

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

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

Regular Meeting Burlington Planning Commission

March 8, 2022, 6:30 P.M.

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://us02web.zoom.us/j/82330021356>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 823 3002 1356

AGENDA

I. Agenda

II. Public Forum See details on pg 3 of packet for participating remotely.

III. Chair's Report

IV. Director's Report

V. Proposed CDO Amendment: Interim Emergency Shelters (30 minutes)

The Commission will receive a request and draft amendment from the Community & Economic Development Office regarding a proposed *Comprehensive Development Ordinance* amendment regarding standards for Emergency Shelters in the city.

Staff Recommendation: Ask questions and provide feedback on the draft amendment. Approve warning of public hearing for April meeting, with additional discussion possible at March 22 meeting.

VI. Proposed CDO Amendment: Burlington High School Zoning (30 minutes)

The Commission will review a draft amendment to the *Comprehensive Development Ordinance* that is responsive to the request by BSD to reconsider the zoning for the BHS campus on Institute Road.

Staff Recommendation: Ask questions and provide feedback on the draft amendment. Approve warning of public hearing for April meeting, with additional discussion possible at March 22 meeting.

VII. Commissioner Items

- a. Upcoming Meetings will be hybrid– March 22 and April 12 at 6:30pm
- b. Committee Reports
 - i. Ordinance Committee- March 3

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

VIII. Minutes & Communications

- a. The minutes of the February 23, 2022 meeting are enclosed in the agenda packet
- b. Communications are enclosed in the agenda packet

IX. Adjourn

Burlington Planning Commission

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- a. The minutes of the February 23, 2022 meeting are enclosed in the agenda packet
- b. Communications are enclosed in the agenda packet

IX. Adjourn



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

www.burlingtonvt.gov/plan

Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at mtuttle@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.

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Burlington Planning Commission

Wednesday, February 23, 2022, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A Montroll, A Friend, M Gaughan, E Lee, B Martin, B Baker
Staff Present	M Tuttle, S Gustin, K Sturtevant
Public Attendance	S Bushor, J Weith, M Spaulding, R Burnett, D Marshall, S Thibault, J Katz, B Headrick, A Bond, L Ravin, L Kingsbury

I. Agenda

Call to Order	Time: 6:32pm
Agenda	No changes to the published agenda.

II. Public Forum

Name(s)	Comment
S Bushor	Who parks at the satellite lot on University Road off East Ave- need to better understand how changes to Trinity Campus will result in parking excess or deficit. Regarding Steep Slopes, will geotechnical analysis provide information about soil stability and any storm water infiltration issues?
B Headrick	Urge CATMA to do something different to bring down single occupant vehicle use. If there is no minimum parking requirement from the pending zoning amendment impacting Article 8, UVM will have no obligation to balance their parking demand and supply. What is the consequence at the DRB for permitting so that it does not burden neighborhood streets. Question the decrease in student vehicle ownership, and the number of cars that are purported to park on the street. UVM needs to bring employees in via buses.

III. Chair's Report

A Montroll	No report.
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IV. Director's Report

M Tuttle	On 2/22 Council approved the Nature Based Climate Solutions addendum for Open Space Protection Plan, ZA-21-04, ZA-22-01, ZA-22-02, and Ch.18 amendments regarding Short Term Rentals. Council Ordinance Committee will meet on 3/2 at 5pm to discuss the parking amendment and Commission's comments. Mayor Weinberger participated in a webinar hosted by the White House about ADUs; shared the zoning changes made in Burlington. Town Meeting Day is 3/1; will start budgeting process after the outcome of the election. New Principal Planner joining in March.
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V. Burlington High School Zoning

Commission supported considering this item at a future meeting.		
Motion by:	Second by:	Vote: N/A
Type: Discussion	Presented by: J Weith, M Spaulding, R Burnett, D Marshall of BHS design team	
Representatives of the Burlington School District High School design team presented information about the current High School site on North Avenue, and requested a zoning amendment to facilitate the development of a new school on the same site to the east of the current facilities.		
Commissioner discussion:		
• A Commissioner noted that zoning for schools has been a topic of conversation for some time, and feels that we should be trying to update zoning for all of school sites. BSD is open to this in the future, but are under tight time constraints for the high school. Requesting consideration only for 52 Institute Road at this time. • There was a discussion about whether 60 feet is the ideal height for a brand new school at the site. BSD is still in early design phases, so tried to articulate an upper limit that gives flexibility. Commission encouraged the team to provide a request that allows for flexibility and anticipates future needs to start the conversation.		

VI. Annual Update: Joint Institutional Parking Management Plan

No action		
Motion by:	Second by:	Vote: N/A
Type: Discussion	Presented by: S Thibault, J Katz of CATMA	
CATMA presented an annual update to the 2020-2022 Joint Institutional Parking Management Plan (JIPMP) for Champlain College, UVM, and the UVM Medical Center. Staff noted that typically the Commission provides recommendation to the DRB for approval of multi-year plans; this is the first time an annual update has been presented to the Commission. The presentation is posted online at: PC JIPMP 2021 Annual Update Presentation Final.pdf (burlingtonvt.gov)		
Commissioner discussion:		
• A Commissioner questioned whether data indicating more people are driving alone while parking utilization is down in campus lots suggests more people parking in other places, such as free on-street parking. CATMA hypothesized that more people are driving, but driving fewer days as a result of telework/telehealth resulting in overall reduction in demand. • There was a discussion about previous years' high rates of driving behavior by students that lived within a half-mile of campus. Staff noted that the 2020-2022 JIPMP is linked, for comparative rates. • There was a discussion of a change in access to student population to solicit for participation in the annual transportation survey, which resulted in lower participation rates overall. • A Commissioner expressed ongoing lack of coordination between the institutions and the city to regulate on-street parking, and the potential to create a gap that supports continued driving. • A Commissioner asked whether the plan looks at parking resources by sub-area, and whether there is more dynamic parking policy/pricing that could be utilized in certain parts of campuses that are oversupplied or undersupplied. • CATMA noted the next JIPMP for 2023-2028 will be prepared by a transportation consultant, and will begin in a few months.		

VII. Proposed CDO Amendment: ZA-22-03 Steep Slopes

Approve the Municipal Bylaw Amendment Report and warn for public hearing, with an updated map to include the 50ft buffer around the identified steep slopes.		
Motion by: E Lee	Second by: A Friend	Vote: Approved Unanimously
Type: Discussion	Presented by: S Gustin	
S Gustin presented an overview of the amendment, and the Ordinance Committee’s recommendation to map slopes of greater than 15%, and a 50ft buffer from the top of slope, to require a geotechnical study prior to development as a condition of approval for a permit.		
Commissioner discussion:		
A Commissioner asked if there are other examples of overlay zoning districts that cross zoning boundary lines. Staff noted that all of the Natural Resource Overlay districts “float” over other base zoning districts.		

VIII. Commissioner Items

Next meetings are March 8 and 22, 6:30pm
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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 Unanimously
Minutes Approved: February 8, 2022		

X. Adjourn

Adjournment	Time: 8:15pm	
Motion: B Martin	Second: B Baker	Vote: Approved Unanimously



MEMORANDUM

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

FROM: Kelsey Peterson, City Planner

SUBJECT: Proposed Land Development Regulation Amendments; Public Hearing

DATE: February 28, 2022

Enclosed please find a series of proposed amendments to the City of South Burlington's Land Development Regulations, as well as a report from the Planning Commission, as required under Chapter 117. **The Planning Commission will hold a public hearing on these amendments on Tuesday, March 22, 2022 at 7:00 pm in person and via Zoom.**

Participation options:

- In Person: City Hall Auditorium, 180 Market Street
- Interactive Online: <https://zoom.us/j/99937091885>
- Telephone: 1 (929) 205 6099; Meeting ID: 999 3709 1885

A clean and redline version of the proposed amendments are posted on the City's website.

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



PROPOSED AMENDMENTS to the SOUTH BURLINGTON LAND DEVELOPMENT REGULATIONS

Public Hearing Tuesday, March 22, 2022 at 7:00 pm

PLEASE TAKE NOTICE that the Planning Commission will hold a public hearing on Tuesday, March 22, 2022 at 7:00 PM to consider amendments to the Land Development Regulations. The amendments affect all parts of the City unless otherwise specified below. The hearing will be held in person and remotely via Zoom. Participation options:

- In Person: City Hall Auditorium, 180 Market Street
- Interactive Online: <https://zoom.us/j/99937091885>
- Telephone: (929) 205-6099; Meeting ID: 999 3709 1885

The purpose of the hearing is to consider the following:

- A. LDR-22-01: Establish a General Planned Unit Development Type for new PUDs and amendments to existing PUDs (Article 15.C, Section 3.07)
- B. LDR-22-02: Establish Site Amenity requirements for new development, expansions, or residential conversions subject to site plan review; add additional allowable Site Amenity types, and allow partial credit to Site Amenity and Civic Space requirements for nearby publicly-accessible civic spaces & parks (Sections 14.06, 15.A.16; Article 11.B)
- C. LDR-22-03: Augment Site Plan review standards of Relationship of Structures to the Site, and of Relationship of Structures and Site and to Adjoining Area (Section 14.06).
- D. LDR-22-04: Minor and technical amendments to include:
 - a. Adjust Master Plan applicability for single-user lots (Article 15.C)
 - b. Definitions updates and corrections (Sections 2.02, 8.08)

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

Jessica Louisos, Planning Commission Chair
March 3, 2022



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

Planning Commission Public Hearing Tuesday, March 22, 2022, 7:00 pm

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

Outline of the Proposed Overall Amendments

The South Burlington Planning Commission will hold a public hearing on March 22, 2022 at 7:00 pm, in person and via Zoom electronic platform, to consider the following amendments to the South Burlington Land Development Regulations:

- A.** LDR-22-01: Establish a General Planned Unit Development Type for new PUDs and amendments to existing PUDs
- B.** LDR-22-02: Establish Site Amenity requirements for new development, expansions, or residential conversions subject to site plan review; add additional allowable Site Amenity types, and allow partial credit to Site Amenity and Civic Space requirements for nearby publicly-accessible civic spaces & parks
- C.** LDR-22-03: Augment Site Plan review standards of Relationship of Structures to the Site, and of Relationship of Structures and Site and to Adjoining Area.
- D.** LDR-22-04: Minor and technical amendments to include:
 - Adjust Master Plan applicability for single-user lots
 - Definitions updates and corrections

Brief Description and Findings Concerning the Proposed Amendments

A. LDR-22-01: Establish a General Planned Unit Development Type for new PUDs and amendments to existing PUDs

Brief Description of the Proposed Amendment

This amendment would create a "General Planned Unit Development" Type to accompany the existing "Traditional Neighborhood" and "Conservation" PUD types.

The General PUD would be permissible in zoning districts where the other two PUD types are not available as options and for minor amendments to pre-existing PUDs approved under prior regulations.

The General PUD would allow the Development Review Board to vary site plan, subdivision, and other dimensional and design standards of the Land Development Regulations in order to better achieve stated goals enumerated therein based on the needs of the site. The Development Review Board may, for identified purposes, permit modifications to lot sizes, arrangement of buildings and lots, building setbacks and heights, and re-allocation of density within the PUD. The General PUD does not authorize increases in lot coverage, development density not otherwise allowed in the Regulations, additional land uses, modification to the Environmental Protection Standards, or non-dimensional / design standards such as inclusionary zoning or energy codes.

Findings Concerning the Proposed Amendments

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

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

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

The proposed General PUD is intended support the land use pattern envisioned through the 2016 Comprehensive Plan. The General PUD uses the City's subdivision, site plan, zoning district and general standards as the default and provides some flexibility in their application to meet site-specific needs. A context assessment of the surrounding areas is required and provides direction in the application of the standards. The General PUD will allow for site design and layout that supports infill development, including housing, in difficult sites and where the Development Review Board finds the intent of the Regulations are met. Relevant Comprehensive Plan Objectives & Strategies:

Objective 3. Foster the creation and retention of a housing stock that is balanced in size and target income level, is representative of the needs of households of central Chittenden County, and maintains an efficient use of land for use by future generations.

Objective 5. Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed used transit corridors, and compact residential neighborhoods.

Objective 6. Continue to be an economic hub for the region consistent with the land use goals of the city.

Objective 16: Build and reinforce diverse, accessible neighborhoods that offer a good quality of life by designing and locating new and renovated development in a context-sensitive manner.

Objective 31. Conserve, restore and enhance biological diversity within the City, through careful site planning and development that is designed to avoid adverse impacts to critical wildlife resources, and that incorporates significant natural areas, communities and wildlife habitats as conserved open space.

Objective 39: The majority of all new development will occur within the Shelburne Road, Williston Road, and Kennedy Drive Corridors, and other areas within the Transit service area.

Strategy 8. Explore innovative land development regulations that allow for a range of residential building and neighborhood types, including but not limited to cottage housing, clustered housing and infill residential development.

Ongoing Activity 1: Continue to refine the City's Land Development Regulations to promote the Plan's goals and objectives.

Ongoing Activity 15: Continue to encourage and consider incentivizing neighborhoods that use a mix of housing types and integrate different types next to each other, rather than creating monoculture of one type of housing.

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

The proposed amendments allow the DRB to vary dimensional and design standards within a General PUD. They do not, however, alter the proposed or allowed land uses or densities identified in the Comprehensive Plan.

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

The proposed amendments do not affect any specific proposals for planned community facilities.

B. LDR-22-02: Establish Site Amenity requirements for new development, expansions, or residential conversions subject to site plan review; add additional allowable Site Amenity types, and allow partial credit to Site Amenity and Civic Space requirements for nearby publicly-accessible civic spaces & parks

Brief Description of the Proposed Amendment

This amendment would establish a common minimum requirement for new development or residential conversions to include Site Amenities (private or common outdoor spaces for use by residents/employees/visitors). Minimum amounts are 6% of non-residential building area or between 60 and 100 s.f. per dwelling unit (depending on building size); both figures are drawn from similar standards existing within the City Center Form Based Code. Site Amenity types are based on those created for the City Center Form Based Code. Two additional types are proposed: indoor-outdoor common area, and private balcony/porch.

The amendment would allow a Park or Civic Space that is located within 500 feet to count towards 50% of the minimum requirement if that distance is a safe, walkable connection.

The amendment would also create allowances related to minimum Civic Space associated with major subdivisions. The minimum Civic Space requirement is proposed to be allowed to be off-site, with 500 feet (safe & walkable) where the parcel to be subdivided is 6 acres in size or less.

Findings Concerning the Proposed Amendments

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

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

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

The proposed amendments are identified in multiple places in the 2016 Comprehensive Plan. Specific Goals and Objectives furthered by these amendments:

Objective 5. Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed-used transit corridors, and compact residential neighborhoods.

Objective 14. Seek a livable balance between public, commercial, and civic activity and private tranquility and promote the health, peace, and well-being of residents in their daily lives.

Objective 15. For all new development, public and private, consider accessibility for users of differing ages and physical abilities

Objective 16. Build and reinforce diverse, accessible neighborhoods that offer a good quality of life by designing and locating new and renovated development in a context-sensitive manner.

Objective 30. Proactively plan for a network of interconnected and contiguous open spaces to conserve and accommodate ecological resources, active and passive recreation land, civic spaces, scenic views and vistas, forests and productive farmland and primary agricultural soils.

Strategy 35. Take into account the quality of life of residents, employees, and visitors in the development of City policies, plans, projects, and regulations.

Strategy 68. Redefine open space in new developments such that usable, quality open space shall be required. Qualifying open space should include civic spaces, recreation, wildlife habitat, and usable agricultural lands.

Ongoing Action 11. Continue to build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner.

Safe, immediate access to outdoor spaces – private or shared – supports affordability by assuring that all residents are able to access the outdoors without having to own a car or use other forms of transportation. Further, the establishment of site amenities does not require a reduction in density. Additionally, most new housing in the past decade or more has included such amenities.

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

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

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

The proposed amendments do not affect any specific proposals for planned community facilities.

C. LDR-22-03: Augment Site Plan review standards of Relationship of Structures to the Site, and of Relationship of Structures and Site and to Adjoining Area.

Brief Description of the Proposed Amendment

The proposed amendments would provide direction to applicants and the Development Review Board on applying these standards. This includes direction in consideration of Street Frontage, Building Placement and Orientation, Contract of Scale, Pedestrian Orientation, Pattern & Rhythm, Architectural Features, and Privacy.

Findings Concerning the Proposed Amendments

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

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

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

The proposed amendments provide greater clarity to applicants and the DRB on application of the existing standards in the Regulations. The proposed amendments do not directly impact the availability of safe and affordable housing. However, the amendments will foster more context-sensitive design in new development, which in turn supports walkability and, indirectly, overall safety of environments through greater pedestrian use.

Specific Goals and Objectives furthered by these amendments:

Objective 5. Build and reinforce diverse, walkable neighborhoods that offer a good quality of life by designing and locating new and renovated housing in a context-sensitive manner that will facilitate development of a high-density, City Center, mixed used transit corridors, and compact residential neighborhoods.

Objective 16: Build and reinforce diverse, accessible neighborhoods that offer a good quality of life by designing and locating new and renovated development in a context-sensitive manner.

Strategy 35. Take into account the quality of life of residents, employees, and visitors in the development of City policies, plans, projects, and regulations.

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

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

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

The proposed amendments do not affect any specific proposals for planned community facilities.

D. LDR-22-04 Minor and technical amendments to include:

- Adjust Master Plan applicability for single-user lots
- Definitions updates and corrections

Brief Description of the Proposed Amendment

The amendments listed above represent minor adjustments to the regulations that promote consistency in approach, policy, and organization within the Land Development Regulations.

Findings Concerning the Proposed Amendments

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

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

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

The Comprehensive Plan supports consistency and streamlining of regulations.

Strategy 15. Conduct a comprehensive analysis of City regulations relating to permitting with an eye toward ways to eliminate outdated or duplicative requirements and to further streamline the process of

obtaining needed permits with a specific focus on improving predictability of the process. Move as much of the permitting process online as is viable to improve customer access and service.

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

The Planning Commission finds the proposed amendment to be compatible with the proposed future land uses and densities of the Comprehensive Plan.

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

The Planning Commission finds the proposed amendment will not have any impact on planned community facilities.

2 DEFINITIONS

2.02 Specific Definitions

...

Inclusionary ownership unit. A dwelling unit:

- (1) The sales price for which does not exceed the maximum price for a household with a gross annual income that does not exceed 80% of the median income for the Burlington-South Burlington Metropolitan Statistical Area (MSA), as calculated using a United States Department of Housing and Urban Development (HUD) formula that defines a unit-specific household size based on dwelling unit size (i.e. number of bedrooms); and
- (2) Which is owned by its inhabitants, whose gross annual household income at time of purchase does not exceed 100% of the median income for the Burlington-South Burlington MSA, adjusted for the household size; and
- (3) The sales price for which shall remain perpetually affordable to households with a gross annual household income that does not exceed 80% of the median income for the Burlington-South Burlington MSA;

Note the unit-specific household size based on the number of bedrooms and the actual household size of the purchasing household do not have to be the same.

Inclusionary rental unit. A dwelling unit:

- (1) The rent for which does not exceed the maximum price calculated for a household with a gross annual income that does not exceed 80% of the median income for the Burlington-South Burlington MSA, to which the unit is targeted, as calculated using a HUD formula that defines a unit-specific household size based on dwelling unit size (i.e. number of bedrooms) to which the inclusionary unit is targeted; and
- (2) Which is rented by inhabitants whose gross annual household income at time of initial occupancy does not exceed 80% of the median income for the Burlington-South Burlington MSA, adjusted for the household size; and
- (3) The rent for which shall remain perpetually affordable to households with a gross annual household income that does not exceed 80% of the median income for the Burlington-South Burlington MSA;

Note the unit-specific household size based on the number of bedrooms and the actual household size of the renting household do not have to be the same.

Inclusionary Unit. A dwelling unit that is either an Inclusionary Ownership Unit or an Inclusionary Rental Unit.

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~~**Inclusionary Unit.** A housing unit that is affordable to a low or moderate income household under inclusionary zoning requirements.~~

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3 GENERAL PROVISIONS

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3.07 Height of Structures

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3.07 Height of Structures

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D. Waiver of Maximum Height Requirements

(1) **Larger Rooftop Apparatus.** Larger Rooftop apparatus, as defined under Heights in these Regulations, and steeples for places of worship that are taller than normal height limitations established in Table C-2 above may be approved by the Development Review Board as a conditional use subject to the provisions of Article 14, Conditional Uses.

(2) **R12, IA, PR, MU, C1-Air, C1-LR, AR, SW, IO, C2, Mixed IC, AIR, and AIR-IND Districts.**

(a) Except within a Planned Unit Development, an applicant may seek approval from the Development Review Board for the height of one or more structures to exceed the limitation set forth in Table C-2 for structures within these zoning districts. Within a Planned Unit Development, the ability of an applicant to seek approval for a structure to exceed the limitation in Table C-2 is heights are established by PUD type.

(b) Submittal requirements. Any request for additional height shall be made in writing at the time of application for a Site Plan. The request must include the submittal of a plan(s) showing the elevations and architectural design of the structure, pre-construction grade, post-construction grade, and height of the structure, and any supplemental information the Development Review Board deems necessary in order to render a decision.

(c) Standards of Review.

- (i) Demonstration of Compliance with the Provisions of Section 14.06 and 14.07; and,
- (ii) Demonstration that the proposed structure will not have an undue adverse effect on scenic views from adjacent public roadways and other public rights-of-way.

8 CITY CENTER FORM BASED CODE DISTRICT

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8.08 Open Space Requirements
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8.08 Open Space Requirements

D. General Civic Space / Site Amenity Notes

- (1) In all Transect Zones, only Civic Space / Site Amenity areas meeting the requirements of ~~Appendix F~~ [Article 11.B](#) and this article shall count towards the minimum qualifying requirements.
- (2) In all Transect Zones landscaped parking lot dividers and median strips shall not be considered qualifying Civic Space / Site Amenities. A divider between a parking lot and a qualifying street type shall be considered qualifying where applicable and allowable.

Type	Civic Space	Civic Space	Civic Space	Civic Space	Civic Space; Site Amenity	Civic Space; Site Amenity	Civic Space; Site Amenity	Civic Space; Site Amenity	Civic Space; Site Amenity
	Neighborhood Park	Greenway	Green	Square	Plaza	Pocket Park	Pocket Plaza	Playground	Community Garden
FBC applicability (where may be located)	T3, T3+, T4	T3, T3+, T4	T3, T3+, T4	T4, T5	T4, T5	All	T4, T5	All	All
Site Plan applicability outside FBC							All Site Plans	All Site Plans	All Site Plans
Subdivision / PUD Applicability	All Subdivision / PUD Types	All Subdivision / PUD Types	GON, TND, NCD, All Subdivision/PUD Types	TND (8+DU/A), NCD, IRD, All Non-PUD Subdivisions	NCD, IRD, Mixed-Use, General, All Non-PUD Subdivisions	All Subdivision / PUD Types	NCD, IRD, Mixed-Use, General, All Non-PUD Subdivisions	All Subdivision / PUD Types	All Subdivision / PUD Types
Description	Informal, primarily natural green space managed for passive unstructured recreation, limited structured recreation, and community gatherings, events	Linear, informal, primarily natural green space that typically borders and may incorporate a natural feature such as a riparian or habitat corridor, or a connecting recreation or pedestrian path	Informal but well-defined natural and landscaped green space, designed and managed for passive, unstructured recreation, limited structured recreation, social interaction, and neighborhood gatherings, events	Formal, well-defined and landscaped, outdoor living space designed and managed for passive, unstructured recreation, limited structured recreation, social interaction, and neighborhood gatherings, events	Formal, well-defined, landscaped and landscaped outdoor living space, designed and managed for foot traffic, social interaction, civic and commercial activities and events, and use by adjoining businesses	A small, landscaped green space, designed and managed as an outdoor living "room" for more limited passive recreation and social interaction.	A small, formally landscaped and landscaped outdoor area or "room," designed and managed for foot traffic, social interaction, and limited civic and commercial activities	Open space designed and equipped for children; may be included in other open/civic space types	Open space consisting of a grouping of garden plots for use by neighborhood residents; may be included in other open/civic space types
Service Area	Intended to serve multiple neighborhoods located within walking or biking distance (1/2 mile) of the park. Typically located between adjoining neighborhoods. May also serve as a buffer area between incompatible development	Intended to serve and connect multiple neighborhoods, open space areas, public facilities, and mixed use centers, as part of the City's planned open space and recreation path network. Typically located within edge/buffer areas; may serve as a buffer area between incompatible development	Intended as the focal point of a residential or mixed use neighborhood that serves to enhance neighborhood identity and character, and accommodates neighborhood gatherings and events. Typically centrally located to the area (streets, blocks) it serves	Intended to serve as a focal point, and outdoor living space, in a more urban, higher density residential or mixed use neighborhood. Typically centrally located to the area (streets and blocks) it serves; may also front civic buildings	Intended to serve adjacent sites on a street or block face within a more densely developed commercial or mixed use area. Typically located at a street intersection, but may also be located midblock.	Intended to serve the immediate area (street, block) within walking distance (1/4 mile), including adjoining residences and businesses. Typically located mid-block, or on a street corner. Especially suited for infill development in neighborhoods that lack open space.	More urban version of a pocket park; intended to serve the immediate area (street, block) within walking distance (1/4 mile), including adjoining residences and businesses. Typically located mid-block, or on a street corner.	May be a type of civic space, feature within a civic space, or a building amenity.	May be a type of civic space, feature within a civic space, or a building amenity.
Typical Features	Paths, trails, trees, ballfields, playground, dog park, play area, community garden, small accessory structures, seating; may include a small farm in appropriate context; may include limited onsite parking.	Recreation path, trail, trees, small accessory structures, water fountains, seating areas, overlooks; vehicle parking limited to access points/trail heads	Paths, trails, seating areas, trees, gardens, public art, small accessory structures; no onsite parking	Formally arranged paths, trees, gardens, seating areas, public art, fountains, small accessory structures; no onsite parking	Seating areas, vendor areas, public art, fountains, ornamental trees, planters, small accessory structures/buildings; no onsite parking	Path, seating area, trees, gardens, community garden playground, public art, small accessory structure; no onsite parking	Seating area, vendor area, public art, fountain, ornamental trees, planters, small accessory structures; no onsite parking	Playground equipment, fountains, small accessory structure (e.g., shelter), seating area	Garden plots, accessory facilities/structures (e.g., water source, equipment shed); limited/no parking
Lot Size	Minimum: 3 acres Maximum: None	Minimum Width: 50 FT No minimum length or overall size; but must be designed to serve the entire development, and to connect to the existing or planned path or open space network in the vicinity of the project	Minimum: 20,000 SF Maximum: 120,000 SF	Minimum: 20,000 SF Maximum: 80,000 SF	Minimum: 20,000 SF Maximum: 60,000 SF	Minimum: 2,000 SF Maximum: 20,000 SF	Minimum: 2,000 SF Maximum: 20,000 SF	Minimum: 2,000 SF as a Civic Space; 1,500 SF as a Site Amenity	Minimum: 5,000 SF as a Civic Space
Lot Coverage	0% Min, 30% max	0% Min, 30% max	0% Min, 20% max	0% Min, 30% max	60% min, 100% max	0% min, 50% max	60% min, 100% max		
Frontage	Independent of building frontage; typically fronts on at least one public street; and may be accessed via one or more streets, recreation, or pedestrian paths.	Independent of building frontage or bordering streets, but a street may serve as a boundary. Typically accessed via intersecting streets, recreation, or pedestrian paths. In developed areas, maybe spatially defined by landscaping or attractive fencing.	Typically has frontage on two or more streets with adjacent buildings and main building entrances facing the Green. Civic building lots, where present, also border and front on the Green.	Typically has frontage on one or more streets, with adjacent buildings and main building entrances facing the Square. Civic building lots, where present, typically also border and front on the Square.	Typically has frontage on one or two streets, with adjacent buildings that front on or have public entrances facing the Plaza. Prominent civic buildings, where present, may also front on the Plaza.	Typically has frontage on one or two streets; and may be spatially separated from adjoining properties by attractive fencing and landscaping that define the space.	Typically has frontage on one or two streets, and is defined and enclosed by adjacent building facades, with compatible architectural elements, such as low walls, screening, or fencing and landscaping that define the space.	If a civic space, must be accessible from public street	If a civic space, must be accessible from public street
Other:								May also serve as a feature within a different applicable Civic Space	(1) See "Shared Garden Space" for the Site Amenity version of this use. (2) may also serve as a feature with
Notes:									

Neighborhood Civic Spaces may include or incorporate stormwater management practices. Any such practice must be designed to service the description and service intent of the applicable service space type and complement the features. The Board may exclude stormwater practices from the calculation of minimum civic space requirements where it finds the practices to be excessive to the primary purpose of the civic space type

Type	Site Amenity Outdoor Cafe/ Restaurant Seating	Site Amenity Sun Terrace	Site Amenity Indoor Park/Atrium	Site Amenity Courtyard	Site Amenity Shared Garden Space	Site Amenity Rain Garden	Site Amenity Snipnet/ Pkiet	Site Amenity Pedestrian Pass	Site Amenity Streetfront Open Space	Site Amenity Indoor/Outdoor Space	Site Amenity Private Porch or Balcony	Site Amenity Private Yard Space	Site Amenity Enhanced or Recreational Wetlands/Stormwater Treatment Area	Site Amenity Wooded Area
Applicability: WBC: (where may be located)	All FBC Districts (must be associated with a restaurant)	Buildings having 3 or more stories in T4 and T5	T4, T5	All FBC Districts	All FBC districts.	All FBC districts	All FBC districts; Parcels with land within the Urban Design Overlay District	T4, T5	All FBC districts	T4, T5	T-3 and T3+.	T-3 and T3+	Onsite in FBC T3 and T3+ unless counting as off-site open space for T4 and T5 and meeting all of the requirements and limitations of 8.08E.	Onsite in FBC T3 and T3+ unless counting as off-site open space for T4 and T5 and meeting all of the requirements and limitations of 8.08E.
Site Plan, applicability, outside FBC				All Site Plans	All Site Plans	All Site Plans	All Site Plans			All Site Plans	All Site Plans	All Site Plans	All Site Plans	
Description & Service Intent	An open-air seating area provided by a restaurant located on the subject of adjoining property, where restaurant patrons can eat or drink	Accessible and open area on upper story with seating and gathering amenities.	Interior open space where at least one wall facing the street consists entirely of glass.	Common Open Space area on a portion of a lot.	Land set aside and maintained for production of food to be used primarily for participating gardeners.	A shallow depression planted with native plants that captures rainwater runoff from impervious urban areas.	Small sitting area clearly intended to provide welcoming respite between or adjacent to buildings. May serve general public, employees, residents, or customers.	Narrow pedestrian right of ways that cut through blocks in residential and/or commercial areas.	Linear open space area to secondary streets, as permitted per the Regulations.	Indoor common area, with direct access to a ground or upper-level, outdoor space. For residential uses.	Private porch/balcony for use by residents of an individual dwelling unit.	Private yard space associated with a residential unit.	An existing wetland buffer or new stormwater treatment area which offers public amenities that exceed those minimally necessary for water resource management.	Naturally occurring area with predominance of canopy trees with enhancement and public access.
Size	Minimum 100 sq. ft.	500-3,000 sq. ft. total area shall not count as more than 50% of the minimum required qualifying open space.	Minimum area 1,500 sq. ft. Minimum ceiling height 20'. Area to be counted as qualifying open space shall not exceed twice the area of the glass wall.	5,000-20,000 sq. ft.	Minimum 400 square feet. Encouraged to serve at least 20% of units in multifamily developments.	Maximum size of 3,500 sq. ft. shall not count as more than 50% of minimum required qualifying open space.	600-4,000 sq. ft.	8' minimum width; 24' maximum width.	50' minimum depth from closest public street line; or if private, 50' minimum depth from edge of pavement or sidewalk as applicable.	Minimum 300 sq. ft. indoors and 600 sq. ft. total.	Minimum 8' depth and 8' width. If balconies / Porches are not accessible to every residential unit, the total area may not count as more than 50% of the minimum required qualifying open space.	As directed by minimum requirements.	Shall include the land of the improvement (such as enhanced path, viewing platform, etc) and 50 feet to either side; total area shall not count as more than 50% of minimum required qualifying open space.	2,500 sq. ft. minimum; Shall include the land of the improvement (such as enhanced path, viewing platform, etc) and no more than 50 feet to either side; total area shall not count as more than 50% of the minimum required qualifying open space.
Location & Access	Highly visible, directly adjacent to public right of way. See additional public realm standards below.	Second floor or above. Encourage location in places which have spectacular views. Accessible directly from the sidewalk or public corridors. For T5 Non-Residential, must provide adequate signage about location and accessibility in hallways and elevators.	Building interior adjacent to sidewalk or public open space. Direct access from street level. Provide several entrances to make the space available and inviting to the general public.	Physically defined by surrounding buildings on three or four sides.	May not be located in any class wetland or wetland buffer. Shall have proper drainage.	The garden should be positioned near a runoff source like a downspout, driveway or sump pump to capture rainwater runoff and stop the water from reaching the sewer system.	Must be directly adjacent to public right of way and sidewalk or operable building entry. Applicants are encouraged to consider lighting and safety in design.	No vehicular traffic. Must connect two public streets. Storefronts and restaurants are highly encouraged to access the pedestrian pass.	Must be immediately adjacent to qualifying secondary street. See Chapter 8 for additional regulations. Must be on each side of roadway, unless a complying building is located on the opposite side.	Available for use by residents of a building.		Directly adjacent to and accessible to at least one entry of the associated dwelling unit.	Must be visible to public or tenants and users of building. Direct pedestrian access from adjacent public street type.	Must be accessible, at minimum, by residents, tenants, or customers of site. Must be onsite. Offsite wooded areas shall not be considered qualifying open space even where the LDR permit open space to be located off-site.
Seating, Tables, Etc.	Seating material shall be of moderate to high quality in order for café space to be considered qualifying open space.	One seating space for every 50 sq. ft. of terrace area.	Provide one seat for every 100 sq. ft. of floor area, one table for every 400 sq. ft. of floor area. At least one half of seating to consist of movable chairs.	One seating space for each 500 sq. ft. of courtyard area, with a minimum of 10 seating spaces.	None required.	The space must serve as a visual amenity which can be enjoyed through paths or seating. Adjacent seating, proportionate with the size of the garden and number of users, intended to enhance the garden is required and can be counted as part of the required open space.	Seating must be the main focus of the space. Seating must be present year-round and composed of high quality materials. Fixed seating is required unless the applicant demonstrates that movable seating will meet the stated goals of the type.	One seating space for each 150 sq. ft.	Seating is encouraged, but there shall be no minimum requirement.	Must be appropriately furnished to meet service intent.	No requirements.	No requirements.	If functional for sitting and viewing, seating can be ledges, benches, and/or stairs.	Light enhancement expected. Must include improvements, including cleared paths and benches.
Landscaping, Design.	For optional separated seating areas, use planting boxes of interesting patterns of plants, open fences of less than 3 feet in height, or decorative and movable bollards with decorative chain connectors.	Terrace may take one of the following forms: complex architectural setting which may include art works, flower garden; space with trees and other planting. Planted roofs are permitted provided area is also a functional seating space.	Provide attractive paving material to create interesting patterns. Use rich plant material. Incorporate sculpture and/or water feature.	If paved, area shall be amended throughout with substantial planted areas or large planters of trees and lush greenery. If grassed, area should be articulated at perimeter with lush greenery.	Must have adequate planting soils, tested for pH balance, drainage, nutrients, etc. (proof provided prior to Certificate of Occupancy). Where they are inadequate, soils shall be amended for more suitable farming. Shall have water service directly to gardens. Raised planters or other semi-permanent infrastructure encouraged.	Deep rooted native plants and grasses.	Landscaping shall also be a primary component of the space. Because the space is inherently small, it shall be carefully landscaped in a higher proportion than larger spaces. Landscaping should not interfere with seating, but instead complement it. Spaces should appear warm and inviting and permanent rather than temporary.	If paved, area shall provide trees or large potted plants at no more than 50 foot intervals. If grassed, area shall be accented with intermittent trees or public art.	Slight, gentle, and undulating berms from 1-3 feet in height are encouraged to block views of parking areas. Ever-green landscaping is required. Include canopy trees whose branches are above the average visual line of sight, located throughout the space, with no more than 40 feet between any two such trees or between a tree and the street or parking area. Landscaping should aim to distract from parking beyond, but should not create dense walls of shrubbery or trees. Artwork is also highly encouraged.	Landscaping and seating must be appropriately designed to meet service intent.	No requirements.	No requirements. Landscaping, lawns or planned seating/dining areas (patios and decks) are encouraged.	LID techniques; no fencing permitted. Majority of area must be covered with canopy trees. Light enhancement expected. Must include cleared paths, benches, and/or other amenities.	
Commercial Services, Food	May serve as seating area for adjacent restaurant/food service, or be space provided for food service. See Table 8.08C.	Dependent on Transect, may possibly be used up to 100% for commercial food services. See Table 8.08C.	30% of area may be used for restaurant seating taking up no more than 30% of the area.	Not permitted.	Not permitted.	Not permitted.	Permitted.	40% of area may be used for restaurant seating.	Not permitted.	Not permitted.	Not permitted.	Not permitted.	Not permitted.	Not permitted.
Sunlight and Wind	Sunlight encouraged to most of the occupied area at lunchtime.	No requirements.	No requirements except as noted for street facade to be wall of.	Sunlight to sitting areas for most of day.	Full sunlight.	Appropriate to the plant species selection.	No requirements.		No requirements.	No requirements.	No requirements.	Exterior to building.	Appropriate to the plant species selection.	No requirements.
Other					Plan shall be established and submitted to ensure continual use and maintenance of the gardens, whether by residents, association, property owner or property manager.	See LID language for additional standards.	Bicycle parking may be permitted within these areas; however, the space dedicated to bicycle parking shall not count towards meeting the open space requirements.		Separate travelled way from parking areas; shall create pedestrian environment.				Must be located on applicant-owned property.	
Notes:														
Seating dimensions:	*Required dimensions for one seating space or, ideally 17", must allow user to bend knees and have feet below knees	Height: 12" to 36"	Depth: 14" one-sided; 30" double-sided											
Materials	All products installed in qualifying open spaces shall be of high quality													

14 SITE PLAN and CONDITIONAL USE REVIEW

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14.06 General Review Standards

Except within the City Center Form Based Code District, the following general criteria and standards shall be used by the Development Review Board in reviewing applications for site plan approval. They are intended to provide a framework within which the designer of the site development is free to exercise creativity, invention, and innovation while improving the visual appearance of the City of South Burlington. The Development Review Board shall not specify or favor any particular architectural style or design or assist in the design of any of the buildings submitted for approval. The Development Review Board shall restrict itself to a reasonable, professional review, and, except as otherwise provided in the following subsections, the applicant shall retain full responsibility for design.

A. Relationship of Proposed Structures to the Site.

(1) The site shall be planned to accomplish a desirable transition from structure to site, from structure to structure, and to provide for adequate planting, safe pedestrian movement, and adequate parking areas. The DRB shall consider the following:

- (a) Street Frontage. Maintain internally-consistent building setbacks and landscaping along the street.
- (b) Building Placement, Orientation. Maintain or establish a consistent building orientation to the street and, where a prevalent pattern exists, the relationship of the building foundation to topography and grade.
- (c) Transition Contrast in Scale. Minimize and mitigate abrupt contrast in scale between existing, planned or approved, and proposed development.
- (d) Pedestrian Orientation. Improve and enhance pedestrian connections and walkability within the area proposed for development.
- (e) Solar Gain. Buildings should orient their rooflines to maximize solar gain potential, to the extent possible within the context of the overall standards of the regulations.

(2) Parking:

- (a) Parking shall be located to the rear or sides of buildings. Any side of a building facing a public street shall be considered a front side of a building for the purposes of this subsection.
- (b) The Development Review Board may approve parking between a public street and one or more buildings if the Board finds that one or more of the following criteria are met. The Board shall approve only the minimum necessary to overcome the conditions below.
 - (i) The parking area is necessary to meet minimum requirements of the Americans with Disabilities Act;
 - (ii) The parking area will serve a single or two-family home;

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- (iii) The lot has unique site conditions, such as a utility easement or unstable soils, that allow for parking, but not a building, to be located adjacent to the public street;
 - (iv) The lot contains one or more existing buildings that are to be re-used and parking needs cannot be accommodated to the rear and sides of the existing building(s);
 - (v) The principal use of the lot is for public recreation; or
 - (vi) The lot is located within the Mixed Industrial-Commercial Zoning District and meets the following criteria:
 - (I) The lot is located in an approved subdivision where the parking on each lot in the subdivision is proposed to be located between the building or buildings on each lot and the public street so that a significant greenspace surrounded by buildings may be incorporated similar to a college campus style “quad”, as detailed below.
 - (II) The parking on any lots that include a part of the greenspace shall be aligned in a similar fashion so that the buildings are located between the greenspace and the parking and so that the parking is located between the buildings and the public street to maintain the integrity and continuity of the greenspace .
 - (III) The minimum required total area of the greenspace shall be 150,000 square feet. For purposes of this subsection 14.07(B) (2)(b)(vi), “greenspace” shall be defined as a consolidated and continuous landscaped area located across more than two lots in the approved subdivision, similar in nature to a common open space, largely surrounded by buildings, but shall not include building or impervious parking areas. The greenspace may extend between buildings, but shall not extend beyond the building line of the principal building on each lot that includes a portion of the greenspace. The greenspace shall consist of pervious surfaces such as lawns, trees, plantings, wetlands, and gardens, and may include impervious landscape features, such as path networks, sculptures, gazebos, water features, footbridges, sitting areas, stone walls, and other features and amenities that may be built within and throughout the greenspace in order to create a more attractive and enjoyable environment. The area of the greenspace shall be calculated by measuring and adding the portion of the total greenspace defined on the site plan for each lot in the approved subdivision that includes a portion of the greenspace.
 - (vii) The lot is located within the Mixed Industrial-Commercial or Industrial & Open Space Zoning Districts, and it is clear that the circulation and layout of the lot cannot reasonably be designed in a manner to avoid conflicts between visitors / employees and the inherent operations of the use(s) on the lot;
 - (I) In order to further reduce the likelihood of such conflicts, this exception to the general requirements for parking is only available when the uses of the lot(s) are limited to:
 1. Distribution and related storage
 2. Light manufacturing
 3. Manufacturing
 4. Processing and Storage
 5. Warehousing and Distribution
 - (II) The parking shall be limited as follows:
 1. No more than 25% of the total parking on the lot shall be located between a public street and the building(s);

2. Parking shall be predominantly screened from the roadway with landscaping features, and separated from the roadway's sidewalks or multi-use paths by one or more of the following Qualifying Open Spaces (as defined in Article 11.B, except for the location standards which are superseded by this subsection): Pocket/Mini Park; Wooded area; Community Garden; Enhanced Rain Garden; or Streetfront Open Space. The size of this Open Space shall be sufficient to (1) create or extend a pleasant pedestrian experience on the adjacent public sidewalk or recreation path, (2) largely screen parking from the street right-of-way, and (3) provide for additional usable open space on the parcel. The open space shall represent a minimum of 35% of the total square footage of the parking spaces (not including circulation infrastructure) proposed to be located in front of the building.

3. The minimum required landscaping budget established by the Development Review Board pursuant to Section 13.04 shall increase by a percentage that is equivalent to the percentage of the total parking that is proposed to be located between a public street and the building(s) on a lot. Of this total increased landscaping budget, the percentage that must be dedicated to installation of landscaping in the front yard shall be equivalent to the percentage of the total parking that is proposed to be located between a public street and the building(s) (e.g., if the minimum required landscaping budget before any increase was \$100,000, and if 10% of the total parking for the lot is proposed to be located between a public street and the building(s), then the minimum required landscaping budget shall increase by 10%, for a new total landscaping budget of \$110,000, and no less than 10% of the new total landscaping budget, or \$11,000, must be dedicated to installation of landscaping in the front yard).

4. The applicant shall construct a safe, paved pedestrian access from the street to the building's main entrance.

5. The parking layout and circulation shall not interfere with safe pedestrian access from the street to the building's main entrance.

(c) Parking area width. Surface parking areas and affiliated drive aisles located to the side of buildings shall not exceed the width of building(s), Civic Spaces, and Site Amenities ~~width~~ along any street frontage. This may be calculated separately or cumulatively for corner lots. Parking approved pursuant to 14.07(B)(2)(b) shall be exempt from this subsection.

(d) For through lots, parking shall be located to the side of the building(s) or to the front of the building adjacent to the public street with the lowest average daily volume of traffic. Where a lot abuts an Interstate or its interchanges, parking shall be located to the side of the building(s) or to the front adjacent to the Interstate. Parking areas adjacent to the Interstate shall be screened with sufficient landscaping to screen the parking from view of the Interstate.

(3) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing or anticipated adjoining buildings.

C. Relationship of Structures and Site to Adjoining Area.

(1) The Development Review Board shall encourage the use of a combination of common materials and architectural characteristics (e.g., rhythm, color, texture, form or detailing), landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles.

(2) Proposed structures shall be related harmoniously to themselves, the terrain and to existing buildings and roads in the vicinity that have a visual relationship to the proposed structures.

(3) To accomplish (1) and (2), the DRB shall consider:

(a) Pattern and Rhythm. Update or maintain or extend the overall pattern of development defined by the planned or existing street grid, block configurations, position and orientation of principal buildings, prevalence of attached or detached building types.

(b) Architectural Features. Respond to recurring or representative architectural features that define neighborhood character, without adhering to a particular architectural style.

(c) Privacy. Limit impacts and intrusions to privacy on adjoining properties, including side and back yard areas through context sensitive design.

D. Civic Space Requirement

(1) Sites are required to include specific area for appropriate Site Amenities. This section does not apply to projects within the City Center Form-Based Code area (which are governed by Section 8.08).

(2) Applicability. Applications for the following shall be required to provide Site Amenities:

(a) Any non-residential development over 5,000 SF

(b) Additions or expansions over 5,000 SF to existing non-residential structures

(c) Any residential development, including conversion of non-residential structures to residential use

(3) The required area shall be:

(a) For Non-Residential development, a minimum of 6% of non-residential building gross floor area.

(b) For Residential development, determined by number of units as:

(i) For less than 10 units, 100 square feet per unit;

(ii) For 10 to 19 units, 85 square feet per unit; or

(iii) For 20 or more units, 60 square feet per unit.

(4) The DRB may, in its discretion, provide credit for up to 50% of the required Site Amenity area if the Applicant demonstrates a safe, walkable connection to existing Civic Space or public park accessible by the general public and located within five-hundred (500) feet walking distance of at least one pedestrian access points to all buildings on the lot and does not require crossing a four-lane road.

(a) The DRB may, in its discretion, give partial credit for Civic Space if not all buildings have access points within five-hundred (500) feet of the Civic Space.

(b) The DRB cannot reduce the remaining 50% of the Site Amenity requirement.

14.07 Specific Review Standards

In all Zoning Districts and the City Center Form Based Codes District, the following standards shall apply:

A. Environmental Protection Standards. All proposed development shall be subject to the applicable requirements of Article 12, Environmental Protection Standards.

B. Site Design Features. All proposed development shall comply with standards for the placement of buildings, parking and loading areas, landscaping and screening, open space, stormwater, lighting, and other applicable standards related to site design pursuant to these Land Development Regulations.

C. Access and Circulation. All proposed development shall comply with site access and circulation standards of Section 15.A.14.

D. Transportation Demand Management (TDM) [reserved]

E. Building Form. Development within the City Center Form Based Code District, the Urban Design Overlay District, and other districts with supplemental building form standards shall adhere to the standards contained therein.

F. Streetscape Improvements. A proposed new construction or extension/expansion of an existing structure exceeding the thresholds listed in either (a) Section 14.09(B) or (b) Section 8.11(D) within the City Center Form Based Code, or Section 3.11(D) in all other zoning districts, shall be required to upgrade adjacent sidewalks, greenbelts, and related street furniture (trees, benches, etc.) to the standards contained within the applicable Street Type and Building Envelope Standard. Nothing in this subsection shall be construed to limit requirements for additional upgrades as necessary to meet the requirements of these Regulations.

F. Access to Abutting Properties. The reservation of land may be required on any lot for provision of access to abutting properties whenever such access is deemed necessary to reduce curb cuts onto an arterial or collector street, to provide additional access for emergency or other purposes, or to improve general access and circulation in the area.

G. Utility Services. Electric, telephone and other wire-served utility lines and service connections shall be underground insofar as feasible and subject to state public utilities regulations. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and to the site. Standards of Section 15.A.18, Infrastructure, Utilities, and Services, shall also be met.

H. Disposal of Wastes. All dumpsters and other facilities to handle solid waste, including compliance with any recycling, composting, or other requirements, shall be accessible, secure and properly screened with opaque fencing to ensure that trash and debris do not escape the enclosure(s). Small receptacles intended for use by households or the public (ie, non-dumpster, non-large drum) shall not be required to be fenced or screened.

15.A SUBDIVISION REVIEW

15.A.16 Blocks and Lots

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B. Lots. All lots must be laid out to logically relate to topography and their intended use or purpose. Building lots must be laid out within existing and planned street and block configurations, in such a way that they can be developed in full compliance with their intended use and these Regulations. Unless otherwise specified under these Regulations as applicable to the subdivision:

- (1) All proposed lots must be numbered, as shown on subdivision plans and plats.
- (2) The arrangement and configuration of lots must allow for the further subdivision of any remaining developable land on the tract or parcel to be subdivided. Where proposed building lots exceed minimum lot area requirements, the DRB may require that such lots be configured and developed in a manner that allows for further subdivision and infill development.
- (3) Building or other lots for existing or planned public facilities or uses, including public parks, as shown on the City's Official map or proposed for dedication to the City, must be labeled and shown as such on the subdivision plan and plat.
- (4) Unless otherwise specified under these Regulations, a minimum of ten percent (10%) of the total buildable area within the developed portion of any Major Subdivision exceeding two acres in size must be allocated to functionally integrated civic space lots, as shown on the subdivision plan and plat.
 - (a) Required civic space must incorporate one or more allowed Civic Space Types under Article 11.B and meet associated type requirements.
 - (b) Designated civic space lots must have frontage on or pedestrian access from an abutting street. The entrance to a civic space that does not front on an abutting street must be readily visible, apparent, and accessible from the street.
 - (c) Civic space lots must be identified on the subdivision plat, and in associated legal documents, as Civic Space lots to be maintained and managed in single or common ownership.
 - (d) For Major Subdivisions under six (6) acres, the DRB may, in its discretion, waive up to 50% of the required Civic Space area if the Applicant demonstrates a safe, walkable connection to existing publicly accessible Civic Space located within five-hundred (500) feet walking distance of at least one pedestrian access points to all buildings in the subdivision and does not require crossing a four-lane road.
 - i. The DRB may, in its discretion, give partial credit for Civic Space if not all buildings have access points within five-hundred (500) feet of the Civic Space.
 - ii. The DRB cannot reduce the remaining 50% of the Civic Space requirement.

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15.B MASTER PLAN REVIEW

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15.B.02 Applicability

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15.B.02 **Applicability**

(A) Required Approval. Master plan review and approval by the DRB is required prior to preliminary subdivision review under Article 15.A, or site plan review under Article 14, as applicable, for:

- (1) Any Major Subdivision involving four (4) or more acres, except for any portion of Transect Zone Subdivision within the City Center Form Based Code District.
- (2) Any land subdivision or site development proposed to occur over two (2) or more phases, or three (3) or more years.
- (3) A Planned Unit Development under Article 15.C unless, at applicant request, Master Plan review is waived by the DRB for a PUD on less than four (4) acres under 15.C.03.
- ~~(4) **Multiple Structures on a Single User Lot or Complex, in accordance with Section 3.09.**~~
- (5) The DRB may also require the submission of a Master Plan for any tract or parcel of land where there exists clear potential for future growth and development beyond that presented in an application, as necessary to establish physical and functional connections between areas of proposed and potential future development.

15.C PLANNED UNIT DEVELOPMENT

- 15.C.01 Purpose
- 15.C.02 Applicability
- 15.C.03 Planned Unit Development Review
- 15.C.04 ~~General PUD~~ Standards Applicable to All PUD Types
- 15.C.05 Conservation Development
- 15.C.06 Traditional Neighborhood Development
- 15.C.07 General PUD

...

15.C.02 Applicability

A. Floating Zone. For purposes of these Regulations, a Planned Unit Development (PUD) is an unmapped overlay zoning district or “Floating Zone,” as allowed or required within an underlying zoning district, which is applied to a particular tract or parcel of land proposed for subdivision and development. A PUD is intended to function as a more flexible, design-based zoning district in which conservation or form-based design standards also apply to proposed development. Where PUD standards differ from underlying zoning district, site plan, or subdivision standards, PUD standards shall apply.

B. PUD Types. The following types of Planned Unit Development are authorized under these Regulations by Zoning District (Table 15.C.1), subject to the associated provisions and standards of review for each PUD type:

- | | | |
|-----|--|------------------------|
| (1) | Conservation Development (CON) | Section 15.C.05 |
| (2) | Traditional Neighborhood Development (TND) | Section 15.C.06 |
| (3) | <u>General PUD</u> | <u>Section 15.C.07</u> |

C. Required Planned Unit Development. PUD review and approval by the DRB under this Article is required for any subdivision and development of a tract or parcel with a total area of four (4) or more acres within any zoning district listed for CON PUD and TND PUDs under Table 15.C-1. General PUDs are not mandatory in any district.

D. Elective Planned Unit Development. An applicant may elect PUD review, as allowed within specified zoning districts, for the subdivision and development of any tract or parcel:

- (1) Less than four (4) acres that qualifies as a Conservation PUD under Subsection 15.C.05, in which fifty percent (50%) or more of the total tract area includes one or more Hazard or Level I Resource areas identified for protection under Article 12.
- (2) Where the General PUD type is allowed under Table 15.C-1 or Section 15.C.07(C).

E. PUD Type by Zoning District. The types of PUD allowed within an underlying zoning district are specified by district in Table 15.C-1.

Table 15.C-1 PUD Types by Zoning District

PUD Type	Underlying Zoning Districts
Conservation Development (CON)	(1) R1-PRD, R1-Lakeshore, R1-Lakeview, R2, Lakeshore, SEQ-NR, SEQ-NRT, SEQ-NRN, SEQ-VR, SEQ-VC (2) A tract or parcel in any PUD-allowed zoning district in which a minimum of 50% of the total tract or parcel area consists of Hazards and/or Level I Resources (see Section 15.C.05)
Traditional Neighborhood Development (TND)	R1-PRD, R1-Lakeview, R1-Lakeshore, R2, R4, R7, Lakeshore, Allen Road, Swift Street, R7-NC, SEQ-VR, SEQ-VC SEQ-NR, SEQ-NRN, SEQ-NRT, only in association with a Conservation PUD, in a designated Development Area with a minimum Buildable Area of 4 acres
<u>General PUD</u>	(1) <u>C1-R12, C1-R15, C1-AUTO, C1-AIR, C1-LR, C2, IC, AIR, AIR-I, I-O, and IA.</u> (2) <u>As described in Section 15.C.07(C).</u>

(1) Planned Unit Development under this Article does not apply to subdivision and development within those zoning districts for which no PUD type is specified. In addition:

~~(a) All PUD types are prohibited within any zoning district not listed in Table 15.C-1; and~~

(b) All PUD types are prohibited within the SEQ-NRP Subdistrict; except for land on a tract or parcel within the SEQ-NRP that is included for conservation within a Conservation PUD.

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

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15.C.07 General PUD

A. Authority and Limitations.

(1) The Development Review Board (DRB) has the authority under 24 VSA § 4417 to review, to approve, to approve with modifications and conditions, or to disapprove an application for a Planned Unit Development (PUD), as further described in Section 15.C.01.

(2) Limitations on DRB authority under 14.04(A)(3)(b) apply.

(3) In addition, in no case shall the DRB vary:

(a) Density restrictions and/or allow an increase in overall density except as authorized via use of Transferrable Development Rights or via Inclusionary Zoning.

(b) Requirements of the Urban Design Overlay District and Transit Overlay District, as applicable.

(c) Applicable lot coverage and/or building coverage maximums allowed within each zoning district, as measured across the PUD as a whole, except as authorized via use of Transferrable Development Rights.

(d) Environmental Protection Standards under Article 12.

(e) Parking and building location requirements in Section 14.06(A)(2).

B. General PUD Description, Purpose, and Characteristics. A General PUD is a type of planned development that allows for relief from the strict dimensional standards for individual lots in order to encourage innovation in design and layout and efficient use of land consistent with the Comprehensive Plan. Defining characteristics of a General PUD include well-planned, sited, and designed development projects that:

- Conform to the goals in the City of South Burlington Comprehensive Plan and South Burlington City Council's Resolution on Climate Change dated August 7, 2017.
- Support and enable affordable housing development.
- Contribute to the City's economic vitality, in response to changing markets and consumer demand, by providing needed housing, goods, services, and employment opportunities.
- Redevelop underperforming properties and commercial strips (retrofits), contaminated sites (brownfields), and large expanses of parking (gray fields) into more compact forms of walkable, pedestrian-oriented, mixed-use development.
- Extend or re-establish existing street, sidewalk, and recreation path connections.
- Incorporate a density of development that supports walkable residential, mixed use, and transit-oriented development, compatible in design with the surrounding area.
- Improve the physical appearance, walkability, and amount of civic and green space within existing residential neighborhoods, commercial centers, and commercial strip development.
- Introduce missing or complementary uses, facilities, services, amenities, or civic space intended to serve the immediate and surrounding area.
- Foster context-sensitive transitions among and between neighborhoods, commercial areas, mixed use areas, civic spaces, and natural resource areas.

C. Applicability. A General PUD is an allowed PUD type in the following circumstances:

(1) As an allowed PUD type as listed in Table 15.C-1.

(2) For minor amendments to existing, approved PUDs as of [DATE of former regulations], including existing, approved PUDs in zoning districts other than indicated by Section 15C.07(C), and amendments to General PUDs approved under this Section.

(a) An amendment shall be considered “minor” if it does not significantly alter the overall intent, scale, or relationship of the approved PUD to its surroundings. A minor amendment may incorporate additional land not in the previous PUD, but only to the extent that it does not exceed other requirements of this section.

(b) Amendments to CON PUDs and TND PUDs shall be made under 15.C.05 (CON PUD) or 15.C.06 (TND PUD), respectively.

D. Conformance with PUD Standards. In addition to the specific standards under this Section, all standards in Section 15.C.04 shall also apply. Application and review process for a General PUD is governed by Section 15.C.03.

E. Context. For planning and design purposes, “Planning Area” is defined as the area within ¼-mile of the lot or parcel to be developed, as measured from the lot line or delineated PUD boundary.

F. General PUD Compatibility and Context Analysis

(1) **Compatibility.** PUD compatibility with the Planning Area, as determined from a detailed analysis of the Development Context, shall be a primary consideration in General PUD project design, and for DRB review and approval.

(2) **“Development Context” is defined to include:**

(a) The prevalent or recurring pattern and form of development within the Planning Area, including established street grid and streetscape elements, blocks, lots, buildings and yard areas, civic spaces, and parking arrangements, and

(b) The character of the Planning Area, as defined by:

(i) The planned character of an area planned for redevelopment by the City as identified in the Comprehensive Plan;

(ii) Approved, to-be-built or recently built (within ten (10) years) development projects in the Planning Area;

(iii) Any updates to the underlying zoning district(s) within the previous ten (10) years in the Planning Area; or

(iv) Zoning district purpose statements, allowed uses, and district specific development standards.

(v) As based on current zoning purpose statements, uses, and standards only if the DRB finds there is no relevant information under (ii)(a), (b), and (c), or the DRB finds that there is a clear, established neighborhood street, block, and lot pattern.

(3) **Context Analysis.** The applicant must submit a Context Analysis of the Development Context within the Planning Area, which, at minimum, includes the information required for Master Plan review under 15.B.04(C) and:

(a) Hazard, Level I, and Level II Resources regulated under Articles 10 and 12.

(b) Prevalent pattern of land subdivision and development in the area, as defined by block lengths; building lot size and frontage distances; front, side, and rear setback distances; building height and coverage; and existing parking arrangements.

(c) Streetscape elements, including the placement, orientation, and spacing of buildings along the street, existing and planned sidewalks, and existing or planned landscaping, street furniture, and lighting.

(d) Building types and styles, including any prevalent or character-defining architectural features.

G. General PUD Dimensional Standards.

(1) Relevant subdivision, site plan, zoning district, and applicable overlay district dimensional standards shall form the basis of the design of a General PUD and shall apply unless modified, reduced, or waived by the DRB under (2) below.

(a) The DRB must find an application meets the requirements of 15.C.07(G)(2) in order to modify, reduce, or waive Site Plan requirements using 14.04(A)(3), Site Plan application requirements using 14.05(G), Subdivision requirements using 15.A.01(B)(3), Scenic Overlay District requirements using 10.02(I)(2), (J), and/or (K).

(b) The DRB has authority to allow alternative compliance under 15.C.04(C)(3).

(c) Height restrictions in underlying zoning districts may be modified, reduced, or waived by the DRB under (2) below, except as noted in 15.C.07(C)(2)(b) above.

(d) The DRB cannot modify, reduce, or waive standards as listed in 15.C.07(A)(3).

(2) In response to the existing or planned Development Context in the Planning Area, the DRB may modify, reduce, or waive one or more applicable dimensional standards as necessary to:

(a) Accommodate reductions in the available area associated with infill or redevelopment, that result in insufficient acreage to meet applicable dimensional standards; or

(b) Allow for more creative and efficient subdivision and site layout and design that advances the purposes of the underlying zoning district and/or the goals of the Comprehensive Plan, particularly in response to existing site limitations that cannot be eliminated; or

(c) Ensure that the pattern and form of proposed development is compatible with existing or planned Development Context in the Planning Area determined under 15.C.07(F) and to Transition Zone standards in 15.C.04(E); or

(d) Allow for greater energy efficiency, use of alternative energy, green building design, or otherwise furthering of the South Burlington City Council's Resolution on Climate Change dated August 7, 2017.

(3) Context shall be determined by the existing or planned Development Context in the Planning Area under Section 15.C.07(F) and (G).

H. Development Density.

(1) Development Density regulations and definitions included in Section 15.C.04(D) shall apply to General PUDs.

(2) Development density within a General PUD is determined by maximum development density in the underlying zoning district, except as follows.

(a) Density can be re-allocated within the PUD area within single zoning districts;

(b) Additional density may be achieved through either or both Inclusionary Zoning and application of Transferrable Development Rights where specifically authorized by and as regulated by Section 18.01 or Section 9.05.

I. General PUD Design Standards

(1) **Design Standards, Generally.** The design for a General PUD shall comply with existing Site Plan, Subdivision, and Overlay District regulations and standards, but may allow for variations from applicable regulations that respond to and incorporate the development context within the Planning Area and under the specific circumstances listed in Section 15C.09(G)(4).

(2) **Streets.** Streets within a General PUD must be compatible with and connect to existing and planned public street, sidewalk, and path networks in the Planning Area.

(a) Street and block pattern requirements of the Subdivision regulations shall apply unless waived by the DRB under Section 15C.09(G)(4).

(3) **Parking.** Parking design and building location requirements applicable in all underlying zones and districts apply to General PUDs, including all requirements in Section 14.06(A)(2).

(4) **Buildings.** Buildings and associated building lots within a General PUD must be compatible with the development context in the Planning Area as described under Section 15.C.07(F) and (G).

(5) **Civic Spaces and Site Amenities.** Civic Spaces and/or Site Amenities must be compatible with the existing or planned development context. General PUDs must comply with applicable Civic Space and/or Site Amenity requirements in Subdivision (Section 15.A.16(B)(4)) and Site Plan (Section 14.06(4)).

(a) Section 15.A.16(C)(4) requirement for minimum 10% of the total buildable area to be civic space lots apply to General PUDs only for PUDs that involve subdivision of land resulting in three (3) or more lots, not including the resulting lots that only contain civic space(s).

(b) In a General PUD, Civic Spaces required under Subdivision Regulations (Section 15.A.16(C)(4)) and under Site Plan Regulations (Section 14.06(4)) can be satisfied by a combination of Civic Spaces, Site Amenities, or a combination, applied across the PUD area.

(6) **Housing Mix.** In a General PUD with more than four (4) residential dwelling units, a mix of two or more dwelling unit types (as allowed within the applicable zoning district) must be provided as described by Section 15.A.17. Types of dwelling units are differentiated by either housing type under Article 11.C or, within multi-family structures with more than four (4) dwelling units, by number of bedrooms per unit.



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www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: March 7, 2022
RE: Proposed Amendment ZA-22-06 Transitional Shelter

Overview & Background

In the December 2021, Mayor Weinberger announced the "[10 Point Housing Action Plan](#)" to serve as a roadmap with two main goals: to double the rate of housing production within the city over the next 5 years, and end chronic homelessness in Burlington. The action plan includes a number of financial investments, resources expansion, and zoning policy changes to achieve these goals.

The proposed amendment corresponds to a several of the initiatives included in the action plan, and comes at the request of the Community & Economic Development Office. As a result of the Covid-19 pandemic, there has been a significant increase in the number of people experiencing homelessness in Burlington. It is anticipated that there will be a further increase in the number of people without access to shelter when and if the state's general assistance emergency housing program restricts eligibility for and access to hotel rooms for people experiencing homelessness in the spring of this year. CEDO has identified a need to increase the City's low- and no-barrier shelter capacity, which is an important tool for filling gaps in the Coordinated Entry/Continuum of Care system.

The action plan includes an initiative to invest in approximately 30 shelter pods and related infrastructure to create a new low-barrier facility for 2022. These pods are envisioned to be similar to [Seattle, WA Tiny House Villages](#), and other models that have been used successfully in other cities as a bridge to permanent housing, and as a cost- and time-effective way to provide shelter for the most vulnerable in the very near term. Unlike traditional emergency shelters, these models include a collection of temporary facilities to provide safe, durable shelter for a limited time. These facilities include individual shelters pods ranging from 60-120 sq.ft. with heat and electricity, but not plumbing, and space for sleeping and storing personal items; shared bathroom facilities in the form of either existing on-site facilities or portable or custom modules; and on-site services for property management and coordinated services for guests.

While a zoning amendment was not initially included in the action plan for this initiative, CEDO's work to implement this concept has identified a number of limitations to the existing Emergency Shelter standards. This amendment is modeled from zoning policies that enabled Seattle's Tiny House Villages, by establishing permitting and regulatory tiers for emergency shelters based on the permanence of the facilities and the duration of their operation. CEDO continues to work to identify details for the location and management of such a shelter site, including the standards for service provision and operation as noted in the proposed amendment below.

Proposed Amendment

Amendment Type

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

Purpose Statement

To amend the definition of and standards for Emergency Shelters to allow for managed temporary shelter facilities as an additional form of shelter for people experiencing homelessness.

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 the City Planning department or 711 if you are hearing or speech impaired.

Proposed Amendments

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

1. Amend definition of Emergency Shelter to accommodate interim facilities

Updates the definition to include a broader range of potential facility types, and remove references to standards that are duplicative of *Sec. 5.4.13*.

2. Create two tiers for emergency facilities within *Sec. 5.4.13 Emergency Shelter* and specifies that interim shelter facilities are permitted in most districts

Establishes standards for Interim Facilities in *Sec. 5.4.13*, which are intended to be temporary shelter facilities operating with fewer regulatory standards, but for a maximum of 5 years with an annual renewal required. Maintains existing Emergency Shelter standards from *Sec. 5.4.13* as standards for Permanent Facilities. Additionally, amends footnotes applicable to Emergency Shelters in Appendix A- Use Table to refer to interim facility provisions in *Sec. 5.4.13*.

3. Authorizes the administrative officer to review applications for Interim Facilities

As temporary facilities, limited to operation on City-owned property or in coordination with the City, and with fewer applicable standards to review, Interim Emergency Shelters are included in *Sec. 3.2.7 (a)*, which authorizes the administrative officer to certain COA Level II applications.

Begin proposed amendments

Section 13.1.2 Definitions

Emergency Shelter: ~~Managed overnight shelter structure, or an interim arrangement of temporary facilities including tents, modular "pods," vehicles, and the like, for sleeping and other with supportive services for homeless persons that is limited to temporary occupancy, typically 180 consecutive nights or less, by a homeless person experiencing homelessness. Provide shelter only overnight.~~

Commented [MT1]: This is captured in 5.4.13. does not need to be duplicated in the definition.

Sec. 5.4.13 Emergency Shelters

Emergency shelters shall be subject to the following:

Table 5.4.13 Emergency Shelter Standards		
Standard	Interim Facilities	Permanent Facilities
Location	Permitted Use in all zoning districts except UR, DW-PT, RCO-C and RCO-A. Must be property owned or controlled by the City of Burlington, or on private property with an operating agreement with the City of Burlington for an interim shelter. Permitted for up to one year, may be renewed annually. Duration beyond 5 years must meet requirements of a permanent facility.	Conditional Use in districts which permit housing uses generally (See Appendix A)

Commented [MT2]: This new table seeks to make a distinction between interim/temporary shelters and permanent shelter facilities. The standards that are in the "Permanent Facilities" captures and makes no changes to the standards for Emergency Shelters currently included in *Sec. 5.4.13*. Only the standards in the "Interim Facilities" column are new.

Use	<u>May be the primary use of a property, or it may be accessory to another primary use on a property.</u>	
Site Standards	• <u>Minimum site area of 5,000 sq.ft.</u> • <u>Screening shall be installed along all site boundaries, including those fronting on a public street</u> • <u>Exempt from Article 8 standards</u>	• <u>All dimensional standards for the underlying zoning per requirements of Article 4 shall be applicable</u> • <u>Design review standards of Article 6 as applicable</u>
Density	• <u>Limited to fifty (50) guests</u>	• <u>Within residential zones, per the residential density limits of Article 4. For the purposes of density calculations, every four (4) beds shall count as one (1) dwelling unit.</u> • <u>Within neighborhood mixed use zones, limited to fifty (50) beds</u> • <u>Within FD5 and FD6, no density limit</u>
Occupancy	<u>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.</u>	
Management	<u>There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds/persons.</u>	
	<u>Prior to application, CEDO must approve an operations plan</u>	

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 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. 3.2.7 Administrative Review and Approval

Pursuant to the provisions of 24 V.S.A. Section 4464(c), this section provides for the administrative review and approval of new development and amendments to previously approved development

(a) Administrative Authority:

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 200-feet 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.

~~12-13.~~ Emergency Shelters-Interim Facilities, where all provisions of Sec. 5.4.13 are met.

End proposed amendments

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

In limited cases, the proposal enables interim emergency shelters where permanent shelters would otherwise not be permitted. This amendment is intended to provide for a flexible, a temporary solution to expanding available low and no barrier beds within the emergency shelter system to address acute shortages.

Impact on Safe & Affordable Housing

planBTV: Comprehensive Plan identifies the need to strengthen the city's approach to homelessness, including by providing more short-term and emergency housing opportunities, while also expanding access to permanent housing and wrap-around services. This proposal provides flexibility for interim shelters to be utilized when the community experiences demand for shelter that is beyond the capacity in other shelter facilities. While not a replacement for permanent affordable housing, these shelters may act as a bridge to other forms of housing.

Planned Community Facilities

This amendment facilitates the implementation of a proposed shelter pod community identified as an emergency shelter solution in the Mayor's 2021 Housing Plan.

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, upon request of CEDO	Presentation to & discussion by Commission 3/8/22	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

Proposed ZA-22-06: Appendix A-Use Table

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
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
Emergency Shelter ³⁴	N	N	N ³¹	N	N ³¹	CU ³¹	CU ³¹	CU ³¹	N	CU ³¹	CU ³¹	CU ³¹	CU ³¹	N ³¹	N ³¹

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. 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. Emergency Shelter- Interim Facility permitted subject to Interim Facility standards in Sec. 5.4.13. For districts in which Emergency Shelter is permitted subject to conditional use, Emergency Shelter- Permanent Facility is subject to approval by the DRB according to 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.

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

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



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: March 7, 2022
RE: Proposed CDO Amendment ZA-22-05: Burlington High School Zoning

Overview & Background

For nearly 30 years, the site of Burlington High School (BHS) has operated as a non-conforming use, in a non-conforming building, on a non-conforming site. The campus on Institute Road is located in the RCO-RC zoning district, as it has been since the 1973 zoning rewrite. However, where previous zoning ordinances allowed public and semi-public buildings within the RCO districts, the 1994 zoning rewrite introduced a Use Table which identified schools as an unpermitted use in this district. Despite these limitations, the site's non-conforming status and some limitations on local zoning for schools in state statute have allowed the school to function and serve the community in this location.

Planning for the high school campus has been under way for [about a decade](#). BHS has been operating in an interim location downtown since March 2021. In late 2021, the BSD School Board selected the "Institute Road – North" site from a list of [potential redevelopment sites](#), and the District has indicated its intent to reopen a school at this site by 2025.

While Institute Road has been the site of the high school for 50 years, the District's preliminary site assessments and concept planning have indicated that the current non-conformities and statutory exemptions that the site enjoys will limit the development a modern high school and technical center going forward; solutions to resolve these conflicts are imperative. The proposed amendments seek recognize and embrace how the campus has served the community and enable it to evolve to meet the needs of the next generation of Burlington students. This is achieved by allowing the high school as a permitted use at this location and by establishing site-based standards for its development.

Proposed Amendment

Amendment Type

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

Purpose Statement

The purpose of this amendment is to rezone the Burlington High School site on Institute Road from RCO-RC to Institutional and to establish a Burlington High School Campus Overlay zone which allows public schools as a permitted use and identifies development provisions for the campus.

Proposed Amendments

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

- **Rezone the BHS Campus at 52 Institute Road from RCO-RC to Institutional and apply new overlay district "Burlington High School"**

Update maps 4.3.1-1 *Base Zoning Districts*, 4.4.6-1 *Recreation Conservation Open Space Districts*, 4.4.4-1 *Institutional Districts*, and 4.5.2-1 *Institutional Core Campus Overlays* to

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rezone the property that spans both sides of Institute Road. Establish the Burlington High School Overlay district for these properties.

- **Establish allowable uses and dimensional standards for development for the new "Burlington High School" overlay district**

Establish a new *Sec. 4.5.2 (h)* and new *Map 4.5.2-8* for this site, which articulates site-specific standards for lot coverage, setbacks, building height, permitted and conditional uses, and other standards for development of the site that accommodate a modern high school facility and related functions and activities.

[Begin proposed text amendments]

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

Sec. 4.4.4 **Institutional District**

(a) Purpose:

The **Institutional District (I)** as illustrated in Map 4.4.4-1 allows for ~~an~~ increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major public and higher educational and health care institutions within their respective institutional missions. New development is intended to be sensitive the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

This district is intended to support broad range of related uses reflecting the resident institution's roles as either regional educational, health care, cultural and research centers or municipal educational facilities. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential and open space areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

(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:

Commented [MT1]: See attached proposed changes to Maps 4.3.1, 4.4.4-1, 4.4.6, and 4.5.2-1 as noted on page 1.

Table 4.4.4 -1 Dimensional Standards and Density

Districts	Max. Intensity	Max. Lot Coverage ¹	Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front ²	Side ³	Rear ³	
Institutional	20 du/ac (24 du/acre with inclusionary req.)	40% (48% with inclusionary req.)	<u>Minimum:</u> 15-feet	10% of lot width	25% of lot depth	35'
				<u>Min:</u> 5-ft	<u>Min:</u> 20-feet	
				<u>Max required:</u> 20-feet	<u>Max required:</u> 75-feet	

1 –Measurement of and exceptions to coverage, setback and height standards are found in Art 5.

2 - The calculation of the front yard setback shall be a percentage of lot width and depth or as defined and described in Art 5.

3 - Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in Sec. 4.5.2 [where applicable](#)

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted; or conditionally permitted pursuant to the requirements of Article 3, within the Institutional district shall be as defined in Appendix A – Use Table [and as modified by provisions of the Institutional Core Campus Overlays in Sec. 4.5.2 where applicable.](#)

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) Purpose. *As written*

(b) Areas Covered.

The Institutional Core Campus Overlays as delineated on Map 4.5.2-1, and are further described as follows:

1 to 5: *as written*

6. Burlington High School Campus (BHS) is intended to [provide for increased development scale and intensity than would typically be found in the adjoining and underlying districts to facilitate the long-term use of this site as the city's public high school, and a hub of educational and athletic uses and other district services. Buildings are designed with architectural detailing to provide visual interest and create an enjoyable human-scale experience, both within its internal circulation and in relation to the surrounding neighborhood, with parking intended to be located behind, to the side, within or underneath structures particularly with respect to frontage along North Avenue. Development should reflect the district's core educational values in both design and quality.](#)

(c) – (g) *As written*

(h) District Specific Regulations: Burlington High School Campus (BHS)

1. Lot Coverage

[Maximum lot coverage shall be applied to the aggregate of all lots located within the ICC-BHS District. Lot coverage shall not exceed 60%.](#)

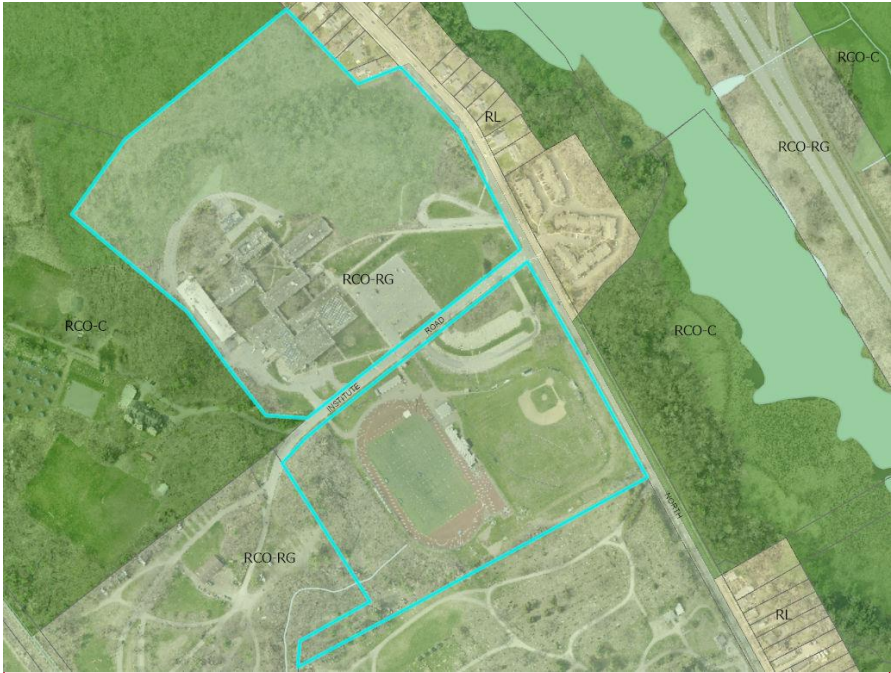
2. Setbacks

[A minimum 20 ft. front yard setback shall be applicable along North Avenue, and a 20 ft. minimum front yard setback along Institute Road. A minimum side setback of 10 ft. and minimum rear setback of 20 ft. shall apply only along the perimeter of the ICC-BHS District.](#)

3. Building Height

[Building height shall be measured under the provisions of Art. 5. Building height Within the ICC-BHS shall not exceed:](#)

- [60 ft. for buildings or portions of buildings within XX ft. from the property line along North Avenue](#)
- [80 ft. for buildings or portions of buildings more than XX ft. from the property line along North Avenue](#)



Map 4.5.2-8 ICC-BHS: Burlington High School Campus

4. **Uses**

Within the ICC-BHS, only the following uses shall be permitted:

Permitted Uses:	
<u>Automobile Body Shop</u>	<u>Performing Arts Center</u>
<u>Automobile/Vehicle Repair</u>	<u>Performing Arts Studio</u>
<u>Café</u>	<u>Recreational Facility- Indoor</u>
<u>Community Center</u>	<u>Recreational Facility- Outdoor</u>
<u>Community Garden</u>	<u>Recycling Center- Large</u>
<u>Conference Center</u>	<u>Recycling Center- Small</u>
<u>Composting</u>	<u>Research and Development Facility</u>
<u>Daycare (See Sec. 5.4.1)</u>	<u>Research Lab</u>
<u>Fire Station</u>	<u>School- Post-Secondary & Community College</u>
<u>Health Club</u>	<u>School- Preschool (See Sec. 5.4.1)</u>
<u>Library</u>	<u>School- Primary</u>
<u>Museum Small</u>	<u>School- Trade or Professional</u>
<u>Museum Large</u>	<u>Park</u>

[End proposed text amendments]

Commented [MT2]: Map outlines the boundaries of the proposed ICC-BHS. Need to update to illustrate building height setbacks from North Avenue.

Commented [MT3]: This is a modified range of uses that is generally more limited than the underlying Institutional Zone.

Considerations here include allowing for any potential future consolidation of district services at this site, as well as flexibility for potential expansion/redevelopment of the portion of the property where the existing school buildings are located- after demolition and remediation occurs.

These are generally public/civic uses and those that may be complementary to BHS/BTC.

Note that this modifies the underlying I district, by removing residential and special residential uses.

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 amendment recognizes and embraces the scope and scale of the Burlington High School facilities on Institute Road, and will enable much needed redevelopment of a new high school on this site along with other associated and complimentary uses. This site is not only the home of the BHS campus since the 1960's, but also sits on North Avenue which is identified in *planBTV*, the City Municipal Development Plan, as a "Major Thoroughfare." North Avenue provides important connectivity between the city's New North End neighborhoods and the Downtown, and the plan identifies opportunities for transit-supportive mixed-use development.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety and affordability; there is no housing currently located on these properties.

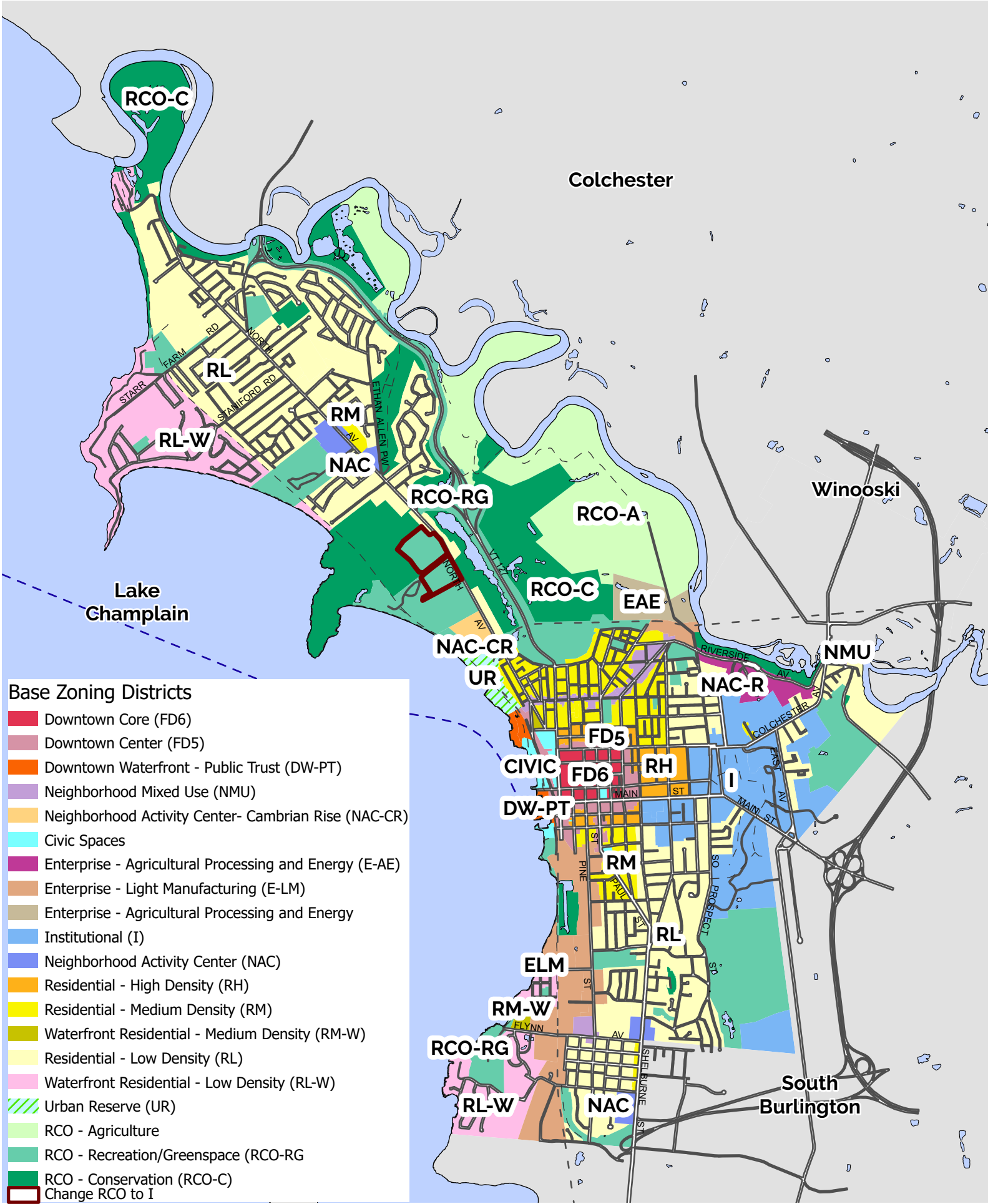
Planned Community Facilities

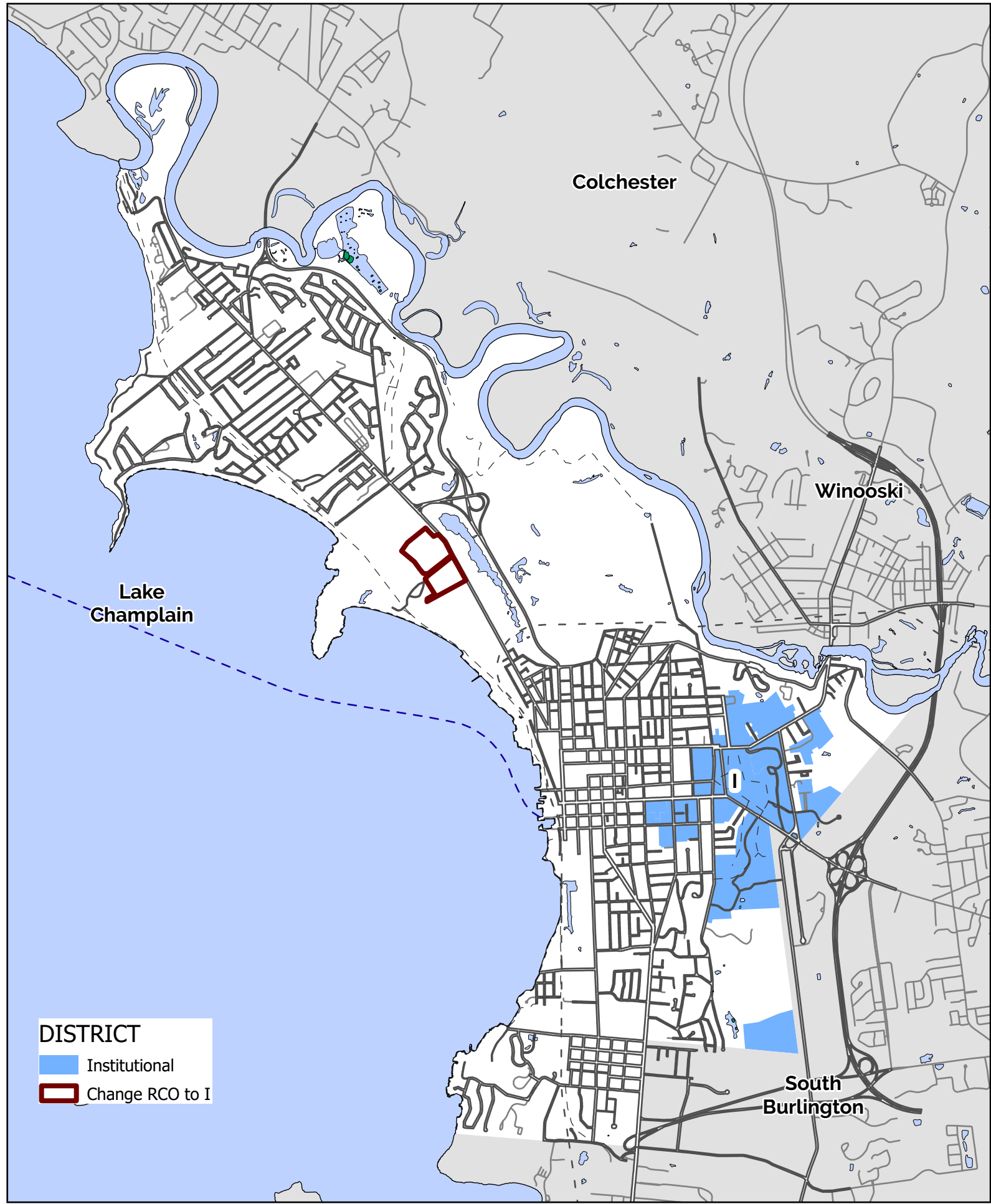
The proposed amendment has an important impact on the ability of the Burlington School District to be able to redevelop a new high school on the current BHS Campus. Burlington High School's campus on Institute Road is currently located in a RCO-RC zoning district, and the existing site contains many nonconformities which presents significant challenges to the reconfiguration of a school in this location. With the recent decision by the Burlington School Board to select the "Institute Road – North" site from a list of potential redevelopment sites, the need to resolve this zoning conflict is imperative.

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, with BSD input	Presentation to & discussion by Commission 3/8/22	Approved for Public Hearing	Public Hearing	Approved & forwarded to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion	Ordinance Cmte recommendation	Second Read & Public Hearing	Approval & Adoption
				Rejected

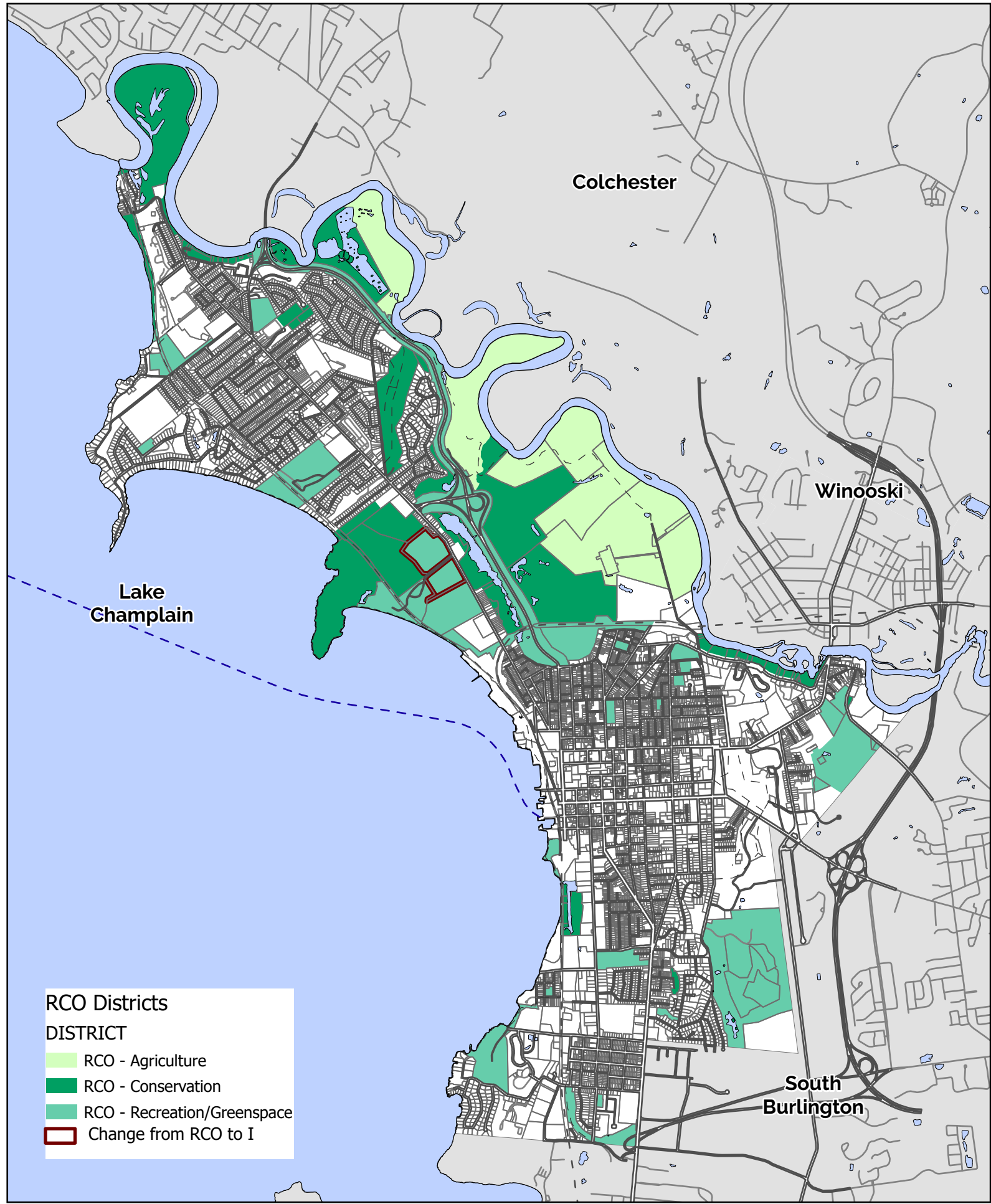


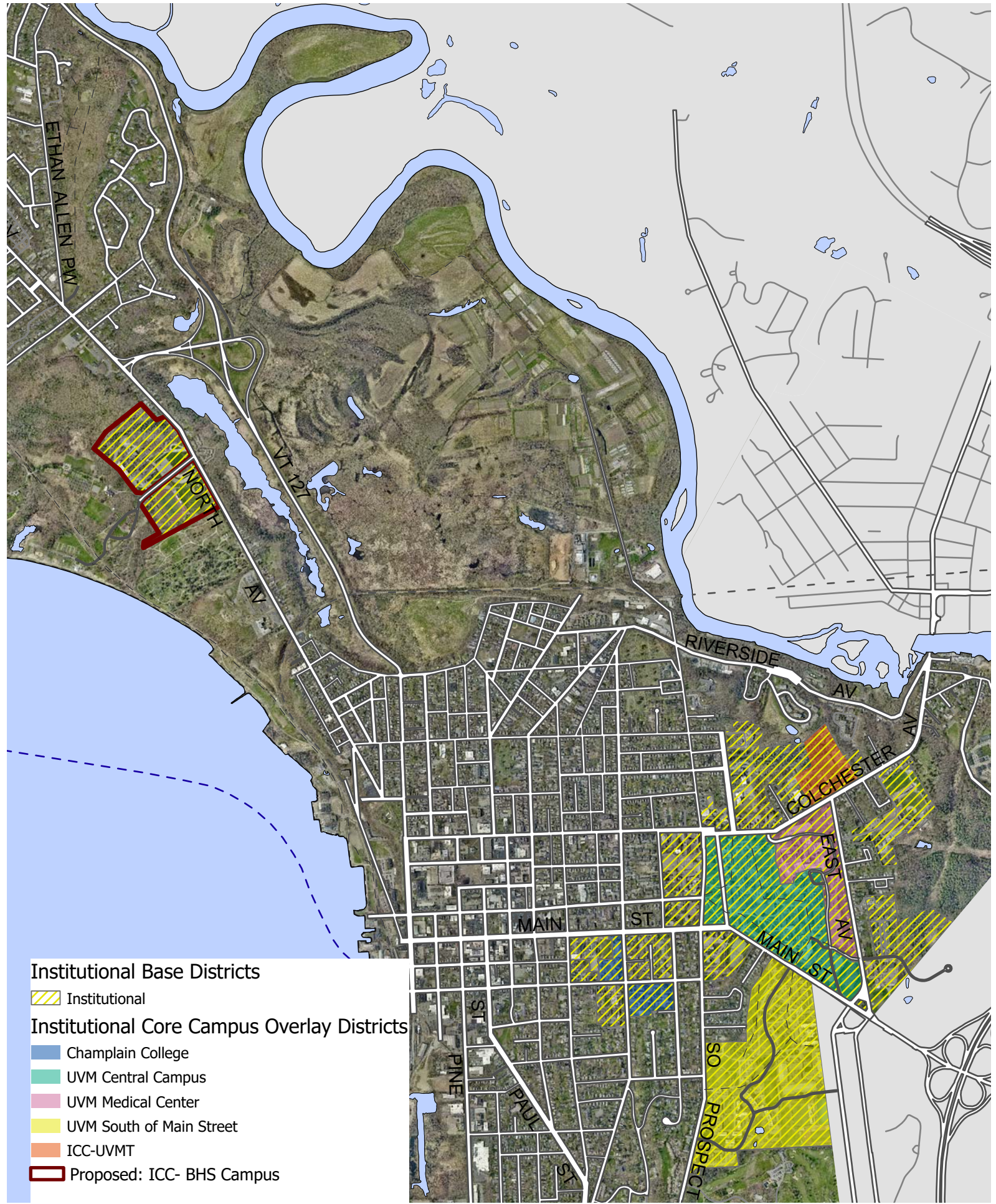


DISTRICT

 Institutional

 Change RCO to I





Burlington Planning Commission

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

Burlington Planning Commission

Tuesday, March 8, 2022, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, A Friend, E Lee, Y Bradley
Staff Present	M Tuttle, S Gustin, K Sturtevant, S Dunn
Public Attendance	J Weith, S Bushor, C Hilliard

I. Agenda

Call to Order	Time: 6:34pm
Agenda	Staff will not be seeking PC approval for a public hearing on item V or VI, just discussion.

II. Public Forum

Name(s)	Comment
S Bushor	Like the flexibility of the BHS amendment. Regarding interim shelters, excited about proposed shelter pods, but administrative permits can catch the public off guard creating animosity. Should be a required public notification to prevent backlash and build support for what is proposed.

III. Chair's Report

A Montroll	No report.
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IV. Director's Report

M Tuttle	Council Ordinance Committee meetings on 3/2 and 3/10 to discuss the Council's proposed parking amendment and Commission's comments. Mayor notified Council that he is considering vetoing Ch.18 amendments regarding Short Term Rentals; likely on Council's 3/21 agenda. 3/14 is start for new Principal Planner.
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V. Proposed CDO Amendment: Interim Emergency Shelters

Motion by:	Second by:	Vote: N/A
Type: Discussion	Presented by: S Dunn, M Tuttle	
S Dunn provided background on the 2021 Housing Action Plan initiative to utilize shelter pods to support emergency housing during an acute period of increased demand, and present a request for consideration of a zoning amendment to facilitate an interim shelter. M Tuttle noted precedence of tiered structure from other communities for low barrier shelters; the proposed zoning amendment establishes two categories for emergency shelter: temporary or interim facility and permanent.		
Commissioner discussion:		

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Tuesday, March 8, 2022

- Who will be managing these shelter pods in the city and what does an operations agreement mean? CEDO is working to assemble a team of agencies that will be involved in helping manage this, and temporary shelters can only be placed on land owned by the City or with an organization in contract with the City.
- Proposal includes language stipulating requirement for on-site management and approved operations plan from CEDO annually; a pre-application neighborhood meeting for an opportunity of public engagement and an appeal period are applicable
- A Commissioner was concerned about using the administrative zoning process as a tool for CEDO to circumvent the traditional zoning process which can be lengthy. S Dunn responded that the rapid nature of this zoning request is in response to the Mayor's initiative to end homelessness and recognizing that conditional use approval for temporary structures is not appropriate.
- A Commissioner noted that shelters by nature have the potential to not be a good neighbor, but homelessness is happening and need to address it. If there are opportunities for neighbors to wade into the details of a permit, certain neighborhoods will refuse to house people. If there is a discretionary permit, there needs to be very clear process for what the DRB can review.
- Commissioners had an interest in standards to help mitigate nuisances to give people some assurances about having this nearby. Staff noted zoning may not be the appropriate place for operational standards.
- A Commissioner raised the point that since temporary shelters have strong potential to disrupt neighborhoods, the neighborhood needs to know about the process and have the ability to weigh in/ask questions/be reassured. Need more than just a zoning permit notice.
- Staff noted that managed shelters are different from informal camping; other cities that use these types of temporary shelters, at least 50% of the people using the shelter end up in permanent housing within 9 months.

VI. Proposed CDO Amendment: Burlington High School Zoning

Motion by:	Second by:	Vote: N/A
Type: Discussion	Presented by: M Tuttle	
M Tuttle presented an overview of a proposed zoning amendment that is responsive to the request from the Burlington School District to consider rezoning the Burlington High School Campus on Institute Road. One challenge indicated was the amount of slope in the topography. Commissioner discussion: • A question was asked about the current lot coverage and it was indicated that it is about 35%, whereas the proposed zoning amendment covers 60% • Site is isolated, not a lot of other buildings around it to compare height limits to. Unless the height on North Ave is towering, not concerned. Seems idea is to set it back from the avenue • The building is still in the conceptual phase with 3-4 concepts being presented to the School Board in the next month or so. • Standards for the school overlay all seem fine • If the uses in the overlay aren't school based, do we want them? If it is not for the school/within the school/run by the school, we could consider other uses later in another amendment. If they are part of the high school, then they should be permitted.		

VII. Commissioner Items

- Next meetings are March 22 and April 12, 6:30pm
- Ordinance Committee: Met 3/3; discussed how to allow public art within the standards for the downtown form districts.

VIII. Minutes and Communications

Tuesday, March 8, 2022

Action: Approve the minutes and accept the communications		
Motion by: A Friend	Second by: E Lee	Approved Unanimously
Minutes Approved: February 23, 2022		
Communications Accepted: in the agenda packet posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

IX. Adjourn

Adjournment	Time: 7:51pm	
Motion: E Lee	Second: A Friend	Vote: Approved Unanimously



Signed: March 22, 2022

Andy Montroll, Chair

Respectfully submitted by:



Meagan Tuttle, Director