CITY OF BURLINGTON

ORDINANCE 6.06
Sponsor: Office of City Planning, Planning Commission, Ordinance Committee
Public Hearing Dates: 11/09/20

First reading: 10/19/20
Referred to:
Rules suspended
Second reading: 11/09/20
Action: adopted
Date: 11/09/20
Signed by Mayor: 11/10/20
Published: 11/25/20
Effective: 12/16/20

In the Year Two Thousand Twenty

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Daycare and Preschool in RCO District
ZA #21-01

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

1. That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
   Burlington be and hereby is amended by amending Sections 5.4.1, Small and Large Day Care Centers and
   Small and Large Preschools, Table 8.1.8-1, Minimum Off Street Parking Requirements, Section 13.1.2,
   Definitions, and Appendix A, Use Table, thereof to read as follows:

5. Sec. 5.4.1 Small and Large Day Care Centers and Small and Large Preschools

   In addition to the provisions of Art 3, Part 5 for conditional uses, and applicable site and design review
   standards in Art 6, the following additional regulations shall be applicable to an application involving a
   small day care center or large day care center, small preschool, or large preschool where such uses are
   treated as conditional uses pursuant to Appendix A – Use Table:

   (a) No playground equipment shall be located within the front yard;

   (b) [Reserved]

   (c) The site plan review shall insure adequate and safe drop-off and pickup space is provided and that
       traffic problems are not created;

   (d) Any additions, signage, or site improvements shall be residential in character;

   (e) The facility shall be licensed by the State of Vermont;

   (f) No more than one residential unit may be converted for the creation of a single small day care center,
       large day care center, small preschool, or large preschool. Such a conversion shall be exempt from the
       requirements of Article 9, Part 2- Housing Replacement; and,

   (g) The neighborhood is not overburdened with other small day care centers, large day care centers, small
       preschools, or large preschools.
Sec. 8.1.8 Minimum Parking Requirements

A minimum number of off-street parking spaces for all uses and structures shall be provided in accordance with Table 8.1.8-1 below.

(a) – (c) As written.

<table>
<thead>
<tr>
<th>Table 8.1.8-1 Minimum Off-Street Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
</tr>
<tr>
<td>***</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES—Special</strong></td>
</tr>
<tr>
<td>***</td>
</tr>
<tr>
<td><strong>NON-RESIDENTIAL USES</strong></td>
</tr>
<tr>
<td>***</td>
</tr>
<tr>
<td><strong>Daycare—Large (Over 20 children) (per two (2) employees)</strong></td>
</tr>
<tr>
<td><strong>Daycare—Small (20 children or less) (per two (2) employees)</strong></td>
</tr>
<tr>
<td><strong>School—Preschool Large (over 20 children) (per two (2) employees)</strong></td>
</tr>
<tr>
<td><strong>School—Preschool Small (up to 20 children) (per two (2) employees)</strong></td>
</tr>
</tbody>
</table>

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

***

**Day Care Center:** (See Article 5 for specific provisions.)

(a) **Family Day Care Home:** For the purposes of this ordinance, family day care home shall have the same meaning as that set forth in 24 V.S.A. sec. 4412 (5).

(b) **Small Day Care Center:** A state licensed daycare facility serving no more than twenty (20) full-time children in total.

(c) **Large Day Care Center:** A state licensed facility providing day care services for more than twenty (20) full-time children.

***

**School:** The academic space and accessory uses for the teaching of children or adults.

(a) **Primary:** elementary school, inclusive of grades K-8.

(b) **Secondary:** a high school and/or vocational center for attendance after elementary/primary school, granting a high school diploma for levels of education inclusive of grades 9-12.

(c) **Post-Secondary:** after high school, including colleges, community colleges, universities, or continuing education.

(d) **Trade or Professional:** a school that offers instruction in skilled trades.

(e) **Small Preschool:** a school providing educational services for children from 3 years of age until their admission to first grade and that may include kindergarten serving no more than twenty (20) full-time children in total.

(f) **Large Preschool:** a school providing educational services to children from 3 years of age until their admission to first grade and that may include kindergarten, for more than twenty (20) full-time children in total.

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## Appendix A-Use Table-All Zoning Districts

<table>
<thead>
<tr>
<th>USES</th>
<th>Urban Reserve</th>
<th>Recreation, Conservation &amp; Open Space</th>
<th>Institutional</th>
<th>Residential</th>
<th>Downtown Mixed Use</th>
<th>Neighborhood Mixed Use</th>
<th>Enterprise</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL USES</td>
<td>UR</td>
<td>RCO - A</td>
<td>RCO - BD</td>
<td>RCO - C</td>
<td>I</td>
<td>RL/W</td>
<td>RMW</td>
</tr>
<tr>
<td>SPECIAL USES</td>
<td>UR</td>
<td>RCO-A</td>
<td>RCO - RD</td>
<td>RCO - C</td>
<td>I</td>
<td>RL/W</td>
<td>RMW</td>
</tr>
<tr>
<td>NON-RESIDENTIAL USES</td>
<td>UR</td>
<td>RCO - A</td>
<td>RCO - RD</td>
<td>RCO - C</td>
<td>I</td>
<td>RL/W</td>
<td>RMW</td>
</tr>
</tbody>
</table>

**Daycare—Large (Over 30 children)** (see Sec. 5.4.1)

- N
- N
- N
- N
- CU
- CU
- CU
- CU
- N
- Y
- Y
- Y
- Y
- N
- CU
- CU

**Daycare—Small (Up to 30 children)**

- N
- N
- CU
- CU
- CU
- CU
- N
- Y
- Y
- Y
- Y
- CU
- CU

**Daycare—Family Home**

- N
- N
- N
- N
- Y
- Y
- Y
- Y
- N
- Y
- Y
- Y
- N

**School—Preschool (Over 20 children)** (see Sec. 5.4.1)

- N
- N
- N
- N
- CU
- CU
- CU
- CU
- N
- Y
- Y
- Y
- Y
- N
- CU

**School—Preschool Small (Up to 20 children)** (see Sec. 5.4.1)

- N
- N
- N
- N
- CU
- CU
- CU
- CU
- N
- Y
- Y
- Y
- Y
- CU

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### Footnotes:

1. - 7. As written.

8. Small-daycare Day Care centers and small-preschools in the RCO zones shall only be allowed as part-of-when a small museums is the principal use, and shall constitute less than 50% of the gross floor area of the museum.

9. - 32. As written

i. As written.

Legend: As written.

* Material stricken out deleted.

** Material underlined added.
AN ORDINANCE
IN RELATION TO
CDO - Daycare and Preschool in RCO District
ZA #21-01

Introduced by

Office of City Planning, Planning Commission
Ordinance Committee
Read in City Council first time
October 19, 2020
Attest
, Clerk.

Rules suspended, and or suspension continued in all stages of passage.

Attest
, Clerk.

Read in City Council second time
November 9, 2020
Attest
, Clerk.

Passed in City Council at meeting held
November 9, 2020
Attest
, Clerk.

Approved
November 10, 2020
, Mayor.

I, ____________________, Clerk of the City of Burlington, do hereby certify that the within Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter, this certificate is hereto attached.

And the within Ordinance was ordered published for
Wednesday, 12/1/20

nay the
Adopted 11/09/20

Published

Effective 12/25/20

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

David White & Meagan Tuttle, Office of City Planning
Linda Blanchard, Kim Sturtevant, City Attorney's Office

Attest:
Lori Olberg
Licensing, Voting & Records Coordinator

* * * * * * *