



Ordinance Committee Meeting Agenda - Monday, June 12, 2023, 7:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

When: Jun 12, 2023 07:00 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

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1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	June 12, 2023 - Ordinance Committee Meeting Agenda - Monday, June 12, 2023, 7:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	1. Agenda
Department	Council and Board
Type	
Recommended Action	

2. Adopt the Draft Minutes from May 8, 2023

Subject **2.1. Adopt the Draft Minutes from May 8, 2023**

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Category 2. Adopt the Draft Minutes from May 8, 2023

Department Council and Board

Type

Recommended Action

3. Public Forum

Subject **3.1. Public Comment**

Meeting June 12, 2023 - Ordinance Committee Meeting Agenda - Monday, June 12, 2023, 7:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 3. Public Forum

Department Council and Board

Type

4. Discussion of the South End Innovation District Ordinance

Subject **4.1. SEID Ordinance Discussion**

Meeting June 12, 2023 - Ordinance Committee Meeting Agenda - Monday, June 12, 2023, 7:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 4. Discussion of the South End Innovation District Ordinance

Department Council and Board

Type

Recommended Action

5. Other Committee Business

Subject **5.1. Any Other Committee Business**

Meeting June 12, 2023 - Ordinance Committee Meeting Agenda - Monday, June 12, 2023, 7:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 5. Other Committee Business

Department Council and Board

Type

Recommended Action

6. Adjournment

Subject **6.1. Motion to adjourn**

Meeting	June 12, 2023 - Ordinance Committee Meeting Agenda - Monday, June 12, 2023, 7:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	6. Adjournment
Department	Council and Board
Type	
Recommended Action	

Ordinance Committee
Monday, May 8, 2023
Public Works Front Conference Room
at 645 Pine St. or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Traverse (Chair), Councilor Carpenter, Councilor Hightower, Councilor Shannon (Remote)

Staff Present: Kim Sturtevant (Acting City Attorney), Meaghan Tuttle (Director of Planning), Charles Dillard (Principal Planner)

Public Present: Carolyn Bates, Rebecca Brookes, John Caulo, Doug Goodman, Colin Hilliard, David Kerman, Marni McKittrick, Nick Persampieri, Tom Roland, Jak Tiano, Jason VanDriesche

Public Present (Remote): Barb, Beth, Ethan Brodowski, Judy Brodowski, Sharon Busher, Craig, Sandy, Andrea Swazo, Michelle V

Meeting called to order at 5:30 PM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt Agenda as is.

Motion by Councilor Hightower, Seconded by Councilor Carpenter

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes from April 19th

2.01 Adopt Draft Minutes from April 19th

Motion to Adopt Minutes from 04/19/2023.

Motion by Councilor Hightower, Seconded by Councilor Carpenter

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Comment

3.01 Public Comment

- Nick Persampieri voiced support for the renewable primary heating system ordinance but noted that the ordinance, as written, allows fuel sources that would not reduce the carbon footprint, being wood, renewable gas, and bio-diesel and other biofuels. Persampieri stated he wants to see the City exclude these sources from the ordinance. Councilor Traverse responded that the Committee anticipates a resolution related to this issue to come before TEUC and possibly the Ordinance Committee in the near future.

- Doug Goodman inquired about whether the parking lot on Sears Lane with 500 spaces would become the designated lot for new housing units enabled to be developed because of this ordinance amendment. Goodman also expressed concern about housing equity as more housing at market-rent pricing does not address Burlington’s housing needs.
- Jak Tiano thought the FAR should be increased and more work needs to be done to maximize use of SEID, but overall, supported the proposed ordinance and its zoning changes.
- John Caulo, a South End resident and development project manager, expressed support for the amendment from both perspectives, including the height limit of eight stories because reducing the proposed height would potentially limit the type of housing that can be built.
- Carolyn Bates disagreed with the proposed amendment’s eight-story height limit and pointed to the HULA building as being an example of a building that is aesthetic and has fewer than eight stories. Bates stated that buildings with more than six stories would disrupt a sense of community as well as obstruct protected views, such as the views from Calahan Park.
- Colin Hilliard with the Burlington Business Association stated the FAR should be increased but supports the amendment overall because it addresses housing issues.
- Jason VanDriesche, a resident of Ward 5 and has a background in urban planning, spoke to the advantages of changing the height limit from eight stories to a maximum of six stories, mainly to preserve the “street-level sense of community.” VanDriesche argued buildings over six stories are only appropriate for Downtown and the density supported by a four-story building on a quarter-acre of land is sufficient and would be more representative of development being driven by community as opposed to outside developers.
- Ethan Brodowski shared concerns for how marginalized communities will be impacted by this amendment and that there has not been enough input from the community on housing and underutilized spaces.
- Judy Brodowski expressed that the amendment does not seem to favor Burlington residents and also questioned if Burlington’s infrastructure in the South End could support the added strain on its water systems from more development.
- Andrea Swazo, who purchased a home in Ward 6 of last year, added that more housing options, particularly in the South End because it is close to a lot of amenities, would be beneficial for Burlington and supports the amendment as written.

Public Comment closed at 6:29 PM.

4. Planning Department Presentation on SEID

4.01 Planning Department Presentation on SEID

Planning Director Tuttle summarized the Planning Commission's work for the SEID Ordinance, in collaboration with the City and various community stakeholders over the last two years. At the last meeting, the presentation did not go into parking or discussion of open spaces. The slides for this presentation were posted online for public viewing and written responses were provided to questions asked.

5.0 Councilor Discussion on SEID Ordinance

5.01 Councilor Discussion on SEID Ordinance

The Committee discussed the first few pages of the SEID Ordinance.

- Councilor Hightower recalled an argument against reducing the building height being that shorter buildings would look too uniform. Planner Dillard and Planning Director Tuttle clarified that the community preferred a mix of building heights, and eight stories would allow for the best mix of building height because lot coverage, FAR, and height all interface so that the development of an eight-story building requires the development of shorter buildings to meet the FAR and lot coverage standards. Planner Dillard explained that FAR is calculated by taking the floor area in relation to the land area.
- Councilor Shannon questioned the community's true involvement, and Planning Director Tuttle emphasized that community members have been involved from the beginning.
- Planning Director Tuttle explained how the first part of the ordinance establishes the framework a separate district within the South End Enterprising Zone and discusses the aspirational uses being for housing, arts, and manufacturing, and parking.
- On parking, Councilor Traverse and Councilor Shannon asked about various parking options like underground parking and standalone parking garages. Planner Dillard clarified there is no specific prohibition against parking methods, but shared parking is the model, which strives to reduce negative impacts of structures and lots while meeting parking needs.
- Planning Director Tuttle and Planner Dillard reviewed the SEID overlay boundary with Councilors, noting that the boundaries are determined by a number of factors, including property rights and lots that would benefit from an increased portfolio of uses under this ordinance.
- Councilor Carpenter acknowledged that while Calahan Park is a protected view, the view is limited and argued the views from the bike path are more of an asset and wondered how the ordinance could change access to the lake. Planner Dillard responded that the ordinance has been written with the improvement of access to the lake in mind.
- Planning Director Tuttle and Planner Dillard explained that while public views are protected, private views are not, and there are also other laws and ordinances that would

act on this ordinance and constrain what could be built where, such as conservation laws protecting the wetland areas in the South End.

- Councilor Traverse argued for the reduction of building height from a historical perspective, stating that the innovation center is a landmark building for the South End and at only four stories, would potentially be swallowed by surrounding eight-story buildings.
- Planning Director Tuttle and Planner Dillard overviewed the sustainable design standard incentives for structures and paved lots. Councilor Hightower wanted more information about permeable versus impermeable pavement rules. Planning Director Tuttle stated they are trying not to rely on incentivizing sustainable design too much because the City has been moving away from incentives.
- Planning Director Tuttle and Planner Dillard discussed the block perimeter standards and how this criteria is intended to increase walkability, break up buildings and provide more open space. Planner Dillard emphasized development, particularly street and path development, is still subject to all other existing city design standards and has to be approved by the City Engineer.
- Carolyn Bates wanted to know how many buildings could potentially fit within one block, and Councilor Traverse pointed her to the renderings the Planning Commission developed that were posted online.
- Councilor Hightower wanted to know more about Inclusionary Zoning and the affordability standard. Planning Director Tuttle responded SEID is to follow the standard Inclusionary Zoning requirements and that CEDO would be interested in setting an affordability standard that would apply to more zoning than what is covered under this ordinance.
- Councilor Traverse wondered if the 2.25 FAR would still be appropriate if building height is limited to six stories, as well as if reducing the setback on Pine St from 25 ft to 20 ft would be in the best interest of a transit future with improved access for bikes and buses.

6.0 Other Committee Business

6.01 Other Committee Business

Councilor Traverse to follow up with a new meeting date after coordinating with other committees.

7.0 Adjournment

7.01 Adjournment

The meeting was adjourned at 8:19 PM.

June 12, 2023

Councilor Ben Traverse, Chair
Ordinance Committee
Burlington City Council

Dear Councilor Traverse and Members of the Ordinance Committee:

We are writing to you today in support of the proposed South End Innovation District and to urge you to enact a policy that will create the much-needed housing that Vermont needs while also delivering the co-benefits that dense, walkable communities near public transit offer.

Housing is the limiting factor in everything we are trying to achieve in Vermont. We cannot have a single conversation with a business without discussing housing issues. We are working at the state, regional, and local levels on housing creation. This particular section of Burlington is geographically positioned to be an important part of the solution to these issues, as it is just a short walk, bike, or bus ride away from some of the state's largest employers as well as countless other small businesses.

Based on the projections of the [2020 housing needs assessment](#), Vermont will need to increase the state's total housing stock by about 5,800 primary homes before 2025 to meet expected demand among new households while also housing the state's homeless and replacing homes likely to be removed from the stock. Our state has the oldest housing stock in the country, which was [recently highlighted](#). The [Vermont Housing Finance Agency testified](#) to the Vermont legislature this past session that since the 2020 housing needs assessment, further analysis actually puts the number of new primary homes needed at 30,000 to 40,000 units by 2030.

This section of the City is also an ideal place for compact settlement that is climate-friendly, as identified in the Climate Action Plan as impediments to meeting the state's climate goals. As it states:

"Lack of infrastructure (chiefly community wastewater and water systems) makes compact settlement a challenge, thereby causing housing development to follow the path of least resistance, which is dispersed single-family home development on large lots along rural roads. This de facto development pattern will only exacerbate energy use patterns that will make achievement of many of the goals and objectives of the GWSA a challenge, and underscore the need to create an effective land use planning and regulation rubric that can achieve housing development and accessibility, compact settlement, smart growth, and just transitions policy imperatives."

- *Vermont Climate Action Plan, December 1, 2021, Page 29*

Burlington can create a massive win-win for the region by facilitating the development of new housing in the region; this will limit the state's carbon emissions by driving density while boosting the state's economy by providing a solution to one of the largest workforce impediments we see.

In summary, we cannot miss such an important opportunity to create the housing our region so desperately needs in a particular place that is best suited to host it.

Sincerely,



Austin Robert Davis
Government Affairs Manager

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
<u>Co-Housing</u>	<u>N</u>	<u>N¹</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

Residential uses are not permitted except only as an accessory use to an agricultural use.

1. – 26. As written.
27. ~~For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.~~
28. - 32. As written.
33. ~~See Sec. 4.5.8(c) 5 for permitted uses in the Enterprise – Innovation District (E-SEID) Overlay~~

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

ZA-23-01 South End Innovation District Overlay

ORDINANCE _____

Sponsor: (Department or Councilor) _____
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 4.4.3 Enterprise Districts; creating Sec. 4.5.8: South End Innovation District Overlay; amending Sec. 9.1.12 Additional Density and Other Development Allowances; amending Appendix A: Comprehensive Use Table; creating Maps 4.5.8-1 South End Innovation District Overlay District, 4.5.8-2 Specific Height Area Map, and Map 4.5.8-3 Frontage and Ground Floor Activation Standards; and amending Appendix A- Use Table; and amending Article 13 Definitions, thereof to read as follows:

Sec. 4.4.3 Enterprise Districts

(a) Purpose:

The ~~two~~ Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

1. The **Light Manufacturing** (E-LM) district is the ~~traditional~~ commercial/industrial center of Burlington, and, in those is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, design, creating, repairing, ~~renovating, painting, cleaning,~~ or assembling of physical and digital goods, merchandise, ~~or~~ equipment, or art ~~without appropriate mitigations from~~ potential conflicts ~~from with~~ nearby or interspersed residential uses. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention, including in the evolution of traditional industries as well as burgeoning maker and high-tech industries. This district is primarily intended to provide for various industrial and commercial uses, with specific provisions and limits intended to preserve and enhance areas of varied character throughout district. Other accessory commercial uses, and in very limited cases residential uses, are allowed to support the wide range of services and employment opportunities desired in the district, and support uses suitable for location in adjacent areas of ~~proximity to~~ residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures. This district includes the E-SEID overlay which is intended to facilitate the redevelopment of a central portion of the E-LM into a walkable, mixed-use innovation district consistent with the long-range plans for this area.

2. 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 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ^{1,4})	Max. Lot Coverage ^{1,4}	Minimum Building Setbacks ^{1,4} (feet)			Max. Height ^{1,4} (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Agricultural Processing and Energy	0.75 FAR	60%	10 min	10 min	10 min	45'

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.

3 – Percentage of the lot depth.

4 – Maximum intensity, lot coverage, setbacks and building height in portions of this district are being modified by provisions of the South End Innovation District overlay (SEID) in Sec. 4.5.8.

(c) **Permitted and Conditional Uses:**

1. The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be as defined in Appendix A – Use Table.
2. Within the E-LM district, uses unrelated to Industrial or Art Production are permitted to be located on lots south of Home Avenue only when both of the following conditions are satisfied. For lots north of Home Avenue within the EL-M district, this standard does not apply.:
 - a. One or more Industrial and/or Art Production use(s) exists on the lot; and
 - ~~a.b. When the combined gross floor area of all such uses does not exceed 49% of the Gross Floor Area on the lot. Uses limited by this provision are identified by Footnote 27 in Appendix A Use Table. The combined gross floor area (GFA) of all other use(s) does not exceed 49% of the gross floor area on the lot. Uses limited by this provision are identified by Footnote 27 in Appendix A Use Table; all uses marked as conditional use or with additional footnotes in Appendix A continue to apply.~~
3. Uses that may be permitted, or conditionally permitted within the South End Innovation District overlay (SEID) are identified on Table 4.5.8-3.

(d) **District Specific Regulations:**

1. Convenience Stores.
The following shall apply to the review and approval of convenience stores in the E-LM district, except as regulated in Sec. 4.5.8: South End Innovation District, in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:
 - A. Convenience stores in the E-LM district shall only be allowed on properties fronting on Pine Street, and must be sited at least 2,000 linear feet, measured lot line to lot line, from any other convenience store in

the E-LM district;

- B. A convenience store shall not contain more than 5,000 square feet of gross floor area;
 - C. If located at a street intersection, the nearest edge of any curb cut shall be located as far as possible from any intersections with a minimum distance of 50 feet from an intersection as measured from the corner of and along the lot line of the site;
 - D. Approval shall be granted only if, in addition to the general conditional use standards listed in Sec. 3.5.6, the DRB determines that a proliferation of convenience stores is not threatening the primary intent of the E-LM district for industrial purposes, as stated in Section 4.4.3 (a) 1; and,
 - E. Convenience stores that obtain a conditional use permit within the E-LM District may include gasoline pumps provided the total square footage occupied by pumps, pump islands and vehicular space(s) at a pump filling station is the lesser of 1,850 s.f. or 50% of the gross floor area of the enclosed convenience store.
2. Drive Thrus are not permitted.

Sec. 4.5.8 Enterprise – South End Innovation District Overlay

(a) Purpose

The Enterprise – Innovation District Overlay (E-ID) is intended to implement the long-range plan for an area of the South End by providing for a dense, vibrant and dynamic urban district. The overlay is unique in its allowance for residential uses in a small area of the Enterprise-Light Manufacturing District (E-LM), and that it limits the most intensive manufacturing and industrial uses allowed elsewhere in the district. The overlay prioritizes arts and employment uses within an amenity-rich, convenient urban residential neighborhood, while permitting in a limited fashion non-residential uses that are secondary to, but supportive of those primary objectives.

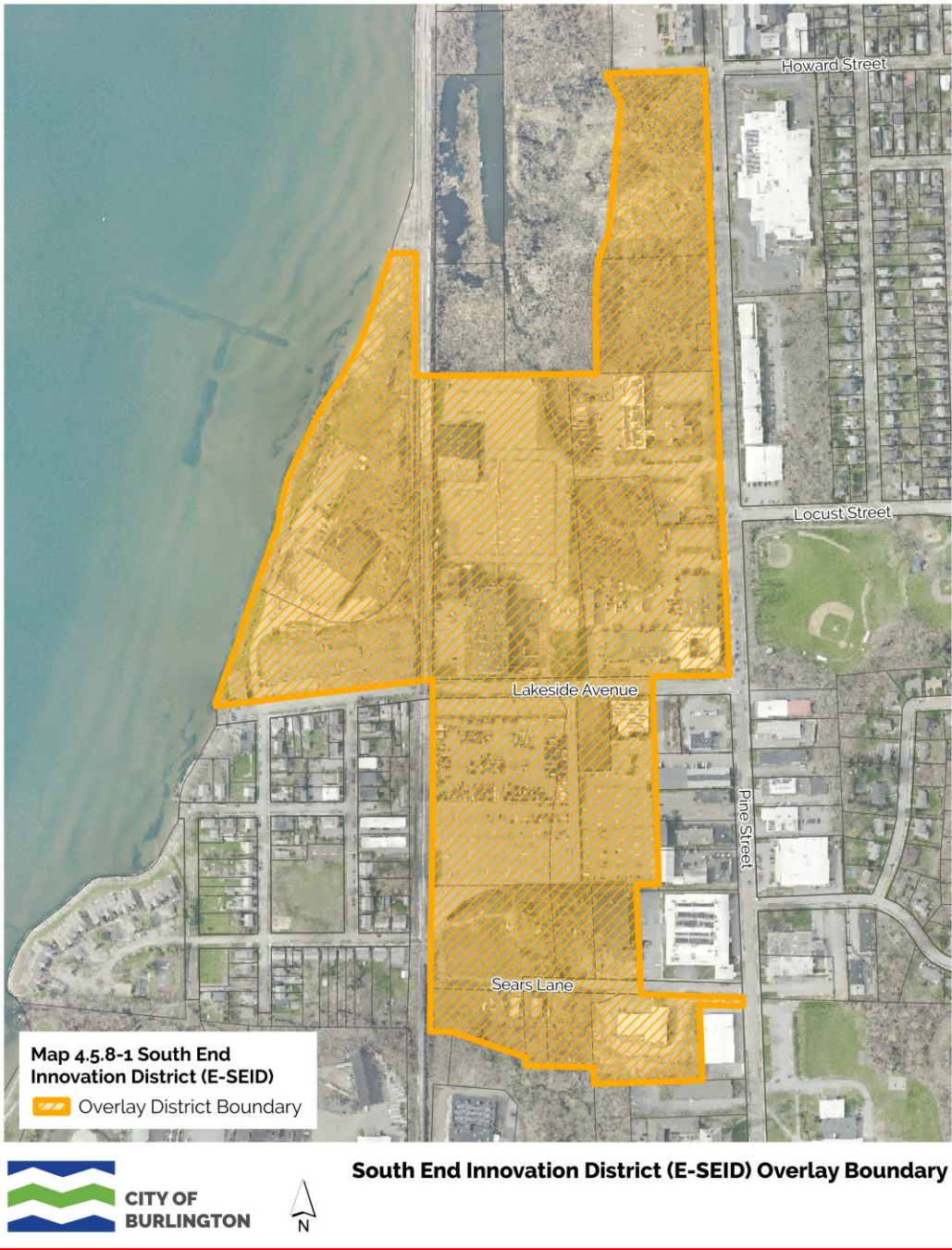
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure. Buildings should range in height from one to eight stories, and should be constructed of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

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

(b) Areas Covered.

The Enterprise – South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.8-1.

Map 4.5.8-1 SEID Overlay



(c) District Specific Regulations

1. Dimensional Standards & Density

Within the South End Innovation District Overlay the standards set forth in Table 4.5.8-1 shall apply to new development and redevelopment, except:

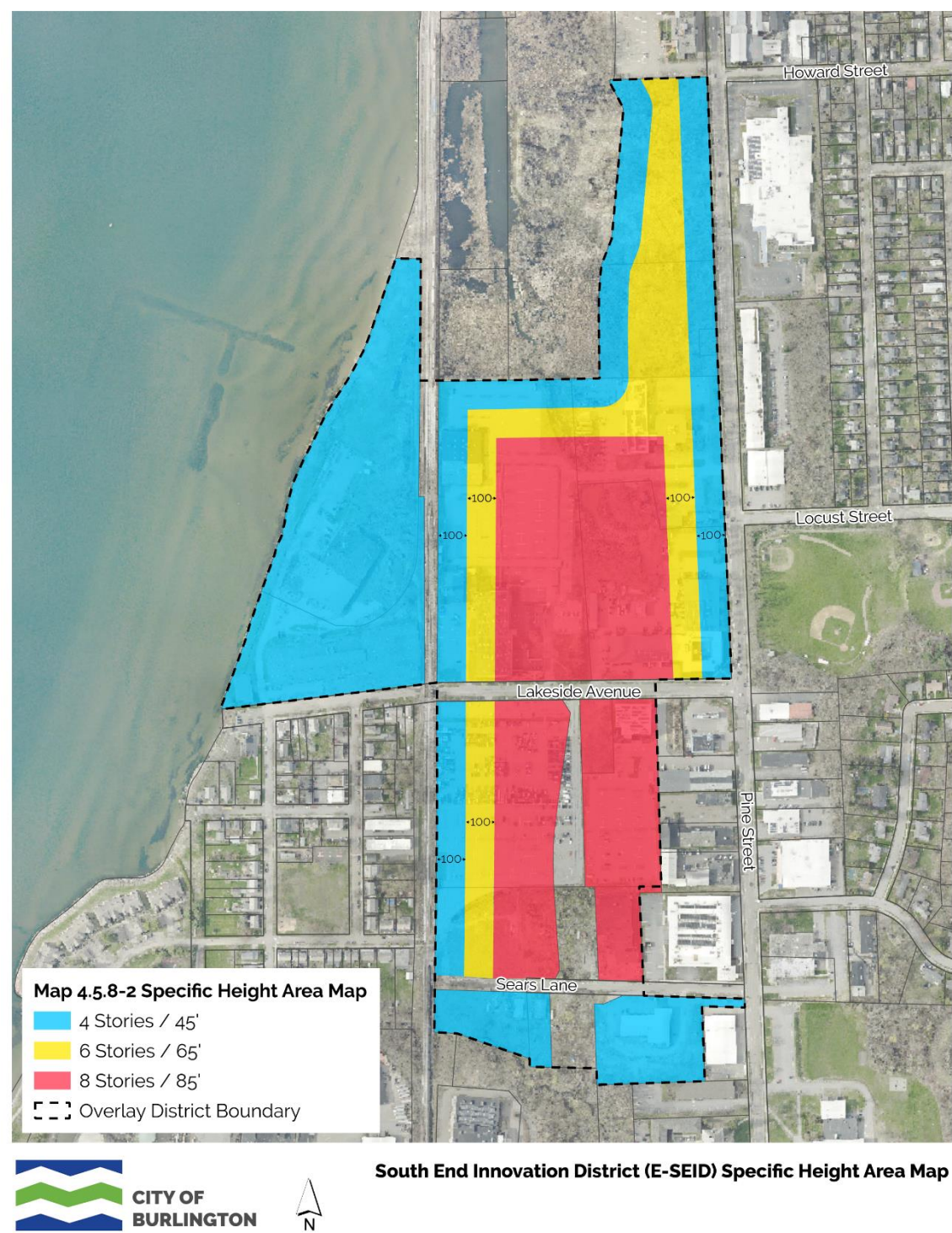
- a. Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of mass timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances, or in buildings certified as meeting in one or more of the Green and High Performance Building Standard systems:
- i. Passive House Certification as administered by Passive House Institute (PHI or PHIUS);
 - ii. Gold Certification or higher under the applicable LEED standard as administered by Green Businesses Certification, Inc. (GBCI); or,
 - iii. Petal or Net Zero Energy Certification under the Living Building Challenge as administered by International Living Future Institute (INFI).
- b. The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI) or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.

Table 4.5.8-1: SEID Dimensional Standards & Density

<u>Block Perimeter¹</u>	<u>Max. Intensity</u> (floor area ratio²)	<u>Max Building Size per Floorplate^{3, 4}</u>	<u>Max. Lot Coverage & Pervious Surface Required⁵</u>	<u>Minimum Building Setbacks</u>			<u>Max. Height⁷</u>
				<u>Front</u>	<u>Side</u>	<u>Rear</u>	
<u>1,600' max</u>	<u>2.25 FAR</u>	<u>Floors 1-6: 15,000 sq.ft.</u> <u>Floors 7-8: 10,000 sq.ft.</u>	<u>80% max impervious</u> <u>25% min of pervious area must utilize GSI</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁶</u>	<u>85'</u>

1. Blocks may be enclosed by any combination of public streets and public paths.
2. Floor area ratio is described in Sec 5.2.7. Bonuses for additional FAR for inclusionary housing projects, is described in Sec. 9.1.12.
3. Maximum square footage applies to each floorplate.
4. One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floorplate maximum standard according to the following:
 - a. When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - b. When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.
5. At least 25% of the pervious area on a lot must include one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with shade trees, or pervious pavement. No more than 50% of the required GSI area may utilize pervious pavement.
6. Setbacks are measured from the property line; however, buildings must be at least 15' from the curb or edge of ROW if no curb exists.
7. Maximum building height in the E-SEID shall be further limited by Map 4.5.8.3: SEID Specific Height Area Map

Map 4.5.8-2 SEID Specific Height Area Map



135
136
137
138
139
140

2. Frontage and Ground Floor Activation Standards

- A. Lot Frontage Occupied by Buildings: Buildings shall be placed on a lot such that they frame public and private streets and pathways. The percentage of a lot's frontage that must be occupied by a building(s) located between the minimum and maximum setback is determined by Table 4.5.8-2.
- (i) Primary and Secondary frontages must be identified by the property owner. Each block must contain at least one Primary frontage.
- (ii) A lot's frontage buildout may be reduced by up to 10 percent upon the determination of the Zoning Administrative Officers that the relief is necessary to access to the rear of the lot as a result of lot width or building placement constraints.

Table 4.5.8-2: Frontage and Activation Standards

<u>Frontage Type</u>	<u>Min lot frontage occupied by buildings¹</u>	<u>Percent of building frontage containing non-residential uses</u>	<u>Ground floor entries required</u>
<u>Primary</u>	<u>80% min</u>	<u>80% min</u>	<u>Every 60' min</u>
<u>Secondary</u>	<u>70% min</u>	<u>20% min or 500 sq.ft., whichever is greater</u>	

1) Measured linearly, and excludes area utilized for interior private streets, drives, and non-vehicular pathways.

- B. Building Frontage Occupied by Non-Residential Uses: Buildings fronting on public or private streets and pathways, including those inaccessible by vehicles, must contain a minimum amount of non-residential uses on the ground floor as determined by Table 4.5.8-2.
- i. Building corners, when located at the intersection of two public rights-of-way, including streets and paths, must include non-residential uses.
- ii. A minimum of 80% of a building's required ground floor non-residential use floor area must be at least 25 ft. deep from the building façade, measured orthogonally. The remaining 20% must be at least 10 ft. deep.
- iii. On lots where new interior streets are provided, Primary and Secondary frontages must be identified by the property owner.
- iv. The minimum non-residential frontage requirements may be reduced to 30% for Primary Frontages and 0% for Secondary Frontages if one or more of the following is achieved:
- a. All non-residential ground floor uses are maintained as affordable for at least 30 years, as defined and administered by the Community and Economic Development Office (CEDO).
- b. A detached, one- or two-story permanent structure containing non-residential uses is constructed within or adjacent to the public realm, including public rights-of-way and public open space, on the same lot. The amount of non-residential use required on a building's ground floor may only be reduced on one-to-one basis as determined by the square footage of the detached structure.
- c. A building is placed adjacent to one or more publicly accessible open spaces on the same lot. Such open spaces must be at least 4,000 sq.ft. in area and no portion of the open space may have a dimension less than 10 feet. Qualifying open spaces may be located in an interior courtyard, to the side, or in front of the building for which a reduction in ground floor non-residential use is being sought.
- d. A building containing residential uses includes an allocation of at least 10% three-bedroom units and 15% percent two-bedroom units.
- C. Ground Floor Entries: At least one ground floor public entry, not including service doors, is required each 60' linear feet of each building façade fronting on a public or private street or open space.

3. Parking

- A. Surface Parking Lots consisting of no more than five spaces are permitted only when associated with and adjacent to a principal building. In such lots, priority parking spaces shall be made available, as described in Sec. 8.1.16 (c) c.4 – Parking Management. No more than 20 total spaces may be permitted in Surface Parking Lots on any one lot. Parking is not permitted between a building and the street or path on which it is located.
- B. On-street parking spaces shall be permitted on lots with new private streets. Such parking spaces must be parallel in orientation.
- C. Structured Parking Garages
- i. With the exception of individual Garages serving a multifamily dwelling which shall be accessed from the rear of the building via a public or private alley, all Parking Structures and Garages shall be located behind a Perimeter Building, or screened so that cars and internal structure lighting are not visible from adjacent streets or properties. Screening can be provided by architectural structure or vegetative trellis.
 - ii. Parking Structure ingress/egress shall be consolidated into one façade opening and shall not exceed 24 feet in width or shall be separated into no more than two openings per façade, with a combined width of no more than 28 feet. Each façade opening shall not exceed 16 feet clear height.
 - iii. At least one pedestrian route shall lead directly to each Frontage Line (i.e. not directly into a Building). When portions of a Building containing parking front on more than one street, multiple pedestrian routes to the Frontage are strongly encouraged.

4. Uses

Within the E-ID, only the following uses shall be permitted.

Table 4.5.8-3 Uses Permitted & Limited within the SEID

<u>Permitted Uses:</u>	
<u>Residential¹</u>	
<u>Assisted Living</u>	
<u>Attached Dwellings - Multi-Family</u>	
<u>Co-Housing</u>	
<u>Convalescent/Nursing Home</u>	
<u>Emergency Shelter</u>	
<u>Group Home</u>	
<u>Dormitory</u>	
<u>Non-Residential</u>	
<u>Adult Day Care</u>	<u>Photo Studio</u>
<u>Agricultural Use</u>	<u>Photography Lab</u>
<u>Animal Grooming</u>	<u>Place of Worship</u>
<u>Animal Hospital/Veterinarian's Office</u>	<u>Printing Plant</u>
<u>Art Gallery/Studio</u>	<u>Printing Shop</u>
<u>Bakery</u>	<u>Public Transit Terminal</u>
<u>Bank/Credit Union</u>	<u>Public Works Yard/Garage</u>

<u>Permitted Uses:</u>	
<u>Bar/Tavern</u>	<u>Radio & TV Studio</u>
<u>Beauty/Barber Shop</u>	<u>Recording Studio</u>
<u>Bicycle Sales/Repair</u>	<u>Recreational Facility - Outdoor</u>
<u>Billiard Parlor</u>	<u>Research & Development Facility</u>
<u>Bowling Alley</u>	<u>Research Lab</u>
<u>Cafe</u>	<u>Restaurant</u>
<u>Cinema</u>	<u>Restaurant – Take Out</u>
<u>Community Center</u>	<u>Salon/Spa</u>
<u>Community Garden</u>	<u>School – Post-Secondary and CC</u>
<u>Convenience Store</u>	<u>School - Preschool</u>
<u>Daycare</u>	<u>School - Primary</u>
<u>Fire Station</u>	<u>School - Secondary</u>
<u>Food & Beverage Processing</u>	<u>School – Trade, or Professional</u>
<u>General Merchandise – Small ≤ 10,000 sf</u>	
<u>Grocery Store ≤ 10,000 sf</u>	
<u>Health Studio</u>	
<u>Hotel²</u>	
<u>Laundromat</u>	
<u>Library</u>	
<u>Manufacturing - Light</u>	
<u>Mental Health Crisis Center</u>	
<u>Museum – Small ≤ 10,000 sf</u>	
<u>Office - General</u>	
<u>Office – Medical/Dental</u>	
<u>Office - Technical</u>	
<u>Open Air Markets</u>	
<u>Park</u>	
<u>Parking Garage³</u>	
<u>Parking Lot³</u>	
<u>Performing Arts Center</u>	
<u>Performing Arts Studio</u>	
<u>Pharmacy</u>	

1. Residential uses are permitted only in new additions to buildings that existed as of January 1, 2023, or in buildings built after January 1, 2023.

2. One hotel is permitted per lot established as of January 1, 2023 and may not account for more than 80 percent of the Gross Floor Area of the building in which the use is located.

3. Parking Garage and Lot uses are regulated by Sec. 4.5.8(c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density.

Article 9 Inclusionary and Replacement Housing**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. Calculations for these entitlements shall be based on the following tables:

Zoning District	Maximum Units/Acre	FAR/Height	Maximum Lot Coverage
RH	46	12' height set back 10' along street facade ¹	92%
RM	25	n/a	48%
RM-W	25	12' height set back 10' along street facade ¹	72%
RL, RL-W	8.75	n/a	44%
FD6, FD5	n/a	0.5 FAR	100%
NMU, NAC, NAC-R	n/a	0.5 FAR+12' height set back 10' along street facade	92%
NAC-CR	n/a	0.5 FAR+12' height set back 10' along street facade	72%
<u>E-LM-SEID</u>	<u>n/a</u>	<u>0.25 FAR</u>	<u>n/a</u>

1. In the RH and RM-W 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.

1.2. Lot coverage may be increased to 90% as per Sec. 4.5.8 (c) 1.b

- (b) The allowances provided for herein may be declined at the option of the applicant;
- (c) With the approval of the DRB, units added to a project as market rate units may be substituted by nonresidential uses wherever such nonresidential uses are otherwise permitted in the district where the project is located. Approved substitution for nonresidential uses shall occur at the following rate: 1 market-rate dwelling unit = 1,500 square feet nonresidential space
- (d) All provisions of Sec. 9.1.8 through 9.1.11 shall apply, without exception, to any inclusionary units that are constructed.

Article 11: Planned Development**Sec. 11.1.3 General Requirements and Applicability**

With the exception of development subject to the requirements of Art. 14, any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	Minimum Project Size
RH, RM, RM-W, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, <u>E-LM</u>	No minimum project size.
RL, RL-W, RCO-R/G	2 acres or more

Article 13 Definitions

All other definitions as written.

Block: The aggregate of private Lots, Passages, Rear Alleys, and Rear Lanes, circumscribed by public streets and public paths.

Block Perimeter: The allowable maximum distance, measured linearly, of the public streets and paths circumscribing a block.

Bowling Alley: An indoor facility that devotes more than 50 percent of its gross floor area to comprised of bowling lanes and, equipment, and customary playing areas with customary accessory uses such as arcades, play areas, restaurants, and snack bars.

Co-Housing: Multi-unit residential buildings containing individual dwelling spaces which include bathroom facilities and may or may not contain individual kitchen facilities. Within such residential buildings, residents share amenities, such as full kitchens, and open space in a communal living arrangement. In zoning districts where density limits are applicable, four (4) individual dwelling spaces shall be the equivalent of a Dwelling Unit.

Constructed Wetland: Stormwater treatment systems that use natural processes involving wetland vegetation, soils and their associated microbial assemblages to improve water quality.

Floor Plate: The above-ground gross floor area of each story of a building. Below-ground floor area is not included where maximum floor plate standards are established.

Green Stormwater Management: Low impact stormwater management infrastructure utilizing soil-water-plant systems to intercept stormwater and facilitate its infiltration, evaporation and release into waterbodies in a manner that promotes ecological health and environmental resilience.

Mass Timber: A method of construction defined as Type IV in the Building Code (International Building Code) and where the majority of structural load-bearing members are made of wood with a minimum dimension of 3.75 inches.

Passive House: A building construction standard that results in highly energy efficient buildings through use of airtight building envelopes, ventilation, waterproofing, heating and cooling, and electrical loads as certified and administered by Passive House Institute (PHI or PHIUS)

Perimeter Building: A shallow medium to large sized attached or detached Building that is always associated with and screens a parking structure or garage.

Pervious Pavement: Alternatives to traditional pavement that allow rain and snowmelt to infiltrate underlying layers of soil and gravel in a manner that reduces runoff and promotes pollutant filtration.

Suspended Pavement: A site construction technology that supports the weight of overlying pavement and creates a subsurface void that is filled with soil for root growth.

Appendix A- Use Table

See attached

290 * Material stricken out deleted.

291 ** Material underlined added.

292

293

294

295

296 MT/Attorney's Initials/Ordinances 2022/ZA-23-01 South End Innovation District Overlay

297 08/19/22

South End Innovation District

*City Council Ordinance Committee
April 19, 2023*

Key Question

How can large surface parking lots and other underutilized sites on and near Lakeside Avenue be re-envisioned to:

- Become vibrant places that enhance and preserve South End identity
- Create new space for makers, jobs, and even homes
- Increase the area's environmental and economic resilience



Innovation District

Roughly Howard St. to Sears Ln.
west of Pine Street

Focus on properties with large
surface parking lots, other
underdeveloped areas

planBTV: South End identified as
the heart of an “Innovation District”

Potential Innovation District



Most Recent Community Discussion Topics

- **Proposed Boundary**
- **Building Height**
- **Land Use Framework**
- **Streets and Traffic**
- **Parking**

District Boundary

How can large surface parking lots and other underutilized sites on and near Lakeside Avenue be re-envisioned to:

- Become vibrant places that enhance and preserve South End identity
- Create new space for makers, jobs, and even homes
- Increase the area's environmental and economic resilience
- **This boundary seeks to preserve many arts/making/manufacturing uses that exist today while making space for new such uses, in addition to housing.**

Proposed Innovation District

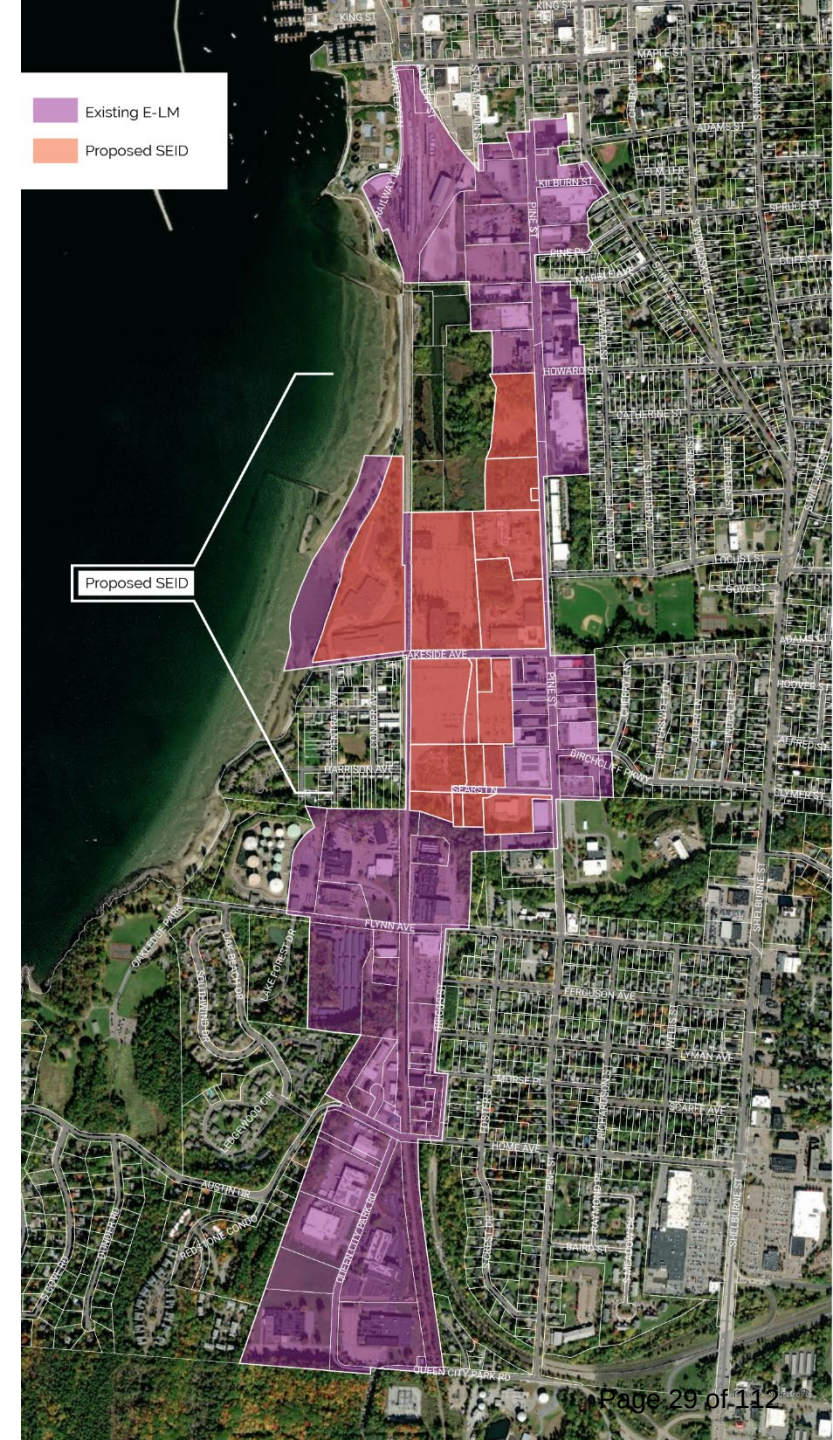


District Boundary

The E-LM district today consists of approximately 285 acres.

The proposed SEID is about 81 acres.

The SEID would apply to about 25% of the existing E-LM



Building Size Standards

Building Height Limits

+

Maximum Floor Plate Size

+

Floor Area Ratio (FAR)

Building Size Standards - SEID vision



BUGA (Heilbronn, Germany)

Source: designverse.com



WIR (Berlin, Germany)

Source: designverse.com

Building Height

Proposal: A maximum height limit of 8 stories / 85'.

Rationale: A mix of building heights, when properly organized, can achieve multiple planning goals. Taller buildings lining high-traffic corridors, as commonly practiced in Europe, can assist in intercepting noise and air pollution from entering the District's interior and adjacent open spaces. Additional height will also allow the District to house density levels that help Burlington meet its ten-year housing goals. Finally, different building heights can create a "texture" to the district that facilitates a range of uses that facilitate a vibrant and activated public realm.



Building Height – Public Input

- Summer 2022 public meetings: a mix of 4/6/8 story buildings was the most preferred scenario
- Fall/Winter PC Discussion: support for and against the 4/6/8 height mix
 - PC recommends 4/6/8 height map
- Opposition to taller buildings generally in interest of lake views, character and perceptions of livability

DISTRICT SCALE - HOW TALL AND WHAT MIX?

Below are four different options for how building height could be regulated. The last group shows an option that would allow different heights, based on location or building type. What do you think?

[illegible]

Lake views and the CDO

Protection of Important Public Views, CDO Sec. 6.2.2 Review Standards

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

Protection of Important Public Views, CDO Sec. 6.3.2 (c) Review Standards

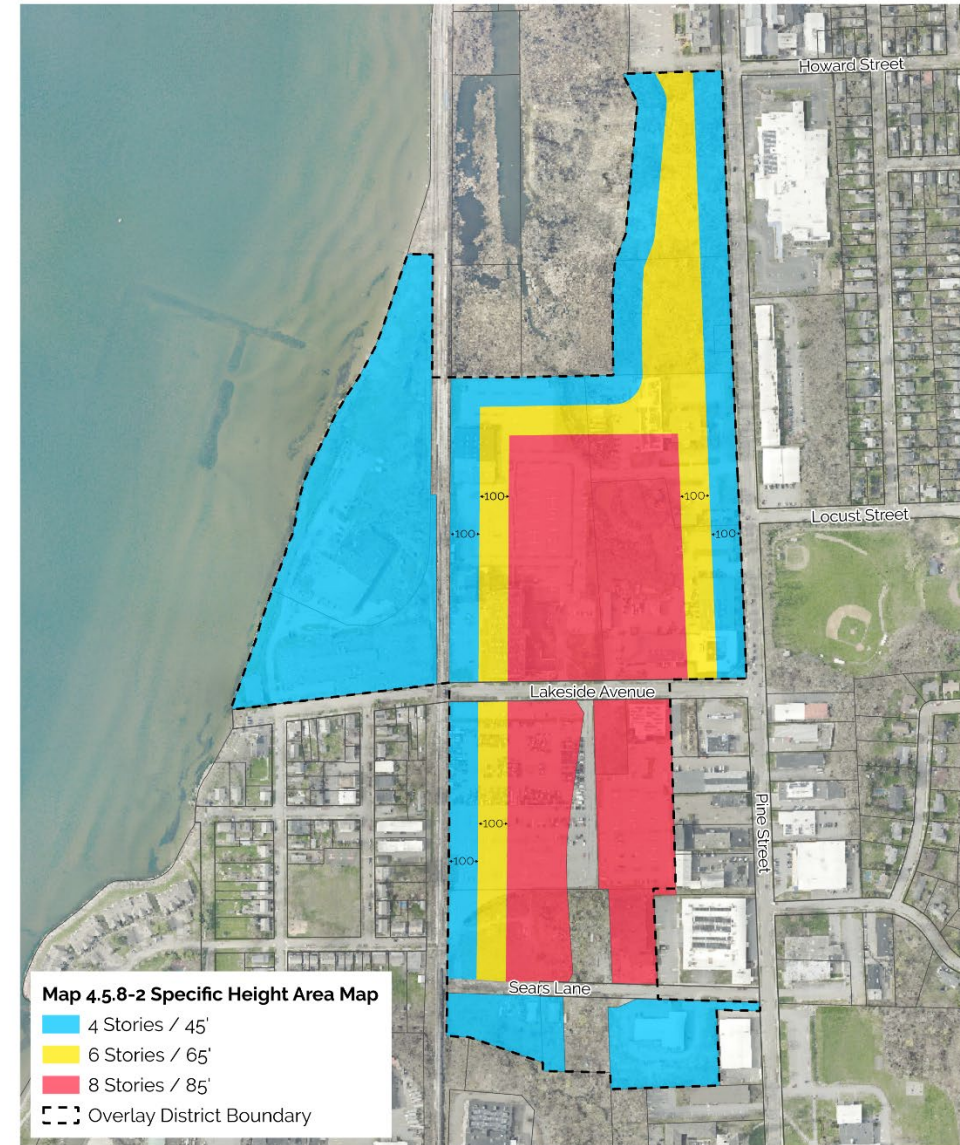
“Development shall preserve distant terminal views of Lake Champlain and the Adirondack Mountains and **important public and cultural landmarks from public places and along east-west public rights-of-way to the extent practicable. This shall not be construed to include similar views from exclusively private property.** Sensitivity shall be used in the massing of proposed development such that light and air is allowed to penetrate and some views may be preserved. Alternatives that extend access to such views by allowing public access into and through the proposed development are encouraged. In no case shall development be permitted to span across the public rights-of-way in such corridors.”

Building Height

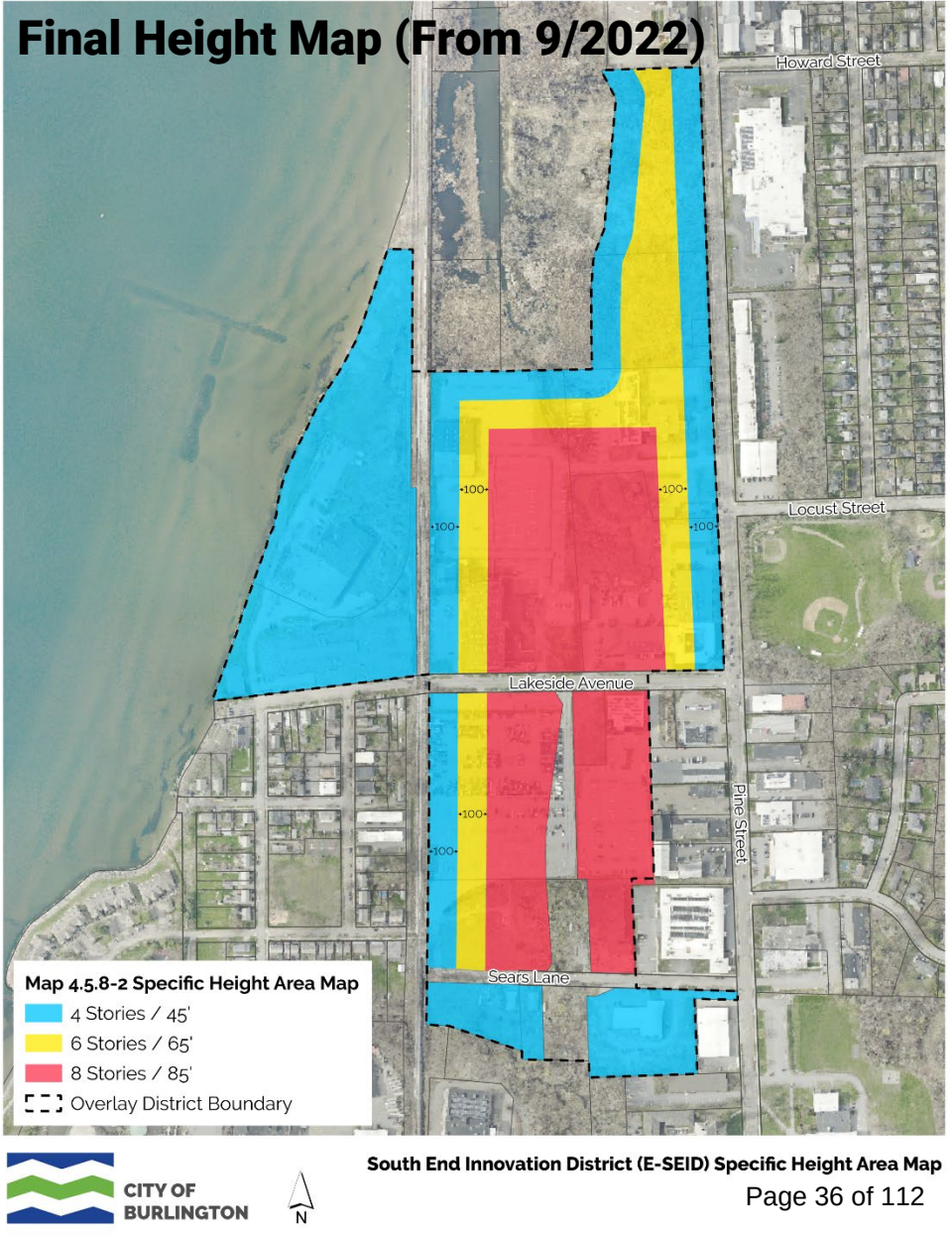
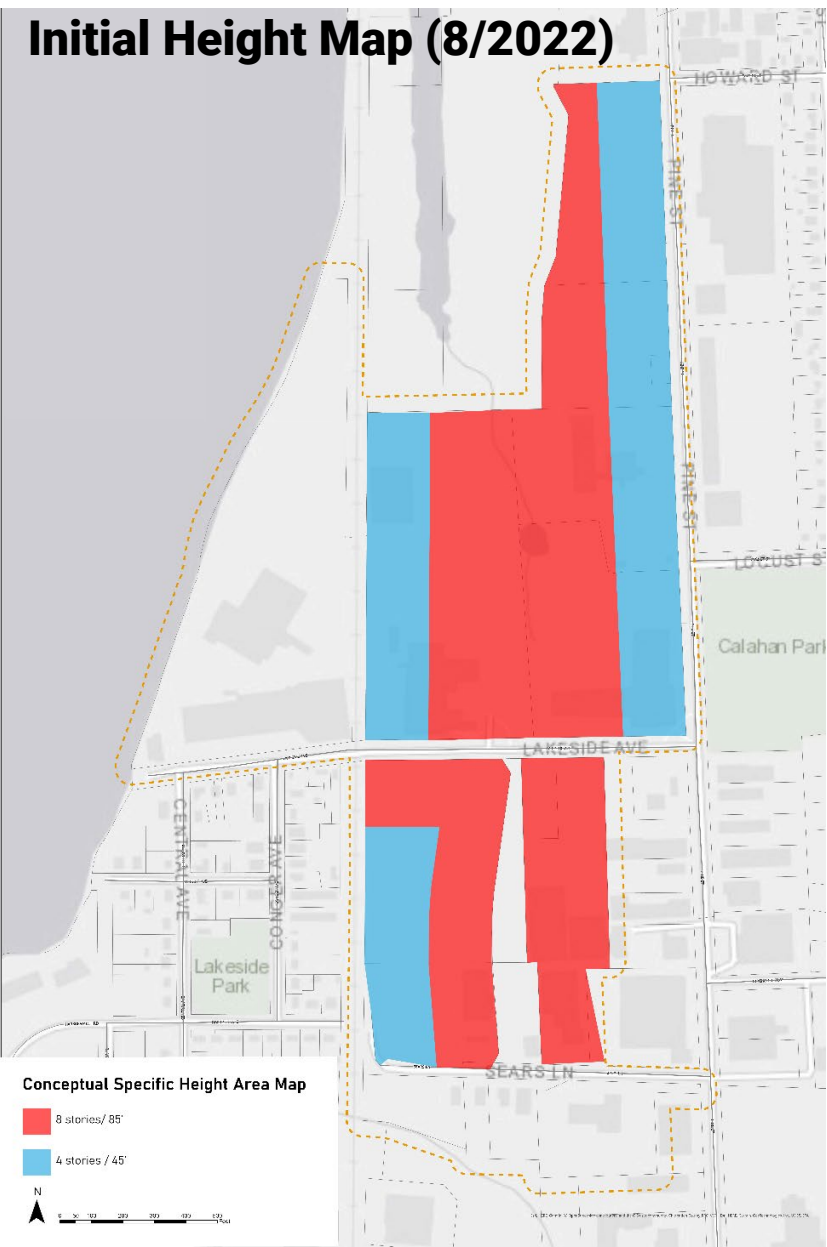
Proposal:

Staff recommends the following:

- Specific Height Area Map to regulate height and mitigate shadow and view impacts to Pine Street, Barge Canal and Lakeside neighborhood



Building Height – PC Evolution



Building Height and Livability/Community







View southwest from Pine Street and Locust St.



Building Height – view NW



Building Height – view west



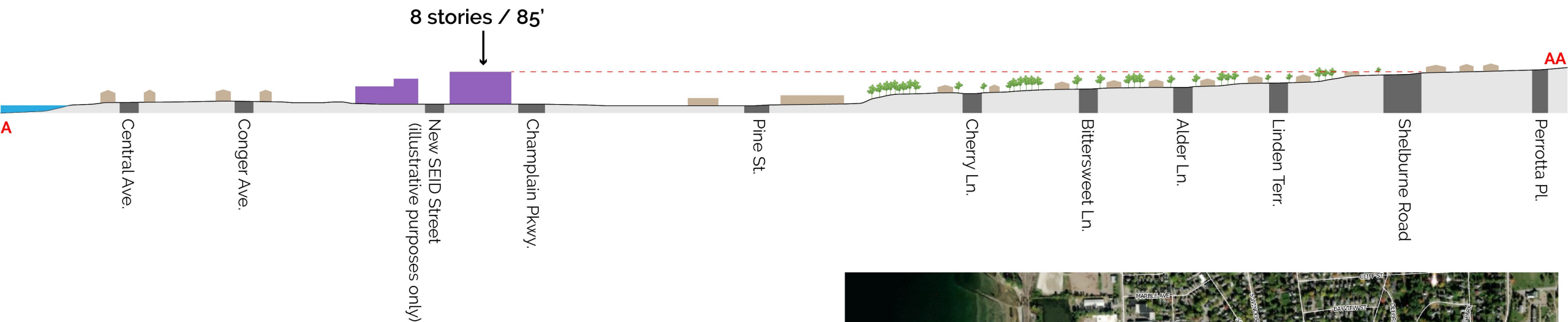
Building Height – view south



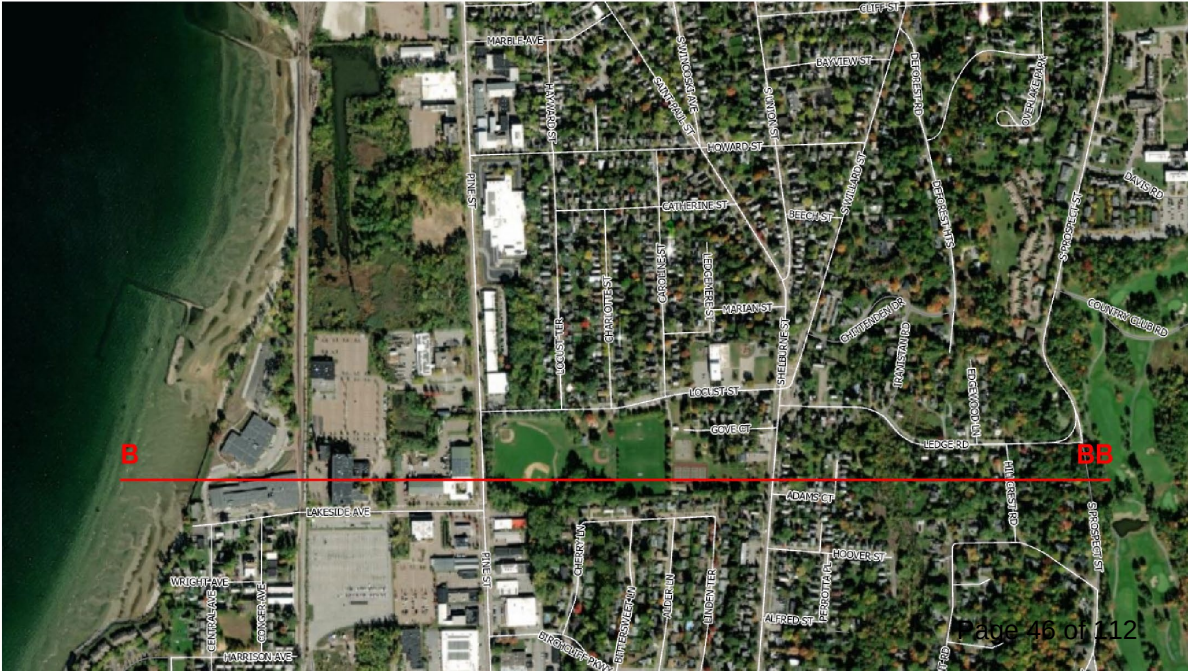
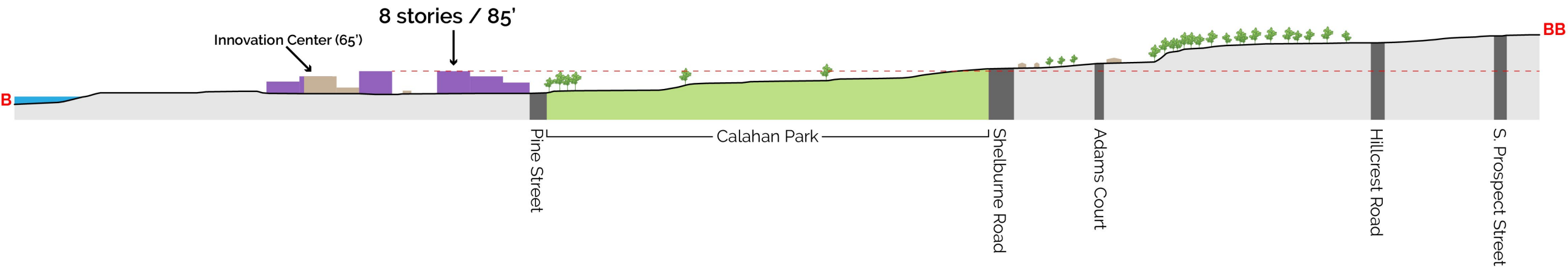
Building Height – view east



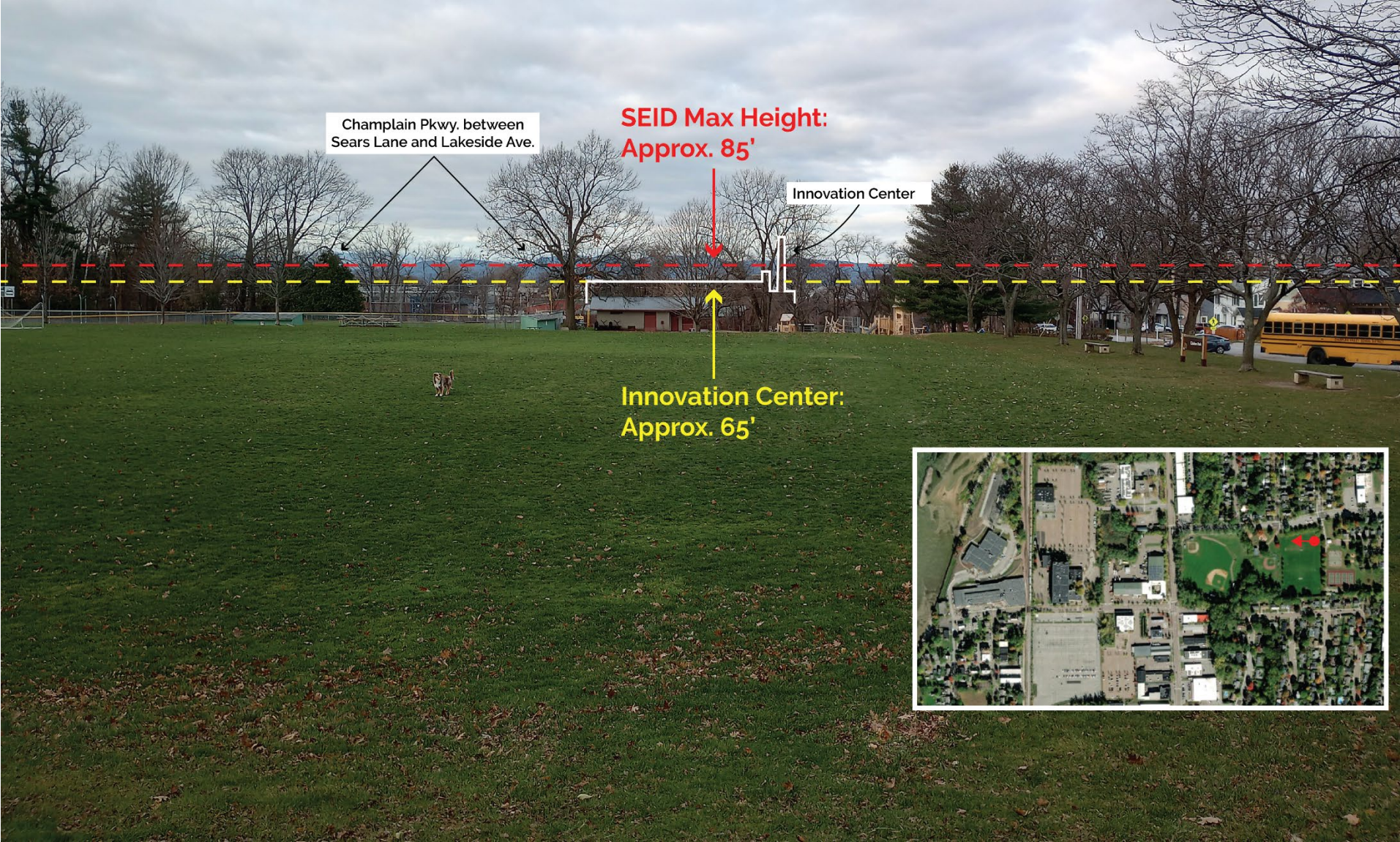
Building Height and Lake View Impacts



Building Height and Lake View Impacts



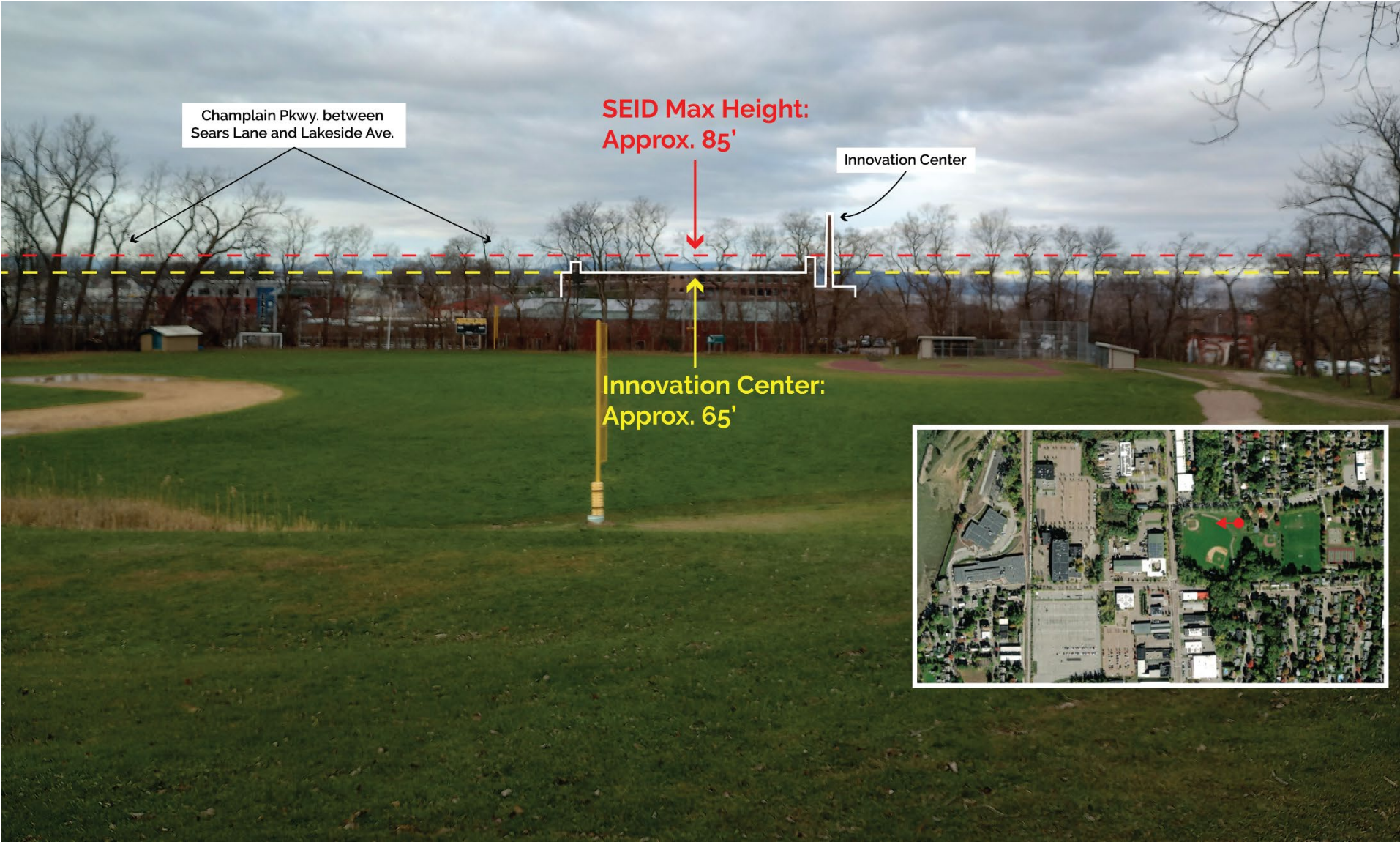
Building Height and Lake View Impacts



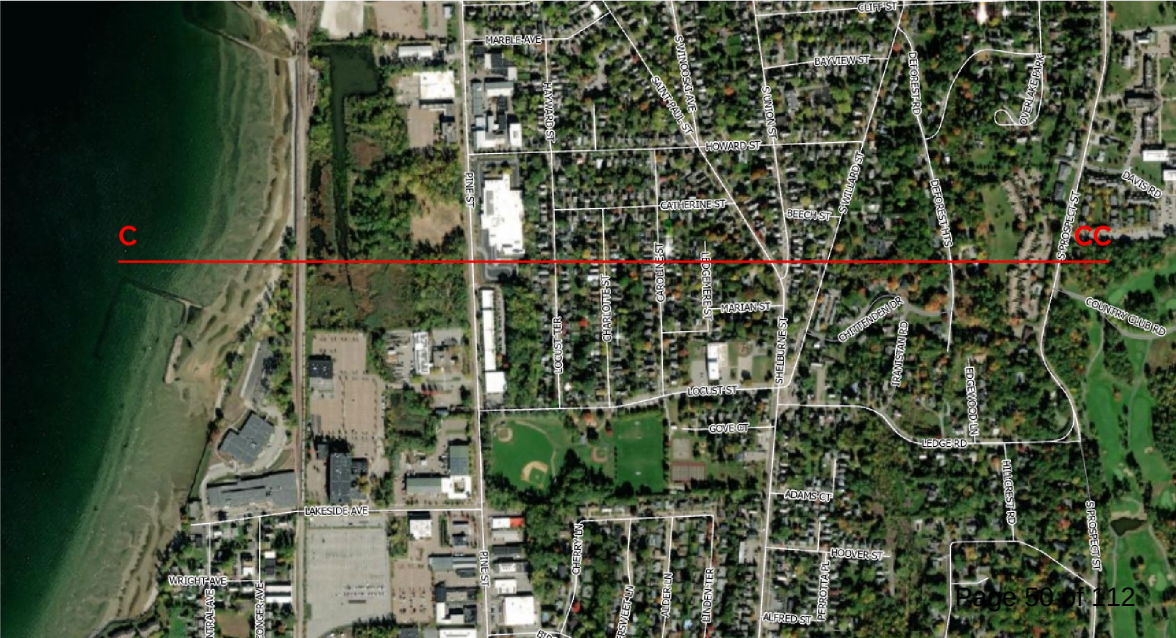
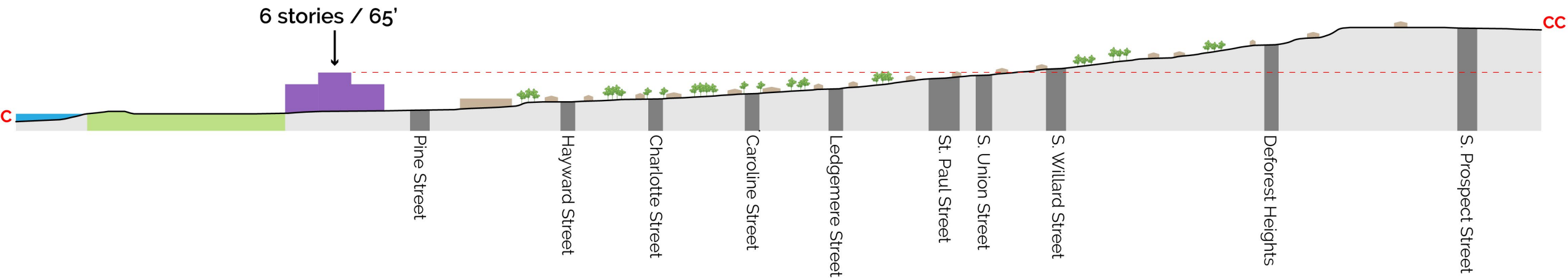
Building Height and Lake View Impacts



Building Height and Lake View Impacts



Building Height and Lake View Impacts



Maximum Floor Plate Size

Proposal:

- **Max. Building Footprint, Floors 1-6: 15,000 sf.**
- **Max. Building Footprint, Floors 7-8: 10,000 sf.**
 - **Exceptions to Floors 7-8 bulk standards when buildings are constructed using mass timber and/or to Passive House or other sustainable building standard**

Rationale: Limiting the floor plate of buildings in the SEID promotes a district that is visually and physically permeable. These spaces between multiple smaller-footprint buildings facilitate walkability, comfortable micro-climates and view corridors through the district.



Building Bulk

Proposals:

- FAR: 2.25 (2.5 when IZ bonus is granted)

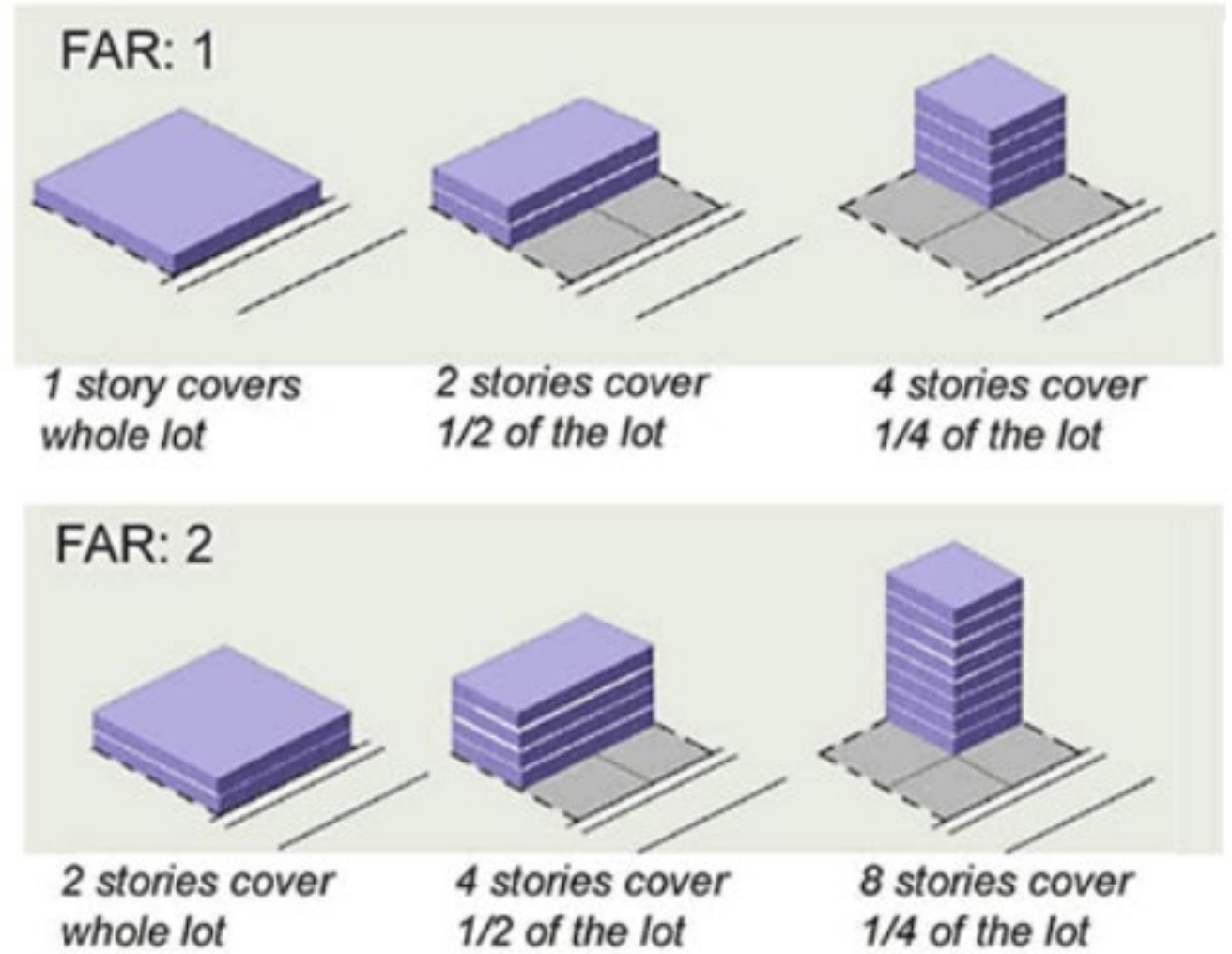
Rationale: Taller buildings should be limited in bulk to create an appropriate mix of building heights and avoid excessive shadows on the public realm. It should be noted that shade is often desirable in warmer months.



Floor Area Ratio (FAR)

CDO Floor Area Ratio definition:

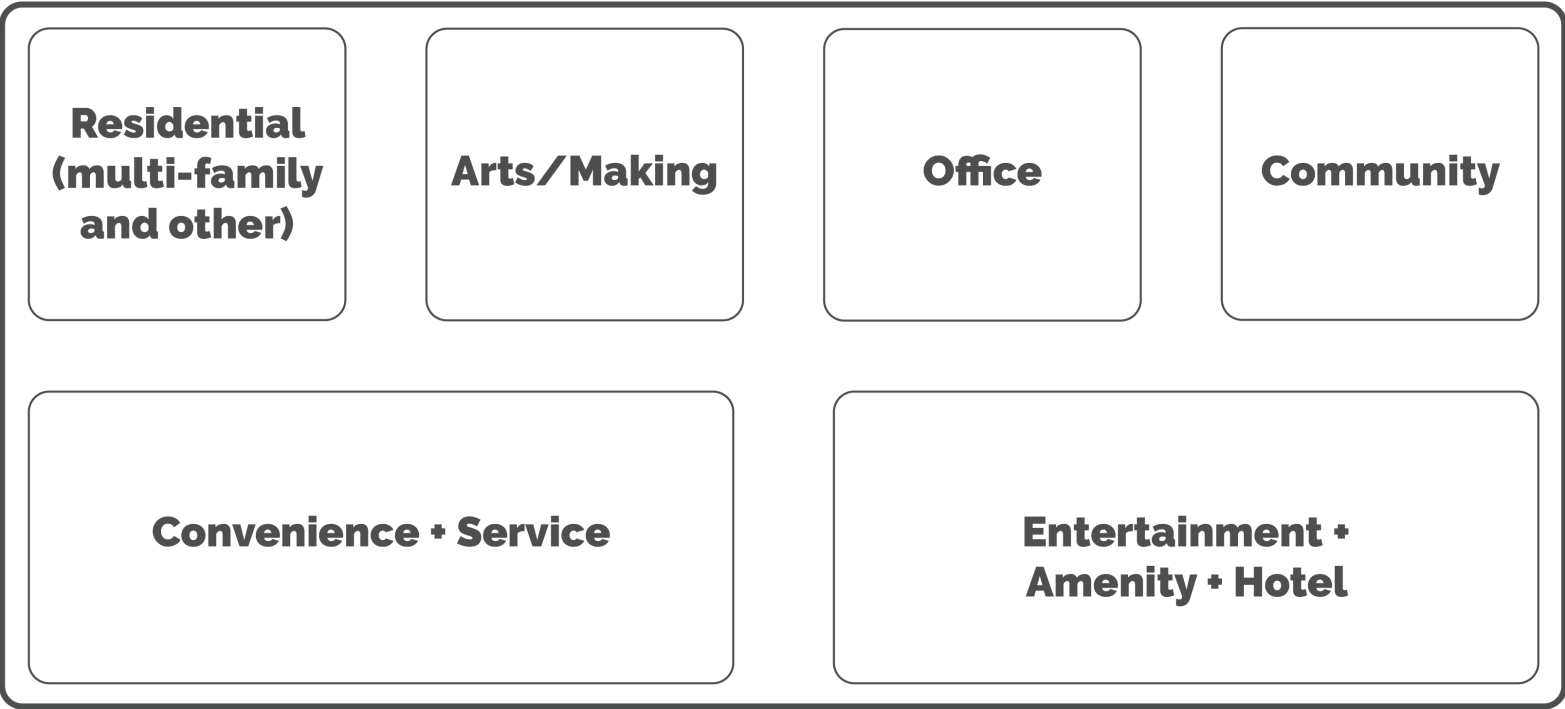
“In accordance with the district-specific provisions of Article 4 where the intensity of development is measured on a floor area ratio basis, the calculation of development intensity shall be measured by dividing the **gross floor area** of all structures on a site, or portion of the site where split by a zoning district boundary, by the **gross site area**.”



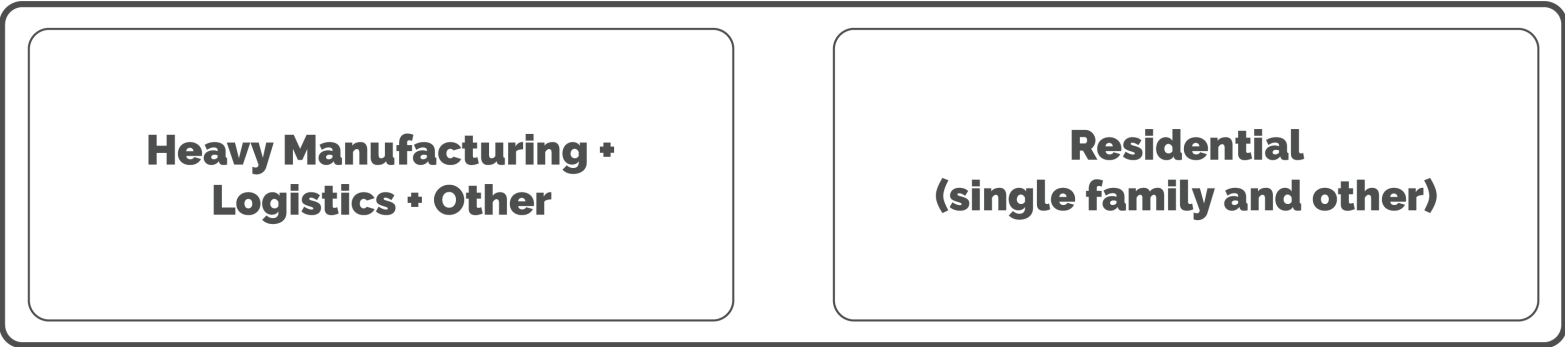
Land Use Framework

Planning Commission Proposal

Permitted
All uses allowed “as-of-right”



Not Permitted



Land Use Framework

Initial Staff Proposal

Permitted

**Residential
(multi-family
and other)**

Arts/Making

Office

Community

Limited

Limited uses allowed at 1:2 ratio
(Primary:Secondary)

Convenience + Service

**Entertainment +
Amenity + Hotel**

Not Permitted

**Heavy Manufacturing +
Logistics + Other**

**Residential
(single family and other)**

Land Use Framework

Initial Staff Proposal

Land Use Table and Primary/Secondary Distinction

Secondary Permitted Uses:

The sum square footage of all secondary limited uses is not to exceed twice the sum square footage of all non-residential permitted uses on any lot.

Rationale: The Innovation District should be a convenient urban neighborhood where residents and workers can access a range of services without needing to drive. However, in order to avoid their proliferation at the expense of the primary permitted uses, they are limited in the extent to which they can be developed on any single lot.

Example Project:

- 40,000 sf residential use
- 5,000 sf artist studio (primary)
- 2,000 sf restaurant(s) (secondary)
- 1,000 sf café
- 2,500 sf health studio
- 1,250 sf convenience store
- 1,250 sf bar/tavern
- 2,000 sf cinema

E-ID Zoning Amendment Content

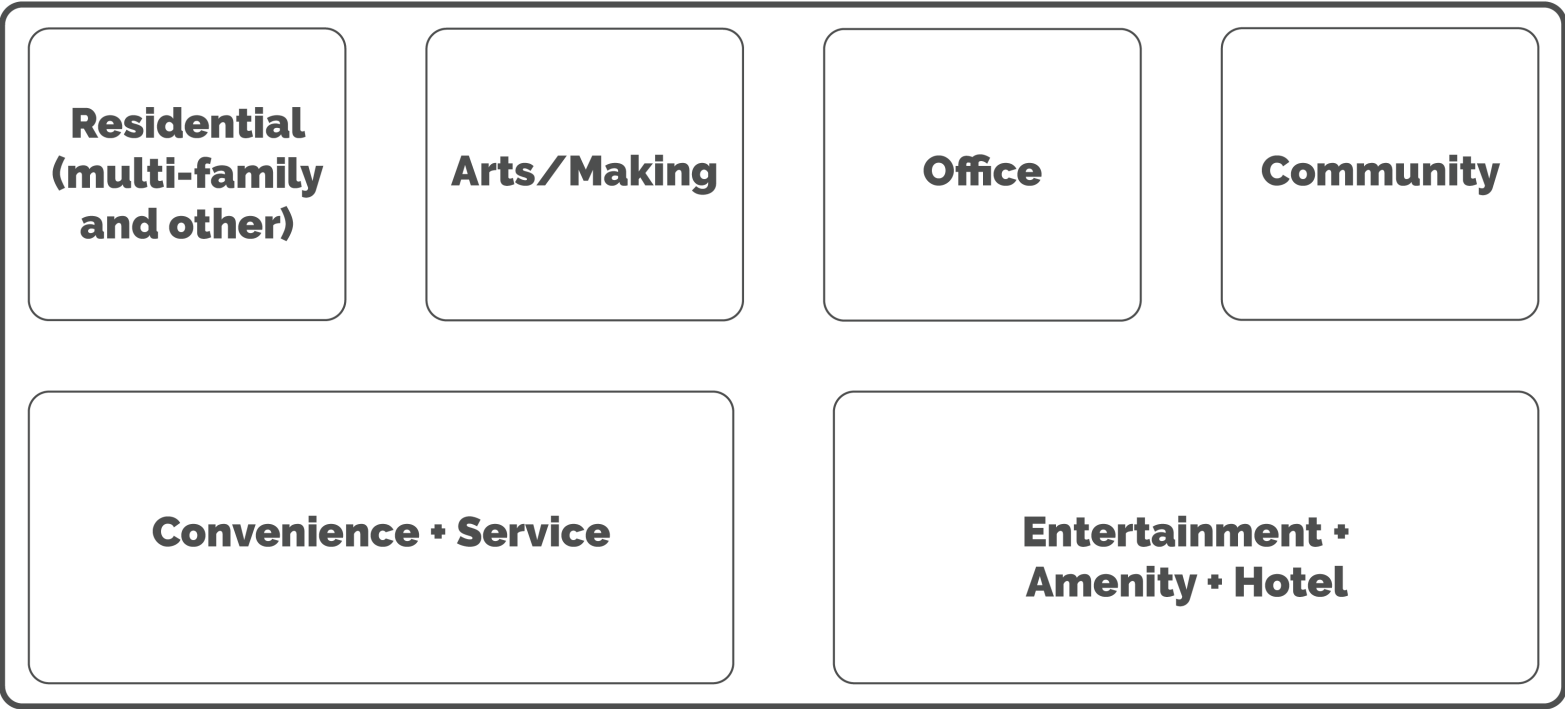
Land Use

+

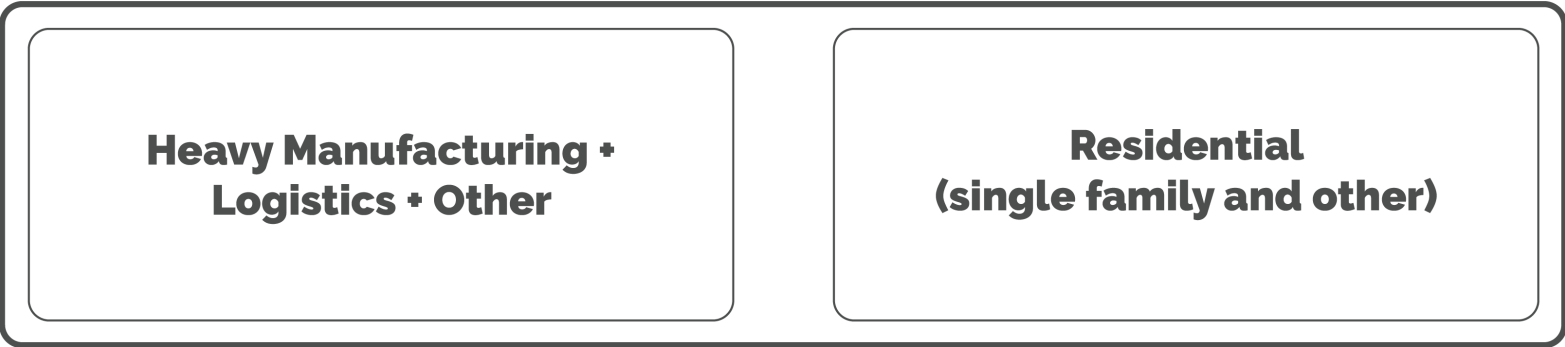
Urban Form Standards

Land Use Concept

Permitted
All uses allowed “as-of-right”



Not Permitted



Permitted - Residential

Attached, multi-family dwellings

Rationale: The district should be dense and composed of a mixture of rowhouses, small, medium and large apartment buildings. Such a mixture can provide housing across the income spectrum and support a walkable, sustainable district vision.

Co-housing

Assisted living

Convalescent/Nursing Home

Group Home

Rationale: The Innovation District should be equitable home to Burlingtonians of all ages and abilities. The high degree of accessibility strived for in the district is an ideal location for housing for those with mobility challenges and/or lack of access to a car.

Emergency Shelter

Rationale: The district's large supply of underdeveloped land can potentially support shelter needs for a range of emergencies

Inclusionary Zoning

The proposed E-ID Inclusionary Zoning percentage is 15%.

Permitted - Residential

Residential uses will be permitted only in new buildings (buildings not existing as of amendment adoption) or as additions to existing buildings

- *Rationale: Allowing residential uses only in new buildings or as additions is consistent with the following best practices and community goals:*
 - *Conversion of existing buildings, particularly office, is typically expensive and at times infeasible*
 - *Existing buildings in the SEID are all non-residential; the proposal will preserve artist/maker and office space*
 - *Allowing residential use in additions can facilitate efficient mixed-use buildings*
 - *Not allowing additions could create incentive to tear down structures entirely*

Permitted – Arts + Making

Art Gallery/Studio

Open Air Markets

Performing Arts Studio

Photo Studio

Photography Lab

Printing Shop

Radio & TV Studio

Recording Studio

Rationale: As affirmed in planBTV: South End, the Innovation District is intended to continue to foster a strong arts community in the South End. This list of permitted uses would promote the production of art, as well as its sale and distribution. As permitted uses, these are prioritized and incentivized in the E-ID.

Permitted – Office

Office – General

Office – Technical

Research & Development Facility

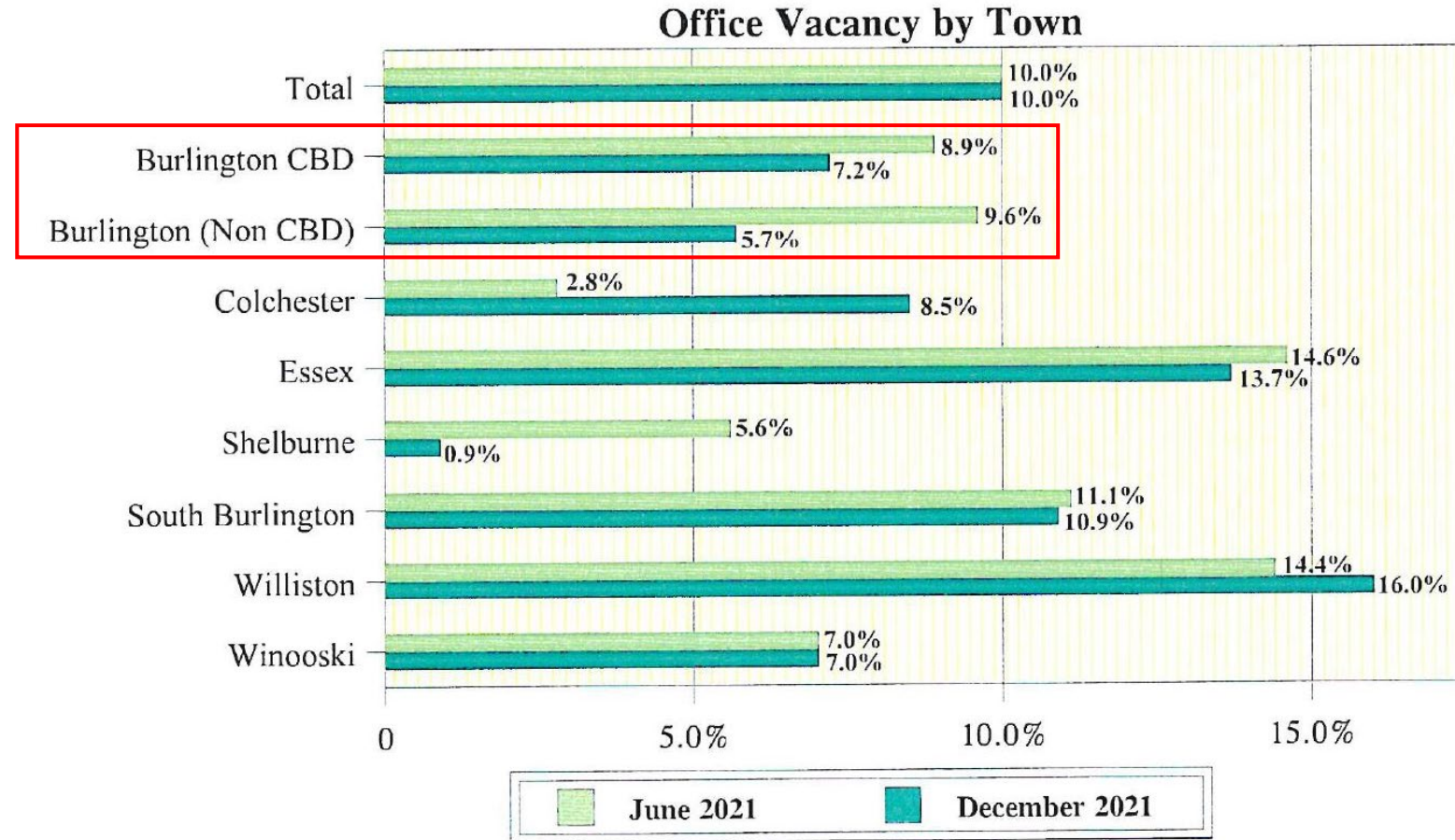
Research Lab

Rationale: To promote the continued growth of office uses like those along Lakeside Avenue and Pine Street, the E-ID permits these uses without limitation. The range of permitted office uses reflects the diversity of work happening today and in innovation districts elsewhere.

Permitted – Office

Allen, Brooks & Minor (2021)

- Vacancy remains high but is down from most recent peak (2020)
- Non-CBD market experiencing higher peaks and lower valleys
- Avg. level of growth (sf) only 39% of avg. level over previous 15 yrs.
- HULA Lakeside is largest speculative office developing in Chittenden Co. since 2008
- HULA accounts for 43.7% of new office space over last three years



Permitted – Community

Adult Day Care

Community Center

Daycare

Library

School (Preschool, Primary, Secondary, Post-Secondary, CC, Trade & Professional)

Rationale: As the Innovation District is anticipated to house a significant portion of Burlington's residential growth in the coming years, it should include community services and amenities that support residents at all stages of life. As permitted uses without limitations, these uses are incentivized in the E-ID.

Permitted – Convenience + Service

Animal Grooming

Animal Hospital / Vet's Office

Bank/Credit Union

Beauty/Barber Shop

Convenience Store

Laundromat

Mental Health Crisis Center

Pharmacy

Place of Worship

Recreational Facility (Outdoor)

Salon/Spa

Rationale: The Innovation District should be a convenient urban neighborhood where residents and workers can access a range of services without needing to drive. However, in order to avoid their proliferation at the expense of the primary, permitted uses, they are limited in the extent to which they can be developed on any single lot.

Permitted – Entertainment + Amenity

Bar/Tavern

Billiard Parlor

Bowling Alley

Café

Cinema

Food + Beverage Processing

**General Merchandise / Retail ($\leq$
10,000 sf)**

Restaurant

Restaurant – Take Out

Rationale: The Innovation District should be a convenient urban neighborhood where residents and workers can access a range of services without needing to drive. However, in order to avoid their proliferation at the expense of the primary, permitted uses, they are limited in the extent to which they can be developed on any single lot.

Limited– Tourism

Hotels

Rationale: Hotels, if permitted in the Innovation District, could proliferate and occupy land that is needed for the district's core land uses (residential, office, arts+making). However, allowing hotels provides opportunity for economic development and recruitment, establishes Burlington as a possible destination for recreation and remote work.

Not Permitted – Residential

Single Detached Dwellings

Attached Dwellings – Duplex

Bed & Breakfast

Community House

Historic Inn

Mobile Home Park

Sorority/Fraternity

Rationale: These uses either do not support the district's density goals, are they are not considered to be compatible with a mixed-use, urban setting.

Not Permitted – All Other Uses

A range of other uses are proposed as not permitted in the E-ID:

- **Heavy Manufacturing**
- **Uses that produce toxic or harmful waste (e.g. dry cleaning plant)**
- **Logistics**
- **Auto-Oriented Uses**
- **Large format service and retail (e.g. large grocery, dental/medical lab, recycling center)**
- **Warehouses**

Rationale: While heavy manufacturing has a legacy in the South End, most of these uses have long vacated the proposed E-ID area. The potentially harmful externalities of such uses are not compatible with a mixed-use urban district. The range of other uses proposed as not permitted are similarly not consistent with the district intent.

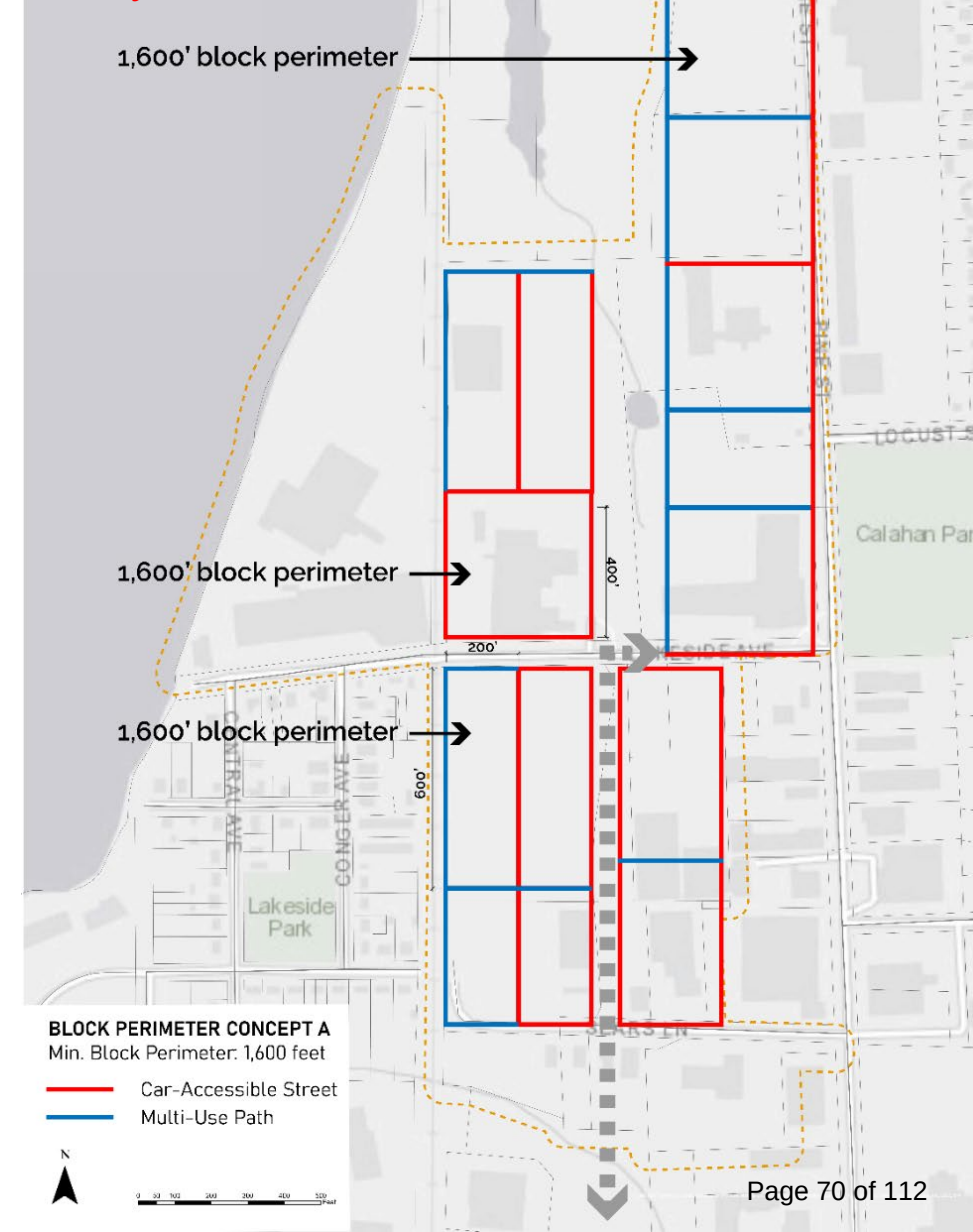
Streets and Traffic

Proposals:

- **Maximum block perimeter: 1,600 feet**
- **Blocks can be enclosed by any combination of streets and paths**

Rationale: The district today consists of several large lots that will require new streets and paths to access buildings and parking. Establishing a maximum block perimeter will ensure that all users of the District's streets and paths will have multiple convenient options for getting from point A to point B. Due to size and intensity of projects in the SEID, they will be considered as Major Review and will be subject to traffic studies.

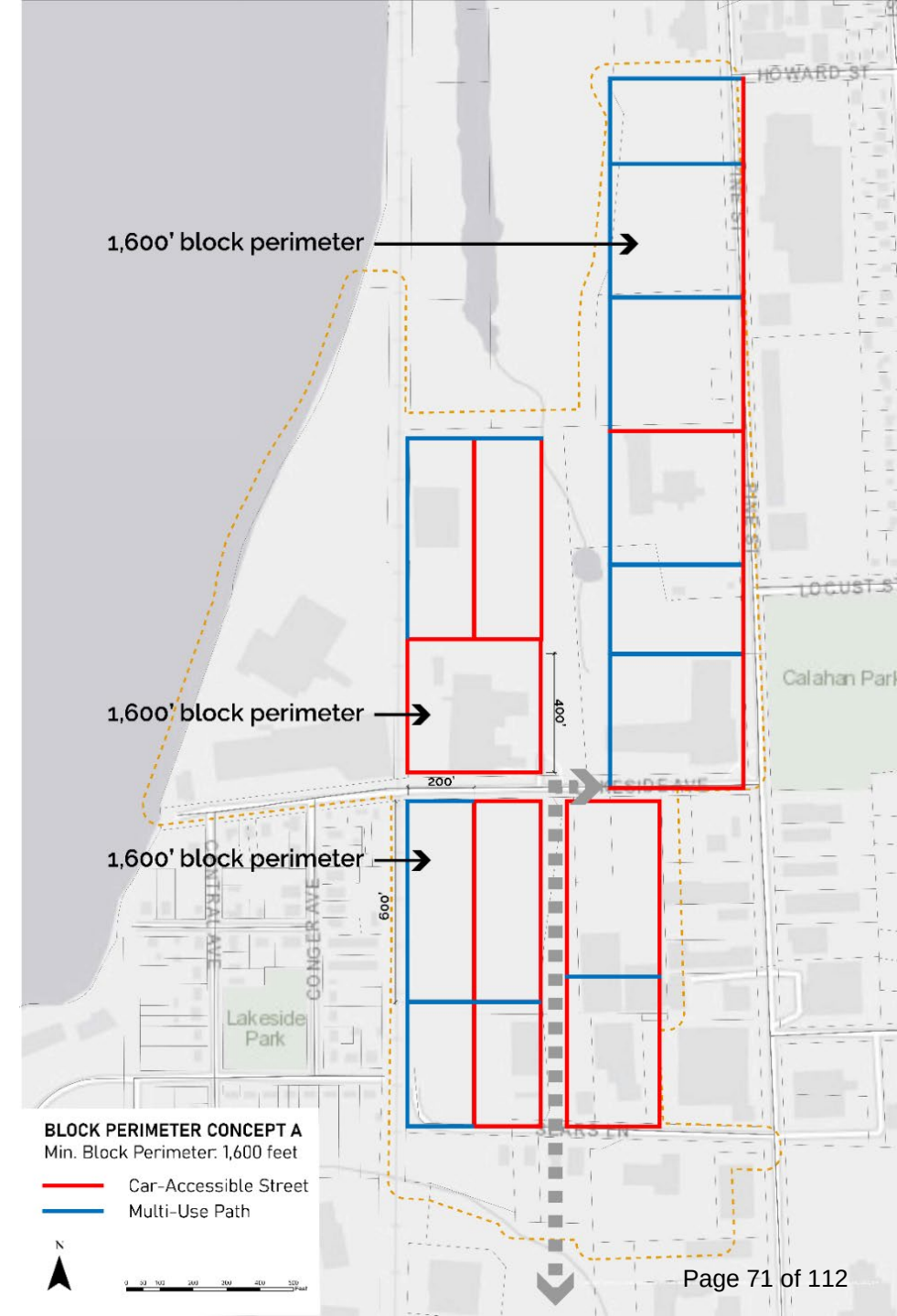
**for illustrative purposes only and not an endorsement or depiction of any block scenario*



Streets and Traffic

Rationale: The district today consists of several large lots that will require new streets and paths to access buildings and parking. Establishing a maximum block perimeter will ensure that all users of the District's streets and paths will have multiple convenient options for getting from point A to point B.

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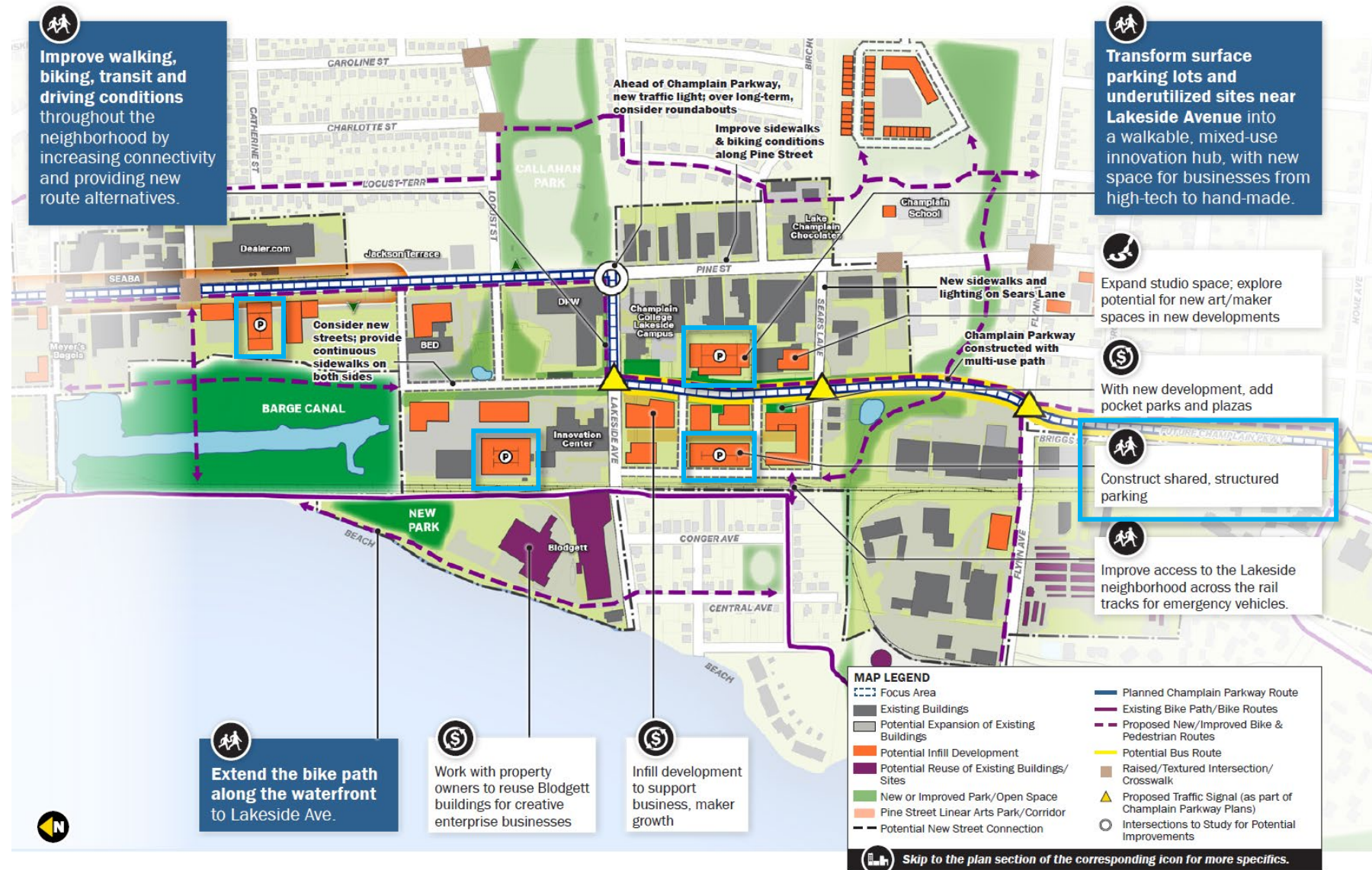


Parking Approach

planBTV envisioned the consolidation of parking in the South End.

While a car-light future is the goal, parking is necessary today and in the short- and medium-term.

Key Strategies for Expanding the Innovation District



Parking Structures

Proposal: Parking should be located in structured parking, either above or below ground. To facilitate efficient parking structure design, each lot existing as of January 1, 2023 is permitted to have one parking structure exceeding the 15,000 sf building floor plate standard

- Up to 60,000 sf if associated with transit use (e.g. bus stop/station)
- Up to 30,000 sf if no associated transit use

Rationale: planBTV: These allowances for larger structures will promote planBTV: South End's call for parking consolidation and efficient, cost-effective parking structure design.

Parking Structures

Proposal: With the exception of individual Garages serving a multifamily dwelling which shall be accessed from the rear of the building via a public or private alley, all Parking Structures and Garages shall be located behind a Perimeter Building or screened by architectural or vegetative structures.

Rationale: Parking structures generate noise and light pollution that is not consistent with the intent of a car-light, livable urban district. Parking structures also do little to activate the public realm, unless wrapped by buildings with active uses or engaging facades.

Surface Parking

Proposal: Surface lots are not permitted, except for small lots accommodating four or fewer accessible spaces when associated with a principal building. No more than 20 such spaces are permitted on any one lot. In such lots, one or half (whichever is greater) must be marked and reserved for handicapped and pregnant individuals.

Rationale: Small surface lots are critical in creating an accessible district. Such lots, when well-integrated into site plans, can be conducive to a safe, activated public realm.

Parking Approaches

Parking Type	Housing	Public Realm	Cost/Feasibility	Climate	Public Safety	Adaptability
Structured, above-ground and consolidated	Moderate density/unit count	Ground floor can have active uses and function as “building”	\$30K/space (avg.)	• Medium GHG • Lowest urban heat island effect • Least impervious	• Perceived lack of security • Typically open to public	Wrapped: not adaptable Not wrapped: adaptable
Structured, above-ground and distributed (each bldg. has its own structure)	Lower density/unit count	• Poor public realm • Frequent conflict points (bikes/peds vs cars)	\$30K/space (avg.)	• Medium GHG • Lowest urban heat island effect • Least impervious	• Perceived security • Typically secured at building level • May be publicly accessible	Adaptable
Structured, below ground	Greatest density/unit count	• Best public realm option if consolidated • Poor public realm if distributed	• \$60K/space (avg.) • Soils not conducive to more than one floor of underground parking	• Highest GHG • Lowest urban heat island effect • Least impervious	• Perceived security • Typically secured at building level • May be publicly accessible	Not adaptable
Surface parking	Lowest density/unit count	• Poorest public realm • Not accessible or walkable	\$5K/space (avg.)	• Lowest GHG • Highest urban heat island effect • Most impervious	• Perceived security • Least safe for peds./cyclists	Adaptable

Urban Form Concept

**Blocks +
Lot Coverage**

**Block
Perimeter**

Pervious Area

**Setbacks +
Frontage +
Ground Floors**

**Frontage
Buildout**

Setbacks

**Ground Floor
Uses**

**Ground Floor
Entries**

Building Form

Building Height

Building Bulk

**Parking +
Loading +
Service**

Parking Type

Parking Design

Pervious Area

Proposal: 20% of any lot should be pervious, with a minimum of 25% of that pervious area composed of DPW-approved GSI (e.g. constructed wetlands, suspended pavement, pervious pavement).

Rationale: The existing E-LM lot coverage standard is 80%. This proposed pervious area standard goes beyond the existing standard by requiring a minimum amount of GSI.



Pervious Area

Proposal: The pervious area minimum standard may be reduced to 10% of the site area if 100% of the provided pervious area is composed exclusively of DPW-approved GSI

Rationale: The Innovation District should be a model for ecological urbanism. It is located within an urban ecosystem that is simultaneously contaminated, sensitive and rich in biodiversity. Furthermore, the South End's stormwater and wastewater infrastructure capacity relies on creative solutions that disconnect and slow flows from new development to the greatest extent possible.



Setbacks

Proposal: Setback standards establish a urban building pattern:

- **Min: 0'**
- **Max: 20'**

Rationale: The Innovation District should be a highly urbanized, human-scaled district prioritizing accessible and active mobility. As such, the district's primary streets should be lined with buildings to the greatest possible extent. Where reductions in frontage are administratively approved, such voids in the street wall should provide access to interior courtyards or open space where feasible



Frontage Buildout

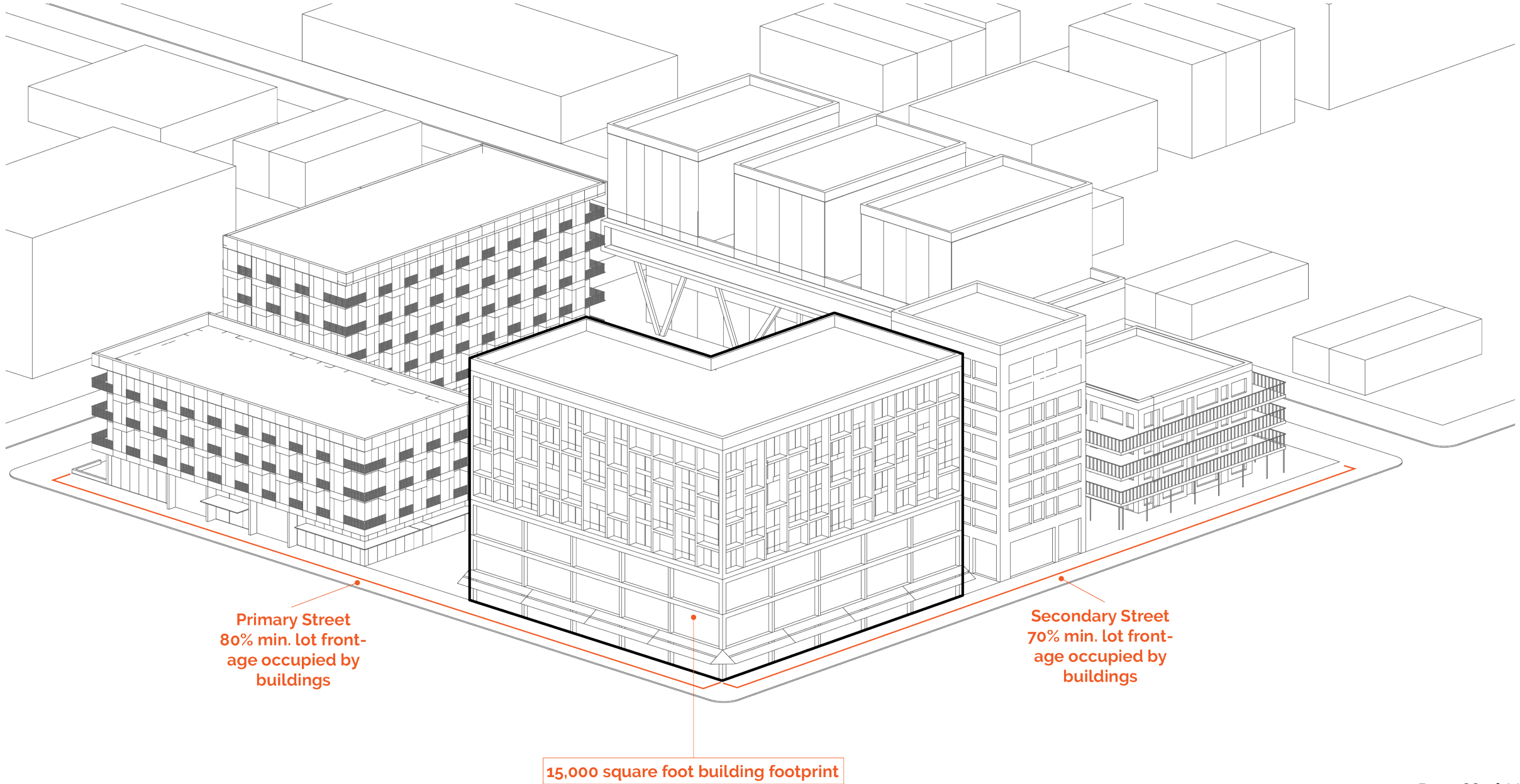
Proposal: Frontage requirements are established by the Frontage Standards Map street hierarchy:

- **Primary frontage: 80%**
- **Secondary frontage: 70%**

Rationale: The Innovation District should be a highly urbanized, human-scaled district prioritizing accessible and active mobility. As such, the district's primary streets should be lined with buildings to the greatest possible extent. Where reductions in frontage are administratively approved, such voids in the street wall should provide access to interior courtyards or open space where feasible



Buildout and Bulk Framework



Ground Floor Uses

Proposal: The Innovation District includes existing streets and large lots, the development of which will require new streets and paths. Development along these streets and paths should consider what uses are most appropriate on the ground floors. Commercial spaces help to “activate” the district at street level, while residential uses lend a different feel and level of activity.



Ground Floor Uses

Proposal: A minimum of 80% of any ground floor along primary frontages shall be occupied by non-residential uses. And a minimum of 20% of any ground floor along secondary frontages shall be occupied by non-residential uses, or 500 square feet, whichever is greater. Property owners will decide which streets are primary and which are secondary, but each block must have at least one primary frontage.

Rationale: Development along the Innovation District's primary streets should be oriented toward and designed for the convenience, comfort and enjoyment of people not in cars. Requiring a high percentage of such non-residential uses on the ground floor, with exceptions granted as per below, will help create a vibrant, safe and enjoyable Innovation District.

Ground Floor Uses

Proposal: Ground floor uses should have a minimum depth reflective of market conditions and high quality urban form.

Min. Depth: 25' (80% of all non-res. uses) and 10' (20% of all non-res. uses)

Rationale: An unintended consequence of ground floor commercial requirements in mixed-use development across the country is a glut of long-term vacant space. The proposal allows for portions of ground floor non-residential spaces to be as shallow as 25 feet while smaller portions are permitted at depths of just 10 feet. These standards provide flexibility in the development of ground floors and create smaller, more affordable non-residential spaces that still activate ground floors and the district's streetscapes.

**STRONG
TOWNS**

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What's up with all those empty commercial storefronts in new mixed-use developments?

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[Home](#) » [Urban](#) » Understanding Urban Retail Vacancy

Understanding Urban Retail Vacancy

Posted on October 27, 2021 by [urbanaffairseditor](#) in [Urban](#), [urban retail](#) // 0 Comments



By Jein Park (Urban Institute)

Colloquium: American Regionalism



STATE OF THE FIELD – American Regionalism and the Constellation of Mechanisms for Cross-Boundary Cooperation



Race, Activism, and Localism in the Metropolis: Metropolitan Planning Organizations in Atlanta and Chicago



The Future of Collaborative Leadership in Contemporary Regional Entities



Elevating the Scale of Cross-Boundary Cooperation: Mechanisms for Cross-Regional Policy Coordination

Ground Floor Uses

Proposal: Building corners should include active non-residential uses.

Rationale: Non-residential uses at building corners in an urban district help to establish a highly visible retail or service landmark at building corners and intersections of streets and paths. Additionally, non-residential uses at corners can mitigate any undesirable impact of such uses to adjacent and nearby residences.

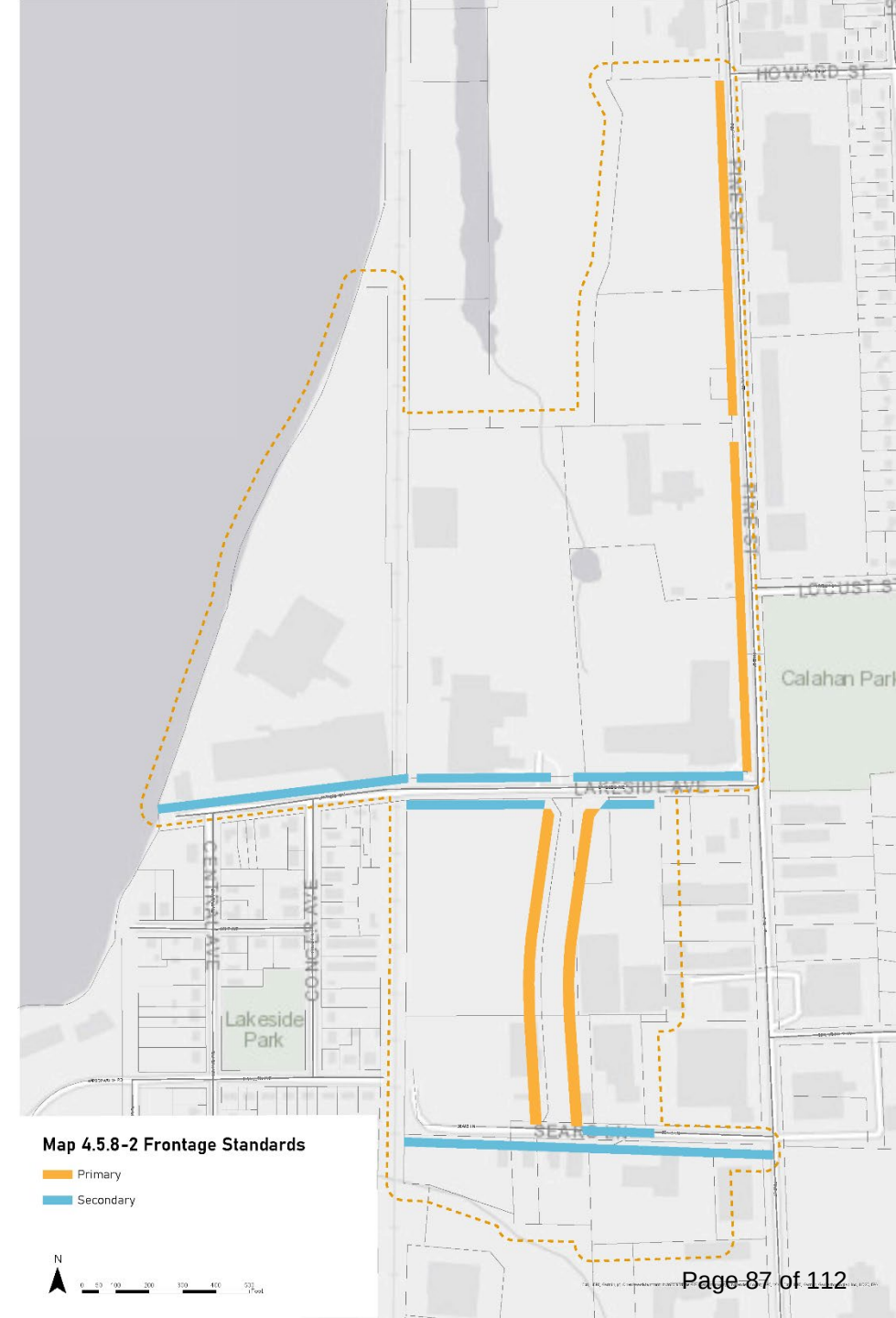


Ground Floor Uses

Proposal: Required active ground floor uses can be reduced:

- From 80% to 30% min. on primary frontages
- From 20% to no requirement on secondary frontages

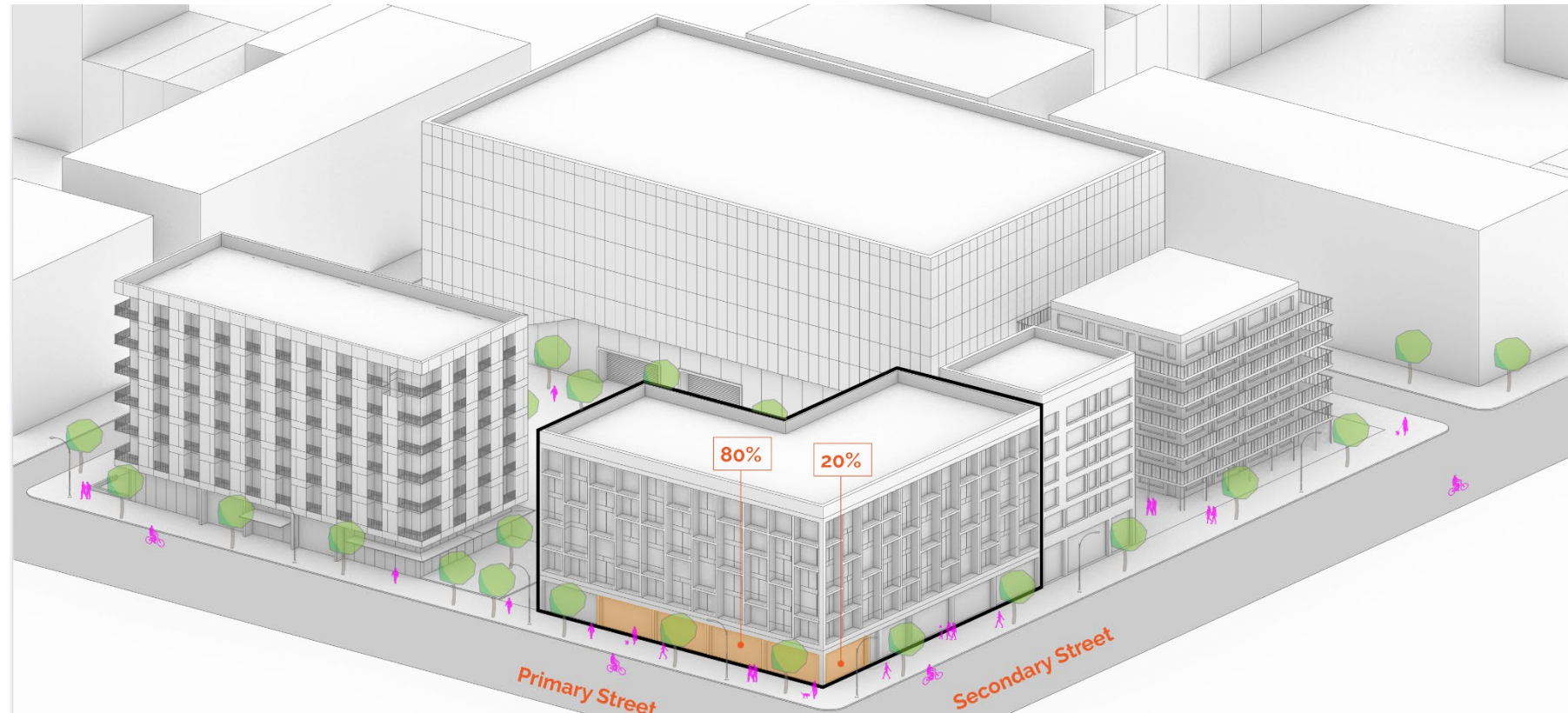
Rationale: Ground floor non-residential use requirements have produced high vacancy rates of such space nationally and abroad. Also, residential uses at ground floor can be conducive to an activated urban district and should be permitted. The proposed reductions are intended to provide flexibility in development while also activating the district's public realm.



Ground Floor Uses

Proposal: Required active ground floor uses can be reduced:

- **From 80% to 30% min. on primary frontages**
- **From 20% to no requirement on secondary frontages**



Ground Floor Uses

Proposal: Required active ground floor uses can be reduced when all non-residential uses are maintained as affordable for 30 years.

Rationale: Affordable non-residential space supports a thriving local economy. Such space is in short supply across the city.



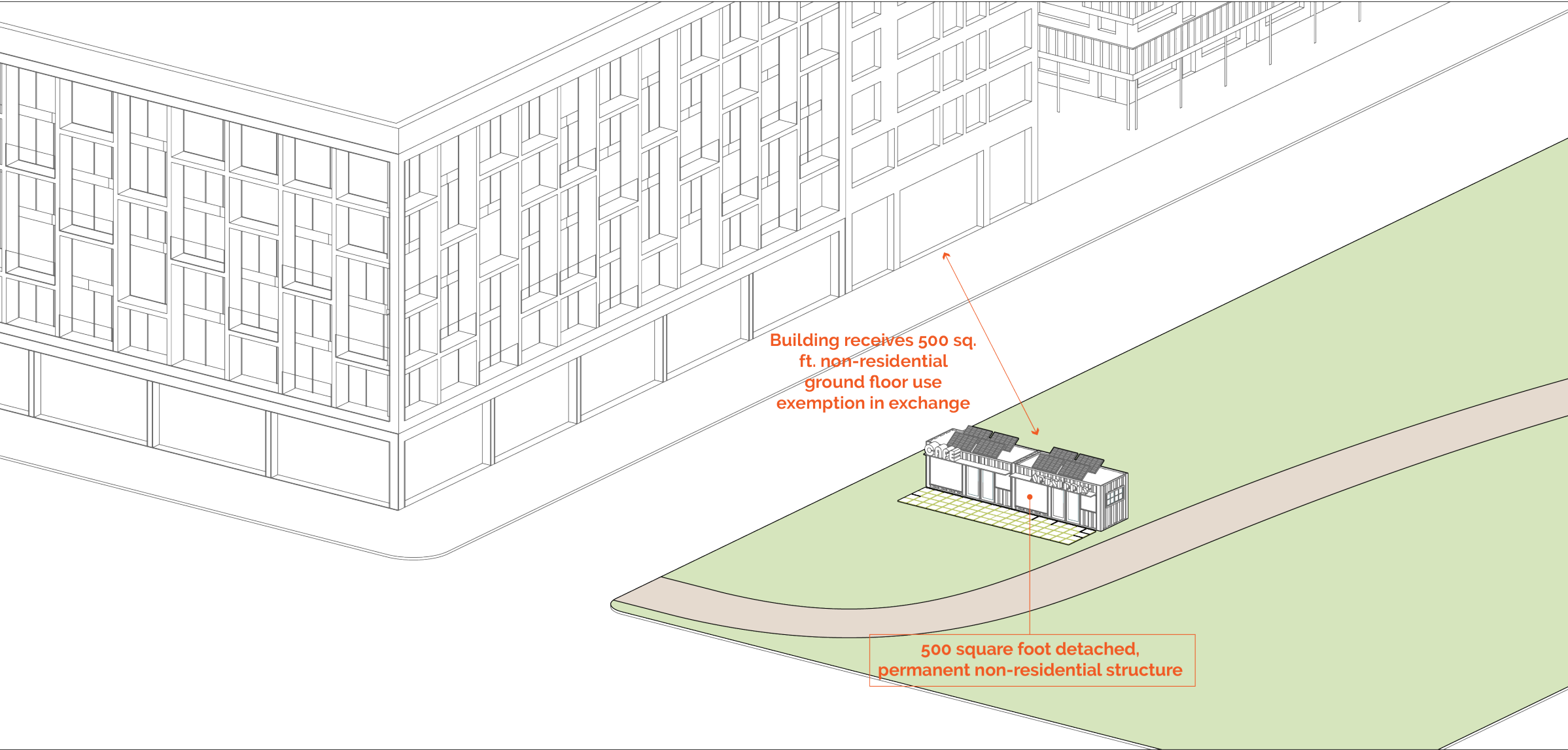
Ground Floor Uses

Proposal: Required active ground floor uses can be reduced in exchange for equivalent non-residential space in detached, permanent structures (e.g. kiosks, small, one- or two-story buildings, pavilions) located in the public realm.

Rationale: Non-residential uses located in detached buildings within a district's public realm, including its streets, plazas and parks, can promote an active, accessible and economically healthy district in the same ways ground floor uses do. It can also be more feasible to create small, very affordable non-residential spaces in these smaller detached settings than in mixed-use building podiums.



Ground Floor Uses – Reduction for Detached Non-Residential Uses



Ground Floor Uses

Proposal: Required active ground floor uses can be reduced in exchange for publicly accessible open space at least 4,000 sf in size and located adjacent to or on roofs of buildings.

Rationale: Open spaces can achieve ground floor public realm activation and create livable neighborhoods.



Ground Floor Uses

Proposal: Required active ground floor uses can be reduced when the building's residential mix consists of a minimum of 25% larger units, including at least 10% 3-bedroom and 15% 2-bedroom units.

Rationale: Typical apartment construction in the North American market consists almost entirely of studio and one-bedroom apartments. Equity and improved housing choice goals demand more family-sized apartments, particularly in amenity-rich settings like Burlington's core neighborhoods, including the future South End Innovation District.



Ground Floor Entries

Proposal: At least one ground floor entry is required each 60' linear feet of each building façade fronting on a public or private street or open space.

Rationale: To foster and maintain a high degree of ground floor and public realm activation, ground floor entries should be frequent in the district.



TO: Burlington City Council Ordinance Committee
FROM: Charles Dillard, AICP, Principal Planner
DATE: May 1, 2023
RE: Proposed CDO Amendment – ZA-23-01: South End Innovation District

Background

At your recent meeting on April 19th, the Ordinance Committee discussed various elements of the proposed South End Innovation District (SEID) zoning amendment for a portion of the Enterprise-Light Manufacturing (E-LM) zone. To respond to questions raised regarding those specific elements and facilitate your next discussion on May 8th, please see information related to each below.

Building Size

Question: What would the impact be of reducing the maximum height to six or four stories throughout the district or in portions of the specific height area map?

- Developments would be permitted the same buildable floor area and instead of concentrating it vertically in the form of taller buildings, it would likely be concentrated horizontally in the form of shorter, but potentially more and/or bigger buildings. This is likely to result in the greatest reduction of potential open space (overall and for smaller open spaces like plazas, courtyards, etc.), pedestrian pathways, and light and air.



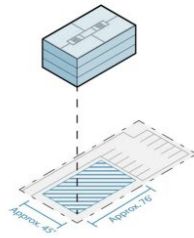
30,000 sf is roughly half of City Hall Park. Reducing the maximum building height by two stories could translate to a loss of this amount of open space for every two floors of a 15,000 sf building.

- Reducing the height could lead to a homogenization of building types in the district. For example, under the proposed standards, if a multi-building development includes one eight-story building, the higher proportion of GFA in that building will likely be offset by a shorter building and/or one with a smaller footprint. These smaller structures (e.g. a six- or 12-unit apartment or condominium building) tend to be more suitable for larger multi-bedroom units and ownership models. If the maximum building height is reduced, developments on large

sites could result in all buildings being six stories rather than having a mix of four, six and eight stories.

12 DWELLING UNIT MULTIFAMILY

A compact building with twelve residential dwelling units and limited to no space reserved for commercial, retail, or amenity uses.



Bokjeong - Seongnam-si, South Korea



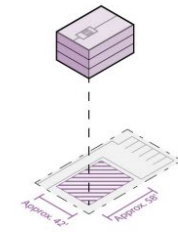
Alta - St. Malo, France



Godung Apartments - Seoul, South Korea

SIXPLEX MULTIFAMILY

A compact building of six residential dwelling units with a limited footprint. Unlikely to have commercial, retail, or amenity spaces.



Gertrude Avenue - Winnipeg, MB



North Emerson Street - Portland, OR

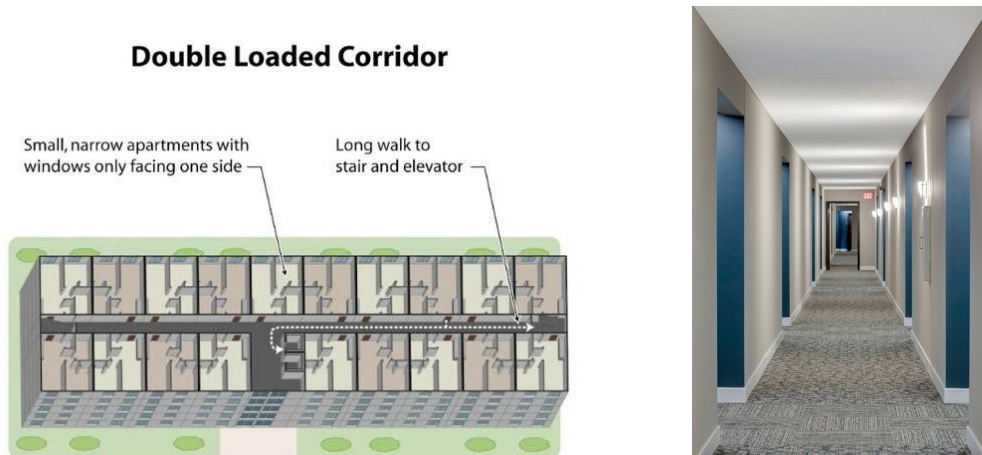
Image source: Utile

Question: What is the FAR at Cambrian Rise and how does it compare to the SEID's maximum 2.5 FAR (when accounting for the IZ bonus)?

- The Cambrian Rise FAR, as proposed, is about 1.13, of an allowed 2.0 FAR. However, significant portions of the Cambrian Rise property are not developable due to steep slopes and the development includes more surface parking that would be permitted in the SEID. If Cambrian Rise were built out to the relative development intensity envisioned for the SEID, over 300 additional units could potentially be accommodated (as proposed, Cambrian Rise includes around 800).

Question: Why does the SEID propose a 15,000 square feet maximum floor plate?

- A district composed of smaller buildings will include more spaces between buildings for amenities like pedestrian paths, open spaces and gardens. These interstitial spaces are also conducive to light and air circulation that make for fewer shadows and better air quality in and around buildings. If floor plate size is not regulated, the result could be a smaller number of very large footprint buildings, and fewer pathways and open spaces between buildings.
- Smaller building footprints and floor plates can enhance the quality of life for people living in those buildings. In typical large apartment building construction, the hallways along which dozens of units are located can be narrow and impersonal spaces, similar to hotel hallways. Without other ways of enlivening interior spaces, this can lead to a lack of interaction with our closest neighbors.



Limiting floor plate reduces the length of corridors in apartment buildings. Image source: San Francisco Chronicle

- With respect to non-residential buildings, the proposed floor plate standard is consistent with such buildings existing in the proposed district: Champlain College's Miller Center has a footprint of about 13,000 sf, Burlington Electric Department's office building is about 10,000 sf, and the City office building at Lakeside and Pine is about 18,000 sf. The Innovation Center on Lakeside Avenue is the outlier at greater than 50,000 sf.



One Lakeview, Burlington | Floor plate: 13,570 sf



Miller Center, Burlington | Floor plate: 12,700 sf

Question: How does the SEID amendment propose limiting long building façades? Doesn't the Form Code regulate this Downtown?

- The *planBTV: Downtown Code* does not limit overall building length for larger and mixed use buildings. The code allows for full build-out of blocks, and some areas already feature buildings attached to one another, creating a continuous extent of building façades. Standards for downtown include requirements to break up the appearance of larger buildings and continuous façades by creating architectural bays and other variations, as well as frequent placement of doors and windows. The SEID, on the other hand, is envisioned as a distinct type of place where buildings are smaller and there is more separation between buildings along with open space amenities.
- Additionally, because Burlington's and almost all of North America's building codes require two forms of egress (two exit stairs), most apartment buildings have the central hallway with units on either side, as mentioned before, with an exit stair at either end. This arrangement results in buildings typically around 65 to 70 feet deep. Because the maximum floor plate in the SEID is 15,000 sf, this functionally means that buildings will not be longer than

approximately 220 feet. For reference, the new Champlain College building at 194 St. Paul Street is about 330 feet long, and the Innovation Center's longest façade is about 300 feet.

Setbacks, Streets & Paths

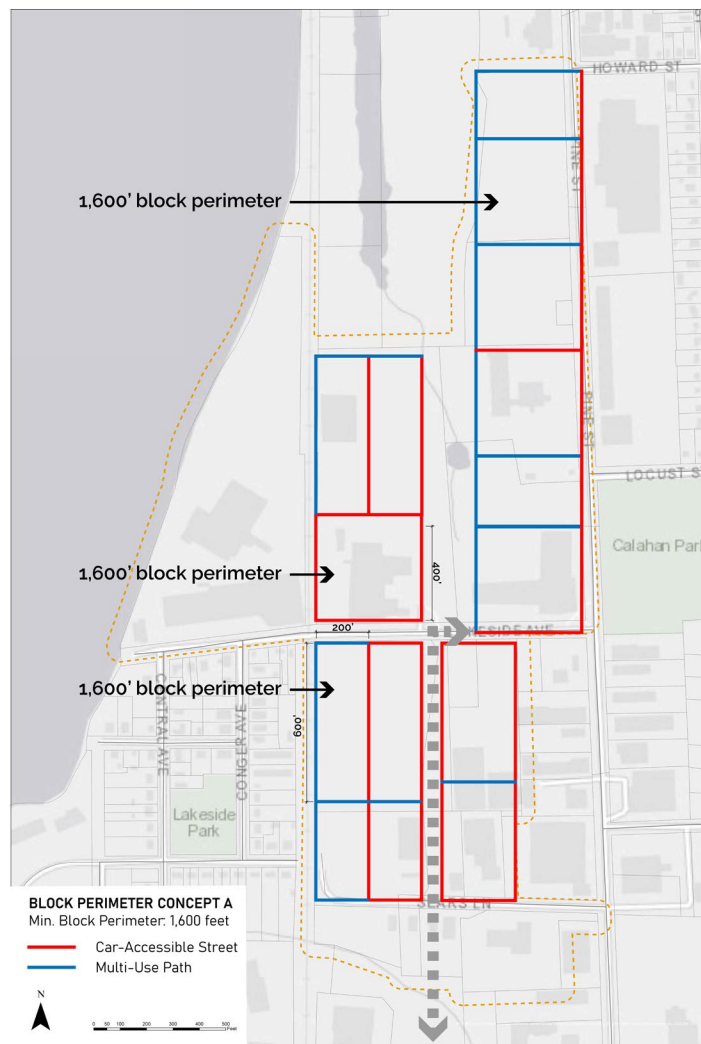
Question: How far are existing buildings on Pine Street set back from the street and how does this compare to the SEID amendment's proposed maximum setback range of 0-20 feet?

- Building setbacks range on Pine Street, with deeper setbacks north of Lakeside Avenue and on the west side of Pine Street, and shallower setbacks elsewhere. The Maltex Building and City-owned building at 405 Pine Street are set back approximately 25-30 feet from the property line, and close to 50 feet from the street. It should be noted that there are no bike or pedestrian facilities in the ROW along these properties today. The City-owned building at 645 Pine Street is also set back approximately 28 feet from the property line. On properties along Pine Street south of Lakeside Avenue, setbacks generally range from 10-20 feet. If consistency in setback is a priority, a deeper setback along Pine Street north of Lakeside Avenue would be appropriate.

Question: How does the proposed maximum block perimeter work and what roles does it play?

- The block perimeter is necessary to ensure that the SEID develops with a network of streets and paths, particularly on the district's large properties where no streets and paths exist today. The streets and paths that bound blocks are important in ensuring that moving within and through the district is convenient for users.

The proposed standard would let developers plan where streets and paths will be located, as long as no single block has a perimeter greater than 1,600 feet. Blocks can be formed by any combination of public streets and/or paths. While not in the amendment language today, we suggest adding language that states that street rights-of-way shall be 66 feet (or smaller subject to the approval of the City Engineer) and that paths shall be at least 15 feet (or subject to the approval of the City Engineer).



A hypothetical depiction of how blocks may be arranged in the SEID to meet the 1,600 feet block perimeter.

Parking

Question: With respect to underground and aboveground parking structures, should the SEID propose language requiring that it be hidden behind or within buildings?

- The proposed SEID stipulates that aboveground structures must be wrapped by a perimeter building or screened. While wrapping a parking structure with a building may seem an obviously good urban form, these buildings are typically inefficient and not as desirable as their standalone counterparts. When underground structures are provided, at least 50 percent of the garage area must be fully underground and not visible at the ground level.

Question: How does the one-per-lot parking structure floor plate exemption work and why is it proposed?

- The SEID seeks to implement *planBTV: South End's* vision of shared parking in structures as a way to accommodate parking that Burlingtonians still use and investors and appraisers often require while limiting the proliferation of parking lots and structures throughout the district. Because efficient parking structures are typically rectangular and have a minimum footprint of about 30,000 sf, the proposal permits one parking structure per lot (that existed as of January 1, 2023) to exceed the maximum floor plate of 15,000 sf. For reference, the 2022 CCRPC South End Multimodal Transit Facility study envisions a structure approximately 60,000 sf in size.

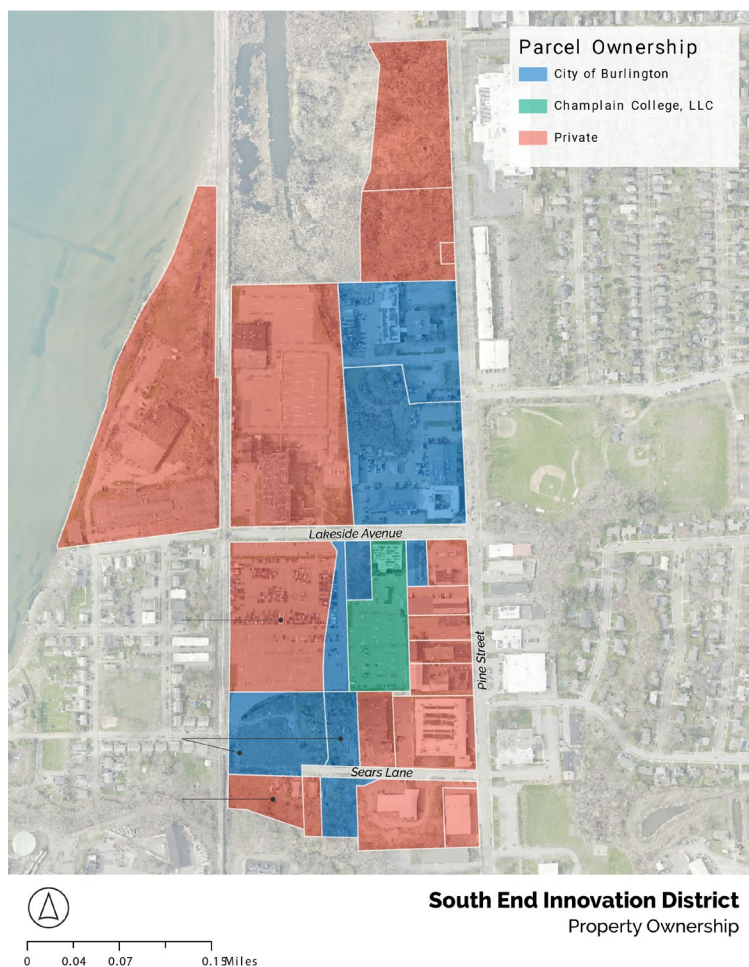
Boundary

Question: Why does the proposed boundary not extend to Pine Street between Sears Lane and Lakeside Avenue?

- The proposed SEID intends to facilitate development on mostly vacant and underutilized lots, rather than encouraging the redevelopment of existing uses. The businesses on the west side of Pine Street between Sears Lane and Lakeside Avenue are generally successful and consistent in scale and use with those across Pine Street. Incorporating these parcels into the SEID boundary would require engaging the community and those property and business owners, as engagement work to date has made clear that these would not be included.

Question: Who owns the properties within and just outside the proposed district?

- The map to the right identifies the owners of SEID properties, as well as those on Pine St. between Sears Lane and Lakeside Avenue.



Question: Is it possible to limit hotels to just one or two in the district?

- Regulating uses across an entire district instead of on an individual site is complex to implement and enforce, and can create uncertainty regarding what is allowed on nearby properties. As such this approach is not advised. Ultimately, given that the SEID contains a relatively small number of privately-held properties existing as of January 1, 2023, it is unlikely that more than a few hotels would be constructed, even in the most "hotel-optimistic" development scenario. While staff did not initially recommend hotels, the PC recommended their inclusion in a limited way to be responsive to feedback about the potential for hotels to host prospective companies and employees working in the district.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of Planning,
Planning Commission
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Three

First reading: _____

Referred to: _____

Rules suspended and placed in all

An Ordinance in Relation to

stages of passage:

COMPREHENSIVE DEVELOPMENT ORDINANCE

ZA-23-01 South End Innovation District Overlay

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Section 4.4.3, Enterprise Districts; Table 4.4.3-1, Dimensional Standards and Density; creating Sec. 4.5.8, Enterprise-South End Innovation District Overlay; creating Map 4.5.8-1, South End Innovation District (E-SEID) Overlay Boundary; Table 4.5.8-1: SEID Dimensional Standards & Density; 4.5.8-2 SEID Specific Height Area Map; Table 4.5.8-2, Frontage and Ground Floor Activation Standards; Table 4.5.8-3, Uses Permitted & Limited within the SEID; amending Sec. 9.1.12, Additional Density and Other Development Allowances; amending Article 11, Planned Development, Section 11.1.3, General Requirements and Applicability; Article 13, Definitions; and Appendix A- Use Table, thereof to read as follows:

Sec. 4.4.3 Enterprise Districts

(a) Purpose:

The ~~two~~ Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

1. The **Light Manufacturing** (E-LM) district is the ~~traditional~~ ~~primary~~ commercial/industrial center of Burlington, and, is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, design, creating, repairing, ~~renovating, painting, cleaning,~~ or assembling of ~~physical and digital~~ goods, merchandise, ~~or~~ equipment, ~~or art~~ ~~without appropriate mitigations from~~ potential conflicts ~~from with~~ ~~nearby or~~ interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention, including in the evolution of traditional industries as well as burgeoning maker and high-tech industries. This district is primarily intended to provide for various industrial and commercial uses, with specific provisions and limits intended to preserve and enhance areas of varied character throughout district. Other accessory commercial uses, and in very limited cases residential uses, are allowed to support the wide range of services and employment opportunities desired in the district, and support uses suitable for location in adjacent areas of ~~proximity to~~ residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures. This district includes the E-

SEID overlay which is intended to facilitate the redevelopment of a central portion of the E-LM into a walkable, mixed-use innovation district consistent with the long-range plans for this area.

2. As written.

Map 4.4.3-1 Enterprise Districts 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 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ^{1,4})	Max. Lot Coverage ^{1,4}	Minimum Building Setbacks ^{1,4} (feet)			Max. Height ^{1,4} (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Agricultural Processing and Energy	0.75 FAR	60%	10 min	10 min	10 min	45'

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.

3 – Percentage of the lot depth.

4 – Maximum intensity, lot coverage, setbacks and building height in portions of this district are being modified by provisions of the South End Innovation District overlay (SEID) in Sec. 4.5.8.

(c) Permitted and Conditional Uses:

- The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be as defined in Appendix A – Use Table.
- Within the E-LM district, uses unrelated to Industrial or Art Production are permitted to be located on lots south of Home Avenue only when both of the following conditions are satisfied. For lots north of Home Avenue within the EL-M district, this standard does not apply.:
 - One or more Industrial and/or Art Production use(s) exists on the lot; and
 - When the combined gross floor area (GFA) of all other such use(s) does not exceed 49% of the gross floor area on the lot. Uses limited by this provision are identified by Footnote 27 in Appendix A-Use Table; all uses marked as conditional use or with additional footnotes in Appendix A continue to apply.
- Uses that may be permitted, or conditionally permitted within the South End Innovation District overlay (SEID) are identified on Table 4.5.8-3.

(d) District Specific Regulations:

1. Convenience Stores.

The following shall apply to the review and approval of convenience stores in the E-LM district, except as regulated in Sec. 4.5.8: South End Innovation District, in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:

A. – E. As written.

2. Drive Thrus are not permitted.

Sec. 4.5.8 Enterprise – South End Innovation District Overlay**(a) Purpose**

The Enterprise – Innovation District Overlay (E-ID) is intended to implement the long-range plan for an area of the South End by providing for a dense, vibrant and dynamic urban district. The overlay is unique in its allowance for residential uses in a small area of the Enterprise-Light Manufacturing District (E-LM), and that it limits the most intensive manufacturing and industrial uses allowed elsewhere in the district. The overlay prioritizes arts and employment uses within an amenity-rich, convenient urban residential neighborhood, while permitting in a limited fashion non-residential uses that are secondary to, but supportive of those primary objectives.

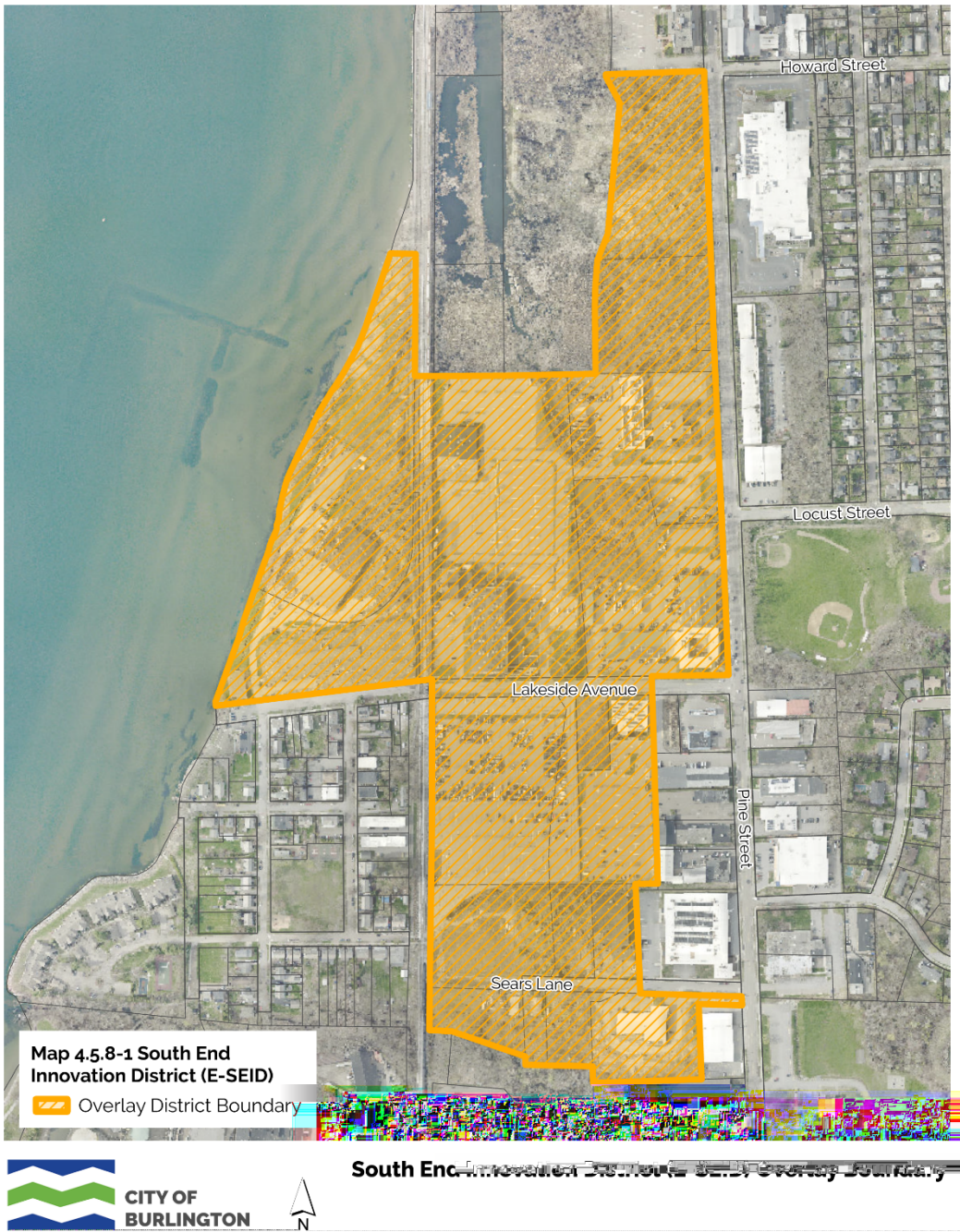
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure. Buildings should range in height from one to eight stories, and should be constructed of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

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

(b) Areas Covered.

The Enterprise – South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.8-1.

Map 4.5.8-1 SEID Overlay



(c) District Specific Regulations**1. Dimensional Standards & Density**

Within the South End Innovation District Overlay the standards set forth in Table 4.5.8-1 shall apply to new development and redevelopment, except:

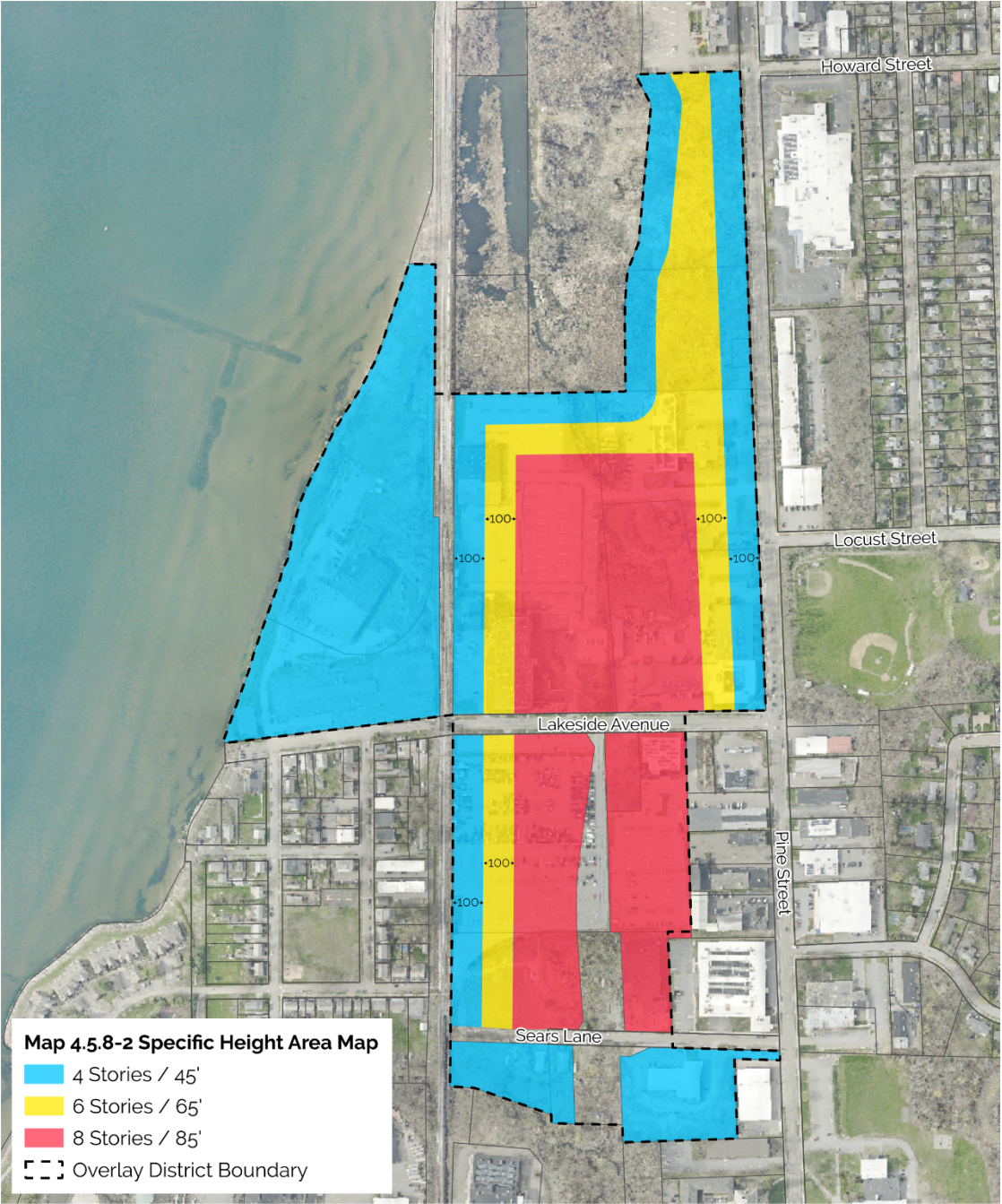
- a. Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of mass timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances, or in buildings certified as meeting in one or more of the Green and High Performance Building Standard systems:
 - i. Passive House Certification as administered by Passive House Institute (PHI or PHIUS);
 - ii. Gold Certification or higher under the applicable LEED standard as administered by Green Businesses Certification, Inc. (GBCI); or,
 - iii. Petal or Net Zero Energy Certification under the Living Building Challenge as administered by International Living Future Institute (INFI).
- b. The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI) or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.

Table 4.5.8-1: SEID Dimensional Standards & Density

<u>Block Perimeter¹</u>	<u>Max. Intensity (floor area ratio²)</u>	<u>Max Building Size per Floorplate^{3, 4}</u>	<u>Max. Lot Coverage & Pervious Surface Required⁵</u>	<u>Minimum Building Setbacks</u>			<u>Max. Height⁷</u>
				<u>Front</u>	<u>Side</u>	<u>Rear</u>	
<u>1,600' max</u>	<u>2.25 FAR</u>	<u>Floors 1-6: 15,000 sq.ft</u> <u>Floors 7-8: 10,000 sq.ft.</u>	<u>80% max impervious</u> <u>25% min of pervious area must utilize GSI</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁶</u>	<u>85'</u>

1. Blocks may be enclosed by any combination of public streets and public paths.
2. Floor area ratio is described in Sec 5.2.7. Bonuses for additional FAR for inclusionary housing projects, is described in Sec. 9.1.12.
3. Maximum square footage applies to each floorplate.
4. One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floorplate maximum standard according to the following:
 - a. When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - b. When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.
5. At least 25% of the pervious area on a lot must include one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with shade trees, or pervious pavement. No more than 50% of the required GSI area may utilize pervious pavement.
6. Setbacks are measured from the property line; however, buildings must be at least 15' from the curb or edge of ROW if no curb exists.
7. Maximum building height in the E-SEID shall be further limited by Map 4.5.8.3: SEID Specific Height Area Map

Map 4.5.8-2 SEID Specific Height Area Map



CITY OF
BURLINGTON



South End Innovation District (E-SEID) Specific Height Area Map

2. Frontage and Ground Floor Activation Standards

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

(i) Primary and Secondary frontages must be identified by the property owner. Each block must contain at least one Primary frontage.

(ii) A lot's frontage buildout may be reduced by up to 10 percent upon the determination of the Zoning Administrative Officers that the relief is necessary to access to the rear of the lot as a result of lot width or building placement constraints.

Table 4.5.8-2: Frontage and Activation Standards

<u>Frontage Type</u>	<u>Min lot frontage occupied by buildings¹</u>	<u>Percent of building frontage containing non-residential uses</u>	<u>Ground floor entries required</u>
<u>Primary</u>	<u>80% min</u>	<u>80% min</u>	<u>Every 60' min</u>
<u>Secondary</u>	<u>70% min</u>	<u>20% min or 500 sq.ft., whichever is greater</u>	

1) Measured linearly, and excludes area utilized for interior private streets, drives, and non-vehicular pathways.

B. Building Frontage Occupied by Non-Residential Uses: Buildings fronting on public or private streets and pathways, including those inaccessible by vehicles, must contain a minimum amount of non-residential uses on the ground floor as determined by Table 4.5.8-2.

i. Building corners, when located at the intersection of two public rights-of-way, including streets and paths, must include non-residential uses.

ii. A minimum of 80% of a building's required ground floor non-residential use floor area must be at least 25 ft. deep from the building façade, measured orthogonally. The remaining 20% must be at least 10 ft. deep.

iii. On lots where new interior streets are provided, Primary and Secondary frontages must be identified by the property owner.

iv. The minimum non-residential frontage requirements may be reduced to 30% for Primary Frontages and 0% for Secondary Frontages if one or more of the following is achieved:

a. All non-residential ground floor uses are maintained as affordable for at least 30 years, as defined and administered by the Community and Economic Development Office (CEDO).

b. A detached, one- or two-story permanent structure containing non-residential uses is constructed within or adjacent to the public realm, including public rights-of-way and public open space, on the same lot. The amount of non-residential use required on a building's ground floor may only be reduced on one-to-one basis as determined by the square footage of the detached structure.

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

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

C. Ground Floor Entries: At least one ground floor public entry, not including service doors, is required each 60' linear feet of each building façade fronting on a public or private street or open space.

3. Parking

- A. Surface Parking Lots consisting of no more than five spaces are permitted only when associated with and adjacent to a principal building. In such lots, priority parking spaces shall be made available, as described in Sec. 8.1.16 (c) c.4 – Parking Management. No more than 20 total spaces may be permitted in Surface Parking Lots on any one lot. Parking is not permitted between a building and the street or path on which it is located.
- B. On-street parking spaces shall be permitted on lots with new private streets. Such parking spaces must be parallel in orientation.
- C. Structured Parking Garages
- i. With the exception of individual Garages serving a multifamily dwelling which shall be accessed from the rear of the building via a public or private alley, all Parking Structures and Garages shall be located behind a Perimeter Building, or screened so that cars and internal structure lighting are not visible from adjacent streets or properties. Screening can be provided by architectural structure or vegetative trellis.
 - ii. Parking Structure ingress/egress shall be consolidated into one façade opening and shall not exceed 24 feet in width or shall be separated into no more than two openings per façade, with a combined width of no more than 28 feet. Each façade opening shall not exceed 16 feet clear height.
 - iii. At least one pedestrian route shall lead directly to each Frontage Line (i.e. not directly into a Building). When portions of a Building containing parking front on more than one street, multiple pedestrian routes to the Frontage are strongly encouraged.

4. Uses

Within the E-ID, only the following uses shall be permitted.

Table 4.5.8-3 Uses Permitted & Limited within the SEID

<u>Permitted Uses:</u>	
<u>Residential¹</u>	
<u>Assisted Living</u>	
<u>Attached Dwellings - Multi-Family</u>	
<u>Co-Housing</u>	
<u>Convalescent/Nursing Home</u>	
<u>Emergency Shelter</u>	
<u>Group Home</u>	
<u>Dormitory</u>	
<u>Non-Residential</u>	
<u>Adult Day Care</u>	<u>Photo Studio</u>
<u>Agricultural Use</u>	<u>Photography Lab</u>
<u>Animal Grooming</u>	<u>Place of Worship</u>
<u>Animal Hospital/Veterinarian's Office</u>	<u>Printing Plant</u>
<u>Art Gallery/Studio</u>	<u>Printing Shop</u>

<u>Permitted Uses:</u>	
<u>Bakery</u>	<u>Public Transit Terminal</u>
<u>Bank/Credit Union</u>	<u>Public Works Yard/Garage</u>
<u>Bar/Tavern</u>	<u>Radio & TV Studio</u>
<u>Beauty/Barber Shop</u>	<u>Recording Studio</u>
<u>Bicycle Sales/Repair</u>	<u>Recreational Facility - Outdoor</u>
<u>Billiard Parlor</u>	<u>Research & Development Facility</u>
<u>Bowling Alley</u>	<u>Research Lab</u>
<u>Cafe</u>	<u>Restaurant</u>
<u>Cinema</u>	<u>Restaurant – Take Out</u>
<u>Community Center</u>	<u>Salon/Spa</u>
<u>Community Garden</u>	<u>School – Post-Secondary and CC</u>
<u>Convenience Store</u>	<u>School - Preschool</u>
<u>Daycare</u>	<u>School - Primary</u>
<u>Fire Station</u>	<u>School - Secondary</u>
<u>Food & Beverage Processing</u>	<u>School – Trade, or Professional</u>
<u>Grocery Store ≤ 10,000 sf</u>	
<u>Health Studio</u>	
<u>Hotel²</u>	
<u>Laundromat</u>	
<u>Library</u>	
<u>Manufacturing - Light</u>	
<u>Mental Health Crisis Center</u>	
<u>Museum – Small ≤ 10,000 sf</u>	
<u>Office - General</u>	
<u>Office – Medical/Dental</u>	
<u>Office - Technical</u>	
<u>Open Air Markets</u>	
<u>Park</u>	
<u>Parking Garage³</u>	
<u>Parking Lot³</u>	
<u>Performing Arts Center</u>	
<u>Performing Arts Studio</u>	
<u>Pharmacy</u>	

1. Residential uses are permitted only in new additions to buildings that existed as of January 1, 2023, or in buildings built after January 1, 2023.

2. One hotel is permitted per lot established as of January 1, 2023 and may not account for more than 80 percent of the Gross Floor Area of the building in which the use is located.
3. Parking Garage and Lot uses are regulated by Sec. 4.5.8(c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density.

ARTICLE 9 INCLUSIONARY AND REPLACEMENT HOUSING**Sections 9.1.1 – 9.1.11** 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. Calculations for these entitlements shall be based on the following tables:

Zoning District	Maximum Units/Acre	FAR/Height	Maximum Lot Coverage
RH	46	12' height set back 10' along street facade ¹	92%
RM	25	n/a	48%
RM-W	25	12' height set back 10' along street facade ¹	72%
RL, RL-W	8.75	n/a	44%
FD6, FD5	n/a	0.5 FAR	100%
NMU, NAC, NAC-R	n/a	0.5 FAR+12' height set back 10' along street facade	92%
NAC-CR	n/a	0.5 FAR+12' height set back 10' along street facade	72%
<u>E-LM-SEID</u>	<u>n/a</u>	<u>0.25 FAR</u>	<u>n/a</u>

1. In the RH and RM-W 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.

2. Lot coverage may be increased to 90% as per Sec. 4.5.8 (c) 1.b

- (b) The allowances provided for herein may be declined at the option of the applicant;
- (c) With the approval of the DRB, units added to a project as market rate units may be substituted by nonresidential uses wherever such nonresidential uses are otherwise permitted in the district where the project is located. Approved substitution for nonresidential uses shall occur at the following rate: 1 market-rate dwelling unit = 1,500 square feet nonresidential space
- (d) All provisions of Sec. 9.1.8 through 9.1.11 shall apply, without exception, to any inclusionary units that are constructed.

ARTICLE 11: PLANNED DEVELOPMENT**Secs. 11.1.1 – 11.1.2** As written.***Sec. 11.1.3 General Requirements and Applicability***

With the exception of development subject to the requirements of Art. 14, any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	Minimum Project Size
RH, RM, RM-W, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, <u>E-LM</u>	No minimum project size.
RL, RL-W, RCO-R/G	2 acres or more

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Block: The aggregate of private Lots, Passages, Rear Alleys, and Rear Lanes, circumscribed by public streets and public paths.

Block Perimeter: The allowable maximum distance, measured linearly, of the public streets and paths circumscribing a block.

Bowling Alley: An indoor facility ~~that devotes more than 50 percent of its gross floor area to~~ comprised of bowling lanes and, equipment, and ~~customary playing areas with customary accessory uses such as arcades, play areas, restaurants, and~~ snack bars.

Co-Housing: Multi-unit residential buildings containing individual dwelling spaces which include bathroom facilities and may or may not contain individual kitchen facilities. Within such residential buildings, residents share amenities, such as full kitchens, and open space in a communal living arrangement. In zoning districts where density limits are applicable, four (4) individual dwelling spaces shall be the equivalent of a Dwelling Unit.

Constructed Wetland: Stormwater treatment systems that use natural processes involving wetland vegetation, soils and their associated microbial assemblages to improve water quality.

Floor Plate: The above-ground gross floor area of each story of a building. Below-ground floor area is not included where maximum floor plate standards are established.

Green Stormwater Management: Low impact stormwater management infrastructure utilizing soil-water-plant systems to intercept stormwater and facilitate its infiltration, evaporation and release into waterbodies in a manner that promotes ecological health and environmental resilience.

Mass Timber: A method of construction defined as Type IV in the Building Code (International Building Code) and where the majority of structural load-bearing members are made of wood with a minimum dimension of 3.75 inches.

Passive House: A building construction standard that results in highly energy efficient buildings through use of airtight building envelopes, ventilation, waterproofing, heating and cooling, and electrical loads as certified and administered by Passive House Institute (PHI or PHIUS)

Perimeter Building: A shallow medium to large sized attached or detached Building that is always associated with and screens a parking structure or garage.

~~Pervious Pavement: Pervious pavement is a permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil. Pervious pavement includes porous asphalt, pervious concrete, grass pavers, and plastic grid systems, or their equivalents as deemed acceptable by the Stormwater Administrator. Alternatives to traditional pavement that allow rain and snowmelt to infiltrate underlying layers of soil and gravel in a manner that reduces runoff and promotes pollutant filtration.~~

Suspended Pavement: A site construction technology that supports the weight of overlying pavement and creates a subsurface void that is filled with soil for root growth.

Appendix A- Use Table ***See attached

* Material stricken out deleted.

** Material underlined added.