

ORDINANCE COMMITTEE

Wednesday, November 30, 2022

Via Zoom (Remote)

DRAFT MINUTES

Members Present: Councilor Traverse (Chair), Councilor Hightower, Council President Paul (Ex-Officio)

Staff Present: Kim Sturtevant (Acting City Attorney), Megan Tuttle (Director of Planning), Scott Gustin (Division Manager, Zoning, Permitting & Inspections)

Others in Attendance: Barbara Headrick, Sharon Bushor, Councilor Gene Bergman,

Meeting called to order at 6:04 PM.

1.0 Agenda

1.01 Motion to adopt/amend agenda

Motion to Adopt Agenda as is.

Motion by Councilor Hightower, Seconded by Councilor Paul

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Public Forum

Barbara H: On line 579 – insert “reducing SOB trips” as that would complement reducing vehicle miles traveled and avoids redundancy. On line 604 – suggests language to be changed so metrics should be set, and performance should be measured, the current language is not about achieving progress, there should be metrics like reducing SOB trips, reducing number of cars parked on the street, reducing number of resident who use cars, etc. On line 613 – it is important to measure on-site parking vs off-site parking because it will be difficult to measure TDM efficacy, measuring the two metrics will be a good tell-tale if TDM is working. On line 641 – the word ‘restrict’ should be included. On line 645 – it doesn’t indicate if what happens if a building is occupied and if the building developer doesn’t follow TDM guidelines, there’s no consequence. On line 670 – insert “advanced degree students”. On line 679 – insert “an analysis of by population segment”

Sharon B: Mentioned the ADA component at the last meeting, so in the interim reached out Scott Gustin, Bill Ward, and Kim Anelli. Doesn’t have proposed language, but if a developer develops in a site downtown that has access to other parking off-site (like parking garage), then the developer may not be required to provide as much ADA parking on-site. If the only ADA parking is off-site, that can be very problematic for a physically disabled individual. Especially when ADA accessible people visit Burlington, that eliminates spaces needed for visitors. It would be harmful to exclude people with disabilities from new developments, this ordinance change is a great way to ensure they have proper consideration.

Councilor Bergman: Echoed Barbara’s note on the importance of metrics because this TDM provision is an on-going process. Emphasized that this ordinance will not be perfect, it will need changing in the future most likely. Emphasized Sharon’s points while also adopting a flexible, practical ordinance change. Hopes the committee considers his own proposal as many different groups have provided valuable, meaningful feedback.

3.0 Adopt Minutes from 11/22/2022

Motion to Adopt Minutes from 11/22/2022.

Motion by Councilor Paul, Seconded by Councilor Hightower

Final Resolution: Motion Passes

Yes: Unanimous.

4.0 Committee Discussion

4.01 Discussion of Minimum and Maximum Parking

Councilor Hightower: On the ADA comments from public hearing, agrees largely with the sentiment. Folks dealing with disabilities are much less likely to have a private vehicle and are more likely to use public transportation. Emphasized the importance of not just stripping parking, but bolstering some of the support services used under ADA to ensure the typically underserved group has greater access to things that help them.

Councilor Traverse: Agreed that the ADA component is incredibly important going forward when discussing this ordinance change. More flexibility is needed, for example if a particular development draws interest in living from the ADA community, then the development should be able to tailor their TDM strategy around that notion.

Scott G: Confirmed that there has not been a single development approved yet without parking, all instances parking is a part of the plans.

Megan T: Followed up with context from other places where minimum parking requirements are eliminated – there is no mandate around where and how accessible parking should be made available, although going above and beyond the bare minimum for parking is emphasized.

Councilor Paul: Agreed that physically handicapped individuals would not use CarShare, or any other public transportation, because their personal vehicle is likely equipped to meet their specific needs. Recognizing that ADA available parking does not seem to be mandated in other localities, she's heard from multiple constituents that they'd like to see accessible parking expanded and thinks it should certainly be considered.

Councilor Traverse: Agreed but also recognized the intention of eliminating minimum parking and TDM is to maximize space for development. A dense, walkable city is a notion that is shared by multiple Councilors, it's just a matter of striking a balance between providing enough ADA accessible spaces and maximizing the land use for future development.

Councilor Bergman: Expanded on Ben's points – the goal is to build a 'missing middle' residential base. Again, reiterated the notion that this ordinance will not be perfect, but should do its best to consider the many different facets this intersects with.

Sharon B: There are different levels of disabilities, some are high-functioning whereas others may have more of their life affected by their physical disability. It is important not to group up everyone into one category.

The Committee reviewed the ordinance to determine how best to proceed on TDM.

Councilor Traverse: Last time, the annual meeting language was removed; but, the educative material that is to be distributed should happen annually.

Councilor Bergman: Suggested allowing the material to be available on site, year-round.

Councilor Hightower: Would like to see the sample materials to determine whether the info sessions would be a full-fledged roadmap for TDM, or a general TDM awareness campaign.

Megan T: Said between Planning and P&I, should be able to generate some basic informational examples, but cautioned against writing whom specifically is tasked with creating the informational documents into ordinance. Should only put Planning into the ordinance if the intent is for there to be a sign consistently posted in buildings/developments pertaining to TDM.

Scott G: Echoed not writing the guidelines into the ordinance, it is too restraining and makes for more difficulties when creating educational material.

In Section B, where the number of dwelling units establishes the TDM requirements that must be followed, a table is needed to discern the difference between what's required. There can be no confusion in exemptions so a table is a good means to help resolve the issue.

In the Applicability section, include an administrative amendment option to allow for flexibility in TDM strategies to align with the permit applied after a certain date.

The group determined to change the parking utilization study going annually for 7 years in a row to determine the efficacy of TDM strategy and how they can be maneuvered to maximize its efficiency.

Remove the language from Section C (Parking Management), #3. More flexible language included in case a developer does not use CarShare, but if they do, establishes where the parking space should be located.

On addressing Barbara's comment on line 480 – wants to make clear the distinction between single occupancy vehicles and carpool/CarShare/etc when tracking vehicle miles traveled (VMT). The committee agreed to effectuate that change by adding "single occupant vehicle usage".

Scott G: Under the maximum parking exemptions section, add another group of exemptions (#6 Driveways: Parking for residential uses...)

Councilor Traverse: How can the TDM strategies section be expanded?

Megan T: On the requirement of having developers provide bus pass/CarShare to their residents if they don't have parking, it gets close to exaction. Exaction is when a municipality takes something from a developer without clearly identifying what the intent of the thing being claimed is intended to be used for. More time would be needed to determine if this strategy would be appropriate for the City, as now it would seem too arbitrary. The study needs to be conducted to know.

The committee agreed to expand and be more flexible in terms of the TDM strategies the ordinance will allow developers to adhere to. This is likely something that will be revisited once the TDM study is conducted and completed so now it is important to just have options. Care/bike share passes should be free for the residents, paid for by the developer if they do not have parking. Each development needs to adhere to at least two of the TDM strategies so they will be leaving them at broader scale for the time being. The committee made several smaller changes to the language of the strategies section to ensure that there are enough options for developers once the ordinance is in effect.

Motion to warn the ordinance for public hearing on January 9th, as amended.

Motion by Councilor Hightower, Seconded by Councilor Paul

Final Resolution: Motion Passes

Yes: Unanimous

The committee will look to revisit some parts of the ordinance once the TDM study is ultimately completed, but for now would be beneficial to get this version of the ordinance in front of the full Council for vote – will go forward January 9th, 2023.

Scheduling of future meetings:

Not scheduled.

5.0 Adjournment

Motion to Adjourn.

Motion by Councilor Paul, Seconded by Councilor Traverse

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 8:52 PM.

Councilors Traverse, Carpenter, Hightower, and Shannon,

I'm writing to you as members of the Ordinance Committee with comments regarding the SEID proposed zoning. Please add this email and its attached/linked docs to the public comment for the hearing.

I sent out an email a few weeks ago to some neighbors with some thoughts about the proposed zoning changes, and asked for their thoughts in response. [I've compiled both my original email and all their \(anonymized\) responses in this Google Doc.](#) Please give them a read; there are some very thoughtful and insightful comments among the responses.

My core concern with the proposed zoning is that eight stories is too tall for the South

End. There is a relationship, I think, between the overall size/density of a city and the height of buildings that it can support and still function as a cohesive community with vibrant street life. Big buildings work great in large cities, but they overwhelm the streetscape in a small city like Burlington.

It's hard to visualize what buildings of different scales feel like in the abstract. To help make it clear what we're talking about, [I compiled a few images of eight and five story buildings and paired them at roughly the same scale.](#) (Meaning, the red arrows in each pair of buildings are the same height, and they both go up to five stories on their respective buildings.) I ask you to pay attention to the details in each image. How big are the cars and the people relative to each building? What would it feel like to walk along each building?

I very much agree that we desperately need more housing in Burlington. But we also very much need to preserve and strengthen our sense of community: the chance encounters and shared experiences that happen when people live as much in their neighborhood as in their building. Five story buildings are much more of an appropriate neighborhood scale for Burlington.

And five-story buildings can provide a LOT of housing! Particularly given that we just eliminated parking minimums throughout the city (so parking can be modest and right-sized, rather than taking up a huge chunk of the lot or the budget), we can build hundreds and hundreds of apartments in the SEID, even at five stories. To help make this more tangible, here are a few examples of actual five story apartment buildings that are proposed or built in other communities, with acreage and number of units for each:

1. [41 apartments on a third of an acre](#)
2. [133 apartments plus ground floor commercial space on just under two acres](#)
3. [9 apartments plus ground floor commercial space on a single small city lot \(acreage not given, but likely an eighth of an acre or so\)](#)

Bottom line is, we don't need to go to eight stories to build a LOT of housing. All we need is willing developers, a supportive community, and a sensible review process.

Please change the height limits in the SEID to top out at 5 stories. Thank you.

All the best,
Jason Van Driesche
129 Caroline Street

Hi Joe and South End City Councilors -

Thanks so much for all your work for the city!

I'm writing to strongly express my support for the housing development on Lakeside, at its full proposed height.

I live on the South End. I work at Hula. I have many friends who are desperately seeking housing in BTV. I know many employers struggling to hire due to this challenge. I have run 8 political campaigns in Vermont in the past year and a half and the #1 issue on people's minds is *always* housing.

I also believe the developers are deeply committed to the environment which is a rarity.

Furthermore, as the biggest city in Vermont the onus is on us to build up and in to increase density and create housing in the most sustainable way possible.

Thank you!

Joanna Grossman
379 Flynn Avenue

I want to voice my opposition to the newly developed height allowance for buildings in the South End Innovation District. I understand that the idea of taller buildings means more high-end apartments and then the developer will also need to build more affordable apartments thus helping with the housing shortage in Burlington. I also know that the view from any one person's home is not protected but the view from the whole of Calahan Park, Five Sisters, and Brichcliff neighborhood will be significantly impacted. The scenic view of Calahan Park is one of the main attractions for both locals and visitors. Blocking this view would lead to a loss of aesthetic value and reduce the appeal of the area. Burlington is a popular tourist destination, and many visitors come to the city to enjoy its natural beauty. Blocking the scenic view of Calahan Park would have a negative impact on tourism.

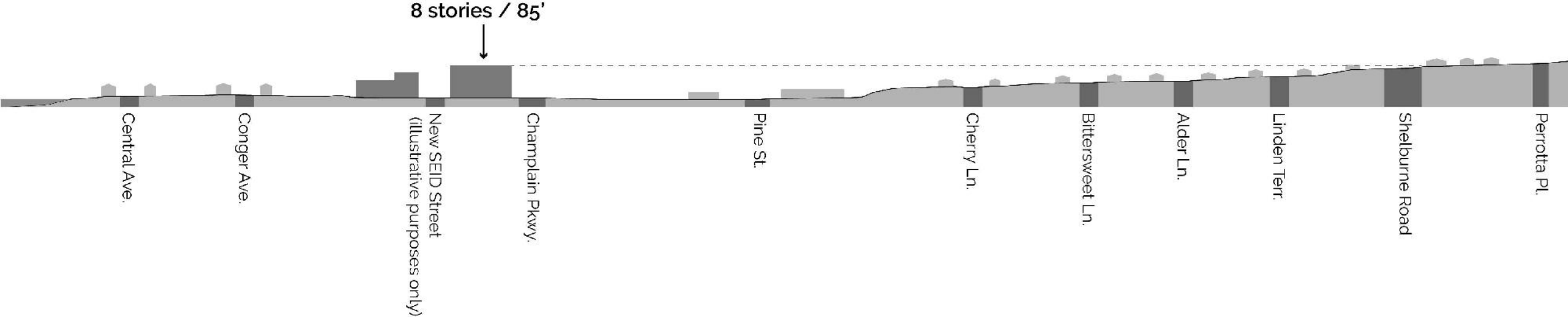
Attached are two images from Burlington Planning Department showing the effects on the views and the last is the view from Calahan Park.

I want to make sure you're aware of aesthetic impact when you are considering these changes.

Thank You

Sean Foley

92 Cherry Lane Burlington





St. Paul St.

Caroline St.

Shelburne Road



I'd like to start by saying that overall I think this is a great plan. It transforms an area mostly occupied by asphalt into dense multi-use zoning. From a general standpoint, this is exactly what Burlington needs. But I must speak to a few adjustments that I think would help this fulfill the city's goals.

The first is regarding the 2.25-2.5 floor-to-area-ratio proposed. This has been defended in the proposal summary, with a few good examples given, that a 6 acre lot could still have around 500 residential units. While this would be an improvement over our current situation, I cannot help but think we could do better. It was my understanding that the reason the community wanted to allow for 4, 6, and 8 story buildings was because they wanted the density of these parcels to increase towards the center of the district. Without allowing the floor-to-area-ratio to scale alongside the story allowance, it stands to reason that the residential density of the 8-story parcels won't be any higher than that of the 4-story parcels.

Beyond this, I have some concerns that the current regulations would never allow for subdividing parcels into smaller chunks. The existing floor-to-area-ratio and "max building size per floorplate" standards indicate to me that this development is meant to keep its existing parcels and trust large developers to lazily build 5-over-1s en-masse. I would encourage DPW to think about a future in which these lots were able to be subdivided. Doing away with FAR would still allow for the types of development you are looking for, without punishing ourselves in the future should we embrace our community being less focused on big developers.

Last point, I don't quite understand why the portion of Pine Street between Sears Lane and Lakeside Ave, on the southeast side, was exempt from this proposal. These are some wonderful businesses that should not feel as if they cannot stay in the area, Queen City Brewery is one of my favorite breweries in Vermont. But including these lots within this proposal doesn't force these businesses out of the area, it merely allows development to happen in the area at a slow pace should the businesses decide to move or build up.

Beyond some issues that I have brought up here, this is an absolutely wonderful proposal. The folks at DPW should be proud to continue to help our city improve in this way. In fact I'd love to see similar upzoning efforts all over the city. Thanks for your time.



BURLINGTON BUSINESS ASSOCIATION

The Burlington Business Association, founded in 1978, is a non-profit, non-political membership organization with over 200 business and non-profit members.

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Program Coordinator

29 Church Street, Suite 3-5
Burlington, Vermont 05401
802-863-1175

April 19, 2023

RE: Proposed CDO Amendment: ZA-23-01 South End Innovation District

On behalf of the 250+ businesses and nonprofits represented by the Burlington Business Association (BBA), please accept the following comments regarding the Proposed CDO Amendment: ZA-23-01 South End Innovation District.

The BBA enthusiastically supports the proposed changes to create a South End Innovation District (SEID).

It is well known Burlington has a housing crisis. First called out in the 2014 Downtown Housing Strategy Report, the crisis was more recently highlighted in Building Homes Together 2.0 Campaign's October report that found Chittenden Co. is trailing behind the target of 5,000 new homes by 2025. The December Allen, Brooks & Minor report also found that vacancy rates continue to be historically low at less than 1%. A healthy vacancy rate is at least 4 times this, between 4-8%. Area businesses continuously report that a lack of both housing availability and affordability is one of the top challenges they face.

The proposed amendment would allow surface parking lots and other underutilized space to be transformed into a mixed-use, vibrant, multimodal community for the next century. Most importantly it would allow for housing for more Burlingtonians to live near where they work and play; with associated positive impacts for our climate.

Specifically, we do have concerns that the proposed FAR of 2.5 is too low to allow for the vibrant neighborhood the SEID has the potential to create. Further, we support the proposed height allowances of up to 85 feet. Exclusionary height restrictions would severely limit the possible benefits of this proposed district. Concerns from neighbors that this density and height would erode neighborhood character devalues how neighborhoods are also defined by the amenities and people that live within them.

Every foot of height we remove from this SEID zoning excludes people who could live in it. We must take into consideration that these new neighbors have no voice in this process. We must consider young professionals hoping to keep their talents in Vermont, people of all income ranges who deserve a



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April 19, 2023

place in our community, families who hope to send their kids to a new BHS, and overhoused seniors looking to downsize.

Burlington's housing crisis deserves forward thinking, bold solutions like this proposed amendment. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kelly".

Kelly Devine
(802) 863-1175
director@bbavt.org



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Ordinance Committee Members

FROM: Lori Olberg, Licensing, Voting and Records Coordinator

DATE: February 7, 2023

SUBJECT: 02/06/23 City Council: Ordinance: CDO – ZA-23-01 South End Inclusionary District Overlay

Enclosed please find copies of the ordinance and supporting documentation that was referred to your Committee. Please keep these as part of your records.

Thank you.

CITY OF BURLINGTON

ORDINANCE 6.05

Sponsor: Office of Planning,

Planning Commission

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Three

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE

ZA-23-01 South End Innovation District Overlay

First reading: 02/06/23
Referred to: Ordinance Committee

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:

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

10 11 *Sec. 4.4.3 Enterprise Districts*

12 (a) Purpose:

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

- 14
15 1. The **Light Manufacturing** (E-LM) district is the ~~traditional primary~~-commercial/industrial center of
16 Burlington, and, is intended primarily to accommodate enterprises engaged in the manufacturing, processing,
17 distribution, design, creating, repairing, ~~renovating, painting, cleaning,~~ or assembling of physical and digital
18 goods, merchandise, ~~or~~ equipment, or art ~~without appropriate mitigations from~~ potential conflicts ~~from with~~
19 nearby or interspersed residential uses. Other accessory commercial uses are allowed to support a wide range
20 of services and employment opportunities. This district is intended to ensure that sufficient land area is
21 appropriately designated within the city to provide an adequate and diversified economic base that will
22 facilitate high-density job creation and retention, including in the evolution of traditional industries as well as
23 burgeoning maker and high-tech industries. This district is primarily intended to provide for various industrial
24 and commercial uses, with specific provisions and limits intended to preserve and enhance areas of varied
25 character throughout district. Other accessory commercial uses, and in very limited cases residential uses, are
26 allowed to support the wide range of services and employment opportunities desired in the district, and
27 support uses suitable for location in adjacent areas of ~~proximity to~~ residential development. Development is
28 intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's
29 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:

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 (GFA) of all ~~othersuch~~ use(s) does not exceed 49% of the ~~G~~Gross ~~F~~Floor ~~a~~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. – E. As written.

2. Drive Thrus are not permitted.

Sec. 4.5.8 Enterprise – South End Innovation District Overlay

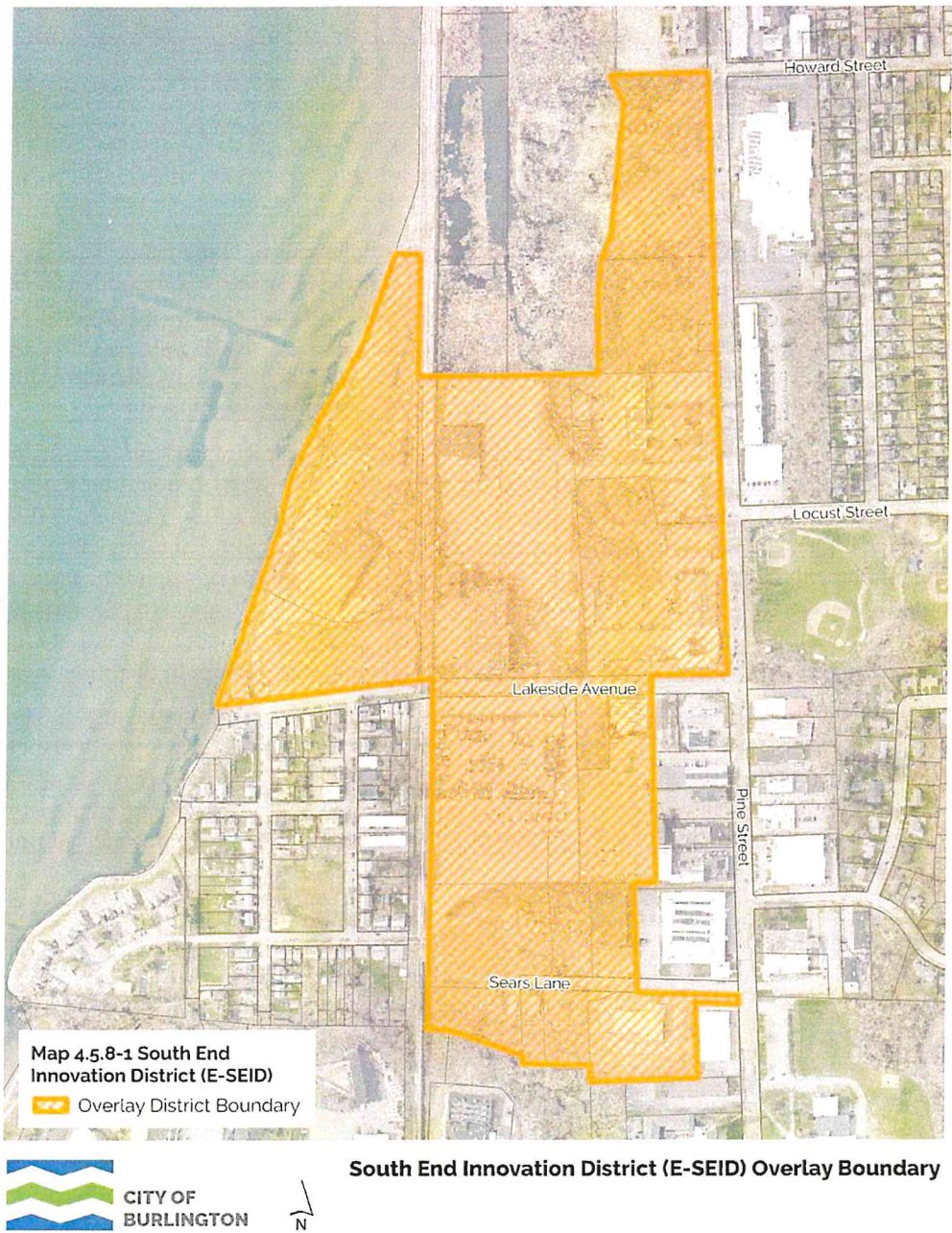
(a) Purpose

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

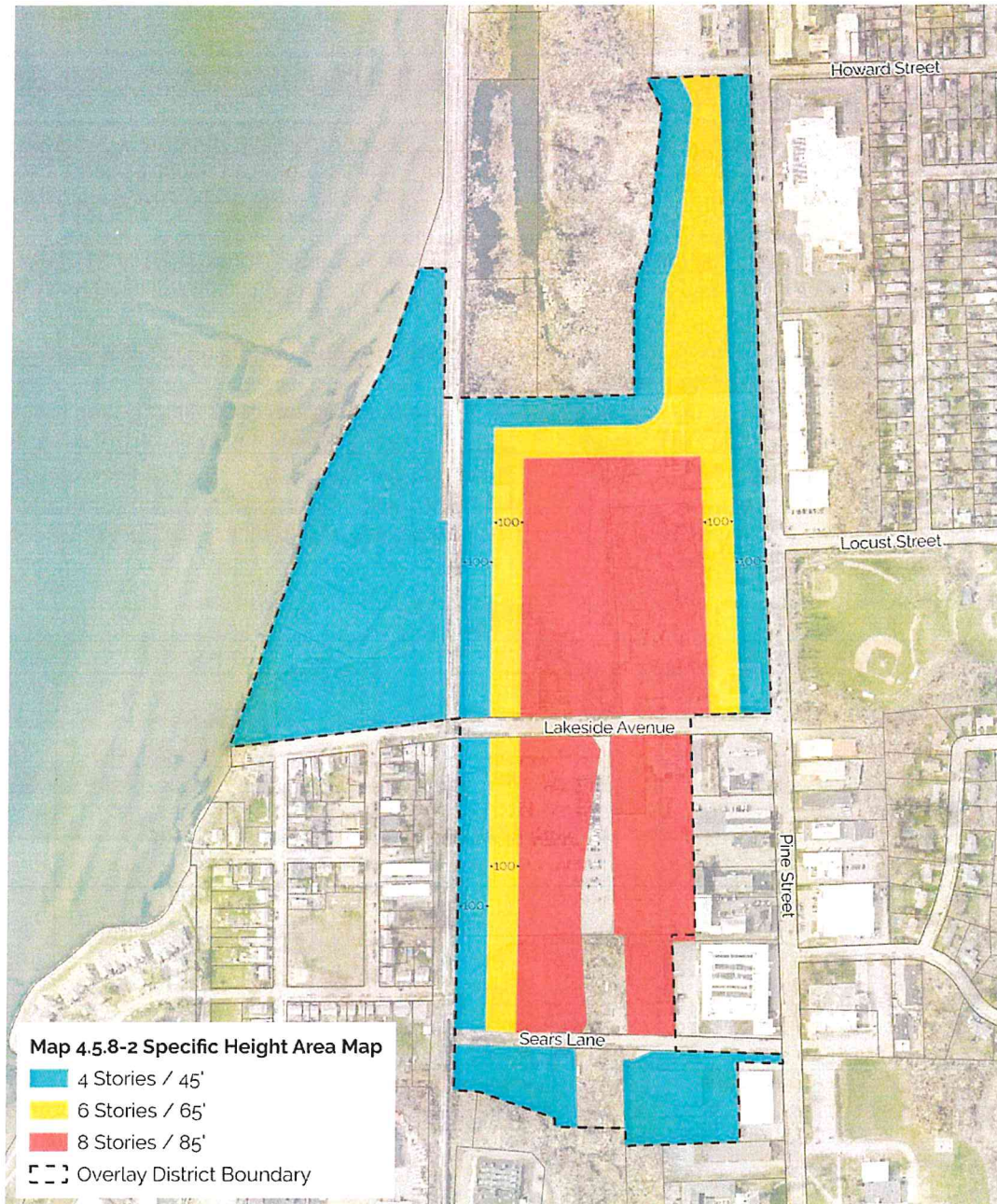
b. When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.

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

127 *Map 4.5.8-2 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.

Appendix A-Use Table – All Zoning Districts

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use			Enterprise	
		RCO - A	RCO - RG	RCO - C		RL/W	RM/W	RH		NMU	NAC	NAC-RC	E-AE	E-LM ²³
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	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	E-AE	E-LM
Co-Housing	N	N ¹	N	N	Y	N	Y	Y	N	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	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 E-LM 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 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% 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	
RCO - A	Residential Low Density, Waterfront Residential Low Density
RCO - RG	Residential Medium Density, Waterfront Residential Medium Density
RCO - C	Residential High Density
I	Institutional
RLW	Residential Low Density, Waterfront Residential Low Density
RMW	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
EAE	NAC – Cambrian Rise
E-LM	Enterprise – Agricultural Processing and Energy
	Enterprise – Light Manufacturing



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TO: Burlington City Council
Mayor Miro Weinberger
FROM: Meagan Tuttle, AICP, Planning Director
Charles Dillard, AICP, Principal Planner
DATE: January 30, 2023
RE: Proposed CDO Amendment – ZA-23-01: South End Innovation District Overlay

Overview & Background

District Intent & Overview

The South End Innovation District Overlay is intended to facilitate the redevelopment of a core area of the South End's Enterprise-Light Manufacturing (E-LM) district. The vision for this overlay is based in [planBTV: South End](#) and calls for transforming the area's surface parking lots and contaminated and underutilized sites into an accessible, mixed-use hub of economic activity that draws on both the South End's legacy of manufacturing and arts as well as its burgeoning office and innovation sector. As enclosed, the overlay enables the creation of a wide range of commercial uses, which differs from the initial staff recommendation to prioritize those arts, manufacturing, and office uses that define the character of the South End today. The amendment also permits the creation of new homes. The overlay includes provisions for the scale and massing of new buildings to guide the redevelopment of large sites, and seeks to create an accessible and sustainable urban district.

Background on Housing in the South End

A substantial portion of the work to prepare *planBTV South End* occurred in 2014 and 2015; after thorough revisions in collaboration with the Planning Commission, the plan was ultimately adopted through its incorporation in the City's Comprehensive Plan update in 2019. In the nearly decade since the community conversation began about *planBTV: SE*, and the nearly 4 years since its adoption, the city has continued to experience a multi-faceted housing crisis. The lack of housing availability is among the highest priority issues for many residents, including for the South End's artists, makers, office workers, and other businesses. At the time of its preparation and adoption, there was much debate about allowing housing in portions of the South End E-LM district. While the adopted plan did not recommend housing in the E-LM, it did stress that continued conversations about the appropriate location and type of housing in the South End was necessary, especially as conditions in our community change. One of the plan's housing strategies included:

Continue community discussions regarding housing in the South End. *Continuing this discussion will be important to ensuring that the rules for the future development of the South End match community needs. As our community and its neighborhoods continue to evolve, it is necessary to periodically revisit land use and zoning policies to ensure that change is sustainable and occurring in the appropriate locations, including within the Enterprise Zone*

- *Provide forums for continued community discussion and information sharing as part of efforts to update zoning, implement partnerships, and facilitate redevelopment.*
- *Dept. of Planning & Zoning, Planning Commission; property owners; SEABA; non-profit housing organizations; South End residents*

Recent discussions around the South End Innovation District Overlay have provided such an opportunity. This question was initially re-introduced to the Planning Commission in summer 2021 by HULA representatives, as a request to consider the creation of a Neighborhood Activity Center in a portion of the E-LM. Following early discussions with the Commission, the opportunity to allow

housing opportunities in a portion of the E-LM through the creation of this Overlay was included as a priority strategy in the city's [2021 Housing Action Plan](#). ***Input informing this amendment***

As part of that Action Plan, the HULA representatives and a number of non-profit organizations and other South End property owners signed onto an MOU to work with Planning and CEDO to inform the development of this proposed district and participate in engagement sessions. Additionally, staff from multiple city departments, including City Planning, CEDO, Business & Workforce Development, Permitting & Inspections, BCA, and DPW have been engaged to inform perspectives on this amendment as well as to discuss other planning considerations for the area.

This [summary](#) outlines key areas of feedback during public engagement activities that took place in the spring and summer 2022. In-person and online forums provided opportunities for more in-depth discussions about the [nuances of an innovation district](#)—including specifics about allowable land uses and their mix, building scale and massing, and other characteristics of new development. Input from both the public discussions and the stakeholder working group has informed this proposed ordinance.

Key Planning Commission Changes

The Commission's final discussion focused on the amendment's land use framework. Specifically some Commissioners were concerned that the ground floor non-residential use standards and the Primary/Secondary land use framework would be a barrier to development in a tumultuous economic climate. Ultimately, the Commission voted 4-2 to eliminate the Primary and Secondary Permitted Use distinctions proposed by staff, and instead combine these use categories into one list of permitted uses. Additional detail about the Primary/Secondary land use framework and the related ground-floor non-residential use requirement are described in greater detail below.

Primary/Secondary Land Use Framework

Prior to its removal, this land use framework would have required the incorporation of certain Primary non-residential uses in order to enable development of certain Secondary non-residential uses. This was intended as a means to prioritize and foster the South End's traditional arts and light manufacturing sectors and its burgeoning office sector. Primary uses included those staff and public input considered inherent to *planBTV's* vision for a South End Innovation District (e.g. arts, light manufacturing, community services and office space). Secondary uses were those that, while important to a vibrant, mixed-use district, are not intrinsic to the notion of "innovation," but rather are more general commercial uses. The Commission's recommendation to remove this framework reflects concern among some members that the Primary/Secondary distinction is unnecessary micromanagement and would ultimately require projects to incorporate uses that may not be viable.

Below are two example development programs that illustrate how the now-removed Primary/Secondary land use framework could have worked:

Example Development A

- 50,000 sf residential
- Primary Uses (1,000 square feet)
 - 1,000 sf artist studio(s)
- Secondary Uses (2,000 square feet)
 - 1,000 sf restaurant
 - 1,000 sf café

Example Development B

- 50,000 sf residential
- Primary Uses (30,000 square feet)
 - 15,000 sf office
 - 15,000 sf daycare
- Secondary Uses (60,000 square feet)
 - 30,000 sf hotel
 - 10,000 sf cinema
 - 5,000 sf pharmacy
 - 5,000 sf general retail
 - 5,000 sf general retail
 - 1,000 sf restaurant A
 - 1,000 sf restaurant B
 - 1,000 sf bar/tavern
 - 1,000 sf health studio
 - 500 sf café
 - 500 sf salon

With the simplification of this land use framework into one general set of allowable uses, developments could in theory incorporate only the mix of residential and secondary uses outlined in these examples. While not necessarily undesirable outcomes for development within the city, they may not be exemplary outcomes with regard to the primary intent of the Innovation District.

In revising the proposed land use framework consistent with the Planning Commission recommendation, there were several uses that had previously been proposed to be allowed as Secondary Uses that staff no longer recommends be allowed within this district. Additionally, the Council should discuss whether to allow hotels in this district. While limited to one per lot, this was an area of debate and discussion among the public and the Commission. With a simplified framework of allowed uses, staff feels this warrants additional consideration.

Ground Floor Non-Residential Uses in the SEID

The amendment proposes to require that at least 80 percent of a building's ground floor contain non-residential uses when on a "primary" block frontage, and 20 percent when on a "secondary" frontage. The amendment proposes to allow property owners to determine which block frontages are primary and secondary, with the only requirement being that at least one of a block's frontages must be primary. However, since initially presenting the draft amendment to the Commission in August, staff has acknowledged that high vacancy rates are a problem in mixed-use developments across the United States, and some recent local projects have similarly struggled to fill new ground floor commercial space. For this reason, staff included provisions that would exempt development from some or all of these ground floor non-residential use requirements in exchange for related community benefits, including open space, affordable non-residential space, detached non-residential space and family-sized (i.e. 2- and 3-bedroom units). While there were concerns about requiring an overabundance of non-viable non-residential space on the ground floor of buildings, the Commission ultimately agreed that this serves an important urban design function, and recommended these provisions remain. .

The Planning Commission's rationale for recommending against the Primary/Secondary use framework is captured in their accompanying memo. In light of the Commission's focus on ground floor non-residential use viability, the amendment's relationship to and furtherance of planBTV: South End's recommendations, and public input on priorities for land uses in this district, staff recommends that the City Council consider and discuss the various approaches to regulating land use that are outlined in the Commission's memo.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	---------------------------------

Purpose Statement

This amendment creates an Overlay Zone that applies to a portion of the South End Enterprise-Light Manufacturing zone, to facilitate the development of a mixed-use urban district that fosters the continued growth and sustainability of the South End's arts and innovation economy and also provides access to housing.

Proposed Amendments

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

- 1. Amends Article 4 – Zoning Maps and Districts to create a new South End Innovation District overlay within a portion of the Enterprise-Light Manufacturing District**

Creates a new Sec. 4.5.8 to establish an overlay district with a portion of the South End E-LM zone, including a map of parcels and specific zoning standards for development.

2. Creates specific regulations for land uses and urban form in the Overlay

Establishes standards for development within the proposed overlay, including:

- Land Use standards that allow for a range of residential and non-residential uses, including arts, innovation, office and other non-residential uses, as well as other district-supportive but non-essential commercial uses.
- Standards that govern lot coverage and ground floor uses in order to guide the development of a walkable, dense and human-scaled urban district.
- Standards that require buildings be close to streets and occupy the majority of a block's frontage, while providing a greater degree of flexibility than the downtown form code districts.
- Standards for building height which range from four up to eight stories, while limiting overall building size and requiring upper story variation to create a high quality and livable urban form that facilitates residential and economic growth.
- Parking standards that limit surface parking and guide the development of parking in a way that mitigates the negative impacts of car utilization.
- Requires that residential developments within the overlay comply with Inclusionary Housing standards in *Article 9*, including that a minimum of 15% of units meet affordability limits.

3. Amends Article 11 – Planned Development

Amends Sec. 11.1.3 to allow for Planned Unit Developments with the Enterprise-Light Manufacturing district.

4. Amends Article 13 - Definitions to define various terms

Amends and provides definitions for specific land uses, construction techniques, and stormwater management best practices to address questions and provide clarity for administration of the ordinance. New and amended definitions include:

- Amend definition of bowling alley
- Create definition for Block, Block Perimeter, Co-Housing, Constructed Wetland, Green Stormwater Management, Mass Timber Construction, Passive House, Perimeter Building, Pervious Pavement and Suspended Pavement

5. Amends Appendix A – Use Table to establish land use regulations within the E-ID

Amends the Use Table to make reference to district-specific land use standards contained within the proposed *Section 4.5.8.*, and adds Co-Housing.

Relationship to planBTV

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

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

Compatibility with Proposed Future Land Use & Density

The proposed overlay would implement a key land use policy adopted in 2019 with *planBTV: South End*, and amended through the 2021 *Housing Action Plan* which directed the city to explore the inclusion of housing.

The proposed amendment would, in the words of *planBTV South End*, "Reinforce and growth the South End as a center for innovative businesses and Institutions." However, in order to "expand the visibility of the arts district to preserve and enhance its vibrancy," the primary tools available within the proposed amendment to prioritize artist, maker and office spaces in this new district amount to exemptions from the proposed ground floor activation requirements, which may not be sufficient to facilitate this goal on their own.

Regarding density, the proposed amendment is consistent with and supports the 2021 Action Plan by proposing to allow dense, multifamily housing for the first time in the core of the South End. The proposed amendment guides development on largely undeveloped and underutilized land in a way that should create meaningful housing supply and contribute to the City's commitment to build significant amounts of housing by 2026.

Impact on Safe & Affordable Housing

The proposed amendment creates significant positive impacts toward the creation of affordable housing. Through the proposed Inclusionary Zoning standard, the overlay would facilitate potentially hundreds of units of affordable housing. As a center of the City's arts community, the Innovation District would also create affordable housing in an area where artists are increasingly unable to afford the rising costs of housing. Regarding safe housing, the proposed amendment seeks to create a vibrant urban mixed-use district that is accessible and supports the livelihoods of all residents.

Planned Community Facilities

The proposed amendment would cover a significant land area that includes important community facilities. In facilitating the redevelopment of large contaminated properties, the proposed amendment would support public and ecological health. Through its rigorous stormwater standards, the amendment would support the health of nearby waterbodies, including Englesby Brook, the Barge Canal and Lake Champlain. In terms of transportation, the overlay will guide development along the planned Champlain Parkway in a way that supports that facilities goal to create a more accessible transportation corridor in Burlington's South End. Furthermore, in promoting a dense, accessible urban form on currently inaccessible properties, the proposed amendment would improve the area's pedestrian and bicycle facilities in ways that are consistent with *planBTV* and *planBTV: South End*

Process Overview

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

Planning Commission Process				
Draft Amendment prepared by: Staff	Presentation to & discussion by Commission 8/23/22, 9/13/22, 9/27/22, 10/11/22, 1/10/23; 1/19/23, 1/24/23	Approve for Public Hearing	Public Hearing 11/15/2022, 12/13/2022	Approved & forwarded to Council 1/24/2023
City Council Process				
First Read & Referral to Ordinance Cmte 2/6/2023	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

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Emily Lee
Julia Randall*

To: Burlington City Council

From: Burlington Planning Commission

Date: January 30, 2023

RE: ZA-23-01 South End Innovation District Zoning Amendment

Overview

The creation of a South End Innovation District is a priority planning objective originating in *planBTV: South End*. The District intends to reinforce and grow the South End as a center for innovative businesses and institutions and expand and preserve the arts district through creating new space for artists and employees in the area to live and work. Notably, while *planBTV: South End* did not recommend that residential uses be permitted in the District, a worsening housing crisis has precipitated both a Mayoral initiative to expand housing choices and supply in the South End and a demonstrable shift in community support for housing in the area of the South End proposed to be rezoned for the South End Innovation District.

Since late spring, 2022, Planning staff has managed the drafting of this zoning amendment, including engagement with the general public and a core group of stakeholders that includes property owners and arts advocates. The amendment addresses both the urban form of the District and the land uses that will be permitted. Regarding the latter, the Planning Commission ultimately voted 4-2 to recommend a simplified land use framework, relative to that initially proposed by staff. The Commission's recommendation to remove this framework reflects concern among some members that the Primary/Secondary distinction is unnecessary micromanagement and would ultimately require projects to incorporate uses that may not be viable. Additional information regarding the initially-proposed two-tier land use framework is provided below.

The simplification of this land use framework into one general set of allowable uses will allow developments to incorporate only the mix of residential and secondary uses. While not necessarily exemplary outcomes with regard to the primary intent of the Innovation District, the recommended land use framework achieves the goal of facilitating much-needed housing development in the South End Innovation District.

Alternative Approaches

The proposed land use framework is an aspect of the proposed amendment that the Commission debated. While the Planning Commission recommends the above land use approach as a tool to facilitate needed housing development, the following approaches were also debated by the Commission and should be considered during the Council's deliberations as well:

1. Revert to the initial two-tier land use framework

The amendment initially sought to balance the community objective to foster an arts and innovation economy in the South End with the need to create a convenient and amenity-rich neighborhood that will be home to hundreds of households. That balance was reflected in a land use framework that would have established two categories of permitted uses as outlined below:

- Primary Permitted Uses are those that reflect the core intent of the District as laid out in *planBTV: South End* and include all uses that encapsulate the range of arts, light manufacturing and office activities envisioned in the Innovation District. Primary uses also include a range of commercial and service uses that are considered intrinsic to successful urban neighborhoods (e.g. daycare, medical offices, bicycle sales and repair, and bakeries). Residential uses supportive of a dense, multifamily district are considered Primary Permitted Uses as well. For a full list of Primary Permitted Uses, see below.

- Secondary Permitted Uses are those that, while supportive of and even necessary to a vibrant urban neighborhood, are not considered intrinsic to the intent of the South End Innovation District, which should prioritize space for business, arts and innovation uses. Secondary uses include service uses (e.g. pharmacy, laundromat, salon/spa, animal hospital/veterinarian's office and medical/dental offices), amenities (e.g. café, restaurant, bar/tavern), and larger format hospitality uses (e.g. hotel, museum). For a full list of Secondary Permitted Uses, see below.

The now-removed two-tier land use framework would have allowed for Secondary Permitted Uses at a rate of two square feet for every one square foot of those Primary Permitted uses. For example, in order to permit a 5,000 square foot restaurant use, a developer would first need to provide 2,500 square feet of Primary Permitted uses. Furthermore, all such uses would be allowed to be distributed throughout lots existing as of January 1, 2023, to allow for phasing and fair distribution of land uses throughout the district. This latter provision is necessary in light of future subdivision that could occur in the South End Innovation District, due to today's large lot sizes and proposed dimensional standards.

It should be noted that some Commissioners and South End property owners expressed a concern that the Primary/Secondary framework was overly prescriptive as first proposed. In response, the framework was revised to allow a 2:1 ratio of Secondary uses to Primary uses, where the original proposal established a 1:1 ratio, and to allow the mix of uses through a master plan process prior to a lot's subdivision.

Initially Proposed South End Innovation District Land Use Approach

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
Residential¹	
Assisted Living	Dormitory
Attached Dwellings - Multi-Family	
Co-Housing	
Convalescent/Nursing Home	
Emergency Shelter	
Group Home	
Non-Residential	
Art Gallery/Studio	Animal Grooming
Adult Day Care	Animal Hospital/Veterinarian's Office
Agricultural Use	Appliance Sales/Service
Bakery	Bank/Credit Union
Bicycle Sales/Repair	Bar/Tavern
Community Center	Beauty/Barber Shop
Community Garden	Billiard Parlor
Daycare	Boat Repair/Service
Grocery Store ≤ 10,000 sf	Boat Sales/Rentals
Library	Bowling Alley
Manufacturing - Light	Building Material Sales
Office - General	Cafe
Office - Technical	Cinema
Open Air Markets	Convenience Store
Park	Crisis Counseling Center
Parking Garage ³	Dry Cleaning Service
Parking Lot ³	Film Studio
Performing Arts Studio	Fire Station
Photo Studio	Food & Beverage Processing

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
Photography Lab	Garden Supply Store
Printing Plant	General Merchandise/Retail - Large $\geq 10,000$ sf
Printing Shop	General Merchandise/Retail - Small $\leq 10,000$ sf
Public Transit Terminal	Health Club
Public Works Yard/Garage	Health Studio
Radio & TV Studio	Hotel ²
Recording Studio	Laundromat
Research & Development Facility	Mental Health Crisis Center
Research Lab	Museum – Large $\geq 10,000$ sf
School – Post-Secondary and CC	Museum – Small $\leq 10,000$ sf
School - Preschool	Office – Medical/Dental
School - Primary	Performing Arts Center
School - Secondary	Pet Store
School – Trade, or Professional	Pharmacy
	Place of Worship
	Recreational Facility - Indoor
	Recreational Facility - Outdoor
	Restaurant
	Restaurant – Take Out
	Salon/Spa
	Tailor Shop

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

2. Minor revisions to Primary & Secondary Uses

If there are specific uses that are of particular interest to allow that are currently limited to Secondary uses, such uses could be moved to the Primary use category. Some commissioners discussed the merit of this approach, however staff ultimately determined that this approach would weaken the ordinance's ability to prioritize the arts and innovation intent of the South End Innovation District. Further, given the decision to alter the ratio to facilitate development of those secondary uses, staff feels it is unnecessary to move individual uses from the secondary to primary category.

3. Consider mix of uses at the district level instead of on individual lots

A suggestion was made to balance the considerations by ensuring a mix of uses across the entire SEID instead of on a lot-by-lot basis. While this could allow for the greatest flexibility in a mixed use district, the legality of such an approach would need to be further researched. Additionally, staff has recommended against approaches like this because they are difficult to administer, and limits what is legally permitted on a lot based on what has already been permitted on a nearby lot.

South End Innovation District

*City Council
February 06, 2023*



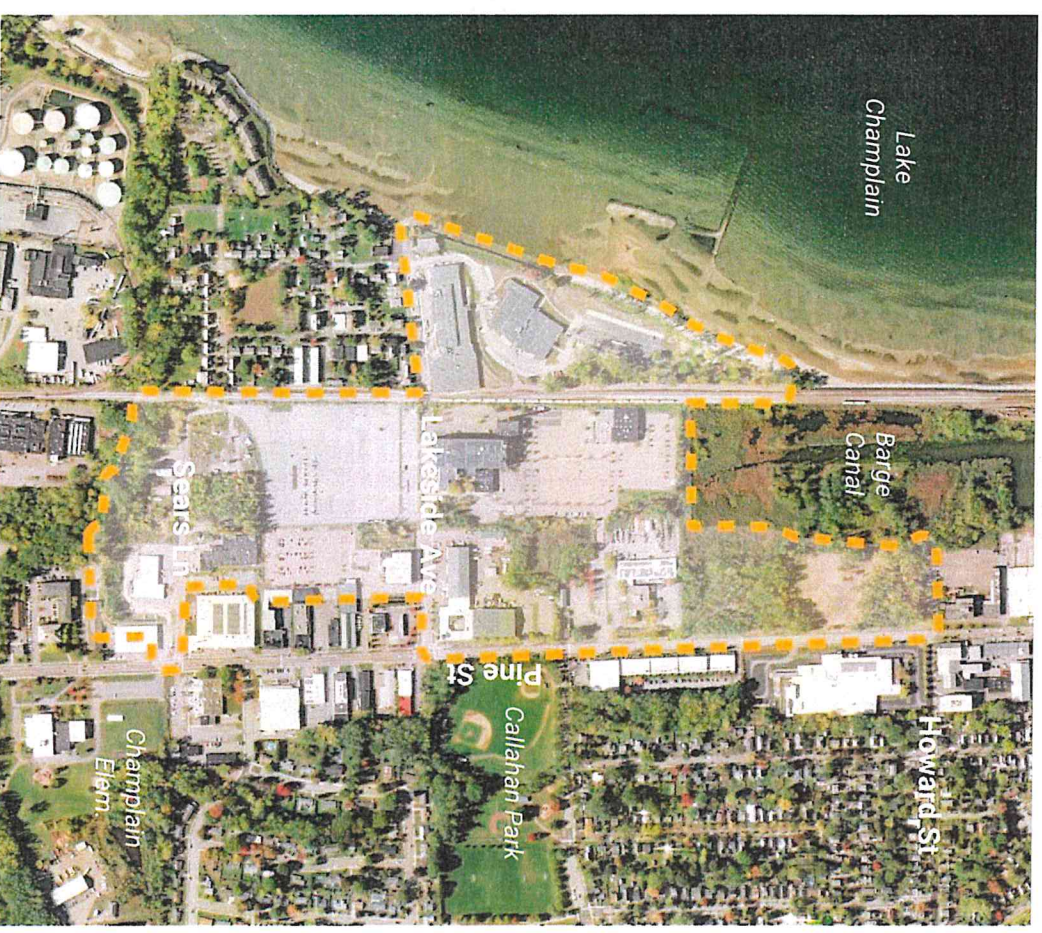
Meagan Tuttle, Director of Planning
Charles Dillard, Principal Planner

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

Potential Innovation District

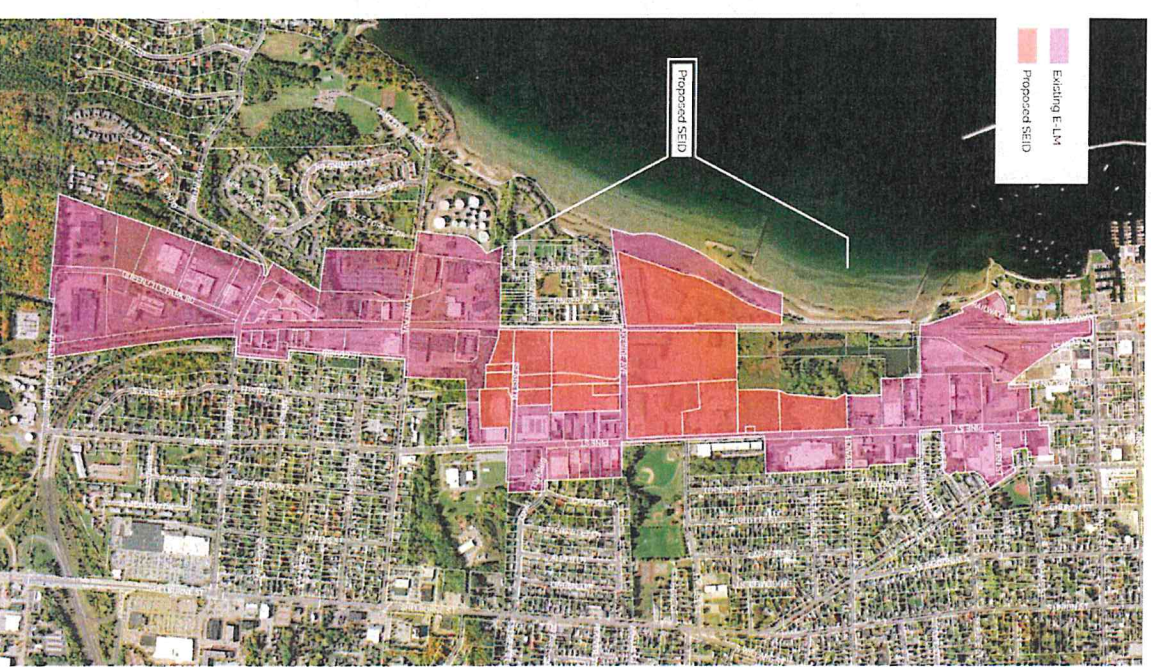


SEID within the Enterprise District

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



December Recap

- Where is housing allowed and how does the amendment preserve existing character?
- Will taller buildings lead to more housing, including affordable and market rate? Can a lower height limit produce similar development potential?
- How many units and how much commercial space does the amendment create?
- How does the amendment address sustainable landscape and building design?
- How can the City encourage ownership opportunities, rather than rental-only dev?
- What is the economic condition of the remainder of the E-LM district and how can the City preserve industrial space in the South End?
- What is the boundary and why is it proposed as is?

Recent Discussion Topics – Land Use

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)

Recent Discussion Topics – Land Use

Planning Commission Proposal

Permitted

All uses allowed “as-of-right”

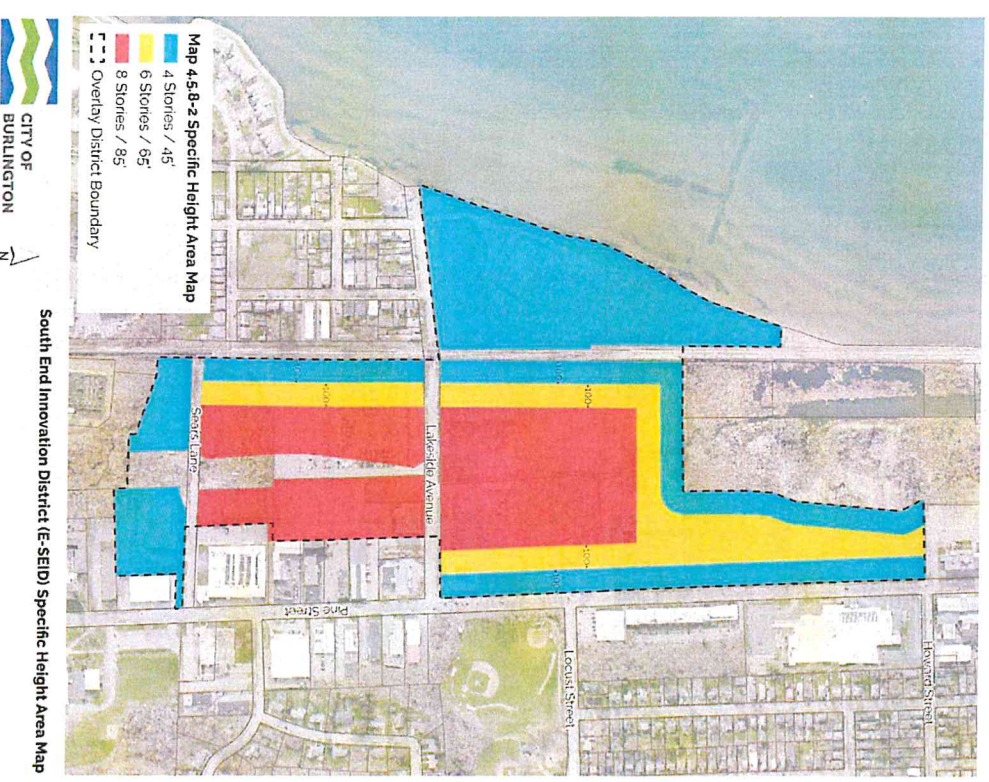
Residential (multi-family and other)	Arts/Making	Office	Community
Convenience + Service		Entertainment + Amenity + Hotel	

Not Permitted

Heavy Manufacturing + Logistics + Other	Residential (single family and other)
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Recent Discussion Topics – Building Height and Bulk

- Building height is regulated based on location
- Bulk is regulated through maximum floor plate standards and Floor Area Ratio
- Floors 7 and 8, where permitted are limited to smaller floor plates



Recent Discussion Topics – Building Height and Bulk

- Height recommendations based on the following:
 - Community input
 - Contemporary best practice
 - Interplay with other bulk and urban form standards to create highly walkable and ecologically-sensitive district

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?

4 Stories

Have other thoughts? Tell us here with a Post-It Note

6 Stories

Have other thoughts? Tell us here with a Post-It Note

8 Stories

Have other thoughts? Tell us here with a Post-It Note

A mix of 4/6/8 Stories

Have other thoughts? Tell us here with a Post-It Note

South End Innovation District

*City Council Ordinance Committee
April 19, 2023*



Meagan Tuttle, Director of Planning
Charles Dillard, Principal Planner

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

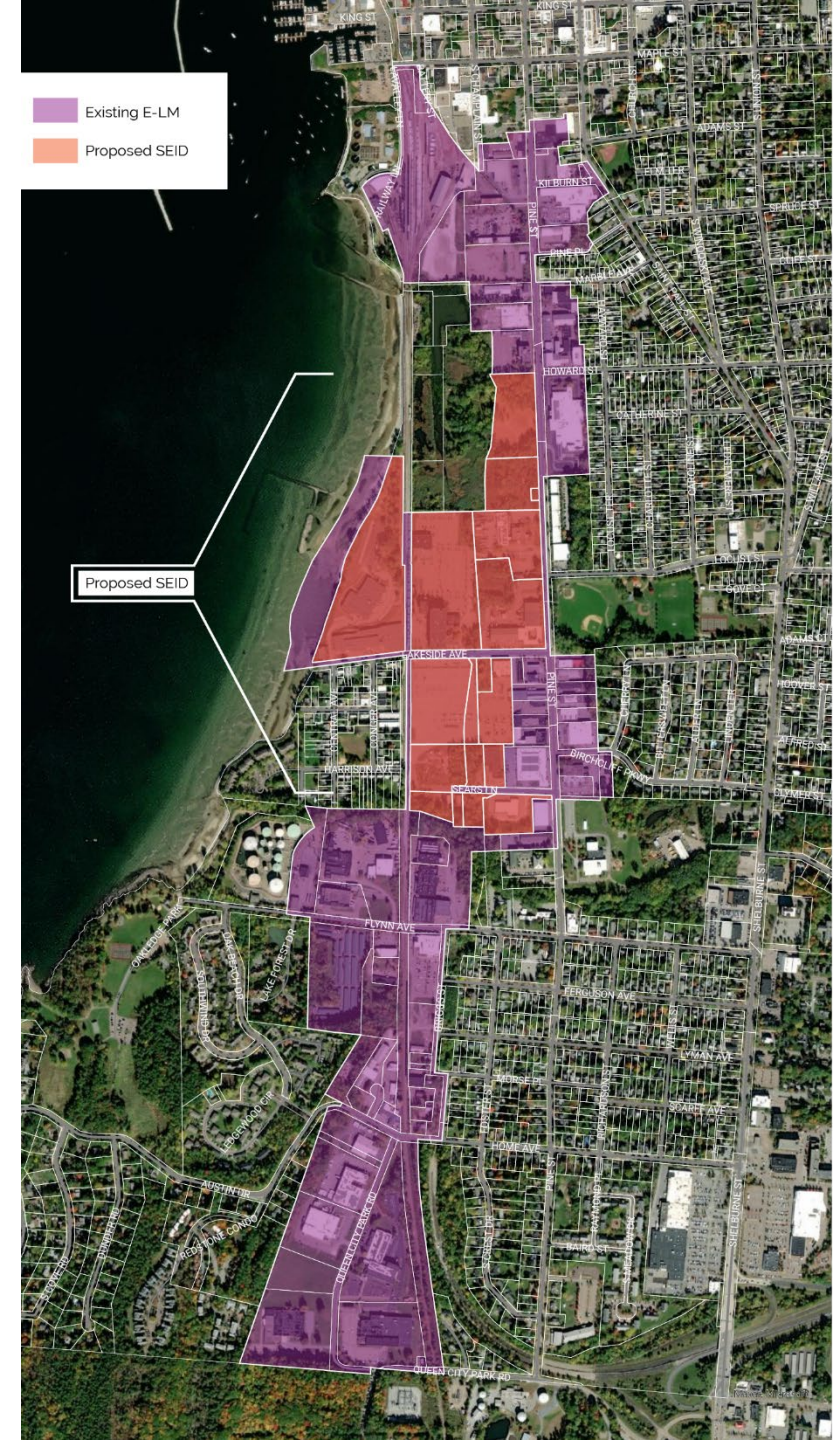


District Boundary

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?

	Stickers go here!	Other thoughts? Tell us here with a Post-It Note
4 Stories	This example block would have between 100 - 200 new homes, along with community spaces, shops, and offices.	
6 Stories	This example block would have between 270 - 370 new homes, along with community spaces, shops, and offices.	
8 Stories	This example block would have between 320 - 520 new homes, along with community spaces, shops, and offices.	
A mix of 4/6/8 Stories	This example block would have between 225 - 325 new homes, along with community spaces, shops, and offices.	

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

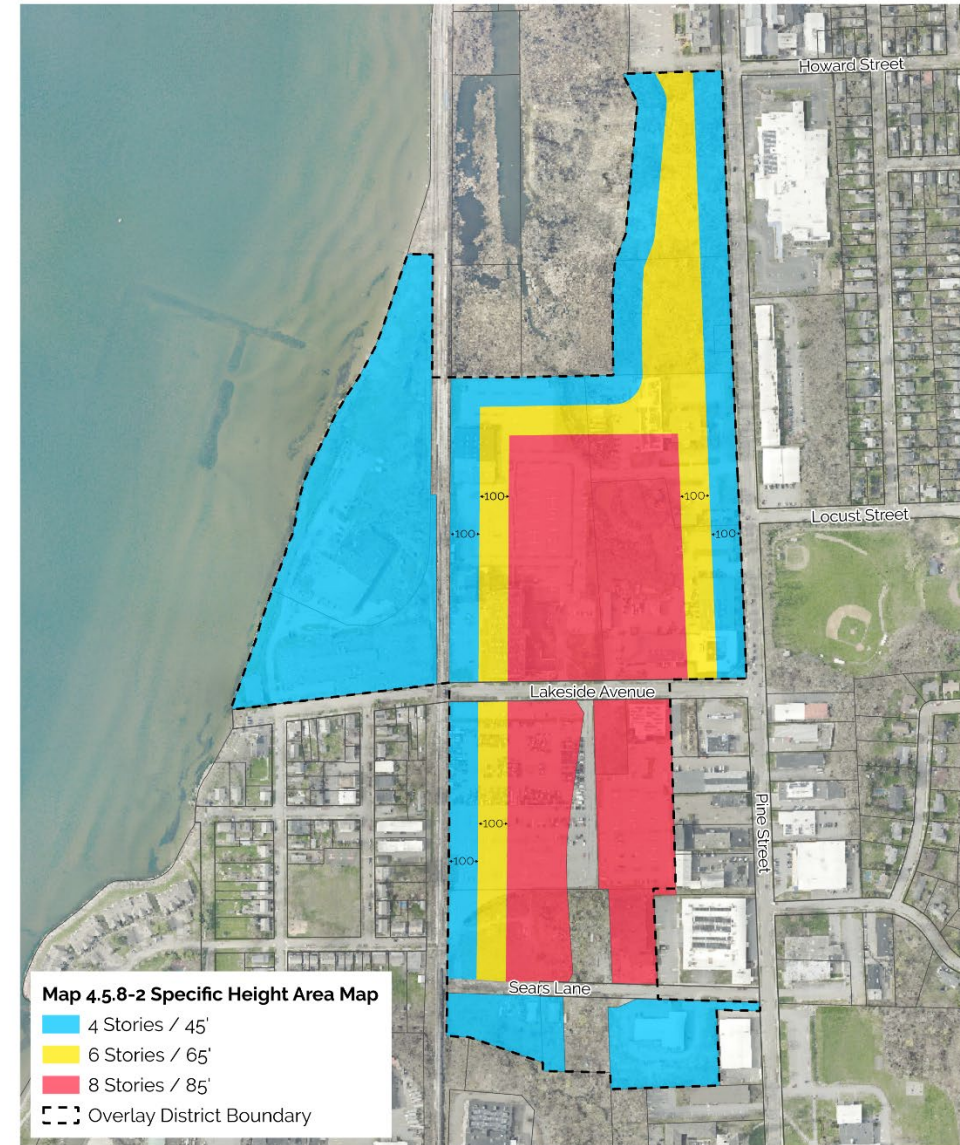
“Development shall preserve distant terminal views of Lake Champlain and the Adirondack Mountains and **important public and cultural landmarks from public places and along east-west public rights-of-way to the extent practicable. This shall not be construed to include similar views from exclusively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

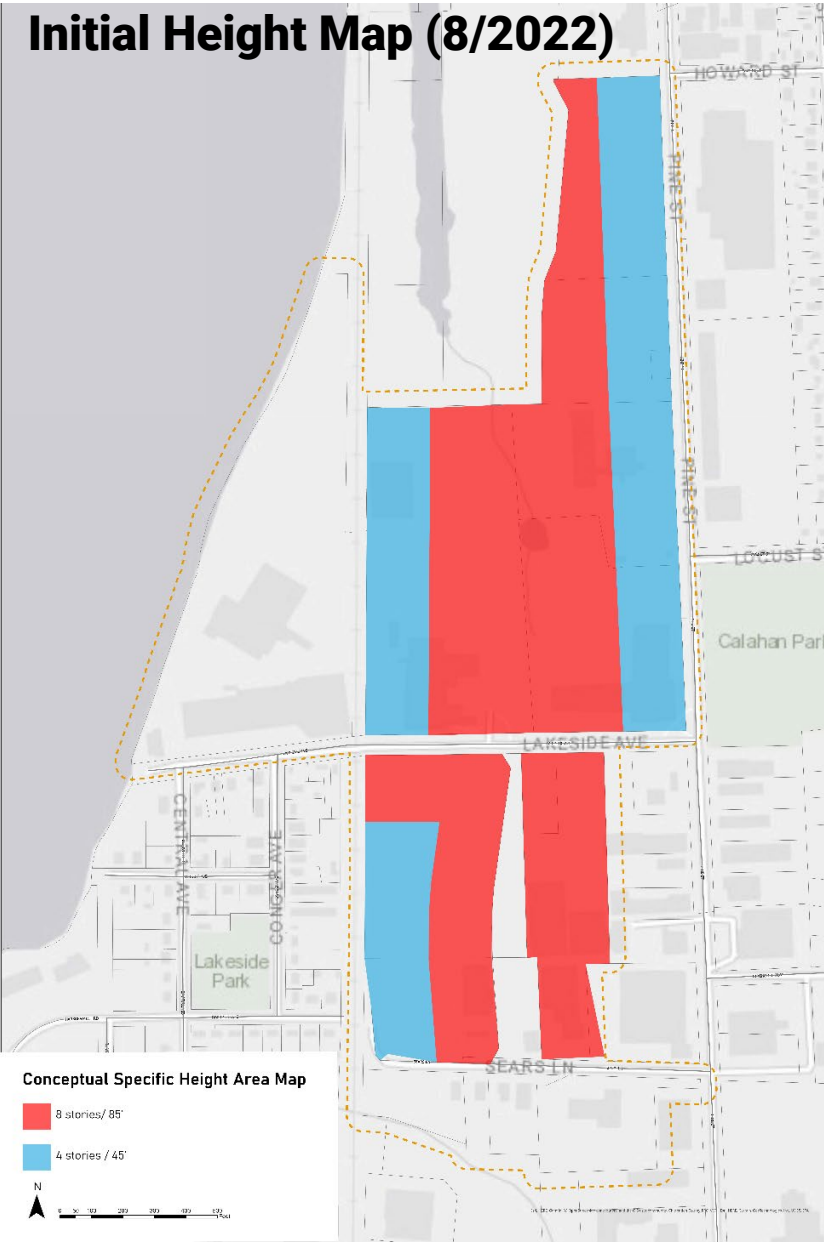
Staff recommends the following:

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

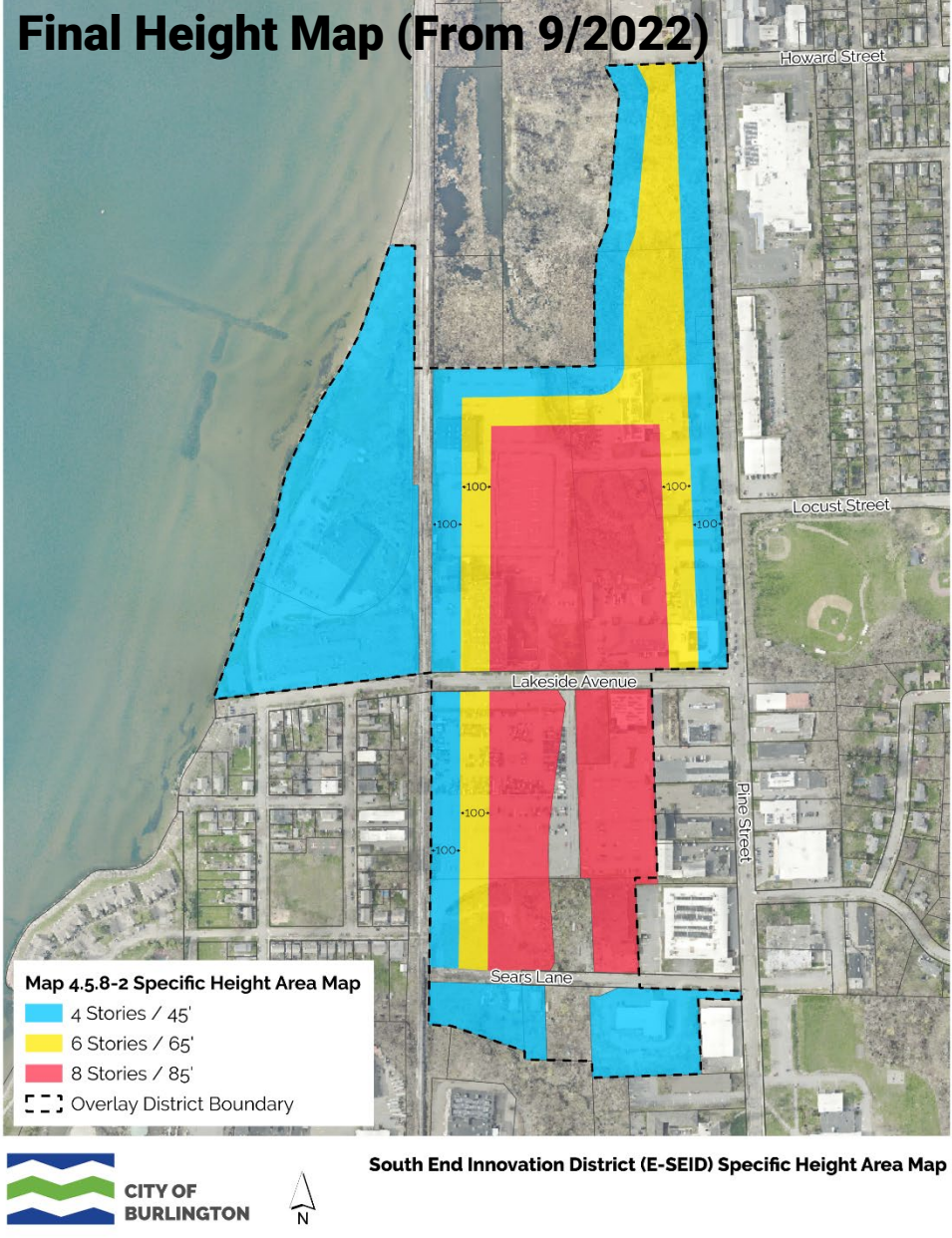


Building Height – PC Evolution

Initial Height Map (8/2022)



Final Height Map (From 9/2022)



Building Height and Livability/Community



View north through center of
125 Lakeside Avenue



View west from New World Tortilla



View southwest from Pine Street and Locust St.



Building Height – view NW



Building Height – view west



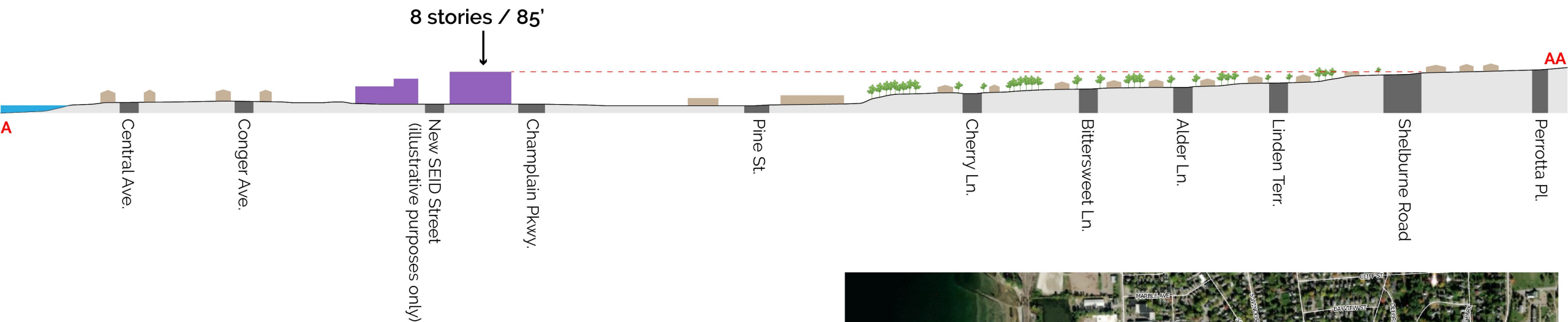
Building Height – view south



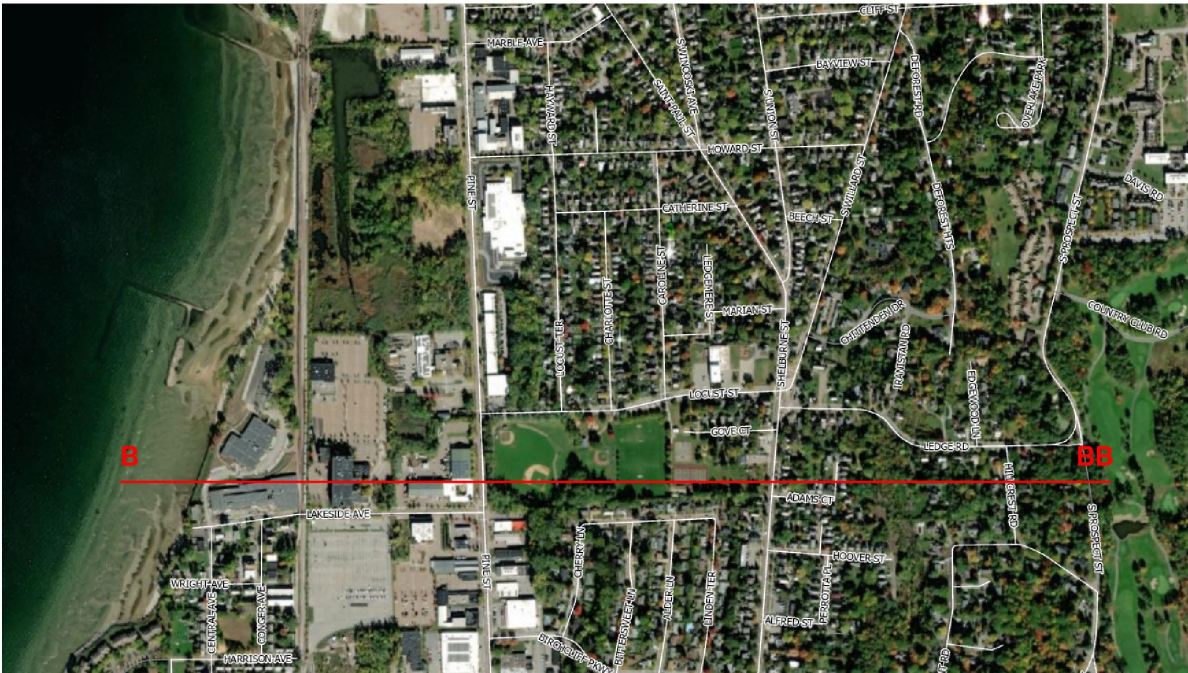
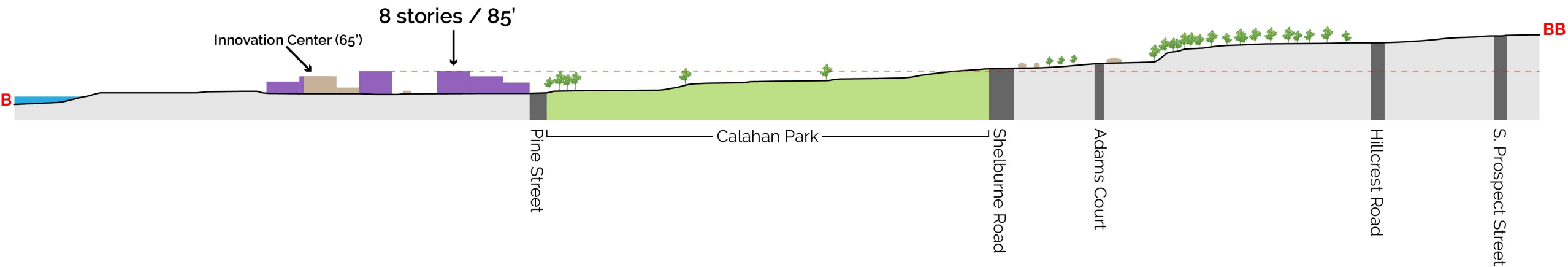
Building Height – view east



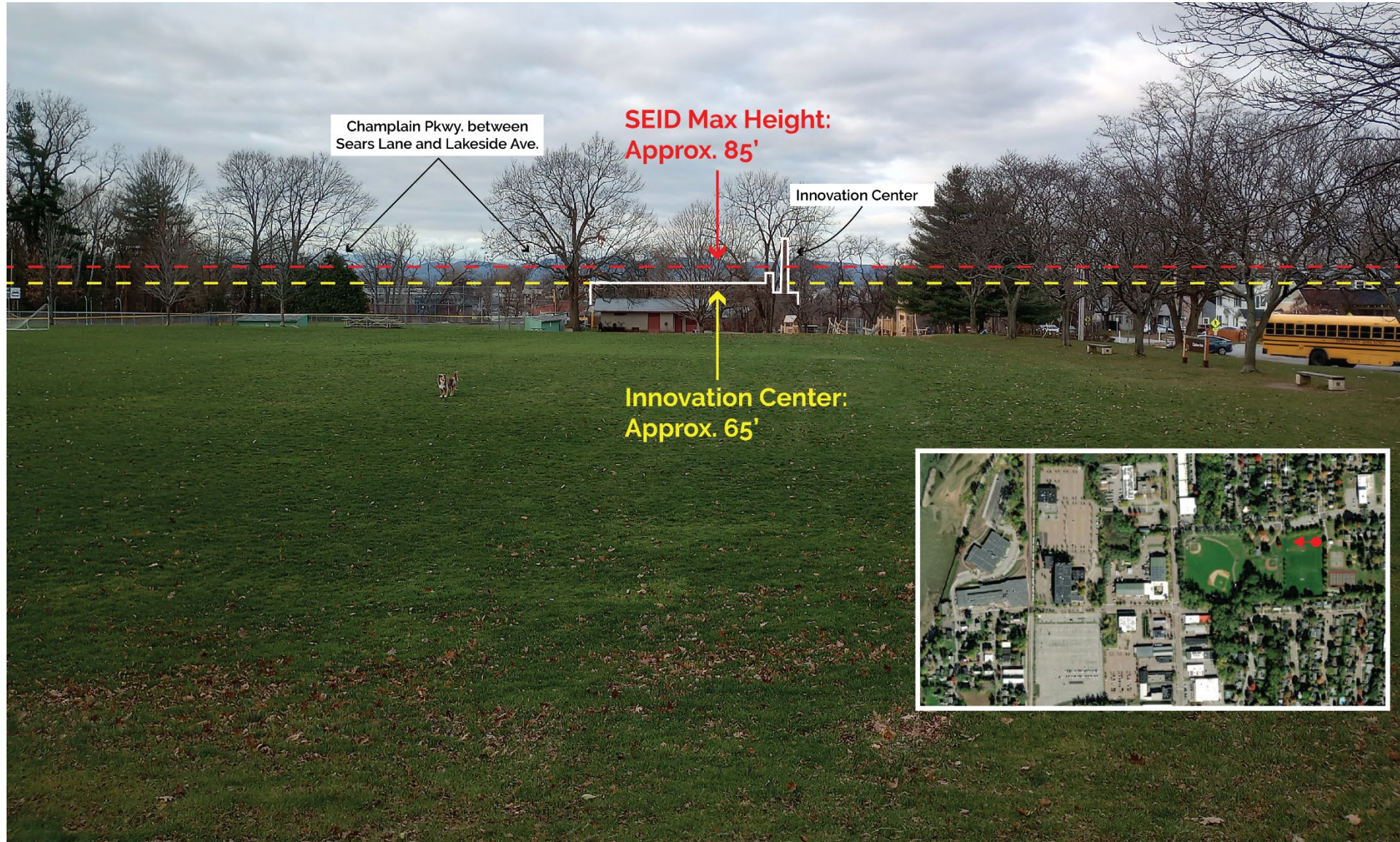
Building Height and Lake View Impacts



Building Height and Lake View Impacts



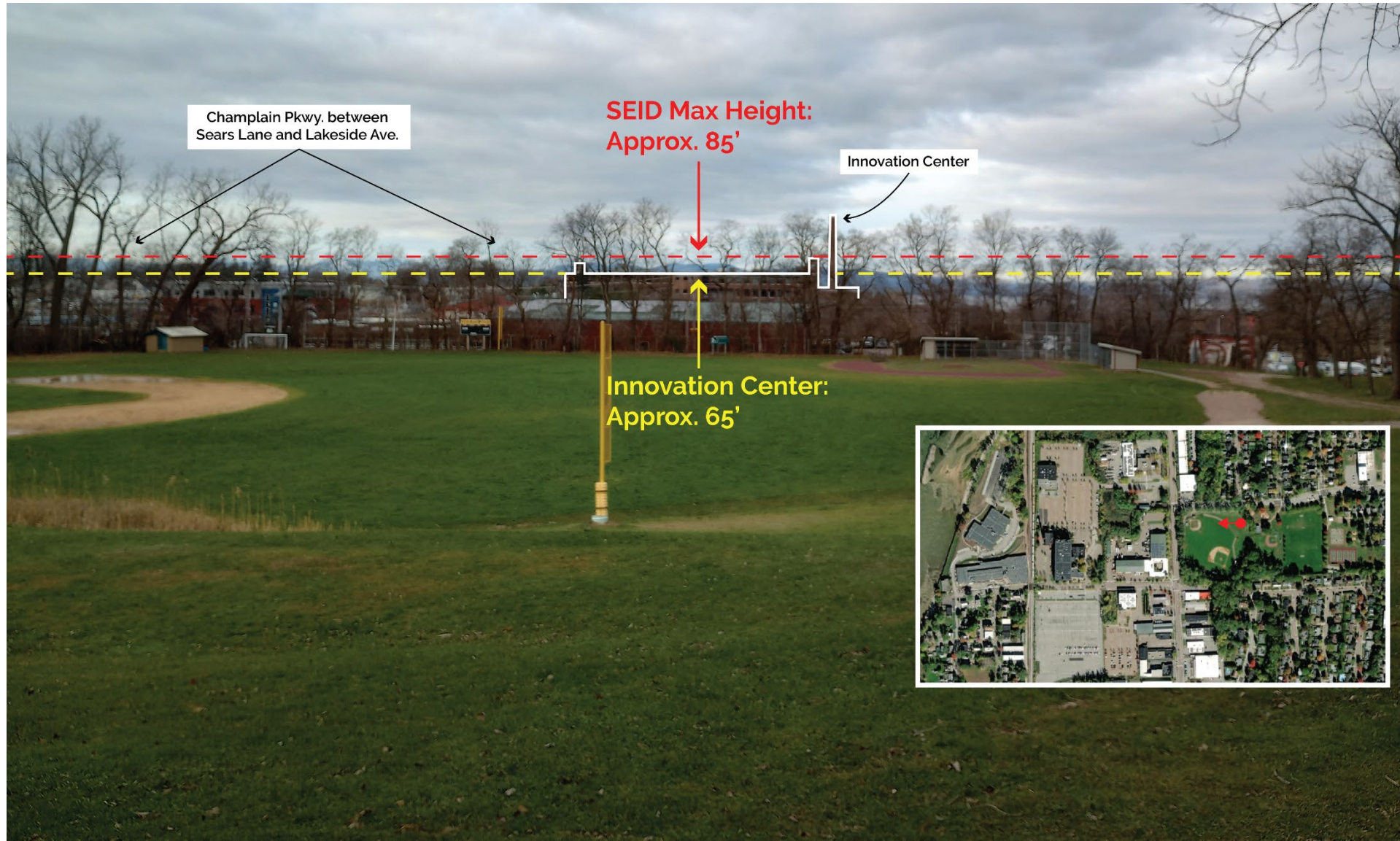
Building Height and Lake View Impacts



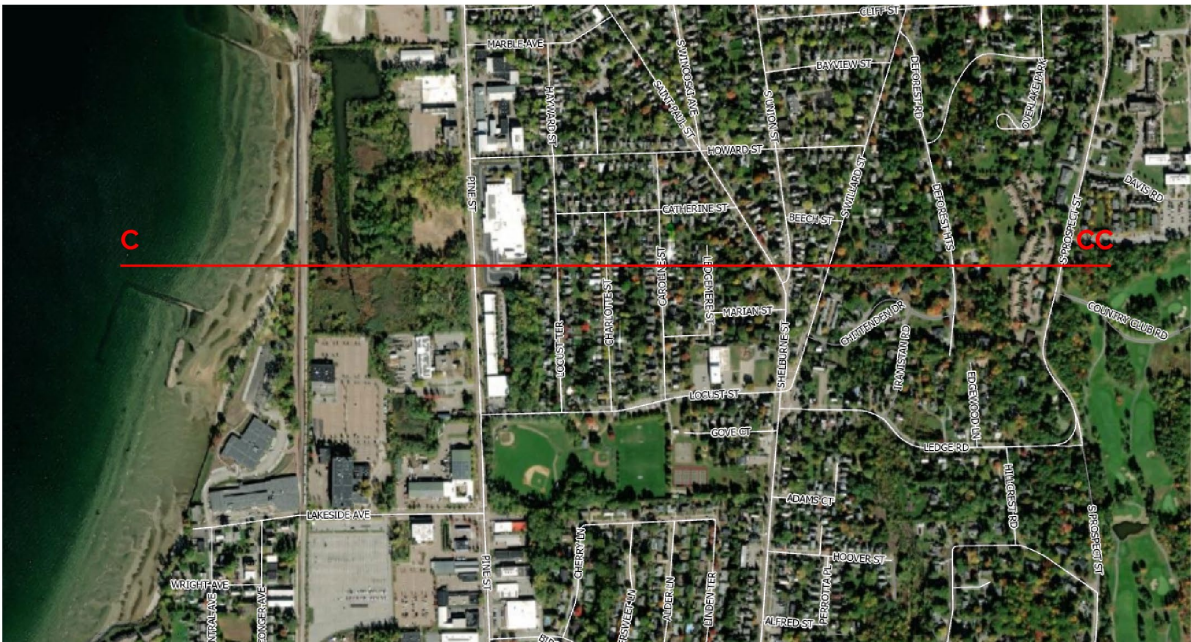
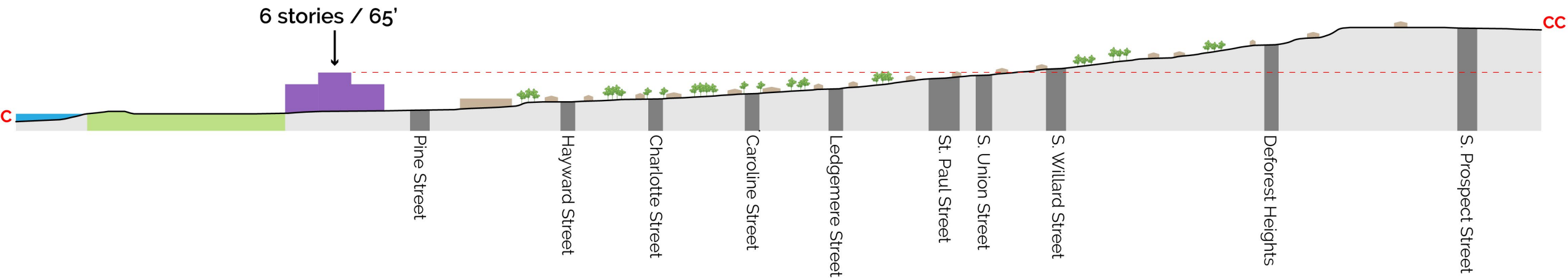
Building Height and Lake View Impacts



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)

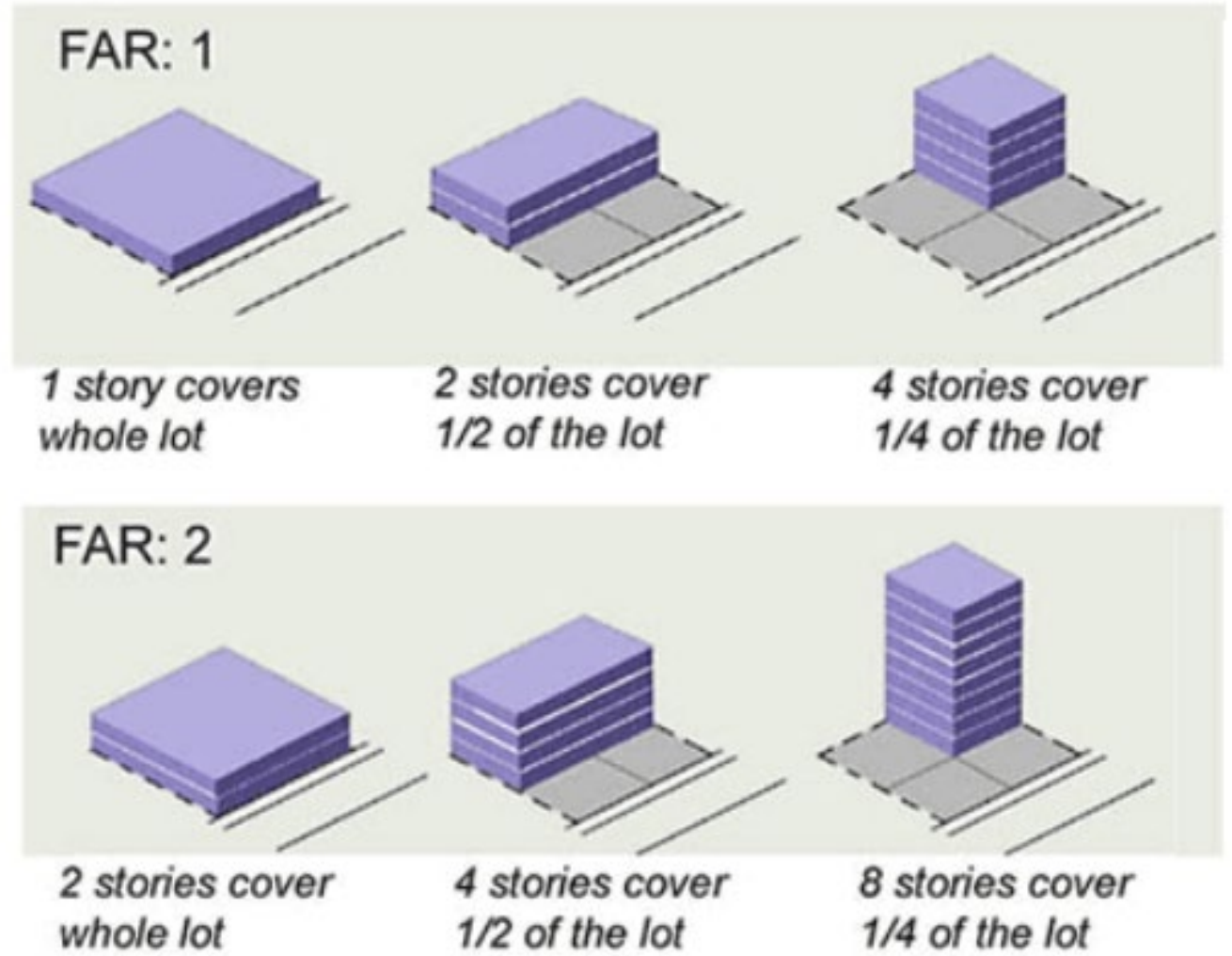
Rationale: Taller buildings should be limited in bulk to create an appropriate mix of building heights and avoid excessive shadows on the public realm. It should be noted that shade is often desirable in warmer months.



Floor Area Ratio (FAR)

CDO Floor Area Ratio definition:

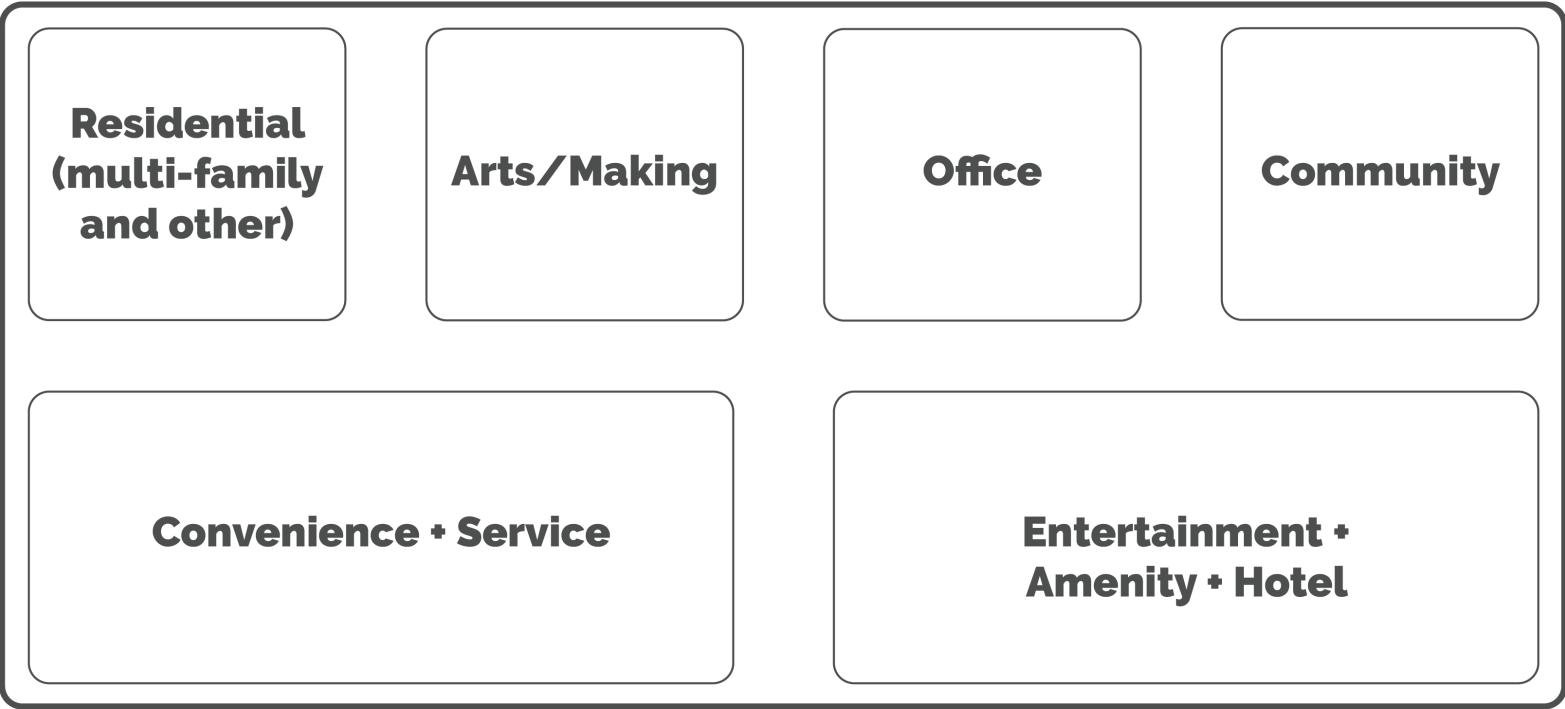
“In accordance with the district-specific provisions of Article 4 where the intensity of development is measured on a floor area ratio basis, the calculation of development intensity shall be measured by dividing the **gross floor area** of all structures on a site, or portion of the site where split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



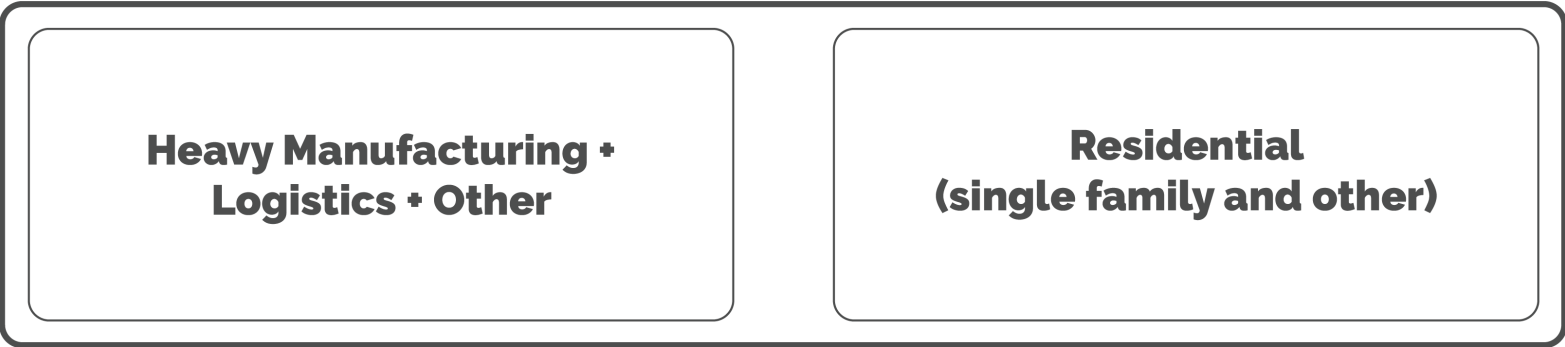
Land Use Framework

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

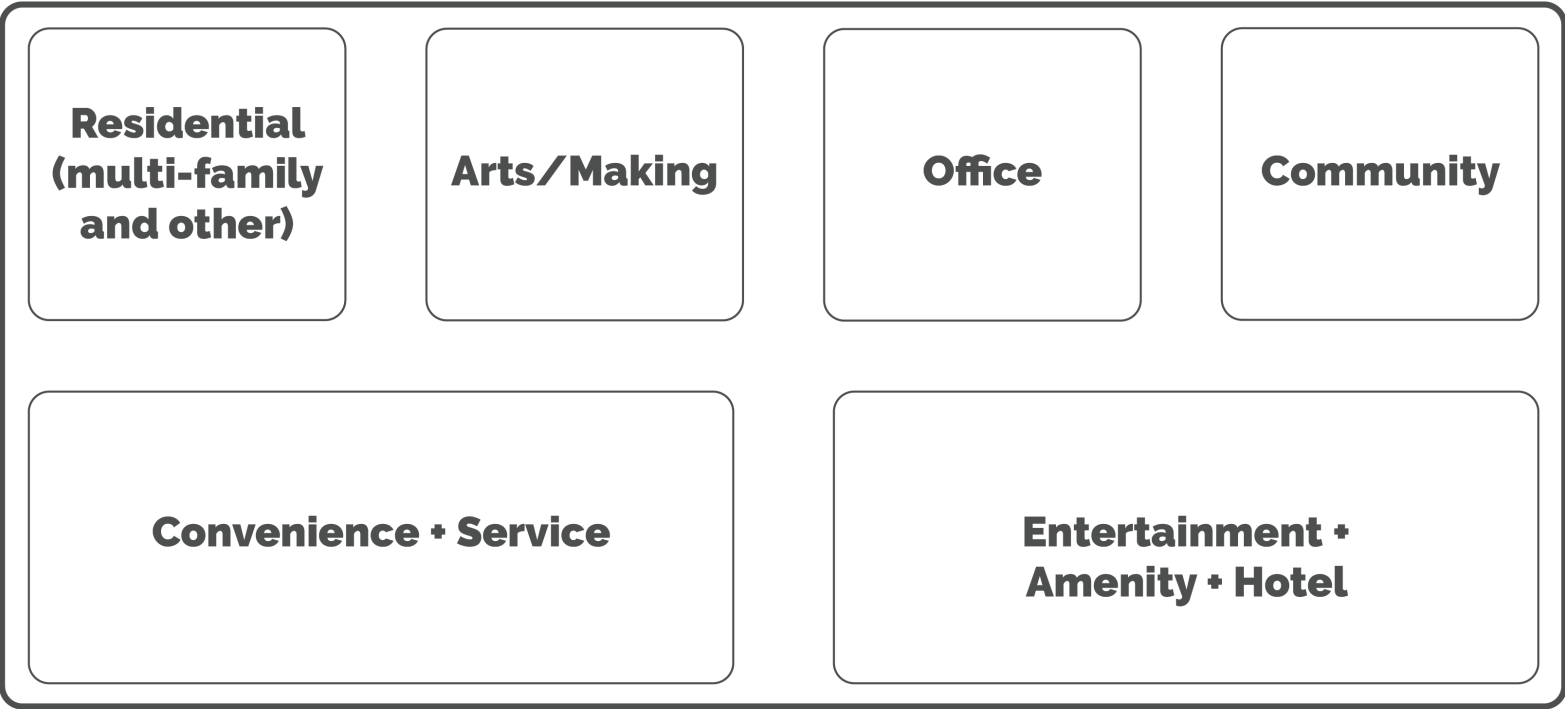
Land Use

+

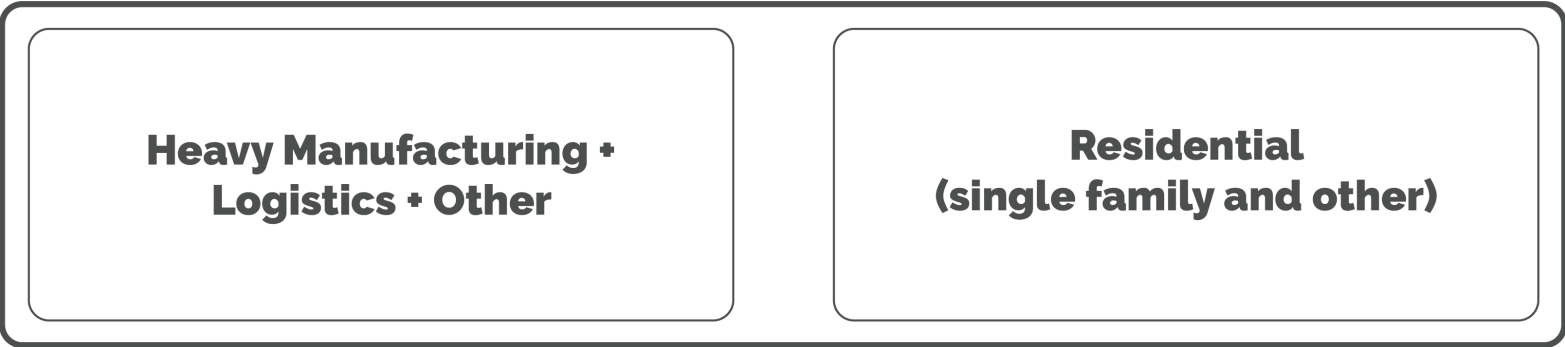
Urban Form Standards

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

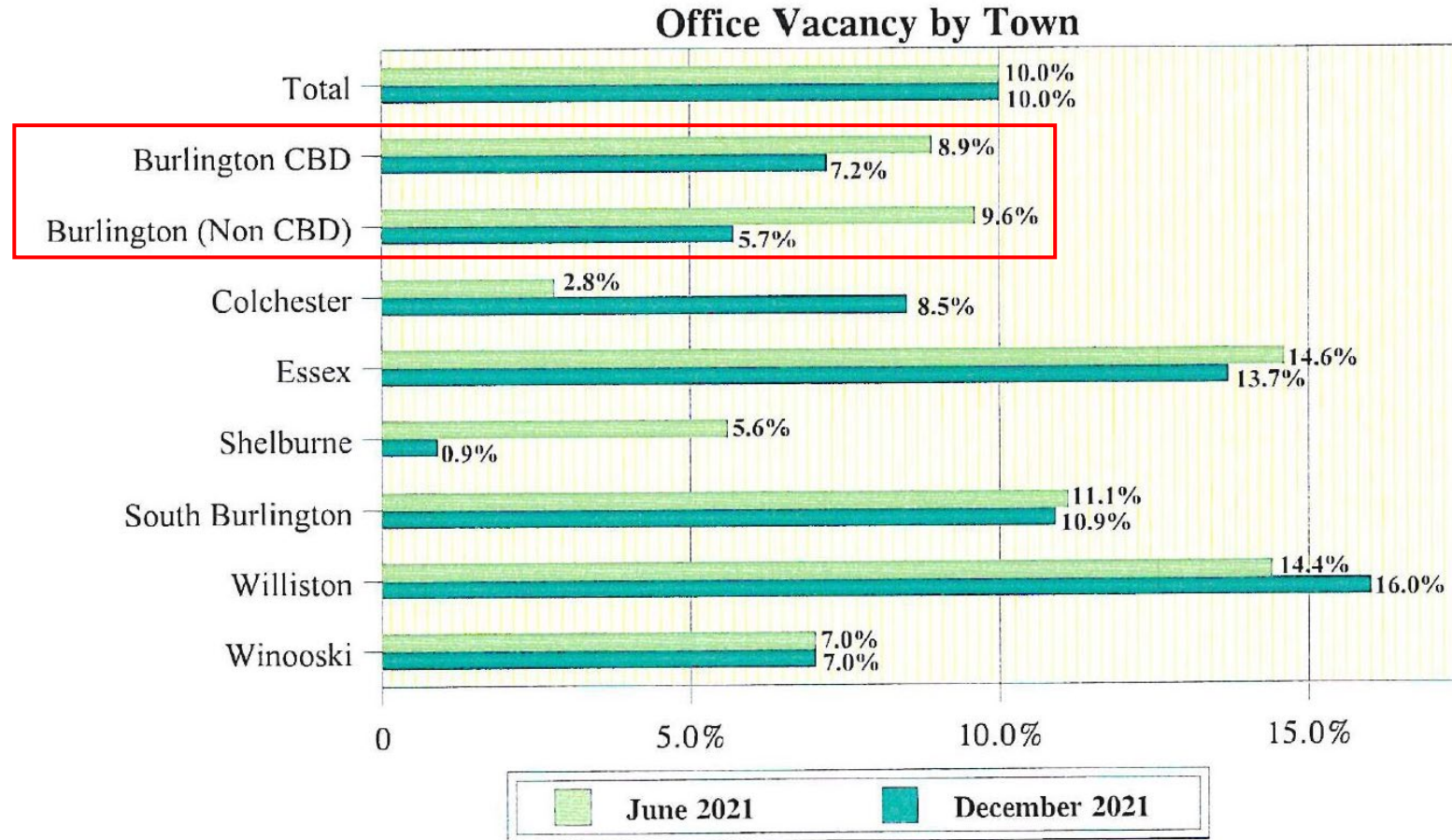
Research Lab

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.

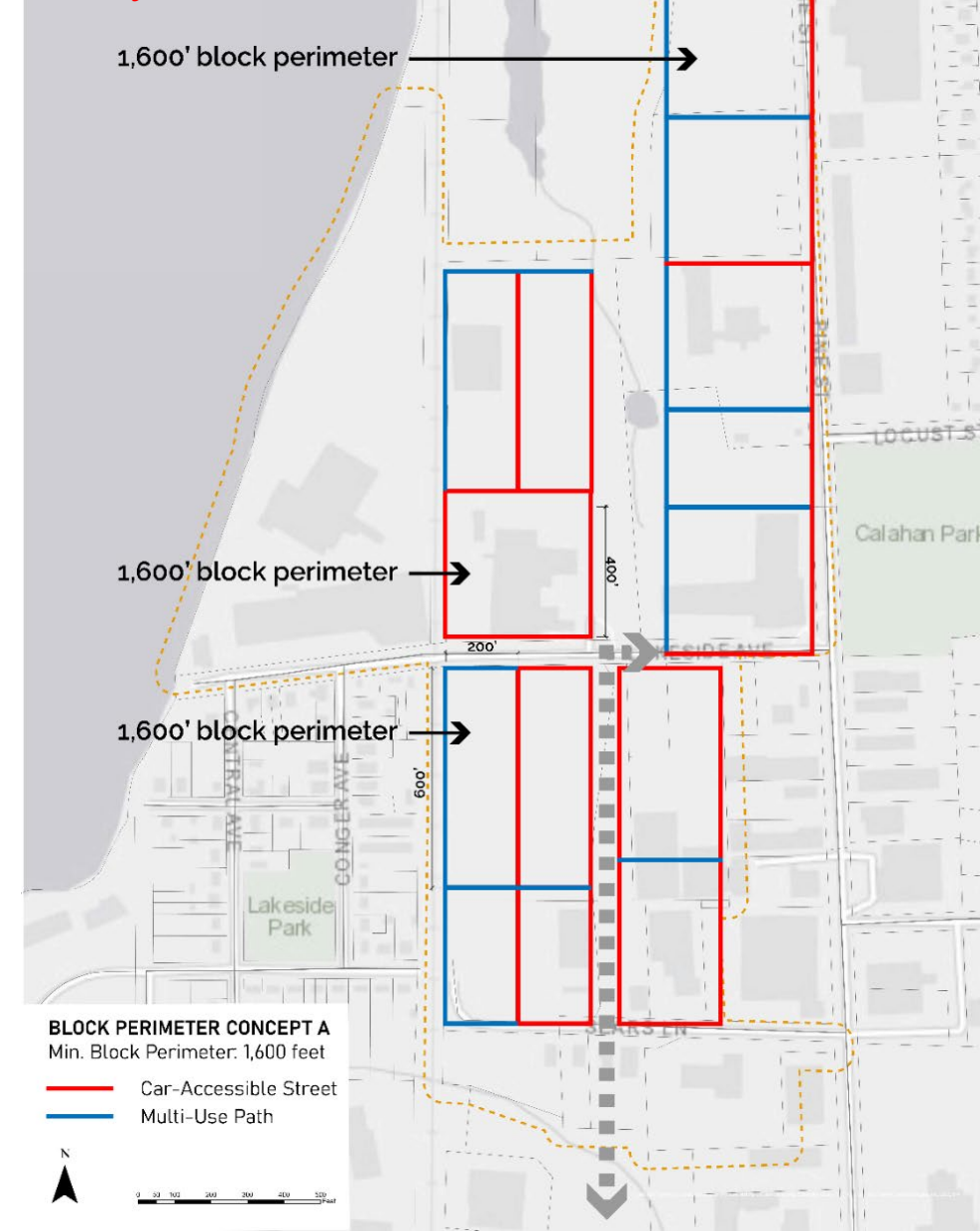
Streets and Traffic

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.

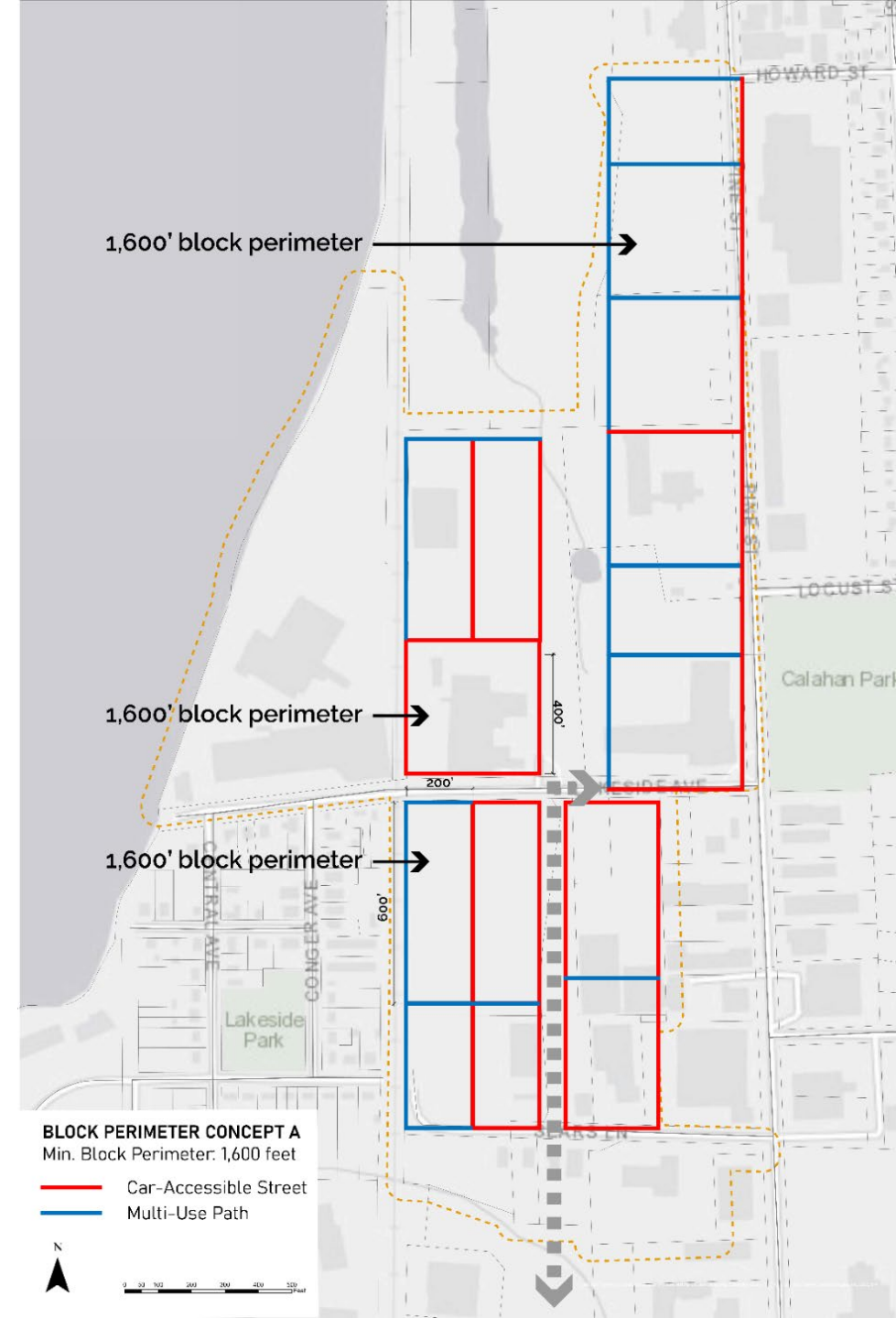
**for illustrative purposes only and not an endorsement or depiction of any block scenario*



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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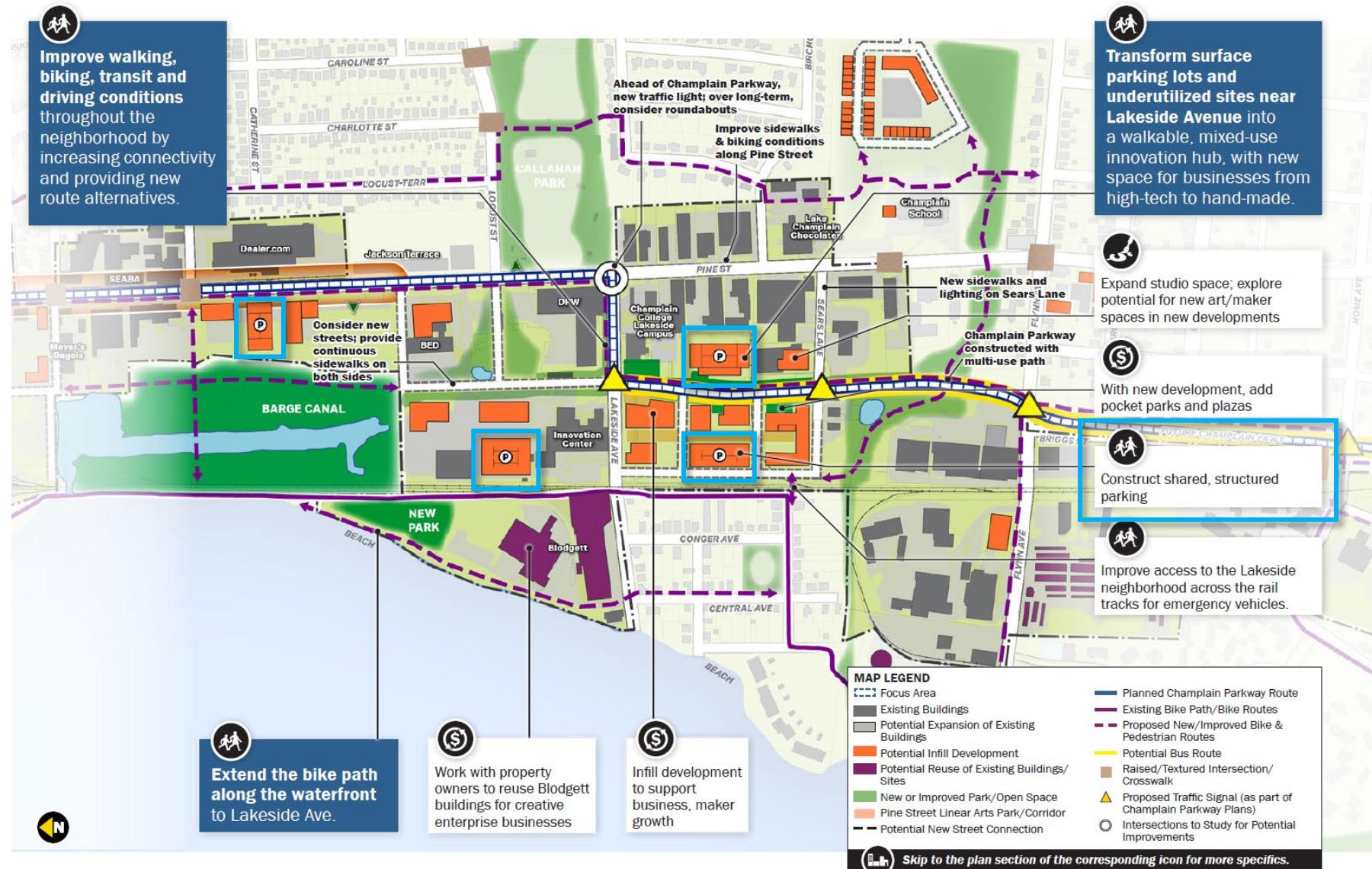


Parking Approach

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

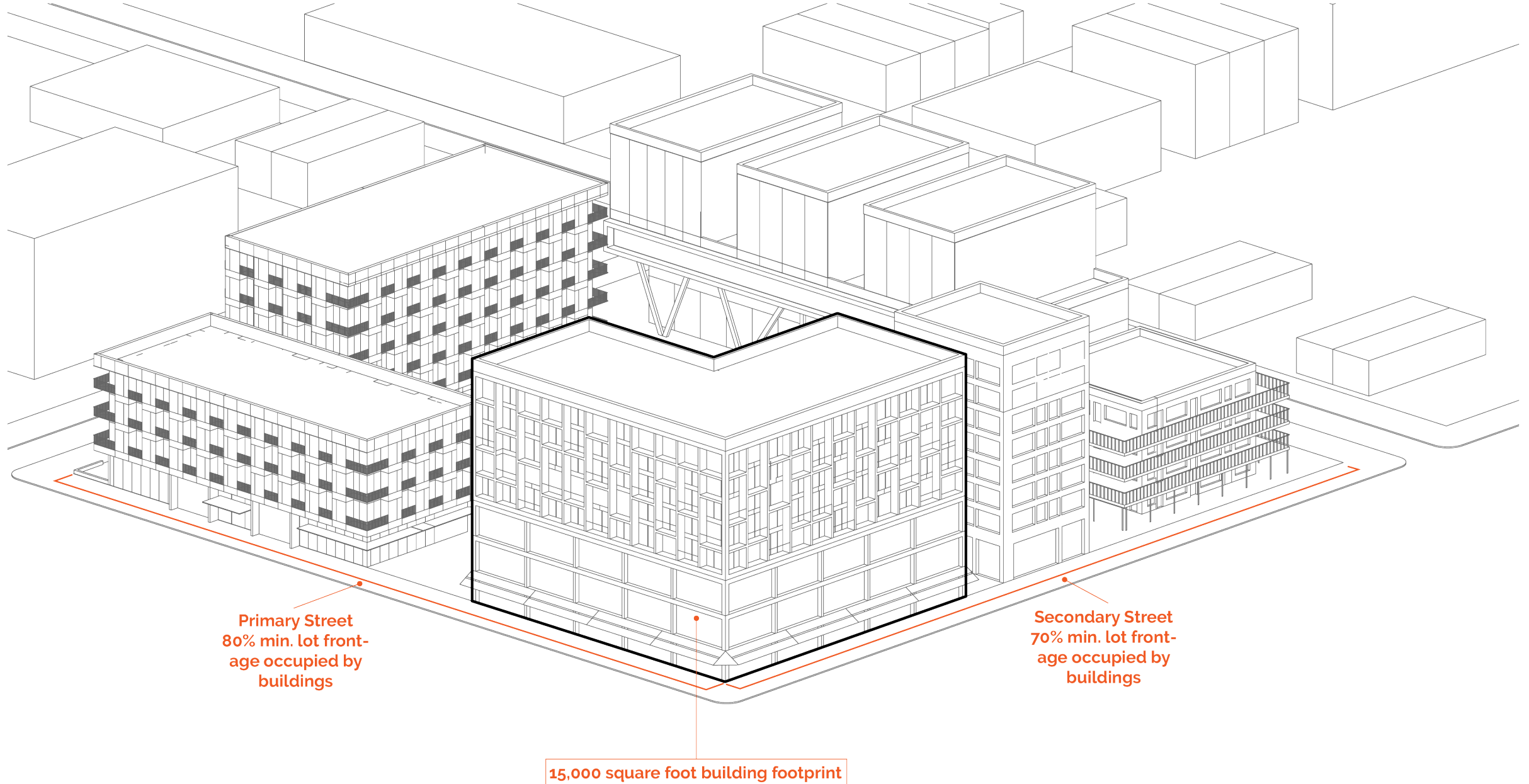
Proposal: Frontage requirements are established by the Frontage Standards Map street hierarchy:

- **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.

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TOWNS**

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Understanding Urban Retail Vacancy

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By [Jen 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.

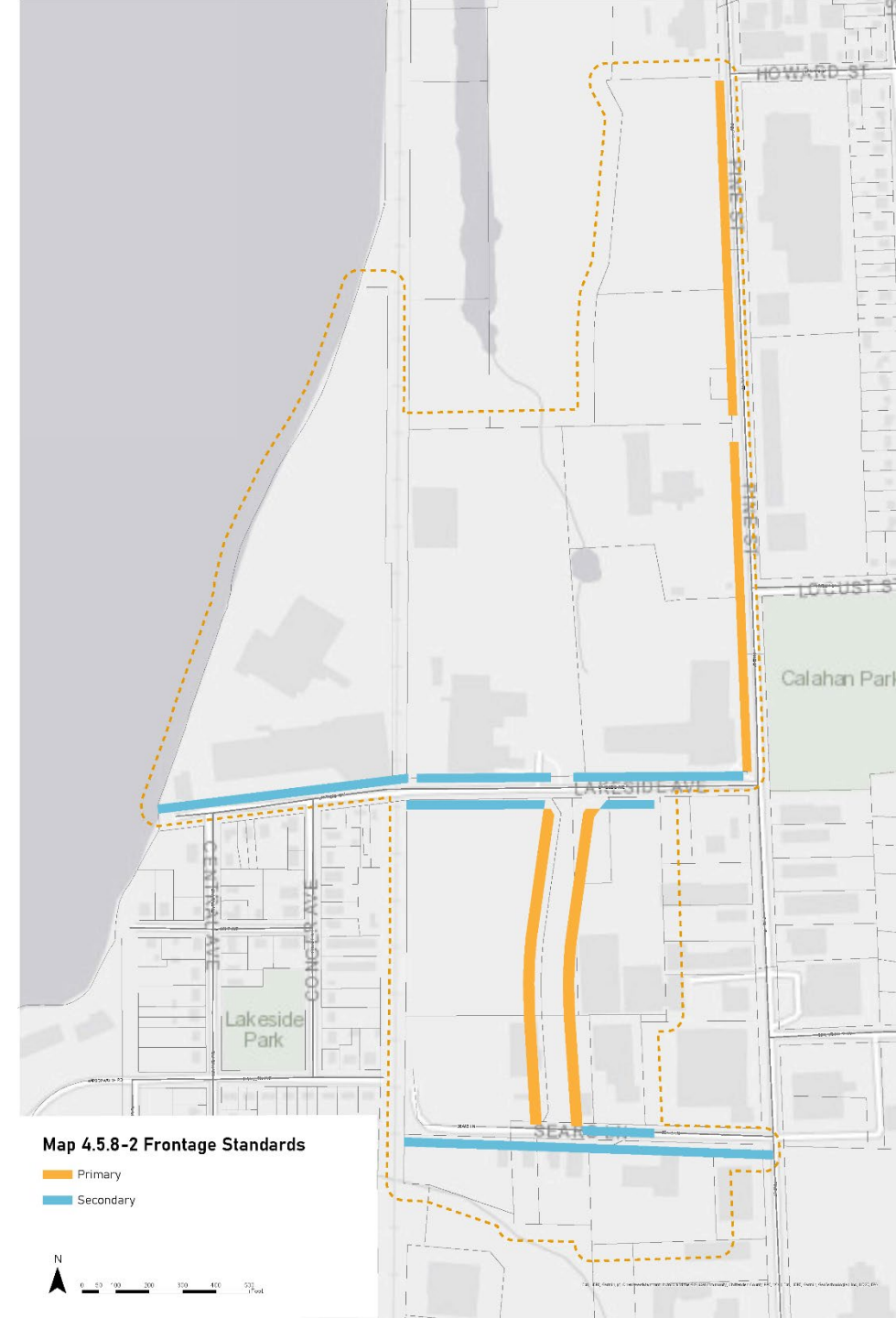


Ground Floor Uses

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

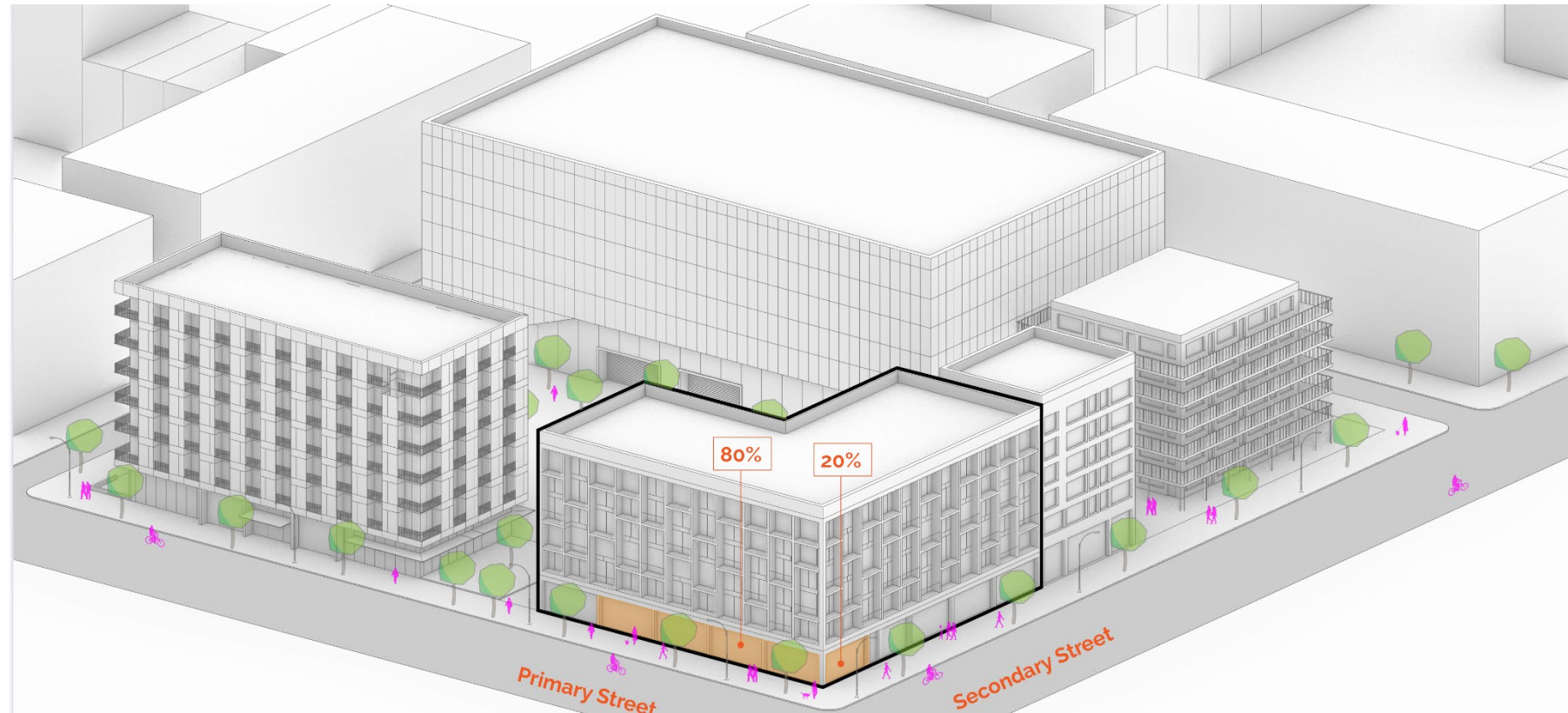
Rationale: Ground floor non-residential use requirements have produced high vacancy rates of such space nationally and abroad. Also, residential uses at ground floor can be conducive to an activated urban district and should be permitted. The proposed reductions are intended to provide flexibility in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



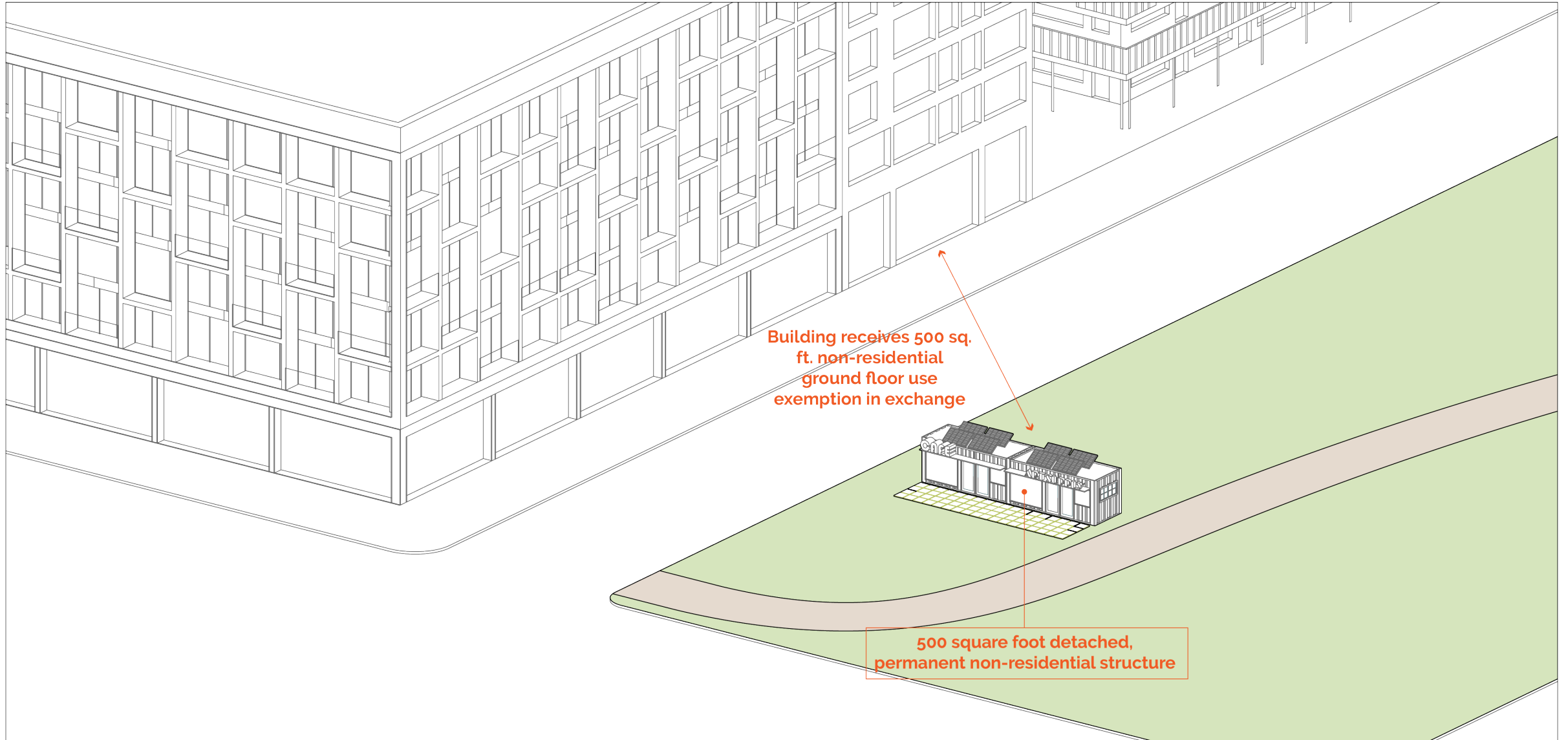
Ground Floor Uses

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.



Proposed Mission Statement

The Ordinance Committee is committed to ensuring the sustainability, safety, and livability of our community by thoroughly reviewing the merit and legality of proposed improvements to local ordinances. Our mission is to promote fairness, equity, and justice in the enactment and enforcement of ordinances, while striving to balance the needs and concerns of all voices. Through our work, we aim to foster a culture of civic engagement and transparency, and to continuously improve the quality of life for all residents of and visitors to our city.