

Burlington Planning Commission

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Bruce Baker, Vice-Chair
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Michael Gaughan
Erin Malone
Julia Randall*

Burlington Planning Commission

Tuesday, January 9, 2024, 6:30 PM

Remote & Virtual Meeting via Zoom

In person option available:

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

To Join the Meeting on a Computer

Link: <https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFIzdz09>

Webinar ID: 979 4188 3790

Passcode (if needed): 658929

To Join the Meeting on the Phone

Number: +1 312 626 6799

Webinar ID: 979 4188 3790

1. Agenda

Subject	1.1. Motion to adopt/amend agenda
Meeting	January 9, 2024 - Agenda - Tuesday, January 9, 2024, 6:30 PM, Burlington Planning Commission
Category	1. Agenda
Department	Planning
Type	Action
Recommended Action	Adopt as presented

2. Public Forum

Subject	2.1. Public Guidelines for Virtual Meeting Participation
Meeting	January 9, 2024 - Agenda - Tuesday, January 9, 2024, 6:30 PM, Burlington Planning Commission
Category	2. Public Forum
Department	Planning
Type	

3. Neighborhood Code: Overview of Current Recommendations

Subject	3.1. Review Part 1 Recommendations & Part 2 Topics
Meeting	January 9, 2024 - Agenda - Tuesday, January 9, 2024, 6:30 PM, Burlington Planning Commission
Category	3. Neighborhood Code: Overview of Current Recommendations
Department	Planning
Type	Presentation Information
Recommended Action	

4. Public Hearing

Subject	4.1. Public Hearing: ZA-24-02 Neighborhood Code Part 1
Meeting	January 9, 2024 - Agenda - Tuesday, January 9, 2024, 6:30 PM, Burlington Planning Commission
Category	4. Public Hearing
Department	Planning
Type	Public Hearing

5. Neighborhood Code: Committee Discussion

Subject	5.1. Discuss any additional edits to Part 1 Recommendations
Meeting	January 9, 2024 - Agenda - Tuesday, January 9, 2024, 6:30 PM, Burlington Planning Commission
Category	5. Neighborhood Code: Committee Discussion
Department	Planning
Type	Discussion
Recommended Action	Provide feedback to staff on any additional edits, or recommend referral to Council

6. Minutes

Subject	6.1. Review and approve the 12/19 Neighborhood Code Meeting Minutes
Meeting	January 9, 2024 - Agenda - Tuesday, January 9, 2024, 6:30 PM, Burlington Planning Commission
Category	6. Minutes
Department	Planning
Type	Action
Recommended Action	Approve minutes as presented

7. Communications

7.1. Review and accept Written Communications

8. Adjournment

Subject	8.1. Adjourn
Meeting	January 9, 2024 - Agenda - Tuesday, January 9, 2024, 6:30 PM, Burlington Planning Commission
Category	8. Adjournment
Department	Planning
Type	Action

Guidance for Participating in a Virtual Planning Commission Meeting

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

General Guidance for Public Participation

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

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

How to Join a Virtual Meeting

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

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

How to Participate in a Virtual Meeting

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

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

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

TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP Director, Office of City Planning
 Charles Dillard, AICP, Principal Planner
 Sarah Morgan, Planner
DATE: December 21, 2023
RE: Proposed CDO Amendment for Public Hearing– ZA-24-02 Neighborhood Code Part 1

Overview & Background

The Neighborhood Code is a series of zoning amendments that will enable more neighborhood-scale housing types citywide, including duplex, triplex, and four-unit buildings, as well as townhomes and small multi-unit buildings in some locations. Specifically, the code aims to:

- Re-legalize historic neighborhood development patterns and identify solutions to common barriers to small and middle housing types
- Find opportunities to build on neighborhood patterns through more context-sensitive zoning tools for residential areas
- Recommend new approaches to the type of development allowed in low-density zoned areas along major streets served by transit and connecting neighborhoods to the downtown core
- Comply with, and in many ways go beyond, the minimum standards for residential density and residential uses required by the VT Legislature's Act 47 of 2023.

A Joint Committee of the Planning Commission and City Council Ordinance committees was established to review and refine the neighborhood Code recommendations. It is anticipated that the Committee will recommend a package of amendments to the full City Council when it has completed its work. This Committee has held 8 meetings between Oct 4 and December 19 to review the major recommendations of the Neighborhood Code and have made modifications to the recommendations from those originally presented by staff.

Neighborhood Code Part 1

Over the course of these meetings, the Joint Committee's work has focused on the major recommendations to advance the Neighborhood Code purpose, and a number of related standards to ensure these recommendations can be implemented. These recommendations are included in this Neighborhood Code, Part 1 which includes substantive changes to Article 4 and Appendix A as well as other sections, as described below. These changes evolve the residential zoning district standards, allowable uses, and district boundaries. Part 2 will cover many technical details and related standards, and will be forwarded by the Planning Commission in the very near term following the Committee's referral of Part 1. Part 2 includes issues such as rules for Collage Court developments, how to translate standards for development bonuses in residential areas, which are currently based on dwelling unit per acre limits, and the minimum project size for eligible Planned Unit Developments in RL.

Both a "clean text" and a full track-change version of proposed ordinance language are attached to this memo. These address the core issues—the major decisions regarding the framework for all residential zones, and critical technical amendments for interconnectedness of ordinance which the committee has largely discussed. These issues are outlined in the Proposed Amendments section below, but generally include:

- Updates purpose statements for the residential districts generally and for each district specifically, and updated references to districts throughout the CDO
- Updates *Map 4.45-1 Residential Districts* to reflect proposed changes to district boundaries

- Wholesale replacement of existing Tables 4.45-1, 4.45-2, and 4.45-3 with new tables 4.45-1 regarding lot dimensions and coverage, and 4.45-2 regarding building massing and allowable units rather than regulation density in dwelling units per acre
- 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*
- Eliminates the *RL-Larger Lot Overlay* and the *RH Density Bonus Overlay* and renumbers remaining overlays in *Sec. 4.3.2*
- Deletes 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
- Enables more than one free-standing structure on a lot, where currently prohibited
- Provides flexibility for residential driveways to encroach into side setbacks
- Adjusts some Design Review considerations, particularly related to the overall height of buildings permitted in residential areas, consistent with Act 47
- Expressly enables PUDs to make adjustments to minimum lot sizes and allowed residential uses (where previously implied)

Neighborhood Code Part 2

A number of related standards need to be addressed throughout the *CDO*, as described in the "Relationship of Core Zoning Recommendations to other Ordinance Details" chart and noted below. Using the general direction from past discussions of this Joint Committee, the Planning Commission, either as a body or through its ordinance Committee, can review and make recommendations for these related standards. These include issues such as:

- Standards related to lot frontage and access, and the arrangement of lots, in order to enable Flag Lots, free-standing lots under homes within a Cottage Court development, and other unique small-lot configurations
- Create rules for Cottage Court Developments, and create internal consistency between Secondary Buildings allowed in the residential standards, and citywide provisions for ADUs.
- Updates to applicable lot coverage, height, and development intensity bonuses for residential developments in both Article 4 and *Sec. 9.112 Additional Density and Other Development Allowances* (for projects with Inclusionary Zoning units)
- Consideration for allowing existing non-conforming and non-residential buildings that are encroaching in setbacks to be converted and/or vertically expanded (i.e. additional height)
- Consider the threshold for lot/project size that is enabled to use the *Article 11- Planned Unit Development* standards, particularly regarding flexibility for very large lots that have been discussed throughout this process
- Coordinate the applicability for Design Review and the Design Review Overlay zone into one section that provides more clear expectation of what is subject to review
- Potential additional flexibility for stacked parking for residential developments
- Potential miscellaneous definitions to clarify and support consistent implementation of new standards

"The Construction Zone"

Throughout the Committee discussion, a number of questions and related issues have been raised that are not within the core focus of the Neighborhood Code. Some of these issues relate to other plans and studies underway or on the near-term horizon for the Planning staff and the Commission. Others have been requested by one or more members of the Joint Committee for future discussion. These issues include:

- Beyond the creation of the Residential Corridor zone, consider other opportunities for redevelopment of larger sites, overall scale of development, and mix of uses along the north Avenue Corridor (part of upcoming *planBTV: New North End*)
- Potentially expand the factors that warrant Residential Corridor zone designation, and identify other applicable locations for this district
- More broadly consider other commercial uses permitted in all residential zoning districts, and cleanup/streamline the Appendix A- Use Table to be more general than specific.
- Consider the transition of heights/intensities of development and mixed-use allowances of existing mixed-use districts adjacent to new Residential Corridor district (i.e. neighborhood mixed use and neighborhood activity center districts)
- Consider the impact on implementation resulting from existing regulations for historic properties (preservation plan is upcoming on department work plan)
- Work with other departments to consider whether changes to Chapter 26 (stormwater) may be needed to address and accelerate residential-scale green stormwater infrastructure solutions
- Consider whether building/fire code exceptions/alternative approaches have applicability for implementing middle housing types (i.e. sprinklers, stairs, etc)
- Develop incentives for more owner-occupancy in newly allowed housing types (i.e. funding, other policies outside zoning)
- Technical and financial assistance for "small" developers/homeowner developers to help build new homes at this scale

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment creates a new framework for the city's residential zoning districts that enables a range of housing types, including single-family, ADUs, duplex through four-unit developments, and townhouses and small multi-unit buildings. These amendments enable greater flexibility for existing homes as well as a range of housing options within neighborhoods, create new zoning standards along transportation corridors identified in *planBTV*, and comply with Act 47 of 2023 of the VT Legislature.

Proposed Amendments

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

1) Amends Article 4 – Zoning Maps and Districts to create new residential district framework and eliminate several overlay districts

- Modifies the purpose statement for each residential district to reflect the goals of the amendment, which are to enable additional housing options, greater intensity of residential uses, and support City equity and climate objectives
- Modifies the residential district names to replace the word "density" with "intensity," as the amendment replaces density standards with tools to regulate building massing and unit per building. Additionally, modifies language throughout the CDO to reflect these new district names.
- Proposes a new *Map 4.4.5-1 Residential Districts*, which modifies residential district boundaries in the following ways:

- Streamlines residential zones by removing the Waterfront Residential Low Density (RL-W) and Waterfront Residential Medium Density (RM-W) districts, and combines these districts with the underlying RL and RM zones
- Rezones several areas from Residential Low to Residential medium
- Rezones an area immediately adjacent to downtown, surrounded by the downtown form code, from RM to RH
- Rezones two parcels, currently located on the edge of the RL zone, to RL
- Creates a new Residential Corridor (RC) district, that regulates residential and some commercial uses along major street corridors adjacent to low intensity zones
- Deletes the RH Density Bonus Overlay district, which has no remaining utility, and deletes the RL Larger Lot Overlay District, which is inconsistent with Act 47 and the underlying RL recommendations

2) Replaces and reorganizes residential district standards in Sec. 4.4.5 to replace density limits with standards for massing and units per building, update lot coverage and setback standards, and allow multiple units per building in all districts.

- Replaces *Table 4.4.5-1 Minimum Lot Size and Frontage*, *Table 4.4.5-2 Base Residential Density*, and *Table 4.4.5-3 Residential District Dimensional Standards* with a new *Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts* and a new *Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts*
- Allows up to 4 units per building in RL zones, up to 6 units per building in RM zones, and does not limit the number of units per building in RH and RC zones
- Modestly increases the allowable lot coverage in RL and RM zones, and establishes lot coverage limits for the RC zone; increases the allowable height in RH zones to 4 stories (from 3) and establishes a 4 story height limit for the RC zone; standardizes rear setbacks at 20 ft for RL zones, and 15 ft in all other zones; establishes a 5 ft min and 20 ft max setback for the RC zone.
- Creates a new Cottage Court housing type and dimensional standards that allows for the permitting of these multi-unit developments of detached dwellings.
- Modifies Appendix A- Use table, to include additional footnotes regarding the new standards of Sec. 4.4.5 and to enable neighborhood-serving commercial uses in the RC district
- Maintains, but reorganizes and consolidates other residential district standards, including for residential development bonuses, exceptions to dimensional standards, exceptions for neighborhood commercial uses, allowances for accessory (uninhabited) accessory structures, and residential occupancy limits.

3) Amends specific standards to facilitate the implementation of new housing types enabled in residential districts

- Modifies *Sec. 5.12(c)* to allow more than one principal structure on a lot. This modification allows for the incremental introduction of new housing choices in buildings sized consistent with residential neighborhoods.

- Modifies *Sec. 5.2.5 Setbacks* to allow driveways and walkways shared along property lines and serving residential uses to be exempt from setbacks requirements.
- Modifies *Sec. 6.2.2 Review Standards* (Site Plan Design Standards) to replace language calling for the maintenance of existing development patterns with a prioritization of development that is complementary to existing patterns. This change reflects the amendment's facilitation of housing type and choice that have been illegal in Burlington's residential districts.
- Modifies *6.3.2 Review Standards* (Architectural Design Standards language to prioritize the careful consideration of a housing development's contextual height and massing, rather than the existing focus that dictates that compatibility with such context is *the most important* consideration. This modification also creates CDO conformance with the *HOME Act's* prohibition on limitations of building massing and footprint size below the ordinance's standards.
- Expressly enables modification to lot size and residential uses not otherwise allowed for developments utilized the *Article 11- Planned Unit Development* standards

4) Addresses internal consistency per the following above changes, by updating section numbers, map numbers, and other organizational details

- Deletes *Sec. 5.2.1 Existing Small Lots* as this section is no longer applicable without a required minimum lot size in RL areas
- Amends section numbers and map numbers associate with the Natural Resource Overlay District, Mouth of the River Overlay District, Centennial Woods Overlay District, and South End Innovation District Overlay
- Across a number of sections, reflects deletion of RL-W and RM-W zones, and adds references to new RC district where applicable
- Corrects an out of date cross-reference with the definition of "Building Height"

Relationship to planBTV

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

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

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent in many respects with the Land Use and Density-related policies of *planBTV*. Generally, the slow pace of housing construction and rising housing costs are noted as one of the biggest challenges facing Burlington. Since the Plan's adoption, these challenges have become more pronounced. The foundational policy response to this challenge is the Plan's call to "identify and address unintended or unnecessary barriers to creating new housing and commercial spaces within parts of the city that are suitable to accommodate additional development."

The "Sustain" theme intends to "anticipate small and incremental change that is consistent with existing development patterns, building scale and neighborhood character." Importantly, the Plan notes that the city's residential neighborhoods are not "locked in time" and that "small and subtle change is needed to meet the evolving needs of current and future families and households." The "Grow" theme highlights the city's major transportation corridors as those areas among the most suitable for growth. The amendment helps implement such policies by creating new opportunities for housing construction and choice along these corridors.

Specific policy goals and objectives, and their nexus with the amendment, are provided below:

- A primary and foundational change proposed in the amendment is to replace existing density-based standards in residential neighborhoods in favor of one that regulates massing, intensity and lot characteristics. This change is supported by Objective 2.2.
- An additional foundational policy objective that is achieved through this amendment is 3.2, which directs the community to, "Re-evaluate the zoning regulations and development standards for low and medium density residential districts to ensure standards allow for existing development patterns, design character, scale and mass that are desired to be maintained, while also enabling some evolution of these properties to meet the changing needs of households."
- Regarding the amendment's introduction of limited commercial uses in the Residential Corridor zone, the Plan calls for the evaluation of neighborhood mixed-use areas to better understand the capacity of these areas to accommodate additional development." This change is supported by Objective 2.1. and Objective 8.5, which calls for the expansion of higher-density mixed-use development along the city's major thoroughfares
- Objective 8.1 directs the community to "enable the development of additional housing at all income levels...by reducing regulatory barriers and disincentives to development, and encouraging infill and redevelopment of underutilized sites."

Impact on Safe & Affordable Housing

The amendment addresses safe and affordable housing in the following ways:

- In creating additional opportunities in some areas for developments where five or more homes are constructed, the amendment will help produce more purpose-built affordable homes through the Article 9 Inclusionary Zoning standards.
- In removing barriers to housing construction for all developers, including affordable housing developers, the amendment significantly expands the areas where such developers may operate and provide homes at scale.
- In facilitating the creation of more homes throughout the city, the amendment should help to slow the growth in housing costs as they relate to an undersupply.
- In facilitating greater choice in the housing market, the amendment will create expanded opportunities for aging-in-place, homes for individuals with disabilities who may require on-site assistance, and other types of supportive housing.

Planned Community Facilities

This amendment has no direct impact on planned community facilities, aside from facilitating growth within the city's neighborhoods and thereby expanding the population of individuals with proximate access to such facilities.

Process Overview

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

Planning Commission Process				
Draft Amendment prepared by: Staff 12/18/23	Presentation to & discussion by Commission: Various Dates*	Approved for Public Hearing 12/19/23	Public Hearing 1/9/24	Approved & forwarded to Council
City Council Process				

First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion: Various Dates*	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption
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* The Planning Commission and City Council Ordinance Committee formed a joint Neighborhood Code Committee to conduct this review and discussion process. That committee met on the following dates within 2023: 10/4, 10/17, 11/2, 11/28, 12/5, 12/12, 12/19

Proposed Neighborhood Code Standards
WORKING DRAFT Ordinance Language: *Neighborhood Code Part 1- "Clean Version"*
Prepared by Office of City Planning
V 3.1 – Updated December 21, 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 also attached, which provides the foundation for this text.

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 other 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.

Working Draft Ordinance Text Recommended as "Neighborhood Code Part 1"

Beginning on the next page, 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. Since the second version of this document, additional text has been provided which addresses the Core and Related recommendations discussed above. Annotation regarding the purpose of each of these sections is provided in the comments—the comments are nearly identical in the technical ordinance markup document "ZA-24-02 Neighborhood Code Part 1" for ease of reference.

Working Draft Ordinance Language | p. 1

*****Begin DRAFT CDO Language*****

Article 4: Zoning Maps and Districts
PART 3: BASE DISTRICTS ESTABLISHED

Sec. 4.3.1 Base Districts Established

The following zoning districts are hereby established as illustrated in Map 4.3.1-1 and further described in Part 4 below.

(a) through (d) – As Written

(e) A series of four (4) **Residential** districts: (see Sec. 4.4.5)

- Residential Corridor (RC);
- High Intensity Residential (RH);
- Medium Intensity Residential (RM); and
- Residential Low Intensity (RL);

(f) through (g) – As Written

Sec. 4.3.2 Overlay Districts Established

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. Properties within an Overlay District may be used and developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in Part 5 below:

(a) through (b) – As Written

(c) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and
- Special Flood Hazard Area;

(d) A **Mouth of the River Overlay (MOR)** district;

(e) A **Centennial Woods Overlay (CWO)** district; and,

(f) A **South End Innovation District Overlay**.

Commented [MT1]: The official text of this amendment will include an updated Map 4.3.1-1 Base Districts, consistent with the changes recommended to Map 4.4.5-1.

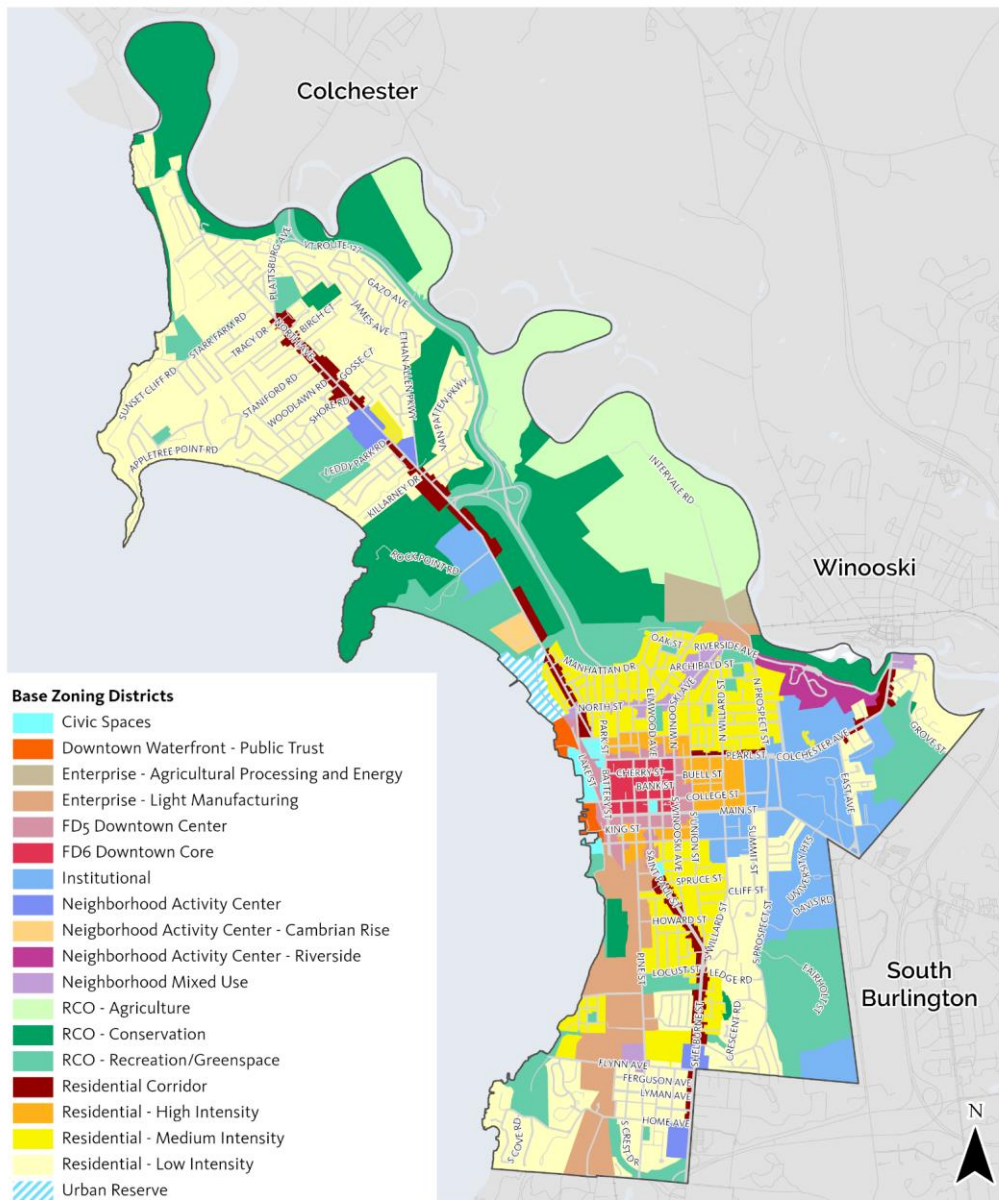
Commented [MT2]: This list of overlays is updated to reflect elimination of RL -Large Lot Overlay, RH Density Bonus districts, incorporate reference to the recently-adopted SEID (which was omitted from that amendment), and renumber sections accordingly.

Article 4: Zoning Maps and Districts
PART 4: BASE ZONING DISTRICT REGULATIONS

Sec. 4.4.3 Enterprise Districts

(a) through (d) – As Written

Commented [MT3]: Does not change ELM zone standards, but updates Map 4.4.3-1 to rezone 60 Austin Dr. from ELM to RL.



Map 4.3.1-1 Base Zoning Districts
 Burlington Comprehensive Development Ordinance
 Districts effective Jan. 30, 2008

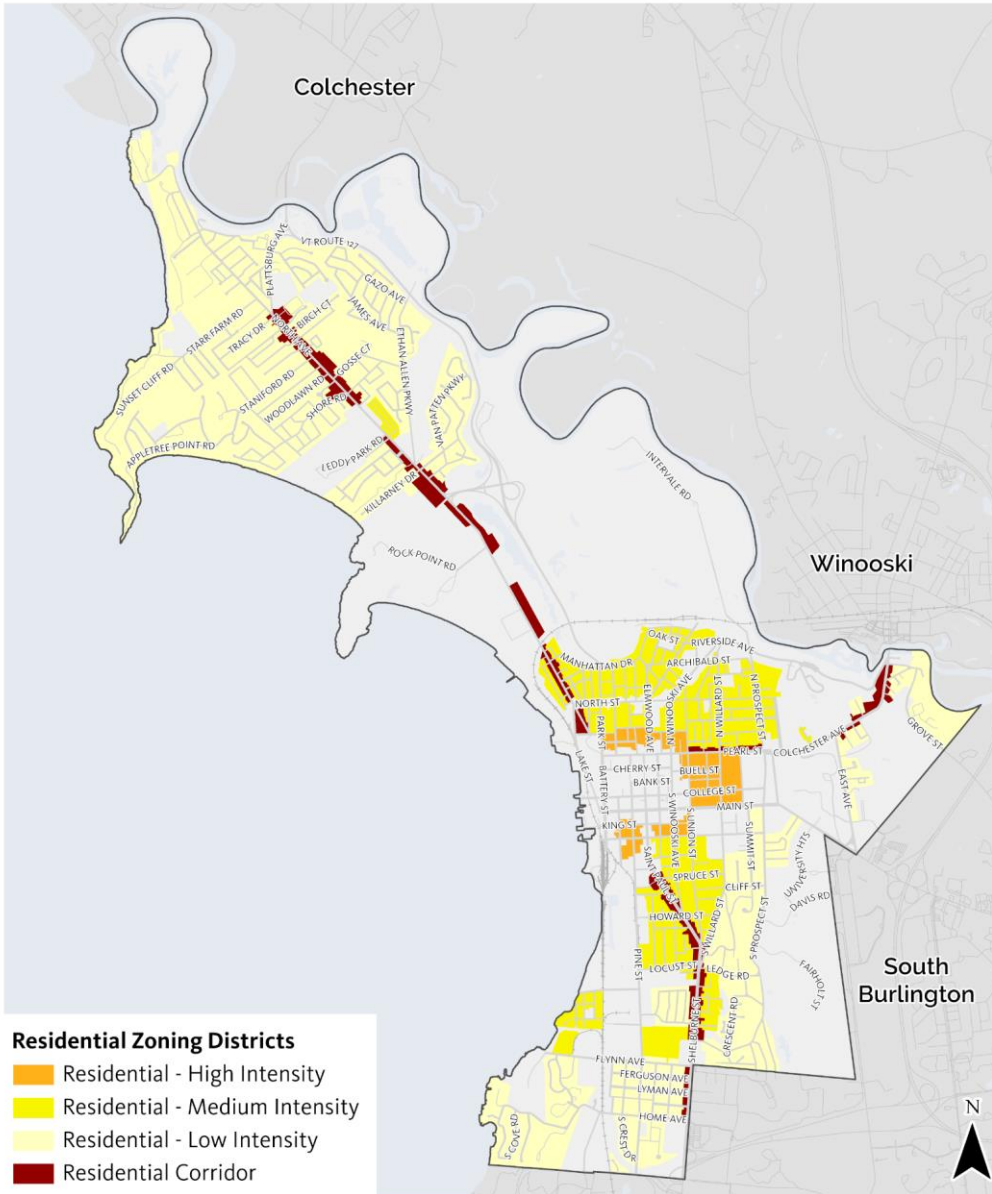
Sec. 4.4.5 Residential Districts

(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 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.

Commented [MT4]: This section includes updated/new purpose statements to recognize the intent to allow greater housing flexibility within existing neighborhoods.



Map 4.4.5-1 Residential Zoning Districts

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



Commented [MT5]: Changes include:

- Streamline WRL and WRM to just be RL/RM
- Rezones properties within RL with frontage on North Ave, Colchester Ave, Shelburne Rd, St. Paul St. to Residential Corridor
- Rezones Champlain Elem. From RL to RM
- Rezones 5 Sisters & Mansfield/Henry/Loomis; S. Union to S. Willard south of Maple St, Hoover/Clymer, and Lakeside from RL to RM
- Rezones area of S. Champlain/Pine south of Maple from RM to RH
- Rezones 60 Austin Drive from ELM to RL
- Rezones a portion of 2076 North Ave from RCO-C to RL

Sec. 4.4.5 Residential Districts

(b) Dimensional Standards

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

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

District	Min. Lot 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	Min required: 9-5 ft Max permitted: 20 ft			80%
Residential Corridor (RC)	N/A				

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Article 5.
 2. The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.
 3. Exceptions to minimum lot size and frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2.
 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.
 10. Reserved

Commented [MT6]: The remainder of this section is proposed as a full strike & replace of the text in Sec. 4.4.5 today.

Sec. 4.4.5 (b) creates new dimensional tables—one to regulate lot and building placement standards, and another to regulate the size and number of units allowed in structures.

Except where noted, Sec. 4.4.5 (c) and 4.4.5 (d) are largely existing residential district standards. These sections have been reordered for a more logical flow, and for internal coordination of new standards. See notes below for new/substantial changes.

Commented [MT7]: Per Committee decision to remove minimum lot size, the column for min lot size has been removed as it is no longer relevant.

Commented [MT8]: This footnote points at the section where this will be addressed, and the specific language will be dealt with in Part 2.

Commented [MT9]: Reserved for reference to Cottage Court rules in Part 2

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

District	Max Height & Stories ^{1,3}	Max Dwelling Units per Structure ^{2,3,4}	Max. Principal Structure Footprint ³	Max. Secondary Structure Footprint ³	Max Building face before providing offset ⁵	Min. Distance between Structures on same lot
Residential Low (RL)	35 ft 3 stories	4	1,800 sq.ft.	1,100 sq.ft.	50'	15'
Residential Medium (RM)	35 ft 3 stories	6	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50' 4 stories	N/A	N/A	N/A		
Residential Corridors (RC)			3,600 sq.ft.	N/A		

1. Details regarding the measurement of and exceptions to height limits are found in Article 5.
 2. Minimum dwelling unit size is 350 sq.ft.

Commented [MT10]: Part 2 will make any needed distinctions/coordination between ADU standards in Article 5 & new Secondary building standards.

Commented [MT11]: Based on committee discussion, RL is the only district left that would require some form of setback/offset of the top story's massing (i.e. the 1/2 story standard).

For Part 1, recommend maintaining existing height limits for RL as they are today. If Committee still feels important to address upper story massing for RL, can address in Part 2, as it will require shifts to how building height is measured in Article 5.

3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11.
4. Within the RM district, a maximum of six (6) dwelling units are permitted in a Principal structure, and a maximum of four (4) units are permitted in a Secondary structure.
5. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.

Commented [MT12]: In Part 2, this footnote will make a reference to future cottage court rules.

(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. Reserved

Table 4.4.5-3 Reserved

Commented [MT13]: This is where Part 2 will create standards to allow Cottage Courts by-right, or as a PUD if spanning multiple lots.

B. Residential Development Bonuses

The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

(i) Senior Housing Bonus

Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB for senior housing provided the following conditions are met:

- a) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) percent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1);
- b) The proposal shall be subject to the design review provisions of Art. 6;
- c) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
- d) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-4: Senior Housing Bonus

District	Maximum Coverage	Maximum Density
RL	44%	20 du/ac
RM	48%	40 du/ac
RH	92%	80 du/ac

Commented [MT14]: This section moves the existing bonuses in the residential districts, found in Sec. 4.4.5 (d) 6. It makes changes only to table and section numbering, and related cross references within this section, references, and removes references to RL-W and RM-W districts, per the map changes.

Part 2 amendments will include replacement standards for the Senior Housing Bonus, Residential Conversion, and Max Bonus Limits that reflect the shift away from du/acre density standards, as well as changes to underlying lot cover for residential districts. This will also provide an opportunity to consider how to address inconsistencies between the bonuses themselves.

These bonuses are used selectively; while this approach creates a technical inconsistency in short-term, this will be resolved in part 2.

(ii) Residential Conversion Bonus

Development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

- a) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Residential Conversion Bonus

District	Maximum Coverage	Maximum Density
RL	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
RM	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

(iii) Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-6: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum FAR*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45-feet	92%
RM	40 du/ac	35-feet	72%
RL	20 du/ac	35-feet	62%

* - or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

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 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.

Commented [MT15]: 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.

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.
- (v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.

Commented [MT16]: Items under B & C here are all existing standards in the CDO today

Commented [MT17]: This removes the limit that these cannot be used for parking so that the pervious pavement can be used for driveways

Commented [MT18]:
This section is all existing text, just relocated.

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

- (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. 5.11 and 5.12 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.

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:

Commented [MT19]: These are existing standards, just relocated.

- (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.

Sec. 4.4.6 Recreation, Conservation and Open Space Districts

(b) through (d) – As Written

Commented [MT20]: Does not change RCO zone standards, but updates Map 4.4.6-1 to rezone a portion of 2076 North Ave from RCO-C to RL.

Article 4: Zoning Maps and Districts

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.1 Design Review Overlay District

(a) Purpose:

The Design Review Overlay District (DR) is intended to provide detailed individual review of certain uses and structures in those areas of the city which contain structures of historical, architectural, or cultural merit, and where the community has a particular interest in the design of future development in order to address specific land development objectives.

Commented [MT21]: Today, this section also includes existing 4.5.3-1 RH Density Bonus Overlay and 4.5.5. RL Larger Lot Overlay District. These are proposed to be deleted and therefore are not included in the text.

The RH Density Bonus is proposed to be removed because it is functionally irrelevant. No other properties meet the standards eligible for utilizing this bonus.

The RL Overlay is proposed to be removed as it a) needs to be updated per requirements of Act 47, and b) the remaining standards are inconsistent with previous decisions of the committee.

The Committee will discuss at its upcoming meeting

(b) Areas Covered:

The geographic¹ areas subject to the Design Review Overlay shall be as delineated on Map 4.5.1 – 1 Design Review Overlay, that include the following:

- (1) The following zoning districts:
 - A. The Downtown Waterfront – Public Trust district and all Neighborhood Mixed Use, Enterprise, Institutional, Urban Reserve, and Recreation, Conservation and Open Space districts; and,
 - B. Portions of the Residential Districts and as identified in Map 4.5.1-1, and described below.
- (2) The following areas within Residential Districts:
 - A. All properties west of the Burlington Bike Path north of College Street;
 - B. All properties west of the Vermont Railway line south of Lakeside Ave;
 - C. All properties within 500' of Lake Champlain or the Winooski River;
 - D. All properties with frontage on Brooks Avenue;
 - E. All properties within the area bounded by Maple, South Willard, Howard and South Union streets;
 - F. All properties with frontage on the west side of South Union St. between Main and Howard streets;
 - G. All properties with frontage on the north side of Howard St. between South Union and St. Paul

Commented [MT22]: For Part 1: text makes changes only to references to former residential zoning districts, and maintains map 4.5.1-1 as it exists today.

This creates some inconsistencies with whether this overlay applies to various RL & RM zoned neighborhoods citywide, but does not change the applicability or non-applicability neighborhood-by-neighborhood from today.

Part 2 will explore whether there should be changes to the location and/or type of projects that Design Review is applicable. It will also explore how to create greater continuity between the Areas Covered, here in Article 4, and the Types of Projects Covered which are separately spelled out in Article 3. Part 2 will also address some technical corrections to map 4.5.1-1, where the map does not seem to be consistent with 2 past zoning map changes.

Generally, there is very little other than the downtown form districts, and single family homes in some neighborhoods (i.e. 5 Sisters) where design review is NOT applicable today.

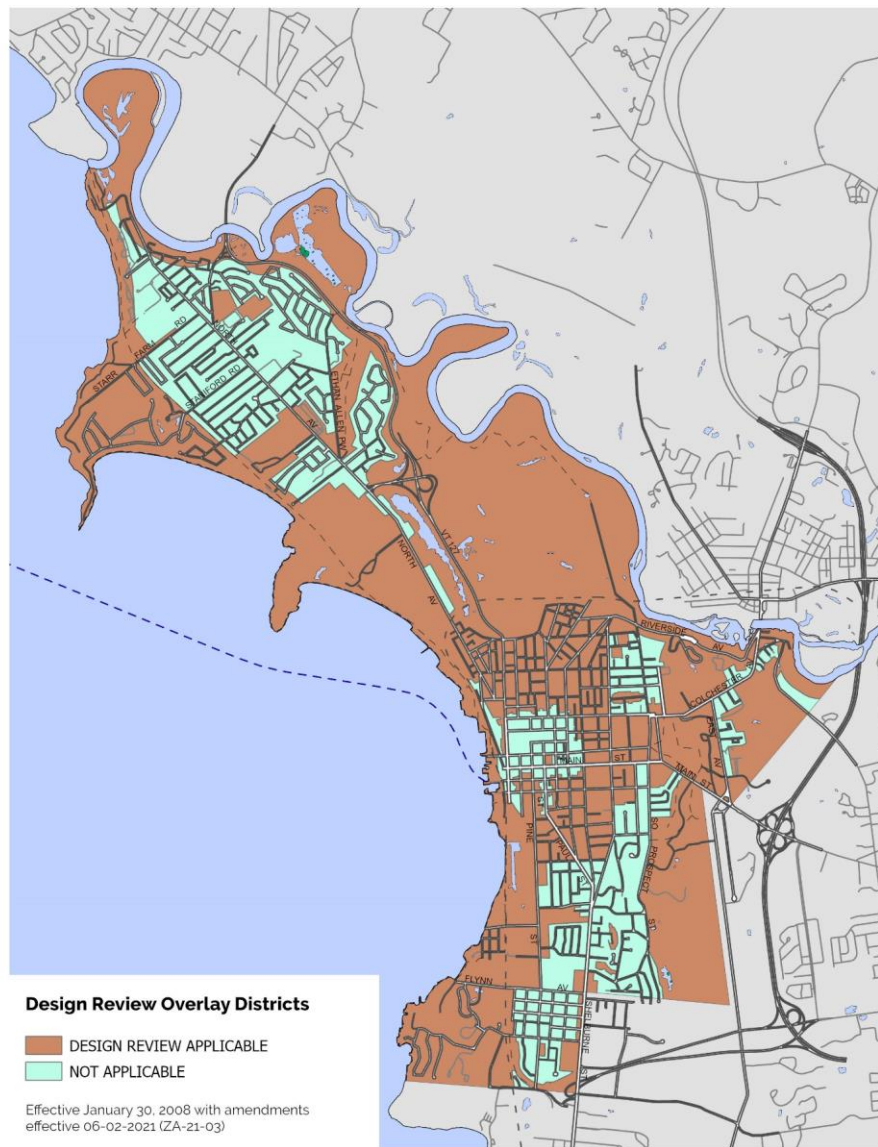
¹ This Section only defines the geographic areas of the city that are subject to Design Review. Other types of development are also subject to Design Review pursuant to the requirements of Article 3, Part 4.

streets;

- (3) The following uses, buildings, and properties within Residential Districts:
 - A. All nonresidential uses, residential uses with home occupations, or other conditional uses, having frontage on the following major streets:
 - (i) Shelburne Street, from its point of beginning southerly to its intersection with Home Avenue;
 - (ii) South Union Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;
 - (iii) St. Paul Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;
 - (iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett Street; and
 - (v) North Avenue, from its intersection with Convent Square northerly to its intersection with Plattsburg Avenue.

(c) District Specific Regulations: Design Review Overlay District:

Within this overlay district, no structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of Article 3, Part 4 pertaining to Design Review and the review criteria described in Art 6.



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Sec. 4.5.2 Institutional Core Campus Overlay Districts

(c) through (h) – As Written

Sec. 4.5.3 Natural Resource Protection Overlay (NR) District

(a) through (f) – As Written

Sec. 4.5.4 Mouth of the River Overlay District

(a) through (c) – As Written

Sec. 4.5.5 Centennial Woods Overlay District

(a) through (c) – As Written

Sec. 4.5.6 South End Innovation District Overlay

(a) through (c) – As Written

Commented [MT23]: All of the following sections & associated maps are renumbered to reflect the removal of RH Density Bonus and RL Large Lot Overlay districts; More details in the full text markup document. None of the related standards or map boundaries are proposed to be changed.

Maps to be renumbered include:

- Natural Resource Overlay District
- Mouth of the River Overlay District
- Centennial Woods Overlay District
- South End Innovation District Overlay & Specific Height Area Map

Article 5: Citywide General Regulations

PART 1: USES AND STRUCTURES

Sec. 5.1.1. Uses

(a) through (i) – As written

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

(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

Commented [MT24]: This section has been updated to allow more than one primary structure on a lot.

Article 5: Citywide General Regulations

PART 2: DIMENSIONAL REQUIREMENTS

Sec. 5.2.1. RESERVED

Sec. 5.2.2. Required Frontage or Access

As written

Commented [MT25]: This was the location of the former “Existing Small Lot Standards” which is proposed to be deleted, with this section held in reserve for future needs.

The existing small lot standard reflects what is required by state statute. However, Committee decided to remove minimum lot sizes and new standards for lot width in Sec. 4.4.5 means that no zone has greater than 40ft wide min frontage requirement. Therefore, this section is irrelevant.

Commented [MT26]: Nothing is proposed to change in this section in Part 1. Flagging that there will likely be changes in Part 2 of the code, to expressly enable Flag Lots and/or other situations where lots don't have direct street frontage.

Sec. 5.2.3. Lot Coverage Requirements

As written

Commented [MT27]: Nothing is proposed to change in this section. While the committee had a number of questions related to calculation of lot coverage, and what is included or not, ultimately there are no changes proposed to this section. (See the Exceptions to Dimensional Standards guide from prior meetings)

Sec. 5.2.4. Buildable Area Calculation & Steep Slopes Overlay District

The intent of this section is to:

As Written

(a) Buildable Area Calculation

For any properties two (2) or more acres in size within any RCO, RM, or RL zoning district, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water; and lands with a slope in excess of 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the additional density or lot coverage will be compatible within the existing scale and intensity of the surrounding neighborhood, and not have an undue negative impact on sensitive natural features.

Commented [MT28]: The only change to this section is to reflect updates to district names consistent with Sec. 4.4.5.

(b) Steep Slopes Overlay District

As Written

Sec. 5.2.5. Setbacks

(a) Setbacks Required

As Written

Commented [MT29]: Sec. 4.4.5 updates rear setback depth in Res. Districts, and set an upper limit on front setbacks for lots with very deep existing setbacks. Additionally, recent amendment ZA-23-03 made some additional changes to averaging setbacks and building features that can encroach in setbacks.

(b) Exceptions to Yard Setback Requirements

The following projections into required yard setbacks may be permitted subject to the standards of Article 6 to ensure compatibility with neighboring properties:

1. through 6. As Written
7. Driveways Common or shared driveways and walkways along shared property lines and associated parking areas, including those to serve residential lots and developments Sec. 4.4.5 (d) 4.A and Sec. 5.2.2 (b), do not have to meet setback requirements along the shared property line. Other driveway encroachments may be permitted subject to Sec. 4.4.5 (d) 1.A.
8. Additional exceptions for nonconforming structures under Sec. 5.3.5.

Commented [MT30]: This clarifies the language regarding shared driveway encroachments to be consistent with the changes to Sec. 4.4.5.

Sec. 5.2.6. Building Height Limits

As written

Commented [MT31]: Nothing is proposed to change in this section. If Part 2 revisits the setback requirement for the upper floor of buildings in RL, then may require adjustments to the methods for measuring height in this section.

Sec. 5.2.7. Density Calculations

As written

Commented [MT32]: Nothing is proposed to change in this section. This section simply lays out methods for calculating density. Part 1 changes have no impact on this section.

Article 5: Citywide General Regulations

PART 3: NON-CONFORMITIES

Commented [MT33]: For Part 1, nothing is proposed to change in this section. The question has been raised as to whether there should be more flexibility for existing, non-conforming structures on lots. The standards in this section will be discussed in Part 2 with regard to any additional allowances for such circumstances.

Article 6: Development Review Standards

PART 1: LAND DIVISION DESIGN STANDARDS

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a) through (g)—As Written

(h) Building Location and Orientation:

The introduction of new buildings and additions shall be **consistent** with the intent of the district. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street-edge," or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

[Remainder of section As Written]

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to the purpose of the zoning district. They should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such considerations shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be **considered**

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development should maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium residential districts, the height and massing of existing residential should be carefully considered when evaluating the compatibility of additions and infill development; however, no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2.

[Remainder of section As Written]

(2) through (3)—As Written

(b) through (i)—As Written

Commented [MT34]: For Part 1, nothing is proposed to change in this Section. However, in Part 2, will need to make some adjustments to the review standards for subdivision will need to be made, in line with changes to 5.2.2 to allow smaller and different lots to be created.

Commented [MT35]: This has been updated to provide greater flexibility for new buildings. While the NC massing and dimensional standards were developed with respect for existing patterns, the current language requiring new buildings to consistent with existing patterns may be overly restrictive for new structures in existing areas.

Commented [MT36]: Act 47 prohibits discretionary decisions from limiting building footprint and height to less than that allowed in the underlying ordinance. Therefore, this text has been adjusted to ensure that existing buildings should be considered, but shall not require smaller buildings than the ordinance otherwise allows.

Article 11: Planned Development

PART 1: PLANNED UNIT DEVELOPMENT

Sec. 11.1.1 Intent. – As Written

Sec. 11.1.2 Authority.

These regulations are enacted under the provisions of 24 V.S.A. Section 4417.

Sec. 11.1.3 General Requirements and Applicability

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

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

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

Sec. 11.1.4 Modification of Regulations.

With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:

- minimum lot size, frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis;
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;
- more than one principal use and more than one principal structure may be permitted on a single lot;
- one or more residential uses not otherwise permitted may be permitted; and,
- buildings may be of varied types including single detached, attached, duplex or apartment construction.

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Sec. 11.1.5 and Sec. 11.1.6.

Sec. 11.1.5 through Sec. 11.1.6 – As Written

Article 13: Definitions

Sec. 13.1.2 Definitions

Building Height: The vertical measurement of a building. See Sec. 5.2.6 for specific calculation provisions.

Appendix A- Use Table

See markups to Appendix A, attached to ZA-24-02 Neighborhood Code Part 1.

****End DRAFT CDO Language****

Working Draft Ordinance Language | p. 17

Commented [MT37]: This is the section of the ordinance that has come up many times within Committee discussions, regarding an alternative framework for development on very large lots within the residential districts.

Part 1 removes references to Waterfront Low and Medium districts that are being removed, and explicitly enables a PUD to make adjustments to min lot size and to permit residential uses not otherwise allowed in the underlying district. It maintains all other standards.

However, Part 2 will consider the minimum project size required to utilize PUD standards in the RL zone, as well as an alternative framework for how PUD's in the residential district are regulated since underlying density limits are being replaced by massing standards (i.e. likely articulate a max FAR for PUD's in residential districts).

Commented [MT38]: This corrects an out of date reference to building height measurement standards.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission, Council
Ordinance Committee

In the Year Two Thousand Twenty-Four

Public Hearing Dates: _____

An Ordinance in Relation to

ZA-24-02 Neighborhood Code, Part 1

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

- 1 That Appendix A, Burlington Comprehensive Development Ordinance, of the Code of Ordinances of the
2 City of Burlington be and hereby is amended by amending Sec. 4.3.1 Base Districts Established; Map 4.3.1-1
3 Base Zoning Districts; Sec. 4.3.2 Overlay Districts Established; Map 4.4.3-1 Enterprise Districts; replaces
4 the entirety of Sec. 4.4.5 Residential Districts; Map 4.4.5-1 Residential Zoning Districts; replaces Tables
5 4.4.5-1, 4.4.5-2, 4.4.5-3, 4.4.5-5, 4.4.5-7, and 4.4.5-8 with new Tables 4.4.5-1 through 4.4.5-6; Map 4.4.6-1
6 Recreation, Conservation and Open Space Districts; Sec. 4.5.1 (b) Design Review Areas Covered; deletes
7 Sec. 4.5.3 RH Density Bonus Overlay District and Map 4.5.3-1; deletes Sec. 4.5.5 RL Larger Lot Overlay
8 District and Map 4.5.5-1; rennumbers Sec. 4.5.4 Natural Resource Protection Overlay (NR) District and Map
9 4.5.4-1; rennumbers Sec. 4.5.6 Mouth of the River Overlay District and Map 4.5.6-1; rennumbers Sec. 4.5.7
10 Centennial Woods Overlay District and Map 4.5.7-1; and rennumbers Sec. 4.5.8 South End Innovation
11 District and Maps 4.5.8-1 and 4.5.8-2; deletes standards associated with Sec. 5.2.1 Existing Small Lots, and
12 replaces it with a reserved section header; amends Sec. 5.2.4 (a) Buildable Area Calculation; amends Sec.
13 5.2.5 (b) 7.; amends Sec. 6.2.2 (h) Design Review - Building Location and Orientation; amends Sec. 6.3.2 (a)
14 1. Architectural Review - Massing, Height and Scale; amends Sec. 11.1.3 and 11.1.4 regarding standards for
15 Planned Unit Development; amends Article 13- Definitions; and amends Appendix A - Use Table thereof to
16 read as follows:
17

Article 4: Zoning Maps and Districts

PART 3: ZONING DISTRICTS ESTABLISHED

Sec. 4.3.1 Base Districts Established

The following zoning districts are hereby established as illustrated in Map 4.3.1-1 and further described in Part 4 below.

(a) through (d) – As Written

(e) A series of ~~five (5)~~ **four (4)** Residential districts: (see Sec. 4.4.5)

- ~~Residential Corridor (RC);~~
- High ~~Density-Intensity~~ Residential (RH);
- Medium ~~Density-Intensity~~ Residential (RM); ~~and~~
- ~~Medium Density Residential – Waterfront (RM-W);~~
- Residential Low ~~Density-Intensity~~ (RL); ~~and,~~
- ~~Residential Low-Density – Waterfront (RL-W);~~

(f) through (g) – As Written

Sec. 4.3.2 Overlay Districts Established

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. Properties within an Overlay District may be used and developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in Part 5 below:

(a) through (b) – As Written

~~(c) – An RH Density Bonus Overlay (RHDB) district;~~

~~(d)~~ (e) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and
- Special Flood Hazard Area;

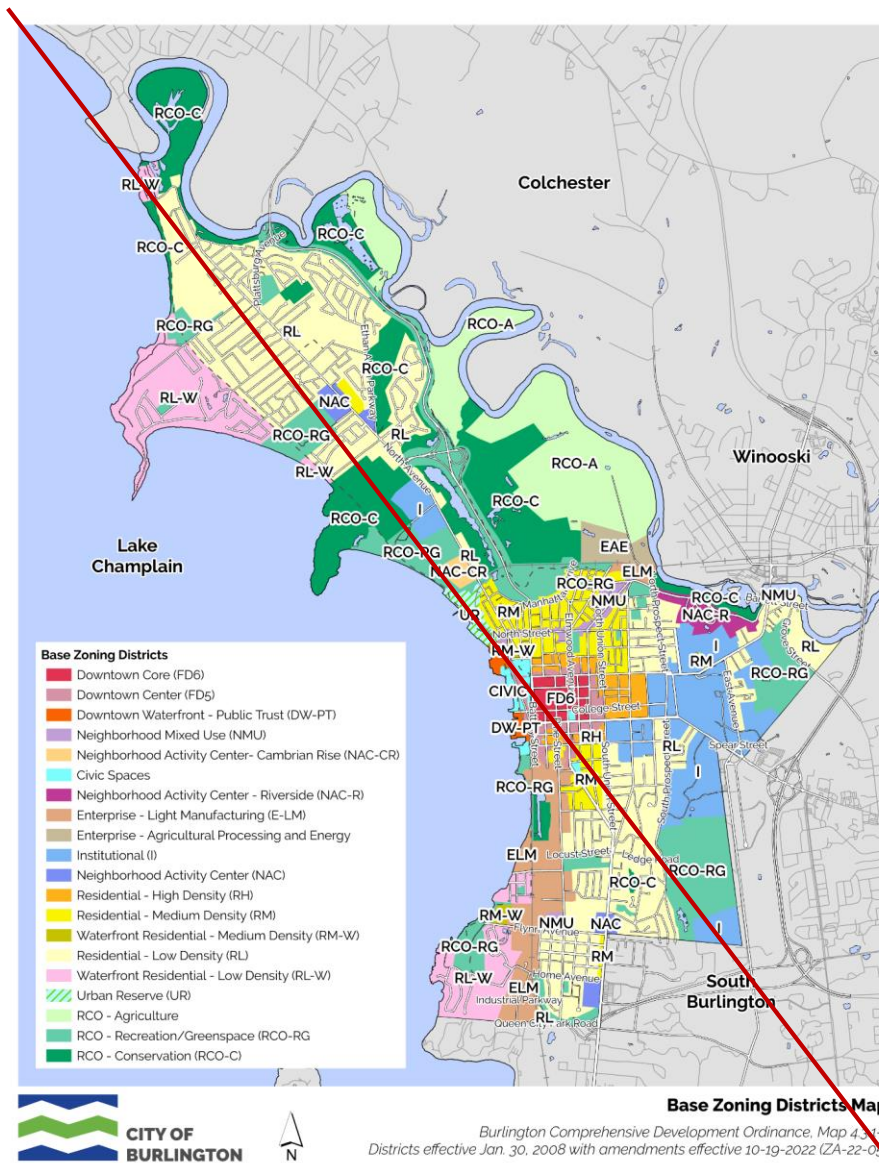
~~(e) – A RL Larger Lot Overlay (RL-L) district;~~

~~(d)~~ (f) A **Mouth of the River Overlay (MOR)** district; ~~and,~~

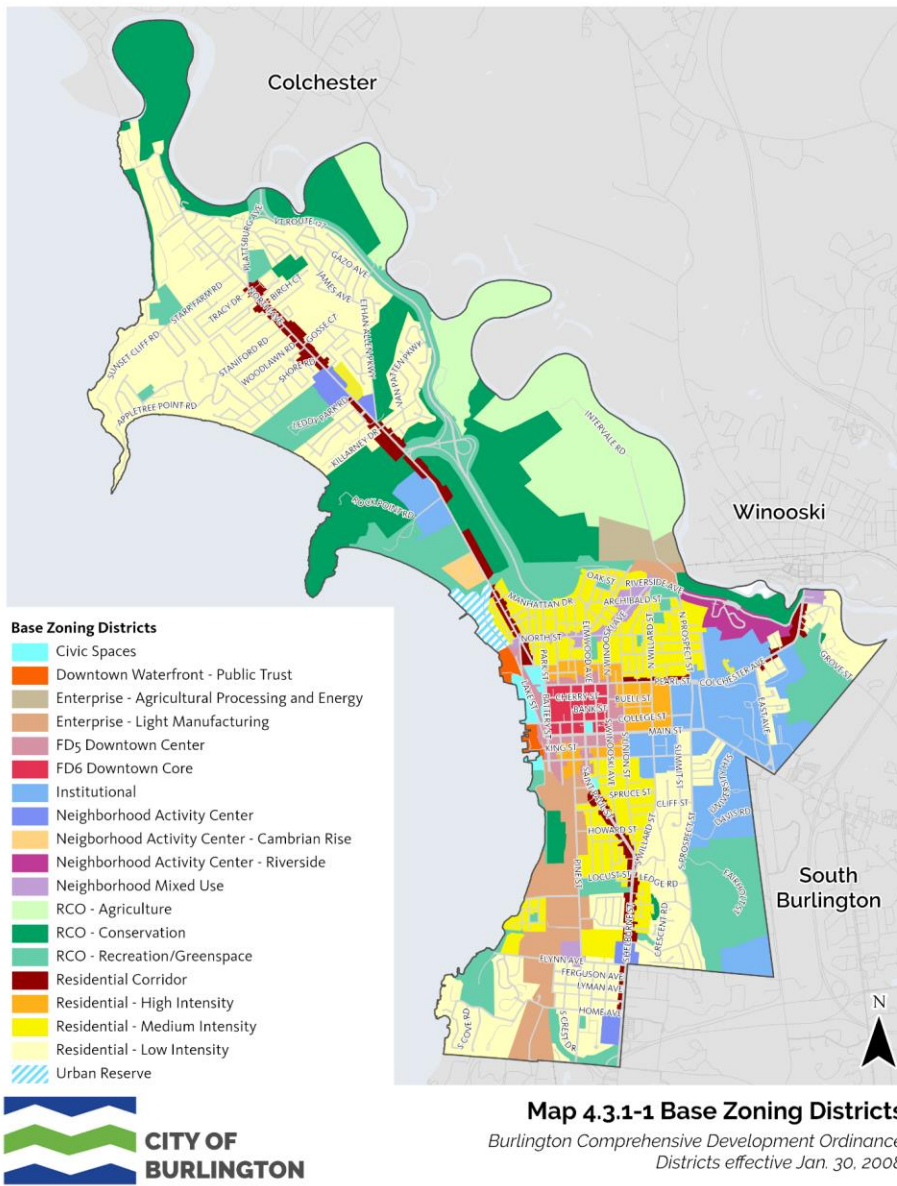
~~(e)~~ (g) A **Centennial Woods Overlay (CWO)** district; ~~and,~~

~~(f) A South End Innovation District Overlay.~~

Commented [MT1]: This list of overlays is updated to reflect elimination of RL-Large Lot Overlay, RH Density Bonus districts, incorporate reference to the recently-adopted SEID (which was omitted from that amendment), and renumber sections accordingly.



52
 53



Map 4.3.1-1 Base Zoning Districts

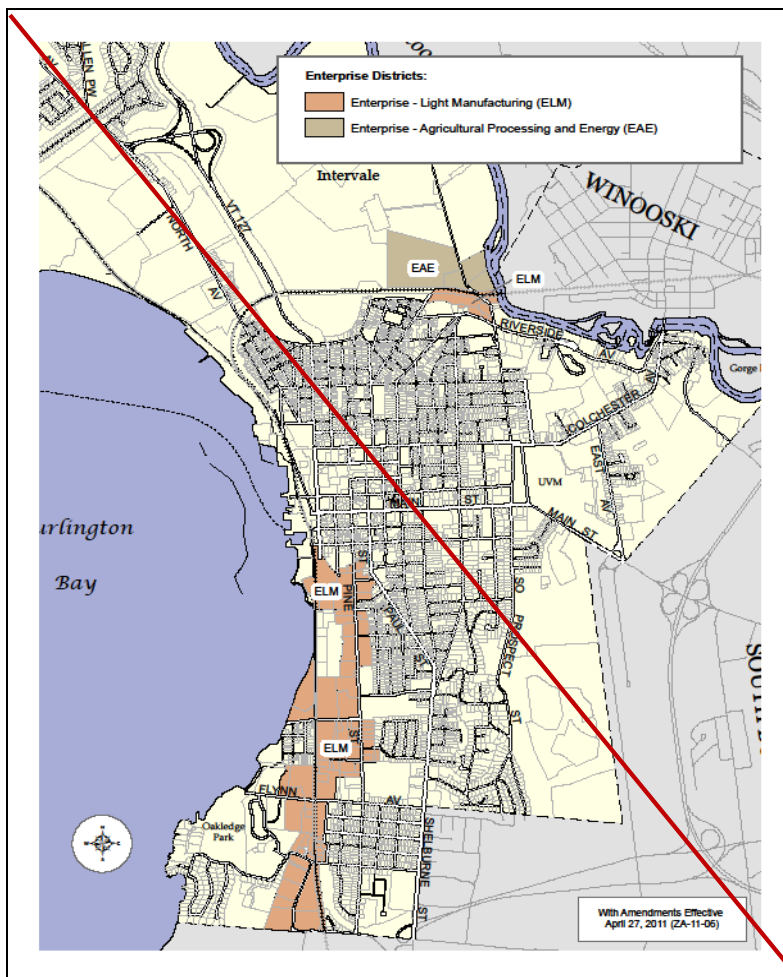
Article 4: Zoning Maps and Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

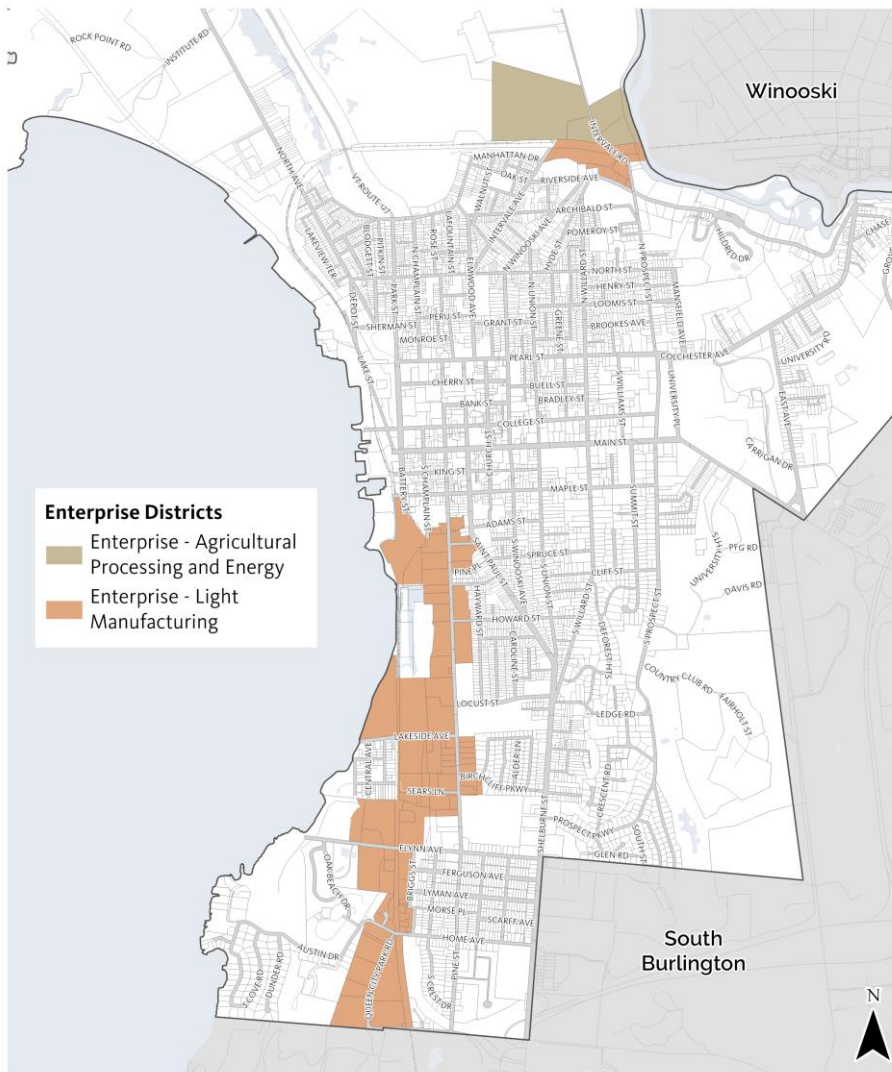
Sec. 4.4.3 Enterprise Districts

(a) through (d) – As Written

Commented [MT2]: This includes updates to rezone 60 Austin Dr. from ELM to RL.



Map 4.4.3-1 Enterprise Districts



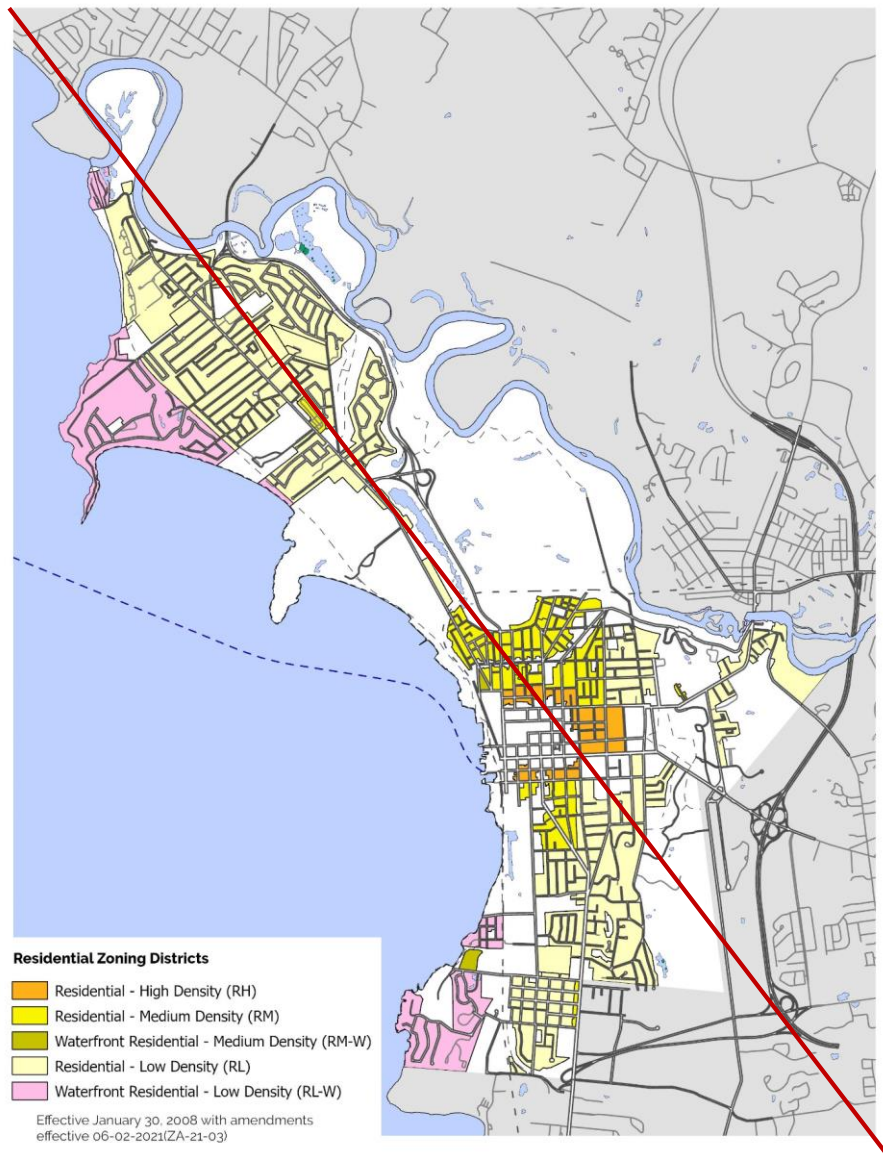
Map 4.4.3-1 Enterprise Districts
 Burlington Comprehensive Development Ordinance
 Districts effective Jan. 30, 2008

Sec. 4.4.5 Residential Districts**(a) Purpose:**

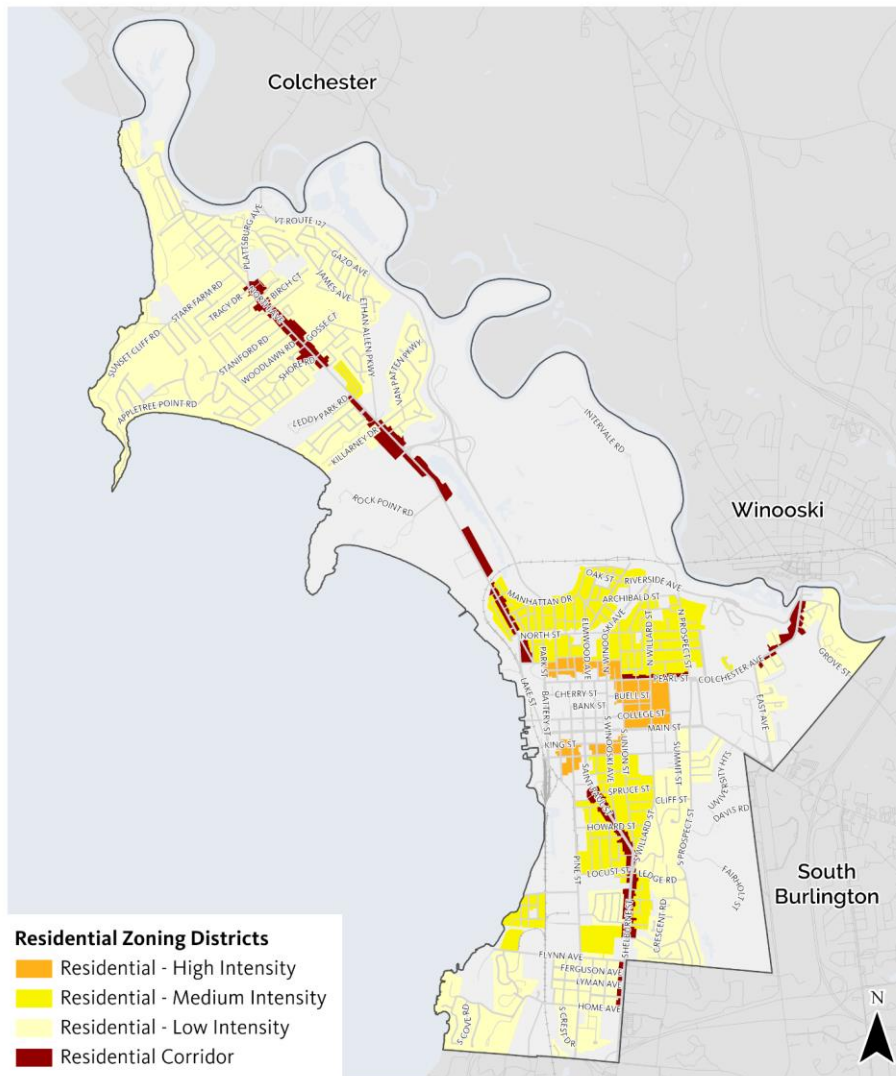
The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment, while enabling neighborhoods to evolve to meet the changing needs of households and the economy, and as a result of the climate emergency. They 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 are reinforced across the city. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood and b. Building facades designed for parking shall be secondary to the residential aspect of a structure. The ~~5~~ Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

1. The **Residential Lower Density/Intensity (RL)** district is intended primarily for low-density residential development that includes a mix of housing types such as in the form of single detached dwellings, with or without accessory dwelling units, and duplexes, triplexes and quadplex. This district is typically characterized by a organized in a compact and cohesive neighborhood-scale that complements residential development pattern reflective of the respective neighborhoods' development and open space history/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 Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~
- 3.2. The **Residential Medium Density/Intensity (RM)** district is intended ~~primarily~~ for medium-density residential development that includes a mix of housing types such as in the form of single-family detached dwellings, with or without accessory dwelling units, duplex, triplex, quadplex, and attached multi-family-unit apartments 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.
4. ~~The Waterfront Residential Medium Density (RM-W) district is intended primarily for medium-density residential development in the form of single-family detached dwellings and attached multi-family apartments. This district is distinguished from the Residential Medium Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~
3. The **Residential High Density/Intensity (RH)** district is intended ~~primarily~~ for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized and larger high-density attached multi-family-unit buildings residential development. 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, large buildings, and buildings placed close to the street and each other together on small lots. Parking is intended to be hidden either behind or underneath structures. 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.
- 5.4. 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 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.

Commented [MT3]: This section includes updates to purpose statements to recognize the intent to allow greater housing flexibility within existing neighborhoods.



117
118 *Map 4.4.5-1 Residential Zoning Districts*



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

Commented [MT4]: Changes include:

- Streamline WRL and WRM to just be RL/RM
- Rezoning properties within RL with frontage on North Ave, Colchester Ave, Shelburne Rd, St. Paul St. to Residential Corridor
- Rezoning Champlain Elem. From RL to RM
- Rezoning 5 Sisters & Mansfield/Henry/Loomis; S. Union to S. Willard south of Maple St, Hoover/Clymer, and Lakeside from RL to RM
- Rezoning area of S. Champlain/Pine south of Maple from RM to RH
- Rezoning 60 Austin Drive from ELM to RL
- Rezoning a portion of 2076 North Ave from RCO-C to RL

Sec. 4.4.5 Residential Districts**(b) Dimensional Standards and Density**

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

Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W²

	Lot Frontage ¹		Lot Size	
Use	(linear feet)		(square feet)	
	RL, WRL	RM, WRM	RL, WRL ²	RM, WRM
Single detached dwelling	Min:	Min:	Min: 6,000	NA
Duplex and above	60'	30'	Min: 10,000	
1. 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. 2. There are no minimum lot size or frontage requirements in the RH District. 3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.				

Table 4.4.5-2: Base Residential Density

District	Maximum dwelling units per acre ¹
Low Density: RL, RL-W	7 units/acre
Medium Density: RM, RM-W	20 units/acre
High Density: RH	40 units/acre
Inclusive of new streets but exclusive of existing streets, and without bonuses or any inclusionary Zoning allowances.	

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1,3,4,5,6}				Max. Height ¹
		Front ¹	Side ¹	Rear	Waterfront	
RL, WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35 feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{2,3,4,5,6}				Max. Height ⁷
		Front ⁴	Side ⁴	Rear	Waterfront	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20'- Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20'- Max required: 75-feet	Min: 75'-feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20'- Max required: 75-feet	NA	35-feet

1. An additional ten percent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.
 2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.
 3. In no event shall the side yard setback be required to exceed 20-feet, or the rear yard setback be required to exceed 75-feet.
 4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.
 5. The side yard setbacks shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.
 6. 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 setbacks shall be 10% of the lot width.
 7.1 For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setbacks shall not be required to exceed 50 feet in any event.

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

District	Min Lot Frontage ^{2,3,4} <u>5</u> (linear feet)	Setbacks ^{1,6,7,8,9}			Lot Coverage ^{1,10}
		Front	Side	Rear	
Residential Low (RL)	30'	<u>Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u>	<u>Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides</u>	20 ft.	45%
Residential Medium (RM)		<u>Max required: 25 ft</u>			60%
Residential High (RH)	N/A	<u>Min required: 5 ft</u> <u>Max permitted: 20 ft</u>	<u>Max required: 20 ft</u>	15 ft.	80%
Residential Corridor (RC)	N/A				80%

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 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 frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2.

4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.

5. 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.

6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.

7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.

8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.

9. An additional ten percent (10%) lot coverage may be permitted for accessory residential features per (d) 3A below.

3.10. Reserved

Commented [MT5]: The remainder of this section is proposed as a full strike & replace of the text in Sec. 4.4.5 today.

Sec. 4.4.5 (b) creates new dimensional tables—one to regulate lot and building placement standards, and another to regulate the size and number of units allowed in structures.

Except where noted, Sec 4.4.5 (c) and 4.4.5 (d) are largely existing residential district standards. These the sections have been reordered for a more logical flow, and for internal coordination of new standards. See notes below for new/substantial changes.

Commented [MT6]: Per Committee decision to remove minimum lot size, the column for min lot size has been removed as it is no longer relevant.

Commented [MT7]: This footnote points at the section where this will be addressed, and the specific language will be dealt with in Part 2.

Commented [MT8]: Reserved for reference to Cottage Court rules in Part 2

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

District	Max Height & Stories ^{4,5}	Max Dwelling Units per Structure ^{2,3,4}	Max. Principal Structure Footprint ³	Max. Secondary Structure Footprint ³	Max Building face before providing offset ²	Min. Distance between Structures on same lot
Residential Low (RL)	35'	4	1,800 sq.ft.	1,100 sq.ft.	50'	15'
Residential Medium (RM)	3 stories	6	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50'	N/A	N/A	N/A		
Residential Corridor (RC)	4 stories		3,600 sq.ft.	N/A		

Commented [MT9]: Based on committee discussion, RL is the only district left that would require some form of setback/offset of the top story's massing (i.e. the 1/2 story standard).

For Part 1, recommend maintaining existing height limits for RL as they are today. If Committee still feels important to address upper story massing for RL, can address in Part 2, as it will require shifts to how building height is measured in Article 5.

1. Details regarding the measurement of and exceptions to height limits are found in Art 5.
2. Minimum dwelling unit size is 350 sq.ft.
3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11.
4. Within the RM district, a maximum of six (6) dwelling units are permitted in a Principal structure, and a maximum of four (4) units are permitted in a Secondary structure.
5. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.

Commented [MT10]: In Part 2, this footnote will make a reference to future cottage court rules.

(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. Reserved

Table 4.4.5-3 Reserved

B. Residential Development Bonuses

The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

(i) Senior Housing Bonus

Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB for senior housing provided the following conditions are met:

- a) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) percent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);
- b) The proposal shall be subject to the design review provisions of Art. 6;
- c) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
- d) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-4: Senior Housing Bonus

Commented [MT11]: This section moves the existing bonuses in the residential districts, found in Sec. 4.4.5 (d) 6. It makes changes only to table and section numbering, and related crossreferences within this section, references, and removes references to RL-W and RM-W districts, per the map changes.

Part 2 amendments will include replacement standards for the Senior Housing Bonus, Residential Conversion, and Max Bonus Limits that reflect the shift away from du/acre density standards, as well as changes to underlying lot cover for residential districts. This will also provide an opportunity to consider how to address inconsistencies between the bonuses themselves.

These bonuses are used selectively; while this approach creates a technical inconsistency in short-term, this will be resolved in part 2.

District	Maximum Coverage	Maximum Density
RL	44%	20 du/ac
RM	48%	40 du/ac
RH	92%	80 du/ac

(ii) Residential Conversion Bonus

Development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

a) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Residential Conversion Bonus

District	Maximum Coverage	Maximum Density
RL	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
RM	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

(iii) Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-6: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum FAR*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45-feet	92%
RM	40 du/ac	35-feet	72%
RL	20 du/ac	35-feet	62%

*- or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

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

Commented [MT12]: 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.

of creating such a driveway or access to parking spaces. Applications for such waiver shall demonstrate that there will be no undue 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.

Commented [MT13]: This removes the limit that these cannot be used for parking so that the pervious pavement can be used for driveways

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.

Commented [MT14]:
This section is all existing text, just relocated.

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

- (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.
- (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 [MT15]: These are existing standards, just relocated.

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.

1. Setbacks

A. Encroachment for Residential Driveways

For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two tandem parking spaces, driveways may encroach into a required sideyard setback up to the property line with DRB approval.

Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, conditional use criteria, and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, protection of neighboring side yard, light and air. In addition, the lot shall be found to have dimensions that are smaller than the existing standards for lot size or frontage. The maximum relief from the 5' minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot. With such approval by the DRB, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.

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

2. Lot Coverage

A. Exceptions for Accessory Residential Features.

In addition to lot coverage exemptions in Sec. 5.2.3(b), within the RL and, RL-W, RM and RM-W 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 or be used for parking:

- (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 Inclusionary Zoning 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. 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, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:~~

- ~~A. 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;~~
- ~~B. 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;~~
- ~~C. 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~~
- ~~D. 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.~~

~~4. Residential Density~~

~~A. Additional Unit to Multi-Family~~

~~One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007, if approved in advance as a conditional use, by the DRB.~~

~~B. 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.~~

~~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.~~

~~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:~~

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,

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);

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.

5. Uses

A. 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 all Residential and Institutional districts subject to the following:

(i) This exemption shall only apply to:

1) Historic buildings that are listed or eligible for listing on the state or national register; or,

2) 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.

(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 purposes 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.

6. Residential Development Bonuses

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

A. Senior Housing Bonus

Residential development in excess of the density, lot coverage and building height limits specified in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB for senior housing provided the following conditions are met:

a) No less than twenty five (25) per cent of the total number of units shall be reserved for low/moderate-income households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-

income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);

- b) The proposal shall be subject to the design review provisions of Art. 6;
c) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
d) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Senior Housing Bonus

District	Maximum Coverage	Maximum Density	
RL/RL-W	44%	20 du/ae	
RM	48%	40 du/ae	
RM-W	72%	40 du/ae	
RH	92%	80 du/ae	

B. Residential Conversion Bonus

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

- (i) Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

District	Maximum Lot Coverage	Maximum Density (dwelling unit/acre)
RL, RL-W	50% (62% with inclusionary allowance)	8 du/ae (8.75 with inclusionary allowance)
RM, RM-W	60% (72% with inclusionary allowance)	30 du/ae (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ae (69 with inclusionary allowance)

C. Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (c) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential densities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-8: Maximum Density, Lot Coverage and Building Heights with Bonuses

District	Maximum Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ae	45-feet (68-ft in RH Overlay)	92%
RM-W	40 du/ae	60-feet	72%
RM	40 du/ae	35-feet	72%
RL, RL-W	20 du/ae	35-feet	62%

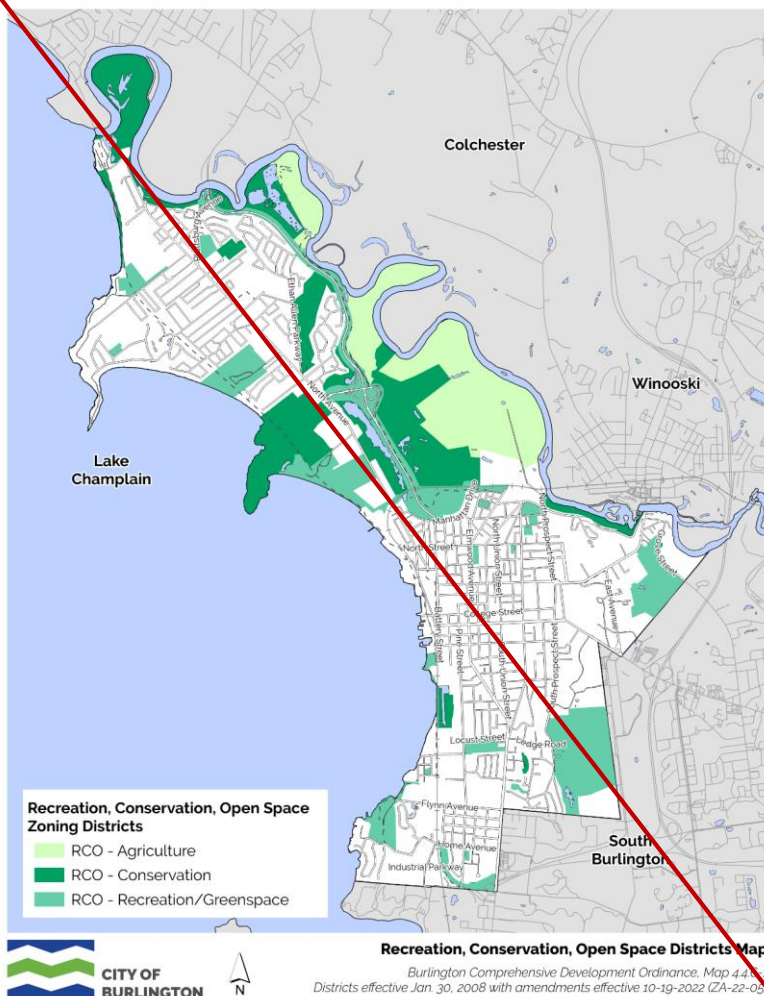
* - or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

Article 4: Zoning Maps and Districts
PART 4: BASE ZONING DISTRICT REGULATIONS

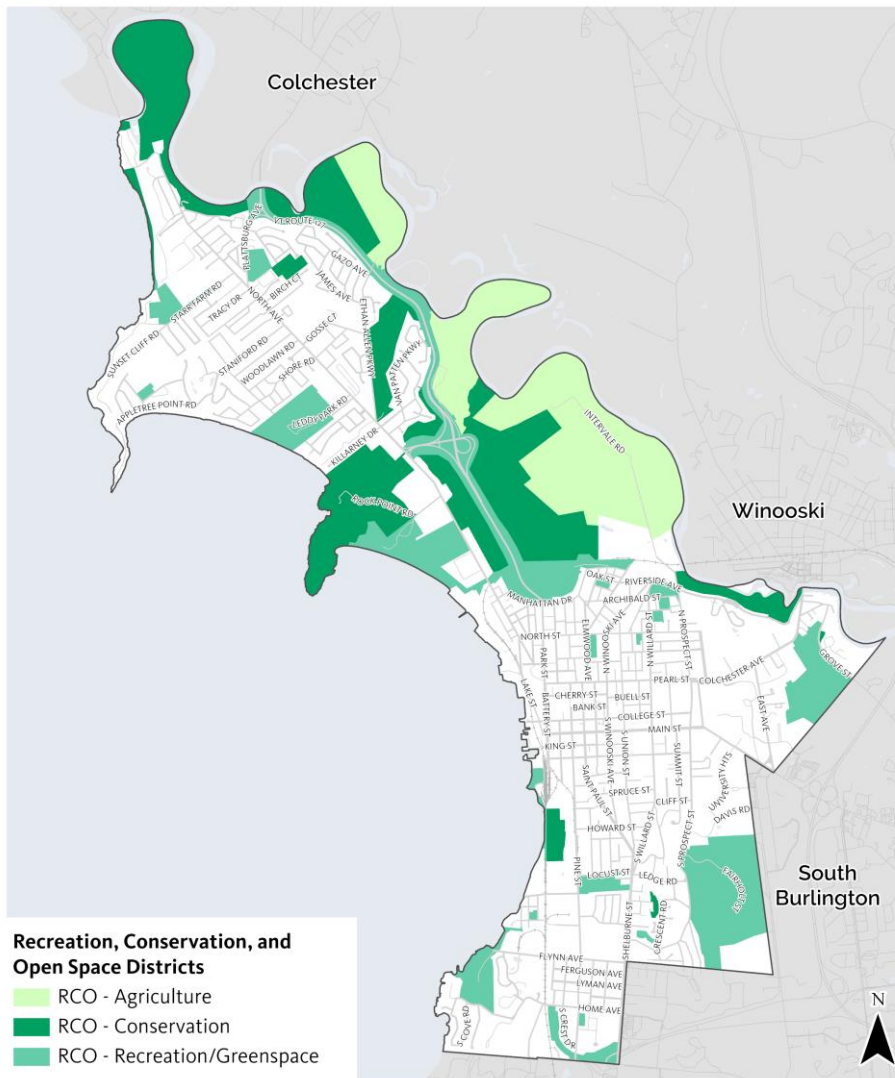
Sec. 4.4.6 Recreation, Conservation, and Open Space Districts

(a) through (d) – As Written

Commented [MT16]: Does not change RCO zone standards, but updates Map 4.4.6-1 to rezone a portion of 2076 North Ave from RCO-C to RL



Map 4.4.6-1 Recreation, Conservation, Open Space Districts



Article 4: Zoning Maps and Districts

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.1 Design Review ~~Overlay~~ District

(a) **Purpose:**

The Design Review Overlay District (DR) is intended to provide detailed individual review of certain uses and structures in those areas of the city which contain structures of historical, architectural, or cultural merit, and where the community has a particular interest in the design of future development in order to address specific land development objectives.

(b) **Areas Covered:**

The geographic¹ areas subject to the Design Review Overlay shall be as delineated on Map 4.5.1 – 1: Design Review Overlay, that include the following:

(1) The following zoning districts:

- A. The Downtown Waterfront – Public Trust district and all Neighborhood Mixed Use, Enterprise, Institutional, Urban Reserve, and Recreation, Conservation and Open Space districts; and,
- B. ~~Portions of the Residential Districts as identified in Map 4.5.1-1 and described below. The High-Density Residential (RH), Medium-Density Residential (RM), Medium-Density Residential-Waterfront (RM-W), and Residential Low-Density-Waterfront (RL-W) districts.~~

(2) The following areas within ~~the Residential – Low-Density~~ Districts:

- A. All properties west of the Burlington Bike Path north of College Street;
- B. All properties west of the Vermont Railway line south of Lakeside Ave;
- C. All properties within 500' of Lake Champlain or the Winooski River;
- D. All properties with frontage on Brooks Avenue;
- E. All properties within the area bounded by Maple, South Willard, Howard and South Union streets;
- F. All properties with frontage on the west side of South Union St. between Main and Howard streets;
- G. All properties with frontage on the north side of Howard St. between South Union and St. Paul streets;

(3) The following uses, buildings, and properties within ~~the Residential – Low~~ Districts:

- A. All nonresidential uses, residential uses with home occupations, or other conditional uses, having frontage on the following major streets:
 - (i) Shelburne Street, from its point of beginning southerly to its intersection with Home Avenue;
 - (ii) South Union Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;
 - (iii) St. Paul Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;
 - (iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barret Street; and
 - (v) North Avenue, from its intersection with Convent Square northerly to its intersection with Plattsburg Avenue.

Commented [MT17]:

For Part 1: text makes changes only to references to former residential zoning districts, and maintains map 4.5.1-1 as it exists today.

This creates some inconsistencies with whether this overlay applies to various RL & RM zoned neighborhoods citywide, but does not change the applicability or non-applicability neighborhood-by-neighborhood from today.

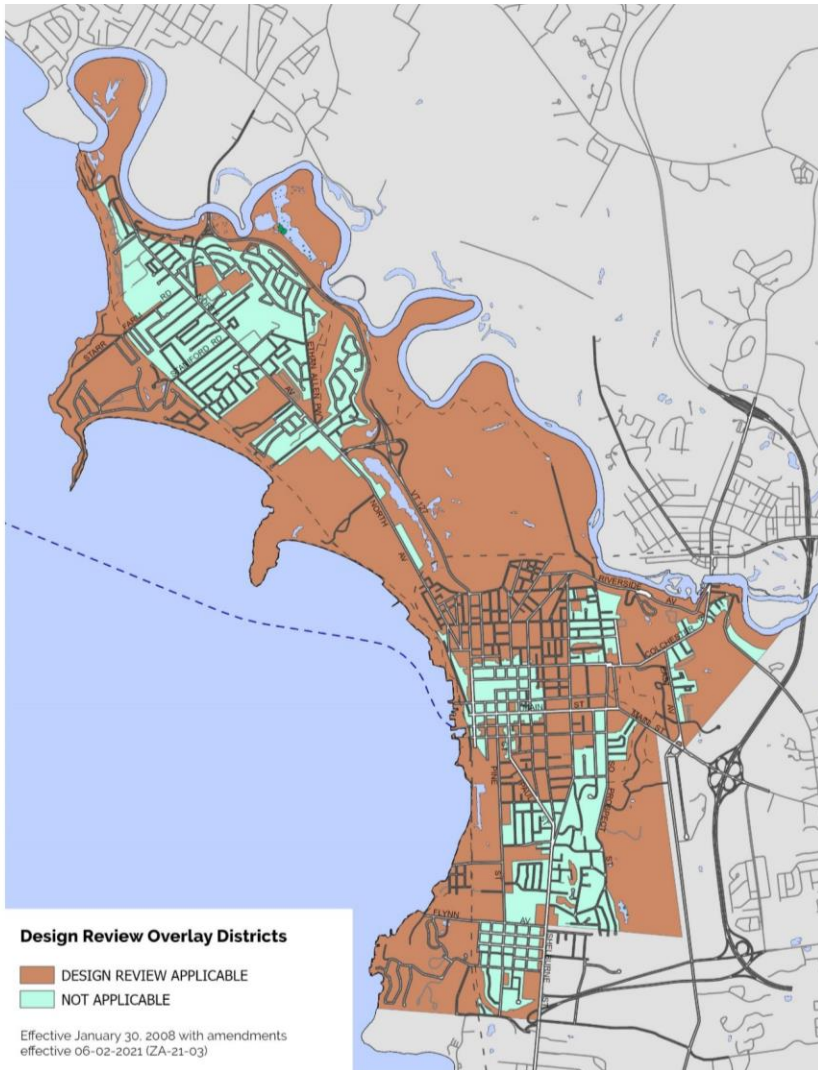
Part 2 will explore whether there should be changes to the location and/or type of projects that Design Review is applicable. It will also explore how to create greater continuity between the Areas Covered, here in Article 4, and the Types of Projects Covered which are separately spelled out in Article 3. Part 2 will also address some technical corrections to map 4.5.1-1, where the map does not seem to be consistent with 2 past zoning map changes.

Generally, there is very little other than the downtown form districts, and single family homes in some neighborhoods (i.e. 5 Sisters) where design review is NOT applicable today.

¹ This Section only defines the geographic areas of the city that are subject to Design Review. Other types of development are also subject to Design Review pursuant to the requirements of Article 3, Part 4.

(c) **District Specific Regulations: Design Review Overlay District:**

Within this overlay district, no structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of Article 3, Part 4 pertaining to Design Review and the review criteria described in Art 6.



Map 4.5.1-1: Design Review Overlay

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) through (h) – As Written

Sec. 4.5.3 RH Density Bonus Overlay District

(a) Purpose:

The RH Density Bonus Overlay District is intended to provide an incentive for the conversion of non-residential uses to residential uses within the RH Zoning District to reduce the number of non-conforming uses and increase the supply of housing near the downtown area.

(b) Areas Covered:

The RH Density Bonus Overlay District includes that portion of the RH Zoning District bordered on the north by Main Street, on the south by Maple Street, on the west by Pine Street and on the east by South Union Street as delineated on Map 4.5.3-1 RH Density Bonus Overlay District. Eligible properties shall be limited to only those existing non-residential single lots of record as of February 8, 2001 of at least one-half acre in size (21,780 sqft). Contiguous lots shall not be combined to meet this minimum lot size standard with the following exception: a half-acre lot may be combined with any contiguous surface parking lot(s) of any size in order to receive the benefits as set forth in this overlay.



Map 4.5.3-1: RH Density Bonus Overlay

~~(c) District Specific Regulations: RH Density Bonus Overlay;~~~~1. Conditional Use Review~~~~Any redevelopment undertaken pursuant to the provisions of this overlay district shall be subject to conditional use review pursuant to Article 3.~~~~2. Maximum Residential Density:~~~~An existing non-residential property may be redeveloped for a residential use at a density not to exceed 92 units per acre inclusive of any applicable inclusionary allowances pursuant to Article 9 or development bonuses pursuant to Sec. 4.4.5.~~~~3. Building Height:~~~~For the purposes of regulating building height, this overlay district is divided into the following two (2) areas,~~~~A. In that portion of this overlay between South Union and Church Street, in no event shall the height of any structure exceed sixty eight (68) feet.~~~~B. In that portion of this overlay between Church and Pine Street, in no event shall the height of any structure exceed fifty five (55) feet.~~~~Subject to such maximum building heights, the following shall also apply:~~~~C. The height of any proposed building or addition shall not be more than fifteen (15) feet greater than the average height of existing buildings within the same block having frontage on the same street as the proposed;~~~~D. A height greater than that allowed in (C) above may be permitted if such additional height is setback from the front property line a minimum of twenty five percent (25%) of the width of the street right of way, and in no event less than fifteen (15) feet from the front property line.~~~~E. The height allowance for frontage on one street shall not adversely impact the streetscape of an adjacent street, in the judgment of the development review board~~~~F. That portion of any building which is constructed to a height in excess of the height allowed per the underlying zoning district as provided above, must maintain a setback equal to fifty percent (50%) of that portion's height from the property line shared with any adjacent residential structure. The distance of such a setback will be maintained only for that portion of the building immediately adjacent to an existing residential property.~~~~4. Setbacks:~~~~Front yard setbacks shall be as required in the underlying zoning district, subject to the following exceptions:~~~~A. Up to twenty five percent (25%) of the building façade above the ground level story may project into the front yard setback by not more than fifty percent (50%) for the purpose of creating architectural variation and avoiding large expanses of undifferentiated building wall.~~~~B. At the ground level, patios, paved courtyards, and sitting areas may be allowed within the front setback. Such allowances are subject to approval by the development review board under the design review criteria of Article 6. If the board deems it necessary, it may impose a greater setback in order to achieve the streetscape objectives found in Article 6.~~

5. Construction Materials:

~~Any new structure utilizing the height bonus provisions as specified under this subsection shall be constructed of quality masonry materials or other comparable materials of similar durability on all elevations. The exterior material and windows shall also be of a type that the DRB deems effective for sound buffering.~~

6. Parking Standards:

~~In addition to the parking standards found in Article 8, the following shall also apply within this Overlay:~~

~~At least seventy-five (75%) of the parking spaces shall be provided onsite as structured parking spaces. Any structured parking shall be concealed by the structure or the building so that it is not visible from the street (the entrance and exit may be visible).~~

7. Permitted Non-Residential Uses:

~~The following nonresidential uses may be permitted by the DRB on the ground floor of the structure: art gallery, bakery, bank/credit union, beauty/barber shop, daycare, food store, health club, laundromat, office (general), office (medical or dental), open air market, photo studio, restaurant, retail, tailor shop, and theatre.~~

8. Residential Occupancy:

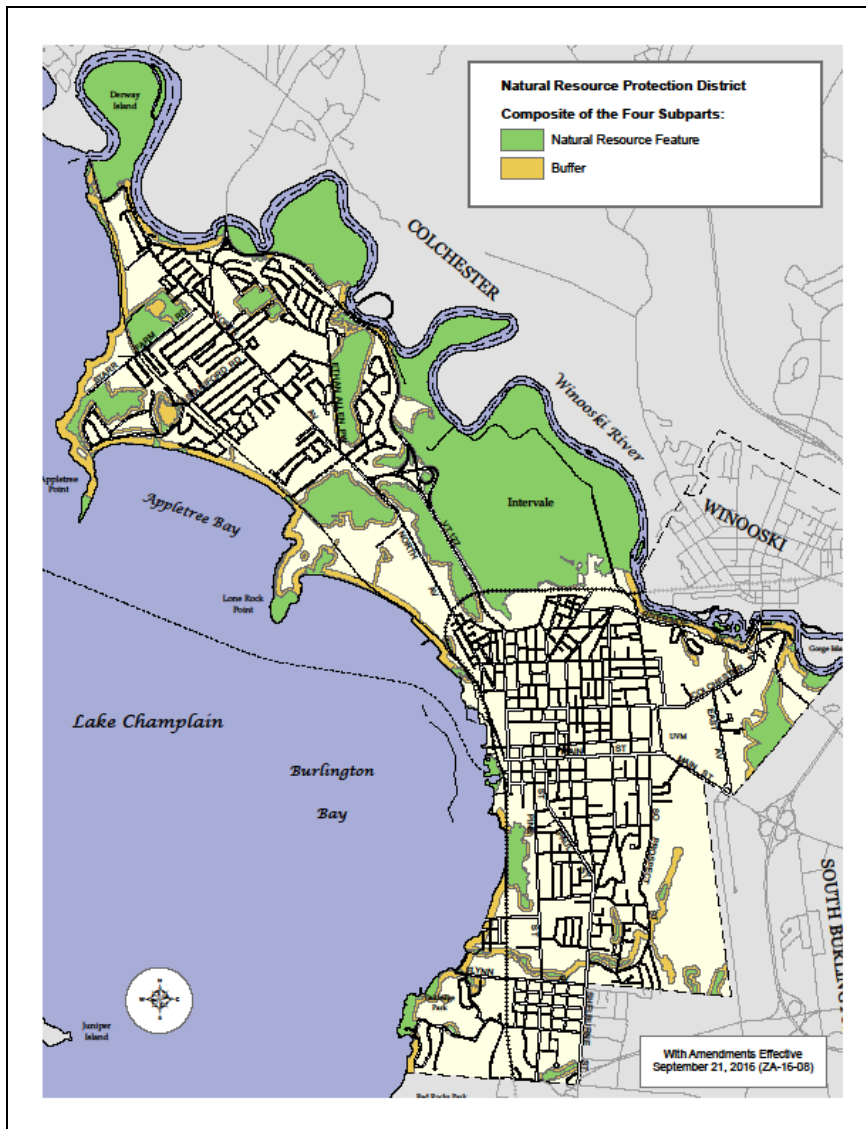
~~Each unit of any structure erected pursuant to this subsection shall be occupied by a "family" as defined in Article 13.~~

9. Character of the Area Affected:

~~When the DRB reviews a project under the provisions of Article 3 Conditional Use Review, it shall take into consideration that developments utilizing this bonus are located in an area adjacent to the Downtown. In making its determinations and setting conditions under the standard "Character of the area affected," the DRB shall consider that it is the public policy of the City of Burlington that where there are conflicts between public uses and activities and the quiet enjoyment of residents in developments utilizing the bonuses permitted in the underlying district, the public uses and activities shall take precedence and the development shall be designed in a manner that mitigates the conflicts.~~

Sec. 4.5.4.5.3 Natural Resource Protection Overlay (NR) District

(a) through (f) – As Written



Map 5.4.14.5.3-1: Natural Resource Overlay District

Commented [MT18]: No change to map, simply renumbered to match new overlay section numbering.

Sec. 4.5.5 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:

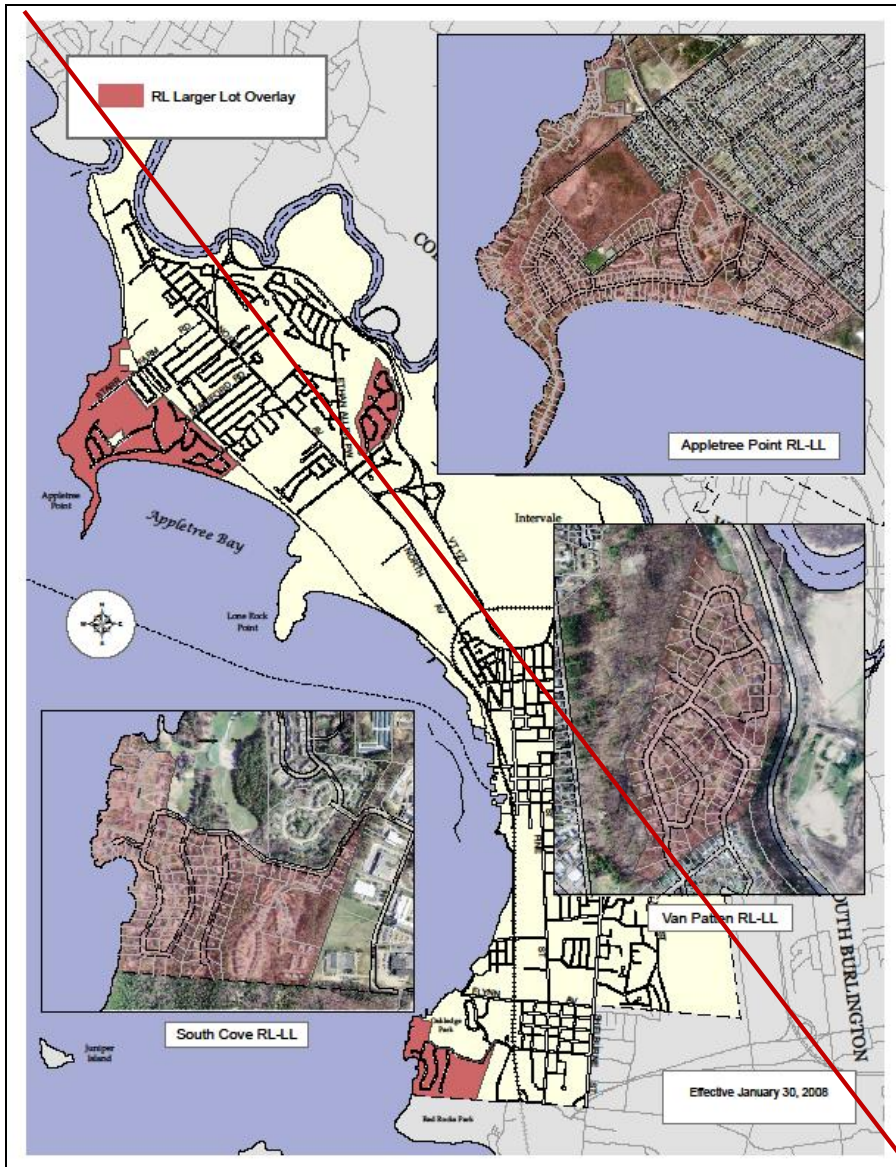
The RL Larger Lot Overlay District includes those portions of the RL Zoning District as delineated on Map 4.5.5-1 RL Larger Lot Overlay District.

(c) District Specific Regulations: RL Larger Lot Overlay**1. Minimum Lot Size and Density**

The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5-1 and 4.4.5-2 as follows:

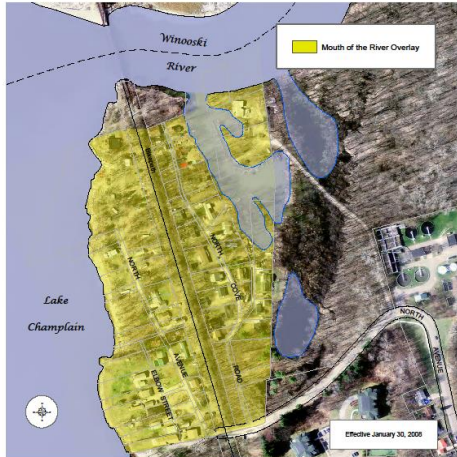
Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage¹ <i>(In linear feet)</i>	Minimum Lot Size <i>(In square feet)</i>	Maximum dwelling units per acre² <i>(without bonuses or any Inclusionary Zoning allowances)</i>
Single detached dwelling	75 feet	9,900sqft	4.4 units/acre
Duplex and above	100 feet	15,840sqft	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.			



Map 4.5.5-1: RL Larger Lot Overlay

Sec. 4.5.6.4.5.4 Mouth of the River Overlay District
(a) through (c) – As Written



Commented [MT19]: No change to map, simply renumbered to match new overlay section numbering.

Map 4.5.6-4.5.4: Mouth of the River Overlay

Sec. 4.5.7.4.5.5 Centennial Woods Overlay District
(a) through (c) – As Written

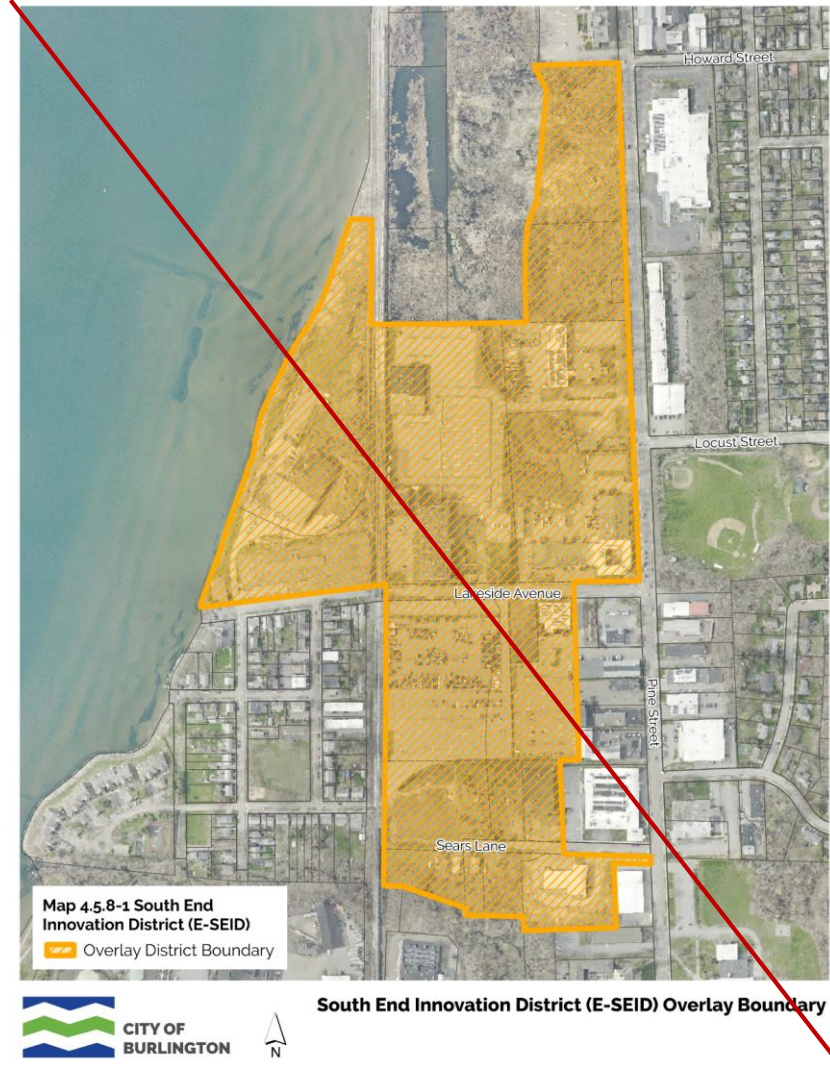


Commented [MT20]: No change to map, simply renumbered to match new overlay section numbering.

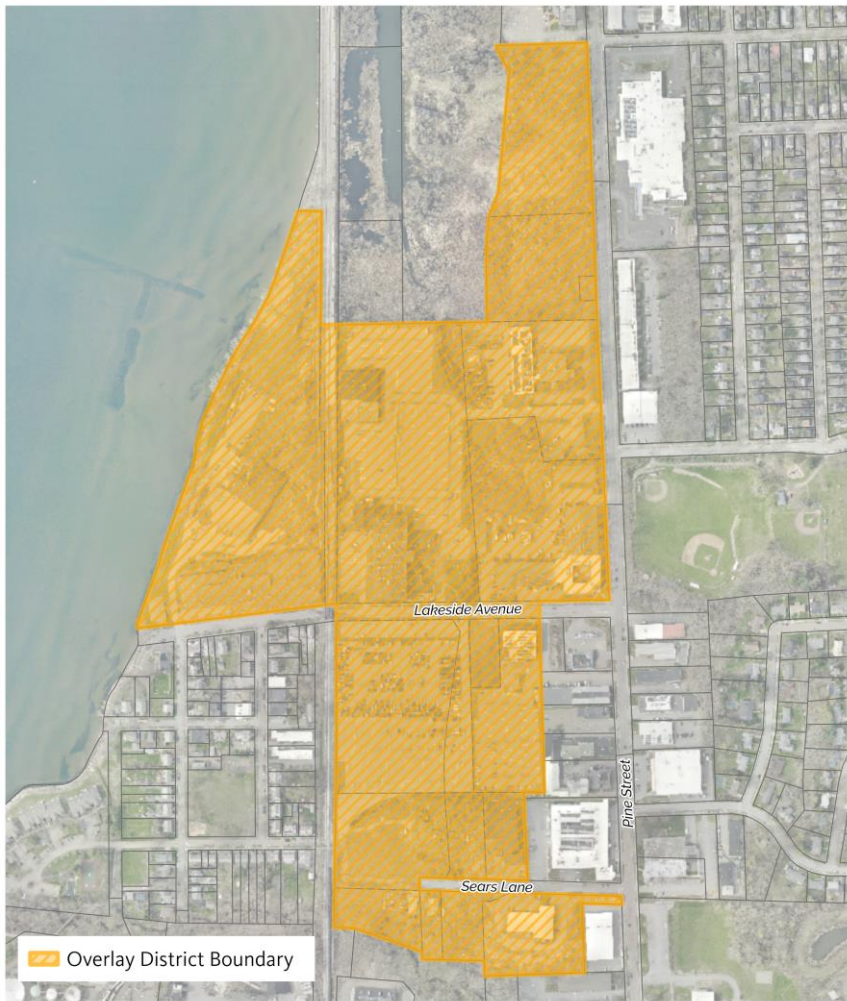
Map 4.5.7-4.5.5-1: Centennial Woods Overlay

Sec. 4.5.8-4.5.6 South End Innovation District Overlay District

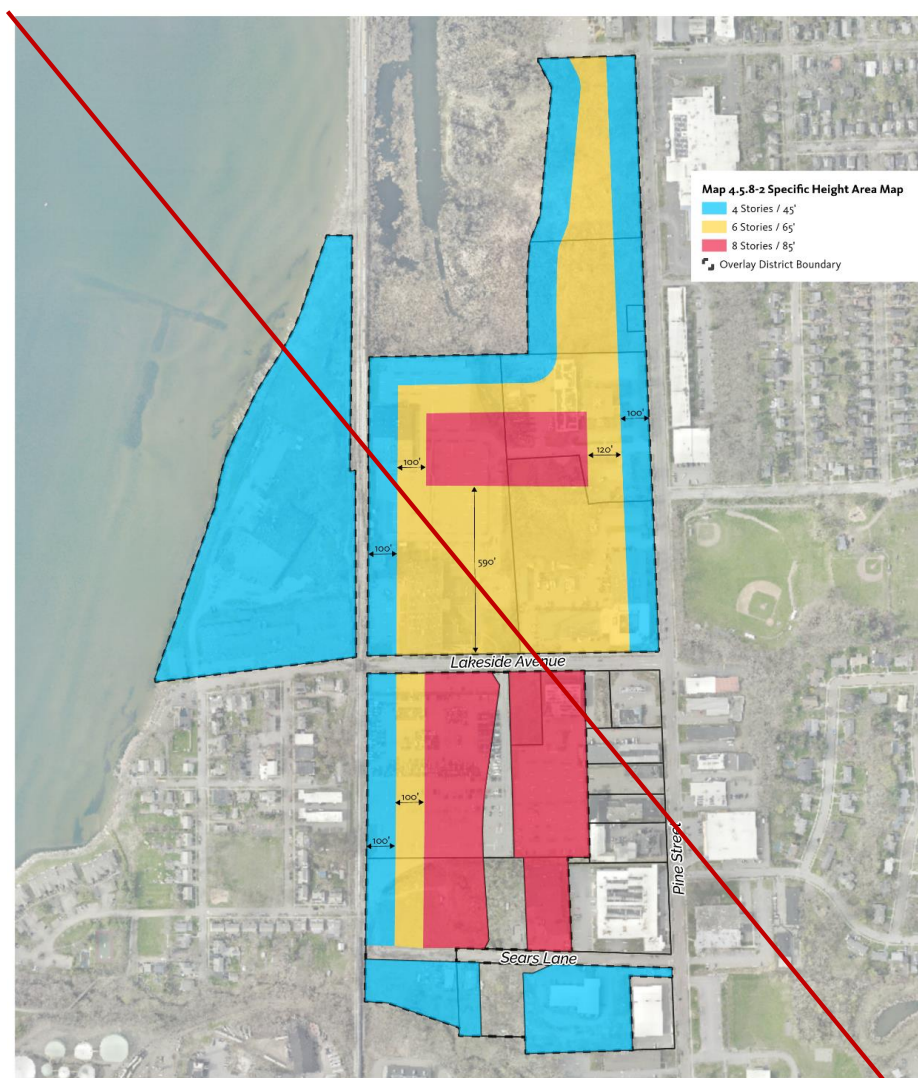
(a) through (c) – As Written



Commented [MT21]: No change to map, but map title block renumbered to match new overlay section numbering.



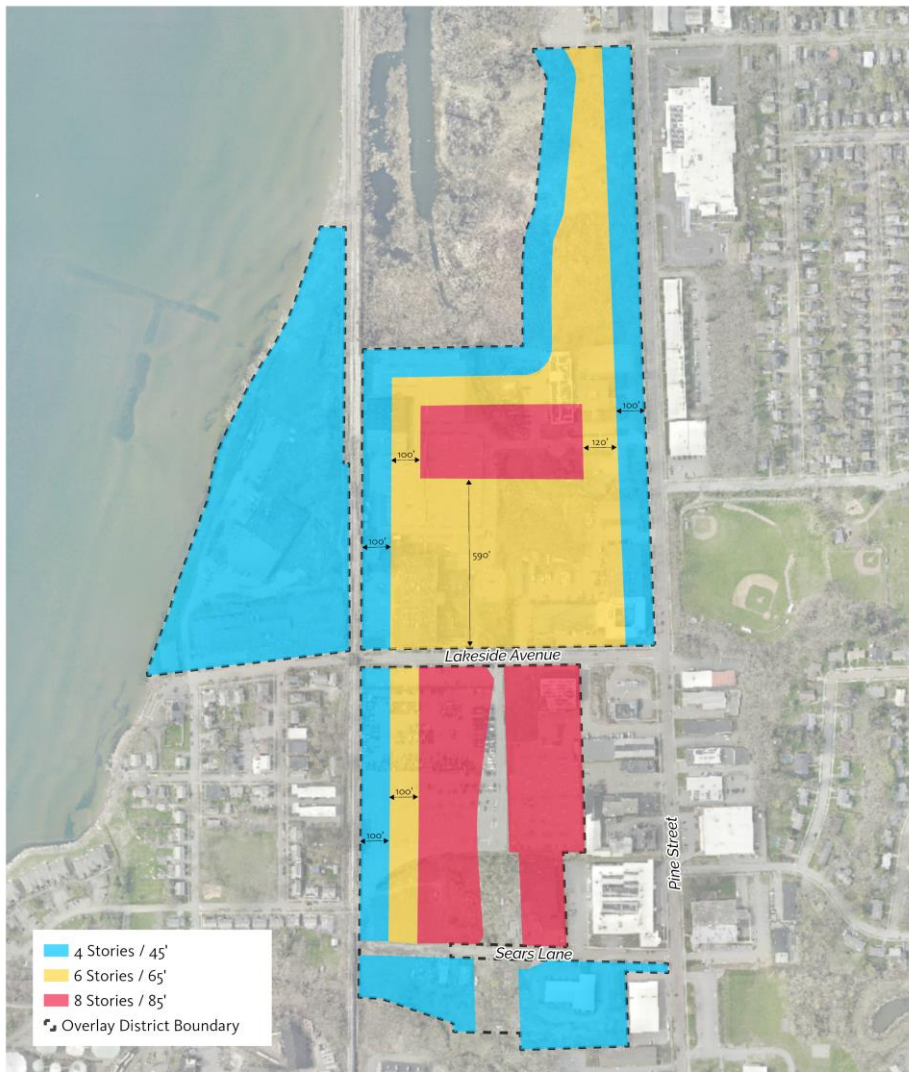
**Map 4.5.6-1 South End Innovation District (E-SEID)
Overlay Boundary**



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



Commented [MT22]: No change to map, but map title block renumbered to match new overlay section numbering.



**Map 4.5.6-2 South End Innovation District (E-SEID)
 Specific Height Area Map**

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

(c) Principal Structures:

~~Only one principal structure shall be permitted on any lot.~~ More than one principal structure is permitted on in any a lot within a residential zoning district defined pursuant to subject to the limits of Article 4 – Zoning Districts Sec. 4.4.5 Residential Districts, or as unless 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) ~~34 (B).~~

(e) through (f)—As written

Commented [MT23]: This section has been updated to allow more than one primary structure on a lot.

Article 5: Citywide General Regulations**PART 2: DIMENSIONAL REQUIREMENTS****Sec. 5.2.1 Existing Small Lots**

~~Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements if the lot:~~

- ~~can be served by municipal water and sewer service; and,~~
- ~~is at least four thousand (4,000) square feet in area; and,~~
- ~~has a minimum width and depth dimension of forty (40) feet or more.~~

~~Any such development shall require a permit pursuant to standards of Article 4 and, where design review is applicable, the design review provisions of Article 3 and the development standards of Article 6.~~

Commented [MT24]: This standard reflects what is required by state statute. However, Committee decided to remove minimum lot sizes and new standards for lot width in Sec. 4.4.5 means that no zone has great than 40ft wide min frontage requirement. Therefore, this section is irrelevant.

Sec. 5.2.2 Required Frontage or Access

As Written

Sec. 5.2.3 Lot Coverage Requirements

As Written

Commented [MT25]: Nothing is proposed to change in this section in Part 1. Flagging that there will likely be changes in Part 2 of the code, to expressly enable Flag Lots and/or other situations where lots don't have direct street frontage.

Sec. 5.2.4 Buildable Area Calculation & Steep Slopes Overlay District

The intent of this section is to:

As Written

(a) Buildable Area Calculation

For any properties two (2) or more acres in size within any RCO, ~~WRM~~, RM, ~~WRL~~, or RL zoning district, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water; and lands with a slope in excess of 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the additional density or lot coverage will be compatible within the existing scale and intensity of the surrounding neighborhood, and not have an undue negative impact on sensitive natural features.

Commented [MT26]: Nothing is proposed to change in this section. While the committee had a number of questions related to calculation of lot coverage, and what is included or not, ultimately there are no changes proposed to this section. (See the Exceptions to Dimensional Standards guide from prior meetings)

Commented [MT27]: The only change to this section is to reflect updates to district names consistent with Sec. 4.4.5.

(b) Steep Slopes Overlay District
As Written

Sec. 5.2.5 Setbacks

Setbacks between structures and property lines where required are intended to provide access to light and air, provide fire separation and access, and maintain the existing neighborhood pattern of structures and open spaces between them and to the street.

(a) Setbacks Required:
As Written

(b) Exceptions to Yard Setback Requirements:

The following projections into required yard setbacks may be permitted subject to the standards of Article 6 to ensure compatibility with neighboring properties:

1. through 6. As Written

7. ~~Shared Driveways~~ Common or shared driveways and walkways along shared property lines and associated parking areas, ~~including those to serve residential lots and developments Sec. 4.4.5 (d) 4.A and Sec. 5.2.2 (b), do not have to meet setback requirements along the shared property line. Other driveway encroachments may be permitted subject to Sec. 4.4.5 (d) 1.A.~~

8. Additional exceptions for nonconforming structures under Sec. 5.3.5.

Sec. 5.2.6 Building Height Limits
As Written

Sec. 5.2.7 Density Calculations
As Written

Article 6: Development Review Standards

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a) through (g)—As Written

(h) Building Location and Orientation:

The introduction of new buildings and additions shall ~~be consistent with the intent of the district, maintain the existing development pattern and rhythm of structures along the existing streetscape.~~ New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

Remainder of section As Written.

Commented [MT28]: This clarifies the language regarding shared driveway encroachments to be consistent with the changes to Sec. 4.4.5.

Article 6: Development Review Standards

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.1 Applicability

These standards are enacted and shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(b) – Design Review.

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to ~~their context~~ the purpose of the zoning district. They ~~shall~~ should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development ~~shall~~ should maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium ~~density~~ residential districts, the height and massing of existing residential buildings ~~is the most important consideration~~ should be carefully considered when evaluating the compatibility of additions and infill development; however, no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2.

(2) through (3)—As Written

(b) through (i)—As Written

Article 11: Planned Development

PART 1: PLANNED UNIT DEVELOPMENT

Sec. 11.1.1 Intent. – As Written

Sec. 11.1.2 Authority.

These regulations are enacted under the provisions of 24 V.S.A. Section 4417.

Sec. 11.1.3 General Requirements and Applicability

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

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

Commented [MT29]: This is the section of the ordinance that has come up many times within Committee discussions, regarding an alternative framework for development on very large lots within the residential districts.

Part 1 removes references to Waterfront Low and Medium districts that are being removed, and explicitly enables a PUD to make adjustments to min lot size and to permit residential uses not otherwise allowed in the underlying district. It maintains all other standards.

However, Part 2 will consider the minimum project size required to utilize PUD standards in the RL zone, as well as an alternative framework for how PUD's in the residential district are regulated since underlying density limits are being replaced by massing standards (i.e. likely articulate a max FAR for PUD's in residential districts).

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

Sec.11.1.4 Modification of Regulations.

With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:

- ~~density, minimum lot size~~, frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis;
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;
- ~~more than one principal use and more than one principal structure may be permitted on a single lot;~~
- ~~one or more residential uses not otherwise permitted may be permitted;~~ and,
- buildings may be of varied types including single detached, attached, duplex or apartment construction.

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Sec. 11.1.5 and Sec. 11.1.6.

Article 13: Definitions

Sec. 13.1.2 Definitions

Building Height: The vertical measurement of a building. See Sec. ~~2.75.2.6~~ for specific calculation provisions.

Commented [MT30]: This corrects an out of date reference to building height measurements standards.

Appendix A- Use Table – All Zoning Districts

See attached markups.

* Material stricken out deleted.

** Material underlined added.

MET/Ordinances 2024/ZA-24-02 Neighborhood Code
DRAFT v1.1 12/21/23 for Planning Commission Public Hearing on 1/9/24

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission, Council
Ordinance Committee

In the Year Two Thousand Twenty-Four

Public Hearing Dates: _____

An Ordinance in Relation to

ZA-24-02 Neighborhood Code, Part 1

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

1 That Appendix A, Burlington Comprehensive Development Ordinance, of the Code of Ordinances of the
2 City of Burlington be and hereby is amended by amending Sec. 4.3.1 Base Districts Established; Map 4.3.1-1
3 Base Zoning Districts; Sec. 4.3.2 Overlay Districts Established; Map 4.4.3-1 Enterprise Districts; replaces
4 the entirety of Sec. 4.4.5 Residential Districts; Map 4.4.5-1 Residential Zoning Districts; replaces Tables
5 4.4.5-1, 4.4.5-2, 4.4.5-3, 4.4.5-5, 4.4.5-7, and 4.4.5-8 with new Tables 4.4.5-1 through 4.4.5-6; Map 4.4.6-1
6 Recreation, Conservation and Open Space Districts; Sec. 4.5.1 (b) Design Review Areas Covered; deletes
7 Sec. 4.5.3 RH Density Bonus Overlay District and Map 4.5.3-1; deletes Sec. 4.5.5 RL Larger Lot Overlay
8 District and Map 4.5.5-1; rennumbers Sec. 4.5.4 Natural Resource Protection Overlay (NR) District and Map
9 4.5.4-1 and updates internal references within this and other Sections with new numbering; rennumbers Sec.
10 4.5.6 Mouth of the River Overlay District and Map 4.5.6-1 and updates internal references within this and
11 other Sections with new numbering; rennumbers Sec. 4.5.7 Centennial Woods Overlay District and Map
12 4.5.7-1 and updates internal references within this and other Sections with new numbering; and rennumbers
13 Sec. 4.5.8 South End Innovation District and Maps 4.5.8-1 and 4.5.8-2 and updates internal references within
14 this and other Sections with new numbering; deletes standards associated with Sec. 5.2.1 Existing Small
15 Lots, and replaces it with a reserved section header; amends Sec. 5.2.4 (a) Buildable Area Calculation;
16 amends Sec. 5.2.5 (b) 7.; amends internal references to Sec. 4.4.5 and Article 4, Part 5 within Sec. 5.3.4, Sec.
17 5.4.8, and Sec 5.4.12 to be consistent with new section numbering; amends Sec. 6.2.2 (h) Design Review-
18 Building Location and Orientation; amends Sec. 6.3.2 (a) 1. Architectural Review- Massing, Height and
19 Scale; amends Sec. 11.1.3 and 11.1.4 regarding standards for Planned Unit Development; amends Article 13-
20 Definitions; and amends Appendix A- Use Table thereof to read as follows:

21

Article 4: Zoning Maps and Districts

PART 3: ZONING DISTRICTS ESTABLISHED

Sec. 4.3.1 Base Districts Established

The following zoning districts are hereby established as illustrated in Map 4.3.1-1 and further described in Part 4 below.

(a) through (d) – As Written

(e) A series of ~~five (5)~~ **four (4)** Residential districts: (see Sec. 4.4.5)

- Residential Corridor (RC);
- ~~Residential~~ High ~~Density-Intensity~~ **Residential** (RH);
- ~~Residential~~ Medium ~~Density-Intensity~~ **Residential** (RM); and
- ~~Medium-Density Residential—Waterfront (RM-W);~~
- Residential Low ~~Density-Intensity~~ (RL); and,
- ~~Residential Low-Density—Waterfront (RL-W);~~

(f) through (g) – As Written

Sec. 4.3.2 Overlay Districts Established

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. Properties within an Overlay District may be used and developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in Part 5 below:

(a) through (b) – As Written

~~(c) – An RH Density Bonus Overlay (RHDB) district;~~

~~(d)~~ **(4)** A series of four (4) Natural Resource Protection Overlay (NR) districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and
- Special Flood Hazard Area;

~~(e) – A RL Larger Lot Overlay (RL-L) district;~~

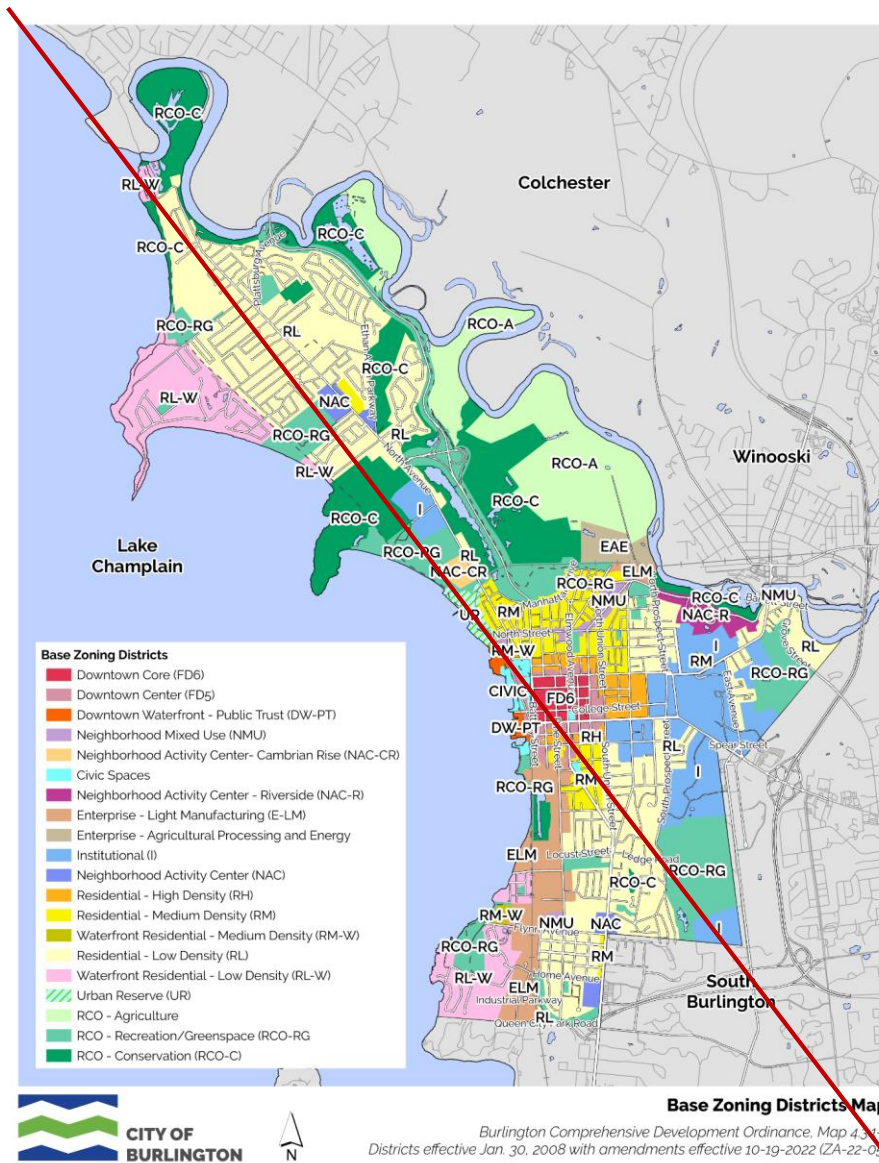
~~(d)~~ **(f)** A Mouth of the River Overlay (MOR) district; and,

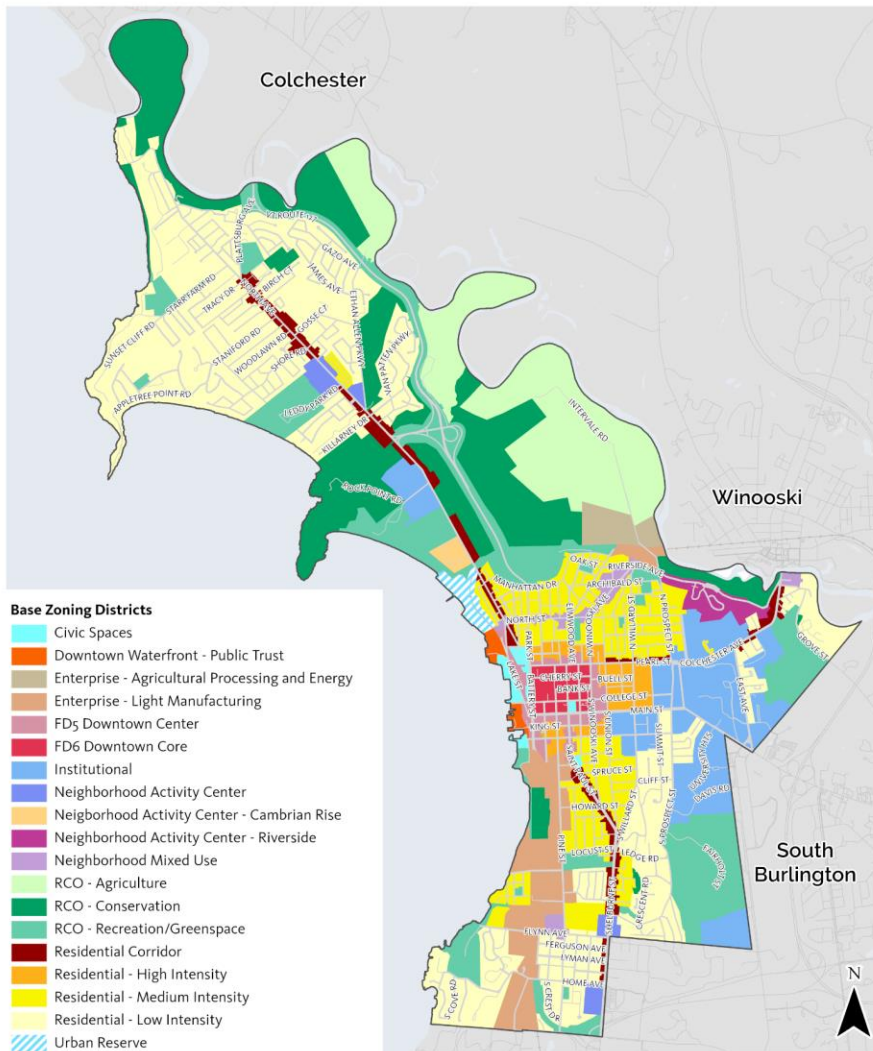
~~(e)~~ **(g)** A Centennial Woods Overlay (CWO) district; and,

~~(f)~~ **A South End Innovation District Overlay.**

Commented [MT1]: **Update 1/8/24:** Technical update to make naming conventions consistent across districts.

Commented [MT2]: This list of overlays is updated to reflect elimination of RL-Large Lot Overlay, RH Density Bonus districts, incorporate reference to the recently-adopted SEID (which was omitted from that amendment), and renumber sections accordingly.





Map 4.3.1-1 Base Zoning Districts
 Burlington Comprehensive Development Ordinance
 Districts effective Jan. 30, 2008

Map 4.3.1-1 Base Zoning Districts

Article 4: Zoning Maps and Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

Sec. 4.4.3 Enterprise Districts ~~Districts~~

(a) As Written

(b) Dimensional Standards and Density
As Written

Commented [MT3]: This includes updates to rezone 60 Austin Dr. from ELM to RL.

Table 4.4.3 -1 Dimensional Standards and Density

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

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

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

3 – Percentage of the lot depth.

4 – Maximum intensity, lot coverage, setbacks and building height in portions of the E-LM district are modified by provisions of the South End Innovation District overlay (~~E~~ SEID) in **Sec. 4.5.6~~8~~**.

(c) Permitted and Conditional Uses:

1. through 2. As Written

3. Uses that may be permitted, or conditionally permitted within the South End Innovation District overlay (SEID) are identified on **Table 4.5.8-3 4.5.6-3**.

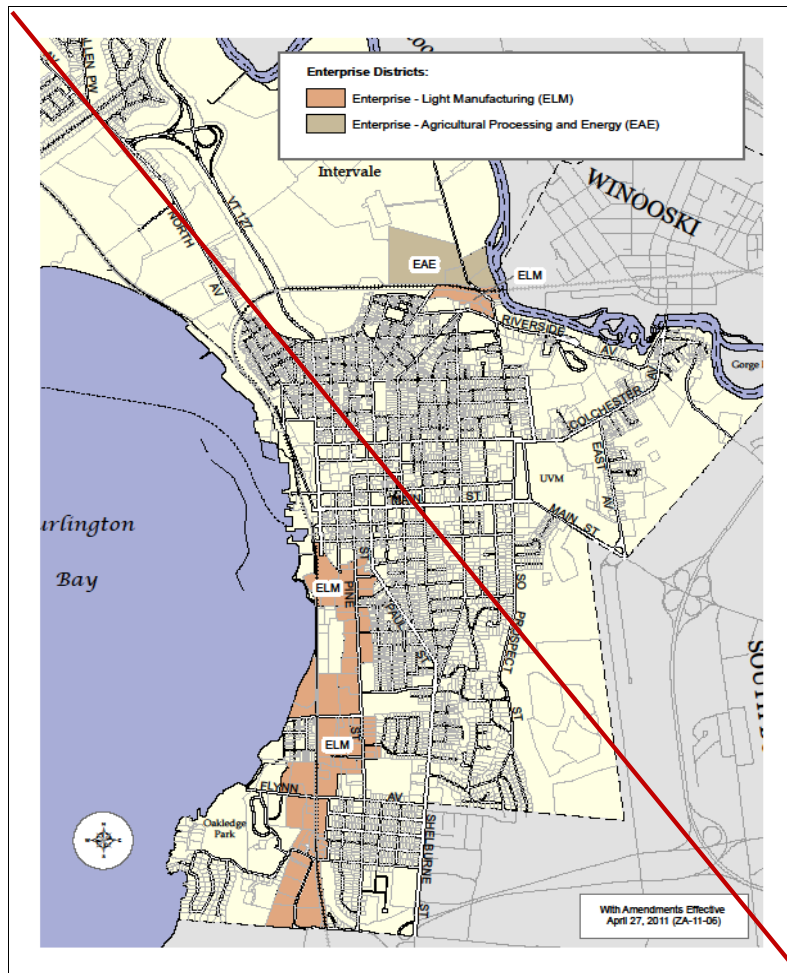
(d) District Specific Regulations

1. Convenience Stores

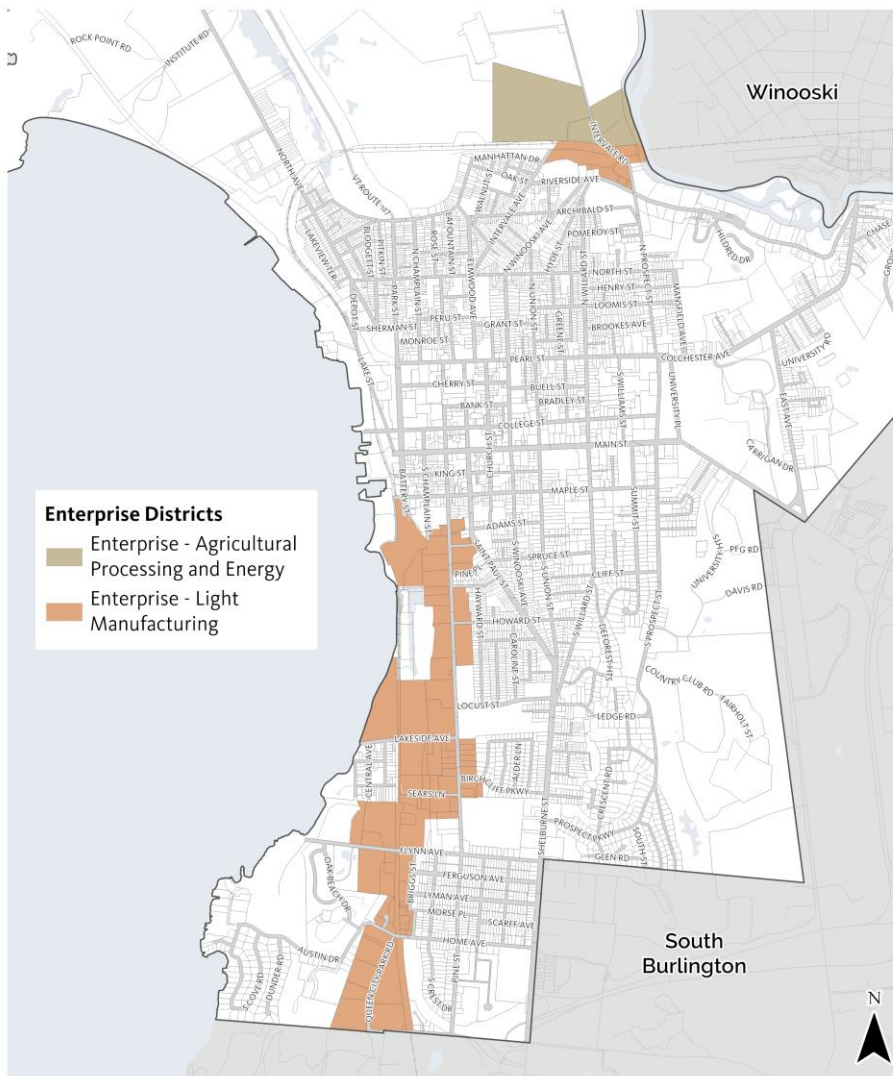
The following shall apply to the review and approval of convenience stores in the E-LM district, except as regulated in **Sec. 4.5.6~~8~~**: South End Innovation District, in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:

A. through E. As Written

2. Drive Thrus are not permitted.



Map 4.4.3-1 Enterprise Districts



Map 4.4.3-1 Enterprise Districts
 Burlington Comprehensive Development Ordinance
 Districts effective Jan. 30, 2008

Sec. 4.4.5 Residential Districts

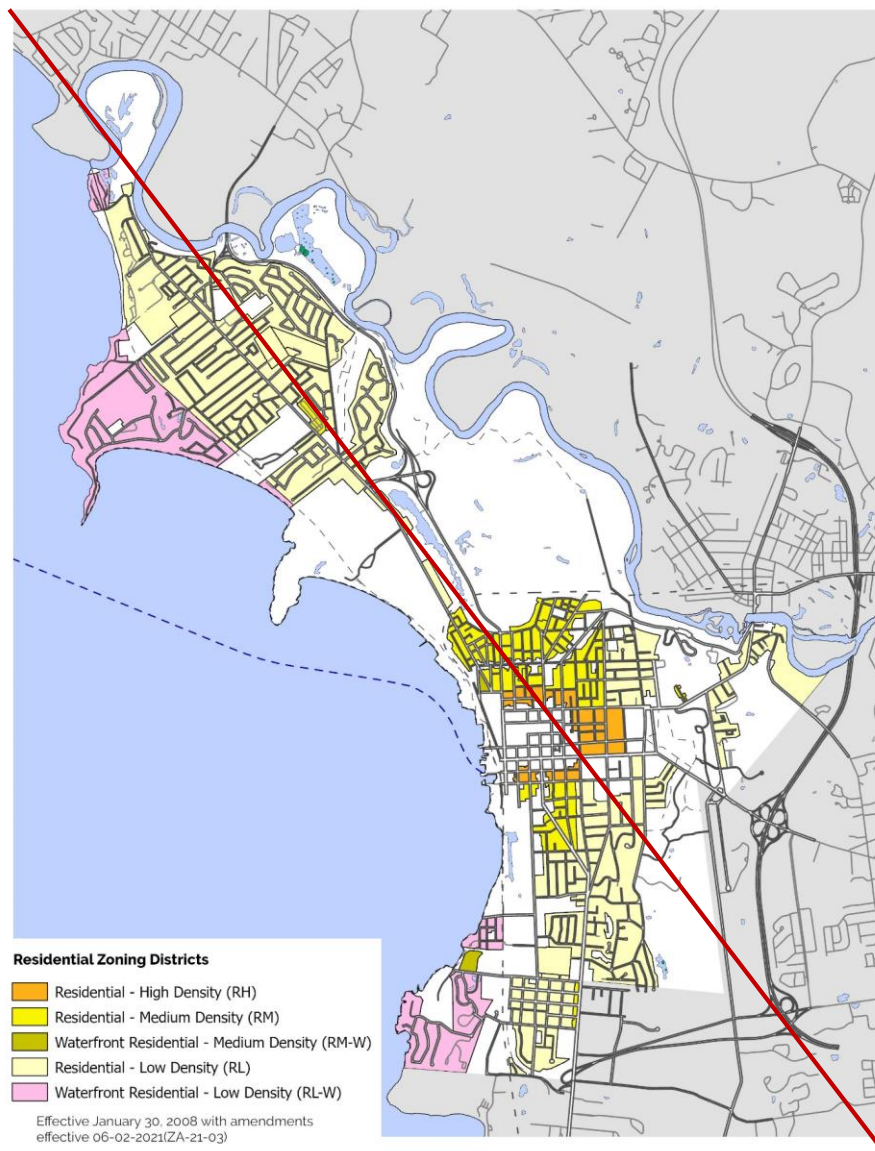
(a) Purpose:

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 are reinforced across the city. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood and b. Building facades designed for parking shall be secondary to the residential aspect of a structure. The ~~5~~ Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

1. The **Residential Lower Density Intensity (Residential Low, RL)** district is intended primarily for low-density residential development that includes a mix of housing types such as in the form of single detached dwellings, with or without accessory dwelling units, and duplexes, triplexes and quadplex. This district is typically characterized by a organized in a compact and cohesive neighborhood-scale that complements residential development pattern reflective of the respective neighborhoods' development and open space history 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 Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~
3. ~~The Residential Medium Density Intensity (Residential Medium, RM) district is intended primarily for medium-density residential development that includes a mix of housing types such as in the form of single-family detached dwellings, with or without accessory dwelling units, duplex, triplex, quadplex, and attached multi-family unit apartments 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.~~
4. ~~The Waterfront Residential Medium Density (RM-W) district is intended primarily for medium-density residential development in the form of single-family detached dwellings and attached multi-family apartments. This district is distinguished from the Residential Medium Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~
3. The **Residential High Density Intensity (Residential High, RH)** district is intended primarily for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized and larger high-density attached multi-family unit buildings residential development. 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, large buildings, and buildings placed close to the street and each other together on small lots. Parking is intended to be hidden either behind or underneath structures. 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.
5. ~~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 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.~~

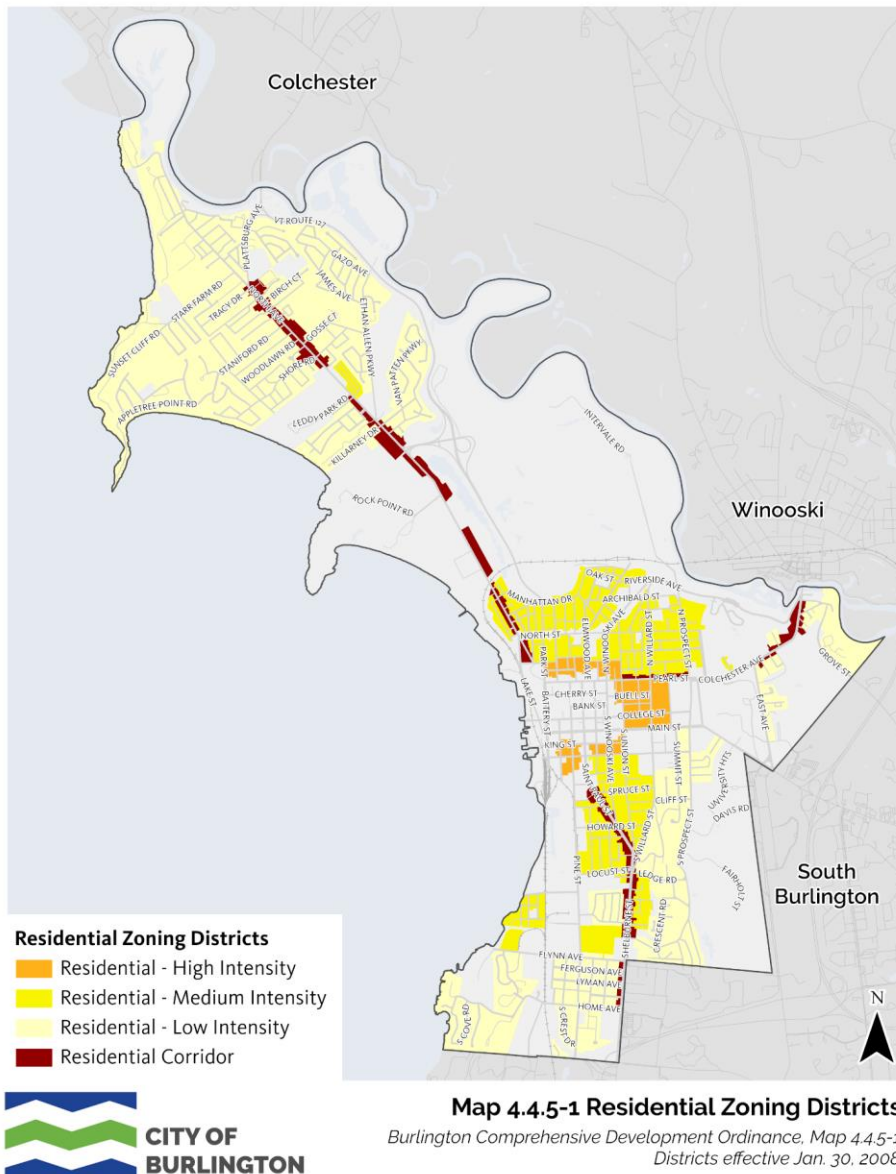
Commented [MT4]: This section includes updates to purpose statements to recognize the intent to allow greater housing flexibility within existing neighborhoods.

Commented [MT5]: **Update: 1/8/24:** Add additional common alternative term used throughout ordinance for clarity.



144

145 *Map 4.4.5-1 Residential Zoning Districts*



Commented [MT6]: Changes include:

- Streamline WRL and WRM to just be RL/RM
- Rezoning properties within RL with frontage on North Ave, Colchester Ave, Shelburne Rd, St. Paul St. to Residential Corridor
- Rezoning Champlain Elem. From RL to RM
- Rezoning 5 Sisters & Mansfield/Henry/Loomis; S. Union to S. Willard south of Maple St, Hoover/Clymer, and Lakeside from RL to RM
- Rezoning area of S. Champlain/Pine south of Maple from RM to RH
- Rezoning 60 Austin Drive from ELM to RL
- Rezoning a portion of 2076 North Ave from RCO-C to RL

Sec. 4.4.5 Residential Districts

(b) Dimensional Standards and Density

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

Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W²

	Lot Frontage ¹		Lot Size	
Use	(linear feet)		(square feet)	
	RL,WRL	RM,WRM	RL, WRL ³	RM, WRM
Single detached dwelling	Min: 60'	Min: 30'	Min: 6,000	NA
Duplex and above			Min: 10,000	
1.—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. 2.—There are no minimum lot size or frontage requirements in the RH District. 3.—Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.				

Table 4.4.5-2: Base Residential Density

District	Maximum dwelling units per acre ¹
Low Density: RL, RL-W	7 units/acre
Medium Density: RM, RM-W	20 units/acre
High Density: RH	40 units/acre
Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.	

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35 feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75'-feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet

1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.
 2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.
 3. In no event shall the side yard setback be required to exceed 20-feet, or the rear yard setback be required to exceed 75-feet.
 4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.
 5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.
 6. 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 setback shall be 10% of the lot width.
 7.1 For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet in any event.

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'	<u>Min:</u> Avg. of front setback 2 adjacent lots on both sides +/- 5 feet <u>Max required:</u> 25 ft	<u>Min:</u> 10% of lot width or avg. of side setback of 2 adjacent lots on both sides <u>Max required:</u> 20 ft	20 ft.	45%
Residential Medium (RM)				15 ft.	60%
Residential High (RH)					N/A
Residential Corridor (RC)	N/A	<u>Min required:</u> 5 ft <u>Max permitted:</u> 20 ft			80%

- Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.
- 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.
- Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2
- For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.
- Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation.
- Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.
7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.34 Riparian and Littoral Conservation Overlay Zone.
8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.
- An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 3A below.
10. Reserved.

Commented [MT7]: The remainder of this section is proposed as a full strike & replace of the text in Sec. 4.4.5 today.

Sec. 4.4.5 (b) creates new dimensional tables—one to regulate lot and building placement standards, and another to regulate the size and number of units allowed in structures.

Except where noted, Sec 4.4.5 (c) and 4.4.5 (d) are largely existing residential district standards. These the sections have been reordered for a more logical flow, and for internal coordination of new standards. See notes below for new/substantial changes.

Commented [MT8]: Per Committee decision to remove minimum lot size, the column for min lot size has been removed as it is no longer relevant.

Commented [MT9]: This footnote points at the section where this will be addressed, and the specific language will be dealt with in Part 2.

Commented [MT10]: Update 1/8/24: change section reference as Overlays get renumbered due to deletion of two of them.

Commented [MT11]: Reserved for reference to Cottage Court rules in Part 2

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

District	Max Height & Stories ^{1,3}	Max Dwelling Units per Structure ^{2,3,4}	Max. Principal Structure Footprint ³	Max. Secondary Structure Footprint ³	Max Building face before providing offset ⁵	Min. Distance between Structures on same lot
Residential Low (RL)	35' 3 stories	4	1,800 sq.ft.	1,100 sq.ft.	50'	15'
Residential Medium (RM)	35' 3 stories	6	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50' 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft.	N/A		

Commented [MT12]: Based on committee discussion, RL is the only district left that would require some form of setback/offset of the top story's massing (i.e. the ½ story standard).

For Part 1, recommend maintaining existing height limits for RL as they are today. If Committee still feels important to address upper story massing for RL, can address in Part 2, as it will require shifts to how building height is measured in Article 5.

1. Details regarding the measurement of and exceptions to height limits are found in Art 5.
2. Minimum dwelling unit size is 350 sq.ft.
3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11.
4. Within the RM district, a maximum of six (6) dwelling units are permitted in a Principal structure, and a maximum of four (4) units are permitted in a Secondary structure.
5. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.

Commented [MT13]: In Part 2, this footnote will make a reference to future cottage court rules.

(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. Reserved

Table 4.4.5-3 Reserved

B. Residential Development Bonuses

The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

(i) Senior Housing Bonus

Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB for senior housing provided the following conditions are met:

- a) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) percent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);
- b) The proposal shall be subject to the design review provisions of Art. 6;
- c) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
- d) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-4: Senior Housing Bonus

Commented [MT14]: This section moves the existing bonuses in the residential districts, found in Sec. 4.4.5 (d) 6. It makes changes only to table and section numbering, and related cross references within this section, references, and removes references to RL-W and RM-W districts, per the map changes.

Part 2 amendments will include replacement standards for the Senior Housing Bonus, Residential Conversion, and Max Bonus Limits that reflect the shift away from du/acre density standards, as well as changes to underlying lot cover for residential districts. This will also provide an opportunity to consider how to address inconsistencies between the bonuses themselves.

These bonuses are used selectively; while this approach creates a technical inconsistency in short-term, this will be resolved in part 2.

District	Maximum Coverage	Maximum Density
RL	44%	20 du/ac
RM	48%	40 du/ac
RH	92%	80 du/ac

(ii) **Residential Conversion Bonus**

Development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

- a) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Residential Conversion Bonus

District	Maximum Coverage	Maximum Density
RL	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
RM	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

(iii) **Limitations on Residential Development Bonuses:**

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-6: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum FAR Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45-feet	92%
RM	40 du/ac	35-feet	72%
RL	20 du/ac	35-feet	62%

*- or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

Commented [MT15]: Update 1/8/24: to correct table back to existing "density" header in ordinance today

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

Commented [MT16]: 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.

of creating such a driveway or access to parking spaces. Applications for such waiver shall demonstrate that there will be no undue 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.

Commented [MT17]: Update 1/8/24: Consistent with the recently adopted technical amendments

Commented [MT18]: This removes the limit that these cannot be used for parking so that the pervious pavement can be used for driveways

Commented [MT19]:
This section is all existing text, just relocated.

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

- (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.
- (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 [MT20]: These are existing standards, just relocated.

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.

1. Setbacks

A. Encroachment for Residential Driveways

For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two tandem parking spaces, driveways may encroach into a required sideyard setback up to the property line with DRB approval.

Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, conditional use criteria, and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, protection of neighboring side yard, light and air. In addition, the lot shall be found to have dimensions that are smaller than the existing standards for lot size or frontage. The maximum relief from the 5' minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot. With such approval by the DRB, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.

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

2. Lot Coverage

A. Exceptions for Accessory Residential Features.

In addition to lot coverage exemptions in Sec. 5.2.3(b), within the RL and, RL-W, RM and RM-W 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 or be used for parking:

- (i) Decks;

(i) ~~Patios;~~

(ii) ~~Porches;~~

(iii) ~~Terraces;~~

(iv) ~~Tennis or other outdoor game courts;~~

(v) ~~Swimming pools and swimming pool aprons;~~

(vi) ~~Walkways;~~

(vii) ~~Window Wells; and/or~~

(ii) ~~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 Inclusionary Zoning 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. 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, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

A. ~~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;~~

B. ~~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;~~

C. ~~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~~

D. ~~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.~~

~~4. Residential Density~~

~~A. Additional Unit to Multi-Family:~~

~~One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007, if approved in advance as a conditional use, by the DRB.~~

~~B. 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.~~

~~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.~~

~~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:~~

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;

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);

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.

5. Uses

A. 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 all Residential and Institutional districts subject to the following:

(i) This exemption shall only apply to:

1) Historic buildings that are listed or eligible for listing on the state or national register; or;

2) 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.

(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.

6. Residential Development Bonuses

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable:

(b) Senior Housing Bonus

Residential development in excess of the density, lot coverage and building height limits specified in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB for senior housing provided the following conditions are met:

a) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-

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income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);

- b) The proposal shall be subject to the design review provisions of Art. 6;
- c) A maximum of an additional 10 feet of building height may be permitted in the RH District; and;
- d) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Senior Housing Bonus

District	Maximum Coverage	Maximum Density	
RL/RL-W	44%	20 du/ae	
RM	48%	40 du/ae	
RM-W	72%	40 du/ae	
RH	92%	80 du/ae	

B. Residential Conversion Bonus

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

- (i) Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

District	Maximum Lot Coverage	Maximum Density (dwelling unit/acre)
RL, RL-W	50% (62% with inclusionary allowance)	8 du/ae (8.75 with inclusionary allowance)
RM, RM-W	60% (72% with inclusionary allowance)	30 du/ae (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ae (69 with inclusionary allowance)

C. Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec. 5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential densities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-8: Maximum Density, Lot Coverage and Building Heights with Bonuses

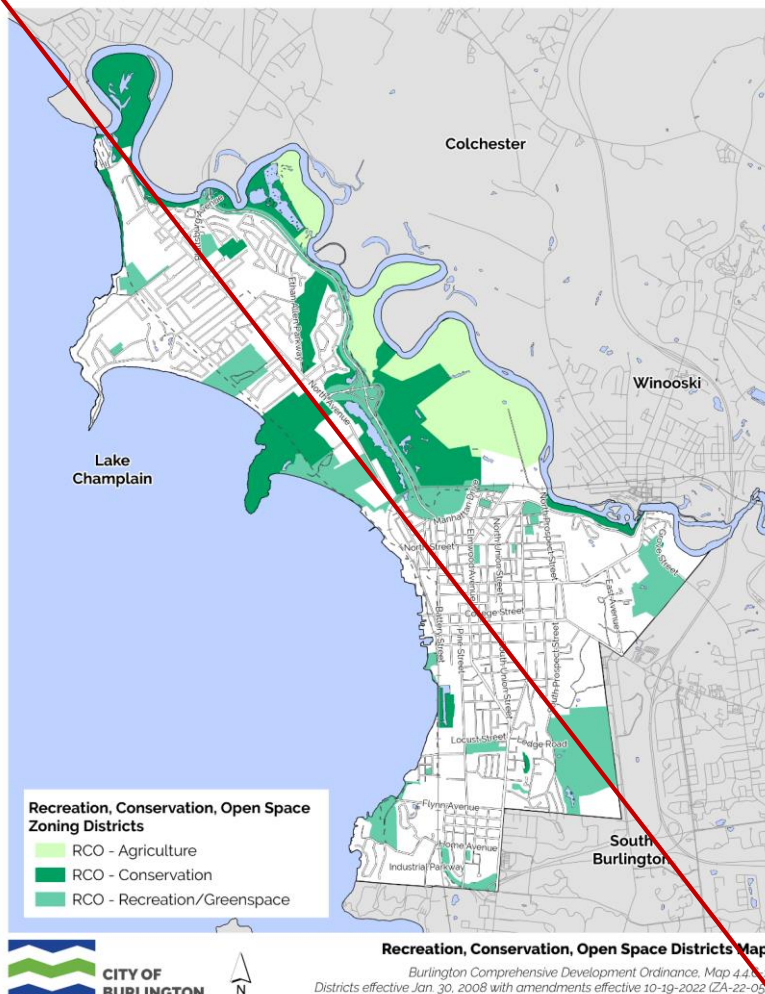
District	Maximum Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ae	45-feet (68 ft in RH Overlay)	92%
RM-W	40 du/ae	60-feet	72%
RM	40 du/ae	35-feet	72%
RL, RL-W	20 du/ae	35-feet	62%

* - or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

Article 4: Zoning Maps and Districts
PART 4: BASE ZONING DISTRICT REGULATIONS

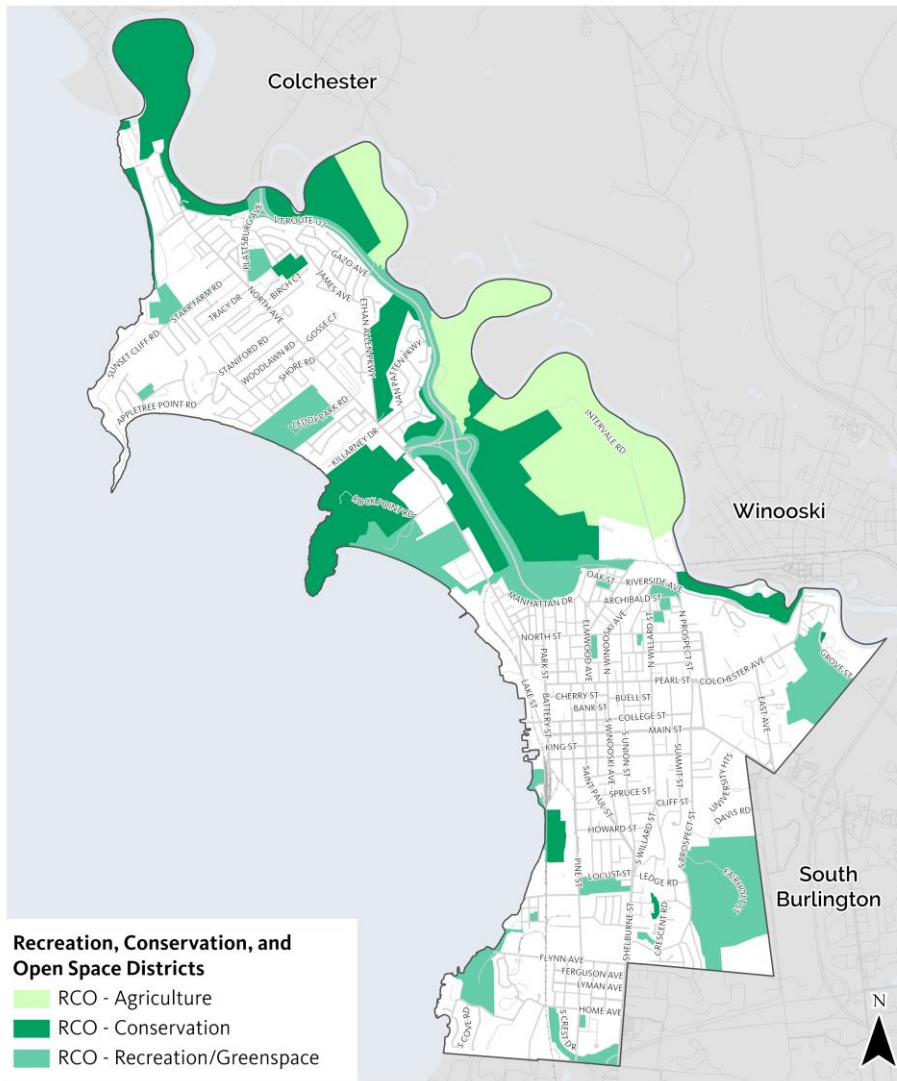
Sec. 4.4.6 Recreation, Conservation, and Open Space Districts

(a) through (d) – As Written



Commented [MT21]: Does not change RCO zone standards, but updates Map 4.4.6-1 to rezone a portion of 2076 North Ave from RCO-C to RL

Map 4.4.6-1 Recreation, Conservation, Open Space Districts



Article 4: Zoning Maps and Districts

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.1 Design Review ~~Overlay~~ District

(a) Purpose:

The Design Review Overlay District (DR) is intended to provide detailed individual review of certain uses and structures in those areas of the city which contain structures of historical, architectural, or cultural merit, and where the community has a particular interest in the design of future development in order to address specific land development objectives.

(b) Areas Covered:

The geographic¹ areas subject to the Design Review Overlay shall be as delineated on Map 4.5.1 – 1: Design Review Overlay, that include the following:

(1) The following zoning districts:

- A. The Downtown Waterfront – Public Trust district and all Neighborhood Mixed Use, Enterprise, Institutional, Urban Reserve, and Recreation, Conservation and Open Space districts; and,
- B. ~~Portions of the Residential Districts as identified in Map 4.5.1-1 and described below. The High-Density Residential (RH), Medium-Density Residential (RM), Medium-Density Residential – Waterfront (RM-W), and Residential Low-Density – Waterfront (RL-W) districts.~~

(2) The following areas within ~~the Residential – Low-Density~~ Districts:

- A. All properties west of the Burlington Bike Path north of College Street;
- B. All properties west of the Vermont Railway line south of Lakeside Ave;
- C. All properties within 500' of Lake Champlain or the Winooski River;
- D. All properties with frontage on Brooks Avenue;
- E. All properties within the area bounded by Maple, South Willard, Howard and South Union streets;
- F. All properties with frontage on the west side of South Union St. between Main and Howard streets;
- G. All properties with frontage on the north side of Howard St. between South Union and St. Paul streets;

(3) The following uses, buildings, and properties within ~~the Residential – Low~~ Districts:

- A. All nonresidential uses, residential uses with home occupations, or other conditional uses, having frontage on the following major streets:
 - (i) Shelburne Street, from its point of beginning southerly to its intersection with Home Avenue;
 - (ii) South Union Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;
 - (iii) St. Paul Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;
 - (iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett Street; and
 - (v) North Avenue, from its intersection with Convent Square northerly to its intersection with Plattsburg Avenue.

Commented [MT22]:

For Part 1: text makes changes only to references to former residential zoning districts, and maintains map 4.5.1-1 as it exists today.

This creates some inconsistencies with whether this overlay applies to various RL & RM zoned neighborhoods citywide, but does not change the applicability or non-applicability neighborhood-by-neighborhood from today.

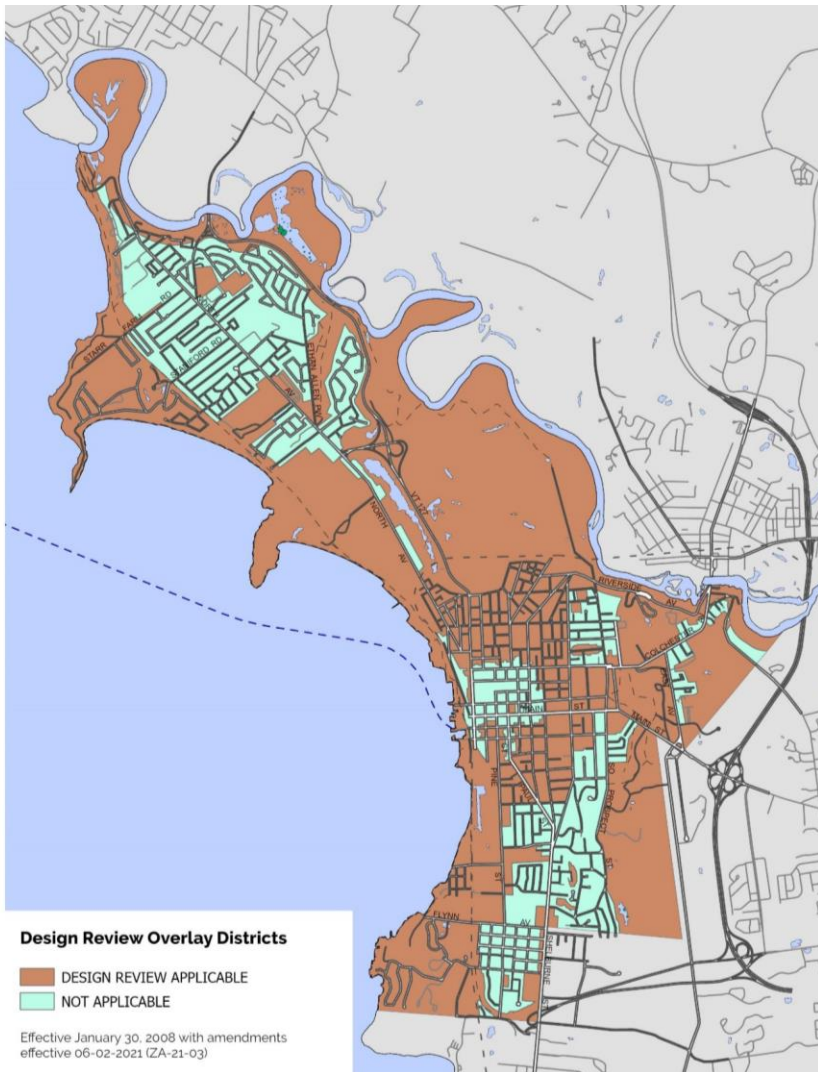
Part 2 will explore whether there should be changes to the location and/or type of projects that Design Review is applicable. It will also explore how to create greater continuity between the Areas Covered, here in Article 4, and the Types of Projects Covered which are separately spelled out in Article 3. Part 2 will also address some technical corrections to map 4.5.1-1, where the map does not seem to be consistent with 2 past zoning map changes.

Generally, there is very little other than the downtown form districts, and single family homes in some neighborhoods (i.e. 5 Sisters) where design review is NOT applicable today.

¹ This Section only defines the geographic areas of the city that are subject to Design Review. Other types of development are also subject to Design Review pursuant to the requirements of Article 3, Part 4.

(c) **District Specific Regulations: Design Review Overlay District:**

Within this overlay district, no structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of Article 3, Part 4 pertaining to Design Review and the review criteria described in Art 6.



Map 4.5.1-1: Design Review Overlay

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) through (h) – As Written

Sec. 4.5.3 RH Density Bonus Overlay District

(a) Purpose:

The RH Density Bonus Overlay District is intended to provide an incentive for the conversion of non-residential uses to residential uses within the RH Zoning District to reduce the number of non-conforming uses and increase the supply of housing near the downtown area.

(b) Areas Covered:

The RH Density Bonus Overlay District includes that portion of the RH Zoning District bordered on the north by Main Street, on the south by Maple Street, on the west by Pine Street and on the east by South Union Street as delineated on Map 4.5.3-1 RH Density Bonus Overlay District. Eligible properties shall be limited to only those existing non-residential single lots of record as of February 8, 2001 of at least one-half acre in size (21,780 sqft). Contiguous lots shall not be combined to meet this minimum lot size standard with the following exception: a half-acre lot may be combined with any contiguous surface parking lot(s) of any size in order to receive the benefits as set forth in this overlay.



Map 4.5.3-1: RH Density Bonus Overlay

(c) ~~District Specific Regulations: RH Density Bonus Overlay:~~

~~1. Conditional Use Review~~

~~Any redevelopment undertaken pursuant to the provisions of this overlay district shall be subject to conditional use review pursuant to Article 3.~~

~~2. Maximum Residential Density:~~

~~An existing non-residential property may be redeveloped for a residential use at a density not to exceed 92 units per acre inclusive of any applicable inclusionary allowances pursuant to Article 9 or development bonuses pursuant to Sec. 4.4.5.~~

~~3. Building Height:~~

~~For the purposes of regulating building height, this overlay district is divided into the following two (2) areas;~~

~~A. In that portion of this overlay between South Union and Church Street, in no event shall the height of any structure exceed sixty-eight (68) feet.~~

~~B. In that portion of this overlay between Church and Pine Street, in no event shall the height of any structure exceed fifty-five (55) feet.~~

~~Subject to such maximum building heights, the following shall also apply:~~

~~C. The height of any proposed building or addition shall not be more than fifteen (15) feet greater than the average height of existing buildings within the same block having frontage on the same street as the proposed;~~

~~B. A height greater than that allowed in (C) above may be permitted if such additional height is set back from the front property line a minimum of twenty-five percent (25%) of the width of the street right-of-way, and in no event less than fifteen (15) feet from the front property line.~~

~~C. The height allowance for frontage on one street shall not adversely impact the streetscape of an adjacent street, in the judgment of the development review board~~

~~D. That portion of any building which is constructed to a height in excess of the height allowed per the underlying zoning district as provided above, must maintain a setback equal to fifty percent (50%) of that portion's height from the property line shared with any adjacent residential structure. The distance of such a setback will be maintained only for that portion of the building immediately adjacent to an existing residential property.~~

~~4. Setbacks:~~

~~Front yard setbacks shall be as required in the underlying zoning district, subject to the following exceptions:~~

~~A. Up to twenty-five percent (25%) of the building façade above the ground level story may project into the front yard setback by not more than fifty percent (50%) for the purpose of creating architectural variation and avoiding large expanses of undifferentiated building wall.~~

~~B. At the ground level, patios, paved courtyards, and sitting areas may be allowed within the front setback. Such allowances are subject to approval by the development review board under the design review criteria of Article 6. If the board deems it necessary, it may impose a greater setback in order to achieve the streetscape objectives found in Article 6.~~

5. Construction Materials:

Any new structure utilizing the height bonus provisions as specified under this subsection shall be constructed of quality masonry materials or other comparable materials of similar durability on all elevations. The exterior material and windows shall also be of a type that the DRB deems effective for sound buffering.

6. Parking Standards:

In addition to the parking standards found in Article 8, the following shall also apply within this Overlay:

At least seventy-five (75%) of the parking spaces shall be provided onsite as structured parking spaces. Any structured parking shall be concealed by the structure or the building so that it is not visible from the street (the entrance and exit may be visible).

7. Permitted Non-Residential Uses:

The following nonresidential uses may be permitted by the DRB on the ground floor of the structure: art gallery, bakery, bank/credit union, beauty/barber shop, daycare, food store, health club, laundromat, office (general), office (medical or dental), open-air market, photo studio, restaurant, retail, tailor shop, and theatre.

8. Residential Occupancy:

Each unit of any structure erected pursuant to this subsection shall be occupied by a "family" as defined in Article 13.

9. Character of the Area Affected:

When the DRB reviews a project under the provisions of Article 3—Conditional Use Review, it shall take into consideration that developments utilizing this bonus are located in an area adjacent to the Downtown. In making its determinations and setting conditions under the standard "Character of the area affected," the DRB shall consider that it is the public policy of the City of Burlington that where there are conflicts between public uses and activities and the quiet enjoyment of residents in developments utilizing the bonuses permitted in the underlying district, the public uses and activities shall take precedence and the development shall be designed in a manner that mitigates the conflicts.

Sec. 4.5.4 4.5.3 Natural Resource Protection Overlay (NR) District

(a) As Written

(b) Areas Affected

This overlay district consists of all areas delineated on **Map 4.5.4 4.5.3-1** Natural Resources Protection Overlay (NR) District and is divided into four (4) subparts:

1. As Written.
2. A Wetland Conservation Zone which consists of wetlands and corresponding upland buffer area for the following areas:
H.A. Uplands within 100 feet of all wetlands depicted in Map **4.5.4 4.5.3-1** Natural Resource Protection Overlay District except in cases where the State of Vermont has established a greater buffer zone width; and,
I.B. As Written
3. and 4. As Written

(c) through (e) As Written

(f) District Specific Regulations: Special Flood Hazard Area:

1. Through 2. As Written
3. **Permitted Uses in Special Flood Hazard Areas (including Floodway areas)**
 - A. All those permitted open space uses as listed in **Section 4.5.4 4.5.3.(f)2** above shall be permitted in the Special Flood Hazard Areas.
 - B. All other uses permitted in the underlying zoning district are permitted only upon review and approval per subpart 7 below.
4. through 7. As Written

Commented [MT23]: Update 1/8/24: Expanded to include specific references throughout this section to the Map that is being renumbered. Does not change the standards

8. Approval Conditions

As Written

A. through G. As Written

H. Recreational Vehicles:

Recreational Vehicles placed on sites with special flood hazard areas shall either:

~~E-A.~~ Be on the site for fewer than 180 consecutive Days, or

~~F-B.~~ Be fully licensed and ready for highway use, or

~~G-C.~~ Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in

~~Sec. 4.5.4 4.5.3~~(f)8D.

9. through 11. As Written

Sec. 4.5.5 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.

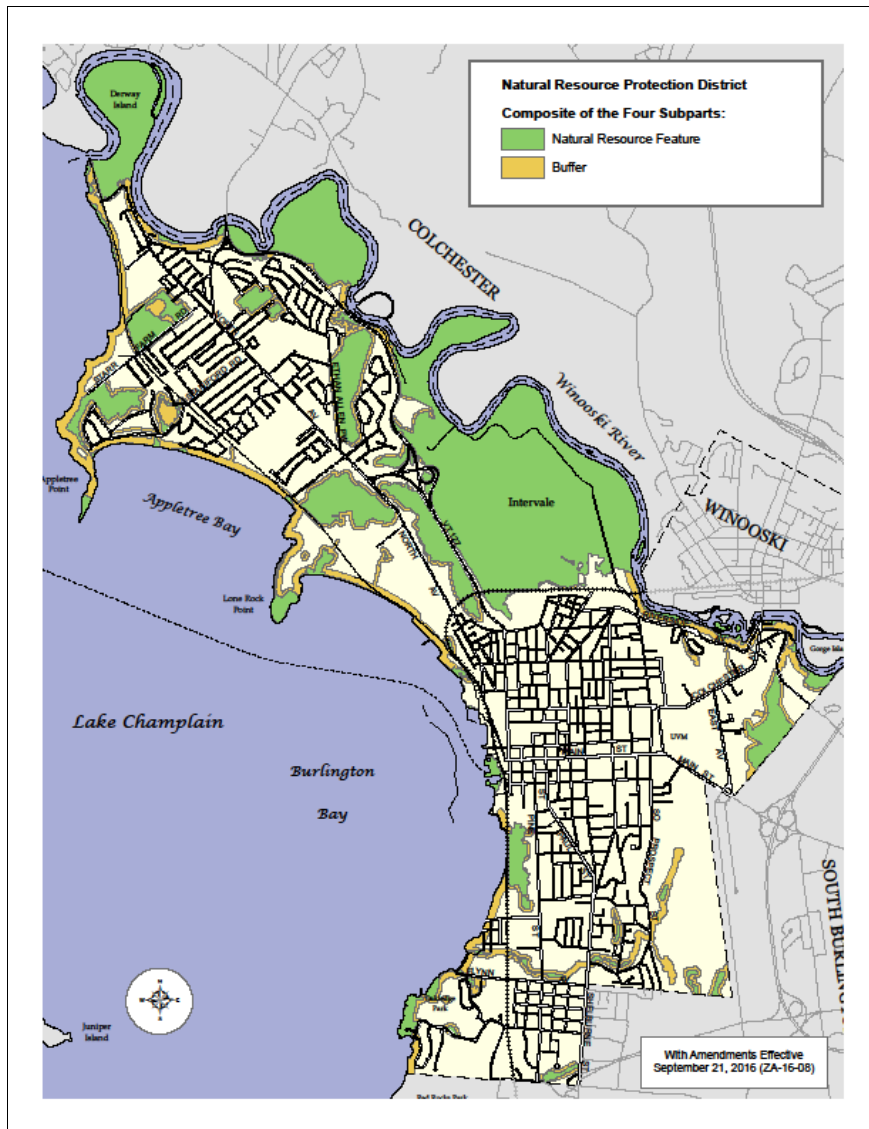
(c) District Specific Regulations: RL Larger Lot Overlay

1. Minimum Lot Size and Density

The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5 and 4.4.5-2 as follows:

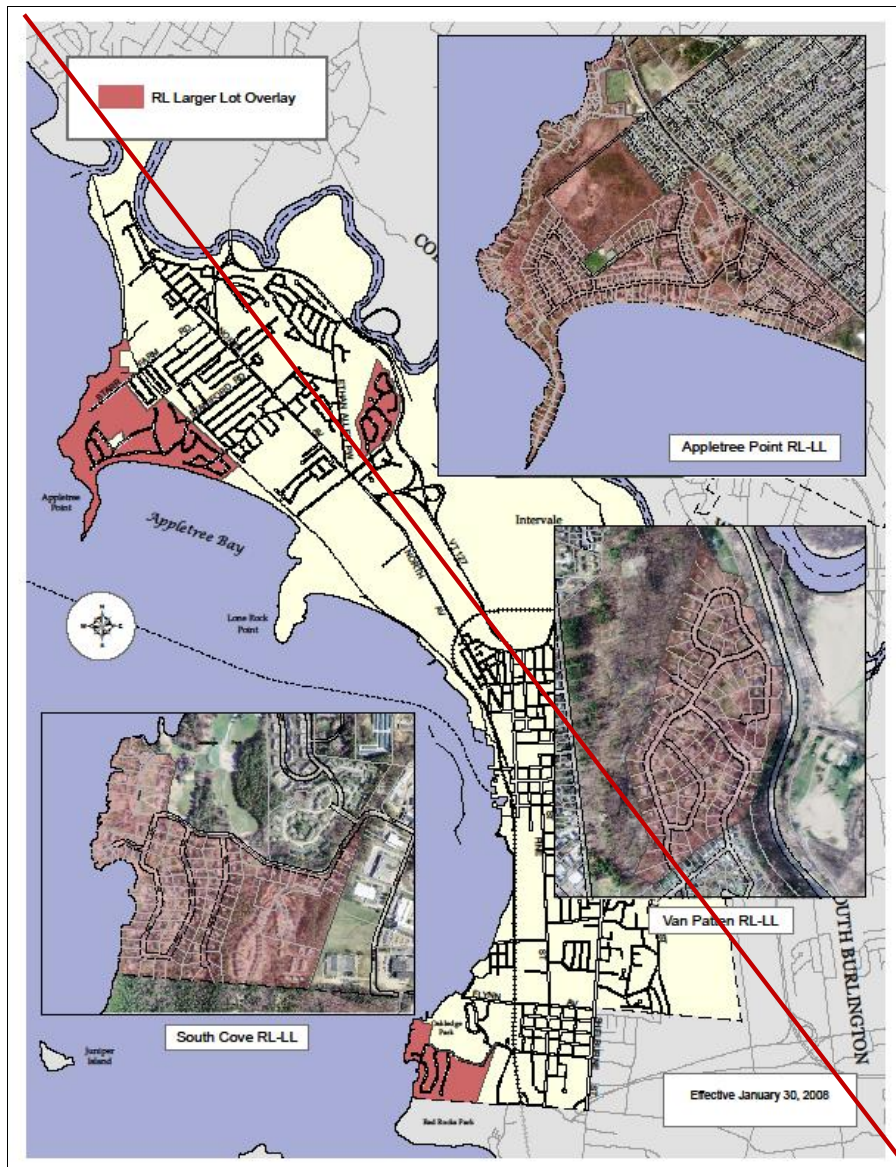
Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage¹ (In linear feet)	Minimum Lot Size (In square feet)	Maximum dwelling units per acre² (without bonuses or any Inclusionary Zoning allowances)
Single detached dwelling	75 feet	9,900sqft	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.			



Map 5.4-14.5.3-1: Natural Resource Overlay District

Commented [MT24]: No change to map, simply renumbered to match new overlay section numbering.



Map 4.5.5-1: RL Larger Lot Overlay

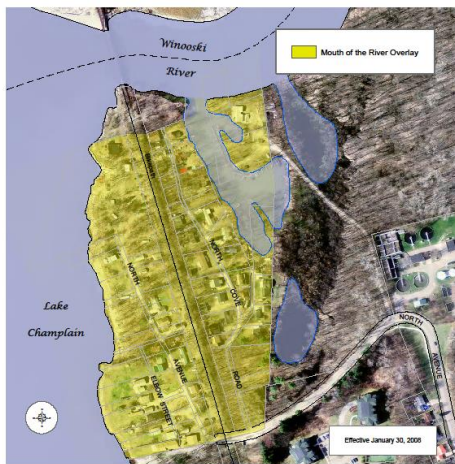
Sec. ~~4.5.6~~ 4.5.4 Mouth of the River Overlay District

(a) As Written

(b) Areas Covered.

The Mouth of the River Overlay District includes those portions of the RL Zoning District as delineated on **Map ~~4.5.6-1~~ 4.5.4-1.**

(c) As Written



Map ~~4.5.6-1~~ 4.5.4: Mouth of the River Overlay

Sec. ~~4.5.7~~ 4.5.5 Centennial Woods Overlay District

(a) As Written

(b) Areas Covered.

The Centennial Woods Overlay District includes those portions of the Institutional (I) and RCO-Recreation/Greenspace (RCO-RG) zoning districts as delineated on **Map ~~4.5.7-1~~ 4.5.5-1.**

(c) As Written

Commented [MT25]: No change to map, simply renumbered to match new overlay section numbering.



Map 4.5.7-1 4.5.5-1: Centennial Woods Overlay

Sec. 4.5.8 4.5.6 South End Innovation District Overlay District

(a) As Written

(b) Areas Covered:

The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.8-1 4.5-6-1.

(c) District Specific Regulations

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

Table 4.5.68-1: SEID Dimensional Standards & Density

Block Perimeter ¹	Max. Intensity (floor area ratio ^{2,3})	Max Building Size per Floorplate ^{4,5}	Max. Lot Coverage & Pervious Surface Required ⁶	Minimum Building Setbacks ⁷			Max. Height ⁸
				Front	Side	Rear	
1,600' max	2.5 FAR	Floors 1-6: 15,000 sq. ft. Floors 7-8: 10,000 sq. ft. Except as permitted by Sec. 4.5.8-6 (c) 1	80% max impervious 25% min of pervious area must utilize GSI	0' min 20' max ⁵	0' min 20' max ⁵	0' min 20' max ⁶	85'

Commented [MT26]: No change to map, simply renumbered to match new overlay section numbering.

Commented [MT27]: Update 1/8/24: Expanded to include text for the SEID area, as there are many internal cross references throughout this section to the Map and tables that are being renumbered. Does not change the standards.

Commented [MT28]: 1/8/24 Update: This line is inadvertently repeated; delete.

1. Blocks may be enclosed by any combination of streets within public Rights-of-Way or Public Paths. Where a property abuts a railroad or area identified as Wetland, Conservation or Natural Area on [Map 4.5.4-1 4.5.3-1](#) Natural Resource Protection Overlay District, such boundaries may serve as enclosing block boundaries.
2. Floor area ratio is described in Sec 5.2.7.
3. Bonuses for additional FAR for inclusionary housing projects are described in Sec. 9.1.12.
4. Maximum square footage applies to each floorplate.
5. One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floorplate maximum standard according to the following:
 - a. When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - b. When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.
6. At least 25% of the pervious area on a lot must include one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with shade trees, or pervious pavement. No more than 50% of the required GSI area may utilize pervious pavement.
7. Setbacks are measured from the property line; however, buildings must be at least 15' from the curb or edge of a public Right of Way if no curb exists.
8. Maximum building height in the E-SEID shall be further limited by [Map 4.5.8-2 4.5.6-2](#): SEID Specific Height Area Map.

1. Dimensional Standards & Density

Within the SEID the standards set forth in [Table 4.5.8-1 4.5.6-1](#) shall apply to new development and redevelopment, except:

A. Exception for Educational Uses.

Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of Mass Timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances. The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI) or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.

Commented [MT29]: 1/8/24: This is a formatting error that was incorporated when the final amendment was inserted in the ordinance.

Table 4.5.86-2: Frontage and Activation Standards

Frontage Type	Min lot frontage occupied by buildings ^{1,2}	Percent of ground floor building frontage containing non-residential uses ¹	Ground floor entries required
Primary	80% min	80% min	Every 60' min
Secondary	70% min	20% min or 500 sq. ft. whichever is greater	

- 1) Measured linearly.
- 2) A courtyard on a building façade adjacent to a street or Public Path, with minimum dimensions 12 feet minimum and 35 feet maximum, shall be counted in the calculation of frontage to satisfy this requirement.

2. Frontage and Ground Floor Activation Standards

As Written

3. Parking

As Written

4. Uses

Within the [E-SEID](#), only the following uses shall be permitted.

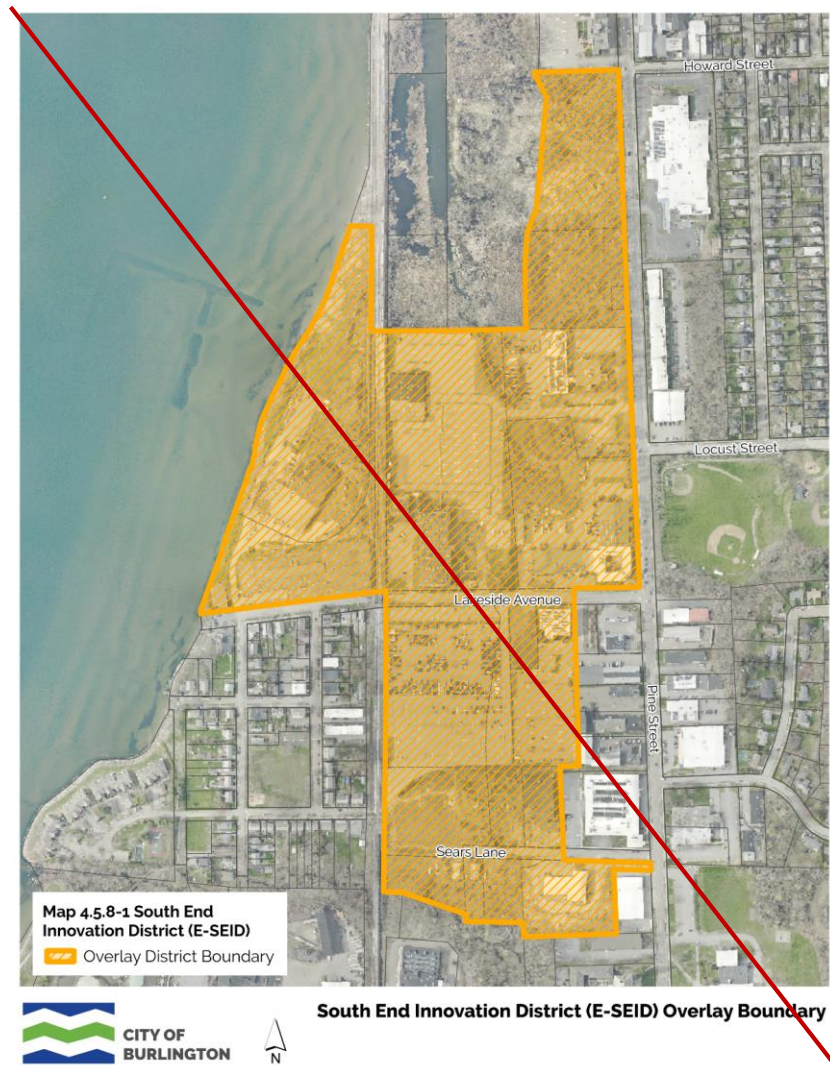
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Table 4.5.68-3 Uses Permitted & Limited within the SEID

Permitted Uses:	
Residential ¹	
Assisted Living	
Attached Dwellings - Multi-Family	
Co-Housing	
Convalescent/Nursing Home	
Emergency Shelter	
Group Home	
Dormitory	
Non-Residential	
Adult Day Care	Office - General
Agricultural Use	Office – Medical/Dental
Amusement Arcade	Office - Technical
Animal Boarding/Kennel Shelter	Open Air Markets
Animal Grooming	Park
Animal Hospital/Veterinarian's Office	Parking Garage ³
Appliance Sales/Service	Parking Lot ³
Art Gallery/Studio	Performing Arts Center
Bakery	Performing Arts Studio
Bank/Credit Union	Pet Store
Bar/Tavern	Pharmacy
Beauty/Barber Shop	Photo Studio
Bicycle Sales/Repair	Photography Lab
Billiard Parlor	Place of Worship
Bowling Alley	Police Station - Local
Cafe	Post Office - Local
Cinema	Printing Plant
Community Center	Printing Shop
Community Garden	Public Transit Terminal
Convenience Store	Public Works Yard/Garage
Crisis Counseling Center	Radio & TV Studio
Daycare	Recording Studio
Dry Cleaning Service	Recreational Facility - Indoor
Film Studio	Recreational Facility - Outdoor
Fire Station	Research & Development Facility
Food & Beverage Processing	Research Lab
Garden Supply Store	Restaurant

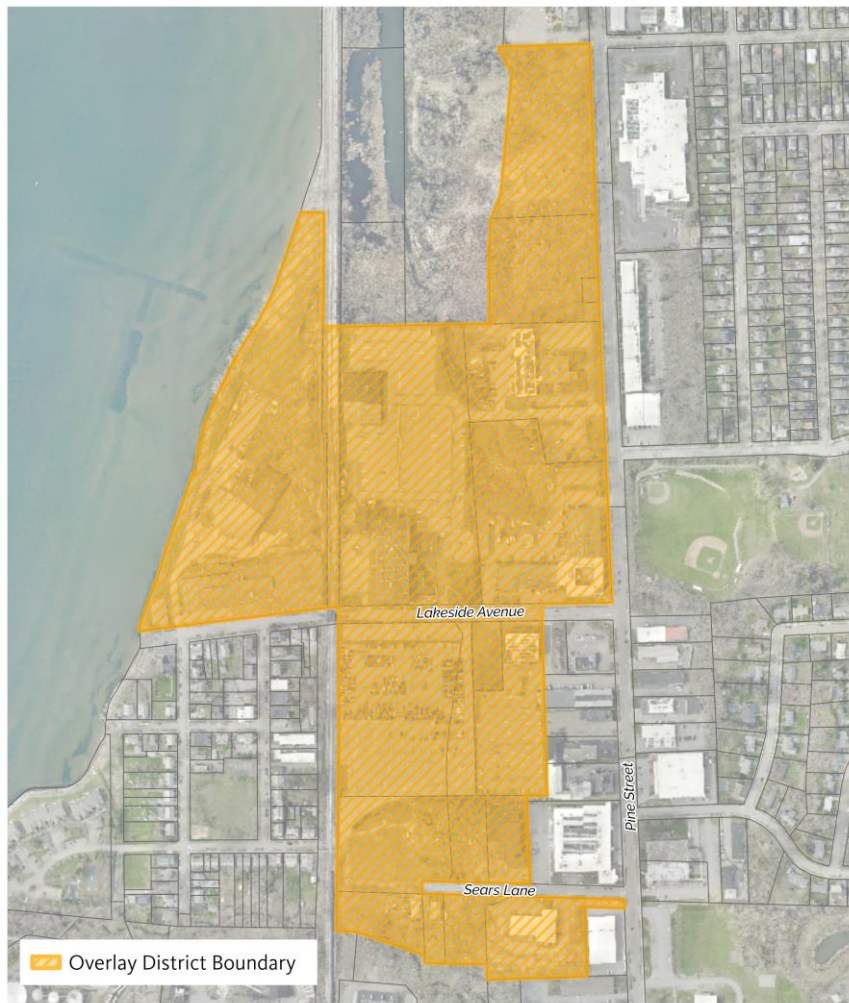
Permitted Uses:	
General Merchandise/Retail - Small < 4,000 sqft	Restaurant – Take Out
Grocery Store ≤ 10,000 sf	Salon/Spa
Health Club	School – Post-Secondary and CC
Health Studio	School - Preschool
Laundromat	School - Primary
Library	School - Secondary
Manufacturing - Light	School – Trade, or Professional
Mental Health Crisis Center	Tailor Shop
Museum – Small ≤ 10,000 sf	

1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.
2. Parking Structure and Parking Lot uses are regulated by [Sec. 4.5.68\(c\) 3](#) Parking and [Table 4.5.68-1](#) SEID Dimensional Standards & Density.

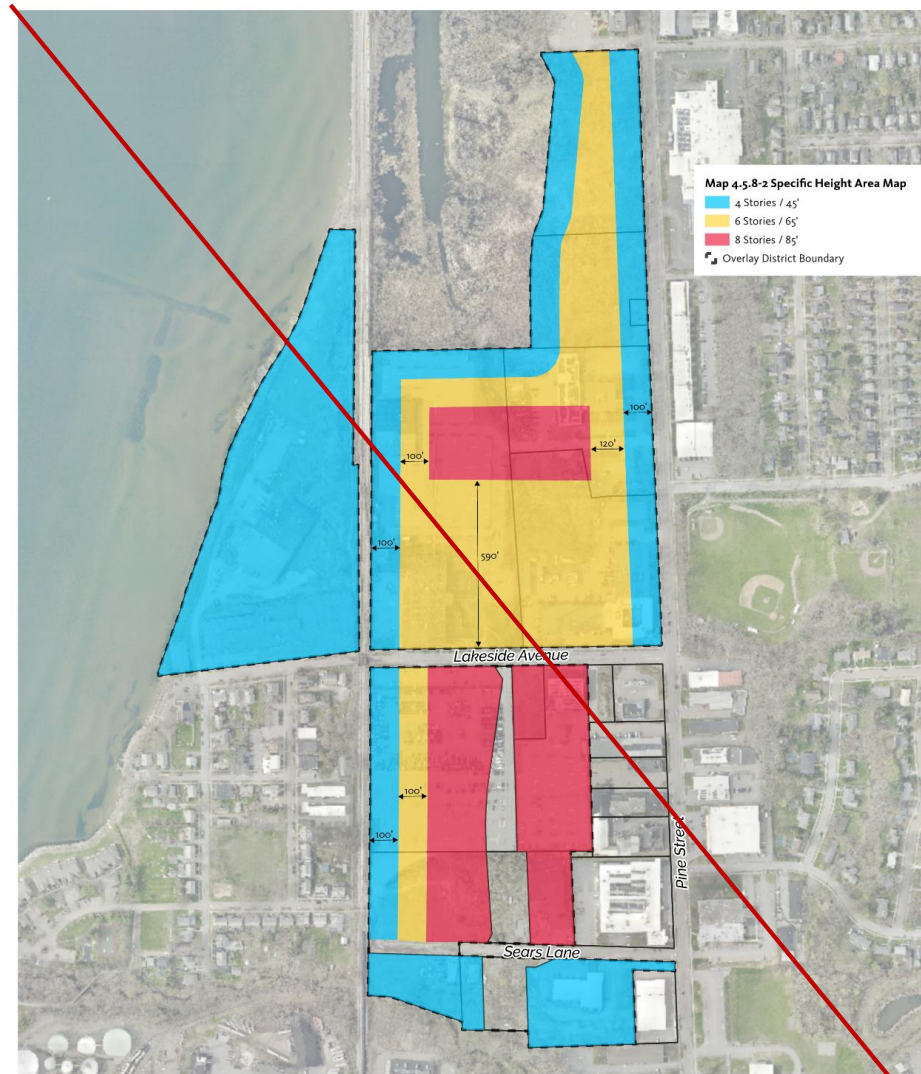


Commented [MT30]: No change to map, but map title block renumbered to match new overlay section numbering.

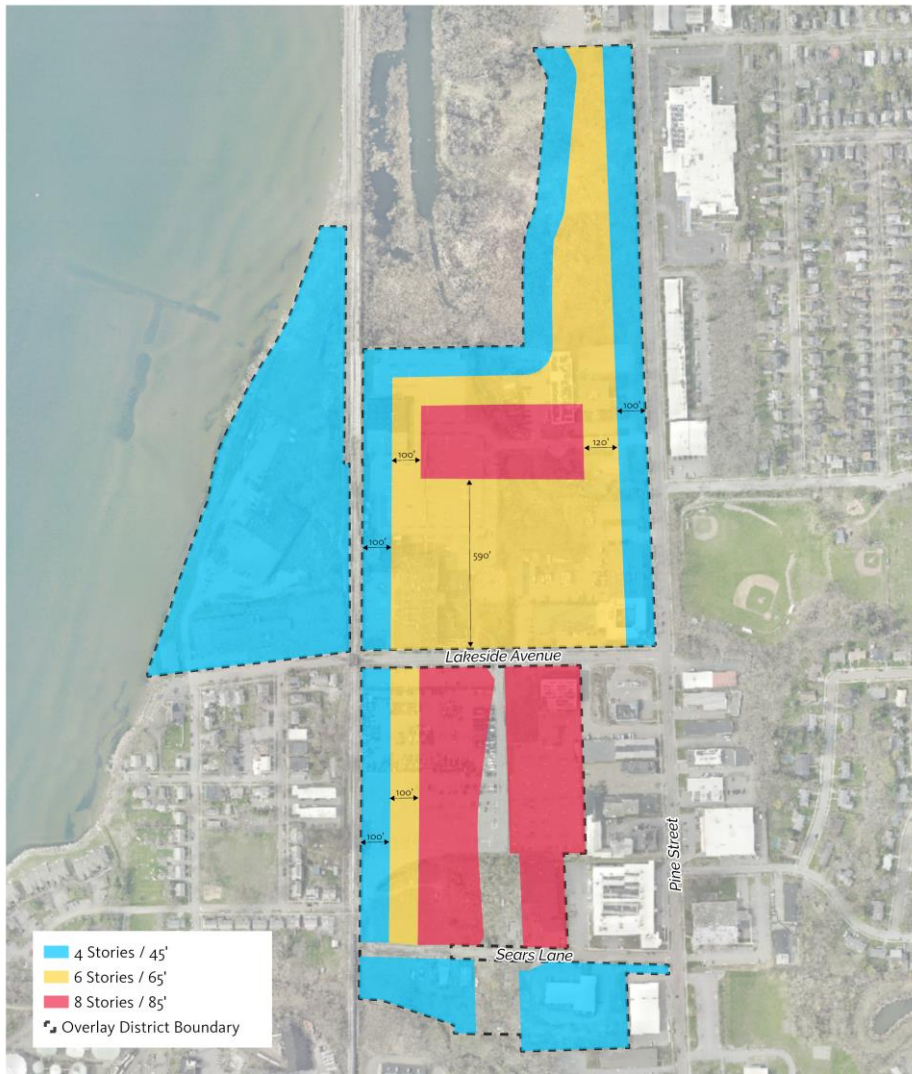
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**Map 4.5.6-1 South End Innovation District (E-SEID)
 Overlay Boundary**



Commented [MT31]: No change to map, but map title block renumbered to match new overlay section numbering.



**Map 4.5.6-2 South End Innovation District (E-SEID)
Specific Height Area Map**

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

(c) Principal Structures:

~~Only one principal structure shall be permitted on any lot~~ More than one principal structure is permitted on in any a lot within a residential zoning district defined pursuant to subject to the limits of Article 4 — Zoning Districts Sec. 4.4.5 Residential Districts, or as ~~unless~~ 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) ~~34. (B).~~

(e) through (f)—As written

Commented [MT32]: This section has been updated to allow more than one primary structure on a lot.

Article 5: Citywide General Regulations

PART 2: DIMENSIONAL REQUIREMENTS

Sec. 5.2.1 Existing Small Lots

~~Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements if the lot:~~

- ~~3. — can be served by municipal water and sewer service; and,~~
- ~~4. — is at least four thousand (4,000) square feet in area; and,~~
- ~~5. — has a minimum width and depth dimension of forty (40) feet or more.~~

~~Any such development shall require a permit pursuant to standards of Article 4 and, where design review is applicable, the design review provisions of Article 3 and the development standards of Article 6.~~

Commented [MT33]: This standard reflects what is required by state statute. However, Committee decided to remove minimum lot sizes and new standards for lot width in Sec. 4.4.5 means that no zone has great than 40ft wide min frontage requirement. Therefore, this section is irrelevant.

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Sec. 5.2.2 Required Frontage or Access

As Written

Commented [MT34]: Nothing is proposed to change in this section in Part 1. Flagging that there will likely be changes in Part 2 of the code, to expressly enable Flag Lots and/or other situations where lots don't have direct street frontage.

Sec. 5.2.3 Lot Coverage Requirements

As Written

Commented [MT35]: Nothing is proposed to change in this section. While the committee had a number of questions related to calculation of lot coverage, and what is included or not, ultimately there are no changes proposed to this section. (See the Exceptions to Dimensional Standards guide from prior meetings)

Sec. 5.2.4 Buildable Area Calculation & Steep Slopes Overlay District

The intent of this section is to:

As Written

(a) Buildable Area Calculation

For any properties two (2) or more acres in size within any RCO, ~~WRM~~, RM, ~~WRL~~, or RL zoning district, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water; and lands with a slope in excess of 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the additional density or lot coverage will be compatible within the existing scale and intensity of the surrounding neighborhood, and not have an undue negative impact on sensitive natural features.

Commented [MT36]: The only change to this section is to reflect updates to district names consistent with Sec. 4.4.5.

(d) Steep Slopes Overlay District

As Written

Sec. 5.2.5 Setbacks

Setbacks between structures and property lines where required are intended to provide access to light and air, provide fire separation and access, and maintain the existing neighborhood pattern of structures and open spaces between them and to the street.

(a) Setbacks Required:

As Written

(b) Exceptions to Yard Setback Requirements:

The following projections into required yard setbacks may be permitted subject to the standards of Article 6 to ensure compatibility with neighboring properties:

1. through 6. As Written

7. ~~Shared Driveways~~. Common or shared driveways and walkways along shared property lines and associated parking areas, including those to serve residential lots and developments Sec. 4.4.5 (d) 4.A and Sec. 5.2.2 (b), do not have to meet setback requirements along the shared property line. Other driveway encroachments may be permitted subject to Sec. 4.4.5 (d) 1.A.

8. Additional exceptions for nonconforming structures under Sec. 5.3.5.

Sec. 5.2.6 Building Height Limits

As Written

Sec. 5.2.7 Density Calculations

As Written

Article 5: Citywide General Regulations

PART 3: NON-CONFORMITIES

Sec. 5.3.1 Purpose

As Written

Sec. 5.3.2 "Bianchi" controlled uses, structures, and lots

As Written

Sec. 5.3.3 Continuation

As Written

Sec. 5.3.4 Nonconforming Uses

(a) **Changes and Modifications**

As Written

1. **Nonconforming Non-Residential Use:**

A nonconforming non-residential use shall not be expanded or altered in any way, other than to full conformity under this Ordinance, except as follows:

A. **Exception for residential conversion.**

A non-residential nonconforming use may be converted to a residential non-conforming use pursuant to the applicable residential conversion provisions of Sec. 4.4.5 (d) 1.

Commented [MT37]: This clarifies the language regarding shared driveway encroachments to be consistent with the changes to Sec. 4.4.5.

Commented [MT38]: **Update 1/8/24:** While we will talk about non conformities more in detail in Part 2 of Neighborhood Code, this adds a section of edits to correct references to numbering of the Residential Districts provisions.

B. **Existing Neighborhood Commercial Uses.**

Existing non-residential uses intended to primarily serve the nearby residential area shall not be considered non-conforming to the extent they comply with the provisions of **Sec. 4.4.5(d)(35)**.

2. Nonconforming Residential Use:

A change or expansion of a non-conforming residential use may be allowed subject to conditional use approval pursuant to the provisions of Article 3, Part 5 by the DRB provided:

A. Such expansion does not add any additional dwelling units except as may be permitted for residential conversion bonuses approved per the provisions of **Sec. 4.4.5(d)(16)**, this Historic Building Rehabilitation Bonus under Sec. 5.4.8 (e) and for Accessory Dwelling Units per the provisions of Sec. 5.4.5;

~~A-B.~~ Such expansion does not increase the degree of non-conformity of any non-conforming structure; and,
~~B-C.~~ In such cases where the non-conforming residential use is located in a zoning district where residential uses are generally permitted, expansion of a non-conforming residential use into an existing and previously uninhabited attic or basement within the principle structure may be permitted subject to administrative review provided no additional dwelling units are created, except for Accessory Dwelling Units per Sec. 5.4.5.

(b) **Discontinuance**

As Written

Article 5: Citywide General Regulations

PART 4: SPECIAL USE REGULATIONS

Sec. 5.4.1 through Sec. 5.4.7

As Written

Sec. 5.4.8 Historic Buildings and Sites

As Written

(a) through (d)—*As written*

(e) Historic Building Rehabilitation Bonus

In order to facilitate the rehabilitation and reuse of historic buildings in Residential and Institutional districts, development in excess of the limits set forth in Tables 4.4.1-1, **4.4.5-2-1** and **4.4.5-2-3** may be permitted by the DRB subject to all of the following conditions:

i. through iii. *As Written*

iv. Neighborhood commercial uses may be permitted by the DRB subject to the applicable requirements of Sec. **4.4.5(d)(35)(A)**; and,

v. *As Written*

Sec. 5.4.9 through Sec. 5.4.11

As Written

Sec. 5.4.12 Mobile Home Parks

As Written

a) Mobile Home Parks

Regarding the establishment and operation of a Mobile Home Park:

1. The required minimum lot size, lot frontage, and waterfront setback, and required maximum density and building

Commented [MT39]: Update 1/8/24: While we will talk about relationship of historic regs more in Part 2 of Neighborhood Code, this adds a section of edits to correct references to numbering of the Residential Districts provisions.

There are no changes to the requirements for Mobile Home Parks, but simply a technical edit to change the reference to the types of standards regulated in the Residential Districts, and the table numbers.

height, lot and building dimensions, development intensities, and setbacks shall be as required per the applicable Zoning District standards found in Tables 4.4.5-1 and 4.4.5-2, and 4.4.5-3.

2. through 8. As Written

Non-Conforming Mobile Home Parks
As Written

Article 6: Development Review Standards
PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a) through (g)—As Written

(h) Building Location and Orientation:

The introduction of new buildings and additions shall be consistent with the intent of the district, maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblane and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

Remainder of section As Written.

Article 6: Development Review Standards
PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.1 Applicability

These standards are enacted and shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(b) – Design Review.

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context, the purpose of the zoning district. They shall should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development shall should maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium ~~density~~ residential districts, the height and massing of existing residential buildings ~~is the most important consideration should be carefully considered~~ when evaluating the compatibility of additions and infill development; ~~however, no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2.~~

(2) through (3)—As Written

(b) through (i)—As Written

Article 11: Planned Development

PART 1: PLANNED UNIT DEVELOPMENT

Sec. 11.1.1 Intent. – As Written

Sec. 11.1.2 Authority.

These regulations are enacted under the provisions of 24 V.S.A. Section 4417.

Sec. 11.1.3 General Requirements and Applicability

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

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

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

Sec. 11.1.4 Modification of Regulations.

With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:

- ~~density; minimum lot size~~, frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis;
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;
- more than one principal use and more than one principal structure may be permitted on a single lot;
- ~~one or more residential uses not otherwise permitted may be permitted~~; and,
- buildings may be of varied types including single detached, attached, duplex or apartment construction.

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Sec. 11.1.5 and Sec. 11.1.6.

Article 13: Definitions

Sec. 13.1.2 Definitions

Commented [MT40]: This is the section of the ordinance that has come up many times within Committee discussions, regarding an alternative framework for development on very large lots within the residential districts.

Part 1 removes references to Waterfront Low and Medium districts that are being removed, and explicitly enables a PUD to make adjustments to min lot size and to permit residential uses not otherwise allowed in the underlying district. It maintains all other standards.

However, Part 2 will consider the minimum project size required to utilize PUD standards in the RL zone, as well as an alternative framework for how PUD's in the residential district are regulated since underlying density limits are being replaced by massing standards (i.e. likely articulate a max FAR for PUD's in residential districts).

Building Height: The vertical measurement of a building. See Sec. ~~2.75.2.6~~ for specific calculation provisions.

Commented [MT41]: This corrects an out of date reference to building height measurement standards.

Appendix A- Use Table – All Zoning Districts

See attached markups.

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

MET/Ordinances 2024/ZA-24-02 Neighborhood Code
DRAFT v1.2 1/8/24 for Planning Commission Public Hearing on 1/9/24 with Technical Corrections

ZA-24-02: Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL <u>AW</u>	RM <u>AW</u>	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 <u>AW</u>	RM <u>AW</u>	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	<u>Y</u> ²	<u>Y</u> ²	N ³⁰	<u>N</u> ³⁰	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	<u>Y</u> ²	<u>Y</u> ²	Y	<u>Y</u>	N	<u>Y</u> ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N <u>Y</u> ²	<u>Y</u> ²	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RL <u>AW</u>	RM <u>AW</u>	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	<u>Y</u>	N	CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
Convalescent/Nursing Home	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	<u>N</u>	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	<u>N</u>	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Short Term Rental ³³	N	N	N	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL <u>AW</u>	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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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
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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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}
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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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}
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
PhotographyLab	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

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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
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.

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
RLW	Residential Low Density , Waterfront Residential Low Density Intensity
RMW	Residential Medium Density , Waterfront Residential Medium Density Intensity
RH	Residential High Density Intensity
RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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.

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

NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing
- ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.
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	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL 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
Assisted Living	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	<u>Y</u>	N	CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	<u>N</u>	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	<u>N</u>	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Short Term Rental ³³	N	N	N	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
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

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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
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

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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}
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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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}
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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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
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.

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 Intensity
RM AW	Residential Medium Density, Waterfront Residential Medium Density Intensity
RH	Residential High Density Intensity
RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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) 36 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.

23. Allowed only on properties with frontage on Pine Street.

24. Such uses shall not exceed 4,000 square feet in size.

25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.

26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.

27. For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses 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. 4.5.68(c) 5 for permitted uses in the Enterprise – Innovation District (E SEID) Overlay
- | | |
|--------|---|
| NAC-RC | NAC – Riverside Corridor |
| NAC-CR | NAC – Cambrian Rise |
| E-AE | Enterprise – Agricultural Processing and Energy |
| E-LM | Enterprise – Light Manufacturing |

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



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

www.burlingtonvt.gov/plan

TO: South Burlington Planning Director
Colchester Planning Director
Winooski Planning & Zoning Manager
Chittenden County Regional Planning Director
VT Department of Housing and Community Development
FROM: Meagan Tuttle, AICP, Director, Office of City Planning
Charles Dillard, AICP, Principal Planner
Sarah Morgan, Planner
DATE: December 22, 2023
RE: Burlington Comprehensive Development Ordinance Amendments

Enclosed, please find proposed amendments to the *City of Burlington Comprehensive Development Ordinance*:

- ZA-24-02: Neighborhood Code

The Planning Commission will hold a public hearing on the proposed amendments on Tuesday, January 9, at 6:45 pm via a virtual meeting on the platform Zoom.

Please ensure this communication is forwarded to the chairs of your respective Planning Commissions. Submit any communications for the Planning Commission's consideration at the hearing to me by close of business on Monday, January 8.

Thank you.

Charles Dillard, AICP

CC: Andy Montroll, Burlington Planning Commission Chair
Meagan Tuttle, AICP, Director, City Planning
Scott Gustin, AICP, Zoning Division Manager, Department of Permitting & Inspections
Kimberlee Sturtevant, Assistant City Attorney

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

Andy Montroll, Chair
Bruce Baker, Vice Chair
Yves Bradley
Alex Friend
Michael Gaughan
Erin Malone
Julia Randall

BURLINGTON PLANNING COMMISSION PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance Amendment **ZA-24-02: Neighborhood Code**

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place during the Planning Commission meeting on **Thursday, January 9th, 2023, with the hearing starting at Time Certain 6:45pm**. You may access the hearing/meeting as follows:

The meeting will be held in the Sharon Bushor Conference Room at City Hall (149 Church Street)

To join virtually from a Computer, please click this URL to join, and enter the Webinar ID if prompted:

Link: <https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFlzd09>

Webinar ID: 979 4188 3790

Passcode (if needed): 658929

To join virtually by phone, dial this number and enter the Webinar ID when prompted:

Number: +1 312 626 6799 **Webinar ID:** 979 4188 3790

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:

The purpose of the proposed amendments are as follows:

- **ZA-24-02:** This amendment creates a new framework for the city's residential zoning districts that enables a range of housing types, including single-family, ADUs, duplex through four-unit developments, and townhouses and small multi-unit buildings. These amendments enable greater flexibility for existing homes as well as a range of housing options within neighborhoods, create new zoning standards along transportation corridors identified in *planBTV*, and comply with Act 47 of 2023 of the VT Legislature.

Geographic areas affected:

This amendment applies to the following areas of the city:

- **ZA-24-02:** All current residential zoning districts within the city with additional changes to expand the residential districts into the following adjacent parcels:
 - 60 Austin Drive (057-2-112-000)
 - 2076 North Avenue (021-2-052-000)

List of section headings affected:

The proposed amendments modify the following sections of the *Burlington Comprehensive Development Ordinance*:

- **ZA-24-02:** Modifies Sec. 4.3.1; Map 4.3.1-1; Sec. 4.3.2; replaces the entirety of Sec. 4.4.5; amends Map 4.4.5-1; replaces Tables 4.4.5-1, 4.4.5-2, 4.4.5-3, 4.4.5-5, 4.4.5-7, 4 and 4.4.5-8 with new Tables 4.4.5-1 through 4.4.5-2 and 4.4.5-4-4.4.5-6; Sec. 4.5.1 (b); deletes Sec. 4.5.3; deletes Sec.

4.5.5; renumbers Sec. 4.5.4 and Map 4.5.4-1; renumbers Sec. 4.5.6 and Map 4.5.6-1; renumbers Sec. 4.5.7 and Map 4.5.7-1; and renumbers Sec. 4.5.8 and Maps 4.5.8-1 and 4.5.8-2; deletes standards associated with Sec. 5.2.1 and replaces it with a reserved section header; amends Sec. 5.2.4 (a); amends Sec. 5.2.5 (b) 7; amends Sec. 6.2.2 (h); amends Sec. 6.3.2 (a) 1; amends Sec. 11.1.3 and 11.1.4; amends Article 13- Definitions; and amends Appendix A- Use Table.

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. The proposed amendment can be reviewed in hard copy posted on the first floor of City Hall, 149 Church Street, Burlington or online at <https://www.burlingtonvt.gov/DPI/CDO/Amendments>

TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP Director, Office of City Planning
 Charles Dillard, AICP, Principal Planner
 Sarah Morgan, Planner
DATE: December 21, 2023
RE: Proposed CDO Amendment for Public Hearing– ZA-24-02 Neighborhood Code Part 1

Overview & Background

The Neighborhood Code is a series of zoning amendments that will enable more neighborhood-scale housing types citywide, including duplex, triplex, and four-unit buildings, as well as townhomes and small multi-unit buildings in some locations. Specifically, the code aims to:

- Re-legalize historic neighborhood development patterns and identify solutions to common barriers to small and middle housing types
- Find opportunities to build on neighborhood patterns through more context-sensitive zoning tools for residential areas
- Recommend new approaches to the type of development allowed in low-density zoned areas along major streets served by transit and connecting neighborhoods to the downtown core
- Comply with, and in many ways go beyond, the minimum standards for residential density and residential uses required by the VT Legislature's Act 47 of 2023.

A Joint Committee of the Planning Commission and City Council Ordinance committees was established to review and refine the neighborhood Code recommendations. It is anticipated that the Committee will recommend a package of amendments to the full City Council when it has completed its work. This Committee has held 8 meetings between Oct 4 and December 19 to review the major recommendations of the Neighborhood Code and have made modifications to the recommendations from those originally presented by staff.

Neighborhood Code Part 1

Over the course of these meetings, the Joint Committee's work has focused on the major recommendations to advance the Neighborhood Code purpose, and a number of related standards to ensure these recommendations can be implemented. These recommendations are included in this Neighborhood Code, Part 1 which includes substantive changes to Article 4 and Appendix A as well as other sections, as described below. These changes evolve the residential zoning district standards, allowable uses, and district boundaries. Part 2 will cover many technical details and related standards, and will be forwarded by the Planning Commission in the very near term following the Committee's referral of Part 1. Part 2 includes issues such as rules for Collage Court developments, how to translate standards for development bonuses in residential areas, which are currently based on dwelling unit per acre limits, and the minimum project size for eligible Planned Unit Developments in RL.

Both a "clean text" and a full track-change version of proposed ordinance language are attached to this memo. These address the core issues—the major decisions regarding the framework for all residential zones, and critical technical amendments for interconnectedness of ordinance which the committee has largely discussed. These issues are outlined in the Proposed Amendments section below, but generally include:

- Updates purpose statements for the residential districts generally and for each district specifically, and updated references to districts throughout the CDO
- Updates *Map 4.45-1 Residential Districts* to reflect proposed changes to district boundaries

- Wholesale replacement of existing Tables 4.45-1, 4.45-2, and 4.45-3 with new tables 4.45-1 regarding lot dimensions and coverage, and 4.45-2 regarding building massing and allowable units rather than regulation density in dwelling units per acre
- 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*
- Eliminates the *RL-Larger Lot Overlay* and the *RH Density Bonus Overlay* and renumbers remaining overlays in *Sec. 4.3.2*
- Deletes 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
- Enables more than one free-standing structure on a lot, where currently prohibited
- Provides flexibility for residential driveways to encroach into side setbacks
- Adjusts some Design Review considerations, particularly related to the overall height of buildings permitted in residential areas, consistent with Act 47
- Expressly enables PUDs to make adjustments to minimum lot sizes and allowed residential uses (where previously implied)

Neighborhood Code Part 2

A number of related standards need to be addressed throughout the *CDO*, as described in the "Relationship of Core Zoning Recommendations to other Ordinance Details" chart and noted below. Using the general direction from past discussions of this Joint Committee, the Planning Commission, either as a body or through its ordinance Committee, can review and make recommendations for these related standards. These include issues such as:

- Standards related to lot frontage and access, and the arrangement of lots, in order to enable Flag Lots, free-standing lots under homes within a Cottage Court development, and other unique small-lot configurations
- Create rules for Cottage Court Developments, and create internal consistency between Secondary Buildings allowed in the residential standards, and citywide provisions for ADUs.
- Updates to applicable lot coverage, height, and development intensity bonuses for residential developments in both Article 4 and *Sec. 9.112 Additional Density and Other Development Allowances* (for projects with Inclusionary Zoning units)
- Consideration for allowing existing non-conforming and non-residential buildings that are encroaching in setbacks to be converted and/or vertically expanded (i.e. additional height)
- Consider the threshold for lot/project size that is enabled to use the *Article 11- Planned Unit Development* standards, particularly regarding flexibility for very large lots that have been discussed throughout this process
- Coordinate the applicability for Design Review and the Design Review Overlay zone into one section that provides more clear expectation of what is subject to review
- Potential additional flexibility for stacked parking for residential developments
- Potential miscellaneous definitions to clarify and support consistent implementation of new standards

"The Construction Zone"

Throughout the Committee discussion, a number of questions and related issues have been raised that are not within the core focus of the Neighborhood Code. Some of these issues relate to other plans and studies underway or on the near-term horizon for the Planning staff and the Commission. Others have been requested by one or more members of the Joint Committee for future discussion. These issues include:

- Beyond the creation of the Residential Corridor zone, consider other opportunities for redevelopment of larger sites, overall scale of development, and mix of uses along the north Avenue Corridor (part of upcoming *planBTV: New North End*)
- Potentially expand the factors that warrant Residential Corridor zone designation, and identify other applicable locations for this district
- More broadly consider other commercial uses permitted in all residential zoning districts, and cleanup/streamline the Appendix A- Use Table to be more general than specific.
- Consider the transition of heights/intensities of development and mixed-use allowances of existing mixed-use districts adjacent to new Residential Corridor district (i.e. neighborhood mixed use and neighborhood activity center districts)
- Consider the impact on implementation resulting from existing regulations for historic properties (preservation plan is upcoming on department work plan)
- Work with other departments to consider whether changes to Chapter 26 (stormwater) may be needed to address and accelerate residential-scale green stormwater infrastructure solutions
- Consider whether building/fire code exceptions/alternative approaches have applicability for implementing middle housing types (i.e. sprinklers, stairs, etc)
- Develop incentives for more owner-occupancy in newly allowed housing types (i.e. funding, other policies outside zoning)
- Technical and financial assistance for "small" developers/homeowner developers to help build new homes at this scale

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment creates a new framework for the city's residential zoning districts that enables a range of housing types, including single-family, ADUs, duplex through four-unit developments, and townhouses and small multi-unit buildings. These amendments enable greater flexibility for existing homes as well as a range of housing options within neighborhoods, create new zoning standards along transportation corridors identified in *planBTV*, and comply with Act 47 of 2023 of the VT Legislature.

Proposed Amendments

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

1) Amends Article 4 – Zoning Maps and Districts to create new residential district framework and eliminate several overlay districts

- Modifies the purpose statement for each residential district to reflect the goals of the amendment, which are to enable additional housing options, greater intensity of residential uses, and support City equity and climate objectives
- Modifies the residential district names to replace the word "density" with "intensity," as the amendment replaces density standards with tools to regulate building massing and unit per building. Additionally, modifies language throughout the CDO to reflect these new district names.
- Proposes a new *Map 4.4.5-1 Residential Districts*, which modifies residential district boundaries in the following ways:

- Streamlines residential zones by removing the Waterfront Residential Low Density (RL-W) and Waterfront Residential Medium Density (RM-W) districts, and combines these districts with the underlying RL and RM zones
 - Rezones several areas from Residential Low to Residential medium
 - Rezones an area immediately adjacent to downtown, surrounded by the downtown form code, from RM to RH
 - Rezones two parcels, currently located on the edge of the RL zone, to RL
 - Creates a new Residential Corridor (RC) district, that regulates residential and some commercial uses along major street corridors adjacent to low intensity zones
- Deletes the RH Density Bonus Overlay district, which has no remaining utility, and deletes the RL Larger Lot Overlay District, which is inconsistent with Act 47 and the underlying RL recommendations

2) Replaces and reorganizes residential district standards in Sec. 4.4.5 to replace density limits with standards for massing and units per building, update lot coverage and setback standards, and allow multiple units per building in all districts.

- Replaces *Table 4.4.5-1 Minimum Lot Size and Frontage*, *Table 4.4.5-2 Base Residential Density*, and *Table 4.4.5-3 Residential District Dimensional Standards* with a new *Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts* and a new *Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts*
- Allows up to 4 units per building in RL zones, up to 6 units per building in RM zones, and does not limit the number of units per building in RH and RC zones
- Modestly increases the allowable lot coverage in RL and RM zones, and establishes lot coverage limits for the RC zone; increases the allowable height in RH zones to 4 stories (from 3) and establishes a 4 story height limit for the RC zone; standardizes rear setbacks at 20 ft for RL zones, and 15 ft in all other zones; establishes a 5 ft min and 20 ft max setback for the RC zone.
- Creates a new Cottage Court housing type and dimensional standards that allows for the permitting of these multi-unit developments of detached dwellings.
- Modifies Appendix A- Use table, to include additional footnotes regarding the new standards of Sec. 4.4.5 and to enable neighborhood-serving commercial uses in the RC district
- Maintains, but reorganizes and consolidates other residential district standards, including for residential development bonuses, exceptions to dimensional standards, exceptions for neighborhood commercial uses, allowances for accessory (uninhabited) accessory structures, and residential occupancy limits.

3) Amends specific standards to facilitate the implementation of new housing types enabled in residential districts

- Modifies *Sec. 5.12(c)* to allow more than one principal structure on a lot. This modification allows for the incremental introduction of new housing choices in buildings sized consistent with residential neighborhoods.

- Modifies *Sec. 5.2.5 Setbacks* to allow driveways and walkways shared along property lines and serving residential uses to be exempt from setbacks requirements.
- Modifies *Sec. 6.2.2 Review Standards* (Site Plan Design Standards) to replace language calling for the maintenance of existing development patterns with a prioritization of development that is complementary to existing patterns. This change reflects the amendment's facilitation of housing type and choice that have been illegal in Burlington's residential districts.
- Modifies *6.3.2 Review Standards* (Architectural Design Standards language to prioritize the careful consideration of a housing development's contextual height and massing, rather than the existing focus that dictates that compatibility with such context is *the most important* consideration. This modification also creates CDO conformance with the *HOME Act's* prohibition on limitations of building massing and footprint size below the ordinance's standards.
- Expressly enables modification to lot size and residential uses not otherwise allowed for developments utilized the *Article 11- Planned Unit Development* standards

4) Addresses internal consistency per the following above changes, by updating section numbers, map numbers, and other organizational details

- Deletes *Sec. 5.2.1 Existing Small Lots* as this section is no longer applicable without a required minimum lot size in RL areas
- Amends section numbers and map numbers associate with the Natural Resource Overlay District, Mouth of the River Overlay District, Centennial Woods Overlay District, and South End Innovation District Overlay
- Across a number of sections, reflects deletion of RL-W and RM-W zones, and adds references to new RC district where applicable
- Corrects an out of date cross-reference with the definition of "Building Height"

Relationship to planBTV

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

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

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent in many respects with the Land Use and Density-related policies of *planBTV*. Generally, the slow pace of housing construction and rising housing costs are noted as one of the biggest challenges facing Burlington. Since the Plan's adoption, these challenges have become more pronounced. The foundational policy response to this challenge is the Plan's call to "identify and address unintended or unnecessary barriers to creating new housing and commercial spaces within parts of the city that are suitable to accommodate additional development."

The "Sustain" theme intends to "anticipate small and incremental change that is consistent with existing development patterns, building scale and neighborhood character." Importantly, the Plan notes that the city's residential neighborhoods are not "locked in time" and that "small and subtle change is needed to meet the evolving needs of current and future families and households." The "Grow" theme highlights the city's major transportation corridors as those areas among the most suitable for growth. The amendment helps implement such policies by creating new opportunities for housing construction and choice along these corridors.

Specific policy goals and objectives, and their nexus with the amendment, are provided below:

- A primary and foundational change proposed in the amendment is to replace existing density-based standards in residential neighborhoods in favor of one that regulates massing, intensity and lot characteristics. This change is supported by Objective 2.2.
- An additional foundational policy objective that is achieved through this amendment is 3.2, which directs the community to, "Re-evaluate the zoning regulations and development standards for low and medium density residential districts to ensure standards allow for existing development patterns, design character, scale and mass that are desired to be maintained, while also enabling some evolution of these properties to meet the changing needs of households."
- Regarding the amendment's introduction of limited commercial uses in the Residential Corridor zone, the Plan calls for the evaluation of neighborhood mixed-use areas to better understand the capacity of these areas to accommodate additional development." This change is supported by Objective 2.1. and Objective 8.5, which calls for the expansion of higher-density mixed-use development along the city's major thoroughfares
- Objective 8.1 directs the community to "enable the development of additional housing at all income levels...by reducing regulatory barriers and disincentives to development, and encouraging infill and redevelopment of underutilized sites."

Impact on Safe & Affordable Housing

The amendment addresses safe and affordable housing in the following ways:

- In creating additional opportunities in some areas for developments where five or more homes are constructed, the amendment will help produce more purpose-built affordable homes through the Article 9 Inclusionary Zoning standards.
- In removing barriers to housing construction for all developers, including affordable housing developers, the amendment significantly expands the areas where such developers may operate and provide homes at scale.
- In facilitating the creation of more homes throughout the city, the amendment should help to slow the growth in housing costs as they relate to an undersupply.
- In facilitating greater choice in the housing market, the amendment will create expanded opportunities for aging-in-place, homes for individuals with disabilities who may require on-site assistance, and other types of supportive housing.

Planned Community Facilities

This amendment has no direct impact on planned community facilities, aside from facilitating growth within the city's neighborhoods and thereby expanding the population of individuals with proximate access to such facilities.

Process Overview

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

Planning Commission Process				
Draft Amendment prepared by: Staff 12/18/23	Presentation to & discussion by Commission: Various Dates*	Approved for Public Hearing 12/19/23	Public Hearing 1/9/24	Approved & forwarded to Council
City Council Process				

First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion: Various Dates*	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption
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* The Planning Commission and City Council Ordinance Committee formed a joint Neighborhood Code Committee to conduct this review and discussion process. That committee met on the following dates within 2023: 10/4, 10/17, 11/2, 11/28, 12/5, 12/12, 12/19

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission, Council
Ordinance Committee

In the Year Two Thousand Twenty-Four

Public Hearing Dates: _____

An Ordinance in Relation to

ZA-24-02 Neighborhood Code, Part 1

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

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

- 1 That Appendix A, Burlington Comprehensive Development Ordinance, of the Code of Ordinances of the
2 City of Burlington be and hereby is amended by amending Sec. 4.3.1 Base Districts Established; Map 4.3.1-1
3 Base Zoning Districts; Sec. 4.3.2 Overlay Districts Established; Map 4.4.3-1 Enterprise Districts; replaces
4 the entirety of Sec. 4.4.5 Residential Districts; Map 4.4.5-1 Residential Zoning Districts; replaces Tables
5 4.4.5-1, 4.4.5-2, 4.4.5-3, 4.4.5-5, 4.4.5-7, and 4.4.5-8 with new Tables 4.4.5-1 through 4.4.5-6; Map 4.4.6-1
6 Recreation, Conservation and Open Space Districts; Sec. 4.5.1 (b) Design Review Areas Covered; deletes
7 Sec. 4.5.3 RH Density Bonus Overlay District and Map 4.5.3-1; deletes Sec. 4.5.5 RL Larger Lot Overlay
8 District and Map 4.5.5-1; rennumbers Sec. 4.5.4 Natural Resource Protection Overlay (NR) District and Map
9 4.5.4-1; rennumbers Sec. 4.5.6 Mouth of the River Overlay District and Map 4.5.6-1; rennumbers Sec. 4.5.7
10 Centennial Woods Overlay District and Map 4.5.7-1; and rennumbers Sec. 4.5.8 South End Innovation
11 District and Maps 4.5.8-1 and 4.5.8-2; deletes standards associated with Sec. 5.2.1 Existing Small Lots, and
12 replaces it with a reserved section header; amends Sec. 5.2.4 (a) Buildable Area Calculation; amends Sec.
13 5.2.5 (b) 7.; amends Sec. 6.2.2 (h) Design Review - Building Location and Orientation; amends Sec. 6.3.2 (a)
14 1. Architectural Review - Massing, Height and Scale; amends Sec. 11.1.3 and 11.1.4 regarding standards for
15 Planned Unit Development; amends Article 13- Definitions; and amends Appendix A - Use Table thereof to
16 read as follows:
17

Article 4: Zoning Maps and Districts

PART 3: ZONING DISTRICTS ESTABLISHED

Sec. 4.3.1 Base Districts Established

The following zoning districts are hereby established as illustrated in Map 4.3.1-1 and further described in Part 4 below.

(a) through (d) – As Written

(e) A series of ~~five (5)~~ **four (4)** Residential districts: (see Sec. 4.4.5)

- ~~Residential Corridor (RC);~~
- High ~~Density-Intensity~~ Residential (RH);
- Medium ~~Density-Intensity~~ Residential (RM); and
- ~~Medium Density Residential – Waterfront (RM-W);~~
- Residential Low ~~Density-Intensity~~ (RL); ~~and,~~
- ~~Residential Low-Density – Waterfront (RL-W);~~

(f) through (g) – As Written

Sec. 4.3.2 Overlay Districts Established

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. Properties within an Overlay District may be used and developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in Part 5 below:

(a) through (b) – As Written

~~(c) – An RH Density Bonus Overlay (RHDB) district;~~

~~(d)~~ (e) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and
- Special Flood Hazard Area;

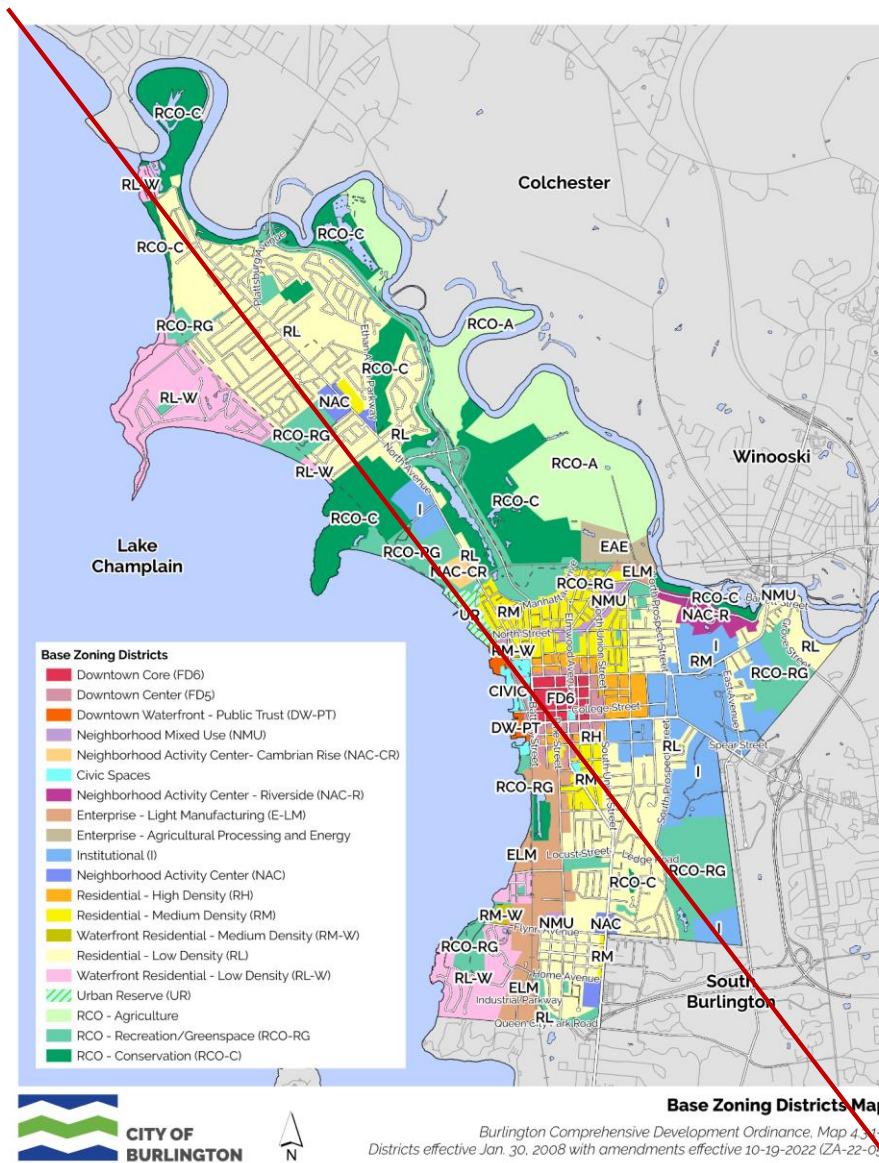
~~(e) – A RL Larger Lot Overlay (RL-L) district;~~

~~(d)~~ (f) A **Mouth of the River Overlay (MOR)** district; ~~and,~~

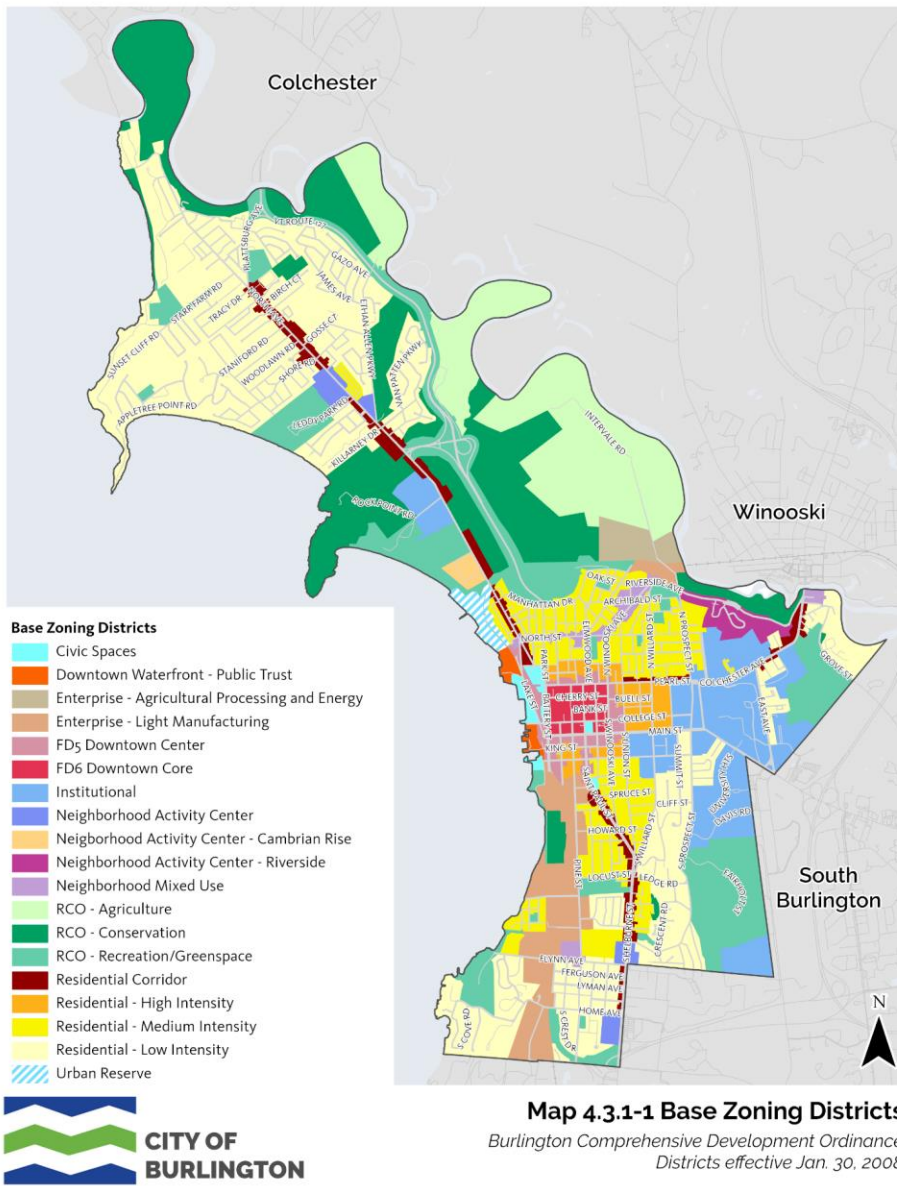
~~(e)~~ (g) A **Centennial Woods Overlay (CWO)** district; and,

~~(f) A South End Innovation District Overlay.~~

Commented [MT1]: This list of overlays is updated to reflect elimination of RL-Large Lot Overlay, RH Density Bonus districts, incorporate reference to the recently-adopted SEID (which was omitted from that amendment), and renumber sections accordingly.



52
 53



Map 4.3.1-1 Base Zoning Districts

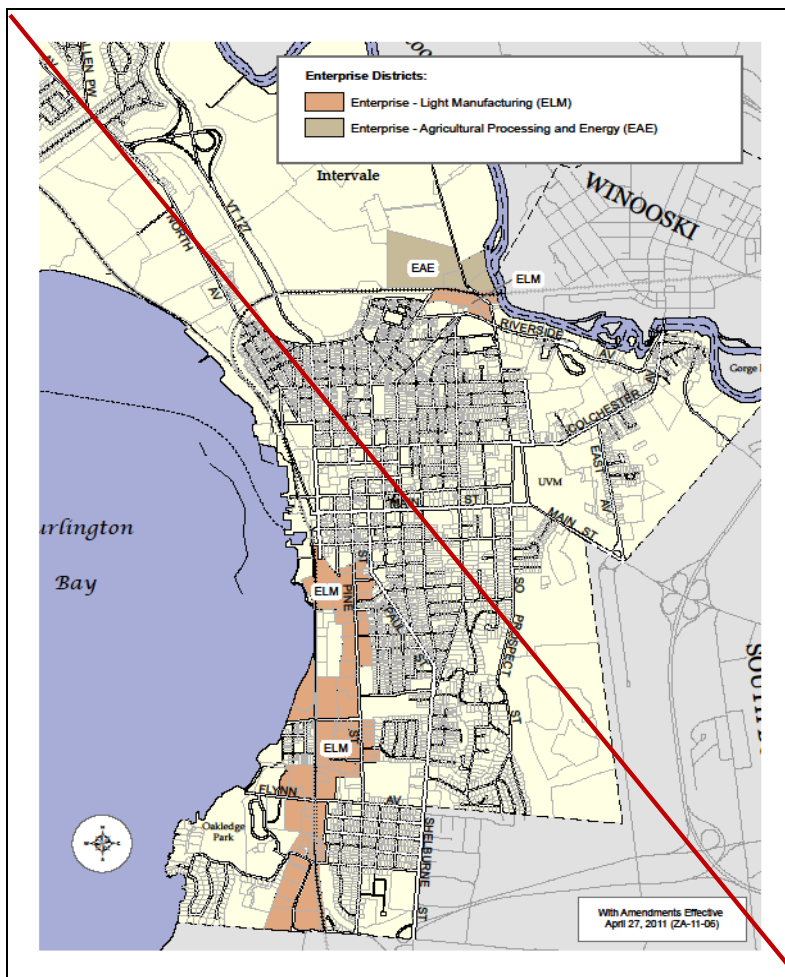
Article 4: Zoning Maps and Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

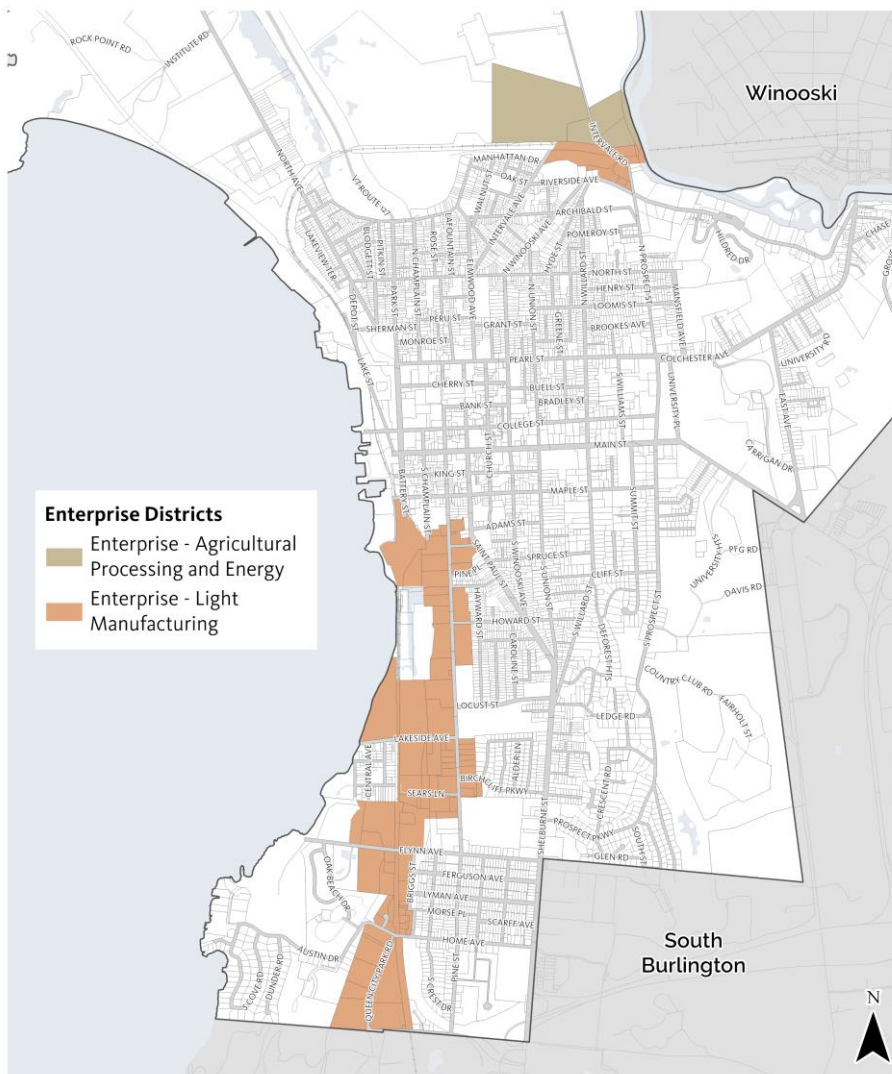
Sec. 4.4.3 Enterprise Districts

(a) through (d) – As Written

Commented [MT2]: This includes updates to rezone 60 Austin Dr. from ELM to RL.



Map 4.4.3-1 Enterprise Districts



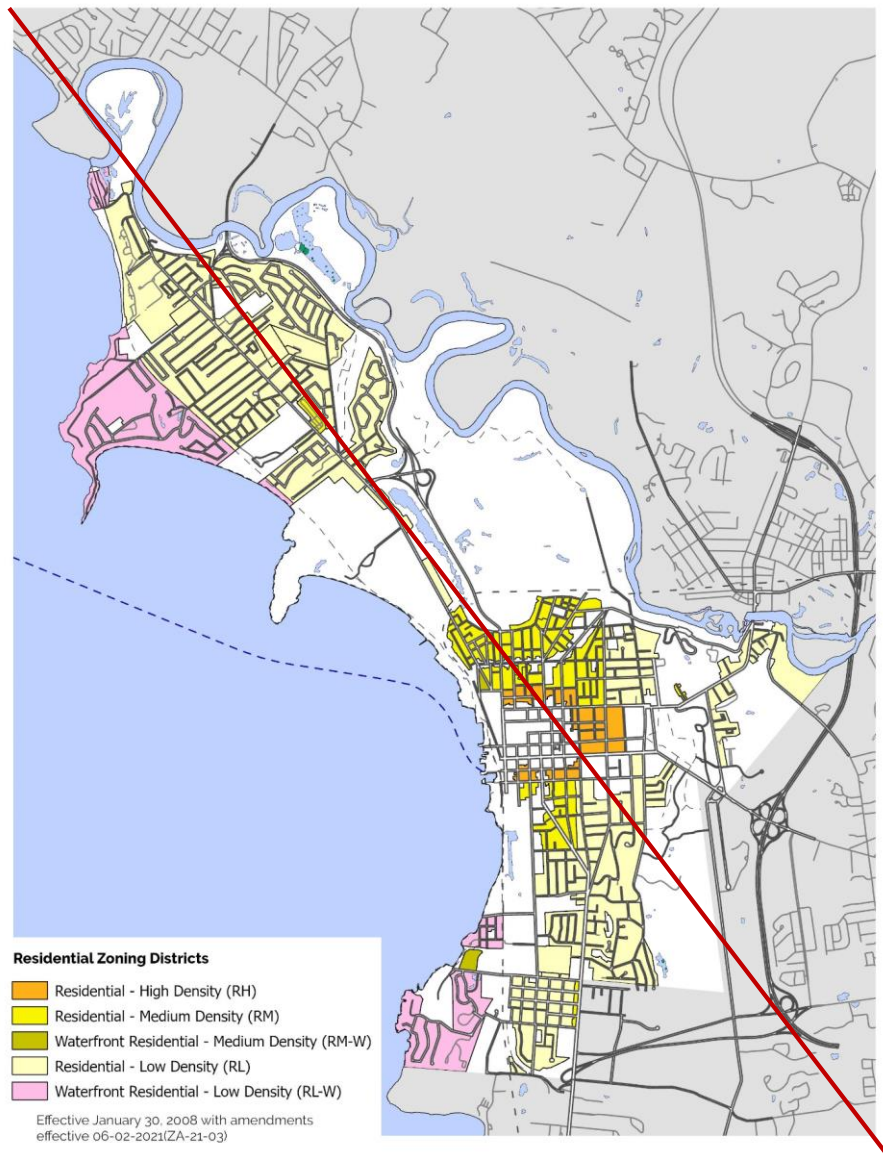
Map 4.4.3-1 Enterprise Districts
 Burlington Comprehensive Development Ordinance
 Districts effective Jan. 30, 2008

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 are reinforced across the city. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood and b. Building facades designed for parking shall be secondary to the residential aspect of a structure. The ~~5~~ Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

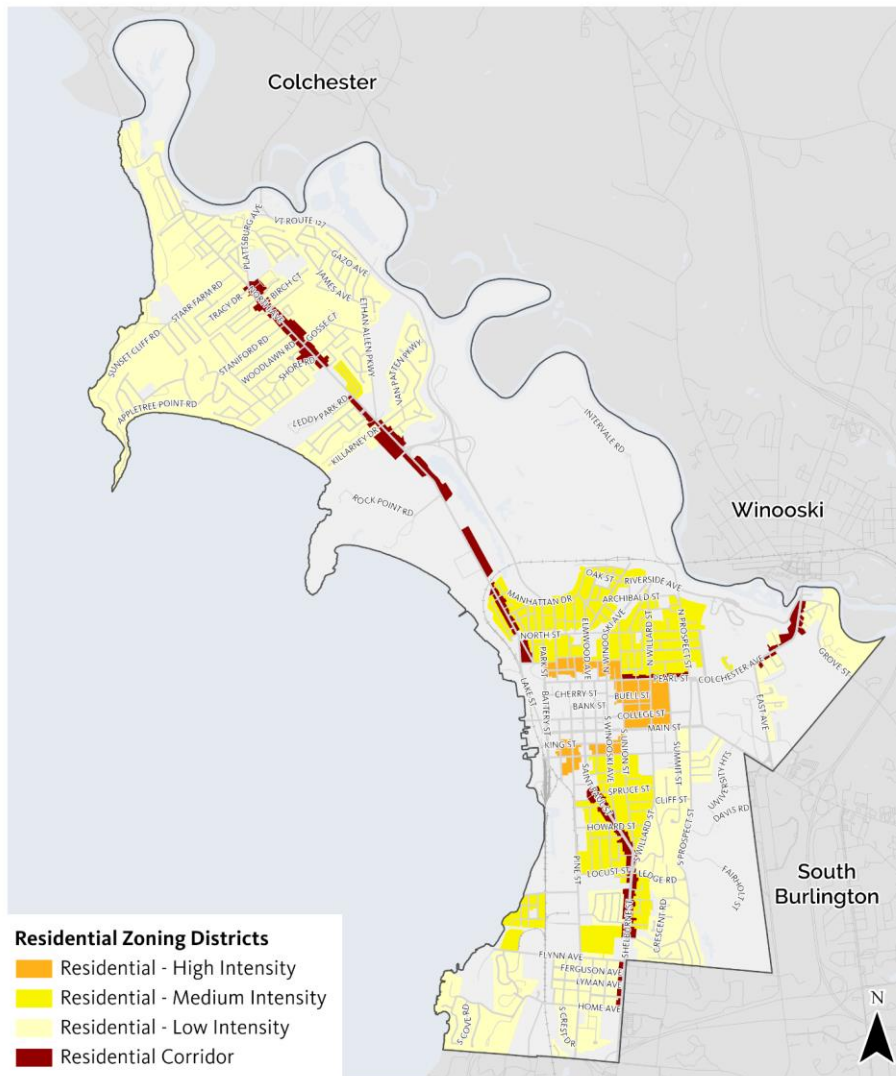
1. The **Residential Lower Density/Intensity (RL)** district is intended primarily for low density residential development that includes a mix of housing types such as in the form of single detached dwellings, with or without accessory dwelling units, and duplexes, triplexes and quadplex. This district is typically characterized by a organized in a compact and cohesive neighborhood-scale that complements residential development pattern reflective of the respective neighborhoods' development and open space history/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 Waterfront Residential Low Density (RL-W) district is intended primarily for low density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~
- 3.2. The **Residential Medium Density/Intensity (RM)** district is intended ~~primarily~~ for medium density residential development that includes a mix of housing types such as in the form of single-family detached dwellings, with or without accessory dwelling units, duplex, triplex, quadplex, and attached multi-family-unit apartments 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.
4. ~~The Waterfront Residential Medium Density (RM-W) district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. This district is distinguished from the Residential Medium Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~
3. The **Residential High Density/Intensity (RH)** district is intended ~~primarily~~ for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized and larger high density attached multi-family-unit buildings residential development. 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, large buildings, and buildings placed close to the street and each other together on small lots. Parking is intended to be hidden either behind or underneath structures. 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.
- 5.4. 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 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.

Commented [MT3]: This section includes updates to purpose statements to recognize the intent to allow greater housing flexibility within existing neighborhoods.



117

118 *Map 4.4.5-1 Residential Zoning Districts*



Map 4.4.5-1 Residential Zoning Districts

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

Commented [MT4]: Changes include:

- Streamline WRL and WRM to just be RL/RM
- Rezoning properties within RL with frontage on North Ave, Colchester Ave, Shelburne Rd, St. Paul St. to Residential Corridor
- Rezoning Champlain Elem. From RL to RM
- Rezoning 5 Sisters & Mansfield/Henry/Loomis; S. Union to S. Willard south of Maple St, Hoover/Clymer, and Lakeside from RL to RM
- Rezoning area of S. Champlain/Pine south of Maple from RM to RH
- Rezoning 60 Austin Drive from ELM to RL
- Rezoning a portion of 2076 North Ave from RCO-C to RL

Sec. 4.4.5 Residential Districts**(b) Dimensional Standards and Density**

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

Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W²

	Lot Frontage ¹		Lot Size	
Use	(linear feet)		(square feet)	
	RL, WRL	RM, WRM	RL, WRL ²	RM, WRM
Single detached dwelling	Min:	Min:	Min:	NA
Duplex and above	60'	30'	Min:	
			10,000	
1. 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.				
2. There are no minimum lot size or frontage requirements in the RH District.				
3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.				

Table 4.4.5-2: Base Residential Density

District	Maximum dwelling units per acre ¹
Low Density: RL, RL-W	7 units/acre
Medium Density: RM, RM-W	20 units/acre
High Density: RH	40 units/acre
Inclusive of new streets but exclusive of existing streets, and without bonuses or any inclusionary Zoning allowances.	

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1,3,4,5,6}				Max. Height ¹
		Front ¹	Side ¹	Rear	Waterfront	
RL, WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35 feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{2,3,4,5,6}				Max. Height ⁷
		Front ⁴	Side ⁴	Rear	Waterfront	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20'- Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20'- Max required: 75-feet	Min: 75'-feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20'- Max required: 75-feet	NA	35-feet

1. An additional ten percent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.

2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.

3. In no event shall the side yard setback be required to exceed 20-feet, or the rear yard setback be required to exceed 75-feet.

4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.

5. The side yard setbacks shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.

6. 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 setbacks shall be 10% of the lot width.

7.1 For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setbacks shall not be required to exceed 50 feet in any event.

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

District	Min Lot Frontage ^{2,3,4} <u>5</u> (linear feet)	Setbacks ^{1,6,7,8,9}			Lot Coverage ^{1,10}
		Front	Side	Rear	
Residential Low (RL)	30'	<u>Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u>	<u>Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides</u>	20 ft.	45%
Residential Medium (RM)		<u>Max required: 25 ft</u>			60%
Residential High (RH)	N/A	<u>Min required: 5 ft</u> <u>Max permitted: 20 ft</u>	<u>Max required: 20 ft</u>	15 ft.	80%
Residential Corridor (RC)	N/A				80%

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 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 frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2.

4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.

5. 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.

6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.

7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.

8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.

9. An additional ten percent (10%) lot coverage may be permitted for accessory residential features per (d) 3A below.

3.10. Reserved.

Commented [MT5]: The remainder of this section is proposed as a full strike & replace of the text in Sec. 4.4.5 today.

Sec. 4.4.5 (b) creates new dimensional tables—one to regulate lot and building placement standards, and another to regulate the size and number of units allowed in structures.

Except where noted, Sec 4.4.5 (c) and 4.4.5 (d) are largely existing residential district standards. These the sections have been reordered for a more logical flow, and for internal coordination of new standards. See notes below for new/substantial changes.

Commented [MT6]: Per Committee decision to remove minimum lot size, the column for min lot size has been removed as it is no longer relevant.

Commented [MT7]: This footnote points at the section where this will be addressed, and the specific language will be dealt with in Part 2.

Commented [MT8]: Reserved for reference to Cottage Court rules in Part 2

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

District	Max Height & Stories ^{4,5}	Max Dwelling Units per Structure ^{2,3,4}	Max. Principal Structure Footprint ³	Max. Secondary Structure Footprint ³	Max Building face before providing offset ²	Min. Distance between Structures on same lot
Residential Low (RL)	35' 3 stories	4	1,800 sq.ft.	1,100 sq.ft.	50'	15'
Residential Medium (RM)	35' 3 stories	6	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50' 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft.	N/A		

Commented [MT9]: Based on committee discussion, RL is the only district left that would require some form of setback/offset of the top story's massing (i.e. the ½ story standard).

For Part 1, recommend maintaining existing height limits for RL as they are today. If Committee still feels important to address upper story massing for RL, can address in Part 2, as it will require shifts to how building height is measured in Article 5.

1. ~~Details regarding the measurement of and exceptions to height limits are found in Art 5.~~
2. ~~Minimum dwelling unit size is 350 sq.ft.~~
3. ~~Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11.~~
4. ~~Within the RM district, a maximum of six (6) dwelling units are permitted in a Principal structure, and a maximum of four (4) units are permitted in a Secondary structure.~~
5. ~~Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.~~

Commented [MT10]: In Part 2, this footnote will make a reference to future cottage court rules.

(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. Reserved

Table 4.4.5-3 Reserved

B. Residential Development Bonuses

~~The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.~~

(i) Senior Housing Bonus

~~Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB for senior housing provided the following conditions are met:~~

- a) ~~No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) percent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);~~
- b) ~~The proposal shall be subject to the design review provisions of Art. 6;~~
- c) ~~A maximum of an additional 10-feet of building height may be permitted in the RH District; and,~~
- d) ~~Lot coverage and residential densities shall not exceed the following:~~

Table 4.4.5-4: Senior Housing Bonus

Commented [MT11]: This section moves the existing bonuses in the residential districts, found in Sec. 4.4.5 (d) 6. It makes changes only to table and section numbering, and related crossreferences within this section, references, and removes references to RL-W and RM-W districts, per the map changes.

Part 2 amendments will include replacement standards for the Senior Housing Bonus, Residential Conversion, and Max Bonus Limits that reflect the shift away from du/acre density standards, as well as changes to underlying lot cover for residential districts. This will also provide an opportunity to consider how to address inconsistencies between the bonuses themselves.

These bonuses are used selectively; while this approach creates a technical inconsistency in short-term, this will be resolved in part 2.

District	Maximum Coverage	Maximum Density
RL	44%	20 du/ac
RM	48%	40 du/ac
RH	92%	80 du/ac

(ii) Residential Conversion Bonus

Development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

a) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Residential Conversion Bonus

District	Maximum Coverage	Maximum Density
RL	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
RM	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

(iii) Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-6: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum FAR*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45-feet	92%
RM	40 du/ac	35-feet	72%
RL	20 du/ac	35-feet	62%

*- or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

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

Commented [MT12]: 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.

of creating such a driveway or access to parking spaces. Applications for such waiver shall demonstrate that there will be no undue 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.

Commented [MT13]: This removes the limit that these cannot be used for parking so that the pervious pavement can be used for driveways

Commented [MT14]:
This section is all existing text, just relocated.

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

- (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.
- (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 [MT15]: These are existing standards, just relocated.

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.

1. Setbacks

A. Encroachment for Residential Driveways

For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two tandem parking spaces, driveways may encroach into a required sideyard setback up to the property line with DRB approval.

Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, conditional use criteria, and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, protection of neighboring side yard, light and air. In addition, the lot shall be found to have dimensions that are smaller than the existing standards for lot size or frontage. The maximum relief from the 5' minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot. With such approval by the DRB, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.

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

2. Lot Coverage

A. Exceptions for Accessory Residential Features.

In addition to lot coverage exemptions in Sec. 5.2.3(b), within the RL and, RL-W, RM and RM-W 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 or be used for parking:

- (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 Inclusionary Zoning 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. 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, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:~~

- ~~A. 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;~~
- ~~B. 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;~~
- ~~C. 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~~
- ~~D. 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.~~

~~4. Residential Density~~

~~A. Additional Unit to Multi-Family.~~

~~One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007, if approved in advance as a conditional use, by the DRB.~~

~~B. 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.~~

~~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.~~

~~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:~~

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,

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);

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.

5. Uses

A. 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 all Residential and Institutional districts subject to the following:

(i) This exemption shall only apply to:

1) Historic buildings that are listed or eligible for listing on the state or national register; or,

2) 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.

(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 purposes 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.

6. Residential Development Bonuses

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

A. Senior Housing Bonus

Residential development in excess of the density, lot coverage and building height limits specified in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB for senior housing provided the following conditions are met:

a) No less than twenty five (25) per cent of the total number of units shall be reserved for low/moderate-income households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-

income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);

- b) The proposal shall be subject to the design review provisions of Art. 6;
- c) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
- d) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Senior Housing Bonus

District	Maximum Coverage	Maximum Density	
RI/RI-W	44%	20 du/ae	
RM	48%	40 du/ae	
RM-W	72%	40 du/ae	
RH	92%	80 du/ae	

B. Residential Conversion Bonus

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

- (i) Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

District	Maximum Lot Coverage	Maximum Density (dwelling unit/acre)
RI, RI-W	50% (62% with inclusionary allowance)	8 du/ae (8.75 with inclusionary allowance)
RM, RM-W	60% (72% with inclusionary allowance)	30 du/ae (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ae (69 with inclusionary allowance)

C. Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (c) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential densities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-8: Maximum Density, Lot Coverage and Building Heights with Bonuses

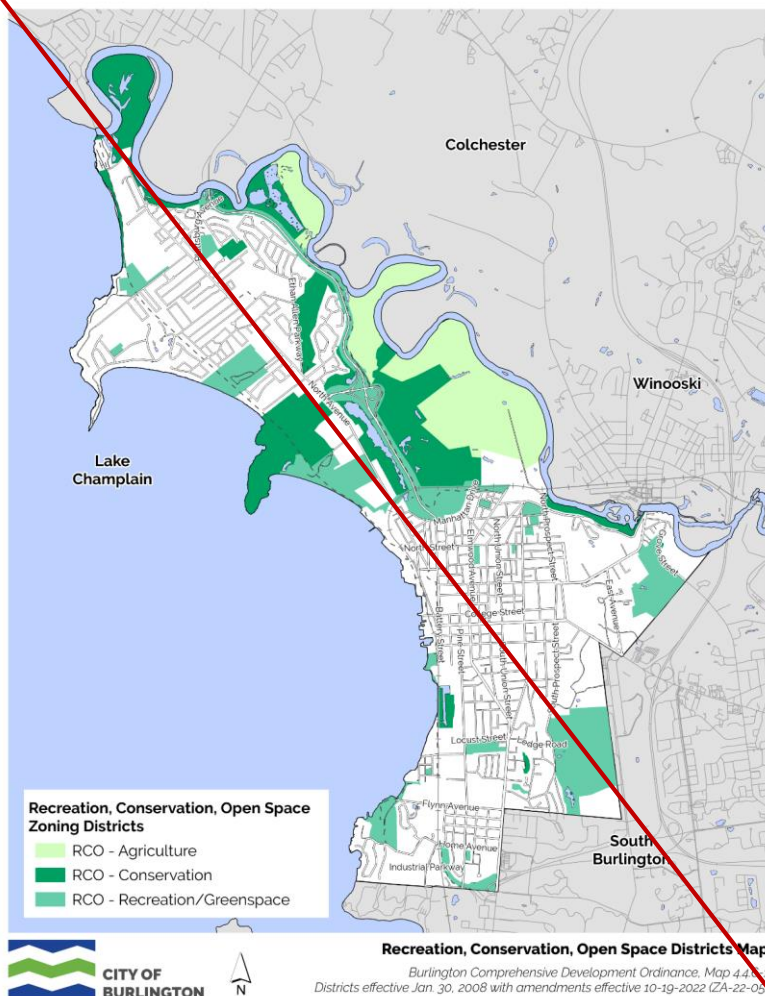
District	Maximum Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ae	45-feet (68-ft in RH Overlay)	92%
RM-W	40 du/ae	60-feet	72%
RM	40 du/ae	35-feet	72%
RI, RI-W	20 du/ae	35-feet	62%

* - or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

Article 4: Zoning Maps and Districts
PART 4: BASE ZONING DISTRICT REGULATIONS

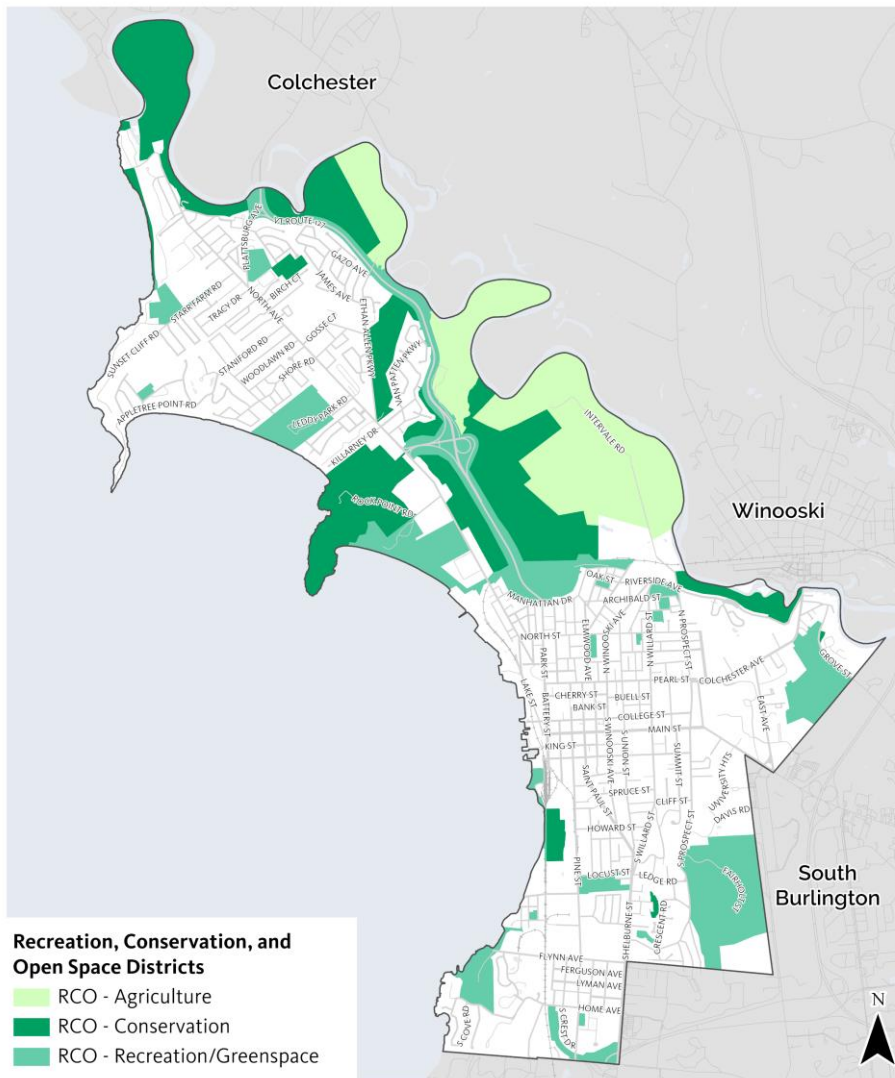
Sec. 4.4.6 Recreation, Conservation, and Open Space Districts

(a) through (d) – As Written



Commented [MT16]: Does not change RCO zone standards, but updates Map 4.4.6-1 to rezone a portion of 2076 North Ave from RCO-C to RL

Map 4.4.6-1 Recreation, Conservation, Open Space Districts



Article 4: Zoning Maps and Districts

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.1 Design Review Overlay District

(a) Purpose:

The Design Review Overlay District (DR) is intended to provide detailed individual review of certain uses and structures in those areas of the city which contain structures of historical, architectural, or cultural merit, and where the community has a particular interest in the design of future development in order to address specific land development objectives.

(b) Areas Covered:

The geographic¹ areas subject to the Design Review Overlay shall be as delineated on Map 4.5.1 – 1: Design Review Overlay, that include the following:

(1) The following zoning districts:

- A. The Downtown Waterfront – Public Trust district and all Neighborhood Mixed Use, Enterprise, Institutional, Urban Reserve, and Recreation, Conservation and Open Space districts; and,
- B. ~~Portions of the Residential Districts as identified in Map 4.5.1-1 and described below. The High-Density Residential (RH), Medium-Density Residential (RM), Medium-Density Residential-Waterfront (RM-W), and Residential Low-Density-Waterfront (RL-W) districts.~~

(2) The following areas within ~~the Residential – Low-Density~~ Districts:

- A. All properties west of the Burlington Bike Path north of College Street;
- B. All properties west of the Vermont Railway line south of Lakeside Ave;
- C. All properties within 500' of Lake Champlain or the Winooski River;
- D. All properties with frontage on Brooks Avenue;
- E. All properties within the area bounded by Maple, South Willard, Howard and South Union streets;
- F. All properties with frontage on the west side of South Union St. between Main and Howard streets;
- G. All properties with frontage on the north side of Howard St. between South Union and St. Paul streets;

(3) The following uses, buildings, and properties within ~~the Residential – Low~~ Districts:

- A. All nonresidential uses, residential uses with home occupations, or other conditional uses, having frontage on the following major streets:
 - (i) Shelburne Street, from its point of beginning southerly to its intersection with Home Avenue;
 - (ii) South Union Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;
 - (iii) St. Paul Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;
 - (iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barret Street; and
 - (v) North Avenue, from its intersection with Convent Square northerly to its intersection with Plattsburg Avenue.

Commented [MT17]:

For Part 1: text makes changes only to references to former residential zoning districts, and maintains map 4.5.1-1 as it exists today.

This creates some inconsistencies with whether this overlay applies to various RL & RM zoned neighborhoods citywide, but does not change the applicability or non-applicability neighborhood-by-neighborhood from today.

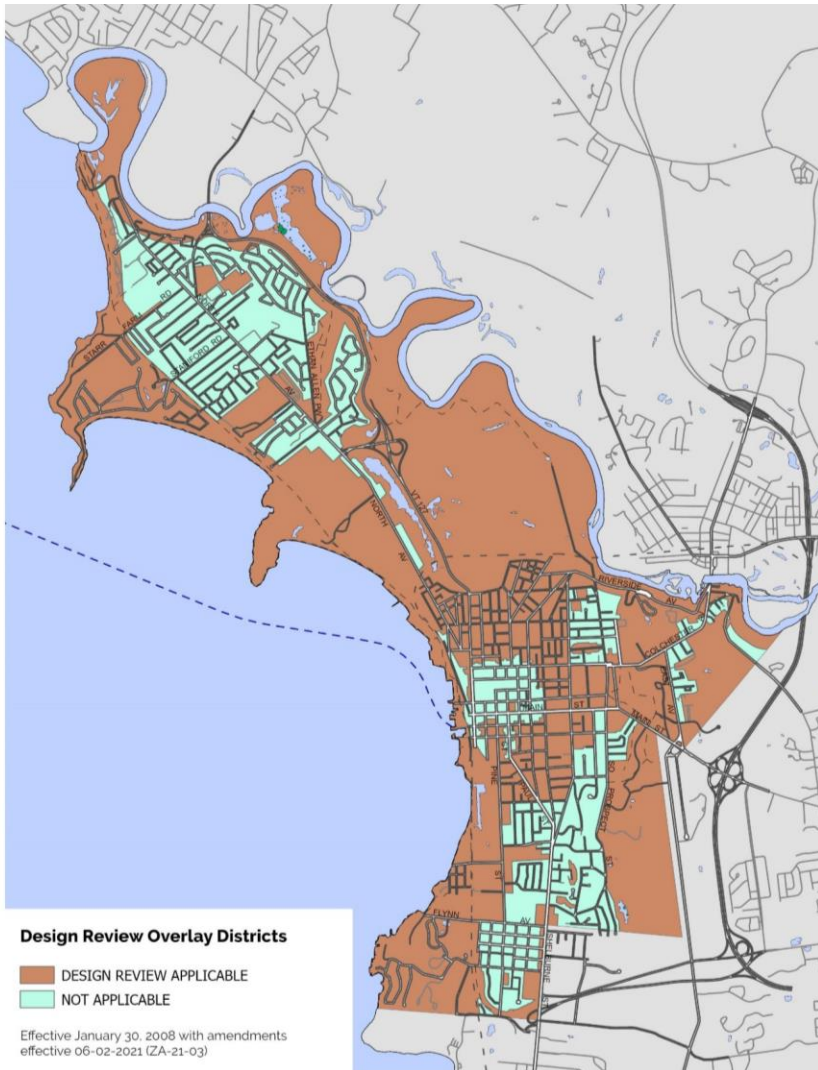
Part 2 will explore whether there should be changes to the location and/or type of projects that Design Review is applicable. It will also explore how to create greater continuity between the Areas Covered, here in Article 4, and the Types of Projects Covered which are separately spelled out in Article 3. Part 2 will also address some technical corrections to map 4.5.1-1, where the map does not seem to be consistent with 2 past zoning map changes.

Generally, there is very little other than the downtown form districts, and single family homes in some neighborhoods (i.e. 5 Sisters) where design review is NOT applicable today.

¹ This Section only defines the geographic areas of the city that are subject to Design Review. Other types of development are also subject to Design Review pursuant to the requirements of Article 3, Part 4.

(c) **District Specific Regulations: Design Review Overlay District:**

Within this overlay district, no structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of Article 3, Part 4 pertaining to Design Review and the review criteria described in Art 6.



Map 4.5.1-1: Design Review Overlay

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) through (h) – As Written

Sec. 4.5.3 RH Density Bonus Overlay District

(a) **Purpose:**

The RH Density Bonus Overlay District is intended to provide an incentive for the conversion of non-residential uses to residential uses within the RH Zoning District to reduce the number of non-conforming uses and increase the supply of housing near the downtown area.

(b) **Areas Covered:**

The RH Density Bonus Overlay District includes that portion of the RH Zoning District bordered on the north by Main Street, on the south by Maple Street, on the west by Pine Street and on the east by South Union Street as delineated on Map 4.5.3-1 RH Density Bonus Overlay District. Eligible properties shall be limited to only those existing non-residential single lots of record as of February 8, 2001 of at least one-half acre in size (21,780 sqft). Contiguous lots shall not be combined to meet this minimum lot size standard with the following exception: a half-acre lot may be combined with any contiguous surface parking lot(s) of any size in order to receive the benefits as set forth in this overlay.



Map 4.5.3-1: RH Density Bonus Overlay

~~(c) District Specific Regulations: RH Density Bonus Overlay:~~

~~1. Conditional Use Review~~

~~Any redevelopment undertaken pursuant to the provisions of this overlay district shall be subject to conditional use review pursuant to Article 3.~~

~~2. Maximum Residential Density:~~

~~An existing non-residential property may be redeveloped for a residential use at a density not to exceed 92 units per acre inclusive of any applicable inclusionary allowances pursuant to Article 9 or development bonuses pursuant to Sec. 4.4.5.~~

~~3. Building Height:~~

~~For the purposes of regulating building height, this overlay district is divided into the following two (2) areas:~~

~~A. In that portion of this overlay between South Union and Church Street, in no event shall the height of any structure exceed sixty eight (68) feet.~~

~~B. In that portion of this overlay between Church and Pine Street, in no event shall the height of any structure exceed fifty five (55) feet.~~

~~Subject to such maximum building heights, the following shall also apply:~~

~~C. The height of any proposed building or addition shall not be more than fifteen (15) feet greater than the average height of existing buildings within the same block having frontage on the same street as the proposed;~~

~~D. A height greater than that allowed in (C) above may be permitted if such additional height is setback from the front property line a minimum of twenty five percent (25%) of the width of the street right of way, and in no event less than fifteen (15) feet from the front property line.~~

~~E. The height allowance for frontage on one street shall not adversely impact the streetscape of an adjacent street, in the judgment of the development review board~~

~~F. That portion of any building which is constructed to a height in excess of the height allowed per the underlying zoning district as provided above, must maintain a setback equal to fifty percent (50%) of that portion's height from the property line shared with any adjacent residential structure. The distance of such a setback will be maintained only for that portion of the building immediately adjacent to an existing residential property.~~

~~4. Setbacks:~~

~~Front yard setbacks shall be as required in the underlying zoning district, subject to the following exceptions:~~

~~A. Up to twenty five percent (25%) of the building façade above the ground level story may project into the front yard setback by not more than fifty percent (50%) for the purpose of creating architectural variation and avoiding large expanses of undifferentiated building wall.~~

~~B. At the ground level, patios, paved courtyards, and sitting areas may be allowed within the front setback. Such allowances are subject to approval by the development review board under the design review criteria of Article 6. If the board deems it necessary, it may impose a greater setback in order to achieve the streetscape objectives found in Article 6.~~

5. Construction Materials:

~~Any new structure utilizing the height bonus provisions as specified under this subsection shall be constructed of quality masonry materials or other comparable materials of similar durability on all elevations. The exterior material and windows shall also be of a type that the DRB deems effective for sound buffering.~~

6. Parking Standards:

~~In addition to the parking standards found in Article 8, the following shall also apply within this Overlay:~~

~~At least seventy-five (75%) of the parking spaces shall be provided onsite as structured parking spaces. Any structured parking shall be concealed by the structure or the building so that it is not visible from the street (the entrance and exit may be visible).~~

7. Permitted Non-Residential Uses:

~~The following nonresidential uses may be permitted by the DRB on the ground floor of the structure: art gallery, bakery, bank/credit union, beauty/barber shop, daycare, food store, health club, laundromat, office (general), office (medical or dental), open air market, photo studio, restaurant, retail, tailor shop, and theatre.~~

8. Residential Occupancy:

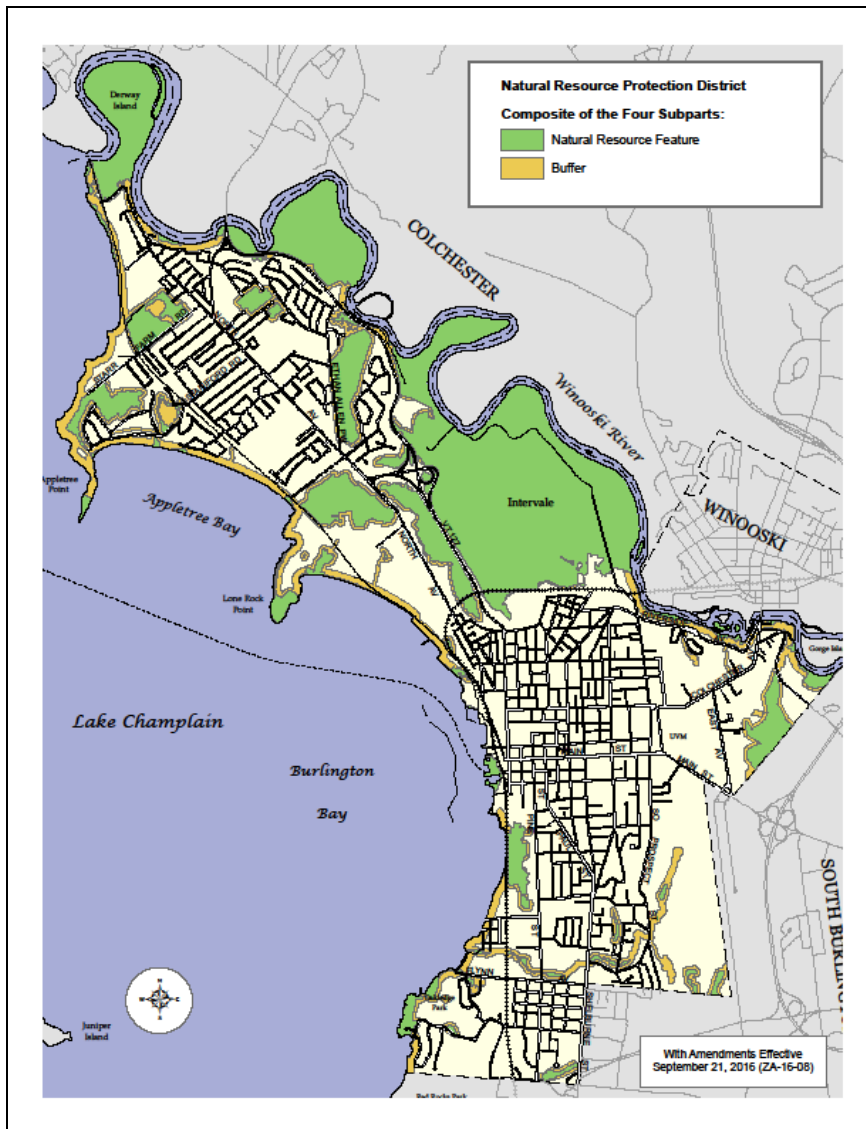
~~Each unit of any structure erected pursuant to this subsection shall be occupied by a "family" as defined in Article 13.~~

9. Character of the Area Affected:

~~When the DRB reviews a project under the provisions of Article 3 – Conditional Use Review, it shall take into consideration that developments utilizing this bonus are located in an area adjacent to the Downtown. In making its determinations and setting conditions under the standard "Character of the area affected," the DRB shall consider that it is the public policy of the City of Burlington that where there are conflicts between public uses and activities and the quiet enjoyment of residents in developments utilizing the bonuses permitted in the underlying district, the public uses and activities shall take precedence and the development shall be designed in a manner that mitigates the conflicts.~~

Sec. 4.5.4.5.3 Natural Resource Protection Overlay (NR) District

(a) through (f) – As Written



Map 5.4.14.5.3-1: Natural Resource Overlay District

Commented [MT18]: No change to map, simply renumbered to match new overlay section numbering.

Sec. 4.5.5 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:

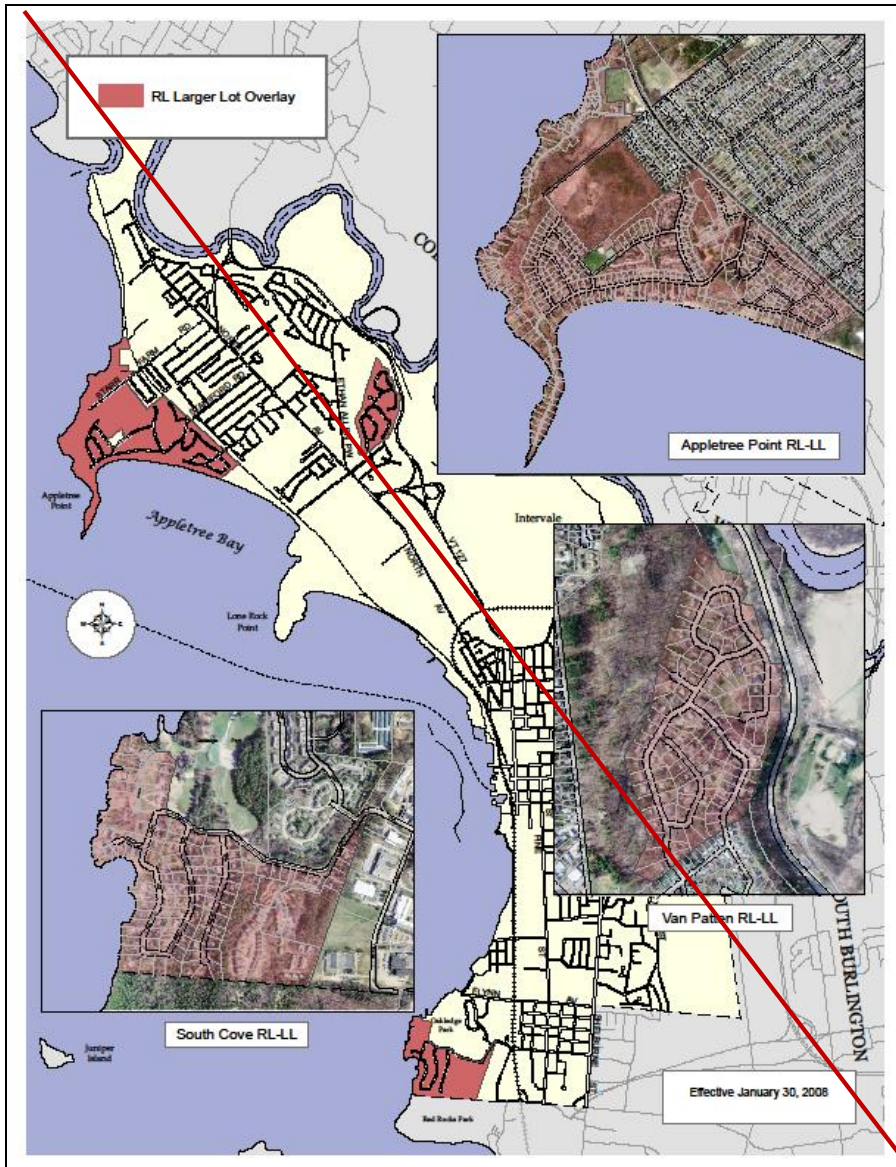
The RL Larger Lot Overlay District includes those portions of the RL Zoning District as delineated on Map 4.5.5-1 RL Larger Lot Overlay District.

(c) District Specific Regulations: RL Larger Lot Overlay**1. Minimum Lot Size and Density**

The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5-1 and 4.4.5-2 as follows:

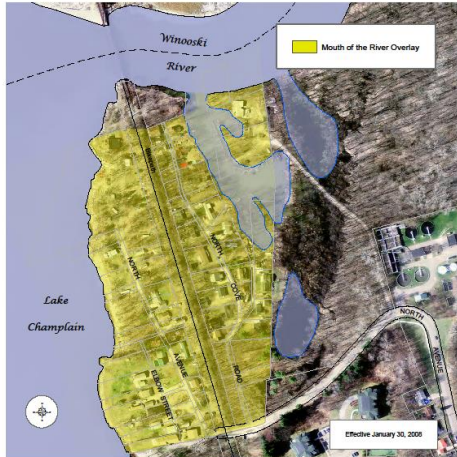
Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage¹ <i>(In linear feet)</i>	Minimum Lot Size <i>(In square feet)</i>	Maximum dwelling units per acre² <i>(without bonuses or any Inclusionary Zoning allowances)</i>
Single detached dwelling	75 feet	9,900sqft	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.			



Map 4.5.5-1: RL Larger Lot Overlay

Sec. 4.5.6.4.5.4 Mouth of the River Overlay District
(a) through (c) – As Written



Commented [MT19]: No change to map, simply renumbered to match new overlay section numbering.

Map 4.5.6-4.5.4: Mouth of the River Overlay

Sec. 4.5.7.4.5.5 Centennial Woods Overlay District
(a) through (c) – As Written

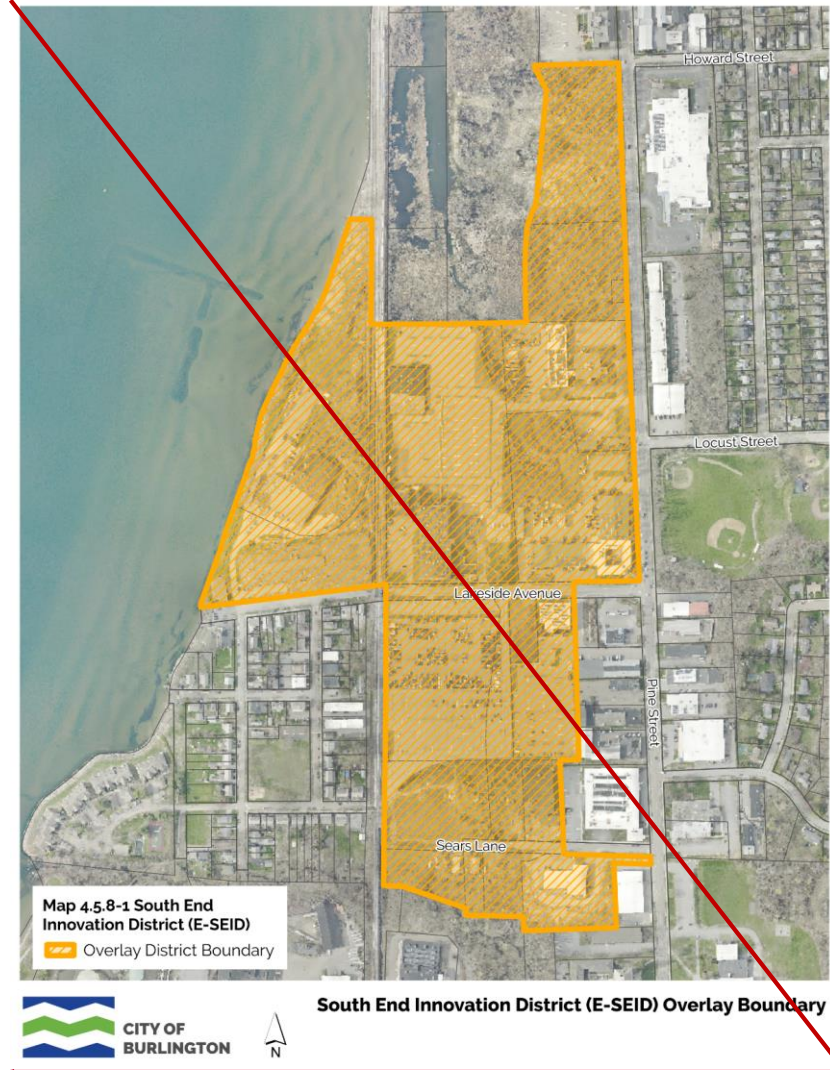


Commented [MT20]: No change to map, simply renumbered to match new overlay section numbering.

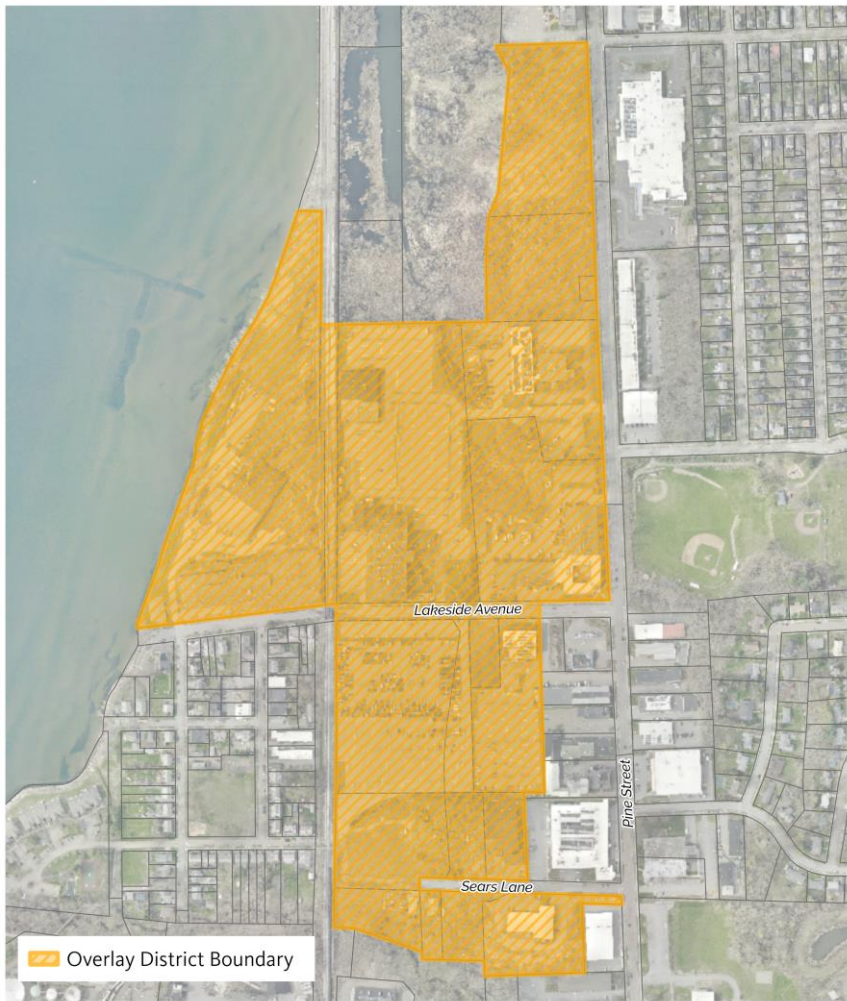
Map 4.5.7-4.5.5-1: Centennial Woods Overlay

Sec. 4.5.8-4.5.6 South End Innovation District Overlay District

(a) through (c) – As Written

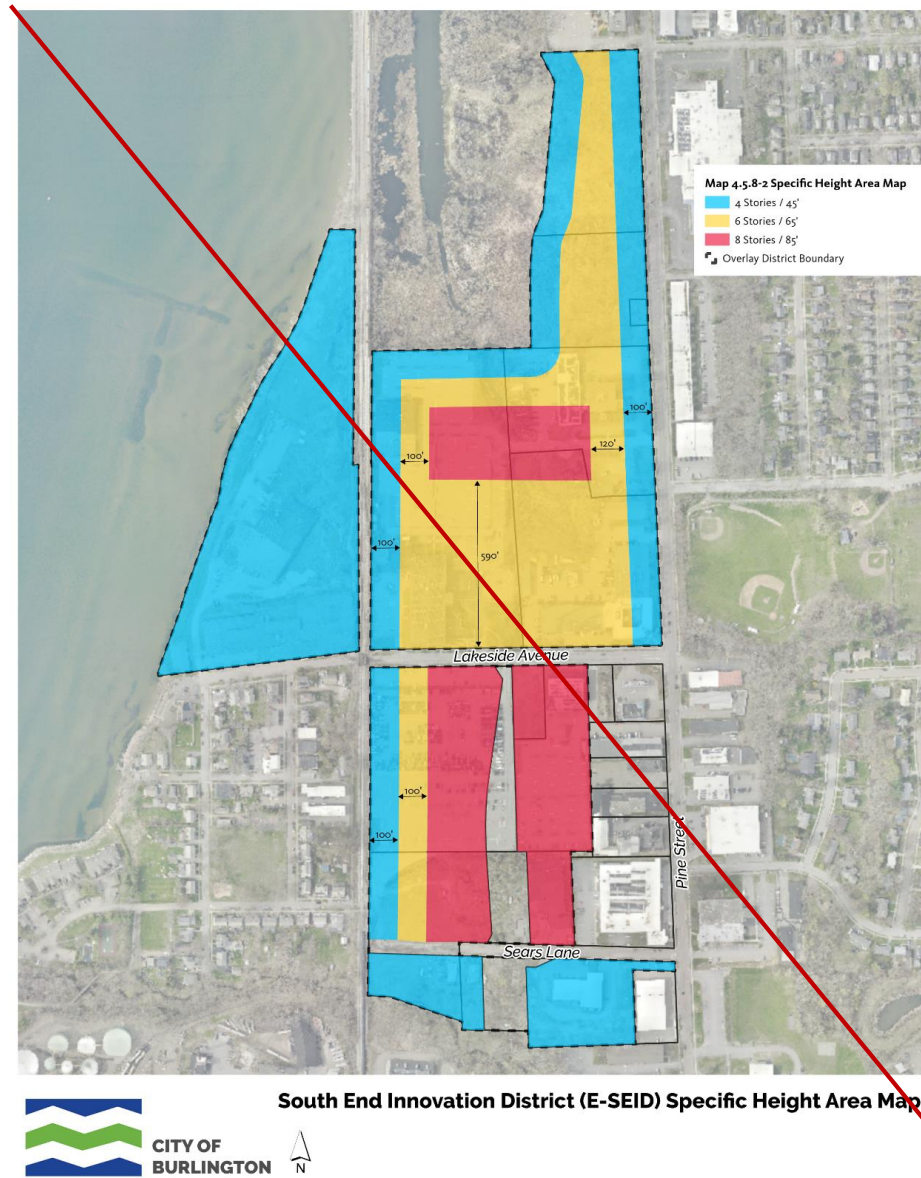


Commented [MT21]: No change to map, but map title block renumbered to match new overlay section numbering.

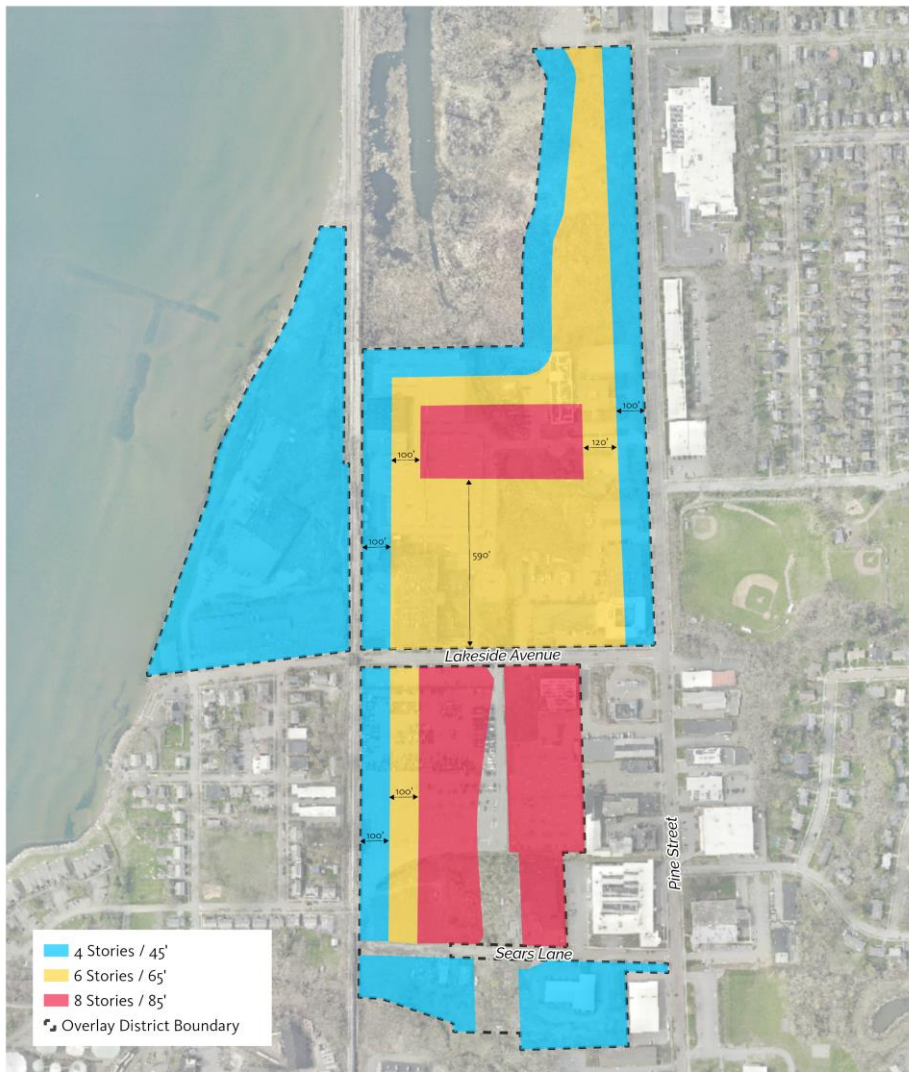


**Map 4.5.6-1 South End Innovation District (E-SEID)
Overlay Boundary**





Commented [MT22]: No change to map, but map title block renumbered to match new overlay section numbering.



**Map 4.5.6-2 South End Innovation District (E-SEID)
 Specific Height Area Map**

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

(c) Principal Structures:

~~Only one principal structure shall be permitted on any lot within a residential zoning district defined pursuant to the limits of Article 4 – Zoning Districts Sec. 4.4.5 Residential Districts, or as unless~~ 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.

Commented [MT23]: This section has been updated to allow more than one primary structure on a 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) ~~34 (B)~~.

(e) through (f)—As written

Article 5: Citywide General Regulations**PART 2: DIMENSIONAL REQUIREMENTS****Sec. 5.2.1 Existing Small Lots**

~~Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements if the lot:~~

- ~~can be served by municipal water and sewer service; and,~~
- ~~is at least four thousand (4,000) square feet in area; and,~~
- ~~has a minimum width and depth dimension of forty (40) feet or more.~~

~~Any such development shall require a permit pursuant to standards of Article 4 and, where design review is applicable, the design review provisions of Article 3 and the development standards of Article 6.~~

Commented [MT24]: This standard reflects what is required by state statute. However, Committee decided to remove minimum lot sizes and new standards for lot width in Sec. 4.4.5 means that no zone has great than 40ft wide min frontage requirement. Therefore, this section is irrelevant.

Sec. 5.2.2 Required Frontage or Access

As Written

Sec. 5.2.3 Lot Coverage Requirements

As Written

Sec. 5.2.4 Buildable Area Calculation & Steep Slopes Overlay District

The intent of this section is to:

As Written

(a) Buildable Area Calculation

For any properties two (2) or more acres in size within any RCO, ~~WRM~~, RM, ~~WRL~~, or RL zoning district, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water; and lands with a slope in excess of 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the additional density or lot coverage will be compatible within the existing scale and intensity of the surrounding neighborhood, and not have an undue negative impact on sensitive natural features.

Commented [MT25]: Nothing is proposed to change in this section in Part 1. Flagging that there will likely be changes in Part 2 of the code, to expressly enable Flag Lots and/or other situations where lots don't have direct street frontage.

Commented [MT26]: Nothing is proposed to change in this section. While the committee had a number of questions related to calculation of lot coverage, and what is included or not, ultimately there are no changes proposed to this section. (See the Exceptions to Dimensional Standards guide from prior meetings)

Commented [MT27]: The only change to this section is to reflect updates to district names consistent with Sec. 4.4.5.

(b) Steep Slopes Overlay District
As Written

Sec. 5.2.5 Setbacks

Setbacks between structures and property lines where required are intended to provide access to light and air, provide fire separation and access, and maintain the existing neighborhood pattern of structures and open spaces between them and to the street.

(a) Setbacks Required:
As Written

(b) Exceptions to Yard Setback Requirements:

The following projections into required yard setbacks may be permitted subject to the standards of Article 6 to ensure compatibility with neighboring properties:

1. through 6. As Written
7. ~~Shared Driveways~~ Common or shared driveways and walkways along shared property lines and associated parking areas, ~~including those to serve residential lots and developments Sec. 4.4.5 (d) 4.A and Sec. 5.2.2 (b), do not have to meet setback requirements along the shared property line. Other driveway encroachments may be permitted subject to Sec. 4.4.5 (d) 1.A.~~
8. Additional exceptions for nonconforming structures under Sec. 5.3.5.

Commented [MT28]: This clarifies the language regarding shared driveway encroachments to be consistent with the changes to Sec. 4.4.5.

Sec. 5.2.6 Building Height Limits
As Written

Sec. 5.2.7 Density Calculations
As Written

Article 6: Development Review Standards

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.2 Review Standards

(a) through (g)—As Written

(h) Building Location and Orientation:

The introduction of new buildings and additions shall ~~be consistent with the intent of the district, maintain the existing development pattern and rhythm of structures along the existing streetscape.~~ New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

Remainder of section As Written.

Article 6: Development Review Standards

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.1 Applicability

These standards are enacted and shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(b) – Design Review.

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to ~~their context~~ the purpose of the zoning district. They ~~shall~~ should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development ~~shall~~ should maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium ~~density~~ residential districts, the height and massing of existing residential buildings ~~is the most important consideration~~ should be carefully considered when evaluating the compatibility of additions and infill development; however, no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2.

(2) through (3)—As Written

(b) through (i)—As Written

Article 11: Planned Development

PART 1: PLANNED UNIT DEVELOPMENT

Sec. 11.1.1 Intent. – As Written

Sec. 11.1.2 Authority.

These regulations are enacted under the provisions of 24 V.S.A. Section 4417.

Sec. 11.1.3 General Requirements and Applicability

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

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

Commented [MT29]: This is the section of the ordinance that has come up many times within Committee discussions, regarding an alternative framework for development on very large lots within the residential districts.

Part 1 removes references to Waterfront Low and Medium districts that are being removed, and explicitly enables a PUD to make adjustments to min lot size and to permit residential uses not otherwise allowed in the underlying district. It maintains all other standards.

However, Part 2 will consider the minimum project size required to utilize PUD standards in the RL zone, as well as an alternative framework for how PUD's in the residential district are regulated since underlying density limits are being replaced by massing standards (i.e. likely articulate a max FAR for PUD's in residential districts).

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

Sec.11.1.4 Modification of Regulations.

With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:

- ~~density, minimum lot size~~, frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis;
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;
- ~~more than one principal use and more than one principal structure may be permitted on a single lot;~~
- ~~one or more residential uses not otherwise permitted may be permitted;~~ and,
- buildings may be of varied types including single detached, attached, duplex or apartment construction.

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Sec. 11.1.5 and Sec. 11.1.6.

Article 13: Definitions**Sec. 13.1.2 Definitions**

Building Height: The vertical measurement of a building. See Sec. ~~2.75.2.6~~ for specific calculation provisions.

Commented [MT30]: This corrects an out of date reference to building height measurements standards.

Appendix A- Use Table – All Zoning Districts

See attached markups.

* Material stricken out deleted.

** Material underlined added.

MET/Ordinances 2024/ZA-24-02 Neighborhood Code

DRAFT v1.1 12/21/23 for Planning Commission Public Hearing on 1/9/24

ZA-24-02: Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL <u>AW</u>	RM <u>AW</u>	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 <u>AW</u>	RM <u>AW</u>	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	<u>Y</u> ²	<u>Y</u> ²	N ³⁰	<u>N</u> ³⁰	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	<u>Y</u> ²	<u>Y</u> ²	Y	<u>Y</u>	N	<u>Y</u> ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N <u>Y</u> ²	<u>Y</u> ²	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RL <u>AW</u>	RM <u>AW</u>	RH	<u>RC</u>	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	<u>Y</u>	N	CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
Convalescent/Nursing Home	N	N	N	N	CU	CU	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	<u>N</u>	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	<u>CU</u>	N	CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	<u>CU</u>	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	<u>N</u>	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	<u>N</u>	N	N	N	N	N	N	N
Short Term Rental ³³	N	N	N	N	Y	Y	Y	Y	<u>Y</u>	N	Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL <u>AW</u>	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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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
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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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}
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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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}
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
PhotographyLab	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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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
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.

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
RLW	Residential Low Density, Waterfront Residential Low Density Intensity
RMW	Residential Medium Density, Waterfront Residential Medium Density Intensity
RH	Residential High Density Intensity
RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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.

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
- | | |
|--------|---|
| NAC-RC | NAC – Riverside Corridor |
| NAC-CR | NAC – Cambrian Rise |
| E-AE | Enterprise – Agricultural Processing and Energy |
| E-LM | Enterprise – Light Manufacturing |

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

Neighborhood Code Joint Committee Meeting

Tuesday, December 19, 2023, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, A. Friend, E. Malone, M. Gaughan, B. Baker, J. Randall
City Council Present	B. Traverse, J. Shannon, Z. Hightower, S. Carpenter
Staff Present	M. Tuttle, S. Morgan, J. Palazzolo
Public Attendance	Colin Larsen, Sharon Bushor, Evan Gould, Joe Giallanella , Jak Tiano

I. Agenda

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

II. Neighborhood Code: Committee Discussion on Staff Recommendations

2.1. Review NC Topics & Next Steps

- Recommendation from staff (Part 1 – Core Recommendations):
 - Discuss the remaining issues
 - Warn the current body of work (Part 1) for a public hearing
 - Make any other adjustments to Part 1 Core Recommendations
 - Make a recommendation to the City Council
- Recommendation from staff (Part 2):
 - Continue through the Planning Commission to develop recommended amendments for remaining related standards.
- As soon as the new code gets adopted, it becomes effective within 21 days after that action.
- If the committee refers the core recommendations to the Council by the end of January, we are currently looking at either the January 29th or February 12th Council agendas where this could be taken up and presented to the Council.
- Referring some of Part 2 to the Planning Commission's Ordinance Committee (DRB + DAB)

2.2. RL Larger Lot Overlay & RH High Density Bonus Overlays

- Under state statute in Vermont, the HOAs are allowed to make rules about the number of units that are allowed to be developed on lots. Could limit the creation of new units in some areas.
- Better understand HOA rules and restrictions.

Z. Hightower:

- Supports staff recommendation
- Make zoning as simple as possible

A. Friend:

- Supports staff recommendation

J. Randall:

- Supports staff recommendation

M. Guaghan:

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- Whether it might be useful in some context for in particular for zones that have a diverse range of parcels where their needs might differ?

M. Tuttle:

- This large lot overlay is actually meant to be more restrictive than the underlying zoning for these large lots where a PUG process is typically more permissive for large lots.

S. Carpenter:

- As we change the zoning, something to understand how those common areas held by those HRAs, are they developable or not developable?
- Supports staff recommendation
- The committee is in agreement with the staff recommendations to remove the large lot overlays and to allow these three areas to be the new RL.

Existing Sec. 4.5.3 RH Density Bonus Overlay

- The committee is in agreement with the staff recommendations

2.3. Commercial Uses Allowed in Residential Areas

J. Randall:

- Supportive of commercial uses expanding throughout neighborhoods as part of the mixed-use, walkable, livable character that you were mentioned by staff.
- Expanding the range of uses, commercial uses allowed in the corridors, but also expanding the corridors to more expanding that designation to more roads, streets throughout the city to expand commercial uses that way.
- Make sure that those designations are available to all neighborhoods throughout the city and not excluding certain areas like in the middle of bold North End on Union Street.
- Making sure that every neighborhood has some sort of access to a place where they can buy food.
- Address the commercial use with the discussion about the corridors in Part 2

M. Tuttle:

- The role of the corridors helping link neighborhoods kind of within and to other mixed-use areas of the city.
- Allowing more flexible commercial uses in the corridors, it would really open up the opportunity for people to live in proximity to those uses.

Z. Hightower:

- Take another look at both the like especially some of the high like the high-density RH and I don't remember what that stands for now and in terms of making some things permitted whether that's like yeah grocery stores or as opposed to having a conditional use.
- In favor of making things a little bit more permissive especially both on the corridors and on the high residential
- Make use conditional on it being like a corner lot or being the first floor.

A. Friend:

- Concerned about making the properties on corridors more valuable because of commercial uses.
- By taking what are essentially largely residential districts now and designating them as corridors and then allowing commercial uses, doesn't that conflict with our prime directive of creating more opportunities for missing middle housing here by making those properties much more valuable?

M. Tuttle:

- commercial uses are kind of hard to make work right now.

- Talking about uses that are still going to be in buildings that have a footprint of 3600 square feet or less in the corridors like these are pretty small spaces that this would allow for some flexibility and mix of introducing some commercial uses into these neighborhoods.

J. Shannon:

- Keep it conceptual at this point of kind of are we open to more neighborhood uses.
- Keep it more or less the way it is now, to then go through the process of going through the use table, consolidating, get her getting fewer options to choose work.

E. Malone:

- Encourage more diverse commercial spaces
- Enforce rules for commercial parking in residential areas

B. Traverse:

- Agree with the sentiment that's been expressed by those to allow or and even to expand some of these neighborhood commercial uses.
- Comparing Appendix A and the use table to the proposed language put forward in terms of the exception for neighborhood commercial uses - some confusion and maybe some things that are out of alignment
- Why some commercial uses in the proposed use table in a residential corridor wouldn't similarly be permitted in the high residential neighborhoods as well.
- Language that exists in Article 4 for exception for neighborhood commercial uses – doesn't necessarily feel like there's a need to limit the neighborhood commercial uses just to existing historic buildings.
- Agrees with Zoraya on expanding the use table

S. Carpenter:

- Confused around what would be allowed in the current non historic low residential neighborhood for commercial.

M. Tuttle:

- the neighborhood commercial and that is what allows for those small like cafe, small retail kind of things in the historic buildings within like an RL zoned neighborhood for example. Not recommending changing that.
- In a non-historic building, there is the opportunity to pursue a home-based business.

M. Gaughan:

- Doesn't think the commercial space is going to be much less lucrative than the residential space in this market.
- Sympathetic to the conversations about expanding the commercial area.
- Advocates for staff recommendations
- The committee moves forward with staff recommendations in Part 1
- Include another look at the commercial areas in Part 2

RL District Adjusted Boundary (continued from the previous meeting)

M. Gaughan:

- On the table that they've provided that showed the percent that would be of parcels that are conforming after the changes late. The two ones that stood out, the most obvious were Lakeside, which you've raised the question about, but also the old North and West. If there were any, if, if we should be thinking about that one as well, which I guess would be RM to RH, but that much would be because it's so peculiar in so many ways.

M. Tuttle:

- The main reason why we hadn't suggested any changes there is because in the Old North End, there are actually quite a few properties that are well over the lot coverage

limit in our ordinance today and what would be recommended for RM. Even changing that to RH wouldn't affect that condition.

- We've done a bit of a survey of areas of the old North End to see if changing to RH would make sense. And we've actually found surprising number of properties that have large parking areas that could be repurposed for a building or some kind of back building that could be converted into a residential use that's not being used for that purpose today.
- The committee could maybe look at more in in Part 2 if they wanted.
- The outcome we want to see from this project and getting the % of non-confirming as low as possible so that we can change the code, reflect on what's on the ground and have you have the same rights you know as your neighbor.
- Switching back to RL on The Addition

B. Traverse:

- Have an explanation for constituents as to why some neighborhoods are RM but not others.
- Break off some of the South of downtown neighborhood and recalculate what it is.
- Proposal to Include Hoover/Clymer, Lakeside, the Far North of the new North End and the old East End to RM.

J. Shannon:

- A lot of opportunity to you know expand there when we make the increase from 35 to 45% lot coverage.
- Going to neighborhoods that are at 24%, isn't consistent with what this project is supposed to be about, which is about infill development and not dramatically changing these neighborhoods.

J. Randall:

- Zoning more places RM allows for a greater range of flexibility of housing options.
- Spreading out the opportunities for more housing rather than singling out specific neighborhoods.

S Carpenter:

- Singling out the Far North of the new North End as RM might not translate the same in real life
- Look a little more closely at South Union, South Willard

A. Friend:

- If it's at least 45% in either category that you should consider moving it to RM as opposed to 50%.

Z. Hightower:

- Everything should be up zoned. Old East End is a little bit on the is on the verge both in terms of being next to corridors and in terms of being like largely non-confirming.
- The Committee did not reach a unanimous agreement on all the proposed areas. The general consensus is converting Five Sisters, Hoover, Lakeside, the North Hill and South Union, South Willard to RM, and not moving The Addition or the Far North or Old East End into RM.

Units per Building in RM

A. Montroll:

- Allowing more than 1 building on the lot regardless if the number of units allowed is 4 or 6 per building

B. Baker:

- Having a second building on a lot really opens the door to being able to build on lots which have historic homes on it already.

A. Friend:

- Allowing flexibility for what works on a specific lot

- Supportive of having 6-unit primary building, and 4-unit secondary unit

J. Randall:

- Allowing flexibility for what works on a specific lot
- A maximum is not a mandate
- One concern is with inclusionary zoning kicking in and being a deterrent to somebody who wants to build a 6 plex.

M. Gaughan:

- Concern about having 2 6-unit buildings on one lot
- Keeping the primary building at 6 units per building, and limit the secondary building unit number.
- The lived experience needs to be thought about.

S. Carpenter:

- Agrees with Andy and Michael

J. Pallazolo:

- When you look at the potential allowable square footage in that secondary building and then divide it by the 6 potential units, you're starting to really skirt with really tiny, tiny units that are actually starting to touch what other cities limit the minimum size for units. Wanted to make sure that we were allowing for units that could accommodate all types of families and all types of living conditions.

B. Traverse:

- Agree with other committee members in terms of allowing folks the flexibility to have multiple buildings on the lot.
- In terms of going up to 6 units, I also favor maintaining that flexibility.

J. Shannon:

- Build smaller units if there is market for that.

Z. Hightower:

- Agrees with Ben.
- The committee agreed on having 6 unit primary building and 4 unit secondary building.

III. **Public Forum**

Gordon Dragoon	• Supports Ben's proposal though would prefer to go further • Up zoning the entirety of Burlington to RM
Evan Gould	• On The Addition question, thinks it's a little confusing data wise as to why the addition as a whole is included when the discussion was to up zone RM north of Home Ave. • Consider a little bit more of the mixed neighborhood commercial use typology
Colin Larsen	• When we're talking about maintaining historical development patterns in this neighborhood, we're talking about shutting out low-income people from living there.
Sharon Bushor	• Mixed-use on the corridors • The issue of parking spaces • The speed of decision making • Having more buildings, units would incentivize owners to maximize their lot • Concerned about splitting the work in Part 1 and Part 2 • Do big group meetings in the new North End and Center City and the hill section, the South end bringing people together to see what's being proposed, not just the formal public hearing at the City Council.

Jak Tiano	• Low impact neighborhood commerce has a huge number of benefits. There's a need for new smaller businesses to make up the gaps inside Burlington itself, both to replace the jobs lost and subsidy revenue making. • Being able to incubate and expand a home-based neighborhood business is also a fantastic way to help a property owner be more financially capable of redeveloping their own property and to give more options when penciling out financial viability of new construction. • Increased neighborhood commerce also creates paths towards natural, incremental urban succession in sparse single-family neighborhoods. • A mature neighborhood commerce environment can be even be the key to reducing car ownership since commutes since commutes to job centers can be more easily served by transit and the daily areas are where are where cars become a necessity. • The current proposal doesn't go far enough. Should be more permissive on uses and focus more on the size and scale of an establishment to set boundaries. It would be a huge missed opportunity if an unconditional expanded use table did not come to every residential zone. • Trying to micromanage a city and how it should work and how it should grow and where that should specifically happen is what creates a lot of these edge cases and exceptions in the 1st place.
Timothy Stevens	• Agrees with Jak's comments • Having mixed-use across the entire city allows the city to sort of figure out where those mixed uses are going to work and where they're not going to work. • Advocate for up zoning the entire city anywhere from residential low or residential medium. • Pointed the inequality of neighborhoods considered for zoning
Dan Castrigano	• Echoes what Jak said to have commercial uses citywide • The solutions proposed here do not match the scale of the housing crisis.
Joe Giallanella	• Supports Sharon Bushor's comments • Thanks M. Tuttle and S. Morgan for bringing an updated map and data • Use the data consistently across neighborhoods

IV. Warn Planning Commission Public Hearing

Action: Warn the draft amendment for hearing with the municipal bylaw amendment report		
Motion by: A. Friend	Second by: J. Randall	Approved: unanimous

V. Planning Commission 2024 Meeting Schedule

Action: Approve as presented		
Motion by: A. Friend	Second by: M. Gaughan	Approved: unanimous

VI. Minutes & Communications

Action: Review and accept the 12/19 minutes and communications
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Motion by: A. Friend	Second by: E. Malone	Approved: unanimous
Correct Zoraya's comment about landlond in the 12/19 minutes		

VII. Adjournment

Action: Adjourn	Time: 10:05 p.m.	
Motion: J. Randall	Second: B. Baker	Vote: unanimous

DRAFT