

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
Julia Randall

Burlington Planning Commission with City Council Ordinance Committee

Thursday, January 19, 2023, 6:30 pm

Remote & Virtual Meeting via Zoom

In-Person Option Available:

Contois Auditorium, 2nd Floor of City Hall, 149 Church St.

To Join the Meeting on a Computer

Link: <https://zoom.us/j/96732051583>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 967 3205 1583

AGENDA

I. Agenda

II. Public Forum See details on pg. 2 of packet for participating remotely.

III. Proposed CDO Amendment: ZA-23-02 Inclusionary Zoning

The Boards will review and discuss a draft amendment to the *Comprehensive Development Ordinance* that would create alternative compliance methods in the provision of affordable Inclusionary Zoning units, specifically relating to requirements for bedroom mix and unit floor area. Information related to this item is in the agenda packet on page 3.

Staff Recommendation: Ask questions and provide feedback on the draft amendment. The Commission may recommend this amendment for a public hearing, or continue discussion at an upcoming meeting.

IV. Adjourn Joint Meeting

Following the discussion and any action taken on Agenda Item III, and time permitting, the Planning Commission only will commence a meeting to discuss the remaining agenda item, proposed CDO amendment ZA:23-01: South End Innovation District.

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

At its January 10 meeting, the Planning Commission voted to include a number of revisions to the proposed CDO amendment that would create a South End Innovation District overlay that permits residential uses and establishes new landuses and urban form standards in a portion of the existing Enterprise-Light Manufacturing district. The Commission will review and discuss an updated amendment that includes these Jan. 10 revisions. page 10.

Staff Recommendation: Approve the Municipal Bylaw Amendment report, make any changes and refer to Council with recommendation.

VI. Adjourn

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

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
Julia Randall

Burlington Planning Commission with City Council Ordinance Committee

Thursday, January 19, 2023, 6:30 pm

Remote & Virtual Meeting via Zoom

In-Person Option Available:

Contois Auditorium, 2nd Floor of City Hall, 149 Church St.

To Join the Meeting on a Computer

Link: <https://zoom.us/j/96732051583>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 967 3205 1583

AGENDA

I. Agenda

II. Public Forum See details on pg. 2 of packet for participating remotely.

III. Proposed CDO Amendment: ZA-23-02 Inclusionary Zoning

The Boards will review and discuss a draft amendment to the *Comprehensive Development Ordinance* that would create alternative compliance methods in the provision of affordable Inclusionary Zoning units, specifically relating to requirements for bedroom mix and unit floor area. Information related to this item is in the agenda packet on page 3.

Staff Recommendation: Ask questions and provide feedback on the draft amendment. The Commission may recommend this amendment for a public hearing, or continue discussion at an upcoming meeting.

IV. Adjourn Joint Meeting

Following the discussion and any action taken on Agenda Item III, and time permitting, the Planning Commission only will commence a meeting to discuss the remaining agenda item, proposed CDO amendment ZA:23-01: South End Innovation District.

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

At its January 10 meeting, the Planning Commission voted to include a number of revisions to the proposed CDO amendment that would create a South End Innovation District overlay that permits residential uses and establishes new landuses and urban form standards in a portion of the existing Enterprise-Light Manufacturing district. The Commission will review and discuss an updated amendment that includes these Jan. 10 revisions. page 10.

Staff Recommendation: Approve the Municipal Bylaw Amendment report, make any changes and refer to Council with recommendation.

VI. Adjourn

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



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



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

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
Burlington City Council Ordinance Committee
FROM: Charles Dillard, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Director
CC: Brian Pine, CEDO Director
DATE: January 4, 2023
RE: Proposed CDO Amendment – ZA-23-02: Inclusionary Zoning

Overview & Background

Inclusionary Zoning (IZ) is the primary mechanism for securing newly built affordable housing in Burlington. Consistent with peer cities, Burlington regulates not just the number of affordable homes that must be created, but the characteristics of those units, including floor area and bedroom mix, or the distribution of units according to the number of bedrooms they contain. However, Burlington's standards are inflexible in comparison and can lead to the creation of affordable unit types for which there is little demand, or even the inviability of the entire development project where some requirements are not compatible with affordable housing practices or the market for affordable housing. This proposed amendment seeks to provide greater flexibility in two specific areas of the ordinance.

Bedroom Mix

Current standards require that a development's inclusionary units must have the same bedroom mix as its market rate units. For example, in a project consisting of 100 units and a 15 percent Inclusionary Zoning requirement, 15 of the units must be affordable. If 1/3 of the market-rate units are two-bedroom units (29 units) and 2/3 of the market-rate units are one-bedroom (56 units), then the affordable units must be provided in the same ratio – 1/3 of the 15 units must be two-bedroom units (5 units) and 2/3 of the units must be one-bedroom (10 units). While usually appropriate and adequate in producing in-demand affordable unit types, this standard can be infeasible and make some projects not viable. For example, a development that includes a large number of four-bedroom units that may be marketed primarily to college and university students. While such four-bedroom units are in demand among this demographic, there is little to no demand for affordable four-bedroom units. Indeed, Champlain Housing Trust (CHT) has no waitlist for four-bedroom units while there are lengthy waitlists for one- and two-bedroom units. Nevertheless, the current bedroom mix requirements would produce a glut of four-bedroom IZ units. Conversely, the ordinance does not offer flexibility for the affordable units to be larger than the market rate units. For example, a development includes primarily studio and 1-bedroom market rate units, but desires to include a mix of 1 and 2-bedroom affordable units.

The proposed amendment would create an alternative compliance pathway in the provision of affordable units by exempting a project from the bedroom mix requirement by devoting a proportion of a building dedicated to residential units to inclusionary units. This alternative would require that the IZ units occupy a percent of the residential floor area that is greater than the required share of required IZ units. For example, a project is required by the ordinance to create 15 percent of its units under the IZ program. The amendment would allow the project to incorporate a bedroom mix of their choice so long as more than 15% of the residential floor area is occupied by inclusionary units. The intent would be for a project to create a greater number of in-demand affordable units, despite potentially having a different bedroom mix than the market units.

In addition to the above exemption, the amendment would also allow developers of inclusionary units to create units with more bedrooms than might otherwise be required today. The intent of this is to allow for an equitable development of affordable units in the city that responds to the demand for more family-friendly, multi-generational or other multi-resident affordable housing units.

Floor Area

Current standards regulating floor area are intended to guarantee an adequate minimum size of IZ units. This is common practice among cities with IZ requirements. However, many jurisdictions either establish minimum unit sizes that are consistent with local housing markets or allow for flexibility in creating units that may be smaller than market-rate units but still adequate and in the interest of fair housing. Burlington, in contrast, requires that the floor area of inclusionary units must be no less than 90 percent of the floor area of units with the same number of bedrooms. While this standard was introduced in the comprehensive revision to Article 9 in 2019, there was much continued discussion about this route up to the adoption of the new provisions. Like the bedroom mix standard, for some projects this creates inflexibility and could lead to the creation of affordable units that are not consistent with demand.

Identical to the proposed approach with respect to bedroom mix, the amendment would create an exemption for unit size parity where a portion of a building dedicated to residential units is for inclusionary units. The amendment would allow for more flexibility in the creation of unit sizes commensurate with the bedroom mix so long as more than 15% of the total residential floor area is dedicated to the project's required IZ units.

It should be noted that the remainder of the IZ unit requirements would remain unchanged, including those provisions that regulate the location, tenure, income limits, building quality or energy efficiency of affordable units.

Proposed Amendment

Amendment Type

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

Purpose Statement

This amendment modifies the General Requirements for Inclusionary Units to allow for greater flexibility in providing affordable housing. Specifically, the amendment creates alternative compliance pathways to meeting the bedroom mix and unit size requirements in developments where the project's market rate units' floor area and bedroom mix differ significantly from demand for affordable housing unit types.

Proposed Amendments

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

1. Amends Article 9 – Inclusionary and Replacement Housing to create alternative compliance methods in the provision of affordable Inclusionary Zoning units.

- Modifies Sec. 9.1.14(a) to allow for provision of affordable units with more bedrooms than would otherwise be required by the current standard that mandates that bedroom mix in a project's affordable units must match the bedroom mix in its market rate units. This modification would allow, for example, a greater number of affordable family-friendly two- and three-bedroom units in a project where the market rate housing consists mostly of studios and one-bedroom units.
- Creates a new Sec. 9.1.14 (b) that exempts projects from the Sec. 9.1.14(a) bedroom mix requirements when the ratio of the gross floor area of its inclusionary units to the total gross floor area of all residential units within the project exceeds the required

percent of inclusionary units established in *Table 9.1.8-1 Inclusionary Zoning Percentages*.

- Modifies the existing Sec. 9.1.14(e) to allow greater flexibility for the size of a project's affordable units relative to the market rate units. This standard would bring Burlington's minimum unit size standards more in line with national and regional best practice.

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 is consistent with *planBTV*, which calls for growth in specific areas of the City where relatively dense, multi-unit housing is anticipated. As any development containing five or more units is required to create affordable IZ units, this growth will mean the creation of new affordable homes in Downtown and other growth areas and corridors that are accessible to jobs and services. To make such development feasible, and to create needed market-rate and affordable units, the amendment provides necessary flexibility and removes arbitrary requirements that have the unintended consequence of requiring units that are of a size and bedroom mix that are not in keeping with local demand for affordable housing.

Impact on Safe & Affordable Housing

The amendment is consistent with *planBTV* in that it promotes the development of in-demand and right-sized affordable housing in the city and will almost certainly lead to the creation of a greater number of affordable units than would today's requirements. Burlington, as *planBTV* makes clear, is distinct, dynamic and inclusive in large part to an established community value of acceptance of residents and households from all socioeconomic backgrounds. Indeed, the amendment is consistent with *planBTV's* Policy 11.1, which calls for the City to, "Update the City's Inclusionary Zoning Ordinance and other land use policies to expand the creation of affordable homes." By extension, through creating a more flexible affordable housing program, the amendment would support Burlington's goal of continuing to be a place where low- and moderate-income residents who contribute to the City's vitality and economy can reside.

Planned Community Facilities

This amendment has no direct impact on planned community facilities. However, it should be noted that an inclusive housing market that includes ample and appropriately-sized affordable homes located in growth areas supports the City's investments in infrastructure and open space amenities.

Process Overview

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

Planning Commission Process				
Draft Amendment prepared by: Staff	Presentation to & discussion by Commission 1/10/2023	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council
City Council Process				

First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion 1/19/2023	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption
---	---	-----------------------------	------------------------------------	-----------------------------------

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

CDO—Inclusionary and Replacement Housing
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

ORDINANCE _____

Sponsor(s): Ordinance Committee
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington, be and hereby is amended by amending Sections 9.1.8 Inclusionary Units, Rentals and Sales; and 9.1.14 General Requirement for Inclusionary Units; thereto to read as follows:

Sec. 9.1.8 Inclusionary Units, Rentals and Sales

For covered projects in which units are offered for rent or sale, a base of fifteen percent (15%) of all of the dwelling units in the project, graduated as specified in Table 9.1.8-1, shall be designated as inclusionary units, except when the alternative compliance methods are provided as established in Sec. 9.1.14(b) and 9.1.14(f).

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

Table 9.1.8-1 Inclusionary Zoning Percentages

If the average sale and rental price of project units is affordable to a household earning:	The percentage of units which are subject to rent and sales prices as per Sec. 9.1.9 and are subject to marketing and continued affordability provisions (Sec. 9.1.10 and Sec. 9.1.11) shall be:
Less than 139% of AMI	15%
140%-179% of AMI	20%
Development in any Waterfront district (RM-W, RL-W, NAC-CR and FD5 west of Battery St) or 180% of AMI and above in any other district	25%
Off-campus student housing	15% of total beds

CDO – Inclusionary and Replacement Housing
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

Sec. 9.1.14 General Requirements for Inclusionary Units

All covered projects must comply with the requirements set forth below.

(a) In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project; Notwithstanding the foregoing, projects shall be permitted to include inclusionary units that contain more bedrooms than the market rate units.

~~(a)~~(b) The bedroom mix requirements established in Section 9.1.14(a) do not apply when the ratio of the gross floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the project exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the project's average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor area is composed of inclusionary units when the project's average sale and rental price is affordable to a household earning less than 139% of AMI);

~~(b)~~(c) Rental inclusionary units within a covered project may “float” (as opposed to designating specific units). Owner-occupied inclusionary units within a covered project must be specifically designated. In either case, inclusionary units may be grouped together or distributed throughout a covered project;

~~(e)~~(d) Covered projects including both rental and owner-occupied dwelling units shall provide inclusionary units proportionate to the numbers of rental and owner-occupied dwelling units;

~~(d)~~(e) Inclusionary units may differ from the market units in a covered project with regard to interior amenities and gross floor area, provided that:

1. These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units;
2. These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units; and,
3. Inclusionary units are afforded the same opportunity for parking that the market units are afforded.

~~(e)~~(f) The floor area of the inclusionary units is not less than ninety percent (90%) of the average gross floor area of the market rate units within the project with the same number of bedrooms; except when the ratio of the gross floor area of all inclusionary dwelling units to the total gross floor area of all dwelling units within the project exceeds the required percent of inclusionary units as established in Table 9.1.8-1, based on the project's average unit sale and rental price (e.g. where at least 15.5 percent of a project's residential gross floor area is composed of inclusionary units when the project's average sale and rental price is affordable to a household earning less than 139% of AMI);

~~(f)~~(g) Upon demonstration of inability to sell units to income eligible residents earning 70% of the AMI, the Manager of the HTF may extend income eligibility to allow priority in the sale of inclusionary units to households earning as much as AMI, adjusted for household size and to households residing in Burlington at the time that these units are offered for sale. In extending income eligibility, priority shall be given to the lowest income household who qualifies for purchase, all else being equal;

~~(g)~~(h) Except for household income limitations as set forth herein, occupancy of any inclusionary unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project unless required under federal law, e.g. local use of the Low Income Housing Tax Credit, or in conflict with the stricter bylaws of the designated housing agency; and

~~(h)~~(i) The final calculations for the number of inclusionary units shall be determined by the Manager prior to the issuance of the zoning permit. If there is any change in the project due to sales prices for these units that increases the number of inclusionary units required, such modifications shall be determined by the Manager and communicated to the administrative officer prior to the issuance of a certificate of occupancy for the covered project. The rental or sales price of the inclusionary units shall also be determined by the Manager prior to the issuance of a certificate of occupancy.

Page 3
An Ordinance in Relation to

CDO – Inclusionary and Replacement Housing
Inclusionary Zoning Percentages and
General Requirements for Inclusionary Units
ZA# 23-02

81

82 01/10/23



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

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Director
DATE: January 17, 2023
RE: Proposed CDO Amendment – ZA-23-01: South End Innovation District Overlay

Overview & Background

District Intent & Overview

The South End Innovation District Overlay is intended to facilitate the redevelopment of a core area of the South End's Enterprise-Light Manufacturing (E-LM) district. The vision for this overlay is based in [planBTV: South End](#) and calls for transforming the area's surface parking lots and contaminated and underutilized sites into an accessible, mixed-use hub of economic activity that draws on both the South End's legacy of manufacturing and arts as well as its burgeoning office and innovation sector. The overlay enables the creation of a wide range of commercial uses, while prioritizing those arts, manufacturing, and office uses that define the character of the South End today. It also permits the creation of new homes. The overlay includes provisions for the scale and massing of new buildings to guide the redevelopment of large sites, and seeks to create an accessible and sustainable urban district.

Attached is an initial working draft of the proposed amendment. Several areas for further refinement are noted and anticipated. During the August 23 meeting, staff will present additional information to illustrate the proposed framework, including for some of the areas of the ordinance that are currently under development. Also attached is a map of the existing Enterprise zoning districts for reference.

Background on Housing in the South End

Since *planBTV: SE's* adoption, the city has continued to experience a multi-faceted housing crisis. The lack of housing availability is among the highest priority issues for many residents, including for the South End's artists, makers, office workers, and other businesses. At the time of its preparation and adoption, there was much debate about allowing housing in portions of the South End E-LM district. While the adopted plan did not recommend housing in the E-LM, it did stress that continued conversations about the appropriate location and type of housing in the South End was necessary. One of the plan's housing strategies included:

Continue community discussions regarding housing in the South End. Continuing this discussion will be important to ensuring that the rules for the future development of the South End match community needs. As our community and its neighborhoods continue to evolve, it is necessary to periodically revisit land use and zoning policies to ensure that change is sustainable and occurring in the appropriate locations, including within the Enterprise Zone

- Provide forums for continued community discussion and information sharing as part of efforts to update zoning, implement partnerships, and facilitate redevelopment.
- Dept. of Planning & Zoning, Planning Commission; property owners; SEABA; non-profit housing organizations; South End residents

Recent discussions around the South End Innovation District Overlay have provided such an opportunity. This question was initially re-introduced to the Planning Commission in summer 2021 by HULA representatives, as a request to consider the creation of a Neighborhood Activity Center in a portion of the E-LM. Following early discussions with the Commission, the opportunity to allow

housing opportunities in a portion of the E-LM through the creation of this Overlay was included as a priority strategy in the city's [2021 Housing Action Plan](#).

Input informing this amendment

As part of that Action Plan, the HULA representatives and a number of non-profit organizations and other South End property owners signed onto an MOU to work with Planning and CEDO to inform the development of this proposed district and participate in engagement sessions. Additionally, staff from multiple city departments, including City Planning, CEDO, Business & Workforce Development, Permitting & Inspections, BCA, and DPW have been engaged to inform perspectives on this amendment as well as to discuss other planning considerations for the area.

This [summary](#) outlines key areas of feedback during public engagement activities that took place in the spring and summer. In-person and online forums provided opportunities for more in-depth discussions about the [nuances of an innovation district](#)—including specifics about allowable land uses and their mix, building scale and massing, and other characteristics of new development. Input from both the public discussions and the stakeholder working group has informed this proposed ordinance.

Recent Discussion

At its January 10 meeting, the Planning Commission discussed multiple staff-recommended revisions to the amendment, as well as the land use framework. In response to these discussions, the amendment has been updated to reflect both the Commission's support of the staff revisions and its discussion of the land use framework. Regarding the latter, staff proposes to make minor changes to specific uses in the table (e.g. parking and health studio), while altering the ratio of Primary to Secondary uses.

Proposed Amendment

Amendment Type

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

Purpose Statement

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

Proposed Amendments

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

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

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

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

Establishes standards for development within the proposed overlay, including:

- Land Use standards that prioritize arts, innovation, office and other non-residential uses; allows residential uses; and allows in a limited but flexible manner other district-supportive but non-essential commercial uses.

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

3. Amends Article 13 - Definitions to define various terms

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

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

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

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

Relationship to planBTV

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

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

Compatibility with Proposed Future Land Use & Density

The proposed overlay would implement a key land use policy adopted in 2019 with *planBTV: South End*, and amended through the 2021 Housing Action Plan which directed the city to explore the inclusion of housing. The proposed amendment would, in the words of *planBTV South End*, "Reinforce and growth the South End as a center for innovative businesses and Institutions," and "Expand the visibility of the arts district to preserve and enhance its vibrancy." Further, the proposed amendment, through its prioritization of artist and maker spaces, implements strategies to preserve and create affordable artist space. Regarding density, the proposed amendment is consistent with and supports the 2021 Action Plan by proposing to allow dense, multifamily housing for the first time in the core of the South End. The proposed amendment guides development on largely undeveloped and underutilized land in a way that should create meaningful housing supply and contribute to the City's commitment to build significant amounts of housing by 2026.

Impact on Safe & Affordable Housing

The proposed amendment creates significant positive impacts toward the creation of affordable housing. Through the proposed Inclusionary Zoning standard, the overlay would

facilitate potentially hundreds of units of affordable housing. As a center of the City's arts community, the Innovation District would also create affordable housing in an area where artists are increasingly unable to afford the rising costs of housing. Regarding safe housing, the proposed amendment seeks to create a vibrant urban mixed-use district that is accessible and supports the livelihoods of all residents.

Planned Community Facilities

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

Process Overview

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

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

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Two

An Ordinance in Relation to

ZA-23-01 South End Innovation District Overlay

ORDINANCE _____

Sponsor: (Department or Councilor) _____

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 4.4.3 Enterprise Districts; creating Sec. 4.5.8: South End Innovation District Overlay; amending Sec. 9.1.12 Additional Density and Other Development Allowances; amending Appendix A: Comprehensive Use Table; creating Maps 4.5.8-1 South End Innovation District Overlay District, 4.5.8-2 Specific Height Area Map, and Map 4.5.8-3 Frontage and Ground Floor Activation Standards; and amending Appendix A- Use Table; and amending Article 13 Definitions, thereof to read as follows:

Sec. 4.4.3 Enterprise Districts

(a) Purpose:

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

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

2. As written.

(b) Dimensional Standards and Density

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

Table 4.4.3 -1 Dimensional Standards and Density

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

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

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

3 – Percentage of the lot depth.

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

(c) Permitted and Conditional Uses:

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

(d) District Specific Regulations:

1. Convenience Stores.
The following shall apply to the review and approval of convenience stores in the E-LM district, except as regulated in Sec. 4.5.8: South End Innovation District, in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:
 - A. Convenience stores in the E-LM district shall only be allowed on properties fronting on Pine Street, and must be sited at least 2,000 linear feet, measured lot line to lot line, from any other convenience store in

the E-LM district;

- B. A convenience store shall not contain more than 5,000 square feet of gross floor area;
 - C. If located at a street intersection, the nearest edge of any curb cut shall be located as far as possible from any intersections with a minimum distance of 50 feet from an intersection as measured from the corner of and along the lot line of the site;
 - D. Approval shall be granted only if, in addition to the general conditional use standards listed in Sec. 3.5.6, the DRB determines that a proliferation of convenience stores is not threatening the primary intent of the E-LM district for industrial purposes, as stated in Section 4.4.3 (a) 1; and,
 - E. Convenience stores that obtain a conditional use permit within the E-LM District may include gasoline pumps provided the total square footage occupied by pumps, pump islands and vehicular space(s) at a pump filling station is the lesser of 1,850 s.f. or 50% of the gross floor area of the enclosed convenience store.
2. Drive Thrus are not permitted.

Sec. 4.5.8 Enterprise – South End Innovation District Overlay

(a) Purpose

The Enterprise – Innovation District Overlay (E-ID) is intended to implement the long-range plan for an area of the South End by providing for a dense, vibrant and dynamic urban district. The overlay is unique in its allowance for residential uses in a small area of the Enterprise-Light Manufacturing District (E-LM), and that it limits the most intensive manufacturing and industrial uses allowed elsewhere in the district. The overlay prioritizes arts and employment uses within an amenity-rich, convenient urban residential neighborhood, while permitting in a limited fashion non-residential uses that are secondary to, but supportive of those primary objectives.

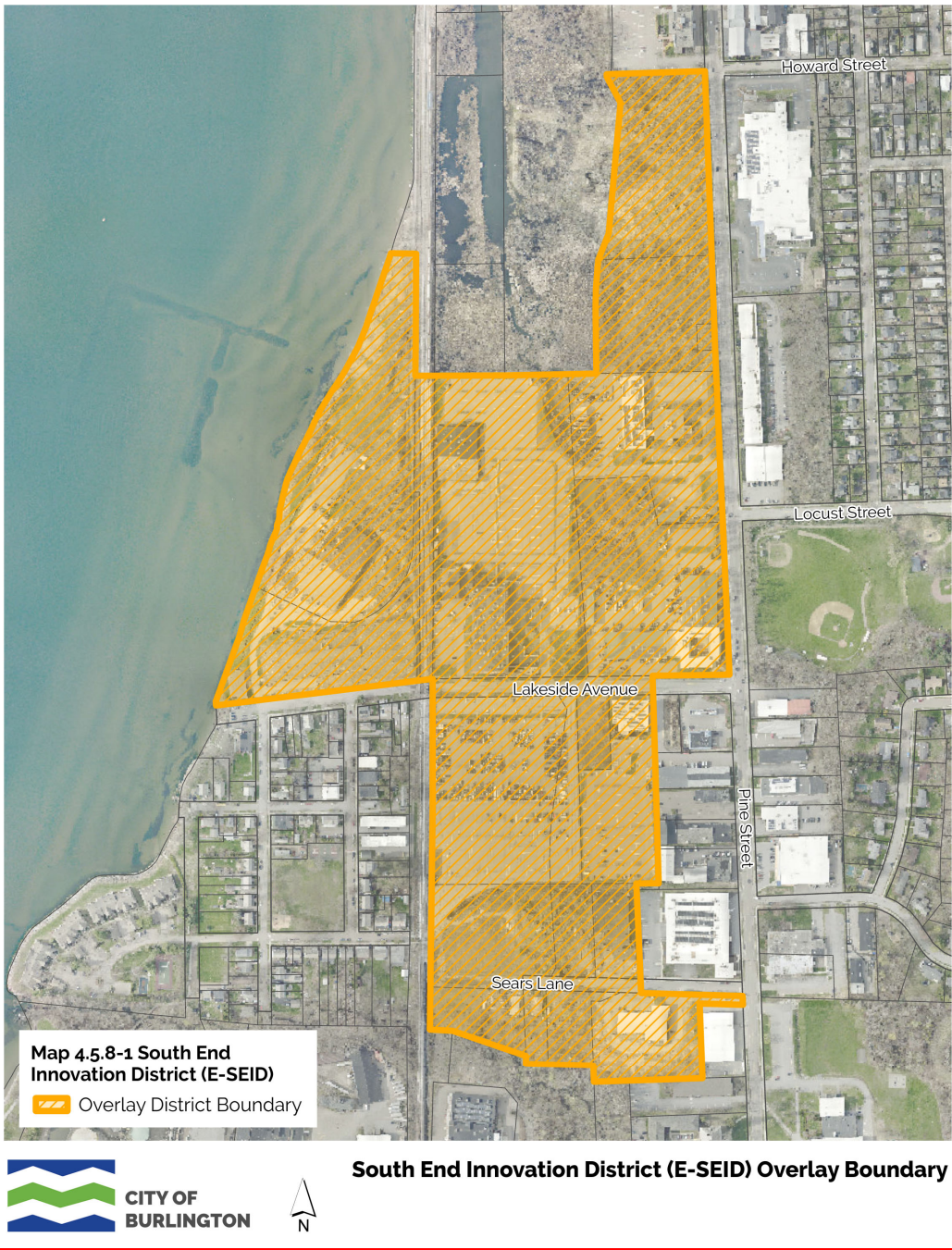
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure.. Buildings should range in height from one to eight stories, and should be constructed of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

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

(b) Areas Covered.

The Enterprise – South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.8-1.

Map 4.5.8-1 SEID Overlay



(c) District Specific Regulations

1. Dimensional Standards & Density

Within the South End Innovation District Overlay the standards set forth in *Table 4.5.8-1* shall apply to new development and redevelopment, except:

- a. Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of mass timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances, or in buildings certified as meeting in one or more of the Green and High Performance Building Standard systems:
- Passive House Certification as administered by Passive House Institute (PHI or PHIUS);
 - Gold Certification or higher under the applicable LEED standard as administered by Green Businesses Certification, Inc. (GBCI); or,
 - Petal or Net Zero Energy Certification under the Living Building Challenge as administered by International Living Future Institute (INFI).
- b. The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI) or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.

Table 4.5.8-1: SEID Dimensional Standards & Density

<u>Block Perimeter¹</u>	<u>Max. Intensity (floor area ratio²)</u>	<u>Max Building Size per Floorplate^{3, 4}</u>	<u>Max. Lot Coverage & Pervious Surface Required⁵</u>	<u>Minimum Building Setbacks</u>			<u>Max. Height⁷</u>
				<u>Front</u>	<u>Side</u>	<u>Rear</u>	
<u>1,600' max</u>	<u>2.25 FAR</u>	<u>Floors 1-6: 15,000 sq.ft.</u> <u>Floors 7-8: 10,000 sq.ft.</u>	<u>80% max impervious</u> <u>25% min of pervious area must utilize GSI</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁶</u>	<u>85'</u>

1. Blocks may be enclosed by any combination of public streets and public paths.

2. Floor area ratio is described in Sec 5.2.7. Bonuses for additional FAR for inclusionary housing projects, is described in Sec. 9.1.12.

3. Maximum square footage applies to each floorplate.

4. One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floorplate maximum standard according to the following:

a. When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or

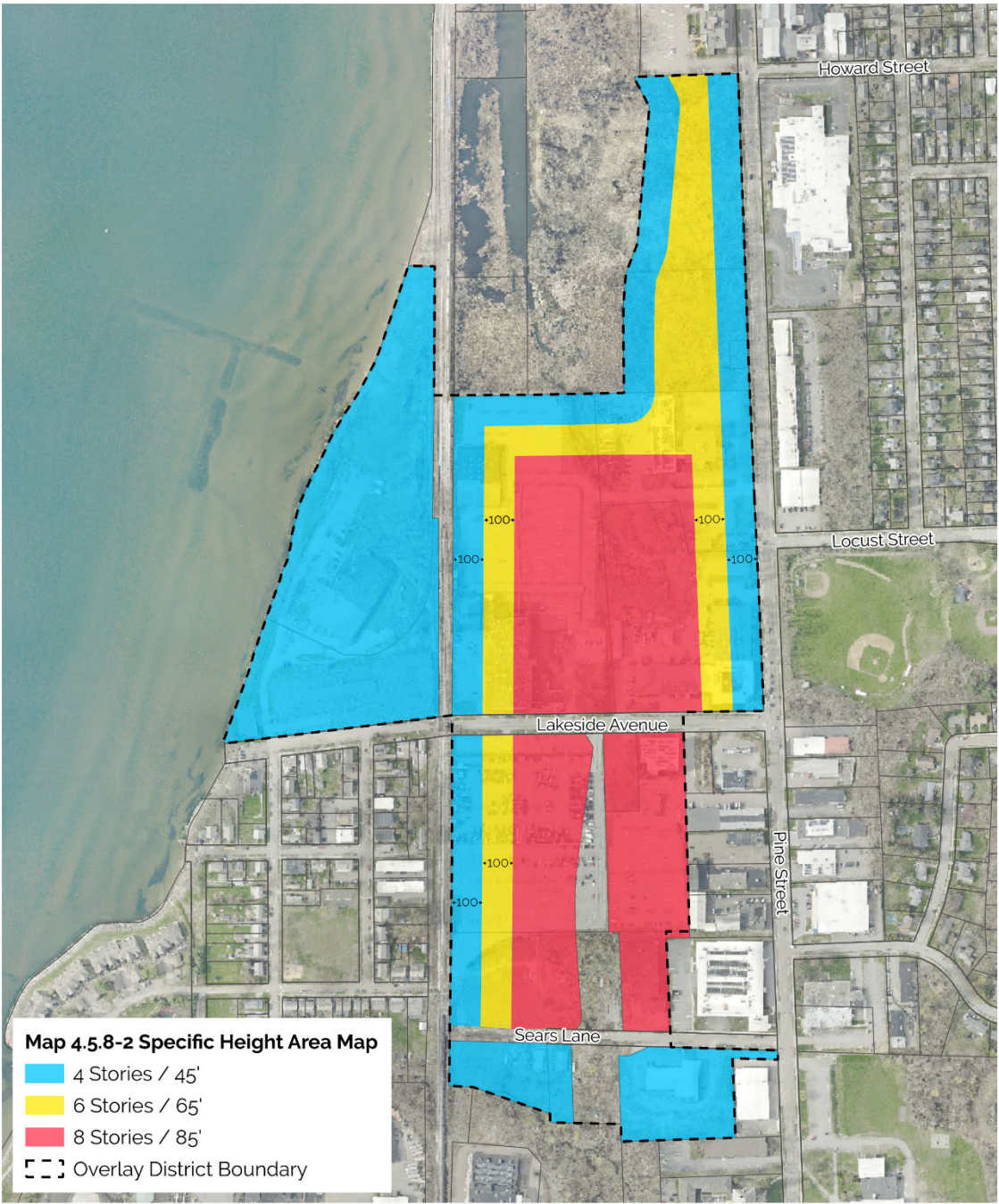
b. When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.

5. At least 25% of the pervious area on a lot must include one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with shade trees, or pervious pavement. No more than 50% of the required GSI area may utilize pervious pavement.

6. Setbacks are measured from the property line; however, buildings must be at least 15' from the curb or edge of ROW if no curb exists.

7. Maximum building height in the E-SEID shall be further limited by Map 4.5.8.3: SEID Specific Height Area Map

Map 4.5.8-2 SEID Specific Height Area Map



South End Innovation District (E-SEID) Specific Height Area Map

2. Frontage and Ground Floor Activation Standards

- A. Lot Frontage Occupied by Buildings: Buildings shall be placed on a lot such that they frame public and private streets and pathways. The percentage of a lot's frontage that must be occupied by a building(s) located between the minimum and maximum setback is determined by Table 4.5.8-2.
- (i) Primary and Secondary frontages must be identified by the property owner. Each block must contain at least one Primary frontage.
- (ii) A lot's frontage buildout may be reduced by up to 10 percent upon the determination of the Zoning Administrative Officers that the relief is necessary to access to the rear of the lot as a result of lot width or building placement constraints.

Table 4.5.8-2: Frontage and Activation Standards

<u>Frontage Type</u>	<u>Min lot frontage occupied by buildings¹</u>	<u>Percent of building frontage containing non-residential uses</u>	<u>Ground floor entries required</u>
<u>Primary</u>	<u>80% min</u>	<u>80% min</u>	<u>Every 60' min</u>
<u>Secondary</u>	<u>70% min</u>	<u>20% min or 500 sq.ft., whichever is greater</u>	

- 1) Measured linearly, and excludes area utilized for interior private streets, drives, and non-vehicular pathways.

- B. Building Frontage Occupied by Non-Residential Uses: Buildings fronting on public or private streets and pathways, including those inaccessible by vehicles, must contain a minimum amount of non-residential uses on the ground floor as determined by Table 4.5.8-2.
- i. Building corners, when located at the intersection of two public rights-of-way, including streets and paths, must include non-residential uses.
- ii. A minimum of 80% of a building's required ground floor non-residential use floor area must be at least 25 ft. deep from the building façade, measured orthogonally. The remaining 20% must be at least 10 ft. deep.
- iii. On lots where new interior streets are provided, Primary and Secondary frontages must be identified by the property owner.
- iv. The minimum non-residential frontage requirements may be reduced to 30% for Primary Frontages and 0% for Secondary Frontages if one or more of the following is achieved:
- a. All non-residential ground floor uses are maintained as affordable for at least 30 years, as defined and administered by the Community and Economic Development Office (CEDO).
- b. A detached, one- or two-story permanent structure containing non-residential uses is constructed within or adjacent to the public realm, including public rights-of-way and public open space, on the same lot. The amount of non-residential use required on a building's ground floor may only be reduced on one-to-one basis as determined by the square footage of the detached structure.
- c. A building is placed adjacent to one or more publicly accessible open spaces on the same lot. Such open spaces must be at least 4,000 sq.ft. in area and no portion of the open space may have a dimension less than 10 feet. Qualifying open spaces may be located in an interior courtyard, to the side, or in front of the building for which a reduction in ground floor non-residential use is being sought.
- d. A building containing residential uses includes an allocation of at least 10% three-bedroom units and 15% percent two-bedroom units.
- C. Ground Floor Entries: At least one ground floor public entry, not including service doors, is required each 60' linear feet of each building façade fronting on a public or private street or open space.

3. Parking

- A. Surface Parking Lots consisting of no more than five spaces are permitted only when associated with and adjacent to a principal building. In such lots, priority parking spaces shall be made available, as described in Sec. 8.1.16 (c) c.4 – Parking Management. No more than 20 total spaces may be permitted in Surface Parking Lots on any one lot. Parking is not permitted between a building and the street or path on which it is located.
- B. On-street parking spaces shall be permitted on lots with new private streets. Such parking spaces must be parallel in orientation.
- C. Structured Parking Garages
- i. With the exception of individual Garages serving a multifamily dwelling which shall be accessed from the rear of the building via a public or private alley, all Parking Structures and Garages shall be located behind a Perimeter Building, or screened so that cars and internal structure lighting are not visible from adjacent streets or properties. Screening can be provided by architectural structure or vegetative trellis.
 - ii. Parking Structure ingress/egress shall be consolidated into one façade opening and shall not exceed 24 feet in width or shall be separated into no more than two openings per façade, with a combined width of no more than 28 feet. Each façade opening shall not exceed 16 feet clear height.
 - iii. At least one pedestrian route shall lead directly to each Frontage Line (i.e. not directly into a Building). When portions of a Building containing parking front on more than one street, multiple pedestrian routes to the Frontage are strongly encouraged.

4. Uses

Within the E-ID, only the following uses shall be permitted or permitted in a limited fashion.

Table 4.5.8-3 Uses Permitted & Limited within the SEID

<u>Primary Permitted Uses:</u>	<u>Secondary Permitted Uses:</u> (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
<u>Residential¹</u>	
<u>Assisted Living</u>	<u>Dormitory</u>
<u>Attached Dwellings - Multi-Family</u>	
<u>Co-Housing</u>	
<u>Convalescent/Nursing Home</u>	
<u>Emergency Shelter</u>	
<u>Group Home</u>	
<u>Non-Residential</u>	
<u>Art Gallery/Studio</u>	<u>Animal Grooming</u>
<u>Adult Day Care</u>	<u>Animal Hospital/Veterinarian's Office</u>
<u>Agricultural Use</u>	<u>Appliance Sales/Service</u>
<u>Bakery</u>	<u>Bank/Credit Union</u>
<u>Bicycle Sales/Repair</u>	<u>Bar/Tavern</u>
<u>Community Center</u>	<u>Beauty/Barber Shop</u>
<u>Community Garden</u>	<u>Billiard Parlor</u>
<u>Daycare</u>	<u>Boat Repair/Service</u>

<u>Primary Permitted Uses:</u>	<u>Secondary Permitted Uses:</u> (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
<u>Grocery Store < 10,000 sf</u>	<u>Boat Sales/Rentals</u>
<u>Library</u>	<u>Bowling Alley</u>
<u>Manufacturing - Light</u>	<u>Building Material Sales</u>
<u>Office - General</u>	<u>Cafe</u>
<u>Office - Technical</u>	<u>Cinema</u>
<u>Open Air Markets</u>	<u>Convenience Store</u>
<u>Park</u>	<u>Crisis Counseling Center</u>
<u>Parking Garage³</u>	<u>Dry Cleaning Service</u>
<u>Parking Lot³</u>	<u>Film Studio</u>
<u>Performing Arts Studio</u>	<u>Fire Station</u>
<u>Photo Studio</u>	<u>Food & Beverage Processing</u>
<u>Photography Lab</u>	<u>Garden Supply Store</u>
<u>Printing Plant</u>	<u>General Merchandise/Retail - Large ≥ 10,000 sf</u>
<u>Printing Shop</u>	<u>General Merchandise/Retail - Small ≤ 10,000 sf</u>
<u>Public Transit Terminal</u>	<u>Health Club</u>
<u>Public Works Yard/Garage</u>	<u>Health Studio</u>
<u>Radio & TV Studio</u>	<u>Hotel²</u>
<u>Recording Studio</u>	<u>Laundromat</u>
<u>Research & Development Facility</u>	<u>Mental Health Crisis Center</u>
<u>Research Lab</u>	<u>Museum – Large ≥ 10,000 sf</u>
<u>School – Post-Secondary and CC</u>	<u>Museum – Small ≤ 10,000 sf</u>
<u>School - Preschool</u>	<u>Office – Medical/Dental</u>
<u>School - Primary</u>	<u>Performing Arts Center</u>
<u>School - Secondary</u>	<u>Pet Store</u>
<u>School – Trade, or Professional</u>	<u>Pharmacy</u>
	<u>Place of Worship</u>
	<u>Recreational Facility - Indoor</u>
	<u>Recreational Facility - Outdoor</u>
	<u>Restaurant</u>
	<u>Restaurant – Take Out</u>
	<u>Salon/Spa</u>
	<u>Tailor Shop</u>

1. Residential uses are permitted only in new additions to buildings that existed as of January 1, 2023, or in buildings built after January 1, 2023.

2. One hotel is permitted per lot established as of January 1, 2023 and may not account for more than 80 percent of the Gross Floor Area of the building in which the use is located.

3. Parking Garage and Lot uses are regulated by Sec. 4.5.8(c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density, and shall not be utilized for the purposes of determining the GFA of Secondary Uses permitted.

209
210
211
212
213
214
215

Article 9 Inclusionary and Replacement Housing**Sec. 9.1.12 Additional Density and Other Development Allowances**

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

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

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

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

~~4-2.~~ Lot coverage may be increased to 90% as per Sec. 4.5.8 (c) 1.b

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

Article 11: Planned Development**Sec. 11.1.3 General Requirements and Applicability**

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

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

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

Article 13 Definitions

All other definitions as written.

Block: The aggregate of private Lots, Passages, Rear Alleys, and Rear Lanes, circumscribed by public streets and public paths.

Block Perimeter: The allowable maximum distance, measured linearly, of the public streets and paths circumscribing a block.

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

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

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

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

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

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

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

Perimeter Building: A shallow medium to large sized attached or detached Building that is always associated with and screens a parking structure or garage.

Pervious Pavement: Alternatives to traditional pavement that allow rain and snowmelt to infiltrate underlying layers of soil and gravel in a manner that reduces runoff and promotes pollutant filtration.

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

Appendix A- Use Table

See attached

290

*

Material stricken out deleted.

291

**

Material underlined added.

292

293

294

295

296

MT/Attorney’s Initials/Ordinances 2022/ZA-23-01 South End Innovation District Overlay

297

08/19/22



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

www.burlingtonvt.gov/plan

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	Y ²	Y	Y	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Bed and Breakfast ^{4, 6}	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	N	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	N	N	N
<u>Co-Housing</u>	<u>N</u>	<u>N¹</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	N	CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	N	CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	N	Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N

[illegible]

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Courthouse	N	N	N	N	Y	N	N	CU	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N
Daycare (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y ²⁴	Y	Y	Y ²⁴	N	CU ²⁷
Film Studio	N	N	N	N	Y	N	N	N	N	N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	N	CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	N	CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	N	CU ²⁴	Y	Y	N	Y	Y ²⁷
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	N	Y ²⁷
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU ¹⁸	CU	CU	N	CU ^{17,27}
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	N	Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU	N	CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	N	N	N	N	N	N	N
Hostel	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
Hotel, Motel	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	N	Y	N	N
Junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y ¹³	Y	Y	Y	N	Y ²⁷
Library	N	N	N	N	Y	CU	CU	Y	N	Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	N	N	CU ¹⁰	Y	N	N	Y
Manufacturing-Light	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	CU	Y
Manufacturing	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	Y

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Marina	N	N	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	N	CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	N	N	N	N	N	N	N
Museum–Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y ²⁷
Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y ²⁷
Office-Technical	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y ²⁷
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N	CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	CU	Y	N	CU	N	CU ^{27,32}
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)	CU	CU	CU	Y	N	Y ²⁷
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N	Y	Y	Y	Y	N	Y
Photography Lab	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	CU	Y
Police Station - Central	N	N	N	N	CU	N	N	N	N	Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	N	CU	Y	Y	Y	N	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	Y	CU	Y

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N	N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	N	CU	CU	Y	Y	N	Y
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	(See Sec.4.4.1(d) 1)	N	Y	CU	N	N	CU ²⁷¹
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	Y	CU	N	N
Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research and Development Facility	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	(See Sec.4.4.1(d) 2)	Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	(See Sec.4.4.1(d) 1)	Y ¹³	Y	Y	Y ¹³	N	Y ^{13,27}
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	N	Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	N	CU	CU	CU	CU	N	N
School – Preschool (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
School - Primary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	N	CU	N	N	CU	N	CU ²⁷
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	Y ¹⁵	N	Y	Y
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	N	Y	CU	CU	CU	N	N



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

www.burlingtonvt.gov/plan

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. For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.
28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
29. Must be fully enclosed within a building.
30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
31. See special use standards of Sec. 5.4.13, Emergency Shelters.
32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
33. See Sec. 4.5.8(c) 5 for permitted and conditional uses in the Enterprise – Innovation District (E-SEID) Overlay

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

Formatted: Highlight

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
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

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
Julia Randall

To: Burlington City Council

From: Burlington Planning Commission

Date: TBD

RE: ***DRAFT--*** ZA-23-01 South End Innovation District Zoning Amendment

Overview

The creation of a South End Innovation District is a priority planning objective originating in *planBTV: South End*. The District intends to reinforce and grow the South End as a center for innovative businesses and institutions and expand and preserve the arts district through creating new space for artists and employees in the area to live and work. Notably, while *planBTV: South End* did not recommend that residential uses be permitted in the District, a worsening housing crisis has precipitated both a Mayoral initiative to expand housing choices and supply in the South End and a demonstrable shift in community support for housing in the area of the South End proposed to rezoned for the South End Innovation District.

Since late spring, 2022, Planning staff has managed the drafting of this zoning amendment, including engagement with the general public and a core group of stakeholders that includes property owners and arts advocates. The amendment addresses both the urban form of the District and the land uses that will be permitted. Regarding the latter, the amendment seeks to balance the community objective to foster an arts and innovation economy in the South End with the need to create a convenient and amenity-rich neighborhood that will be home to hundreds of households. The Planning Commission supports the proposed land use framework that would establish two categories of permitted uses as outlined below:

- Primary Permitted Uses are those that reflect the core intent of the District as laid out in *planBTV: South End* and include all uses that encapsulate the range of arts, light manufacturing and office activities envisioned in the Innovation District. Primary uses also include a range of commercial and service uses that are considered intrinsic to successful urban neighborhoods (e.g. daycare, medical offices, bicycle sales and repair, and bakeries). Residential uses supportive of a dense, multifamily district are considered Primary Permitted Uses as well. For a full list of Primary Permitted Uses, see below.
- Secondary Permitted Uses are those that, while supportive of and even necessary to a vibrant urban neighborhood, are not considered intrinsic to the intent of the South End Innovation District, which should prioritize space for business, arts and innovation uses. Secondary uses include service uses (e.g. pharmacy, laundromat, salon/spa, animal hospital/veterinarian's office and medical/dental offices), amenities (e.g. café, restaurant, bar/tavern), and larger format hospitality uses (e.g. hotel, museum). For a full list of Secondary Permitted Uses, see below.

The proposed amendment would establish this two-tiered land use framework by allowing for Secondary Permitted Uses at a rate of two square feet for every one square foot of those Primary Permitted uses. For example, in order to permit a 5,000 square foot restaurant use, a developer would first need to provide 2,500 square feet of Primary Permitted uses. Furthermore, all such uses would be allowed to be distributed throughout lots existing as of January 1, 2023, to allow for phasing and fair distribution of land uses throughout the district. This latter provision is necessary in light of future subdivision that could occur in the South End Innovation District, due to today's large lot sizes and proposed dimensional standards.

Proposed South End Innovation District Land Use Approach

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
Residential¹	
Assisted Living	Dormitory
Attached Dwellings - Multi-Family	
Co-Housing	
Convalescent/Nursing Home	
Emergency Shelter	
Group Home	
Non-Residential	
Art Gallery/Studio	Animal Grooming
Adult Day Care	Animal Hospital/Veterinarian's Office
Agricultural Use	Appliance Sales/Service
Bakery	Bank/Credit Union
Bicycle Sales/Repair	Bar/Tavern
Community Center	Beauty/Barber Shop
Community Garden	Billiard Parlor
Daycare	Boat Repair/Service
Grocery Store $\leq 10,000$ sf	Boat Sales/Rentals
Library	Bowling Alley
Manufacturing - Light	Building Material Sales
Office - General	Cafe
Office - Technical	Cinema
Open Air Markets	Convenience Store
Park	Crisis Counseling Center
Parking Garage ³	Dry Cleaning Service
Parking Lot ³	Film Studio
Performing Arts Studio	Fire Station
Photo Studio	Food & Beverage Processing
Photography Lab	Garden Supply Store
Printing Plant	General Merchandise/Retail - Large $\geq 10,000$ sf
Printing Shop	General Merchandise/Retail - Small $\leq 10,000$ sf
Public Transit Terminal	Health Club
Public Works Yard/Garage	Health Studio
Radio & TV Studio	Hotel ²
Recording Studio	Laundromat
Research & Development Facility	Mental Health Crisis Center
Research Lab	Museum – Large $\geq 10,000$ sf
School – Post-Secondary and CC	Museum – Small $\leq 10,000$ sf
School - Preschool	Office – Medical/Dental
School - Primary	Performing Arts Center
School - Secondary	Pet Store
School – Trade, or Professional	Pharmacy
	Place of Worship
	Recreational Facility - Indoor
	Recreational Facility - Outdoor
	Restaurant
	Restaurant – Take Out

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
	Salon/Spa
	Tailor Shop

1. Residential uses are permitted only in new additions to buildings that existed as of January 1, 2023, or in buildings built after January 1, 2023.
2. One hotel is permitted per lot established as of January 1, 2023 and may not account for more than 80 percent of the Gross Floor Area of the building in which the use is located.
3. Parking Garage and Lot uses are regulated by Sec. 4.5.8(c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density, and shall not be utilized for the purposes of determining the GFA of Secondary Uses permitted.

Alternative Approaches

The proposed land use framework is an aspect of the proposed amendment that the Commission debated. While the Planning Commission recommends the above land use approach, as recommended by staff, as a tool to balance land for arts and innovation uses and those other non-residential uses, the following approaches were also debated by the Commission and should be considered during the Council's deliberations as well:

1. More flexible overall land use framework

Some Commissioners and South End property owners expressed a concern that the Primary/Secondary framework is overly prescriptive and may limit the future development potential due to market realities. In response, the framework was revised to allow a 2:1 ratio of Secondary uses to Primary uses, where the original proposal established a 1:1 ratio, and to allow the mix of uses through a master plan process prior to a lot's subdivision.

Another alternative that was suggested was to simply indicate that the uses in the Primary & Secondary columns are all permitted. However, it was noted that a downside is that this could result in developments that do not incorporate uses that are directly related to the commercial purposes of the district.

2. Minor revisions to Primary & Secondary Uses

If there are specific uses that are of particular interest to allow that are currently limited to Secondary uses, such uses could be moved to the Primary use...

3. Consider mix of uses at the district level instead of on individual lots

A suggestion was made to balance the considerations by ensuring a mix of uses across the entire SEID instead of on a lot-by-lot basis. While this could allow for the greatest flexibility in a mixed use district, the legality of such an approach would need to be further researched. Additionally, staff has recommended against approaches like this because they are difficult to administer, and limits what is legally permitted on a lot based on what has already been permitted on a nearby lot.

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
Julia Randall*

Burlington Planning Commission

Thursday, January 19, 2023, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

City Council Members Present:	In-Person: Maea Brandt Virtual: Ben Traverse
Planning Commission Members Present	In-Person: A. Montroll, B. Baker, M. Gaughan Virtual: J. Randall, A. Friend, Y. Bradley, E. Lee
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	S. Bushor, B. Pine, K. Sturtevant, J. Caolo (need to confirm spelling), C. Bates, M. Arnold., D. Viens

I. Agenda

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

II. Public Forum

Name(s)	Comment
S. Bushor	S. Bushor is speaking in support of some proposed amendments. The one that allows for more than just market rate number of bedrooms. Sometimes there are two or three bedrooms for multigenerational families (9.1.14a). However, the second part of amendment (9.1.11.b), it negates that point of 9.1.14a. It seems as though you can make any number of size units. Didn't feel comfortable about how those two worked together and stood alone, especially when it's in form based code where it's by right. Units will be purchased or rented, but that doesn't mean we are meeting the needs of the community. Is also concerned about our marketplace and the number of bedrooms, concerned city place is going to be mainly residential. Is concerned that we aren't looking our own personal wellbeing, and we aren't guaranteeing a healthy mix of residential and commercial. Wants to make sure we aren't the bedroom town for South Burlington and Williston.

III. Proposed ZA-23-02 Inclusionary Zoning

Action: Commission Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: Discussion	Presented by: C. Dillard	

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.

Introduction:

- Two overarching changes proposed:
 - Bedroom Mix: Larger IZ Units
 - Bedroom Mix: Gross Floor Area Ratio
 - Unit Size: Gross Floor Area Ratio

Commissioner Discussion

- B. Baker Didn't see anything addressing when there are 1 br units in market rate vs. inclusionary. In that situation the gap is fairly narrow in terms of rent, but when you get to a 4 br, it progressively by br count goes up. Is this amendment addressing this?
 - CD: Per affordable housing developers, there is not a waitlist for 4br
 - M. Tuttle: This first issue allows the flexibility. One unintended consequence of the way that ordinance has been written in the past is that the presumption was that everyone would want to build smaller IZ units than market rate units, but this allows flexibility if development is primary 1br or studios that some of the IZ units could be 2br.
 - B. Baker: The solution for this may be at a different part of the ordinance at a different time, which is FAR instead of DU/Acre, which tends to incentive the marketplace to produce larger units. Suggests putting that on to-do list.
 - B. Pine: There's the cost of development combined with the access to subsidies that makes these projects work that sadly, these larger units don't pencil out for them. Waitlist for demand continues to be for 1 to 2 bedroom units. The organizations providing the affordable housing are seeing decline in the household size.
 - M. Tuttle: Wants to acknowledge point S. Bushor made that this conflicts with point in next amendment, but felt it was important to make this change explicit.
- E. Lee: Not clear what problem this is solving. Why would the developer that is required to build a certain # of units would ever want to build a larger unit. Why would developer want the flexibility to build bigger units and incur more costs?
 - C. Dillard: At a time when market rate project is coming, lets say affordable developer has a certain demand for units. This amendment could be helpful.
 - B. Baker: A market rate developer is looking at revenue for square footage. If you look at student rental for example (4 br), would incur more revenue for the developer because they garner square foot for rental income. However, this is not always the case for 1br luxury units.
 - E. Lee would like to see data on those numbers about what the inclusionary unit goes for as opposed to a regular unit. Is concerned that the larger IZ unit would be filled with students who do not make a lot of \$\$ and apply to these units and the older adults who might not want roommates cannot live there. Low income college students deserve access to support, but if we build more 4br units to satisfy IZ requirements, it'll make low income residents have to live with roommates.
- B. Pine: When a household is applying to IZ, there are certain standards. The market development at Cambrian Rise had very small market units in tandem with the affordable development with large units. There may be times where there is a mismatch in this development direction. It may not be as critical in this change being included in adoption.
- M. Gaughan makes a comment that underscores that the affordable housing developers are the ones concerned about the unit mix because they have investors/studies and are concerned about anything more than 2brs considering the market. Want to ease apprehension for investment.

- A. Friend is in favor of giving more flexibility for units, but questions what the unintended consequences are. Are there experiences from other cities that are informative?
 - M. Tuttle: The intent of this standard originally was likely because at the time, city was concerned we would have a lot of very large market rate and very small IZ units. Concern was the opposite at the time when family sizes were larger.
 - B. Pine: The demographic shift has changed since the 1990s when this was adopted. Household formation rates have moved to mid-30s, which has impacted household size.
- B. Pine shares that in some cases the developer makes calculations and comes to CEDO but calculations are often incorrect because they include what IZ prices would be in calculations. Nowhere is it cleared up how to calculate IZ rents.
 - M. Tuttle states that there will be an upcoming correction to this that explicitly states how to make this calculation, alongside large number of upcoming technical corrections.
- B. Traverse: Why don't we get rid of the bedroom mix requirements for all projects and not do this square footage analysis if affordable housing developers want to develop units that are in demand? Guess is because there is concern that AH developers meet their 15% IZ unit demand by building all efficiency apartments. As we move into GFA discussion, understands by allowing units to be <90% threshold, it may result in more units overall in that equation. From a policy standpoint, is there concern by adding FAR, are we allowing developers to build efficiency as opposed to market size?
- M. Tuttle: One technical piece about why these two pieces work together is that if you end up with a project where the market rate is 4br and IZ is 2, there is no unit of equal bedroom mix to compare it to.
- M. Gaughan: There might be a point to Ben's comment. If you're going above 15%, you're probably doing it in a structured way with subsidy. If you're doing less than 15% you're trying to do the bare minimum. Once you're above 15%, there are more guardrails on development. It's important to have equity there.
- Y. Bradley: States that what he's not hearing in this conversation is an understanding or analysis of costs and rents. With great respect, the reason units are getting smaller because its harder for private developers to make these numbers work. The only way for deal to pencil is to make units smaller to get more revenue. There is a market trend for people thinking smaller is better, but the reality is the demand for lots of bedrooms is low. However, families with lots of kids or new American families want more space, but these developments cost money. Is there some sort of a bonus for units with lots of bed rooms? Incentivize it, not demand it.
- B. Baker points out that this is not the case with students, but overall correct. Important to recognize how these get developed – ie: Cambrian rise. For a lot of reasons, folks at CR would rather have separate building, equally as nice, but built and managed by CHT.
- B. Pine: Every development is unique. Provides context for approaches before CR as well. Bruce is correct. When you have developers just meeting 15%, that's usually an in-house financed deal and handling the fact that it does depress long time income stream. But when project is done like city place with IZ requirement financed and managed by CHT as a separate entity, that's the most likely the approach.
- Y. Bradley: Agrees with Brian but is having a hard time imagining that with a 1/studio mix with a 4br thrown in the mix. If you have units in a building that are a family building, that makes a lot of sense. What we're looking to do makes sense, but we need to be careful how we do it. Market can't bear another layer of costs that make it harder for developers to pencil. It's hard to make these housing deals work right now. We're already charging Boston level rents.

- J. Randall: Wants to come back to original reason for hearing this now (City Place). The desire of developer is to have a larger bedroom mix for market rate units, which is not the mix for IZ units. This situation sounds similar to Cambrian rise, in that affordable units will be in a separate building managed by CHT. Also asking question about minimum unit size – can this support the dignity of affordable units to market units? Does the city have any current ordinances that cover minimum bedroom unit size?
- B. Baker: Was on the inclusionary committee and there was a unit size requirement, but because the ordinance is so slow to react to marketplace, the unit size requirement was impossible for Brian to administer because it was beyond what was produced in the market. Is reluctant to put a requirement of a minimum size because the zoning ordinance is so slow to react to the market.
- M. Tuttle: Points out that city also have minimum housing codes for life safety standards for safety in housing code.
- M. Gaughan: Reluctant to change unit mix parity under 15%. Is it worth saying that up to 3br in terms of parity up to 15%? If you go over 15%, you have that flexibility in the mix. We are not observing this change in the market that could come back in a relatively short order.
- B. Baker: It's important to stick to this and not make too many small changes.
- J. Randall: Wonders how this ordinance treats future conversions in response to the market. That's beyond the scope of immediate change but this does have implications for the future.
- M. Brandt: Idea of flex walls is popular elsewhere for builders to work with changing requirements. Questions why IZ units are in other building?
 - B. Pine: It is allowed for this to be in separate buildings. Idea that you don't have exclusive neighborhoods, but can have exclusive addresses.
- E. Lee: What do affordable housing developers need in Burlington? How are we measuring our success in this? What does our community need right now?
 - B. Pine: We do have a demographic shift that will continue on for quite some time. Houses aren't turning over like they used to, there is a need for high quality senior rental housing. A market study will show that you can fill 1br apartments all day in this community.
 - E. Lee: It seems like Bedroom Mix: Gross FAR will actually create more units, which is what the community needs. But is concerned about large units being a work around for square foot requirements.
 - B. Pine & Bruce: Difference is pretty dramatic. Brian doesn't have IZ rents memorized, but the delta gets more significant with much bigger units. Developers are interested in developments that will be profitable. Not a lot of risk to seek loophole route if there is not a demand.
- B. Baker: Isn't there also a phasing issue? If we're here to solve problem of multiple buildings on a lot, funding source might not be in sync with when market
 - M. Tuttle doesn't believe there is a phasing issue. Cambrian rise has helped provide a reference point. The conditions of approval did acknowledge that IZ units would come online during first couple years, and DRB deemed that appropriate for allowing types of buildings across that project. DRB has discretion to approve phasing plan.
- B. Traverse: Highly technical question. Doubling back to first amendment that allows projects to always build IZ units regardless of 15% threshold, this could theoretically allow construction of larger bedroom unit without hitting 15% threshold and that unit does not have correlating market unit. Nothing to determine 90% -- what is the threshold in that case?
 - M. Tuttle: The more we've talked through this, the second two provisions would satisfy what we're trying to achieve. Staff would be okay taking first change out.

- J. Randall: Question about standard of parity – are there other things to be clarified regarding that standard of is this sufficient? Or is that envisioned down the line?
 - C. Dillard: Today there is required parity and they are sufficient.
 - B. Pine: Energy efficiency has to be comparable if not better.
- A. Montroll: Hearing the lack of need for larger units raises all sorts of questions about the mix of our community. As we get to the broader housing discussions, its something to keep in mind. Look at existing stock that's already there and preserve those as affordable and available for families.
- M. Gaughan: Very difficult to find a 3 bedroom house for small families. We still need to focus on the community. Encourage people who might be in what might be starter homes for families to downsize.
- B. Baker: Demand in areas of town is different. We've taken a blanket approach in DU/Acre and we should debate whether we replace that with FAR.
- B. Pine: Commission took huge step with Trinity. We have lots of 3-4 homes that are likely occupied by communities that they weren't intentionally built for.
- A. Montroll: Where are we moving from here? We need to see another version of this. Are you envisioning more of these?
 - Staff can bring revised amendment to PC. Does envision another joint meeting – possibly Feb 5th.
 - M. Gaughan: Is it something where we could move it at our next PC meeting
 - C. Dillard: We could warrant a Feb 14th public hearing date. We can bring a revised amendment to the PC next week, then warrant public hearing.
 - B. Baker: Are we close enough to warrant it now?
 - A. Montroll: wants to have a more finalized version before warning public hearing to have something closer.
 - Y. Bradley: Thinks if we get ordinance committee buy in, overall process could be more rapid. Having everyone here allows us to get to a consensus in a faster manner. If we want to fast track, it would be more efficient time-wise to do this together.
 - A. Montroll: We will meet next Tuesday and wants to hold off until next week. Wants to hear from ordinance committee on what the desire would be.
 - M. Brandt: Acknowledges she is learning and observing tonight and will lean on Ben for this.
 - B. Traverse: Mindful of the reasons we got together jointly. Understanding there is time sensitivity. Ordinance committee wants to work in the most efficient manner. Wants to seek feedback from CW Hightower.
 - A. Montroll: Can we warrant it for public hearing next Tuesday, then have hearing, and ordinance committee can attend hearing.
 - Everyone agrees on Andy's plan, where commission will likely move it forward next Tuesday and then meeting warned.

JOINT MEETING WAS ADJOURNED

IV. Public Hearing: Proposed ZA-23-01 South End Innovation District

Commission Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a

Type: Discussion	Presented by: C. Dillard
M. Gaughan cannot make next week's PC meeting and wants to know what changes for Land Use are. Moving on to item 5 – SEID.	
- Land Use framework on SEID - Reduce Primary-Secondary ratio from 1:1 to 1:2 - Added health studio into secondary uses - Moved parking lots/garages into primary permitted category	
Commission Discussion:	
B. Baker: City Council doesn't have capacity to consider this with the March election coming up. Likely very little what we are doing will be heard by council until early April. We aren't holding anything up by continuing to debate. M. Tuttle: Unless the council makes changes to this, PC hopefully will not see this again. J. Randall is ready to approve it, but A. Montroll wants to have a better discussion.	

V. 2023 Meeting Schedule

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

VI. Commissioner Items

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

VII. Adjourn

Adjournment		Time: 8:45 pm
Motion: M. Gaughan	Second: B. Baker	Vote: Approved Unanimously