

Neighborhood Code Joint Committee Agenda

Tuesday, December 12, 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.

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1. Agenda

Subject	1.1. Motion to adopt/amend agenda
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda
Category	1. Agenda
Department	Planning
Type	Action
Recommended Action	Adopt as presented

2. Neighborhood Code: Committee Discussion on Staff Recommendations

Subject	2.1. Areas proposed for change from RL to RM
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda
Category	2. Neighborhood Code: Committee Discussion on Staff Recommendations
Department	Planning
Type	Discussion
Recommended Action	Ask questions and provide feedback on staff recommendations
Subject	2.2. Minor updates to RL boundaries
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda
Category	2. Neighborhood Code: Committee Discussion on Staff Recommendations
Department	Planning
Type	Discussion
Recommended Action	Ask questions and provide feedback on staff recommendations
Subject	2.3. Commercial Uses Allowed in Residential Areas
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda
Category	2. Neighborhood Code: Committee Discussion on Staff Recommendations
Department	Planning
Type	Discussion
Recommended Action	Ask questions and provide feedback on staff recommendations
Subject	2.4. RL Larger Lot Overlay & RH High Density Bonus Overlays
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda
Category	2. Neighborhood Code: Committee Discussion on Staff Recommendations
Department	Planning
Type	Discussion
Recommended Action	Ask questions and provide feedback on staff recommendations
Subject	2.5. Rules for Cottage Court Developments
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda

Category	2. Neighborhood Code: Committee Discussion on Staff Recommendations
Department	Planning
Type	Discussion
Recommended Action	Ask questions and provide feedback on staff recommendations
Subject	2.6. Other Topics
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda
Category	2. Neighborhood Code: Committee Discussion on Staff Recommendations
Department	Planning
Type	Discussion
Recommended Action	Ask questions and provide feedback on staff recommendations

3. Public Forum

Subject	3.1. Public Guidelines for Virtual Meeting Participation
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda
Category	3. Public Forum
Department	Planning
Type	

4. Minutes

Subject	4.1. Review and approve the 12/5 Neighborhood Code Meeting Minutes
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda
Category	4. Minutes
Department	Planning
Type	Action

5. Communications

5.1. Review and accept Written Communications

6. Adjournment

Subject	6.1. Adjournment
Meeting	December 12, 2023 - Agenda - Tuesday, December 12, 2023, 6:30 PM, Neighborhood Code Joint Committee Agenda
Category	6. Adjournment
Department	Planning

Type

Action

Relationship of Core Zoning Recommendations to other Ordinance Details/Discussion Topics		
✓= Topic Completed/Tentative consensus reached In Progress = Committee actively discussing Upcoming = next set of topics to dicuss	Summary of interrelated standards/topics that the committee will review. For details on completed, in progress, or upcoming items, see slides and/or other materials posted with upcoming meeting agenda. Proposed ordinance text has simiarly been updated to reflect items that are completed/in progress/upcoming; will continue to update as committee moves to topics.	Updated: 11/28/23 For Upcoming Meeting: 12/5/23
Core Standards/Topics	Related Standards & Future Discussion Topics	Ordinance Sec. & Page #
Dimensional Standards		<i>Refers to current "Proposed Neighborhood Code Excerpts"</i>
✓: Minimum Lot Size in RL zones	✓: eliminate provisions to comply with statutory requirements for existing lots smaller than minimum size, no longer relevant,	See proposed Table 4.4.5-1, p. 6
	Upcoming: How to address larger minimum lot size requirements in the RL- Larger Lot Overlay neighborhoods	See Sec. 4.5.2, p. 10-11
	Remove prohibitions on flag lots in the ordinance	Deletes Sec 5.2.1 Existing Small Lots and Sec. 4.5.3-1 RH Density Bonus Overlay (and as a result, not in proposed language)
	Discuss whether we need any other 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?	See proposed Table 4.4.5-1, p. 6
✓: Setbacks in Residential Districts	✓: Allow driveways to encroach into side setbacks in certain cases, such as to facilitate a flag lot	See proposed Table 4.4.5-1, p. 6
	✓: Allow max front setback req. for existing front yards that would prohibit rear yard to be developed	See proposed Sec. 4.4.5 (d) 2. A., p. 7-8
	Whether to allow existing outbuildings located in a side or rear setback to be converted to habitable space	
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	See proposed Table 4.4.5-2, p. 6
	Adjustments to Planned Unit Development Standards for development of larger lots	See proposed Sec. 5.2.1 (C) , p. 12
	Per Act 47, will need to provide limits on Design Review process such that decisions may not reduce allowable footprint.	
✓: Building Height	Depending on height decisions, do we need to revisit how building height measurements work today?	See proposed Table 4.4.5-2, p. 6
	Discuss how height transitions from Corridors- conflicting ideas offered about how to address this on perpendicular streets.	
	How does this impact height bonuses that exist in the ordinance today, or are required by Act 47?	
	Height of rear buildngs-- both new additions/new buidings as well as whether to allow existing outbuildings located within a setback to add an additional floor to convert to housing	
	Whether adjustments are needed to review standards for DRB regarding compatibility of building height	
✓: Units per Building (may revisit discussion of units in RM)	✓: 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).	See proposed Table 4.4.5-2, p. 6
	✓: remove the existing "Additional Unit in RL" provision; made irrelevant by unit decisions.	See proposed Sec. 4.4.5 (d) 1. A, p.7
	✓: Eliminate RH Density Bonus Overlay district (this is a functionally irrelevant district, not impacted by any previous decisions)	See Sec. 4.5.2, p. 10-11
	Upcoming: How to address lower density limits in the RL-Larger Lot Overlay neighborhoods	See proposed Appendix A, attached
	Upcoming: Determine if we still need separate ADU, Cottage Court provisions, or if they fit within this context.	Deletes Sec. 4.4.5 (d) 4. A. Additional Unit to Multi Family
	How does this impact existing density bonuses? Do we keep them, and if so, what are the bonuses based on?	(and as a result, not in proposed language)
Residential Districts & Boundaries		
✓: Streamlining Residential districts (eliminating RLW & RMW)	How to address any changes to Design Review and/or Waterfront Setbacks for these areas?	See proposed Sec. 4.4.5 (a), p 4 and Map 4.4.5-1, p 5
In Progress: Rezoning some neighborhoods to better reflect what is on the ground (lot size, coverage, existing units, etc.)	Does this require any alterations to standards around what is allowed for non-conforming buildings and lots?	See proposed Map 4.4.5-1, p. 5
✓: Creation of Corridor Residential Zone	How do these changes together impact existing Design Review Areas, and is there a more straight forward way to describe applicability of this process?	
Other		
Upcoming: Where to allow commercial uses and to what degree	Upcoming: Related updates to Neighborhood Commercial use standards and/or Appendix A to reflect this discussion.	See proposed Sec. 4.4.5 (d) 3, p. 8-9 and Appendix A, attached

Proposed Neighborhood Code Standards
WORKING DRAFT Ordinance Language
Prepared by Office of City Planning
V 2.0 – Updated November 30, 2023

Document Purpose

This document models proposed changes to 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, which provides the foundation and will be provided separately as committee's work advances.

Current Structure of Residential Districts in the CDO

Today, [Article 4, Part 4](#) describes each of the city's base zoning districts (with the exception of the downtown form districts), and the regulations associated with each district follows a similar overall structure. The Residential Districts are one such group of districts, and the regulations for these districts include the following subsections:

- Subpart a: district purpose generally, and individual districts' purposes more specifically and a map of the applicable districts within the city
- Subpart b: dimensional standards applicable to each district (i.e. lot coverage, building height, any development density/intensity limits)
- Subpart c: reference to Appendix A regarding allowable uses in the districts
- Subpart d: additional standards specific to each district, such as additional allowances or limits on development intensity and/or uses, or modifications to other citywide standards applicable to districts

[Article 4, Part 5](#) applies overlay zones which modify or apply additional standards in a portion of the base district(s). This includes several overlay districts that apply in residential areas. Additional standards that apply to the residential districts are found in many of the other sections of the CDO, but particularly allowable uses in [Appendix A](#), and citywide standards in [Article 5](#) and [Article 6](#) as described below. As a reminder, the CDO applies maximum parking limits in [Article 8](#) (rather than minimum requirements) including for residential uses and residential districts.

[Article 14](#) provides all maps, dimensional standards, permitted uses, definitions, and other specific standards for the downtown form districts (FD5, FD6 and Civic). It is essentially a completely separate component of the CDO. Staff considered whether to employ a similar approach to the Neighborhood Code; however, due to the complexity and interrelatedness of other parts of CDO to the implementation of the residential districts standards, it was determined this was not the best course at this time. The Planning Commission has advanced major updates to portions of the CDO in recent years (*Article 7: Signs, Article 8: Parking, Article 9: Inclusionary Zoning*) and continues to do so regularly. The Department is generally targeting a broader comprehensive update to the CDO in coordination with the next update to *planBTV: Comprehensive Plan* within the next several years. The bulk of the Neighborhood Code recommendations therefore impact *Sec. 4.4.5 Residential Districts*.

For consistency, the proposed Neighborhood Code updates to *Sec. 4.4.5* maintain the overall structure associated with the base residential districts sections. However, the proposed language includes a full strike and replace of all of the associated language in order to implement new standards, delete sections no longer relevant, reorganize relevant sections for simplicity, and address other internal coordination issues.

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

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- Updated *Map 4.4.5-1 Residential Districts* to reflect proposed changes to 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 in other residential districts and under what circumstances
- Adds allowable neighborhood-serving commercial uses permitted in the proposed Residential Corridor district to *Appendix A*

Related Standards- Overlays, Article 5, and Article 6

These standards impact how the core recommendations will be implemented and/or to what degree, and include miscellaneous standards that impact residential areas in the city. These standards stem from compliance with Act 47, addressing known issues that have been raised by staff or the committee, or are simply to ensure consistency and internal coordination among various articles of the ordinance as changes are made to the core standards. These include standards within overlay districts that apply to residential areas; citywide general standards in Article 5 related to dimensional standards, non-conformities, and uses and structures; and to the design review criteria in Article 6. Specifically, these include:

- Modifications or elimination of the *RL-Larger Lot Overlay* and the elimination of the *RH Density Bonus Overlay*
- Deleting provisions for developing existing lots smaller than the minimum required size and provisions to add an additional unit to properties in RL, both of which become irrelevant with the changes to core recommendations above
- Enabling more than one free-standing structure on a lot, where currently prohibited
- Address the relationship between core recommendations and existing standards for ADUs

This list of related standards will expand (by incorporating future discussion topics below) as the attached draft text is expanded, and as the Joint Committee works through the rest of the related issues in the document "Relationship of Core Zoning Recommendations to other Ordinance Details."

Changes to Working Draft Ordinance Text

Beginning on page 4 of this document, draft language is provided that corresponds with sections of the ordinance previously discussed or up for discussion at the next meeting. Track changes throughout the document reflect changes that have been made to the draft text as a result of the committee's work.

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 Details" chart and noted below. This may not be an exhaustive list of potential sections that will be amended, as there are likely to be other sections that will require technical corrections for internal consistency. However, these represent major additional sections that are likely to be reviewed and amended.

Standards Related to Minimum Lot Size in RL

- *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*

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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

- 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

- 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

"Begin DRAFT CDO Language"

Article 4: Zoning Maps and Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

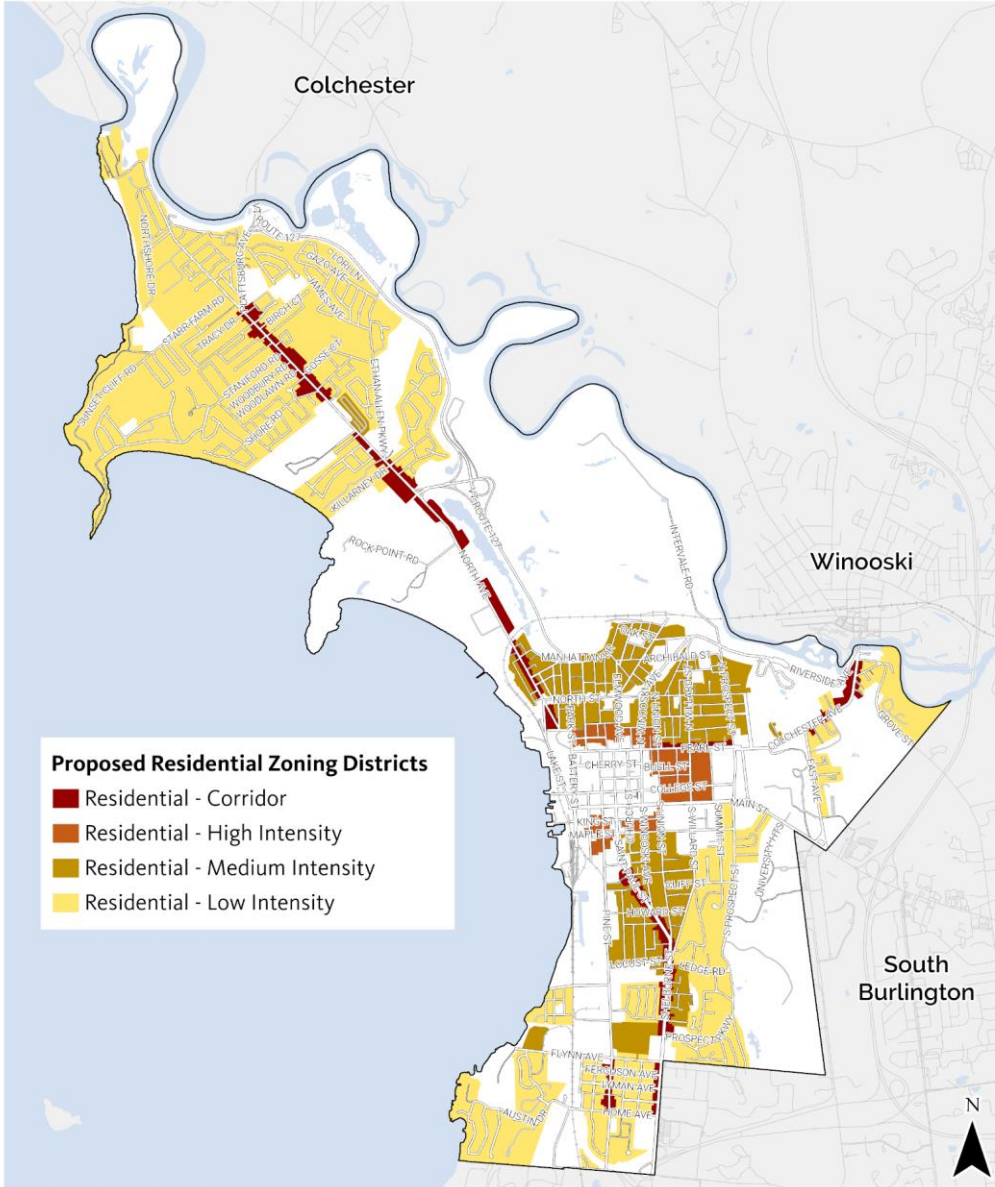
Sec. 4.4.5 Residential Districts

(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.



Map 4.4.5-1 Residential Zoning Districts
 Burlington Comprehensive Development Ordinance, Map 4.4.5-1
 Districts effective Jan. 30, 2008

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Commented [MT1]: Draft map reflects the same changes that are in the Map Packet posted with the agenda, and is subject to further change by the committee.

This is simply a placeholder to illustrate how the map will be inserted into the ordinance as the committee completes its review of these boundaries.

(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:

Commented [MT2]: These two charts are proposed as a full strike and replace to what is in Sec. 4.4.5 (b)- it merges and/or replaces previous tables 4.4.5-1, 4.4.5-2, and 4.4.5-3 with new tables 4.4.5-1 and 4.4.5-2 only.

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

District	Min. Lot Frontage ^{2,3,4,5} (linear feet)	Setbacks ^{1,6,7,8,9}			Lot Coverage ^{1,10}
		Front	Side	Rear	
Residential Low (RL)	30'	Min/Max: Avg. of front setback 2 adjacent lots on both sides +/- 5 ft Max required: 25 ft	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)	30'			15 ft.	60%
Residential High (RH)	N/A				80%
Residential Corridor (RC)	N/A				

Commented [MT3]: Per Committee decision to remove minimum lot size, the column for min lot size has been removed as it is no longer relevant.

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 minimum 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.
7. 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.
8. 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*.
9. 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.
10. 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	5	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50'	N/A	N/A	N/A		
Residential Corridors (RC)	4 stories		3,600 sq.ft.	N/A		

1. Details regarding the measurement of and exceptions to height limits are found in *Article 5*.
2. Minimum dwelling unit size is 350 sq.ft.
3. *Reserved*
4. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Residential districts shall be as defined in Appendix A – Use Table and as may be modified by district specific regulations in Sec. 4.4.5 (d).

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Additional Residential Development Permitted

In addition to any applicable development permitted according to Article 11-Planned Unit Development, the following additional development types and intensities shall be allowed within the Residential Districts, subject to the following standards.

A. Cottage Courts

Cottage courts are comprised of a series of one- to one-and-a-half story, small detached dwelling units oriented around a shared open space or courtyard. Parking, if provided, is typically detached from the individual dwelling units and aggregated in a shared garage or small surface parking area(s). Cottage courts may be located on a single lot, or aggregated on multiple lots utilizing the provisions of Article 11, and may incorporate existing residential structures. This development type is permitted by-right in residential districts subject to the following provisions, notwithstanding any potential conflicts with Tables 4.4.5-1 or 4.4.5-2:

Table 4.4.5-3 Cottage Court Dimensional Standards

Min Lot Size ¹	Min Lot Frontage ¹	Max Principal Structure Massing ^{2,3}	Max Secondary Structure Massing ²	Max Dwelling Units Per Secondary Structure ^{2,3}	Min. Distance between Structures on Lot ⁴	Ratio of Courtyard Area to Area of Secondary Structures ⁵
18,000 sq.ft.	40 ft	1,500 sq.ft. footprint	900 sq.ft. footprint, 1.5 stories	1	10 ft.	0.6

1. Minimum lot size and frontage shall refer to the size of an existing lot, or lots when developed in aggregate under the standards of Article 11, prior to development as a Cottage Court. A Cottage Court may include subdivision to create individual lots associated with residential buildings subject to **Sec. 5.2.2 (b)** and Article 10.

2. Cottage Courts may have one Primary Building and multiple Secondary Buildings. Primary Buildings are subject to the height and dwelling units per building limits in Table 4.4.5-2.

3. An existing residential structure and use may be retained as part of a Cottage Court development in order to preserve existing dwelling units and promote infill. Any such existing building will be considered as the development's Primary Building.

4. Where side setback requirements in Table 4.4.5-1 may require greater than 5 ft. setbacks, side setbacks for Secondary Structures in a Cottage Court may be reduced to 5 ft.

5. Required minimum courtyard area is calculated by adding the footprint of all Secondary Structures and multiplying by 0.6. Parking areas must be distinct from required minimum courtyard area.

B. Residential Development Bonuses

(text to follow)

2. Exceptions to Dimensional Standards

A. Encroachment into Side Setback for Residential Driveways

For purposes of enabling narrow or flag lots to create a driveway to provide a maximum of two tandem parking spaces, or to access a parking area behind a principal structure, driveways may encroach into a required side setback up to the property line. The maximum waiver from the side setback shall be the minimum necessary for the purposes of creating such a driveway or access to parking spaces. Applications for such waiver shall demonstrate that there will be no undue

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Commented [MT4]: This subsection has been completely reorganized.

Sec. 4.4.5 (d) 1 now makes explicit reference to PUD allowances, includes standards for cottage courts, and includes applicable development bonuses for residential districts. (NOTE: PUD and Bonus standards will be discussed in the future)

Sec. 4.4.5 (d) 2 includes any modifications to the base dimensional standards (i.e. lot cover, setbacks)

Sec. 4.4.5 (d) 3 includes the allowable neighborhood commercial uses for RL, RM and RH zones (allowable commercial uses for Corridors are in Appendix A)

Sec. 4.4.5 (d) includes miscellaneous standards that are retained from current ordinance, including standards for accessory residential structures (i.e. garages) and Residential Occupancy Limits (i.e. "4-unrelated rule")

Commented [MT5]: There will be a diagram with some labels to illustrate how the standards below relate.

Commented [MT6]: Future discussions will include replacement language for the Senior Housing Bonus, Residential Conversion, and Max Bonus Limits

Commented [MT7]: Per committee discussion of side setback limitations, this amends the existing provision, which today allows this encroachment only for existing nonconforming lots containing SF homes and requires review by the DRB.

adverse impact on drainage, safety, light, and air, nor encroachment into a neighboring side yard. With such approval, the lot shall not be considered nonconforming due to the decreased setback.

B. Encroachment into the ~~Waterfront~~ Setback

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under Sec. 4.5.4:

(i) Replacement of Existing Structure

Replacement of a conforming principle structure existing as of the effective date hereof, may encroach into the required setback provided the replacement does not increase the area or extent of the encroachment more than the existing structure.

(ii) Averaging of Setbacks of Existing Structures

If the setback from the waterfront of existing principal structures within one hundred fifty (150) feet on either or both sides of a subject lot is less than the minimum required setback, the setback for the subject lot may be reduced to the average setback of such neighboring structures.

C. Exceptions to Lot Coverage for Accessory Residential Features

In addition to lot coverage exemptions in Sec. 5.2.3 (b), within the RL and RM districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be ~~enclosed~~:

- (i) Decks;
- (ii) Patios;
- (iii) Porches;
- (iv) Terraces;
- (v) Tennis or other outdoor game courts;
- (vi) Swimming pools and swimming pool aprons;
- (vii) Walkways;
- (viii) Window Wells; and/or
- (ix) Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Administrator.

With the exception of the additional lot coverage allowances provided for under Article 9: Inclusionary and Replacement Housing, requirements for such additional lot coverage shall not be permitted for any development where other bonus provisions of this ordinance are applicable.

3. Exception for ~~Neighborhood~~ Commercial Uses

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in RL, RM, RH and Institutional districts subject to the following:

- (i) This exemption shall only apply to:
 - a. Historic buildings that are listed or eligible for listing on the state or national register; or,
 - b. A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.
- (ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.
- (iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.
- (iv) The neighborhood commercial use shall not be counted against the property's allowable residential density.

Commented [MT8]: Items under B & C here are all existing standards in the CDO today

Commented [MT9]: This removes the limit that these cannot be used for parking so that the pervious pavement can be used for driveways

Commented [MT10]: Propose to retain existing exception for Neighborhood Commercial uses for RL, RM, and RH. Together with allowance for home occupations, allows some flexibility for historic buildings and formerly commercial spaces.

Commercial standards for the new Corridor Zone are spelled out in Appendix A.

- (v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.
- (vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.
- (vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.
- (viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.
- (ix) To the extent that additional parking is necessary, the parking standards for Shared-Use Districts shall apply pursuant to Article 8.
- (x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.
- (xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section. (xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.

4. Miscellaneous Standards

A. Additions to Existing Residential Structures.

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

B. Accessory Residential Structures, Buildings, and Uses

An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses which do not contain residential units, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- (i) Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5 (b) of this Article and related requirements in Art 5, Parts 1 and 2;
- (ii) Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;
- (iii) Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building; and
- (iv) The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.

C. Residential Occupancy Limits.

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Commented [MT11]: These are all existing standards, just reorganized from existing ordinance.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

- (i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,
- (ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).
- (iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus 1 additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

Article 4: Zoning Maps and Districts

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.1 Design Review Overlay District

[proposed text to follow]

Sec. 4.5.2 RL Larger Lot Overlay District

(a) Purpose:

The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods' development history.

(b) Areas Covered:

The RL Larger Lot Overlay District includes those portions of the RL Zoning District as delineated on Map 4.5.5-1 RL Larger Lot Overlay District.

(c) District Specific Regulations: RL Larger Lot Overlay

1. Minimum Lot Size and Density

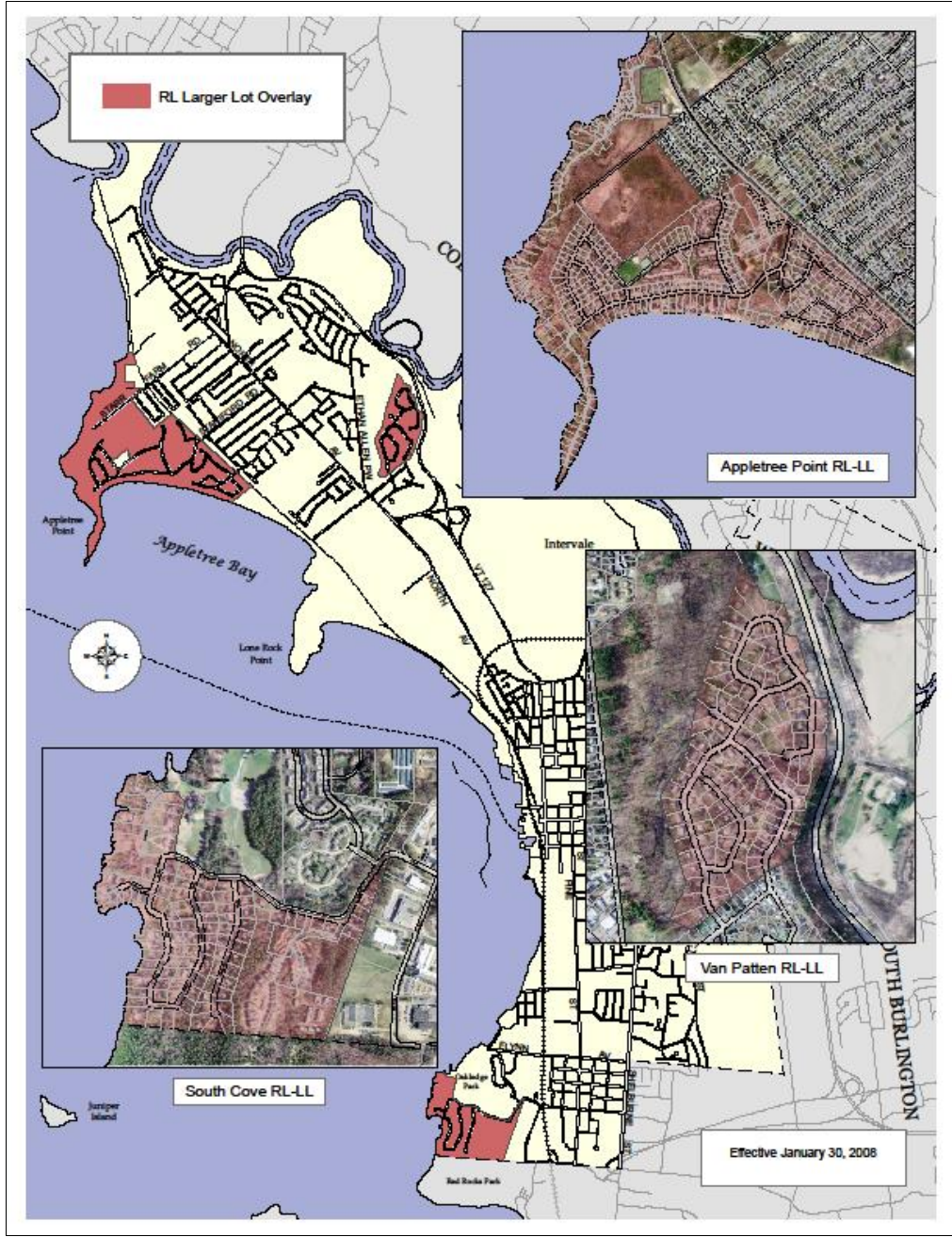
The dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL standards of Table 4.4.5-1 as follows:

- The minimum lot frontage shall be 75 feet and minimum lot area shall be 8,700 sq.ft.
- The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street.

Commented [MT12]: Today, this section also includes existing 4.5.3-1 RH Density Bonus Overlay. This is proposed to be deleted entirely as it is largely irrelevant, and therefore is not included in the proposed text. Committee will discuss.

Commented [MT13]: This overlay is currently Sec. 4.5.5. If retained, this section will be reorganized to put all districts applicable to residential districts together, hence the proposed 4.5.2 in this draft.

This text represents the minimum requirements to meet Act 47 if this standard is retained. Committee will discuss options.



Working Draft Ordinance Language | p. 11

Article 5: Citywide General Regulations

PART 1: USES AND STRUCTURES

Sec. 5.1.2 Structures

Except as otherwise provided by law or by this ordinance, no structure in any district shall be created, removed or altered except in conformance with the provisions of this Article and the requirements of the district in which such land or structure is located.

(a) through (b)—As written and therefore text not provided for this document.

(c) Principal Structures:

More than one principal structure is permitted on a lot within a residential zoning district subject to the limits of Sec. 4.4.5 Residential Districts, or as otherwise authorized pursuant to the requirements of Article 11 – Planned Development. In all other districts, more than one principal structure may be permitted on any single lot.

(d) Accessory Residential Structures or Buildings:

An accessory structure or building customarily incidental and subordinate to a principal residential use, structure, or building shall also be governed by the provisions of Sec. 4.4.5(d) 4 (B).

(e) through (f)—As written and therefore text not provided for this document.

Commented [MT14]: This section has been updated to allow more than one primary structure on a lot.

"End DRAFT CDO Language"

DRAFT UPDATE TO Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL AW	RM AW	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³⁴
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL AW	RM AW	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y 2	Y 2	N ³⁰	<u>N³⁰</u>	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	Y ²	Y 2	Y	<u>Y</u>	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N Y ²	Y 2	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL AW	RM AW	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Will provide this section in upcoming meeting																
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL AW	RM	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	<u>N</u>	N	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	<u>N</u>	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	<u>N</u>	N	N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	<u>N</u>	N	N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	<u>Y</u>	N	Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	<u>N</u>	N	CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	<u>Y</u>	N	Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	<u>N</u>	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	<u>N</u>	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	<u>N</u>	N	N	Y	Y	N	N	CU ²⁷
Automobile Body Shop	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	Y	N	N	Y ²⁷
Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	<u>N</u>	(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	<u>N</u>	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	<u>N</u>	N	N	Y	Y	N	N	CU ²⁷
Automobile/Vehicle Salvage Yard	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	<u>Y</u>	N	Y	Y	Y	Y	Y	Y ²⁷
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	<u>Y</u>	N	Y	Y	Y	Y	N	Y
Bar, Tavern	N	N	N	N	N	N	N	N	<u>Y</u>	N	CU	CU	CU	CU	N	N
Beauty/ Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ¹³	<u>Y</u>	N	Y	Y	CU	Y	N	N
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	<u>Y</u>	N	Y	Y	Y	Y	N	Y ²⁷
Billiard Parlor	N	N	N	N	N	N	N	N	<u>N</u>	N	CU	Y	CU	Y	N	N

DRAFT UPDATE TO Appendix A-Use Table – All Zoning Districts

Boat Repair/Service	N	N	CU	N	N	N	N	N	<u>N</u>	(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	<u>N</u>	(See Sec.4.4.1(d) 1)	N	Y	Y	N	N	Y ²⁷
Boat Storage	N	N	CU	N	N	N	N	N	<u>N</u>	N	N	CU	CU	N	N	Y ²⁷
Bowling Alley	N	N	N	N	N	N	N	N	<u>N</u>	N	CU	Y	Y	Y	N	Y
Building Material Sales	N	N	N	N	N	N	N	N	<u>N</u>	N	N	Y ¹⁰	Y	N	N	Y ²⁷
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	<u>Y</u>	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Camp Ground	N	Y	Y	N	N	N	N	N	<u>N</u>	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	<u>N</u>	N	N	CU	Y	CU	N	CU ²⁷
Cemetery	N	N	Y	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU	<u>N</u>	N	CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	<u>Y</u>	N	CU	CU	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	<u>Y</u>	N	Y	Y	Y	Y	N	CU ²⁷
Community Garden	N	Y	Y	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	Y	Y ²⁷
Conference Center	N	N	N	N	CU	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ¹²	<u>Y¹²</u>	N	Y ¹²	Y	Y	Y ¹²	N	Y ²⁷
Convention Center	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Courthouse	N	N	N	N	Y	N	N	CU	<u>N</u>	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	<u>Y</u>	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	<u>Y</u>	N	Y	Y	Y	Y	CU	CU ^{17,27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	<u>N</u>	N	Y	Y	Y	Y	N	Y
Distribution Center	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	CU	N	N	CU
Dry Cleaning Plant	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	<u>Y</u>	N	Y ²⁴	Y	Y	Y ²⁴	N	CU ²⁷
Film Studio	N	N	N	N	Y	N	N	N	<u>N</u>	N	N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	<u>Y</u>	N	Y	Y	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	<u>N</u>	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	<u>N</u>	N	CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	<u>Y</u>	N	CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	<u>Y</u>	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	<u>Y</u>	(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	<u>N</u>	(See Sec.4.4.1(d) 1)	N	CU ¹⁸	CU	CU	N	CU ^{17,27}

DRAFT UPDATE TO Appendix A-Use Table – All Zoning Districts

Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	<u>Y</u>	N	Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	<u>N</u>	N	N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU	<u>N</u>	N	CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	<u>Y</u>	N	Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	<u>N</u>	N	N	N	N	N	N	N
Lodging	N	N	N	N	CU	N	N	N	<u>N</u>	(See Sec.4.4.1(d) 1)	N	Y	N	Y	N	N
Junkyard	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	<u>Y</u>	N	Y ¹³	Y	Y	Y	N	Y ²⁷
Library	N	N	N	N	Y	CU	CU	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	<u>N</u>	N	N	CU ¹⁰	Y	N	N	Y
Manufacturing-Light	N	N	N	N	N	N	N	N	<u>N</u>	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	CU	Y
Manufacturing	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	CU	N	CU	Y
Marina	N	N	Y	N	N	N	N	N	<u>N</u>	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	<u>N</u>	N	CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	<u>N</u>	N	N	N	N	N	N	N
Museum–Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	<u>N</u>	(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	<u>N</u>	(See Sec.4.4.1(d) 1)	N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	<u>N</u>	N	Y	Y	Y	Y	CU	Y ²⁷
Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	<u>Y</u>	N	Y	Y	Y	Y	N	Y ²⁷
Office-Technical	N	N	N	N	N	N	N	N	<u>N</u>	N	Y	Y	Y	Y	CU	Y
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	<u>N</u>	(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	<u>N</u>	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	(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	<u>N</u>	N	CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	<u>N</u>	N	N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	<u>N</u>	(See Sec.4.4.1(d) 1)	CU	Y	N	CU	N	CU ^{27,32}

DRAFT UPDATE TO Appendix A-Use Table – All Zoning Districts

Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	<u>N</u>	(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	<u>N</u>	N	CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	<u>Y</u>	N	Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	<u>N</u>	N	Y	Y	Y	Y	N	Y
Photography Lab	N	N	N	N	N	N	N	N	<u>N</u>	N	CU	Y	Y	Y	CU	Y
Police Station - Central	N	N	N	N	CU	N	N	N	<u>N</u>	N	Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	<u>Y</u>	N	Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	<u>N</u>	N	N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	<u>Y</u>	N	Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	<u>N</u>	N	CU	Y	Y	Y	N	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	<u>N</u>	(See Sec.4.4.1(d) 1)	N	CU	CU	Y	CU	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	<u>N</u>	N	N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	<u>N</u>	N	N	Y	Y	Y	N	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	<u>N</u>	(See Sec.4.4.1(d) 1)	N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	<u>N</u>	N	CU	CU	Y	Y	N	Y
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	<u>N</u>	(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	<u>N</u>	(See Sec.4.4.1(d) 1)	N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	<u>N</u>	(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	<u>N</u>	N	N	CU	CU	N	N	Y ²⁷
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	<u>N</u>	N	CU	CU	CU	CU	CU	Y
Research and Development Facility	N	N	N	N	CU	N	N	N	<u>N</u>	N	CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	<u>N</u>	(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}	<u>Y</u>	(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	<u>Y</u>	(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	<u>Y</u>	N	Y	Y	Y	Y	N	N

DRAFT UPDATE TO Appendix A-Use Table – All Zoning Districts

School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	<u>CU</u>	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	<u>Y</u>	N	Y	Y	Y	Y	CU	CU ^{17,27}
School - Primary	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	<u>N</u>	N	CU	N	N	CU	N	CU ²⁷
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	<u>Y</u>	N	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	<u>N</u>	(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	<u>N</u>	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	<u>N</u>	N	N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	<u>CU</u>	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. Subject to applicable limits on the number of units per structure in Table 4.4.5-2.~~
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. Reserved.
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.

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 AW	Residential Low Density, Waterfront Residential Low Density <u>Intensity</u>
RM AW	Residential Medium Density, Waterfront Residential Medium Density <u>Intensity</u>
RH	Residential High Density <u>Intensity</u>
RC	Residential Corridors
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

DRAFT UPDATE TO Appendix A-Use Table – All Zoning Districts

- 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 unrelated to Industrial or Arts production and 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. 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.
- 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. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.
- 34. See Sec. 4.5.8(c) 5 for permitted uses in the Enterprise – Innovation District (E-SEID) Overlay

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

DRAFT

Comparing Commercial Uses currently permitted in various districts

Existing allowances for Commercial Uses in Residential Areas
1. Per Sec. 4.4.5. (d) 5: Neighborhood Commercial Use Exception , commerical uses are permitted in residential areas if they are within: historic buildings listed or eligible for listing on state or national register of historic places, or buildings hosting another neighborhood commercial use as of Jan 1, 2007 Uses may be up to 2,000 sq.ft. in size, on the ground floor only, and limited to operation between 6am and 11pm Uses between 2,001 - 4,000 sq.ft., and/or expanded hours of operation require conditional use review by the DRB Allowable Neighborhood Commercial uses include: laundromat, dry cleaner, tailor Café, bakery, restaurant/takeout pharmacy, small retail, bank, post office, print/photo studios health studio, salon, dentist/doctor office (fuel sales and expansion of gas station canopies not permitted)
2. Some additional commercial uses are allowed as a conditional use, subject to DRB approval and public hearing (these do not need to meet the size/building type limits that Neighborhood Commercial subject to): community center, day care, library, museum (under 10,000 sq.ft.) fire station, police station, schools, places of worship funeral home, crisis counseling center, open air market
3. Per Sec. 5.4.6 , Home Occupations are allowed within a minor portion of a dwelling unit, but clearly subordinate to residential use: <i>Admin Officer can approve if:</i> include low-impact home operations, generally limited to what can be done with typical office equipment involves less than 25% or 500 sq.ft. of the residence; no outside employees, signage, or customers; only samples produced on-site; deliveries by UPS, etc. are limited to one per day <i>All other home occupations are reviewed by the DRB as a conditional use:</i> involves less than 35% or 750 sq.ft. of the residence; a 2 sq.ft. non-illuminated sign permitted; no outside storage; shall not create adverse impacts on surrounding area including noise, odor, unsightliness limited to one outside employee in RL, 2 outside employees in RM/RH only goods produced on site are sold; only one commercial vehicle on-site at a time, one customer at a time

Neighborhood Mixed Use Districts
These four districts allow a mix of residential and commercial uses, and are intended to support convenient access to goods/services/job opportunities within walking/biking distance. Each district varies slightly, but generally the following are allowed as a permitted or conditional use: similar uses allowed as Neighborhood Commercial uses at left, plus grocery stores & misc/specialty retail types; general office; bike shop; animal grooming, veterinarian, appliance sales/service, art gallery/studio, arcade/bowling alley, bars, radio/recording studios, some also allow auto and/or boat sales/service, carwash, etc. food/beverage processing under 10,000 sq.ft. (i.e. brewery); light manufacturing under 10,000 sq.ft.; R&D, labs <i>**See map of NMU districts-- includes NMU, NAC, NAC-Riverside, NAC-Cambrian Rise</i>

Other Commercial Districts
Downtown Form Districts generally allow all residential and commercial use types as permitted uses, except fuel sales are a conditional use, and auto sales and parking lots are required to be an accessory/secondary use. Enterprise Light Manufacturing allows a broad range of commercial, industrial, manufacturing, arts and innovation uses. This district does not allow residential uses, except in the SEID. Some arts/general retail/general office uses are limited south of Home Avenue to prioritize industrial/manufacturing uses. South End Innovation District allows a broad range of commercial,light manufacturing, arts and innovation uses along with residential uses in a portion of the ELM zone. This district is similar in nature to an NMU district in terms of allowable commercial uses.



BTV Neighborhood Code

Joint Planning Commission & City Council
Ordinance Committee

Meeting #7- December 12, 2023

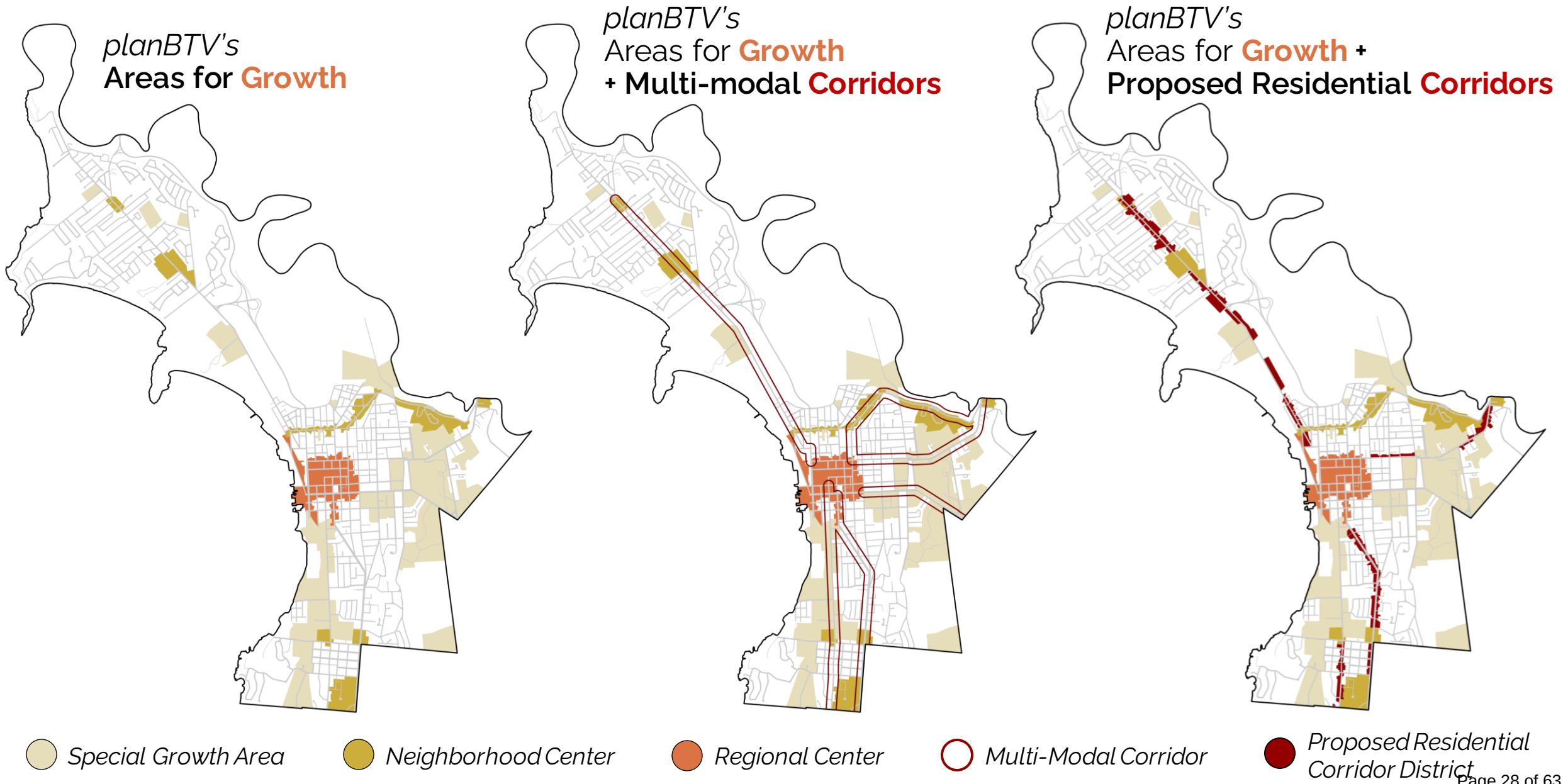
Dec 5 Agenda Overview

Committee Discussion on Staff Recommendations

- Continued Discussion on Proposed Residential Corridors
- Areas Proposed for RL to RM
- Minor Updates to RL Boundaries
- Commercial Uses Allowed in Residential Areas
- RL Larger Lot + RH High Density Bonus Overlays
- Rules for Cottage Court Developments

Public Forum/Input on Committee Work

Proposed Residential Corridors

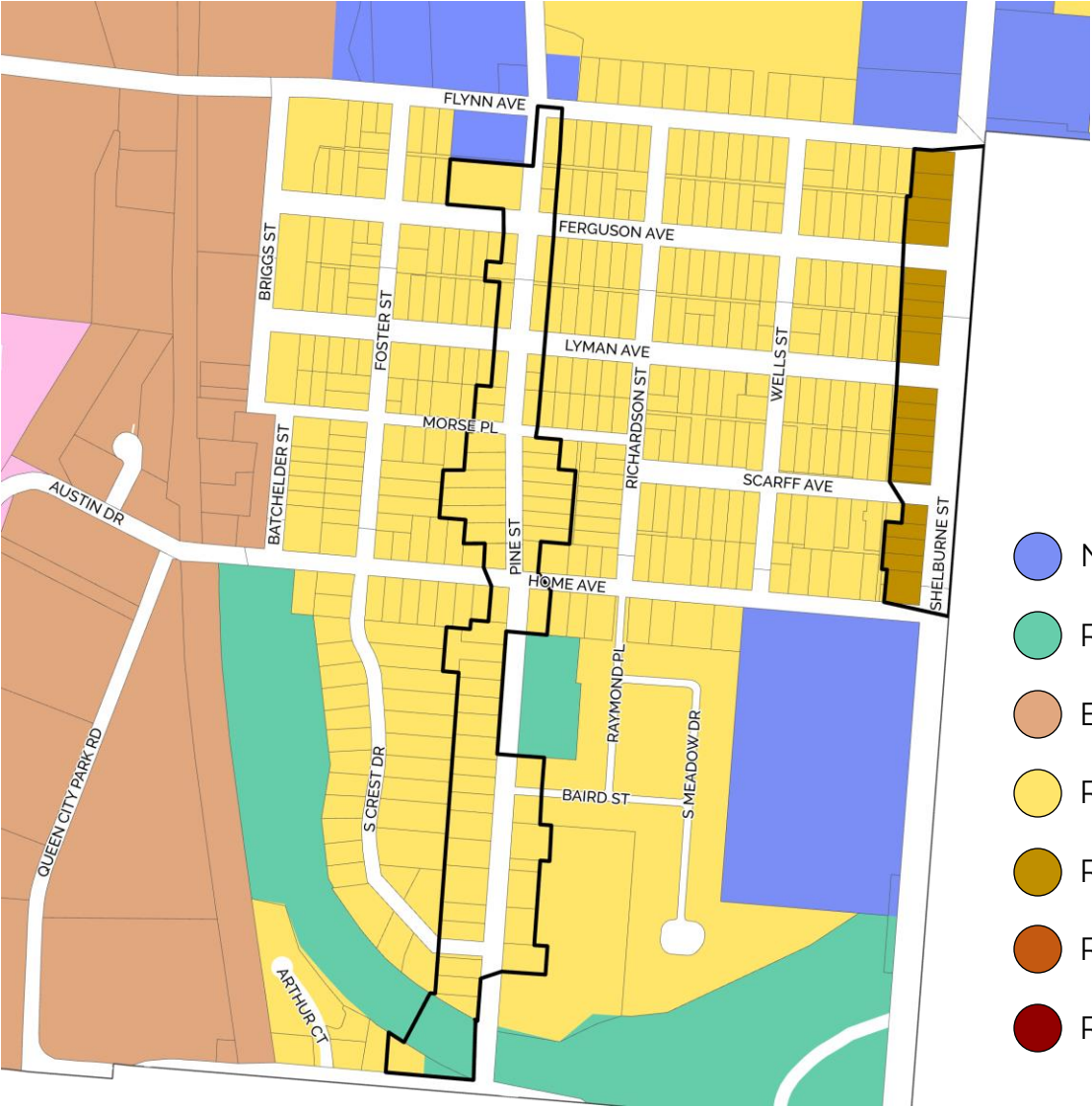


Recommendations for Residential Corridors were based on:

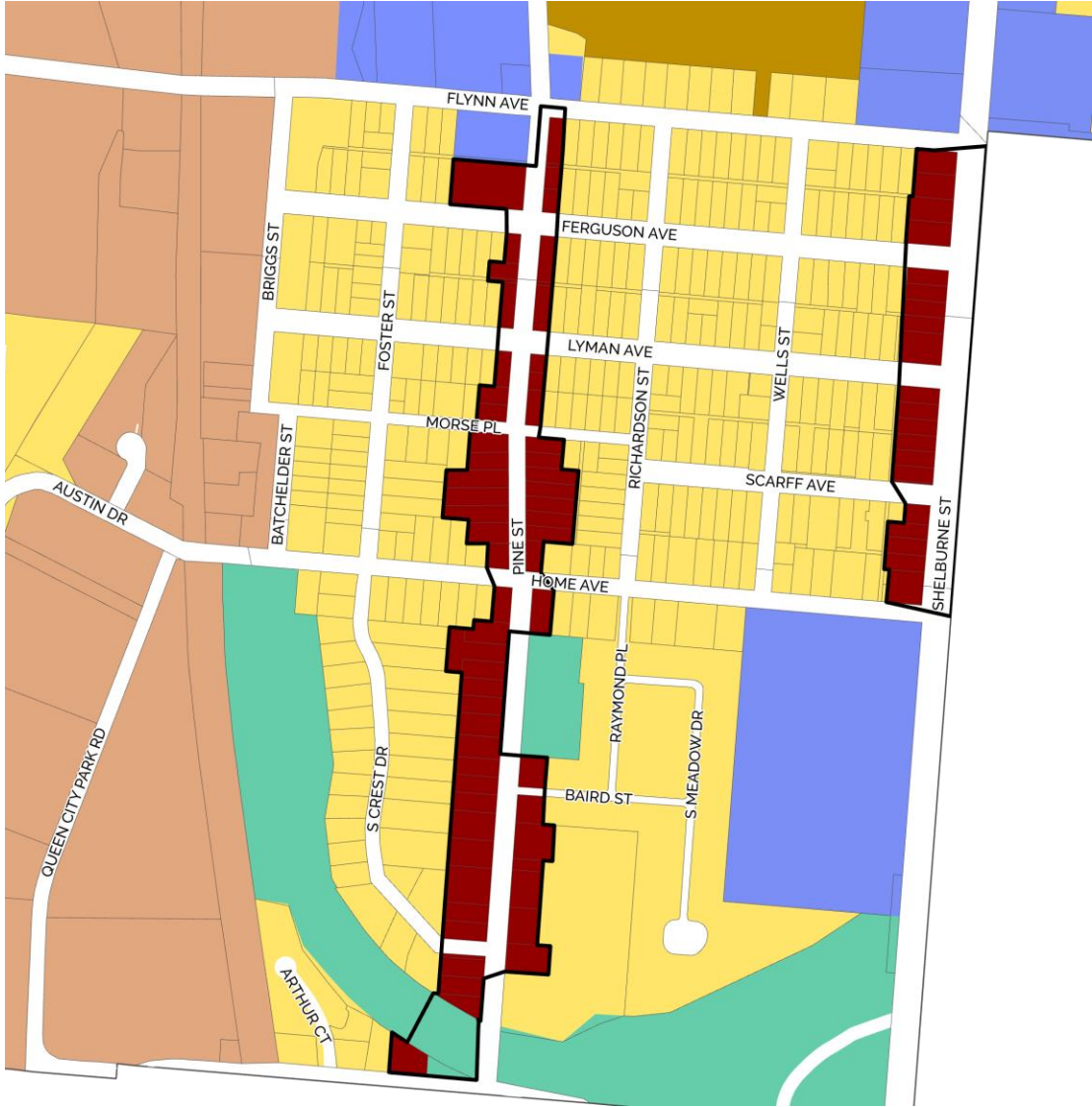
- Major streets identified in comprehensive plan, and within current or proposed RL or RM zone
- Major streets that provide a link between downtown core and extents of the city and/or major gateways into/out of the city
- Streets that help link other mixed-use areas to and between neighborhoods
- Streets that serve as main auto and transit lines, and are identified as major linkages and/or highest facility design in Walk/Bike Plan
- May be low-density, single-purpose uses today, but could benefit from changes that support and are supported by a high quality transit system
- Limited to lots that have frontage directly on the major streets identified

Proposed Changes to **Five Avenues/The Addition**

Current Zoning Districts

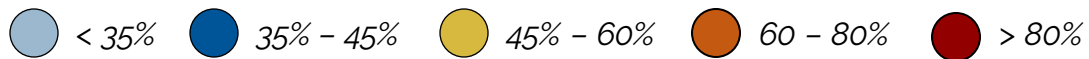


Original Proposal- Corridor



Proposed Changes to **Five Avenues/The Addition**

% Lot Cover

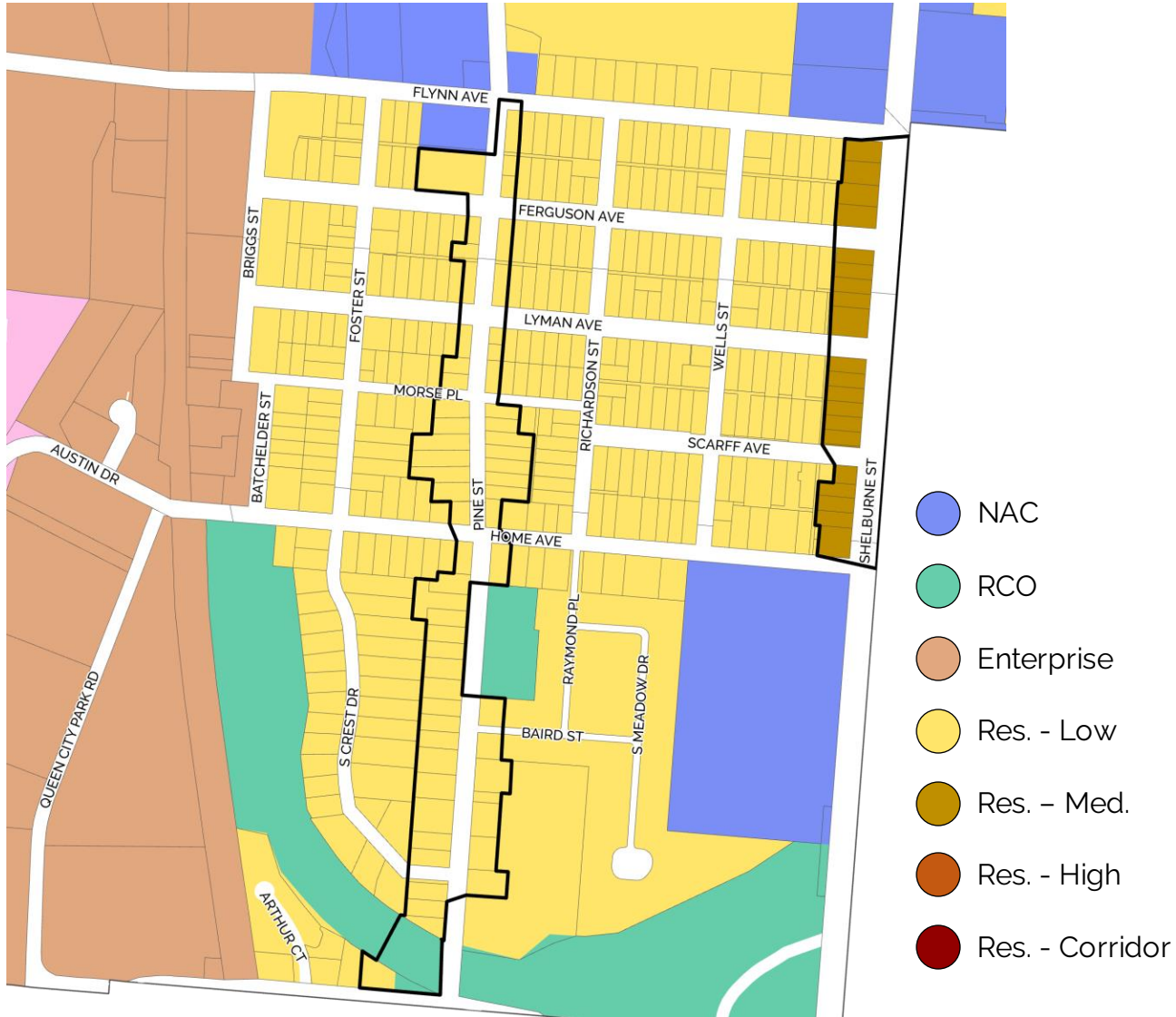


Parcel Conformity

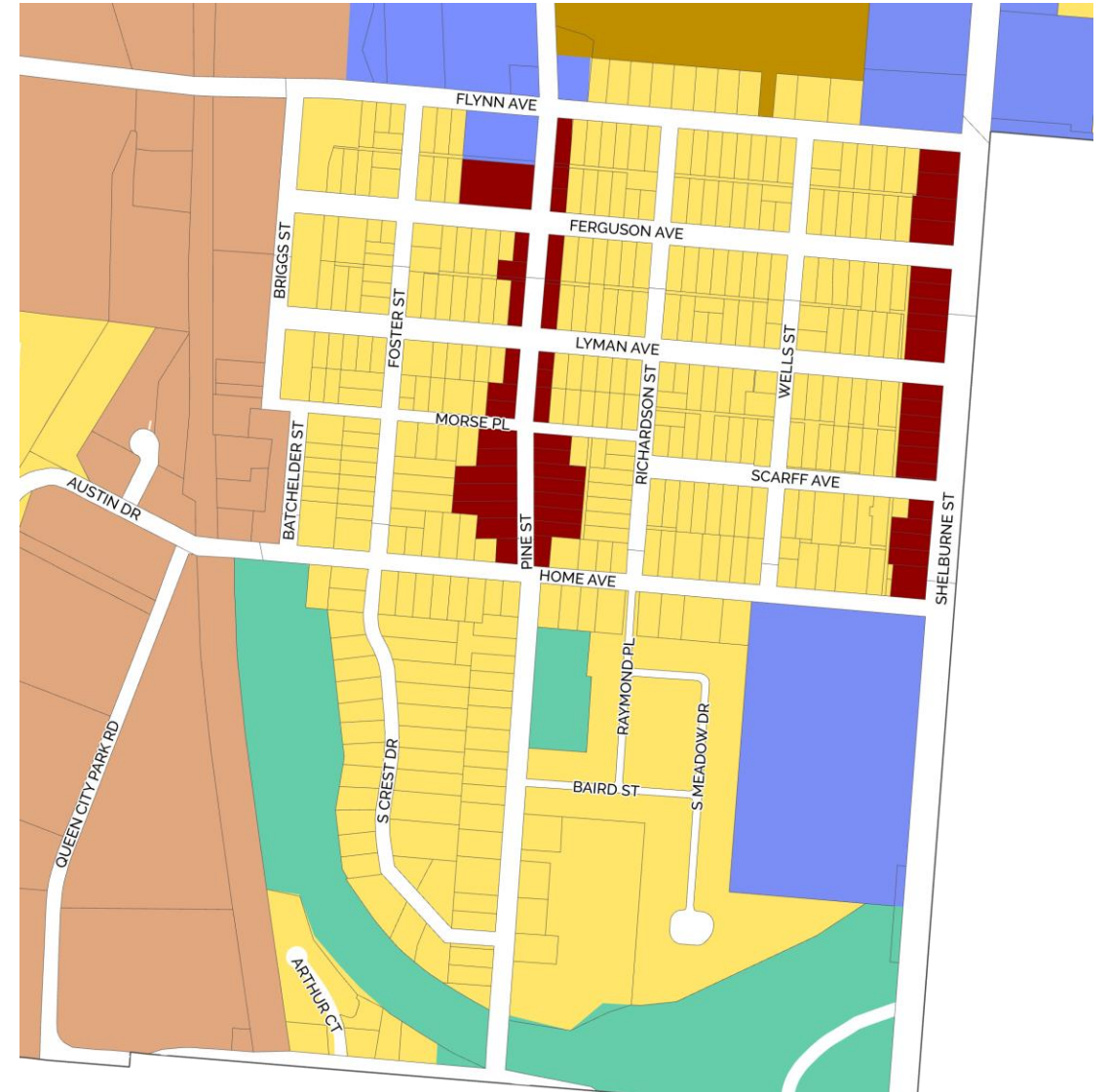


Proposed Changes to **Five Avenues/The Addition**

Current Zoning Districts

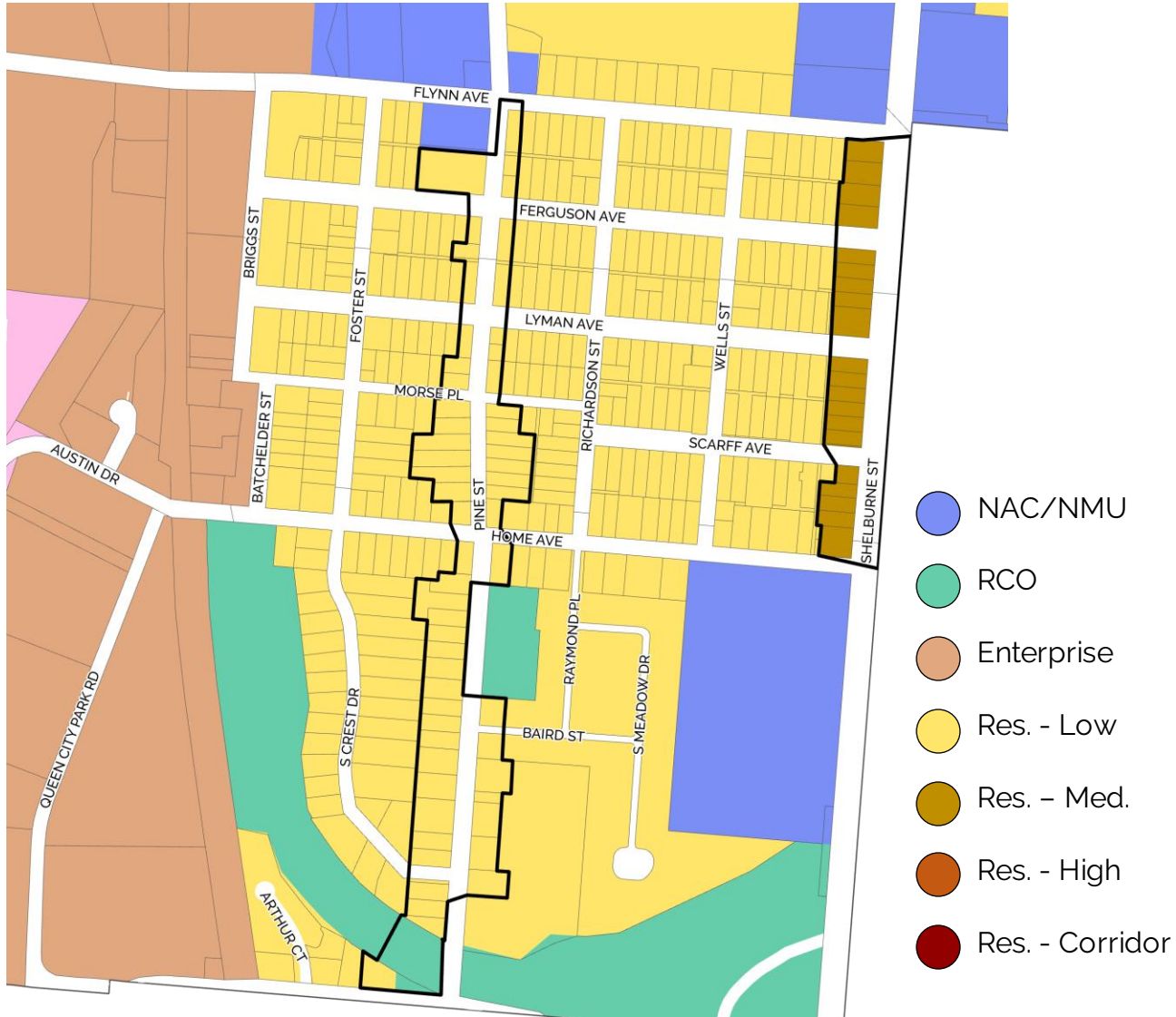


Option 1: Based on 11/28 Meeting

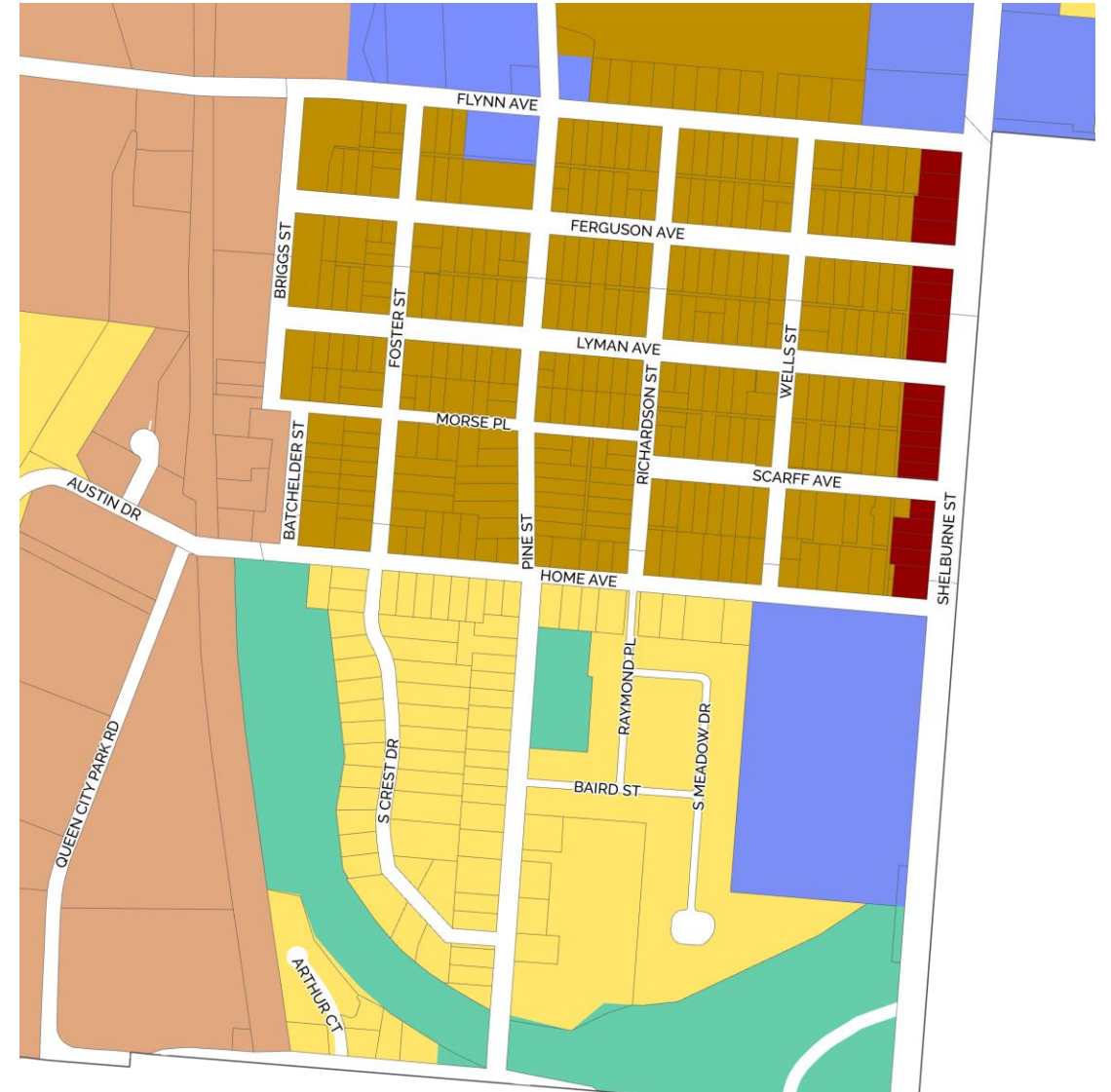


Proposed Changes to **Five Avenues/The Addition**

Current Zoning Districts

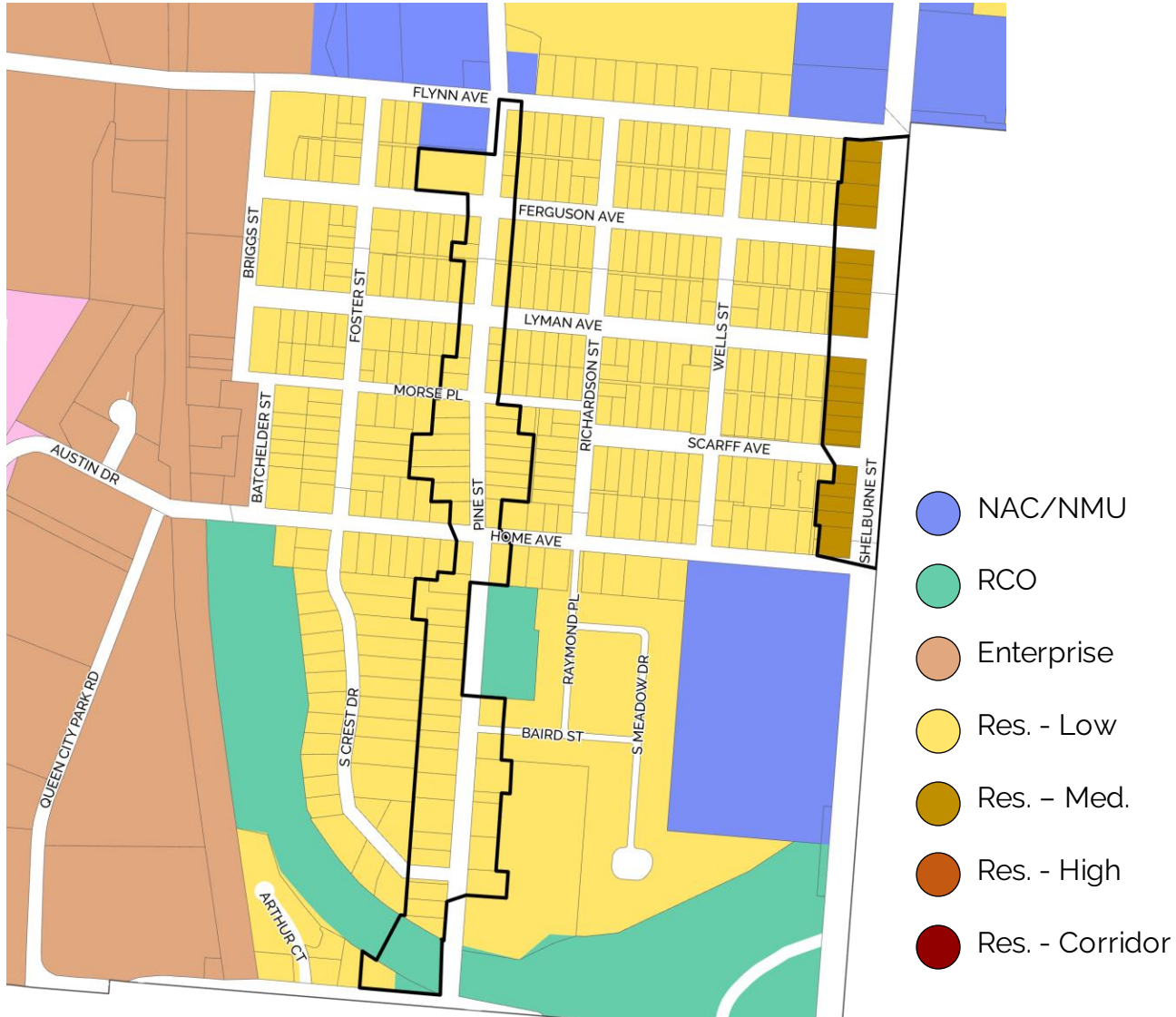


Option 2: RM north of Home, RL south

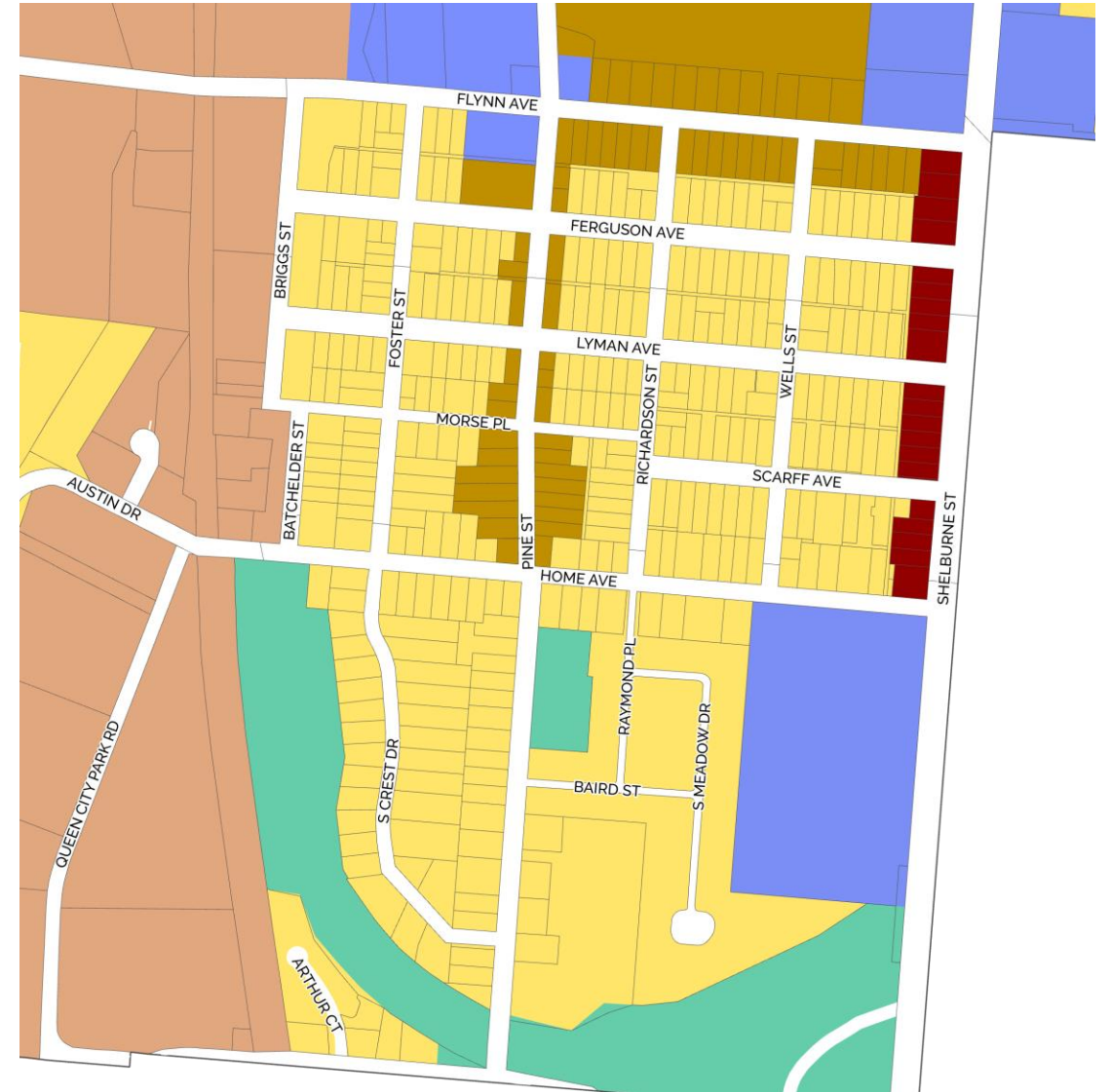


Proposed Changes to **Five Avenues/The Addition**

Current Zoning Districts

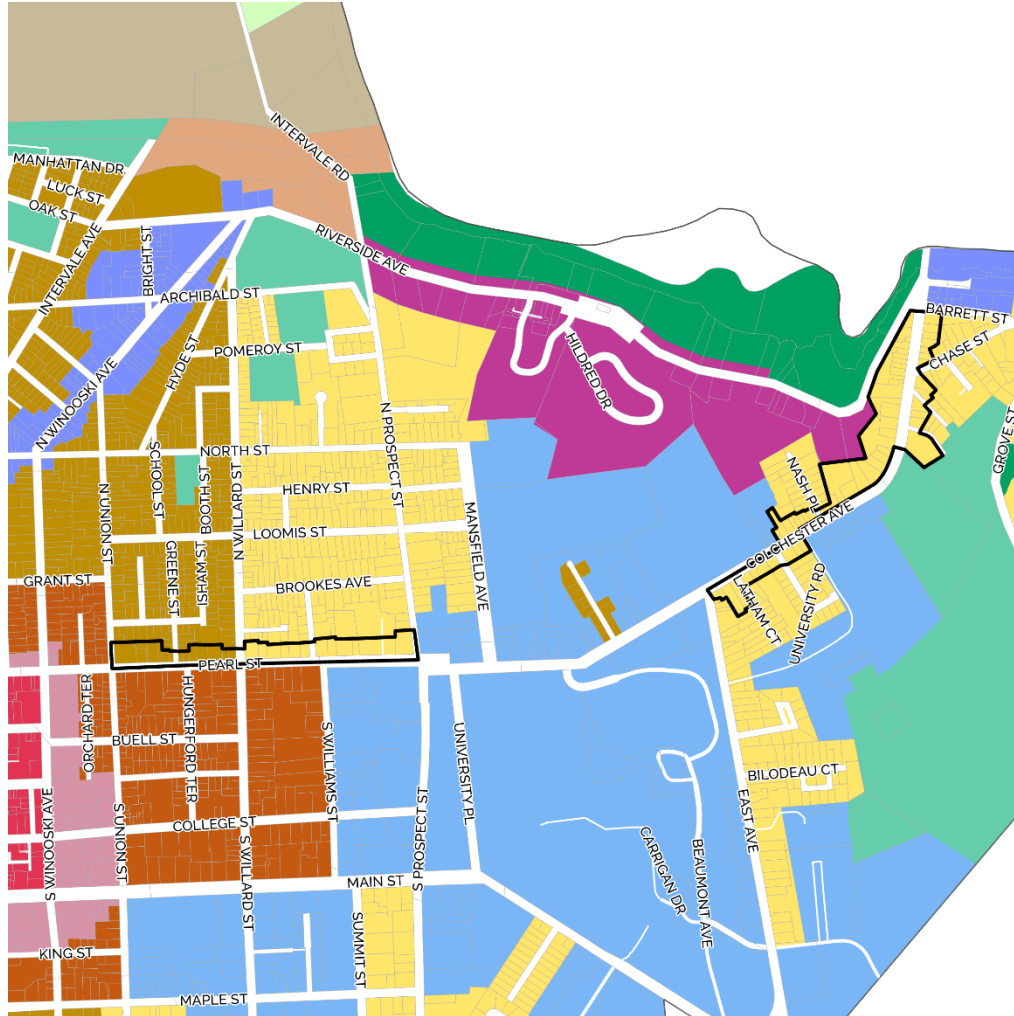


Option 3: RM on Flynn & Pine



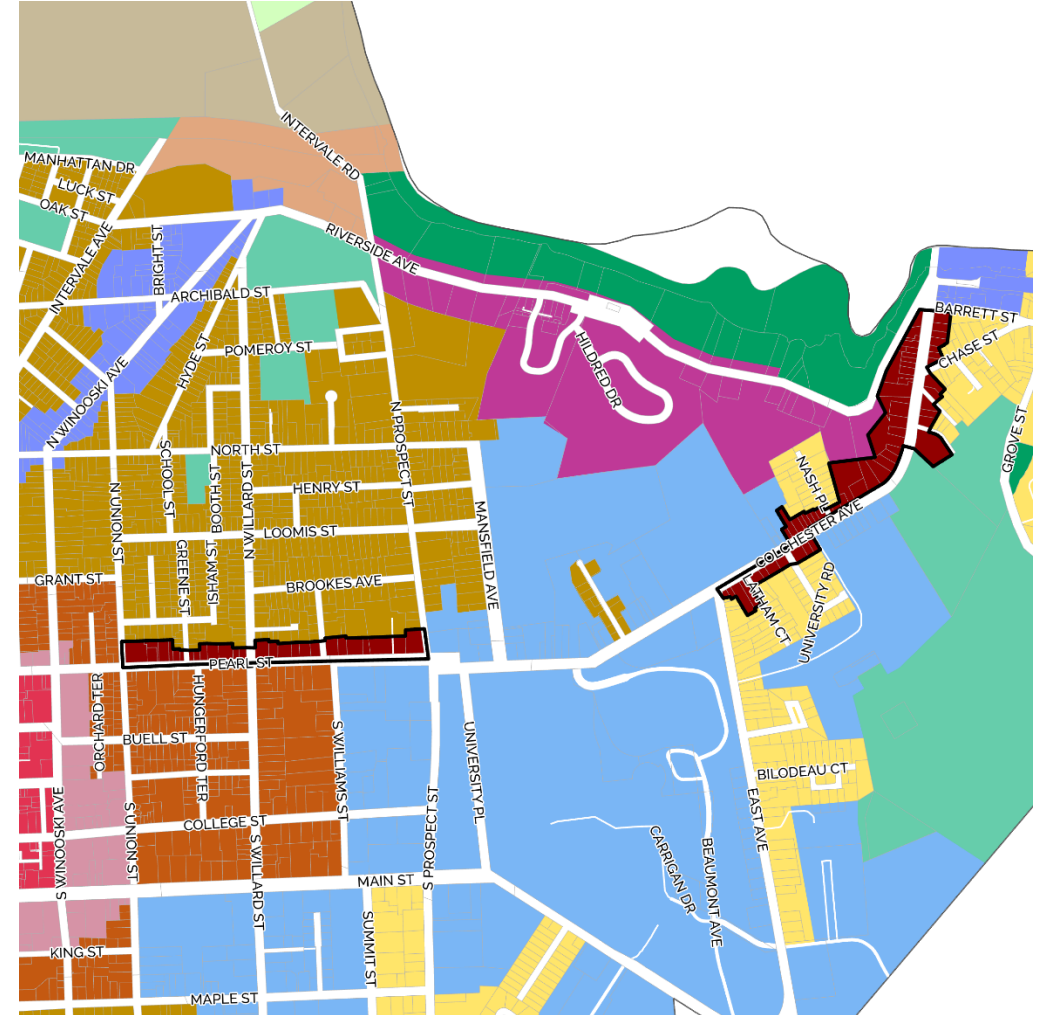
Proposed Corridor: **Pearl Street + Colchester Ave**

Current Zoning Districts

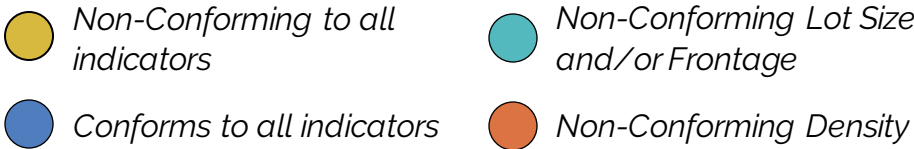
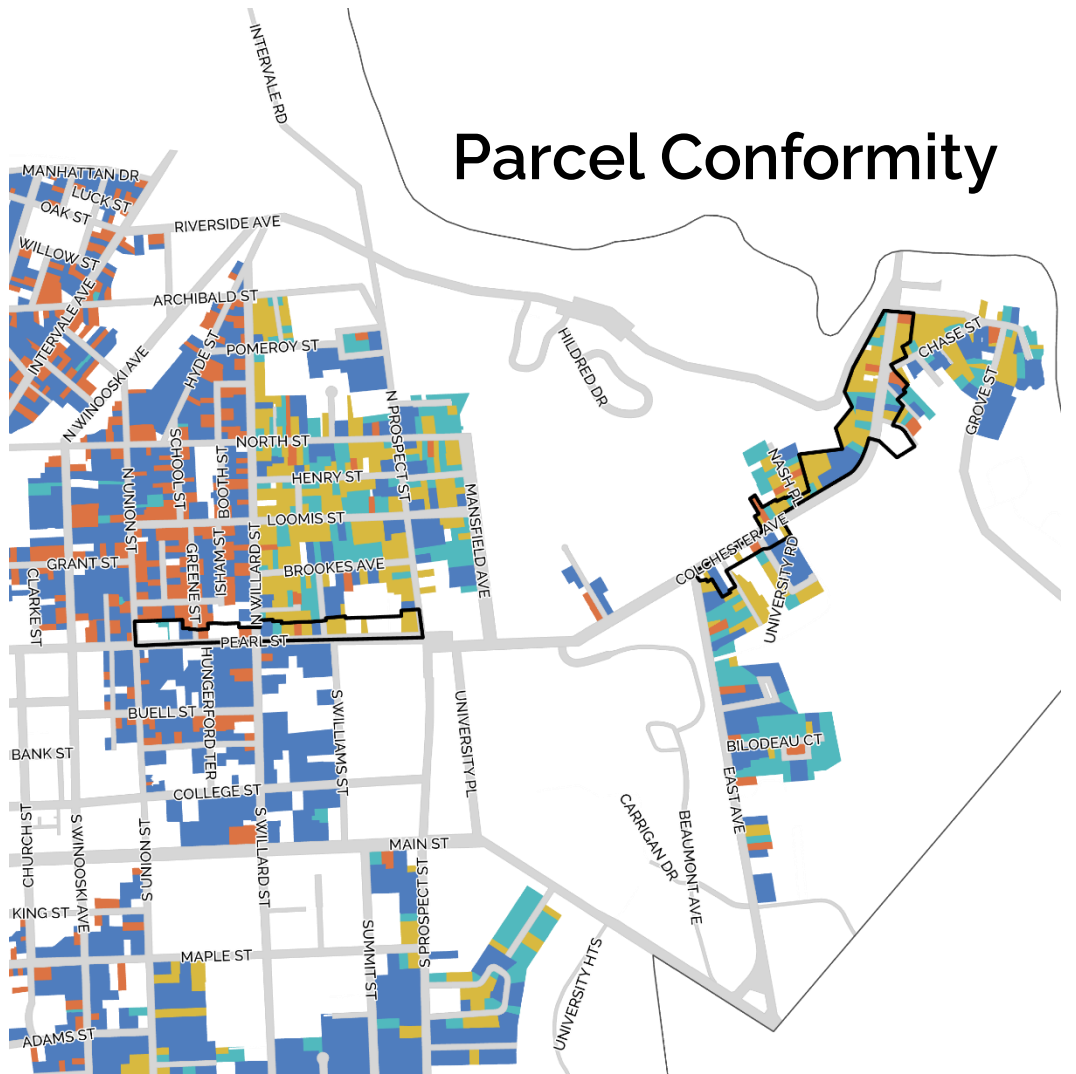
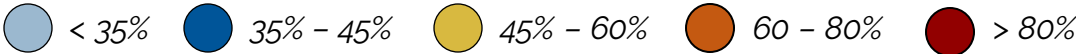
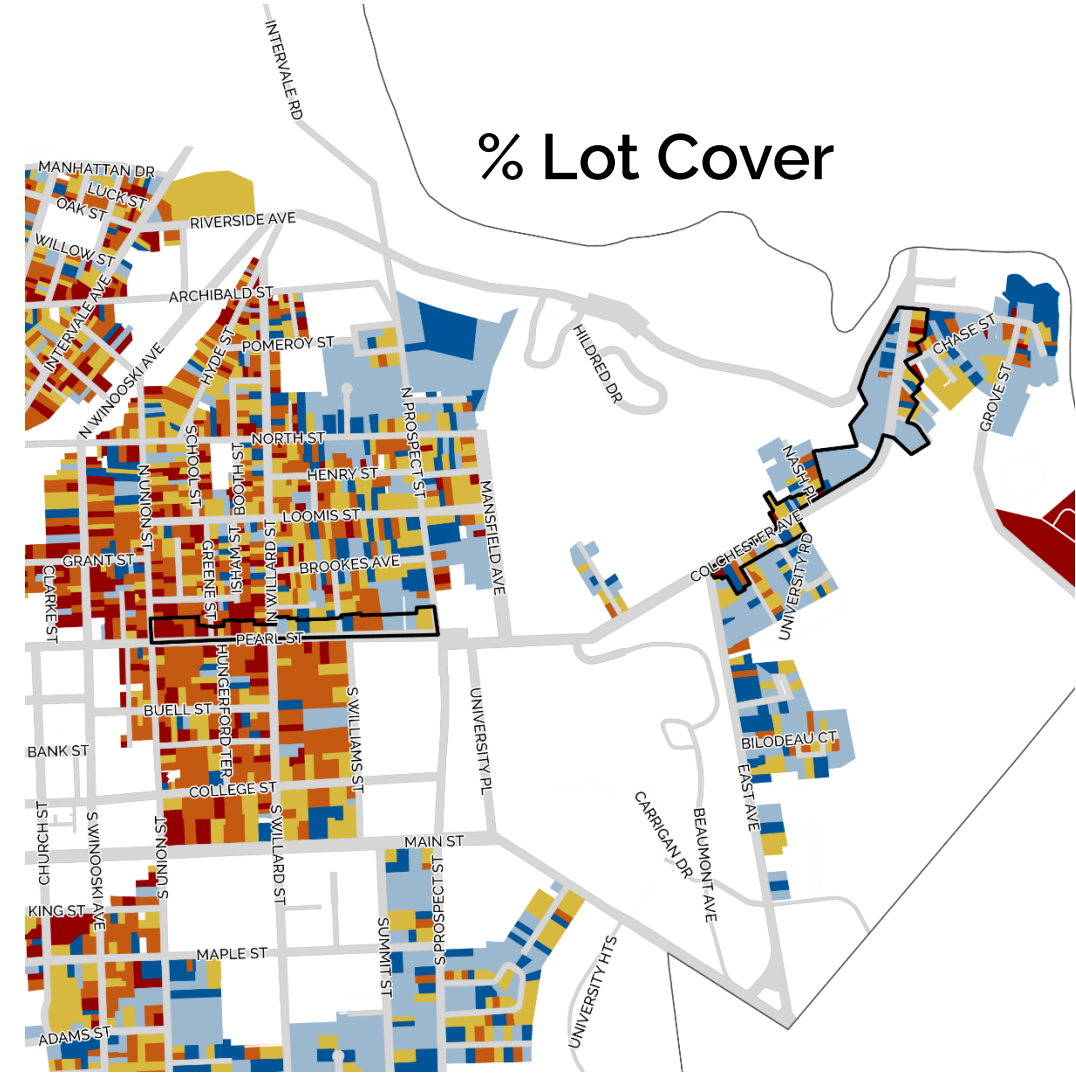


-  NAC/NMU
-  NAC/NMU
-  Institution
-  RCO - C
-  RCO - RG
-  Enterprise
-  Res. - Low
-  Res. - Med.
-  Res. - High
-  Res. - Corridor

Proposed Zoning Districts



Proposed Corridor: **Pearl Street + Colchester Ave**



Sub-Area 2: Long Term Plan

Major Community Destinations

-  Public School
-  University Area
-  Park
-  Area within 5-min. walk of Neighborhood Center

Planned Projects

-  Crossing Upgrade - Already Funded for Construction

Existing Bikeways/Paths

-  Shared Use Path
-  Existing Informal Path
-  Conventional Bike Lane
-  Shared Use Lane Markings

Proposed Walk Projects

-  Recommended New Sidewalk
-  12-mo Intersection or Crossing Upgrade
-  Intersection or Crossing Upgrade

Proposed Bikeways/Paths

-  Shared Use Path
-  Protected Bike Lane
-  Neighborhood Greenway (includes Traffic Calming)
-  Buffered/Conventional Bike Lane
-  Advisory Lane
-  Shared Use Lane Markings with Traffic Calming
-  Potential Path Easement

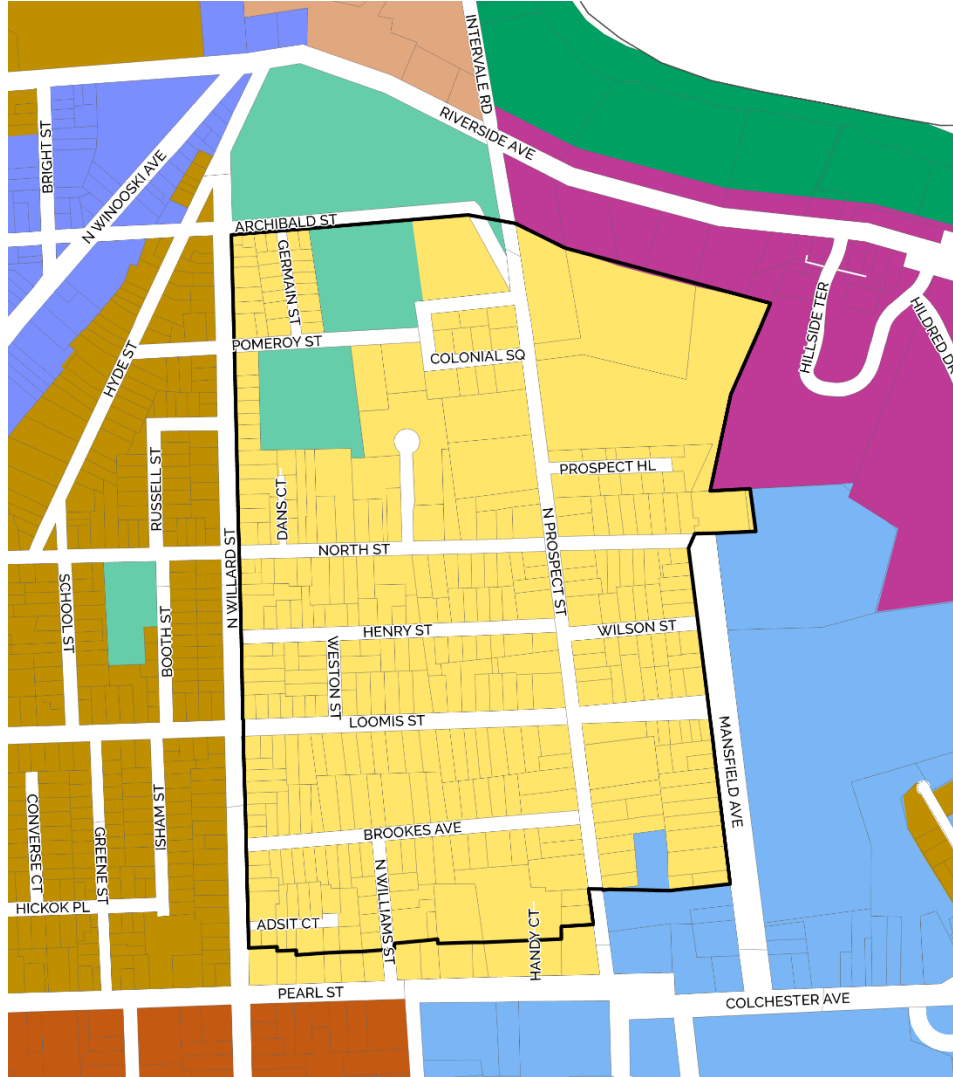
Proposed Corridor: **Pearl Street + Colchester Ave**

Recommendations for re-zoning Residential Low Districts to Residential Medium Districts were based on:

- Re-zoning some areas to more closely align with what is on the ground, particularly related to lot coverage, in order to overcome remaining barriers to facilitating more housing types
- Reverting some districts to previous zoning regulations that were in place in past versions of the Zoning Ordinance
- Changes to specific areas such as Champlain Elementary help implement the vision for the development found in *planbtv: South End*

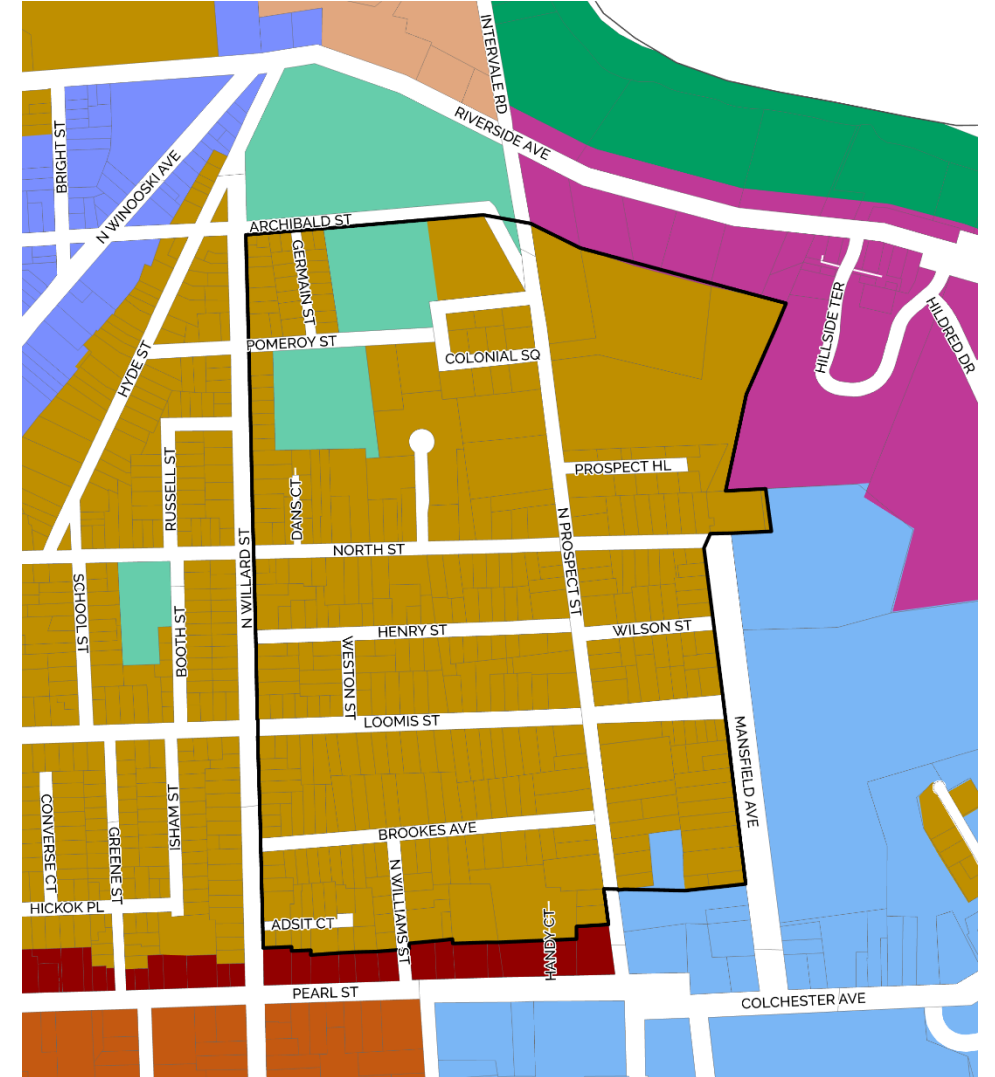
Proposed Change from RL to RM: **Old North End - East**

Current Zoning Districts



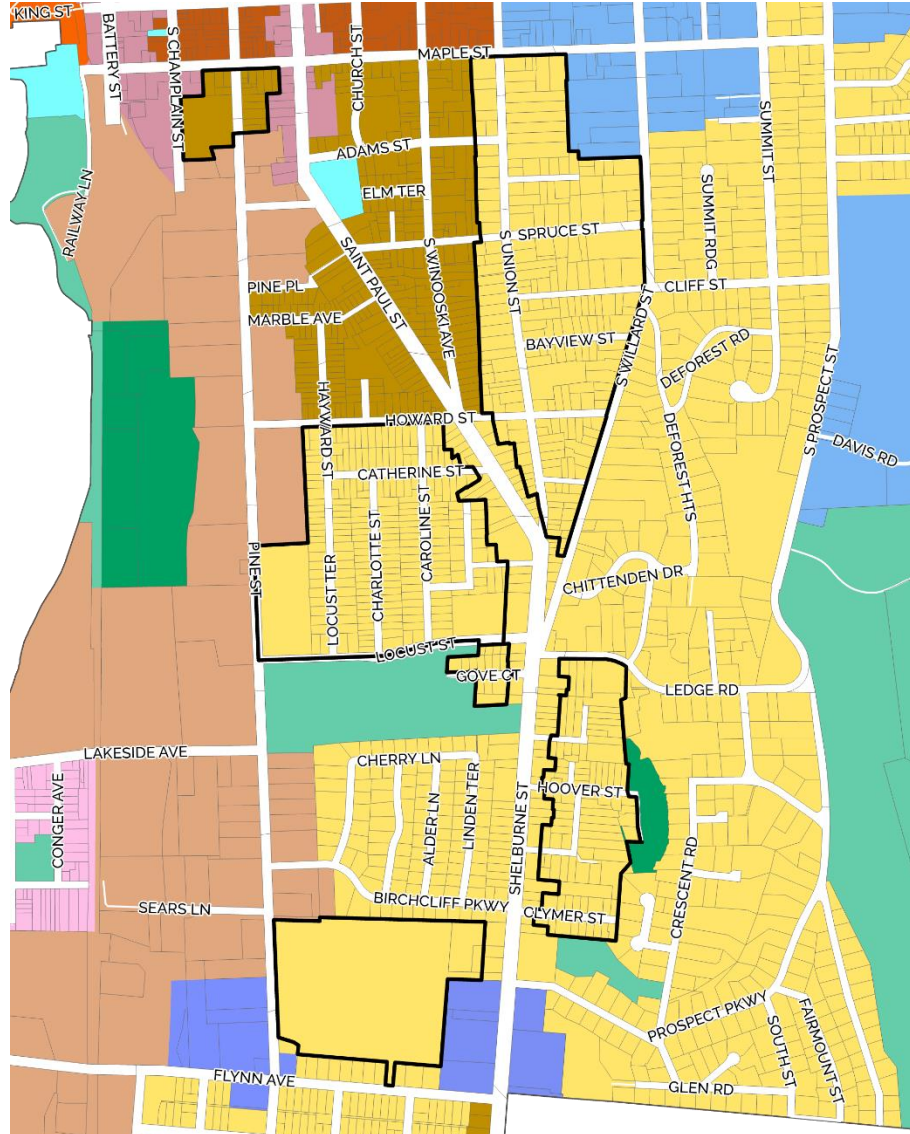
- NAC/NMU
- NAC/NMU
- Institution
- RCO - C
- RCO - RG
- Enterprise
- Res. - Low
- Res. - Med.
- Res. - High
- Res. - Corridor

Proposed Zoning Districts



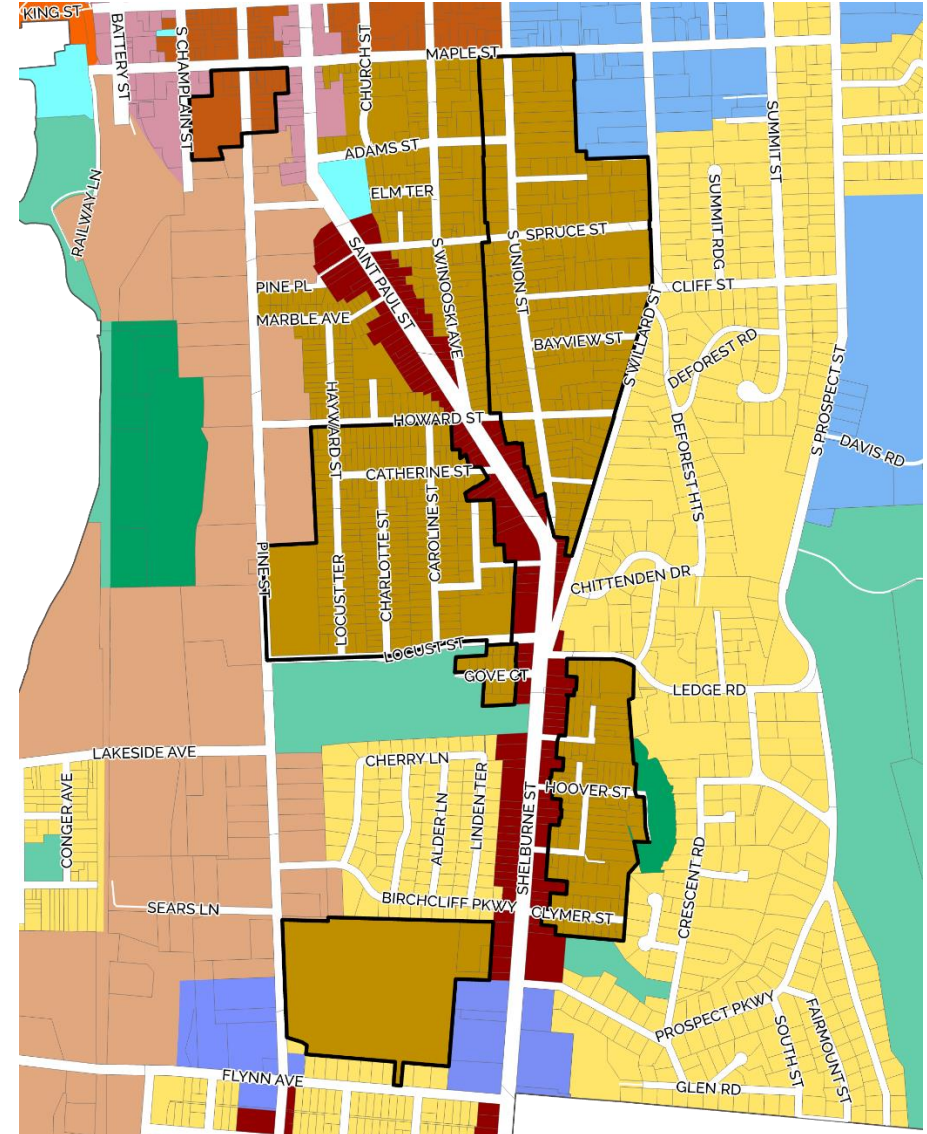
Proposed Change from RL to RM or RM to RH: **Maple St. to Shelburne Rd.**

Current Zoning Districts



- NAC/NMU
- Civic Space
- Downtown Cntr.
- Institution
- RCO - C
- RCO - RG
- Enterprise
- Res. - Low
- Res. - Med.
- Res. - High
- Res. - Corridor

Proposed Zoning Districts



Committee Discussion: **Commercial Uses in Residential Areas**

Commercial Uses may be allowed in Residential Areas today using:

- Neighborhood Commercial Use Standards
 - Applies to historic buildings and existing commercial ground floors
 - Allows only uses such as cafes, pharmacy, small retail, salon, laundromat, etc.
 - Limits to 2,000 sq.ft. in size (up to 4,000 sq.ft. only if DRB approves as a conditional use)
- Conditional Uses allowed
 - Resources like community centers, schools, places of worship after DRB review
- Home Occupations
 - Limits on % of home, employee/visitor/deliveries, signage/advertising
 - Low-impact operations/only goods made on site (but typically samples/digital/etc)

Staff Recommendation:

- Retain the above for RL, RM, RH zones
- Allow types of uses permitted as Neighborhood Commercial within the new Corridor Zone, but without the limits on historic/existing buildings

Committee Discussion: **RL Larger Lot Overlay District**

Existing Standards for lots in Sec. 4.5.5-1:

	Minimum Lot Frontage ¹ (In linear feet)	Minimum Lot Size (In square feet)	Maximum dwelling units per acre ² (without bonuses or any Inclusionary Zoning allowances)
Single detached dwelling	75 feet	9,900 sqft	4.4 units/acre
Duplex and above	100 feet	15,840 sqft	5.5 units/acre

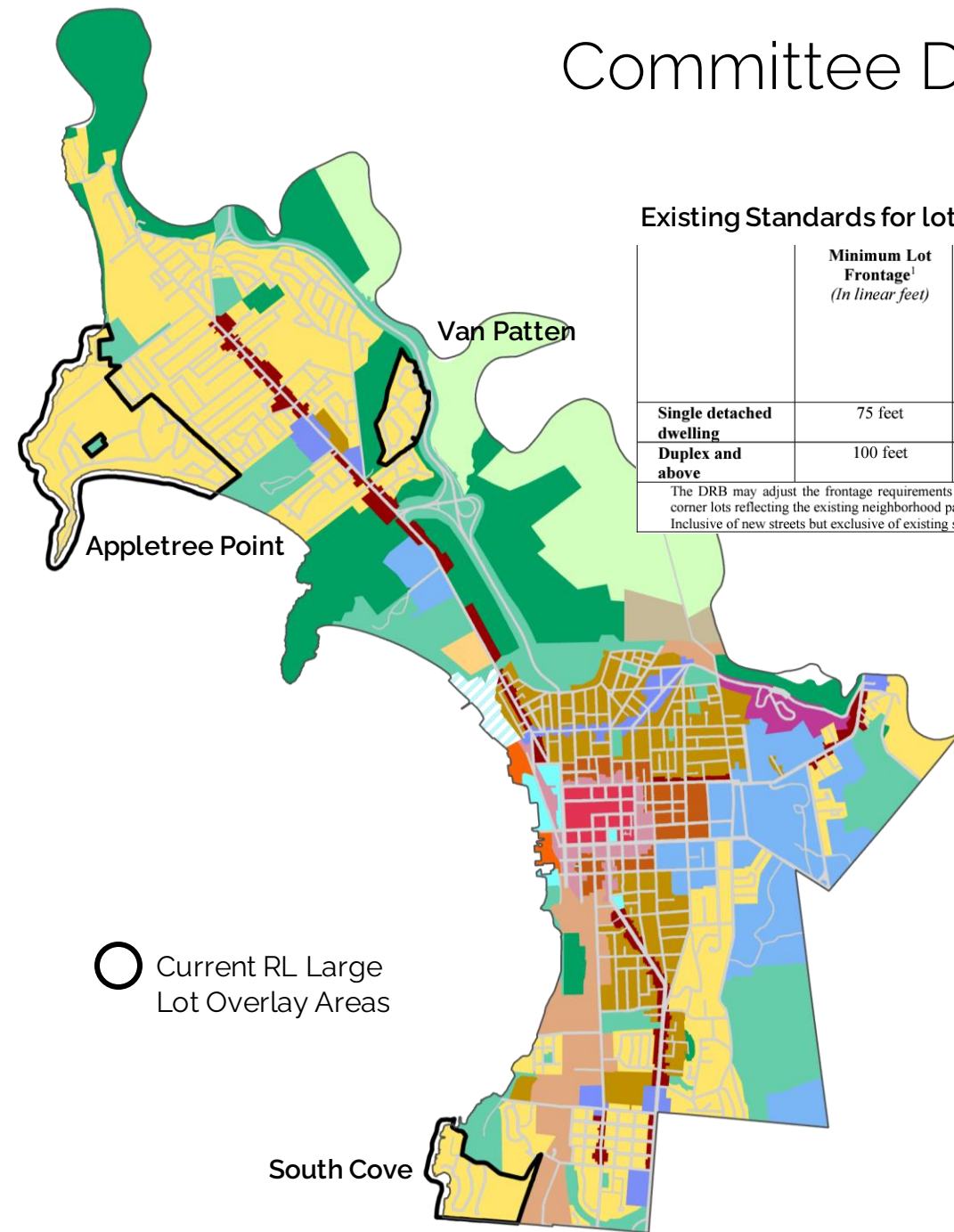
The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street.
Inclusive of new streets but exclusive of existing streets.

Option 1: Meet Min. Act 47 Requirements

- Delete separate standards for single family & duplex
- Reduce min lot size to 8,700 sq.ft. (equivalent of 5 unit/acre density for one home)
- Reduce density to 5 units/acre

Option 1: Treat these areas like other RL neighborhoods

- Delete the RL-Larger Lot overlay, and utilize base RL standards



Committee Discussion: **RH High Density Bonus Overlay District**



Existing Sec. 4.5.3 RH Density Bonus Overlay

- Intended to incent conversion of non-residential uses, increase housing supply near downtown
- Eligible properties include only those half-acre in size, and used for non-residential use as of 2001 (likely only one property remains eligible today)
- Divided overlay in two areas with very detailed height rules, enabled converted properties to utilize 92 du/acre density limit
- Required Conditional Use review by DRB

Staff Recommendation:

- Delete the RH Density Bonus overlay and utilize base RH standards

Committee Discussion: **Rules for Cottage Court Developments**



Proposed to allow:

- One primary building with 1 or more units, up to 1,500 sq.ft. building footprint
- Multiple “cottages” of a single unit, up to 900 sq.ft. footprint, 1.5 stories
- Require shared common/open space equal to 0.6x the area of the cottages.
- May be on one lot or multiple lots (TBD relationship to PUD standards)



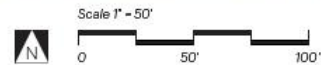
Option to Consider:

- Allow duplexes within a cottage court?

Committee Discussion: **Rules for Cottage Court Developments**



Proposed Site Plan



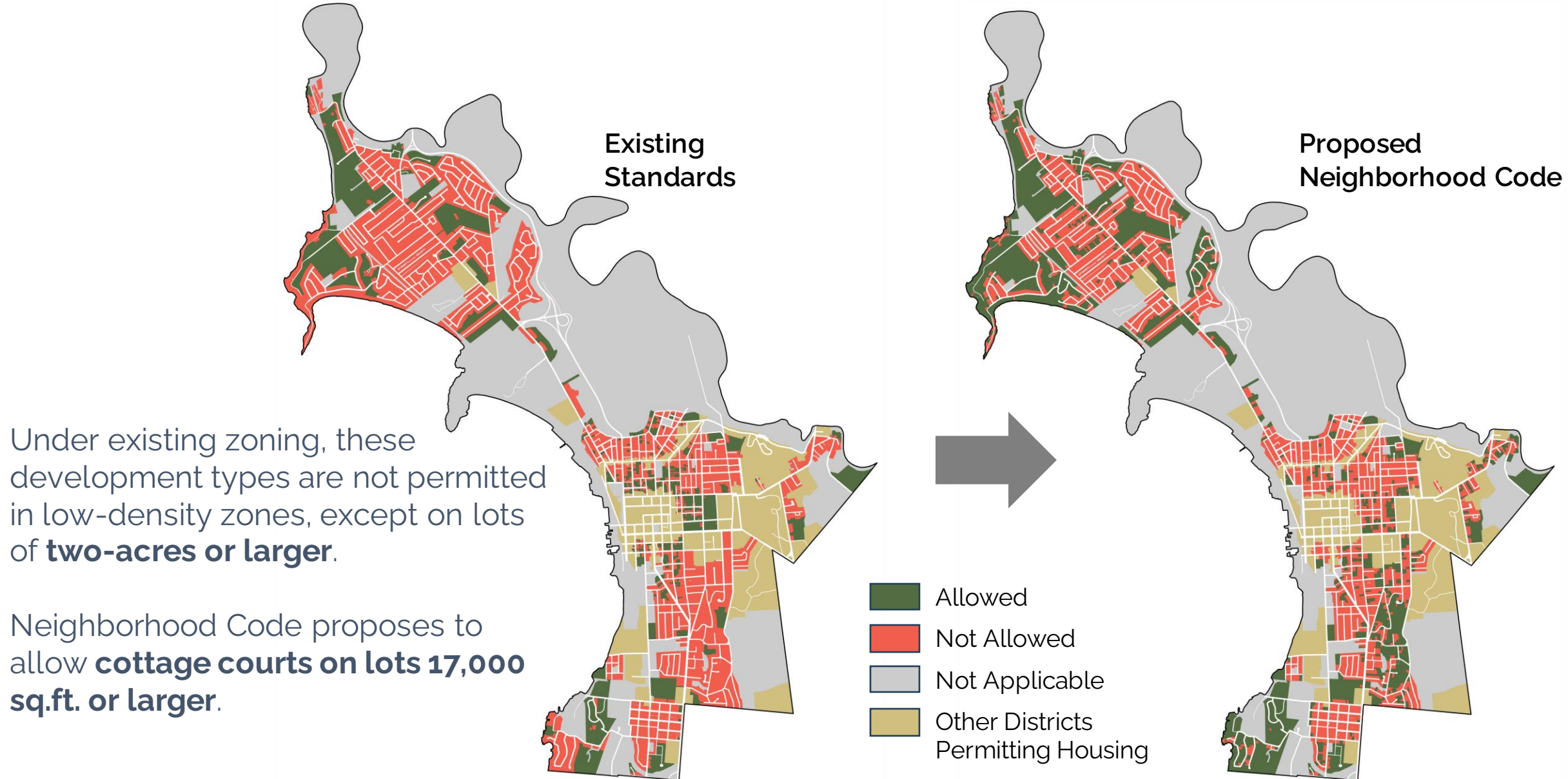
Committee Discussion: **Rules for Cottage Court Developments**



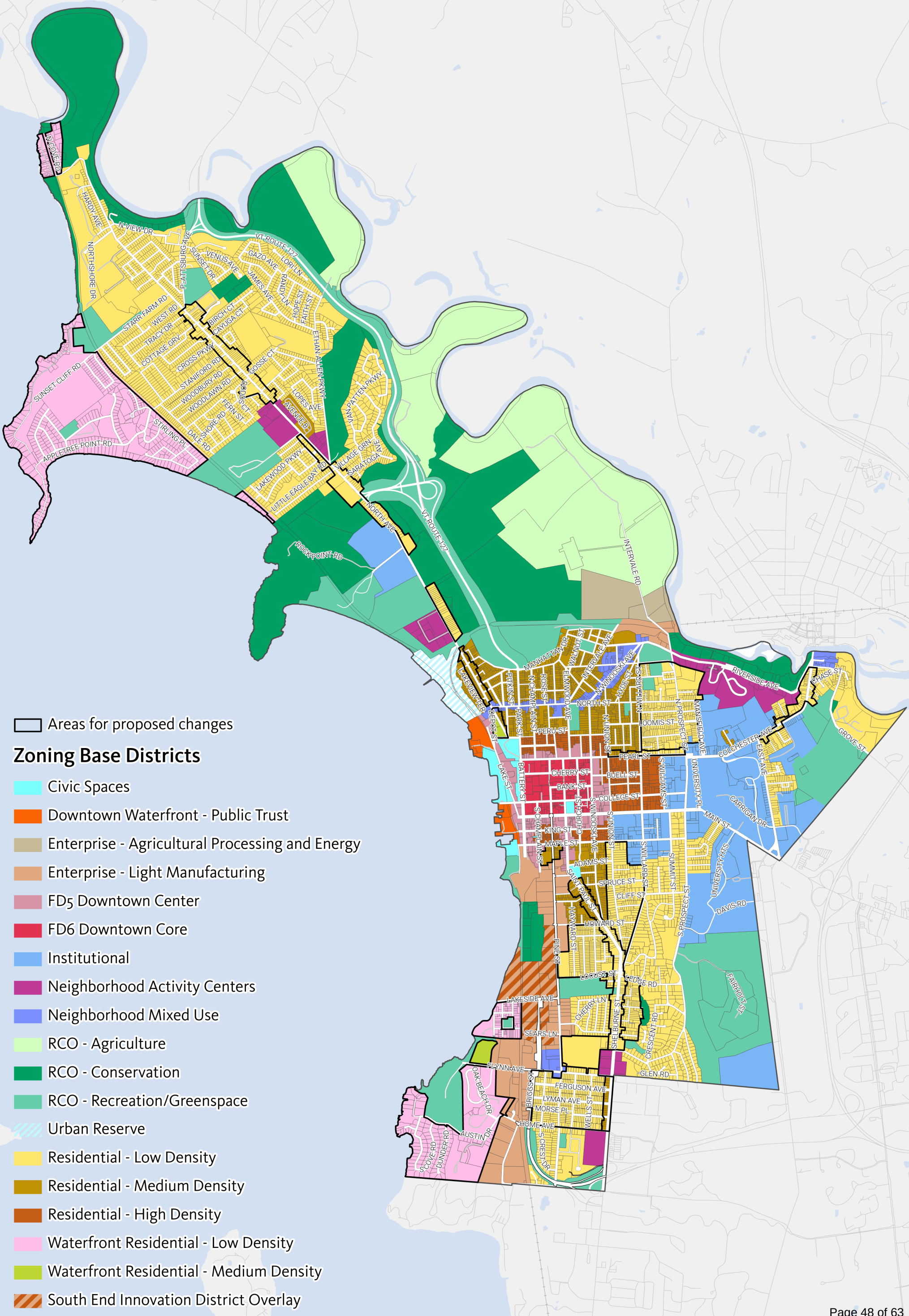
Site Plan



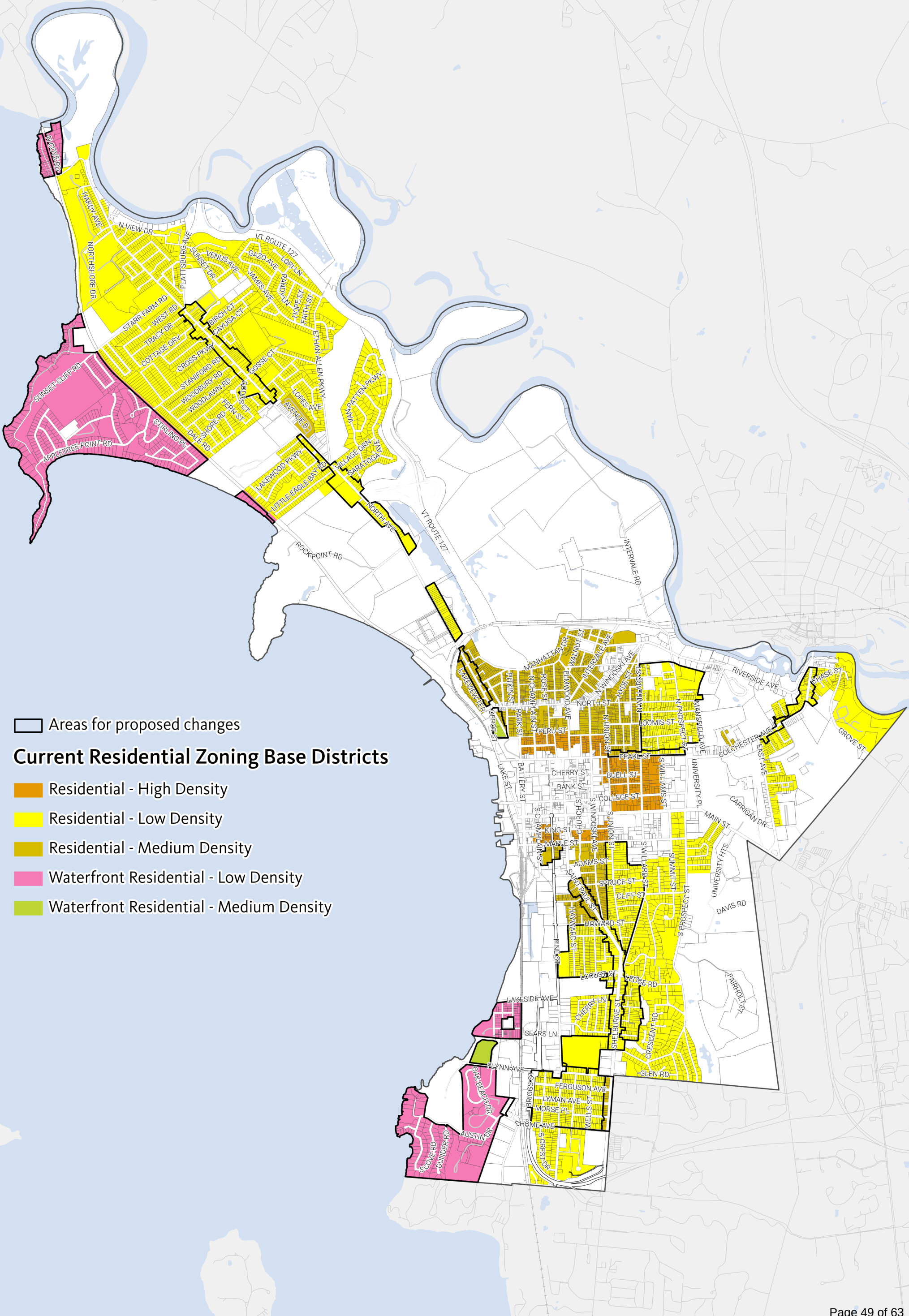
Committee Discussion: **Rules for Cottage Court Developments**



Map 1-A: All Existing Zoning Districts



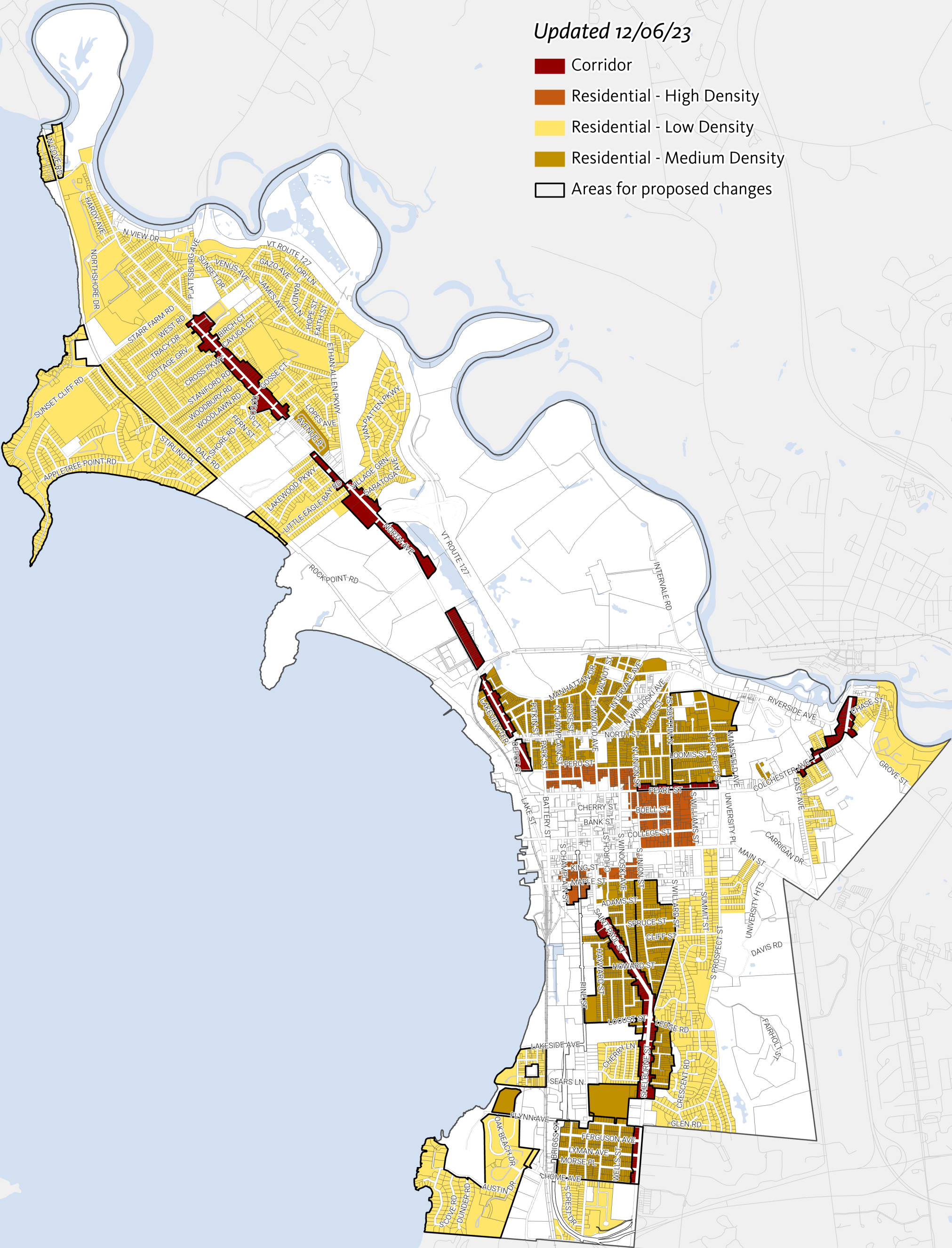
Map 1-B: Current Residential Districts



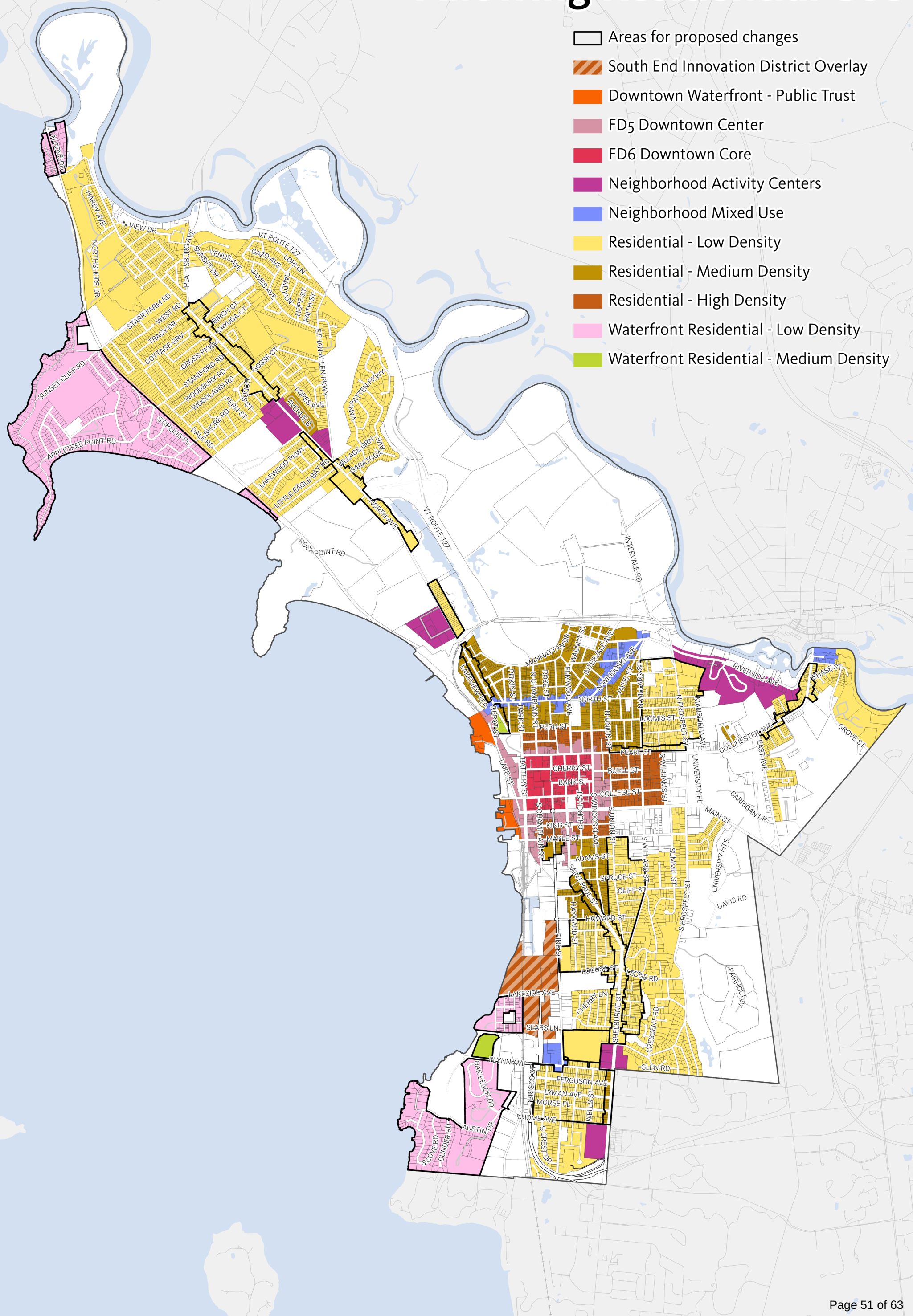
Map 1-C: Proposed Neighborhood Code Residential Districts

Updated 12/06/23

- Corridor
- Residential - High Density
- Residential - Low Density
- Residential - Medium Density
- Areas for proposed changes



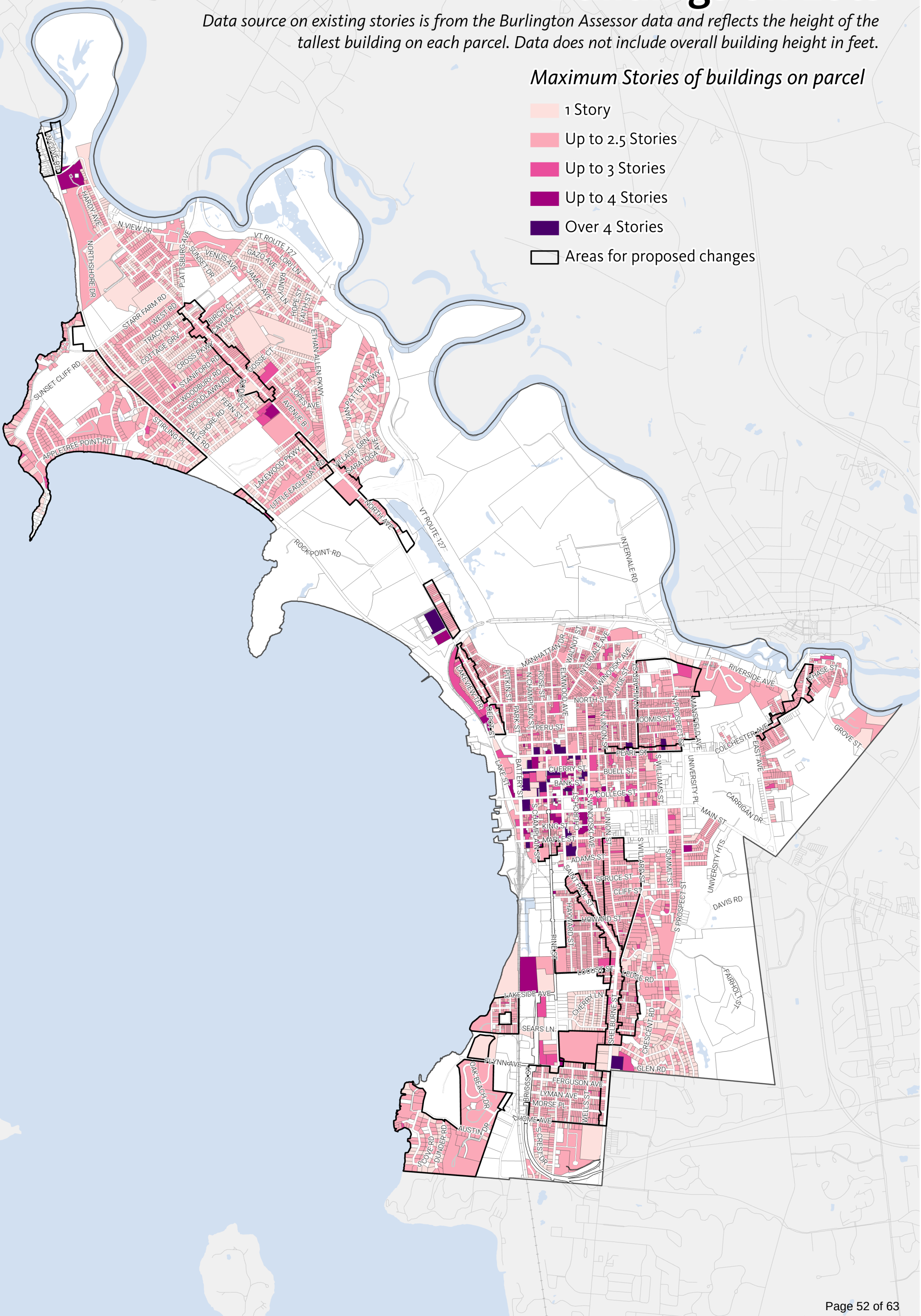
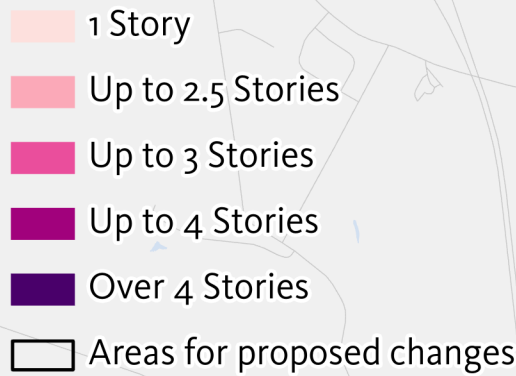
Map 1-D: All Existing Zoning Districts Allowing Residential Use



Map 2: Number of Stories in Existing Buildings on Lots

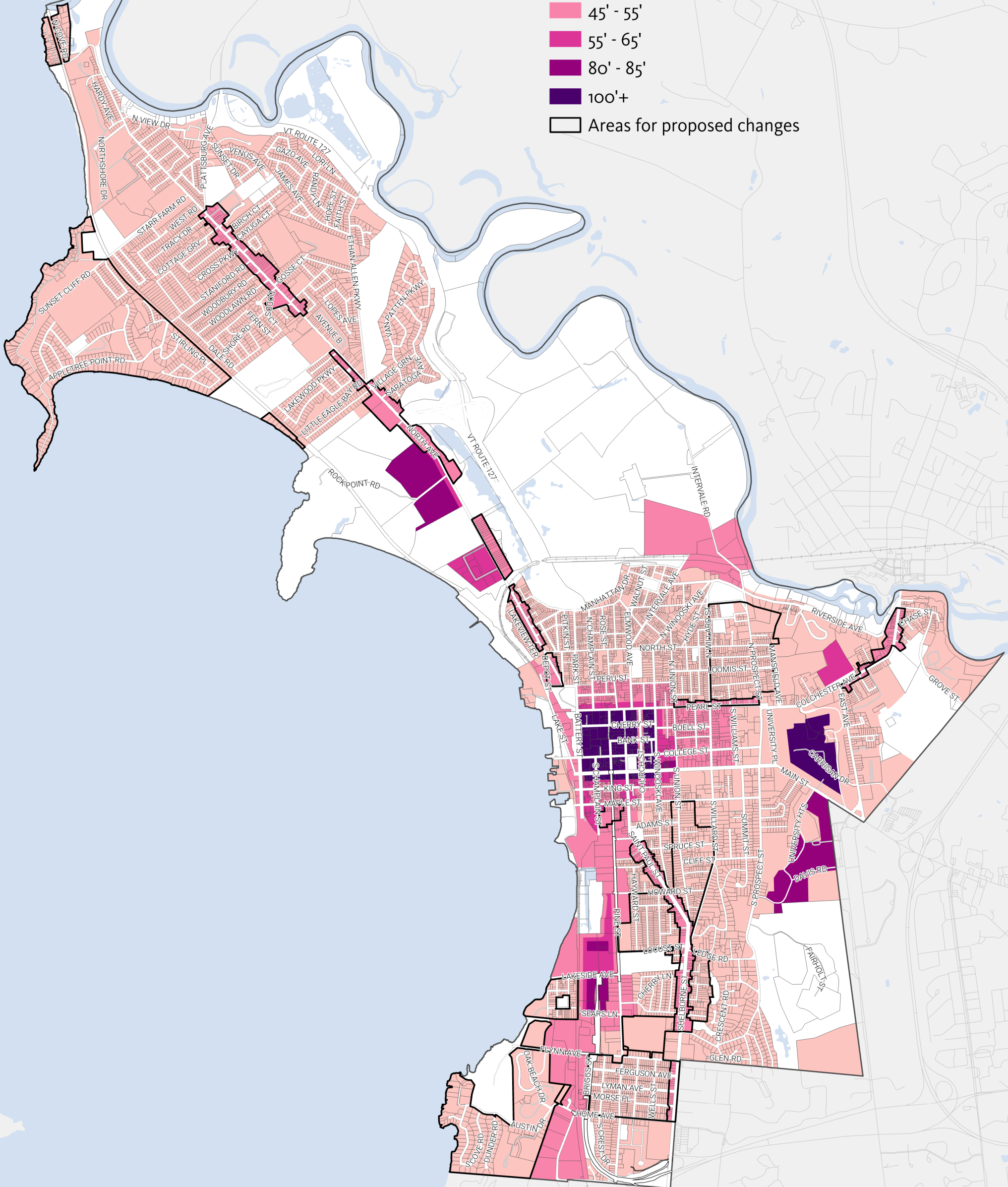
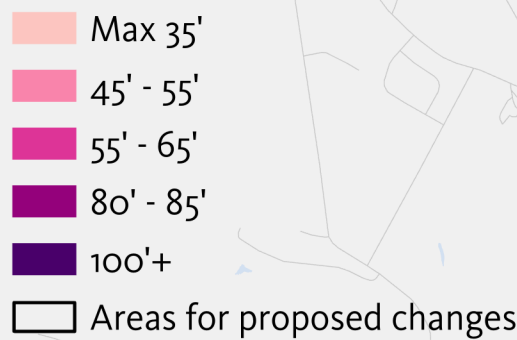
Data source on existing stories is from the Burlington Assessor data and reflects the height of the tallest building on each parcel. Data does not include overall building height in feet.

Maximum Stories of buildings on parcel



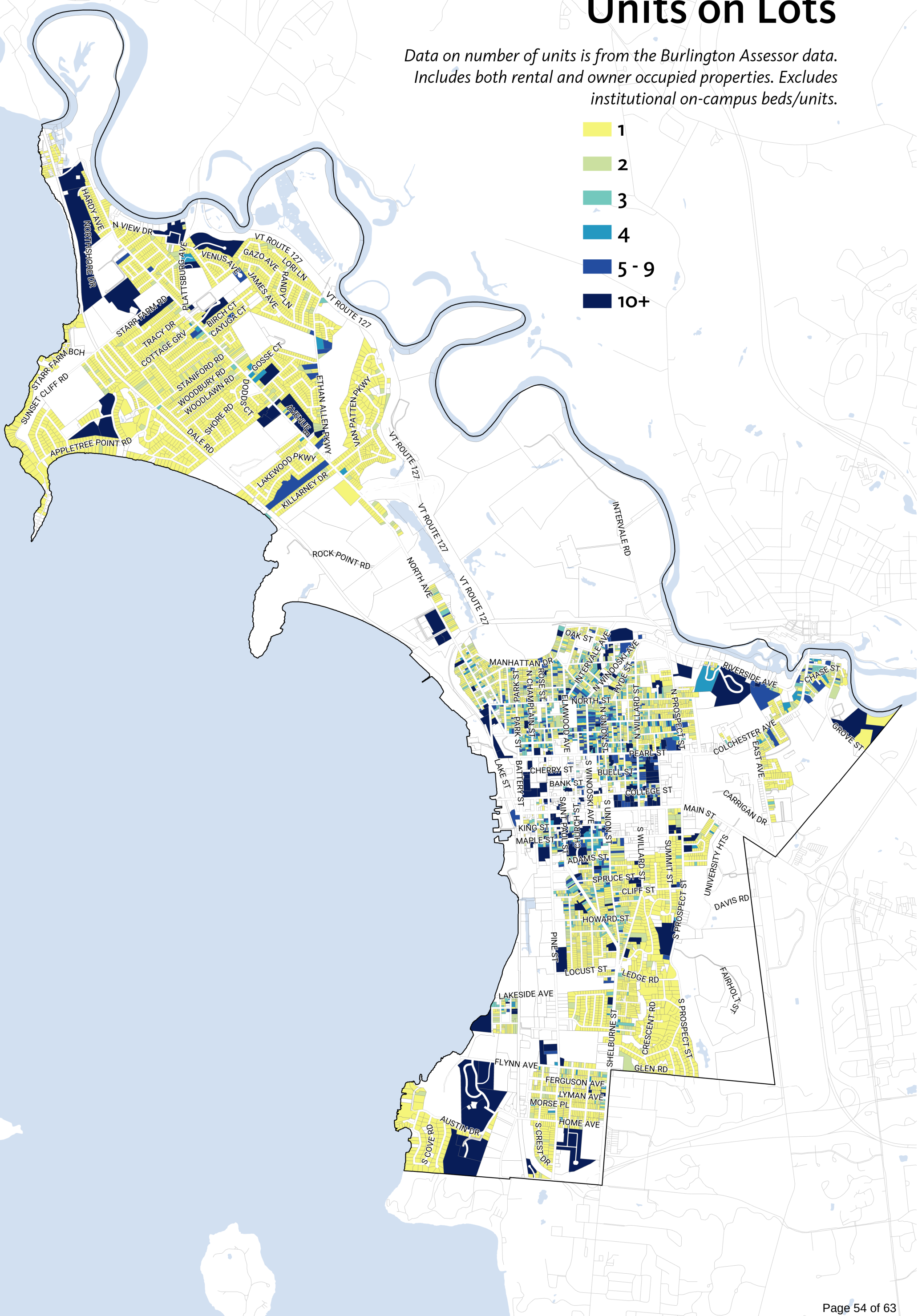
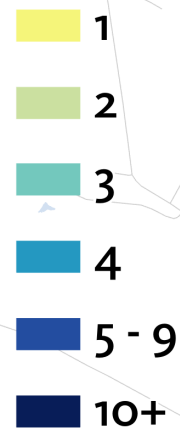
Map 3: Max allowable height in all zoning districts, including proposed changes to boundaries per Neighborhood Code

Before any applicable height bonuses in CDO.



Map 4: Existing Number of Residential Units on Lots

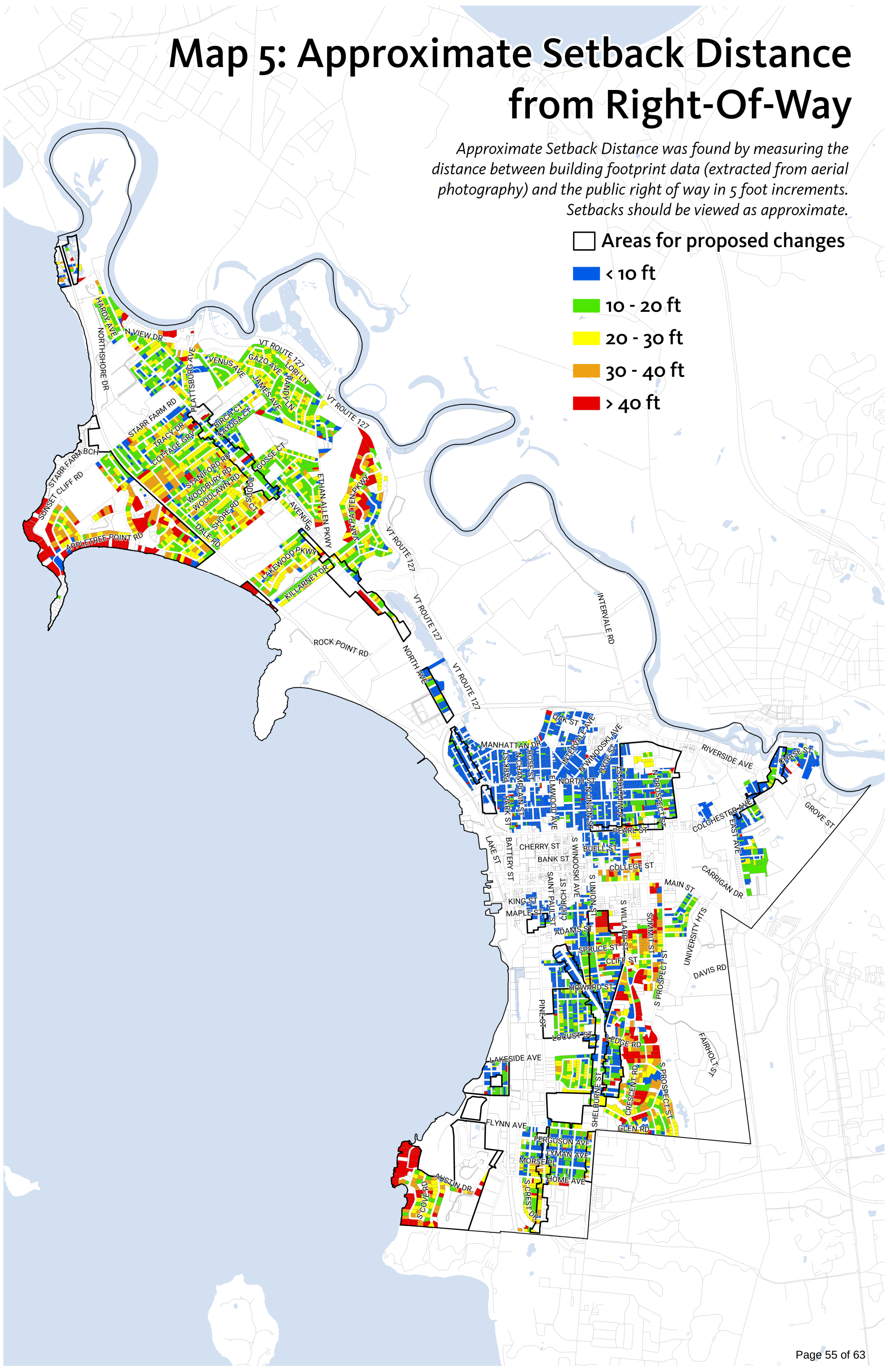
Data on number of units is from the Burlington Assessor data. Includes both rental and owner occupied properties. Excludes institutional on-campus beds/units.



Map 5: Approximate Setback Distance from Right-Of-Way

Approximate Setback Distance was found by measuring the distance between building footprint data (extracted from aerial photography) and the public right of way in 5 foot increments. Setbacks should be viewed as approximate.

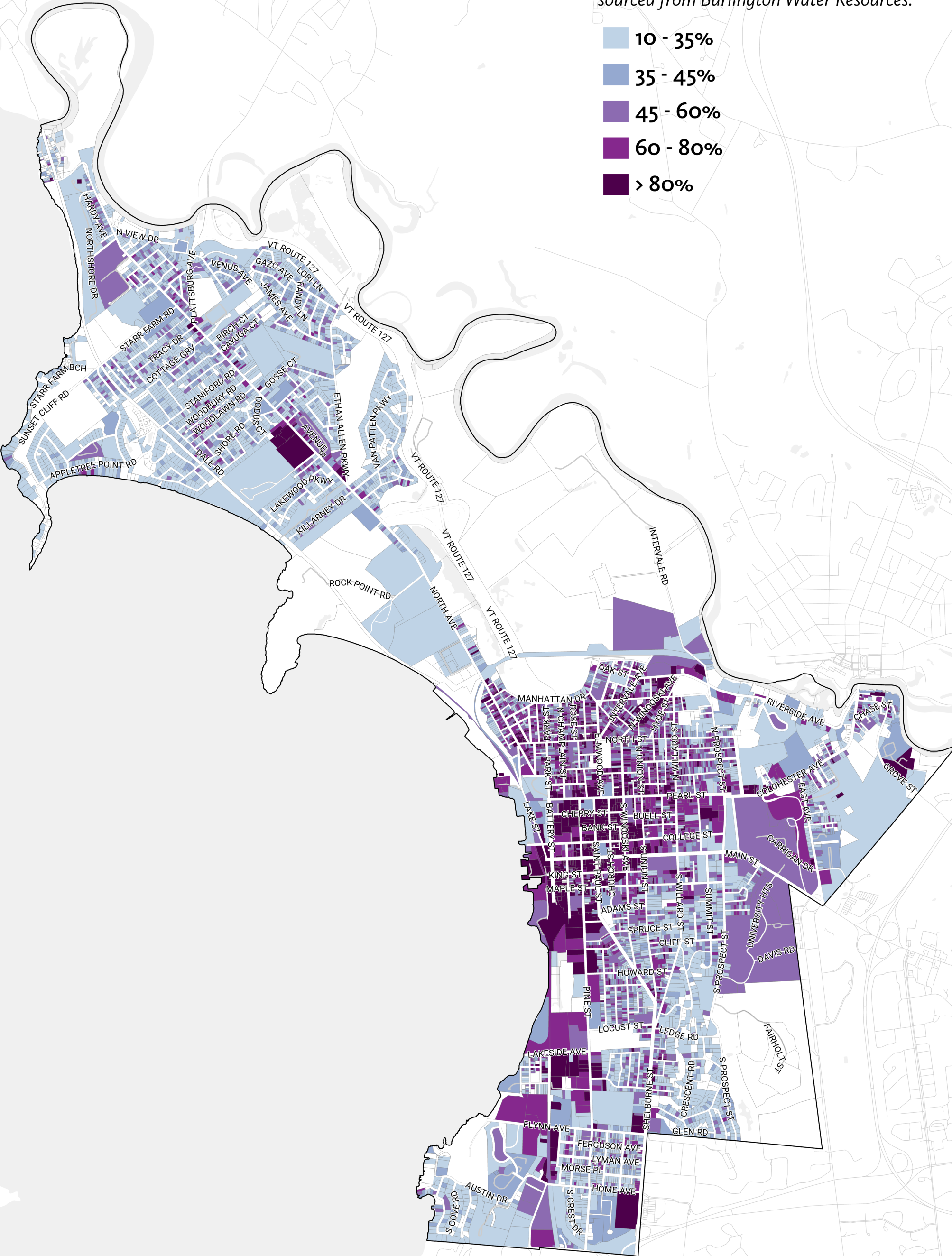
- Areas for proposed changes
- < 10 ft
- 10 - 20 ft
- 20 - 30 ft
- 30 - 40 ft
- > 40 ft



Map 6: Lot Cover Percentage

Data on impervious surface cover is sourced from Burlington Water Resources.

- 10 - 35%
- 35 - 45%
- 45 - 60%
- 60 - 80%
- > 80%



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.

Neighborhood Code Joint Committee Meeting

Tuesday, December 5, 2023, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, E. Malone, J. Randall
City Council Present	S. Carpenter, B. Traverse, Z. Hightower
Staff Present	M. Tuttle, C. Dillard, S. Morgan, C. Domiani (Planner – GMT)
Public Attendance	Colin Larsen, Robert Guthrie, Sharon Bushor, Tim, Evan Gould, Joe Giallanella, Jake Twarog, Jak Tiano

I. Agenda

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

II. Neighborhood Code: Committee Discussion on Staff Recommendations

2.1. Continued Discussion on Proposed Residential Corridors

E. Malone:

- North Street & North Winooski are not discussed
- Why N & S on Willard not included in the map

M. Tuttle:

- In the framework of the comprehensive plan, the major corridors were those linkages into the downtown core. Willard is kind of adjacent to the downtown core, but all of these thoroughfares have their terminus in the downtown core. It's the same reason why the East West route along North St. wasn't identified either.

J. Randall:

- Can North Union be considered because it does have a terminus in downtown

M. Tuttle:

- Other streets that were not identified as major corridors. The full scope of the neighborhood code is helping us consider new housing opportunities for all of our residential areas, even if they're not on one of these corridors specifically. Now that the conversation about the corridors has evolved to one where we're talking about a different sort of potential building typology than when we started this conversation. I think it's important for us to think about whether we want to extend those to other places that were not identified in our comprehensive plan as being those kinds of forwards. I think it will relate also to the conversation about how and to what degree commercial uses are allowed within these corridors. Some of these conversations we can also come back to as part of future discussions about how we continue to evolve our zoning. Especially for places that aren't specifically within our comprehensive plan today as one of these corridors or one of these growth areas that we think about whether additional kind of community planning should happen before we make designations like the neighborhood code corridor designation in this discussion.

C. Domiani:

- Looking at different factors to see how Bus #5 will be rerouted.

M. Gaughan:

- What's your recommendation on the corridor part that feels like a recommendation on the RL versus RM, but did staff have a recommendation on that?

M. Tuttle:

- Ultimately our initial recommendation was the corridor designation before the sort of evolution of what the corridors would have looked like. I think something like option three could be a good option if you would like to maintain the opportunity for some evolution of the properties along that segment of pine.

S. Carpenter:

- How can you accommodate maybe the potential for growth, heavier growth on the east side of Pines, particularly in that block where S Meadow and the Howard Fair buildings are and not do it across the street which really is more contiguous to the other straight behind it to Shelburne Rd?

M. Tuttle:

- It's actually on our list for the whenever we get to our next like set of discussion topics to talk about our planned unit development standards because I think that will be the potential here. Those standards allow for larger sites to be developed more intensively than what the underlying zoning would allow for small sites. I would suspect that the way that S Meadow got developed originally was by utilizing our PUD standards.

A. Friend:

- The different between RH and Corridor
- Option 3 looks good - keep in mind what we're doing here is opening up the possibility for future development not based on what it looks like today, but what it could be in the future. However well-intentioned this neighborhood code project is likely going to be incremental.

M. Tuttle:

- They're similar in their sort of overall scale. RH does not have some of the same limits on building sizes in particular just because the sites that are in RH are pretty small. they're pretty similar knowing that we haven't had the conversation yet about commercial uses.

Z. Hightower:

- Why option 2 is not recommended?

M. Tuttle:

- This set of maps here when we look at things like lot coverage and the extent to which existing parcels might be non-conforming, we have been primarily focused on making the recommendation about the transition between RL and RM in places where RM will help alleviate some of the non-conforming conditions. But because of the changes that we've already made for RL in the neighborhood code discussions, we actually don't think that that's necessary in this area in order to deal with those non conformities.

A. Montroll:

- One of the things that we are doing with the RL with all of the districts is we're not saying we want it to stay the same as what it is. We're just saying that districts may or may not stay the same, but what we're allowing in the districts are significantly changing. We're allowing so much more development in each of the different districts. Even though something's being left in the same zone, it's not being left with the same rules within that zone.

E. Malone:

- Option #2 is more compelling than option 3 because if we look at the map, the proposed map of the full city, I think this is the only area that would be like street by St. RM as opposed to like the neighborhood. The consistency across that whole square, it makes more sense than choosing you know the minor arterial that used to be important or whatever it is.

J. Randall:

- Thinks option #2 is the most compelling. Probably presents the most potential for overall housing opportunities.

- what's the potential for commercial uses could look like with these different designations in these areas?

B. Traverse:

- The thoroughfare as it was previously identified in plan BTV is now really going to be the Champlain Parkway as it moves to Lakeside Ave. and then further north on Pine St. Have a map that reflects that; to also to include the South End Innovation District.
- Leaning towards option #3 South of Home Ave to stay as RL
- Have a good reason in going to other neighbors throughout the city as to why we've designated the entire Five Sisters as RM and why we've designated the neighborhoods down South Union and South Willard as RM as well on this map
- If we were to go with an option #3 in the addition neighborhood down there, now what is it that makes this neighborhood different from all those other areas that we're proposing for RM?
- The issue that's potentially giving me pause around going with an option 2 is not necessarily the expansion in lot coverage that would go along with moving from RL to RM. We discussed earlier on as a committee that RM would move potentially up to 6 units and I suppose in in further expanding RM into neighborhoods that are more used to being single family and duplex. The concern that I have as we continue to move forward here is that in those neighborhoods that are not currently RM like the North Hill section, like Five Sisters and so on, right, there's a part of me that wonders about the extent to which those neighborhoods are currently tuned into the discussion that we're having right now.
- What's creating more housing opportunities? Is it expanding the RM even further and doing so by keeping it at 4 units or is it by sort of keeping areas in RL, others as RM and but keeping that at the six units we discussed previously?

A. Montroll:

- Agrees that South of Flynn should not be the quarter. One of the big reasons is, is that the whole promise and the whole purpose, one of the major purposes of doing the Parkway in the South end there was because the city wanted to turn that area back into neighborhood to have it be more of a neighborhood and less of a capacity. And so if by saying we're going to keep those as a major quarter, I think I see that just going backwards really on what the intent was and hopefully that will happen. Those will become more of neighborhoods in there and less of a pass to for cars.
- Leaving South of Home Ave as is, is fine. Opportunities for larger development could probably be done through the PUD.
- On the part between Flynn and Home Ave. The difference between RL and RF is really just providing for opportunities and there are many places in those neighborhoods where there's just not going to be the opportunity to really take advantage of, you know, the full extent of what RM can do because there are also limits of size, in the structures. These lots in this area by and large aren't that big. But for some lots that might be bigger, why not, Why not provide those opportunities.
- Leaning towards option #2 - because I think part of our goal and here is to provide the flexibility for more opportunities and I don't think RM is going to really have an adverse impact on I'll call it the fabric of the neighborhood.

S. Carpenter:

- What's the difference between RL and RM in the new proposed standards?

M. Tuttle:

- The lot coverage is one of the big differences. The upper limit for lot coverage in RL would be 45% and for RM it would be 60%.
- The difference between a four-unit limit in a building or a six-unit limit in the building.

- Between the two districts, there's a 2 1/2 versus a three-story limit. That's more about just like controlling some of the upper story massing more so than being a major difference between the heights themselves.

M. Gaughan:

- Option #3. The guiding principle should be let's change in this in this particular project, it's scope should be, let's make sure the code reflects what's actually on the ground.

A. Friend:

- Option #2

Z. Hightower:

- Option #2

B. Traverse:

- Option #2

A. Montroll:

- To move forward with option #2. If we need to, we can come back and revisit it as we take a deeper look at some other neighborhoods as well.

S. Carpenter & M. Gaughan - okay to move forward in direction #2

Z. Hightower:

- Does the steep slopes zoning adequately protect the North side of Colchester Ave?
- The awkwardness of having all of the low residential sections next to the corridor and those being low residential as opposed to like the North Hill section.

M. Tuttle:

- while the steep slopes overlay does not prohibit development on slopes that are essentially between 15 and 30%, it does require that if they are that steep that a geotechnical assessment has to be done to determine that the slope is suitable for development. We do have some kind of awareness and understanding of how buildings might look next to older buildings that might be smaller than pre existed those infill developments.

2.2. Areas proposed for change from RL to RM

E. Malone:

- About Upper Hill (East of Willard) – the proximity of this area to the university. By up zoning it and allowing for up to 6 units with that much lot coverage, I think we could see a fast shift in the experience of this neighborhood.

M. Tuttle:

- When we first brought this proposal to you, we brought you a proposal where the primary difference between RL and RM was about lot coverage. And that was one of the things that we felt, combined with the allowance for more flexibility up to 4 units could help offer more opportunities for how these properties could evolve.

Z. Hightower:

- supportive of this being RM and like especially given Megan's explanation that you know that's partially also just to bring current lots to conformity because this is quite especially like between Willard and Prospect is quite a dense housing.

M. Tuttle:

- we come back to the discussion about how is RL changing just on its own, we're offering a bit more flexibility for lot coverage and I think most notably we're offering the flexibility for the number of units within buildings.

B. Traverse:

- My thought on this is that based on these maps, based on existing nonconformities, based on existing lot coverage, it only makes sense from a sort of lot coverage standpoint that we would shift this from RL to RM.

- Should focus on the number of maximum units – moving to 6 units vs 4 units
- Moving other neighborhoods to RM – around E Avenue, Chase St, and off of Colchester Ave. Maybe even the neighborhoods east of S Prospect St. Around the university are areas that could be moved to RM as well.

A. Montroll:

- Have different unit # in RM depending on the lot
- If a major distinction between RM and RL should be the number of units as opposed to lot. Or maybe combine the two.

M. Tuttle:

- Using the unit count as your primary decision will especially if it causes us to reconsider certain changes between RL and RMI, think may not resolve some of the challenges that some of these areas have, which led us to recommend RM in the 1st place. For example, in this neighborhood like while units are the driving factor, I think if we only make a decision about RM based on that, it will limit any future potential that could happen in this area given the other physical characteristics.
- if we talk about the other areas that we proposed for RM and there seems to be a kind of consensus that that is how we feel about other locations too, that that might point us back in the direction of revisiting the issue of the unit number. If we remain mixed, if we feel like RM in its dimensions and in the number of units at six makes sense in some locations, then we might need to think about a different strategy to recommend to you.

Ben Traverse:

- I think the line to be drawn in in the way that you've laid out, the issue is those areas that are currently zoned as RM and those areas that are being proposed to be up zoned RL to RM. Those areas that are currently zoned as RM that we would be in approval of making the changes as we've laid it out to RM and moving those neighborhoods up to 6 units. I think that it's in these new neighborhoods that we flagged as RM where the question is whether or not that should similarly move from 4 to 6 units.
- Additional opportunities – RM2

III. Public Forum

Colin Larsen	• functionally every neighborhood that isn't up zoned, the proportion that it's not up zoned is the proportion of socio-economic exclusion that you will find in that neighborhood based on land prices. • the discussion around legalizing what's on the ground verse preparing for development in the future • the housing around the Medical Center and college in the old North End
Robert Guthrie	• Glad about the discussion on the South End
Sharon Bushor	• Thanking Meagan and the Joint Committee for discussing Colchester Ave corridor • Not all corridors are the same – the difference about height of structures, sidewalk and street • Drifted from the initial proposal - to create additional housing choices in buildings that are similar to nearby single-family homes and that are in keeping with the neighborhoods today • Changing criteria from RL to RM – double whammy. The neighborhoods around the university are incredibly in a very precarious situation because these properties aren't going to go when they sell.
Tim	• Advocate for the up zoning to accommodate as much new housing and growth in these neighborhoods as possible. • S Union St area – lots of properties are currently preserved
Evan Gould	• Pleased to hear leaning to option #2

	• The corridor on Colchester – fits the transit-oriented development paradigm very well. Maintaining as a corridor is the right move • Support for maintaining the 6 units
Joe Giallanella	• Agrees with Sharon Bushor that the intent of the PC has drifted • Adding new information to the map about the South End Connector • The burden of increasing the increasing from residential low already increasing lot size coverage and now moving to medium.
Jake Twarog	• build more housing, to generate more economic activity and property taxes, and to attract more workers. • Up Zoning and changing as many places as possible, and ideally the entire city from RL to a six-unit RM citywide would be a great way to simplify the code, be unilateral and impartial, and show that we're serious about dressing the housing crisis.
Jak Tiano	• every part of the city needs some amount of up zoning in some in some capacity • echo Evan's point about the 6 and the 4 for RM. The differentiation between RL and RM should be the 6th 4 • mobility oriented development – the most responsive solution would be to define what a multimodal mobility access point is and then designate any property within a certain distance of one of those access points as a corridor. Useful transit influence is development around it, which then further bolsters the usefulness of that transit in transit that doesn't drive density calls itself over time. Anything within easy walking distance of a bus stop or along a protected bike facility should obviously have a mobility-oriented development zoning bonus regardless of what is currently on the ground.

IV. Minutes

Action: Review and approve the 11/28 Neighborhood Code Meeting Minutes		
Motion by: J. Randall	Second by: E. Malone	Approved: unanimous

V. Communications

Action: Review and accept Written Communications		
Motion by: J. Randall	Second by: E. Malone	Approved: unanimous

VI. Adjournment

Action: Adjourn		Time: 8:44 p.m.
Motion: S. Carpenter	Second: J. Randall	Vote: unanimous