AGENDA

I. Agenda

II. Chair’s Report

III. Director’s Report

IV. Public Forum
Public forum for items not on the agenda. See the Agenda Packet for details on how to participate in the public forum for this meeting.

V. Proposed CDO Amendment: Height Measurement, Dormers & Eaves
The Planning Commission will discuss a proposed amendment to the Burlington Comprehensive Development Ordinance regarding building height, roof dormers and eaves. Information related to this item is included in the agenda packet on pages 4-8.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and warn for public hearing.

VI. Proposed CDO Amendment: Act179 Changes
The Planning Commission will discuss a proposed amendment to the Burlington Comprehensive Development Ordinance regarding changes based on the Vermont Legislature’s 2020 Act 179. Information related to this item is included in the agenda packet on pages 9-13.

Staff Recommendation: Approve the Municipal Bylaw Amendment Report and warn for public hearing.

VII. Proposed CDO Amendment: Article 14 Updates
Staff will present a series of proposed amendments to Article 14 of the Burlington Comprehensive Development Ordinance which have been collected since the form code was first adopted in 2017. Information related to this item is included in the agenda packet on pages 14-33.

Staff Recommendation: Ask questions and provide feedback to staff on the proposed amendments for further discussion at a future meeting.

VIII. Commissioner Items
a. Upcoming Meetings: May 11 and 25, 2021 at 6:30pm (anticipated on Zoom)
b. Reminder: Deadline for Commissioner applications is May 14 at 4:30pm. Visit:
https://www.burlingtonvt.gov/CityCouncil/Public-Boards/Vacancies

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov.
IX. **Minutes & Communications**
   a. The minutes of the April 11, 2021 meeting are enclosed in the agenda packet on p. 34.
   b. Communications are enclosed in the agenda packet beginning on p. 37, with additional communications posted online at [https://www.burlingtonvt.gov/CityPlan/PC/Agendas](https://www.burlingtonvt.gov/CityPlan/PC/Agendas)

X. **Adjourn**
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 mtuttle@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: Planning Commission
FROM: David E White, FAICP, Dir. of Planning  
Scott Gustin, AICP, DPI Principal Planner & Zoning Division Manager  
Mary O’Neil, AICP, DPI Principal Planner
DATE: April 21, 2021
RE: Proposed CDO Amendment: Height Measurement, Dormers & Eaves (will be ZA-21-07)

Overview & Background
This amendment addresses two areas within the Comprehensive Development Ordinance that relate to how a building’s height is measured as follows:

Height Measurement:
This amendment seeks to improve the connection between existing sections of the Comprehensive Development Ordinance pertaining to how building height is measured:

- Sec. 5.2.6 (a) 1 A & B note two starting points for measuring a building’s height – from the sidewalk or from the average finished grade around the entire building, depending on the distance from the sidewalk.
- Sec. 5.2.6 (a) 3 specifies increments for building height measurement along the street façade.  

The relationship between Sec. 5.2.6 (a) 1 A and 3 is clear. A building’s height measured from the public sidewalk is done in increments to account for changes in grade along the street façade. The relationship between Sec. 5.2.6 (a) 1 B and 3 however is not clear. How does the requirement for height measurement intervals along the street façade(s) relate to the average finished grade around the entire building? This amendment seeks to clarify this relationship. The end result clarifies that measurement of building height is done in increments along the street façade(s) in any case.

The Committee met and discussed this issue on 2/4 and 3/4, and unanimously recommended forwarding the staff recommendation to the full Planning Commission.

Dormers & Eaves:
The Comprehensive Development Ordinance offers no guidance on how the measurement of a building’s height may be impacted when dormers are proposed. Dormers are a common building element that enable greater useable living space in an attic, and at times, can stretch or exceed height limits. This amendment seeks to articulate under what circumstances roof dormers actually affect building height and how. It also introduces a basic design standard and new definition of the term.

A related matter as to roof form is the term “eave” which lacks definition in the CDO. Eaves are allowed to project into setbacks. Lacking definition of the term, there have been proposals to stretch the concept of what an eave is in order to take advantage of the allowable setback encroachment. This amendment seeks to define the term “eave.”

The Planning Commission Ordinance Committee discussed changes to address dormers and eaves separately, but the matters have been combined into one amendment given that they are both related to roof forms. The Committee addressed dormers January 7 and February 4, 2021 and
recommended forwarding the amendment to the full Planning Commission for consideration. The Committee discussed the eave matter at their March 7 and April 4, 2019 meetings and recommended forwarding the amendment to the full Planning Commission for consideration.

**Proposed Amendment**

<table>
<thead>
<tr>
<th>Amendment Type</th>
<th>Text Amendment</th>
<th>Map Amendment</th>
<th>Text &amp; Map Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purpose Statement</strong></td>
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<tr>
<td>The purpose of this amendment is to clarify that building height is measured in increments along the street façade, regardless of whether the building height is measured just from the public sidewalk or from the average finished grade around the entire building. Further, the proposed amendment identifies when and how roof dormers affect building height measurement, provides a design standard for dormers, and defines the terms “dormer” and “eave.”</td>
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</table>

**Proposed Amendments**

Deleted language is crossed out and new language is *underlined in red*.

**Article 5: Citywide General Regulations**

**Sec. 5.2.6 Building Height Limits**

No structure shall exceed thirty-five (35) feet in height unless otherwise authorized under the district-specific provisions of Article 4:

(a) **Height Measurement:**

The maximum height of any building shall be measured as follows:

1. **Starting Point:** Building height shall be measured from:
   
   A. a public sidewalk, alley, or other public way or space where *the proposed building’s street-facing façade* is within a 10-foot horizontal distance of the lot’s street frontage of an exterior wall on the front of the building—or,
   
   B. the average finished grade within a 10-foot horizontal distance of *the building’s street-facing façade* where the proposed building is more than a 50-foot horizontal distance from the lot’s street frontage all exterior walls of the building. In cases where a property line is within a 10-foot horizontal distance of an exterior wall, the average grade shall be measured between the property line(s).
   
   C. For buildings on sloped sites, see additional measurement standards in (b) below.

2. **Ending Point:** Building height shall be measured to:
   
   A. Flat Roof: *As written*.
   
   B. Pitched Roof: *As written*.
   
   C. Curved Roof: *As written*.
   
   D. Roofs with Dormers: Building height will be calculated to the midpoint of the rise of any dormer that exceeds 50% of the width of...
the horizontal eave length of the roof. Dormers less than this width do not affect height calculation noted in A – C and E of this subsection.

E. Other Roof Forms: As written.

(b) Buildings on Sloped Sites: Buildings on slopes shall reflect the pre-construction topography of the site by making use of opportunities to vary the building’s height and roof forms relative to terrain changes as follows:

1. Measurement Interval: To encourage a variation in building heights relative to terrain changes and encourage a variation in roof form, building height shall be measured along the street-facing façade, beginning no less than 16-feet or more than 32-feet from lowest corner, or where two streets intersect if a corner lot, and at intervals of no less than 32-feet or more than 65-feet for along the entire length of the street-facing façade(s).

2. Lots Fronting on Two or More Streets: Where a lot, other than a corner lot, fronts on two or more streets, the building height shall be measured along each street-facing façade. Where the streets are at differing elevations, the building height may gradually increase above the maximum height allowed on the lowest street provided that any such additional height along the lowest street shall be set-back a minimum of 16-feet from the average plane of the building’s street-facing façade below for every 10-feet of additional building height up to the maximum height allowed on the highest street.
Illustration: To illustrate evaluate the height and bulk of the a proposed building structure in context with its surroundings, the DRB applicant may be required the developer to prepare a scale model, computer visualization, illustrations, or other renderings of the proposed building in context with its surroundings.

(cb) Exceptions to Height Limits

(Unchanged)

Article 6: Development Review Standards
Sec. 6.3.2 (a) 2, Roofs and Rooflines

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city’s skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

Dormers shall not exceed the height of the ridgeline of the roof to which they are attached, and are limited in total to 33% of the horizontal eave length of the principal roofline.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or “green” roof technologies (with a clearly articulated maintenance plan) and “gray water” collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city’s skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

Article 13: Definitions

Eave: The edge of the roof which overhangs the face of an exterior building wall and, normally, projects beyond the side of a building, performing the primary function of the roof in throwing water clear of the exterior building walls.
**Staff memo re: Proposed CDO Amendment: Height Measurement, Dormers & Eves**

4/21/2021

**Dormer**: A roofed structure, often containing a window that projects vertically beyond the plane of a pitched roof. Dormers are commonly used to increase the usable space in a half story and to create window openings in a roof plane.

Shed dormers have a single, inclined roof.

Dog house dormers are gable roofed, typically with a single window.

All other definitions, as written.

[End text amendment]

**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).

<table>
<thead>
<tr>
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</table>

Compatibility with Proposed Future Land Use & Density

The proposed amendment does not impact the types or density of potential land use and density.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety and affordability.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

**Process Overview**

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

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TO: Planning Commission  
FROM: David E White, FAICP, Dir. of Planning  
Scott Gustin, AICP, DPI Principal Planner & Zoning Division Manager  
DATE: April 21, 2021  
RE: Proposed CDO Amendment: Act 179 Changes to Ch. 117 (will be ZA-21-08)

Overview & Background
The Vermont legislature passed Act 179 (S.237) in September 2020, and the bill was signed into law on October 12, 2020. Among other things, this act included multiple changes to state enabling law (24 VSA Ch 117) intended to promote greater access to affordable housing. Specifically relevant to Burlington are 3 changes that require amendment to the Comprehensive Development Ordinance (CDO) in order to conform with these changes in state statute. These are:

- amending the definition and some requirements for accessory dwelling units
- requiring that certain “small lots” must be unable to connect to municipal water and sewer in order for a municipality to prohibit development on it
- prohibiting a municipality from denying dwellings of four or fewer units in districts that allow multi-unit dwellings based solely on the character of the area when conducting a conditional use review

The Planning Commission discussed each of these issues on Feb 23, 2021, and supported recommended staff changes applicable to sections of the CDO relative to Accessory Dwelling Units and Existing Small Lots. The Commission referred the issue of conditional use review for small multi-unit buildings to its Ordinance Committee for additional discussion.

The Commission’s Ordinance Committee discussed the provisions related to conditional use review of multi-unit buildings between two and four units on March 4, 2021. Staff presented 4 possible approaches, with an overall recommendation which centered on removing conditional use review for all residential uses across the city. The staff recommendation that conditional use is not appropriate for residential uses located within a residential district is based on a number of factors, including:

- residential uses permitted or prohibited within each district should be more consistent with the purpose statement of the zoning districts involved (i.e. allowing duplexes as a permitted use in RL)
- there is regulatory redundancy between Conditional Use Review and Major Impact Review for multi-unit housing; ultimately Major Impact Review is more appropriate for considering changes in residential intensity
- Appendix A currently creates confusion between regulating use vs. regulating building type (i.e. “Attached Dwelling(s) – Mixed-Use” is a building type, not a use).

The Ordinance Committee unanimously recommended forwarding the staff recommendation to the full Planning Commission for consideration.
Proposed Amendment

Amendment Type

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Purpose Statement

The proposed amendment addresses recent changes to the state enabling statute, ensuring that the CDO complies with new standards for ADUs, existing small lots, and small multi-unit dwellings.

Proposed Amendments

The following amendments to the Burlington CDO are included in this proposal:

1. Amend Sec. 5.2.1 Existing Small Lots

   This affords additional provisions for the development of existing Small Lots, when those lots can connect to municipal water and sewer infrastructure.

2. Amend Sec. 5.4.5 Accessory Dwelling Units and Sec. 13.1.2 Definitions

   This removes bedroom and occupant limits from ADU standards and definitions, and increases the alternative maximum size for ADUs to 900 sq.ft.

3. Amend Appendix A- Use Table

   Changes duplex from a Conditional to Permitted use within the RL and RL-W districts; deletes “Attached Dwellings-Mixed Use” and distinguishes between multi-family dwellings of 3-4 units and those with 5 or more units; and changes multi-family dwellings of 3-4 units from a Conditional to a Permitted use in the Institutional district.

[Begin text amendments]

Note: Deleted language is crossed out and new language is underlined in red.

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;
- such the lot is not less than at least four thousand (4,000) square feet in area; with
- the lot has a minimum width and depth dimension of forty (40) feet or more; and
- the lot can connect to municipal water and sewer infrastructure.

A permit for any such development shall require a permit, certificate of appropriateness pursuant to the standards of Article 4 and, where design review is applicable, design review provisions of Article 3 and the development standards of Article 6.

Sec. 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

Where there is a principal structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to
such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means a one bedroom apartment, dwelling unit that is clearly subordinate to the principal dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:

1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and,
2. The unit does not consist of more than 800 sq. ft., or 30 percent (30%) of the Gross Floor Area of the principal home, whichever is greater; and,
3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and,
4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.

Sec. 13.1.2 Definitions.
Accessory Dwelling Unit or Apartment: An efficiency or one bedroom apartment, dwelling unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

Appendix A – Use Table
See attached.

Relationship to planBTV
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Compatibility with Proposed Future Land Use & Density
The proposed amendments, while necessary to maintain compliance with state enabling statutes, are consistent with the land uses and densities proposed in planBTV. These changes do not significantly change the overall land uses and densities permitted in residential areas of the city, but is in line with the plan’s future land use vision, which anticipates small and incremental changes to residential areas within the context of existing development patterns.

Impact on Safe & Affordable Housing
The proposed amendments have no impact on housing safety, and may serve to improve affordability by reducing the time, cost, and complexity for small multi-family residential development.

Planned Community Facilities
The proposed amendment has no impact on planned community facilities.
Process Overview
The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

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### Appendix A - Use Table – All Zoning Districts – PCOC Draft 03/04/2021

<table>
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<tr>
<th>USES</th>
<th>RESIDENTIAL USES</th>
<th>Institutional</th>
<th>Residential</th>
<th>Downtown Mixed Use</th>
<th>Neighborhood Mixed Use</th>
<th>Enterprise</th>
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<tr>
<td></td>
<td>RCO - A¹</td>
<td>RCO - RG</td>
<td>RCO - C</td>
<td>I</td>
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### Legend:
- **Y**: Permitted Use in this district
- **CU**: Conditional Use in this district
- **N**: Use not permitted in this district

### Abbreviation Zoning District
- **RCO**: RCO - Agriculture
- **RCO-G**: RCO - Conservation
- **RCO - C**: RCO - Institutional
- **RL**: Residential Low Density
- **RM**: Residential Medium Density
- **DH**: Downtown High Density
- **DL**: Downtown Low Density
- **DW**: Downtown Waterfront Public Trust
- **DR**: Downtown Retail
- **CE**: Commercial Entertainment
- **CM**: Commercial Manufacturing
- **PM**: Public Manufacturing
- **EM**: Enterprise Manufacturing
- **CL**: Enterprise Light Manufacturing
- **AP**: Agriculture Processing and Energy
- **AE**: Agricultural Equipment

### Notes:
1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. (Reserved).
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7(c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5(d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor area on the lot.
28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
29. Must be fully enclosed within a building.
30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
31. See special use standards of Sec. 5.4.13, Emergency Shelters.
32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.

¹ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

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**Proposed amendment: Mar 4, 2021**
TO: Planning Commission  
FROM: David E White, FAICP, Dir. of Planning  
DATE: April 21, 2021  
RE: Proposed CDO Amendment: Updates and Corrections to Article 14 (will be ZA-21-09)

### Overview & Background
This amendment makes a collection of corrections and revisions to Article 14 of the Burlington Comprehensive Development Ordinance (BCDO) – the planBTV: Form Based Code - based on the past 36+ months of real-world application to improve its consistent use and effective applicability. This has been a collective effort of the Permitting and Inspections team and some applicants working with Planning to collect problems, questions, and challenges confronted in its application to real-world projects since adoption in the fall of 2017.

### Proposed Amendment

#### Amendment Type
| Text Amendment | Map Amendment | Text & Map Amendment |

#### Purpose Statement
The purpose of this amendment is to revise Article 14 of the Burlington Comprehensive Development Ordinance (BCDO) based on the past 36+ months of real-world application to include a number of corrections and updates to improve its consistent use and effective applicability including:

- Consistent use of terms and concepts regarding things like allowed encroachments into setbacks, location of parking, glazing, and voids.
- Makes clear the the exemption for work being proposed for a public right-of-way or thoroughfare, and instead directs compliance with Great Streets BTV: Downtown Street Standards, and approval by the Dept. of Public Works.
- Adds new definitions including those for Awnings, Balconies, Canopies, Decks
- Revises rear yard setback in FD5 to be consistent with previous Downtown-Transition District requirement
- Adds a new Civic Space Type for “Water-Dependent” sites to better incorporate current and potential use of Perkins Pier
- Revise Map 3 – Shopfronts Required to include the new segments of Pine and St. Paul streets
- Revises Urban Design Standards regarding Primary Materials, Balconies and Decks, and Awnings and Canopies to improve their practical application
Consolidates standards regarding Fences into a single location for ease of use, and adds maximum height and expands material standards

Clarifies how the requirements and standards apply to existing and non-conforming structures.

Expands authority for Administrative Relief for minor variations from numerical standards.

Removes references to “Planning and Zoning” department and “Director.” and replaces them with “Permitting and Inspections” dept and “Administrative Officer” as appropriate.

**Proposed Amendments**

*Deleted language is crossed out and new language is underlined in red.*

See attached

**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).

<table>
<thead>
<tr>
<th>Theme:</th>
<th>Dynamic</th>
<th>Distinctive</th>
<th>Inclusive</th>
<th>Connected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use:</td>
<td>Conserve</td>
<td>Sustain</td>
<td>Grow</td>
<td></td>
</tr>
</tbody>
</table>

Compatibility with Proposed Future Land Use & Density
The proposed amendment does not impact the types or density of potential land use and density.

Impact on Safe & Affordable Housing
The proposed amendment has no impact on housing safety and affordability.

Planned Community Facilities
The proposed amendment has no impact on planned community facilities.

**Process Overview**

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

<table>
<thead>
<tr>
<th>Planning Commission Process</th>
<th>Draft Amendment prepared by: Staff 4/7/21</th>
<th>Presentation to &amp; discussion by Commission 4/27/21</th>
<th>Approve for Public Hearing</th>
<th>Public Hearing</th>
<th>Approved &amp; forwarded to Council</th>
<th>Continue discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Council Process</td>
<td>First Read &amp; Referral to Ordinance Cmte</td>
<td>Ordinance Cmte discussion</td>
<td>Ordinance Cmte recommendation</td>
<td>Second Read &amp; Public Hearing</td>
<td>Approval &amp; Adoption</td>
<td>Rejected</td>
</tr>
</tbody>
</table>
Burlington Comprehensive Development Ordinance

PROPOSED: ZA-21-XX – planBTV Downtown Code Update

As prepared by the City Planning Office – April 21, 2021.

Changes shown (underline to be added, strike out to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: This amendment is to revise Article 14 of the BCDO to include a number of corrections and updates to improve its use and applicability.

Sec. 14.1.1-14.1.2 – unchanged

Sec. 14.1.3 - Applicability

This planBTV Downtown Code shall be applicable to all lands outside of the public rights-of-way or a Thoroughfare within the Downtown and Waterfront District as mapped or described on the Burlington Regulating Plan (Section 14.2), as such may be changed from time to time, pursuant to Section 14.2 - Regulating Plan. Any and all subdivision of land, development, and construction or modification of all Improvements, land, Buildings, and Structures in the Downtown and Waterfront District shall occur only in accordance with this Article 14 planBTV Downtown Code as in effect on the date of acceptance of the completed application for approval of the applicable Project Plan submitted pursuant to Section 14.7 Administration and Procedures.

Improvement, development, construction or modification within an existing or proposed public right-of-way or a Thoroughfare shall be made in accordance with Great Streets BTV: Downtown Street Standards, and require approval by the Dept. of Public Works.

To the extent applicable, and not otherwise in conflict with this Article 14-planBTV Downtown Code, the following sections of the Burlington Comprehensive Development Ordinance (CDO) shall also continue to apply:

a) Article 1 - General Provisions
b) Article 2 - Administrative Mechanisms;
c) Article 3 - Applications, Permits and Project Reviews, Parts, 1, 2, 3, 5 and 6;
d) Article 4 - Zoning Maps and Districts, Parts 1, 2, 3, and Part 5 Sec. 4.5.4;
e) Article 5 - Citywide General Regulations, Parts 1 and 2; Part 3, Secs 5.3.1-5.3.4 and Secs 5.3.1-5.3.8; Part 4, Sec. 5.4.7 and Sec. 5.4.8; and, Part 5;
f) Article 7 - Signs
g) Article 8 - Parking
h) Article 9 - Inclusionary and Replacement Housing;
i) Article 10 - Subdivision Review;
j) Article 12 - Variances and Appeals; and,
k) Article 13 - Definitions.

In each case, the standards and requirements applicable to the Downtown and Waterfront District Regulating Plan and this Article 14 shall take precedence without limitation over any duplicative or conflicting provisions of the other Articles of the Burlington Comprehensive Development Ordinance (BCDO).

If there is any conflict between the provisions of this Article 14 and any provisions of any other existing City codes, ordinances, regulations or standards (the “Existing Local Codes”), the provisions of this Article 14 shall take precedence over such conflicting provisions except for City and state Building, Fire, Health and Safety Codes.

The graphics, illustrations, photographs, tables, and metrics are an integral part of the planBTV Downtown Code; however:
a) Photographs are provided only as general illustrative examples and are not binding;
b) The illustrations of Table 14.3-A Burlington Form Districts Summary Table, Table 14.3.6-A Civic Space Types Summary Table, Table 14.4-A Building Types Summary Table, and Table 14.5-A Frontage Types Summary Table are provided only as general illustrative descriptions and are not binding;
c) The diagrams, photographs, and illustrations contained in Sections 14.3.4 through 14.3.6 (Specific to Form Districts), Sections 14.4.4 through 14.4.13 (Specific to Building Types), and Sections 14.5.4 through 14.5.17 (Specific to Frontage Types) are provided only to indicate the general character of the various Form Districts and elements. References to metrics shown thereon however shall have regulatory effect.
d) The graphics, illustrations, and photographs in Section 14.8 Glossary are provided for illustrative purposes only and are not binding;
e) The graphical depictions of the Form Districts on the various Tables are provided for ease of reference only and are not binding. The Form District designations and standards applicable to each Form District are binding.
Where in conflict, metrics represented in text and/or tables shall take precedence over metrics represented graphically, and a more specific standard shall take precedence over a more general standard.

Sec 14.2.6 - Special Requirements

Map 3 - Shopfronts Required

Sec. 14.3.4 FD6 Downtown Core

14.3.4-C- Lot Occupation & Building Placement

Frontage Buildout & Building Setback

Rear Setback:
- Principal Buildings 0-ft min. or 15-ft from a rear public Alley centerline
- Outbuildings 0-ft min. or 15-ft from a rear public Alley centerline

Table 14.3.4-E- Parking, Loading & Service

On-Site Parking

On-site parking shall be provided per the requirements of Sec. 14.6.7.

Location on the Lot

All parking provided within a Principal Building Type (other than a Perimeter Building) shall be located Underground, above the second Story, and/or at-grade within the first Story where located in the Third Lot layer and separated from the street by an Active Street-level Use. Parking Lots are not permitted, and Parking Areas shall be located in the Third Lot Layer. Unless located within a Principal Building below the finished grade or above the second Story, and/or at-grade within the first Story where located in the Third Lot layer and separated from the street by an Active Street-level Use, All Parking Structures, and Garages, and Parking Areas shall be located in the Third Lot Layer behind a Principal Building Type Perimeter Building (see Sec. 14.4.11 and Sec. 14.6.3). Parking Lots are not permitted

Miscellaneous

See also Sec. 14.6.7 for additional requirements pertaining to parking and site design.
14.3.4-F- Encroachments - into

**Required Setbacks**

<table>
<thead>
<tr>
<th>Encroachment Type</th>
<th>Front</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage Type Elements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awnings and Canopies</td>
<td>Permitted</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Signs</td>
<td>Permitted</td>
<td>Not permitted</td>
</tr>
<tr>
<td><strong>Balcony and Decks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Permitted</td>
<td>4-ft max. encroachment</td>
</tr>
<tr>
<td>Other Architectural Features</td>
<td>4-ft max.</td>
<td>4-ft max. encroachment</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Fences or freestanding walls</td>
<td>Not permitted</td>
<td>6-ft max. height</td>
</tr>
<tr>
<td>Driveways, Walkways</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Utility Structures</td>
<td>Not permitted</td>
<td>Permitted</td>
</tr>
</tbody>
</table>

14.3.4-G- Encroachments - Public right-of-way

- Building eaves, roof overhangs, solar shades, and light shelves; bay windows, oriel, and vestibules that are less than ten feet wide; and, cornices, belt courses, window sills, buttresses, or other similar architectural features may encroach into the ROW provided they are a minimum of 10-ft above the Sidewalk.

Sec. 14.3.5 FD5 Downtown Center

14.3.5-C- Lot Occupation & Building Placement

**Frontage Buildout & Building Setback**

**Rear Setback:**
- 03-ft min. or 15-ft from rear public Alley centerline
- 10-ft min. along a Form District boundary shared with a residential district.

**Outbuildings**
- 03-ft min. or 15-ft from rear public Alley centerline
**Table 14.3.5-E- Parking, Loading & Service**

**On-Site Parking**

On-site parking shall be provided per the requirements of Sec. 14.6.7.

**Location on the Lot**

All parking provided within a Principal Building (other than a Perimeter Building Type) shall be located: Underground, above the second Story, and/or at-grade within the first Story where located in the Third Lot layer and separated from the street by an Active Street-level Use. Parking Lots are not permitted, and Parking Areas shall be located in the Third Lot Layer. Unless located within a Principal Building below the finished grade or above the second Story, All Parking Structures, Garages and Garages Parking Areas shall be located in the Third Lot Layer behind a Principal Perimeter Building (see Sec. 14.6.3 and Sec. 14.4.11) Type. Parking Lots are not permitted.

**Miscellaneous**

See also Sec. 14.6.7 for additional requirements pertaining to parking and site design.

---

### 14.3.5-F- Encroachments Into Required Setbacks

<table>
<thead>
<tr>
<th>Encroachment Type</th>
<th>Front</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage Type Elements</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Awnings and Canopies</td>
<td>Permitted</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Signs</td>
<td>Permitted</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Balcony and Decks</td>
<td>Permitted</td>
<td>4-ft max. encroachment</td>
</tr>
<tr>
<td>Other Architectural Features</td>
<td>4-ft max.</td>
<td>4-ft max.</td>
</tr>
<tr>
<td>Landscape</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Fences or freestanding walls</td>
<td>Not permitted</td>
<td>6-ft max. height</td>
</tr>
<tr>
<td>Driveways, Walkways</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Utility Structures</td>
<td>Not-permitted</td>
<td>Permitted</td>
</tr>
</tbody>
</table>
14.3.5-G- Encroachments - Public right-of-way

- Building eaves, roof overhangs, solar shades, and light shelves; bay windows, oriel, and vestibules that are less than ten feet wide; and, cornices, belt courses, window sills, buttresses, or other similar architectural features may encroach into the ROW provided they are a minimum of 10-ft above the Sidewalk.

Sec. 14.3.6-I Water-Dependent

**Intent**

An Open Space associated with water-dependent recreation and related facilities.

**Specifications**

<table>
<thead>
<tr>
<th>Specification</th>
<th>Details</th>
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<tbody>
<tr>
<td>Form District</td>
<td>FD5</td>
</tr>
<tr>
<td>Size</td>
<td>No size limits</td>
</tr>
<tr>
<td>Frontage</td>
<td>Independent</td>
</tr>
<tr>
<td>Character</td>
<td>Informal</td>
</tr>
<tr>
<td>Coverage</td>
<td>80% max.</td>
</tr>
<tr>
<td>Buildings and Structures</td>
<td>1,500 sqft max in aggregate</td>
</tr>
<tr>
<td>Setback for Buildings and</td>
<td>50-feet from the mean high water mark of Lake</td>
</tr>
<tr>
<td>Structures</td>
<td>Champlain (100-feet above mean sea level) unless encroachment is required for the operation of a water-dependent use or facility.</td>
</tr>
<tr>
<td></td>
<td>Features such as walkways, planters, benches, fountains, public art, sitting walls and other improvements to enhance the pedestrian environment and enjoyment of the waterfront may encroach into this required setback provided public access to the water’s edge and pedestrian circulation is not unreasonably impaired.</td>
</tr>
<tr>
<td></td>
<td>Not inclusive of any associated Civic Buildings.</td>
</tr>
</tbody>
</table>
Typical Facilities

- Water-oriented facilities and services such as docks, marinas, boat ramps and lifts, boat fueling and pump-out, restrooms, marina office and chandlery, and facilities for commercial vessels.
- Civic, recreational, and community facilities
- Playgrounds and play structures
- Passive recreation, paths, and trails
- Buildings and Structures necessary to support water-oriented facilities and services
- Commercial concessions

Parking

On-site parking is not required, and may not occupy more than 60% of the gross site area.

Sec. 14.4.13 - Urban Design Standards

a) - unchanged
b) Windows & Doors:
   iii. Principal Entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights, or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a Principal Entrance should be expressed vertically, and may continue onto the upper stories. Such bays are not required to include additional horizontal expression or upper story step-backs as required in c) below.
   iv. Where provided:

      A-D - unchanged

E. Shading devices designed and intended to control light entering the Building may project no more than 5-feet from the Facade, shall be consistent in materials, color, and design across the same Facade, and shall be placed, sized, shaped, and proportioned to match the associated openings.
c) Façade Articulation and Upperstory Stepbacks:

iii. Building Facades shall be horizontally articulated as follows:

C. The top story (other than a penthouse setback at least 10-feet from the primary plane of the Facade below) must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the Facade of the story below to serve as an expression of the Buildings top.

iv. The upper stories of any Building exceeding 6 stories in height shall step-back as follows:

A. An upper story step-back of at least 10-feet from the primary plane of the Façade below shall occur above either the 2nd, 3rd, 4th, or 5th story, with the resulting Building base seeking to maintain a consistent height of at least 50-feet along Main and Battery streets, and at least 33-feet on all other downtown streets, in order to frame and define the public realm.

d) Building Materials:

i. Primary Materials: Not less than 80 percent of each street-facing Facade (not inclusive of voids) shall be constructed of one or more primary materials comprised of tested and proven, high quality, durable, and natural products. For Facades over 100 square feet, more than one Primary Material shall be used. Changes between Primary Materials must occur only at inside corners. The following are considered acceptable Primary Materials:

- A. Brick and tile masonry;
- B. Native or sintered stone;
- C. E - unchanged

ii-iii - unchanged

iv. Fences: Fence materials shall not include barbed or razor wire. Chain link and wire fencing shall not be used along any Frontage Line, however, woven cable fencing is permitted.

iv. Roof Materials (not applicable to flat roofs). Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. To the extent possible, all roof materials and colors should be selected to minimize solar reflectance.

vi. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the Planning Director/Administrative Officer after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.

vii. Other: - unchanged
e). **Walls:**

i. **Unfinished** *(ie. not clad or constructed in a Primary or Secondary Material per d) above)*

Foundation walls on a Principal Building shall be exposed no more than 48-inches above the finished grade. Surface-applied waterproofing on any foundation wall shall not be visible.

*ii-vi – unchanged*

g) **Balconies and Decks:** Where provided, all Balconies and Decks shall meet the following specifications:

i. **Balconies must be at least 4-feet deep (A) and 5-feet wide, and shall not project more than 8-feet from the plane of the Façade or Elevation to which it is attached.**

ii. **Balconies shall be cantilevered or visibly supported by brackets or beams sized, shaped and proportioned to match the associated Balcony. Columns or posts extending to the ground within the public right-of-way are prohibited on a Facade, except in the case of a Gallery Frontage Type.**

iii. **Balconies shall provide 8-feet minimum clear height above the finished grade, or 13-feet 6-inches minimum clear height above the finished grade above any area used for vehicular parking or circulation, or emergency vehicle access.**

iv. **The Balcony platform shall be at least 3-inches thick, and where the underside of a balcony is visible from a public way it shall be finished. Balconies may or may not incorporate a roof, Canopy or Awning, but shall not be enclosed.**

v. **Decks shall be permitted only in the Third Lot Layer or on rooftops.**

vi. **Decks may include a Canopy, Awning or free-standing pergola, but shall not be enclosed.**

h) **Awning and Canopies:** Awnings and Canopies are encouraged as a traditional street-level store-front fitting to accent and provide shade and/or shelter over a primary entrance, display windows, or outdoor seating. Awnings and Canopies may also be found above upper story windows and Balconies, and over secondary entrances. Where provided, such all Awnings and Canopies placed on a Facade shall meet the following specifications:

i. **Awnings shall provide 8-feet minimum clear height above the finished grade (A), and shall project a minimum of 6-feet from the Façade (B) to a maximum of 2-feet from the curb (C). 13-feet 6-inches minimum clear height above the finished grade shall be provided above any area used for vehicular parking or circulation, or emergency vehicle access (A).**
ii. First floor Awnings and Canopies shall project a minimum of 3-feet from the Façade (B) or Elevation to which it is attached to a maximum of 2-feet from the curb (C). Awnings and Canopies on upper story windows may project no more than 5-feet from the Facade. Awnings that cannot project a minimum of 3-feet due to the small size of the opening, shall project a minimum of 50% of the height of the opening (e.g. a window that is 4-ft tall shall project at least 2-ft).

ii.iii. Awnings and Canopies shall be placed, sized, shaped, and proportioned to match the associated openings or width of the associated Frontage, and shall be consistent in materials, color, and design across the same Façade, Frontage Type, or architectural bay.

iii.iv. Awnings and Canopies that span across an entire Façade Frontage shall be fixed no higher than the top of the first story.

iv. All awnings and canopies used within an individual Frontage Type shall be consistent in materials, color, and design.

v. Awnings and Canopies shall not be internally illuminated or backlit, however they may contain lighting fixtures intended to illuminate the ground beneath when covering a Building entrance.

v.vi. Awnings and Canopies may incorporate signage pursuant to the requirements of Article 7.

vi.vii. Awnings shall have an internal or external structural framework of steel/aluminum or other appropriate, durable structural material supporting a thin, non-translucent covering material with a matte finish such as painted metal, acrylic, canvas, or synthetic fabric. The Awnings design should not include a soffit, and c- or side-panels. Retractable awnings are encouraged. Columns or posts extending to the ground are prohibited within the public right-of-way. Retractable Awnings are encouraged.

vii.viii. Awnings shall be typically rectangular in elevation and triangular in cross-section, with shall have straight edges with no arcs or curves, and may be pitched to shed water off to the side when placed over a Building entrance. The valance of the Aawning shall be no more than 12-inches in height (D).

ix. Canopies are typically rectangular in both elevation and in cross-section, shall have straight edges with no arcs or curves, and may be pitched enough to shed water off to the side when placed over a Building entrance. The faces of the Canopy shall be no more than 24-in in height (D).

x. Canopies shall be constructed of steel/aluminum or other appropriate, durable structural material, and May be clad in metal panel, wood, or other durable finished material.
viii. The canopy design shall may include a flat roof be or be left open to from above without a roof using louvers or slats instead to provide shade, and the exterior faces of the canopy should be no more than 24 in in height (D).

ix. Canopies projecting into the public right-of-way shall be cantilevered or supported from above, and columns or posts extending to the ground are prohibited. Canopies placed outside of the public right-of-way may be partially or fully free-standing.

i. Other:

i. Upper-story open exterior fire stairs shall be located in the Third Lot Layer. They may be located in the Second Lot Layer provided they are enclosed and incorporated and designed in a manner consistent with the overall architectural design of the Building.

ii. Permanent vertical access features (stairs, ramps, etc.) handicapped access ramps located in the First Lot Layer must be integrated into the design of the chosen Frontage Type. Otherwise they must be located in the Second or Third Lot Layer.

iii. All utility service connections shall be underground for new construction.

iv. The footprint area of an Outbuilding may not exceed the footprint area of the Principal Building.

Sec 14.5.15- Courtyard Frontage Type

14.5.8-C - Standards

<table>
<thead>
<tr>
<th>Courtyard Width</th>
<th>12-ft min.</th>
<th>lessor of 1/3 the total Building width or 35-ft max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courtyard Depth</td>
<td>12-ft min.</td>
<td>35-ft max.</td>
</tr>
<tr>
<td>Canopy/Awn Projection</td>
<td>10-ft from Façade max</td>
<td></td>
</tr>
</tbody>
</table>

Projection

Clear Path of Travel to a Principal Entrance

14.5.8-D - Miscellaneous

A maximum of one Courtyard is permitted per Principal Building.
A Courtyard shall remain open to the sky, and may not contain Driveways, parking, loading or service areas, or mechanical equipment or vents.

A Courtyard may include a free-standing Canopy, Awning, umbrellas or pergola, but they shall not be enclosed.

The Courtyard shall be activated as a space for gathering, circulation, outdoor shopping, and/or restaurant seating.

The proportions and orientation of these spaces, a Courtyard, should be carefully considered for solar orientation and user comfort.

A Courtyard is considered as part of the Building for the purpose of measuring the Frontage Buildout. All faces of the recessed Courtyard shall be considered to be part of the façade.

Sec 14.5.15- Forecourt Frontage Type

14.5.15-D - Miscellaneous

A Forecourt occupies the First Lot Layer, and may extend the depth of a maximum required front yard setback to an amount equal to the maximum depth permitted in Sec. 14.5.15-C.

A Forecourt shall remain open to the sky, and may not contain Driveways, parking, loading or service areas, or mechanical equipment or vents.

A Forecourt may include a free-standing Canopy, Awning, umbrellas or pergola, but they shall not be enclosed.

Hardscape coverage requirement may be achieved through a combination of pervious and impervious surface materials.

Sec. 14.6.4- Building Height

a) thru c) - unchanged

d) Basements and Crawl Spaces

i. Exposed basement walls visible along any Frontage shall not exceed 89 (ninety-nine) feet in height measured from the exterior finished grade to the finished floor of the Story above.

ii. Unfinished crawl spaces taller than 3 (three) feet shall be screened from view from public Thoroughfares with landscaping.

iii. Unfinished crawl spaces shall not exceed 5 (five) feet in height measured from the exterior finished grade to the finished floor of the Story above.
e) **Grading or Regrading of Sites.** Sites with uneven topography present unique issues in relation to Building height. Buildings on steep slopes shall reflect the pre-construction topography of the site. When a site’s topography is modified, the site shall be graded in such a way to avoid the following features:

i. Retaining walls or unfinished blank walls taller than 4 feet in height along required Principal or Secondary Frontage;

ii. Retaining walls taller than 8 feet in height along the rear or side setbacks; and

iii. The construction of Buildings that do not reflect the preconstruction topography of the site. Illustrations below show appropriate site grading methods.

f) - unchanged

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**Sec. 14.6.7- Parking and Circulation**

a) thru d) – unchanged

e) **Parking Structures and Garages**

i. With the exception of individual Garages serving a Rowhouse Building Type which shall be located in the Third Lot Layer, all Parking Structures and Garages shall be located:

- within a Principal Building Type and located Underground, above the second Story, and/or in the ground floor when located in the Third Lot layer and separated from the street by an Active Street-level Use; or,

- behind a Perimeter Building (See Section 14.4.11), or enclosed below the finished grade or above the second story within a Principal Building that provides active uses (such as, but not limited to, residential lobby, retail, office, recreational, or services) at the street level along the width of the Frontage a minimum of 20-feet deep.

ii-vi – unchanged

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**g) Parking Spaces, Lot Design and Layout**

i - ii – unchanged

iii. Stacked and Tandem Parking. – otherwise unchanged
Sec. 14.6.8- Site and Landscape Standards

a) Purpose and Applicability- unchanged

b) Site Standards:

v. Fences and Free-standing Walls:

A. Fences and Free-standing Walls placed within the First Lot Layer shall not exceed 4-feet in height. Fences and Free-standing Walls placed within the Second or Third Lot Layer shall not exceed 8-feet in height unless a different height limit is specified under the applicable Form District or Frontage Type.

B. Materials used for Fences and Free-standing Walls shall be limited to Brick and tile masonry; Native or sintered stone; Wood – panels, clapboard or shingles; Cementitious siding, metal, and woven or braided cable wire. Chain-link and welded-wire fencing shall not be used along any Frontage Line with the exception of the temporary enclosure of a construction site, or where required by the Building Official to protect public safety. Barbed or razor wire shall not be used in any application. Alternate materials may be approved by the Administrative Officer after seeking input from the Design Advisory Board. Alternate materials must be considered equivalent or better than the materials listed above, and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.

A.C. All fences and free-standing walls shall be installed so that the finished side faces outward towards the adjacent property or public way Frontage.

c) Landscape Standards: otherwise unchanged

d) Solid Waste Storage Areas - unchanged

Sec. 14.7 – Administration and Procedures

14.7.1 - Applying for a Zoning Permit: Submission Requirements and Review

a) – unchanged

b) Application Submission. Each application shall be submitted to the Department of Planning and Zoning Permitting and Inspections along in a form to be provided by the Department. Upon its determination that an application is complete, the Department shall process each application in accordance with this Section.

c) – unchanged
d) Modification of Submission Requirements. The Administrative Officer Director, may allow the modification of the application and submission requirements listed above, including reducing and/or combining existing and proposed information on the same site plan, provided that any modification enables adequate review of the application. The Administrative Officer Director may also require the submission of additional information when deemed necessary to make a decision on the request. Such additional information may include but is not limited to the following:

(remaining unchanged)

e) - unchanged

f) Review and Approval of Civic Spaces and Civic Buildings.

The creation of new Civic Spaces or Civic Buildings, or the Substantial Modification of an existing Civic Space or Civic Building, shall follow the process as defined below. Any other proposed alteration to an existing Civic Space or Civic Building shall be reviewed and approved by the Director Administrative Officer who shall ensure ongoing compliance with the intent and standards of this Chapter as applicable.

Because of their important civic nature and public use, the design and form of a new or Substantial Modified Civic Space or Civic Building shall be determined after:

- pre-application review and consultation with the departments of City Planning and Zoning, Permitting and Inspections, Community and Economic Development, and Parks, Recreation, Waterfront;
- a pre-application Neighborhood Public Meeting pursuant to Sec. 3.2.1 (d) of the BCDO;
- review and recommendation of the Design Advisory Board; and,
- final review and approval by the Development Review Board.

Remaining section is unchanged
Sec. 14.7.2 - Non-Conformities

In addition to that as specified in Article 5, Part 3 Non-Conformities of the Burlington Comprehensive Development Ordinance, any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto non-conformity which lawfully existed at the time of adoption of the applicable provisions of this or any Article or any amendment thereto may be continued subject to the following provisions:

a) Nothing in these regulations are intended to prevent normal repair and maintenance necessary to keep a Building, Structure, Site, Improvement or other appurtenance thereto in a safe and sound condition;

b) Any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto which legally existed on the effective date of this Article that does not conform to the requirements of this Article may continue until a Substantial Modification is requested or Abandonment occurs;

c) Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part.

d) At such time when a Substantial Modification is requested or Abandonment occurs, only the affected portion(s) of the Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto shall be required to comply with all applicable provisions of this Article, and to the greatest extent practicable in the determination of the Administrative Officer or unless relief is provided by the DRB pursuant to Sec. 14.7.3 below;

e) Any modification other than a Substantial Modification an existing Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto shall be permitted By Right only if such changes result in greater conformance with the specifications of this Article;

f) Any change or modification shall not create any new nonconformity; and,

g) Buildings listed or eligible for listing on the State or National Register of Historic Places shall not be required to make any modifications under a) and b) above this section that would threaten their historic integrity.

14.7.3 - Variation from the Form: Administrative Relief, DRB Alternative Compliance, and Variances

The planBTV Downtown Code is intended to result in By-Right approval where development occurs strictly in conformance with the requirements of the applicable Form District. In some instances, however, it may be necessary to vary the prescribed form in order to accommodate
unique site and/or building circumstances in order to promote context-sensitive development. In such instances, an applicant may seek Administrative or Development Review Board approval for relief from the requirements as set forth below. Any and all relief from the prescribed standards shall run with the land and be binding on the Property Owner and its/their successor and assigns. Applications requesting relief shall be made in writing and in the form as determined by the Department.

a) Administrative Relief. The Administrative Officer shall have the authority to authorize modification of up to 10% from any numerical standard set forth in this Article inclusive of any specific relief set forth in Table 14.7.3-A Administrative Relief below. No other relief from the prescribed standards shall be permitted except as approved by the Development Review Board in b) below.

i. Any request for Administrative Relief shall extend the requirements of 24 VSA 4448(d) regarding Administrative decisions for an additional 30 days in order to provide for opportunities for public notice and comment pursuant to Departmental procedures.

ii. Decisions by the Administrative Officer Director regarding any Relief granted shall be made in writing and upon affirmative findings that:

A. The relief granted is the minimum necessary to achieve the desired result;

B. Granting the relief will yield a result equal to or better than in strict compliance with the standard:

C. The property will otherwise be developed consistent the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards; and,

D. Any additional findings as may be required by Table 14.7.3-A Administrative Relief as follows:

<table>
<thead>
<tr>
<th>Glazing Voids:</th>
<th>Required Findings</th>
<th>Standards Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glazing Voids:</td>
<td>The relief is necessary to meet the requirements of a High Performance Building Energy Code or program.</td>
<td>Section 14.4: Specific to Building Types, Table 14.4.1513- A Street Activation – Primary and Secondary Façade, and Section 14.5: Specific to Frontage Types Section 14.4: Specific to Building Types, Table 14.4.13-</td>
</tr>
<tr>
<td>Glazing Voids:</td>
<td>The relief is necessary for the creation of stronger distinctions between</td>
<td></td>
</tr>
</tbody>
</table>

Table 14.7.3-A - Administrative Relief

<table>
<thead>
<tr>
<th>Type of Relief</th>
<th>Limits of Relief Granted</th>
<th>Required Findings</th>
<th>Standards Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glazing Voids:</td>
<td>Maximum of 10% from the required Glazing voids</td>
<td>The relief is necessary to meet the requirements of a High Performance Building Energy Code or program.</td>
<td>Section 14.4: Specific to Building Types, Table 14.4.1513- A Street Activation – Primary and Secondary Façade, and Section 14.5: Specific to Frontage Types Section 14.4: Specific to Building Types, Table 14.4.13-</td>
</tr>
</tbody>
</table>
A reduction in the maximum linear distance between window openings voids individual Frontage Types and/or at Building corners. remaining unchanged

418 b)-c) - unchanged

Sec. 14.8 - Glossary

Active Street-level Use: a use or activity within a space that is regularly frequented and actively utilized by workers, residents, guests, and/or patrons of the Principal Use; invites direct access from the public sidewalk or Civic space; and, provides visual interest and engagement to pedestrians on the adjacent sidewalk. Active street level uses generally include, but are not limited to retail, restaurants, bars, entertainment, hospitality, professional and personal services, libraries, institutional, educational and cultural facilities, office, residential, and entrance lobbies. Active Street-level Uses do not include those intended for parking, storage, mechanicals, utilities, and other substantially similar secondary or accessory uses and spaces.

Awning: A fixed or retractable wall mounted frame covered with fabric or other pliable material that provides decoration and shade and weather protection over a patio, window, storefront, or Building entrance.

Balcony: A wall-mounted projecting platform with a railing accessible from an upper story doorway that provides outdoor amenity space above the first floor.

Canopy: A fixed wall mounted or stand-alone rigid structure that provides decoration and shade and weather protection over a patio, window, storefront, or building entrance.

Deck: A roofless, raised platform on the ground or on top of a roof that is accessible from a secondary entrance that provides outdoor amenity space.

Department: The Department of Permitting and Inspections.

Thoroughfare: a public or private way for use by public vehicular, pedestrian, and bicycle traffic that provides Access to Lots and Open Spaces, and incorporates vehicular lanes and Public Frontages.

Streetscreen: a freestanding hedge, fence or wall of between 3.5 and 8 feet in height built (a) along the Frontage Line or (b) on the same plane as the Façade of the Building to Screen a Parking Lot, Parking Area or Loading Area, provide privacy to a side yard or rear yard, and/or strengthen the spatial definition of the public realm. A Streetscreens may have include an openings no larger than necessary 4-feet to allow automobile and enable pedestrian Access, and may be no longer than 20-ft or 20% of the Frontage whichever is less.
# Burlington Planning Commission

with City Council Ordinance Committee

Tuesday, April 13, 2021, 6:30 P.M.

Remote Meeting via Zoom

## Draft Minutes

### I. Agenda

<table>
<thead>
<tr>
<th>Action</th>
<th>Time: 6:38pm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to Order</td>
<td>No Changes</td>
</tr>
</tbody>
</table>

### II. Public Forum

<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>B Redic</td>
<td>City says it is interested in supporting homeownership for people of color, but disappointed about amount of work required to purchase a 3-unit home. Due to lack of paperwork in the City, required to make a significant investment to turn it into a duplex, and most recent concern is that it has been vacant for 60 days, losing the opportunity to maintain it for this purpose. Looking for support from the committee.</td>
</tr>
</tbody>
</table>

### III. Proposed CDO Amendment: Short Term Rentals

|---|---|---|---|

<table>
<thead>
<tr>
<th>Action</th>
<th>Motion: Y Bradley</th>
<th>Second: J Wallace Brodeur</th>
<th>Passed 6-1. Lee opposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff provided an overview of the current proposal for both CDO and Ch. 18 amendments, which are posted online at: <a href="https://www.burlingtonvt.gov/CityPlan/PC/Agendas">https://www.burlingtonvt.gov/CityPlan/PC/Agendas</a></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Chair opened the Public Hearing at 6:51pm with the following comments received:

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The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department.

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Members Present: A Montroll, B Baker, Y Bradley, A Friend, E Lee, H Roen, J Wallace Brodeur, C Mason, J Hanson, Z Hightower

Staff Present: D White, M Tuttle, S Gustin, K Sturtevant, P Wehman, B Ward

Attendance: J Fish, R Camara, K Van Woert, A Magyar, M Barlow, J Hinsdale, F Lee, K Hackett, J Heller, E Redic, B Redic, L Kettler, L Jenson, M Orleans, K Gauthier, S carpenter, B Foust, D Lyons, J Marks, B Gonyaw, K Casella, K Cavoretto, R Danielson, S Bushor, one additional phone number unidentified

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Burlington Planning Commission

149 Church Street

Burlington, VT 05401

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

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Andy Montroll, Chair

Bruce Baker, Vice-Chair

Yves Bradley

Alexander Friend

Emily Lee

Harris Roen

Jennifer Wallace-Brodeur

---
• E Redic- Disappointed in lack of concern about who is being impacted and harm to the community. Say want affordable housing and safe places to live, but the only way to do that is relieve some of the regulations in place. City is making it difficult to be a landlord, and putting own family and tenants at risk.
• K Casella- Proposed STR regulations are draconian and overreach. Did not do work to document how many STRs have replaced housing units, how owner-occupancy requirement is addressing a problem. 38% of VT STR hosts use STRs as primary income; personally use STR income to pay increasing taxes. Proposal could make homeownership impossible in Burlington, and harm homeowners’ livelihood. Ask committee to withdraw the proposal, reconsider impacts, and implement a registration process.
• J Heller- Applaud adoption of clear and understandable regulations; do not think ability to STR should be based on neighbors’ relationships.
• J Marks- Request withdraw of proposal until more data and evidence based recommendations to improve living conditions. Proposal is unlikely to improve housing, but will economically impact property owners. Lack of affordability is due to lack of growth, stagnant wages, and cumbersome zoning ordinance. ARPA will bring money for affordable housing in state and S.79 is likely to pass the legislature and have a positive impact on housing and reveal the true nature of STRs. Many whole unit STRs in Burlington were never long-term housing before.
• L Jenson- Withdraw the recommendations because committee is not willing to create a truly progressive policy. Impacts have not been meaningful debated, housing summit report has not been satisfied. Need to know who will benefit vs. be harmed; how the policy will make housing more affordable; and impact on tenants, tax income, and tourism economy. Need to determine the process and benchmarks for evaluating changes to the policy. Concerned about why housing inspections are not required in partial unit STRs renting just 1 or 2 bedrooms.
• A Magyar- How will the city replace the loss of rooms and meals tax, money from tourism economy if STRs are reduced? Pandemic has caused economic ruin but STRs have a role in the recovery. Burlington is a tourist city, and tourism will roar back after the pandemic. STR guests stay longer and spend more than typical visitors, distribute economic impacts outside of downtown, and money stays in local area. STRs are not new; homes and camps have been around, but sharing platforms ensure that taxes are paid. Is the Committee willing to risk not knowing how this will impact the city’s economy?
• D Lyons- Eliminate requirement for primary residence for single unit and duplexes. Landlord should be able to permit a building whether they live on site or not. Committee should consider proposal from last month to allow owners of a building for 3+ years to host STR if they don’t live on site. It is a balanced approach. Otherwise, should wait to see what S.79 does at the state level.
• Jacob Hinsdale- Concerned about false choice suggested between STR and long-term rentals. STRs require a lot more resources on a day-to-day basis compared to a LTR rental. Don’t believe that large landlords will ever convert housing units en masse, partially because there is not enough labor to keep up with the work required. Don’t think it will impact overall availability of housing in the city if people can STR another property that they own. Should be more data and reflection about relationship to state level policies.

The Chair closed the Public Hearing at 7:31pm, with Committee discussion to follow:
• At request of Committee members, A Montroll reintroduced proposal to allow people that have owned a property for 3+ years to STR even if they do not live at the property.
• Some Committee members supported this idea as a way to reach compromise, to avoid putting existing STR hosts out of business, but to stem property speculation and with little impact on existing rental housing stock. Generally, these members felt this provided flexibility for people to STR to afford to stay in their home or keep up their properties.
• Other Committee members were concerned this would create an incentive not to convert a housing unit back to long-term, resulting in a loss of workforce housing, and concerns that it was benefitting property owners who have already been able to invest in the market while excluding new property owners. Some committee members suggested a willingness to loosen the rules in other ways, but did not support this approach.
• Some committee members noted that waiting is not an option, both due to the post-pandemic potential to see an increase in STRs, as well as a concern that state-level policy may not address Burlington specific issues.
• A Committee member noted that it is disingenuous to say people are going to lose “their” home, because the proposal allows people to STR their own home. Having a second property is a significant investment. It was noted by several committee members that precluding STRs in some properties does not preclude the opportunity to make money from long-term renting.
• Some Commissioners noted that the committee has only heard from hosts, but not the people who are looking for housing in the city, including the 60% of households that are renter-occupied, and that the Committee has the responsibility to consider everyone.
• At the conclusion of the discussion, a motion to require owner-occupancy for all STR scenarios failed, and a motion to enable off-site hosting for 1 and 2 unit properties that have been owned for 3+ years passed. It was clarified that this is a recommendation to send to the City Council, but that the Council will ultimately have the authority to amend or adopt the proposed regulations.

IV. Reapprove Municipal Bylaw Amendment Report ZA-21-06

| Action: Reapprove Municipal Bylaw Amendment Report and forward to Council for adoption. |
| Motion: A Friend | Second: E Lee | Vote: Approved Unanimously |
| At the recommendation of staff, Council Ordinance Committee modified the proposed amendment to replace term “no-mow” with “low-mow”. Commissioners supported the amendment as being accurate to the intent of the definition. |

V. Commissioner Items

| Action: N/A |
| Motion: NA | Second: NA | Vote: NA |
| • H Roen noted he will not be seeking reappointment at the end of the term in June, will focus on work with Renewable Energy Vermont. |
| • B Baker noted continued concerns about how zoning presents a barrier to the next generation of homeownership in Burlington, including that duplexes aren’t allowed in some of the existing zoning districts. |
| • E Lee requested an update to the rental housing code to include on the permit checklist the requirement for recycling toppers for all rental buildings, and the requirement to have a physical barrier that defines parking areas. |

VI. Minutes & Communications

| Action: Approved the minutes and accepted the communications |
| Motion by: A Friend | Second: J Wallace Brodeur | Vote: Approved Unanimously |
| • Minutes Approved: March 9, 2021 |
| • Communications filed enclosed in agenda packet, and additional communications posted online at [https://www.burlingtonvt.gov/CityPlan/PC/Agendas](https://www.burlingtonvt.gov/CityPlan/PC/Agendas) |

VII. Adjourn

| Adjournment | Time: 8:49 |
| Motion: H Roen | Second: J Wallace Brodeur | Vote: Approved Unanimously |
April 21st, 2021

Burlington Planning Commission
c/o Department of Planning and Zoning
149 Church Street
Burlington, Vermont 05401

Re: Expanding the FD5 boundaries to include buildings along Pine Street north of King Street

Dear Members,

Please accept this letter as a formal request to amend the 2019 extension of the downtown FD5 District to include 3 buildings on the west side of Pine Street north of King Street. This request is put forth by the two owners of these buildings:
Offenhartz Inc., 157-159 Pine Street; Offenhartz Inc., 161-163 Pine Street; Amy Gonyaw, 76 King Street.

The red outlined areas in the map below are the 2019 expansions of FD5. The green outlined area encompasses the buildings we request added to FD5:

We are requesting this change so that we can have the flexibility to use our buildings for purposes which are allowed in FD5 and not allowed in residential high density, the current zoning designation for these buildings. We strongly believe it is appropriate that these buildings are zoned FD5 as it is in keeping with the FD5 zoning on either side of this block and with the plan for future growth of Burlington as it is described in Burlington’s Comprehensive Plan.

In 2019, the Commission voted to extend the FD5 boundaries in several locations on the edge of the FD5 District. One of additions to the FD5 District is a slice of the block which includes our buildings, the block between Main, King, South Champlain, and Pine Streets. You can see this in the image above. We question why the buildings facing Pine St. on this block were not added along with this strip. Burlington’s Comprehensive Plan identifies Pine St as a major thoroughfare and area suitable to accommodate the city’s future growth. The Plan goes on “we need to have places where we can accommodate and encourage future growth and development in order to maintain our vibrancy, tax base, and character.” The parking requirements tied to building use were removed along Pine St recently in preparation for encouraging this intensity of use described in the Plan. It is only a matter of time before these buildings are designated FD5 as they are already part of downtown in character and it is the stated plan to encourage growth there.

To illustrate our position further, the following is the Purpose Statement from the 2019 FD5 zoning boundary amendment: “The purpose of this proposed amendment is to modify the boundaries of Form District 5 to include additional properties located along the boundary of the current district. Properties
considered for inclusion in the FD5 district were evaluated for their current use, future potential use, development intensity, and compatibility with adjacent properties. They have been recommended to be included in the FD5 in order to encourage the type and intensity of future infill or redevelopment consistent with adjacent properties, to enable greater flexibility for expansion or reuse of existing uses and structures, and/or reduce existing non-conformities.” We believe that not including these 3 buildings is directly at odds with this purpose statement.

Below are the buildings neighboring our 3 that are already designed FD5.

This is 168 Pine St. It is a 6 unit multifamily and is zoned FD5. It is directly across the street from our property.

This is 151-153 Pine St. It is a 5 unit multifamily. It is one building north of the 3 building we are requesting added to FD5. It was added to FD5 with the recent zoning changes.

It seems an oversight that these three buildings were not included in the 2019 expansion of FD5. We would like this corrected so that we can use our buildings in a way that is in keeping with their location in downtown Burlington as described in Burlington’s Comprehensive Plan. Thank you for considering this amendment and for your dedication to ensuring Burlington grows in a thoughtful way.

Sincerely,

Steven Offenhartz, Bill and Amy Gonyaw
April 22, 2021

Rachel Lomonaco
District 4 Coordinator
Natural Resources Board
111 West Street
Essex Junction, Vermont 05452

Re: 410116-21H Burlington School District - Burlington

Dear Ms. Lomonaco:

VTrans has reviewed the proposed permit application as well as the VHB Traffic Impact Study (Exhibit 016, VHB-Burlington High School TIS, January 2021) and offers the comments below.

The proposed project consists of an after-the-fact change in use of former Filene's/Macy's store building into the host site for Burlington High School. According to the VHB traffic impact study, the proposed project is expected to generate 275 additional net trips per hour (vph) during the AM peak hour and a net decrease of 85 vehicles during the PM peak hour. These net trip calculations factor in the multimodal transportation of students and faculty (walking, buses, and bicycling) while also accounting for the AM and PM trips the previous land use (Macy's). In the case of the PM peak hour trips, the Macy's department store had created more trips than the school will create thus a net decrease of 85 vehicles was realized.

In reviewing the application and traffic impact study there are a few key points with the new high school location that should be noted:

- The school is not providing additional or new traffic to Burlington per se. It is shifting existing school traffic from its previous location approximately 1.5 miles away.
- The school traffic at the Macy’s location will be for temporary use.
- As mentioned in the application description, this is an “after-the-fact” use. Students and faculty are currently using this building. This will form a good initial measure for monitoring traffic and multimodal behavior to see what is working or not working, respectively.
- The new school location is located in the downtown district with multiple town roads in a grid pattern to enhance traffic dispersion.
The new downtown location of the school puts it within local street and sidewalk infrastructure for convenient bicycle and pedestrian access for students and faculty.

The new downtown location of the school is in close proximity to the GMT downtown transit center for convenient transit access.

Based on these factors, VTrans concurs with net trip generation and traffic analysis from the VHB traffic impact study and has no concerns with this improvement relative to the impact of the project on traffic congestion, safety, or access for pedestrians, cyclists, and transit.

**Act 145 Transportation Impact Fee**

Based on our review of this permit application, VTrans does not recommend payment of a transportation impact fee pursuant to Act 145. A transportation impact fee is not required due to the fact that the school relocation is temporary, and the net PM trip generation will decrease relative to the traffic of the previous land use (Macy’s). In the case where a project’s net PM trip generation remains the same or decreases from that of the previous establishment, an Act 145 transportation impact fee is not warranted.

Please contact me with any questions or comments at 802-522-4901 or christopher.clow@vermont.gov

Sincerely,

Christopher G. Clow, PE
Transportation Engineer

Attachment
cc: Certificate of Service
I, Christopher Clow, of the Agency of Transportation hereby certify that on April 22, 2021, I sent a comment letter to the District #4 Environmental Commission concerning the applicant, Devonwood Cherry Street Associates, and the Burlington School District, 4C0116-21H by U.S. Mail, postage prepaid or by email to the following:

Burlington School District  
150 Colchester Avenue  
Burlington, VT 05401  
mspauldi@bsdvt.org  

Devonwood Cherry Street Associates, LLC  
101 Cherry Street, Suite 440  
Burlington, VT 05401  
dave@btvspaces.com  

David Farrington Jr.  
4724 Spear Street  
Burlington VT 05401  
dave@btvspaces.com  

Dave Marshall, PE  
Civil Engineering Associates, Inc.  
10 Mansfield View Lane  
South Burlington, VT 05403  
dmarshall@cea-vt.com  

Amy Bovee, Assistant City Clerk  
Chair, City Council/Chair, Planning Commission  
City of Burlington  
139 Church Street  
Burlington, VT 05401  
abovee@burlingtonvt.gov  

Chittenden County Regional Planning Commission  
c/o Charlie Baker, Exec. Dir.  
Regina Mahony, Planning Program Manager  
110 West Canal Street, Suite 202  
Winooski, VT 05404  
permitting@ccrpcvt.org  

Agency of Natural Resources  
One National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
ANR.Act250@vermont.gov  

Dept. of Public Service  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601  
barry.murphy@vermont.gov  
PSD.VTDPS@vermont.gov  

VTrans Policy, Planning, and Research Bureau  
Barre City Place  
219 N. Main St.  
Barre, VT 05641  
AOT.Act250@vermont.gov  

Vt. Agency of Agriculture, Food, and Markets  
16 State street, Drawer 20  
Montpelier, VT 05620-2901  
AGR.Act20@vermont.gov  

Division for Historic Preservation  
National Life Building, Drawer 20  
Montpelier, VT 05620  
scott.dillon@vermont.gov  
james.duggan@vermont.gov  
ACCD.ProjectReview@vermont.gov  

Jennifer M.V. Fitch, PE, Commissioner  
Judy Bruneau, Executive Assistant  
Department of Buildings and General Services  
2 Governor Aiken Avenue  
Montpelier, VT 05633-5801  
jennifer.fitch@vermont.gov  
judy.bruneau@vermont.gov  

Dated at Montpelier, Vermont this 22nd day of April 2021.  

Christopher G. Clow, PE  
Vermont Agency of Transportation