



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

www.burlingtonvt.gov/plan

Burlington Planning Commission

Ordinance Committee

Remote Meeting

Thursday, May 4, 2023 @ 5:15 PM

Zoom: <https://zoom.us/j/98030202147?pwd=bmwyMm9ORGJXRDaVFhklZl5NVhyZz09>

Webinar ID: 8980 3020 2147

Password: 539878

Telephone: +1 346 248 7799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931 3860 or
+1 669 444 9171 or +1 669 900 6833 or +1 929 205 6099 or +1 253 215 8782 or +1 301 715
8592 or
+1 312 626 6799

AGENDA

1. Discussion of existing Technical Amendments to the Comprehensive Development Ordinance.
2. Adjournment



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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.



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TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
DATE: May 1, 2023
RE: Proposed CDO Amendment – ZA-23-05: 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. In considering this package of amendments, staff from the Office of City Planning and Department of Permitting and Inspections believe that they can be considered technical and do not rise to the occasion of requiring the typical in-depth review process through which a zoning amendment proceeds. These 27 amendments can be categorized as follows:

- Spelling/Numbering/Formating Errors (19 proposed amendments): 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 (seven proposed amendments): 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.
- Use Table Errors (one proposed amendment): 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.

This package of technical amendments is the natural result of administering a lengthy and complex ordinance. It is expected that similar technical amendment packages may be brought forward every few years.

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 mostly not of great material or policy import. These amendments will provide further clarity and consistency to staff and applicants.

Proposed Amendments

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

1. 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;

2. 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. 5.3.5 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;

3. 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

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

- Modifies Sec. 9.1.15 to correct a cross reference to the Code of Ordinances

5. 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

6. 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
- Modifies Sec. 14.8 to correct a typo

7. 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

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
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Land Use:	Conserve	Sustain	Grow
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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 5/2/23	Presentation to & discussion by Commission's Ordinance Committee 5/4/2023	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

ZA-23-05 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 3.5.2 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, 5.3.5 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, 9.1.15 Marketing of Inclusionary Units, Article 10 Subdivision Review, 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. 3.5.2 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 gross floor area.	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
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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

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Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ⁺
		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
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

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ⁺
		Front ²	Side ³	Rear	Waterfront	
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 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.						

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(c) As written
(d) District Specific Regulations

1. As written

2. Lot Coverage

1.Exceptions for Accessory Residential Features

In 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

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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) As written

(ed) Clear Sight Triangle

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:

District	Maximum Coverage ¹
RL, RL-W, I	Expansion up to <u>the greater of 62% lot coverage or</u> a total of 125% of pre-application principal building coverage.
RM, RM-W	Expansion up to <u>the greater of 72% lot coverage or</u> a total of 125% of pre-application principal building coverage.
RH	Expansion up to <u>the greater of 92% lot coverage or</u> a total of 125% of pre-application principal building coverage.
¹ <u>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>	

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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 SignDescription

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.	203
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 <u>or above</u> 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. 9.1.1 <u>0</u> 5 and Sec. 9.1.1 <u>4</u> 6) 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

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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. 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).

v. 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.

vi. 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 ~~City~~-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 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 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 ~~workshop~~ ~~worship~~, public assembly, and public transportation.

Appendix A Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/ W	RM/ W	RH	DW- PT ¹⁶	NM U	NA C	NA C- RG	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	NM U	NA C	NA C- RG	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	NM U	NA C	NA C- RG	NAC -CR	E- AE	E- LM
NON- RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/ W	RM	RH	DW- PT ¹⁶	NM U	NA C	NA C- RG	NAC -CR	E- AE	E- LM
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4 .11)	N	N	NC U	NC U	NC U	NC U	NC U	N