

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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www.burlingtonvt.gov/pz

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

Burlington Planning Commission

Tuesday, July 11, 2023, 6:30 pm

Remote & Virtual Meeting via Zoom

In-Person Option Available:

Bushor Conference Room (Room 102), 1st Floor of City Hall, 149 Church St.

To Join the Meeting on a Computer

Link: <https://zoom.us/j/93943167252>

To Join the Meeting on a Phone

Number: +1 719 359 4580 **Meeting ID:** 939 4316 7252

AGENDA

I. Agenda

II. Public Forum

III. Chair's Report

IV. Director's Report

V. Project Update: Citywide Transportation Options Study and Transportation Planning Work

Staff and the City's consultant, Nelson\Nygaard, will present and provide an update on the Citywide Transportation Options Study, which will recommend revisions to the City's TDM initiatives and policies. Transportation Planning staff from Department of Public Works will also provide an update on their current and upcoming work. Information related to this item is not included in the agenda packet but will be presented at the meeting.

VI. Proposed CDO Amendment: ZA-24-01 Technical Amendments

The Commission will discuss the proposed amendment, which includes numerous technical corrections to the CDO. Information related to this item is included in the agenda packet on page 4.

Staff Recommendation: Ask questions and provide feedback on the draft amendment. Warn the amendment for a public hearing and approve the municipal bylaw amendment

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

Staff will share the ZA-23-01 amendment as revised by the City Council Ordinance Committee. Information related to this item is included in the agenda packet on page 27.

Staff Recommendation: Reapprove the municipal bylaw amendment report and, if desired, provide any additional comment to the City Council.

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 cdillard@burlingtonvt.gov.

VIII. Commissioner Items

- a. Committee Reports

IX. Minutes & Communications

- a. The minutes of the June 27 meeting are enclosed in the agenda packet on page 45.
- b. Communications are enclosed in the agenda packet.

X. Adjourn

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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 cdillard@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.



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

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
DATE: July 6, 2023
RE: Proposed CDO Amendment – ZA-24-01: Technical Amendments

Overview & Background

In review and administration of the Comprehensive Development Ordinance (CDO), staff and applicants have noted various elements that require minor, technical amendment to correct spelling, cross-references, or clarify the administration of specific provisions. This package of technical amendments is the natural result of administering a lengthy and complex ordinance, and regularly amending it to implement specific policy goals. As is typical every few years, this package of amendments has been prepared jointly by staff from the Office of City Planning and Department of Permitting and Inspections. The technical corrections can be categorized as follows, and more specifically described in staff comments in the enclosed draft amendment:

- **Spelling/Numbering/Formating Errors:** These majority of these amendments would correct spelling errors, errors in numbering of sections and subsections, and formatting errors, mostly related to cross-references to other portions of the CDO.
- **Site/Building Standards and Features:** These amendments are primarily needed to correct errors in the code to ensure consistency or to clarify ambiguities raised by the Development Review Board and DPI staff.
- **Internal Consistency and Administrative Clarity:** These amendments address internal ambiguity around definitions and methods for calculating density, and provide greater clarity for the implementation of recent major policy initiatives related to inclusionary zoning and ADU provisions.
- **Use Table Errors:** The use table incorrectly states that the Mental Health Crisis Center is a prohibited use in the Neighborhood Mixed Use district, while it should be listed as a conditional use. Changes to the Use Table also clarify that use tables for the downtown form districts are found in Article 14.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment corrects a number of errors in the CDO that are considered technical and will provide further clarity and consistency of administration for staff and applicants.

Proposed Amendments

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

1. Amends Article 3 – Applications, Permits, and Project Reviews

- Modifies Sec. 3.1.2 to exempt new interior finished space from requiring a zoning permit

- Modifies Sec. 3.2.7 to exempt certain ADUs from DRB review when associated with a COA Level II permit

2. Amends Article 4 – Zoning Districts and Maps to make various corrections

- Modifies Sec. Table 3.5.2.1 to provide a Table header name;
- Modifies Sec. 4.3.1 to change "NAC-RC" to "NAC-R," consistent with other references to this district in the CDO;
- Modifies Sec. 4.4.1 to correct the subsection numbering;
- Modifies Sec. 4.4.2 to correct a typo in the Table 4.4.1-1 building height column and correct the numbering of table footnotes;
- Modifies Sec. 4.4.5's Table 4.4.5-3 to correct a cross-reference and re-number the Table's footnotes;
- Modifies Sec. 4.4.5 to remove "swimming pool" from list of accepted accessory structure exemptions, providing consistency with Sec. 5.2.3(b);
- Modifies Sec. 4.4.5(d) 3 to correct the reference to Article 5;

3. Amends Article 5 – Development Review Standards to make various corrections

- Modifies Sec. 5.1.2 to correct a cross-reference;
- Modifies 5.2.5 to reword from "buildings" to "structures" to provide greater clarity;
- Modifies Sec 5.2.6 to add "from the average grade" language to this section that regulates building height on sloped sites as per a previous zoning amendment;
- Modifies Sec. 5.2.6 to correct the subsection lettering;
- Modifies Sec. 5.2.6 to increase modestly the allowed variation in maximum building height;
- Modifies Sec. 5.2.7 to clarify the Floor Area Ratio standard, particularly to reference lot area rather than an undefined term "site";
- Modifies Sec. 5.3.5 to delete an obviated reference to conditional use requirements;
- Modifies Sec. 5.4.8 to provide consistency across CDO elements in discussing the extent of lot coverage bonuses;
- Modifies Sec. 5.4.13 to correct a reference to the FD5 and FD6 in the Downtown Form Code;

4. Amends Article 7 – Signs to provide updated guidance and greater clarity

- Modifies Sec. 7.1.8 to update the historic marker definition based on typical dimensions for such signs;
- Modifies Sec. 7.2.13 to provide greater clarity in regulating wall signs when proposed for buildings taller than two stories

5. Amends Article 9 – Inclusionary and Replacement Housing to correct a cross-reference

- Modifies Sec. 9.1.12 to confirm intent that IZ density bonus is permitted only when IZ units are provided on the same lot or lots as the project's market rate units;
- Modifies Sec. 9.1.15 to correct a cross reference to the Code of Ordinances

6. Amends Article 10 – Subdivision Review to update submission requirements based on a recent policy change

- Modifies Sec. 10.1.5 to correct language that currently calls for paper copies of submissions when only digital copies are currently required

7. Amends Article 14 – PlanBTV Downtown Code to make various corrections

- Modifies Sec. 14.4.13 to correct the subsection numbering
- Modifies Sec. 14.7.1 to correct a typo
- Modifies Sec. 14.7.2 to correct a typo and clarify use of term “abandonment” as meaning “discontinuance”
- Modifies Sec. 14.8 to correct a typo

8. Amends Appendix A –Comprehensive Use Table to correct the table

- Modifies the Use Table to correct an error in the Mental Health Crisis Center row
- Creates a new Downtown Form Districts Column
- Corrects district identification error from NAC-RC to NAC-R

Relationship to planBTV

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

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

Compatibility with Proposed Future Land Use & Density

This amendment has no direct impact on land use and density, except in that it corrects errors and provides greater clarity.

Impact on Safe & Affordable Housing

This amendment has no direct impact on safe and affordable housing, except in that it corrects errors and provides greater clarity.

Planned Community Facilities

This amendment has no direct impact on planned community facilities, except in that it corrects errors and provides greater clarity.

Process Overview

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

Planning Commission Process				
Draft Amendment prepared by: Staff 7/6/23	Presentation to & discussion by Commission 7/11/23	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

ZA-24-01 Technical Amendments

ORDINANCE _____

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

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 3.1.2 Zoning Permit Required, 3.2.7 Administrative Review and Approval, 3.5.2 Applicability, 4.4.1 Downtown Mixed Use Districts, 4.4.2 Neighborhood Mixed Use Districts, 4.4.5 Residential Districts, 5.1.2 Structures, 5.2.5 Setbacks, 5.2.6 Building Height Limitations, 5.2.7 Density Calculations, 5.3.5 Nonconforming Structures, 5.4.8 Historic Buildings and Sites, 5.4.13; 7.1.8 Sign Permit Applications, Submission Requirements Review and Decision-making, 7.2.13 Wall Sign, 9.1.8 Inclusionary Rentals Units, Rentals and Sales, 9.1.12 Additional Density and Other Development Allowances, 9.1.15 Marketing of Inclusionary Units, Article 10 Subdivision Review, Sec. 13.1.2 Definitions, 14.4.13 Urban Design Standards, 14.7.1 Application for a Zoning Permit: Submission Requirements and Review, 14.7.2 Non-Conformities, 14.8 Glossary, and Appendix A, thereof to read as follows:

Sec. 3.1.2 Zoning Permit Required

(a-b) As written

(c) Exemptions

1-20. As written

21. The creation of new interior finished and habitable space where no change of use or exterior alteration is proposed.

Sec. 3.2.7 Administrative Review and Approval

(a) The administrative officer is hereby authorized to undertake the review and approval of those applicable applications subject to the planBTV: Downtown Code under Sec. 14.7.1 e) i and all of the following types of applications:

1. Basic;
2. Awning;
3. Fence;
4. Sign;
5. COA Level I; and,
6. Lot Line Adjustment.

In addition, the administrative officer is hereby authorized to undertake the review and approval of certain COA Level II applications subject to the following thresholds and conditions:

7. Granting of parking waivers for up to ten spaces in the NMU zones where there is a change of use from one non-residential use to another wholly within an existing building;
8. Waivers for residential parking in tandem situations where there is one space behind one other, usually in a driveway;
9. Additions to single family houses in a design control district located 200feet or more from the lakeshore and that are 50% or less of the existing gross floor area of the principal structure;
10. Simple renovations in design control districts such as door and window changes, re-siding, re-roofing, enclosing porches, adding a shed or garage, and additions no greater than 500 square feet in size that otherwise comply with all applicable dimensional standards of Art. 4 and the development review criteria of Art. 6;
11. Compliance with conditions of approval as specified in a written decision of the DRB; ~~and,~~
12. Minor amendments to development applications previously approved by the DRB where the proposed amendment otherwise qualifies for administrative review as a COA Level I application or under the planBTV: Downtown Code under Sec. 14.7.1 e) i and will not substantively alter any findings of fact or DRB decision and related conditions of approval; ~~and,~~
- 12-13. Creation of an Accessory Dwelling Unit where no other applicable standards would require review by the DRB.

Sec. 3.5.2 Applicability

(a) As written

(b) Major Impact Review:

Major Impact Review shall be required for the approval of all development involving any one or more of the following:

Table 3.5.2-1 Zoning Districts

	Downtown Mixed Use and Form Districts	Neighborhood Mixed Use, Institutional, Enterprise,	Residential-Medium Density, Residential – High Density	Residential-Low Density	RCO-A, RCO-C, RCO-RG, UR
Dwelling Units	Creation of fifty (50) or more dwelling units	Creation of twenty-five (25) or more dwelling units	Creation of ten (10) or more dwelling units	Creation of five (5) or more dwelling units	NA
Land Subdivision	NA	NA	Creation of ten (10) or more lots;	Creation of five (5) or more lots	NA
Non-residential or Mixed Use Development	A development footprint ¹ of fifty thousand (50,000) s.f. or more, or the creation of one hundred thousand (100,000) s.f. or more of	A development footprint ¹ of twenty thousand (20,000) s.f. or more, or the creation of forty thousand (40,000) s.f. or more of gross floor area.	A development footprint ¹ of eight thousand (8,000) s.f. or more, or the creation of fifteen thousand (15,000) s.f. or more of gross floor area.	A development footprint ¹ of five thousand (5,000) s.f. or more, or the creation of ten thousand (10,000) s.f. or more of gross floor area.	Creation of five thousand (5,000) s.f. or more of gross floor area ²

	gross floor area.				
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¹ Development Footprint: total area of impervious coverage – buildings and parking.

² Farm structures are exempt per 10 VSA 6001.

In addition, Major Impact Review shall also be required for multiple projects undertaken by the same applicant or responsible party within any consecutive twelve (12) month period on the same or adjacent property that in the aggregate equal or exceed the above criteria.

Sec. 4.3.1 Base Districts Established

The following zoning districts are hereby established as illustrated in Map 4.3.1.-1 and further described in Part 4 below:

(a) As written

(b) A series of four (4) Neighborhood Mixed Use districts (see Sec. 4.4.2)

- Neighborhood Mixed Use (NMU);
- Neighborhood Activity Center (NAC);
- Neighborhood Activity Center - Riverside Corridor (NAC-RC); and,
- Neighborhood Activity Center – Cambrian Rise (NAC-CR);

(c-g) As written

Sec 4.4.1 Downtown Mixed Use Districts

(a-b) As written

(c) As written

(d) District Specific Regulations

1. As written

23. Facades and Setbacks on Side and Rear Property Lines

As written

34. Lake Champlain Waterfront Setback:

As written

45. Development Bonuses/Additional Allowances

As written

Sec. 4.4.2 Neighborhood Mixed Use Districts

(a) As written

(b) Dimensional Standards and Density

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

Table 4.4.2 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Building Height (feet)
			Front ³	Side	Rear	
NAC	2.0 FAR	80% ⁴	0	0 ²	0 ²	Min: 22', 2 stories Max: 35

NMU	2.0 FAR	80%	0 ⁵	0 ²	0 ²	Min: 22', 2 stories Max: 35'
NAC-Riverside	2.0 FAR	80%	0	0 ²	0 ²	Min: 22', 2 stories Max: 35'
NAC-CR	2.0 FAR	60%	Min. 0 ⁷ Max. 20 ⁷	10 ⁶	20 ⁶	Min: 22', 2 stories Max: 65'

1. Floor area ratio is described in Sec. 5.2.7. Measurement of and exceptions to height limits are found in Sec 5.2.6. Bonuses for additional FAR and height where available are described in section (d)3 below, and additional height, FAR and lot coverage is afforded by-right for inclusionary housing projects under Sec. 9.1.12. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
2. Structures shall be setback a minimum of 15-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.
3. Structures shall be setback a minimum of 12-feet from the curb on a public street.
4. Exceptions to maximum lot coverage are provided in (d)2.
5. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.
6. Side and rear yard setbacks are applicable only to the periphery of the NAC-CR district and not to individual parcels within the district.
7. Front yard setbacks for buildings fronting on North Avenue shall be 20' min and 30' max.

(c-d) As written

Sec 4.4.5 Residential Districts

(a) As written

(b) Dimensional Standards and Density

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

Table 4.4.5-1 As written

Table 4.4.5-2 As written

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ⁴
		Front ²	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5- feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ⁴
		Front ²	Side ³	Rear	Waterfront	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet

1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.

2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.45.

3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to exceed 75-feet.

4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.

5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ⁴
		Front ²	Side ³	Rear	Waterfront	
on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.						
6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.						
7. For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet in any event.						

(c) As written

(d) District Specific Regulations

1. As written2. Lot Coverage

1.Exceptions for Accessory Residential Features

-In addition to lot coverage exemptions in Sec. 5.2.3 (b), within the RL, RL-W, RM and RM-W districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking:

(i) Decks;

(ii) Patios;

(iii) Porches;

(iv) Terraces

(v) Tennis or other outdoor game courts;

(vi) Swimming pools and swimming pool aprons;

(vii) Walkways;

(vii) Window Wells; and/or

(ix) Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Administrator.

3. Accessory Residential Structures, Buildings and Uses

An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

A. Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Parts 1 and 2;

B. Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of

Art. 3, Part 4 and the applicable standards of Art 6;

C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building; and

D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.

4-6. As written

Sec. 5.1.2 Structures

Except as otherwise provided by law or by this ordinance, no structure in any district shall be created, removed or altered except in conformance with the provisions of this Article and the requirements of the district in which such land or structure is located.

(a-c) As written

(d) Accessory Residential Structures or Buildings

An accessory structure or building customarily incidental and subordinate to a principal residential use, structure, or building shall also be governed by the provisions of **Sec. 4.4.5(d)43**.

(e-f) As written

Sec. 5.2.5 Setbacks

Setbacks between **buildings structures** and property lines where required are intended to provide access to light and air, provide fire separation and access, and maintain the existing neighborhood pattern of **buildings-structures** and open spaces between them and to the street.

(a-b) As written

Sec. 5.2.6 Building Height Limits

No structure shall exceed thirty-five (35) feet in height unless otherwise authorized under the district-specific provisions of Article 4:

(a) As written

(b) Building on Sloped Sites

Buildings on slopes shall reflect the pre-construction topography of the site by making use of opportunities to vary the building's height and roof forms relative to terrain changes as follows:

1. **Measurement Interval:** Building height shall be measured **from the average grade** along the street-facing façade at intervals of no less than 32-feet or more than 65-feet along the entire length of the street-facing façade (s).
2. As written
3. As written

(c) Exceptions to Height Limits

1-5. As written

6. The administrative officer may allow for up to a ~~5~~10% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.

(ed) Clear Sight Triangle

Sec. 5.2.7 Density Calculations

(a) As written

(b) Floor Area Ratio

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

Sec. 5.3.5 Nonconforming Structures

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);
- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,
- iii) Be compatible with the character and scale of surrounding structures.

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Within all districts, and subject to the Development Review Board approval, structures for the purpose of creating an ADU may be constructed on lots with legally non-conforming lot coverage per Sec.5.2.3 (b) 10.

2. Such a change or modification shall not create any new nonconformity; and,
3. Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.

When any portion of a nonconforming structure has been made conforming, it shall not be made nonconforming again except as provided for historic building features pursuant to Sec. 5.2.5(b)(4).

A non-conforming residential structure may be enlarged up to the dimensional standards of the underlying zoning district, subject to review and approval by the DRB pursuant to Art. 3, Part 4 Design Review ~~and Art. 3, Part 5 Conditional Use Review~~. Adaptive reuse or residential conversion bonuses may allow a greater expansion than the underlying zoning district allows approved per the provisions of Article 4.

Sec. 5.4.8 Historic Buildings and Sites

(a-d) As written

(e) Historic Building Rehabilitation Bonus:

In order to facilitate the rehabilitation and reuse of historic buildings in Residential and Institutional districts, development in excess of the limits set forth in Tables 4.4.4-1, 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to all of the following conditions:

- i. The principal building shall be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places;
- ii. The density limits of the underlying zoning district in Sec. 4.4.4(b) and 4.4.5(b) shall not apply. The extent of development shall instead be limited to an expansion up to a total of 125% of pre-application gross floor area of the qualifying principal building in (i) above;
- iii. The rehabilitation conforms to the requirements of Sec.5.4.8 (b) above;
- iv. Neighborhood commercial uses may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(5)(A); and,
- v. Lot coverage shall not exceed the figure established in Table 5.4.8-1:

Table 5.4.8-1 Historic Building Rehabilitation Bonus

District	Maximum Coverage ¹
RL, RL-W, I	Expansion up to <u>the greater of 62% lot coverage or a total of 125% of pre-application principal building coverage.</u>
RM, RM-W	Expansion up to <u>the greater of 72% lot coverage or a total of 125% of pre-application principal building coverage.</u>
RH	Expansion up to <u>the greater of 92% lot coverage or a total of 125% of pre-application principal building coverage.</u>
<u>1. The maximum lot coverages identified in this table are applied in Table 4.4.5-8 – Maximum Density, Lot Coverage and Building Heights with Bonuses</u>	

Sec 5.4.13 Emergency Shelters

Emergency shelters shall be subject to the site and design review standards in Art 6.

In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:

- (a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;
- (b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;
- (c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition FD5 and FD6 zones;
- (d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;
- (e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and,

- (f) An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.

Sec. 7.1.8 Sign Permit Applications, Submission Requirements, Review and Decision-making

(a-g) As written

(h) Historic Marker

A non-illuminated Wall Sign ~~two (2) square feet or less in size~~ sixteen square feet or less in size commemorating the historic significance of a building or site.

(i-j) As written

Sec. 7.2.13 Wall Sign

Description

This Sign type has a single face and is attached, painted, or otherwise mounted parallel to a building or structure wall on a Primary or Secondary Frontage or elevation where no street Frontage is available.

Specifications

Height (max)

No higher than the floor level of the second story. 253

Area (max)

- 2 sf per linear foot of street frontage, or elevation where no street frontage is available, associated with a first floor tenant.
- 10 sf for a second floor or above tenant with only a ground floor entryway.
- In no case may the total area of all Wall Signs exceed the lesser of two hundred (200) square feet or fifteen (15%) per cent of the area of the façade or elevation to which they are attached.
- A Wall Sign in any residential district shall not exceed 6-sf in area.
- A Wall Sign in a RCO-R/G district shall not exceed 20-sf in area.

Depth/Projection (max)

12-in max. from the facade

Sec 9.1.8 Inclusionary Units, Rentals and Sales

For covered projects in which units are offered for rent or sale, a base of fifteen percent (15%) of all of the dwelling units in the project, graduated as specified in Table 9.1.8-1, shall be designated as inclusionary units

This includes any covered project where units are offered for sale via the conveyance of a deed or share for individual units, including fee simple ownership, condominium ownership and cooperative ownership.

Table 9.1.8-1 Inclusionary Zoning Percentages	
If the average sale and rental price of project units is affordable to a household earning:	The percentage of units which are subject to rent and sales prices as per Sec. 9.1.9 and are subject to marketing and continued affordability provisions (Sec. 9.1.105 and Sec. 9.1.146) shall be at least:
Less than 139% of AMI	15%
140%-179% of AMI	20%

Development in any Waterfront district (RM-W, RL-W, NAC-CR and FD5 west of Battery St) or 180% of AMI and above in any other district	25%
Off-campus student housing	15% of total beds

Sec. 9.1.12 Additional Density and Other Development Allowances

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

(a) Any covered project shall be entitled by right to an increase in the maximum lot coverage density/intensity, and, where applicable, height allowed for the lot(s) on which the project is located when all required Inclusionary Units are constructed on the same lot, or lots subject to Article 11 Planned Development. Calculations for these entitlements shall be based on the following tables:

Sec. 9.1.15 Marketing of Inclusionary Units

(a) Trust Fund Notification

The developer shall notify the Housing Trust Fund Manager, as defined in Section 18-400-403 of the Burlington Code of Ordinances, of the prospective availability of any inclusionary units at the time that the building permit is issued for such units in a covered project;

Sec. 10.1.5 Lot Line Adjustments

The intent of this section is to provide for an abbreviated review and approval process for the realignment of lot boundary lines between existing adjacent lots, including the merger of lots, where no additional lots are being created. In addition, a lot line adjustment shall include the addition and subtraction of vestigial alleys, as defined in Article 13, when being combined with an adjacent lot. A lot line adjustment shall not constitute a subdivision.

(a) Lot Line Adjustment Submission Requirements:

1-3. As written

4. Two (2) copies One digital or electronic copy of a lot line adjustment plat which shall include the following:

The plat shall be prepared by a Vermont licensed land surveyor and indicate all lots that are proposed to be modified as a result of the proposed lot line adjustment. The survey shall be sufficient to clearly indicate the area, metes, bounds, and ties of each of the affected lots.

The survey shall include all structures and site improvements and delineate all building/structure setbacks, lot coverage, parking spaces and any other details as may be specified by the Administrative Officer..

The following additional language shall be printed on the plat:

“Approval of this lot line adjustment plat does not constitute the creation of a separate parcel or lot. It adjusts the physical location of the common boundary of the adjoining parcels or lots. This lot line adjustment has been approved by:”

City of Burlington Administrative Officer/ Assistant Administrative Officer

Date: _____ Zoning Permit # _____

(b) Completeness of Submission:

Upon receipt of a complete application, the administrative officer shall have no more than thirty (30) days to render a decision on the lot line adjustment application pursuant to the provisions of Sec. 3.2.5.

Sec. 13.1.2 Definitions

Density Calculation: A calculation based on the lot size and the allowable units per acre or FAR as applicable in a given zoning district.

~~Floor Area Ratio: The ratio of above-ground gross floor area to gross site area or, a multiplier representative of the development limits of a site applied to the parcel/land size.~~

Sec. 14.3.6 Civic Spaces

(a-b) As written

(c) Park

Intent

As written

Specifications

As written

Typical Features

As written

Parking

~~On-site parking is not required unless facilities for structured recreation and community events such as recreation fields and courts, swimming pools, and community rooms are provided. No on-site parking is required.~~

Sec. 14.4.13 Urban Design Standards

(a-c) As written

(d) Building Materials

The following requirements regarding the selection and use of Building materials is intended to improve the physical quality and durability of buildings, enhance the pedestrian experience, and maintain the character of the downtown area.

i. Primary Materials: Not less than 80 percent of each street-facing Facade (not inclusive of voids) shall be constructed of one or more primary materials comprised of tested and proven, high quality, durable, natural products, and those with low embodied carbon. For Facades over 100 square feet, more than one Primary Material shall be used. Changes between Primary Materials must occur only at inside corners. The following are considered acceptable Primary Materials:

- A. Brick and tile masonry;
- B. Native or sintered stone;
- C. Wood – panels, clapboard or shingles;
- D. Glass curtain wall; and,
- E. Cementitious siding;

ii. Accent Materials: The following Accent Materials may make up no more than 20% of the surface area on each Façade. Accent Materials are limited to:

- A. Pre-cast and cast-in-place board-formed, finished and/or textured, and patterned masonry;
- B. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);
- C. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);

D. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);

E. Split-faced block (for piers, foundation walls and chimneys only); and,

F. Glass block.

iii. Doors and Windows: Commercial grade doors, windows, and hardware shall be used on all Building Types with the exception of the Rowhouse and Multi-family - Small Building Types used for residential purposes.

iv. Roof Materials (not applicable to flat roofs). Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. To the extent possible, all roof materials and colors should be selected to maximize the roof's Solar Reflectance Index (SRI).

vi. Alternate Materials: Alternate Primary and Accent materials, including high quality synthetic materials, may be approved by the Administrative Officer after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and demonstrate successful, high quality installations in a similar climate. Regionally-available materials, and those with low embodied carbon, will be strongly preferred.

vii. Other:

A. The use of recycled and/or regionally-sourced materials is strongly encouraged.

B. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.

C. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.

Sec. 14.7.1 Applying for a Zoning Permit: Submission Requirements and Review

(a-e) As written

(f) Review and Approval of Civic Spaces and Civic Buildings

The creation of new Civic Spaces or Civic Buildings, or the Substantial Modification of an existing Civic Space or Civic Building, shall follow the process as defined below. Any other proposed alteration to an existing Civic Space or Civic Building shall be reviewed and approved by the Administrative Officer who shall ensure ongoing compliance with the intent and standards of this Chapter as applicable.

Because of their important civic nature and public use, the design and form of a new or Substantial Modified Civic Space or Civic Building shall be determined after:

- pre-application review and consultation with the departments of Coty City Planning, Permitting and Inspections, Community and Economic Development, and Parks, Recreation, Waterfront;
- a pre-application Neighborhood Public Meeting pursuant to Sec. 3.2.1 (d) of the BCDO;
- review and recommendation of the Design Advisory Board; and,
- final review and approval by the Development Review Board.

In its discretion to approve a new Civic Space or Civic Building, the Development Review Board, after a Public Hearing, shall consider and reach an affirmative finding on each of the following:

i. Conformance with the adopted land use and development plans for the area as identified in the Municipal Development Plan;

ii. Consistency with:

A. the purpose of this ordinance;

B. the intent of the Form District where the project is located;

C. the purpose of Civic Spaces generally; and,

D. the intent of the Civic Space Type being proposed; and,

iii. that the proposed Civic Space or Civic Building as designed provides a positive public benefit and enhancement to the community and the context within which it is proposed.

Sec. 14.7.2 Non-Conformities

In addition to that as specified in Article 5, Part 3 Non-Conformities of the *Burlington Comprehensive Development Ordinance*, any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto which lawfully existed at the time of adoption of the applicable provisions of this Article or any amendment thereto may be continued subject to the following provisions:

a) Nothing in these regulations are intended to prevent normal repair and maintenance necessary to keep a Building, Structure, Site, Improvement or other appurtenance thereto in a safe and sound condition;

b) Any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto which legally existed on the effective date of this Article that does not conform to the requirements of this Article may continue until a Substantial Modification is requested or ~~Abandonment-discontinuance~~ occurs.

c) Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part.

d) At such time when a Substantial Modification is requested or ~~Abandonment-discontinuance~~ occurs, only the affected portion(s) of the Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto shall be required to comply with all applicable provisions of this Article and to the greatest extent practicable in the determination of the Administrative Officer or unless relief is provided by the DRB pursuant to Sec. 14.7.3 below; and,

~~de~~) Buildings listed or eligible for listing on the State or National Register of Historic Places shall not be required to make any modifications under this section that would threaten their historic integrity.

Sec 14.8 Glossary

Civic: the term defining public or quasi-public activities dedicated to arts, culture, education, recreation, government, places of ~~workshopworship~~, public assembly, and public transportation.

Appendix A Use Table – All Zoning Districts

See Appendix A

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ^l	Downtown Form Districts (See Article 14)	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N		N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	Y ²	Y	Y	N		Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N	Y	Y	N		Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	N		Y	Y	Y	Y	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	N		Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	N		CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	N		CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	N		Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N		N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	N		CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	N		Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	N		CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N		N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N		N	N	N	N	N	N
Short Term Rental ³³	N	N	N	N	Y	Y	Y	Y	N		Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	N		Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N		N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	N		N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N		N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	N		Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	N		CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	N		Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	N		N	Y	Y	N	N	CU ²⁷

Appendix A-Use Table – All Zoning Districts

Automobile Body Shop	N	N	N	N	N	N	N	N	N		N	N	Y	N	N	Y ²⁷
Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)		CU	Y	Y	Y	N	Y ²⁷
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	N		CU ^{9, 12, 14}	CU ^{9, 12, 14}	CU ¹⁴	N	N	Y ²⁷
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	N		N	Y	Y	N	N	CU ²⁷
Automobile/Vehicle Salvage Yard	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	N		Y	Y	Y	Y	Y	Y ²⁷
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	N		Y	Y	Y	Y	N	Y
Bar, Tavern	N	N	N	N	N	N	N	N	N		CU	CU	CU	CU	N	N
Beauty/ Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N		Y	Y	CU	Y	N	N
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	N		Y	Y	Y	Y	N	Y ²⁷
Billiard Parlor	N	N	N	N	N	N	N	N	N		CU	Y	CU	Y	N	N
Boat Repair/Service	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	CU	CU	N	N	Y ²⁷
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	Y	Y	N	N	Y ²⁷
Boat Storage	N	N	CU	N	N	N	N	N	N		N	CU	CU	N	N	Y ²⁷
Bowling Alley	N	N	N	N	N	N	N	N	N		CU	Y	Y	Y	N	Y
Building Material Sales	N	N	N	N	N	N	N	N	N		N	Y ¹⁰	Y	N	N	Y ²⁷
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	CU	CU ²⁷
Camp Ground	N	Y	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	N		N	CU	Y	CU	N	CU ²⁷
Cemetery	N	N	Y	N	N	N	N	N	N		N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU	N		CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	N		CU	CU	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	N		Y	Y	Y	Y	N	CU ²⁷
Community Garden	N	Y	Y	N	Y	Y	Y	Y	N		Y	Y	Y	Y	Y	Y ²⁷
Conference Center	N	N	N	N	CU	N	N	N	N		N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	N		N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	N		N	N	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ¹²	N		Y ¹²	Y	Y	Y ¹²	N	Y ²⁷
Convention Center	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N
Courthouse	N	N	N	N	Y	N	N	CU	N		N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N		N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	N		Y	Y	Y	Y	N	N
Daycare (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N		Y	Y	Y	Y	CU	CU ^{17,27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	N		Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	N		Y	Y	Y	Y	N	Y

Appendix A-Use Table – All Zoning Districts

Distribution Center	N	N	N	N	N	N	N	N	N		N	N	CU	N	N	CU
Dry Cleaning Plant	N	N	N	N	N	N	N	N	N		N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	N		Y ²⁴	Y	Y	Y ²⁴	N	CU ²⁷
Film Studio	N	N	N	N	Y	N	N	N	N		N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	N		Y	Y	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	N		CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	N		CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	N		CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	N		CU ²⁴	Y	Y	N	Y	Y ²⁷
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	N	Y ²⁷
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	CU ¹⁸	CU	CU	N	CU ^{17,27}
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	N		Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	N		N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	N		N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU	N		CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	N		Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	N		N	N	N	N	N	N
Lodging	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	Y	N	Y	N	N
Junkyard	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N		Y ¹³	Y	Y	Y	N	Y ²⁷
Library	N	N	N	N	Y	CU	CU	Y	N		Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	N		N	CU ¹⁰	Y	N	N	Y
Manufacturing-Light	N	N	N	N	N	N	N	N	N		CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	CU	Y
Manufacturing	N	N	N	N	N	N	N	N	N		N	N	CU	N	CU	Y
Marina	N	N	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	N		CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	N		NCU	N	N	N	N	N
Museum–Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	N		Y	Y	Y	Y	CU	Y ²⁷

Appendix A-Use Table – All Zoning Districts

Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	N		Y	Y	Y	Y	N	Y ²⁷
Office-Technical	N	N	N	N	N	N	N	N	N		Y	Y	Y	Y	CU	Y
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	Y	Y ²⁷
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N		N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	N		N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	CU	CU ²⁷
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N		CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N		N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)		CU	Y	N	CU	N	CU ^{27,32}
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)		CU	CU	CU	Y	N	Y ²⁷
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N		CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	N		Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N		Y	Y	Y	Y	N	Y
Photography Lab	N	N	N	N	N	N	N	N	N		CU	Y	Y	Y	CU	Y
Police Station - Central	N	N	N	N	CU	N	N	N	N		Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	N		Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N		N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	N		Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N		N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	N		CU	Y	Y	Y	N	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)		N	CU	CU	Y	CU	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N		N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N		N	Y	Y	Y	N	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	N		CU	CU	Y	Y	N	Y
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	(See Sec.4.4.1(d) 1)		N	Y	CU	N	N	CU ²⁷¹
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	(See Sec.4.4.1(d) 1)		N	Y	Y	CU	N	N

Appendix A-Use Table – All Zoning Districts

Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N		N	CU	CU	N	N	Y ²⁷
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N		N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N		CU	CU	CU	CU	CU	Y
Research and Development Facility	N	N	N	N	CU	N	N	N	N		CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	(See Sec.4.4.1(d) 2)		Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	(See Sec.4.4.1(d) 1)		Y ¹³	Y	Y	Y ¹³	N	Y ^{13,27}
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	N		Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	N		CU	CU	CU	CU	N	N
School – Preschool (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N		Y	Y	Y	Y	CU	CU ^{17,27}
School - Primary	N	N	N	N	CU	CU	CU	CU	N		CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	N		CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	N		CU	N	N	CU	N	CU ²⁷
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N		N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	N		Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	N	Y ¹⁵	N	Y	Y
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N		N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	N		N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N		N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	N		Y	CU	CU	CU	N	N

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

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
DW-PT	Downtown Waterfront-Public Trust

Appendix A-Use Table – All Zoning Districts

2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.

3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.

4. Reserved.

5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.

6. Must be owner-occupied.

7. Must be located on a major street.

8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.

9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.

10. Exterior storage and display not permitted.

11. All repairs must be contained within an enclosed structure.

12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.

13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.

14. Such uses not to exceed ten thousand (10,000) square feet per establishment.

15. Excludes storage of uncured hides, explosives, and oil and gas products.

16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.

17. Allowed only as an accessory use.

18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.

19. [Reserved].

20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.

21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.

22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.

23. Allowed only on properties with frontage on Pine Street.

24. Such uses shall not exceed 4,000 square feet in size.

25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.

26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.

27. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.

28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.

29. Must be fully enclosed within a building.

30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.

31. See special use standards of Sec. 5.4.13, Emergency Shelters.

32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.

33. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.
- | | |
|--------|---|
| NMU | Neighborhood Mixed Use |
| NAC | Neighborhood Activity Center |
| NAC-RC | NAC – Riverside Corridor |
| NAC-CR | NAC – Cambrian Rise |
| E-AE | Enterprise – Agricultural Processing and Energy |
| E-LM | Enterprise – Light Manufacturing |

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



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www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP, Planning Director
Charles Dillard, AICP, Principal Planner
DATE: July 5, 2023
RE: Proposed CDO Amendment – ZA-23-01: South End Innovation District Overlay

Overview & Background

In January 2023, The Planning Commission voted to recommend the approval of this zoning amendment that creates a South End Innovation District overlay district. During its discussions of the amendment, the City Council Ordinance Committee revised the amendment in several ways. Those revisions are described below.

Key City Council Ordinance Committee Changes

The Ordinance Committee voted unanimously to recommend the amendment's approval (4-0 vote). Prior to its vote, the Committee and staff introduced several changes to the amendment:

- Narrative language introducing both the E-LM district and SEID overlay were amended to more accurately describe their intent.
- Staff proposed a revision to the block perimeter standards (Table 4.5.8-1) that allows railroad corridors and certain natural areas to be accepted as enclosing block boundaries. Previously, the amendment allowed only streets and Public Paths to be considered for block perimeter purposes.
- The maximum Floor Area Ratio (FAR) in Table 4.5.8-1 was increased from 2.25 to 2.5 in consideration of the expected dedication of rights-of-way (ROW) on development parcels that will result in reduced developable land on such parcels as currently established.
- The amendment as recommended by the Planning Commission proposed to allow 15,000 square foot floor plates on any floors seven and eight when the building is constructed of mass timber and/or to certain green building certification standards. The Committee removed the green building standards to prioritize mass timber construction and due to the likelihood that such measures would not be undertaken.
- Map 4.5.8-2 Specific Height Area Map was amended to reduce the maximum allowable height on a portion of the parcels north of Lakeside Avenue from eight stories/85 feet to six stories/65 feet.
- Table 4.5.8-2 was amended to allow courtyards placed in front of buildings to be counted in the calculation of frontage occupation by buildings.
- Sec. 4.5.8(c) 2.B.iv was amended to revise the alternative compliance methods to the standards governing ground floor non-residential uses. Previously, each of the four alternative methods were proposed to qualify for the full reduction (to 30% on Primary Frontages and 0% on Secondary Frontages). As revised, three of the methods qualify for a partial reduction, while the fourth (detached non-residential space) can qualify for the full allowable reduction.
- Sec. 4.5.8(c) C was amended to provide an alternative compliance method to achieving ground floor non-residential use requirements for building containing 16 or fewer units. This revision will allow for the development of rowhouses/townhouses and small apartment buildings where non-residential uses may not be feasible.
- The Use Table (Table 4.5.8-3) was amended to incorporate additional permitted non-residential uses.
- Sec. 13.1.2 Definitions was amended to define new terms and clarify some existing terms.

Proposed Amendment

Amendment Type

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

Purpose Statement

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

Proposed Amendments

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

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

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

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

Establishes standards for development within the proposed overlay, including:

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

3. Amends Article 11 – Planned Development

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

4. Amends Article 13 - Definitions to define various terms

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

- Amend definition of bowling alley

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

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

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

Relationship to planBTV

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

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

Compatibility with Proposed Future Land Use & Density

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

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

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

Impact on Safe & Affordable Housing

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

Planned Community Facilities

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

Process Overview

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

Planning Commission Process				
Draft Amendment prepared by: Staff	Presentation to & discussion by Commission 8/23/22, 9/13/22, 9/27/22, 10/11/22, 1/10/23; 1/19/23, 1/24/23	Approve for Public Hearing	Public Hearing 11/15/2022, 12/13/2022	Approved & forwarded to Council 1/24/2023
City Council Process				
First Read & Referral to Ordinance Cmte 2/6/2023	Ordinance Cmte discussion 4/19/23, 5/8/23, 6/12/23, 6/28/23	Ordinance Cmte recommend 6/28/23	Second Read & Public Hearing 7/24/23	Council Approval & Adoption

CITY OF BURLINGTON

ORDINANCE _____

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

In the Year Two Thousand Twenty-Three

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
ZA-23-01 South End Innovation District Overlay

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

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

Sec. 4.4.3 *Enterprise Districts*

(a) Purpose:

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

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

2. As written.

Map 4.4.3-1 Enterprise Districts As written.

(b) Dimensional Standards and Density

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

Table 4.4.3 -1 Dimensional Standards and Density

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

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

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

3 – Percentage of the lot depth.

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

(c) Permitted and Conditional Uses:

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

(d) District Specific Regulations:

1. Convenience Stores.

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

A. – E. As written.

2. Drive Thrus are not permitted.

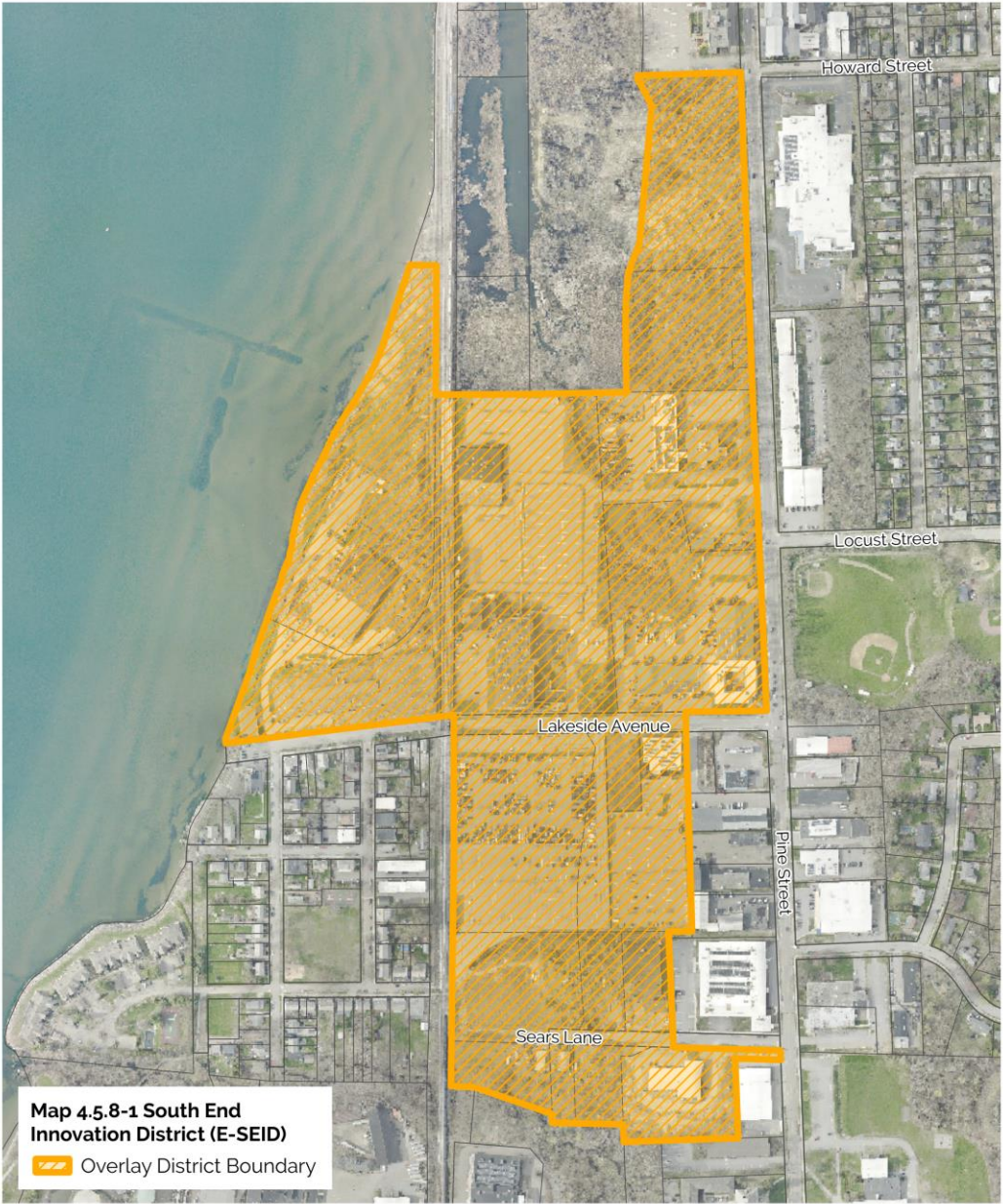
Sec. 4.5.8. South End Innovation District Overlay**(a) Purpose**

The South End Innovation District Overlay (SEID) is intended to provide for a dense, vibrant and dynamic mixed-use district. The overlay is unique in its allowance for residential uses in an in that it limits the most intensive manufacturing and industrial uses allowed elsewhere in the district. The overlay permits arts, employment, and other non-residential uses intrinsic to an amenity-rich, convenient urban neighborhood.

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

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

(b) Areas Covered.
The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.8-1.
Map 4.5.8-1 SEID Overlay



(c) District Specific RegulationsTable 4.5.8-1: SEID Dimensional Standards & Density

<u>Block Perimeter¹</u>	<u>Max. Intensity (floor area ratio^{2,3})</u>	<u>Max Building Size per Floorplate^{4,5}</u>	<u>Max. Lot Coverage & Pervious Surface Required⁶</u>	<u>Minimum Building Setbacks⁷</u>			<u>Max. Height⁸</u>
				<u>Front</u>	<u>Side</u>	<u>Rear</u>	
<u>1,600' max</u>	<u>2.5 FAR</u>	<u>Floors 1-6: 15,000 sq.ft</u> <u>Floors 7-8: 10,000 sq.ft.</u> <u>Except as permitted by Sec.4.5.8 (c) 1</u>	<u>80% max impervious</u> <u>25% min of pervious area must utilize GSI</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁶</u>	<u>85'</u>

1. Blocks may be enclosed by any combination of streets within public Rights-of-Way or Public Paths. Where a property abuts a railroad or area identified as Wetland, Conservation or Natural Area on Map 4.5.4-1 Natural Resource Protection Overlay District, such boundaries may serve as enclosing block boundaries.
- 4-2. Floor area ratio is described in Sec 5.2.7.
3. Bonuses for additional FAR for inclusionary housing projects are described in Sec. 9.1.12.
4. Maximum square footage applies to each floorplate.
5. One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floorplate maximum standard according to the following:
 - a. When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - b. When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.
6. At least 25% of the pervious area on a lot must include one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with shade trees, or pervious pavement. No more than 50% of the required GSI area may utilize pervious pavement.
7. Setbacks are measured from the property line; however, buildings must be at least 15' from the curb or edge of a public Right of Way if no curb exists.
8. Maximum building height in the E-SEID shall be further limited by Map 4.5.8.3: SEID Specific Height Area Map.

1. Dimensional Standards & Density

Within the SEID the standards set forth in Table 4.5.8-1 shall apply to new development and redevelopment, except:

—Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of Mass Timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances.

- a. The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI) or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.

Map 4.5.8-2 SEID Specific Height Area Map

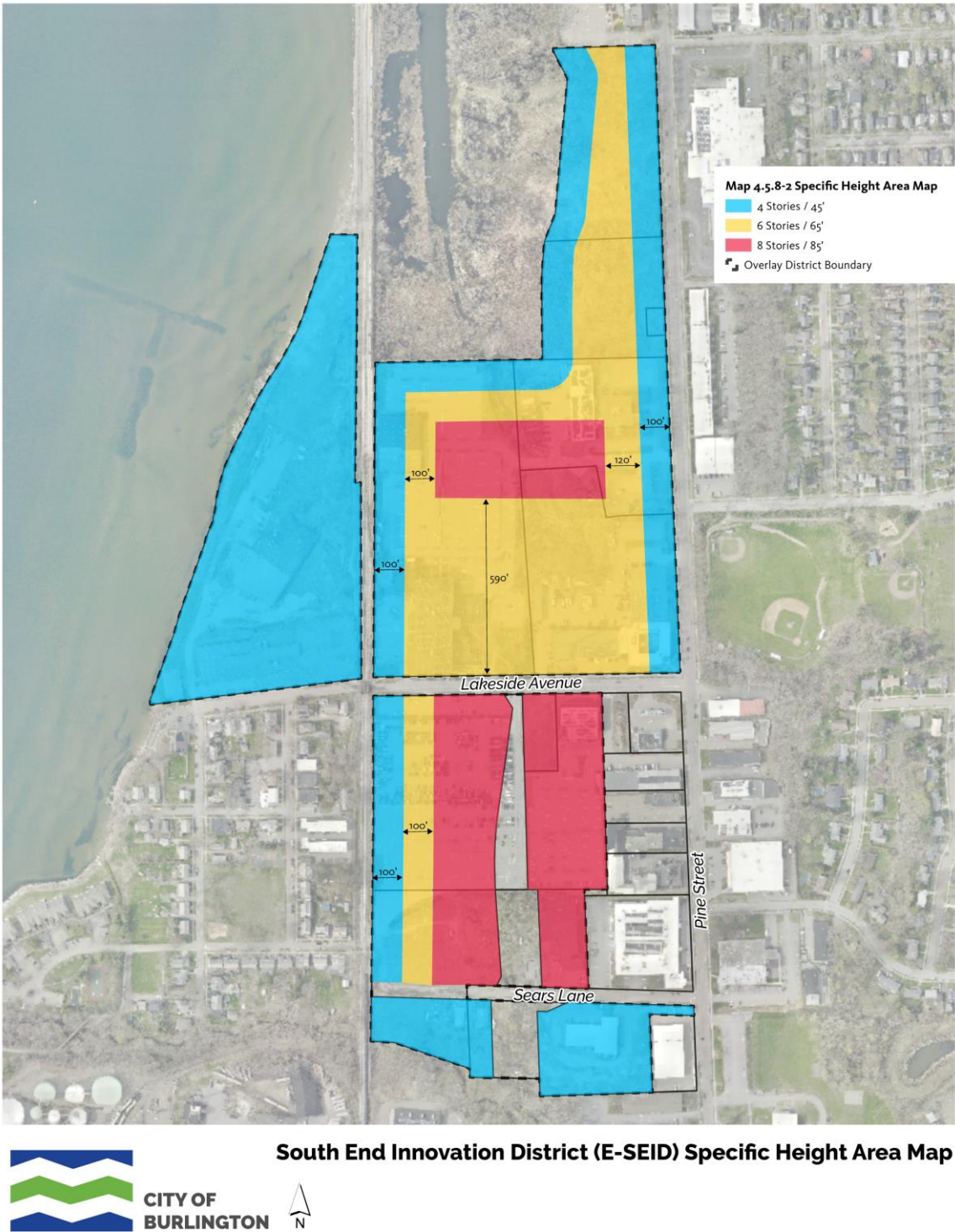


Table 4.5.8-2: Frontage and Activation Standards

<u>Frontage Type</u>	<u>Min lot frontage occupied by buildings^{1,2}</u>	<u>Percent of ground floor building frontage containing non-residential uses¹</u>	<u>Ground floor entries required</u>
<u>Primary</u>	<u>80% min</u>	<u>80% min</u>	<u>Every 60' min</u>
<u>Secondary</u>	<u>70% min</u>	<u>20% min or 500 sq. ft. whichever is greater</u>	

1) Measured linearly.

2) A courtyard on a building façade adjacent to a street or Public Path, with minimum dimensions 12 feet minimum and 35 feet maximum, shall be counted in the calculation of frontage to satisfy this requirement.

2. Frontage and Ground Floor Activation Standards

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

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

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

B. Building Frontage Occupied by Non-Residential Uses: Buildings fronting on Streets of Public Paths, must contain a minimum amount of non-residential uses on the ground floor as determined by Table 4.5.8-2.

i. Building corners, when located at the intersection of two Streets or Public Paths, must include non-residential uses.

ii. The depth of a building's ground floor non-residential uses shall be at least an average of 15 feet, measured orthogonally from the building facade.

iii. For all Streets and Public Paths, Primary and Secondary frontages must be identified by the property owner.

iv. The minimum non-residential frontage requirements may be reduced to 35% for Primary Frontages and 0% for Secondary Frontages using one of two, but not a combination thereof, of the alternative compliance methods described below:

Alternative 1: The required percentage of ground floor non-residential uses may be reduced in 15% increments for each Primary frontage and 7% increments for each secondary frontage for each of the following methods.

a. At least 30% of non-residential use ground floor area is maintained as affordable for at least 30 years, as defined and administered by the Community and Economic Development Office (CEDO).

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

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

Alternative 2:

A detached, one- or two-story permanent structure containing non-residential uses that is constructed within or adjacent to the public realm, including Rights-of-Way, or open space on

the same lot may be provided in lieu of required ground floor non-residential uses on a one-to-one basis as determined by the square footage of the detached structure.

- v. In buildings with 16 or fewer units, the non-residential ground floor use is not required to be in the building as long as an equal amount of non-residential square footage is provided in another building on the same lot.

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

3. Parking

A. No more than 20 total spaces may be permitted in Surface Parking Lots on any one lot. On Primary Frontages, Parking is not permitted between a building and the Street or Public Path. In such Parking Lots, priority parking spaces shall be made available, as described in Sec. 8.1.16 (c) c.4 – Parking Management.

B. Structured Parking

- i. All above ground Parking Structures shall be located behind a Perimeter Building, or screened so that cars and internal structure lighting are not visible from adjacent streets or properties. Screening can be provided by architectural structure or vegetative trellis.
- ii. Parking Structure ingress/egress shall be consolidated into one façade opening and shall not exceed 24 feet in width or shall be separated into no more than two openings per façade, with a combined width of no more than 28 feet. Each façade opening shall not exceed 16 feet clear height.
- iii. At least one pedestrian route shall lead directly to a Street or Public Path. When portions of a Building containing parking front on more than one street, multiple pedestrian routes to the Frontage are strongly encouraged.

4. Uses

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

Table 4.5.8-3 Uses Permitted & Limited within the SEID

Permitted Uses:	
Residential ¹	
<u>Assisted Living</u>	
<u>Attached Dwellings - Multi-Family</u>	
<u>Co-Housing</u>	
<u>Convalescent/Nursing Home</u>	
<u>Emergency Shelter</u>	
<u>Group Home</u>	
<u>Dormitory</u>	
Non-Residential	
<u>Adult Day Care</u>	<u>Office - General</u>
<u>Agricultural Use</u>	<u>Office – Medical/Dental</u>
<u>Amusement Arcade</u>	<u>Office - Technical</u>
<u>Animal Boarding/Kennel Shelter</u>	<u>Open Air Markets</u>
<u>Animal Grooming</u>	<u>Park</u>
<u>Animal Hospital/Veterinarian's Office</u>	<u>Parking Garage³</u>

<u>Permitted Uses:</u>	
<u>Appliance Sales/Service</u>	<u>Parking Lot³</u>
<u>Art Gallery/Studio</u>	<u>Performing Arts Center</u>
<u>Bakery</u>	<u>Performing Arts Studio</u>
<u>Bank/Credit Union</u>	<u>Pet Store</u>
<u>Bar/Tavern</u>	<u>Pharmacy</u>
<u>Beauty/Barber Shop</u>	<u>Photo Studio</u>
<u>Bicycle Sales/Repair</u>	<u>Photography Lab</u>
<u>Billiard Parlor</u>	<u>Place of Worship</u>
<u>Bowling Alley</u>	<u>Police Station - Local</u>
<u>Cafe</u>	<u>Post Office - Local</u>
<u>Cinema</u>	<u>Printing Plant</u>
<u>Community Center</u>	<u>Printing Shop</u>
<u>Community Garden</u>	<u>Public Transit Terminal</u>
<u>Convenience Store</u>	<u>Public Works Yard/Garage</u>
<u>Crisis Counseling Center</u>	<u>Radio & TV Studio</u>
<u>Daycare</u>	<u>Recording Studio</u>
<u>Dry Cleaning Service</u>	<u>Recreational Facility - Indoor</u>
<u>Film Studio</u>	<u>Recreational Facility - Outdoor</u>
<u>Fire Station</u>	<u>Research & Development Facility</u>
<u>Food & Beverage Processing</u>	<u>Research Lab</u>
<u>Garden Supply Store</u>	<u>Restaurant</u>
<u>General Merchandise/Retail - Small < 4,000 sqft</u>	<u>Restaurant – Take Out</u>
<u>Grocery Store ≤ 10,000 sf</u>	<u>Salon/Spa</u>
<u>Health Club</u>	<u>School – Post-Secondary and CC</u>
<u>Health Studio</u>	<u>School - Preschool</u>
<u>Laundromat</u>	<u>School - Primary</u>
<u>Library</u>	<u>School - Secondary</u>
<u>Manufacturing - Light</u>	<u>School – Trade, or Professional</u>
<u>Mental Health Crisis Center</u>	<u>Tailor Shop</u>
<u>Museum – Small ≤ 10,000 sf</u>	

1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.
2. Parking Structure and Parking Lot uses are regulated by Sec. 4.5.8(c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density.

ARTICLE 9 INCLUSIONARY AND REPLACEMENT HOUSING

Sections 9.1.1 – 9.1.11 As written.

Sec. 9.1.12 Additional Density and Other Development Allowances

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

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

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

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

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

ARTICLE 11: PLANNED DEVELOPMENT

Secs. 11.1.1 – 11.1.2 As written.

Sec. 11.1.3 General Requirements and Applicability

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

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

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

Sec. 13.1.2 Definitions

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

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

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

Block: The aggregate of private Lots, Passages, Rear Alleys, and Rear Lanes, circumscribed by Streets and Public Paths.

Block Perimeter: The allowable maximum distance, measured linearly, of the Streets and Public Path circumscribing a block.

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

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

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

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

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

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

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

Perimeter Building: A shallow medium to large sized attached or detached Building that is always associated with and screens an above ground Parking Pstructure.

Public Path: A Right-of-Way that provides a main route of transportation for non-vehicular access. Public Paths must be designed to standards defined by DPW to provide emergency vehicle access.

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

Right-of-Way: The real property or other legal instrument, such as an access easement, associated with transportation infrastructure, including but not limited to Streets and Public Paths.

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

Appendix A- Use Table ***See attached

* Material stricken out deleted.

** Material underlined added.

MT/KS/Ordinances 2023/ZA-23-01 South End Innovation District Overlay

06/28/23

Appendix A-Use Table – All Zoning Districts

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

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

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

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

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

Burlington Planning Commission

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

Burlington Planning Commission

Tuesday, June 27th 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, M. Gaughan, E. Lee, A. Friend, J. Randall, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	Mr. Spater, Tim Doyle, Sharon Bushor, Andrea Grey, Hank Prenskey

I. Agenda

Call to Order	Time: 6:30pm
Agenda	Combined Items 6 + 7

II. Public Forum

Name(s)	Comment
	S. Bushor congratulated Emily for her time on the Planning Commission. She also brought up her concerns related to the upcoming equity initiative that will study the performance of areas across the city. Echoed Councilor Bergman's concerns that this might lead to gentrification, and believes there are better ways to link development patterns besides financial contributions, and doesn't want this to ignore quality of life while prioritizing money.

III. Chair's Report

A. Montroll	none
Emily Lee	This is Emily's last meeting as a planning commissioner – commissioners spend this time expressing gratitude to her 10 years serving on the Planning Commission.

IV. Director's Report

M. Tuttle	(1) Thank you and congratulations Emily. Also thank you and congratulations to Andy for his reappointment – since 2009 – thank you for your continued services. (2) Stepping in for Emily is Erin Malone – Momo's market owner, has a master degree in planning, lives in the old north end. Erin will officially start next month (3) Within the next meeting we'll be working with you all to do the annual reorganization meeting, which includes the appointment of your chair and vice-chair, and the committee members. (4) Commissioner Bruce Baker had a significant health issue. (5) Budget was passed on City Council meeting 6/26. Focus will remain on ongoing projects. (6) RE: Revenue + equity analysis. This came out of last year's budget process for the Data Team. It was a special project
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The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

Thursday, February 16, 2022

	that was funded outside of our budget. Economics of land use through Urban3 firm. economic implications of land use planning decisions in communities all over the country. To provide us with an additional layer of information to understand how certain properties are appraised relative to their market value. The outcome will not lead to significant transformations in the areas we plan for certain types of growth, but will help us understand future impacts of implementing those plans. M. Gaughan – A lot of thinking around land economics can really be a driver of equity. City of Detroit switched more of their tax burden to land so they aren't burdening homeowners, which results in a more equal distribution of the burden of running the city.
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V. Proposed CDO Amendment: ZA-23-06 168 Archibald Street

Action: Motion to warrant for public hearing		
Motion by: A. Friend	Second by: E. Lee	Vote: Unanimous
Type: Discussion and Action	Presented by: C. Dillard	
The Commission discussed the proposed amendment, which would provide rezone the property at 168 Archibald Street from Residential – Medium Density (RM) to Neighborhood Mixed Use (NMU), in order to provide greater use flexibility		
Comments & Questions		
A. Montroll: Charles, can you speak about why the single parcel carved out is not spot zoning?		
C. Dillard: If this property was across the street, it might be considered spot zoning, but because it's immediately adjacent and shared a boundary with 3 properties that are in the NMU district, and it's also a corner property.		
M. Tuttle: It's not about the moving of the boundary for one parcel, but it's that the district itself doesn't apply to just one parcel alone. For example, within the same NMU district in the old North End, you considered several years ago an amendment to the boundary that brought all of what's now the old North End Community Center on Allen St. between North Street and Allen St. into the NMU district where it had previously been split zoned. We consider this kind of a boundary adjustment to be similar in nature to those kinds of changes.		
A. Montroll: Does the property owner want to add anything?		
Mr. Spater: The property has been a synagogue for the last 50 years. Maximizing the use of the space, some residential, with commercial space on the ground floor. The exterior of the building will remain the same for the most part. There might be slight upgrades, but we're trying to retain it as the National Historic District building.		
A. Friend: What are the plans for the commercial use for the property?		
Property Owner: I've talked to a couple restaurant owners. The person was looking to do a café/bar sort of thing, but it really laid that ground floor when you walk in to be something that augments the residential part of that building and the neighborhood itself. Not yet determined.		
A. Friend: How would you recognize the historic nature of the synagogue?		
Mr. Spater: I have been talking to the archivist at the OZ to preserve what was considered Little Jerusalem. Working with a specialist from the Shelbourne Museum who is going through some of the uncovered ceiling and old fixtures.		
E. Lee??: This is a great change to fuel more activity into that area that has so much potential. Do you have any thoughts on access to the property and how that will work? Any opportunities to work with your neighbors on that?		

Thursday, February 16, 2022

Mr. Spater: Right now, the building has Archibald access, and an entry on Hyde St. Hyde St. would be the entrance for the downstairs units. The plans for the gas station at the Ratsmission to switch into a couple residential units and green space. Hopefully those two will merge together.

E. Lee?: Recently, an amazing arts festival happened in the area of Ratsmission, Junk Peaks (?) and Tank Studio. Something artistic in that big triangle would be great.

M. Gaughan: The list of neighborhood commercial uses does not include general offices.

C. Dillard: It's about use in terms of dimensional standards and density given the historic nature and the unlikelihood of redevelopment of the property in terms of intensity or expansion. It doesn't seem like the property is getting much benefit from that perspective. Some increase in lot coverage, but they're fairly close to the lot coverage today. The future land use map does show this property within that transitional edge between the neighborhood activity center and the residential districts. The policy guidance there is that those properties should serve that transitional purpose and function between a residential district and a higher intensity mixed-use area.

VI. & VII.

Project Update: Neighborhood Code & Legislative Update: S.100

Staff presented and provided an update on the Neighborhood Code initiative, which evaluates the zoning tools that regulates new homes in these areas today, and identifies opportunities for new neighborhood-scale housing citywide.

M. Tuttle: Part of the reason why we decided to combine them is because of the similar scope to the kinds of housing opportunities we've been looking at within the context of the neighborhood code. We'll share a little bit more specific information about the types of residential zoning standards we'll be looking at as part of the neighborhood code, and kind of what remaining elements there are within the residential zoning districts that we may not be looking at as part of this code for your perspectives and questions about their appropriateness to consider alongside this work.

Comments & questions on Legislative Update: S.100

M. Gaughan: On the 40% density bonus. How much more is that than what we currently allow?

M. Tuttle: It depends. In our ordinance today we have intensity bonuses that vary by district. I think that in some places within our ordinance we are nearly meeting those requirements. Particularly in areas of the city where density is measured as a dwelling units per acre standard. This would just require very moderate increases above what we already allow. In some districts we don't allow a height bonus, for example. In some districts we allow lot coverage bonuses, so what we do today and what would be required if a project met this 20% definition in the future varies district by district. The base floor area ratio, the density standard for that zoning district is 2.0. We already allow for the density to be increased to 2.5 when the inclusionary is provided and an additional story of height. This would require a 2.8 MAR and that additional story height which we already allow. That's a pretty moderate or modest change.

M. Gaughan: On the RL zones with 3-4 units. I'm a big fan of townhomes, and those maybe are one building, maybe are not. We'll highlight that as a consideration to advocate for or to incorporate in your thinking because I think those meet a lot of needs in terms of the home, home ownership objective.

M. Tuttle: That's a great point and a really good question. I know that the Agency of Commerce and Community Development is currently accepting questions and they're going to be issuing an FAQ in collaboration with their general counsel to help municipalities answer these really in the weed's questions. I know the way they define 3-4 units is just in the same building, so that is a nuanced questions in terms of owner-occupied units.

A. Friend: The residential low density. What is the current standard of units per acre?

M. Tuttle: 7

A. Friend: Are we going back to a minimum of 5?

M. Tuttle: We don't need to go back to a minimum of 5. We're already allowing more units per acre than the law requires us to allow.

A. Friend: But the historical development standard is to have one house per quarter acre lot? We could technically have more than that now.

M. Tuttle: You could technically already have more than that now and I would say that one single family home on 1/4-acre lot is. Maybe more than norm in other communities. I know one of the things that Sarah has been doing as part of the neighborhood code is mapping the lot sizes and the uses on those lots across the city. And definitely as you start to get into neighborhoods that were built post war or further on the periphery of the RL zone, you start to see single family homes on lots that are 8-9 thousand, maybe even a quarter acre large but. In the older neighborhoods in the city, that is certainly not the norm. I think seven units per acre has been calibrated over time to be a Burlington type standard. And there may be other communities in the state where it changed to 5 units per acre would be more of an intensification of what their historic pattern might have been.

A. Friend: Has the state mandated that we address the question of allowing more units per specifically residential low-density lot, or would we have to address that separately through some other process?

M. Tuttle: The state has not forced us to consider the question of should we be allowing more density in these areas at the kind of highest level. The question that we have to ask and answer is much more nuanced than that here in Burlington. We essentially have to consider a duplex to be a single-family home under our standards. For us what that means is up here where we have different minimum lot sizes for having a duplex in RL. We won't be able to regulate those differently going forward. We've presented to you previously on the neighborhood code where these standards intersect with the size of lots in the city, and we had previously found that because of the standard it was something like 40% of lots wouldn't be allowed to have a duplex. This was something that was already on our radar as considering whether or not that lot size standard for duplex should be smaller. I think the bigger questions for us is how do we think about 3- and 4-unit buildings in these areas. What this means in reality in terms of the absolute minimum that would be required in order to meet the law is that in order to have a 3-unit building we would require an 18,000 square foot lot. I think through the neighborhood code one of the questions is what we want to do or do we want to do something that's a bit more permissive, like Michael's townhouse example, or other ways to fit these sorts of neighborhood scale homes in lots across the city?

A. Montroll: This wouldn't really affect Burlington at all, but there are some communities where they require like minimum lot size for homes in some areas like multiple numbers of acres. Is this saying that they're not allowed to do that anymore?

M. Tuttle: I focused on the elements of the bill that are relevant to Burlington primarily. For example, this standard and the five unit per acre minimum density standard, I think only apply in parts of communities that are served by both water and wastewater services. I think that the duplex standard allowing duplexes wherever and however you allow for a single-family home that applies everywhere in the state, but these other standards only apply in those 4 community areas.

J. Randall: For the areas that we without water and wastewater, is that the Intervale area? Any area that would affect residential?

M. Tuttle: I think the short answer is that this wouldn't really be applicable to the interval regardless, because the interval is a part of the city where we don't allow housing development.

J. Randall: Through the Master Act 215 permitting process, the South End Innovation District comes to mind as possible candidate for that and I know when you're looking at that process. We mentioned just the implications of the need for permitting of developments of that size potentially. Do you see that as a candidate for this type of process or what are some of the other things where this process Master Act 215 permit would be useful to the city?

Thursday, February 16, 2022

M. Tuttle: I think it's less about usefulness to the city and potentially more about usefulness to the kinds of development that we would like to incentivize or even help facilitate in certain parts of the city. One of the questions that had come up at one point when we were talking about the South End Innovation District was whether or not that should be added to our neighborhood development area. That site is not actually eligible for this master planning process unless we extended the boundaries of that district, which could be possible. I know we had talked on and off about whether that would bring value. There were, and still are a lot of moving parts in terms of the Act 250 discussion and its potential applicability in Burlington. And there could be other steps that could have a much higher impact, value impact for developments of that kind of scale potentially. It's something that we haven't fully explored yet in terms of whether we would take that step to get it designated and then to go through the master permitting process, or if the kind of private developers are already moving into the, developing their own master permit for that site. One of the other things that I think is worth exploring before we make a decision about whether or not to pursue it is learning a little bit more from places that have had similar circumstances. Downtown Winooski was developed under a Master Act 250 permit that the city actually applied for. Certain applications that come forward the city always has to be a partner to those applications, those permit amendments.

J. Randall: There was something in the bill about the ability to make a distinction between major and minor subdivisions and minor subdivisions for the things that can be administrative review. I'm wondering if you anticipate any changes to that as a result of this bill or if changes don't need to be made.

M. Tuttle: The intent of the bill is to clarify that municipalities and DRB's can do this. DRB declined to delegate that authority to the administrative officer, to the staff. We had not anticipated that we would revisit that discussion because that decision had been made previously, but we could ask Scott Gustin if he feels there's any value in doing it.

J. Randall: To add to Michael's point about townhomes, I think cottage courts are another residential use I think would be really wonderful. As we learn more about what applies to duplexes and single-family homes, I wonder if there will be some option on having multiple detached homes on a single lot if that can happen.

M. Tuttle: In a lot of cases cottage courts are really interesting example of how we could see new home that have the same fit and feel of certain residential areas of the city today.

Comments & questions on Neighborhood Code

A. Montroll: What is a flag lot?

C. Dillard: If you take a typical rectangular lot, a flag lot is a subdivision of that lot to create a second lot, the flag hole being the connection from the street. It's typically a driveway and typically has to be 12 feet or so. 17 feet. That leads to the flag portion of the lot, which is usually the rear of the pre-existing lots so that in that rectangular lot two lots one smaller rectangle and one lot that surrounds it that is the flag shaped. Flag lots don't have to necessarily take a flag shape and they often occur on irregularly shaped lots or large lots but it's a way to provide more housing and particularly with relation to accessory dwelling units or to build a second unit on a property.

M. Gaughan: Wanted to double check that the rear yard setback was being addressed in this effort because that is quite onerous.

M. Tuttle: Yes, as part of the kind of base of looking at the standards regulating residential development, we will be looking at our existing setback standards and looking at whether we need to make any changes to help facilitate those.

J. Randall: A note on the lot coverage piece, I think sheds would be a good thing to include there specifically for bike storage because e bikes are bigger than regular bikes.

Thursday, February 16, 2022

VIII. Commissioner Items

J. Randall	Jazz Fest was awesome and I think it's one of the things that makes Burlington an awesome place to live and I just want to give a shout out to Parks & Rec Waterfront for helping out with that and supporting all kinds of events like that. And yeah, I really think it was an awesome example and way to show off Burlington.
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IX. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A. Friend	Second by: E. Lee	Approved: Unanimous

XX. Adjourn

Adjournment	Time: 8:30PM	
Motion by: E. Lee	Second: A. Friend	Vote: Unanimous

Burlington Planning Commission

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

Burlington Planning Commission

Thursday, July 11, 2023 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	M. Gaughan, A. Montroll, A. Friend, E. Malone, J. Randall
Staff Present	C. Dillard, M. Tuttle
Public Attendance	

I. Agenda

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

II. Public Forum

Name(s)	Comment
S. Bushor	

III. Chair's Report

A. Montroll	
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IV. Director's Report

M. Tuttle	
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V. Project Update: Citywide Transportation Options Study and Transportation Planning Work

Action: n/a		
Motion:	Seconded by:	Vote:

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

Action: Move to reapprove statutory report and refer back to council with recommendations.		
Motion: M. Gaughan	Seconded by: J. Randall	Vote: 4 in support, 1 abstaining

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VII. Proposed CDO Amendment: ZA-24-01 Technical Amendments

Action: Warn for public hearing with the statutory report		
Motion: A. Friend	Seconded by: M. Gaughan	Vote: Unanimous

VIII. Commissioner Items

Action: n/a		
Motion by:	Second by:	Vote
Type:	Presented by:	

IX. Minutes and Communications

Action: Approve the minutes and accept the communications with corrections		
Motion by: A. Friend	Second by: J. Randall	Approved: Unanimous

X. Adjourn

Adjournment	Time: 8:25pm	
Motion: E. Malone	Second: M. Gaughan	Vote: Unanimous