

**Fletcher Place**

**Current Zoning: Institutional**

**Sec. 4.4.4 Institutional District**

**(a) Purpose:**

The **Institutional District (I)** as illustrated in Map 4.4.4-1 allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city’s major educational and health care institutions within their respective institutional missions. New development is intended to be sensitive the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

The district is intended to support broad range of related uses reflecting the resident institution’s role as regional educational, health care, cultural and research centers. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

**(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 4.4.4 -1 Dimensional Standards and Density**

Districts	Max. Intensity	Max. Lot Coverage <sup>1</sup>	Building Setbacks <sup>1</sup> (feet)			Max. Height <sup>1</sup> (feet)
			Front <sup>2</sup>	Side <sup>3</sup>	Rear <sup>3</sup>	
<b>Institutional<sup>4</sup></b>	20 du/ac (24 du/acre)	40% (48%)	<u>Minimum:</u> 15-feet	10% of lot width	25% of lot depth <u>Min:</u> 20-feet	35'

	with inclusionary req.)	with inclusionary req.)		Min: 5-ft  Max required: 20-feet	Max required: 75-feet	
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1 -Measurement of and exceptions to coverage, setback and height standards are found in Art 5.

2 -The calculation of the front yard setback shall be a percentage of lot width and depth or as defined and described in Art 5.

3 - Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in Sec. 4.5.2

**(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 Institutional district shall be as defined in Appendix A – Use Table.

**Proposed Residential (low density) Zoning**

**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. 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 historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. 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 Low Density (RL)** 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.

A. *Exceptions for Accessory Residential Features.*

In the RL, 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; and/or,
- (vi) Swimming pool aprons.

With the exception of the additional lot coverage allowances provided for under Inclusionary Zoning, requirements such additional lot coverage shall not be permitted for any development where bonus provisions of this ordinance are applicable.

4. *Accessory Residential Structures and Uses*

An accessory structure and/or use as provided under **Sec. 5.1.12** and **5.1.2** customarily incidental and subordinate to a principal residential 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 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, Part 2**;
- B. Any accessory structure that is fifty percent (50%) or greater of the ground floor area of the principle structure 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 fifty percent (50%) of the ground floor area of the principle structure;
- 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; and,
- E. Accessory structures such as doghouses, doll houses, or tree houses less than or equal in the aggregate to a total of sixteen (16) square feet in area

shall not require a zoning permit.

5. 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:

- (i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and one (1) additional parking space per adult occupant in excess of four (4); or,

6. Uses

A. *Exception for Existing 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 districts subject to the following:

- (i) This exemption shall only apply to:
  - 1) Historic neighborhood commercial buildings that are listed or eligible for listing on the state or national register and originally designed and constructed for such purpose(s); 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.

## 7. 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. *Inclusionary Housing Requirement.*

Inclusionary Housing units shall be provided, with applicable additional lot coverage and density allowances, in accordance with the provisions of Article 9, Part 1. A maximum of an additional 10-feet of building height may be

permitted for an additional 5% inclusionary housing units provided in excess of the requirements of **Article 9, Part 1**. The total gross floor area dedicated to the additional inclusionary housing shall be equivalent to the gross floor area resulting from the additional allowance.

Additional lot coverage and residential densities allowances shall not exceed the following:

**Table 4.4.5-4: Inclusionary Housing Allowances**

District	Maximum Coverage	Maximum Density
RL/RL-W	44%	8.75 du/ac

*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:

- (i) 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**.);
- (ii) The proposal shall be subject to the design review provisions of **Art. 6**;
- (iii) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
- (iv) 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	40%	20 du/ac

*C. Adaptive Reuse 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 retention, adaptive reuse and rehabilitation of an existing nonresidential structure and its conversion to a permitted residential use provided the structure has not previously been converted from a residential use to a

nonresidential use. Any such redevelopment shall be subject to all of the following conditions:

- (i) The structure shall not have previously been converted from a residential use to a nonresidential use;
- (ii) The building shall be listed or eligible for listing in the United States Department of the Interior’s National Register of Historic Places or the Vermont State Register of Historic Places;
- (iii) The gross floor area shall not exceed the pre-redevelopment gross floor area of the existing structure by more than twenty-five (25) percent;
- (iv) The density limits of the underlying residential zoning district in **Sec 4.4.5(b)** above shall not apply. Residential density shall be limited by gross floor area maximum in (iii) above;
- (v) The building rehabilitation conforms to the requirements of **Art 5, Historic Buildings**;
- (vi) Neighborhood commercial uses less than 2,000 sqft gross floor area may be permitted by the DRB subject to the applicable requirements of **Sec. 4.4.5(d)(5)(A)** above. Neighborhood commercial uses 2,000 sqft or larger in gross floor area shall not be permitted. In combination, the sum of neighborhood commercial uses shall be limited to no more than 50% of the gross floor area of the existing structure; and,
- (vii) Lot coverage shall not exceed:

**Table 4.4.5-6: Adaptive Reuse Bonus**

District	Maximum Coverage
RL, RL-W	Greater of 40% (44% with inclusionary allowance), or expansion by more than 125% of pre-existing building coverage.

*D. 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 nonresidential structure to a permitted residential use provided, or for the elimination of a non-residential structure and its replacement by a residential structure, subject to the following:

- (i) The structure shall not have previously been converted from a residential use to a nonresidential use;
- (ii) Any structure proposed for demolition shall not be listed or eligible for listing in the United States Department of the Interior’s National

Register of Historic Places or the Vermont State Register of Historic Places; and,

(iii) Lot coverage and residential density shall not exceed:

**Table 4.4.5-7: Residential Conversion Bonus**

District	Maximum Coverage	Maximum Density
RL, RL-W	50%	8 du/ac

*E. Limitations on Residential Development Bonuses:*

For projects where the conditions of more than one applicable bonus listed above are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential densities applicable, but applicable bonus provisions shall not be cumulative.

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
RL, RL-W	20 du/ac	35-feet	50%