

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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www.burlingtonvt.gov/pz

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

Burlington Planning Commission

Tuesday, January 10, 2023, 6:30 pm

Remote & Virtual Meeting via Zoom

In-Person Option Available:

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

To Join the Meeting on a Computer

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

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 939 4316 7252

AGENDA

I. Agenda

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

III. Chair's Report

IV. Director's Report

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

Staff and Mayor Weinberger will share an overview of a proposed amendment to the *Comprehensive Development Ordinance* that would establish an alternative compliance bedroom mix and unit size method for Inclusionary Zoning units. No information related to this item is included in the agenda packet; staff will share a presentation related to the item at the meeting.

Staff Recommendation: No action; receive the information for discussion at a future meeting.

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

The Commission closed the public hearing at its December 20 meeting and will discuss this proposed amendment to the Burlington *Comprehensive Development Ordinance* that would create a South End Innovation District overlay that permits residential uses and establishes new land use and urban form standards in a portion of the existing Enterprise-Light Manufacturing district. Information related to this item is in the agenda packet on page 4.

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

VII. 2023 Meeting Schedule

The Commission review a corrected 2023 Meeting Schedule. A proposed calendar is enclosed in the agenda packet on page 43.

Staff Recommendation: Review and re-approve the 2023 Meeting Schedule.

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

VIII. Commissioner Items

- a. Committee Reports

IX. Minutes & Communications

- a. The minutes of the December 20 meeting are enclosed in the agenda packet on page 44.
- b. Communications are enclosed in the agenda packet.

X. Adjourn

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Guidance for Participating in a Virtual Planning Commission Meeting

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

General Guidance for Public Participation

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

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

How to Join a Virtual Meeting

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

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

How to Participate in a Virtual Meeting

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

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

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



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

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Director
DATE: December 7, 2022
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.

Topics for further discussion

At its August 23, September 13, September 27 and October 11 meetings, the Planning Commission identified several topics for further discussion, including whether to allow hotels in the district, maximum building height, the location of residential uses, and new streets and paths. Additional information related to these topics is provided below.

Hotels

Throughout the drafting of the SEID amendment, staff, stakeholders and the community have debated whether hotels should be permitted within the district. Due to some community opposition and staff concerns that hotels could both outcompete residential development for land in the South End and spur greater than desirable tourism activity in the SEID, staff initially proposed that hotels not be permitted. However, the Planning Commission has expressed some interest in allowing hotels in a limited fashion in the SEID to achieve three primary goals:

- Economic Development and Recruitment: the SEID is home to one of the region's highest performing office markets. To facilitate its continued growth, and that of its constituent businesses, hotels in the SEID could be an important recruitment tool.
- Remote work: Given Burlington's attractiveness as a tourist destination, it is also ideally suited to attracting a growing remote work market for out-of-town visitors looking to spend time in the city and stay in one of its most vibrant districts. With the recent resumption of Amtrak service out of Downtown, the South End is poised to attract such workers from New York City in particular.
- Recreation: The South End is rich in recreational amenities and out-of-town visitors may be attracted to the SEID as it develops.

Acknowledging the stated concerns and benefits regarding hotels in the SEID, staff proposes that hotels be permitted in the E-SEID, provided that no more than one hotel is permitted per lot and that an individual hotel use may not account for more than 80 percent of the Gross Floor Area of the building in which it is located. Allowing one hotel per lot on lots established at the time of the amendment's adoption would facilitate hotel development on a select few properties. Given the district's relatively small number of properties, and that the City owns a significant portion of the land in the proposed district, such a standard would realistically produce just a small number of hotels.

Residential use location

Creating new homes is one of the core priorities in the SEID. However, this should not come at the expense of other highly valued land uses, particularly those that contribute to the District's character as a place of creativity and innovation. Based on community feedback and discussions

with other South End stakeholders, staff has proposed that residential uses only be permitted in new buildings (i.e. those newly created after a date certain). Such a standard would preclude conversion of existing non-residential buildings, instead directing residential development to vacant or underdeveloped land elsewhere in the district.

However, an outstanding concern has been that such a prohibition could have the unintended consequence of promoting the teardown of existing structures to make way for new residential buildings. In an attempt to address this concern, staff proposes to allow residential uses in additions to existing buildings as well as new buildings. Such a standard could reduce the incentive to tear down existing structures while still making them available to facilitate mixed-use developments. Additionally, the standard could also promote the efficient use of land by facilitating additions above or on the same lots as existing buildings.

Height

In its discussions to date, the Commission has considered whether building height should be limited to specific geographic locations similar to how the downtown form code (Article 14) identifies special height areas. Of particular concern have been potential impacts of tall buildings to the Lakeside neighborhood along the District's western boundary, the Barge Canal, and to the established built character along Pine Street. In recognition of these concerns, staff recommends the creation of a South End Innovation District Specific Height Area Map that would identify areas for 45'/4 stories, 65'/6 stories, and 85'/8 stories. The proposed Specific Height Area Map is included in the attached draft amendment.

Blocks/New Streets

The 2019-adopted *planBTV: South End* and more recent engagement for this zoning amendment support a vision for this area as an accessible, connected and multi-modal Innovation District. Of planning for new streets, the Plan states, "just as connectivity and collaboration are a part of the business models of companies in this area, they are integral design principles for the physical fabric of this part of the neighborhood. New street connections are walkable, bikeable and served by transit."

Today, the proposed South End Innovation District includes large lots with no existing internal street network or planned streets on the City's Official Map, but any future development would very likely require the installation of new streets and internal pathways. To achieve the goals of a multimodal, highly pedestrianized and connected district, staff proposes a maximum Block Perimeter standard that requires that blocks have a circumference no greater than 1,600 feet and that such blocks must be circumscribed by public streets and/or public paths. This standard will facilitate a highly accessible district while also providing for the flexible development of new blocks.

Suggested Revisions to Public Hearing Draft Amendment

Several members of the public, various stakeholders, and elected officials have commented on and suggested revisions to the proposed amendment since the Commission's last discussion. In light of these comments, and staff's own continued research, staff will present a summary of feedback received and potential related changes to the amendment. Those changes, as recommended by staff, are described below and highlighted in a second amendment version included in the agenda packet.

1. Maximum setbacks: The draft amendment under review at the Public Hearing proposes a maximum front and side setback of 10 feet and a maximum rear setback of 15 feet. Based on recent feedback, staff proposes to increase the maximum setback for all building sides to 20 feet. This increase from 10 feet on the front and side facades of a building is recommended to allow greater flexibility in the provision of yard, patio, and plaza amenities. Such an increase is consistent with the district intent to locate buildings close to the street. Staff also proposes to add a provision that would prohibit surface parking between a building and the street or path on which it fronts.

2. Parking Structure Dimensional Standards: As proposed in the draft amendment, parking structures are limited to the 15,000 square foot floor plate standard to which all other development is subject. To facilitate shared parking as prioritized in *planBTV: South End* and the potential construction of an efficient structure as depicted in the recent CCRPC Multimodal Transit Center Feasibility Study, staff recommends a limited exemption to the floor plate standard for parking structures:
 - One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floor plate maximum standard according to the following:
 - When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.

This revised approach would limit the proliferation of parking structures while granting development flexibility and facilitating the community goal of shared parking.
3. Primary and Secondary Frontage Designation: The amendment's *Map 4.5.8-3 Frontage Standards* designates certain streets as primary or secondary frontages, which determines the minimum amount that a lot's frontage must be occupied by buildings and the percent of a building's ground floor that must contain non-residential uses. The Map as initially proposed was based on stakeholder input regarding tentative development concepts within the District. Specifically, property owners previously envisioned Champlain Parkway as a primary frontage street. However, those private development concepts have evolved based on the uncertainty surrounding the Parkway's public realm (sidewalks, bicycle infrastructure and other elements). Given evolving private interests and the desire for a flexible development framework, staff recommends removing *Map 4.5.8-3* and adding the following provision:
 - Primary and secondary frontages must be identified by the property owner. Each block must contain at least one primary frontage.

This revised approach would grant needed flexibility while still guaranteeing a mixed-use and activated street level character in the Innovation District.
4. Parking Structure Ingress and Egress: The draft amendment incorporates the Downtown Form Code standards for parking structures. While those standards are appropriate in the constrained Downtown, the larger sites within the SEID offer a different parking structure design approach that maintains the amendment's goal of creating a safe and walkable district. Based on stakeholder feedback, staff recommends permitting up to two façade openings.
5. Use Table Language Consistency: To keep land use table language consistent, staff proposes to change the draft amendment's use of "limited" to "secondary" in *Table 4.5.8-3: Uses Permitted & limited within the SEID*.
6. Planned Unit Development: To encourage and facilitate phased and holistic development, staff recommends permitting Planned Unit Development in the SEID.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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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 grow 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	Approve for Public Hearing	Public Hearing 11/15/2022, 12/20/2022	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.

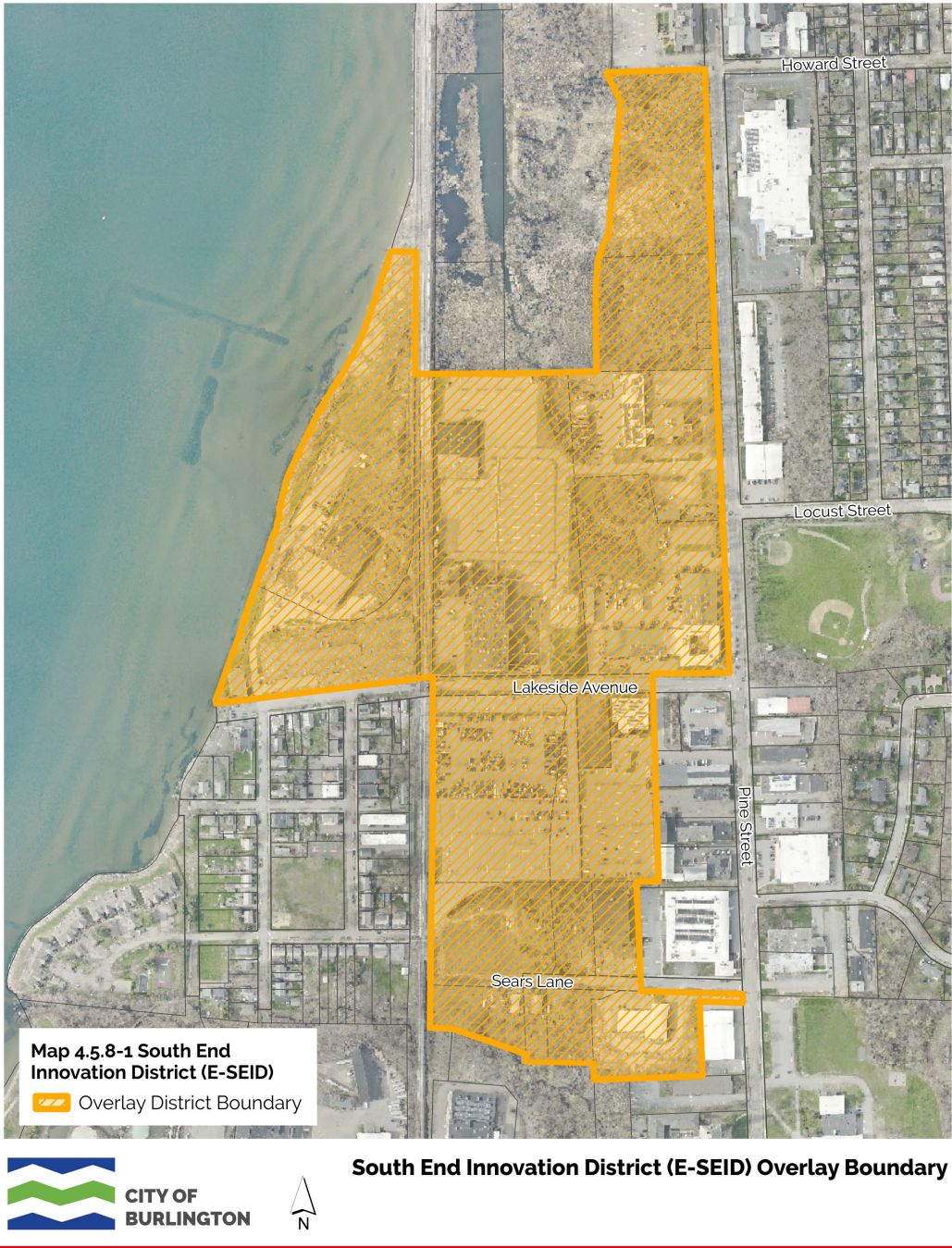
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure.. Buildings should range in height from one to eight stories, and should be constructed of 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:
- i. Passive House Certification as administered by Passive House Institute (PHI or PHIUS);
 - ii. Gold Certification or higher under the applicable LEED standard as administered by Green Businesses Certification, Inc. (GBCI); or,
 - iii. 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 Floorplate³</u>	<u>Max. Lot Coverage & Pervious Surface Required⁴</u>	<u>Minimum Building Setbacks</u>			<u>Max. Height⁶</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>10' max⁵</u>	<u>0' min</u> <u>10' max⁵</u>	<u>0' min</u> <u>15' max⁵</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.

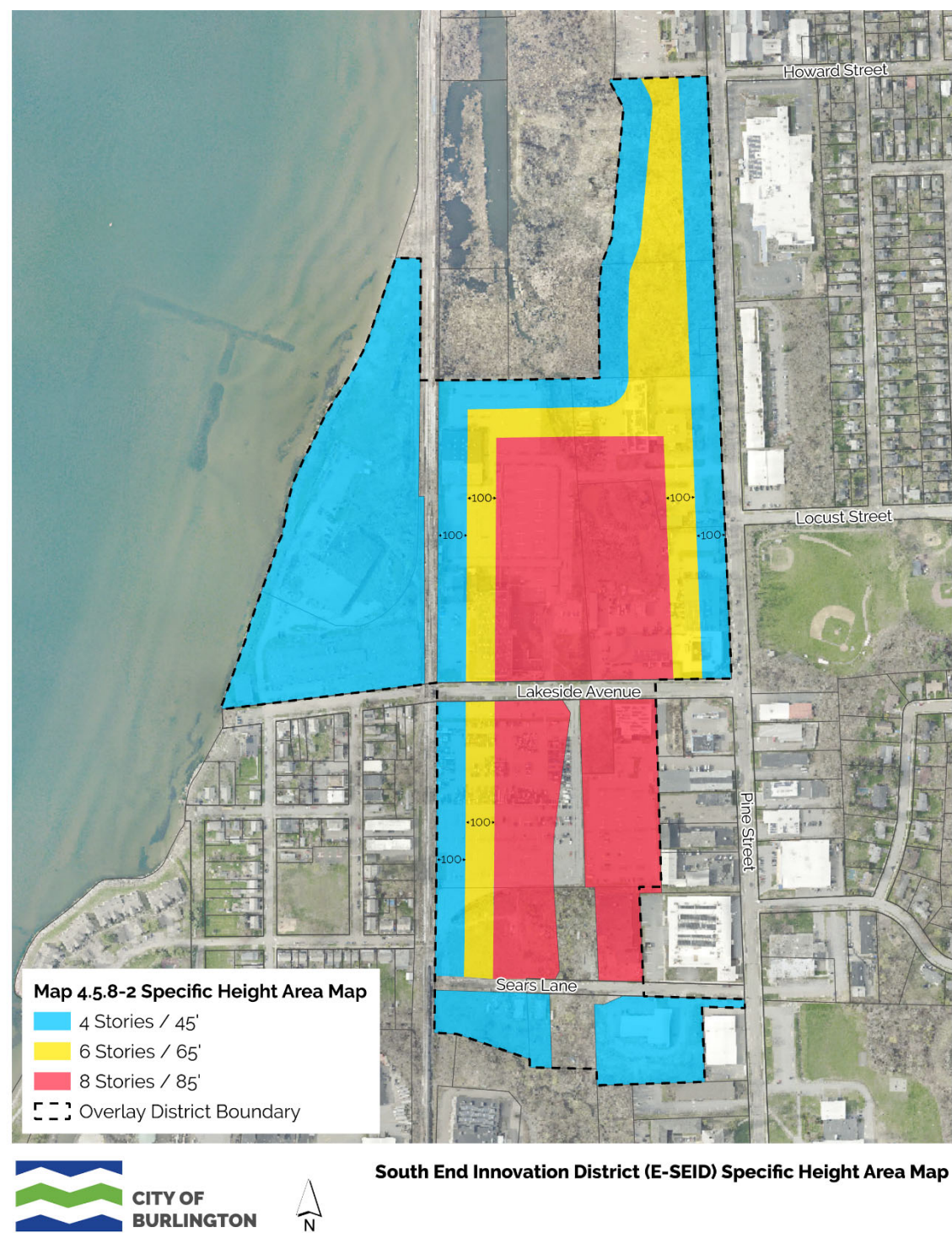
3. Maximum square footage applies to each floorplate.

4. 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.

5. 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.

6. 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



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132
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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 *Map 4.5.8-3 Frontage Standards* and *Table 4.5.8-2*.

(i) On lots where new interior streets are provided, Primary and Secondary frontages must be identified by the property owner.

(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.

Map 4.5.8-3 SEID Frontage Standards



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 Map 4.5.8-2 Frontage Standards and 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.
- 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 and 16 feet clear height. Only one such opening per street Frontage may be permitted. Façade openings may be separated for ingress/egress where they access different frontages.

- 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 limited uses is not to exceed the sum square footage of all non-residential permitted uses on any lot)
<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>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>Performing Arts Studio</u>	<u>Dry Cleaning Service</u>
<u>Photo Studio</u>	<u>Film Studio</u>
<u>Photography Lab</u>	<u>Fire Station</u>
<u>Printing Plant</u>	<u>Food & Beverage Processing</u>
<u>Printing Shop</u>	<u>Garden Supply Store</u>
<u>Public Transit Terminal</u>	<u>General Merchandise/Retail - Large ≥ 10,000 sf</u>
<u>Public Works Yard/Garage</u>	<u>General Merchandise/Retail - Small ≤ 10,000 sf</u>
<u>Radio & TV Studio</u>	<u>Health Club</u>
<u>Recording Studio</u>	<u>Hotel²</u>
<u>Research & Development Facility</u>	<u>Laundromat</u>
<u>Research Lab</u>	<u>Mental Health Crisis Center</u>
<u>School – Post-Secondary and CC</u>	<u>Museum – Large ≥ 10,000 sf</u>

<u>Primary Permitted Uses:</u>	<u>Secondary Permitted Uses:</u> (The sum square footage of all limited uses is not to exceed the sum square footage of all non-residential permitted uses on any lot)
<u>School - Preschool</u>	<u>Museum – Small < 10,000 sf</u>
<u>School - Primary</u>	<u>Office – Medical/Dental</u>
<u>School - Secondary</u>	<u>Parking Garage</u>
<u>School – Trade, or Professional</u>	<u>Parking Lot</u>
	<u>Performing Arts Center</u>
	<u>Pet Store</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.

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 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.

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

- * Material stricken out deleted.
- ** Material underlined added.

	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
Co-Housing	<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

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

	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

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

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



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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.

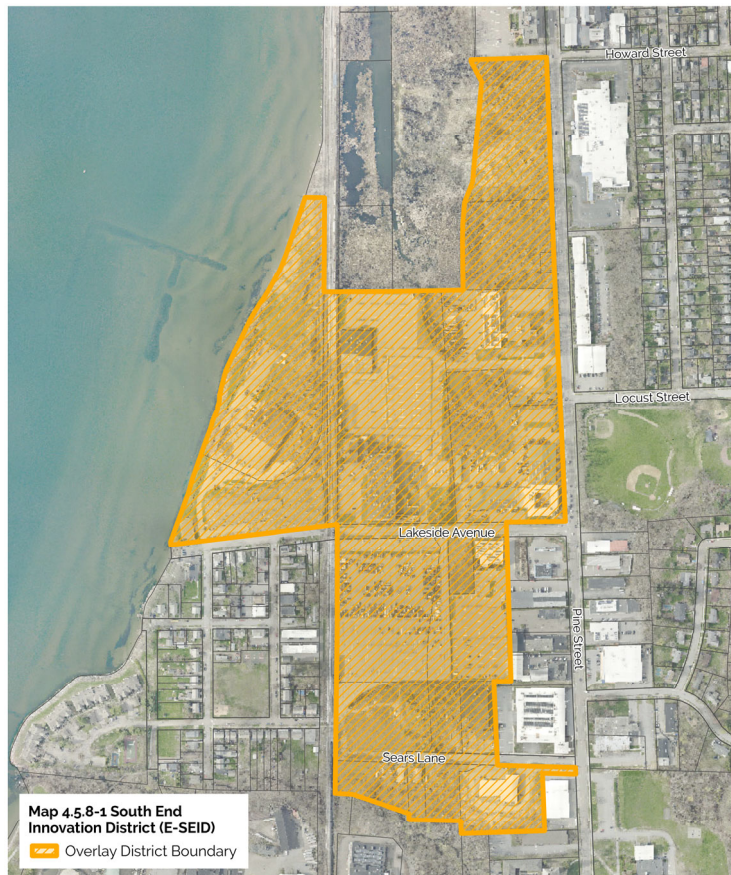
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure.. Buildings should range in height from one to eight stories, and should be constructed of 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



South End Innovation District (E-SEID) Overlay Boundary

(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

Block Perimeter ¹	Max. Intensity (floor area ratio ²)	Max Building Size per Floorplate ^{3, 4}	Max. Lot Coverage & Pervious Surface Required ⁵	Minimum Building Setbacks			Max. Height ⁷
				Front	Side	Rear	
1,600' max	2.25 FAR	Floors 1-6: 15,000 sq.ft.	80% max impervious	0' min	0' min	0' min	85'
		Floors 7-8: 10,000 sq.ft.	25% min of pervious area must utilize GSI	20' max ⁶	20' max ⁶	20' max ⁶	

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

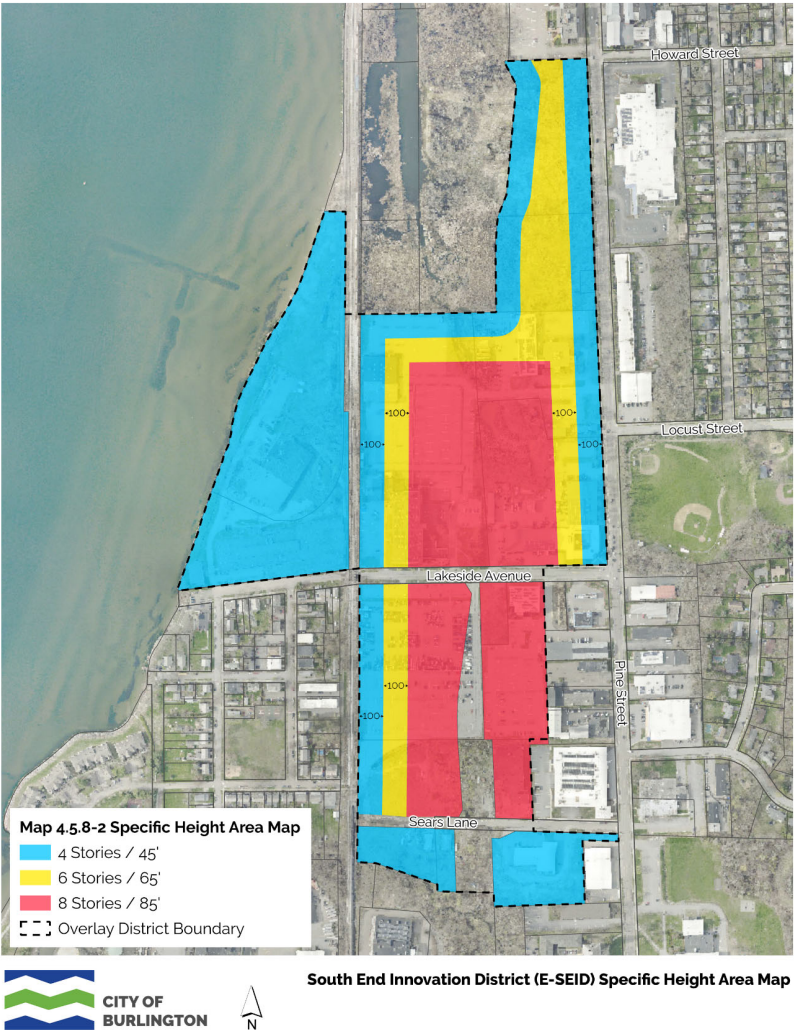
Map 4.5.8-2 SEID Specific Height Area Map

Commented [CD1]: Increased setback from 10'/15' to 20'

Rationale: to support more generous patio/plaza/open space amenity in front of buildings, including publicly available open space that can be provided to reduce the ground floor non-residential use requirement.

Commented [CD2]: Added a one-per-lot exemption for parking structures.

Rationale: to facilitate efficient shared parking structures, a planBTY: SE goal and subject of CCRPC Multimodal Transit Center Feasibility Study. Shared parking reduces cost-inefficient below-grade parking and reserves space elsewhere in the district for pedestrian-oriented and human scaled buildings, public realm and open space.



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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 Map 4.5.8-3 Frontage Standards and Table 4.5.8-2.

- (i) On lots where new interior streets are provided, 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

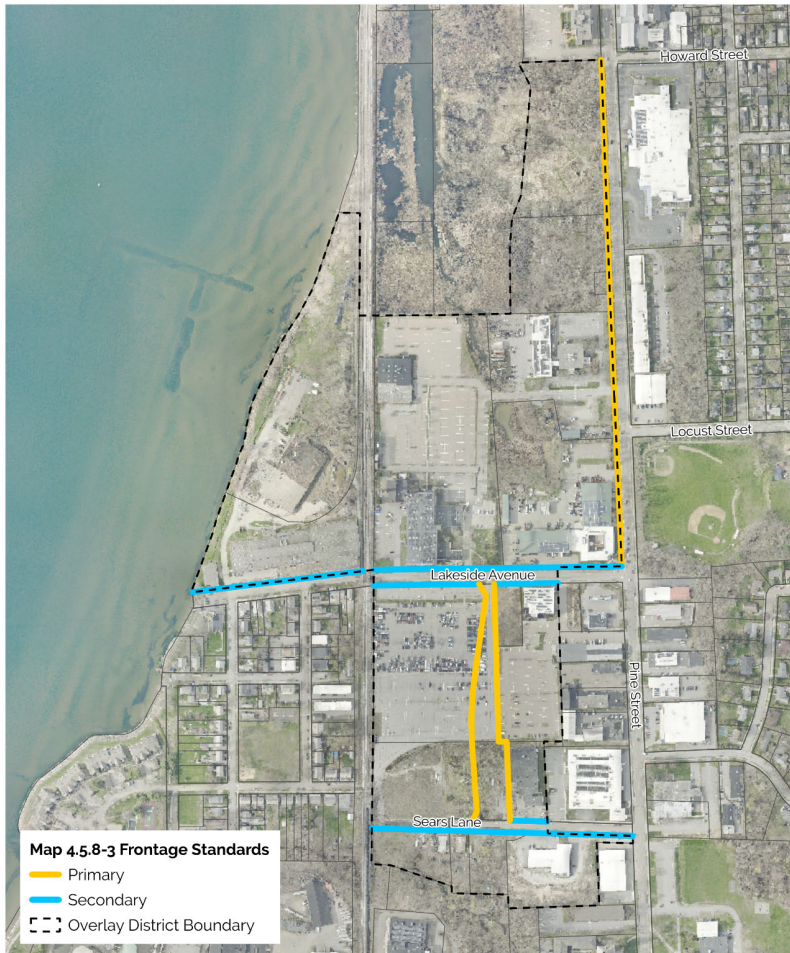
Frontage Type	Min lot frontage occupied by buildings ¹	Percent of building frontage containing non-residential uses	Ground floor entries required
Primary	80% min	80% min	Every 60' min
Secondary	70% min	20% min or 500 sq.ft., whichever is greater	

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

Commented [CD3]: Propose deleting Map 4.5.8-3 and instead allowing property owner to decide while requiring at least one primary frontage.

Rationale: Given the uncertain future of public realm elements on Champlain Parkway and to allow flexibility in the phased development of large sites, the map is recommended for removal. The alternative proposed requirement that at least one frontage shall have primary designation will ensure a high degree of activated ground floor/street level activity while providing a more flexible development framework.

Map 4.5.8-3 SEID Frontage Standards



South End Innovation District (E-SEID) Frontage Standards

On lots where new interior streets are provided, Primary and Secondary frontages must be identified by the property owner.

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 Map 4.5.8-3 Frontage Standards and 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.

Commented [CD4]: Propose deleting the Map and inserting alternative standard. See comment above.

Commented [CD5]: Added a standard to prohibit surface parking between a building and the street/path.

Rationale: This standard would only be necessary if the increased setback standard is adopted, as that increased setback could functionally accommodate space for parked vehicles between the street and building. Such parking should be prohibited as it is not compatible with the district's mobility goals.

Commented [CD6]: Propose permitting a second opening on a parking structure façade to facilitate site-specific efficient parking structure development.

Rationale: The previously proposed language was taken from the Form Code for Downtown, where site constraints make that standard appropriate. The SEID will regulate larger sites where greater flexibility and structure efficiency can be achieved. Allowing separate entrance and egress points could ultimately promote improved safety for pedestrians and cyclists.

- 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

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary limited uses is not to exceed the sum square footage of all non-residential permitted uses on any lot)
Residential¹	
<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>	
Non-Residential	
<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>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>Performing Arts Studio</u>	<u>Dry Cleaning Service</u>
<u>Photo Studio</u>	<u>Film Studio</u>
<u>Photography Lab</u>	<u>Fire Station</u>
<u>Printing Plant</u>	<u>Food & Beverage Processing</u>
<u>Printing Shop</u>	<u>Garden Supply Store</u>
<u>Public Transit Terminal</u>	<u>General Merchandise/Retail - Large > 10,000 sf</u>
<u>Public Works Yard/Garage</u>	<u>General Merchandise/Retail - Small ≤ 10,000 sf</u>
<u>Radio & TV Studio</u>	<u>Health Club</u>
<u>Recording Studio</u>	<u>Hotel²</u>
<u>Research & Development Facility</u>	<u>Laundromat</u>
<u>Research Lab</u>	<u>Mental Health Crisis Center</u>
<u>School – Post-Secondary and CC</u>	<u>Museum – Large ≥ 10,000 sf</u>

Commented [CD7]: Replaced “limited” with “secondary” to maintain language consistency.

<u>Primary Permitted Uses:</u>	<u>Secondary Permitted Uses:</u> (The sum square footage of all <u>secondary</u> limited uses is not to exceed the sum square footage of all non-residential permitted uses on any lot)
<u>School - Preschool</u>	<u>Museum – Small < 10,000 sf</u>
<u>School - Primary</u>	<u>Office – Medical/Dental</u>
<u>School - Secondary</u>	<u>Parking Garage</u>
<u>School – Trade, or Professional</u>	<u>Parking Lot</u>
	<u>Performing Arts Center</u>
	<u>Pet Store</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>

Commented [CD7]: Replaced “limited” with “secondary” to maintain language consistency.

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.

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.

+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

Commented [CD8]: Propose allowing Planned Unit Development to facilitate and encourage phased development.

Rationale: The district's large sites make a phased approach the most realistic and would remove potential compliance barriers.

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

* Material stricken out deleted.

** Material underlined added.

Commented [CD9]: Added definition to facilitate zoning administration of maximum floor plate standard.

<u>PLANNING COMMISSION</u> January - December 2023 Regularly Scheduled Meetings			
Date	Day	Time	Location
January 10, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
January 24, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
February 14, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
February 28, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
March 14, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
March 28, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
April 11, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
April 25, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
May 9, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
May 23, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
June 13, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
June 27, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
July 11, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
July 25, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
August 8, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
August 22, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
September 12, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
September 26, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
October 10, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
October 24, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
November 14, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
November 28, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
December 12, 2023	Tuesday	6:30 PM	Bushor Room/Hybrid
<i>All meetings of the Planning Commission will take place in the Bushor Conference Room, Room 102, City Hall, 149 Church Street. These meetings are anticipated to continue to have a Virtual Option via Zoom in 2023.</i>			
<u>EXECUTIVE COMMITTEE</u>			
<i>Meetings take place quarterly in advance of a Regular Commission meeting.</i>			
Date	Day	Time	Location
January 24, 2023	Tuesday	5:30 PM	Bushor Room/Hybrid
April 25, 2023	Tuesday	5:30 PM	Bushor Room/Hybrid
July 25, 2023	Tuesday	5:30 PM	Bushor Room/Hybrid
October 24, 2023	Tuesday	5:30 PM	Bushor Room/Hybrid
<u>LONG RANGE PLANNING COMMITTEE</u>			
<i>Meetings will be scheduled as needed based on project schedules and milestones.</i>			
<u>ORDINANCE COMMITTEE</u>			
<i>Meetings will be scheduled as needed based on items referred by Executive Committee.</i>			

Burlington Planning Commission

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

Burlington Planning Commission

Tuesday, December 20, 2022, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A. Montroll, J. Randall, B. Baker, M. Gaughan, A. Friend
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	S. Bushor, M. Lang, D. Castrigano, C. Larsen, J. Van Driesche, C. Long, C. Bates, J. Tiano, R. Thornton, M. Arnold, C. Esquivel Cordova, J. Caulo, N. Persampieri, Gordon

I. Agenda

Call to Order	Time: 6:30pm
Agenda	Planning staff proposed changing item VIII (meeting schedule) on the agenda to item V. Staff also flagged that, beginning in 2023, public meetings may no longer be virtual only, but can still be hybrid.

II. Public Forum

Name(s)	Comment
M. Lang	M. Lang spoke in regards to the UVM Trinity Campus rezoning. She expressed concern that there is a lack of a pedestrian plan.
S. Bushor	S. Bushor was concerned that the setback for the UVM Trinity Campus rezoning starts at the center of Colchester Avenue. She also pointed out that there was more public engagement with the South End Innovation District than with the UVM Trinity Campus item. She also raised concerns about the increased number of students at UVM.
D. Castrigano	D. Castrigano stated the two proposed zoning changes are necessary, but he feels do not go far enough to combat the housing crisis and climate change.
C. Larsen	C. Larsen spoke in regards to climate change and redeveloping/building the future of Burlington.
J. Van Driesche	J. Van Driesche stated the City has leverage with UVM to negotiate increased student housing (beyond Trinity Campus). He also stated that the South End Innovation District is popular among South End residents, but there is hesitation regarding building height.
C. Long	C. Long stated that the City should take this rezoning opportunity to hold UVM accountable for student housing numbers. She noted that upperclassmen do not like living on campus because UVM is a dry campus and on-campus housing can be expensive.
C. Bates	C. Bates stated that the South End Innovation District public engagement surveys showed residents were in favor of 4-6 story buildings. She also expressed concern

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Tuesday, December 20, 2022

	for storm water capabilities in this area. She requested that all solar energy requirements and local materials for new development as well.
J. Tiano	J. Tiano spoke in support of the proposed minimum parking ordinance. J. Tiano also spoke in support of the UVM Trinity Campus rezoning and the South End Innovation District. He did not believe the proposed building height would negatively affect the neighborhood.
R. Thornton	R. Thornton spoke in support of the proposed minimum parking ordinance. He supported any rezoning measures that would provide as much density and housing as possible, in light of climate refugees.
M. Arnold	M. Arnold spoke in support of the UVM Trinity Campus rezoning and the South End Innovation District. He stated that the City should provide housing for commuters from surrounding towns. He asked the Planning Commission to take measures that would increase the rental vacancy rate to 5%.
C. Esquivel Cordova	C. Esquivel Cordova spoke as an employee of Pathways Vermont about the housing crisis. He supported measures that would increase housing density.

III. Chair's Report

A. Montroll	No report.
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IV. Director's Report

M. Tuttle	The Planning Department is presenting a contract for the impact fee study to the Board of Finance. Staff are also reviewing proposals for the transportation demand management study. The public art zoning amendment will go through a City Council public hearing in January.
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V. Planning Commission Meeting Schedule

Action: Approve the Planning Commission 2023 schedule		
Motion by: A. Friend	Second by: M. Gaughan	Vote: Unanimous
Type: Action	Presented by: C. Dillard	
• The schedule will resume with meetings on the 2nd and 4th Tuesday of every month. • M. Tuttle asked that the Commissioners save the date for January 17th to have a joint meeting with the Department of Permitting and Inspections and the Development Review Board.		

VI. Public Hearing: Proposed ZA-22-07 Maximum Parking and TDM

Action: Motion to re-approve the report and send back to City Council		
Motion by: A. Friend	Second by: J. Randall	Vote: Unanimous
Type: Action	Presented by: M. Tuttle	
Introduction: • The Planning Commission previously sent this zoning amendment to City Council in July. Council made changes to the proposed amendment, so it is back with the Planning Commission for review. • Council changed language surrounding properties location at 0 and 52 Institute Road to be consistent with the Institute Parking Management Plan. Council also added TDM criteria for "affordable projects," which are primarily affordable housing units. • Council removed some requirements from the outreach and education portion of the TDM, nominally the annual meeting for tenants. Council also added benefit options that property owners are required to offer their tenants. • Council also created a pathway for previously approved parking plans to be amended.		

- Planning staff added language that exempts parking in driveways that are already compliant with other ordinances.

Commissioner Discussion:

- J. Randall expressed support for the pathway to amend previously approved parking plans.
- M. Gaughan noted that there are concerns from the affordable housing community about the impact of TDM.

VII. Public Hearing: Proposed ZA-22-04 UVM Trinity Campus Zoning

Action: Motion to move the amendment and the memo forward to City Council.		
Motion by: M. Gaughan	Second by: J. Randall	Vote: 4-1
Type: Action	Presented by: C. Dillard	

The Chair held a public hearing with the following public comments:

- T. Schlossberg spoke as a Ward 1 resident. He noted the recent increase in class size and the lack of housing on-campus. He recommended that the Planning Commission table this proposed amendment and that the City explore an MOU.
- N. Persampieri spoke in support of this proposed amendment. He stated the Commission should do everything possible to increase housing in the city.

Commissioner Discussion:

- C. Dillard showed the technical changes made to the amendment since it was last presented to the Commission. “Bed and Breakfast” was removed from the use table. Some other words were changed or removed for clarity.
- Planning staff drafted a letter on behalf of the Commission that shows support for a tangible commitment from UVM to address housing concerns.
- M. Gaughan stated that while the Commission does not have the power to regulate UVM’s student numbers, it is important to acknowledge external factors affecting Burlington’s land use.
- J. Randall added that the Commission can submit informational requests to UVM, but cannot set requirements on student body numbers or who is housed at Trinity Campus. She added that the letter could include suggested elements of a draft MOU. She also commented on the public forum comments about leveraging this amendment for an MOU with UVM and noted that building on Trinity Campus may be a better priority.
- A. Montroll commented that an MOU with UVM is ultimately for City Council and the Mayor’s Office to decide. A. Friend noted that this presents an opportunity to withhold the recommendation to approve this amendment until there is an MOU in place.
- M. Gaughan expressed favor of going forward with this proposed amendment. He pointed to the UVM developments in South Burlington and suggested that future UVM developments should stay in Burlington/closer to campus.
- Based on the public forum, A. Montroll asked staff for clarification on the setback line. M. Tuttle clarified that the previous draft put the setback at the front property line, but the uniqueness of Trinity Campus actually made that setback more difficult to understand. Staff modeled the proposed setback on another setback line in the institutional core.

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

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

The Chair held a public hearing with the following public comments:

- Gordon asked about the proposed floor area ratio and commented that an FAR of 2.25 would limit density. He also asked why the area around Cumberland Farms and Burlington Furniture are not included in this district. He was in favor of 4-6 story buildings across the district to increase density.
- N. Persampieri expressed support for this proposal because it will increase housing and be a walkable district. He stated that people who live in downtown Burlington have a smaller carbon footprint than those who live in the suburbs and the City should increase housing. He spoke in support of 8 story buildings in this district and disagreed with the height buffer along the Pine Street-Barge Canal boundary. He suggested adding more "teeth" to the parking language so that parking is limited to the perimeter of the district and not allowed in the walkable/bikeable core. He also suggested increased residential uses in the district.
- C. Larsen expressed support for the proposal, but recommended that housing be prioritized. He was concerned that the proposal allows for the flexibility of an above-ground parking structure, which he opposes.
- J. Caulo added to his previous public comment. He stated that the ordinance is too prescriptive in regards to non-residential uses. He suggested increased flexibility and removing the primary and secondary uses table.
- M. Arnold stated that the FAR is too low and suggested increasing the FAR to 4 or 5.

Commissioner Discussion:

- Planning staff prepared a presentation, but Commissioners agreed to extend the discussion to the next meeting.
- J. Randall asked about the phasing and placement of parking structures. C. Dillard responded that 30,000 and 60,000 are standard Planning measurements for parking structures, and added that the Chittenden County Regional Planning Commission recommended 60,000 in the 68 Sears Lane feasibility study.
- M. Gaughan commented that he would like to review the primary and secondary use table in the proposed amendment.
- J. Randall asked to discuss the FAR in the next Commissioner discussion.

IX. Commissioner Items

Action: n/a		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: n/a	
• A. Friend thanked the public for their engagement and participation through these three proposed amendments. • M. Tuttle reminded the Commissioners that the next meeting will have an in-person component.		

X. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: J. Randall	Second by: A. Friend	Approved: Unanimously
Minutes Approved: November 15.		
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

XI. Adjourn

Adjournment	Time: 8:37 pm
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Motion: A. Friend	Second: J. Randall	Vote: Approved Unanimously
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DRAFT

Burlington Planning Commission

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

Burlington Planning Commission

Tuesday, January 10, 2023, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, J. Randall, B. Baker, M. Gaughan, A. Friend, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	S. Bushor

I. Agenda

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

II. Public Forum

Name(s)	Comment
S. Bushor	S. Bushor provided some background to the Inclusionary Zoning item. Wants to know more about rolling out Missing Middle. After the housing summit, there were meetings for constituents at various locations to educate the public in a productive way. She is hoping that Planning staff will do something similar for the Missing Middle engagement—to help take the “mystery” out of Missing Middle.

III. Chair’s Report

A. Montroll	No report.
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IV. Director’s Report

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Tuesday, December 20, 2022

M. Tuttle	• M. Tuttle welcomed Mayor Weinberger to the meeting. He has joined us to speak to the next item on the agenda. As Planning staff start off 2023, a big focus from the department has been re-visiting our work plan, particularly missing middle. • Update on zoning amendments: City council took action to adopt Maximum parking limits and TDM. Council ultimately made some tweaks to TDM standards to offer flexibility, and ultimately moved forward. M. Tuttle anticipates it going into effect in a couple of weeks. • TDM study: C. Dillard has helped set up interviews with three well known consultants, to be approved in the next month by board of finance. ○ VHB (National firm, local office) ○ Fisher Associates (Buffalo) ○ Nelson Nygard (Boston) • Other Amendments: ○ Creating standards for public art: This ordinance was adopted last night by City Council ○ Trinity: We're waiting for that to be referred to City Council • Next week the Planning Commission has two special meetings ○ Board meeting to share updates on what each Commissioner has been working on and hear feedback from others about implementation of the ordinance (remote or in person, food will be offered to those in person) ○ Council ordinance committee to talk about inclusionary zoning
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V. Proposed ZA-23-02 Inclusionary Zoning

Action: Commission Discussion		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: Discussion	Presented by: Mayor Weinberger	

Introduction:

- Mayor Weinberger wanted to come tonight because he will not be there next week to discuss inclusionary zoning. He wanted to convey why this is important as a shared major initiative.
- M. Weinberger expressed enthusiasm for the CityPlace project and the new construction activity happening there. Unfortunately, there are some unresolved aspects of the project related to Inclusionary Zoning.
- Champlain Housing Trust is very supportive of the proposed change. The 80-unit building will be the biggest affordable housing structures to be built in Burlington. It is one of the three buildings permitted for the site.
- The challenge is that the developers would like to build different market rate unit and bedroom indexes than what is currently allowed/what CHT is planning on.
- M. Weinberger stated that the developers are going to exceed the IZ requirements and will build more than 20% units that are permanently affordable. Based on ordinance rules, the developers cannot meet the comparability test, which requires that the affordable units be comparable to the market rate units. This is interpreted as the same bedroom mix between market rate and inclusionary units. M. Weinberger hopes that there is an alternate test (square footage) to meet comparability test instead of the bedroom mix.
- Because there is a mismatch between different projects, the CityPlace developers cannot move forward with their preferred investors if this regulatory challenge is not addressed. Encourages that the city be a good partner and quickly address the uncertainty/obstacle that is a barrier for them to lock in financial commitments.
- M. Weinberger expressed urgency in this proposal as there is some volatility in the capital market and it is in the City's interest to finalize the CityPlace project.

Commissioner Discussion

- M. Gaughan asked if the IZ is for all three buildings or if each building stands independently. M. Weinberger responded that they permitted the project all at once. There are a total 400 units, 15% of those for IZ requirement, but their total number of IZ units will actually be 20%. M. Tuttle added that this model is becoming more successful for larger scale projects in the city. The current model for IZ is successful for buildings with a few dozen units. However, for large buildings that are built in phases, a different model may be more successful.
- B. Baker alerted Commission Chair that he represents a CityPlace developer who will be affected by this proposal.
- J. Randall asked what specific changes are being proposed. M. Tuttle responded that Planning staff will present the proposed changes officially next week, but so far it may affect the comparability of bedroom mix and ratio of sizes between market and IZ units.
- A. Friend asked what the specific bedroom mix needs are. M. Weinberger shared that CHT is interested in building more 1 and 2 bedroom units, based on the low-income and very low-income households they will be serving. The current IZ ordinance language treats market rate and IZ units the same without necessarily looking at the populations. He acknowledged that the original committees that worked on IZ recognized that reforms would be needed along the way. M. Tuttle also offered that the issue of parity was discussed all the way up to the last minute of the original ordinance.

VI. Proposed ZA-23-01 South End Innovation District

Action: Motion to empower staff to make changes to the use table allowing flexibility among the primary and secondary use categories as well as the overall construction of where and what lots those can occur in, create a memo describing to council for a future recommendation the considerations of the commissions as to whether the use table is needed or not, as well as incorporate the other changes that staff has recommended into the proposal.

Motion by: M. Gaughan

Second by: A. Friend

Vote: Unanimous

Type: Action

Presented by: C. Dillard

Continuation of the discussion following the public hearing that carried over from two different dates.

- Staff to present on both the public comments as well as a set of revisions to the draft amendment that PC had and was considered in the hearing. Those revisions have been in the document for a couple of months but due to time constraints, staff has not been able to discuss with PC.
- 11/15 Public Hearing Comment Review included addressing Building Height & Lake View Impacts, Building Floor Plate Standards, Land Use Table and Primary/Secondary Distinction, SEID, E-LM, and Light Manufacturing, SEID and Lake Water Quality, *PlanBTV: South End* beyond the SEID, and a flexible development framework.
- Proposed Revisions include an increased maximum setback, Parking Structure One-Time Floor Plate Standard exemption, Street Hierarchies and Frontage Designations, Parking Structure Ingress/Egress Decoupling, Land Use Table Language Consistency, Permit PUDs in the SEID, Define Floor Plate.

Commission Discussion:

- During conversation surrounding Building Height, A. Montroll pointed out that building height was one of the biggest points of conversations during the public hearing. C. Dillard showcases through images and diagrams that trees already obstruct views of the lake and Adirondacks, The red area north of Lakeside Avenue could possibly impact views if we considered the trees and existing structures don't already impact the views.
 - M. Gaughan points out that the public view from Calahan Park is the most important view corridor, and you can see directly over the existing Innovation Center, but the leaves hide the views in the summer time. The public can see the view during the winter time, when the park is lightly used, but not as much during the summer when the park is heavily used. States that the city has to make tough choices about where they can increase density, and this is a fair compromise.
 - J. Randall echoes what M. Gaughan stated re: tough choices, and that the proposed height standards will not allow for the development of a wall of 8 story buildings because of standards. Notes that the view of the lake is outweighed by the need for housing and increasing the number of units in Burlington.
- During conversation related to Land Use, M. Gaughan asks how the lots are memorialized, and that lot ownership may change. M. Tuttle responds stating that if some of the large parcels are subdivided, the standards would apply to sub-lots. In the case of Planned Unit Developments (PUDs), if a conceptual level plan was approved and then subdivided, there could be room for more flexibility.
- M. Gaughan states that he's concerned that (for example) print shops are encouraged, but not dental offices. Points out that offices are good, but they are not neighborhood facing, but a café is. If you were to develop a multi-family development and limited non-residential space, it would be weird to have a lot of multi-family development without a café. It would be odd to have such a high volume of multi-family without a café. Seems like we are setting ourselves up in a complex geometry math problem and weird conversations down the line. Addresses that

there are objectives trying to be met here, but encourages us to find a way to generalize or allow for more flexibility.

- M. Tuttle states that some of the “neighborhood serving” uses are not allowed in the district today, and staff is trying to modestly open the door for enabling other uses. In order for this to be consistent with PlanBTV, while we feel it’s important to see large numbers of new homes, it is not necessarily the intent of PlanBTV to see a primarily residential district with just restaurants and cafes serving the district. The intent is to facilitate some mixed use that does achieve both purposes. This is a more explicit route for encouraging incentives as well.
- B. Baker comments that the history of Burlington prescribing specific uses has been a failure, and that we are at a tender point in the market as far as construction goes. Construction costs have gone up, so we’re seeing lots of paused projects. If we try to prescribe certain things, some projects might never get built and we would never even know it never happened. Strongly suggests not to micromanage the market and that the government imposition will result in unintended consequences.
- A. Montrell follows up stating that when we did the Form Based Code, we put the uses as a secondary issue and were more concerned about how the project interacted with the street and provided a wide range of flexibility with what happened on the inside, and that it might carry over into this discussion. Encourages allowing for flexibility for what happens inside – allow changes over time. Someone may build for one use inside, and that might go away with another use coming in. Wants to make sure things are designed and used in a way that things can change over time.
 - M. Tuttle states that this approach was discussed internally and this decision to be more prescriptive with land use is due to the sensitivity of the area. In order to successfully implement zoning that reflects the community priorities described in *Plan BTV*, it necessitates a focus on land use in a way that a downtown form code does not.
- A. Montrell suggests that an approach on this is to go slow, and do it where it is more prescribed on the Uses and keep an eye on them to see if its overly restrictive or not. It’s easier to open up things than shut them down. Be flexible if we need to start opening that up.
- Y. Bradley tags on to what Bruce said. Is squeamish about prescribing uses, but it has been a resounding failure, and we have to give the market and community the ability to put what they want in spaces.
- M. Gaughan states that this is okay to have this method so we have site plan flexibility if these requirements stay at the lot level. If we’re going to stick to it, it needs to be in such a way that there is maximum flexibility at a site plan level.
 - M. Tuttle wants to encourage the use of the Planned Unit Development standards, which would allow these standards to apply across multiple lots.
 - J. Randall asks if we could apply this framework to the entire district and is curious if this would encourage greater flexibility across lots. With only a single equation to balance, it might be simpler than to apply this lot-by-lot
 - M. Tuttle responds that by looking at this at a district level would require legal review. In previous policy conversations we have strongly resisted the urge to make what you can do on your lot contingent on what your neighbor does on their lot.
- M. Gaughan asks where the list of the uses comes from – is stuck on the medical uses ie: dentists.
 - C. Dillard states that the use table is in the Code and is very specific, which may be part of this problem. The staff work plan for this year includes a consolidation of many of the uses. For this amendment, staff went through entire use table and categorized by looking what is already permitted and compared that to the intent of *Plan BTV*, and made judgement calls based on the purpose statement of the district.

- B. Baker says that just looking at parking lots take up a lot more size than an office use, should parking lots be on this use table?
 - C. Dillard is behind removing parking garages, but parking lots are proposed to be regulated separately in parking standards.
- M. Gaughan also wants staff to consider recreation. This area has already had a lot of success with recreation, and we distinguish between health clubs and recreational facilities. These would be complementary uses to what is going on there with the innovation economy. There is a climbing gym (recreational facility), but there is an appetite for expansion.
- M. Tuttle notes that if there are specific stand out uses, staff could make changes based on high level feedback.
 - A. Montroll asks M. Tuttle if staff is at a place where they could go through the use issues and return to Commission with solutions to bring forward at the next meeting.
 - C. Dillard confirms that staff can do this. Also brings up a conversation a few months ago about the "pandemic of vacant ground floor space in new development" is true in BTV as well, and in the event that a development does come to fruition and has ground floor space, can we expect that all those spaces will be fully leased? Is not sure. Allen, Brooks, and Minor research shows that there hasn't been much new retail space in the last year. Keep in mind that Pine Street and neighborhoods surrounding innovation district have successful non-residential space that will be a half a block away from these possible developments. Also keep in mind that the allowance for parks and community gardens in that primary use table are a potential way to unlock significant amounts of that secondary table. With the FAR, it is inevitable there will be open space on these lots, and developments can thus include secondary uses.
 - M. Tuttle recognizes that there are conflicting opinions within the PC that night, and A. Montroll acknowledges that the PC is split regarding the land use regulation approach.
- M. Gaughan reiterates that staff has spent a lot of time considering these options. B. Baker asks if we can refer the amendment up to City Council with a note that this is an issue.

VII. 2023 Meeting Schedule

Action: Approve the correction typo in the 2023 Meeting Schedule.		
Motion by: A. Friend	Second by: J. Randall	Vote: Unanimous
Type: Action	Presented by: C. Dillard	
The second meeting in August, originally scheduled for August 28 th , was corrected to August 22 nd .		

VIII. Commissioner Items

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

IX. Minutes and Communications

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

Tuesday, December 20, 2022

Minutes Approved: December 20.

Communications Accepted: in the agenda packet and posted at

<https://www.burlingtonvt.gov/CityPlan/PC/Agendas>

X. Adjourn

Adjournment		Time: 8:45 pm	
Motion: Y. Bradley	Second: A. Friend	Vote: Approved Unanimously	

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