

**Burlington Planning Commission
Ordinance Committee**

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Alexander Friend
Bruce Baker
Andy Montrol
Leo Sprinzen
vacant



Burlington Planning Commission
Ordinance Committee

Thursday, April 5, 2018 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

AGENDA

1. Amendment to Article 5: Citywide General Standards
Consideration of changes to Sec. 5.2.7, Density and Intensity of Development Calculations
2. Initial discussion of Sec. 4.4.5 (d) 5 A, *Additional Unit to Multi-Family* (as time allows)
3. Adjournment (6:15)

Next Meeting – May 3, 2018

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Department of Planning and Zoning

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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Anita Wade, Zoning Clerk



TO: Planning Commission Ordinance Committee
FROM: Scott Gustin
DATE: March 1, 2018
RE: Density and Intensity of Development Calculations

Following review by the Planning Commission Ordinance Committee on February 1, 2018, the Committee confirmed the existing rounding provision would remain and could be clarified by way of zoning administrative interpretation. The Committee also elected to leave the density calculation formula as written but requested that the language in Sec. 5.2.7 be revamped to refer to defined CDO terms such as "lots" rather than the undefined term "development site." Alternatively, a definition of "development site" could be provided. The draft amendment below involving subsection 1 defines "development site" with existing defined CDO terms.

A new change to subsection 2 has been introduced. This item has been identified in the CDO amendments list as in need of correction. Subsection 2 simply limits development intensity of nonresidential building uses. Presently, it is aimed at two things: 1) nonresidential uses and 2) nonresidential space in residential buildings. The former provision sees occasional use and serves its intended purpose to limit nonresidential building intensity. The latter provision is unnecessary. It has the effect of limiting space for common areas such as hallways and stairwells in multi-family residential buildings. Little is gained by way of this provision, and it serves to effectively reduce the permissible number of dwelling units per acre for multi-family residences. Staff recommends deletion.

Deleted language is ~~crossed out~~ and new language is underlined in red.

Sec. 5.2.7 Density and Intensity of Development Calculations

(a) Dwelling Units per Acre:

In accordance with the district-specific provisions of Article 4, the calculation of development intensity shall be measured as follows in such cases where the intensity of development is measured on a dwelling unit per acre basis:

1. Density Calculation: The total number of dwelling units provided on a development site, or portion of the site where split by a zoning district boundary, shall be divided by the ~~gross~~ net site area expressed in acres. For the purposes of density calculation, development site shall consist of the lot or lots under consideration with provision for buildable area accounted for where applicable. In calculating the number of residential units permitted, fractional units of less than five-tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five-tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation for any development.

2. Density Equivalent, Nonresidential Uses: For purposes of density calculations, each one thousand, five hundred (1,500) square feet of nonresidential gross floor area ~~not contained within a dwelling unit or within common hallways, stairwells and elevator shafts serving said dwelling units~~ shall be counted as one dwelling unit.

(b) Floor Area Ratio:

As written.

Sec. 5.2.7 Density ~~and Intensity of Development~~ Calculations

(a) Dwelling Units per Acre:

In accordance with the district-specific provisions of Article 4, the calculation of ~~density~~~~development intensity~~ shall be measured as follows in such cases where the ~~density~~~~intensity of development~~ is measured on a dwelling unit per acre basis (measured to 2 decimal points):

1. Density Calculation: The total number of dwelling units provided on a ~~lot~~~~development site~~, or portion of the ~~lot~~~~site~~ where split by a zoning district boundary, shall be divided by the ~~net gross site~~ area expressed in acres. In calculating the number of ~~dwelling residential~~ units permitted, fractional units of less than five-tenths (~~0.49 or less~~~~5~~) shall be rounded down to the nearest whole number and fractional units of five-tenths (~~0.50 or more~~) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation for any ~~lot prior to subdivision~~~~development~~.
2. Density Equivalent, Non-~~Dwelling residential~~ Uses: For purposes of density calculations, each one thousand, five hundred (1,500) square feet of ~~nonresidential~~ gross floor area not contained within a dwelling unit or within common hallways, stairwells and elevator shafts serving said dwelling units shall be counted as one dwelling unit.

(b) Floor Area Ratio:

As written.

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TO: Planning Commission Ordinance Committee
FROM: Scott Gustin
DATE: April 5, 2018
RE: Residential Density: Additional Unit to Multifamily

Sec. 4.4.5 (d) 5, A, *Additional Unit to Multifamily*, is a longstanding provision in the city's zoning code dating back at least to the 1994 Zoning Ordinance. The provision enables the addition of 1 more dwelling unit to existing multi-family properties in the Residential – Low Density (RL) Zone. The provision has been used on occasion, but no tally of the total number of times it has been used is available. To obtain approval of an additional dwelling unit, all other zoning standards such as lot coverage, setbacks, and density must be met. According to an analysis of RL properties with duplexes, triplexes, and 4-plexes of compliant lot size:

- Up to 29 duplexes could become triplexes
- Up to 3 triplexes could become 4-plexes
- Up to 2 4-plexes could become 5-plexes

These numbers are based on density and lot size only. They do not account for things like parking feasibility, lot coverage, or setbacks.

There is concern as to the potential effect this provision may have on established neighborhoods in the RL zone – specifically enabling greater intensity of development than otherwise could be permitted. Staff recommends an initial discussion of the provision by the Ordinance Committee before moving ahead with any changes.

Existing language is below.

5. Residential Density

A. *Additional Unit to Multi-Family.*

One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007, if approved in advance as a conditional use, by the DRB.

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Burlington Planning Commission

Ordinance Committee Meeting Minutes

Thursday, April 5, 2018 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

Attendance

- **Committee Members:** Alexander Friend (AF), Leo Sprinzen (LS), Andy Montroll (AM)
- **Absent:** Bruce Baker (BB)
- **Public:** Liam Murphy
- **Staff:** Scott Gustin, Mary O'Neil (Planning & Zoning), Kimberlee Sturtevant (City Attorney's Office)

1. Amendment to Article 5: Citywide General Standards

Consideration of changes to Sec. 5.2.7, Density and Intensity of Development Calculations

Following discussion, Committee members voted 3-0-0 to refer this item to the full Planning Commission for consideration as revised.

2. Initial discussion of Sec. 4.4.5 (d) 5 A, Additional Unit to Multi-Family

SG provided a brief background on the effect of this footnote and the request for changing it.

3. Adjournment

The Committee adjourned at 6:15 PM.

