

Neighborhood Code Joint Committee

Thursday, November 2, 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:

<https://zoom.us/j/97327436436?pwd=QXZXQndCY1FkUHZKcE05SHBmdm10UT09>

Passcode: 956737

Or One tap mobile : +13017158592,,97327436436#,,,,*956737# US (Washington DC)

Or Telephone: +1 301 715 8592 US (Washington DC)

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	November 2, 2023 - Agenda - Thursday, November 2, 2023, 6:30 PM, Neighborhood Code Joint Committee
Category	1. Agenda
Department	Planning
Type	
Recommended Action	Adopt agenda as presented

2. Public Forum

Subject	2.1. Verbal Comments
Meeting	November 2, 2023 - Agenda - Thursday, November 2, 2023, 6:30 PM, Neighborhood Code Joint Committee
Category	2. Public Forum
Department	Planning
Type	

3. Committee Discussion: Neighborhood Code Core Recommendations

Subject	3.1. Follow up on Core Dimensional Standards
Meeting	November 2, 2023 - Agenda - Thursday, November 2, 2023, 6:30 PM, Neighborhood Code Joint Committee
Category	3. Committee Discussion: Neighborhood Code Core Recommendations
Department	Planning

Type

Recommended Action

Subject **3.2. [Residential District Boundaries](#)**

Meeting November 2, 2023 - Agenda - Thursday, November 2, 2023, 6:30 PM, Neighborhood Code Joint Committee

Category 3. Committee Discussion: Neighborhood Code Core Recommendations

Department Planning

Type

Recommended Action

Subject **3.3. Other**

Meeting November 2, 2023 - Agenda - Thursday, November 2, 2023, 6:30 PM, Neighborhood Code Joint Committee

Category 3. Committee Discussion: Neighborhood Code Core Recommendations

Department Planning

Type

Recommended Action

4. Written Communications

4.1. Written communications are welcome. Please send to smorgan@burlingtonvt.gov to be posted online in advance of the meeting.

5. Adjournment

Subject **5.1. Adjourn**

Meeting November 2, 2023 - Agenda - Thursday, November 2, 2023, 6:30 PM, Neighborhood Code Joint Committee

Category 5. Adjournment

Department Planning

Type Action

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.

BTV Neighborhood Code
Answers to Joint Committee Questions
October 30, 2023

Questions RE: Dimensional Standards from 10/17 & 10/24 Meetings

Lot Size

1. What is the purpose of a minimum lot size requirement?

In conjunction with other dimensional standards, lot size can be a tool to help regulate development patterns, including how dense/intense/compact development in a particular area may be. Minimum lot sizes can also be used in some locations to address environmental or infrastructure capacity constraints. However, when too high, minimum lot sizes can reduce or prevent opportunity for development where infrastructure is adequate to support it.

It is within the purview of this Committee to recommend removing minimum lot sizes if it finds that they are not essential. In fact, some future discussion topics are dependent upon whether this standard remains—particularly when considering how to remove additional barriers to owner-occupied housing types such as townhouses or side-by-side duplexes.

2. Why does the Neighborhood Code recommend reducing minimum lot size to 3,500 sq.ft.?

The Residential Low Density (RL), Waterfront RL, and the RL Larger Lot Overlay are the only zones in the city that require a minimum lot size as a prerequisite to development—of 6,000 sq.ft. and up. The recommended 3,500 sq.ft. lot size aims to enable new lots to be created in a landlocked city that is largely built out, by allowing for divisions of existing lots. While the focus of the Neighborhood Code is buildings with multiple units, it should be noted that the City frequently hears interest in additional single family homes, too. Lower minimum lot sizes can also facilitate the creation of lots for such new homes that would not be as permissible today. *Note: At the 10/24 meeting, Committee agreed to remove minimum lot sizes for RL in general.*

3. How does the proposed lot size relate to other areas of the city?

The lot typology map on page 30-31 of the [Neighborhood Code Report](#) provides context for the location of small (less than 6,000 sq.ft.) and medium (between 6,000 – 10,000 sq.ft.) lots – the majority of residential lots citywide. Small lots are common the Old North End and Five Sisters; medium lots are the most common citywide and are typically interspersed with small and large lots in neighborhoods such as The Addition, Birchcliff, and much of the New North End. The recommended lot size is smaller than many existing lots in areas zoned RL, with the understanding that these neighborhoods feature many medium and large lots that could be suitable to create new lots for homes through divisions.

Lot coverage

4. How will these changes impact stormwater and trees?

The Neighborhood Code recommends modest increases to allowable lot coverage limits in RL in order to allow homes to be created on new smaller lots, and RM to support additions to existing buildings. These recommendations are based on a study of the existing lot coverage data available, and are in line with lots in these zones that have already been built. It is important to note that the Neighborhood Code can also enable new homes through the use of existing buildings or replacement of existing impervious surface with homes without adding new lot coverage.

In addition to lot coverage limits in zoning, the City has a standalone stormwater management ordinance. Any development that disturbs 400 sq.ft. or more of site area is required to be reviewed by the Stormwater Division of the Dept. of Public Works. Some projects involving the addition or redevelopment of impervious surface may also be required to submit a Residential Stormwater Management questionnaire. The purpose of these reviews is to determine applicable stormwater management requirements or best practices for individual sites. Outside these standards, several City departments have advanced improvements across neighborhoods to increase resiliency. For example, DPW has implemented a number of neighborhood-scale rain gardens in public streets to provide additional tools to manage stormwater.

The modest proposed increases to lot coverage maintain lot area available for trees and other vegetation. However, the *CDO* includes a process for reviewing plans that propose to remove 6 or more trees, including grounds for denial if healthy trees are found to be providing certain critical benefits—such as providing significant buffer between properties, providing slope stabilization, or being a recognized rare Vermont species. Similar to DPW's expanded stormwater infrastructure BPRW has increased its efforts to expand the city's tree canopy, particularly in areas like the Old North End with high levels of existing impervious surface, and have proactively planted hundreds of new trees in neighborhoods with large number of older trees and/or species that are vulnerable to disease (see City Arborist presentation at Oct 2023 Ward 2/3 NPA meeting). Our department is engaged with BPRW and other departments on a forthcoming update to the City's Urban Forestry plan, which will provide additional strategies to help the city balance needs for both growth and the maintenance of a healthy urban forest.

5. *New:* What existing building and site elements are allowed to exceed/be exempt from lot coverage limits?

See guide to "Applying Dimensional Standards to Common Residential Features" attached. This is not an exhaustive document, but summarizes the applicability of and exceptions to lot coverage requirements found across various sections of the ordinance.

6. *New:* If there is no minimum lot size, should lot coverage be increased to allow for the development of very small lots?

Dimensional standards should work in tandem with one another to facilitate the desired building placement, open space/environmental benefits, and other development objectives. For example, when modernizing standards for ADU's, staff recommended that up to 650 sq.ft. for an ADU be exempt from lot coverage limits. This was due to the fact that many lots are currently above the 40% lot cover limit for RM zones today, and therefore many lots would have been precluded from creating an ADU if it required new impervious surface.

The Neighborhood Code recommendations build on this evaluation of existing lot size and coverage, and considered how the proposed building massing standards could apply to smaller and mid-sized lots with one or two free standing buildings. This is the basis for recommending an increase to lot cover for both RL and RM zones, as well as to lower the minimum lot size in RL. While the code aims to enable smaller lots to be created, very small lots are currently rare. For example, in RM zoned areas of the city, where there are currently no minimum lot sizes and many lots were developed before modern zoning regulations were in place, only about 10% of lots are smaller than 3,000 sq.ft.

The concern may be most relevant to situations in which a very small lot is created in RL where the proposed lot cover limit is 45%. For example, a 45% lot cover limit for a 5,500 sq.ft. lot (smaller than the current minimum required in RL) would allow up to 2,475 sq.ft. of impervious surface. If an addition to an existing building expanded its footprint to the proposed maximum of 1,800 sq.ft., there would be an additional 675 sq.ft. available for a small driveway and/or parking area. Lot coverage exceptions could allow up to another 550 sq.ft. in coverage if the parking area utilizes permeable paving. If a very small, 3,500 sq.ft. lot were created, a 45% lot cover limit would yield 1,575 sq.ft. of lot cover. While this would not allow a building with a footprint up to the full maximum proposed, it would still yield a habitable ground floor footprint if the building area were maximized, or allow for a smaller building with a small parking area.

It is within the Committee's purview to adjust the recommended lot coverage limits, but we would recommend this be done incrementally. Increasing allowable lot coverage for an entire district would be applicable to all properties within that district, regardless of size. Future discussions will include standards for unique housing types like cottage courts and townhouses, which may include lots smaller than 1,000 sq.ft., and do not need to drive district-wide standards.

7. *New:* Should there be separate coverage limits for buildings and parking/paved surfaces?

At this time, staff does not recommend this approach, nor an approach that mandates permeable surface/stormwater performance in lieu of lot coverage. Separating building and other impervious area coverage may be more complex than is necessary for this scale of development—particularly given the features that are currently excluded from coverage or allow for additional lot cover, including for the use of permeable pavement systems (see attached chart).

In February the city replaced minimum on-site parking requirements with maximum parking limits. Since the city no longer mandates parking associated with all residential uses, a property owner has flexibility with regard to whether and how much parking to provide, and has options to expand coverage associated with parking if utilizing more sustainable infrastructure systems. While recent amendments including the SEID set upper limits on coverage for parking, this was primarily aimed at preventing large swaths of surface parking and to encourage parking below or within buildings or structures. Additionally, while the SEID incentivized the use of green stormwater infrastructure (GSI) through increased allowances for lot cover, the specific percentages and allowable treatments were incorporated based on collaboration with DPW and are site-specific. While we support tools to help open spaces be more productive, particularly for stormwater management, we recommend this issue be placed in the Construction Zone and coordinated with DPW's Integrated Water Resources Plan. That effort takes into consideration soil and utility conditions and improvements that are appropriate to be implemented in different locations across the city.

Setbacks

8. Why does the Neighborhood Code recommend a change to rear setback requirements?

While changes to minimum lot size are primarily to enable the creation for new lots, this change is about better utilizing existing lots, particularly for lots deep enough to have an additional building in the backyard. For example, a lot that is 125 ft. deep (a common dimension in the city) would require at least 31 ft. of its rear yard to remain unoccupied. In neighborhoods such as the New North End, where existing buildings are typically set at least 20 feet from the street, large rear setbacks can reduce or eliminate the potential for an additional building on an existing lot.

9. Why doesn't the Neighborhood Code recommend a change to front setbacks?

Existing front setback standards are flexible, and based on the average setback of buildings on neighboring properties. This is meant to guide one of the most observable elements of a neighborhood's built pattern—how close buildings are to the public realm. The current standards provide a flexible approach that is hyperlocal to a building's surroundings.

Based on Utile's testing of example lots across the city, and consideration of the most realistic ways infill could occur in neighborhoods, the front setback requirement does not pose a major barrier citywide. Additionally, replacing the current standard with a set distance, such as proposed for rear setbacks, would require a fine-grain approach to assigning residential districts across the city. Front setbacks range from as small as 5 ft. or less in some neighborhoods to 25 ft. or greater in others.

10. *New*: Should the Neighborhood Code allow modifications to front setbacks?

There were two different questions related to front setbacks. The first was related to existing lots/neighborhoods where very deep front setbacks may prevent backyard infill. Staff evaluated best available setback data and found that only approximately 5% of properties in RL & RM are set back more than 40 ft. from the street; about 10% are set back more than 30 feet. Whether or not a deep existing setback condition would preclude backyard infill is highly location specific. However, based on this assessment, if the Committee wishes to provide flexibility for such properties, front setbacks could be revised to the "average of two adjacent properties on each side +/- 5 ft. *up to a maximum required of 25 ft.*"

The other question was whether existing, non-conforming building features located in setbacks can be enclosed to create additional interior habitable space. Currently, unenclosed porches are allowed to encroach in required setbacks as a component of a building's entry/access. There are also allowances for building features, such as unenclosed porches, to be re-established on historic buildings if the porch was a defining feature of the building's façade. These exceptions are aimed at facilitating the city's pedestrian-oriented, urban design, and historic preservation objectives. Broadly enabling the enclosure of existing porches has bigger implications for these objectives, particularly for historic preservation. As such, this is recommended as a Construction Zone issue that can be evaluated as part of the forthcoming Historic Preservation Plan that is on the department's short-term project list.

11. Do we need to rethink side setbacks?

Side setback standards allow similar flexibility as front setbacks, particularly in older neighborhoods where small lots with buildings set on the property line are common. Based on Utile's testing, the side setback requirement also does not seem to pose a major barrier to future infill, except for in certain

housing types like townhouses. Future discussion topics will include consideration for whether driveways should be allowed to encroach in a side setback to ensure parking is located to the side or rear of buildings, as well as whether smaller setbacks should be considered to help implement creative solutions such as flag lots, townhouses, and cottage courts.

12. *New*: What building and site elements are allowed to encroach into setbacks?

See guide to "Applying Dimensional Standards to Common Residential Features" attached. This is not an exhaustive document, but summarizes the applicability of and exceptions to setback requirements found across various sections of the ordinance.

13. *New*: If an existing building encroaches in a side setback, can a future addition to a building also encroach in the setback?

Presently, the ordinance does not allow non-conforming structures to become "more non-conforming," and expanding a building within a setback would be viewed as expanding a non-conforming situation. Presently, only single-family homes and community centers already located in a setback may expand, and only in terms of providing height (i.e. vertical expansion); additional ground floor footprint within a setback is not permitted.

Building Massing & Height

14. What informed the recommended maximum building footprint?

These size limits apply to the ground floor of a building only. Utile considered the housing types the Neighborhood Code aims to enable (i.e. the likely building dimensions of a duplex vs a row of townhouses), the size of existing buildings and lots in neighborhoods across the city, and whether the building size could accommodate a range of unit sizes within buildings (including multi-bedroom units).

15. How do the recommended building footprint limits impact existing buildings on existing lots?

These building footprint can enable additions to existing buildings to create space for additional unit(s). For example, an owner of a building with a 1,000 sq.ft. ground floor today, could consider an addition to add up to 800 additional sq.ft. Secondary building limits would apply to buildings added behind existing buildings. The recommended Secondary building footprint limits are comparable to the size allowed today for a single story ADU (of up to 900 sq.ft. or greater).

16. What if an existing building is larger than this size?

The intent of these limits is not to preclude the use of existing buildings that may exceed these footprints. In future discussions, we will review language in the ordinance related to residential development bonuses (such as those for rehabilitating historic buildings) and existing structures that don't comply with the new standards (i.e. non-conforming structures).

17. What is the difference between the proposed height limit and existing height limits? What about the height of existing buildings?

The city does not have a reliable citywide data set of building height in feet. However, Map 2 attached to the Oct 20 staff memo includes data from the Burlington Assessor regarding existing buildings in stories. While overall building heights in feet may vary, buildings of up to 2.5 stories are the predominant height in residential areas citywide. This informed the Neighborhood Code recommendation for 2.5 story limits in RL areas. The Code proposes to allow up to 3 stories in RM and 3.5 story buildings RH and Corridor areas. The purpose is to allow incremental expansion in the denser core neighborhoods where some taller buildings may exist today, as well as to help implement the *planBTV* vision of more intensity along the major thoroughfares.

The city's zoning ordinance outlines a maximum height of 35 ft. unless otherwise noted. Map 3, attached to the staff memo dated Oct 20, shows how the proposed Neighborhood Code height limits relate to height limits in other districts. Districts in the city allowing building heights over 55 ft. are limited primarily to the downtown and other mixed use areas, as well as properties zoned to accommodate the greatest intensity of institutional development.

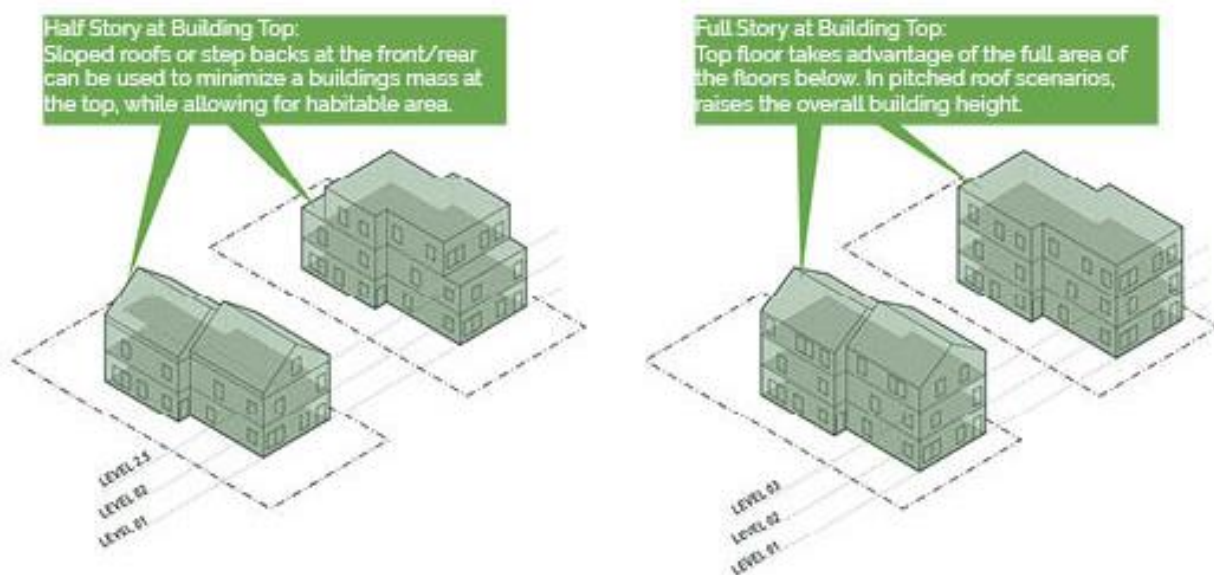
18. Why propose a story limit instead of sticking with an overall height limit?

In keeping with other proposed Neighborhood Code changes, regulating stories is proposed to provide more transparency to building height and better guide building mass in a way that is context sensitive. (see Map 2 attached to the Oct 20 staff memo).

In some of the city's newer zoning districts/overlays, both story limits and overall height limits have been incorporated to respond to modern buildings' needs—particularly taller floor-to-floor heights to create marketable interior spaces and to allow space for HVAC and other building systems. Additionally, when considering the interior space on the third floor of a residential building, a pitched roof must include steep enough angles to create a comfortable interior space. This can cause the overall peak of even a 2.5 story building to exceed 35 ft.—something that is allowed both under the current height limits and the proposed Neighborhood Code. The intent of introducing a story limit is to provide more flexibility for overall height where necessary, while also providing guidance to a building's upper floor mass in some areas.

19. What does it mean to limit height in half story increments?

Half stories involve sloped roofs or step backs on a portion of a building's top floor. These partial stories break down the appearance of a building's overall mass, but still allow for habitable area on the top floor. As the diagram below shows, a 2.5 story building includes a third habitable floor, but differs from a 3 story building in terms of how much of that third floor is occupied.



20. Should taller buildings be allowed on the corridors?

It is within the Committee's purview to consider the height of building allowed in the new recommended corridor zone. As currently proposed, the height limit was targeted at allowing an additional story over other residential areas and providing transition to building heights allowed in nearby neighborhoods. Another consideration is the relationship of the corridors to adjacent mixed use districts. For example, both the Hannaford Plaza on North Avenue and the North Street mixed use district have 35 ft. height limits today. While the height limits of nearby commercial areas do not necessarily need to be a barrier to taller heights on the corridors, adjustments to heights for commercial areas is a Construction Zone issue that is not within the purview of the Neighborhood Code discussion.

21. **New:** Do buildings 3 stories or taller require elevators and/or two stairwells?

There are likely pathways through the codes adopted in Vermont that buildings taller than three stories could require more than one means of egress from a unit and/or other modifications/systems for accessibility. These codes, as well as fire prevention and life safety requirements that can trigger sprinkler systems, frequently come up in the context of how to implement more permissive rules under zoning. These challenges are not all unique to Burlington or Vermont, and are a focus of many communities' efforts to implement new middle housing types being enabled by zoning codes. Efforts to update or make modifications to such requirements will require broader collaboration and solutions outside of the scope of a zoning change. The neighborhood code aims to define the massing that will help implement the vision for new housing options citywide, rather than being limited by what may be

possible in other codes today so as not to be limiting when and if those codes evolve or if new methods for compliance become available.

Some have suggested that simply allowing 4 or even 5 story buildings is a solution to overcome the complexity associated with meeting these codes. This may not be true under the current codes for the range of housing typologies considered for the neighborhood code, and in some cases could cause the building to become less efficient at this scale. We are working to further explore this with local designers to assess the feasibility.

Maximum Units in Buildings

22. What size units could be built in a 4 unit building under the recommended standards?

Utile has worked through a series of floor plans that could result from the Neighborhood Code to ensure that a mix of unit sizes could be achieved. The combination of max building footprint limits and height have been recommended to ensure that larger and potentially family-sized units could be incorporated into resulting buildings. While the code does not require buildings to be as large as the max allowed footprint, nor include 4 units, these upper limits were intended to enable buildings that are flexible to accommodate a mix of studio through two- or even three-bedroom units.

23. What are we giving up in terms of units that could be built by limiting buildings to 4 units?

In staff's assessment, there are very few, if any, situations that could result in "giving up" units that could be built today—or "downzoning" as it is often referred. The Neighborhood Code proposes to limit the number of units per building only for the RL and RM zone, in lieu of the current density-based standards. There is not a proposed limit on units in buildings in the RH and Corridor areas.

The 10/17 presentation included a map of lots across the city that would be allowed to accommodate 4 units today using the existing density standards, compared to the proposed Neighborhood Code. Three and four unit buildings are not permitted in the RL zone today, until or unless a property is at least 2 acres and can utilize a different set of standards. In RM areas, current density limits would require lots of at least 8,700 sq.ft. in order to have a 4 unit building.

Staff identified privately held lots in RM that are greater than 9,800 sq.ft.—the minimum size that would be required to have 5 units under existing density standards. Many of these existing lots have already been developed with apartments or condos. For lots that have not been developed more intensively in the past, the proposed standards provide flexibility by allowing more than one building on a lot. And for very large lots, the PUD process provides a pathway for the DRB to approve plans that modify underlying zoning standards; these standards will be discussed in a future committee meeting.

24. If we allow up to 6 units in buildings in RM areas, what does that do to the standards and what size units could result?

Increasing the limit on units per building in RM is within the purview of the Committee. Based on assessment by Utile, the proposed Primary building footprint and height could still be flexible to accommodate a mix of studio through two bedroom units if a building were built to the max limit. With the smaller footprint limit for Secondary buildings, we recommend maintaining a 4 unit max.

Questions RE: District Boundaries from 10/17 Meeting

New: Under the meeting from [October 24 posted here](#), there are maps and slides that provide more specific information about various small study areas that can be used to assess the proposed changes and inform future discussions.

Applying Dimensional Standards to Common Residential Features

Subject to Lot Coverage Limits

Footprint of Buildings, habitable and uninhabited

Parking Areas & Driveways

Walkways, porches, decks, patios, swimming pool aprons, etc.*

Not Subject to Lot Coverage Limits

Open play structures, swimming pools, fountains

Fences, retaining walls, drainage ways

Ramps for accessibility

Functional green roofs when at grade, or 25-50% of green roof area when partially at grade

Up to 650 sq.ft. of footprint of an ADU, with approved stormwater management plan

Projects utilizing residential development bonuses or inclusionary zoning intensity allowances may be allowed modified limits

**In RL & RM zones, an additional 10% lot coverage is allowed for: decks, patios, unenclosed porches, tennis/other game courts, pool aprons, walkways, window wells, pervious pavement systems approved by DPW*

Subject to Setbacks

Primary Structures, generally

Additional and/or modified setbacks may be required in some cases by certain overlay zones, proximity to the lake or river, as well as by the building/fire codes outside of zoning

Expansions of structures that do not comply with setbacks (i.e. non-conforming)

Not Subject to Setbacks

Open porches, eaves, sills, roof overhangs, cornices, window wells, replacement features on historic buildings, steps for basement or first floor entries

Accessory buildings (i.e. sheds) and ADU's less than 15 ft tall may be no closer than 5 ft from side/rear property line

Walkways, ramps for accessibility

Fences; retaining walls up to 5 ft. tall and 2 ft. from property line

Parking areas and driveways at least 5 ft. from side/rear property line; shared driveways along a common property line

Residential driveways may be closer than 5 ft. from side property line on existing nonconforming lots (i.e. small lots) with SF homes, if approved by DRB

Projects utilizing residential development bonuses or inclusionary zoning intensity allowances may be allowed modified limits

Subject to Height Limits

All structures generally, at or above grade, subject to specific methods for measuring height based on roof form*

Vertical expansion of a single-family home located in a setback, so long as the expansion does not further encroach in the setback

Not Subject to Height Limits

Additions & new buildings on lots that contain a building that exceeds height limits, so long as new/expanded buildings no taller than the existing building

Ornamental and symbolic features (i.e. spires), enclosed elevator & stair towers, and areas & enclosures for mechanical equipment (with some limits)

Basements. Additionally, if a story is located at least five feet below the finished grade, it shall be considered a basement, and not counted toward any applicable story limit

Projects utilizing residential development bonuses or inclusionary zoning intensity allowances allow modified limits

**Administrative officer may approve an additional 10% height to account for grade variation, so long as it does not create an additional story.*

Relationship of Core Zoning Recommendations to other Ordinance Provisions	
Core Zoning Standards	Related Standards & Potential Discussion Topics
Dimensional Standards	
Minimum Lot Size in RL zones	How to address larger minimum lot size requirements in the RL- Larger Lot Overlay neighborhoods
	Whether we need to retain or modify provisions to comply with statutory requirements for existing lots smaller than minimum size, remove prohibitions on flag lots in the ordinance
	Whether we need standards to allow subdivision to facilitate fee-simple ownership of lots under duplex, townhouse, cottage court housing types
Lot Coverage Limits in Residential Districts	How does this impact existing lot coverage bonuses in the ordinance today?
Setbacks in Residential Districts	Whether to allow existing outbuildings located in a side or rear setback to be converted to habitable space
	Whether to allow driveways/parking areas to encroach into side setbacks in certain cases, such as to facilitate a flag lot
Density vs. Building Massing Standards	
Primary & Secondary Building footprints	Allow multiple free-standing units on a lot in other sections of the ordinance that currently prohibit
	Adjustments to Planned Unit Development Standards for development of larger lots
	Per Act 47, will need to provide additional standards that Design Review process may not reduce allowable footprint.
Building Height	Depending on height decisions, do we need to revisit how building height measurements work today?
	How does this impact height bonuses that exist in the ordinance today, or are required by Act 47?
	Whether to allow existing outbuildings located within a setback to add an additional floor if renovated/converted to housing
	Whether adjustments are needed to review standards for DRB regarding compatibility of building height
Units per Building	Will need to adjust allowable residential uses in RL districts (today, Multi-family (3+ unit) uses are not permitted in RL. 3 and 4 unit buildings must be allowed per Act 47).
	How to address lower density limits in the RL-Larger Lot Overlay neighborhoods
	How does this impact existing density bonuses? Do we keep them, and if so, what are the bonuses based on?
	Depending on unit decisions, may no longer need the "Additional Unit in RL" provision. Will need to determine if we still need separate ADU provisions, or if they fit within this context.
	Eliminate RH Density Bonus Overlay district (regardless of decision on units per building, this is a functionally irrelevant district)
Residential Districts & Boundaries	
Streamlining Residential districts (eliminating RLW & RMW)	How to address any changes to Design Review and/or Waterfront Setbacks for these areas?
Rezoning some neighborhoods to better reflect what is on the ground (lot size, coverage, existing units, etc.)	May reduce need for standards around what is allowed for non-conforming buildings and lots.
Creation of Corridor Residential Zone	How does this impact existing Design Review Areas, and is there a more straight forward way to describe applicability of this process?
Other	
Where to allow commercial uses and to what degree	What is impact existing allowances for limited commercial in residential districts/relate to existing Neighborhood Mixed Use zones

Proposed Neighborhood Code Standards
WORKING DRAFT Ordinance Language
V 1.1 – Updated October 30, 2023

Document Purpose

This document models proposed provisions in the *Comprehensive Development Ordinance (CDO)* related to the Neighborhood Code Discussions. It is provided as a “clean” copy, representing how the ordinance would read when proposed changes are adopted and incorporated. A “track-changed” version comparing line-by-line changes to current *CDO* standards is maintained by the department provides the foundation and will be provided separately as these sections are reviewed.

Core Recommendations- Article 4 and Appendix A

The core recommendations—including changes to dimensional standards, converting from density to building massing standards, and changes to residential district boundaries—primarily impacts portion of [Article 4](#), specifically *Sec. 4.4.5 Residential Districts* and *Appendix A- Use Table*. Specifically, these changes include:

- Updated purpose statements for the residential districts generally and for each district specifically
- Updated Map 4.4.5-1 Residential Districts to reflect proposed changes to district boundaries (see attached separately as Map 1: Proposed Residential District Boundaries)
- Wholesale replacement of existing Tables 4.4.5-1, 4.4.5-2, and 4.4.5-3 with new tables 4.4.5-1 regarding lot dimensions and coverage and 4.4.5-2 regarding building massing and allowable units
- Adds the proposed Residential Corridor district to *Appendix A*, and updates where typical residential uses are permitted and under what circumstances

“Begin DRAFT CDO Language”

Sec. 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment, while enabling neighborhoods to evolve to meet the changing needs of households and the economy, and as a result of the climate emergency. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and new buildings are interspersed within a wide range of historic development patterns across the city. Parking shall be placed either behind, within, or to the side of structures, and building facades designed for parking shall be secondary to the residential aspect of a structure.

The Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

1. The **Residential Lower Intensity (RL)** district is intended primarily for residential development that includes a mix of housing types such as single detached dwellings, with or without accessory dwelling units, duplexes, triplexes and quadplex organized in a compact neighborhood-scale that complements respective neighborhoods' development and open space patterns. Building heights typically vary from one to two and half stories, and development generally results in lower lot coverage than in other residential districts. Limited commercial uses take the form of home-based businesses and the adaptive reuse of historic buildings as neighborhood-serving uses.
2. The **Residential Medium Intensity (RM)** district is intended for residential development that includes a mix of housing types such as single-family detached dwellings, with or without accessory dwelling units, duplex, triplex, quadplex, and occasional multi-unit buildings in compact, walkable neighborhoods. Building heights typically range from two to three stories, and development generally results in moderately higher lot coverage as compared to the RL district. Neighborhoods within this district are typically walkable to downtown or other mixed-use areas of the city, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.
3. The **Residential High Intensity (RH)** district is intended for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized and larger

multi-unit buildings. Single-family detached dwellings are limited to buildings original built for such purpose. Development is intended to be more intense than other residential areas, with building heights ranging from two to three and a half stories, high lot coverage and buildings placed close to the street and each other on small lots. Neighborhoods within this district are typically immediately adjacent to downtown and the institutions, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.

4. The **Residential Corridor (RC)** district is intended for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized multi-unit and mixed-use buildings along the city's major multi-modal transportation corridors that are adjacent to low intensity districts. Single-family detached dwellings are limited to buildings originally built for such purpose. New and infill development may be located closer to the street than historic development patterns, with building heights ranging from two to three and a half stories and high lot coverage. Neighborhood-serving commercial uses may be incorporated in existing or new buildings.

[see attached separately Map 1: Proposed Residential Zoning Districts]

(b) Dimensional Standards

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

Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

District	Min. Lot Size ^{1,2,3}	Min. Lot Frontage ^{1,2,3,4,5} (linear feet)	Setbacks ^{1,6,7,8}			Lot Coverage ⁹
			Front	Side	Rear	
Residential Low (RL)	3,500 sq. ft. N/A	30'	Min/Max: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides Max required: 20 ft	20 ft.	45%
Residential Medium (RM)	N/A	30'			15 ft.	60%
Residential High (RH)	N/A	N/A				80%
Residential Corridor (RC)	N/A	N/A				

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in *Article 5*.
2. The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.
3. Exceptions to lot size and frontage requirements for flag lots and small lot subdivisions are found in *Sec. XX*.
4. Larger minimum lot size and frontage are applicable in the RL- Larger Lot Overlay zone; refer to *Sec. 4.5.5* and *Table 4.5.5-1*.
5. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.
6. Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to *Sec. 5.2.5* for additional details.
7. A 75 ft. setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of *Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone*.
8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.
9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 3A below.

Table 4.4.5-2 Primary & Secondary Structures Massing and Placement Standards in Residential Districts

District	Max Height & Stories ¹	Max Dwelling Units per Structure ²	Max. Principal Structure Footprint ³	Max. Secondary Structure Footprint	Max Building face before providing offset ⁴	Min. Distance between Structures on same lot
Residential Low (RL)	XX' 2.5 stories	4	1,800 sq.ft	1,100 sq.ft.	50'	15'
Residential Medium (RM)	XX' 3 stories	6	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50' 3.5 stories	N/A	N/A	N/A		
Residential Corridors (RC)			3,600 sq.ft.	N/A		
1. Details regarding the measurement of and exceptions to height limits are found in <i>Article 5</i>. 2. Minimum dwelling unit size is 350 sq.ft. 3. <i>Reserved</i> 4. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.						

Appendix A- Use Table

	Residential			
RESIDENTIAL USES	RL	RM	RH	RC
Single Detached Dwelling	Y ²	Y ²	N ³⁰	N ^{2,30}
Attached Dwellings - Duplex	Y ²	Y ²	Y	Y ²
Attached Dwellings - Multi-Family (3 or more)	Y ²	Y ²	Y	Y ²
RESIDENTIAL SPECIAL USES	RL	RM	RH	RC
	To discuss			
NON-RESIDENTIAL USES	RL	RM	RH	RC
	To discuss			

Footnotes:

2. Subject to maximum building size and any applicable limits on the number of units per structure in Table 4.4.5-2.

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.

"End DRAFT CDO Language"

Potential Future Discussion Topics

Pending decisions on the core recommendations additional sections of the CDO will be provided, as described in the "Relationship of Core Zoning Recommendations to other Ordinance Provisions" chart. These will include additional changes to the remainder of *Sec. 4.4.5 Residential Districts*, and other portions of *Appendix A- Use Table*, as well as sections noted below. This is not an exhaustive list of potential sections that will be amended, as there are likely to be many sections that will require technical corrections for internal consistency. However, these represent major additional sections of *Article 4* as well as *Article 5*, *Article 6* and *Article 11* that are likely to be reviewed.

Standards Related to Minimum Lot Size in RL

- *Sec. 4.5.5 RL Larger Lot Overlay District*, and accompanying *Table 4.5.5-1* and *Map 4.5.5-1*
- *Sec. 5.2.1 Existing Small Lots* and *Sec 5.2.2 Required Frontage or Access*
- *Sec. 6.1.2* regarding arrangement of lots

Standards Related to Lot Coverage Limits in Residential Zones

- Applicable lot coverage bonuses in *Sec. 4.5.5. (6) Residential Development Bonuses* and *Sec. 9.1.12 Additional Density and Other Development Allowances* for projects with Inclusionary Zoning units

Standards Related to Setbacks in Residential Districts

- *Sec. 5.2.5 Setbacks* and *Sec. 5.3.5 Nonconforming Structures*

Standards Related to size of and allowance for Multiple Buildings on a Lot

- *Sec. 5.1.2. (c) Principal Structures* and *Sec. 6.2.2 Development Review Standards* regarding building location and orientation
- *Article 11- Planned Unit Development* standards, particularly regarding flexibility for lots that don't comply with underlying core recommendations or very large lots

Standards Related to Height Limits in Residential Zones

- Applicable lot coverage bonuses in *Sec. 4.5.5. (6) Residential Development Bonuses* and *Sec. 9.1.12 Additional Density and Other Development Allowances* for projects with Inclusionary Zoning units
- *Sec. 5.2.6 Building Height Limits* regarding how height is measured and *Sec. 5.3.5 Nonconforming Structures*
- *Sec. 6.2.2* regarding building location and orientation and *Sec. 6.3.2.* regarding massing, height, and scale

Standards Related to Density vs. Units in a Building

- *Sec. 4.4.5 (d) 4 Exceptions to Residential Density Limits*
- *Sec. 4.5.3 RH Density Bonus Overlay District* and *Sec. 4.5.5 RL Larger Lot Overlay District* standards
- Applicable density bonuses in *Sec. 4.5.5. (6) Residential Development Bonuses* and *Sec. 9.1.12 Additional Density and Other Development Allowances* for projects with Inclusionary Zoning units

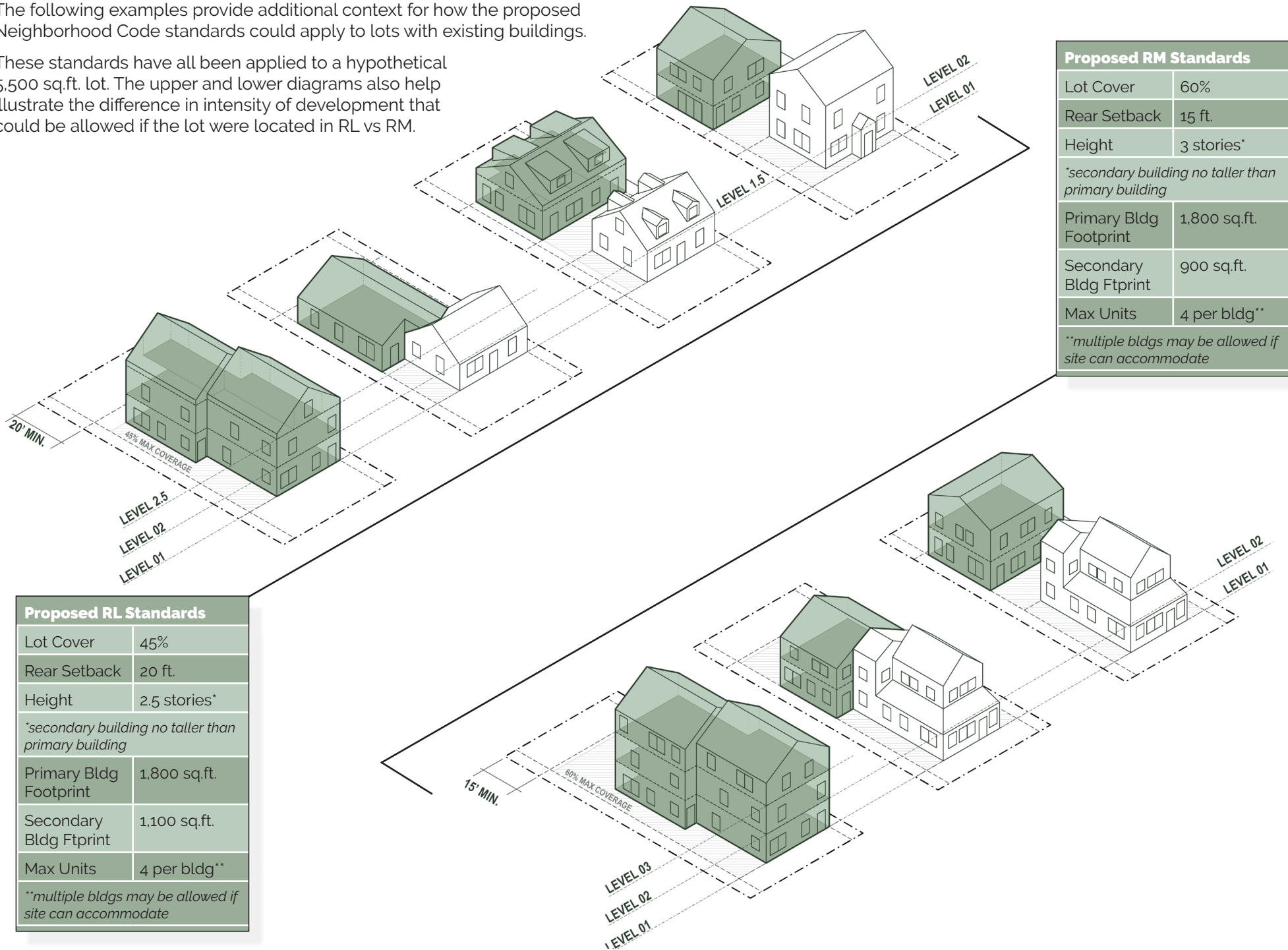
Other Topics

- Regarding commercial and mixed uses in residential zones, *Sec. 4.4.5 (d) 5. A. Exception for Neighborhood Commercial Uses* and *Sec. 5.4.6 Home Occupations*
- Applicability of and/or streamlining of design review standards split between *Sec. 3.4.2 Applicability*, *Sec. 4.5.1 Design Review Overlay District*, and *Article 6* design review standards

Example infill options in RL & RM areas

The following examples provide additional context for how the proposed Neighborhood Code standards could apply to lots with existing buildings.

These standards have all been applied to a hypothetical 5,500 sq.ft. lot. The upper and lower diagrams also help illustrate the difference in intensity of development that could be allowed if the lot were located in RL vs RM.



Comparing Standards for RH & Corridor areas

Similar to the diagrams on the previous page, these standards have all been applied to a hypothetical 5,500 sq.ft. lot (except the townhouses).

The upper and lower diagrams also help illustrate the difference in intensity of development that could be allowed if the lot were located in RH vs Corridor areas.

