

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
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www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Julia Randall

Special Meeting Burlington Planning Commission

Tuesday, December 20, 2022

Regular Meeting - 6:30 P.M. Remote Meeting via Zoom ONLY

To Join the Meeting on a Computer

Link: <https://zoom.us/j/82754488061>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 827 5448 8061

AGENDA

- I. **Agenda**
- II. **Public Forum** See details on pg. 2 of packet for participating remotely.
- III. **Chair's Report**
- IV. **Director's Report**
- V. **Proposed CDO Amendment: ZA-22-07 Max. Parking & TDM**

The Commission will review and discuss City Council revisions to the proposed ordinance, which would replace minimum parking requirements with maximums allowed, the modification of transportation demand management requirements and revisions to certain use and situational parking standards. Information related to this item is in the agenda packet on page 4.

Staff Recommendation: Discuss City Council changes to proposed ordinance.

- VI. **Public Hearing: Proposed ZA-22-04 UVM Trinity Campus Zoning**

The Commission continue the public hearing on a proposed amendment to the Burlington *Comprehensive Development Ordinance* regarding amendments that would enable greater amounts of infill development within the Trinity Campus. Information related to this item is in the agenda packet on page 7.

Staff Recommendation: Approve the Municipal Bylaw Amendment report, make any changes and refer to Council with recommendation.

- VII. **Public Hearing: Proposed ZA-23-01 South End Innovation District (SEID)**

The Commission will continue the public hearing on a proposed amendment to the Burlington *Comprehensive Development Ordinance* regarding amendments that would create a South End Innovation District overlay that permits residential uses and establishes new land use and urban form standards in a portion of the existing Enterprise-Light Manufacturing district. Information related to this item is in the agenda packet on page 19.

Staff Recommendation: Approve the Municipal Bylaw Amendment report, make any changes and refer to Council with recommendation.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

VIII. 2023 Meeting Schedule

The Commission will review and approve its 2023 Regular Meeting schedule and proposed committee meetings. A proposed calendar is enclosed in the agenda packet on page 58.

Staff Recommendation: Review and approve the 2023 Meeting Schedule.

IX. Commissioner Items

- a. Committee Reports

X. Minutes & Communications

- a. The minutes of the November 15 meeting are enclosed in the agenda packet on page 59.
- b. Communications are enclosed in the agenda packet, beginning on page 63.

XI. Adjourn

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IV. Director's Report

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Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at mtuttle@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.



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www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP, Director
CC: Scott Gustin, AICP, Zoning Division Manager, DPI
Charles Dillard, AICP, Principal Planner
DATE: December 8, 2022
RE: Proposed Amendment ZA-22-07: Maximum Parking & TDM

Overview & Background

The proposed amendment was introduced by the City Council and referred to its Ordinance Committee in the fall of 2021. The amendment expands upon the recently adopted policy that eliminated minimum on-site parking requirements in some areas of the city; it establishes limits on the maximum number of on-site parking that can be provided for all uses citywide rather than requiring a minimum number of spaces be provided. Additionally, it expands the transportation demand management (TDM) requirements beyond the Multimodal Mixed Use parking district, creating two TDM tiers citywide based on the scale of development. The purpose of this proposed amendment is to change the way the City regulates parking in order to reduce the climate impacts of the transportation sector and to further reduce a common barrier to establishing new housing units.

At the Commission's request, this amendment was previously referred to and discussed by the Commission in three meetings earlier this year. The Council's Ordinance Committee accepted many, but not all, of the Commission's recommendations with respect to the change from minimum parking requirements to maximum parking limits. Additionally, it modified the related transportation demand management requirements as a result of Commission's feedback.

This item was referred by the City Council for the Commission to prepare the Municipal Bylaw Amendment Report and hold a public hearing on the proposed changes. Following the public hearing, state statute affords the Commission an opportunity to correct technical deficiencies in the amendment before referring it back to the City Council. To this end, staff has reviewed additional sections of the CDO for other references to minimum parking standards and has provided a number of additional technical corrections in the attached amendment. The Commission has also included a memo outlining any additional recommendations or comments it may have for the Council's consideration.

At its most recent meeting, the City Council voted to recommend modifications to the amendment, which will be shared at the meeting.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

To replace minimum on-site parking requirements with maximum on-site parking limits and establish tiers for transportation demand management requirements citywide. This amendment also addresses a number of related standards that pertain to the provision and maintenance of parking for specific uses and situations.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in the attached ordinance language:

1. Replaces minimum parking requirements with maximum parking limits

The amendment replaces minimum on-site parking requirements in *Article 8- Parking* with maximum on-site parking limits in all parking districts in the city. Additionally, the amendment modifies a number of related standards in *Article 4, Part 4- Base Zoning District Regulations*; *Article 4, Part 5- Overlay Zoning District Regulations*; and *Article 5- Citywide General Regulations* for the purpose of eliminating minimum on-site requirements and removing or modifying standards that are no longer applicable in the absence of minimum requirements.

2. Expands existing exemptions to maximum parking limits

In addition to maintaining a requirement for parking spaces to be provided when a dwelling unit is occupied by more than 4 unrelated occupants in residential districts, the amendment identifies particular uses and situations in which maximum parking limits are not applicable. These include certain automotive-based uses in which automobiles are a business' primary "goods"; for transit operations, public utility, and public safety facilities; and parking that is provided by higher education and medical institutions as per an approved Institutional Parking Management plan.

3. Expands TDM program applicability citywide, and creates two tiers for standards

The amendment expands requirements for a Transportation Demand Management (TDM) program beyond the Multimodal Mixed Use parking district. The proposal applies the standards for a TDM program to developments citywide that include the creation of 10 or more dwelling units, or 15,000 sq.ft. of new non-residential or mixed-use development, provided limited exemptions for project containing 100 percent affordable housing. Additionally, a new TDM tier requires developments of five or more units to unbundle the cost of parking from leases and deeds.

4. Strengthens the applicability of and reporting on Institutional Parking Management Plans

The amendment modifies the review standards for parking management plans in *Article 8, Part 3- Institutional Parking Plans* as a result of a shift from minimum on-site parking requirements to maximum limits. Additionally, it specifies applicable data points that must be provided in a plan and annual performance reports, and establishes an approved, effective plan as a pre-requisite for granting permits for institutional projects covered by these plans.

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

planBTV intends generally to guide the city's development and evolution away from dependence on automobiles and toward land use and density patterns that support walking, bicycling and transit use. This amendment supports this overarching policy goal through eliminating requirements for parking, a land use that encourages reliance on cars and often precludes density levels that support active and transit mobility. Parking is generally considered a land-intensive and financially costly component of development. Removing parking requirement and implementing maximums will reduce costs toward development of plan-supported densities and will make development of sites, particularly for housing, more feasible citywide. With respect to the relationship between land use and the climate emergency, the amendment specifically addresses Policy 6.1, which directs the city to "develop a roadmap for identifying objectives and steps necessary to transition Burlington to a Net Zero

Energy community in the electric, thermal, and ground transportation sectors." Finally, the amendment's proposed revisions to TDM requirements supports the Plan's goal to establish guidelines for TDM that can be a regional model and provide "greater predictability and consistency for new development."

Impact on Safe & Affordable Housing

Parking is a land-intensive and costly component of housing development that typically limits the number of homes that can be developed. This amendment, in proposing maximums paired with strengthened TDM practices, helps advance an overarching *planBTV* policy goal to promote housing development policies in keeping with the city's local character and its role as a regional growth center. Specifically, the amendment addresses a policy to "remove barriers and disincentives to development in pursuit of housing at all income levels." If approved, housing developers would be restricted from providing excessive parking while being provided with a more transparent TDM practice, resulting in more efficient and affordable housing development.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

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: City Council, with PC & staff input	Presentation to & discussion by Commission 12/14/21, 12/22/21, 1/11/22, 1/25/22, 2/8/22 12/20/22	Approved for Public Hearing 4/12/22	Public Hearing 6/14/22		Approved & forwarded to Council 6/28/2022	
City Council Process						
First Read & Referral to Ordinance Cmte 9/27/21	Ordinance Cmte discussion 10/20/21, 11/23/21, 12/22/21, 3/2/22, 3/10/22	Ordinance Cmte recommend 3/10/22	Second Read & Refer to PC 3/21/22	Third Read 7/18/22	Fourth Read 9/12/2022	Fifth Read 12/05/2022
Council Approval & Adoption						



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TO: Planning Commission
FROM: Meagan Tuttle, AICP, Director and Charles Dillard, AICP, Principal Planner
DATE: December 7, 2022
RE: Proposed ZA-22-04 Trinity Campus Zoning Amendment

Background

In December 2021, Mayor Weinberger announced the ["10 Point Housing Action Plan"](#) to serve as a roadmap with two main goals: to double the rate of housing production within the city over the next 5 years, and end chronic homelessness in Burlington. The action plan includes a number of financial investments, resource expansion, and zoning policy changes to achieve these goals. The plan continues to build on nearly a decade of work to address housing availability and affordability—including many policy reforms the Planning Commission has previously been engaged in. In particular, the plan builds on and expands objectives from the 2015 Housing Action Plan and the 2019 Housing Summit.

The 2021 plan identifies three major zoning policy amendments to support its overarching goals, including "opening new on-campus University of Vermont (UVM) student housing opportunities by rezoning the former Trinity Campus to reduce UVM's pressure on the housing market."

Reviewing the applicability of the Trinity Campus overlay zoning district for this part of UVM's campus has been discussed periodically in recent years. [planBTV: Comprehensive Plan](#), updated in 2019, identifies the institutions' campuses and the major thoroughfares that function as the city's eastern gateways as [special growth areas](#). [planBTV](#) states that these areas are an essential focus for the growth of the institutions within their campuses, particularly to create new and additional housing options for students. [planBTV](#) also notes this area of campus as being important to help "better balance on-campus housing opportunities between the north and south of the core academic areas of campus."

Existing Trinity Campus Overlay Zoning District & Requested Amendments

The *Burlington Comprehensive Development Ordinance (CDO)* includes five Institutional Core Campus Overlay Districts, which apply to sub-areas of the Institutional zoning district. These overlay districts are intended to provide for growth within the core of the institutions' campuses, by allowing an increased development intensity than would typically be found in the underlying zoning district, and providing transitions between sections of campus and the surrounding neighborhoods.

The UVM Trinity Campus (ICC-UVMT) overlay zone applies to a parcel on UVM's campus along Colchester Avenue on the north side of the intersection of Colchester and East Avenues. The parcel is currently home to a number of UVM [residence halls](#) such as McCauley and Mercy Halls, as well as other uses for the institution. UVM intends to create additional graduate and undergraduate beds in the vicinity of these existing residence halls, and has identified a number of limitations under the current ICC-UVMT overlay zone. The requested zoning changes included allowing buildings within the existing Colchester Avenue Buffer, and increasing allowable height and lot coverage. In reviewing the existing ICC-UVMT standards, staff identified four additional areas to update: density limits, allowance for non-residential uses, major impact threshold, and context on campus planning within this area of campus. The enclosed amendments address both UVM and the department's recommended changes.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The proposed amendment updates the dimensional and use standards for development within the Trinity Campus Overlay zone, and establishes new requirements for supplemental application materials for developments on the Trinity Campus.

Proposed Amendments

The following changes to the *Burlington Comprehensive Development Ordinance* are proposed:

1. Amends standards for setbacks, height, and lot coverage within the Trinity Campus Overlay district (ICC-UVMT)

These changes address requests made by UVM to facilitate infill development on the Trinity Campus in support of additional on-campus housing and include:

- Establishes a new front yard setback between the property line and the existing Colchester Avenue Buffer.
- Allows new buildings between the new setback and the existing Colchester Avenue buffer up to 45 ft., and increases the height limit to 80 ft. for buildings beyond the existing buffer.
- Increases the allowable lot coverage on the Trinity Campus from 40% to 60%.
- Replaces existing setback measurements that are measured from the property line to be measured instead from the centerline of Colchester Avenue.

2. Removes the Trinity Campus-specific limit on density and lowers threshold for Major Impact Review

- With the exception of ICC-UVMT and the Champlain College overlay, the campus overlays do not apply a limit on housing density in order to enable institutions to maximize their anticipated growth within their campus areas. This amendment proposes to remove this limit for dorms and residential units created for students.
- This proposes to remove the lower threshold for Major Impact review that applies only to Trinity Campus. This would instead utilize the standards of the underlying Institutional District for when this would be applicable.

3. Adjusts allowable residential and non-residential uses allowed on the Trinity Campus, and allows non-residential uses in new buildings in addition to existing

- ICC-UVMT allows for some non-residential uses such as cafés, small grocery stores, and similar business types in existing buildings on the Trinity Campus. However, these same uses are a conditional use if they are incorporated in new buildings. This amendment proposes to allow these uses regardless of the age of the buildings.
- This also removes Single Family and Duplex homes from the allowable uses; adds Beauty/Barber Shop, Laundromat, and Parking Garage to the list of permitted uses; and updates other uses to be consistent with changes to Uses in Appendix A since this district was established.

4. Creates new application requirements for developments on the Trinity Campus

- There is strong City and public interest in overall growth & development plans for the Institutions and how a specific project proposal fits the vision. This proposes additional information about growth and enrollment forecasts to be submitted as part of an application for development on the Trinity Campus.

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).

Compatibility with Proposed Future Land Use & Density

The proposed changes are consistent with *planBTV*. Specifically, this amendment is intended to enable greater on-campus development in an area identified for future institutional growth. *planBTV* notes that this area of campus is important to creating a better balance among on-campus housing opportunities to the north and south of the core academic campus areas.

Impact on Safe & Affordable Housing

The proposal is intended to support the creation of new and additional housing options on campus for students of multiple academic programs. Together with changes to allowable non-residential uses, the proposed amendments seek to enable vibrant campus developments that will be attractive to a range of students, including those not otherwise required to live on campus. This also supports the [2015 Housing Action Plan](#) goal to create new on-campus beds in order to create a better balance of housing opportunities with our community, improve quality of life in near-campus neighborhoods, and reduce student pressures on area rents.

Planned Community Facilities

This amendment has no impact on any planned public facilities, but is anticipated to support planned residential infill development on the UVM Trinity Campus.

Process Overview

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

Planning Commission Process				
Draft Amendment referred by: Staff	Presentation & discussion: 2/8/22, 5/25/22, 7/12/22, 9/13/22, 10/11/22	Approve for Public Hearing	Public Hearing 11/15/2022, 12/20/2022	Approve & forward to Council
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion & recommendation	Council 2 nd Read	Public Hearing	Approval & Adoption
				Rejected

CITY OF BURLINGTON

ORDINANCE _____

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

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

ZA-22-04 TRINITY CAMPUS OVERLAY (ICC-UVMT)

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

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sec 4.5.2 Institutional Core Campus Overlay Districts and amending Sec. 4.5.2 (e) District Specific Regulations: UVM Trinity Campus (ICC-UVMT) thereof to read as follows:

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) Purpose

The Institutional Core Campus Overlay (ICC) districts are intended to provide for reasonable future growth for institutions within the core of their respective campuses without further intrusion into surrounding residential neighborhoods. This overlay allows ~~greater increased~~ development than would typically be found in the underlying districts. Development is intended to be more intense than the surrounding neighborhoods with higher lot coverage and larger buildings. New development should provide sensitive transitions to the historic development pattern and scale of the surrounding campus, ~~and~~ ~~B~~ buildings both large and small should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Circulation should largely emphasize the needs of pedestrians and bicycles, and parking should be very limited and generally provided offsite. Where parking is provided, it should be hidden either within or underneath structures.

(b) Areas Covered & Applicability

The Institutional Core Campus Overlays ~~areas~~ delineated on Map 4.5.2-1, ~~and are further~~ described as follows, ~~and are further regulated from the underlying Institutional district according to provisions of Sec 4.5.2 (c) through Sec. 4.5.2 (g).~~

~~The regulations contained in Sec. 4.5.2 are subject to the limitations set forth in 24 V.S.A § 4413, titled "Limitations on municipal bylaws," which limits regulation of qualified uses, including schools~~

and educational institutions, to specified criteria and only to the extent the regulation does not have the effect of interfering with the intended functional uses. Where the following regulations conflict with requirements of §4413, the statute shall govern.:

1. **University of Vermont Medical Center Campus (ICC-UVMMC)** *As written*
2. **UVM Central Campus (ICC-UVM)** *As written*
3. **UVM Trinity Campus (ICC-UVMT)** is intended to provide ~~reasonable~~ future use of the UVM Trinity College campus north of Colchester Avenue and to preserve the residential character of the existing neighborhoods adjacent to the district. This district allows for an increased development scale and intensity than would typically be found in adjoining and underlying districts for the state's flagship academic institution. This core campus is expected to be predominantly pedestrian-oriented, with all but the most essential parking provided off-site, and allow for limited neighborhood-supporting commercial uses to promote a vibrant mix of uses supportive of and to attract additional on-campus housing opportunities. Development within this core campus should aspire to reflect the institution's core education values in both design and quality;
4. **UVM South of Main Street Campus (ICC-UVMS)** *As written*
5. **Champlain College (ICC-CC)** *As written*

(c) District Specific Regulations: University of Vermont Medical Center (ICC-UVMMC);

As written

(d) District Specific Regulations: UVM Central Campus (ICC-UVM);

As written

(e) District Specific Regulations: UVM Trinity Campus (ICC-UVMT);

1. Lot Coverage

Lot coverage within the ICC-UVMT district shall not exceed ~~40%~~ 60% except as may be allowed under the ~~inclusionary housing~~ provisions of Article 9: Inclusionary and Replacement Housing.

Maximum lot coverage shall be applied to the aggregate of all lots owned by a single entity and located within the ICC-UVMT district.

2. Setbacks

Development in the ICC-UVMT shall be subject to the setback requirements as specified under the provisions of the underlying zoning district, except for as noted in Sec.4.5.2 (e) 2. a below.

Minimum side and rear yard setbacks shall not be applicable between parcels under the same ownership within the ICC-UVMT district, but shall apply along the perimeter of the district.

a. Colchester Avenue Buffer:

- i.** Within 65 ft from the centerline of Colchester Avenue: ~~the ICC-UVMT~~ no development of new surface parking or new structures, except for ancillary structures no larger than 200 square feet, shall be permitted. ~~within a setback of 115 feet from the front property line on Colchester Avenue.~~
- ii.** Between 65 ft and 155 ft from the centerline of Colchester Avenue: new structures are permitted subject to the height limits of Sec. 4.5.2 (e) 3 below. No development of new surface parking shall be permitted.





UVM Trinity Campus (ICC-UVMT) Colchester Avenue Buffer

3. ~~Surface Parking~~

~~No new outdoor surface parking spaces shall be permitted in the ICC-UVMT district unless the number of the new outdoor surface parking spaces is offset by the corresponding removal of outdoor surface parking spaces in the ICC-UVMT district existing as of January 1, 2002 and the Development Review Board has approved such offset in issuing a certificate of appropriateness.~~

4.3. Height

Additions and new construction may be built to a height ~~of: that does not exceed the greater of thirty-five feet (35') or the height of existing structures located on the same parcel within the ICC-UVMT district, but in no instances shall any building exceed fifty-five feet (55') in height as measured from finished grade.~~

i. Between 65 ft and 155 ft from the centerline of Colchester Avenue: 45 ft. max

ii. From 155 ft from the centerline of Colchester Avenue to the northwest: 80 ft. max

5.4. Density

In the ICC-UVMT district, ~~the density~~ restrictions ~~on residential density~~ set forth in Sec. 4.4.4 shall not apply to dormitories nor to residential units built by the institution, or by a private developer on behalf of the institution for the exclusive use by UVM students, ~~the underlying zoning district, and in the underlying zoning district, and in Article 9 (Inclusionary Housing)~~ shall apply to all development, including changes in use.

Unless replaced on-site no housing unit in a residential structure located within the ICC-UVMT shall be demolished or converted to a nonresidential use, except for housing units that are exempt from the provisions of Article 9, Part 2- Housing Preservation and Replacement/Demolition and Conversion.

6.5. Uses:

Within the ICC-UVMT, only the following uses shall be permitted ~~or conditionally permitted~~:

Permitted Uses:	<u>Conditional Uses:</u>
<u>Residential & Special Residential Uses</u>	
Assisted Living	
Attached Dwelling(s) – Mixed-Use	
Attached Dwellings - Multi-Family	
Attached Dwellings – Duplex	
Bed and Breakfast	
Boarding House	
Convalescent /Nursing Home	
Single Detached Dwelling	
<u>Dormitory</u>	
<u>Historic Inn</u>	
<u>Non-Residential</u>	
Bed and Breakfast <u>Beauty/Barber shop</u>	Bakery Retail
Community Center	Bank, <u>Credit Union</u>
Daycare Large, Daycare Small	Café
Dormitory	Convenience Store
Health Care Hospitality	<u>Credit Union</u>
Health Club	Dental Lab
Health Studio	Dry Cleaning Service
Historic Inn	General Merchandise/Retail – Small <4,000sqft

<u>Permitted Uses:</u>	<u>Conditional Uses:</u>
Hostel	Grocery Store – Small ≤10,000sqft
Office – General	Medical Lab
Office - Medical, Dental	Pharmacy
Park	Research and Development Facility
Performing Arts Studio	Research Lab
Record and Document Storage	Restaurant
School - Post-Secondary & Community College	<u>Parking Garage</u>
School - Preschool	<u>Laundromat</u>
Worship, Place of	

~~All non-residential uses are Permitted Uses within buildings existing as of January 1, 2002; and are Conditional Uses if located within a new building to be constructed after January 1, 2002.~~

No ~~permitted or conditional~~ use in the ICC-UVMT District may include drive-through facilities, gas pumps or canopies.

7.6. Parking

Parking for all uses and structures shall be planned for and provided in accordance with the provisions of Article 8, Part 3 Institutional Parking Plans.

No new outdoor surface parking spaces shall be permitted in the ICC-UVMT district unless the number of new outdoor surface parking spaces is offset by the corresponding removal of outdoor surface parking spaces in the ICC-UVMT district existing as of January 1, 2022 and the DRB has approved such offset in issuing a certificate of appropriateness.

8.7. Review Requirements**Supplemental Application Requirements**

~~Within the ICC-UVMT, any new construction or any change of use of 15,000 square feet or more (including any cumulative change of use or new construction of 15,000 square feet or more within a twelve-month period) shall be subject to the conditional use major impact review criteria (Article 3).~~

a. Required Application Materials

In addition to all applicable application criteria in Article 3, applications for development within the ICC-UVMT by the institution, or by a private developer on behalf of the

128 institution for a project for the exclusive use of students, shall include the following.
129 These application requirements apply only to projects which will result in a change of use,
130 habitable area, or off-street parking, and shall not be required for applications for routine
131 maintenance, repair, equipment installation, walkways, landscaping, public art, and the
132 like.

133
134 The information required in this Section is for informational purposes and shall not
135 constitute a basis to condition or deny institutional developments in any manner
136 inconsistent with 24 V.S.A. § 4413.

137
138 An application may reference sections of a current, approved Institutional Parking
139 Management plan if the Administrative Officer determines it contains sufficient detail
140 regarding planned projects, anticipated campus user groups, and forecasted units and GFA
141 as outlined in the following.

- 142
143 i. A plan, in the form of either the institution's approved land bank plan or a
144 conceptual site plan, of the general location and use of future residential and non-
145 residential development on the Trinity Campus, and an explanation of how the
146 density and location of the subject application implements or modifies projects
147 contemplated within the plan.
148 ii. An explanation of the extent to which the subject application implements or
149 modifies projects identified within the institution's approved Institutional Parking
150 Management Plan, pursuant to Article 8, Part 3.
151 iii. For residential developments, the institution shall provide, for informational
152 purposes, the number of dwelling units within the project and how this relates to
153 forecasted student enrollment in all academic programs and growth in campus
154 beds for a) students required to live on campus, and b) students not required to live
155 on campus, for the ensuing five year period.
156 iv. For non-residential developments, the institution shall provide, for informational
157 purposes, the GFA within the project compared to the existing GFA on the Trinity

Campus and forecasted growth in non-residential GFA on the Trinity Campus for the ensuing five year period.

b. Annual Reporting

The institution shall provide a report annually to the Administrative Officer regarding the implementation of the approved development, and any changes in the makeup of user groups accommodated, enrollment, or forecasts for the same for the remainder of the five year period.

This reporting requirement may be combined with annual reporting requirements for an approved Institutional Parking Management Plan if the Administrative Officer determines that such annual reports provide sufficient detail to meet the requirements outlined above.

(f) District Specific Regulations: UVM South of Main Street Campus (ICC-UVMS):

As written

(g) District Specific Regulations: Champlain College (ICC-CC):

As written

* Material stricken out deleted.

** Material underlined added.

Burlington Planning Commission

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*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Julia Randall*

To: Burlington City Council

From: Burlington Planning Commission

Date: TBD

RE: *DRAFT--* ZA-22-04 Trinity Campus Zoning

In May of this year, as the Commission began its review of the draft ordinance enclosed, the Commission received a request from Councilors Hightower, Magee, Carpenter, Traverse and former Councilor Hanson to join in their effort to request that "UVM tangibly commit to a maximum number of off-campus students."

During the Commission's review of this proposed amendment, it has been clear that such a commitment is outside the scope of the City's statutory zoning authorities, and as a result outside of the Commission's direct purview. While the Commission has heard many public comments expressing interest in a more binding commitment between UVM and the City, the Commission's work has focused on the appropriateness of the specific zoning changes requested by UVM and recommended by staff.

Recognizing that a current agreement with regard to UVM's housing plans is not in place, however, staff recommended a new provision for applications for development on the Trinity Campus. This new provision requires information to be submitted in an application about the relationship of a project to the Campus Plan and its Institutional Parking Management Plan, and how the development relates to forecasted enrollments and anticipated growth in campus beds. The intent of this provision is to provide transparency and context for how individual development applications relate to anticipated future user groups, and provides the city with additional information to plan for any future needs and impacts.

Rezoning Trinity Campus to facilitate greater on-campus development has been a long-standing city goal, and *planBTV's* future land use plan identifies the Trinity Campus as an area planned for institutional growth. It is important, particularly if the institutions grow in the future, to ensure that the zoning supports a level of development on the institutions campuses to accommodate it. As this amendment advances those long-range goals, and with the inclusion of the aforementioned provision, the Commission supports the enclosed amendment and forwards it with recommendation for your consideration.

While further commitments are outside of the Commission's purview, the Commission does agree with and support the Councilors interest in pursuing more tangible commitments by UVM to their future housing plans. This is particularly important to ensure that the Commission can carry out its responsibility to plan for the city's future needs.



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TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Director
DATE: December 7, 2022
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. The overlay enables the creation of a wide range of commercial uses, while prioritizing those arts, manufacturing, and office uses that define the character of the South End today. It 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.

Attached is an initial working draft of the proposed amendment. Several areas for further refinement are noted and anticipated. During the August 23 meeting, staff will present additional information to illustrate the proposed framework, including for some of the areas of the ordinance that are currently under development. Also attached is a map of the existing Enterprise zoning districts for reference.

Background on Housing in the South End

Since *planBTV: SE's* 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. 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. 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.

Topics for further discussion

At its August 23, September 13, September 27 and October 11 meetings, the Planning Commission identified several topics for further discussion, including whether to allow hotels in the district, maximum building height, the location of residential uses, and new streets and paths. Additional information related to these topics is provided below.

Hotels

Throughout the drafting of the SEID amendment, staff, stakeholders and the community have debated whether hotels should be permitted within the district. Due to some community opposition and staff concerns that hotels could both outcompete residential development for land in the South End and spur greater than desirable tourism activity in the SEID, staff initially proposed that hotels not be permitted. However, the Planning Commission has expressed some interest in allowing hotels in a limited fashion in the SEID to achieve three primary goals:

- Economic Development and Recruitment: the SEID is home to one of the region's highest performing office markets. To facilitate its continued growth, and that of its constituent businesses, hotels in the SEID could be an important recruitment tool.
- Remote work: Given Burlington's attractiveness as a tourist destination, it is also ideally suited to attracting a growing remote work market for out-of-town visitors looking to spend time in the city and stay in one of its most vibrant districts. With the recent resumption of Amtrak service out of Downtown, the South End is poised to attract such workers from New York City in particular.
- Recreation: The South End is rich in recreational amenities and out-of-town visitors may be attracted to the SEID as it develops.

Acknowledging the stated concerns and benefits regarding hotels in the SEID, staff proposes that hotels be permitted in the E-SEID, provided that no more than one hotel is permitted per lot and that an individual hotel use may not account for more than 80 percent of the Gross Floor Area of the building in which it is located. Allowing one hotel per lot on lots established at the time of the amendment's adoption would facilitate hotel development on a select few properties. Given the district's relatively small number of properties, and that the City owns a significant portion of the land in the proposed district, such a standard would realistically produce just a small number of hotels.

Residential use location

Creating new homes is one of the core priorities in the SEID. However, this should not come at the expense of other highly valued land uses, particularly those that contribute to the District's character as a place of creativity and innovation. Based on community feedback and discussions

with other South End stakeholders, staff has proposed that residential uses only be permitted in new buildings (i.e. those newly created after a date certain). Such a standard would preclude conversion of existing non-residential buildings, instead directing residential development to vacant or underdeveloped land elsewhere in the district. However, an outstanding concern has been that such a prohibition could have the unintended consequence of promoting the teardown of existing structures to make way for new residential buildings. In an attempt to address this concern, staff proposes to allow residential uses in additions to existing buildings as well as new buildings. Such a standard could reduce the incentive to tear down existing structures while still making them available to facilitate mixed-use developments. Additionally, the standard could also promote the efficient use of land by facilitating additions above or on the same lots as existing buildings.

Height

In its discussions to date, the Commission has considered whether building height should be limited to specific geographic locations similar to how the downtown form code (Article 14) identifies special height areas. Of particular concern have been potential impacts of tall buildings to the Lakeside neighborhood along the District's western boundary, the Barge Canal, and to the established built character along Pine Street. In recognition of these concerns, staff recommends the creation of a South End Innovation District Specific Height Area Map that would identify areas for 45'/4 stories, 65'/6 stories, and 85'/8 stories. The proposed Specific Height Area Map is included in the attached draft amendment.

Blocks/New Streets

The 2019-adopted *planBTV: South End* and more recent engagement for this zoning amendment support a vision for this area as an accessible, connected and multi-modal Innovation District. Of planning for new streets, the Plan states, "just as connectivity and collaboration are a part of the business models of companies in this area, they are integral design principles for the physical fabric of this part of the neighborhood. New street connections are walkable, bikeable and served by transit."

Today, the proposed South End Innovation District includes large lots with no existing internal street network or planned streets on the City's Official Map, but any future development would very likely require the installation of new streets and internal pathways. To achieve the goals of a multimodal, highly pedestrianized and connected district, staff proposes a maximum Block Perimeter standard that requires that blocks have a circumference no greater than 1,600 feet and that such blocks must be circumscribed by public streets and/or public paths. This standard will facilitate a highly accessible district while also providing for the flexible development of new blocks.

Suggested Revisions to Public Hearing Draft Amendment

Several members of the public, various stakeholders, and elected officials have commented on and suggested revisions to the proposed amendment since the Commission's last discussion. In light of these comments, and staff's own continued research, staff will present a summary of feedback received and potential related changes to the amendment. Those changes, as recommended by staff, are described below and highlighted in a second amendment version included in the agenda packet.

1. Maximum setbacks: The draft amendment under review at the Public Hearing proposes a maximum front and side setback of 10 feet and a maximum rear setback of 15 feet. Based on recent feedback, staff proposes to increase the maximum setback for all building sides to 20 feet. This increase from 10 feet on the front and side facades of a building is recommended to allow greater flexibility in the provision of yard, patio, and plaza amenities. Such an increase is consistent with the district intent to locate buildings close to the street. Staff also proposes to add a provision that would prohibit surface parking between a building and the street or path on which it fronts.

2. Parking Structure Dimensional Standards: As proposed in the draft amendment, parking structures are limited to the 15,000 square foot floor plate standard to which all other development is subject. To facilitate shared parking as prioritized in *planBTV: South End* and the potential construction of an efficient structure as depicted in the recent CCRPC Multimodal Transit Center Feasibility Study, staff recommends a limited exemption to the floor plate standard for parking structures:
 - One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floor plate maximum standard according to the following:
 - When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.

This revised approach would limit the proliferation of parking structures while granting development flexibility and facilitating the community goal of shared parking.
3. Primary and Secondary Frontage Designation: The amendment's *Map 4.5.8-3 Frontage Standards* designates certain streets as primary or secondary frontages, which determines the minimum amount that a lot's frontage must be occupied by buildings and the percent of a building's ground floor that must contain non-residential uses. The Map as initially proposed was based on stakeholder input regarding tentative development concepts within the District. Specifically, property owners previously envisioned Champlain Parkway as a primary frontage street. However, those private development concepts have evolved based on the uncertainty surrounding the Parkway's public realm (sidewalks, bicycle infrastructure and other elements). Given evolving private interests and the desire for a flexible development framework, staff recommends removing *Map 4.5.8-3* and adding the following provision:
 - Primary and secondary frontages must be identified by the property owner. Each block must contain at least one primary frontage.

This revised approach would grant needed flexibility while still guaranteeing a mixed-use and activated street level character in the Innovation District.
4. Parking Structure Ingress and Egress: The draft amendment incorporates the Downtown Form Code standards for parking structures. While those standards are appropriate in the constrained Downtown, the larger sites within the SEID offer a different parking structure design approach that maintains the amendment's goal of creating a safe and walkable district. Based on stakeholder feedback, staff recommends permitting up to two façade openings.
5. Use Table Language Consistency: To keep land use table language consistent, staff proposes to change the draft amendment's use of "limited" to "secondary" in *Table 4.5.8-3: Uses Permitted & limited within the SEID*.
6. Planned Unit Development: To encourage and facilitate phased and holistic development, staff recommends permitting Planned Unit Development in the SEID.

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 prioritize arts, innovation, office and other non-residential uses; allows residential uses; and allows in a limited but flexible manner 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 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

4. 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," and "Expand the visibility of the arts district to preserve and enhance its vibrancy." Further, the proposed amendment, through its prioritization of artist and maker spaces, implements strategies to preserve and create affordable artist space. 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	Approve for Public Hearing	Public Hearing 11/15/2022, 12/20/2022	Approved & forwarded to Council
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

ZA-23-01 South End Innovation District Overlay

ORDINANCE _____

Sponsor: (Department or Councilor) _____

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

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

Sec. 4.4.3 Enterprise Districts

(a) Purpose:

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

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

2. As written.

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.3 -1 Dimensional Standards and Density

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

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

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

3 – Percentage of the lot depth.

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

(c) Permitted and Conditional Uses:

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

(d) District Specific Regulations:

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

the E-LM district;

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

Sec. 4.5.8 Enterprise – South End Innovation District Overlay

(a) Purpose

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

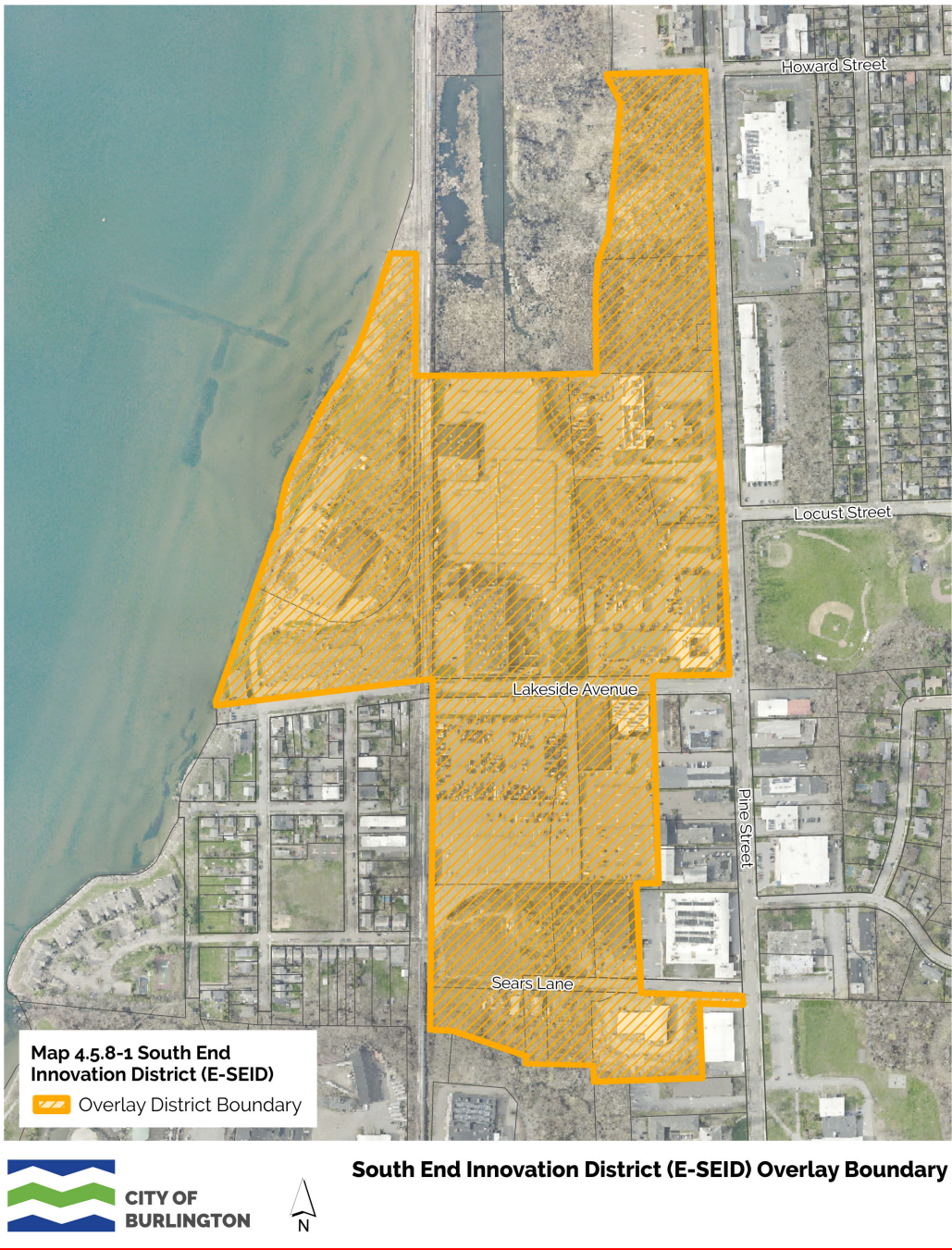
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure.. Buildings should range in height from one to eight stories, and should be constructed of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

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

(b) Areas Covered.

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

Map 4.5.8-1 SEID Overlay



(c) District Specific Regulations

1. Dimensional Standards & Density

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

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

Table 4.5.8-1: SEID Dimensional Standards & Density

<u>Block Perimeter¹</u>	<u>Max. Intensity (floor area ratio²)</u>	<u>Max Building Size per Floorplate³</u>	<u>Max. Lot Coverage & Pervious Surface Required⁴</u>	<u>Minimum Building Setbacks</u>			<u>Max. Height⁶</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>10' max⁵</u>	<u>0' min</u> <u>10' max⁵</u>	<u>0' min</u> <u>15' max⁵</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.

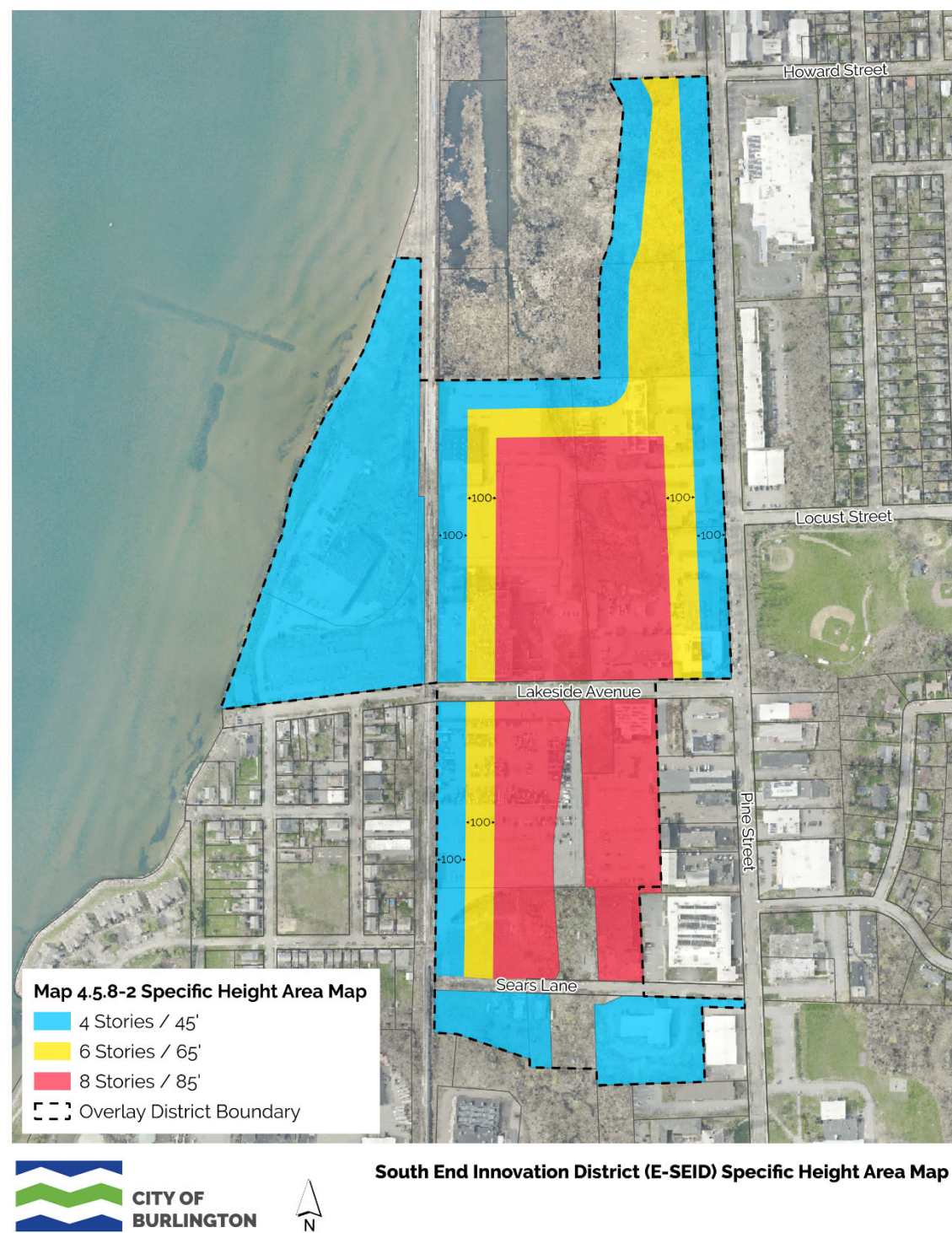
3. Maximum square footage applies to each floorplate.

4. 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.

5. 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.

6. Maximum building height in the E-SEID shall be further limited by Map 4.5.8.3: SEID Specific Height Area Map

Map 4.5.8-2 SEID Specific Height Area Map



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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 Map 4.5.8-3 Frontage Standards and Table 4.5.8-2.

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

(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.

Map 4.5.8-3 SEID Frontage Standards



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 Map 4.5.8-2 Frontage Standards and 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.
- 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 and 16 feet clear height. Only one such opening per street Frontage may be permitted. Façade openings may be separated for ingress/egress where they access different frontages.

- 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 or permitted in a limited fashion.

Table 4.5.8-3 Uses Permitted & Limited within the SEID

<u>Primary Permitted Uses:</u>	<u>Secondary Permitted Uses:</u> (The sum square footage of all limited uses is not to exceed the sum square footage of all non-residential permitted uses on any lot)
<u>Residential¹</u>	
<u>Assisted Living</u>	<u>Dormitory</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>Non-Residential</u>	
<u>Art Gallery/Studio</u>	<u>Animal Grooming</u>
<u>Adult Day Care</u>	<u>Animal Hospital/Veterinarian's Office</u>
<u>Agricultural Use</u>	<u>Appliance Sales/Service</u>
<u>Bakery</u>	<u>Bank/Credit Union</u>
<u>Bicycle Sales/Repair</u>	<u>Bar/Tavern</u>
<u>Community Center</u>	<u>Beauty/Barber Shop</u>
<u>Community Garden</u>	<u>Billiard Parlor</u>
<u>Daycare</u>	<u>Boat Repair/Service</u>
<u>Grocery Store ≤ 10,000 sf</u>	<u>Boat Sales/Rentals</u>
<u>Library</u>	<u>Bowling Alley</u>
<u>Manufacturing - Light</u>	<u>Building Material Sales</u>
<u>Office - General</u>	<u>Cafe</u>
<u>Office - Technical</u>	<u>Cinema</u>
<u>Open Air Markets</u>	<u>Convenience Store</u>
<u>Park</u>	<u>Crisis Counseling Center</u>
<u>Performing Arts Studio</u>	<u>Dry Cleaning Service</u>
<u>Photo Studio</u>	<u>Film Studio</u>
<u>Photography Lab</u>	<u>Fire Station</u>
<u>Printing Plant</u>	<u>Food & Beverage Processing</u>
<u>Printing Shop</u>	<u>Garden Supply Store</u>
<u>Public Transit Terminal</u>	<u>General Merchandise/Retail - Large ≥ 10,000 sf</u>
<u>Public Works Yard/Garage</u>	<u>General Merchandise/Retail - Small ≤ 10,000 sf</u>
<u>Radio & TV Studio</u>	<u>Health Club</u>
<u>Recording Studio</u>	<u>Hotel²</u>
<u>Research & Development Facility</u>	<u>Laundromat</u>
<u>Research Lab</u>	<u>Mental Health Crisis Center</u>
<u>School – Post-Secondary and CC</u>	<u>Museum – Large ≥ 10,000 sf</u>

<u>Primary Permitted Uses:</u>	<u>Secondary Permitted Uses:</u> (The sum square footage of all limited uses is not to exceed the sum square footage of all non-residential permitted uses on any lot)
<u>School - Preschool</u>	<u>Museum – Small < 10,000 sf</u>
<u>School - Primary</u>	<u>Office – Medical/Dental</u>
<u>School - Secondary</u>	<u>Parking Garage</u>
<u>School – Trade, or Professional</u>	<u>Parking Lot</u>
	<u>Performing Arts Center</u>
	<u>Pet Store</u>
	<u>Pharmacy</u>
	<u>Place of Worship</u>
	<u>Recreational Facility - Indoor</u>
	<u>Recreational Facility - Outdoor</u>
	<u>Restaurant</u>
	<u>Restaurant – Take Out</u>
	<u>Salon/Spa</u>
	<u>Tailor Shop</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.

Article 9 Inclusionary and Replacement Housing

Sec. 9.1.12 Additional Density and Other Development Allowances

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

- (a) Any covered project shall be entitled by right to an increase in the maximum lot coverage density/intensity, and, where applicable, height allowed for the lot(s) on which the project is located. Calculations for these entitlements shall be based on the following tables:

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

1. In the RH and RM-W residential zones an additional 12 feet of building height shall be allowed by right only for an additional 5% of inclusionary housing units provided in excess of the minimum requirements of Sec. 9.1.8.

4-2. 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 13 Definitions

All other definitions as written.

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

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

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

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

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

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

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

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

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

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

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

Appendix A- Use Table
See attached

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

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	Y ²	Y	Y	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Bed and Breakfast ^{4, 6}	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	N	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	N	N	N
Co-Housing	<u>N</u>	<u>N¹</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	N	CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N	N	N	N	N	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	NAC-CR	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	N	CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	N	Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y ²⁷
Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	CU	Y	Y	Y	N	Y ²⁷
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	N	CU ^{9, 12, 14}	CU ^{9, 12, 14}	CU ¹⁴	N	N	Y ²⁷
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Automobile/Vehicle Salvage Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	N	Y	Y	Y	Y	Y	Y ²⁷
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y
Bar, Tavern	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU	N	N
Beauty/ Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y	Y	CU	Y	N	N
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y ²⁷
Billiard Parlor	N	N	N	N	N	N	N	N	N	CU	Y	CU	Y	N	N
Boat Repair/Service	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	N	N	Y ²⁷
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	Y	N	N	Y ²⁷
Boat Storage	N	N	CU	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Bowling Alley	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	Y
Building Material Sales	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	Y	N	N	Y ²⁷
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Camp Ground	N	Y	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	N	N	CU	Y	CU	N	CU ²⁷
Cemetery	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU	N	CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	N	CU	CU	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	N	Y	Y	Y	Y	N	CU ²⁷
Community Garden	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y ²⁷
Conference Center	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ¹²	N	Y ¹²	Y	Y	Y ¹²	N	Y ²⁷
Convention Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Courthouse	N	N	N	N	Y	N	N	CU	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N
Daycare (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y ²⁴	Y	Y	Y ²⁴	N	CU ²⁷
Film Studio	N	N	N	N	Y	N	N	N	N	N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	N	CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	N	CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	N	CU ²⁴	Y	Y	N	Y	Y ²⁷
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	N	Y ²⁷
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU ¹⁸	CU	CU	N	CU ^{17,27}
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	N	Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU	N	CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	N	N	N	N	N	N	N
Hostel	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
Hotel, Motel	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	N	Y	N	N
Junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y ¹³	Y	Y	Y	N	Y ²⁷
Library	N	N	N	N	Y	CU	CU	Y	N	Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	N	N	CU ¹⁰	Y	N	N	Y
Manufacturing-Light	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	CU	Y
Manufacturing	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	Y

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Marina	N	N	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	N	CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	N	N	N	N	N	N	N
Museum–Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y ²⁷
Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y ²⁷
Office-Technical	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y ²⁷
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N	CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	CU	Y	N	CU	N	CU ^{27,32}
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)	CU	CU	CU	Y	N	Y ²⁷
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N	Y	Y	Y	Y	N	Y
Photography Lab	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	CU	Y
Police Station - Central	N	N	N	N	CU	N	N	N	N	Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	N	CU	Y	Y	Y	N	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	Y	CU	Y

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N	N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	N	CU	CU	Y	Y	N	Y
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	(See Sec.4.4.1(d) 1)	N	Y	CU	N	N	CU ²⁷¹
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	Y	CU	N	N
Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research and Development Facility	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	(See Sec.4.4.1(d) 2)	Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	(See Sec.4.4.1(d) 1)	Y ¹³	Y	Y	Y ¹³	N	Y ^{13,27}
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	N	Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	N	CU	CU	CU	CU	N	N
School – Preschool (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
School - Primary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	N	CU	N	N	CU	N	CU ²⁷
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	Y ¹⁵	N	Y	Y
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	N	Y	CU	CU	CU	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. **For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.**
28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
29. Must be fully enclosed within a building.
30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
31. See special use standards of Sec. 5.4.13, Emergency Shelters.
32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
33. **See Sec. 4.5.8(c) 5 for permitted and conditional uses in the Enterprise – Innovation District (E-SEID) Overlay**

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

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

ZA-23-01 South End Innovation District Overlay

ORDINANCE _____

Sponsor: (Department or Councilor) _____

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

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

Sec. 4.4.3 Enterprise Districts

(a) Purpose:

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

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

2. As written.

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.3 -1 Dimensional Standards and Density

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

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

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

3 – Percentage of the lot depth.

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

(c) Permitted and Conditional Uses:

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

(d) District Specific Regulations:

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

the E-LM district;

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

Sec. 4.5.8 Enterprise – South End Innovation District Overlay

(a) Purpose

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

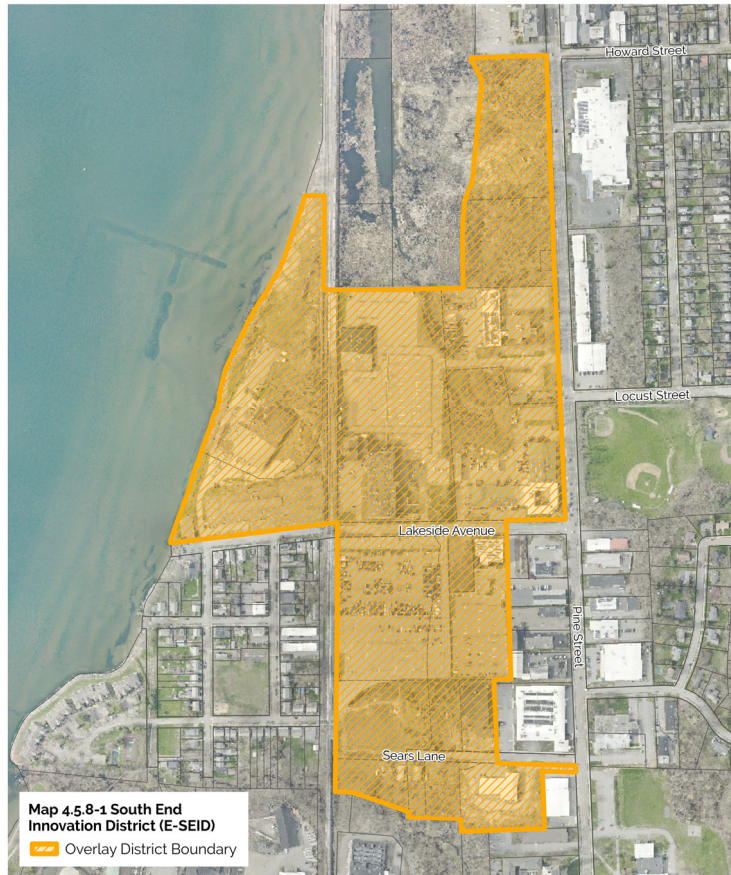
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure.. Buildings should range in height from one to eight stories, and should be constructed of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

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

(b) Areas Covered.

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

Map 4.5.8-1 SEID Overlay



South End Innovation District (E-SEID) Overlay Boundary

(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:
- Passive House Certification as administered by Passive House Institute (PHI or PHIUS);
 - Gold Certification or higher under the applicable LEED standard as administered by Green Businesses Certification, Inc. (GBCI); or,
 - 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

Block Perimeter ¹	Max. Intensity (floor area ratio ²)	Max Building Size per Floorplate ^{3, 4}	Max. Lot Coverage & Pervious Surface Required ⁵	Minimum Building Setbacks			Max. Height ⁷
				Front	Side	Rear	
1,600' max	2.25 FAR	Floors 1-6: 15,000 sq.ft.	80% max impervious	0' min	0' min	0' min	85'
		Floors 7-8: 10,000 sq.ft.	25% min of pervious area must utilize GSI	20' max ⁶	20' max ⁶	20' max ⁶	

1. Blocks may be enclosed by any combination of public streets and public paths.

2. Floor area ratio is described in Sec 5.2.7. Bonuses for additional FAR for inclusionary housing projects, is described in Sec. 9.1.12.

3. Maximum square footage applies to each floorplate.

4. One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floorplate maximum standard according to the following:

a. When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or

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

5. At least 25% of the pervious area on a lot must include one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with shade trees, or pervious pavement. No more than 50% of the required GSI area may utilize pervious pavement.

6. Setbacks are measured from the property line; however, buildings must be at least 15' from the curb or edge of ROW if no curb exists.

7. Maximum building height in the E-SEID shall be further limited by Map 4.5.8.3: SEID Specific Height Area Map

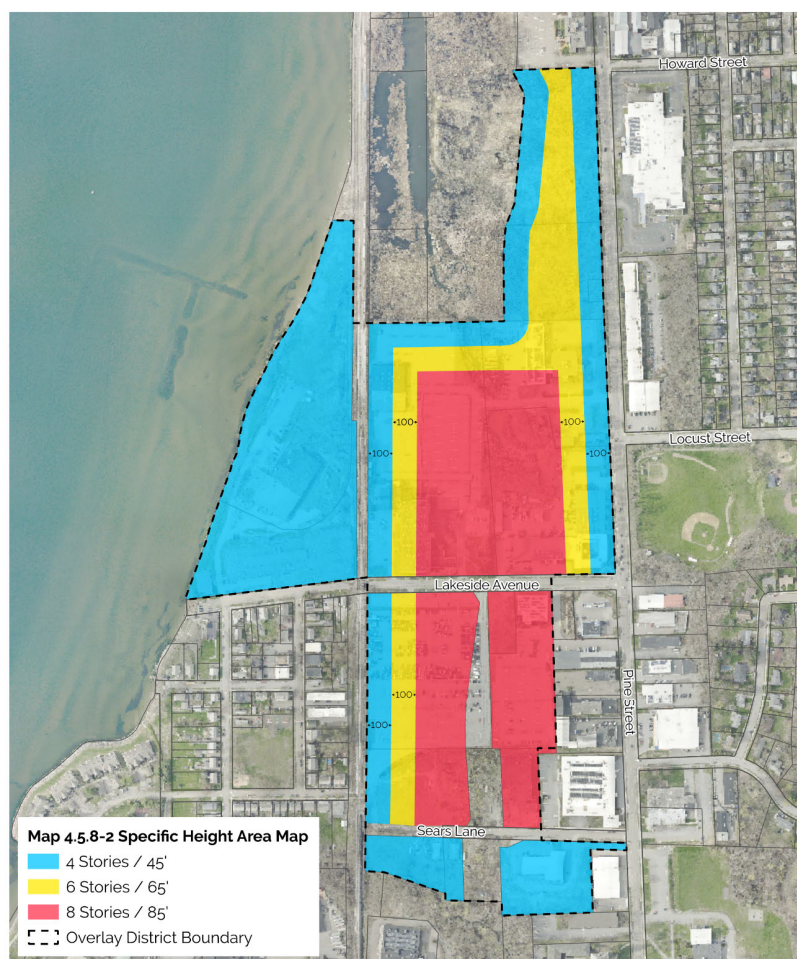
Map 4.5.8-2 SEID Specific Height Area Map

Commented [CD1]: Increased setback from 10'/15' to 20'

Rationale: to support more generous patio/plaza/open space amenity in front of buildings, including publicly available open space that can be provided to reduce the ground floor non-residential use requirement.

Commented [CD2]: Added a one-per-lot exemption for parking structures.

Rationale: to facilitate efficient shared parking structures, a planBTY: SE goal and subject of CCRPC Multimodal Transit Center Feasibility Study. Shared parking reduces cost-inefficient below-grade parking and reserves space elsewhere in the district for pedestrian-oriented and human scaled buildings, public realm and open space.



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

135
 136
 137
 138
 139
 140

2. Frontage and Ground Floor Activation Standards

A. Lot Frontage Occupied by Buildings: Buildings shall be placed on a lot such that they frame public and private streets and pathways. The percentage of a lot's frontage that must be occupied by a building(s) located between the minimum and maximum setback is determined by Map 4.5.8-3 Frontage Standards and Table 4.5.8-2.

- (i) On lots where new interior streets are provided, 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

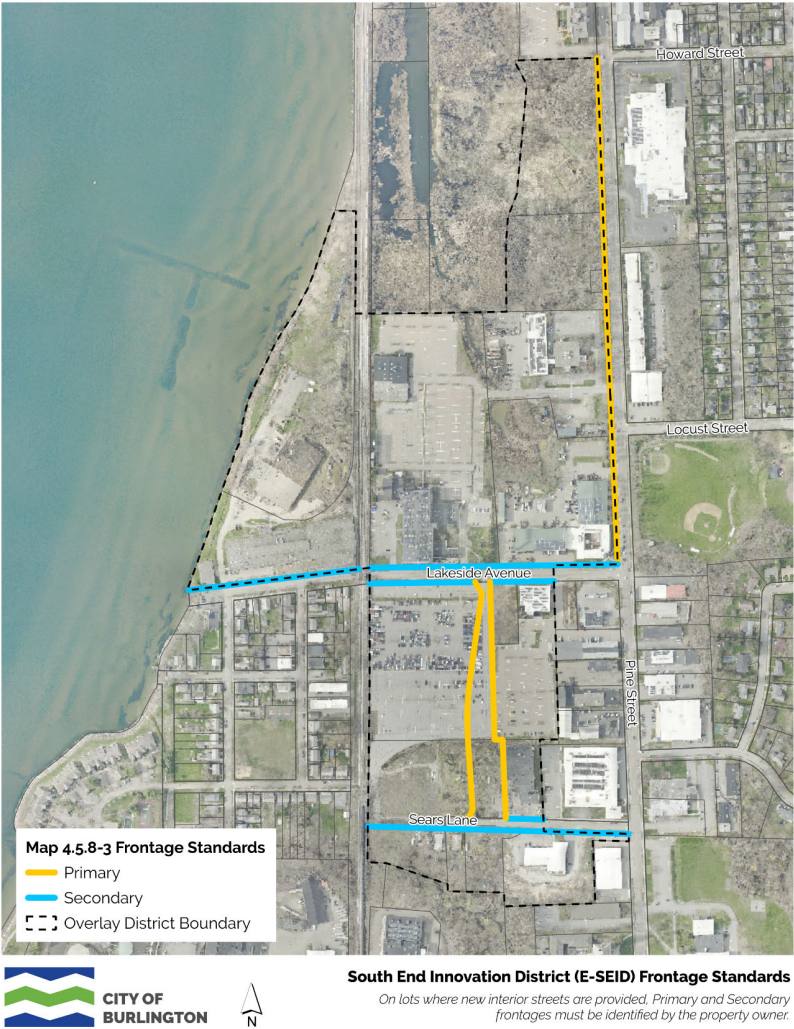
Frontage Type	Min lot frontage occupied by buildings ¹	Percent of building frontage containing non-residential uses	Ground floor entries required
Primary	80% min	80% min	Every 60' min
Secondary	70% min	20% min or 500 sq.ft., whichever is greater	

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

Commented [CD3]: Propose deleting Map 4.5.8-3 and instead allowing property owner to decide while requiring at least one primary frontage.

Rationale: Given the uncertain future of public realm elements on Champlain Parkway and to allow flexibility in the phased development of large sites, the map is recommended for removal. The alternative proposed requirement that at least one frontage shall have primary designation will ensure a high degree of activated ground floor/street level activity while providing a more flexible development framework.

Map 4.5.8-3 SEID Frontage Standards



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 Map 4.5.8-3 Frontage Standards and 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.

Commented [CD4]: Propose deleting the Map and inserting alternative standard. See comment above.

Commented [CD5]: Added a standard to prohibit surface parking between a building and the street/path.

Rationale: This standard would only be necessary if the increased setback standard is adopted, as that increased setback could functionally accommodate space for parked vehicles between the street and building. Such parking should be prohibited as it is not compatible with the district's mobility goals.

Commented [CD6]: Propose permitting a second opening on a parking structure façade to facilitate site-specific efficient parking structure development.

Rationale: The previously proposed language was taken from the Form Code for Downtown, where site constraints make that standard appropriate. The SEID will regulate larger sites where greater flexibility and structure efficiency can be achieved. Allowing separate entrance and egress points could ultimately promote improved safety for pedestrians and cyclists.

- 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 or permitted in a limited fashion.

Table 4.5.8-3 Uses Permitted & Limited within the SEID

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary limited uses is not to exceed the sum square footage of all non-residential permitted uses on any lot)
Residential¹	
<u>Assisted Living</u>	<u>Dormitory</u>
<u>Attached Dwellings - Multi-Family</u>	
<u>Co-Housing</u>	
<u>Convalescent/Nursing Home</u>	
<u>Emergency Shelter</u>	
<u>Group Home</u>	
Non-Residential	
<u>Art Gallery/Studio</u>	<u>Animal Grooming</u>
<u>Adult Day Care</u>	<u>Animal Hospital/Veterinarian's Office</u>
<u>Agricultural Use</u>	<u>Appliance Sales/Service</u>
<u>Bakery</u>	<u>Bank/Credit Union</u>
<u>Bicycle Sales/Repair</u>	<u>Bar/Tavern</u>
<u>Community Center</u>	<u>Beauty/Barber Shop</u>
<u>Community Garden</u>	<u>Billiard Parlor</u>
<u>Daycare</u>	<u>Boat Repair/Service</u>
<u>Grocery Store ≤ 10,000 sf</u>	<u>Boat Sales/Rentals</u>
<u>Library</u>	<u>Bowling Alley</u>
<u>Manufacturing - Light</u>	<u>Building Material Sales</u>
<u>Office - General</u>	<u>Cafe</u>
<u>Office - Technical</u>	<u>Cinema</u>
<u>Open Air Markets</u>	<u>Convenience Store</u>
<u>Park</u>	<u>Crisis Counseling Center</u>
<u>Performing Arts Studio</u>	<u>Dry Cleaning Service</u>
<u>Photo Studio</u>	<u>Film Studio</u>
<u>Photography Lab</u>	<u>Fire Station</u>
<u>Printing Plant</u>	<u>Food & Beverage Processing</u>
<u>Printing Shop</u>	<u>Garden Supply Store</u>
<u>Public Transit Terminal</u>	<u>General Merchandise/Retail - Large > 10,000 sf</u>
<u>Public Works Yard/Garage</u>	<u>General Merchandise/Retail - Small ≤ 10,000 sf</u>
<u>Radio & TV Studio</u>	<u>Health Club</u>
<u>Recording Studio</u>	<u>Hotel²</u>
<u>Research & Development Facility</u>	<u>Laundromat</u>
<u>Research Lab</u>	<u>Mental Health Crisis Center</u>
<u>School – Post-Secondary and CC</u>	<u>Museum – Large ≥ 10,000 sf</u>

Commented [CD7]: Replaced “limited” with “secondary” to maintain language consistency.

<u>Primary Permitted Uses:</u>	<u>Secondary Permitted Uses:</u> (The sum square footage of all <u>secondary</u> limited uses is not to exceed the sum square footage of all non-residential permitted uses on any lot)
<u>School - Preschool</u>	<u>Museum – Small < 10,000 sf</u>
<u>School - Primary</u>	<u>Office – Medical/Dental</u>
<u>School - Secondary</u>	<u>Parking Garage</u>
<u>School – Trade, or Professional</u>	<u>Parking Lot</u>
	<u>Performing Arts Center</u>
	<u>Pet Store</u>
	<u>Pharmacy</u>
	<u>Place of Worship</u>
	<u>Recreational Facility - Indoor</u>
	<u>Recreational Facility - Outdoor</u>
	<u>Restaurant</u>
	<u>Restaurant – Take Out</u>
	<u>Salon/Spa</u>
	<u>Tailor Shop</u>

Commented [CD7]: Replaced “limited” with “secondary” to maintain language consistency.

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.

Article 9 Inclusionary and Replacement Housing

Sec. 9.1.12 Additional Density and Other Development Allowances

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

- (a) Any covered project shall be entitled by right to an increase in the maximum lot coverage density/intensity, and, where applicable, height allowed for the lot(s) on which the project is located. Calculations for these entitlements shall be based on the following tables:

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

1. In the RH and RM-W residential zones an additional 12 feet of building height shall be allowed by right only for an additional 5% of inclusionary housing units provided in excess of the minimum requirements of Sec. 9.1.8.

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

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

Article 11: Planned Development

Sec. 11.1.3 General Requirements and Applicability

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

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

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

Commented [CD8]: Propose allowing Planned Unit Development to facilitate and encourage phased development.

Rationale: The district's large sites make a phased approach the most realistic and would remove potential compliance barriers.

Article 13 Definitions

All other definitions as written.

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

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

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

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

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

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

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

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

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

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

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

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

Appendix A- Use Table

See attached

* Material stricken out deleted.

** Material underlined added.

Commented [CD9]: Added definition to facilitate zoning administration of maximum floor plate standard.

<u>PLANNING COMMISSION</u> January - December 2023 Regularly Scheduled Meetings			
Date	Day	Time	Location
January 10, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
January 24, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
February 14, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
February 28, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
March 14, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
March 28, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
April 11, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
April 25, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
May 9, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
May 23, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
June 13, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
June 27, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
July 11, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
July 25, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
August 8, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
August 28, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
September 12, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
September 26, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
October 10, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
October 24, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
November 14, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
November 28, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
December 12, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
<i>All meetings of the Planning Commission will take place in the Bushor Conference Room, Room 102, City Hall, 149 Church Street. These meetings are anticipated to continue to have a Virtual Option via Zoom in 2023.</i>			
<u>EXECUTIVE COMMITTEE</u>			
<i>Meetings take place quarterly in advance of a Regular Commission meeting.</i>			
Date	Day	Time	Location
January 24, 2022	Tuesday	5:30 PM	Bushor Room/Hybrid
April 25, 2022	Tuesday	5:30 PM	Bushor Room/Hybrid
July 25, 2022	Tuesday	5:30 PM	Bushor Room/Hybrid
October 24, 2022	Tuesday	5:30 PM	Bushor Room/Hybrid
<u>LONG RANGE PLANNING COMMITTEE</u>			
<i>Meetings will be scheduled as needed based on project schedules and milestones.</i>			
<u>ORDINANCE COMMITTEE</u>			
<i>Meetings will be scheduled as needed based on items referred by Executive Committee.</i>			

Burlington Planning Commission

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www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Julia Randall

Burlington Planning Commission

Tuesday, November 15, 2022, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A. Montroll, J. Randall, B. Baker, E. Lee, M. Gaughan, A. Friend
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	S. Bushor

I. Agenda

Call to Order	Time: 6:30pm
Agenda	No changes.

II. Public Forum

Name(s)	Comment
B. Headrick	B. Headrick spoke on the allowable uses in the Trinity Campus amendment. She was concerned about the use of a dry cleaner business allowed, as they can be pollutants. Further, she expressed that a dry cleaner business is not necessary for UVM's mission. B. Headrick was also concerned with Trinity Campus amendment lines 8-10 and 17-18 regarding parking garages. She requested that parking garages be considered a conditional use, rather than an approved use.

III. Chair's Report

A. Montroll	No report.
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IV. Director's Report

M. Tuttle	No report.
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V. Public Hearing: Proposed ZA-22-04 UVM Trinity Campus Rezoning

Action: Motion to continue the Public Hearing into the next meeting		
Motion by: A. Friend	Second by: J. Randall	Vote: Unanimous
Type: Motion to extend	Presented by: C. Dillard	
Introduction: - This amendment was originally requested by the University of Vermont to support the development of student housing on Trinity Campus. The request includes a mix of uses to ensure a vibrant space for campus and the surrounding community. The amendment allows for the reorganization of buildings and open spaces and makes improvements to the biking and pedestrian experience along Colchester Avenue. The amendment minimizes the use of parking. Basic changes include increased building height and revised setbacks and lot coverage. The Chair held a public hearing with the following public comments: K. Pillsbury stated that he was glad UVM is willing to provide more housing. He lives adjacent to the UVM campus and he expressed a desire for UVM to accommodate the number of out of		

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state students they bring in each year. He supported measures that would increase building height and density throughout the city, particularly for student housing. • L. Kingsbury spoke as a representative of UVM. She thanked City staff, Planning Commissioners, and the public for their efforts on creating this draft amendment. She expressed UVM's commitment to find housing for its students, faculty, and staff. The desire to redevelop Trinity Campus is pointed out in UVM's 2022-2032 Campus Plan and Mayor Weinberg's 10 Point Housing Action Plan. She asked that the Commission approve the draft amendment and push it forward to City Council. • T. Derenthal spoke in concern of how this draft amendment could affect UVM's overall student population. He worried that increased housing for freshmen and sophomores could lead to more upperclassmen eventually needing off campus housing. He also expressed disappointment that there is no longer a Memorandum of Understanding between the City and UVM. • J. Van Driesche voiced support for the draft amendment. He stated that the current Trinity Campus setup is not the best use of land and the draft amendment provides a good path forward. • S. Bushor followed up on the communication she sent to the Commissioners and Planning staff. She expressed disappointment that the parking lot between the Waterman Building and the University Health Center was not reviewed for development first. She also inquired as to why some other parts of the land on Trinity Campus were not considered for development. She was concerned that there is not enough green space in the current plan. She requested that the Commissioners review the setbacks in the draft amendment. • B. Duncan asked the Commission and Planning staff how they arrived at the 65 foot buffer dimension. He also asked whether there were special protections on the historic nature of some of the Trinity Campus buildings. • B. Butani agreed that parking lots should have been reviewed first for redevelopment. He expressed disappointment that UVM could not ensure that this proposed housing is reserved for upperclassmen. • N. Kirby expressed that an increase in UVM students would be a detriment to the Burlington community. She was also concerned about a decrease in green space at Trinity Campus and the view from Colchester Avenue. Commissioner Discussion: • M. Tuttle shared that the Department of Permitting and Inspections provided technical suggestions on the draft amendment. The Commissioners can review at the next meeting.

VI. Public Hearing: Proposed ZA-23-01 South End Innovation District

Action: Motion to the Public Hearing into the next meeting		
Motion by: E. Lee	Second by: J. Randall	Vote: Unanimous
Type: Motion to extend	Presented by: C. Dillard	
Introduction: • This a comprehensive draft amendment for the 70-acre core area within the existing Enterprise/Light Manufacturing district in the South End. The inception of this draft amendment came from planBTV: South End with a purpose to protect and foster the arts and making community in this area, while also making space for the burgeoning office needs in the South End. The other catalyst was Mayor Weinberger’s 10 Point Housing Action Plan and the need to build more units in Burlington. The draft amendment provides several urban design and land use standards. The Chair held a public hearing with the following public comments: • S. Foley is a Ward 5 resident and is concerned about the allowable size of the buildings proposed in the draft amendment. He stated that a 6-8 story building would impact the view		

shed of the Five Sisters, Birchcliff, and Callahan Park neighborhoods. He asked the Commission to look at alternative options to address the housing needs in the city.

- J. Van Driesche expressed overall support for the draft amendment and a desire to reinvent the large parking lot next to the Innovation Center. However, he was concerned about the storm water capacity for new development in this area. The area currently experiences issues with storm water and wanted assurance that additional development would improve these conditions.
- J. Weissman expressed concern for storm water management in this area. She worried about 8-story buildings being so close to the lake. She also expressed concern from the pedestrian perspective and the potential for increased traffic, light pollution, and noise pollution in the area.
- J. Caulo spoke as a representative of 125 Lakeside Avenue and a South End resident. He spoke in favor of the draft amendment and commented on increased housing and economic development for the area. He was, however, concerned about the technical language surrounding "streets" and "multi-use paths." He spoke in favor of pedestrian and bike friendly paths but asked for clarification on what the guidance is in the draft amendment. He was also concerned about the maximum allowable building size of 15,000 sq/ft and requested that the language be more open-ended. He also asked for clarification on how the ordinance treats phased development. He then brought up concerns around the use table, particularly the makeup of primary and secondary uses within a development. He suggested that the use table be updated into allowable ground-floor uses and more flexibility with all other space.
- H. Easter spoke as a resident of the Birchcliff neighborhood. He spoke in favor of walkable and bike-able development in the South End, however, he was concerned about the maximum allowable height of 85 ft. He stated that larger projects could be harder to develop. He expressed concern that other homeowners have difficulty building a second story on their existing homes, so it could be considered unfair that new development have allowable building height of 85 ft. He also was not in favor of hotels as an allowable use.

Commissioner Discussion:

- C. Dillard followed up on a memo that Planning staff sent to the Commissioners, which asked for limited exemptions to the floor plate standards to facilitate larger format parking structures. The proposed change would also allow 2 ingress and egress spots in a parking structure (updated from 1). Planning staff also recommend that the plan unit development be permitted in the Enterprise/Light Manufacturing district, which facilitates phased development. Lastly, staff recommended that the use table language be clarified.
- B. Baker asked whether Planning staff had plans to address the language changes requested by J. Caulo and others. M. Tuttle responded that staff already knew about some concerns, but the team will follow up on these items for the next meeting.
- M. Tuttle responded to H. Easter's concern about fairness and building height. Planning staff are working also working on updating neighborhood codes in a separate draft amendment that aim to address these concerns.
- J. Randall requested more information about the office space floor plate needs.

VII. Commissioner Items

Action: n/a		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: n/a	
E. Lee brought up the conditions of the former YMCA building. There is excessive graffiti and vandalism on the building and E. Lee inquired about fencing off 2nd story access points. B. Baker offered that the building is currently under foreclosure and the owner has asked the city for support as the court system could take years. M. Tuttle added that she brought these concerns		

Tuesday, November 15, 2022

to B. Ward, Department Head of DPI, and there are some ordinances that address graffiti where the City could issue tickets. B. Ward planned to send a building inspector to this location and try to work with the property owner on graffiti mitigation. Many of the suggestions, like fencing, would cause right of way and sidewalk issues. Another challenge is that covering up the graffiti would likely damage the historic nature of the building. A. Montroll asked that B. Ward come to a Planning Commission meeting to discuss this issue and see if there are any other tools the Commission could bring to the table.

- J. Randall thanked Planning staff for organizing the Missing Middle Housing trivia night.
- The next meeting is December 13.

VIII. Minutes and Communications

Action: Approve the minutes and accept the communications

Motion by: J. Randall	Second by: M. Gaughan	Approved Unanimously
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Minutes Approved: October 25.

Communications Accepted: in the agenda packet and posted at

https://www.burlingtonvt.gov/CityPlan/PC/Agendas

IX. Adjourn

Adjournment	Time: 7:45 pm
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Motion: J. Randall	Second: A. Friend	Vote: Approved Unanimously
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Communication

From: Tom Derenthal, Nash Place

UVM Trinity Re-development: While I am not generally opposed to increasing density on the Campus, I take exception to UVM's proposal because to the degree that first and second year undergraduates are housed there, the new capacity will ironically add to the scarcity of rental units in the City, especially in Ward 1. Let me explain. It's my opinion that UVM will in part use new Trinity capacity to increase enrollment, primarily graduate students, but undergrads as well. The new undergraduates, after 2 years on campus will be encouraged to find off campus housing. UVM has stated a number of times that 3rd and 4th year students prefer off campus life, out from under UVM dorm regulations. These additional upper class men & women will put pressure on an already tight and expensive rental market, squeezing out families with low, modest and even fairly well-to-do incomes.

I do not believe housing graduate students will have the same impact. Ditto if staff are housed at Trinity.

Zoning limits to building location and size: UVM has expressed interest in changing the street setback, if I remember correctly, to 50 feet from the Colchester Ave centerline. This translates into approximately a 25 foot setback from the outside edge of the sidewalk. This reduction will IMO, crowd the street. Perhaps a better value is 100 feet from the centerline [75 feet from the sidewalk]. Assuming the current distance from the Mann Building to the sidewalk is 150 feet, in my calculation, UVM would have an additional 75 feet to build in. WRT building height, I have no objection to building up to 100 feet high.

BTW, I'm under the impression the MOU tying City and UVM together has expired. If true, a new MOU should precede any zoning work. It's important both sides understand each other.

Charles-

I'm writing regarding the South End Innovation District rezoning proposal, per the web page that directs comments to your attention. I was directed to the webpage by a Front Porch Forum posting from my City Councilor.

I am all in favor of the rezoning and all of its component parts. The need for housing is such that I would support building tall- to the full eight stories though I recognize that is controversial and perhaps not the optimal urban strategy for creating a neighborhood feel. I also think there needs to be consideration for an abundance of parking- surface and structured- because it is unrealistic to expect residents of Vermont to live without cars.

My question is- if, per the web page, the motivation for the rezoning was PlanBTV:South End, why this rezoning effort is limited to the Enterprise District? The plan speaks directly to the potential of Shelburne Rd. Surely this all-important corridor is of more importance to reconsider? The length of it is largely zoned Residential, which is completely inappropriate. This corridor is a main thoroughfare for public transportation, links downtown and the Interstate and is in many cases the entry to the City. Why isn't a comprehensive rezoning of this corridor under consideration?

I fully respect the efforts of landowners and developers with a presence in the South End, and their efforts to revitalize the Pine St corridor, and now beyond. I also fully respect the abilities of City staff- surely there is the possibility to consider more than one proposal? And if these two areas are considered in tandem wouldn't that make for a more unified and comprehensive plan for the future of the South End? Creating the maximum amount of positive transformation?

I'll note that the City's Housing Action Plan also speaks directly to the potential of the Shelburne Rd corridor, and its suitability for housing and mixed-use development.

Doesn't the Shelburne Rd corridor receive more traffic than the Innovation District? Wouldn't a reexamination of the zoning of- and uses along- Shelburne Rd affect more City and Country residents? Wouldn't it be prudent for the City to consider providing housing adjacent to multimodal transportation? And to consider the vibrancy of mixed-use development along one of the most highly trafficked corridors in the State?

Regards,

Dan Goltzman
Caroline St.

----- Forwarded Message -----

From: Nancy Kirby \

To: cdillard@burlingtonvt.gov <cdillard@burlingtonvt.gov>

Sent: Friday, December 16, 2022 at 08:09:58 AM EST

Subject: Re: public meeting

On Saturday, November 12, 2022 at 03:08:36 PM EST, Nancy Kirby <krbygrl17@yahoo.com> wrote:

I think the zoom for public meeting is unfair for those of us that are not able to download the site. This is a very important decision and for the commission to ask all of us that will be affected by the project to zoom, gives me the impression you have all made up your mind to allow the change. There is no reason the zoning needs to change. We need to keep the setback to ensure the long time residents of this neighborhood the feeling of a neighborhood. This project will forever change the makeup of our lovely street. The green space is a buffer. UVM will increase enrollment and we will still have a housing crisis. They do not care about the long time residents of our city. They want more students. They look at more enrollment more dollars.

We have had a shortage of rental units due to greedy landlords that collect far too high rents from students that do not want to live on campus. UVM and landlords have turned our neighborhoods into boarding house units, not family households. Shame on them. Please do not allow the zoning change, send UVM a message, in doing so, you will also send a message that you hear the neighbors' voices. Please share my thoughts with the commission as I will not have the pleasure of zooming.

Respectfully,

Nancy Kirby (a ward one resident on Colchester Avenue 48 years in ward one and a life long resident of our city for 71 years..)

South End Innovation District

*Planning Commission Public Hearing
December 20, 2022*



Meagan Tuttle, Director of Planning
Charles Dillard, Principal Planner
Sarah Morgan, Planner

Presentation Overview

- 11/15 Public Hearing Comment Review
 - Building Height and Lake View Impacts
 - Building Floor Plate Standards
 - Land Use Table and Primary/Secondary Distinction
 - SEID, E-LM and Light Manufacturing
 - SEID and Lake Water Quality
 - *planBTV: South End* beyond the SEID
 - Flexible Development Framework
- Proposed Revisions in 12/20 Draft
 - Increased maximum setback (Table 4.5.8-1)
 - Parking Structure One-Time Floor Plate Standard Exemption (Table 4.5.8-1)
 - Street Hierarchies and Frontage Designations (Sec. 4.5.8(c) 2A, Sec 4.5.8(c) 2B)
 - Parking Structure Ingress/Egress Decoupling (Sec 4.5.8(c) 3C)
 - Land Use Table Language Consistency (Table 4.5.8-3)
 - Permit PUDs in the SEID (Sec 11.1.3)
 - Define Floor Plate (Sec. 13.1.2)

11/15 Public Hearing Comments

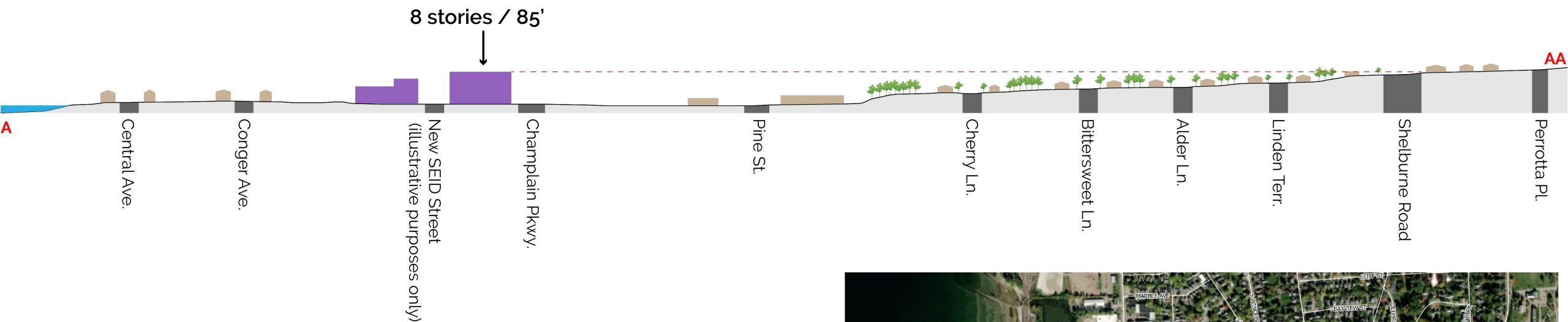
Building Height and Lake View Impacts

- Maintaining lake views from public open spaces, to the extent practicable, is a policy priority.
- Generally, upland trees and buildings obstruct lake views from Calahan Park and adjacent neighborhoods.
- Future development will largely be screened from view by existing trees in Calahan Park



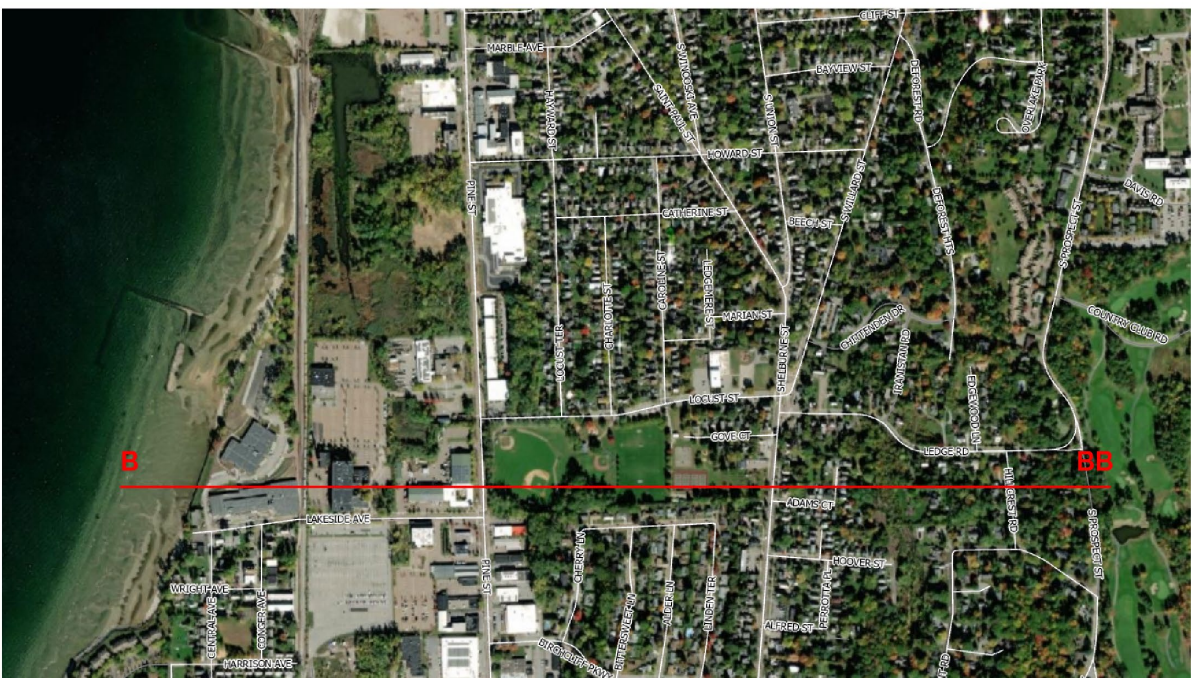
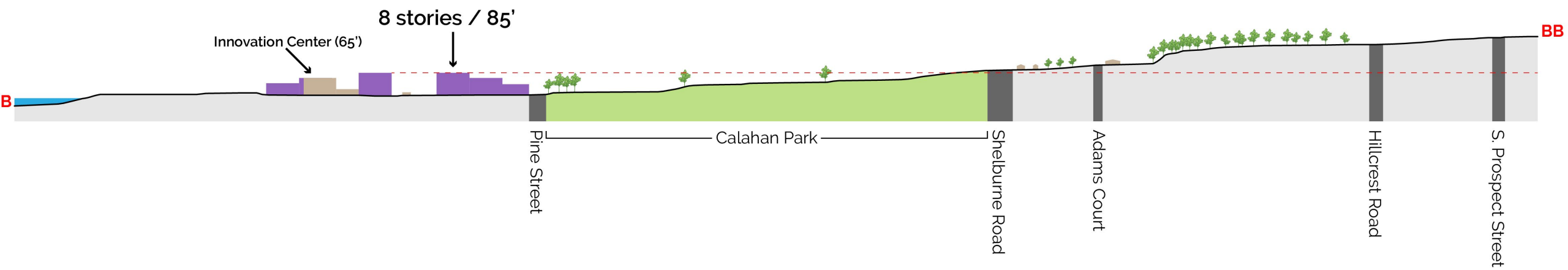
11/15 Public Hearing Comments

Building Height and Lake View Impacts



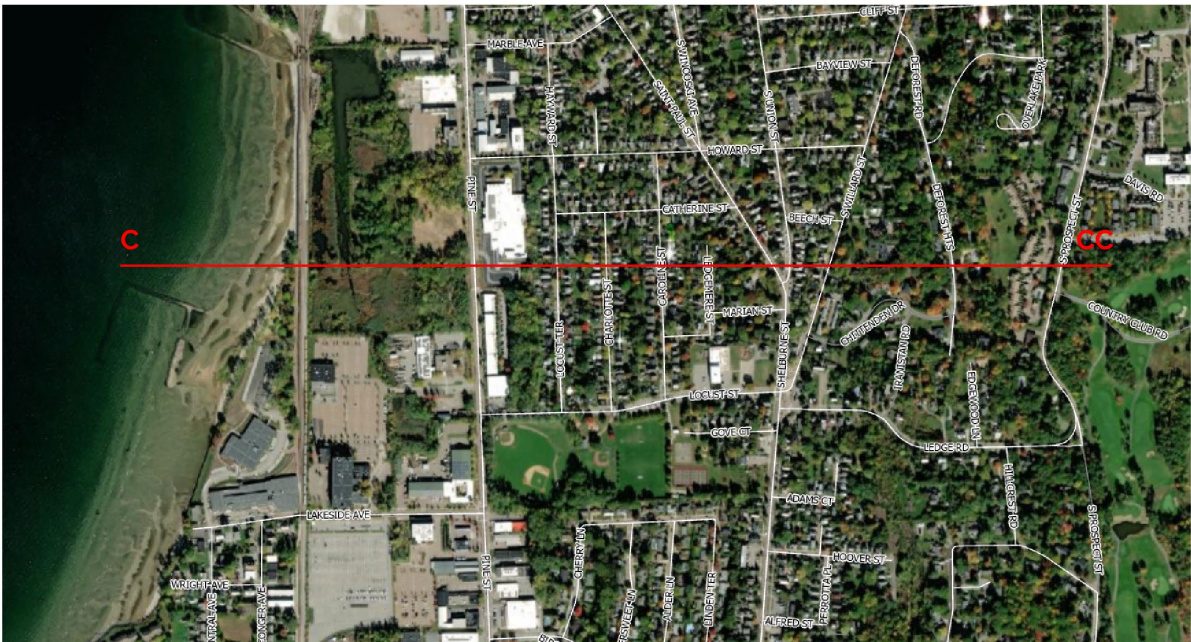
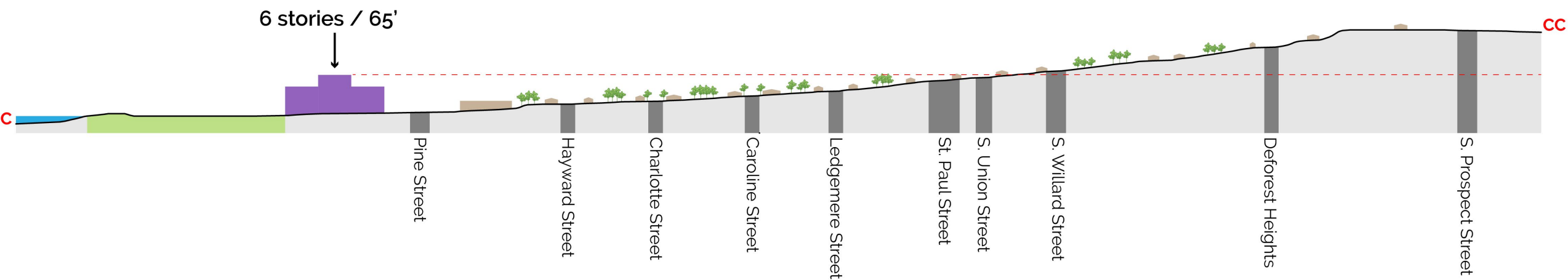
11/15 Public Hearing Comments

Building Height and Lake View Impacts



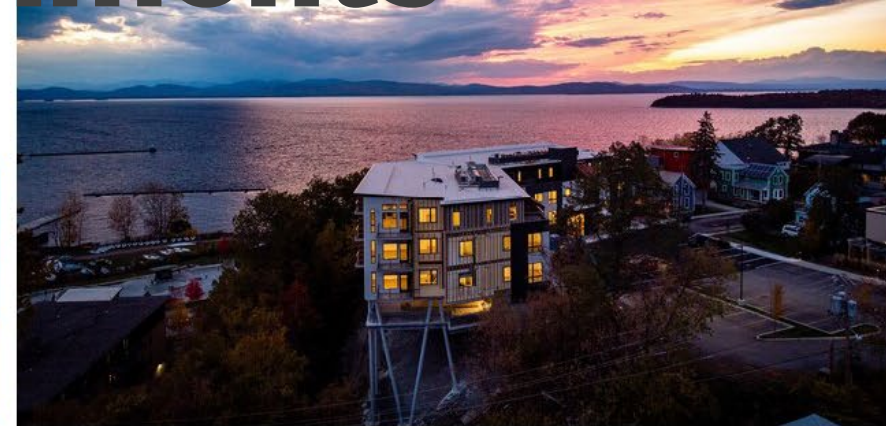
11/15 Public Hearing Comments

Building Height and Lake View Impacts



11/15 Public Hearing Comments

Building Floor Plate Standards



ONE Lakeview, Burlington

Floor Plate: 13,5700 sf

GFA: 54,000 sf

11/15 Public Hearing Comments

Building Floor Plate Standards



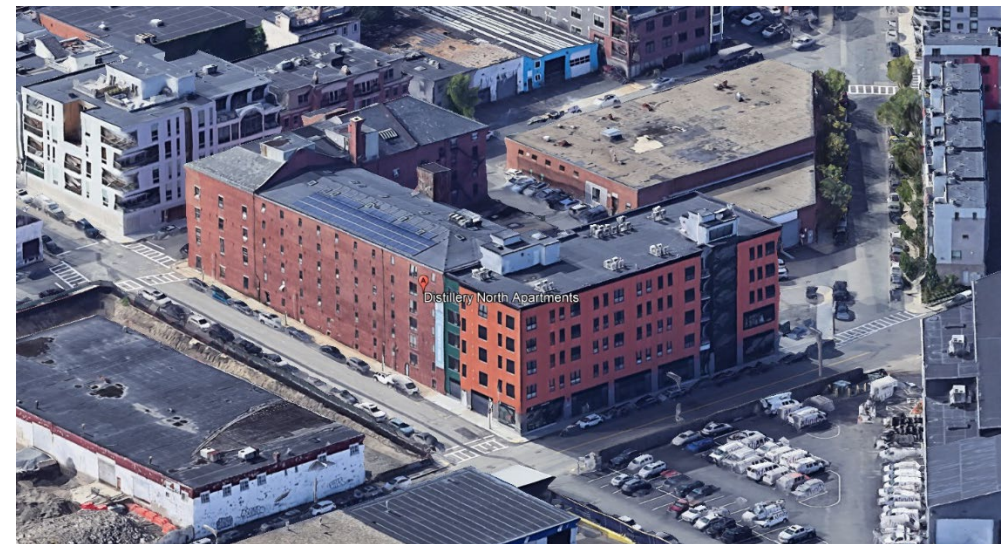
Champlain College Miller Center, Burlington

Floor Plate: 12,700 sf

GFA: 40,000 sf

11/15 Public Hearing Comments

Building Floor Plate Standards



Distillery North, Boston
Floor Plate: 10,900 sf
GFA: 60,000 sf

11/15 Public Hearing Comments

Building Floor Plate Standards



Gleis 21, Vienna

Floor Plate: 12,500 sf

GFA: 42,000 sf

11/15 Public Hearing Comments

Land Use Table and Primary/Secondary Distinction

Secondary Permitted Uses:

The sum square footage of all secondary limited uses is not to exceed 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 A:

- 40,000 sf residential use
- 5,000 sf artist studio (primary)
- 5,000 sf community garden (primary)
- 10,000 sf restaurant (secondary)

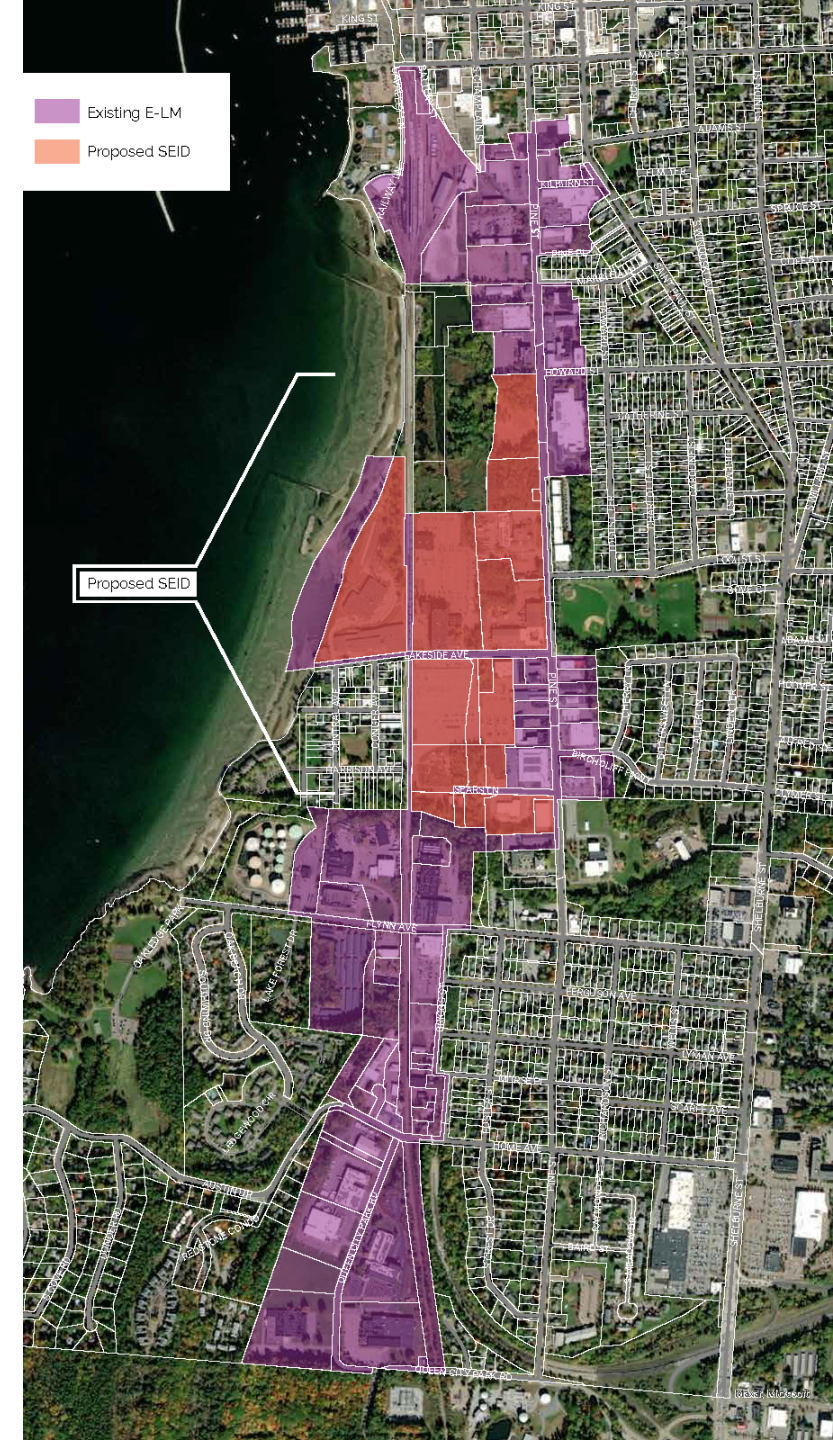
Example Project B:

- 40,000 sf Research Lab (primary)
- 20,000 sf cinema (secondary)
- 5,000 sf convenience store (secondary)
- 5,000 sf bar/tavern (secondary)
- 10,000 sf pharmacy (secondary)

11/15 Public Hearing Comments

SEID, E-LM, and Manufacturing

The SEID represents about ¼ of all the existing E-LM district. Existing E-LM standards, including no allowance for residential use, will remain in the areas outside of the SEID.

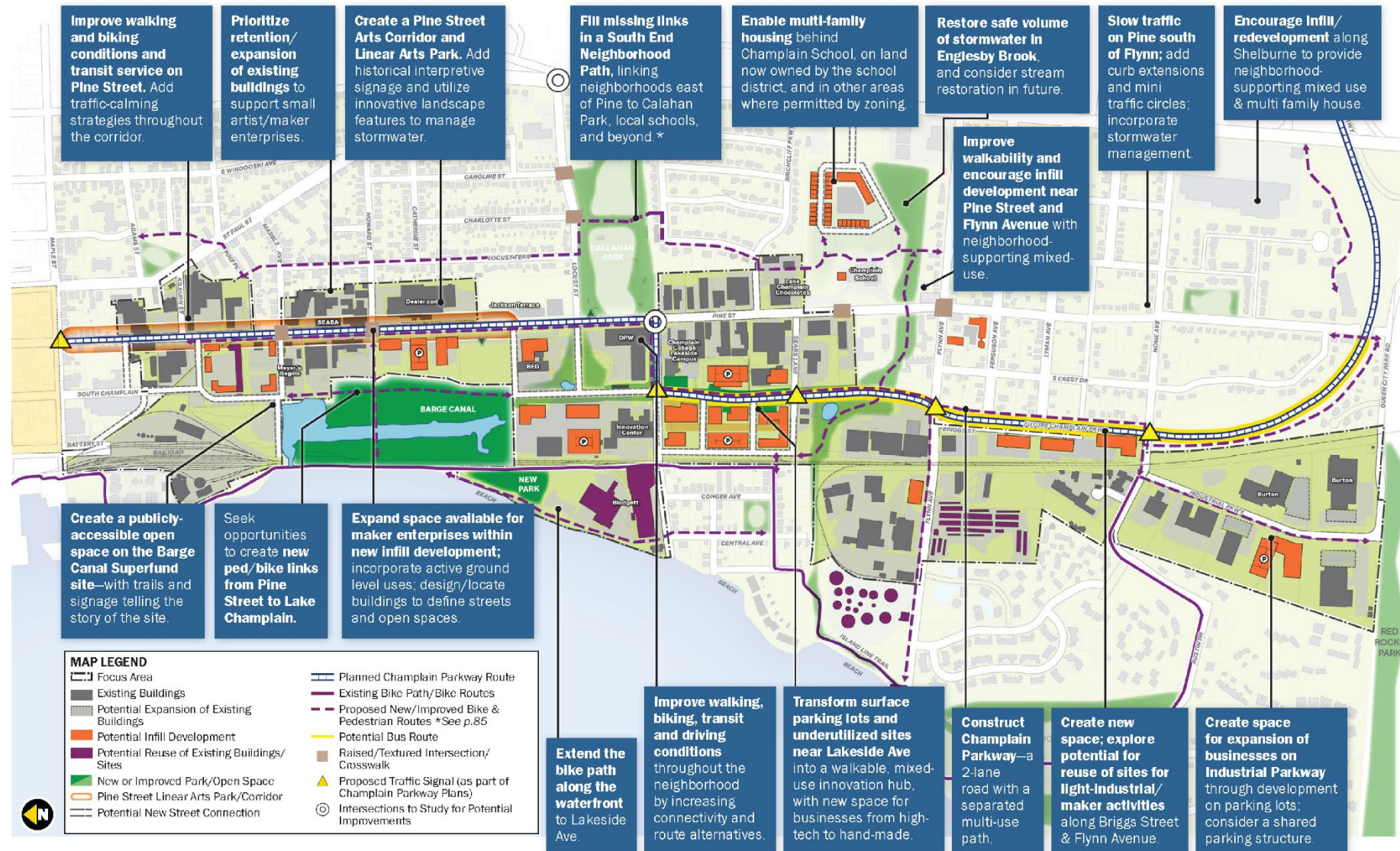


11/15 Public Hearing Comments

SEID, E-LM, and Manufacturing

planBTV: South End calls for the expansion of businesses on Industrial Parkway and along Briggs Street and Flynn Avenue. Potential expansion of Rhino Foods operations would advance implementation of this objective.

planBTV South End Framework



11/15 Public Hearing Comments

SEID and Lake Champlain Water Quality

The SEID, along with the Champlain Parkway, will increase the amount of pervious surface and stormwater management devices, including green stormwater infrastructure (GSI).

The GSI/SITES lot coverage bonus intends to incent the development of water-friendly design in the district.

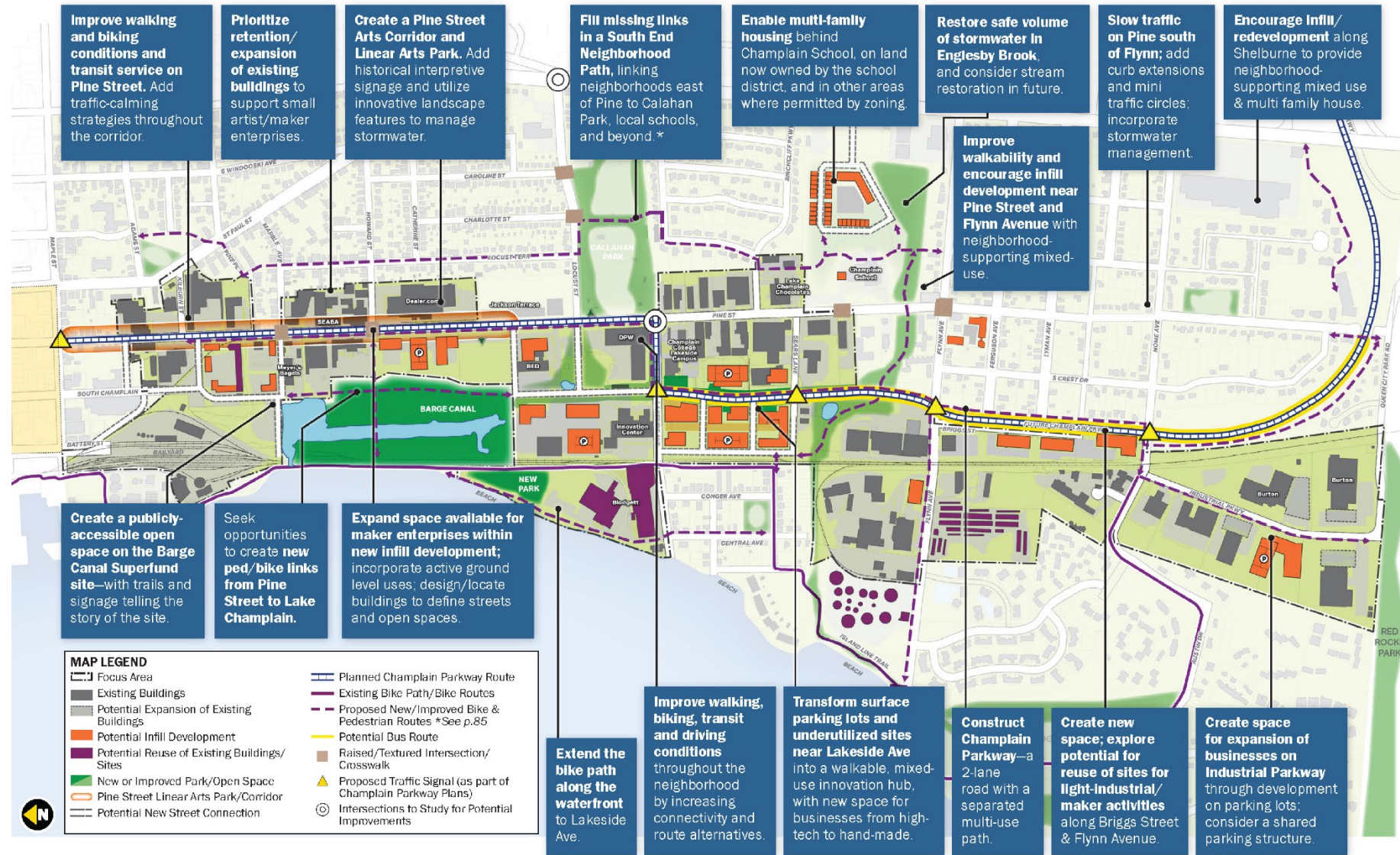


11/15 Public Hearing Comments

planBTV:South End beyond the SEID

planBTV: South End calls for land use and transportation improvements throughout the South End. The October, 2021 PC presentation outlines a potential zoning strategy to strengthen the remainder of the E-LM and South End arts district.

planBTV South End Framework



11/15 Public Hearing Comments

Flexible Development Framework

In the interest of flexibility, the SEID has evolved in the following ways:

- Building Height
 - The amendment has evolved to limit height along the western and Pine St. edges while seeking to concentrate the tallest buildings in the district's core.
- Parking Structure One-Time Floor Plate Standard Exemption
 - Proposed revised draft allows for one-time construction of larger-format parking structures
- Parking Structure Ingress/Egress Decoupling
 - Proposed revised draft allows for up to two separate façade openings in parking structures
- Street Hierarchies and Frontage Designations
 - Proposed revised draft removes prescribed street designations in lieu of developer choice
- Block Perimeter and Street/Path Design
 - Block perimeter in lieu of official map creation allows for evolution and coordinated public/private designation of new streets and paths
- Residential Use Location
 - Prior iterations had proposed residential use in new buildings only. Current draft allows residences in additions to existing buildings as well.
- Hotels
 - Initially, hotels were to be prohibited. Current draft allows limited development of hotels.

Proposed Revisions in 12/20 Draft

- Increased maximum setback (Table 4.5.8-1)
- Parking Structure One-Time Floor Plate Standard Exemption (Table 4.5.8-1)
- Street Hierarchies and Frontage Designations (Sec. 4.5.8(c) 2A, Sec 4.5.8(c) 2B)
- Parking Structure Ingress/Egress Decoupling (Sec 4.5.8(c) 3C)
- Land Use Table Language Consistency (Table 4.5.8-3)
- Permit PUDs in the SEID (Sec 11.1.3)
- Define Floor Plate (Sec. 13.1.2)

Proposed Revisions in 12/20 Draft

Increased maximum setback (Table 4.5.8-1)

Current Draft:

- Maximum front setback: 10'
- Maximum side setback: 10'
- Maximum rear setback: 15'

Proposed Revised Draft:

- Maximum front setback: 20'
- Maximum side setback: 20'
- Maximum rear setback: 20'

Rationale: To support more generous patio/plaza/open space amenity in front of buildings, including publicly available open space that can be provided to reduce the ground floor non-residential use requirement. Additionally, if this revision is recommended by the Commission, a restriction on parking between buildings and the street is recommended, with draft text provided in the 12/20 draft.

Proposed Revisions in 12/20 Draft

Parking Structure One-Time Floor Plate Standard Exemption (Table 4.5.8-1)

Current Draft:

- Makes no distinction or exception for parking structure floor plate
- Parking structures limited to 15,000 sf floor plate

Proposed Revised Draft:

- Create exemption for parking structures.
 - 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:
 - When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.

Rationale: to facilitate efficient shared parking structures, a planBTV: SE goal and subject of CCRPC Multimodal Transit Center Feasibility Study. Shared parking reduces cost-inefficient below-grade parking and reserves space elsewhere in the district for pedestrian-oriented and human scaled buildings, public realm and open space.

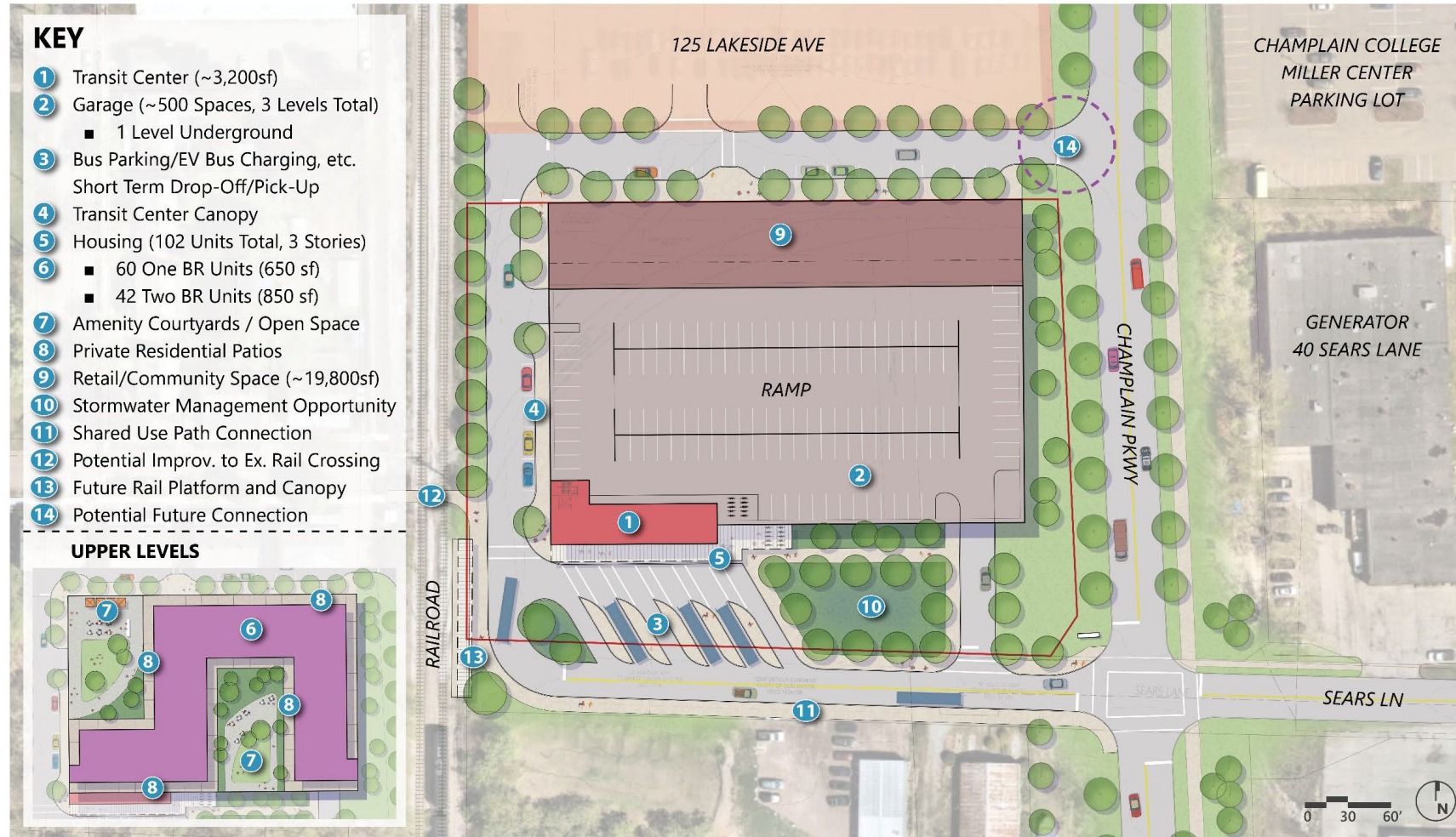
Proposed Revisions in 12/20 Draft

Parking Structure One-Time Floor Plate Standard Exemption (Table 4.5.8-1)



Proposed Revisions in 12/20 Draft

Parking Structure One-Time Floor Plate Standard Exemption (Table 4.5.8-1)



Proposed Revisions in 12/20 Draft

Street Hierarchies and Frontage Designations (Sec. 4.5.8(c) 2A, Sec 4.5.8(c) 2B)

Current Draft:

- Establishes primary and secondary street designations, which regulate ground floor non-residential use and lot frontage occupation requirements

Proposed Revised Draft:

- Removes Map 4.5.8-3 and instead allowing developer to designate frontage, with minimum requirement that at least one block frontage must be a primary frontage.

Rationale: Given the uncertain future of public realm elements on Champlain Parkway and to allow flexibility in the phased development of large sites, the map is recommended for removal. The alternative proposed requirement that at least one frontage shall have primary designation will ensure a high degree of activated ground floor/street level activity while providing a more flexible development framework.

Proposed Revisions in 12/20 Draft

Parking Structure Ingress/Egress Decoupling (Sec 4.5.8(c) 3C)

Current Draft:

- Establishes parking ingress/egress requirements identical to the Downtown Form Code standards that limit parking structure access points to one per façade.

Proposed Revised Draft:

- Permits two openings per façade to allow for separated ingress and egress and promote design flexibility.

Rationale: The previously proposed language was taken from the Form Code for Downtown, where site constraints make that standard appropriate. The SEID will regulate larger sites where greater flexibility and structure efficiency can be achieved. Allowing separate entrance and egress points could ultimately promote improved safety for pedestrians and cyclists and a more pleasant urban environment.

Proposed Revisions in 12/20 Draft

Land Use Table Language Consistency (Table 4.5.8-3)

Proposed Revised Draft:

- Replaces “limited” “to secondary” in table header
- Permits two openings per façade to allow for separated ingress and egress and promote design flexibility.

Rationale: To maintain consistency if CDO language.

Proposed Revisions in 12/20 Draft

Permit PUDs in the SEID (Sec 11.1.3)

Current Draft:

- Makes no mention of PUDs.

Proposed Revised Draft:

- Permits Planned Unit Developments in the SEID.

Rationale: The district's large sites make a phased approach the most realistic and would remove potential compliance barriers.

Define Floor Plate (Sec. 13.1.2)

Current Draft:

- Does not define floor plate, though floor plate standards are introduced in the amendment

Proposed Revised Draft:

- Defines floor plate.

Rationale: A definition is needed to facilitate transparent zoning administration and development review.

Burlington Planning Commission

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www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Julia Randall

Burlington Planning Commission

Tuesday, December 20, 2022, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A. Montroll, J. Randall, B. Baker, M. Gaughan, A. Friend
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	S. Bushor, M. Lang, D. Castrigano, C. Larsen, J. Van Driesche, C. Long, C. Bates, J. Tiano, R. Thornton, M. Arnold, C. Esquivel Cordova, J. Caulo, N. Persampieri, Gordon

I. Agenda

Call to Order	Time: 6:30pm
Agenda	Planning staff proposed changing item VIII (meeting schedule) on the agenda to item V. Staff also flagged that, beginning in 2023, public meetings may no longer be virtual only, but can still be hybrid.

II. Public Forum

Name(s)	Comment
M. Lang	M. Lang spoke in regards to the UVM Trinity Campus rezoning. She expressed concern that there is a lack of a pedestrian plan.
S. Bushor	S. Bushor was concerned that the setback for the UVM Trinity Campus rezoning starts at the center of Colchester Avenue. She also pointed out that there was more public engagement with the South End Innovation District than with the UVM Trinity Campus item. She also raised concerns about the increased number of students at UVM.
D. Castrigano	D. Castrigano stated the two proposed zoning changes are necessary, but he feels do not go far enough to combat the housing crisis and climate change.
C. Larsen	C. Larsen spoke in regards to climate change and redeveloping/building the future of Burlington.
J. Van Driesche	J. Van Driesche stated the City has leverage with UVM to negotiate increased student housing (beyond Trinity Campus). He also stated that the South End Innovation District is popular among South End residents, but there is hesitation regarding building height.
C. Long	C. Long stated that the City should take this rezoning opportunity to hold UVM accountable for student housing numbers. She noted that upperclassmen do not like living on campus because UVM is a dry campus and on-campus housing can be expensive.
C. Bates	C. Bates stated that the South End Innovation District public engagement surveys showed residents were in favor of 4-6 story buildings. She also expressed concern

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Tuesday, December 20, 2022

	for storm water capabilities in this area. She requested that all solar energy requirements and local materials for new development as well.
J. Tiano	J. Tiano spoke in support of the proposed minimum parking ordinance. J. Tiano also spoke in support of the UVM Trinity Campus rezoning and the South End Innovation District. He did not believe the proposed building height would negatively affect the neighborhood.
R. Thornton	R. Thornton spoke in support of the proposed minimum parking ordinance. He supported any rezoning measures that would provide as much density and housing as possible, in light of climate refugees.
M. Arnold	M. Arnold spoke in support of the UVM Trinity Campus rezoning and the South End Innovation District. He stated that the City should provide housing for commuters from surrounding towns. He asked the Planning Commission to take measures that would increase the rental vacancy rate to 5%.
C. Esquivel Cordova	C. Esquivel Cordova spoke as an employee of Pathways Vermont about the housing crisis. He supported measures that would increase housing density.

III. Chair's Report

A. Montroll	No report.
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IV. Director's Report

M. Tuttle	The Planning Department is presenting a contract for the impact fee study to the Board of Finance. Staff are also reviewing proposals for the transportation demand management study. The public art zoning amendment will go through a City Council public hearing in January.
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V. Planning Commission Meeting Schedule

Action: Approve the Planning Commission 2023 schedule		
Motion by: A. Friend	Second by: M. Gaughan	Vote: Unanimous
Type: Action	Presented by: C. Dillard	
• The schedule will resume with meetings on the 2nd and 4th Tuesday of every month. • M. Tuttle asked that the Commissioners save the date for January 17th to have a joint meeting with the Department of Permitting and Inspections and the Development Review Board.		

VI. Public Hearing: Proposed ZA-22-07 Maximum Parking and TDM

Action: Motion to re-approve the report and send back to City Council		
Motion by: A. Friend	Second by: J. Randall	Vote: Unanimous
Type: Action	Presented by: M. Tuttle	
Introduction: • The Planning Commission previously sent this zoning amendment to City Council in July. Council made changes to the proposed amendment, so it is back with the Planning Commission for review. • Council changed language surrounding properties location at 0 and 52 Institute Road to be consistent with the Institute Parking Management Plan. Council also added TDM criteria for "affordable projects," which are primarily affordable housing units. • Council removed some requirements from the outreach and education portion of the TDM, nominally the annual meeting for tenants. Council also added benefit options that property owners are required to offer their tenants. • Council also created a pathway for previously approved parking plans to be amended.		

- Planning staff added language that exempts parking in driveways that are already compliant with other ordinances.

Commissioner Discussion:

- J. Randall expressed support for the pathway to amend previously approved parking plans.
- M. Gaughan noted that there are concerns from the affordable housing community about the impact of TDM.

VII. Public Hearing: Proposed ZA-22-04 UVM Trinity Campus Zoning

Action: Motion to move the amendment and the memo forward to City Council.

Motion by: M. Gaughan

Second by: J. Randall

Vote: 4-1

Type: Action

Presented by: C. Dillard

The Chair held a public hearing with the following public comments:

- T. Schlossberg spoke as a Ward 1 resident. He noted the recent increase in class size and the lack of housing on-campus. He recommended that the Planning Commission table this proposed amendment and that the City explore an MOU.
- N. Persampieri spoke in support of this proposed amendment. He stated the Commission should do everything possible to increase housing in the city.

Commissioner Discussion:

- C. Dillard showed the technical changes made to the amendment since it was last presented to the Commission. "Bed and Breakfast" was removed from the use table. Some other words were changed or removed for clarity.
- Planning staff drafted a letter on behalf of the Commission that shows support for a tangible commitment from UVM to address housing concerns.
- M. Gaughan stated that while the Commission does not have the power to regulate UVM's student numbers, it is important to acknowledge external factors affecting Burlington's land use.
- J. Randall added that the Commission can submit informational requests to UVM, but cannot set requirements on student body numbers or who is housed at Trinity Campus. She added that the letter could include suggested elements of a draft MOU. She also commented on the public forum comments about leveraging this amendment for an MOU with UVM and noted that building on Trinity Campus may be a better priority.
- A. Montroll commented that an MOU with UVM is ultimately for City Council and the Mayor's Office to decide. A. Friend noted that this presents an opportunity to withhold the recommendation to approve this amendment until there is an MOU in place.
- M. Gaughan expressed favor of going forward with this proposed amendment. He pointed to the UVM developments in South Burlington and suggested that future UVM developments should stay in Burlington/closer to campus.
- Based on the public forum, A. Montroll asked staff for clarification on the setback line. M. Tuttle clarified that the previous draft put the setback at the front property line, but the uniqueness of Trinity Campus actually made that setback more difficult to understand. Staff modeled the proposed setback on another setback line in the institutional core.

VIII. Public Hearing: Proposed ZA-23-01 South End Innovation District

Action: n/a

Motion by: n/a

Second by: n/a

Vote: n/a

Type: Discussion

Presented by: C. Dillard

Tuesday, December 20, 2022

The Chair held a public hearing with the following public comments:

- Gordon asked about the proposed floor area ratio and commented that an FAR of 2.25 would limit density. He also asked why the area around Cumberland Farms and Burlington Furniture are not included in this district. He was in favor of 4-6 story buildings across the district to increase density.
- N. Persampieri expressed support for this proposal because it will increase housing and be a walkable district. He stated that people who live in downtown Burlington have a smaller carbon footprint than those who live in the suburbs and the City should increase housing. He spoke in support of 8 story buildings in this district and disagreed with the height buffer along the Pine Street-Barge Canal boundary. He suggested adding more "teeth" to the parking language so that parking is limited to the perimeter of the district and not allowed in the walkable/bikeable core. He also suggested increased residential uses in the district.
- C. Larsen expressed support for the proposal, but recommended that housing be prioritized. He was concerned that the proposal allows for the flexibility of an above-ground parking structure, which he opposes.
- J. Caulo added to his previous public comment. He stated that the ordinance is too prescriptive in regards to non-residential uses. He suggested increased flexibility and removing the primary and secondary uses table.
- M. Arnold stated that the FAR is too low and suggested increasing the FAR to 4 or 5.

Commissioner Discussion:

- Planning staff prepared a presentation, but Commissioners agreed to extend the discussion to the next meeting.
- J. Randall asked about the phasing and placement of parking structures. C. Dillard responded that 30,000 and 60,000 are standard Planning measurements for parking structures, and added that the Chittenden County Regional Planning Commission recommended 60,000 in the 68 Sears Lane feasibility study.
- M. Gaughan commented that he would like to review the primary and secondary use table in the proposed amendment.
- J. Randall asked to discuss the FAR in the next Commissioner discussion.

IX. Commissioner Items

Action: n/a		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: n/a	
• A. Friend thanked the public for their engagement and participation through these three proposed amendments. • M. Tuttle reminded the Commissioners that the next meeting will have an in-person component.		

X. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: J. Randall	Second by: A. Friend	Approved: Unanimously
Minutes Approved: November 15.		
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

XI. Adjourn

Adjournment	Time: 8:37 pm
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Motion: A. Friend	Second: J. Randall	Vote: Approved Unanimously
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DRAFT