

Burlington Planning Commission

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

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

Regular Meeting Burlington Planning Commission

Tuesday, July 12, 2022, 6:30 P.M.

Remote Meeting via Zoom

There will be no in-person option for this meeting.

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

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: UVM Trinity Campus Zoning

Staff will give a presentation to update the Commission on the 6/23 Public Meeting regarding the proposed amendment. Information related to this item is in the agenda packet on page 3.

Staff Recommendation: Ask questions and provide feedback on the proposed zoning changes outline, including on any public feedback.

VI. Housing Initiatives Update

Staff will give a presentation to update the Commission on ongoing work on two housing initiatives: South End Innovation District and Missing Middle Housing.

Staff Recommendation: Ask questions and provide feedback on the work to date.

VII. Commissioner Items

VIII. Minutes & Communications

- a. The minutes of the June 28 meeting are enclosed in the agenda packet on page 27.
- b. Communications are enclosed in the agenda packet on page 31.

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.



UVM Trinity Campus Zoning

Virtual Public Meeting | June 23, 2022



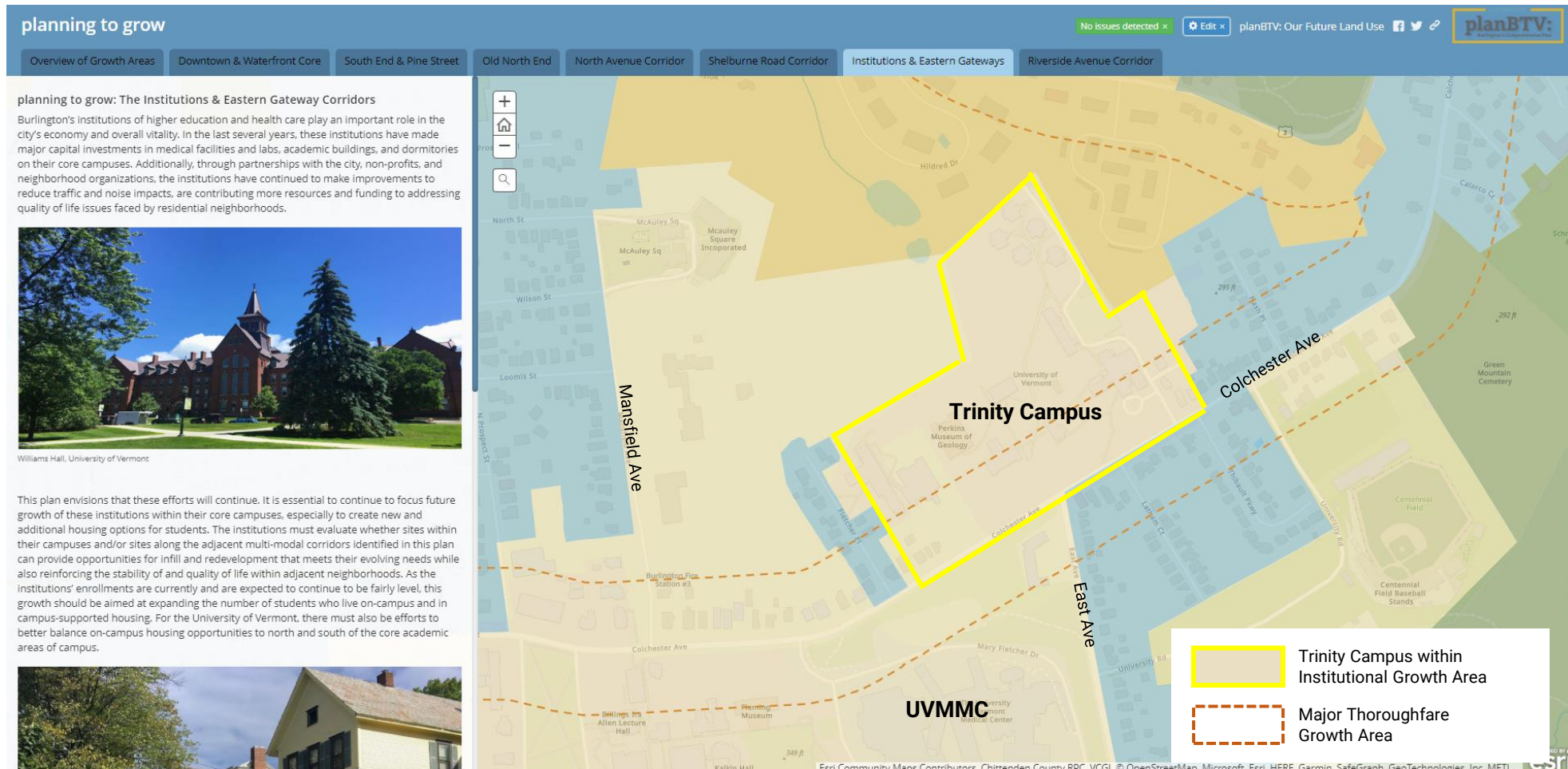
Goals for Campus Development

Plans and other agreements have long included guiding principles and specific commitments for campus development, including for Trinity Campus

- Comprehensive plan (planBTV) identifies Trinity Campus as a place for new on-campus housing

Goals for Campus Development

planBTV identifies Trinity Campus and Colchester Avenue Corridor as growth areas:



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

Goals for Campus Development

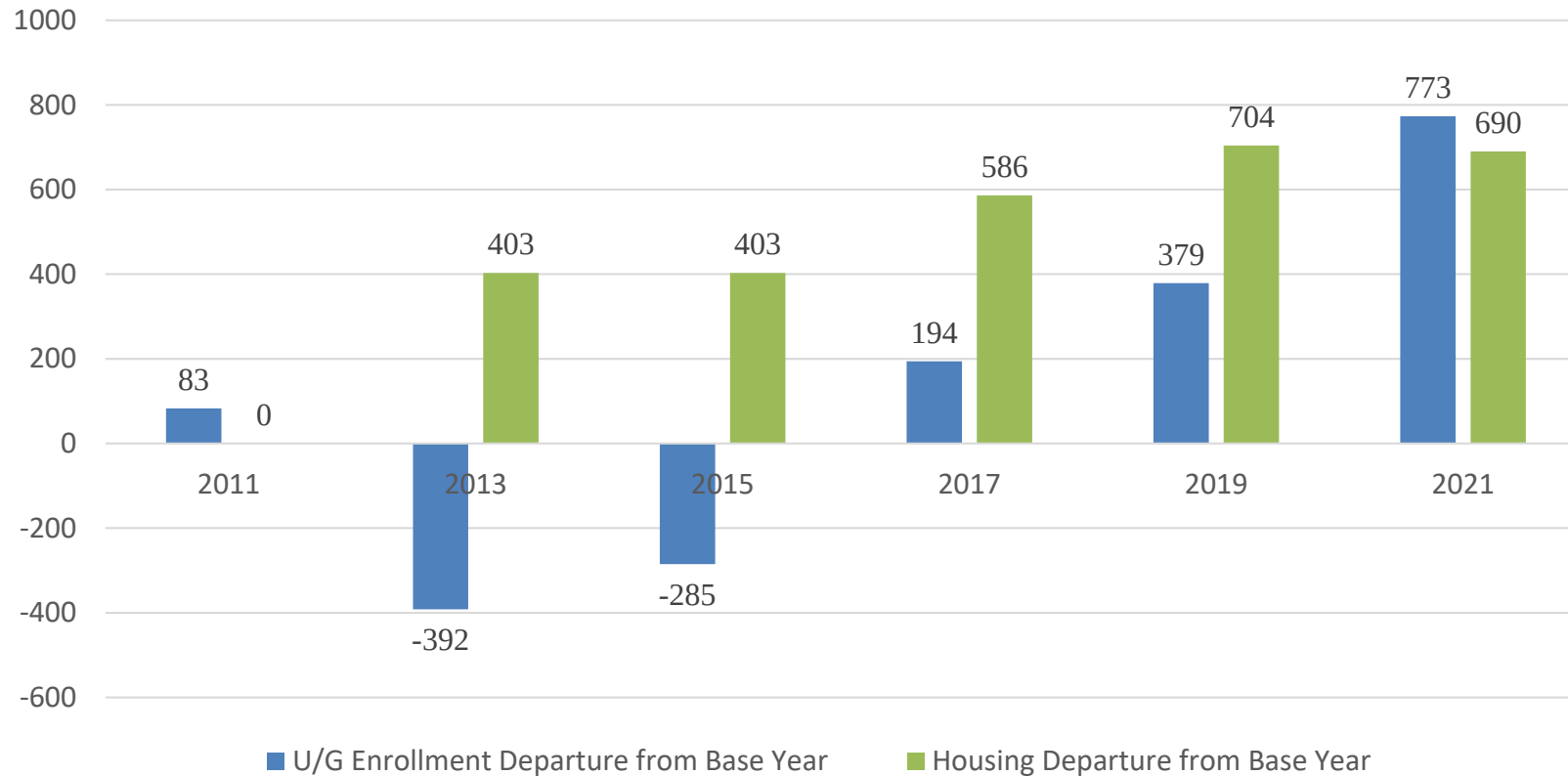
Plans and other agreements have long included guiding principles and specific commitments for campus development, including for Trinity Campus

- Comprehensive plan (planBTV) identifies Trinity Campus as a place for new on-campus housing
- Identifying and facilitating sites for additional on-campus housing & housing created by institutions also included in:
 - **2009-2020 City/UVM Agreement:** identified specific campus developments, target for new student housing commensurate with changes in undergraduate enrollment, collaboration to remove barriers to further campus development
 - **2015 City Housing Action Plan:** set goal to create 1,500 new beds for students on-campus, or in campus-managed housing (for both UVM & Champlain students)
 - Approx. 1,125 new student beds institutions' on and off-campus projects, private developments leased to students
 - **2018 Neighborhood Project:** strategies include creating more student housing on or near campuses
 - **2018 City/UVM Capital Plan Agreement:** commitment to collaborate to modernize Trinity Campus

UVM Shared Goals Accomplished Over 10+ Years

- ✓ Construct new student housing
 - ✓ 163 beds by converting McAuley Hall to residential use
 - ✓ 400 beds of apartment style housing for upperclass students (Redstone Lofts)
 - ✓ 699 bed dormitory on Central Campus
- ✓ Continue to provide housing to meet enrollment needs
- ✓ Identify number and location of off-campus students
- ✓ Continue to work together to identify additional sites for new housing
- ✓ Work together to address impediments to constructing new facilities
- ✓ Continue work to address impact on neighborhoods

Change from 2009 Base Year



2009 Undergraduate Enrollment: 10,156 students
2009 Housing Capacity: 5,707 beds

Goals for Campus Development

Trinity Campus Zoning changes prioritized in 2021 Housing as a Human Right Action Plan

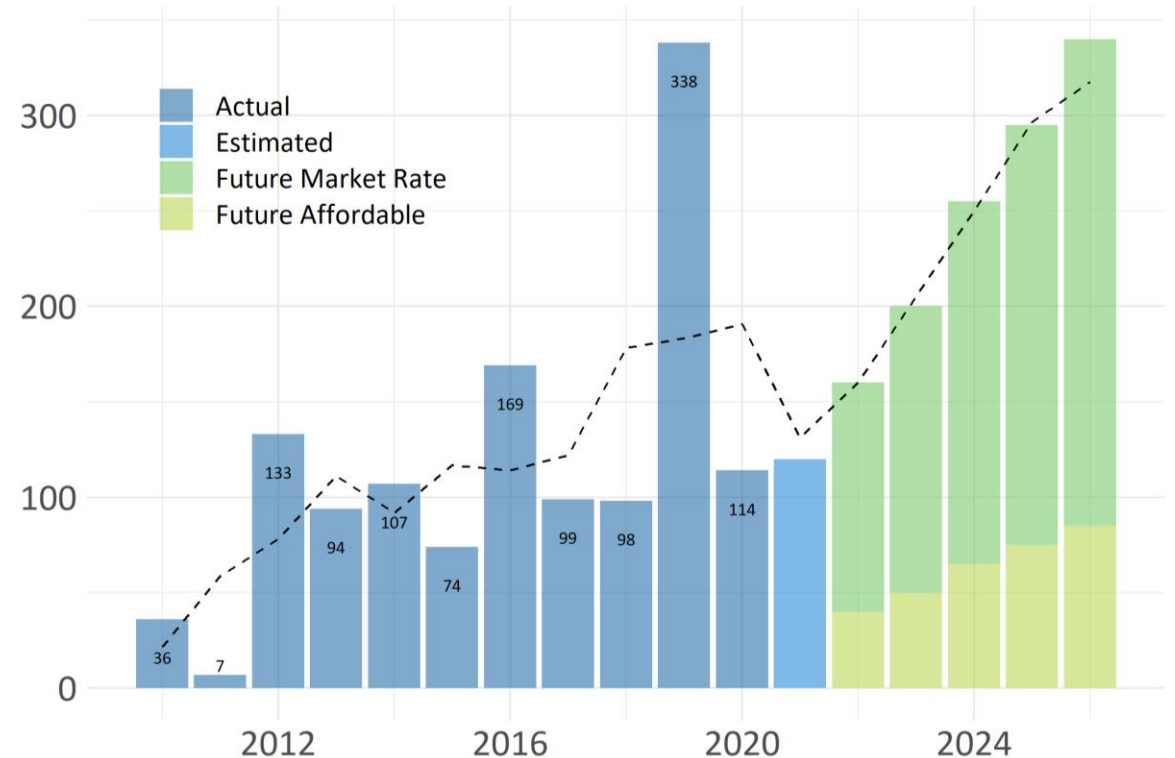
Action Plan establishes goal for Burlington's share of the regional target of 5,000 new housing units in next 5 years:

- Support the creation of 1,250 new homes, including (25%) permanently affordable and homes for formerly homeless residents
- Actions include ARPA investments, partnerships & collaborations, and three zoning changes

Learn more at:

<https://www.burlingtonvt.gov/mayor/housingpolicy>

Recent & Target Housing Creation Citywide



Goals for Trinity Campus Rezoning

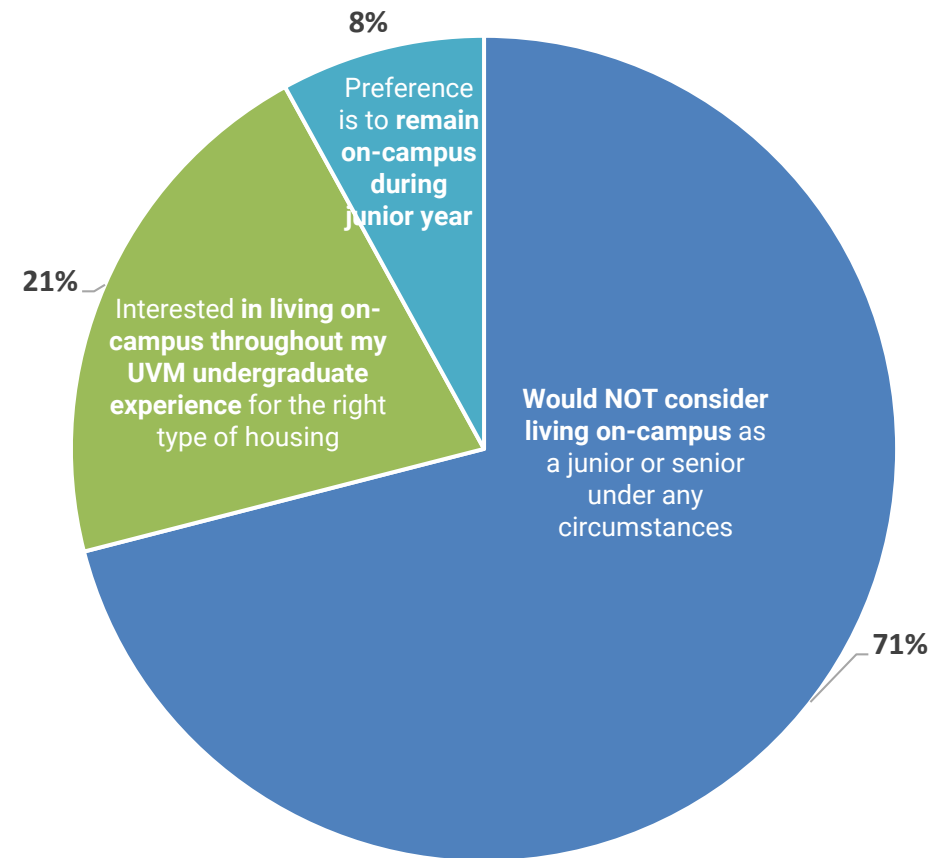
Potential zoning changes guided by shared goals for this part of campus:

- Facilitate the responsible development of **additional student beds on campus**
- **Build new undergraduate residence halls, graduate apartments**, upgrade some of the existing residence halls on the Campus and expand dining hall
- Mix of uses in a **vibrant residential community and enhance sense of community on campus** to attract interest from a range of students
- Reorganize buildings and open spaces to **activate campus open space**
- **Synergy with walking & biking improvements** planned for Colchester Avenue, ensure adequate bike facilities
- **Minimize parking on the campus**, and focus on structured parking that may also provide community benefit if new parking to be created

Student Housing Preferences

Junior / Senior Year On- or Off-Campus Preferences:

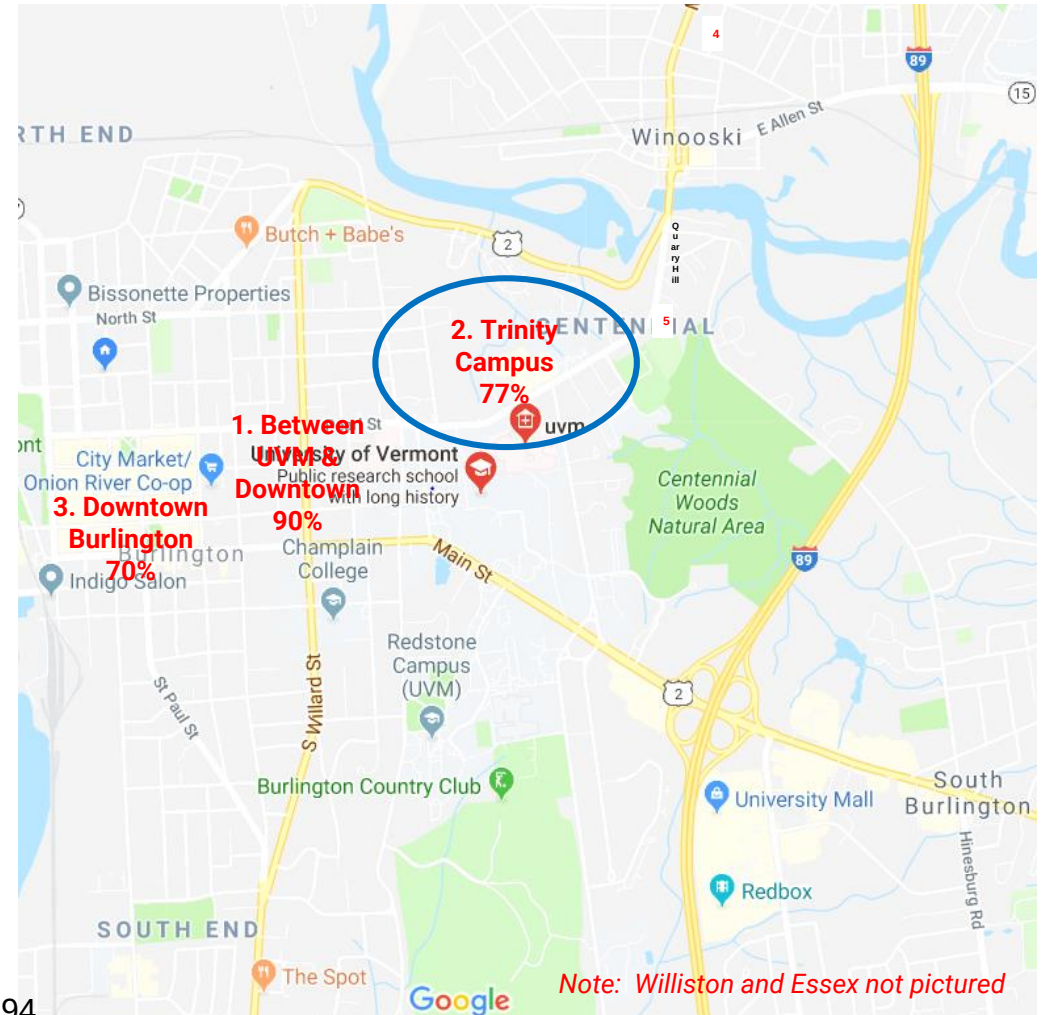
- Strong preference for living off-campus, between campus and downtown Burlington; >70% of respondents
- More independence, space, privacy than campus housing
- Be closer to downtown and social life
- Seek more home-like environment
- Want to be able to cook food, leave meal plan



Student Housing Preferences

Graduate / Medical Interest in University-Affiliated Housing:

- Two-thirds of graduate and half of medical students indicate some interest in University-affiliated housing while at UVM
- Primary interest is first year (90% of all respondents definitely interested or “strongly consider”); 49% in later years
- Preference for apartment-style units with individual bedrooms
- Preferred locations: between campus and downtown, and Trinity Campus. Lesser options: Spinner Place (reconfigured) and / or Quarry Hill



Enhance Sense of Community

Nord Family Greenway



Bates Family Walk



Hammocks at UNC Asheville



Carnegie Mellon Tepper Quad



Swarthmore Amphitheater



Ice Rink at Dartmouth





Trinity – Current Conditions



Trinity Campus Current Use



UVM has owned the **XX** acre campus since 2003.

Today, the campus includes:

- Residential** – 580 students in res halls and cottages + 50 Fletcher Place rental property
- Academic** – College of Education & Social Services, Geology, Gund Institute
- Administrative** – University Event Services, Physical Plant, Trinity Childcare

Existing Zoning Standards

Much of the campus is in a special overlay zone:

- Zone created in 2001 to provide future neighborhood/ community & collegiate uses without further intrusion into surrounding neighborhoods
- 1 of 5 overlay zones for portions of UVM, UVMMC, Champlain College campuses
- Include varied zoning standards to facilitate campus & community development goals
- Range from enabling the most intense development (in UVM Core Campus & UVMMC) to providing lower intensity development and neighborhood transitions



Existing Zoning Standards

Trinity Campus Overlay Zone applies to central portion of the Campus and allows:

- **Building Height:** 35 ft – 55 ft max (up to height of tallest existing structure)
- **Setbacks:** Buildings required to be 115 ft from Colchester Ave
- **Lot Coverage:** 40%
- **Density:** 20 units/acre (4 beds = 1 unit)



Existing Zoning Standards

Overlay Zone also specifies:

- **Parking:** Prohibits new surface parking, parking demand & supply part of Institutional Parking Management Plan
- **Uses:** Housing permitted. Non-residential uses are limited to buildings built before 2002, or required to be reviewed as a conditional use
- **Process:** Any development greater than 15,000 sq.ft. requires Major Impact Review (in other parts of city, this is 40,000 sq.ft.)



Pending Zoning Changes

Two pending zoning amendments also relate to development at Trinity Campus:

Steep Slopes Overlay

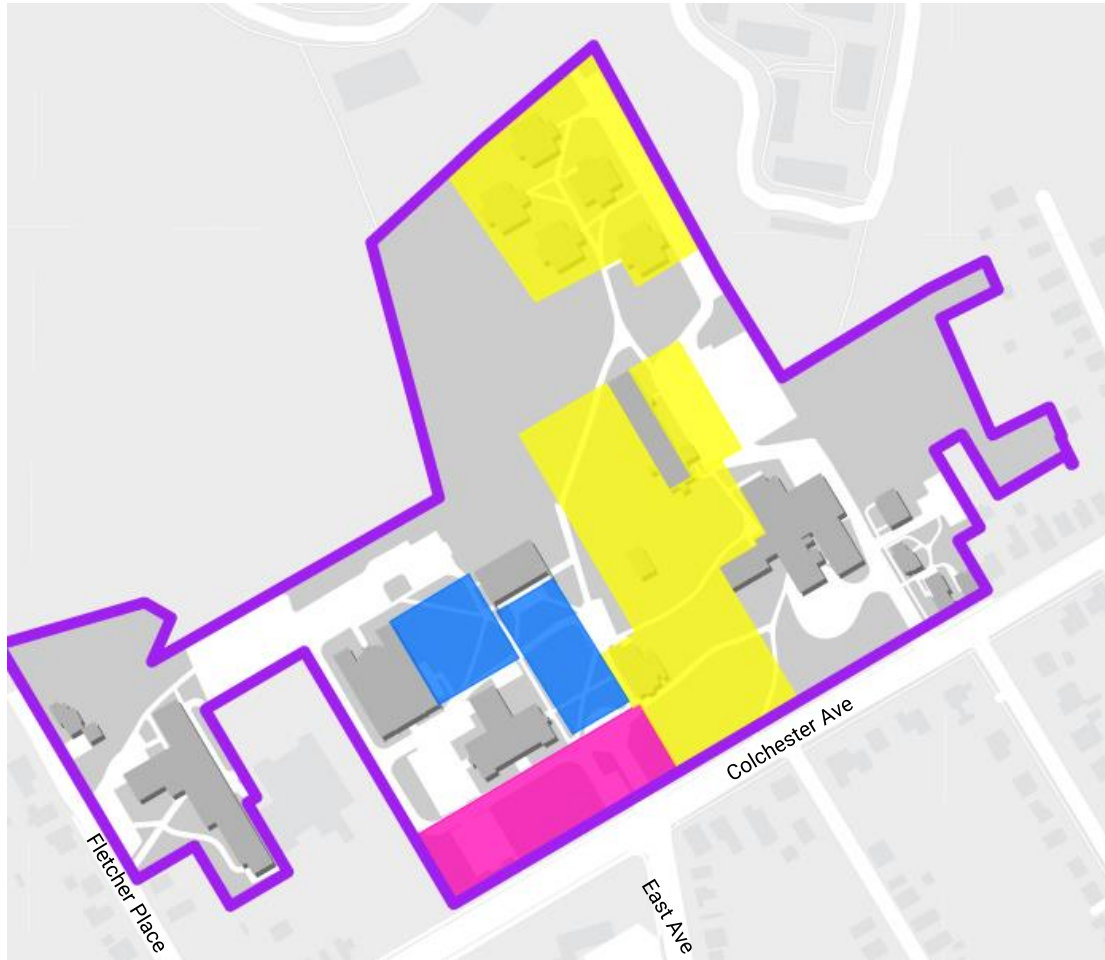
- Introduces a buffer around steep slopes to require geotechnical analysis for development suitability
- Along with existing setback from Colchester Ave reduces potential buildable area on Trinity Campus

Maximum Parking & Transportation Demand Management

- Eliminates minimum parking requirements city-wide, maintains Parking Management Plans for major institutions
- Requires approval of a Plan before issuance of a zoning permit; failure to submit Annual Report is a zoning violation



DRAFT 2022-2032 Campus Plan

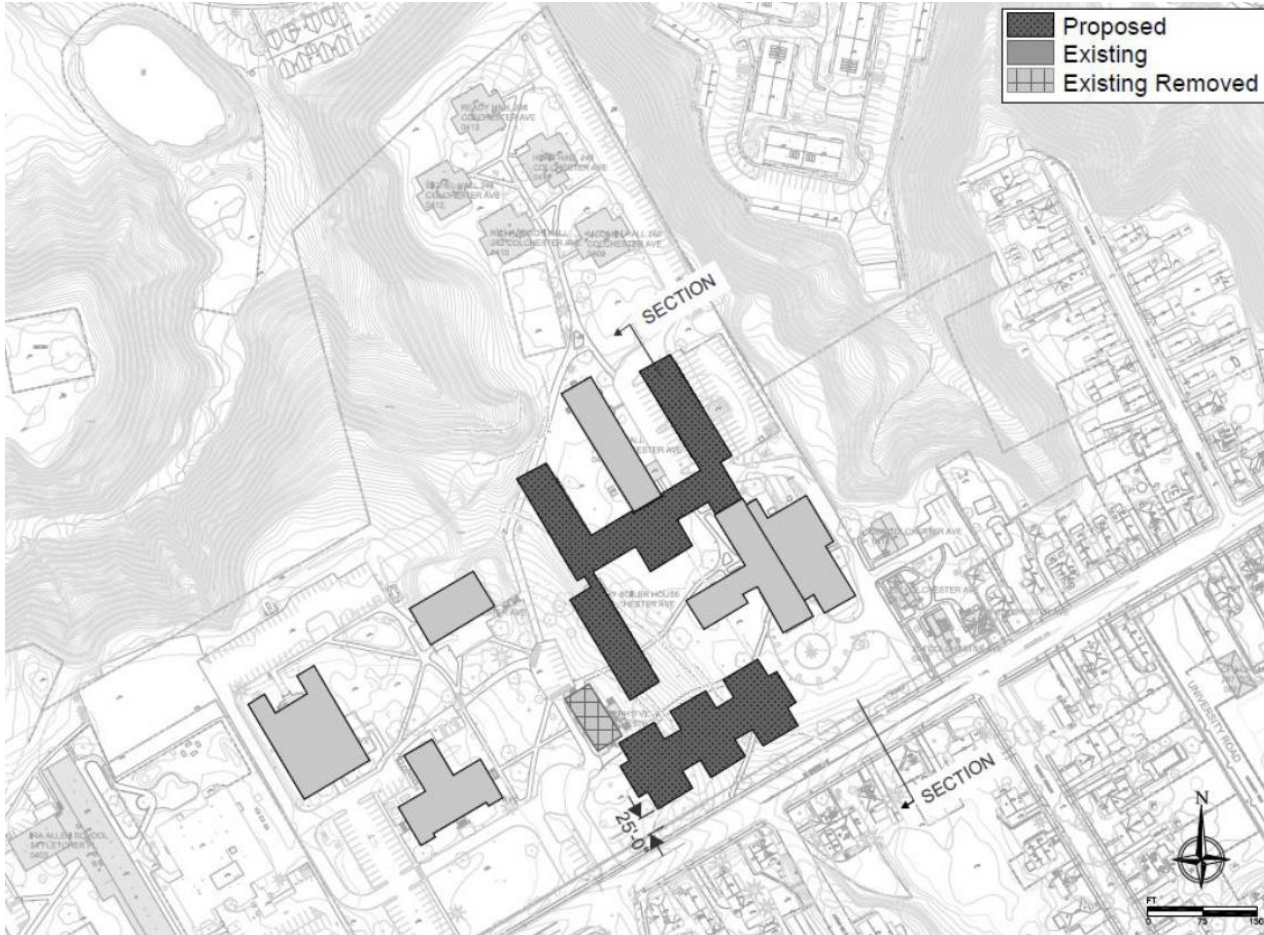


The draft Campus Plan identifies Trinity Campus Landbanks for:

- Residential
- Academic
- Unassigned

See notes for this slide.

UVM Trinity Campus Ideas



Infill Concept & renderings for Trinity Campus courtesy of UVM



Requested Zoning Changes

In February, UVM presented request to the Planning Commission 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



Graphic of setbacks & development area courtesy of UVM Feb presentation

Requested Height & Setback



Requested Zoning Changes:

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



Existing Campus Example:

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

Additional Considerations

Planning Commission will consider other standards related to goals for Campus infill:

- Most Campus Overlays do not apply a limit on housing in order to to enable institutions to maximize their anticipated growth within their campus areas.
- Cafés, small grocery stores, similar business types are limited to existing buildings, or have to be reviewed by the DRB before being permitted in new buildings.
- DRB review is required for smaller development projects than required in other Institutional and Mixed Use zoning districts.
- Continued interest in overall growth & development plans for the Institutions and how specific project proposals fit the vision, such as expanded campus planning requirements to complement Parking Management Plan process.



Q&A and Input



Next Steps

- Recording will be posted at the website below to share with others
- Provide update to Planning Commission at an upcoming meeting (tentative 6/28)
- Commission to begin discussing potential zoning changes this summer
- Zoning amendments are first reviewed and recommended by Planning Commission, then by City Council before adoption

To receive more information:

- Updates posted to: <https://www.burlingtonvt.gov/plan/trinitycampus>
- Email Bridget O'Keefe bokeefe@burlingtonvt.gov to receive email updates about upcoming Planning Commission Agenda topics

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Brynne Martin

Burlington Planning Commission

Tuesday, June 28, 2022, 6:30 P.M.

Remote Meeting via Zoom and Sharon Bushor Conference Room

Draft Minutes

Members Present	A Montroll, B. Baker, A Friend, M Gaughan, B. Martin, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	B. Headrick, K. Pillsbury, L. Kingsbury, S. Bushor

I. Agenda

Call to Order	Time: 6:35pm
Agenda	PC will consider a new Agenda Item – ZA-22-08 - Short Term Rentals to provide update on City Council action and to warn a Public Hearing. PC will also defer discussion on Trinity Campus to the next meeting.

II. Public Forum

Name(s)	Comment
J. Mahoney	J. Mahoney spoke about Trinity Campus and supports allowing City Planning staff to create zoning and height standards but expresses lack of confidence in UVM. He spoke of juniors and seniors preferring to live off campus and increasing enrollment. He wishes for the City to hold UVM accountable.
B. Headrick	B. Headrick spoke about the proposed UVM Trinity Campus amendment and her concern with changes to Institutional zoning. She expressed her opposition to the proposed amendment and asked the Planning Commission to re-consider until UVM provides a Master Plan.
S. Bushor	S. Bushor thanked Planning staff for coordinating the meeting on Trinity Campus. She also asked if the questions asked during the public meeting would be re-asked to allow those who could not access the online survey instrument another chance to provide input. She suggested a joint meeting with the Planning Commission and City Council to discuss UVM housing. She also spoke in reference to the emergency shelter pods and expresses disagreement with the administrative approval for such housing.
S. Thibault	S. Thibault spoke in reference to the memo related to ZA-22-07 and spoke to the JIP. Asked the Commission to reconsider the parking minimums as it could affect other areas of the city.
K. Pillsbury	K. Pillsbury spoke as a resident of Ward 8 letting the Commission know that the Trinity Campus Rezoning will affect his neighborhood.
L. Kingsbury	L. Kingsbury thanked the Planning staff for facilitating the June 23 public meeting and to the Commission. She spoke to the memo that S. Thibault sent and that UVM agrees with the points made in that memo.

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III. Chair's Report

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

M. Tuttle	M. Tuttle requested that Sharon and Barbara resubmit any written correspondence previously sent to Planning Commission to staff in the Office of City Planning. She congratulated Alex Friend for his reappointment and thanked Brynn Martin for her service during the last year. Ms. Martin's replacement would join the Commission in August, potentially. The Office of City Planning budget was approved by City Council and more details were provided on what projects are the Planning team will be working over the next year. The Regional Planning Commission will also provide some additional funding. Meagan also reminded the Planning Commission of the 6/29 public meeting on the South End Innovation District at Generator and provided information on the Trinity Campus public meeting. Copies of the presentation slides and the Zoom recording can be found on the Planning website.
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V. Proposed CDO Amendment: ZA-22-08 Short Term Rental

Action: Approve ZA-22-08 and warn a public hearing		
Motion by: A Friend	Second by: M. Gaughan	Vote: 5-0
Type: Motion to Pass	Presented by: M. Tuttle	
Introduction: M. Tuttle presented an update on the proposed amendment and summarized the CC action from its 6/27 meeting. Components of the resolution (1. amending the definitions and 2. adding short terms rentals as a "special residential use" to Appendix A) have expired since the Planning Commission sent them to City Council over one year ago. City Council is now referring these components back to the Planning Commission so that it may approve the warning of a public hearing for the amendment.		
Commissioner discussion: A. Montroll described the amendment and summarized Planning Commission's past treatment of this propose amendment. He summarized that the Commission felt the best place to house short-term rental regulation was within the City code as it allows the regulation to be more dynamic and flexible. A. Montroll asked for a summary of the new rules established for short-term rentals.		

VI. Proposed ZA-22-07 Maximum Parking & TDM

Action: Approve ZA-22-07 and refer to City Council with the recommendation to adopt the resolution.		
Motion by: M. Gaughan	Second by: A. Friend	Vote: 5-0
Type: Move to Council and adopt report	Presented by: M Tuttle	
Introduction: M. Tuttle discussed a memo from CATMA that proposed changes to the amendment. The memo requests that certain applications do not require an amendment, particularly for site work that include a minimum number of parking spaces, additions or removals, up to 10 spaces. M Tuttle stated that her and her staff discussed this item and found it was slightly out of scope for a parking management plan. M. Tuttle described the memo summarizing the Commission’s recommended further changes to the proposed amendment.		

Commissioner discussion:

- M. Gaughan asked if staff knows of any instances of small work for which 10 or fewer parking spaces would be impacted. S. Gustin stated that the institutions frequently come in for small infrastructural works that typically do fit within the JIPMP. L. Kingsbury (UVM) provided an example of a landscape project that added three spaces.
- A. Friend and A. Montroll expressed support for the memo.
- M. Gaughan expressed his concern that in the implementation period, the aggregate cost of housing would increase. He stated support for an implementation period that would preclude a landlord from charging extra for parking, considering that parking and rent would be decoupled. M. Tuttle stated that there could be language added stating such decoupling must only be enacted as described in a lease agreement signed by all parties and at the beginning of a lease term. The parking cost decoupling would only apply to newer developments.

VI. Public Hearing: Proposed ZA-22-06 Transitional Shelter

Action: Continue discussion to consider alternative approaches that align with some of the principles outlined by the Planning Commission.

Motion by: n/a

Second by: n/a

Vote: n/a

Type: n/a

Presented by: M Tuttle

Introduction:

M. Tuttle presented the proposed amendment and discussed the permit length and reporting standards as proposed. She summarized the changes included in the most recent proposed amendment, such as transitioning the emergency shelter permit to a permanent structure permit. She discussed a previous suggestion where the timeframe for these transitional shelters is seasonal, i.e. emergency housing in the winter. The proposed amendment also provisions that an advisory committee be created for each transitional shelter. This committee would bring together community members in that neighborhood to have a say in the creation of the shelter.

Commission Discussion:

- M. Gaughan spoke summarizing his previously stated thoughts, including that there is already a process in place for temporary shelter permits. He does not support the institutionalization of temporary housing for homeless individuals. He stated that he prefers a seasonality aspect and clauses allowing disaster-related emergency housing needs.
- A. Montroll spoke in support of long-term planning for housing transition and aspects of the "housing crisis." He differentiated a planning-focused "crisis" from a housing emergency. He offered the COVID-19 pandemic as an example of a housing emergency. He spoke in support of identifying places in the city where emergency housing should be located in such events. But stated that he does not believe the proposed amendment sufficiently addresses the crisis of housing. M. Tuttle offered that some of this covered in the Hazard Mitigation plan handed at the Regional Planning Commission level, yet the process CEDO went through for the Elmwood Ave permit revealed some gaps in the regional and municipal plans. She also spoke to the fact that a permit expires after a period of time if no construction has occurred, making it difficult to reserve areas of the city for emergency shelter use.
- A. Montroll asked if emergency shelters could be permitted on a short-term basis in identified areas considered appropriate for such use. M. Tuttle suggested an overlay approach but stated that this could be less transparent to the public than desired. A. Montroll responded by stating that the current administrative process only allows limited public involvement.
- A. Friend expressed that the three-year term in the current plan is too long to be considered temporary, but was favorable of some of the suggestions brought forward.
- A. Montroll proposed emergency housing sites that would be approved by DRB

Tuesday, June 14, 2022

- B. Martin suggests that a crisis is simply an emergency that has been ignored. She asked what will be considered an emergency and what is the timeframe for an emergency to be over. She referenced that getting back on one's feet after experiencing homelessness could take a long time, longer than the Winter months.
- M. Gaughan asks for research on emergency measures and how they are administered in other cities, regardless of the nature of the emergency.
- A. Friend says that there will still need to be a CDO amendment to identify districts where this use is permitted.
- A. Montroll would like to narrowly identify sites that could go through a quicker review process; the process as proposed is concerning to him.
- M. Gaughan suggests a site selection process and that some thought should go into what the criteria should be for emergency shelter sites.
- The Commission discussed what points are essential in a new proposal. M. Gaughan offered that creation of temporary shelter should be tied to seasonality, FEMA declaration of a disaster, or a Governor's State of Emergency. A. Friend thought seasonality would be too long since Vermont has long winters, yet tying it to a FEMA or Governor declaration would be too restrictive.
- M. Tuttle will work with staff to draft a new proposal with the suggestions given by the Commissioners.

VII. Minutes and Communications

Action: Approve the minutes and accept the communications

Motion by: A. Friend

Second by: B. Martin

Approved Unanimously

Minutes Approved: June 14

Communications Accepted: in the agenda packet and posted at

<https://www.burlingtonvt.gov/CityPlan/PC/Agendas>**VIII. Adjourn**

Adjournment

Time: 8:20pm

Motion: B. Martin

Second: A. Friend

Vote: Approved Unanimously

From: Sharon Bushor <sfbushor@gmail.com>
Sent: Monday, May 23, 2022 11:10 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Rezoning Trinity Campus

[WARNING]: This email was sent from someone outside of the City of Burlington.

To the Planning Department and Planning Commission

Good evening,

Since this proposal was expedited as part of the Mayor's Housing Agenda, I have spent time on my own and then in the company of neighbors and City Councilor Gene Bergman looking at the existing campus and then going down South Prospect Street looking at Redstone Campus and the addition of the Lofts by Redstone Development to that location.

In this communication, I plan to cover the Rezoning request. In addition, I plan to touch on the dilemma of creating housing versus creating affordable housing and how this proposal is not actually addressing or significantly helping to solve the problem of the availability and cost of off campus housing.

Let me begin with this Trinity Campus affords the University of Vermont a unique opportunity to expand that campus with the addition of housing and perhaps a discipline focused experience with classrooms and research/ technical support. I hope the University will spend time creating a vibrant Master Plan for this site. I am concerned that this zoning request has only considered obvious spaces where a large structure can easily be erected without a Master Plan that may yield a more cohesive design.

When UVM came before you with their proposal for housing, they initially asked for a 15 foot setback to mirror the setback of the small single family homes that populate both sides of the street. I will note on the opposite side there is one larger structure (not over 35 feet) that resembles a triplex and has a dentist office in it. Another building similar in size has 6 small apartments. This is a perfect working class neighborhood; apartments, single family homes sprinkled with size appropriate local businesses (Kampus Kitchen, flower shop, dentist, Indian restaurant). Across the street was a small college that reached out to their neighbors informing them and including them in proposed changes. Trinity College even shared their space for NPA meetings. Our neighborhood has always seen the value in higher education. Neighbors are diverse in age, occupation (some in the workforce, some in school, some doing both, some retired), socioeconomic status, nationality and race. We all understand the crisis we face in housing and support creating more.

When you look at the height and massing of the proposed structure with a now 25 foot setback, visually it is clearly out of scale with the surrounding structures and creates a high wall blocking any sight of trees and green space within the campus.

In comparison, now travel down South Prospect Street and view the Lofts. They are setback at least 45 feet from the sidewalk and are about 35 feet tall and separated to resemble individual houses from the street. Their orientation, size, color (dark brown), are an attempt to replicate the smaller single family homes on that side of the street. I will also call to your attention, dorms of

greater height and massing are set WAY back from the residential homes and not along the streetscape. I believe Ward 1 is deserving of this same consideration.

NOTE: Most neighbors do not have concerns about structures built behind Mercy Hall and agree height and massing can occur there and in other internal locations.

REQUEST: PLEASE CONSIDER A SETBACK OF 45 FEET AND A HEIGHT LIMIT AT THIS SETBACK OF 35 FEET. I ALSO REQUEST A REQUIREMENT FOR A DESIGN ELEMENT THAT BREAKS UP OR SOFTENS THE MAGNITUDE OF LARGE STRUCTURES THAT FRONT THE STREETScape. ONE LIKE THE DESIGN ELEMENT USED BY THE LOFTS AS EXPLAINED ABOVE.

NOTE: If urgency is driving this zoning request, why not build on one of the sites that already can accommodate housing.

A Planning Commissioner suggested one such location on South William's currently used as a parking lot. In 2019, UVM referenced a process they were undertaking to identify on campus locations that could accommodate housing. Other sites may be known to them.

Why am I suggesting this? To allow time for a Master Plan to be fully vetted.

I am aware that the Planning Commission has no control over the price UVM charges for housing. Students will tell you one motivation to move off campus is the cost of on campus housing. I, like you, am also aware that increased freedom ranks right up there. Therefore if undergraduate housing is created, no one can guarantee more students will choose to remain on campus. Unless the affordability of UVM housing is discussed in earnest, this most likely will not yield the desired outcome of retaining students or bringing them back to on campus housing. Housing for graduate students may have a very different outcome and may help to either allow them to REMAIN ON CAMPUS OR RETURN TO CAMPUS. Often these students have access to grants or work study that offer monies for housing. Trinity may also be a great location to house Medical Students.

REQUEST: PLEASE ASK THE QUESTION ABOUT GUARANTEEING OCCUPANCY AND IF APPROPRIATE GENERATE A LETTER TO THE ADMINISTRATION TO DISCUSS WITH UVM AFFORDABILITY OPTIONS FOR THE HOUSING BEING CREATED.

The last item I want to mention is one that the Ward 1/8 NPA also struggled with.

UVM'S enrollment has grown significantly over the past few years. The City has an agreement that for every student over the agreed upon % housed, UVM must create a bed. Annually, UVM comes before the Council with their report and show they have complied. The problem for the City is if enrollment continues to grow, the number of students moving off campus at the end of their sophomore year increases. As enrollment grows, our housing crisis grows.

I bring this to your attention because some in attendance at the NPA meeting wanted this zoning amendment denied until enrollment was capped and additional students be required to live on campus.

I am aware the only topic under your direct purview is the zoning amendment. To not further explain the relevance of affordability and increased enrollment as factors that create a

neverending increase in the number of students moving off campus each year would ignore the interrelated complexity of this housing issue. An issue that needs more than a zoning amendment to solve.

Thank you for your time.

Sharon Bushor

Ward 1 Resident

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Meagan Tuttle

From: Michael Arnold <Michael.Arnold@uvm.edu>
Sent: Thursday, May 26, 2022 11:44 AM
To: Meagan Tuttle
Subject: Hill Institution Job Sprawl and transportation sector emissions.

You don't often get email from michael.arnold@uvm.edu. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hello Principal Planner Meagan Tuttle,

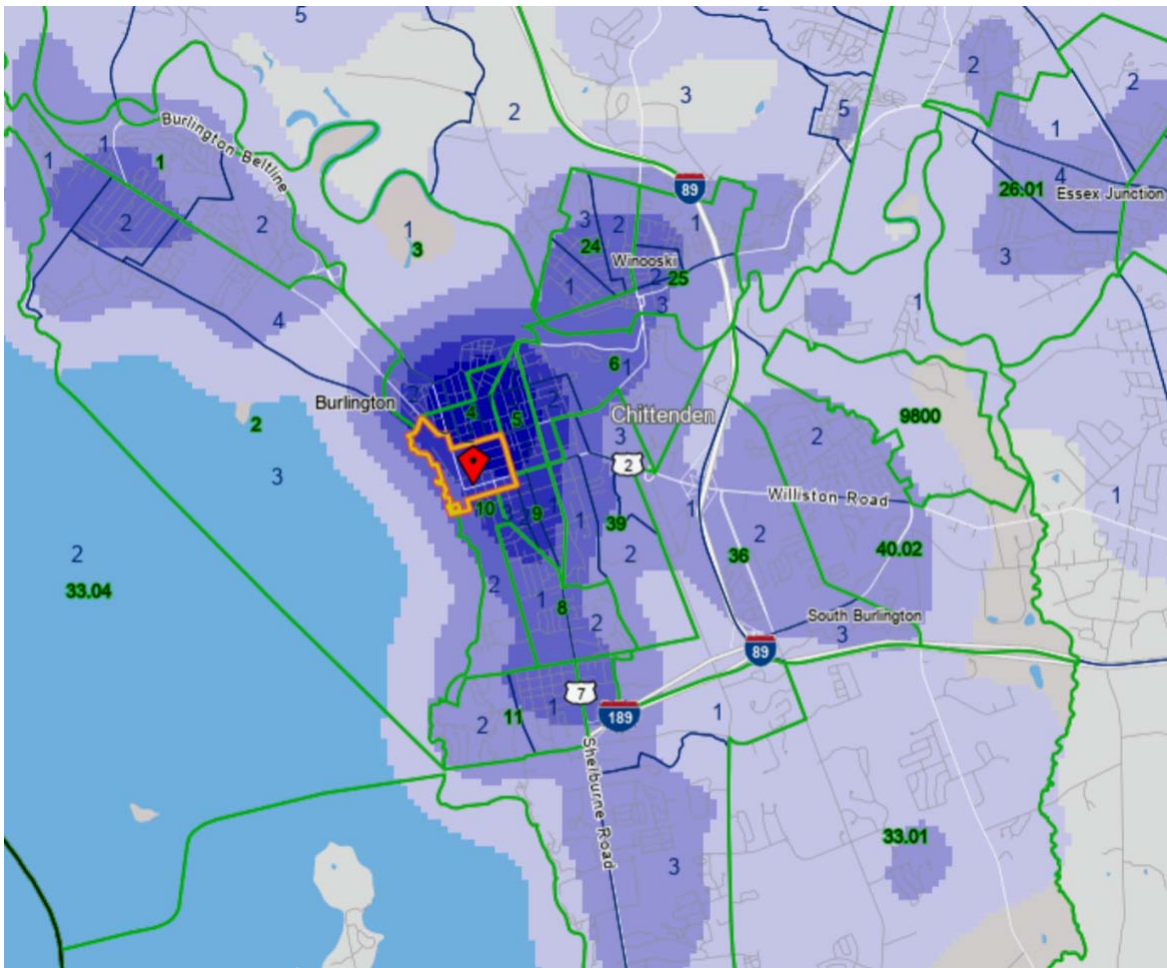
I'm writing today to provide some relevant information for planning commission members as they consider whether to ease zoning restrictions around the hill institutions.

As I'm sure you're all aware that the transportation sector is the largest contributor to Vermont's emissions. And that commuting is almost universally the longest trip taken in a day.

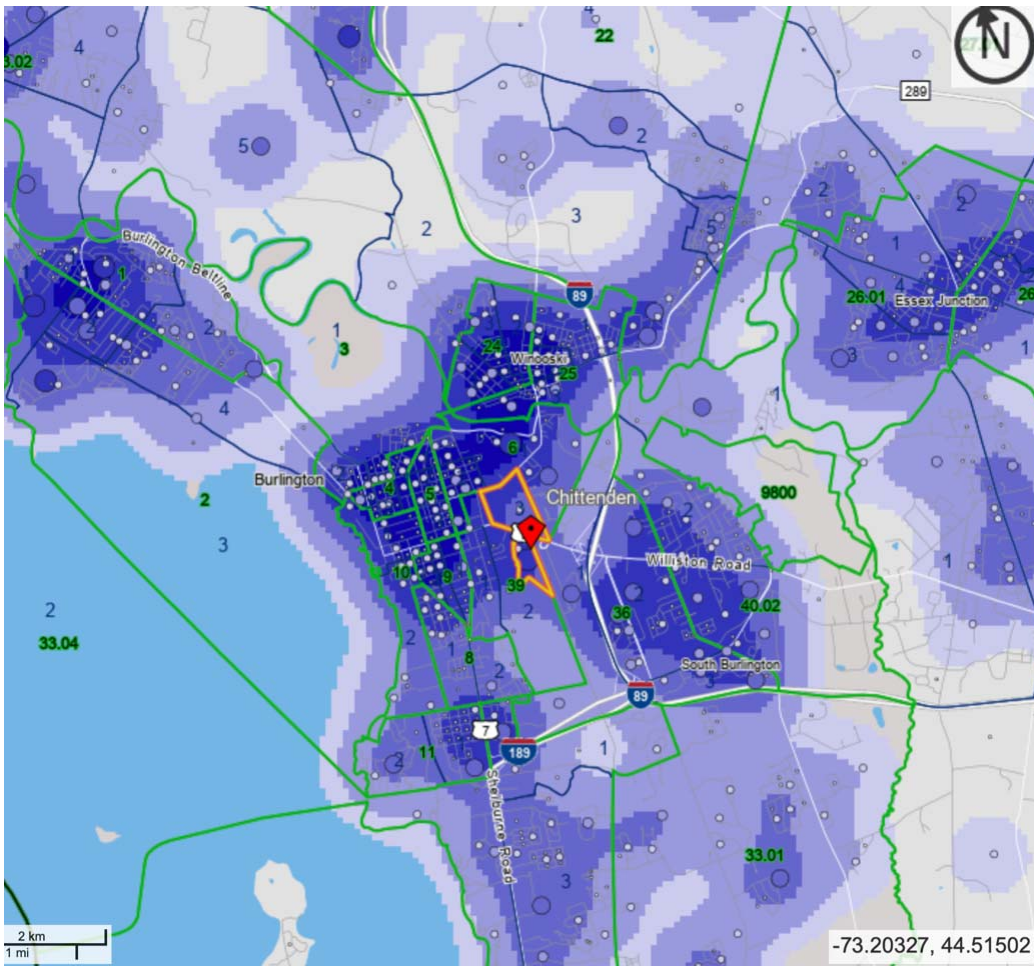
I'd like to show how the zoned residential capacity effects the distribution of workers in Burlington's two major job centers:

Downtown (Census block group 10 - 1) and UVM - UVMCC (Census block group 39 - 3).

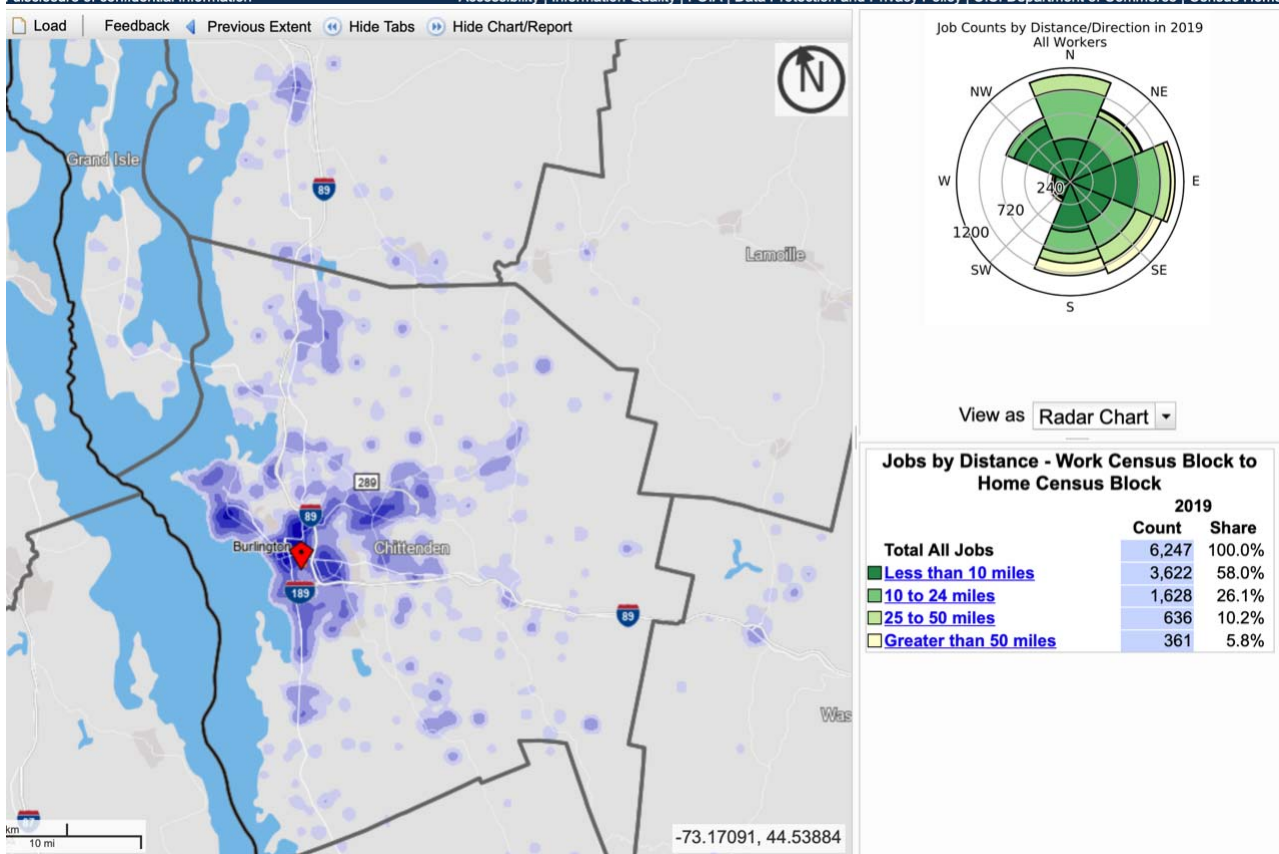
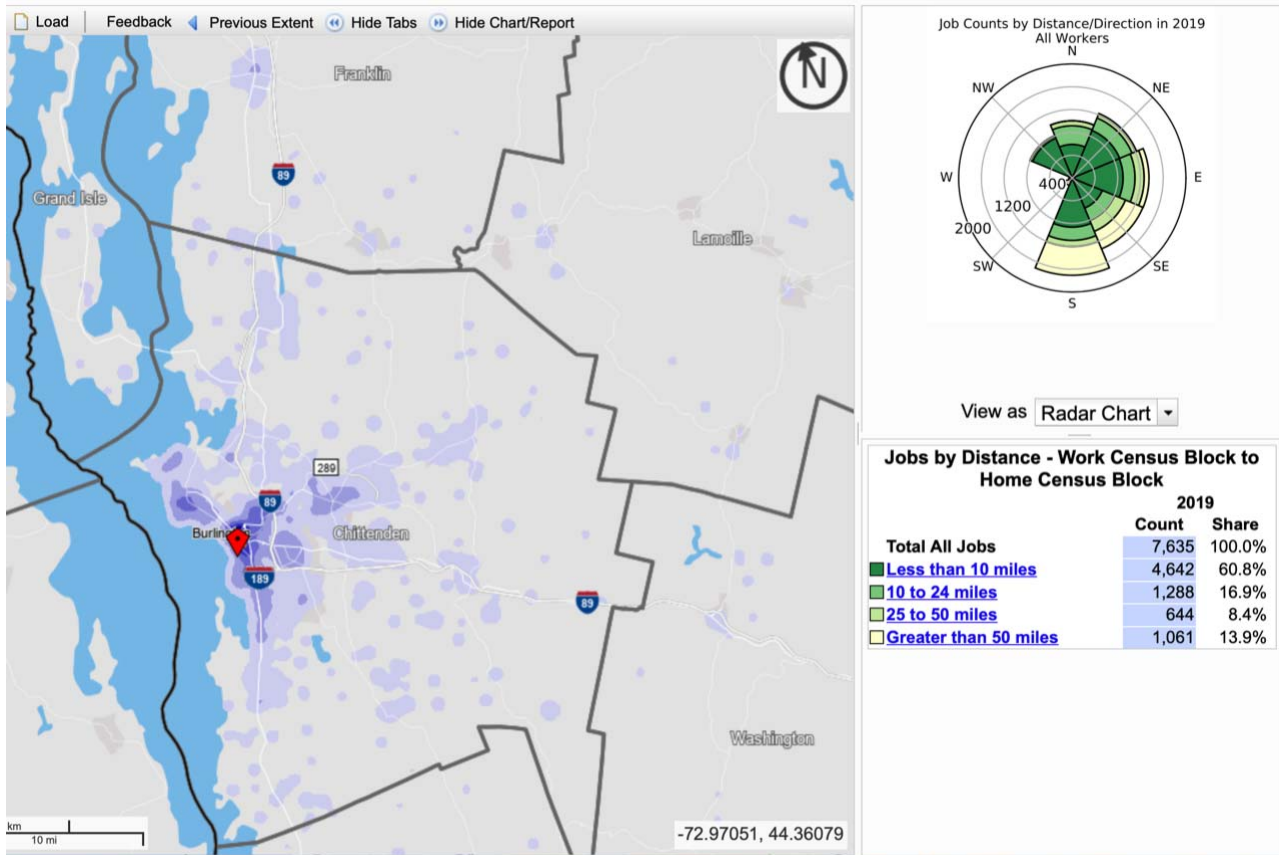
First, let's look at downtown. A significant proportion of downtown workers live in the Old North End, within walking distance of their jobs. It wouldn't surprise you to learn that over 30% of residents in the ONE reported walking to work, and according to census data more workers walk than drive in the ONE.



Let's compare to the distribution of worker residential locations for the hill institutions. The first thing you'll notice is there is no single contracted residential area for these workers. UVM and UVMMC draw many workers from the ONE, Winooski, as well as the NNE, Essex Junction, and South Burlington. Almost *no one* lives within walking distance, and so nearly everyone drives. Obviously this has created problems with parking supply for both institutions, which they struggle to solve.



Let's zoom out a little more to see how far workers drive to get to these two job centers. For Downtown, the area of high worker concentration in the ONE is mostly covered by the location marker. And we can see workers at UVM and UVMMC are much more likely to drive from Milton, St. Albans, Jericho, and beyond.



We know that UVM and UVMMC form an important regional job center, which employs thousands of workers. Let's zone it to look like the other job center downtown.

The planning commission could increase the zoned residential capacity around these jobs to house thousands more workers and students, giving back workers hundreds of hours of commute time to spend with their families, thousands of dollars in gas and car maintenance costs, and tens of thousands of miles worth of emissions for each worker.

I'd ask you to consider upzoning every parcel within 1/4 mile of UVM to a density of 150 du/acre with a modest height restriction of 200 ft, and not maintain the unsustainable and exclusionary RL zoning that currently surrounds these critical institutions.

Best,

Michael Arnold

PhD Student
Vermont Complex Systems Center
University of Vermont

Dear Burlington Planning Commission,

We would like to provide some background to the UVM Trinity Campus discussion on your 5/25 agenda. UVM came to the City last year to discuss rezoning Trinity campus to build new student housing. The council discussed this in executive session in the winter. At this point, we can share that a majority of Councilors made it clear that it was very important to us that this would mean that fewer students would be housed off campus and that UVM commits, in a tangible way, to this concept. This response was reiterated publicly in January when Richard Case, UVM VP of Finance and Administration, presented to the council. To date, UVM has not signaled their willingness to agree to this. Their response seemed to indicate their feeling that UVM is already doing more to house students than other comparable institutions, and that therefore Burlington should not, and could not, expect more from UVM. However, the neighbors around UVM and the City Council do expect UVM to be a better partner in finding other housing options for off-campus students.

This is the first opportunity the city has had in years to hold UVM to being a better housing partner. Instead of showing interest in moving forward with stronger partnerships, UVM has retreated. They maintain that they are not planning on increasing enrollment while refusing to commit to saying they won't increase the off-campus student population. At the same time, UVM faculty and staff have shared that UVM is looking to increase their PhD student base and to obtain their Research 1 designation. This means separating undergraduate and graduate students, which almost always means increasing enrollment to cover the costs of the increase in courses.

With this coming to the Planning Commission, we wonder if UVM is ignoring the requests of their neighbors and are forging ahead. So, we are bringing up our request at this stage, again. We ask that you join us in requesting that UVM tangibly commit to a maximum number of off-campus students, both in your discussion on Wednesday and beyond.

Zoraya Hightower, Ward 1 City Councilor (P) – represents Trinity Campus

Joe Magee, Ward 3 City Councilor (P)

Sarah Carpenter, Ward 4 City Councilor (D)

Ben Traverse, Ward 5 City Councilor (D)

Jack Hanson, East District City Councilor (P) – represents Trinity Campus

From: Barbara Headrick <barbara.headrick@gmail.com>

Sent: Tuesday, May 24, 2022 10:44 AM

To: Andrew Montroll <amontroll@burlingtonvt.gov>; bbaker@burlingtonvt.gov; Yves Bradley <ybradley@burlingtonvt.gov>; Alexander Friend <afriend@burlingtonvt.gov>; Michael Gaughan <mgaughan@burlingtonvt.gov>; Emily Annick Lee <elee@burlingtonvt.gov>; Brynne Martin <bmartin@burlingtonvt.gov>; Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: Comments regarding zoning amendments for Trinity Campus

[WARNING]: This email was sent from someone outside of the City of Burlington.

Planning Commissioners,

Please, I ask that you consider the following comments in the context of potential zoning amendments for UVM's Trinity Campus.

1. Please have the zoning amendments specifically state that they apply only to the Trinity Campus and not to other parts of the university campus. Setbacks and height allowances along Colchester Avenue may be adverse for other parts of the UVM Campus. For example, the Redstone Campus is a designated historic area and in a residential historic district. Setbacks, heights and uses need to consider the nearby environment.
2. In the Uses section, the list of allowable uses should allow University Dining Halls (more than one so there is some dining choice). Students will want to have convenience and a choice of different dining halls on the Trinity Campus. If that's not available, they will not want to live on the Trinity Campus and will choose to live off-campus.

Example: Cornell University's west campus is only 10 acres but houses about 2000 students. The buildings are designed to provide suite style units. The west campus also includes 5 dining halls and a high quality/spacious fitness center. This is a very popular choice for student housing.

3. The setback from the sidewalk for all Trinity Campus buildings and parking should be at least seventy (70) feet and preferably 115 feet. Reasons:

(A) People will be living in these buildings. They need quiet for sleeping and clean air for their health. To create a desirable place to live, the building front (and all parking) needs to be set back at least 70 feet from Colchester Road (Highway 7) in order to reduce the residents' exposure to noise and vehicle exhaust fumes.

- (B) Pedestrians will not have an enjoyable experience if they feel crowded because of too little open space between the residential buildings and a very busy 4 lane highway. The Trinity Campus will not be an appealing place to live or walk to/from if there isn't a feeling of lush open and green space between the buildings/sidewalk/street. The goal is to make Trinity a very appealing place to live so that students will choose to live there instead of off-campus.
4. Taller buildings are fine but they should be located deeper within the lot and not within 115 feet of the sidewalk. The tall buildings should not be easily visible along the streetscape.
 5. On page 32 of UVM VP Cate's PDF is a diagram showing the proposed setback. If you look at the size of the person in the distance who is walking towards the buildings, you can tell that the buildings are about 200 feet from the sidewalk. This UVM pictogram is not accurately representing a 45 foot setback.
 6. To create a more appealing and safer pedestrian experience, and to change a very ugly Colchester Avenue/ Trinity Campus streetscape into an attractive streetscape, the greenbelt needs to be widened to 15 or 20 feet (like on Mansfield Avenue), the sidewalk needs to be widened to 15 feet because there will be a lot more pedestrian traffic and the current 5-foot wide sidewalk and its proximity to the street does not encourage walking. The Trinity Campus building setback needs to use these wider sidewalk and greenbelt measurements.
 7. A row of trees that will grow very tall needs to be planted in the greenbelt. A row of like trees need to be planted on the north side of the sidewalk (the front edge of the Trinity Campus). This will create a green canopy over the sidewalk and a green barrier (safety and aesthetics) between the pedestrians and the two lanes of westbound traffic on Colchester Avenue. A five foot hedge should be planted behind the trees that line the north side of the sidewalk. Please include some greenery requirements for the Trinity Campus.
 8. All of the existing buildings on the Trinity Campus should be torn down - - they are old and in poor condition, have asbestos and other chemical exposure issues, and house people in antiquated and unappealing ways. The existing buildings should be replaced with new suite style residential halls that are attractive and students will want to live in. Keeping the existing buildings and attaching new buildings to them or building around them is limiting the quality and appeal of what can be achieved on Trinity's 20 acres.
 9. The proposed 450 new beds is just barely enough to make UVM in compliance with its current student population size. (UVM currently houses only 58% on campus. See an analysis I sent to you earlier.) If UVM adds only 450 beds, it will not be satisfying its commitment to house at least 60% of its students on campus because the Fall 2022

class is even larger than this year's freshman class. As a city we need UVM to house more than 60% of its students on campus because UVM's student population size is growing each year in order to bring in more tuition dollars and reduce the UVM budget deficits. The Planning Commission should have UVM for a plan that houses 2000 to 4000 students on these 20 acres at the Trinity Campus before giving UVM any zoning amendments to allow for just 450 new beds. UVM should also share all of its tentative housing plans with the City and public before any concessions are granted for the Trinity Campus.

10. Please google Cornell University's west campus housing for an excellent example of what could be achieved.

Thank you for considering these suggestions.

Barbara

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Meagan Tuttle

From: Alexander Friend
Sent: Friday, July 1, 2022 5:17 PM
To: Meagan Tuttle
Subject: Fw: Housing and Enrollment analysis: UVM 2009 versus 2021
Attachments: UVM Enrollment vs Housing 2009 vs 2021.pdf

Forwarding Barbara Headrick communications per your request 1/3.

--Alex

From: Barbara Headrick <barbara.headrick@gmail.com>
Sent: Monday, June 27, 2022 4:47 PM
To: Andy Montroll <andym@montrolllaw.com>; Alexander Friend <afriend@burlingtonvt.gov>; Michael Gaughan <mgaughan@burlingtonvt.gov>; Emily Lee <emilyannicklee@gmail.com>
Subject: Housing and Enrollment analysis: UVM 2009 versus 2021

[WARNING]: This email was sent from someone outside of the City of Burlington.

Planning Commissioners,

The attached PDF provides an analysis of the change in UVM's housing and enrollment numbers between 2009 and Fall 2021. It's entirely based on UVM data. Hyperlinks to the UVM data sources are included.

UVM is housing only 45% of all its (degree-seeking) students on-campus. This is up from 43% in 2009. Inadequate improvement has been made over the past 13 years. Adding 500 beds to Trinity Campus is insufficient given UVM's increasing enrollments. UVM has incentive to increase enrollments in order to balance its budgets. For this reason, it's important to negotiate an absolute headcount cap with UVM on the total number of students that can live off-campus. I suggest a cap of no more than 5,000 students off-campus. The attached analysis also indicates we need UVM to add at least 2,832 beds on-campus. These should be located north of Main Street - ideally on the Trinity Campus, or along the north side of Colchester Avenue - facing the street. The location will reduce the impact to nearby residential streets and create balance across wards 1 and 6, (There are already 4,444 UVM on-campus beds south of Main Street: on the Athletic Campus and Redstone Campus). The balance across Wards 1 and 6 is important for redistricting/ ward mapping / equal representation purposes.

I know that the Planning Department told the Planning Commission that the Commission has no negotiating power or leverage and that these reside with the Mayor. However, I also recognize that the Planning Department is nudging the Planning Commission towards a ZA outcome that UVM, the Mayor, and Planning Department want. You aren't being asked by City Hall to show any leadership. But now is the time for Planning Commission leadership. We need Planning Commission leadership given how little progress has been made in the past 13 years in reducing UVM's off-campus housing impact. My comments at the end of this document provide some ideas on how the Planning Commission can create its own leverage and thereby give the Mayor more incentive to be a stronger negotiator with UVM.

Thank you for considering this analysis of UVM's data as well as my suggestions on how to gain leverage through your ZA work and what to ask UVM and the Mayor to include in the housing agreement with UVM.
Barbara

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Meagan Tuttle

From: Alexander Friend
Sent: Friday, July 1, 2022 5:17 PM
To: Meagan Tuttle
Subject: Fw: UVM says on its residential life website that there is "plenty of on-campus housing for everyone"

2/3

From: Barbara Headrick <barbara.headrick@gmail.com>
Sent: Monday, June 27, 2022 8:46 PM
To: Andy Montroll <andym@montrolllaw.com>; Alexander Friend <afriend@burlingtonvt.gov>; Emily Lee <emilyannicklee@gmail.com>; Michael Gaughan <mgaughan@burlingtonvt.gov>
Subject: UVM says on its residential life website that there is "plenty of on-campus housing for everyone"

[WARNING]: This email was sent from someone outside of the City of Burlington.

Q: I'm not required to live on campus. What are my on-campus housing options?

A: With plenty of space on campus for everyone, students who do not have an on-campus housing requirement are eligible to live on campus in the residence halls for the following year can participate in room selection if they complete a housing and meal plan contract by the fall semester deadline. Junior/Senior Housing in Jeanne Mance is a housing option created just for students not required to live on campus.

UVM is making an inaccurate statement here since they don't have enough on-campus housing for everyone. What are we going to do about that?

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Meagan Tuttle

From: Alexander Friend
Sent: Friday, July 1, 2022 5:17 PM
To: Meagan Tuttle
Subject: Fw: Please don't allow grocery store or coffee shop on Redstone Campus or South Prospect

3/3

From: Barbara Headrick <barbara.headrick@gmail.com>
Sent: Tuesday, June 28, 2022 12:17 AM
To: Andy Montroll <andym@montrolllaw.com>; Alexander Friend <afriend@burlingtonvt.gov>; Emily Annick Lee <elee@burlingtonvt.gov>; Michael Gaughan <mgaughan@burlingtonvt.gov>
Subject: Please don't allow grocery store or coffee shop on Redstone Campus or South Prospect

Some people who received this message don't often get email from barbara.headrick@gmail.com. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

Planning Commissioners,

During the June 23rd virtual public meeting that the Planning Department and UVM co-hosted for the purpose of discussing zoning amendments for the Trinity Campus, Megan Tuttle mentioned that the Planning Commission is probably going to revise the Institutional Zoning standards in order to allow on-campus commercial businesses, such as small grocery stores and cafes. She indicated that these on-campus businesses would not only serve students but also the general public. Meagan did not make it clear if the Planning Commission and Planning Department are thinking of allowing these commercial activities to be acceptable uses for only the Trinity Campus Overlay District or also for other parts of campus. But based on comments made by Meagan and UVM's VP Richard Cate at the end of the meeting, (which are detailed later in this email) it sounds like the Planning Commission is considering a change to allow public-serving commercial businesses in all campus overlay districts. I am very concerned because commercial businesses that serve the public would not be appropriate along South Prospect Street and the Redstone Campus.

Here is a link to the city's video of the 6/23/2022 virtual public meeting:

<https://www.burlingtonvt.gov/plan/trinitycampus>

The presenters employed varying degrees of hinting and clarity, to indicate that the zoning amendment will allow commercial uses to serve the public. Please refer to minutes #8:38, #19:33, #34:00, #44:00, #44:41, #50:24, #51:14, #51:53.

South Prospect Street and the Redstone Campus are historic districts. There are no commercial businesses on South Prospect Street. It is a No-Thru Truck Street. And it is zoned Residential Low Density. Commercial businesses, such as a grocery store or coffee shop, are not allowed (nor wanted by most residents) in the RL zone. In comparison, Colchester Avenue is a state highway and already has several retail businesses (the convenience store next to Centennial Field), Kathy's flower shop, an Indian Restaurant, and a dentist's

office. The residents near Trinity need to tell you what they want or don't want for their street, but please know that the Planning Commission would be harming residential neighborhoods surrounding other parts of campus by revising the IZ broadly to allow public-serving commercial activities in all of the institutional overlay districts. What might be acceptable for Colchester Avenue, isn't necessarily appropriate for South Prospect Street or other residential streets that are adjacent to other parts of campus.

1) The institutional zoning standards explicitly exclude consideration of traffic and noise impacts for on-campus developments. The reason is to avoid having zoning rules interfere with the university's educational mission. However, a public-serving grocery store and/or café is not necessary for educating students. Nor do these public-serving commercial businesses advance the university's educational mission. Hence, there is no valid rationale to ignore noise and traffic impacts of public-serving commercial businesses that are located on-campus. Commercial businesses that serve the public will cause an increase in traffic, vendor truck deliveries, litter and noise. These impacts will harm the residential streets bordering campus. It would be unethical of City officials to revise the IZ standards in order to allow UVM and its partnering developers circumvent neighborhood zoning that does not allow commercial activities by using adjacent street-facing university land to have public-serving businesses that otherwise wouldn't be allowed on that neighborhood street.

2) In order to protect our neighborhoods from zoning standards from loopholes, and to maximize the number of beds on campus, on-campus businesses should be designed to be student amenities - which means they should be designed, sized, and located to serve students and discourage public access. A grocery store or coffee shop that only serves UVM and not the general public, can be smaller than a retail establishment that also serves the public. The on-campus business should be as small as possible because the best use of on-campus space is to build more dorm rooms and apartment style suites in order to maximize the number of on-campus student beds.

3) If UVM or its developer partners ever want a grocery store and/or café on the Redstone Campus or any part of campus that is south of Main Street, the business should be designed, sized and located to serve students and not the public. The on-campus grocery store and coffee shop should not be visible from the street or neighboring properties. It should not be easily accessible by the public (make it difficult to drive up to, to park near it, or to gain entrance). For example, the coffee and lunch shops inside the Davis Center do not face Main Street. These food businesses are not trying to draw the public into their retail establishment. The Davis Center retail businesses are sized and designed to serve students. They are not visible to the public who pass by. It's not easy to park and run in and get a sandwich or coffee. Likewise, a coffee shop and/or grocery store on the south campus should be buried inside a UVM building that is generally only visited by UVM students and perhaps faculty/staff.

4) I don't know how the Trinity Campus neighbors feel about having a grocery store that serves the public on the Trinity Campus. I haven't heard the Planning Department ask that neighborhood for their input on this.

5) For UVM to be a good neighbor, commercial activities on campus, even if it only serves students, shouldn't be allowed to cause any increase in traffic, noise or litter on an adjacent residential street. All impacts need to be kept internal to campus. This includes choosing a location that makes it possible, and mandatory, for vendor deliveries to use internal campus roads and state highways instead of adjacent residential streets to reach their delivery point on-campus.

6) IMO, it's zoning trickery to place public-serving commercial businesses on-campus, facing a public street or easily accessible from a public street, where the neighborhood's zoning (such as RL on South Prospect) would not allow the business.

7) During the 6/23/2021 virtual meeting, Richard Cate commented (minute # 51:14) that UVM hasn't been asking for the coffee shops or grocery stores. He went on to say that city officials have been suggesting having these commercial uses on campus and having them serve the public. Following Cate's comment, Meagan Tuttle replied that "the city is thinking about flexibility for future campus

developments". Their respective comments clearly indicate that the idea of using campus land for public serving grocery store and coffee shops is being driven by City officials and is not necessarily specific to the Trinity Campus. This makes the proposed zoning amendment to allow commercial uses into the IZ standards look like a zoning-busting maneuver that the City Planner wants to insert into zoning standards without a lot of attention from RL zoned residential neighborhoods who do not live near the Trinity campus. City Hall knows that these other neighborhoods don't want commercial businesses on their street. Most of the people in the city who live next to Redstone Campus are not going to pay attention to a ZA that is being pitched by City Hall as specific for the Trinity Campus. The Planning Department has not clearly communicated to the public that the agenda item called ZA for the Trinity Campus also includes zoning amendments for the entire Institutional Zoning District and that these will apply to other parts of UVM's campus. I protest this lack of transparency. It seems dishonest to me. I put blame on the Planning Department, not the Planning Commission. If the Planning Commission is going to change zoning standards for the institutional overlay districts beyond the Trinity Campus, then a much better engagement process needs to begin so people who live next to other parts of campus can be made aware of the changes that you are considering that might affect their neighborhood streets.

8) If the ZA allows commercial uses across all of the IZ overlay districts, then a permit application for a commercial business will not even prompt a DRB review. The neighbors will have no opportunity to protect their neighborhood from the adverse impacts. And since our city approves everything that UVM wants anyway, I ask please that you do not allow commercial public-serving business in the Institutional Zone unless you limit it to the Trinity Campus - again depending on what people who live next to Trinity want for the Trinity Campus and to what degree you want to reduce the opportunity for maximizing the number of beds on the Trinity campus.

Last comment -- It's also concerning that Lisa Kingsbury said (in a NPA 1/8 meeting) that UVM's plans for housing on other parts of campus depends on what comes out of the Zoning Amendment that is currently being discussed in the context of the Trinity Campus. Lisa's comment underscores the importance of requiring UVM to provide the Planning Commission and the public with UVM's draft 2022-2032 housing plan so we can more clearly see and understand what UVM has in mind. UVM is not sufficiently engaging the public in developing this housing plan. Only by requiring UVM to be more transparent can we can actually understand how the requested zoning amendments for Trinity (**25 foot setbacks from the property line and further back 80 foot building heights! = an 7 or 8-story buildings**), will surprise, impact, and anger neighbors if these standards are applied to other parts of campus.

Thank you for considering these comments.

Barbara

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Meagan Tuttle

From: jcjmahoney@comcast.net
Sent: Wednesday, June 22, 2022 12:43 PM
To: Meagan Tuttle
Cc: Charles Dillard
Subject: Trinity Campus Meeting

You don't often get email from jcjmahoney@comcast.net. [Learn why this is important](#)

[WARNING]: This email was sent from someone outside of the City of Burlington.

Dear Meagan,

Thank you for serving the city of Burlington and thank you for posting a notice about the Trinity campus meeting on my Front Porch Forum in the New North End. I have signed up for the zoom meeting but may have some conflicts tomorrow night so I wanted to express my thoughts here and would ask that they be entered into the record. If there is another way to accomplish this just let me know.

My name is John Mahoney and I have lived most of my nearly seventy years in Burlington. I grew up on College Street near the university and have lived in the New North End for the past three decades. I am a graduate of the university and recognize it as a great asset to the community and the state.

I am opposed to the university being granted any variances to established city ordinances or zoning codes for changes to the Trinity campus. The recent Seven Days article suggests that the setback from Colchester Ave could be as little as twenty five feet. Such construction I would find invasive. I believe that there are also height variants being sought and those, as well, could be out of character with what already exists in that area.

Beyond all of that though is my strong sense that the university has no concern at all for the adverse impact they are having on housing in the community. They have, to my knowledge, not stated any clear goals for increasing the percentage of students that they will house on campus. Indeed, the construction on the Trinity campus does not align with any such goals that I am aware of. If this proposal is seen as a negotiation with the city then the city needs to hold the university accountable for its continued and ongoing adverse impact on housing.

The university needs to commit to housing a greater percentage of its students on campus before I will support any variances to established guidelines.

Sincerely,
John C. Mahoney
UVM '75

Meagan Tuttle

From: TONY Redington <tonyrvt99@gmail.com>
Sent: Sunday, June 19, 2022 8:38 AM
To: Meagan Tuttle
Subject: Roundabout Space Provision at Colchester/East Ave

[WARNING]: This email was sent from someone outside of the City of Burlington.

Good Day Ms. Tuttle:

First and foremost I am asking whether the land use for the Trinity campus UVM housing development design accommodates easily the City Council approved preferable design for the Colchester/East Avenue intersection based on the CCRPC study and general design completed last year? Colchester/East Ave is one of our 20 high crash intersections averaging 1.4 injuries a year on the VTrans current listing of 111 high crash intersections statewide. Our Public Works Commission and Department of Public Works has failed for more than a decade to address seriously a single one of the 20 intersections and in the case of two intersections, both on Colchester, including this one, approved the much higher generating injury rate traffic signals which fails against the the roundabout in every category as well--and the City Council overruled the Commission and Department opting for the safer roundabout for pedestrians instead. UVM would be well advised to provide funding for the intersection so current and future student and staff users of this intersection could enjoy a full measure of safety at this intersection from day one of the new student housing!

The CCRPC Colchester/East Ave final report can be found here: https://studiesandreports.ccrpcvt.org/wp-content/uploads/2021/10/Colchester-Ave-Scoping-Study_20211005.pdf Figure 21, page 56 shows the approximate outline of a roundabout with separate lanes for both pedestrians and cyclists, a variation on the separate bike lane treatment practiced in the Netherlands.

Note it was discovered by me just last year in the publicly available data base on US roundabouts (Kittelson and Associates) that with about 8,000 roundabouts in the US, not one of the five pedestrian fatalities so far recorded occurred on a marked pedestrian roundabout crosswalk. Here in Burlington with only 75 traffic signals, two pedestrian fatalities were recorded since 1998 on marked pedestrian crosswalks including one at Colchester/Barrett. Five downtown Vermont roundabouts in 52 years of operations recorded just a single ped injury, bumps and bruises--0.1 injury per year all modes injuries versus our 1.4 injuries a year on the 20 high crash Burlington intersections, Vermont downtown roundabouts recording 93% lower injuries per year than our high crashers. Hopefully the first roundabout built on a Chittenden County public street opening on Shelburne Street literally in a few days will help generate support for this now standard intersection here in Burlington. The roundabout is the only type of intersection listed by the Federal Highway Administration as a "proven pedestrian safety countermeasure."

Generally, my sense is to retain the full 115 ft setback line so as to restrain residential and related uses. Cambrian Rise placed a senior housing complex at the edge of North Avenue exposing its residents which can include lower aged disabled residents to unreasonable and unnecessary exposure to tailpipe emissions. A University of North Carolina study of northeastern states published last year identified 22 Vermont deaths annually to effects of long term exposure to car emissions--this compares to the current level of Vermont highway deaths of about 60.

Finally, I am sure you are well aware of the US pandemic level of 21,000 yearly excess highway dead and 80,000 excess serious injuries--Vermont about 30 excess dead and 70 serious injuries. Once 1st in highway safety we now sit at number 18 and falling further behind as we hit the highest number of highway dead in 2021 in 15 years and a 50%+ increase in ped deaths since 2010 (including two in Burlington!).

The National Roadway Safety Strategy issued this year by FHWA stresses Safe Systems Approach (SSA)/Safe Systems Intersections (SSI) with roundabouts well known in the highway industry as a central weapon in achieving safe urban streets for all modes!

Thank you for your consideration of these comments,

Yours truly,

Tony Redington
Walk Safety Advocate
125 Saint Paul St Apt 3-03
Burlington

cc Coalition for a Livable Community
Public Works Commission
Jason Charest, CCRPC
Burlington City Council

What can you do?

Sign the **Stop the Champlain Parkway Project and Choose the Champlain RIGHTway Petition:**

<http://chnq.it/tS9Ts5FjDx> SafeStreetsBurlington.com



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-22-05 and LDR-22-06; Public Hearing

DATE: June 24, 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 Monday, August 8, 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/86726932852>
- Telephone: 929 205 6099, Meeting ID: 867 2693 2852

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 Monday, August 8, 2022 at 7:00 pm

PLEASE TAKE NOTICE that the Planning Commission will hold a public hearing on Monday, August 8, 2022 at 7:00 PM to consider amendments to the Land Development Regulations. The amendments affect all parts of the City unless otherwise 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/86726932852>
- Telephone: 929 205 6099, Meeting ID: 867 2693 2852

The purpose of the hearing is to consider the following:

- A. LDR-22-05: Update the regulation of Transferable Development Rights (TDRs), including, but not limited to, expanding the receiving areas for TDRs, assigning value for TDRs, updating process for sending and receiving TDRs, and clarifying existing applicability in receiving areas (Section 2.02, 4.04, 4.05, 4.06, 9.05, 14.04, 15.A.11, Articles 15C, 18, 19, Appendix C)
- B. LDR-22-06: Minor and Technical Amendments to Bicycle Parking, Performance Bonds, Submission Requirements, and Section numbering (Sections 13.03, 13.05, 14.11, 15.A.20, 17.04, 17.15, Appendix E)

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

June 30, 2022

ARTICLE 2

DEFINITIONS

2 DEFINITIONS

2.01 Rules of Construction, Intent and Usage

2.02 Specific Definitions

2.03 Definitions for Flood Hazard Purposes

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Density increase. ~~For the purposes of the Transfer of Development Rights, the allowable increase in the amount density of residential development on a receiving parcel for TDRs, expressed as a higher maximum average number of dwelling units per acre of a receiving parcel than would be allowable on the receiving parcel if it were part of a PUD that did not use TDRs; allowing a higher average number of dwelling units for each acre of a receiving parcel also increases building bulk and lot coverage.~~

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Transferrable Development Rights. The development potential of a parcel of land assigned by these regulations which may be severed from a parcel, (the sending parcel), and which may be transferred to and used on another parcel, (the receiving parcel). ~~To the extent that the development potential of a sending parcel is used on a receiving parcel, rights or interests in the parcel created by a legal instrument in perpetuity, conserving the sending parcel and limiting the possible uses of the sending parcel to agriculture, forestry, natural area and/or outdoor non-motorized recreation shall be granted to the City, a State agency or a Qualified Organization, As defined in 10 V.S.A. section 6301a, as amended from time to time.~~

4 RESIDENTIAL DISTRICTS

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4.04 Residential 7 District

4.05 Residential 12 District

4.06 Residential 7 with Neighborhood Commercial District

...

4.04 Residential 7 District - R7

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C. Area, Density, and Dimensional Requirements. In the Residential 7 District all requirements of this Section 4.04 and Table C-2, Dimensional Standards, shall apply, except as provided for via applicable PUD type under Article 15.C [or as modified by use of Inclusionary Zoning under Article 18 or Transferrable Development Rights under Article 19.](#)

...

4.05 Residential 12 - R12

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C. Area, Density, and Dimensional Requirements. In the Residential 12 District all requirements of this Section 4.05 and Table C-2, Dimensional Standards, shall apply, except as provided for via applicable PUD type under Article 15.C [or as modified by use of Inclusionary Zoning under Article 18 or Transferrable Development Rights under Article 19.](#)

4.06 Residential 7 With Neighborhood Commercial District - R7-NC

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C. Lot, Area, and Dimensional Requirements. The lot, area, and dimensional requirements shall be those set forth in Table C-2, Dimensional Standards, for C1 Districts, except as provided for via applicable PUD type under Article 15.C [or as modified by use of Inclusionary Zoning under Article 18 or Transferrable Development Rights under Article 19.](#) Provisions of Article 3 and Table C-2, Dimensional Standards, may be modified by the Development Review Board in accordance with the conditions and objectives of this Section 4.06.

5 COMMERCIAL DISTRICTS

5.01 Commercial 1 (C1)

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5.04 Commercial 1 with Limited Retail (C1-LR)

5.05 Commercial 2 (C2)

5.06 Swift Street District (SW)

5.07 Allen Road District (AR)

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5.01 Commercial 1 - C1

...

C. Area, Density, and Dimensional Requirements. In the Commercial 1 District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards, except as provided for via applicable PUD type under Article 15.C [or as modified by use of Inclusionary Zoning under Article 18 or Transferrable Development Rights under Article 19](#).

...

5.04 Commercial 1 with Limited Retail (C1-LR)

...

C. Area, Density, and Dimensional Requirements. In the Commercial 1 with Limited Retail C1-LR District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards, except as provided for via applicable PUD type under Article 15C [or as modified by use of Inclusionary Zoning under Article 18 or Transferrable Development Rights under Article 19](#).

5.05 Commercial 2 District C2

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C. Area, Density, and Dimensional Requirements. In the Commercial 2 C2 District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards, except as provided for via applicable PUD type under Article 15.C [or as modified by use of Inclusionary Zoning under Article 18 or Transferrable Development Rights under Article 19](#).

5.06 SWIFT STREET DISTRICT SW

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D. Area, Density, and Dimensional Requirements. In the SW District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards [or as modified by use of Inclusionary Zoning under Article 18 or Transferrable Development Rights under Article 19](#).

5.07 ALLEN ROAD DISTRICT AR

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C. Area, Density, and Dimensional Requirements. In the AR, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards, except as provided for via applicable PUD type under Article 15C [or as modified by use of Inclusionary Zoning under Article 18 or Transferrable Development Rights under Article 19](#).

9 SOUTHEAST QUADRANT – SEQ

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~~9.05 — Transfer of Development Rights; Sending & Receiving Areas~~

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~~9.05 — Transfer of Development Rights; Sending & Receiving Areas~~

~~**A. — Authorization and Purpose:** All land within the SEQ District is provided with an Assigned Density, which limits the total number of dwelling units originating in the SEQ District to approximately 3,800 dwelling units less any areas identified as Hazards under these Regulations.~~

~~The Transfer of Development Rights is hereby authorized in order to encourage the conservation of open space, natural resources, scenic views and agricultural uses, to promote well-planned residential development in clusters within the SEQ District, and to encourage the concentration of development towards priority areas within the City.~~

~~**B. — Sending and Receiving Areas.** TDRs are transferred and severed from lands within designated sending areas and transferred to and used on lands within designated receiving areas.~~

~~**(1) — Sending Areas.** Lands within the following areas are designated as Sending Areas:~~

~~(a) — Lands within the SEQ-NRP and SEQ-NRT sub-districts.~~

~~**(2) — Receiving Areas.** Lands within the following areas are designated as Receiving Areas:~~

~~(a) — Lands within the SEQ-NR, SEQ-NRT, SEQ-NRN, SEQ-VR and SEQ-VC sub-districts;~~

~~(b) — Parcels with land underlying the Urban Design Overlay District.~~

~~(c) — As authorized via Planned Unit Development in accordance with Article 15.C~~

~~**C. — Assigned Density:** For the purposes of the Transfer of Development Rights, all land in the SEQ District is provided an Assigned Density of one point two (1.2) dwelling units and/or lots per gross acre, less any areas identified as Hazards under these Regulations.~~

~~**(1) — SEQ-VC:** Lots in the SEQ-VC sub-district that were in existence as of the effective date of this Article and that are two acres or less in size shall be allowed an assigned residential density of four (4) dwelling units to the acre.~~

~~**D. — Allowable Density for Development that does not Include a Transfer of Development Rights:** If an application does not use Transferrable Development Rights, the number of dwelling units that may be developed on the parcel shall not exceed a density and a maximum number of units per structure as follows:~~

~~**(1) —** In the SEQ-NRP sub-district, the provisions of Section 9.12 shall apply.~~

~~**(2) —** In the SEQ-NRT, SEQ-NR, SEQ-NRN and SEQ-VR sub-districts: One point two (1.2) dwelling units to the acre and four (4) dwelling units per structure.~~

~~**(3) —** In the SEQ-VC Subdistrict:~~

~~(a) For lots that were in existence as of the effective date of this Article and that are two acres or less in size: four (4) dwelling units per acre~~

~~(b) For all other lots: One point two (1.2) dwelling units to the acre and four (4) dwelling units per structure.~~

E. ~~Allowable Density for Development that Includes a Transfer of Development Rights~~

~~(1) Except as provided for in a Planned Unit Development in accordance with Article 15.C, if a zoning permit or subdivision application in the Southeast Quadrant Zoning District uses Transferrable Development Rights, the number of dwelling units that may be located on a contiguous development parcel subject to a single application or subdivision shall be increased to a maximum gross density as follows:~~

~~(a) ~~_____~~ In the SEQ-NRT, SEQ-NRN, and SEQ-NR sub-districts: One point eight (1.8) dwelling units to the acre and four (4) dwelling units per structure.~~

~~(b) ~~_____~~ In the SEQ-VR and SEQ-VC sub-districts: Eight (8) dwelling units to the acre and six (6) dwelling units per structure.~~

~~Where a structure has been approved as part of a Master Plan prior to January 9, 2012 with a greater number of dwelling units than those permitted in these Regulations, such approved number of units in a structure shall remain in effect.~~

~~(2) A Planned Unit Development submitted and approved under Article 15.C of these Regulations are subject to the density requirements therein and are eligible to use Transferable Development Rights as enumerated therein.~~

~~(3) If a site plan or PUD outside the Southeast Quadrant Zoning District uses Transferrable Development Rights, the maximum development density that may be located on a development parcel subject to a site plan or PUD approval shall be increased as follows:~~

~~(a) ~~_____~~ In the Urban Design Overlay District, lot coverage indicated in Section 10.05 of these Regulations.~~

F. ~~Development Rights Necessary to Obtain Density Increase~~

~~(1) To obtain the increased residential density allowable in a receiving area, transferrable development rights must be acquired from 0.83 acres of land in a sending area for each additional dwelling unit (excluding accessory dwelling units) approved for development on the receiving parcel beyond the maximum average density that would be allowable on the receiving parcel if the application did not use transferrable development rights.~~

~~(2) To obtain the increased density allowable for a lot coverage increase in a receiving area outside of the SEQ District, transferrable development rights must be acquired as set forth on Table 9-0.~~

Table 9-0: Density Rights Required to Obtain Lot Coverage Increase

Additional Lot Coverage Approved for Receiving Parcel beyond the Maximum Lot Coverage Allowed on the Receiving Parcel is Site Plan or PUD did not use TDRs	TDRs required from land in sending areas
Up to 10,000 SF	0.83 acres
10,001 SF — 20,000 SF	1.67 acres
20,001 SF — 30,000 SF	2.50 acres
Each additional increment of 10,000 SF	0.83 acres

~~G. Allowances for Affordable Housing.~~

- ~~(1) In the SEQ-VR and SEQ-VC sub-districts, the Development Review Board may allow residential structures containing one or more affordable dwelling units to have two additional dwelling units, up to a maximum of eight (8) dwelling units per structure. This provision shall not be interpreted to allow an increase in the total allowable number of units for the project as a whole.~~
- ~~(2) Inclusionary dwelling units and Residential Offset Units approved pursuant to this Section and Section 18.01, shall not constitute units for the purposes of calculation of Transferable Development Rights.~~

14 SITE PLAN and CONDITIONAL USE REVIEW

- 14.01 General Purpose
- 14.02 Definition of Site Plan
- 14.03 Uses and Actions Subject to Site Plan Review
- 14.04 Authority for Review of Site Plans
- 14.05 Application Review Procedure
- 14.06 General Review Standards
- 14.07 Specific Review Standards
- 14.08 [reserved]
- 14.09 [reserved]
- 14.10 Conditional Use Review: General Provisions and Standards
- 14.11 Site Plan and Conditional Use Review: Specific Uses and Standards

14.04 Authority for Review of Site Plans

A. Authority, Development Review Board (DRB). The DRB has the authority under these Regulations and 24 V.S.A. § 4414 and § 4416 to:

...

(3) Modify a dimensional requirement under this Article or the Table of Dimensional Standards (Appendix C).

...

(b) Limitations. In granting a modification, In no case shall the DRB permit:

- (i) the location of a new structure less than five (5) feet from any property boundary;
- (ii) land development creating a total site coverage exceeding the allowable limit for the applicable zoning district in the case of new development;
- (iii) increasing the coverage on sites where the pre-existing condition exceeds the applicable limit;
- (iv) an increase in residential density above the allowed maximum in the applicable zoning district, outside of review as Planned Unit Development (Article 15C), Inclusionary Zoning (Section 18.01) or via a Transfer of Development Rights (Article 19); or,
- (v) the location of parking not in compliance with Section 14.06 (A)(2).

15.A SUBDIVISION REVIEW

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15.A.11 General Standards

...

15.A.11 General Standards

A. Development Suitability. The applicant must demonstrate that the land to be subdivided is physically suited for its intended use and the proposed density or intensity of development, and that the proposed subdivision will not result in undue adverse impacts to public health and safety, environmental resources as identified and regulated under Article 12, neighboring properties and uses, or public facilities and infrastructure located on or within the vicinity of the land to be subdivided.

(3) Buildable Area Calculations. The allowed number of building lots or dwelling units within the subdivision shall be calculated based on the Buildable Area of the parcel or tract to be subdivided except as otherwise specified for a Transect Zone Subdivision under Article 8, a Planned Unit Development under Article 15.C; and as provided for the transfer of development rights under Article 19, or affordable housing offsets, bonuses, or incentives under Article 18.

(a) Any proposed alteration of the existing grade to create developable building lots, including land excavation or fill, must meet the standards of Section 14.11 (Alteration of Existing Grade), Article 16 (Construction and Erosion Control) and other applicable resource protection, flood hazard area and stormwater management standards under these Regulations.

15.C PLANNED UNIT DEVELOPMENT

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- 15.C.04 Standards Applicable to All PUD Types
- 15.C.05 Conservation Development
- 15.C.06 Traditional Neighborhood Development
- 15.C.07 General PUD

...

15.C.04 PUD Standards Applicable to All PUD Types

...

D. Development Density.

...

(7) Maximum Development Density. The maximum development density allowed within any PUD except a Conservation PUD shall be determined based on the total buildable area, proposed land use allocations by use category, the allowed mix of building types, and associated building lot standards as specified by PUD type.

(a) The DRB may allow for an increase in the overall density of residential development within a designated Residential or Mixed Use area, for example through adjustments or modifications to the required housing mix, allowed housing types, or associated building lot or height standards, as necessary to accommodate the following:

- (i) The purchase and transfer of development rights from land within designated sending areas under Article 19 ~~the SEQ-NRP or SEQ-NRT Subdistrict (Section 9.05~~ Transfer of Development Rights).
- (ii) The incorporation of offset housing units under inclusionary zoning (Section 18.01 Inclusionary Zoning).
- (iii) The incorporation of additional housing units awarded as an incentive for affordable housing development under Section 18.01 Inclusionary Zoning).

15.C.05 Conservation Development

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E. Conservation PUD Sub-Zones. A Conservation PUD must include the following Sub-Zones, as designated on the PUD Master Plan, and as more specifically identified and delineated on preliminary and final subdivision plans and plats:

(1) Conservation Area. A Conservation PUD must include one or more designated “Conservation Areas” which at minimum comprise 70% of the total tract or parcel area; and which, to the maximum extent physically feasible, are contiguous or linked to resource or other open space areas located on adjacent parcels or in the immediate vicinity of the proposed PUD.

(a) The designated Conservation Area(s) must include and incorporate:

(i) Hazards, as defined and regulated under Article 12 (Table 12-01) which, as unbuildable land, are not eligible for or subject to the transfer of development density.

(ii) Level I Resources, as defined and regulated under Article 12 (Table 12-01) which, within a Conservation PUD, are eligible for and subject to the transfer of development rights. In meeting the minimum 70% allocation requirement, Level I Resources are to be given priority for inclusion within a designated Conservation Area.

...

(b) In the SEQ District, a Conservation Area may also include and incorporate a portion of the tract or parcel located within the SEQ-NRP Sub-District, as eligible for the transfer of development rights either within the Conservation PUD, or to another designated receiving area under [Article 19](#)~~Section 9.05~~ (Transfer of Development Rights).

...

F. Residential Density and Unit (Yield) Calculations. Notwithstanding PUD residential density provisions under Section 15.C.04, for a Conservation PUD:

...

(3) Supplemental Housing Units. Additional, supplemental housing units are allowed by right or may be included within the designated Development Area as necessary to achieve the Minimum Density of residential development required under (4) below; or to achieve the Maximum Residential Density allowed by zoning district under (5). Supplemental Housing Units include:

(a) Offset housing units granted by right for any required Inclusionary Dwelling units pursuant to Section 18.01;

LDR-22-05: Transferable Development Rights

15.C.05

CONSERVATION DEVELOPMENT

(b) Bonus housing units awarded for the provision of additional affordable housing pursuant to Section 18.01; and

(c) Housing units associated with the receipt transfer and purchase of transferrable development rights pursuant to Article 19~~(Section 9.05)~~.

...

15.C.07 General PUD

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H. Development Density.

- (1) Development Density regulations and definitions included in Section 15.C.04(D) shall apply to General PUDs.
- (2) Development density within a General PUD is determined by maximum development density in the underlying zoning district, except as follows.
 - (a) Density can be re-allocated within the PUD area within single zoning districts;
 - (b) Additional density may be achieved through either or both Inclusionary Zoning and application of Transferrable Development Rights where specifically authorized by and as regulated by Section 18.01 or ~~Article 19~~Section 9.05.

ARTICLE 18

HOUSING STANDARDS

18. HOUSING STANDARDS

18.01 Inclusionary Zoning

18.02 [Reserved]

18.03 Housing Preservation

18.01 Inclusionary Zoning

...

J. Maximum Density Achievable with Inclusionary Zoning and Transferable Development Rights

(1) Maximum density in Table 19-1 can be achieved through receipt of TDRs, use of Inclusionary Zoning offsets or bonuses, or a combination of TDRs and Inclusionary Zoning.

(2) Total density through use of TDRs and Inclusionary Zoning cannot exceed the limits in Table 19-1.

[LDR-22-05 ALL TEXT WITHIN ARTICLE 19 IS PROPOSED NEW TEXT]**19. TRANSFERABLE DEVELOPMENT RIGHTS****19.01 Authority & Purpose****19.02 Severance of Transferable Development Rights****19.03 Receipt of Transferable Development Rights****19.04 Determination of Transferable Development Rights****19.01 Authority & Purpose**

A. Authority. The City of South Burlington has the authority under 24 V.S.A. § 4423 to establish bylaws governing the Transfer of Development Rights (“TDRs”). TDRs are hereby authorized in order to encourage the conservation of open space, natural resources, scenic views and agricultural lands, and to direct development to priority areas within the City.

B. Purpose. The purpose of this section is to regulate the use of TDRs to encourage preservation of open space. Specifically, it is the intention of this section to regulate the transfer of development rights from areas where land conservation is a priority to priority areas for development within the City.

19.02 Severance of Transferable Development Rights**A. Sending Areas and Sending Properties.**

1. Sending Areas. Lands within the following areas are designated as Sending Areas:
 - a. Lands within the following districts: SEQ-NRP and SEQ-NRT

B. Assigned Density and Severing Rights: For the purposes of Transferable Development Rights, lands are provided an Assigned Density.

1. The Assigned Density is determined by zoning district:
 - a. In the SEQ District, except as provided in 19.02B(1)(b), all land is provided an Assigned Density of one point two (1.2) dwelling units and/or lots per gross acre, less any areas defined as Hazards under these Regulations.
 - b. In the SEQ-VC Subdistrict, lots that were in existence as of the effective date of this Article and that are two acres or less in size shall be allowed an assigned residential density of four (4) dwelling units per gross acre.
2. TDRs must be severed as whole numbers. Less than one TDR cannot be severed, therefore a minimum of development rights from 0.83 acres can be severed from a sending property.
3. Severance of development rights from each 0.83 acres will equal one TDR for receipt on a receiving property.
4. Any property within a sending area that has not fully utilized its development rights is eligible to be a sending property.

C. Process for Severing Development Rights

1. Severance of development rights occurs when the owner of the sending property executes a deed of severance.
2. Deeds of severance must include the written determination by the Administrative Officer indicating the number of development rights being severed and the number of development rights remaining on the property.
3. The deed of severance must be recorded in the City of South Burlington's Land Records.
4. The deed of severance shall be in a form that is approved by the City Attorney and must recite that it is a conveyance under 24 V.S.A. 4423 and recites the number of acres affected, as required by 24 V.S.A. 4423(b)(3).
5. Severance of development rights must include a perpetual conservation easement granted to the City of South Burlington under 10 V.S.A. ch. 155.
 - a. The conservation easement must be recorded in the City of South Burlington Land Records.
 - b. The conservation easement shall limit the possible uses of the affected area of the sending parcel to agriculture, forestry, natural area and/or outdoor non-motorized recreation.

19.03 Receipt of Transferable Development Rights

A. Receiving Areas and Receiving Properties.

1. Receiving Areas. Lands within the following areas are designated as Receiving Areas:
 - a. All districts listed in Table 19-1.

B. Receiving Development Rights

1. All properties within a receiving area are eligible to receive TDRs, up to the maximum density increases in Table 19-1.
2. TDRs must be received as whole numbers.
3. Density increases on a receiving property may include an increase in lot coverage, building coverage, or allowed residential density (by number of residential units allowed), allowed by zoning district in Table 19-2.
4. TDRs can be used for any combination of density increases as allowed by the zoning district in Table 19-2 on a single property.

C. Process for Receiving Development Rights

1. Receipt of transferable development rights occurs when the owner of a receiving property executes a deed of receipt attaching the development right(s) to the receiving property.
2. The DRB shall have discretion to determine when an applicant must receive development rights on a property to enable approval or construction of additional units.
3. A deed of receipt must be recorded in the City of South Burlington Land Records, including the number of TDRs applied to the property.
4. The deed of transfer shall be in a form that is approved by the City Attorney, and must recite that it is a conveyance under 24 V.S.A. 4423.
5. Nothing in this Article precludes combination of a deed of severance and deed of receipt.

6. Any transfer of development rights to a receiving property pursuant to this Article only authorizes a density increase. It does not alter any other regulations applicable to the receiving property.

D. Maximum Density Achievable through Transferrable Development Rights and Inclusionary Zoning

1. Maximum density in Table 19-1 can be achieved through receipt of TDRs, use of Inclusionary Zoning offsets or bonuses, or a combination of TDRs and Inclusionary Zoning.
2. Total density through use of TDRs and Inclusionary Zoning cannot exceed the limits in Table 19-1.

Table 19-1 Maximum Density Increases with TDRs

Zoning District(s)	Max. Allowable Density through TDRs and/or Inclusionary Zoning	Max. Allowable Building and Lot Coverage
C1-R15, C1-Auto, C1-R12, C2	No maximum	10 percentage points above existing maximum
C1-LR, AR, SW	50% more than base density	10 percentage points above existing maximum
R12, R7-NC, R7 within the Transit Overlay District only	50% more than base density	10 percentage points above existing maximum
SEQ-NRT, SEQ-NRN, and SEQ-NR	For development that is not a Planned Unit Development, 1.8 dwelling units per gross acre, and 4 dwelling units per structure For development that is a Planned Unit Development, as authorized within Article 15.C	-
SEQ-VR and SEQ-VC	For development that is not a Planned Unit Development, 8 dwelling units per gross acre, and 6 dwelling units per structure For development that is a Planned Unit Development, as authorized within Article 15.C	-

Table 19-2 Density Increases per TDR Received

Zoning District(s)	Increase in Residential Density per TDR	Increase in Lot and Building Coverage per TDR
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C1-R15, C1-Auto, C1-R12, C2	1 dwelling units	10,000 SF
C1-LR, AR	1 dwelling units	10,000 SF
R12 with Transit Overlay District	1 dwelling unit	10,000 SF
SW	1 dwelling unit	5,000 SF
R7-NC, R7 within Transit Overlay District	1 dwelling unit	5,000 SF
SEQ-NR, SEQ-NRT, SEQ-NRN, SEQ-VR, SEQ-VC	1 dwelling unit	-

19.04 Determination of Transferable Development Rights

- A. Recording System.** The City shall establish and maintain a system for recording and monitoring the severance, ownership and receipt of transferable development rights.
- B. Administrative Authority.** The Administrative Officer has authority to determine the development rights available.
- C. Application Requirements.** An application for a determination of the development rights available to be severed from a sending property must include:
1. Completed application form(s).
 2. A tax map, plat, or site plan showing the boundaries of each lot, tract or parcel from which development rights are sought to be severed.
 3. Hazards delineation or affirmation pursuant to Article 12.
 4. Determination of the existing zoning of the property.
 5. A copy of the deed for the sending property.
 6. A calculation of the number of development rights available to be severed from the property and the number of those development rights proposed to be severed.
 7. All applicable fees.
- D. Calculation of Development Rights.** Development rights shall be calculated to the nearest whole number. Where the application of this formula results in a fractional dwelling unit, that fractional dwelling unit shall be rounded to the nearest whole number (fractions that are greater than n.00 but less than n.50 are rounded down; fractions that are greater than or equal to n.50 but less than n+1.00 are rounded up).

APPENDIX C

TABLE C-2 DIMENSIONAL STANDARDS APPLICABLE IN ALL DISTRICTS (WITHOUT PLANNED UNIT DEVELOPMENT)

District	Land Use	Minimum lot size (max. residential density in dwelling units per acre)**	Maximum site coverage:		Standard setbacks (feet):			Maximum Building Height						
			Buildings only	Buildings, parking and all other impervious surfaces	Front(s)	Side yard(s)	Rear	Accessory	Principal (flat)	Principal (pitched)	Stories Facing Street	Stories Below Roofline	Roofline Stories [see section 3.07(B)]	Total Stories
IA-N	ALL	10 acres	20%	40%	75	50	50	15	35	40				
IA-S	ALL	10 acres	10%	20%	75	50	50	15	35	40				
PR	ALL	none	15%	25%	40	15	30	15	35	40				
MU	ALL	none	30%	70%	40	15	30	15	35	40				
SEQ-NRP, NRT, NRN* and NR	Single-family	9,500 SF (1.2)	20%	40%	20	10	30	15	25	28	2	3	1	4
	Two-family	12,000 SF (1.2)	20%	40%	20	10	30	15	25	28	2	3	1	4
	Multi-family	6,000 SF/unit (4)	20%	40%	20	10	30	15	25	28	2	3	1	4
	All other uses	40,000 SF (1.2)	15%	30%	20	20	30	15	25	28	2	3	1	4
SEQ-VC	Single-family	9,500 SF (1.2)	20%	40%	20	10	30	15	25	28	2	3	1	4
	Two-family	12,000 SF (1.2)	20%	40%	20	10	30	15	25	28	2	3	1	4
	Multi-family	6,000 SF/unit (4)	20%	40%	20	10	30	15	25	28	2	3	1	4
	All other uses	40,000 SF (1.2)	15%	30%	20	20	30	15	35	40	3	3	1	4
SEQ-VR	Single-family	9,500 SF (1.2)	20%	40%	20	40%	30	15	25	28	2	3	1	4
	Two-family	12,000 SF (1.2)	20%	40%	20	10	30	15	25	28	2	3	1	4
	Multi-family	6,000 SF/unit (4)	20%	40%	20	10	30	15	25	28	2	3	1	4
	All other uses	40,000 SF (1.2)	15%	30%	20	20	30	15	30	35	3	3	1	4
QCP	Single-family	7,500 SF (4)	20%	40%	10	5	10	15	25	25	2	3	1	4
	Two-family	12,000 SF (4)	20%	40%	10	5	10	15	25	25	2	3	1	4
	Multi-family	6,000 SF/unit (4)	20%	40%	10	5	10	15	25	25	2	3	1	4
	Non-residential uses	12,000 SF	20%	40%	10	10	10	15	25	25	2	3	1	4
LN	Single-family	12,000 SF (4)	20%	40%	20	10	30	15	25	25	2	3	1	4
	Two-family	12,000 SF/unit (4)	20%	40%	20	10	30	15	25	25	2	3	1	4
R1-Lakeview	All	14,000 SF (3)	20%	40%	20	10	30	15	25	25	2	3	1	4
R1	All	40,000 SF (1)	15%	25%	50	25	30	15	25	28	2	3	1	4
R2	Single-family	22,000 SF (2)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	22,000 SF (2)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	11,000 SF/unit (2)	20%	40%	30	10	30	15	25	28	2	3	1	4

APPENDIX C

District	Land Use	Minimum lot size (max. residential density in dwelling units per acre)**	Maximum site coverage:		Standard setbacks (feet):			Maximum Building Height						
			Buildings only	Buildings, parking and all other impervious surfaces	Front(s)	Side yard(s)	Rear	Accessory	Principal (flat)	Principal (pitched)	Stories Facing Street	Stories Below Roofline	Roofline Stories [see section 3.07(B)]	Total Stories
R4	Single-family	9,500 SF (4)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	12,000 SF (4)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	6,000 SF/unit (4)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Non-residential uses	40,000 SF	30%	60%	30	10	30	15	25	28	2	3	1	4
R7	Single-family	6,000 SF (7)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	10,000 SF (7)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	6,000 SF/unit (4)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Non-residential uses	40,000 SF	40%	60%	30	10	30	15	25	28	2	3	1	4
R12	Single-family	6,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	8,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	3,500 SF/unit (12)	40%	60%	30	10	30	15	35	40				
	Non-residential uses	40,000 SF	40%	60%	30	10	30	15	35	40				
R7-NC	All residential uses	Same as R7 standards												
	All non-residential uses	12,000 SF	40%	70%	30	10	30	15	35	40				
C1	Multi-family	3,500 SF/unit (C1-R12); 2,900 SF/unit (C1-R15)	40%	70%	30	10	30	15						5
	All other uses	40,000 SF	40%	70%	30	10	30	15						5
C1-Auto	Multi-family	3,500 SF/unit (15)	40%	70%	30	15	30	15						5
	All other uses	40,000 SF	40%	70%	30	15	30	15						5
C1-AIR	All	40,000 SF	40%	70%	30	15	30	15	35	40				
C1-LR	Single-family	6,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	8,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	3,500 SF/unit (12)	40%	70%	30	10	30	15	35	40				
	Non-residential uses	20,000 SF	40%	70%	30	10	30	15	35	40				
AR	Single-family	6,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	8,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4

APPENDIX C

District	Land Use	Minimum lot size (max. residential density in dwelling units per acre)**	Maximum site coverage:		Standard setbacks (feet):			Maximum Building Height						
			Buildings only	Buildings, parking and all other impervious surfaces	Front(s)	Side yard(s)	Rear	Accessory	Principal (flat)	Principal (pitched)	Stories Facing Street	Stories Below Roofline	Roofline Stories [see section 3.07(B)]	Total Stories
	Multi-family	3,500 SF/unit (12)	40%	70%	30	10	30	15	35	40				
	Non-residential uses	20,000 SF	40%	70%	30	10	30	15	35	40				
SW	Single-family	6,000 SF (7)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	10,000 SF (7)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	6,000 SF/unit (7)	30%	40%	30	10	30	15	35	40				
	Non-residential uses	20,000 SF	40%	70%	30	10	30	15	35	40				
C2	Multi-family	6,000 SF/unit (7)	40%	70%	30	10	30	15	35	40				
	All other uses	40,000 SF	40%	70%	30	10	30	15	35	40				
IC	All	40,000 SF	40%	70%	30	10	30	15	35	40				
AIR	All	3 acres	30%	50%	50	35	50	15	35	40				
AIR-I	All	3 acres	30%	50%	50	35	50	15	35	40				
IO	All	3 acres	30%	50%	50	35	50	15	35	40				
City Center FBC District	Please see Article 8, City Center FBC District													

* See Article 9 for additional dimensional standards in the SEQ-NRN subdistrict. Where a conflicts exists, the more restrictive shall apply.

** Where minimum lot size is established as SF per unit, the per-unit lot size shall automatically be adjusted to accommodate inclusionary offset and bonus units granted via Article 18 [and use of TDRs under Article 19](#)

13 SUPPLEMENTAL REGULATIONS

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13.03 Bicycle Parking & Storage

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13.03 Bicycle Parking and Storage

A. Purpose. These standards for short term parking and long term storage of bicycles are intended to recognize and promote cycling as a viable means of transportation and recreation for residents, consumers, visitors, and employees.

...

Table 13-3. Bicycle Parking Requirements

Type of Activity	Short Term Bike Parking	Long Term Bike Storage
Residential buildings with more than 3 units	1 for every 10 units; minimum 4 ¹	1 for every unit
Warehousing & distribution, Distribution and related storage, lumber and contractor's yard, self-storage, and light manufacturing industry	1 per 20k SF; minimum 2	2 per tenant
Retail, restaurant, office, and all other non-residential uses except Educational facility	1 per 5k SF; minimum 4	50% of required short term bike parking spaces.
Educational facility	1 space for each 20 students of planned capacity.	For new buildings only, one space for each 20 employees.

¹ May request waiver from minimum per building for buildings with less than 6 units if Development Review Board finds the need is adequately met for visitors.

Table 13-4. Long Term parking – shower and changing room facility requirements

Number of protected long term bicycle parking spaces	Changing facility	Unisex Showers	Clothes Lockers
1-3	none	none	1
4 - 9	1 ²	1 ²	3
For every 10	1 ²	1 ²	40% of LTB parking

² if unisex, units available to any gender; otherwise provide one per gender

14 SITE PLAN and CONDITIONAL USE REVIEW

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14.11 Site Plan and Conditional Use Review: Specific Uses and Standards

14.11 Site Plan and Conditional Use Review: Specific Uses and Standards

...

F. Alteration of Existing Grade

(1) ...

(2) Standards and Conditions for Approval.

(a) The Development Review Board shall review a request under this Section for compliance with the standards contained in this Section 14.11(F) and Section 3.07, Height of Structures of these regulations. An application under this section shall include the submittal of a site plan, planned unit development or subdivision plat application showing the area to be filled or removed, and the existing grade and proposed grade created by removal or addition of material.

(b) The Development Review Board, in granting approval may impose any conditions it deems necessary, including, but not limited to, the following:

(i) Duration or phasing of the permit for any length of time.

(ii) Submission of an acceptable plan for the rehabilitation of the site at the conclusion of the operations, including grading, seeding and planting, fencing, drainage, and other appropriate measures.

ii) Provision of a suitable bond or other security in accordance with Section ~~15.A.20~~ 17.15 adequate to assure compliance with the provisions of these Regulations.

(iv) Determination of what shall constitute pre-construction grade under Section 3.07, Height of Structures.

15.A SUBDIVISION REVIEW

...
~~15.A.20 ——— Performance Bonds, Escrow Accounts, Letters of Credit —~~

...

~~15.A.20 ——— Performance Bonds, Escrow Accounts, Letters of Credit~~

~~A. ——— Public Facilities and Improvements.~~

- ~~(1) Public facilities and improvements under this Article shall include, without limitation, streets, sidewalks, recreation paths, curbing, water and sewer mains and pipes, stormwater infrastructure, pipes and catch basins, fire hydrants, parks, recreational facilities and other improvements which are public or are intended to become public.~~
- ~~(2) Before the issuance of a zoning permit, the applicant, subdivider or developer must furnish the City with a suitable performance bond, escrow account, or letter of credit in an amount sufficient to cover the full costs of all proposed public facilities and improvements and ancillary site improvements and their maintenance for two years after completion.~~
- ~~(3) Term. Such bonds, escrow accounts, or letters of credit shall run until the City Engineer has deemed the work to be complete in accordance with City approvals and regulations and for two (2) years thereafter, but in no case for a longer term than three (3) years. However, with the consent of the applicant, subdivider or developer, the term of that bond, escrow account or letter of credit may be extended for an additional period not to exceed three (3) years. If any public facilities and improvements have not been installed or maintained as provided within the term of the bond, escrow account or letter of credit then the amount secured by the bond, escrow account or letter of credit shall be forfeited to the City.~~
- ~~(4) Partial Release. Upon a determination by the City Engineer that a phase of the construction of public facilities and improvements is complete as provided in Article 15.A.18(E), the Administrative Officer may recommend that the City Treasurer approve a partial release of the amount of the bond, escrow account or letter of credit equivalent to the phase or portion of the completed construction, up to a maximum of 90% of the original amount. Any amounts that the City Treasurer releases shall not exceed the proportion of the total project that has been built, up to a maximum of 90% of the original amount. The remaining 10% of the original amount of the bond, escrow account or letter of credit only shall be released upon the determination of the City Engineer that the public facilities and improvements have been maintained for two years after the City Engineer determined the public facilities and improvements to be complete. Upon a determination by the City Engineer that the public facilities and improvements have been maintained as provided within the term of the bond, escrow account or letter of credit, the Administrative Officer may recommend that the City Treasurer approve the release of the remaining 10% of the original amount.~~

ARTICLE 15.A

SUBDIVISION REVIEW

~~**B. All other bonds, escrow accounts, or letters of credit required by these Regulations,**~~ including but not limited to Landscaping and Site Restorations or rehabilitation, Earth Products and required demolition and removal of buildings.

~~(1) Before issuance of a zoning permit, the applicant, subdivider or developer shall furnish the City with a suitable performance bond, escrow account, or letter of credit in an amount sufficient to guarantee all landscaping and plantings as required under Article 14, and any site restorations or rehabilitations as required under Article 3 or Article 13, for a period as described in this section.~~

~~(a) For development with a total landscaping budget requirement of \$2,000 or less, no performance bond, escrow account, or letter of credit shall be required.~~

~~(b) For development with a total landscaping budget requirement of over \$10,000, the required amount for performance bond, escrow account, or letter of credit shall be \$10,000, plus fifty percent (50%) of the landscaping budget amount over \$10,000. Example: a development with a total required landscaping budget of \$20,000 shall have a performance bond, escrow account, or letter of credit of not less than \$15,000.~~

~~(2) **Term for Bonds, Escrow Accounts, or Letters of Credit for demolition and removal of buildings required by Article 3.09.**~~ Bonds, escrow accounts or letters of credit for the demolition and removal of a principal building upon the construction and occupancy of a new principal building, as required by Article 3.09 of these Regulations, shall run for a period of two (2) years. The Administrative Officer may recommend that the City Treasurer approve the release of the bond, escrow account or letter of credit upon a demonstration of compliance with Article 3.09(E)(3). If an applicant, subdivider or developer does not demonstrate compliance with Article 3.09(E)(3) as provided within the term of the bond, escrow account or letter of credit, then the amount secured by the bond, escrow account or letter of credit shall be forfeited to the City.

~~(3) **Term for Other Bonds, Escrow Accounts, or Letters of Credit required under Articles 3, 13, 14, and 15.**~~ All other bonds, escrow accounts, or letters of credit shall run for a period of three (3) years. However, with the consent of the applicant, subdivider or developer, the term of that bond, escrow account or letter of credit may be extended for an additional period not to exceed three years. If any required work has not been constructed, installed, or maintained as provided within the term of the bond, escrow account or letter of credit then the amount secured by the bond, escrow account or letter of credit shall be forfeited to the City.

~~**C. Bond Amounts.**~~ The amount of such bond, escrow account or letter of credit shall be established by the Development Review Board and shall be equal to 100% of the estimated project costs for public facilities and improvements, plus a 15% contingency; or 100% of the estimated project costs for all other types of bonds required by these Regulations. The applicant, subdivider or developer shall be responsible for providing accurate cost estimates. Where amounts are not specified by these Regulations, the City Engineer shall review all cost estimates and provide a recommendation to the Board. The Board may invoke technical review to confirm the accuracy of estimates.

ARTICLE 15.A

SUBDIVISION REVIEW

~~D. **Form of Bonds, Other Sureties.** The form of any such bond, escrow account, or letter of credit shall be approved by the City Attorney and City Council and shall include procedures for the City to make use of such funds in accordance with 24 VSA § 4464.~~

~~E. **"As-built" construction drawings and plans** shall be submitted in paper and digital form to, and approved by, the City Engineer, prior to the release of any bonds, or portions thereof, for the installation of all required improvements.~~

ARTICLE 17

ADMINISTRATION and ENFORCEMENT

[ALL TEXT MOVED FROM 15.A.20 INTO NEW SECTION 17.15]

17 ADMINISTRATION and ENFORCEMENT

...

17.15 Performance Bonds, Escrow Accounts, Letters of Credit

...

17.15 Performance Bonds, Escrow Accounts, Letters of Credit

A. Public Facilities and Improvements.

- (1)** Public facilities and improvements under this Article shall include, without limitation, streets, sidewalks, recreation paths, curbing, water and sewer mains and pipes, stormwater infrastructure, pipes and catch basins, fire hydrants, parks, recreational facilities and other improvements which are public or are intended to become public.
- (2)** Before the issuance of a zoning permit, the applicant, subdivider or developer must furnish the City with a suitable performance bond, escrow account, or letter of credit in an amount sufficient to cover the full costs of all proposed public facilities and improvements and ancillary site improvements and their maintenance for two years after completion.
- (3) Term.** Such bonds, escrow accounts, or letters of credit shall run until the City Engineer has deemed the work to be complete in accordance with City approvals and regulations and for two (2) years thereafter, but in no case for a longer term than three (3) years. However, with the consent of the applicant, subdivider or developer, the term of that bond, escrow account or letter of credit may be extended for an additional period not to exceed three (3) years. If any public facilities and improvements have not been installed or maintained as provided within the term of the bond, escrow account or letter of credit then the amount secured by the bond, escrow account or letter of credit shall be forfeited to the City.
- (4) Partial Release.** Upon a determination by the City Engineer that a phase of the construction of public facilities and improvements is complete as provided in Article 15.A.18(E), the Administrative Officer may recommend that the City Treasurer approve a partial release of the amount of the bond, escrow account or letter of credit equivalent to the phase or portion of the completed construction, up to a maximum of 90% of the original amount. Any amounts that the City Treasurer releases shall not exceed the proportion of the total project that has been built, up to a maximum of 90% of the original amount. The remaining 10% of the original amount of the bond, escrow account or letter of credit only shall be released upon the determination of the City Engineer that the public facilities and improvements have been maintained for two years after the City Engineer determined the public facilities and improvements to be complete. Upon a determination by the City Engineer that the public facilities and improvements have been maintained as provided within the term of the bond, escrow account or letter of credit, the Administrative Officer may recommend that the City Treasurer approve the release of the remaining 10% of the original amount.

B. All other bonds, escrow accounts, or letters of credit required by these Regulations, including but not limited to Landscaping and Site Restorations or rehabilitation, Earth Products and required demolition and removal of buildings.

ARTICLE 17

ADMINISTRATION and ENFORCEMENT

- (1) Before issuance of a zoning permit, the applicant, subdivider or developer shall furnish the City with a suitable performance bond, escrow account, or letter of credit in an amount sufficient to guarantee all landscaping and plantings as required under Article 14, and any site restorations or rehabilitations as required under Article 3 or Article 13, for a period as described in this section.
- (a) For development with a total landscaping budget requirement of \$2,000 or less, no performance bond, escrow account, or letter of credit shall be required.
- (b) For development with a total landscaping budget requirement of over \$10,000, the required amount for performance bond, escrow account, or letter of credit shall be \$10,000, plus fifty percent (50%) of the landscaping budget amount over \$10,000. Example: a development with a total required landscaping budget of \$20,000 shall have a performance bond, escrow account, or letter of credit of not less than \$15,000.
- (2) **Term for Bonds, Escrow Accounts, or Letters of Credit for demolition and removal of buildings required by Article 3.09.** Bonds, escrow accounts or letters of credit for the demolition and removal of a principal building upon the construction and occupancy of a new principal building, as required by Article 3.09 of these Regulations, shall run for a period of two (2) years. The Administrative Officer may recommend that the City Treasurer approve the release of the bond, escrow account or letter of credit upon a demonstration of compliance with Article 3.09(E)(3). If an applicant, subdivider or developer does not demonstrate compliance with Article 3.09(E)(3) as provided within the term of the bond, escrow account or letter of credit, then the amount secured by the bond, escrow account or letter of credit shall be forfeited to the City.
- (3) **Term for Other Bonds, Escrow Accounts, or Letters of Credit required under Articles 3, 13, 14, and 15.** All other bonds, escrow accounts, or letters of credit shall run for a period of three (3) years. However, with the consent of the applicant, subdivider or developer, the term of that bond, escrow account or letter of credit may be extended for an additional period not to exceed three years. If any required work has not been constructed, installed, or maintained as provided within the term of the bond, escrow account or letter of credit then the amount secured by the bond, escrow account or letter of credit shall be forfeited to the City.
- C. Bond Amounts.** The amount of such bond, escrow account or letter of credit shall be established by the Development Review Board and shall be equal to 100% of the estimated project costs for public facilities and improvements, plus a 15% contingency; or 100% of the estimated project costs for all other types of bonds required by these Regulations. The applicant, subdivider or developer shall be responsible for providing accurate cost estimates. Where amounts are not specified by these Regulations, the City Engineer shall review all cost estimates and provide a recommendation to the Board. The Board may invoke technical review to confirm the accuracy of estimates.
- D. Form of Bonds, Other Sureties.** The form of any such bond, escrow account, or letter of credit shall be approved by the City Attorney and City Council and shall include procedures for the City to make use of such funds in accordance with 24 VSA § 4464.
- E. "As-built" construction drawings and plans** shall be submitted in paper and digital form to, and approved by, the City Engineer, prior to the release of any bonds, or portions thereof, for the installation of all required improvements.

13 SUPPLEMENTAL REGULATIONS

...
13.05 Stormwater Management
...

13.05 Stormwater Management

A. Purpose. The purpose of this section is:

- (1) To promote stormwater management practices that maintain pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate, filter, store, evaporate and detain stormwater close to its source;
- (2) To protect water resources, particularly streams, lakes, wetlands, floodplains and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions;
- (3) To protect other properties from damage that could be caused by stormwater and sediment from improperly managed construction activities and post-construction conditions on the development site;
- (4) To reduce the impacts on surface waters from impervious surfaces such as streets, parking lots, rooftops and other paved surfaces; and
- (5) To promote public safety from flooding and streambank erosion, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and to prevent damage to municipal infrastructure from inadequate stormwater controls.

B. Applicability.

- (1) These regulations will apply to all development within the City of South Burlington where one-half acre or more of impervious surface area exists or is proposed to exist on an applicant's lot or parcel.
- (2) If the combination of new impervious surface area created and the redevelopment or substantial reconstruction of existing impervious surfaces is less than 5,000 s.f. then the application is exempt from requirements in this Section 13.05.
- (3) Applications meeting the criteria set forth in section 13.05(B)(1), and not exempt under section 13.05(B)(2), shall meet the application requirements in Section 13.05(C) and the site design requirements in section 13.05(~~DE~~) as follows:
 - (a) If the area of the lot or parcel being redeveloped or substantially reconstructed is less than 50% of the lot's existing impervious surface area, then only those portions of the lot or parcel that are being redeveloped or substantially reconstructed must comply with all parts of Section 13.05(~~ED~~). All new impervious surface area must meet the site design requirements of section 13.05(~~DE~~).
 - (b) If the area of the lot or parcel that is being redeveloped or substantially reconstructed exceeds 50% of the lot or parcel's existing impervious surface area then all of the lot or parcel's impervious surfaces must comply with all parts of Section 13.05(~~DE~~). All new impervious surface area must meet the site design requirements of Section 13.05(~~ED~~).

ARTICLE 13

SUPPLEMENTAL REGULATIONS

C. Application Requirements. Applicants required to comply with Section 13.05 shall provide the following information in their application:

- (1) Sub-watershed boundaries and drainage area delineations for all stormwater treatment practices.
- (2) Location, type, material, size, elevation data, and specifications for all existing and proposed stormwater collection systems, culverts, and stormwater treatment practices.
- (3) Soil types and/or hydrologic soil group, including the location and results of any soil borings, infiltration testing, or soil compaction testing. Infiltration testing shall be completed using methods identified in the VSMM (see section 4.3.3.2 in the 2017 VSMM, or as updated).
- (4) A brief written description of the proposed stormwater treatment and management techniques. Where Tier 1 practices are not proposed (see Section 13.05(C)(1)(a)), the applicant shall provide a full justification and demonstrate why the use of these practices is not possible before proposing to use Tier 2 or Tier 3 practices.
- (5) A detailed maintenance plan for all proposed stormwater treatment practices.
- (6) Modeling results that show the existing and post-development hydrographs for the WQv storm event, the one-year, twenty-four hour rain event, and the twenty-five year, twenty-four hour storm event (rainfall amounts to be determined using NOAA, Atlas 14 data and a type II rainfall distribution). Any TR-55 based model shall be suitable for this purpose. The intent of the twenty-five year storm event analysis is to ensure the proposed project does not overload an existing downstream drainage structure(s) and result in damage to private or public infrastructure or property. The analysis is also intended to ensure that stormwater infrastructure installed as a part of a development can accommodate future upstream development.
- (7) The applicant's engineer must provide such information as the stormwater superintendent or designee deems necessary to determine the adequacy of all drainage infrastructure.

D. Process.

- (1) Applications for proposed development that solely include development related to stormwater management (Section 13.05) may be reviewed via Administrative Site Plan Review (Section 14.04(B)).
- (2) Applications involving an Environmental Restoration Project may be reviewed via Administrative Site Plan Review (Section 14.04(B)).

E. Design Requirements - On-Site Treatment. Applicants shall meet the following standards for on-site treatment of stormwater:

- (1) The Water Quality Volume (WQv) as defined in the Vermont Stormwater Management Manual (VSMM) for the lot or parcel's impervious surfaces shall not leave the lot via overland runoff and shall be treated using Tier 1 practices as detailed in the VSMM.
 - (a) If it is not possible to treat the volume of stormwater runoff using a Tier 1 practice as specified in Section 13.05(E)(1) due to one or more of the following constraints:
 - (i) Seasonally high or shallow groundwater,
 - (ii) Shallow bedrock,
 - (iii) Soil infiltration rates of less than 0.2 inches per hour,
 - (iv) Soils contaminated with hazardous materials, as that phrase is defined by 10 V.S.A. §6602(16), as amended,

ARTICLE 13

SUPPLEMENTAL REGULATIONS

(v) The presence of a “stormwater hotspot” as defined in the VSMM, or

(vi) Other site conditions prohibitive of on-site infiltration runoff subject to the review and approval of the Development Review Board,

then the WQv shall be treated on the lot using Tier 2 practices as described in the most recently adopted version of the VSMM. A site with an existing Tier 3 practice is allowed to evaluate retrofitting/expanding this practice to meet the requirements of Section 13.05(ED)(2). Existing Tier 3 practices shall only be used to satisfy the requirements of Section 13.05(ED)(1) in accordance with the Water Quality Practice Selection Flowchart in the VSMM.

(2) The post-construction peak runoff rate for the one-year, twenty-four hour (rainfall amounts to be determined using NOAA, Atlas 14 data and a type II rainfall distribution) rain event shall not exceed the existing peak runoff rate for the same storm event from the site under conditions existing prior to submittal of an application.

(3) Applicants who demonstrate that the required control and/or treatment of stormwater runoff per section 13.05(ED)(1) and 13.05(ED)(2) cannot be achieved for areas subject to these regulations per Section 13.28(B) may utilize Site Balancing as defined in these Regulations.

(4) New drainage structures shall comply with the following standards:

(a) All drainage structures must be designed to safely pass the twenty-five year, twenty-four hour (4.0 inch) rain event (rainfall amounts to be determined using NOAA, Atlas 14 data and a type II rainfall distribution);

(b) Concrete risers, not brick and mortar, must be used to achieve the necessary drainage structure elevation.

(c) Driveway culverts must have a minimum diameter of 18” and 12” of cover above them.

F. Design Requirements – Impacts to Municipal System. Stormwater runoff from sites meeting the requirements of Section 13.05(ED), or sites that are exempt from Section 13.05(ED), may discharge to the municipal stormwater system, or a stormwater system within a proposed future municipal right-of-way, provided that the stormwater system has adequate capacity to convey the twenty-five year storm event from the contributing drainage area. All applicants shall meet the following standards if it is determined that their project may have impacts to municipal stormwater system:

(1) New drainage structures connected to the municipal stormwater system, or a stormwater system within a proposed future municipal right-of-way, shall comply with the following standards:

(a) New drainage structures should be located within the street right-of-way

(b) All drainage structures must be designed to safely pass the twenty-five year, twenty-four hour (4.0 inch) rain event (rainfall amounts to be determined using NOAA, Atlas 14 data and a type II rainfall distribution);

(c) Drainage pipes must have a minimum diameter of 15” and be connected to drainage structures using boot connections.

(d) Concrete risers, not brick and mortar, must be used to achieve the necessary drainage structure elevation.

(e) House footing drains shall only be connected to drainage facilities located in the street right-of-way when a suitable location to daylight the footing drain cannot be found.

(f) Footing drains must not be connected to road underdrain.

ARTICLE 13

SUPPLEMENTAL REGULATIONS

(g) Any footing drains connected to drainage facilities in the street right-of-way shall be provided with a backflow preventer.

(h) Driveway culverts must have a minimum diameter of 18" and 12" of cover above them.

(2) Drainage Structures To Accommodate Upstream Development. Culverts, pipes, or other drainage facilities shall be of sufficient size to accommodate potential runoff from the entire upstream drainage area, whether or not all or part of the upstream area is on the applicant's lot or the parcel subject to the application. In determining the anticipated amount of upstream runoff for which drainage facilities must be sized, the applicant shall design the stormwater drainage system assuming the total potential development of upstream drainage areas. All drainage structures shall be designed to, at a minimum, safely pass the twenty-five year, twenty-four hour rain event (rainfall data to be determined using NOAA, Atlas 14 and a type II rainfall distribution).

(3) Responsibility for Downstream Drainage Structures. In instances where the Stormwater Superintendent anticipates that additional runoff incident from a proposed development may overload an existing downstream drainage structure(s) and result in damage to private or public infrastructure or property, the DRB shall impose conditions requiring the applicant to incorporate measures to prevent these conditions, notwithstanding whether such improvements are located on or off the applicant's property.

G. Intermittent Stream Alteration and Relocation Standard. Alteration of Intermittent Streams. When a development incorporates Tier 1 or Tier 2 stormwater treatment practices (as defined in the VSMM) to manage the stormwater that an intermittent stream is conveying in pre-development conditions, the intermittent stream may be altered or relocated as part of stormwater treatment, provided the stormwater management system meets all standards in this Section. An alteration or relocation of an intermittent stream is exempt from the Vermont Stream Alteration Rule.

ARTICLE 17

ADMINISTRATION and ENFORCEMENT

17 ADMINISTRATION and ENFORCEMENT

...

17.04 Expiration of Permits and Approvals

...

17.04 Expiration of Permits and Approvals

A. Zoning Permits. A zoning permit shall expire one (1) year from its date of issue unless viewed as a whole, the work, time, and expenditures invested in the project demonstrate a continued good faith intent to presently commence upon the permitted project.

B. Expiration of Approvals. All site plan, conditional use, variances, design review, and miscellaneous application approvals shall expire six (6) months from the date of their approval by the Development Review Board or Administrative Officer, unless:

- (1)** A zoning permit is issued for the project;
- (2)** The Development Review Board or Administrative Officer has granted a longer period for a multi-phase development or for other projects that may reasonably require a longer period before commencement of the permitted project; or,
- (3)** The Development Review Board or Administrative Officer has approved a request for extension of the approval. The Board or Administrative Officer may approve one (1) extension to an applicant of an approval if reapplication takes place before the approval has expired and if the Board determines that conditions are essentially unchanged from the time of the original approval. In granting such an extension, the Board or Administrative Officer may specify a period of time of up to one (1) year for the extension.

~~**A. Subdivision Approvals. [reserved]**~~

APPENDIX E

APPENDIX E SUBMISSION REQUIREMENTS

All Districts Except City Center FBC					City Center FBC District					Submittal requirement
Site Plan	Sketch Plan	Master Plan	Major Prelim	Major Final	PUP Minor Final	Subdiv Sketch	Subdiv Final	DRB Non-subdiv.	Admin / Site Plan	
PROJECT DESCRIPTION										
✓	✓	✓	✓	✓		✓	✓	✓	✓	Completed application form; one (1) digital copy of plans; and a list of the owners or record of abutting property owners
✓	✓	✓	✓	✓		✓	✓	✓	✓	Name and address of the owner of record, applicant, and owners of record of abutting properties; and name and address of engineer(s), architect(s), landscape architect(s) preparing plans, plan preparation date, and date and description of all revisions shown on all plan sheets
✓	✓	✓	✓	✓		✓	✓	✓	✓	Date, true north arrow and scale (numerical and graphic). The preferred scale shall be not more than one hundred (100) feet to the inch, or not more than sixty (60) feet to the inch where lots have less than one hundred (100) feet of frontage.
✓	✓	✓	✓	✓		✓	✓	✓	✓	Narrative accompanying the application to include the following: (a) description of the project; (b) demonstration of compliance with applicable review standards; (c) list of submission elements; and (d) list of any changes made to plans from previous submittals under the same application
✓		✓	✓	✓		✓	✓	✓		List of waivers the applicant desires from the requirements of these regulations and accompanying narrative describing the request(s), detailing the City's authority to grant the request(s) and describing why the waiver(s) should be granted
		✓								Project phasing plan
✓				✓		✓	✓		✓	Estimated project construction schedule, construction phasing, and date of completion, and estimated cost of all site improvements. (note: for FBC subdivisions, only public infrastructure information required)
✓	✓	✓	✓	✓		✓	✓	✓	✓	Any other information or data that the Administrative Officer or Development Review Board shall require for a full assessment of the project pursuant to the Land Development Regulations
SITE INFORMATION										
✓	✓	✓	✓	✓		✓	✓	✓	✓	Location map, showing relation of subject property to adjacent properties and surrounding area.
✓	✓	✓	✓	✓		✓	✓	✓	✓	Boundaries and area of existing subject property(ies), proposed property lines, continues properties, boundaries of all zoning districts, transects, and overlay districts, and all designations on the City's Official Map, and lots within the proposed subdivision numbered.
✓	✓	✓	✓	✓		✓	✓	✓	✓	Location of existing restrictions on land, such as easements and covenants.
✓				✓		✓	✓	✓	✓	Location of planned restrictions on land, such as easements and covenants.
				✓		✓	✓			Permanent reference monuments
				✓		✓	✓			Copies of proposed deeds, deed restrictions, covenants, agreements or other documents showing the manner in which open space, including park and recreational areas, and school site areas are to be dedicated, reserved and maintained and a certificate from the City Attorney that these documents are satisfactory.
				✓		✓	✓		✓	In the case of a subdivision or development served by a privately owned and/or maintained street: A completed contract between the landowner and the City regarding the number of lots or dwelling units to be served by the proposed right-of-way or private street and the responsibility for the roadway maintenance and a copy of all proposed deeds, agreements, or other documents which convey or relate to the use of a privately owned street or right-of- way, and a certificate of the City Attorney that these documents are satisfactory.
				✓		✓	✓		✓	A complete survey of the subdivision, prepared by a licensed land surveyor, showing the location, bearing and length of every street line, lot line and boundary line, and existing and proposed restrictions on the land, including but not limited to access ways and utility easements. Where applicable, this information shall be tied to reference points previously established by the City.
✓			✓	✓		✓			✓	Lot area in square feet and acres, and lot coverage calculations including building, overall, and front yard coverage and the location and layout of any off-street parking or loading areas, traffic circulation areas, pedestrian walkways, and fire lanes.
✓				✓		✓			✓	Point-by-point lighting plan and cut sheets for all proposed outdoor lighting within the site
✓			✓	✓		✓	✓	✓	✓	Preliminary grading, drainage, landscaping and buffering plan in accordance with Article 13, Supplemental Regulations.
✓				✓		✓		✓	✓	The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles and cross sections of typical development areas, parking lots and roads, and including an erosion and sedimentation control plan, and proposed locations of sediment sink/setting pond and interceptor swales.

APPENDIX E

All Districts Except City Center FBC						City Center FBC District					Submittal requirement
Site Plan	Sketch Plan	Master Plan	Major Prelim	Major Final	PUD	Minor Final	Subdiv Sketch	Subdiv Final	DRB Non-subdiv.	Admin / Site Plan	
✓			✓	✓		✓				✓	The location of any outdoor storage for equipment and materials if any, and the location, type and design of all solid waste-related facilities, including dumpsters and recycling bins.
✓			✓	✓		✓			✓	✓	Estimate of all earthwork, including the quantity of any material to be imported to or removed from the site or a statement that no material is to be removed or imported.
✓			✓	✓		✓				✓	Location of existing structures on the site, and showing all site conditions to remain.
LANDSCAPE FEATURES - REVIEW											
✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	Existing water courses & buffers, wetlands & buffers, base flood elevations if located in an area of special flood hazard, wooded areas, ledge outcrops, and other natural features.
	✓		✓	✓		✓	✓	✓	✓	✓	Existing and proposed open space
				✓		✓		✓	✓	✓	By proper designation on such plat, all public space for which offers of cession are made by the applicant and those spaces title to which is reserved by him.
			✓	✓		✓		✓	✓	✓	The location of all open space to be dedicated to the City as well as all open space to be retained by the applicant or to be held in common private ownership.
✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	Existing and proposed contours at a maximum vertical interval of two (2) feet.
✓				✓		✓				✓	Detailed specifications and locations of planting, landscaping, screening, and/or buffering materials.
			✓								A general concept of the landscaping, both in written and graphic form.
✓			✓					✓	✓	✓	A list of existing vegetation, with the location, type, and size of existing trees of six inches or greater in caliper.
✓			✓						✓	✓	A written plan to preserve and protect significant existing vegetation during and after construction. Such plan will be of sufficient detail that the City of South Burlington will be able to inspect the site during construction to ensure that existing vegetation is protected as per the plan.
✓				✓		✓				✓	Detailed landscaping plan, specification of materials, costs, and phasing plan, including vegetation to remain, types of new plant materials, identified by common name and botanical name, sizes of all new plant materials by height and/or diameter at time of planting and at maturity, quantities of each of the planting materials, and treatment of the ground surface (paving, seeding, or groundcover) for all plantings screening buffering and stormwater infiltration
✓				✓		✓				✓	Detailed erosion control plan demonstrating compliance with these regulations
BUILDINGS											
✓	✓		✓	✓		✓				✓	Existing and proposed structures
✓			✓							✓	Preliminary plans, elevations, floor plans, and sections of proposed structures showing the proposed location, use, design and height of all structures, roads, parking areas, access points, sidewalks and other walkways, loading docks, outdoor storage areas, sewage disposal areas, landscaping, screening, site grading, and recreation areas if required. Plans shall also show any proposed division of buildings into units of separate occupancy and location of drives and access thereto.
			✓	✓		✓				✓	Detailed elevations to demonstrate compliance with Building Envelope Standards and material requirements
			✓		✓						Plan for achieving required mix of housing types and architectural features as required by Section 13.17 (Residential Design for New Single and Two-Family Homes)
✓										✓	Solar ready roof analysis report
			✓	✓							Elevations of buildings proposed as part of Planned Unit Developments
STREETS AND UTILITIES											
✓		✓	✓	✓		✓		✓		✓	Letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the section 1111 permit.
	✓	✓	✓	✓			✓	✓		✓	Location, type, and width of existing and proposed streets and block layout (including roadways, sidewalk, recreation path)
			✓	✓				✓		✓	Plans and profiles showing location of existing and proposed street pavements, proposed elevations along center lines of all streets, curbs, gutters, sidewalks, manholes, catch basins, and culverts
✓			✓	✓						✓	Plans showing the location, size and invert elevations of existing and planned sanitary sewers, storm water drains, and fire hydrants and location and size of water, gas, electricity and any other utilities or structures.
✓	✓		✓	✓		✓		✓		✓	Location of existing septic systems and wells.
✓			✓	✓		✓				✓	Existing and proposed water and wastewater usage
✓			✓	✓		✓				✓	Location and design of all utility distribution facilities

APPENDIX E

All Districts Except City Center FBC							City Center FBC District				Submittal requirement
Site Plan	Sketch Plan	Master Plan	Major Prelim	Major Final	PPP	Minor Final	Subdiv Sketch	Subdiv Final	DRB Non-subdiv.	Admin / Site Plan	
✓				✓		✓				✓	The location and details of all the improvements and utilities, including the location of all utility poles, utility cabinets, sewage disposal systems, water supply systems, and all details and locations of the stormwater management system.
✓			✓			✓					Preliminary designs of any bridges or culverts which may be required.
✓				✓		✓				✓	Construction drawings of all required improvements.
✓				✓				✓		✓	The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves tangent distance and tangent bearings for each street.
✓			✓	✓		✓	✓	✓		✓	All means of vehicular access and egress to and from the site onto public streets, and all provisions for pedestrian access and circulation.
✓			✓	✓			✓	✓		✓	Analysis of traffic impacts, if required by the traffic overlay district and/or the DRB.
✓			✓	✓		✓				✓	Proposed stormwater management system, including (as applicable) location, supporting design data and copies of computations used as a basis for the design capacities and performance of stormwater management facilities.
✓				✓		✓				✓	Detailed plans, designs and finished grades of retaining walls, steps, ramps, paving, site improvements, fences, bridges, culverts, and drainage structures.
		✓									Master Plan: See Article 15.B
NATURAL RESOURCES											
✓	✓	✓					✓				Initial Site Conditions Map
											Base flood elevations if located in an area of special flood hazard, wooded areas, ledge outcrops, and other natural features.
											River Corridors. Existing mapped data for permanent River Corridors; estimates for top of bank/stream where not mapped by VT DEC; estimated locations of intermittent streams.
											Wetland areas and buffers. Existing mapped data from Vermont Significant Wetland Inventory, Vermont Significant Wetland Inventory Advisory Layer, Hydric Soils, and other known sources. Applicant-estimated areas for potential Class III areas. [note: Field Verification of all potential wetland areas is strongly encouraged at the earliest stages of review]
											Habitat Block Overlay District: Boundary of Habitat Block Overlay District, of all proposed modifications and exchanges, and supporting materials required by Section 12.04
											Habitat Connector Overlay District: Boundary of Habitat Connector Overlay District, of all proposed relocations, and supporting materials required by Section 12.04 and 12.05.
											Steep Slopes: Existing mapped data of steep and very steep slopes
✓			✓	✓		✓		✓			Complete Site Conditions Map
											River Corridors. Field verification/ delineation of top of bank / top of slope for permanent and intermittent surface waters by a qualified professional, where not mapped by VT DEC. All materials required by Section 12.07
											Flood Hazard Areas. All materials required by Section 12.08.
											Wetland areas and buffers. Field delineation and report of functions and values of all wetland areas prepared by a qualified wetlands consultant. All materials required by Section 12.06
											Habitat Block Overlay District: Boundary of Habitat Block Overlay District, of all proposed modifications and exchanges, and supporting materials required by Section 12.04
											Habitat Connector Overlay District: Boundary of Habitat Connector Overlay District, of all proposed relocations, and supporting materials required by Section 12.04 and 12.05.
											Steep Slopes: Mapped data of unaffected steep or very steep slopes; Field delineation of steep and very steep slopes with a vertical drop exceeding three (3) feet proposed to be impacted

* note: the Land Development Regulations may contain additional submission requirements for specific requests and applications

Required maps must be prepared to scale by a qualified professional (e.g. engineer, architect, landscape architect, or urban designer) using the most current data and



**South Burlington Planning Commission
Proposed Land Development Regulations
Amendment & Adoption Report
Planning Commission Public Hearing Monday, August 8, 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 Monday, August 8 at 7:00 pm, in person and via electronic platform, to consider the following amendments to the South Burlington Land Development Regulations:

- A. LDR-22-05: Update the regulation of Transferable Development Rights (TDRs), including, but not limited to, expanding the receiving areas for TDRs, assigning value for TDRs, updating process for sending and receiving TDRs, and clarifying existing applicability in receiving areas
- B. LDR-22-06: Minor and Technical Amendments to Bicycle Parking, Performance Bonds, Submission Requirements, and Section numbering

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-22-05: Update the regulation of Transferable Development Rights (TDRs), including, but not limited to, expanding the receiving areas for TDRs and updating process for sending and receiving TDRs

Brief explanation of the proposed amendment:

This amendment updates the existing Transferable Development Rights program. It expands the areas where TDRs can be received to areas outside the SEQ districts to the City's medium and higher-density residential and mixed use zoning districts along transit-served areas, establishes how TDRs can be used and maximum use of TDRs in all areas where they can be received, and outlines the process for severing TDRs from a property and receiving them on a property.

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 TDR program updates are intended to support the land use pattern envisioned by the 2016 Comprehensive Plan. This includes increasing residential density along corridors with transit lines and municipal services, and conserving land in appropriate areas of the City. Specifically, the updated program expands the receiving areas for TDRs to zoning districts that already have higher residential densities and/or existing transit, like the districts along much of Shelburne Road and medium-density residential areas in the Transit Overlay District. The designation of sending areas in the SEQ allow for greater conservation of those areas with compensation to the current landowners. These updates are intended to foster greater housing variation and affordability in the City in areas where additional development is supported by infrastructure, and directing it away from areas where it is not.

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

Comprehensive Plan Objectives:

- Objective 2: Offer a full spectrum of housing choices that includes options affordable to households of varying income levels and seizes by striving to meet the housing targets set forth in this Plan.
- Objective 3: Foster the creation and retention of a housing stock that is balanced in size and target income level, is representative of the needs of households of central Chittenden County, and maintains an efficient use of land for use by future generations.
- Objective 4: Support the retention of existing and construction of new affordable and moderate-income housing, emphasizing both smaller single-family homes and apartments, to meet demand within the regional housing market.

- Objective 5: Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed-used transit corridors, and compact residential neighborhoods.
- Objective 16: Build and reinforce diverse, accessible neighborhoods that offer a good quality of life by designing and locating new and renovated development in a context-sensitive manner.
- Objective 31: Conserve, restore and enhance biological diversity within the City, through careful site planning and development that is designed to avoid adverse impacts to critical wildlife resources, and that incorporates significant natural areas, communities and wildlife habitats as conserved open space.
- Objective 36: Conserve productive farmland and primary agricultural soils within the City.
- 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 40: Prioritize development that occurs within the community into the higher intensity areas identified within this Plan.

Comprehensive Plan Strategies:

- Strategy 4: Implement a variety of tools and programs to foster innovative approaches to preserving and increasing the City's supply of affordable and moderate income housing. Potential tools should be explored and could include form-based codes that would allow a variety of residential and mixed use building types, transferable development rights, neighborhood preservation overlay districts, household definition regulations, inclusionary zoning, bonuses and incentives, waivers and expedited review processes, and/or a housing retention ordinance.
- Strategy 5: Increase the supply of safe and affordable rental housing by allowing higher-density, mixed- use and mixed-income development within City Center and transit corridors, allowing multi- unit housing within transitional zones between residential neighborhoods and commercial/ industrial land uses.
- Strategy 7: Accommodate compatible infill and additions to homes in existing neighborhoods.
- Strategy 8: Explore innovative land development regulations that allow for a range of residential building and neighborhood types, including but not limited to cottage housing, clustered housing and infill residential development.
- Strategy 10: Develop strategies that can lead to the availability or development of more housing that is affordable to middle income, working residents and families in the City. Work through the CCRPC with surrounding communities to increase the inventory of housing that is more affordable to families. Consider development of a program that enables "empty nesters" occupying "family" sized housing to comfortably downsize into a multi-family unit that may be available nearby keeping them in their neighborhood but freeing the former home up for new generations of young families.

- Strategy 12. Promote the construction of new homes - particularly affordable and moderate-income units - that are highly energy-efficient, and upgrades to existing homes to make them more energy-efficient, which will reduce residents' overall cost of living and contribute to housing affordability.
- Strategy 13. Target for construction, by 2025, of 1,080 new affordable housing units - 840 housing units affordable to households earning up to 80% of the AMI and 240 housing units affordable to households earning between 80% and 120% of the AMI.

Comprehensive Plan Ongoing Activities

- Continue to refine the City's Land Development Regulations to promote the Plan's goals and objectives.
- Continue to facilitate the use of transfer of development rights within the SEQ zoning district to achieve the smart growth objectives for the SEQ.
- Continue to allow neighborhood areas with a buildable density of between four and eight units per acre, using development rights transferred from areas in the SEQ designated for conservation or protection.

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

The TDR program updates allow for greater density of residential uses in areas indicated medium to higher intensity use in the Comprehensive Plan, while implementing greater conservation in the areas indicated for very low or low intensity use. For example, many receiving areas are centered on Shelburne Road, parts of Willison Road, Hinesburg Road, and similar, along with associated transitional areas, where "medium to higher intensity – mixed use" and "medium intensity – residential to mixed-use" future land uses are indicated. Sending areas are planned as "very low intensity – principally open space" and "lower intensity – principally residential". These are all indicated on Map 11: Future Land Use in the 2016 Comprehensive Plan.

(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. However, it intends to incentivize development in areas where municipal infrastructure exists and community facilities also exist.

B. LDR-22-06: Minor and Technical Amendments to Bicycle Parking, Performance Bonds, Submission Requirements, and Section numbering

Brief explanation of the proposed amendment:

Table in 13.03 of the LDRs related to bicycle parking: In Section 13.03 of the LDRs, the table governing the number of bicycle parking spaces lists "uses" that are not identical to the uses listed in the Table of Uses in Appendix C. The amendment is to clearly indicate which uses require 1 bicycle space per 20,000 SF and which require 1 bicycle space per 5,000 SF.

Move Section 15.A.20 (Performance Bonds) to Article 17: This amendment moves performance bonds from Subdivision to Administration to be clear it can apply in circumstances beyond subdivisions, as is the case in several instances.

Re-letter Section 13.05 to correct double “A” subsections: In Section 13.05, there are two subsections labeled “A”. In a prior version of the LDRs, when stormwater management standards were contained in Article 12, the “Applicability” section was contained in “B. Scope and Applicability” and the language under that section included internal references that persist in the new 13.05.

Delete 17.04C Subdivision Approvals header: Section 17.04 contains a subsection A labeled “Subdivision Approvals. [reserved]” that is no longer needed and is a vestige of former state enabling statutes. It is currently a duplicate “A” that should be labeled “C” as in the previous version of the LDRs.

Modify Appendix E to specify submission requirements for Final Plat for Minor Subdivisions, and for solar-ready roofs.

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 are technical in nature and service only to clarify the LDR.

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

The proposed changes are technical in nature and service only to clarify the LDR.

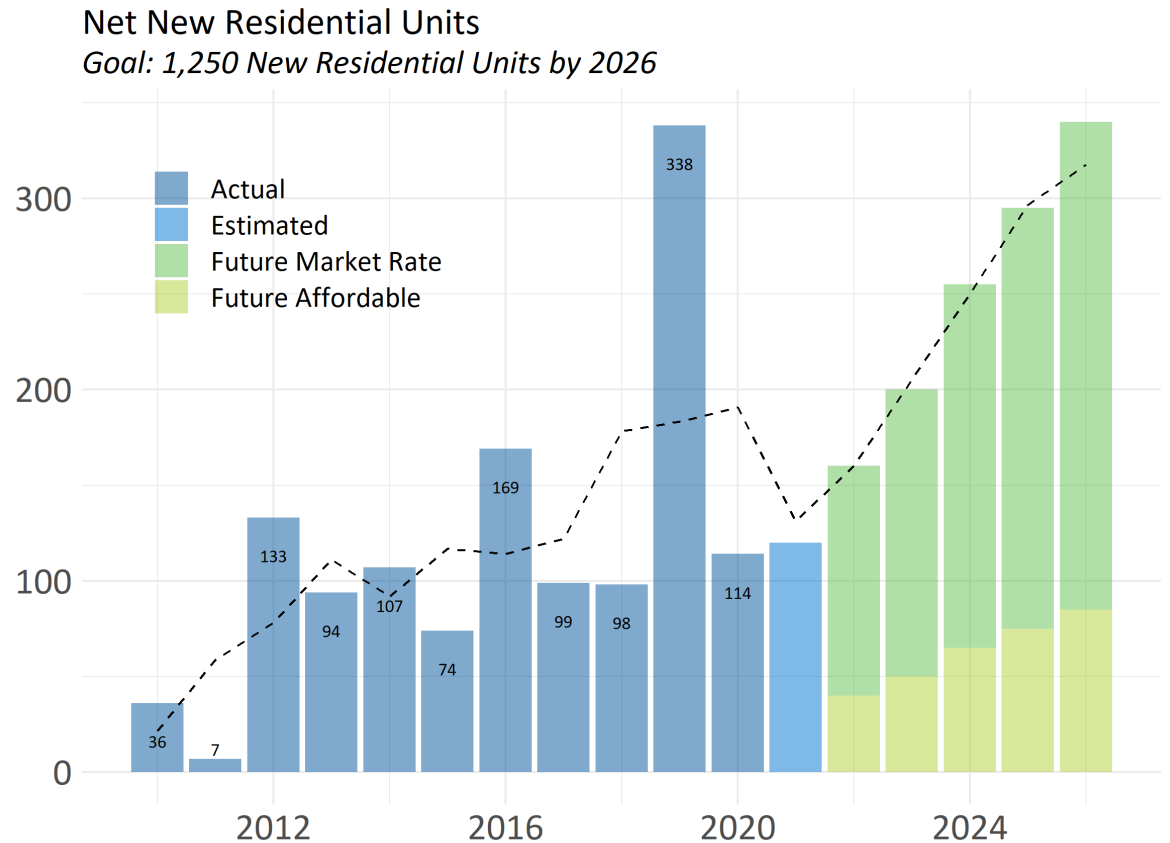
- (3) *Carries out, as applicable, any specific proposals for any planned community facilities.”*

The proposed changes are technical in nature and service only to clarify the LDR.

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



More at: <https://www.burlingtonvt.gov/mayor/housingpolicy>

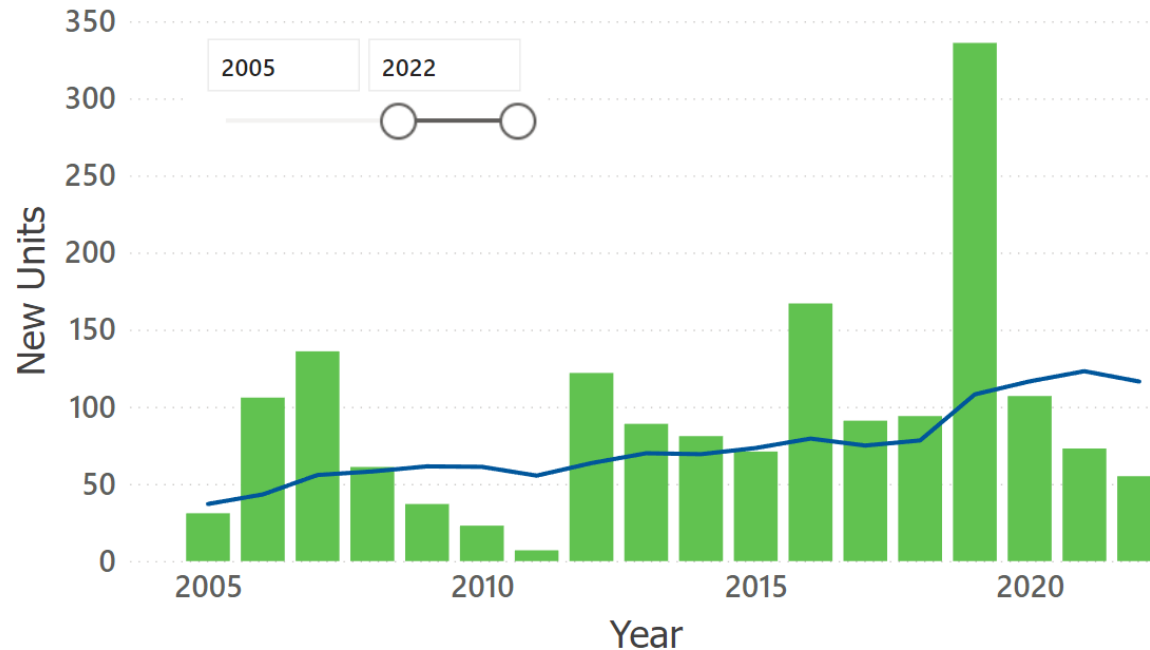
BTV Housing Dashboard



New Residential Units

This dashboard shows the creation of new housing in Burlington by year. Use the year slider to the left to expand the time frame, and the drop down menu on the map to add other years.

● New Units ● Ten Yr Ave.



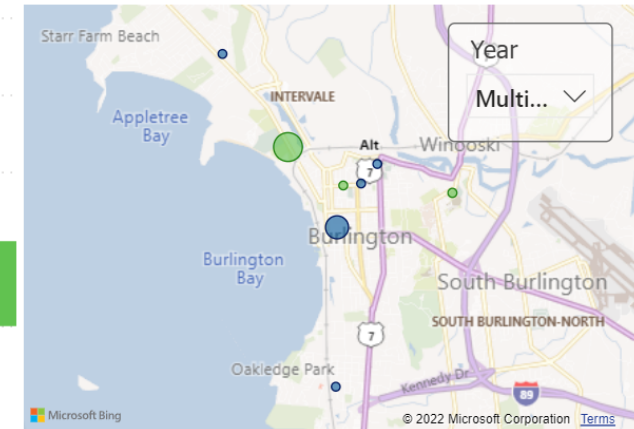
From: 2005

To: 2022

1,687

Total Units Built

Year ● 2021 ● 2022



New units are drawn from current and legacy Burlington permitting systems. Data from earlier years (approx. pre-2005) are less reliable than more recent data, and recent year totals are subject to change.

Explore the dashboard: <https://www.burlingtonvt.gov/cityplanning/btvstat/housing>

BTV Housing Dashboard



Property Sales

Choose a property type at right.

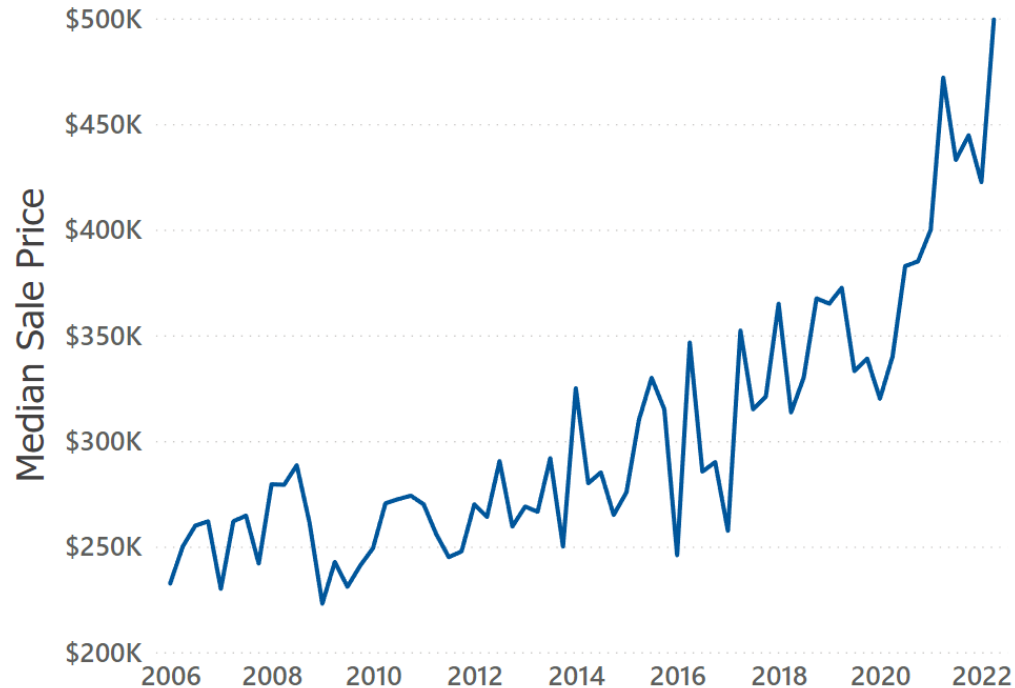
Property Type

Single Family

Property Sales

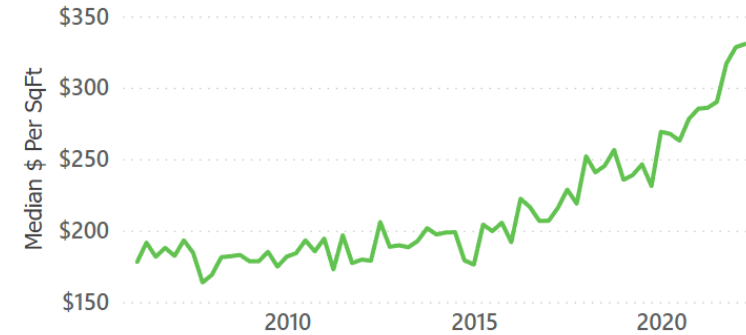
Cost of Rent

Single Family Median Price by Quarter

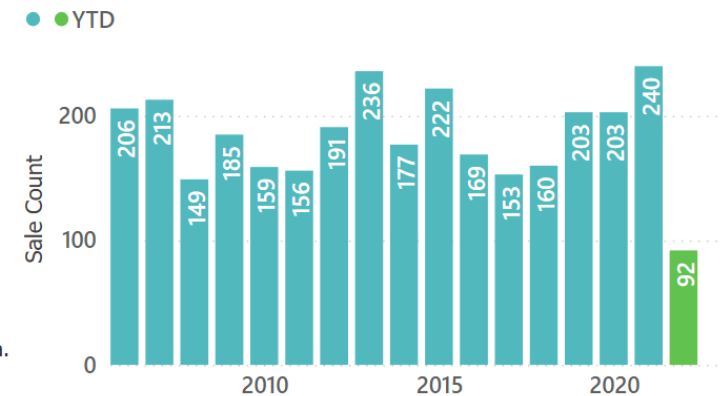


Data Source: City Property Data, Valid or Undetermined sales. Price per Square Foot based on total finished area.
Updated quarterly.

Single Family Price Per SqFt



Number of Sales



Explore the dashboard: <https://www.burlingtonvt.gov/cityplanning/btvstat/housing>

December Housing Action Plan

This plan included a number of strategies related to the goal to end chronic homelessness:

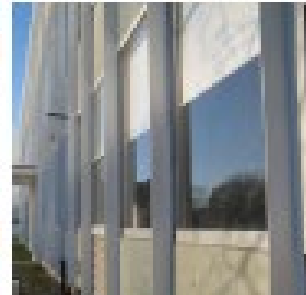
- **Invest at least \$5 million of ARPA funds**
 - \$3 million has been designated to initiatives to end homelessness
 - \$1-2 million additional to build new permanently affordable housing invested through partners
- **Fully fund Housing Trust Fund to voter-approved levels (\$0.01/\$100 assessed value)**
 - FY23 Budget expected to generate nearly \$565,000 for the Housing Trust Fund
- **Create a Special Assistant to End Homelessness position in CEDO, single point of accountability for expanded community efforts**
 - Sarah Russell joined CEDO in April, from Burlington Housing Authority
- **New investments to strengthen the Chittenden County Coordinated Entry team's progress towards "functional zero" with a comprehensive, real-time data effort**
 - ARPA funds invested to increase staffing capacity for Coordinated Entry, with 1.5 new FTE staff
- **Invest in approx. 30 shelter pods and related infrastructure to create a new low-barrier facility for 2022**
 - DRB approval of permit for Shelter Community & Community Resource Center @ Elmwood Avenue- late June

More at: <https://www.burlingtonvt.gov/mayor/housingpolicy>

December Housing Action Plan

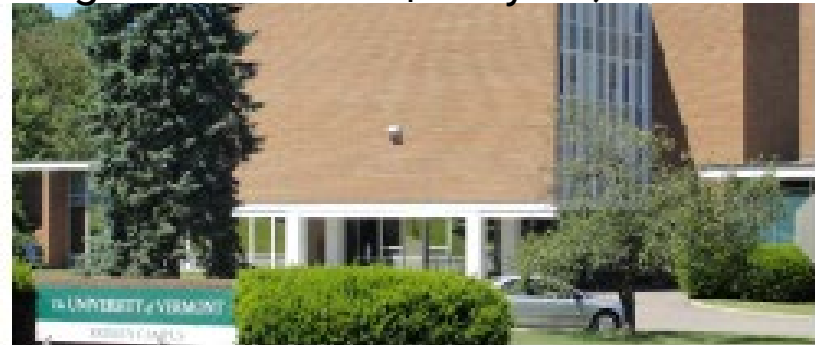
Items that have been on Planning Dept. & Commission's work plan are a big part of this plan and complement to these specific efforts:

- New on-campus UVM student housing opportunities through zoning changes for UVM's Trinity Campus
 - **Underway-** <https://www.burlingtonvt.gov/plan/trinitycampus>
- Consider housing opportunities as part of the creation of an Innovation District in a portion of the South End Enterprise Zone
 - **Underway-** <https://www.burlingtonvt.gov/cityplanning/implementation/SEID>
- 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
 - **Upcoming**



Trinity Campus Zoning

Update to Planning Commission | July 12, 2022



Discussions To-Date

Potential zoning changes for the Trinity Campus have been discussed during:

- **January-** UVM Zoning Change Request to City Council
- **February-** UVM Zoning Change Request to Planning Commission
- **Feb. Ward 1/8 NPA** – Focus on UVM Campus Planning & Enrollment
- **Mar. Ward 1/8 NPA-** Q&A on Housing Issues with Ward 1/8 PC Members
- **May Ward 1/8 NPA-** Focus on City Housing Plans & Policies, including near-campus neighborhoods
- **May Planning Commission Meeting-** initial feedback on potential zoning changes
- **June 23 Public Meeting-** feedback on goals for rezoning, specific questions & reactions to potential changes
- **June & July PC Meetings-** feedback on potential changes in public forum

Goals for Trinity Campus Rezoning

Potential zoning changes guided by shared goals for this part of campus:

- Facilitate the responsible development of **additional student beds on campus**
- **Build new undergraduate residence halls, graduate apartments**, upgrade some of the existing residence halls on the Campus and expand dining hall
- Mix of uses in a **vibrant residential community and enhance sense of community on campus** to attract interest from a range of students
- Reorganize buildings and open spaces to **activate campus open space**
- **Synergy with walking & biking improvements** planned for Colchester Avenue, ensure adequate bike facilities
- **Minimize parking on the campus**, and focus on structured parking that may also provide community benefit if new parking to be created

Requested Zoning Changes

In February, UVM presented request to the Planning Commission 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



Requested Height & Setback



Requested Zoning Changes:

- **Setback:** 25 ft. from **property line** (property line is ~15 ft. from inner edge of sidewalk, for ~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 Campus Example:

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

What we've heard

When asked about priority goals for Trinity Campus, ~50% of attendees at June meeting indicated **additional student beds on campus as 1st or 2nd priority** (*note: not all attendees had poll access*)

- General support for increased on-campus beds on the Trinity Campus, rehabilitating existing dorms to make more modern and attractive living options

However, questions and concerns remain about this goal, including:

- How do new beds on Trinity fit into campus plans, historic/planned enrollment?
- Who does UVM anticipate housing in additional beds?
- How does increased housing on campus ultimately impact off-campus housing supply pressures?
- Can zoning amendment can be tied to concrete enrollment or specific campus housing commitments?
- Concerns focus on desire for UVM to create even more new campus beds; and Junior/Senior enrollment, students' access to affordable on-campus options, and student preferences for on-campus vs. off-campus housing

What we've heard

Regarding goals for **enhanced sense of community** and **reorganizing buildings and activated open space** for campus residents & users:

- Mixed reactions to potential infill buildings & increased height closer to Colchester Avenue
 - Many have responded favorably to development concept & precedent images shared by UVM
 - Some have expressed reservations about buildings closer to the street/taller along the street in terms of compatibility with homes on Colchester Ave.
 - Fewer concerns about new development set back within the campus
 - Interest in adequate landscaping & design of new buildings for streetscape on Colchester Avenue
- Some openness to allowing some non-residential uses on the campus, particularly to support goal to attract student residents, but not as a primary use
 - Other ideas shared for campus amenities that could attract students (i.e. dining & fitness options)
 - One resident has shared extensive concerns about non-residential uses on Trinity or other parts of campus
 - Some expressed preference that housing be the main focus on Trinity, with space maximized for this purpose

What we've heard

Regarding goals for **synergy with Colchester Avenue walking/biking enhancements** and **limited new parking resources on the** campus residents & other users:

- Question about whether changes to setbacks will preclude implementation of Colchester Ave plan
 - Specifically whether a round-about would fit at intersection with East Avenue
- Support for not increasing parking on the campus, but questions about where parking will be accommodated for increased campus beds

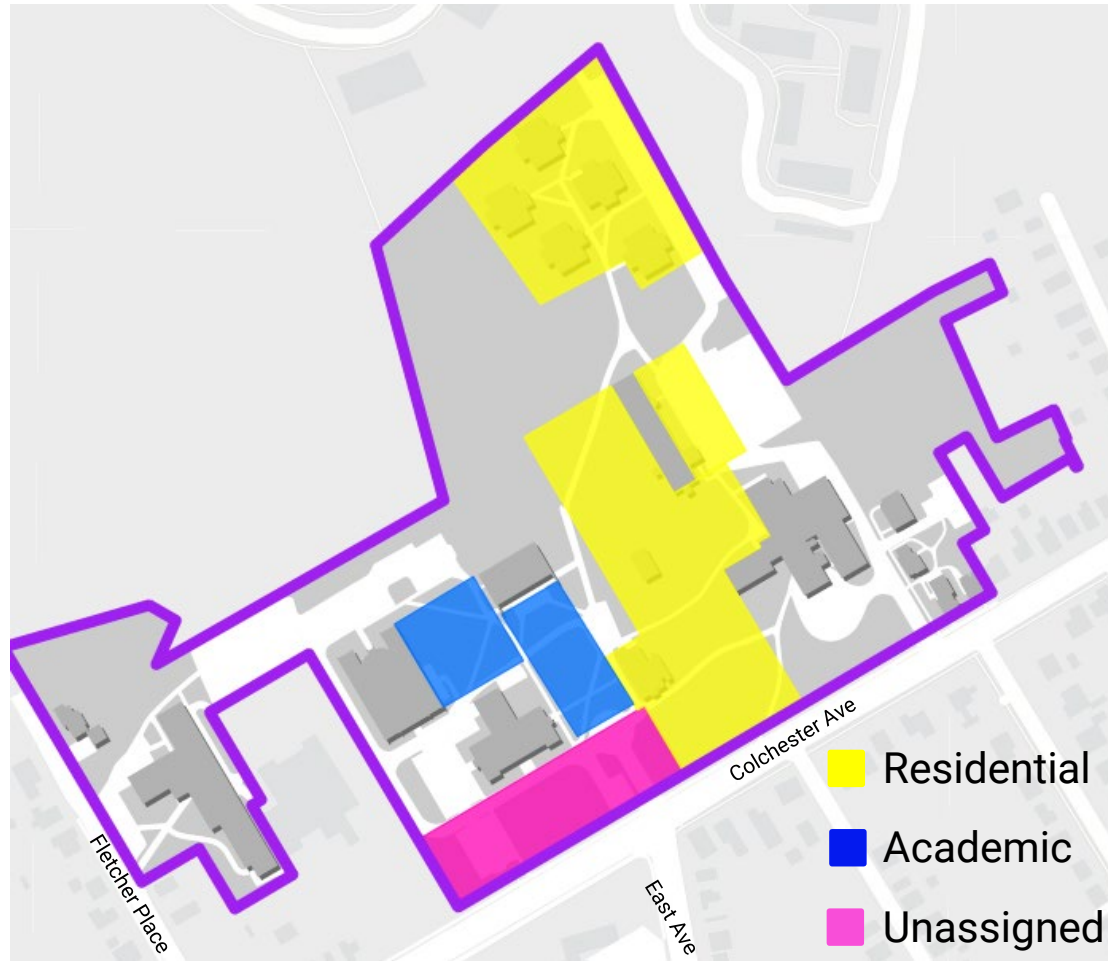
Key Topics for Further Review

What is the right balance between setbacks/height limits and the goal to see UVM take on a larger share of student housing needs on-campus within the Trinity Campus limitations?

- Not all of Trinity Campus is in Overlay, providing a buffer to residential areas to the east and west
- Balance use of site area for residences, some parking, open spaces, etc.



DRAFT 2022-2032 Campus Plan



Graphic of campus land banks courtesy of UVM's slides from June 23 public meeting

- Landbanks organize future development in a flexible framework
- Opportunities to add student housing through new construction, renovation and/or redevelopment of existing housing
- Academic landbanks near existing academic uses provide opportunities for additions and adaptive reuse to foster interdisciplinary work, research growth
- Unassigned landbank has potential for mixed-use development and active green space including stormwater management practices
- No new parking is envisioned for this area. Parking needs for new development would be met in other parts of campus
- No landbanks located on “ears” leaving buffer for residential neighborhood

Key Topics for Further Review

What is the right balance between setbacks/height limits and the goal to see UVM take on a larger share of student housing needs on-campus within the Trinity Campus limitations?

- Not all of Trinity Campus is in Overlay, providing a buffer to residential areas to the east and west
- Balance use of site area for residences, some parking, open spaces, etc.
- Not all of campus area highly suitable to new developments- what can reasonably be achieved within remaining area?



Key Topics for Further Review

For clarity, staff presented additional considerations for Commission discussion as they relate to goals for Trinity Campus (not all of Institutional district):

- Most Campus Overlays do not apply a limit on housing in order to enable institutions to maximize their anticipated growth within their campus areas.
- Cafés, small grocery stores, similar business types are limited to existing buildings, or have to be reviewed by the DRB before being permitted in new buildings.
- DRB review is required for smaller development projects than required in other Institutional and Mixed Use zoning districts.
- Continued interest in overall growth & development plans for the Institutions and how specific project proposals fit the vision, such as expanded campus planning requirements to complement Parking Management Plan process.

Key Topics for Further Review

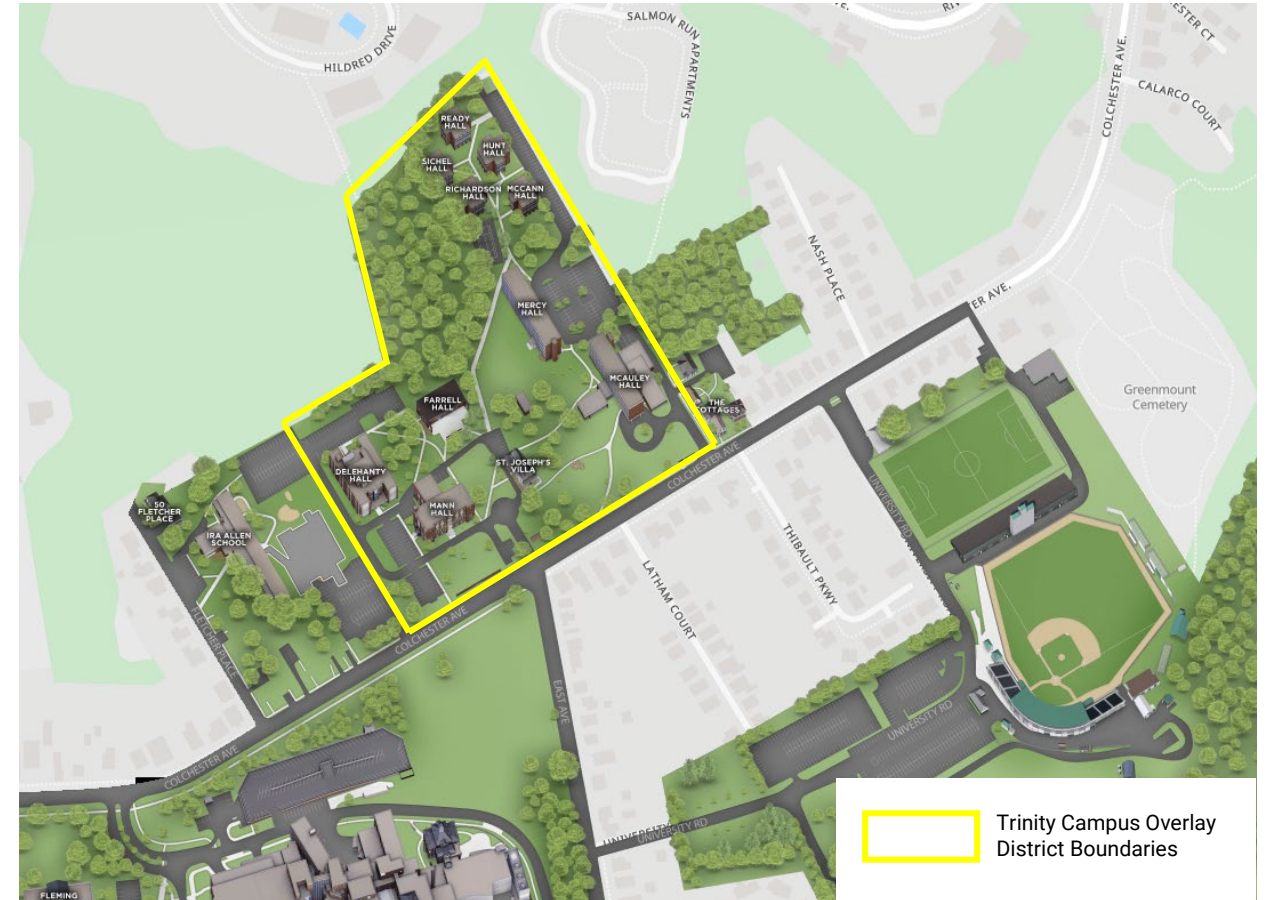
For clarity, staff presented additional considerations for Commission discussion as they relate to goals for Trinity Campus (not all of Institutional district):

- Most Campus Overlays do not apply a limit on housing in order to enable institutions to maximize their anticipated growth within their campus areas.
 - ***Reason for consideration:*** *How does this relate to desire for more campus housing, specifically on Trinity Campus?*
- Cafés, small grocery stores, similar business types are limited to existing buildings, or have to be reviewed by the DRB before being permitted in new buildings.
 - ***Reason for consideration:*** *How does a mixed-use community with limited non-residential uses support the goal for a vibrant community that is attractive to students who otherwise can choose to live off-campus? Some have also indicated that some limited neighborhood-oriented uses can support and enhance the attractive neighborhoods around the Trinity campus.*
 - *Some non-residential uses are already permitted or conditional uses in Institutional Districts generally, and in the Trinity Overlay area specifically. Key question is about how they are incorporated into potential new buildings on Trinity.*

Existing Zoning Standards

Trinity Campus Overlay Zone applies to central portion of the Campus and allows:

- **Building Height:** 35 ft – 55 ft max (up to height of tallest existing structure)
- **Setbacks:** Buildings required to be 115 ft from Colchester Ave
- **Lot Coverage:** 40%
- **Density:** 20 units/acre (4 beds = 1 unit)



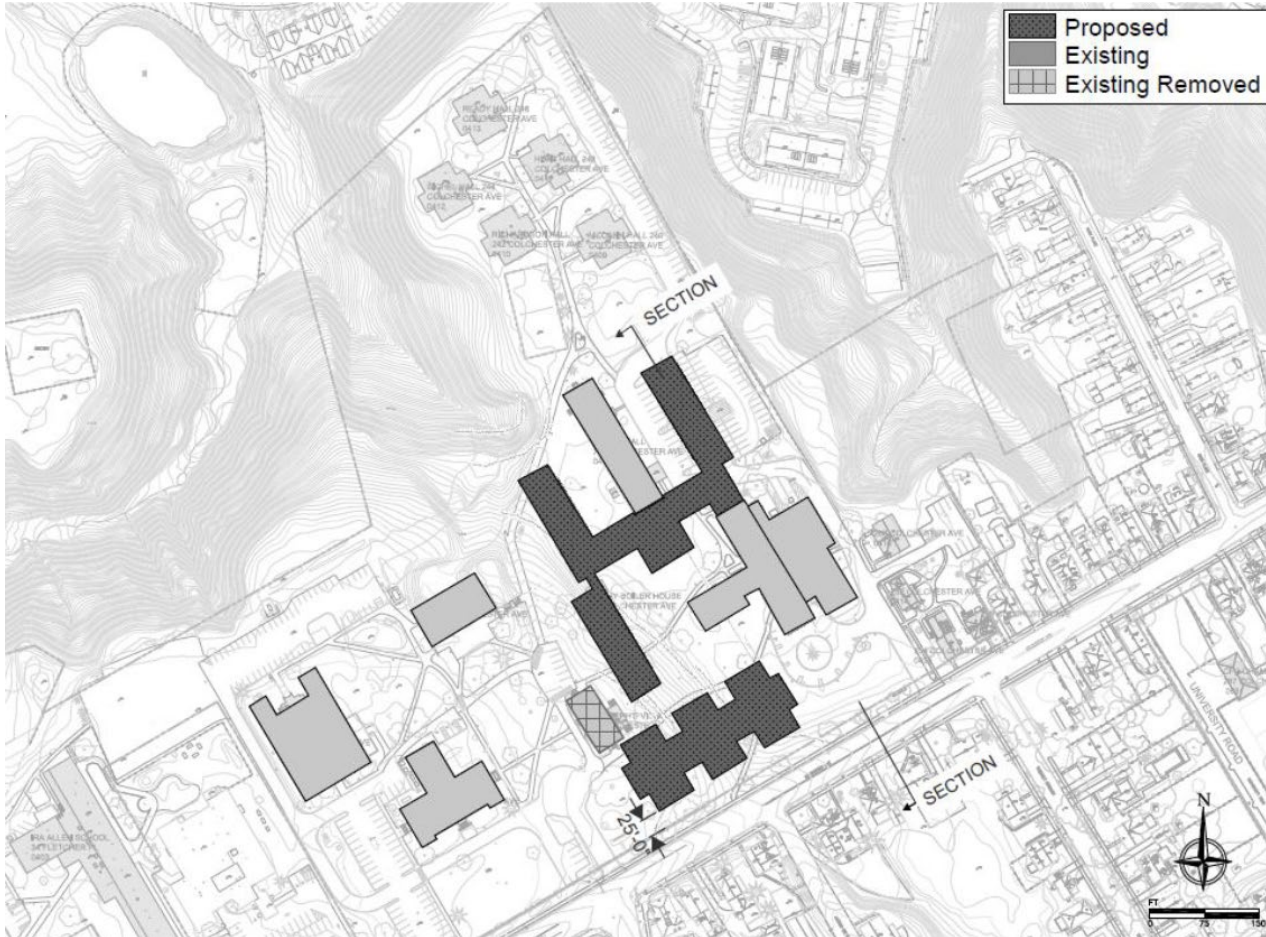
Existing Zoning Standards

Overlay Zone also specifies:

- **Parking:** Prohibits new surface parking, parking demand & supply part of Institutional Parking Management Plan
- **Uses:** Housing permitted. Non-residential uses are limited to buildings built before 2002, or required to be reviewed as a conditional use
- **Process:** Any development greater than 15,000 sq.ft. requires Major Impact Review (in other parts of city, this is 40,000 sq.ft.)



UVM Trinity Campus Ideas



Infill Concept & renderings for Trinity Campus courtesy of UVM



South End Innovation District

*Planning Commission Update and
Public Engagement Summary*



Meagan Tuttle, Director of Planning
Charles Dillard, Principal Planner
Sarah Morgan, Planner
July 12, 2022

Key Question

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

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



Innovation District

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

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

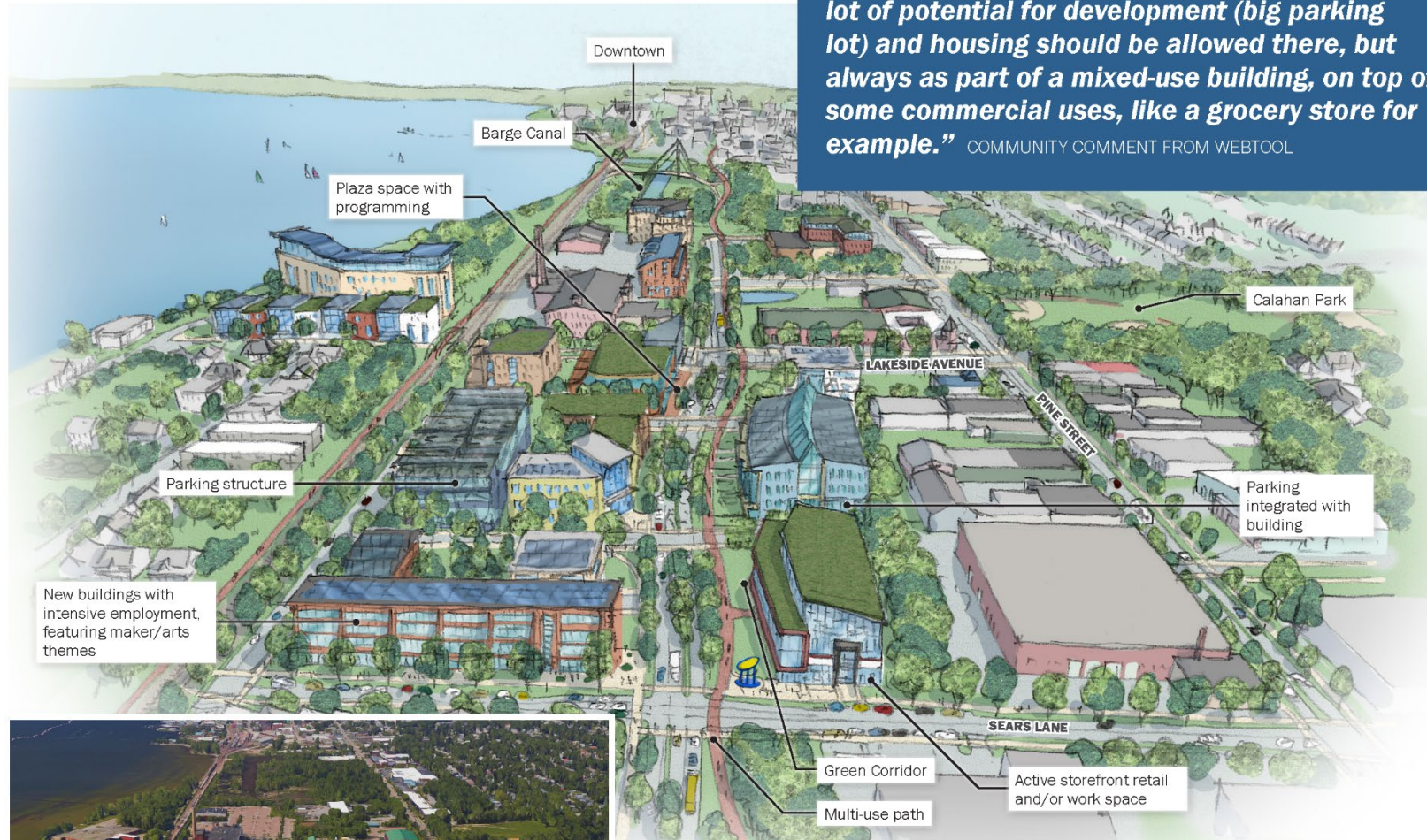
planBTV: South End identified as
the heart of an “Innovation District”

Potential Innovation District



Innovation District and *planBTV: South End*

"I think that the area around Lakeside has a lot of potential for development (big parking lot) and housing should be allowed there, but always as part of a mixed-use building, on top of some commercial uses, like a grocery store for example." COMMUNITY COMMENT FROM WEBTOOL

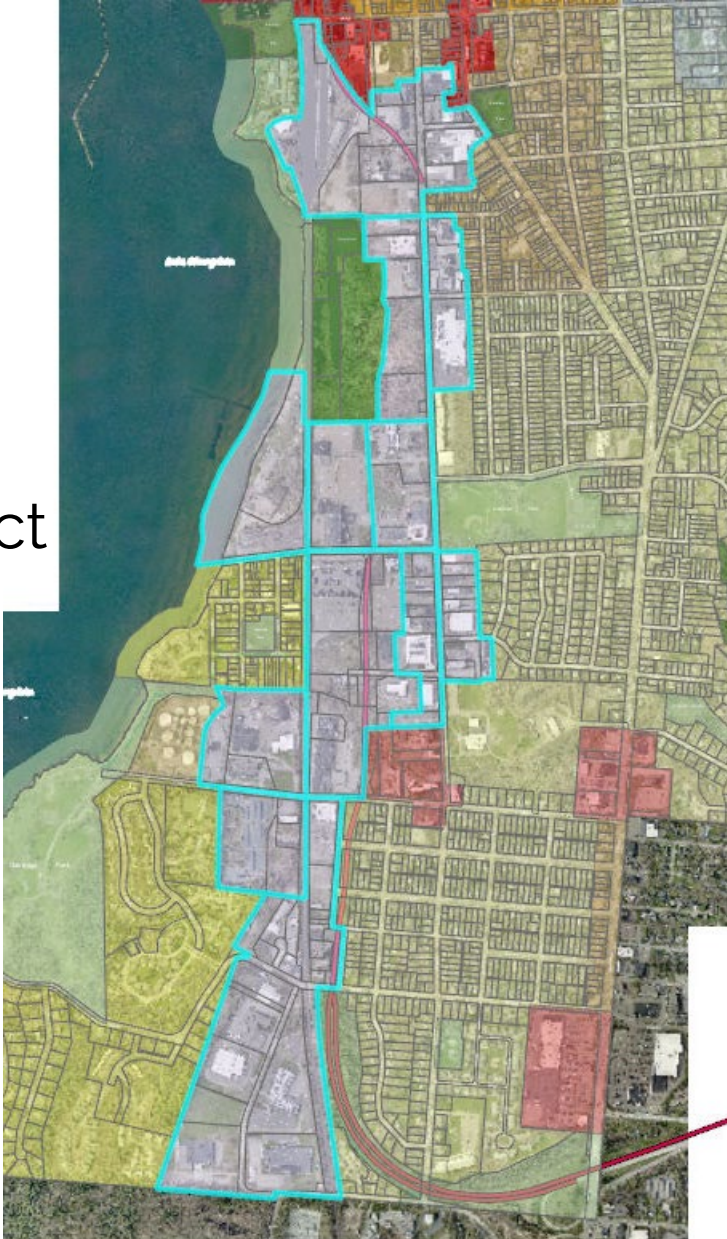


Transform surface parking and underutilized sites and expand connectivity to create a walkable, mixed-use innovation hub for businesses and maker activities. Incorporate parking in shared structures, new pocket parks and plazas, a "green corridor" along both sides of the Champlain Parkway, and better link Pine Street to the Lake.

October 26 Planning Commission Discussion

ELM

1 large district



Concept

3-6 sub-districts



October 26 Planning Commission Discussion

1 - Arts District - a “see-it-made destination” celebrating the creation of craftsman/artisan-scale products and the creative arts.

- A “fine-tuning” of the current zoning with a broader range of uses

2 - Innovation District – a new mixed-use employment center focused on incubating and growing emerging technologies, science, R&D, tech-transfer, manufacturing, and innovation.

- An opportunity to facilitate the redevelopment of brownfield sites and large surface parking lots.

3 - Light Manufacturing District – a reserve for traditional scale and format of manufacturing, value-added, production, warehouse, shipping, etc.

- Also just a “fine-tuning” of the current zoning with a narrower range of uses



October 26 Planning Commission Discussion

4 – Enterprise – Railyard - Uses restricted to railroad operations, intermodal transfer and limited storage of freight/materials

- Is this a stand-alone zone or just part of E-LM?

5 – Enterprise – Pine Street

- Light manufacturing, outdoor storage, vehicular service
- Neighborhood-oriented and scaled retail, hospitality and services with size limits
- Small-scale (<8k sq ft) and affordable spaces are preferred and protected
- No housing – so not NAC?

6 – Enterprise – Flynn Avenue

- Research & Development, Labs, Technical Office
- traditional scale and format of manufacturing, value-added, production, warehouse, shipping, etc.
- Accessory retail and hospitality with size limits
- No housing – so not NAC?



October 26 Planning Commission Discussion

- **Discussion points**

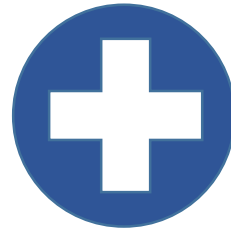
- Boundary – Focus on surface parking and excluding Pine St.
- The District should include elements of a form code, but not be too prescriptive
- Housing
 - Strong demand and feasible
 - Primary vs. supportive use?
 - New buildings only or allow retrofit of existing commercial/industrial?
- Office
 - Strong South End office market
 - Is new office space feasible?

October 26 Planning Commission Discussion

- **Two part Zoning Amendment Process**
 1. Amendment for South End Innovation District (2022)
 2. Separate Amendment(s) for remaining portions of EL-M

Innovation District =

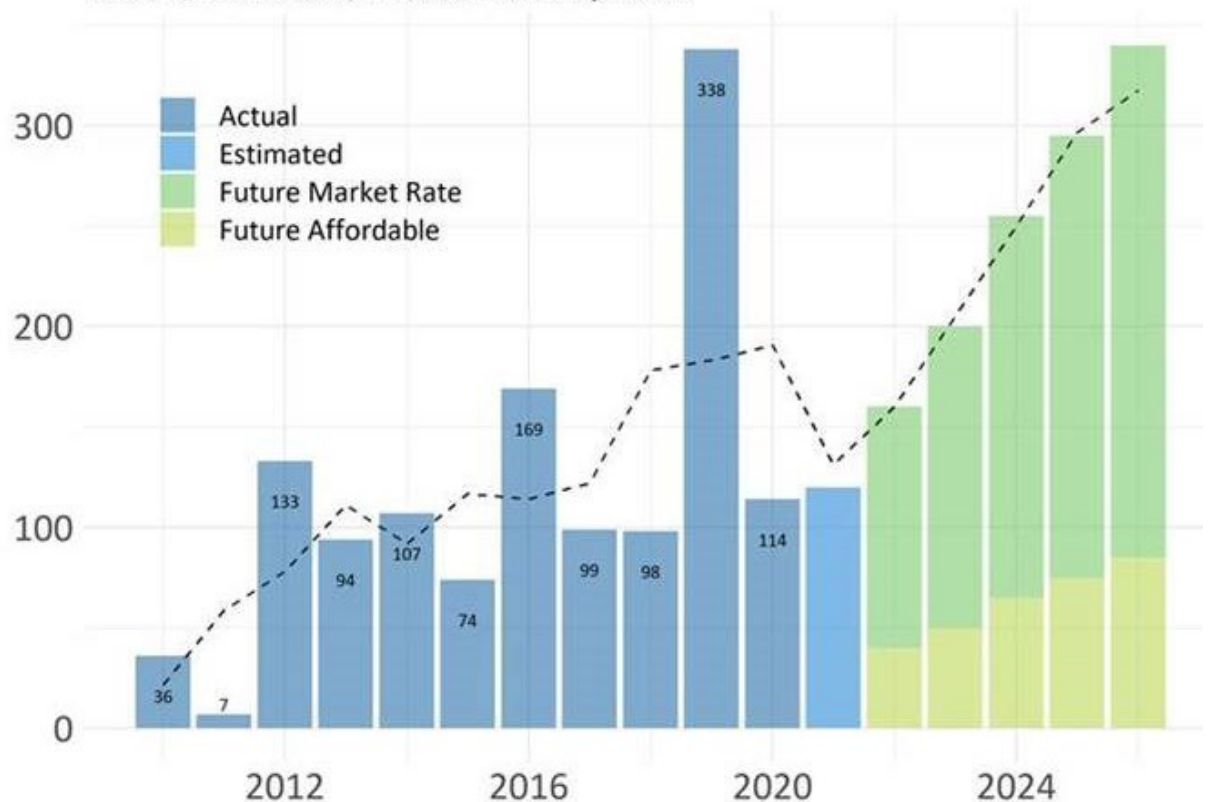
planBTV: South End



Housing as a Human Right Action Plan



Net New Residential Units
Goal: 1,250 New Residential Units by 2026



Innovation District Intent

- An evolving, **vibrant urban district**
- A **mix** of **uses** and building **scales** and **types**
- A place for hundreds of **new homes and neighbors**
- A district where **arts**, **light manufacturing** and **office** coexist in harmony with new residents
- A 21st century district that **limits emissions**, **cleans our water**, and fosters a **healthy ecosystem**

Public Engagement Summary

- Three Ward 5 NPA Meetings
- 7 Stakeholder meetings (property owners, arts/maker reps)
- One in-person public meeting
- One virtual public meeting
- One ongoing Storymap
- One ongoing Miro engagement board

Ward 5 NPA

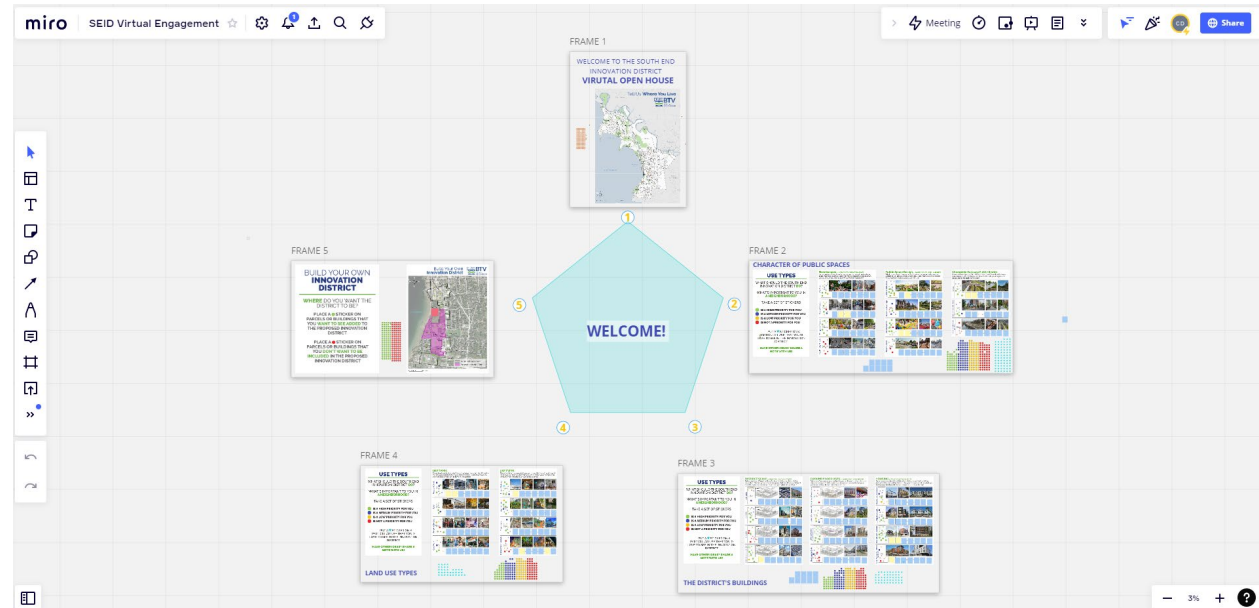
- March 17th, May 19th and June 16th
- Barge Canal
 - Support for allowing natural regeneration of site
- Champlain Parkway
 - Concern that it will perpetuate car-dependency
- Housing
 - Increasing support but focus on equity
- South End Multimodal Center Feasibility Study

Public Meetings

- June 29th @ Generator
 - 20 Attendees
- July 7th on Zoom
 - 25 Attendees (63 Registered)

Four Themes:

1. Land Use
2. District Scale
3. Public Realm
4. District Boundary



FRAME 2

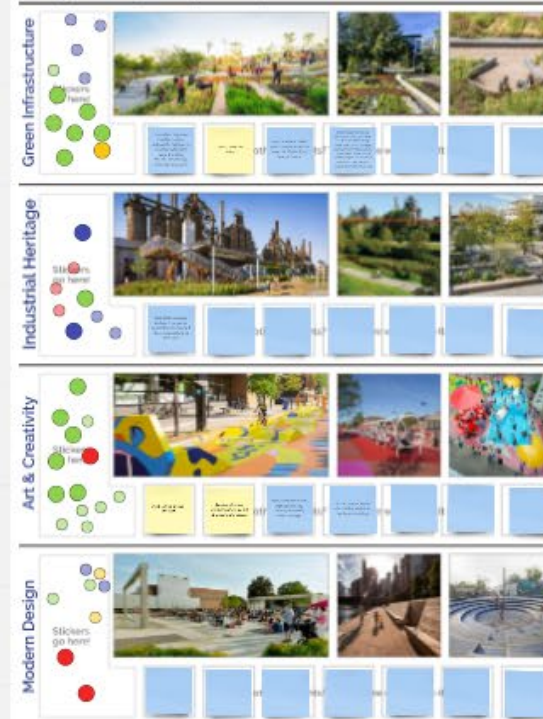
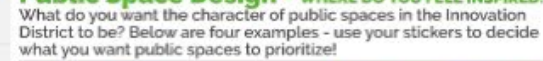
USE TYPES

WHAT'S IMPORTANT TO YOU IN A NEIGHBORHOOD?

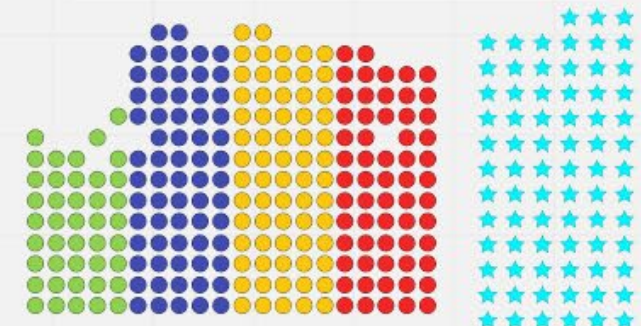
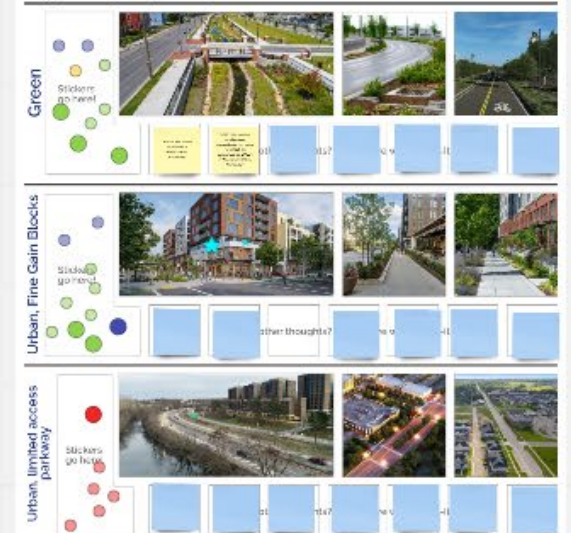
- IS A HIGH PRIORITY FOR YOU
- IS A MEDIUM PRIORITY FOR YOU
- IS A LOW PRIORITY FOR YOU
- IS NOT A PRIORITY FOR YOU

**HAVE OTHER IDEAS? SHARE A
NOTE WITH US!**

Below are four examples of streetscapes that could be developed in the Innovation District, each with varying amounts of pedestrian, cyclist, and vehicle interaction. What type do you prefer?



Below are examples of the different ways that Champlain Parkway can coincide with the Innovation District. How do you imagine the edges along the parkway to look?



Innovation District Storymap

<https://storymaps.arcgis.com/collections/a2c763fcba5a4aaab2b6a7df2dc8a2bc?item=1>



South End Innovation District



About the South End Innovation District

Proposed Zoning Framework

Related Capital Projects



About the South End Innovation District

The City of Burlington Office of City Planning

[Context & History](#)

[Existing Conditions](#)

[Why an "Innovation District"?](#)

Innovation District – Land Use

- Residential uses we are considering:
 - Attached, multi-family dwellings only
 - Other residential uses may be considered on a limited basis (e.g. co-housing, assisted living, group homes)



Innovation District – Land Use

- Non-Residential Uses we are considering:
 - Art Gallery/Studio
 - Light Manufacturing
 - Office
 - Community (e.g. library, community center, etc.)
 - Childcare
 - Other uses supportive of dense, residential districts (e.g. café, small retail establishments, medical/dental clinic)
 - Retail uses should feature goods/services produced in the district



Innovation District – Land Uses

- Uses we are considering not permitting or strongly considering how to limit:
 - Single Detached Dwellings
 - Hotel
 - Heavy Manufacturing
 - Large format retail
 - Auto-oriented uses



Public Input Summary – Land Use

“Hard to enforce this in zoning laws, but: diverse retail is great, but the way it has gentrified on Church Street in the last ~5 years is an example of what not to do. Church street has lost most of its retail appeal for me as a local, and feels almost strictly for tourists now.”

“Keep the hotels and tourism in Downtown.”

“How do we keep ownership (and hence, decision making) diversified and local?”

USE TYPES

These two boards show eight groups of uses that could be allowed in the Innovation District. Use your stickers to tell us which groups you think are most important to have in the District!

Food and Drink					
Retail					
Personal Service					
Care Work					

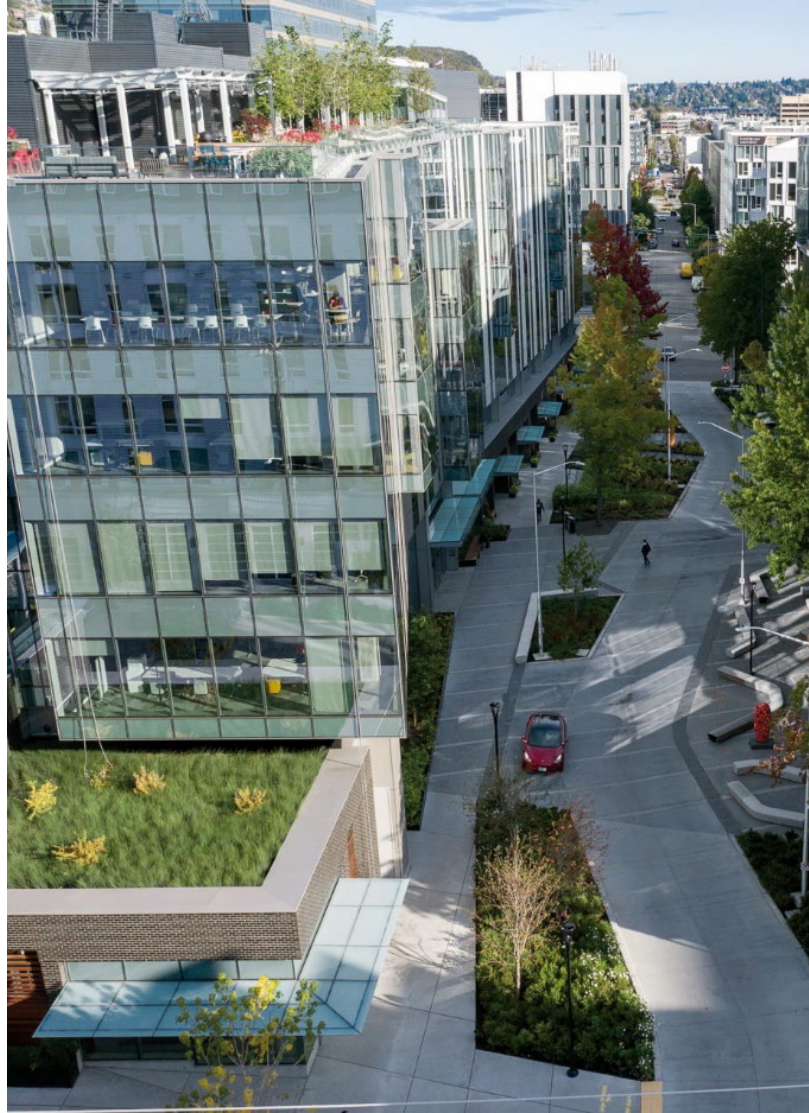
USE TYPES

These two boards show eight groups of uses that could be allowed in the Innovation District. Use your stickers to tell us which groups you think are most important to have in the District!

Art and Making					
Agriculture					
Community					
Entertainment/Hospitality					

Innovation District – Urban Form

- Buildings should be close to streets, paths and open spaces



Public Input Summary – Public Realm Character

“Shared roads that have through-access for deliveries and emergency vehicles when needed is great, but the streets should be lowest speed (and no street parking) to discourage any automobiles that don't *need* to be there..”

“Parking outside of the area for walking within..”

“Love the idea of pocket parks - can be small but areas for shelter from heat of Pine St.”

“Prefer more "urban jungle" than "urban meadow". (See parts of Portland, OR for reference)”

Public Space Design - WHERE DO YOU FEEL INSPIRED?

What do you want the character of public spaces in the Innovation District to be? Below are four examples - use your stickers to decide what you want public spaces to prioritize!

Green Infrastructure

Stickers go here!

Stickers go here!

ot

nts?

rev

-lt

Industrial Heritage

Stickers go here!

Stickers go here!

ot

nts?

rev

-lt

Art & Creativity

Stickers go here!

Stickers go here!

ot

nts?

rev

-lt

Modern Design

Stickers go here!

Stickers go here!

ot

nts?

rev

-lt

Streetscapes - HOW DO YOU WANT TO MOVE?

Below are four examples of streetscapes that could be developed in the Innovation District, each with varying amounts of pedestrian, cyclist, and vehicle interaction. What type do you prefer?

Car Free

Stickers go here!

Stickers go here!

ot

nts?

rev

-lt

Shared Streets

Stickers go here!

Stickers go here!

ot

nts?

rev

-lt

Complete Streets

Stickers go here!

Stickers go here!

ot

nts?

rev

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Car-Priority Streets

Stickers go here!

Stickers go here!

ot

nts?

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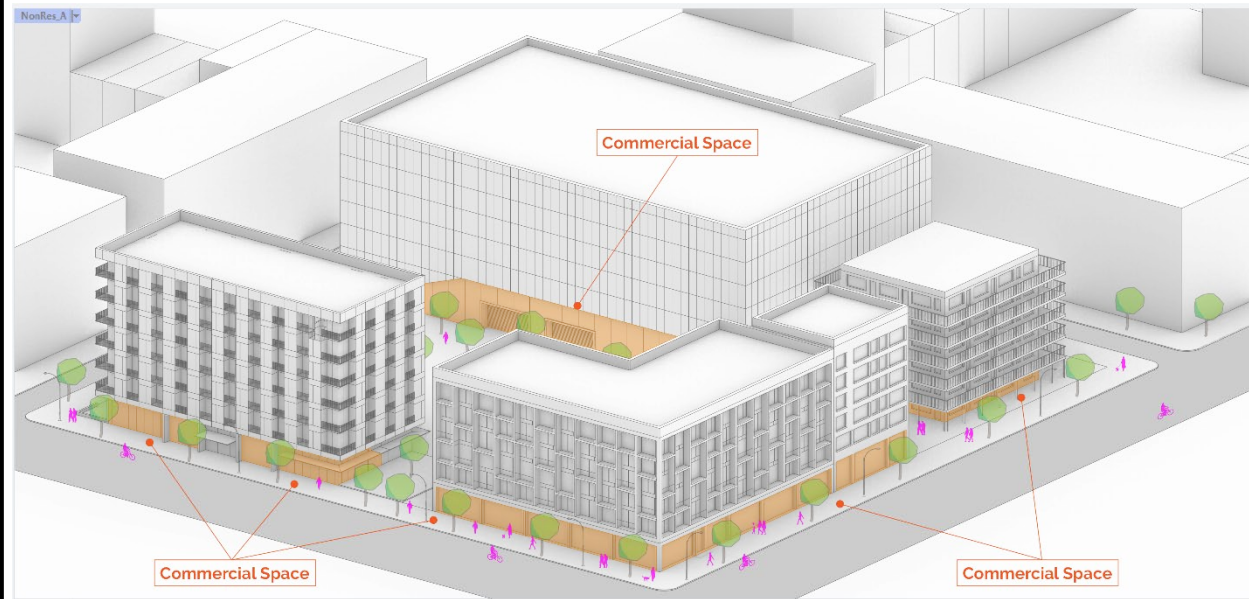
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Innovation District – Urban Form

- Buildings should include active frontages – shops or other community uses along Pine Street, Lakeside Ave., Sears Ln., Champlain Parkway, and new internal streets



Innovation District – Urban Form



Public Input Summary – Ground Floor Use

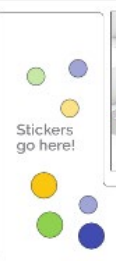
“Ground floor commercial space makes “where you live” much easier to also be “where you shop/go to the doctor/drop kids at daycare”

“Would love to have full retail, but would be concerned that development wouldn’t be able to find commercial tenants.”

“Residential on the ground floor could be great, but would prefer if it is not at grade.”

GROUND FLOOR USES - WHERE AND HOW MUCH?

Below are four unique approaches to ground floors in urban districts. Use your stickers to tell us which arrangement best matches your vision for the South End Innovation District!

Unlimited Commercial	 Stickers go here!	 Commercial Space									
Limited Commercial	 Stickers go here!	 Commercial Space									
Limited Commercial + Unlimited Community	 Stickers go here!	 Commercial Space									
Residential Only	 Stickers go here!	 Residential Space									

Innovation District – Urban Form

- The District should include a mixture of attached and detached buildings



Innovation District – Urban Form

- The District should include large, medium and small buildings, from one story up to six or eight

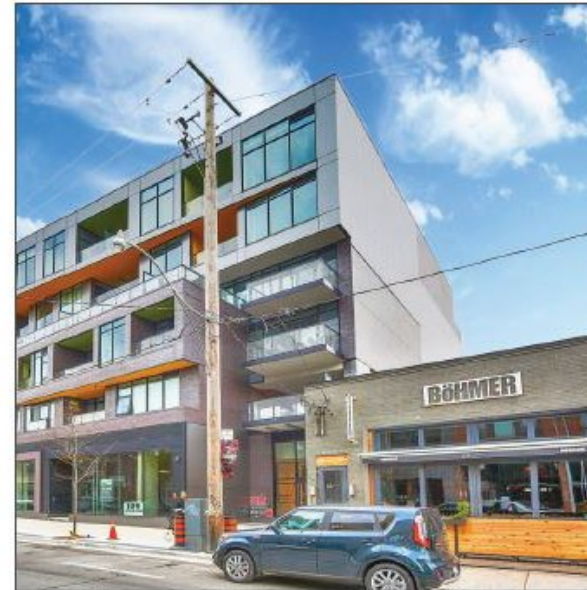


Innovation District – Urban Form

6 Stories



Mix of Stories



Public Input Summary – District Scale + Housing Types

“Provide plenty of natural landscape between/throughout with bike lanes and walking paths. blend with appropriate parking..”

"Mix of 4 & 6, 8 is too high."

"if people want the end result to be a "mix", perhaps the best policy is to allow 8 in the zoning, and allow for natural variation to provide the mix. "Preferred outcome" should not necessarily be "the rule."

"Include option for mix of building sizes - midsize + triplex/quad + town/rowhouse etc."

HOUSING - WHAT CAN YOU EXPECT?

Below are examples of multi-family building types that could be allowed in the Innovation District. Use your stickers to tell us what you think about which buildings you'd build if it were up to you!

[illegible]

DISTRICT SCALE - HOW TALL AND WHAT MIX?

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

[illegible]

Innovation District – Urban Form

- The District should include publicly accessible open spaces and paths for pedestrians, cyclists and people with disabilities



Innovation District – Urban Form

- The District should be ecologically harmonious and include green stormwater infrastructure



Next Steps

- July 12th - Planning Commission update
- July/August – Draft zoning amendment to Planning Commission
- Additional engagement events TBD
- End of year - adoption

“Missing Middle” Housing

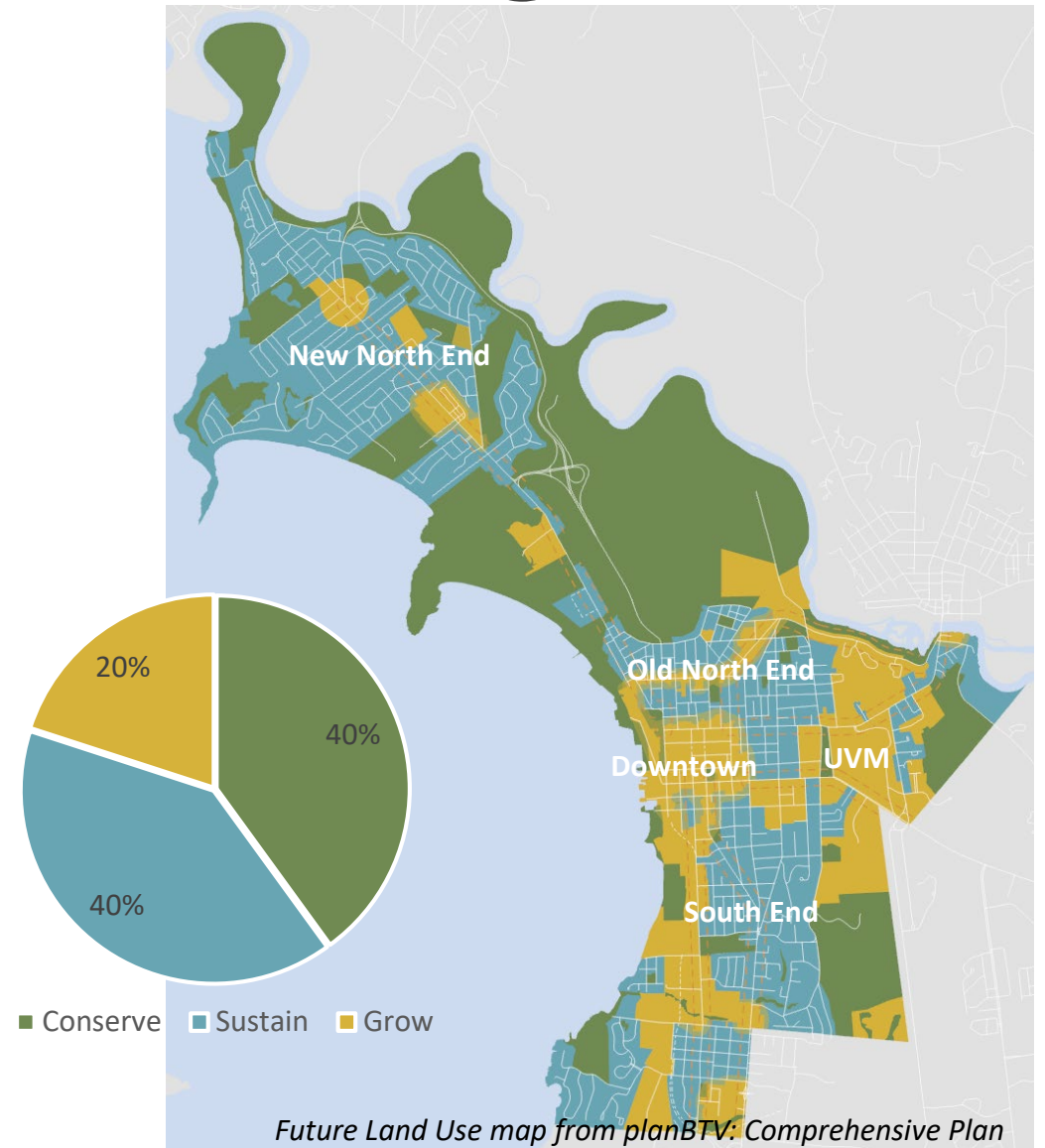
Project is about re-legalizing opportunities for “house scale” homes in neighborhoods:

- Evaluate opportunities for some duplex, triplex, 4-plex housing options in residential areas
- Explore opportunities for other small multi-unit building types along major corridors from planBTV



Why Missing Middle Housing?

- Increase access, choice, inclusion within existing neighborhoods
- Creating options within neighborhoods to realize opportunity for aging in place, multi-generational households, and inclusion
- Some estimates project that 60%+ of new housing in the U.S. needs to be Missing Middle (Nelson)
- Residential areas make up nearly 40% of all land area in the city, and two-thirds of area that is developed/developable in the city



What is Missing Middle?

This work will focus on:

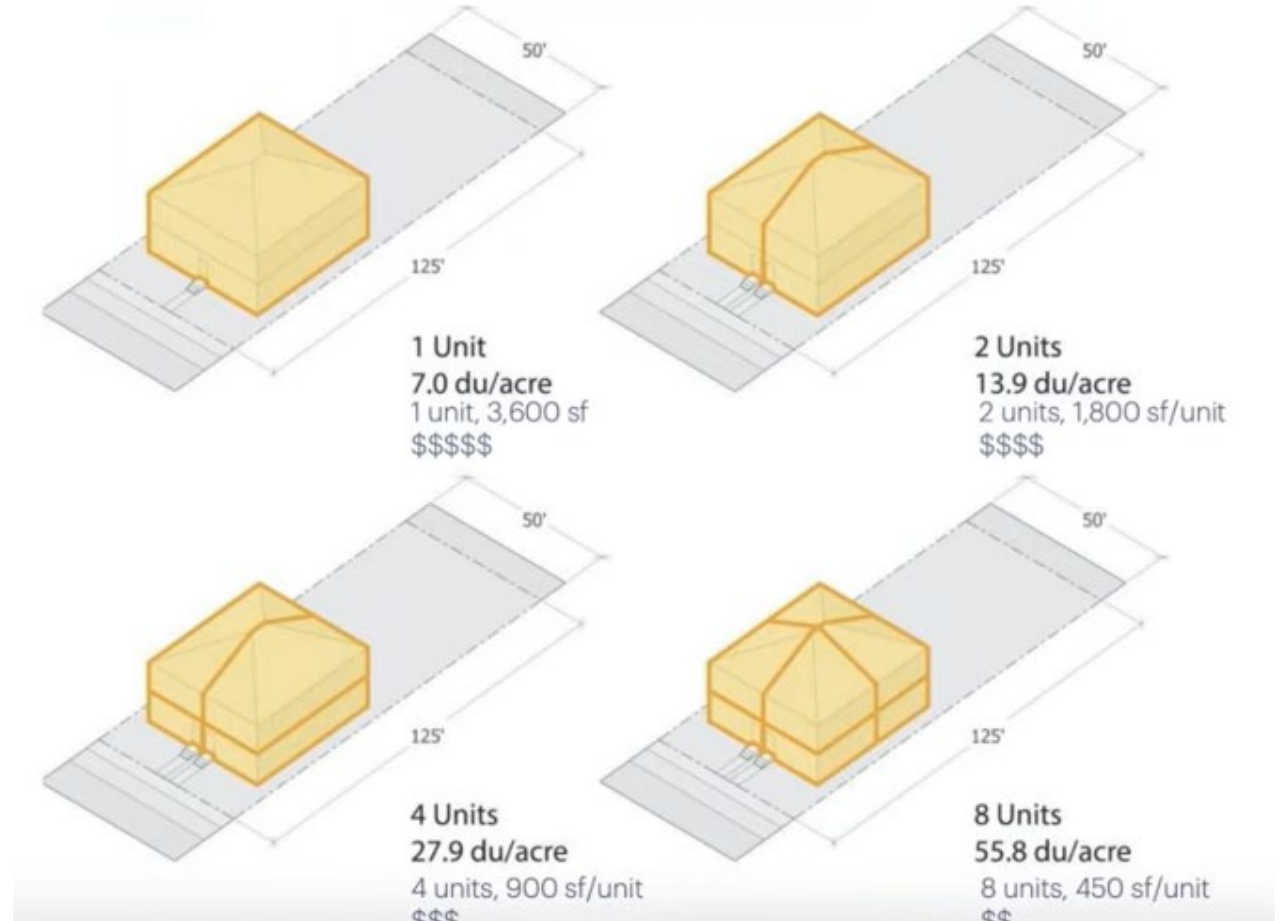
- Missing: housing types that were once legal and widely created, but are now prohibited
- Middle: housing types that have similar overall size and character as single-family homes, mix well with existing buildings, can be way to deliver affordable housing
- Infill that more closely resembles existing neighborhood patterns than typical zoning standards may enable
- Alternatives for new homes outside of the denser, mixed-use areas of the city



Image credits: Opticos Design, Inc. via AARP-VT May 2018 speaker series

What is Missing Middle?

- Moves from regulating the number of units on a lot (density) to regulating new buildings and additions to ensure “house scale”
- Address standards that effectively limit some neighborhoods to only single-family homes (i.e. minimum lot sizes)
- Considers interconnected issues of affordability & choice, historic preservation, parking, stormwater management, etc.



Credit: Opticos Design, Inc.: “Top 5 Missing Middle Implementation Mistakes and How to Avoid Them”

Project Scope & Next Steps

- **Background analyses- Underway**
 - Evaluating existing residential patterns, significant changes to residential zoning over time, limits of zoning ordinance to achieve missing middle, etc.
 - Staff analysis, with support from AARP-VT & CNU
- **Kick-off community education & engagement on missing middle – Aug to Nov**
 - Opportunities to learn about missing middle generally, what exists in city today, opportunities for future
 - Planned events: Film screening, walking tours, workshop, etc.
 - Staff-led, in collaboration with AARP-VT, some consultant support
- **Develop & evaluate appropriate models for missing middle – Winter to Spring '23**
 - Staff in collaboration with consultant support
 - Community engagement to explore options for city
- **Consider zoning amendment(s) to facilitate appropriate types – Spring to Summer '23**
 - Planning Commission + City Council consideration of zoning changes

Burlington Planning Commission

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

Burlington Planning Commission

Tuesday, July 12, 2022, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A. Montroll, A. Friend, E. Lee, M. Gaughan, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	B. Headrick, S. Bushor, B. Butani

I. Agenda

Call to Order	Time: 6:00pm
Agenda	No changes.

II. Public Forum

Name(s)	Comment
B. Headrick	B. Headrick spoke about the proposed UVM Trinity Campus amendment. She asked whether this proposed overlay would affect other parts of the Institutional District. She mentioned that if this overlay district for Trinity Campus affects other areas of Burlington, residents in those areas should be made aware. She also requested that UVM conduct a geotechnical study of the back portion of Trinity Campus to determine what type of development is appropriate. She raised a concern on whether the proposed Trinity Campus development will actually add beds since UVM has "doubled up" on dorms. UVM is also expected to receive more graduate students as it pursues an R1 designation. Another request was made to include a provision that would limit the number of off-campus students.
S. Bushor	S. Bushor sent an additional communication to the Planning Commission regarding the 6/23 public meeting on UVM Trinity Campus. She also voiced a concern on the Steep Slopes ordinance now with the City Council Ordinance Committee, particularly that it does not go far enough.
B. Butani	B. Butani characterized UVM's efforts on Trinity Campus as avoiding student housing issues. He asked that UVM provide a plan on how they are going to address the number of off-campus students.

III. Chair's Report

A. Montroll	As the City enters a new fiscal year, there is a need to discuss reorganization. This item will be on the next agenda.
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IV. Director's Report

M. Tuttle	This is the first meeting of the new fiscal year and the first meeting without Commissioner Brynne Martin, who left the Commission at the end of June. The Clerks and Treasurer's Office is advertising for Brynne's replacement. A new fiscal year reorganization is an opportunity to nominate Commissioners to various positions and committees.
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V. Proposed CDO Amendment: Trinity Campus Zoning

Action: Commission Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: M. Tuttle and C. Dillard	
Introduction:		
• M. Tuttle presented an update on the Housing Action Plan. There is a new BTV Housing Dashboard that displays key metrics for the housing market, like new housing units and median house price. The Housing Action Plan also details other initiatives to tackle housing, which can be found on the Planning website. • The Ward 1/8 NPA meetings have been successful in garnering public input on Trinity Campus. Shared goals between UVM and the City include increased beds for undergrads and graduate students, improved walking and biking paths, enhanced campus community and minimized parking. • A majority of those who attended the June 23 public meeting indicated that additional student beds is a 1st or 2nd priority. The public did voice concerns about anticipated enrollment at UVM and had larger questions about campus plans at UVM. There were some reservations regarding building height and setbacks on Colchester Avenue. There were mixed reactions, but generally more interest, in commercial use on Trinity Campus. There was general support for minimal parking. • Key topics include balance between height and setback, and, balance between residence halls, parking, and open space.		
Commissioner discussion:		
• There was clarification regarding the setback. The property line for Trinity Campus is 15 ft. from the edge of the sidewalk. In total, the setback would be about 40 ft. from the edge of the setback. A Commissioner spoke to the fact that UVM is limited with space and reasonable accommodations should be made regarding the setback. • M. Gaughan noted that Trinity Campus is about 1 mile to City Market and 2/3 of a mile to the Campus Center. Commercial use on the campus would alleviate car/parking activity. • A request was made for a Housing Management Plan, similar to a Parking Management Plan. • A. Montroll asked for more transparency about the setback, i.e. the measurement be made from a more obvious place, like the curb. • E. Lee expressed reservations of increasing the setback as it could limit where buildings can go and noted that the Campus will have open space and already has a wooded area. • There was some consensus that cafes, small grocery stores, etc. did not have to be limited to existing buildings. • There was some consensus that DRB review may not be necessary for smaller development projects, given that the Commission is already indicating that development is appropriate in this neighborhood. • E. Lee commented that little to no parking should be offered.		

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- A. Friend asked for a more tangible commitment from UVM to address their student housing shortage.
- A. Montroll spoke to the capacity of the City to assist with changes in student preferences, i.e. the current and historic preference to live off-campus. He also commented that graduate students should be included in the discussion.

VI. Housing Initiatives Update

Action: Commission Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: C. Dillard	
Introduction:		
• C. Dillard updated the Commission on the South End Innovation District. The Key Question is how large surface parking lots can be re-envisioned. • The potential Innovation District no longer includes the Dealer.com lot and adjacent apartment buildings. • The idea of the Innovation District comes from the 2019 planBTV: South End. Currently, there is one large ELM district and there is a proposed concept of 3-6 sub-districts: arts district, innovation district, light manufacturing district, enterprise-railyard, enterprise-Pine street, Enterprise-Flynn avenue. • Key Discussion points included boundaries, form code, housing (primary vs. supportive use, new buildings vs. retrofitting existing buildings), and office space. • The working intent of the district is that it is vibrant, urban, allows for a mix of uses, creates new homes, and limits emissions. • There have been at least 12 public engagement and stakeholder meetings on this topic. • NPA meetings garnered interest or concern surrounding the topics of the Barge Canal, the Champlain Parkway, potential inequities in housing creation, and the South End Multimodal Center Feasibility Study. • The late June/early July public meetings were centered on four themes: land use, district scale, public realm, district boundary. • Hospitality use and car-priority streets stood out as <i>unpopular</i> among members of the public. A mix of 4/6/8 stories and mid-size apartment buildings were popular. • A draft Zoning Amendment will be presented to the Planning Commission in late July or early August.		
Commissioner discussion:		
• Y. Bradley spoke to an increased desire in commercial space in the South End; however, it may not be necessary to have a large amount of retail spaces.		

VII. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A. Friend	Second by: E. Lee	Approved Unanimously
Minutes Approved for 6/28 meeting with an edit to clarify M. Gaughan's comment about being supportive of permanent affordable housing. Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

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VIII. Adjourn

Adjournment		Time: 7:40pm	
Motion: E. Lee	Second: M. Gaughan	Vote: Approved Unanimously	