

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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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*

Regular Meeting Burlington Planning Commission

Tuesday, October 11, 2022

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

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/85626575088>

To Join the Meeting on a Phone

Number: +1 312 626 6799 **Meeting ID:** 856 2657 5088

AGENDA

I. Agenda (6:30 P.M.)

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-23-01 South End Innovation District Overlay (SEID)

The Commission will continue its discussion of the draft zoning amendment, which 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 3.

Staff Recommendation: Ask questions and provide feedback on the draft amendment. Approve warning of a public hearing for November 15 meeting.

VI. Proposed CDO Amendment: ZA-22-04 UVM Trinity Campus Zoning

The Commission will continue its discussion of the draft zoning amendment, a request by UVM to enable greater infill development within the Trinity Campus.

Staff Recommendation: Ask questions and provide feedback on the draft amendment. Approve warning of a public hearing for November 15 meeting.

VII. Commissioner Items

- a. Committee Reports

VIII. Minutes & Communications

- a. The minutes of the September 27 meeting are enclosed in the agenda packet on page 28.
- b. Communications are enclosed in the agenda packet.

IX. Adjourn

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

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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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TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Director
DATE: October 6, 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 and September 27 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. Staff will also share additional refinements to the draft ordinance text, included in the agenda packet, based on further discussion with other city departments.

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.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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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	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: Enterprise- 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 with appropriate mitigations from ~~or~~ 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 (SEID) overlay 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 (SEID) overlay are identified in 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: Enterprise – 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.

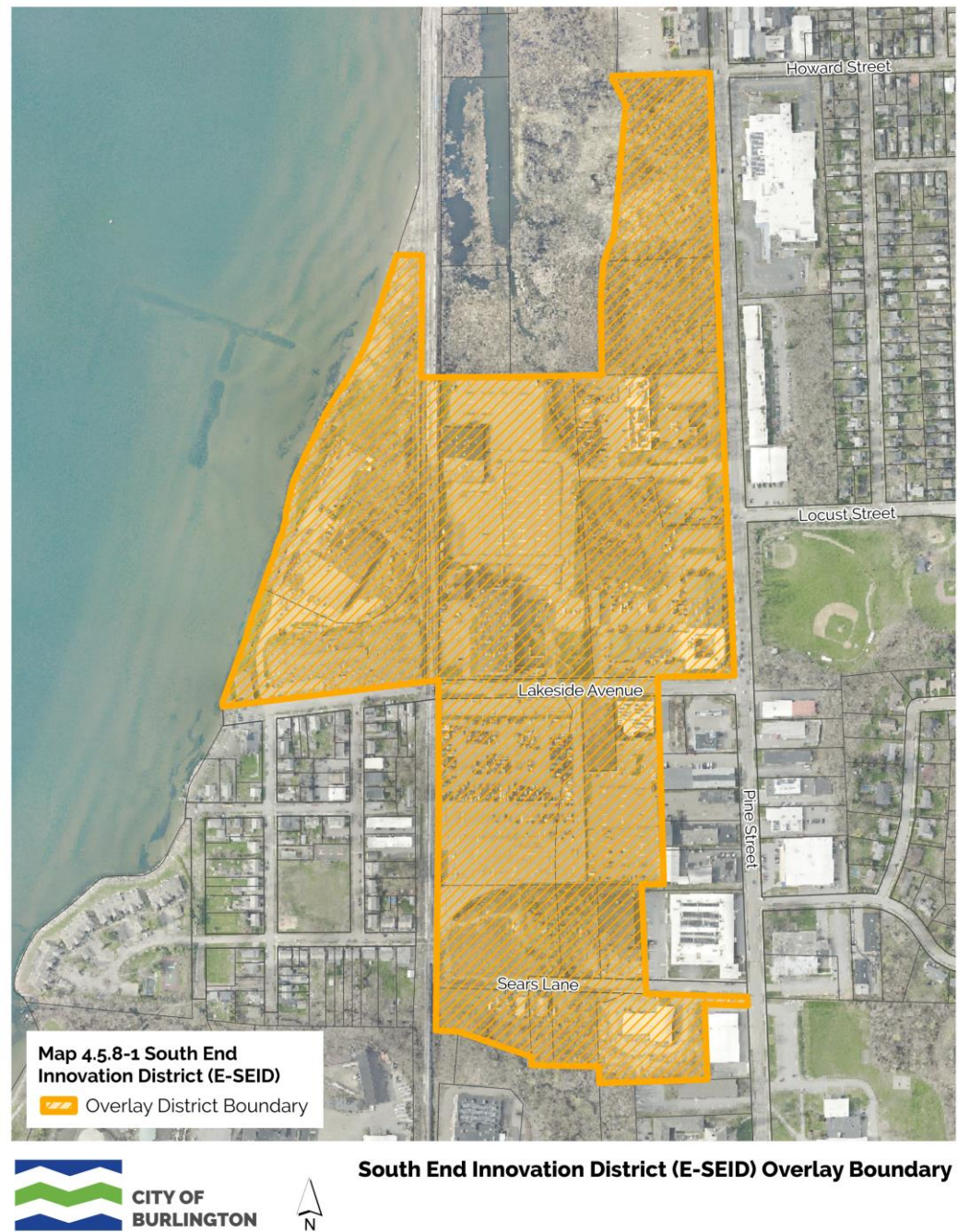
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure.. Buildings should range in height from one to eight stories, and should be constructed of 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:

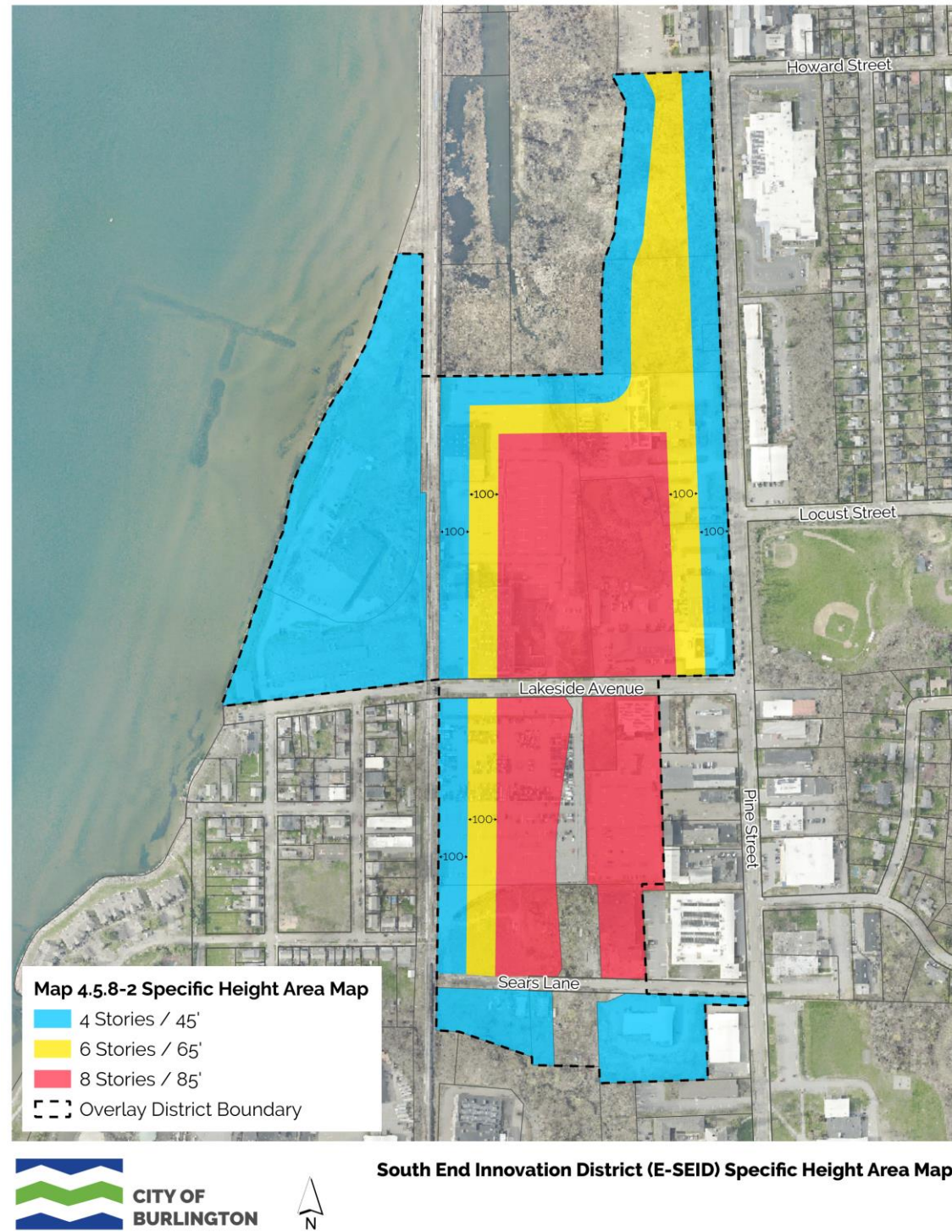
- a. Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of mass timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances, or in buildings certified as meeting in one or more of the Green and High Performance 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



2. Frontage & 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>Laundromat</u>
<u>Research & Development Facility</u>	<u>Hotel²</u>
<u>Research Lab</u>	<u>Mental Health Crisis Center</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 – Post-Secondary and CC</u>	<u>Museum – Large $\geq$ 10,000 sf</u>
<u>School - Preschool</u>	<u>Museum – Small $\leq$ 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.

- 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%
ELM-SEID	n/a	0.25 FAR	n/a

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 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, equipment and equipment, and customary and 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.



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

www.burlingtonvt.gov/plan

	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

[illegible]

	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



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149 Church Street, 3rd Floor
Burlington, VT 05401
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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

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



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Burlington Planning Commission

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

Burlington Planning Commission

Tuesday, September 27, 2022, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A. Montroll, M. Gaughan, A. Friend, J. Randall
Staff Present	M. Tuttle, C. Dillard
Public Attendance	N/a

I. Agenda

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

II. Public Forum

Name(s)	Comment
No Public Comment	

III. Chair's Report

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

M. Tuttle	M. Tuttle reported on the Planning Department's new work on the impact fee schedule within the Ordinance. A study will help evaluate the rationale behind levying the fee, help determine a possible new fee, and prioritize what the revenues go toward for capital projects. This is a joint project with the regional Planning Commission. A request-for-proposals will be sent out to look at other fees across the City. M. Tuttle also provided an update on the Transportation Demand Management study, Planning staff shared an outline for the scope work for a new RFP at City Council's Transportation Energy and Utilities Commission. The RFP will be released later next month. City Council has delayed discussed on TDM until October. This is delayed from their public hearing in early September. The Ordinance is currently in effect but is waiting on adoption. Some affordable housing developers have expressed concern on the current language of TDM. The Missing Middle tour of downtown adjacent neighborhoods was postponed to 09/29. The Planning Department and Preservation Burlington will host another
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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.

	walking tour on October 9 in the Old North End. Vermont Development Conference will host a discussion on Missing Middle in mid-November.
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V. Proposed CDO Amendment: South End Innovation District Overlay

Action: Commission Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: C. Dillard	
Commission Discussion:		
• C. Dillard provided an overview of the key questions surrounding the draft amendment and the boundaries of the South End Innovation District. • In previous Commission Discussions, Commissioners were interested in revisiting hotel uses, residential uses, building height, FAR, and blocks and streets. • Rationale for permitting hotels include economic development and recruitment, remote work destination, and recreation. Other research suggests hotels may pose a threat to housing stock. Planning staff recommend that hotels still be limited in some way and/or require community benefit as part of hotel development. C. Dillard showed an example of Asheville, NC's hotel and community benefit point system. • M. Gaughan noted that hotels could complement the remote work and arts work that are intended to thrive in this area. Hotels could also help mitigate Airbnb's in the district. • A. Friend inquired about hotel vacancy rates and pointed out that there are two existing hotel permits in the city yet to be built. He wondered if the city is in need of more hotels. Planning Staff responded that, anecdotally, the hotel vacancy remains low. Some evidence supports that more hotels in the city could offset Airbnb's. M. Tuttle also clarified that the sites in the South End Innovation District are quite large and can accommodate multiple types of development. C. Dillard added that developers would receive a .25 entitlement bonus in the Floor Area Ratio (FAR) provision if development were dedicated to housing. M. Gaughan proposed a limit on hotels to only 85% of space in any building. J. Randall added that a community benefit requirement would dissuade chain hotels from developing, but she has some concern regarding the one hotel per parcel limit. She asked whether artist residences or maker spaces could be added to the community benefit requirement. A. Montroll expressed concern over including hotels in the allowable uses for this district, but if hotels are included, they should be in mixed-use buildings. Planning Staff spoke to the use of artist residencies to accommodate recruitment needs for arts/maker businesses. Co-housing is also a new permitted use in the current language. M. Tuttle clarified that "hotels" referenced in this proposed language is defined as a traditional guest services model. • The Commissioners agreed that the limited use of hotels should be defined in the zoning amendment, and not separated into another document or project. • The revised proposal for residential uses reads, "Residential uses will be permitted only in new buildings (buildings not existing as of amendment adoption.)" • A. Montroll supported measures to protect the existing arts and light manufacturing in the South End and warned of a potential burst of competitive housing. Planning Staff stated that there is some interest in developing residential space on top of existing buildings, though feasibility of this is uncertain. The Commissioners discussed whether to include language that mitigates the risk of building demolition to make room for residential buildings. M. Tuttle spoke to an existing ordinance that addresses residential demolition. A. Friend advocated for protections of existing commercial buildings. • Commissioners and Planning Staff discussed the district boundaries and what commercial properties could be at risk of converting to another use. • Commissioners agreed to the proposed language for residential uses.		

- C. Dillard shared some proposed concepts to address building height. Concept A limits height in some locations (lakeside parcels, east of the rail corridor, Sears Lane, and Pine Street) and allows an 85 ft. building height in all other areas. Concept B keeps the tallest possible buildings to interior lots and height is limited around the boundaries of the district (particularly adjacent to the Barge Canal).
- A. Friend pointed out that 8 story (85 ft.) buildings could be less attractive for the pedestrian experience.
- J. Randall advocated for a building height buffer for the lakeside, barge canal, and Pine Street.
- C. Dillard noted that both concepts place the tallest possible buildings next to Champlain Parkway to mitigate noise and light pollution. He also noted that floors 7 and 8 have limited floor plates of 10,000 sf. During the public engagement process, the community felt comfortable with an 8-story maximum. 2021 Vermont building codes (to be adopted) allow mass timber builds of over eight stories. C. Dillard noted that eight stories also still protects the view shed from farther distances.
- M. Gaughan asked about the plans for barge canal. Nothing is formalized yet, but there are some visions of low-impact public use, like boardwalks.
- Some Commissioners favored Concept A that Planning Staff shared. M. Gaughan did not have a formal opinion between the two concepts yet, in light of the vague plans of barge canal.
- C. Dillard presented the differences between an FAR of 2.25 versus an FAR 2.5. Planning Staff recommend an FAR of 2.25. In the existing language, there is a minimum inclusionary zoning of 15%.
- Planning Staff recommend a block perimeter standard to establish a minimum distance around any block, therein requiring a new provision of streets. These do not necessarily need to be accessible by cars. C. Dillard presented two concepts; Concept A establishes a min. block perimeter of 1,600 ft. and Concept B establishes a min. street block perimeter or 2,400 ft. and min. path block perimeter of 800 ft. There is a potential third option, which provides even more granularity by establishing different block perimeters for car-accessible streets, bike paths, and pedestrian paths.
- C. Dillard noted that developers are interested in highly pedestrian blocks. A. Friend asked if the language could prescribe highly pedestrian blocks, rather than leave room for flexibility. M. Tuttle responded that the block perimeter proposal attempts to balance both a desire for prescription and flexibility.
- Commissioners generally favored Concept A for the block perimeter standard.
- A. Montroll requested another Planning Commission meeting to discuss language before warning this amendment for a public hearing.

VI. Commissioner Items

Action: n/a		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: n/a	
• The next Planning Commission meeting is 10/11. • J. Randall is attending the Colorado American Planning Association Conference and plans to report relevant knowledge and updates.		

VII. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: J. Randall	Second by: M. Gaughan	Approved Unanimously
Minutes Approved: September 13		

Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas
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VIII. Adjourn

Adjournment	Time: 8:30pm		
Motion: A. Friend	Second: J. Randall	Vote: Approved Unanimously	

DRAFT

Communication from Sharon Bushor

As you discuss and decide the rezoning requests put forward by UVM for this campus and the insights offered by the Planning Department, I want to reflect on the process and the value of the site visit.

When at the site it is clear that this is a small campus with limited open green space for students to enjoy. The zoning requested allows UVM to accommodate two proposed structures. One is nestled around two existing buildings (McAuley and Mercy) and is slated to be 80 feet high. FIRST: The amendment that allows buildings of this height that are setback 110 feet seems most appropriate. The proposed building utilizes portions of surface parking and does not negatively impact existing housing on this campus. It also doesn't alter the streetscape.

This amendment would also allow UVM to build more student housing over the surface parking lot behind Mann and Delehanty. This lot abuts the slope and like any project would need Geotechnical evaluation before proceeding. I will note that in the past concerns regarding the stability of this slope were raised when cars were allowed to park close to the edge. Any development would need to factor in appropriate distance from the edge.

BECAUSE OF INCLEMENT WEATHER, THE SITE VISIT DID NOT LOOK AT THIS PORTION OF THE CAMPUS TO REALIZE THE ACTUAL POTENTIAL. Once again this amendment, if adopted, supports several opportunities for growth. Also included under this amendment is the back portion of Trinity Campus (also not explored at the site visit) that is home to 5 separate buildings/dorms behind McAuley (Hunt, Ready, Richardson, McCann and Sichel). These currently house predominantly sophomores but if renovated could become housing for upperclass students or grad/ med students. A tennis court separates them from the other dorms and it has the feel of a small self-contained village. It also offers some on site parking.

SECOND: The next proposed zoning amendment is intended to allow the construction of graduate student housing with a 45 foot setback and maximum height of 45 feet. This amendment now presents new concerns. At the site visit, one revelation for me was the amount of slope alteration necessary for this proposed development to occur at this 45 foot setback. Digging into the hillside would result in the loss of mature trees, potentially impact the building known as the Villa and eliminate the only remaining green space. According to VP Cate the contour would be altered with a build up of earth where this building is slated to be constructed making this area of the property higher than it is currently. The resulting impact would be a 45 foot structure, which was once softened by a natural "dip" in the land, becoming a taller one. The existing drawings depicting the impact on the streetscape need to be modified to show the change resulting from the increase in total height with the added fill.

Much discussion has occurred around this zoning request and agreement landed on this setback and height. I never considered this could be altered by adding height(earth) to the site. For me this now brings into question, the agreed upon setback. This structure is to house graduate students. Housing that UVM is also creating in South Burlington. Housing that frequently is for students with partners and families. Housing that often requires onsite parking for childcare and work needs that public transportation schedules can not meet. Parking that is not available here. Comments made later on bring the reality of this proposal into question.

THEREFORE because of this unknown, the inability to meet parking needs, the loss of mature trees , the added height and the loss of the only open green space, I am asking that this request be denied. All is not lost. The approval of the 80 foot/ 110 setback zoning amendment would accomplish the goal of creating more housing on this campus. It may also be successful in moving some 3rd and 4th year students out of the neighborhoods. This statement is supported by comments made at the site visit. VP Cate was asked if upper class housing was built here, did he believe UVM would be able to fill these rooms with that population. He answered "no" based on the University's own survey stating the majority of upper class students want to live on their own and not in UVM housing. HE ALSO ADDED by building more first and second year housing here, it would free up units in the Redstone Lofts buildings making them available to 3rd and 4th year students which is the housing they prefer if deciding to remain on campus. The Redstone Lofts also provide onsite parking. The Trinity site offers no additional parking and looks to satellite parking as a solution.

FINALLY : I have noted as you discuss two significant rezoning requests; one in the South End and one on Trinity Campus, the Commission 's concern for the impact on surrounding neighbors. Both proposals are surrounded by established communities. Both welcome change but neither want to sacrifice their part of Burlington in the process. I use to consider myself the "modifier" working to integrate new development with existing and having both thrive and survive.

Therefore, I am requesting the Department and the Commission give serious consideration to my modification to UVM's rezoning request. The amendment I support adds height and allows increased density as shown with UVM'S high rise. It also allows UVM to explore housing options over other areas on their campus. If the University is correct , and I understand the projection is speculative, the housing they create with this one building will free up units at the Redstone Lofts paving the way for more upper class students to remain on campus. Net result is fewer students renting apartments in our neighborhoods. This amendment brings change but change that is welcomed by the surrounding neighborhood. This would be a good first step for the rezoning of this Campus and shows how it will benefit both UVM's and Burlington's housing shortage. To approve the other amendment brings dramatic change to the parcel's topography, the elimination of the only green space, added height beyond 45 feet, the removal of mature trees, all without any assurance that graduate students will desire to live here. Please deny this request or at least postpone it until more information is obtained.

Thank you.



MEMORANDUM

TO: City of Burlington Planning Commission Chair
Town of Shelburne Planning Commission Chair
Town of Colchester Planning Commission Chair
Town of Williston Planning Commission Chair
City of Winooski Planning Commission Chair
Town of Essex Planning Commission Chair
Village of Essex Junction Planning Commission Chair
Charlie Baker, Chittenden County Regional Planning Commission
VT Department of Housing and Community Development

FROM: Paul Conner, Director of Planning & Zoning

SUBJECT: Proposed Land Development Regulation Amendments LDR-22-07 and LDR-22-08; Public Hearing

DATE: October 4, 2022

Enclosed please find a pair of proposed amendments to the City of South Burlington's Land Development Regulations, as well as a report from the Planning Commission, as required under Chapter 117. **The Planning Commission will hold a public hearing on these amendments on Tuesday, October 25, 2022 at 7:00 pm in person and via Zoom.**

Participation options:

- In Person: City Hall Auditorium, 180 Market Street
- Interactive Online: <https://us06web.zoom.us/j/87674559726>
- Telephone: 929 205 6099, Meeting ID: 876 7455 9726

The proposed amendments are posted on the City's website, www.sbvt.gov.

Feedback on the draft amendments is welcome, either at the hearing, or in writing in advance of the hearing date. Should you have any questions, feel free contact the Department of Planning & Zoning.



**PROPOSED AMENDMENTS to the SOUTH BURLINGTON
LAND DEVELOPMENT REGULATIONS**

Public Hearing Tuesday, October 25, 2022 at 7:00 pm

PLEASE TAKE NOTICE that the Planning Commission will hold a public hearing on Tuesday, October 25, 2022 at 7:00 PM to consider amendments to the Land Development Regulations. The amendments affects areas of the City specified below. The hearing will be held in person and remotely via Zoom. Participation options:

- In Person: City Hall Auditorium, 180 Market Street
- Interactive Online: <https://us06web.zoom.us/j/87674559726>
- Telephone: (929) 205 6099; Meeting ID: 876 7455 9726

The purpose of the hearing is to consider the following:

- A. LDR-22-07: Modify the Zoning Map in a manner generally described as follows:
- 1) Redesignate land immediately north of Holmes Road from Commercial 1-Auto to Commercial 2
 - 2) Redesignate land north and south of Fayette Road, immediately west of Shelburne Road, from Commercial 1-Auto to Commercial 1-Residential 15
 - 3) Redesignate land beginning ~75' west of Fayette Road and ~280' west of Fayette Road's planned extension, north of Old Orchard Park and south of the Chittenden County Humane Society, from Commercial 1-Residential 15 to Commercial 1-Auto
- B. LDR-22-08 Allow Municipal Uses in the Commercial 2 District

Copies of the proposed amendments are available for inspection at the Department of Planning & Zoning, City Hall, 3rd Floor, 180 Market Street, and on the city website at www.sbvt.gov.

Jessica Louisos, Planning Commission Chair
October 6, 2022



MEMORANDUM

TO: South Burlington Planning Commission; community members, neighboring communities
FROM: Paul Conner, Director of Planning & Zoning
SUBJECT: LDR-22-07 Shelburne Road Zoning District Re-alignment & LDR-22-08, Municipal Uses in C2
DATE: October 4, 2022

The South Burlington Planning Commission has warned a public hearing on two proposed amendments to the Land Development Regulations. The hearing will be held on Tuesday, October 25, 2022 at 7 pm at South Burlington City Hall (180 Market Street) and online. The amendments are as follows:

- **LDR-22-08:** The Table of Uses (Appendix C) would be amended to allow Municipal Facilities as a Permitted Use in the Commercial2 District.

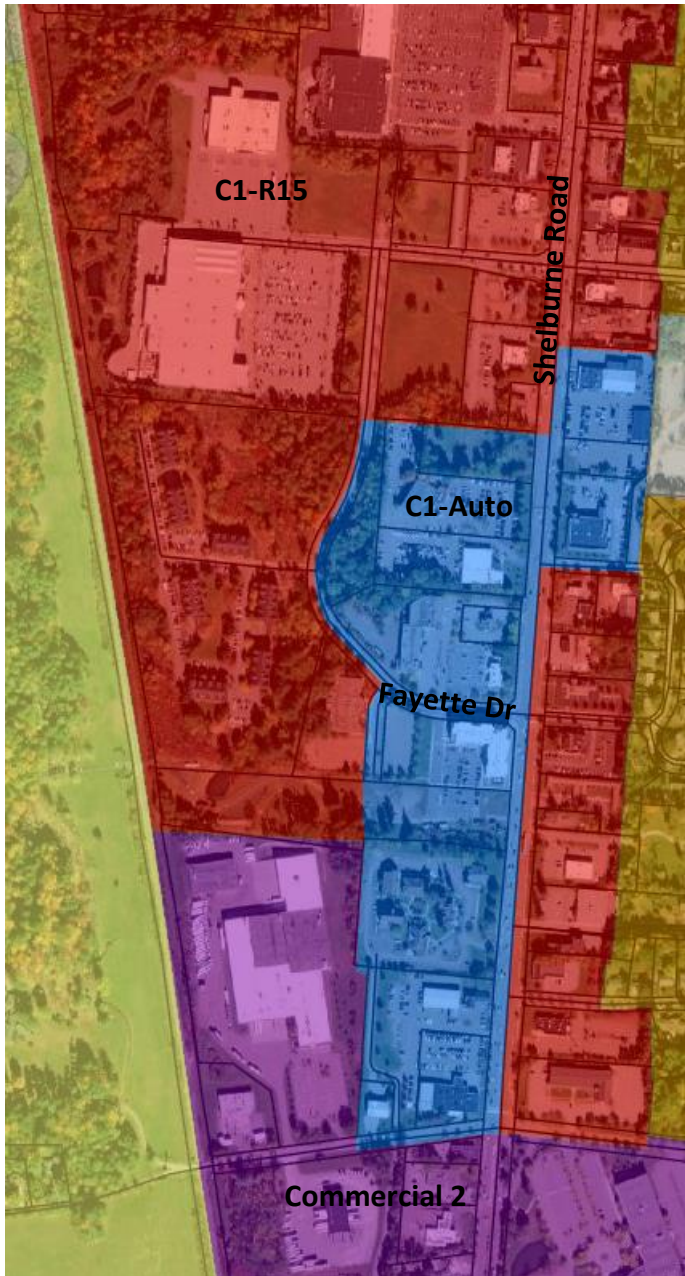
		Commercial 1							Heavy Commercial-Industrial		Airport	
NON-RESIDENTIAL ZONING DISTRICTS	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND
Municipal facility	P	P							P	P	C	C

- **LDR-22-07:** The Zoning Map would be amended to re-align the following zoning districts as depicted on the maps on the next page.

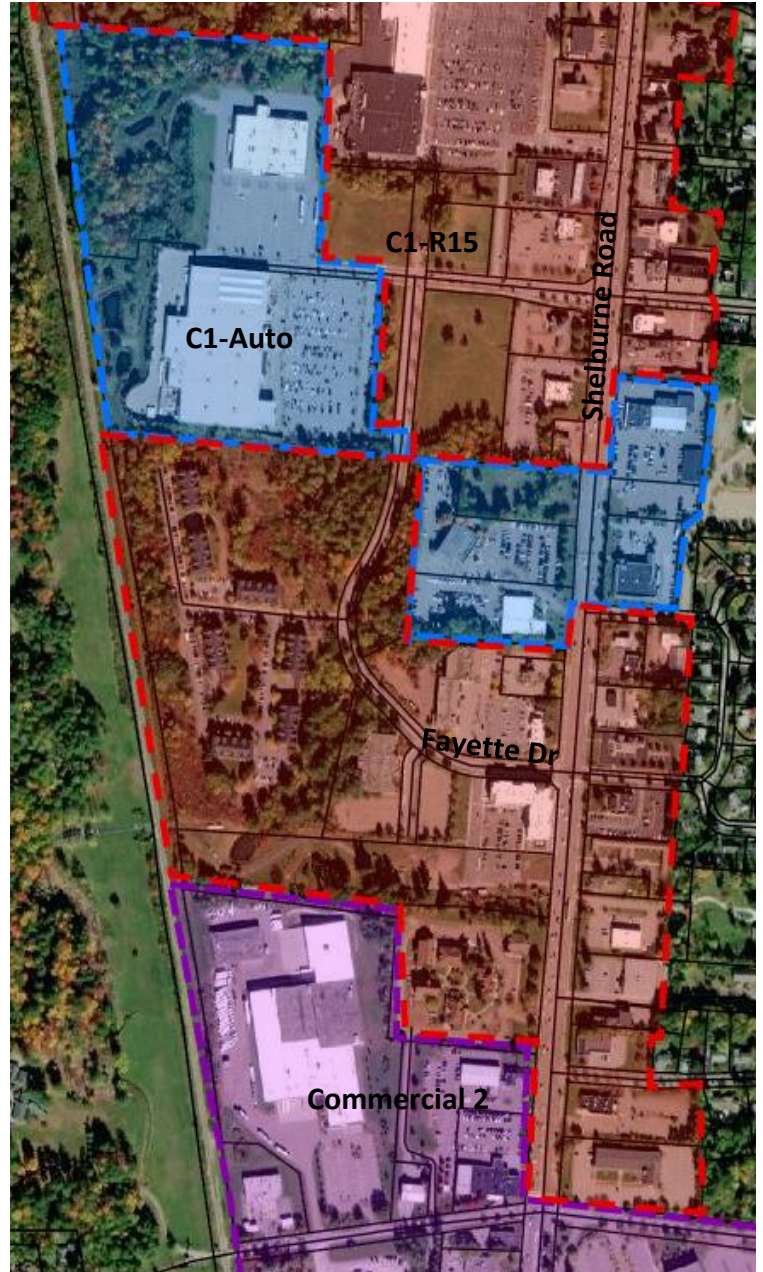
Key to Maps:

- **Commercial 1-Residential 15 (RED);**
- **Commercial 1-Auto (BLUE);**
- **Commercial 2 (PURPLE)**

Map 1: Current Zoning



Map 2: Proposed Zoning





South Burlington Planning Commission Proposed Land Development Regulations Amendment & Adoption Report

Planning Commission Public Hearing Tuesday, October 25, 2022, 7:00 PM

In accordance with 24 V.S.A. §4441, the South Burlington Planning Commission has prepared the following report regarding the proposed amendments and adoption of the City's Land Development Regulations.

Outline of the Proposed Overall Amendments

The South Burlington Planning Commission will hold a public hearing on Tuesday, October 25, 2022 at 7:00 pm, in person and via electronic platform, to consider the following amendments to the South Burlington Land Development Regulations:

- A. LDR-22-07: Modify the Zoning Map in a manner generally described as follows:
 - 1) Redesignate land immediately north of Holmes Road from Commercial 1-Auto to Commercial 2
 - 2) Redesignate land north and south of Fayette Road, immediately west of Shelburne Road, from Commercial 1-Auto to Commercial 1-Residential 15
 - 3) Redesignate land beginning ~75' west of Fayette Road and ~280' west of Fayette Road's planned extension, north of Old Orchard Park and south of the Chittenden County Humane Society, from Commercial 1-Residential 15 to Commercial 1-Auto
- B. LDR-22-08 Allow Municipal Uses in the Commercial 2 District

Brief Description and Findings Concerning the Proposed Amendments

The proposed amendments have been considered by the Planning Commission for their consistency with the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. For each of the amendments, the Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- (1) *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*
- (3) *Carries out, as applicable, any specific proposals for any planned community facilities.”*

A. LDR-22-07: Modify the Zoning Map in a manner generally described as follows:

Area 1: Redesignate land immediately north of Holmes Road from Commercial 1-Auto to Commercial 2

Area 2: Redesignate land north and south of Fayette Road, immediately west of Shelburne Road, from Commercial 1-Auto to Commercial 1-Residential 15

Area 3: Redesignate land beginning ~75’ west of Fayette Road and ~280’ west of Fayette Road’s planned extension, north of Old Orchard Park and south of the Chittenden County Humane Society, from Commercial 1-Residential 15 to Commercial 1-Auto

Brief explanation of the proposed amendment:

This amendment would modify the boundaries of three zoning districts on the west side of Shelburne Road as described above and shown on the draft Map. Specifically:

In Area (1), allowed uses would be modified and residential base densities reduced on the subject properties. Lot and building coverages and setbacks would not be affected. Two of the three involved properties are presently approved for auto sales in the C1-Auto district; this use is allowed in the Commercial 2 district as well. The third property is a municipal fire station. LDR-22-08 would continue to permit that use.

In Area (2), auto sales would no longer be allowed following a change from C1-Auto and C1-R15. No auto sales uses are presently approved in the affected area.

In Area (3), auto sales would be newly allowed following a change from C1-R15 to C1-Auto. No auto sales uses are presently approved in the affected area, but would become eligible.

Findings Concerning the Proposed Amendments

- (1) *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The change would facilitate the re-use of properties presently laid out as large format retail spaces to allow re-use or re-development for auto sales in an area removed from the primary transportation network, Shelburne Road, disallow new auto sales in a portion of land immediately west of Shelburne Road where mixed residential-commercial redevelopment is ongoing.

The proposed changes are generally neutral to the availability of safe and affordable housing, with both the C1-R15 and C1-Auto districts allowing a base residential density of 15 dwelling units per acre. The re-alignment of these two districts would modify where auto sales are

permitted, away from Shelburne Road, to west of Fayette Road. Shelburne Road is served by transit. Parcels proposed to move from C1-Auto to C2 would have a reduced base residential density, however two are currently auto sales and the third is a municipal fire station.

The 2016 Comprehensive Plan includes several goals and policies, described in the Plan as objectives and strategies:

Comprehensive Plan Goals, Objectives & Strategies:

- Goal: Opportunity Oriented. Being a supportive and engaged member of the larger regional and statewide community.
- Sub-Goal: Prioritize development that occurs within the community into the higher intensity areas identified within this Plan;
- Objective 9: Be a good partner with business in helping them locate in South Burlington or continue to grow here.
- Objective 39: The majority of all new development will occur within the Shelburne Road, Williston Road, and Kennedy Drive Corridors, and other areas within the Transit service area.
- Objective 54. Promote higher-density, mixed use development and redevelopment along Shelburne Road and foster effective transitions to adjacent residential areas.
- Objective 55: Maintain Shelburne Road as a roadway for both regional and local circulation.
- Strategy 124: Review the city's Land Development Regulations in key transition areas: between the Southwest and Southeast Quadrants; between Swift Street and adjacent areas; between Allen Road and adjacent areas.

(2) Is compatible with the proposed future land uses and densities of the municipal plan.

The proposed amendments would re-align zoning districts along the Shelburne Road corridor. The amendments better align proposed future land uses with existing and planned infrastructure, such as transit services, by re-locating allowable area for future auto sales and repair, which tend to be land intensive, to areas further removed from Shelburne Road. Base residential densities are affected on three parcels as noted above, however maximum density through the use of TDRs (presently before City Council) and Inclusionary Zoning are unaffected.

(3) Carries out, as applicable, any specific proposals for any planned community facilities.

This proposed amendment does not relate directly to any planned community facilities.

B. LDR-22-08 Allow Municipal Uses in the Commercial 2 District

Brief explanation of the proposed amendment:

The proposed amendment would allow Municipal Facilities within the Commercial 2 district, located in the southern half of the Shelburne Road corridor, a portion of Dorset Street north of Kennedy Drive, and a portion of Patchen Road near Landfill Road.

Findings Concerning the Proposed Amendments

- (1) *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The proposed changes will not affect housing and will ensure that existing municipal facilities along Shelburne Road implicated in LDR-22-07 remain allowed uses.

- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*

The proposed changes would enable new municipal facilities within the Commercial 2 District. The majority of the Commercial 2 District is well served by public transit and infrastructure, while the one area not served by transit is located adjacent to the existing public work facility.

- (3) *Carries out, as applicable, any specific proposals for any planned community facilities.”*

The proposed changes do not implicate any specific proposals for planned community facilities.



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

www.burlingtonvt.gov/plan

TO: Planning Commission
FROM: Meagan Tuttle, AICP, Director and Charles Dillard, AICP, Principal Planner
DATE: October 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	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

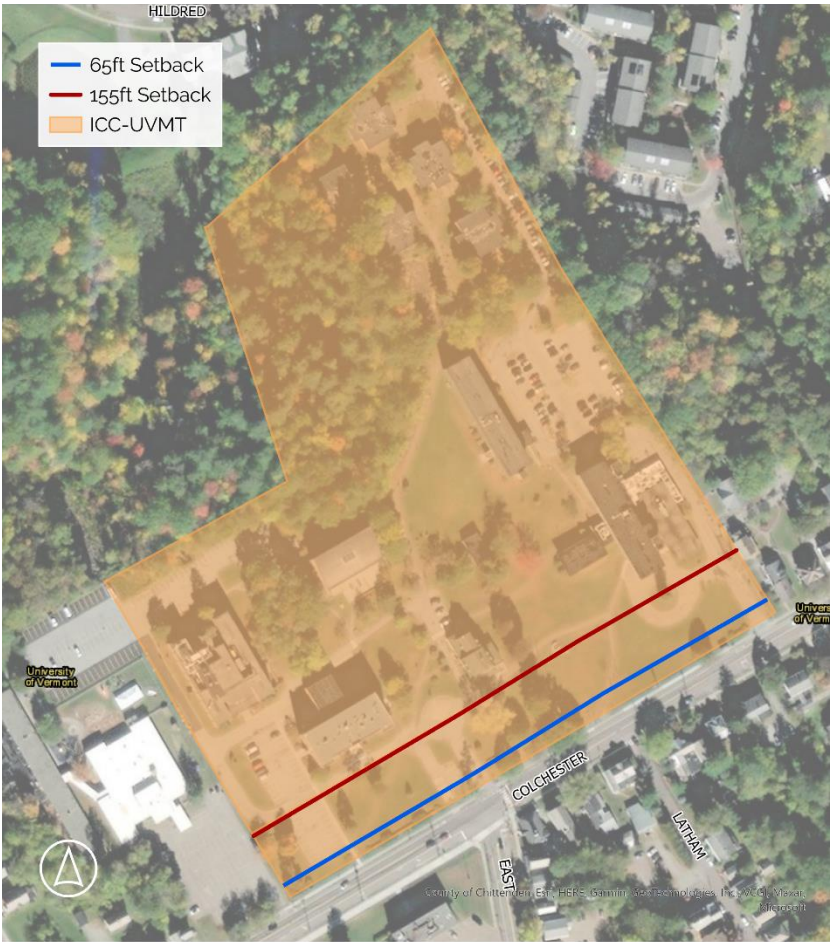
Development in the ICC-UVMT shall be subject to the setback requirements as specified under the provisions of the underlying zoning district, except for as noted in Sec.4.5.2 (e) 2. a below.

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

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

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

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

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

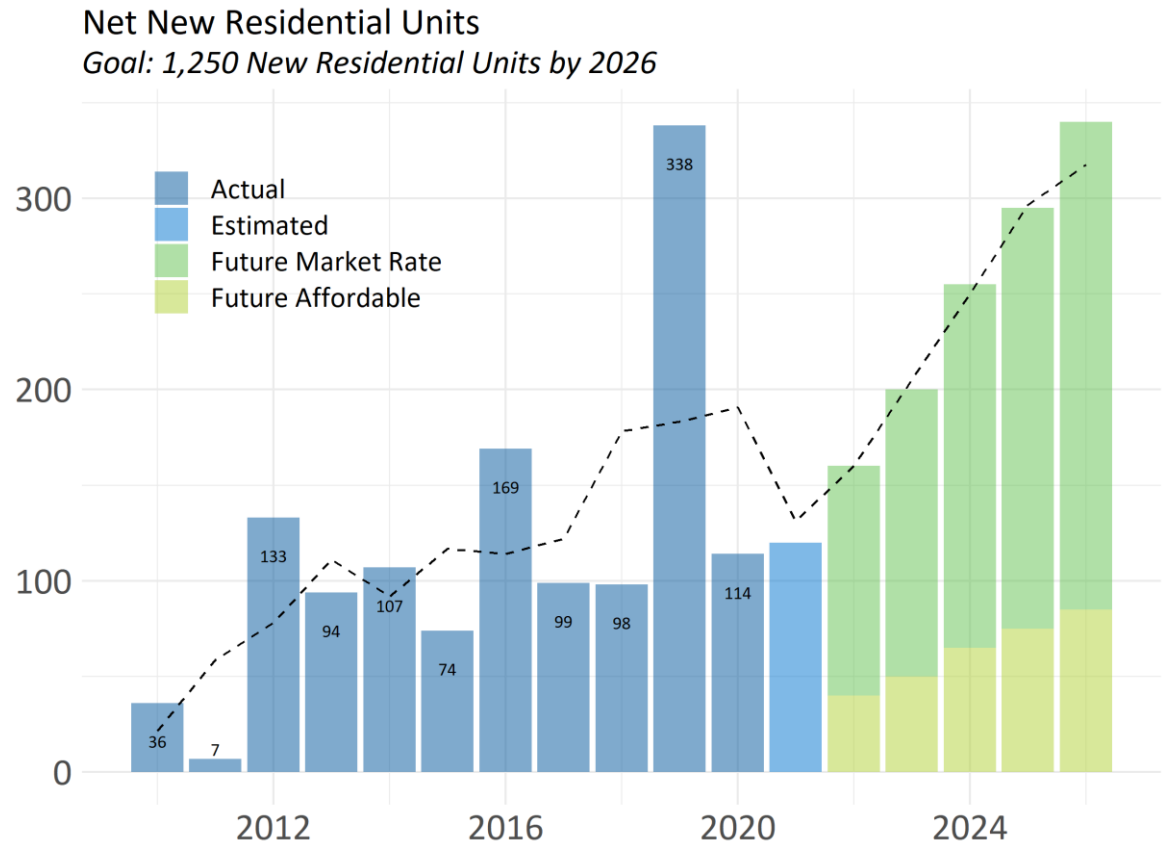
* Material stricken out deleted.

** Material underlined added.

December Housing Action Plan

Establishes a goal for Burlington's share of the regional Building Homes Together campaign's target of 5,000 new housing units in next 5 years:

- Support the creation of 1,250 new homes, including 312 (25%) permanently affordable by end of 2026
- Support the creation of 78 new homes for formerly homeless residents (25% of the permanently affordable goal) through partnership with affordable housing developers



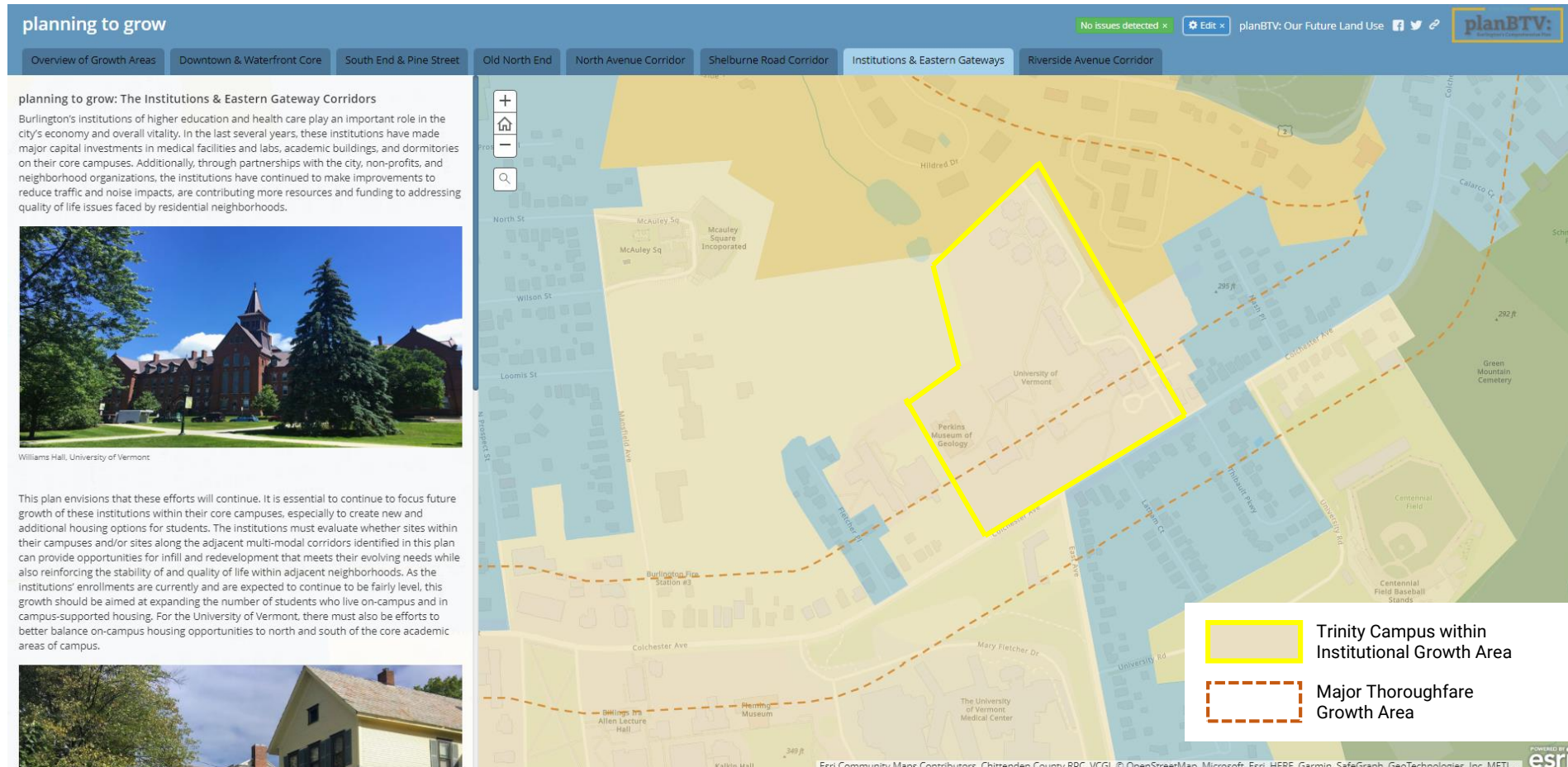
December Housing Action Plan

Items that have been on Planning Dept. & Commission's work plan are a big part of this plan and complement to these specific efforts:

- *New on-campus UVM student housing opportunities through zoning changes for UVM's Trinity Campus*
- Consider housing opportunities as part of the creation of an Innovation District in a portion of the South End Enterprise Zone
- Expand opportunities for new homes in every neighborhood in ways that reflect the character of these parts of the city through "missing middle" zoning reforms

Relationship to planBTV

***planBTV* identifies the Trinity Campus and Colchester Avenue Corridor in Institutional and Major Thoroughfare growth areas:**



Online Future Land Use Map: <https://burlingtonvt.maps.arcgis.com/apps/MapSeries/index.html?appid=338ab1215f9c4526b79cc6596fcc9674>

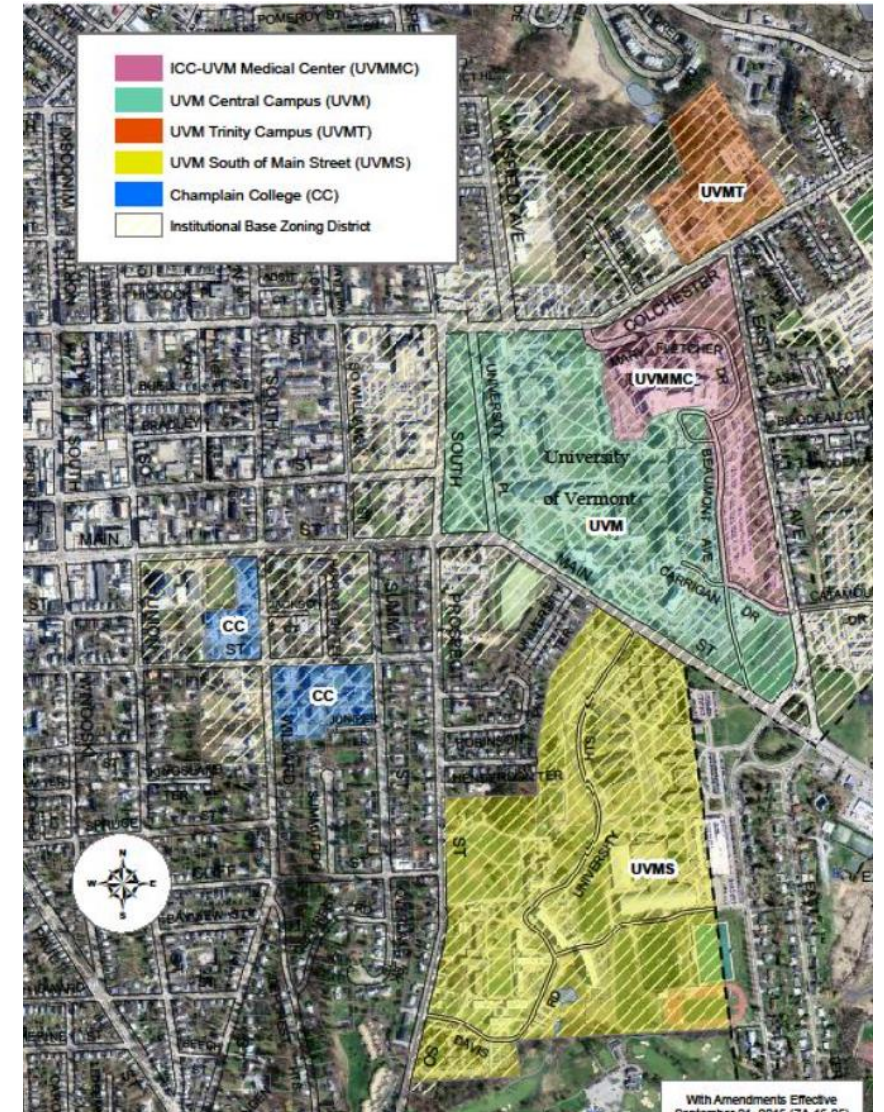
Goals for Trinity Campus Rezone

- Facilitate the greatest number of student beds as can be responsibly developed
- Mix of uses that provides neighborhood commercial amenities, and creates a vibrant residential community to attract interest from a range of students
- Reorganize buildings and open spaces to activate campus public space, synergy with City's planned walking & biking improvements on Colchester Avenue
- Minimize parking on the campus, ensure adequate bike facilities
- If new parking created, focus on structured parking that may also provide community benefit
- ***UVM's request also included goals to:***
 - Build new undergraduate residence halls, as well as graduate apartments
 - Upgrade some of the existing residence halls on the Campus and expand dining hall
 - Enhance sense of community on the campus

Background on Campus Overlays

What are Institutional Core Campus Overlays?

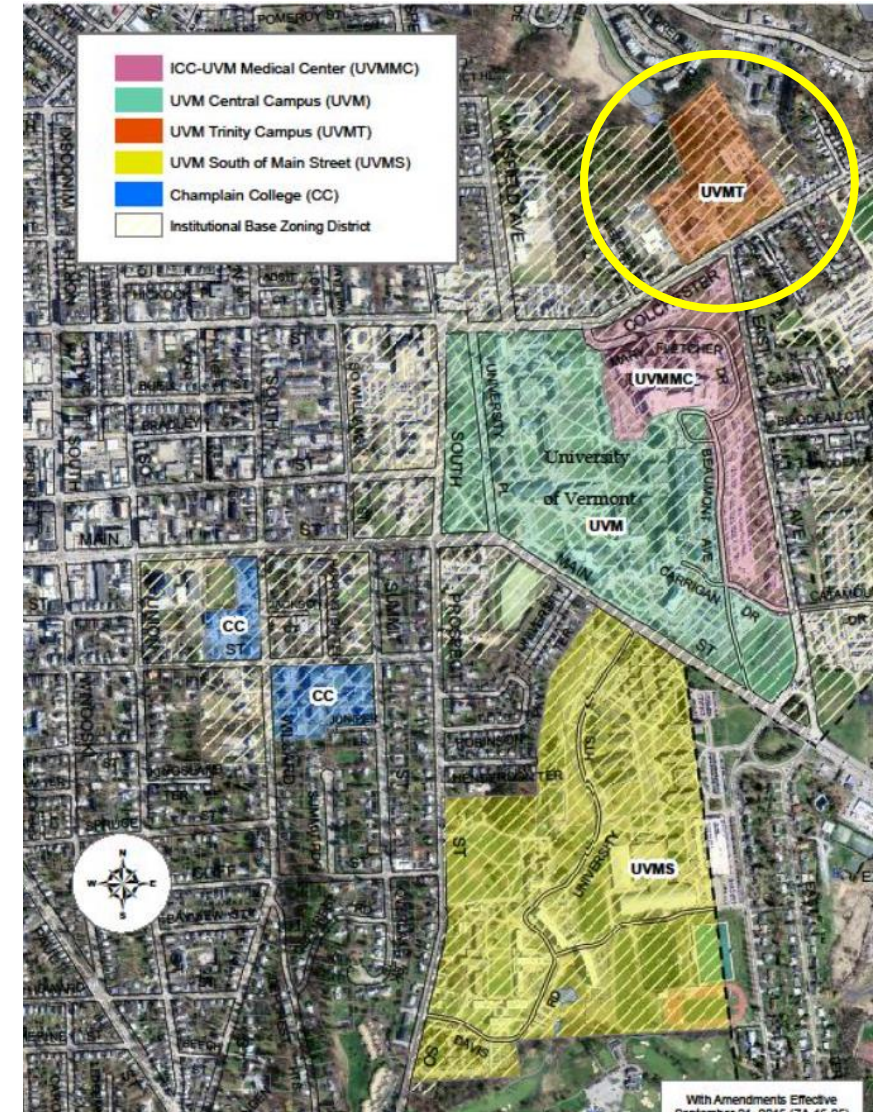
- Apply to portions of the Institutional Zoning district
- Differ based on the purpose and role of the part of campus
- Include varied standards for height, density, setbacks, lot coverage, etc.
- Range from enabling the most intense development (in UVM Core Campus & UVMMC) to providing lower intensity development and neighborhood transitions



Background on Campus Overlays

Significant portion of Trinity Campus in overlay:

- Trinity Campus Overlay created in 2001 following closure of the college; UVM acquired campus in 2003
- Provide future neighborhood/community serving mixed-use & collegiate use of the campus without further intrusion into surrounding neighborhoods
- Overlay does not apply to The Cottages, 50 Fletcher Place, Ira Allen School, or BSD Admin Office
- Despite some discussion in 2009, largely the same provisions since the overlay was first created



Trinity Overlay- Existing Standards

- **Building Height:** 35 ft or tallest existing structure (55 ft max)
- **Lot Coverage:** 40%
- **Density:** 20 units/acre
- **Setbacks:** special 115' setback from Colchester Ave (200 sq.ft. bldg. max)
- **Parking:** no new surface parking, otherwise part of JIPMP
- **Uses:** Allows for mix of uses, but non-residential only permitted if in bldg. built before 2002; otherwise conditional use
- **Process:** development greater than 15,000 sq.ft. requires Major Impact Review



UVM Requested Zoning Changes

In February, UVM presented request to modify zoning provisions:

- **Height:**
 - 45' within the setback from Colchester Ave
 - 80' beyond (i.e. Mann Hall to north)
- **Lot Coverage:**
 - increase to 60%
- **Setbacks:**
 - 25' setback for buildings 45' or less
 - allow buildings closer than 115' from Colchester Ave



Proposed Amendment: UVM Trinity Campus - Developable Area

Other Commission Considerations

Shared goals for Campus infill may be further limited by some of standards in the Trinity Overlay:

- Other Campus Overlays do not apply a density limit to enable institutions to maximize their anticipated growth within their campus areas.
 - *Trinity Zoning maintains the base Institutional Zone density limit- should this be modified?*
- Limited range of non-residential uses limited to existing buildings, or conditional use.
 - *Should the Overlay zone enable these uses within new developments planned for the campus?*
- In Neighborhood Mixed Use & Institutional zones, Major Impact threshold is 20,000 sq.ft. footprint or 40,000 sq.ft. gross area
 - *Should the threshold for Major Impact just on Trinity Campus remain at 15,000 sq.ft.?*

Other Commission Considerations

Goals for campus infill impacted by some of the permitting limitations in the Trinity Overlay:

- Continued interest in overall growth plans for the Institutions, and how specific zoning request fits into this overall vision.
 - *Is there a role for a campus master plan requirement that acts as a complement to Parking Management Plan process?*

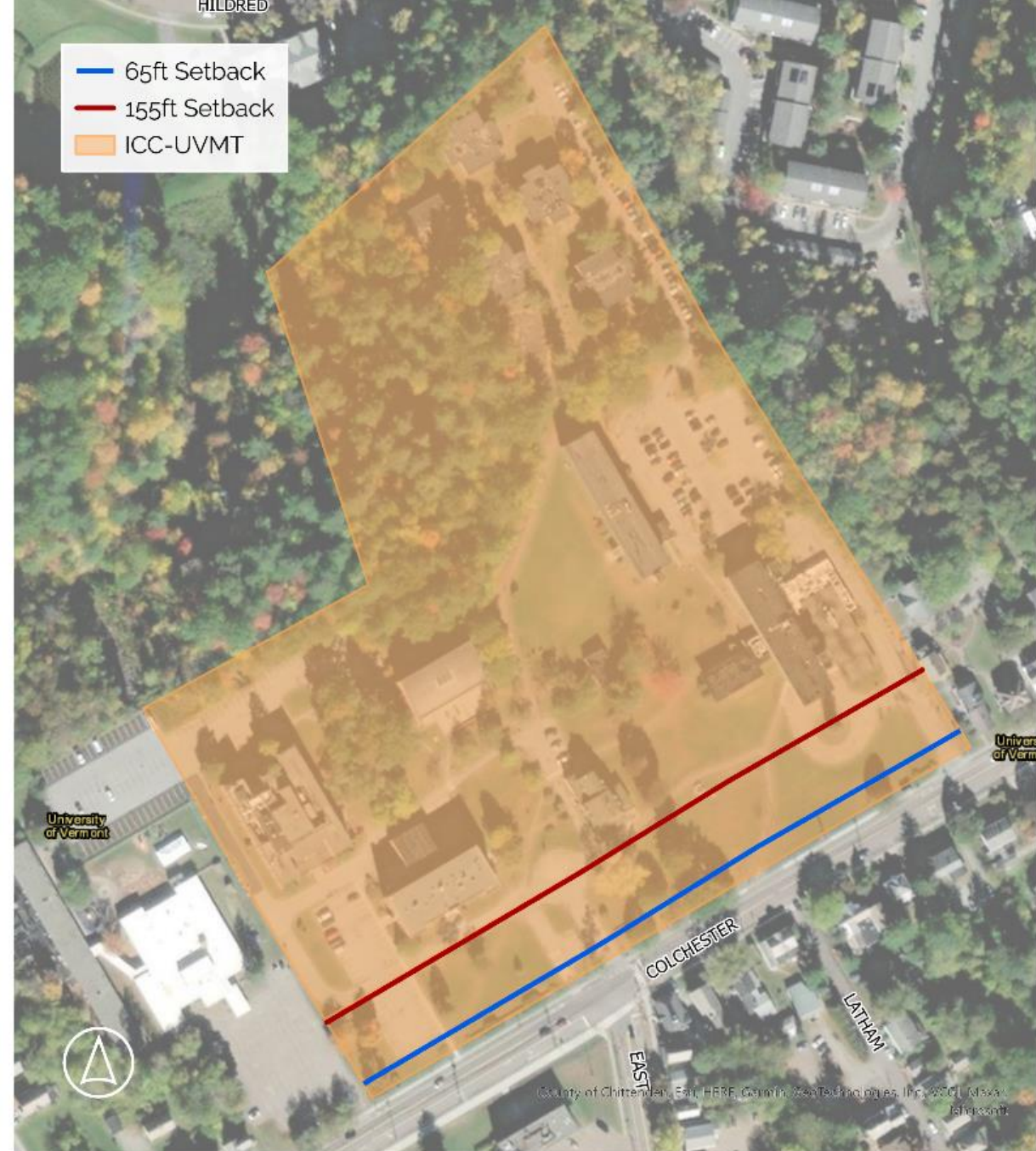
Proposed Zoning Changes

	Existing Zoning	Draft Text Changes
Building Height	35 ft -OR- height of tallest existing structure (55 ft max)	45 ft within 65 ft – 155 ft of Colchester Ave centerline 80 ft behind 155 ft setback from Colchester Ave centerline
Setbacks	115 ft from front property line	65 ft from Colchester Ave centerline, with adt'l height allowance per above
Lot Coverage	40%	60%
Density	20 units/acre	Exempt dorms & UVM housing units from limit
Parking	No new surface parking	Maintain surface pkg limit, but allow garages
Uses	Limits some commercial to existing bldgs. or Conditional Use	Proposes CU's become Permitted including in new buildings, some minor tweaks to uses
Process	Major Impact Review for >15,000 sq.ft. development	Follows underlying Institutional Zone

Setbacks & Height

The proposed changes include where buildings could be placed on the campus, and how tall they could be:

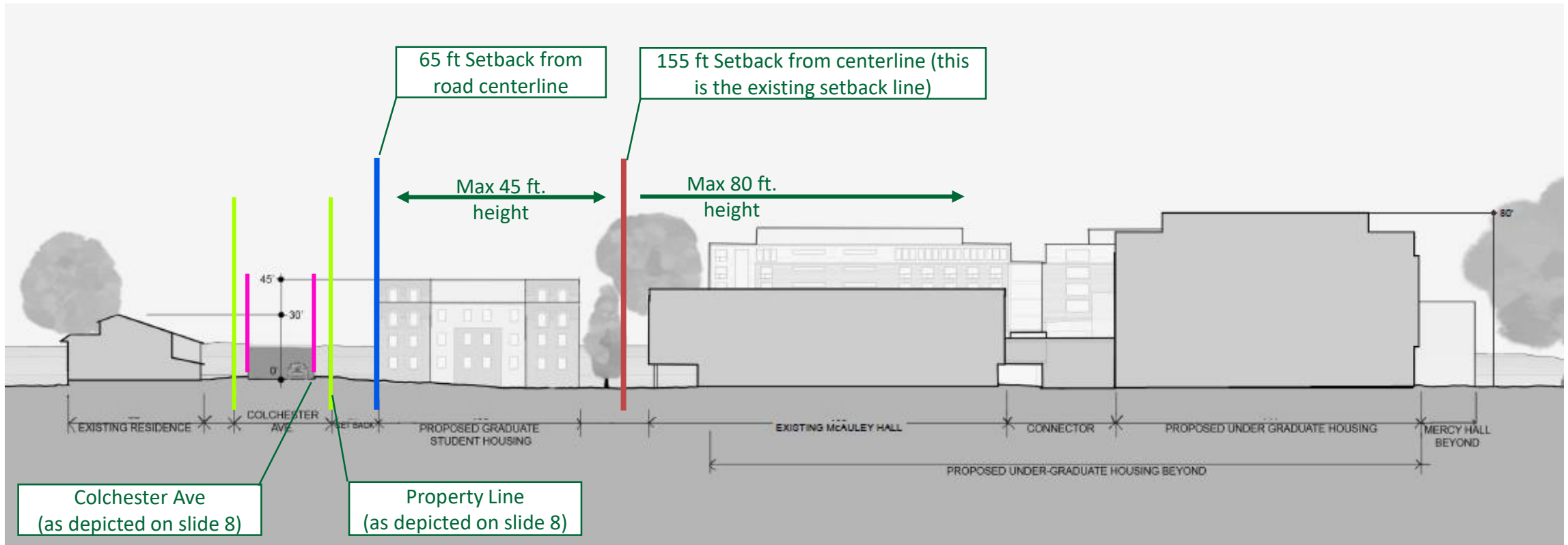
- No development between the street and the **blue** setback line
- Buildings up to 45 ft. tall between the **blue** and **red** setback lines
 - *Currently, buildings are not allowed in this area.*
- Buildings up to 80 ft. tall beyond the **red** setback line toward the rear of the property
 - *Currently, buildings are allowed in this area, but limited to 55 ft in height.*



UVM Trinity Campus (ICC-UVMT) Colchester Avenue Buffer

Setbacks & Height

The proposed changes include where buildings could be placed on the campus, and how tall they could be. Viewed another way:



UVM Concepts- Setback/Height



Infill Concept & renderings for Trinity Campus courtesy of UVM February 2022 presentation

Requested Height & Setback



Concept infill on Trinity Campus, Colchester Avenue, courtesy UVM
Google Earth

Approx. location of property
line- see slide 8

Requested Zoning Changes:

- **Setback:** 25 ft. from **property line**
 - *Because property line is ~15 ft. from inner edge of sidewalk, this setback is ~40 ft. total from inner edge of sidewalk*
- **Height:** 45 ft. within existing 115 ft. setback;
80 ft. to the north of existing setback



Existing Redstone Commons, S. Prospect Street, courtesy UVM

Existing Campus Example:

- **Redstone Commons**
- **Setback:** ~33 ft. from inner edge of sidewalk
- **Height:** 40 ft.

[illegible]

arrings for Trinity Campus courtesy of UVM February presentation

Major Impact Review Standards

In Institutional Zone, Major Impact threshold is 25 units/40,000 sq.ft.

Review standards require a project not result in undue adverse impact on:

- Water, air and noise pollution
- Sufficient water for project's needs and city's present/future water supply system
- Soil erosion and soil condition
- Significant natural areas, historic or archaeological sites
- Congestion and conditions for current and future transportation modes
- Educational, park, and other municipal services
- Future growth patterns, city fiscal ability to accommodate and provide services to that growth
- Projected housing needs in terms of amount, affordability, location
- Conformance with the city's comprehensive/municipal development plan

Proposed Application Requirement

- Within the Trinity Overlay new application requirements would include :
 - Submission of a conceptual plan or portion of the Campus Land Bank plan for the Trinity campus that link areas for future growth and the information in the Joint Institutional Parking Management Plan process to an individual development proposal more holistically
 - Provide context for how individual developments relate to anticipated future user groups
 - Allows the City to anticipate and plan for broader view of potential public/capital/programmatic needs, potential future impacts

Burlington Planning Commission

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

Burlington Planning Commission

Tuesday, October 11, 2022, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A. Montroll, M. Gaughan, J. Randall, Y. Bradley, B. Baker
Staff Present	M. Tuttle, C. Dillard, S. Morgan, S. Gustin
Public Attendance	B. Headrick, S. Foley, S. Bushor

I. Agenda

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

II. Public Forum

Name(s)	Comment
B. Headrick	B. Headrick spoke to the site visit at Trinity Campus. She was surprised that many of the properties toward the back of the property are small and do not utilize the space well. She would like to see UVM build housing on these parcels, rather than the parcels closer to Colchester Avenue. She was also concerned about the graduate housing being close to Colchester Avenue and the fact that the proposed undergraduate housing is intended for first-year students.
S. Foley	S. Foley is a resident of Ward 5 and spoke on the proposed South End Innovation District. He is concerned about the height limit of 85 ft, especially if these intrude on the views from Callahan Park. He asked Planning Staff to clarify what the benefits are for a height limit of 85 ft.
S. Bushor	S. Bushor spoke on the South End Innovation District. She thanked C. Dillard for his work on the proposed zoning amendment. She hopes the proposed changes keep a balance between new housing and the commercial needs of the city. S. Bushor also spoke on the Trinity Campus zoning amendment. She is worried that the current language signals a preference toward UVM as a "flagship academic institution." She also provided highlights of her communication to the Commission.
B. Butani	B. Butani expressed support for using the smaller buildings toward the back of Trinity Campus for housing redevelopment. He also expressed concern regarding UVM's response to his questions on housing stock and affordability in Burlington.

III. Chair's Report

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

M. Tuttle	The Planning Department will host a few upcoming events to highlight the work on missing middle housing. M. Tuttle and C. Dillard will be out of the office at the beginning of next week to attend the Northern New England Planning Conference.
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V. Proposed CDO Amendment: South End Innovation District Overlay

Action: Motion to warn ZA-23-01 to a public hearing		
Motion by: M. Gaughan	Second by: J. Randall	Vote: Unanimously
Type: n/a	Presented by: C. Dillard	
Commission Discussion:		
• C. Dillard continued the discussion on four parts of the amendment: hotels, residential use location, building height, and blocks/new streets. • Planning staff recommend one hotel per lot (as of January 2023); and, any individual hotel may not account for more than 80 percent of the gross floor area of the building in which it is located. J. Randall expressed support for this language and commented that the remaining 20% should be dedicated to art spaces, commercial use, etc. • Planning staff recommend that residential uses should be permitted only in new buildings or as additions to existing buildings. • Planning staff recommended a specific height area map to regulate height and mitigate shadow and view impacts to Pine Street, Barge Canal, and the Lakeside neighborhood. Properties closest to the Pine Street and Champlain Parkway have an allowable height of 85 ft., properties closer to Lake Champlain have an allowable height of 65 ft., and properties closest to Lake Champlain have an allowable height of 45 ft. C. Dillard provided graphics on what an FAR of 2.25 and 2.5 would look like, graphics of the Lakeside Neighborhood shade study, and a Birchcliff views study. • C. Dillard clarified that an allowable height of 85 ft. helps new development to meet the housing and commercial needs that arose from planBTV: South End and the city's housing crisis. M. Tuttle elaborated that the proposed Floor Area Ratio (FAR) helps to balance the building heights across each lot. The community also strongly supported an allowable height of 85 ft. during the public engagement portion of this project. • M. Gaughan sought clarification on the shade study. The graphics are imperfect and depict what the shadows would look like if the surrounding areas were flat (which they are not). Therefore, the depicted shadows could actually be less noticeable in real life. • M. Gaughan referenced the Callahan Master Plan, which highlights the importance of views from this park. He noted that it is unlikely that developers will be able to build on top of the existing Innovation Center. He noted that the floor plate and block size should allow for visual permeability through the proposed district. • Planning staff clarified that the shade and view studies are conceptual, but do reflect the allowable heights proposed in this amendment. • Commissioners were generally comfortable with the building height map proposed by Planning staff. • Planning staff recommend a maximum block perimeter of 1,600 ft. and a provision that blocks can be enclosed by any combination of public streets and public paths. M. Gaughan asked about road standards and dead ends. S. Gustin responded that DPW has some road standards, but standards were removed from the Ordinance in the 1970s. M. Tuttle pointed to Article 6 in the Design Code that has language on road connectivity. • Y. Bradley expressed favor for a larger allowable footprint. He explained that regulations require office spaces to have a large, central elevator core with two elevators that eat up room for other spaces. One way to deter developers from building the tallest allowable properties would be to accommodate for a larger allowable footprint. He also stated that many office spaces accommodate multiple tenants. A larger footprint would allow for corridors and an easier design for multiple offices. Additionally, Y. Bradley expressed favor for high ceilings on ground floor office buildings to create a more attractive office lobby. • Planning staff recommend that only office buildings should be allowed up to 24,000 sq/ft. Mixed-use buildings (with retail and/or residential uses) would stay at a maximum of 15,000 sq/ft.		

- A. Montroll expressed support for Y. Bradley's proposal on a larger footprint for office buildings. M. Gaughan was concerned that this larger footprint would affect other portions of the amendment, i.e. block size and view sheds, and is therefore not supportive of this proposal.

VI. Proposed CDO Amendment: UVM Trinity Campus Overlay Zoning

Action: Motion to warn ZA-22-04 for a public hearing		
Motion by: M. Gaughan	Second by: B. Baker	Vote: Unanimously
Type: n/a	Presented by: M. Tuttle	
Commission Discussion:		
• M. Tuttle provided an overview of the draft changes to this amendment with highlights on building height, setbacks, lot coverage, density, parking, uses, and process. UVM specifically asked for the changes on building height, setbacks, and lot coverage. The remaining four areas of change were drafted by Planning staff to align with the shared goals of increased student housing on campus. • Planning staff also added requirements for new applications within the Trinity overlay: submission of a conceptual plan or portion of the Campus Land Bank Plan, context for how individual developments relate to anticipated future user groups, and allow the City to anticipate and plan for broader view of potential public/capital/programmatic needs, potential future impacts. M. Tuttle explained that this additional language is in response to the public's desire for a more authoritative tone in this amendment. • In regards to the rear properties mentioned in the public forum, L. Kingsbury (UVM) responded that these are under-utilized but explained that renovating these properties would be quite expensive. • L. Kingsbury clarified that if freshmen and sophomores live in the proposed Trinity Campus dorms that would free up beds in other parts of campus for juniors and seniors. • M. Tuttle walked through the draft language throughout the amendment document. She explained that staff expects all new development to be associated with UVM, but there could be exceptions. The new application requirements, however, should be information coming from the institutions, i.e. UVM. • M. Gaughan asked for clarification on the process for the proposed application requirements. M. Tuttle clarified that the requirements are not a new review standard; rather the data requested is intended to be informational. • J. Randall asked whether the additional application requirements could also ask for context as to how the proposed development would alleviate housing concerns across the city. M. Tuttle explained that staff had explored this question, but ultimately discovered it was outside the scope of what the City can prescribe to applicants.		

VII. Commissioner Items

Action: n/a		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: n/a	
• The next Planning Commission meeting is 10/25. There will only be one meeting in November on 11/15.		

Tuesday, October 11, 2022

- J. Randall provided an update on the Colorado American Planning Association Conference. She explained that many other communities are also planning similar concepts to the South End Innovation District. Sometimes they are referenced as “makerhoods.”

VIII. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: J. Randall	Second by: M. Gaughan	Approved Unanimously
Minutes Approved: September 27		
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

IX. Adjourn

Adjournment	Time: 8:15pm	
Motion: J. Randall	Second: M. Gaughan	Vote: Approved Unanimously