

Burlington Planning Commission

Thursday, November 13, 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. Public Hearing for Proposed CDO Amendment ZA-26-01: Technical Amendments + Minor Revisions

Subject	5.1. Public Hearing for ZA-26-01
Meeting	November 13, 2025 - Planning Commission Agenda - Thursday, November 13, 2025, 6:30 PM, Burlington Planning Commission
Category	5. Public Hearing for Proposed CDO Amendment ZA-26-01: Technical Amendments + Minor Revisions
Department	Planning
Type	
Recommended Action	

6. Public Hearing for Proposed Open Space Plan

Subject	6.1. Public Hearing for the proposed Open Space Plan. LINK HERE TO THE OPEN SPACE DOCUMENT
Meeting	November 13, 2025 - Planning Commission Agenda - Thursday, November 13, 2025, 6:30 PM, Burlington Planning Commission
Category	6. Public Hearing for Proposed Open Space Plan

Department Planning

Type

Recommended Action

7. Commissioner Items

8. Adopt Minutes & Accept Communications

Subject **8.1. Accept Communications**

Meeting November 13, 2025 - Planning Commission Agenda - Thursday, November 13, 2025, 6:30 PM, Burlington Planning Commission

Category 8. Adopt Minutes & Accept Communications

Department Planning

Type

Subject **8.2. Adopt 10/14/25 Meeting Minutes**

Meeting November 13, 2025 - Planning Commission Agenda - Thursday, November 13, 2025, 6:30 PM, Burlington Planning Commission

Category 8. Adopt Minutes & Accept Communications

Department Planning

Type

9. Adjournment

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:

1 That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City
2 of Burlington be and hereby amends Sec. 3.1.2 (c) Exemptions, Table 3.5.2-1 Zoning Districts, and Removes
3 Sec. 3.5.3 (c); Corrects a footnote referenced in Table 4.4.2-1 Dimensional Standards and Density; Amends
4 Sec. 4.4.2 (d) 3. B. Senior Housing; Deletes and reserves footnote 8 in Table 4.4.5-1; Corrects reference to
5 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.
6 D.; Amends Table 4.4.5-6 Housing for Older Persons and Individuals with Disabilities Bonus and Table
7 4.4.5-7 Maximum Intensity, Lot Coverage and Building Heights with Bonuses; Amends Table 4.5.6-2
8 Frontage and Activation Standards and Sec. 4.5.5 (c) 2. C. Ground Floor Entries; Amends Sec. 3.5.3. A. 1.
9 Changes and Modifications; Amends Sec. 5.3.5 (a) to remove reference to Sec. 5.2.3 (b) 10; Corrects
10 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
11 (h) Historic Marker; Removes reference to Adaptive Reuse under Sec. 9.1.5 (b); Aligns table in Sec. 9.1.12
12 Additional Density and Other Development Allowances to reflect base allowances amended under ZA-25-
13 02; Amends Sec. 9.2.10 (c); Amends Footnotes 1 and 2 in Table 11.1.5-2 Residential District Planned Unit
14 Development Setback Standards; modifies Article 13 by deleting definitions for "Elderly Housing",
15 "Housing, Senior", and "Senior Housing", moves the definition for "Building" from Article 13, and amends
16 the definition for Planned Unit Development.

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, <u>Residential Corridor</u>	Residential- Medium Density<u>Intensity</u>, Residential – High Density<u>Intensity</u>	Residential- Low Density<u>Intensity</u>	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)			Building Height (feet)
			Front ³	Side	Rear	
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 housings~~ 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 ^{1,2,10}
		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.~~13~~, 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 , <u>RC</u>	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 (~~ed~~). 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 tables:

Zoning District	Maximum Units/Acre	<u>Maximum FAR</u>	FAR/Height	Maximum Lot Coverage
RH, RC	46	<u>2.0 FAR</u>	<u>5 Stories, 62 ft.</u> 12' height set back 10' along street facade ¹	92 <u>90</u> %
RM	25	<u>1.75 FAR</u>	n/a 4 Stories, 50 ft.	48 <u>65</u> %
RM-W	25		12' height set back 10' along street facade¹	72 %
RL, RL-W	8.75	<u>1.5 FAR</u>	<u>4 Stories, 50 ft.</u> n/a	44 <u>55</u> %
FD6, FD5	n/a	<u>0.5 FAR</u>	0.5 FAR	100%
NMU, NAC, NAC-R	n/a	<u>0.5 FAR</u>	0.5 FAR +12' height set back 10' along street facade	92%
NAC-CR	n/a	<u>0.5 FAR</u>	0.5 FAR +12' height set back 10' along street facade	72%
E-LM-SEID	n/a	<u>0.25 FAR</u>	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'			

- 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 the Residential - Special Uses specified in footnote 6 of Table 4.4.5-2.
- 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 specified in footnote 6 of Table 4.4.5-2.
- 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~~

259

260

261 Article 14 PlanBTV Downtown Code

262 Section 8: Glossary

263 Building: ~~not synonymous with Structure; man-made construction completely enclosed by a roof, window, doors and~~

264 ~~solid exterior walls, and designed, built, or occupied as a shelter of enclosure for persons, animals, or property. See~~

265 ~~definition for “Building” in Article 13.~~

266

267

- 268 *
- 268 Material stricken out deleted.
- 269 **
- 269 Material underlined added.
- 270 Ordinances 2026/ZA-26-01 Technical Corrections and Minor Revisions
- 271 DRAFT v1.0 09/23/26

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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Andy Montroll, Chair
Alex Friend, Vice Chair
Michael Gaughan
Erin Malone
Erhard Manke
Ryan Nick
Julia Randall

BURLINGTON PLANNING COMMISSION PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance Amendment ZA-26-01 Technical Amendments and Minor Revisions

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place during the Planning Commission meeting on **Tuesday, October 28th, 2025, with the hearing starting at Time Certain 6:45pm**. You may access the hearing/meeting as follows:

The meeting will be held in the Sharon Bushor Conference Room at City Hall (149 Church Street) and online via Zoom

To join virtually from a Computer, please click this URL to join, and enter the Webinar ID if prompted:

Link: <https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFlzdz09>

Passcode: 658929

Webinar ID: 979 4188 3790

Passcode (if needed): 658929

To join virtually by phone, dial this number and enter the Webinar ID when prompted:

Number: +1 312 626 6799 **Webinar ID:** 979 4188 3790

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:

The purpose of the proposed amendment is as follows:

- 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.

Geographic areas affected:

This amendment applies to all areas of the city.

List of section headings affected:

The proposed amendments modify the following sections of the *Burlington Comprehensive Development Ordinance*:

- **ZA-26-01:** Modifies Sec 3.1.2(c) 11; Table 3.5.2-1; and deletes and reserves Sec 3.5.3; modifies Table 4.4.2-1, Sec. 4.4.2 (d) 3 B; Table 4.4.5-1; Sec. 4.4.5(d) 2 B; Sec 4.4.5 (d) 4 D; Table 4.4.5-6; 4.4.5-7; Table 4.5.6-2; Sec 4.5.6-2; and deletes and reserves Sec 4.4.5(d) 4 C; modifies Sec 5.3.5(a); modifies Sec 6.2.2 (m); modifies Sec 7.1.1 and Sec 7.1.4; modifies Sec 9.1.5; Table Sec 9.1.12; Sec 9.2.10 (b); modifies Table 11.1.5-2; modifies Article 13;

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. The proposed amendment can be reviewed in hard copy posted

on the first floor of City Hall, 149 Church Street, Burlington or online at
<https://www.burlingtonvt.gov/DPI/CDO/Amendments>



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7194
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TO: Burlington Planning Commission
FROM: Sarah Morgan, AICP, Principal Planner
Charles Dillard, AICP, Director of City Planning
DATE: October 9, 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, which was warned for a Public Hearing by the Planning Commission during its meeting on September 23rd.

1. Overview & Background

The revisions proposed in ZA-26-01 include technical corrections to the ordinance as well as minor revisions to standards related to the South End Innovation District.

Following the Planning Commission meeting on September 23rd, proposed changes to the planBTV Downtown Code regarding fences were removed to be discussed as their own amendment (ZA-26-02) and are not included as part of ZA-26-01.

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.

2. Minor revision related to the 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 SEID 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.

4. Proposed Amendment: ZA-26-01

a) Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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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

Any asterisk () indicates a change made following the Planning Commission meeting on September 23rd.*

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
- 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 5,000ft² in the Residential Low and Residential Medium Intensity Districts.
- *Amends Table 11.1.5-2 Residential District Planned Unit Development Setback Standards to indicate that the Residential – Special Uses listed in Table 4.4.5-2 are is also exempt from Footnotes 1 and 2.

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.

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:

Planning Commission Process					
Draft Amendment prepared by Staff 9/18/25	Presentation to & discussion by Commission: 9/23/25	Approve for Public Hearing 9/23/25	Public Hearing 10/28/25	Approved & forwarded to Council	
City Council Process					
First Read & Referral to Ordinance Committee	Ordinance Committee discussion	Ordinance Committee recommend	Second Read	Public Hearing	Council Approval & Adoption

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

ZA-26-01 Technical Amendments and Minor Revisions

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

1 That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City
2 of Burlington be and hereby amends Sec. 3.1.2 (c) Exemptions, Table 3.5.2-1 Zoning Districts, and Removes
3 Sec. 3.5.3 (c); Corrects a footnote referenced in Table 4.4.2-1 Dimensional Standards and Density; Amends
4 Sec. 4.4.2 (d) 3. B. Senior Housing; Deletes and reserves footnote 8 in Table 4.4.5-1; Corrects reference to
5 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.
6 D.; Amends Table 4.4.5-6 Housing for Older Persons and Individuals with Disabilities Bonus and Table
7 4.4.5-7 Maximum Intensity, Lot Coverage and Building Heights with Bonuses; Amends Table 4.5.6-2
8 Frontage and Activation Standards and Sec. 4.5.5 (c) 2. C. Ground Floor Entries; Amends Sec. 3.5.3. A. 1.
9 Changes and Modifications; Amends Sec. 5.3.5 (a) to remove reference to Sec. 5.2.3 (b) 10; Corrects
10 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
11 (h) Historic Marker; Removes reference to Adaptive Reuse under Sec. 9.1.5 (b); Aligns table in Sec. 9.1.12
12 Additional Density and Other Development Allowances to reflect base allowances amended under ZA-25-
13 02; Amends Sec. 9.2.10 (c); Amends Footnotes 1 and 2 in Table 11.1.5-2 Residential District Planned Unit
14 Development Setback Standards; modifies Article 13 by deleting definitions for "Elderly Housing",
15 "Housing, Senior", and "Senior Housing", moves the definition for "Building" from Article 13, and amends
16 the definition for Planned Unit Development.

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, <u>Residential Corridor</u>	Residential- Medium Density<u>Intensity</u>, Residential – High Density<u>Intensity</u>	Residential- Low Density<u>Intensity</u>	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)			Building Height (feet)
			Front ³	Side	Rear	
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 housings~~ 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 ^{1,2,10}
		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.~~13~~, 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 (ed). 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 tables:

Zoning District	Maximum Units/Acre	<u>Maximum FAR</u>	FAR/Height	Maximum Lot Coverage
RH, RC	46	<u>2.0 FAR</u>	<u>5 Stories, 62 ft.</u> 12' height set back 10' along street facade ¹	92 <u>90</u> %
RM	25	<u>1.75 FAR</u>	n/a 4 Stories, 50 ft.	48 <u>65</u> %
RM-W	25		12' height set back 10' along street facade¹	72 %
RL, RL-W	8.75	<u>1.5 FAR</u>	<u>4 Stories, 50 ft.</u> n/a	44 <u>55</u> %
FD6, FD5	n/a	<u>0.5 FAR</u>	0.5 FAR	100%
NMU, NAC, NAC-R	n/a	<u>0.5 FAR</u>	0.5 FAR +12' height set back 10' along street facade	92%
NAC-CR	n/a	<u>0.5 FAR</u>	0.5 FAR +12' height set back 10' along street facade	72%
E-LM-SEID	n/a	<u>0.25 FAR</u>	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'			

- 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 the Residential - Special Uses specified in footnote 6 of Table 4.4.5-2.
- 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 specified in footnote 6 of Table 4.4.5-2.
- 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 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.

Ordinances 2026/ZA-26-01 Technical Corrections and Minor Revisions
DRAFT v1.0 09/23/26

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

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

BURLINGTON PLANNING COMMISSION PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance Amendment ZA-26-01 Technical Amendments and Minor Revisions

Please note that this Public Hearing was initially proposed for 10/28 but has been rescheduled for 11/13

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place during the Planning Commission meeting on **Thursday, November 13, 2025, with the hearing starting at Time Certain 6:45pm. You may access the hearing/meeting as follows:**

The meeting will be held in the Sharon Bushor Conference Room at City Hall (149 Church Street) and online via Zoom

To join virtually from a Computer, please click this URL to join, and enter the Webinar ID if prompted:

Link: <https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFIzdz09>

Passcode: 658929

Webinar ID: 979 4188 3790

Passcode (if needed): 658929

To join virtually by phone, dial this number and enter the Webinar ID when prompted:

Number: +1 312 626 6799 **Webinar ID:** 979 4188 3790

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:

The purpose of the proposed amendment is as follows:

- 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.

Geographic areas affected:

This amendment applies to all areas of the city.

List of section headings affected:

The proposed amendments modify the following sections of the *Burlington Comprehensive Development Ordinance*:

- **ZA-26-01:** Modifies Sec 3.1.2(c) 11; Table 3.5.2-1; and deletes and reserves Sec 3.5.3; modifies Table 4.4.2-1, Sec. 4.4.2 (d) 3 B; Table 4.4.5-1; Sec. 4.4.5(d) 2 B; Sec 4.4.5 (d) 4 D; Table 4.4.5-6; 4.4.5-7; Table 4.5.6-2; Sec 4.5.6-2; and deletes and reserves Sec 4.4.5(d) 4 C; modifies Sec 5.3.5(a); modifies Sec 6.2.2 (m); modifies Sec 7.1.1 and Sec 7.1.4; modifies Sec 9.1.5; Table Sec 9.1.12; Sec 9.2.10 (b); modifies Table 11.1.5-2; modifies Article 13;

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. The proposed amendment can be reviewed in hard copy posted on the first floor of City Hall, 149 Church Street, Burlington or online at <https://www.burlingtonvt.gov/DPI/CDO/Amendments>

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BURLINGTON PLANNING COMMISSION PUBLIC HEARING NOTICE

Burlington's Open Space Plan **MDP-26-01 Burlington's Open Space Plan**

Please note that this Public Hearing was initially proposed for 10/28 but has been rescheduled for 11/13

Pursuant to 24 V.S.A. §4384, 4387 and §4432, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the proposed City of Burlington's Open Space Plan. The public hearing will take place during the Planning Commission Meeting on **Thursday, November 13, 2025** starting at Time Certain **7:15pm**. You may access the hearing/meeting as follows:

The meeting will be held in the Sharon Bushor Conference Room at City Hall (149 Church Street) and online via Zoom

To join virtually from a Computer, please click this URL to join, and enter the Webinar ID if prompted:

Link: <https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFlzd09>

Passcode: 658929

Webinar ID: 979 4188 3790

Passcode (if needed): 658929

To join virtually by phone, dial this number and enter the Webinar ID when prompted:

Number: +1 312 626 6799 **Webinar ID:** 979 4188 3790

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:

The Open Space Plan is a roadmap to guide the City of Burlington and its residents, partners, and collaborators as they work together to grow and steward Burlington's open spaces now and in the future. Burlington is a place where open spaces, water, and the built environment are intertwined in a symbiotic relationship that helps to make Burlington the unique place that is it. As Burlington continues to intensify in density to accommodate its increasing population, the City aims to continue its long-standing commitment to providing equitable access to quality open spaces and stewarding the health of the city's ecosystems.

Burlington's Open Space Plan takes an interdisciplinary approach to documenting the City's open spaces, updating open space goals, and identifying specific resource targets and timelines through a robust community-focused engagement process. Ultimately, this plan is created to ensure that both the community—those who live, work, and recreate here—and the wildlife and flora will continue to thrive for generations to come.

Geographic areas affected:

Burlington's Open Space Plan is applicable to all areas within the City of Burlington.

List of section headings affected:

Burlington's Open Space Plan is a comprehensive rewrite of the previously adopted Open Space Protection Plan (2000 & 2014) and replaces all chapters, appendices, maps, and references.

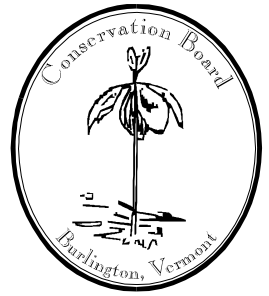
The full text of the draft 2025 *Burlington Open Space Plan* is available online at

www.burlingtonvt.gov/planbtv/OpenSpace. The proposed plan can be reviewed in hard copy posted on the first floor of City Hall, 149 Church Street, Burlington.

Burlington Conservation Board

311 North Avenue
Burlington, VT 05408
<http://www.burlingtonvt.gov/dpi>
Telephone: (802) 865-7188

*Rebecca Roman, Chair
Ryan Crehan, Vice Chair
Zoe Richards
Don Meals
Ryan Crehan
Ethan Ely
Dale Azaria
Kelly Farrell
Evan Horne*

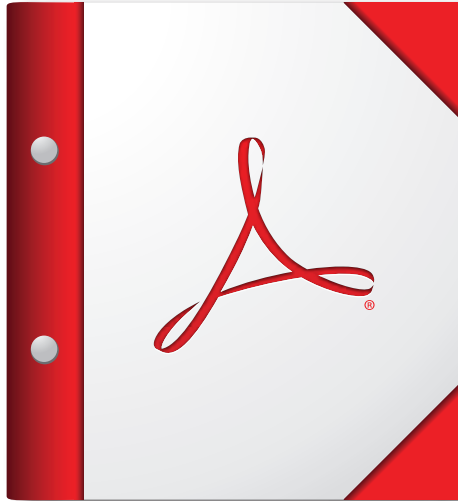


TO: Planning Commission
FROM: Scott Gustin
DATE: October 28, 2025
RE: Open Space Plan

The 2025 Open Space Plan is included in the Planning Commission's October 28, 2025 meeting packet for public hearing and, hopefully, recommendation for adoption by the City Council.

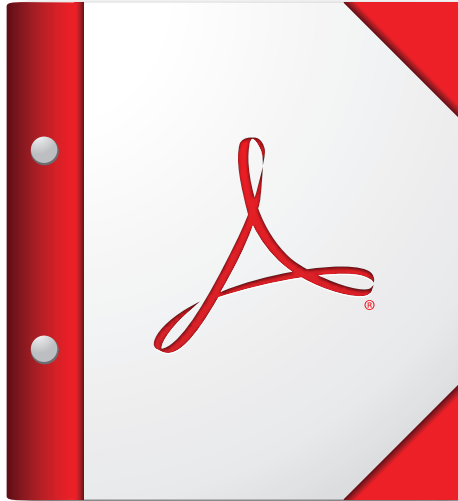
This plan is the result of more than a year of collaborative work including assessments, outreach, visioning, and writing. Most recently, a comprehensive draft plan was circulated for review and comment to the Conservation Board, Parks Commission, and the Planning Commission. The draft plan was also made available online for review and comment during the month of August and into September, 2025. The effort to rewrite the city's Open Space Plan has been a collaborative effort between the core city team, UVM's Spatial Analysis Lab, and Agency Landscape & Planning.

The Conservation Board voted to recommend adoption of the Open Space Plan at their October 6, 2025 meeting, and the Parks Commission voted likewise at their October 14, 2025 meeting. Following action by the Planning Commission, the Open Space Plan will move on to the City Council in November and, ultimately, adoption in December 2025.



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Burlington Planning Commission

Tuesday October 14, 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
☒ Scott Gustin, Principal Planner

Public Attendance: Sharon Bushor, Cathy Carlisle, Ali Brown, Liisa Reimann, Rudy Spannaus, Kimberly Yousey-Hindes, Shannon Osborne, Owen Milne, Jeff Nick

1. Agenda

Call to Order: 6:30pm

Changes to Agenda: N/A

2. Public Forum

<u>Name(s)</u>	<u>Comment</u>
Supporters of Community Sailing Center	Owen Milne provided an update related to the Community Sailing Center's proposed expansion. Cathy Carlisle, Ali Brown, Liisa Reimann, Rudy Spannaus, Kimberly Yousey-Hindes, and Shannon Osborne spoke in support of the sailing center, specifically the dragon boat club that relies on the CSC for storage and lake access. Club members and supporters, including residents and non-residents, spoke about the economic and community benefits of the club's activities, highlighting their role in bringing people to downtown Burlington and promoting water sports for people of all ages and abilities. The group expressed support for the expansion, which would allow the club to continue operating, and emphasized the importance of maintaining access to the lake for all residents and visitors.
Jeff Nick	Spoke about the potential sale and reuse of the former Gardener Supply property, located in the Intervale. J. Nick explained the challenges of selling the property due to its remote location and limited services. He suggested the consideration of a mini-storage facility as a potential use for the building, which is not allowed in the agricultural enterprise zone but could be allowed in the adjacent enterprise flight manufacturing zone. Raised ideas for other possible uses for the property, including housing for state employees and a social services hub modeled after a successful facility in Reno, Nevada.
Sharon Bushor	Sharon discussed two main topics: a \$30,000 grant request for Plan BTV 2050 and the need for a clear definition of "see-through" or transparent fences in the zoning ordinance. She inquired about the specifics of the grant application and how the funds would be used, suggesting that the Planning Commission should be informed. Sharon also emphasized the importance of a user-friendly zoning ordinance, referencing past planning directors who focused on detailed and accessible regulations.

3. Chair's Report

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.

A. Montroll did not give a Chair's Report.

4. Director's Report

- **Update on Act 181:** The City Council has expressed support for applying for Tier 1B status for eligible areas in Burlington, with plans to apply for Tier 1A in July when the Chittenden County Regional Planning Commission completes their regional plan. There are concerns about staff capacity to manage existing Act 250 conditions if Burlington applies for Tier 1A status, but the potential benefits to housing production are significant. The City is also following developments with the CHIP guidelines for housing infrastructure projects, which are expected to be finalized by July 2024, allowing applications to be submitted starting January 1st.

5. VT ACCD Municipal Planning Grant

Staff seeks approval from Planning Commission to apply for VT ACCD Municipal Planning Grant.

Summary of discussion:

planBTV 2050 Update: Staff has reviewed six high-quality submittals for the planBTV 2050 RFQ, with interviews scheduled in the coming weeks and a contract expected by November. Public engagement for the plan update has begun with visioning workshops scheduled across different neighborhoods, with the first round of workshops taking place in early November.

Commission Action: Commission voted to approve the MPG application. Motion made by A. Friend, seconded by E. Malone.

6. Proposed CDO Amendment ZA-26-02 Downtown Fences

Planning Commission continued discussion about Downtown Fences, and how to best address concerns about height restrictions and public health and safety.

Summary of discussion:

- The amendment proposes to allow fences up to 6 feet in height within the first lot layer, provided they are transparent. The amendment would create an administrative approval pathway, with an additional 20% height allowance through alternative compliance. The commission discussed the possibility of defining transparency for see-through fences, with a suggestion to set a minimum 50% air surface area requirement, though there are benefits to keeping it without a definition. They also considered but ultimately decided against including language about public safety standards for higher fences, opting for a simpler, cleaner change that would allow for heights up to approximately 7.5 feet through administrative approval and alternative compliance.
- Staff clarified that chain link fences can be placed in the second lot layer, but not in the first layer except for public safety reasons.
- Discussed the temporary nature of construction site fences, which must be removed once the building permit expires or a public safety issue is resolved. J. Randall raised concerns about the potential for large fences in downtown areas, questioning the intended purpose of such restrictions and their impact on building access and visibility.
- The discussion raised questions about whether 6-foot fences are the best solution and whether there might be alternative approaches to address these problems

Commission Action: The Planning Commission referred this amendment to the Planning Commission Ordinance Committee for further discussion.

7. Commissioner Items

8. Commission Accepted Minutes and Communications

Motion to accept by A. Friend, Seconded by E. Malone

9. Adjournment

Commission Action: Motion to adjourn the meeting at 8:10pm made by M. Gaughan, seconded by E. Mahnke. Vote was unanimous.