standards and Density

Districts	**Max. Intensity** (floor area ratio[1])	**Max. Lot Coverage**	**Minimum Building Setbacks** (feet) Front[3]	Side	Rear	**Building Height** (feet)
NAC	2.0 FAR	80%[4]	0	0[2]	0[2]	Min: 22', 2 stories Max: 35
NMU	2.0 FAR	80%	0[5]	0[2]	0[2]	Min: 22', 2 stories Max: 35
NAC-Riverside	2.0 FAR	80%	0	0[2]	0[2]	Min: 22', 2 stories Max: 35
NAC-CR	2.0 FAR	60%	Min. 0[7] Max. 20[7]	10[6]	20[6]	Min: 22', 2 stories Max: 65'
1 – 4. *As Written* 5. Notwithstanding footnote ~~4~~ 3, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet. 6 – 7. *As Written*						

(c) Permitted and Conditional Uses – *As Written*

(d) District Specific Regulations

1. – 2. *As Written*

3. Development Bonuses/Additional Allowances

A. Inclusionary Housing – *As Written*

B. ~~Senior Housing~~ Housing for Older Persons and Individuals with Disabilities

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB in the NAC and NAC-Riverside districts where no less than twenty-five per cent (25%) of the total number of onsite units are reserved 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 ~~low-moderate income senior households as defined by state or federal guidelines~~, including no less than ten percent (10%) reserved for low income households. The total gross floor area dedicated to ~~the senior housing~~ housing for older persons and individuals with disabilities shall be equivalent to the gross floor area resulting from the additional allowance. Increased lot coverage allowance for ~~senior housing~~such projects in these districts shall be the same as for inclusionary housing (see Sec. 9.1.12)

Sec. 4.4.5 Residential Districts

(a) Purpose – *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[1,9] ~~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 – 7: *As Written*

8. Reserved ~~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. *As Written* - An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.

(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 – *As Written*

2. Exceptions to Dimensional Standards

A. Encroachment into Side Setback for Residential Driveways – *As Written*

B. Encroachment into the Waterfront Setback

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under ~~Sec. 4.5.4:~~ Article 4, Table 4.4.5-1, footnotes 7 and 8.

3. Exception for Neighborhood Commercial Uses – *As Written*

4. Miscellaneous Standards

A – 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. 3.3.1~~3~~., except where otherwise required.

5. Residential Development Bonuses

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

A. Housing for Older Persons and Individuals with Disabilities Bonus

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

(i – iii) *As Written*

Table 4.4.5-6: Housing for Older Persons and Individuals with Disabilities Bonus

District	Maximum Lot Coverage	Maximum Development Intensity	Maximum Height
RL	55%	1.5 FAR	4 stories, 50 ft
RM	65%	1.75 FAR	
RH, RC	90%	2.0 FAR	5 stories, 62 ft.

B. Residential Conversion Bonus – *As Written*

C. Limitations on Residential Development Bonuses:

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

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

Table 4.4.5-7: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum FAR*	Maximum Height	Maximum Lot Coverage*
RL	1.5 FAR	50-feet	55%
RM	1.75 FAR	50-feet	65%
RH, RC	2.0 FAR	62-feet	90%

*- 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

(c) Effective Date – *As Written*

Article 4: ZONING MAPS AND DISTRICTS

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.6 South End Innovation District Overlay

(a - b) – *As Written*

(c) District Specific Regulations

1. Dimensional Standards & Density – *As Written*

Table 4.5.6-2: Frontage and Activation Standards

Frontage Type	Min lot frontage occupied by buildings[1,2]	Percent of ground floor building frontage containing non-residential uses[1]	Ground ~~floor~~level entries required
Primary	80% min	80% min	Every 60’ min
Secondary	70% min	20% min or 500 sq. ft. whichever is greater	N/A

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

2. Frontage and Ground Floor Activation Standards

A – B. – *As Written*

D. Ground ~~Floor~~ Level Entries: At least one ground level ~~floor public~~ entry into a building or interior courtyard or open space, not including service doors, is required each 60’ linear feet along a Primary frontage.~~of each building façade fronting on a Street, Public Path or open space on the same lot~~.

Article 5: CITYWIDE GENERAL REGULATIONS

PART 3: NON-CONFORMITIES

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

   Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

   i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);

   ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,

   iii) Be compatible with the character and scale of surrounding structures.

   Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

   ~~Within all districts, and subject to the Development Review Board approval, structures for the purpose of creating an ADU may be constructed on lots with legally non-conforming lot coverage per Sec.5.2.3 (b) 10~~.

Article 6: DEVELOPMENT REVIEW STANDARDS

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a – l) *As Written*

(m) Landscaping, Fences, and Retaining Walls

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 (~~e~~d). Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

Article 7: SIGNS

PART 1: GENERAL PROVISIONS

Sec. 7.1.1 Authority and Intent

These regulations are enacted under the provisions of 24 V.S.A. Section 4411 with the intent to ensure that all Signs and advertising features:

(a – e). *As Written*

Any sign or advertising feature not expressly permitted by this ordinance shall be prohibited.

Sec. 7.1.3 Exemptions

Repainting, refacing, repair, or change of lettering, logo, or colors using the same materials within an existing permitted Sign frame shall be exempt from the requirements of this Article and allowed without the requirement to obtain a new zoning permit.

The following types of Signs are permitted in all parts of the city, and shall also be exempt from the requirements of this Article and the necessity to obtain a permit:

(a – g) *As Written*

(h) Historic Marker: A non-illuminated sign, either a Wall Sign sixteen square feet or less in size or a Freestanding Yard sign of 14 square feet or less and 12 feet tall or less, commemorating the historic significance of a building or site.

(i – j) *As Written*

Article 9: INCLUSIONARY AND REPLACEMENT HOUSING

PART 1: INCLUSIONARY ZONING

Sec. 9.1.5 Applicability

This ordinance provision shall apply to any development of five or more residential units in a single structure. Multiple developments or projects by the same applicant or responsible party within any consecutive twelve (12) month period that in the aggregate equal or exceed the above criteria shall be subject to these regulations.

Except as otherwise provided in this ordinance, these regulations shall apply in the instances specified below.

(a) The creation of five (5) or more residential units through new construction and/or substantial rehabilitation of existing structures, including the development of housing units utilizing development provisions other than those specified in Sec 9.1.5 (b).

(b) Where units are created using the ~~Adaptive Reuse or~~ Residential Conversion criteria pursuant to the provisions of Art 4, Sec 4.4.5, this article shall be applicable when at least ten (10) or more dwelling units are created.

(c – d) *As Written*

Sec. 9.1.12 Additional Density and Other Development Allowances

All covered projects shall be entitled to increases in the development allowances of the underlying zoning district in accordance with the provisions of this section.

(a) Any covered project shall be entitled by right to an increase in the maximum lot coverage density/intensity, and, where applicable, height allowed for the lot(s) on which the project is located when all required Inclusionary Units are constructed on the same lot, or lots subject to Article 11 Planned Development. Calculations for these entitlements shall be based on the following table~~s~~:

Zoning District	~~Maximum Units/Acre~~	Maximum FAR	~~FAR/~~Height	Maximum Lot Coverage
RH, RC	~~46~~	2.0 FAR	5 Stories, 62 ft. 12' height set back 10' along street facade [1]	~~92~~90%
RM	~~25~~	1.75 FAR	~~n/a~~ 4 Stories, 50 ft.	~~48~~65%
~~**RM-W**~~	~~25~~		~~12' height set back 10' along street facade [1]~~	~~72%~~
RL~~, RL-W~~	~~8.75~~	1.5 FAR	4 Stories, 50 ft. ~~n/a~~	~~44~~55%
FD6, FD5	~~n/a~~	0.5 FAR	~~0.5 FAR~~	100%
NMU, NAC, NAC-R	~~n/a~~	0.5 FAR	~~0.5 FAR+~~12' height set back 10' along street facade	92%
NAC-CR	~~n/a~~	0.5 FAR	~~0.5 FAR+~~12' height set back 10' along street facade	72%
E-LM-SEID	~~n/a~~	0.25 FAR	~~0.25 FAR~~	n/a
[1.] In the ~~RH and RM-W~~ Neighborhood Mixed Use ~~residential~~ zones an additional 12 feet of building height shall be allowed by right only for an additional 5% of inclusionary housing units provided in excess of the minimum requirements of Sec. 9.1.8.				

(b – d) *As Written*

Article 9: INCLUSIONARY AND REPLACEMENT HOUSING

PART 2: HOUSING PRESERVATION AND REPLACEMENT/DEMOLITION AND CONVERSION

Sec. 9.2.10 Exemptions

This article shall not be applicable to:

(a – b) *As Written*

(c) The demolition, loss, or conversion to a nonresidential use of a single attached or detached housing unit or duplex that is occupied by the owner as his or her primary residence for the twelve-(12) month period preceding the date of application for ~~conditional use~~ approval. Nor shall this section be applicable in its replacement requirement to that portion of a multi-unit building of three (3) units or more that is occupied by the owner as his or her primary residence for the thirty-six-(36) month period preceding the date of application for ~~conditional use~~ approval. Any exemption allowed under this provision shall be void if the owner sells any of the applicable units within twenty-four (24) months of the date of ~~conditional use~~ approval; and,

(d) *As Written*

Article 11: PLANNED DEVELOPMENT
Part 1: PLANNED UNIT DEVELOPMENT

Table 11.1.5-2 Residential District Planned Unit Development Setback Standards

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

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

Article 13: DEFINITIONS

Building: Not synonymous with Structure; man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter of enclosure for persons, animals, or property.

~~**Elderly Housing:** See Housing, Senior.~~

~~**Housing, Senior:** Housing that is designed for, and is occupied primarily by, those persons fifty-five (55) years of age or older.~~

Planned Unit Development: A development plan for one or more lots, tracts, or parcels to be developed as a single, integrated entity. See Article 11 for specific provisions. ~~One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards, pursuant to the authority and limitations set forth in the comprehensive master plan and 24 V.S.A. §4417 as amended.~~

~~**Senior Housing:** See Housing, Senior~~

Article 14 PlanBTV Downtown Code
Section 6: Applicable in All Form Districts

Section 14.6.8 – Site and Landscape Standards

a) Purpose and Applicability – *As Written*

b) Site Standards

i – iv. *As Written*

v. Fences and Free-standing Walls:

A. Fences and Free-standing Walls placed within the First Lot Layer shall not exceed 4-feet in height, except for see-through fences which shall not exceed 6 feet in height. Fences and Free-standing Walls placed within the Second or Third Lot Layer shall not exceed 8-feet in height unless a different height limit is specified under the applicable Form District or Frontage Type. The Development Review Board has the authority to allow the fences up to 8-feet in height in all lot layers where it is demonstrated by the applicant, at the judgment of the Board, that such a waiver is justified for public or property safety standards and otherwise meets the intent of the Form Based Code.

Article 14 PlanBTV Downtown Code
Section 8: Glossary

Building: ~~not synonymous with Structure; man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter of enclosure for persons, animals, or property.~~ See definition for "Building" in Article 13.

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

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/cityplanning

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

Burlington Planning Commission

Tuesday July 8, 2025, 6:30 P.M.
Hybrid Meeting via Zoom and in City Hall's Bushor Conference Room
Draft Minutes

Commissioners Present:
☒ Andy Montroll
☒ Michael Gaughan
☐ Erhard Mahnke
☒ Erin Malone
☒ Ryan Nick
☐ Julia Randall
☒ Alexander Friend

City Staff Present:
☒ Charles Dillard, Director
☒ Sarah Morgan, Senior Planner

Public Attendance: Sharon Bushor

---

1. Agenda

Call to Order: 6:30pm
Changes to Agenda: N/A

2. Annual Organizational Meeting

The Commission will hold its annual organizational meeting to elect officers and appoint members to its committees to serve for FY2026:

Executive:
Andy Montroll, Chair
Alex Friend, Vice Chair
Erin Malone, At-large
Staff: Charles Dillard

Commission Clerk:
Sarah Morgan

Ordinance
Alex Friend
Julia Randall
Ryan Nick
Miles White (DAB)
Staff: Sarah Morgan

Long Range Planning
Erin Malone
Michael Gaughan
Erhard Manke
Zoe Richards (Conservation Board)
Evan Gould (DRB)
Staff: Sarah Morgan

3. Chair's Report : None

4. Public Forum

Name(s)	Comment
Sharon Bushor	Comments related to Future land use map. Doesn't think that past meetings were a good representations of Burlingtonians and so has sent link to Land Use Map survey to city councilors and friends. Open Space Plan – wants conservation board to hold public meetings to allow more people to learn about the Open Space Plan.

5. Director's Report

Responded to Sharon Bushor's comments. Overview of Act 181 and Future Land Use Map

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

6. Comprehensive Plan Scope Update

Staff led discussion related to the scope of the Comprehensive Plan

Summary of discussion:

- 2019 plan marked a significant shift in presentation and organization compared to previous versions. A. Montroll emphasized that while the content wasn't entirely discarded in 2019 Plan, the new format was more useful and easier to handle, leading to major zoning changes like the downtown form-based code and neighborhood code. Staff emphasized the importance of keeping the Planning Commission involved throughout the process, as the commission has the ultimate responsibility for the plan before it goes to City Council. While Charles, Sarah, and other relevant team members will lead the drafting process, input from the commission and community will be crucial for shaping the final plan.
- City Planning, DPW, and other departments will collaborate to issue a single request for qualifications for four separate contracts funded by different sources. Bushor outlined the management structure, with each plan having its own manager, and noted that the overall effort will use scenario planning to achieve community consensus on a city vision by 2026. The discussion highlighted the need to address housing infrastructure, flooding concerns, and the impact of changes in anchor institutions like UVM and the Medical Center, while also emphasizing the importance of equity in the planning process.
- Staff discussed the need to create a user-friendly website and printed materials for the comprehensive plan, emphasizing the importance of relevant and legible content. C. Dillard also highlighted the involvement of the city's data team in updating and analyzing data for the plan.
- The timeline for the comprehensive plan was outlined, including the release of an RFQ by the end of July and the start of scenario planning in January.
- Discussion of Burlington's complex needs. Economic development strategy is vital. Planning will be working with REIB in order to make sure that the Comprehensive Plan is inclusive and equitable.

7. PlanBTV New North End Project Update

S. Morgan also provided an update on the Plan BTV New North End project, detailing the consulting team's work on transportation, mobility, and growth areas. Upcoming neighborhood design workshop on July 23rd to review concepts for the new North End.

8. Minutes + Communications

Action: Accept minutes + Communications

No communications to accept. No objections to minutes, minutes are approved.

9. Adjournment

Action: Motion to Adjourn @ 8:25pm

Motion by: R. Nick	Seconded by: E. Malone	Vote: All in Favor

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/cityplanning

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

Burlington Planning Commission

Tuesday August 12, 2025, 6:30 P.M.
Hybrid Meeting via Zoom and in City Hall's Bushor Conference Room
Draft Minutes

Commissioners Present:

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

City Staff Present:

☐ Charles Dillard, Director
☐ Sarah Morgan, Principal Planner, OCP
☐ Mary O'Neil, Principal Planner, DPI

Development Review Board Attendees: Caitlin Halpert

Design Advisory Board Attendees: Richard Martin, Jay White, Ron Wanamaker, Joel Baird, Gabe Stadecke

Public Attendance: Sharon Bushor, Elizabeth Watson

1. Agenda

Call to Order: 6:30pm
Changes to Agenda: N/A

2. Welcome + Introductions

3. Public Forum

No attendees spoke during Public Forum

4. Joint Meeting of the Planning Commission, Development Review Board, and Design Advisory Board

Elizabeth Watson (Heritage Strategies), Sarah Morgan, and Mary O'Neil presented on preserveBTV and facilitated a discussion related to Historic Preservation in Burlington.

Summary of discussion: The Burlington Planning Commission held a special meeting to discuss the preservation plan, with Elizabeth and her team presenting an overview of the project. They highlighted the partnership with Heritage Strategies, the establishment of a Historic Preservation Advisory Committee, and the completion of focus groups with residents. The presentation covered the project's goals, including preserving Burlington's distinctive identity, encouraging adaptive reuse, and reviewing historic regulations. Elizabeth and her team are currently in the analysis phase and plan to draft recommendations in the coming months, with a public workshop and UVM graduate student involvement planned for September.

5. Planning Commission Meeting:

a. **Chair's Report :** N/A

b. Director's Report

ACT 181: The Planning Commission discussed the upcoming August 25th Council meeting regarding the Act 181 maintenance map, with C. Dillard offering to help coordinate a memo expressing the

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

Commission's opinions on the map. M. Gaughan raised questions about the delegation of Legacy Act 250 permits, which Charles clarified could not be addressed until the Chittenden County Regional Planning Commission adopts their regional plan in June or July next year. Discussed the need to schedule a meeting of the Long Range Planning Committee to address the memo for the Council meeting.

c. Presentation from staff related to *planBTV* New North End design concepts

Between 50-60 attendees at Design Workshop on 7/23. Design concepts now entering refining stage. The meeting focused on the New North End's development plan, highlighting its suburban nature and the community's vision for a more connected, inclusive, and vibrant neighborhood. Key discussion points included:

- Expanding housing choice and affordability, improving transportation networks, balancing growth with green space, and identifying areas for intense development. The plan emphasizes creating safer, more accessible routes, enhancing parks and open spaces, and prioritizing sustainability in infrastructure. Focus areas for development were identified, including the North Ave Alliance Church site, with proposals for mixed-use buildings and mobility hubs. The community's desire for more social spaces, commercial areas, and improved walkability was noted, with specific attention to enhancing connectivity and accessibility.
- M. Gaughan expressed concerns about the vision for the North Ave Alliance Church site and whether there was prior engagement with the church community. Staff acknowledged these concerns and noted that while they haven't directly engaged the church, they plan to do so before moving forward with the plan. There was also discussion related to the possibility of incorporating the existing church or the nearby Elks Lodge as community spaces in future developments.
- There was a discussion of the long-term vision for developing city-owned land in Burlington, with discussions centered on a phased approach that retains existing businesses while accommodating new housing units. The team explored scenarios for developing Star Farm Park and Ethan Island Park, emphasizing the need for community engagement and a new procurement model that would allow the city to control project details like affordability and sustainability. There was strong support for fixing the unsafe intersection at Ethan Allen Parkway and North Avenue, though some confusion about the extent of proposed developments. The team also discussed using CHIP legislation and impact fees to support park development and infrastructure improvements.

d. Commissioner Items: N/A

6. Accept Minutes + Communications

Delayed until next meeting

7. Adjournment

Action: Motion to Adjourn @ 8:47pm		
Motion by: R. Nick	Seconded by: A. Friend	Vote: All in Favor

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/cityplanning

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

Burlington Planning Commission

Tuesday September 9, 2025, 6:30 P.M.
Hybrid Meeting via Zoom and in City Hall's Bushor Conference Room
Draft Minutes

Commissioners Present:		City Staff Present:
☒ Andy Montroll	☐ Michael Gaughan	☒ Charles Dillard, Director
☐ Erhard Mahnke	☒ Erin Malone	☒ Sarah Morgan, Principal Planner
☐ Ryan Nick	☒ Julia Randall	☒ Scott Gustin, Principal Planner
☒ Alexander Friend		

Public Attendance: Sharon Bushor, Zoe Richards, Jill Dixon

1. Agenda

Call to Order: 6:30pm
Changes to Agenda: ZA-26-01 was moved to last on the Agenda. Planning Commission will lose quorum at 7:30pm.

2. Public Forum

Name(s)	Comment
Sharon Bushor	S. Bushor raised concerns about removing the "Four-unrelated" provision from ZA-26-01, warning it would negatively affect the neighborhoods near UVM. In addition to communication included in the agenda, she highlighted three main points for the Planning Commission: the need for a tree ordinance, the importance of buffers around natural areas to protect sensitive species, and an additional point included in their written comments. She concluded by noting the plan is well-written with many takeaways and urged planning's role in balancing development with open space.

3. Chair's Report: None

4. Director's Report

New Senior Planner to start on October 20

5. Open Space Plan Draft Review

The Open Space Plan builds on Burlington's 25-year history of open space planning and incorporates community engagement efforts from the past year. Jill Dixon and Scott Gustin presented the plan's four main goals: Conserve, Connect, Experience, and Cultivate, emphasizing the importance of nature-filled city and the diverse roles of open spaces. The plan includes strategies for ecological health, community involvement, and sustainable food systems, with implementation matrices outlining specific actions and timelines.

Summary of discussion:

- Commission overall is supportive of the plan and Agency's work. Commissioners would like to see more robust integration of UVM's Spatial Analysis Lab work, particularly regarding tree canopy, and discussed the need for sustained communication and support for local food systems.

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

- E. Malone noted that this plan doesn't address unhoused individuals that are currently using the Open Spaces, which has been something relevant for the last few years.
- J. Randall suggested adding more information about green stormwater infrastructure and pocket parks to the plan. She also raised questions about specific actions residents can take in stewardship zones, particularly for renters
- Commissioners discussed the need to consider heat island effects and tree canopy coverage in the plan's recommendations.

6. PlanBTV New North End Project Update

S. Morgan presented a mobility framework for the New North End, focusing on sustainable transportation improvements. The plan includes three types of street improvements (neighborhood greenways, separated bike lanes, and shared-use paths) and three types of mobility hubs (wayfinding, neighborhood, and gateway). Key recommendations include expanding the two-way separated bike lane on North Avenue, which would require minimal infrastructure changes, and improving intersection designs at key locations like the 127 ramps. The plan also addresses concerns about safety and accessibility, particularly for parents, older adults, and cyclists, and includes options for car sharing, rideshare programs, and secure bike parking. The conversation ended with a recommendation for commissioners to review the plans through an online story map and provide comments through the embedded comment feature.

Planning Commission no longer had quorum at 7:30pm and thus ended the meeting. Staff did not present on ZA-26-01.