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TO: Burlington City Council
 Mayor Miro Weinberger
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
DATE: July 27, 2022
RE: Proposed ZA-22-03: Steep Slopes

Overview & Background

The *Comprehensive Development Ordinance* has long-standing provisions to address steep slopes and site topography in two sections: *Sec. 5.2.4* & *Sec. 6.2.2*. *Sec. 5.2.4* essentially deducts steep slopes from lot coverage and residential density calculations in the RCO, RL, and RM zoning districts. *Sec. 6.2.2 (a)* speaks to preserving steep slopes and other significant natural features on a site, and *Sec. 6.2.2. (b)* guides development towards working with existing topography rather than significantly altering it as part of any development proposal. There is nothing addressing slope stability or suitability for development.

A slope failure along Riverside Avenue in October 2019 and a number of prior slope failures have sparked interest among the Conservation Board and some members of the Burlington community to develop standards to assess stability and suitability for development of steep slopes. Note that [Chapter 18: Soils and Foundations](#) of the International Building Code contains standards specifying when geotechnical analysis of development site soils are needed and what is required as part of that analysis. Any new zoning standard should not duplicate or contradict those standards. There is opportunity with a zoning amendment to establish a clear, local threshold for requiring such analysis – where and under what conditions. There is no need to create new technical specifications for what is included in that analysis.

The proposed amendment seeks to establish an overlay zone that identifies large, contiguous areas of steep slopes and outlines criteria for applicants to address when building on or near these slopes.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The proposed amendment identifies areas within the city with 15% or steeper slopes and adjacent upslope lands and outlines criteria for addressing slope stability and suitability for development.

Proposed Amendment

Reflecting discussion by the Planning Commission Ordinance Committee, this requirement for geotechnical analysis is tied to permit conditions rather than made an upfront application requirement. Similar provision exists in the CDO for development within the Special Flood Hazard Area with a set of required permit conditions.

Proposed ordinance language is on the following page, and a map delineating areas of steep slope and upslope lands for which this standard will be applicable is 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).

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment addresses a gap in present land use standards for steep slope areas. It does not alter density or lot coverage standards.

Impact on Safe & Affordable Housing

The proposed amendment will not have any direct impact on safe and affordable housing. It will contribute to safety of development within areas containing steep slopes.

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:

Planning Commission Process				
Draft Amendment prepared by: Staff, PC OC	Presentation to & discussion by Commission 2/23/22	Approved for Public Hearing 2/23/22	Public Hearing 6/14/22	Approved & forwarded to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Cmte discussion 7/11/22	Ordinance Cmte recommend as modified	Second Read & Public Hearing 8/15	CCOC Recommends Approval & Adoption
				Rejected