

CITY OF BURLINGTON

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

In the Year Two Thousand Twenty-Four

Public Hearing Dates: _____
2/26/24, 3/25/24
First reading: 1/29/24
Referred to: _____
Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
ZA-24-02 Neighborhood Code, Part 1

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

1 That Appendix A, Burlington Comprehensive Development Ordinance, of the Code of Ordinances of the
2 City of Burlington be and hereby is amended by amending Sec. 2.7.8 Withhold Permit; amending Sec. 4.3.1
3 Base Districts Established; Map 4.3.1-1 Base Zoning Districts; Sec. 4.3.2 Overlay Districts Established; Map
4 4.4.3-1 Enterprise Districts; replaces the entirety of Sec. 4.4.5 Residential Districts; Map 4.4.5-1 Residential
5 Zoning Districts; replaces Tables 4.4.5-1, 4.4.5-2, 4.4.5-3, 4.4.5-5, 4.4.5-7, and 4.4.5-8 with new Tables
6 4.4.5-1 through 4.4.5-6; adds Sec. 4.4.5 (e); Map 4.4.6-1 Recreation, Conservation and Open Space Districts;
7 Sec. 4.5.1 (b) Design Review Areas Covered; deletes Sec. 4.5.3 RH Density Bonus Overlay District and Map
8 4.5.3-1; deletes Sec. 4.5.5 RL Larger Lot Overlay District and Map 4.5.5-1; rennumbers Sec. 4.5.4 Natural
9 Resource Protection Overlay (NR) District and Map 4.5.4-1 and updates internal references within this and
10 other Sections with new numbering; rennumbers Sec. 4.5.6 Mouth of the River Overlay District and Map
11 4.5.6-1 and updates internal references within this and other Sections with new numbering; rennumbers Sec.
12 4.5.7 Centennial Woods Overlay District and Map 4.5.7-1 and updates internal references within this and
13 other Sections with new numbering; and rennumbers Sec. 4.5.8 South End Innovation District and Maps
14 4.5.8-1 and 4.5.8-2 and updates internal references within this and other Sections with new numbering;
15 deletes standards associated with Sec. 5.2.1 Existing Small Lots, and replaces it with a reserved section
16 header; amends Sec. 5.2.4 (a) Buildable Area Calculation; amends Sec. 5.2.5 (b) 7.; amends internal
17 references to Sec. 4.4.5 and Article 4, Part 5 within Sec. 5.3.4, Sec. 5.4.8, and Sec 5.4.12 to be consistent
18 with new section numbering; amends Sec. 6.2.2 (h) Design Review- Building Location and Orientation;
19 amends Sec. 6.3.2 (a) 1. Architectural Review- Massing, Height and Scale; amends Sec. 11.1.3 and 11.1.4
20 regarding standards for Planned Unit Development; amends Article 13- Definitions; and amends Appendix
21 A- Use Table thereof to read as follows:

23 **Article 2: Administrative Mechanisms**

24 **PART 7: ENFORCEMENT**

25 **Sec. 2.7.8 Withhold Permit**

26 The administrative officer is authorized to deny all zoning permits or certificates of occupancy for any property with:

27 • an uncorrected zoning violation (i.e. notice of zoning violation and/or municipal complaint ticket has been issued and is

28 not under appeal);

29 ~~• The administrative officer is also authorized to deny all zoning permits for any property with~~ an expired zoning permit

30 ~~without a final certificate of occupancy;~~ or

31 • an uncorrected violation of Chapter 18, Housing, Art. III, Minimum Standards, of the Burlington Code of Ordinances, as

32 identified on the property’s most recent rental inspection report (i.e. a notice of violation has been issued and is not under

33 appeal).

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35 Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that

36 the uncorrected zoning or Chapter 18 violation is corrected or the expired zoning permit is closed out with a final certificate of

37 occupancy. Such action(s) shall take place before the issuance of a final certificate of occupancy on the new permit.

38 **Article 4: Zoning Maps and Districts**

39 **PART 3: ZONING DISTRICTS ESTABLISHED**

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42 **Sec. 4.3.1 Base Districts Established**

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

- 44
- 45 (a) - (d) *As Written.*
- 46 (e) A series of ~~five (5)~~four (4) **Residential** districts: (*see Sec. 4.4.5*)
- 47 • Residential Corridor (RC);
 - 48 • Residential High ~~Density-Intensity Residential~~ (RH);
 - 49 • Residential Medium ~~Density-Intensity Residential~~ (RM); and
 - 50 • ~~Medium Density Residential Waterfront (RM-W);~~
 - 51 • Residential Low Density-Intensity (RL); ~~and,~~
 - 52 • ~~Residential Low Density Waterfront (RL-W);~~

- 53 (f) - (g) *As Written.*

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55 **Sec. 4.3.2 Overlay Districts Established**

56 Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements

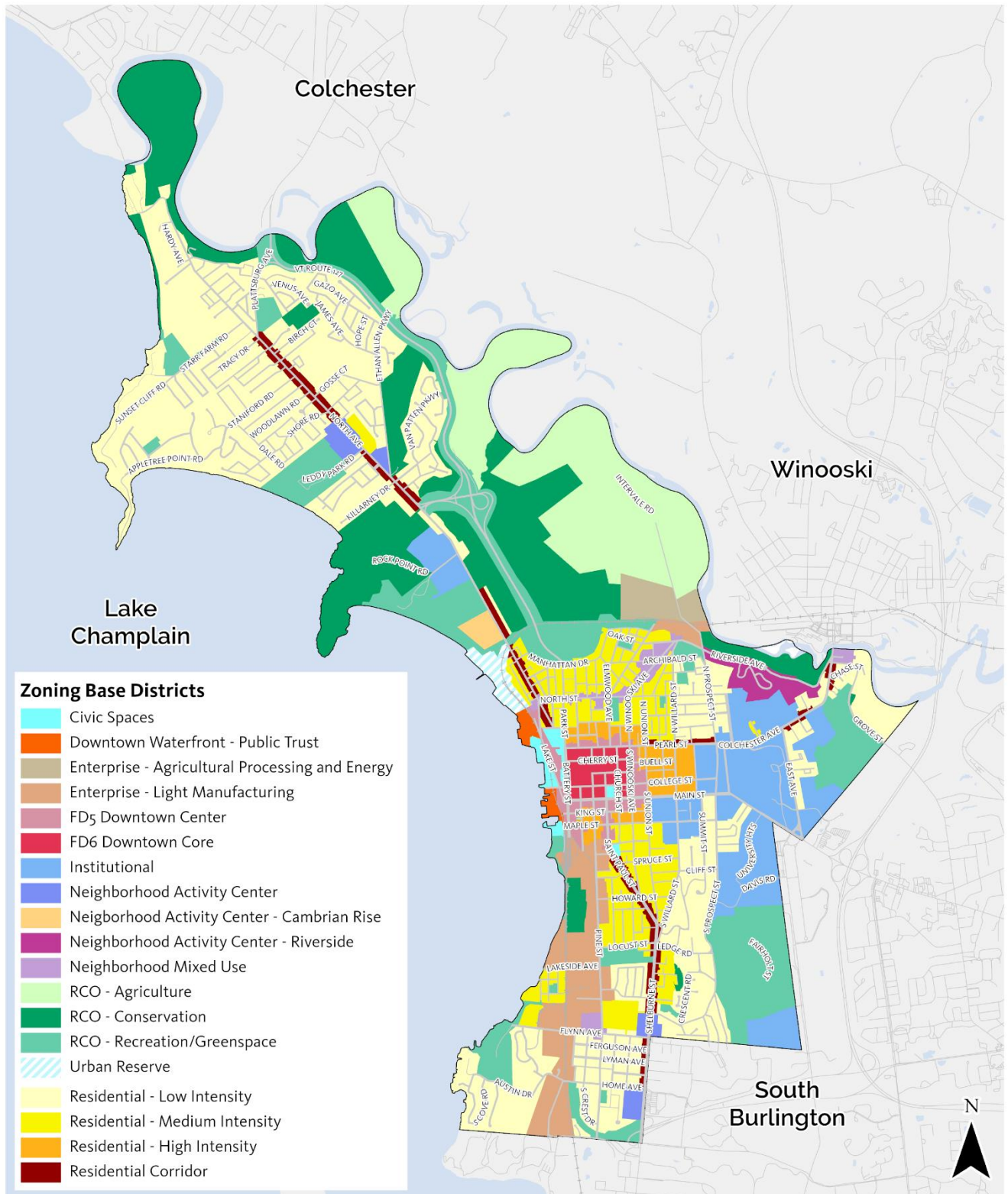
57 and standards of the underlying base district. Properties within an Overlay District may be used and developed in a manner

58 permitted in the underlying district only if and to the extent such use or alteration is permitted as may be modified by the

59 applicable overlay district. The following districts are established as overlay districts as further described in Part 5 below:

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- 61 (a) - (b) *As Written.*
- 62 ~~(e) An RH Density Bonus Overlay (RHDB) district;~~
- 63 ~~(c) (d)~~ A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:
- 64 • Riparian and Littoral Conservation Zone;
 - 65 • Wetland Protection Zone;

- 66 • Natural Areas Zone; and
- 67 • Special Flood Hazard Area;
- 68 ~~(e)~~—A ~~RL Larger Lot Overlay (RLLL)~~ district;
- 69 (d) ~~(f)~~—A **Mouth of the River Overlay (MOR)** district; ~~and~~;
- 70 ~~(e)~~ ~~(g)~~—A **Centennial Woods Overlay (CWO)** district; and;
- 71 (f) **A South End Innovation District Overlay**;
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Map 4.3.1-1 Base Zoning Districts
 Burlington Comprehensive Development Ordinance
 Districts effective Jan. 30, 2008

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76 **Map 4.3.1-1 Base Zoning Districts**

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79 **PART 4: BASE ZONING DISTRICT REGULATIONS**

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81 **Sec. 4.4.3 Enterprise Districts**

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83 (a) *As Written.*

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85 (b) Dimensional Standards and Density *As Written.*

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Table 4.4.3 -1 Dimensional Standards and Density

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

1 – 3 *As written.*

4 – Maximum intensity, lot coverage, setbacks and building height in portions of the E-LM district are modified by provisions of the South End Innovation District overlay (~~E~~-SEID) in Sec. 4.5.68.

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89 (c) **Permitted and Conditional Uses:**

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91 1. - 2. *As Written.*

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

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95 (d) **District Specific Regulations**

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97 **1. Convenience Stores**

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99 The following shall apply to the review and approval of convenience stores in the E-LM district, except as regulated in Sec. 4.5.68: South End Innovation District, in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:

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101 A. - E. *As Written*

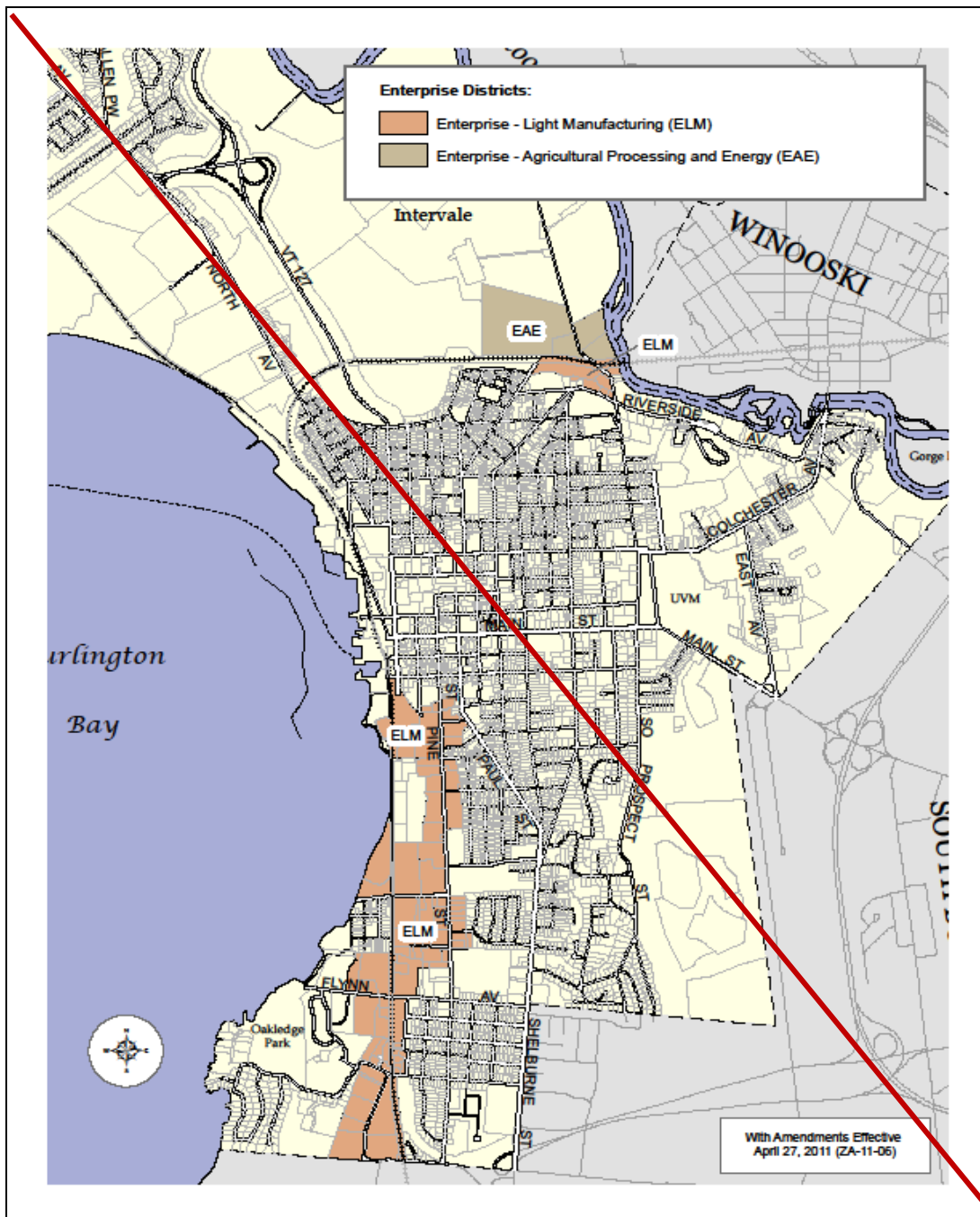
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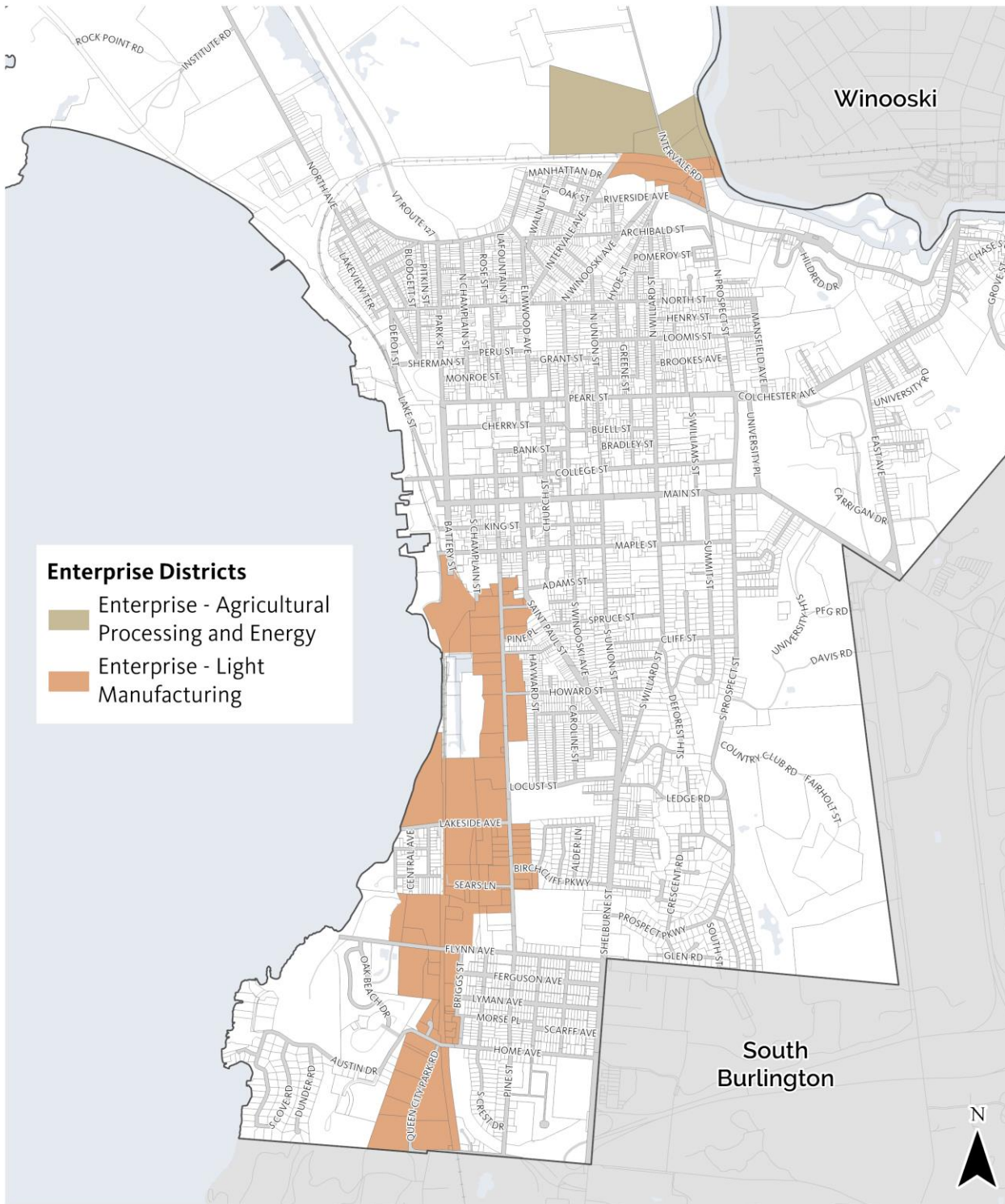
103 2. **Drive Thrus are not permitted.**

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Enterprise Districts

- Enterprise - Agricultural Processing and Energy
- Enterprise - Light Manufacturing

Map 4.4.3-1 Enterprise Districts

*Burlington Comprehensive Development Ordinance
Districts effective Jan. 30, 2008*



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Map 4.4.3-1 Enterprise Districts

Sec. 4.4.5 Residential Districts

(a) Purpose:

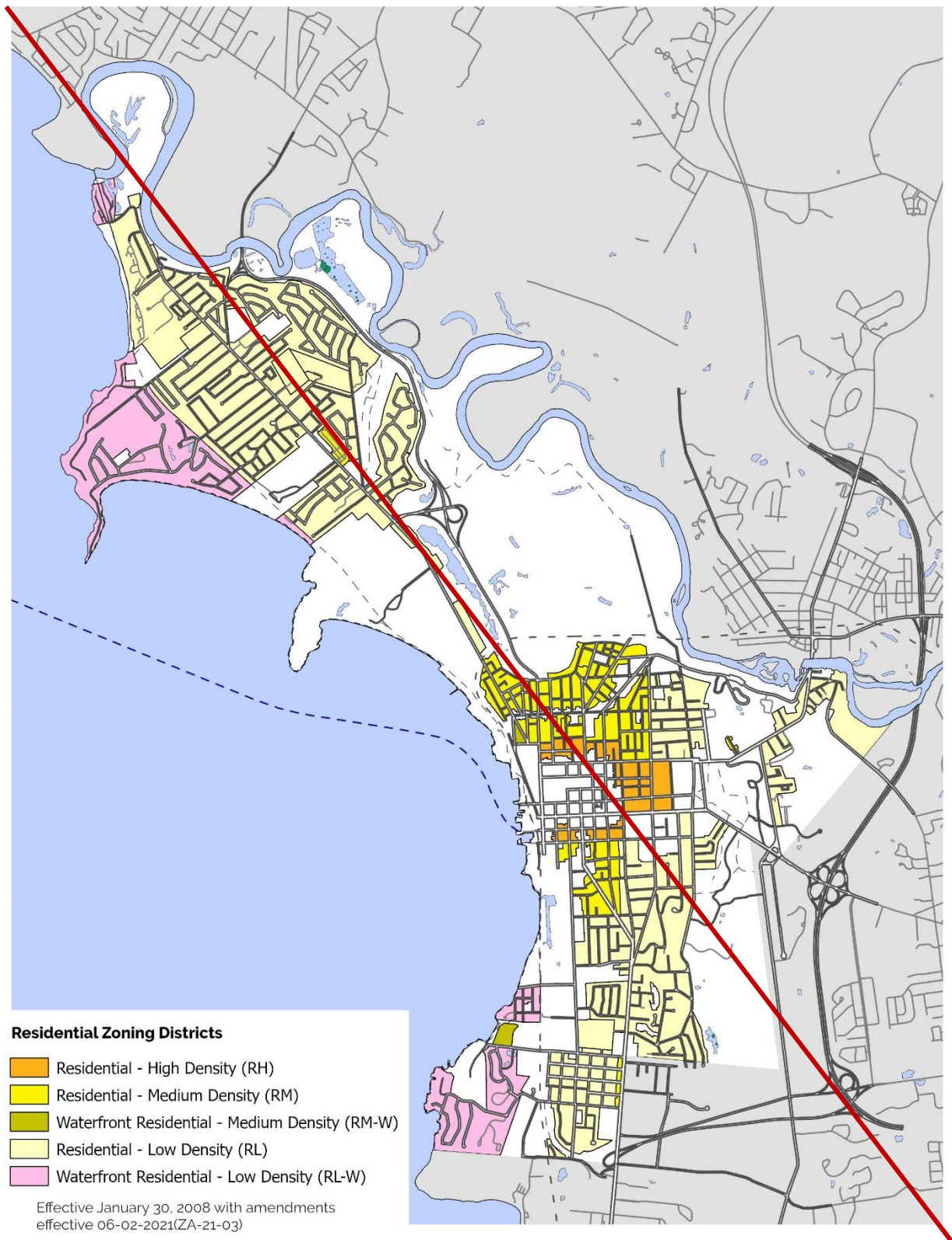
The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment, while enabling neighborhoods to evolve to meet the changing needs of households and the economy, and as a result of the climate emergency. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and new buildings are interspersed within a wide range of historic development patterns are reinforced across the city. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood and b. Building facades designed for parking shall be secondary to the residential aspect of a structure.

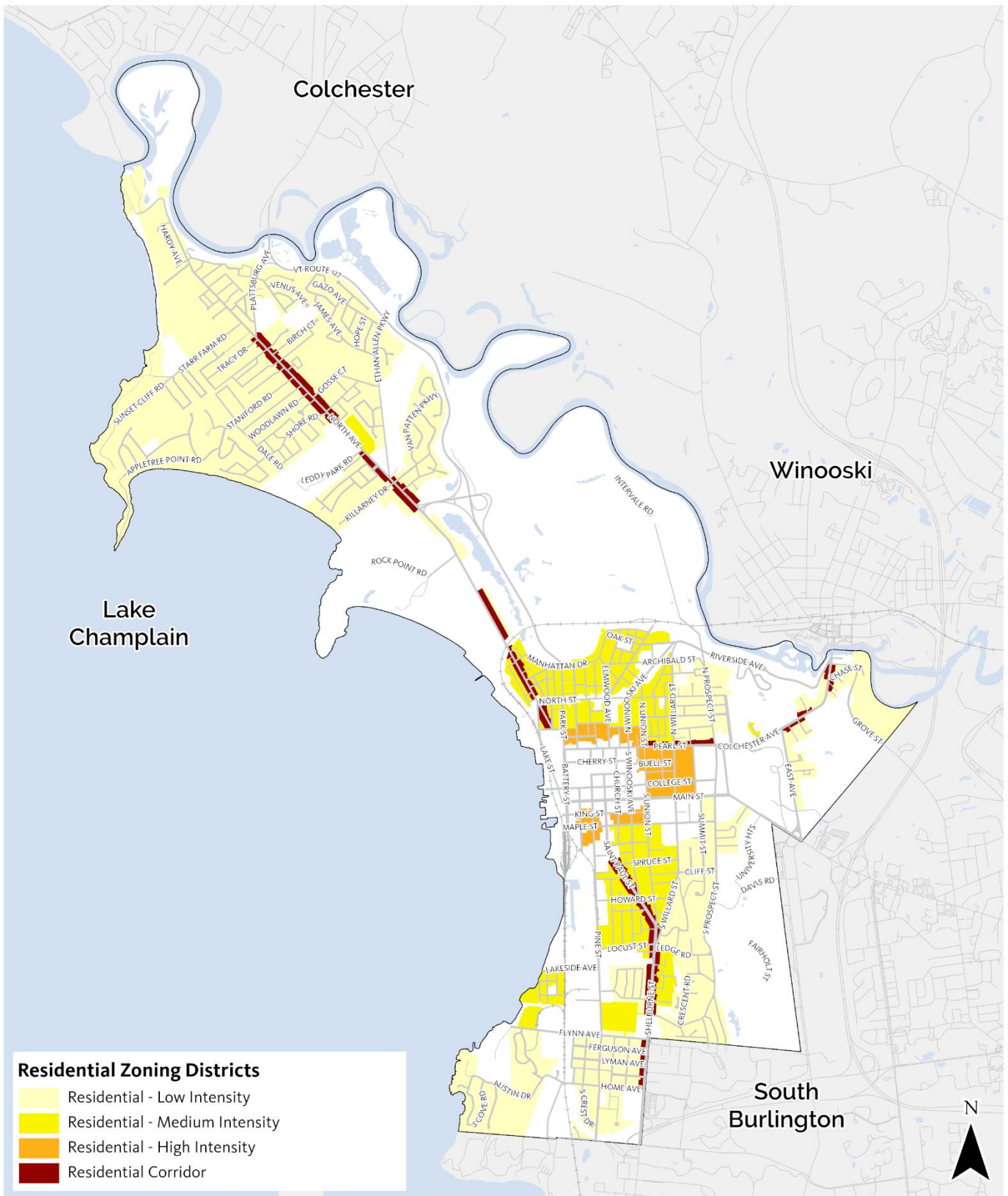
The ~~5~~ Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

1. The **Residential Lower Density Intensity (Residential Low, RL)** district is intended primarily for low density residential development that includes a mix of housing types such as in the form of single detached dwellings, with or without accessory dwelling units, and duplexes, triplexes and quadplex. This district is typically characterized by a organized in a compact and cohesive neighborhood-scale that complements residential development pattern reflective of the respective neighborhoods' development and open space history patterns. Building heights typically vary from one to two and half stories, and development generally results in lower lot coverage than in other residential districts. Limited commercial uses take the form of home-based businesses and the adaptive reuse of historic buildings as neighborhood-serving uses.
2. ~~The Waterfront Residential Low Density (RL-W) district is intended primarily for low density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~
- 3-2. The **Residential Medium Density Intensity (Residential Medium, RM)** district is intended primarily for medium density residential development that includes a mix of housing types such as in the form of single-family detached dwellings, with or without accessory dwelling units, duplex, triplex, quadplex, and attached multi-family unit apartments buildings in compact, walkable neighborhoods. Building heights typically range from two to three stories, and development generally results in moderately higher lot coverage as compared to the RL district. Neighborhoods within this district are typically walkable to downtown or other mixed-use areas of the city, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.
4. ~~The Waterfront Residential Medium Density (RM-W) district is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi family apartments. This district is distinguished from the Residential Medium Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~
3. The **Residential High Density Intensity (Residential High, RH)** district is intended primarily for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized and larger high density attached multi-family unit buildings residential development. Single-family detached dwellings are limited to buildings originally built for such purpose. Development is intended to be more intense than other residential areas, with building heights ranging from two to three and a half stories, high lot coverage, large buildings, and buildings placed close to the street and each other together on small lots. Parking is intended to be hidden either behind or underneath structures. Neighborhoods within this district are typically immediately adjacent to downtown and the institutions, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.

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5.4. The **Residential Corridor (RC)** district is intended for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized, multi-unit and mixed-use buildings along major multi-modal transportation corridors that are adjacent to low intensity districts. Single-family detached dwellings are limited to buildings originally built for such purpose. New and infill development may be located closer to the street than historic development patterns, with building heights ranging from two to three and a half stories and high lot coverage. Neighborhood-serving commercial uses may be incorporated in existing or new buildings.





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Map 4.4.5-1 Residential Zoning Districts

(b) **Dimensional Standards and Density**

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

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

Use	Lot Frontage ¹ <i>(linear feet)</i>		Lot Size <i>(square feet)</i>	
	RL,WRL	RM,WRM	RL, WRL ³	RM, WRM
Single detached dwelling	Min: 60'	Min: 30'	Min: 6,000	NA
Duplex and above			Min: 10,000	
1.— The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street. 2.— There are no minimum lot size or frontage requirements in the RH District. 3.— Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.				

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Table 4.4.5-2: Base Residential Density

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

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Table 4.4.5-3: Residential District Dimensional Standards

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

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1,3,4,5,6}				Max. Height ¹
		Front ²	Side ³	Rear	Waterfront	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	NA	35 feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35 feet
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5 feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20 feet	Min: 25% of lot depth but in no event less than 20' Max required: 75 feet	NA	35 feet
<p>1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.</p> <p>2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.</p> <p>3. In no event shall the side yard setback be required to exceed 20 feet, or the rear yard setback be required to exceed 75 feet.</p> <p>4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.</p> <p>5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.</p> <p>6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.</p> <p>7. For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet in any event.</p>						

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

<u>District</u>	<u>Min. Lot Frontage^{2,3,4}</u> <u>⁵ (linear feet)</u>	<u>Setbacks^{1,6,7,8,9}</u>			<u>Lot Coverage^{1,10}</u>
		<u>Front</u>	<u>Side</u>	<u>Rear</u>	
<u>Residential Low (RL)</u>	<u>30'</u>	<u>Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet</u> <u>Max required: 25 ft</u>	<u>Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides</u>	<u>20 ft.</u>	<u>45%</u>
<u>Residential Medium (RM)</u>				<u>15 ft.</u>	<u>55%</u>
<u>Residential High (RH)</u>	<u>N/A</u>	<u>Min required: 5 ft</u> <u>Max permitted: 20 ft</u>	<u>Max required: 20 ft</u>	<u>15 ft.</u>	<u>80%</u>
<u>Residential Corridor (RC)</u>	<u>N/A</u>			<u>80%</u>	

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.
 2. The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.
 3. Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2
 4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.
 5. Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation.
 6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.
 4-7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.3 Riparian and Littoral Conservation Overlay Zone.
 2-8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.
 9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) ~~3A~~ 2C below.

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

<u>District</u>	<u>Max Height & Stories^{1,3}</u>	<u>Max Dwelling Units per Structure^{2,3}</u>	<u>Max. Principal Structure Footprint³</u>	<u>Max. Secondary Structure Footprint³</u>	<u>Max Building face before providing offset⁵</u>	<u>Min. Distance between Structures on same lot</u>
<u>Residential Low (RL)</u>	<u>35'</u> <u>3 stories</u>	<u>4</u>	<u>1,800 sq.ft</u>	<u>1,100 sq.ft.</u>	<u>50'</u>	<u>15'</u>
<u>Residential Medium (RM)</u>	<u>35'</u> <u>3 stories</u>	<u>4</u>	<u>1,800 sq.ft.</u>	<u>900 sq.ft.</u>		
<u>Residential High (RH)</u>	<u>50'</u> <u>4 stories</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>		

Residential Corridor (RC)			3,600 sq.ft.	N/A		
<ol style="list-style-type: none"> 1. Details regarding the measurement of and exceptions to height limits are found in Art 5. 2. Minimum dwelling unit size is 350 sq.ft. 3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11. 4. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft. 						

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(c) **Permitted and Conditional Uses:**

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Residential districts shall be as defined in Appendix A – Use Table [and as may be modified by district specific regulations in Sec. 4.4.5 \(d\)](#).

(d) **District Specific Regulations:**

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Additional Residential Development -Permitted

[In addition to any applicable development permitted according to Article 11- Planned Unit Development, the following additional development types and intensities shall be allowed within the Residential Districts, subject to the following standards.](#)

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A. Reserved

Table 4.4.5-3 Reserved

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B. Residential Development Bonuses

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

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(i) Senior Housing Bonus

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

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[a\) No less than twenty-five \(25\) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten \(10\) percent reserved for low-income households. \(Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.\);](#)

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[b\) The proposal shall be subject to the design review provisions of Art. 6;](#)

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[c\) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,](#)

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[a\)d\) Lot coverage and residential densities shall not exceed the following:](#)

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Table 4.4.5-4: Senior Housing Bonus

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

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(ii) Residential Conversion Bonus

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

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

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Table 4.4.5-5: Residential Conversion Bonus

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

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(iii) Limitations on Residential Development Bonuses:

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

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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:

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

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

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

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232 **2. Exceptions to Dimensional Standards**

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234 **A. Encroachment into Side Setback for Residential Driveways**

235 For purposes of enabling narrow or flag lots to create a driveway to provide a maximum of two tandem parking
236 spaces, or to access a parking area behind a principal structure, driveways may encroach into a required side setback
237 up to the property line. The maximum waiver from the side setback shall be the minimum necessary for the purposes
238 of creating such a driveway or access to parking spaces. Applications for such waiver shall demonstrate that there will
239 be no undue adverse impact on drainage, safety, light, and air, nor encroachment into a neighboring side yard. With
240 such approval, the lot shall not be considered nonconforming due to the decreased setback.

241 **B. Encroachment into the Waterfront Setback.**

242 The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established
243 under Sec. 4.5.4:

244 **(i) Replacement of Existing Structure**

245 Replacement of a conforming principle structure existing as of the effective date hereof, may encroach into the
246 required setback provided the replacement does not increase the area or extent of the encroachment more than the
247 existing structure.

248 **(ii) Averaging of Setbacks of Existing Structures**

249 If the setback from the waterfront of existing principal structures within one hundred fifty (150) feet on either or both
250 sides of a subject lot is less than the minimum required setback, the setback for the subject lot may be reduced to the
251 average setback of such neighboring structures.

252 **C. Exceptions to Lot Coverage for Accessory Residential Features**

253 In addition to lot coverage exemptions in Sec. 5.2.3(b), within the RL and RM districts, an additional ten (10) per cent
254 of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to
255 residential uses provided that such features shall at no time be enclosed:

256 **(i) Decks;**

257 **(ii) Patios;**

258 **(iii) Porches;**

259 **(iv) Terraces;**

260 **(v) Tennis or other outdoor game courts;**

261 **(vi) Swimming pool aprons;**

262 **(vii) Walkways;**

263 **(viii) Window Wells; and/or**

264 **(ix) Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review**
265 **and approval by the Stormwater Administrator.**

266 With the exception of the additional lot coverage allowances provided for under Article 9: Inclusionary and
267 Replacement Housing, requirements for such additional lot coverage shall not be permitted for any development where
268 other bonus provisions of this ordinance are applicable.

269
270 **3. Exception for Neighborhood Commercial Uses**

271 Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be
272 considered permitted uses in RL, RM, RH and Institutional districts subject to the following:
273

- (i) This exemption shall only apply to:
 - a. Historic buildings that are listed or eligible for listing on the state or national register; or,
 - b. A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.
- (ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.
- (iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.
- (iv) The neighborhood commercial use shall not be counted against the property’s allowable residential density.
- (v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.
- (vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.
- (vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.
- (viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.
- (ix) To the extent that additional parking is necessary, the parking standards for Shared-Use Districts shall apply pursuant to Article 8.
- (x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.
- (xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section.
 - (xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.

4. Miscellaneous Standards

A. Additions to Existing Residential Structures.

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

B. Accessory Residential Structures, Buildings, and Uses

An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses which do not contain residential units, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- (i) Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5 (b) of this Article and related requirements in Art 5, Parts 1 and 2;
- (ii) Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;
- (iii) Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building; and
- (iv) The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking

space.

C. Residential Occupancy Limits.

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

(i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,

(ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).

(iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus 1 additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

(e) Effective Date.

The amendments to this Section 4.4.5 that allow for a secondary structure within RL and RM zones, except as may otherwise be allowed by Article 11, are effective October 1, 2024.

1. Setbacks

A. Encroachment for Residential Driveways

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

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

B. Encroachment into the Waterfront Setback.

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under Sec. 4.5.4:

(i) Replacement of Existing Structure.

Replacement of a conforming principle structure existing as of the effective date hereof, may encroach into the required setback provided the replacement does not increase the area or extent of the encroachment more than the existing structure.

(ii) Averaging of Setbacks of Existing Structures.

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

2. Lot Coverage

A. Exceptions for Accessory Residential Features:

In addition to lot coverage exemptions in Sec. 5.2.3(b), within the RL and, RL W, RM and RM W districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking:

(i) Decks;

(ii) Patios;

(iii) Porches;

(iv) Terraces;

(v) Tennis or other outdoor game courts;

(vi) Swimming pools and swimming pool aprons;

(vii) Walkways;

(viii) Window Wells; and/or

(ix) Pervious pavement designed and maintained to infiltrate the 1 year/24 hour storm event onsite, subject to review and approval by the Stormwater Administrator.

With the exception of the additional lot coverage allowances provided for under Inclusionary Zoning Article 9: Inclusionary and Replacement Housing, requirements for such additional lot coverage shall not be permitted for any development where other bonus provisions of this ordinance are applicable.

3. Accessory Residential Structures, Buildings, and Uses

An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

A. Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5 (b) of this Article and related requirements in Art 5, Parts 1 and 2;

B. Any accessory structure or building that is seventy five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;

C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy five percent (75%) of the ground floor area of the principal structure or building; and

D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.

4. Residential Density

A. Additional Unit to Multi-Family:

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

B. Additions to Existing Residential Structures.

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

C. Residential Occupancy Limits.

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,

If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).

If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus 1 additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

5. Uses

A. Exception for Neighborhood Commercial Uses.

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in all Residential and Institutional districts subject to the following:

(i) This exemption shall only apply to:

- 1) Historic buildings that are listed or eligible for listing on the state or national register; or,
- 2) A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.

(ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.

(iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.

(iv) The neighborhood commercial use shall not be counted against the property's allowable residential density.

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

(vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.

(vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.

(viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.

(ix) To the extent that additional parking is necessary, the parking standards for Shared Use Districts shall apply pursuant to Article 8.

(x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such 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.

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6. Residential Development Bonuses

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

A. Senior Housing Bonus

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

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

Table 4.4.5-5: Senior Housing Bonus

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

B. Residential Conversion Bonus

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

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

Table 4.4.5-7: Residential Conversion Bonus

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

C. Limitations on Residential Development Bonuses:

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

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

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

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

484 * or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table
485 5.4.8-1 Historic Building Rehabilitation Bonus

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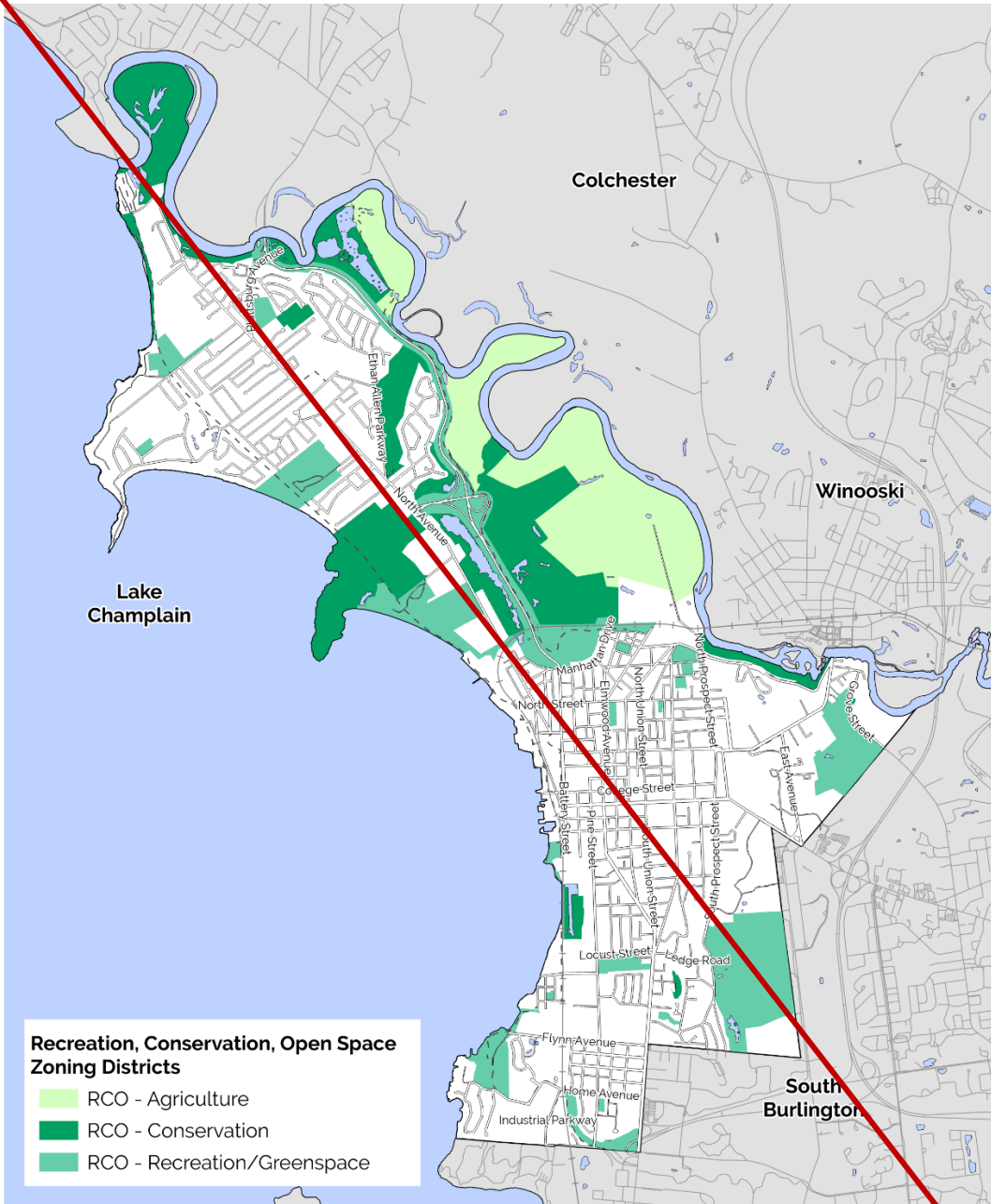
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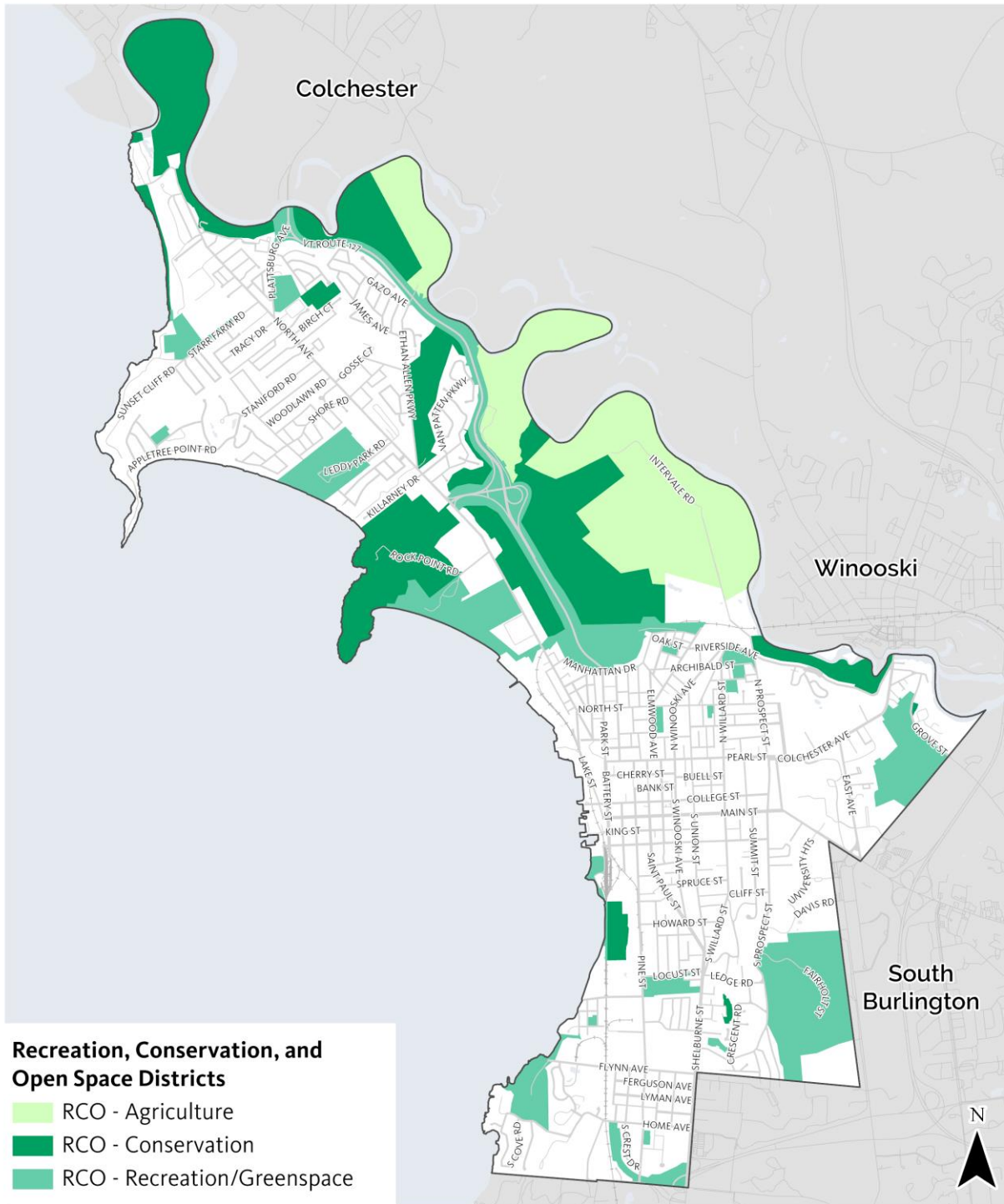
Sec. 4.4.6 Recreation, Conservation, and Open Space Districts

(a) - (d) – As Written.



Recreation, Conservation, Open Space Districts Map
 Burlington Comprehensive Development Ordinance, Map 4.4.6-1
 Districts effective Jan. 30, 2008 with amendments effective 10-19-2022 (ZA-22-05)

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Map 4.4.6-1 Recreation, Conservation, Open Space Districts

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

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Sec. 4.5.1 Design Review Overlay District

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(a) Purpose:

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

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(b) Areas Covered:

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

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(1) The following zoning districts:

A. The Downtown Waterfront – Public Trust district and all Neighborhood Mixed Use, Enterprise, Institutional, Urban Reserve, and Recreation, Conservation and Open Space districts; and,

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B. Portions of the Residential Districts as identified in Map 4.5.1-1 and described below. ~~The High Density Residential (RH), Medium Density Residential (RM), Medium Density Residential – Waterfront (RM-W), and Residential Low Density – Waterfront (RL-W) districts.~~

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

A. – G. As Written.

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

A. As Written.

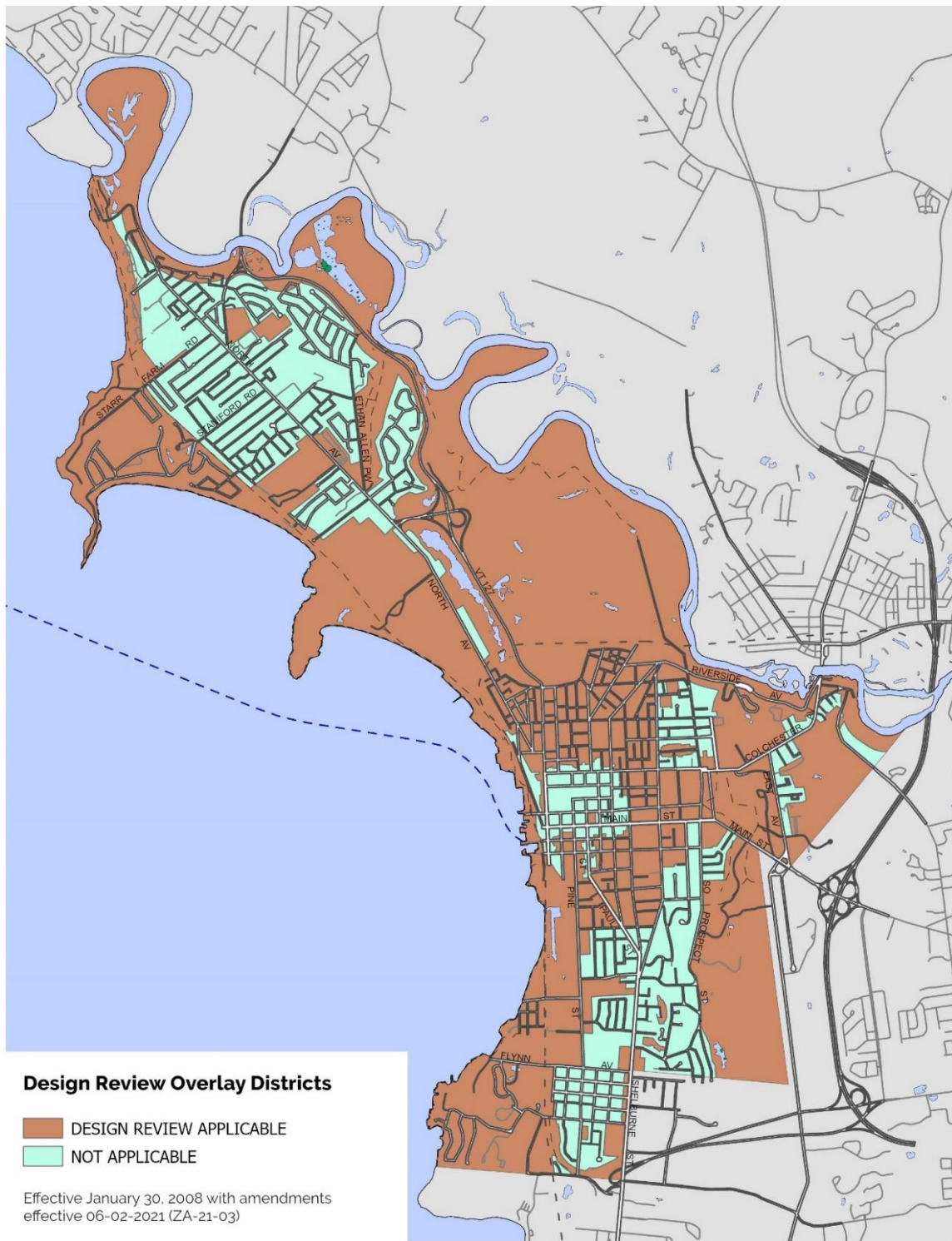
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(c) District Specific Regulations: Design Review Overlay District:

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

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



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Map 4.5.1-1: Design Review Overlay

Sec. 4.5.2 Institutional Core Campus Overlay Districts

530 (a) - (h) – As Written.

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533 *Sec. 4.5.3 RH Density Bonus Overlay District*

534 (a) Purpose:

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

538 (b) Areas Covered:

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



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546 *Map 4.5.3-1: RH Density Bonus Overlay*

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~~(e) — District Specific Regulations: RH Density Bonus Overlay:~~

~~1. — Conditional Use Review~~

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

~~2. — Maximum Residential Density:~~

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

~~3. — Building Height:~~

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

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

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

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

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

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

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

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

~~4. — Setbacks:~~

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

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

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

5.—Construction Materials:

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

6.—Parking Standards:

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

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

7.—Permitted Non-Residential Uses:

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

8.—Residential Occupancy:

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

9.—Character of the Area Affected:

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

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

(a) *As Written.*

(b) Areas Affected

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

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

(c) - (e) *As Written.*

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

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

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4. - 7. As Written.

8. Approval Conditions

As Written.

A. - G. As Written.

B. Recreational Vehicles:

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

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

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

C. Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Sec. 4.5.4 4.5.3(f)8D.

9. - 11. As Written.

Sec. 4.5.5 RL Larger Lot Overlay District

(a) Purpose:

The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods’ development history.

(b) Areas Covered:

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

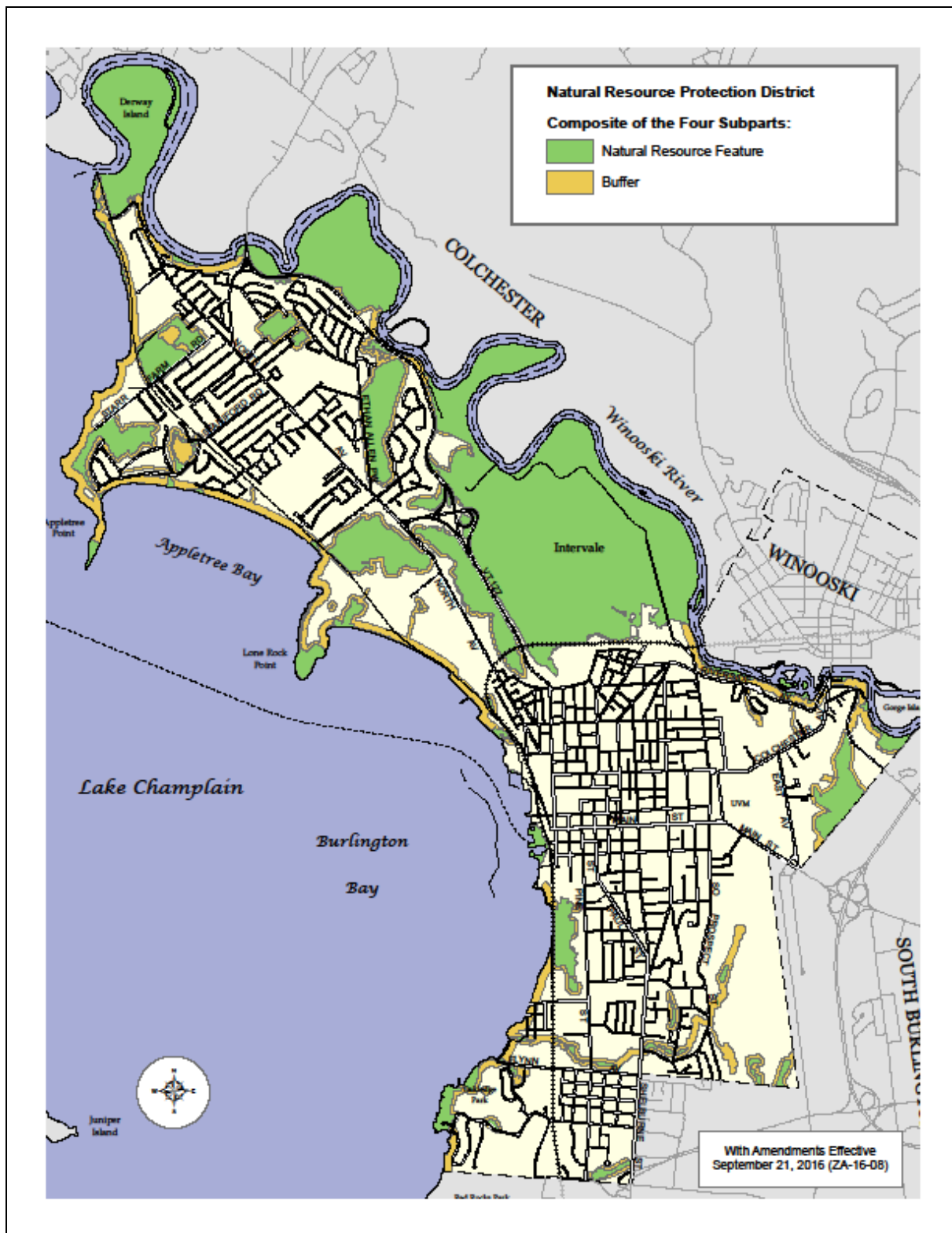
(c) District Specific Regulations: RL Larger Lot Overlay

1. Minimum Lot Size and Density

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

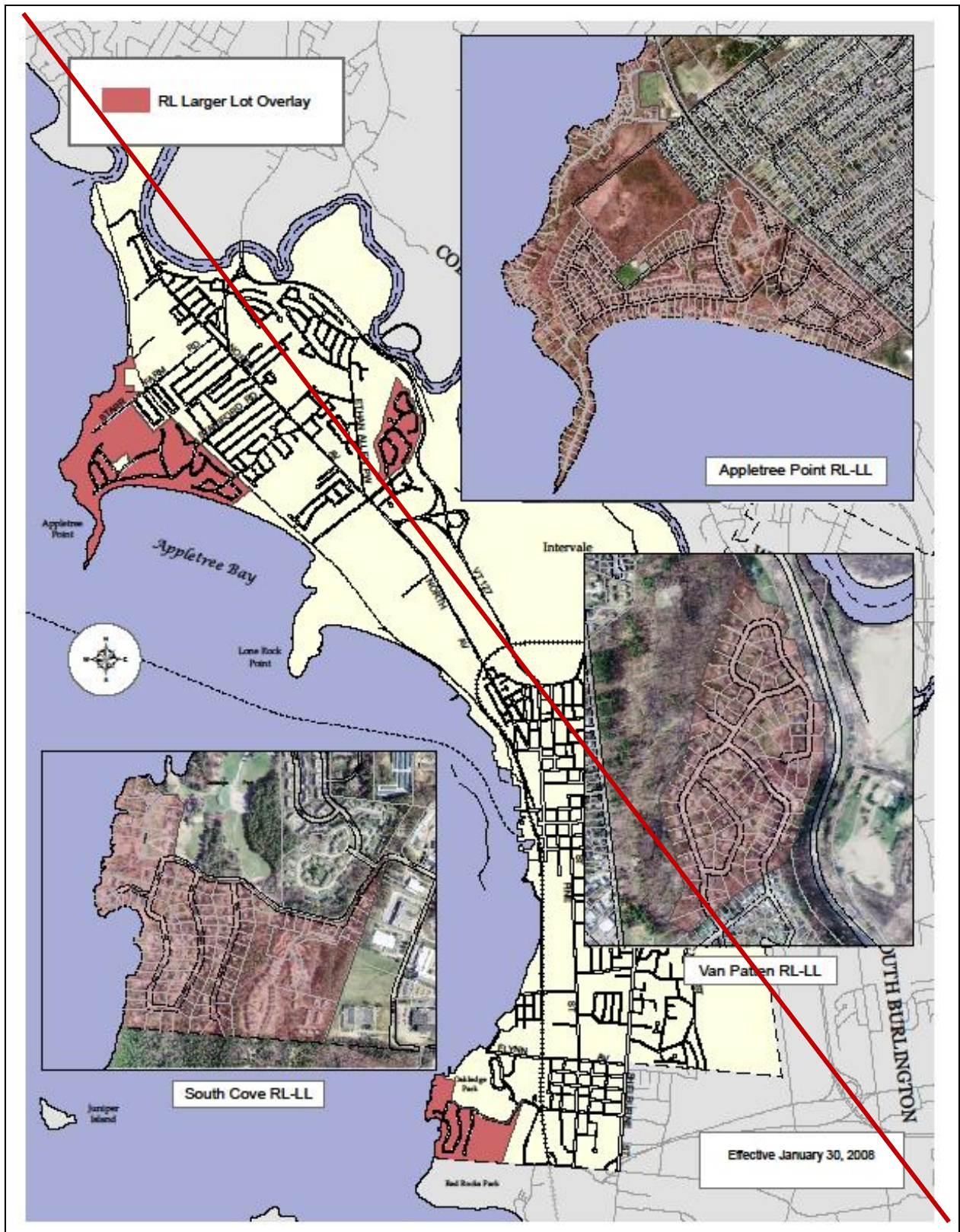
Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage⁺ <i>(In linear feet)</i>	Minimum Lot Size <i>(In square feet)</i>	Maximum dwelling units per acre² <i>(without bonuses or any Inclusionary Zoning allowances)</i>
Single detached dwelling	75 feet	9,900sqft	4.4 units/acre
Duplex and above	100 feet	15,840 sqft	5.5 units/acre
The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street. Inclusive of new streets but exclusive of existing streets.			



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Map 5.4-14.5.3-1: Natural Resource Overlay District



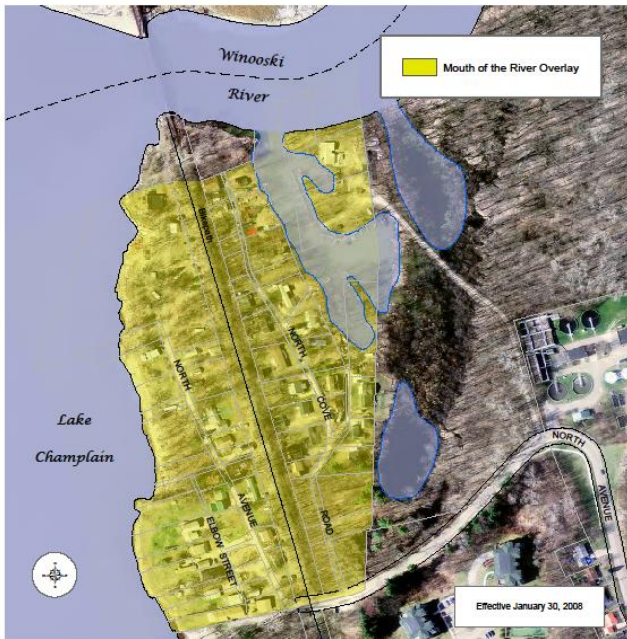
667 [Map 4.5.5-1: RL Larger Lot Overlay](#)
668 **Sec. ~~4.5.6~~ 4.5.4 Mouth of the River Overlay District**

669 (a) *As Written.*

670
671 (b) **Areas Covered.**

672 The Mouth of the River Overlay District includes those portions of the RL Zoning District as delineated on Map ~~4.5.6~~ [4.5.4-1](#).

673
674 (c) *As Written.*



675
676 **Map ~~4.5.6~~ [4.5.4](#): Mouth of the River Overlay**

677
678
679 **Sec. ~~4.5.7~~ 4.5.5 Centennial Woods Overlay District**

680 (a) *As Written.*

681
682 (b) **Areas Covered.**

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

685
686



687

688 **Map ~~4.5.7-1~~ 4.5.5-1: Centennial Woods Overlay**

689

690 (c) *As Written.*

691

692

693 **Sec. ~~4.5.8~~ 4.5.6 South End Innovation District Overlay ~~District~~**

694

695 (a) **Purpose:** *As Written.*

696

697 (b) **Areas Covered:**

698 The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map ~~4.5.8-1~~ 4.5.6-1.

699

700 (c) **District Specific Regulations**

701

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

Table 4.5.68-1: SEID Dimensional Standards & Density

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

		<i>permitted by Sec.4.5.8-6(c) 1</i>	must utilize GSI				
--	--	--	---------------------	--	--	--	--

- 702 1. Blocks may be enclosed by any combination of streets within public Rights-of-Way or Public Paths. Where a property abuts a railroad
703 or area identified as Wetland, Conservation or Natural Area on Map ~~4.5.4-1~~ 4.5.3-1 Natural Resource Protection Overlay District, such
704 boundaries may serve as enclosing block boundaries.
- 705 2. – 7. *As written.*
- 706 8. Maximum building height in the E-SEID shall be further limited by Map ~~4.5.8-2~~ 4.5.6-2: SEID Specific Height Area Map.
- 707
- 708 **1. Dimensional Standards & Density**
- 709 Within the SEID the standards set forth in *Table ~~4.5.8-1~~ 4.5.6-1* shall apply to new development and redevelopment,
710 except:
- 711 ~~A. Exception for Educational Uses.~~
- 712 **a.** Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of Mass
713 Timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of
714 Ordinances.
- 715 **b.** The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as
716 Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI)
717 or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater
718 Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per
719 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious
720 pavement.
- 721
- 722

Table 4.5.86-2: Frontage and Activation Standards *As written.*

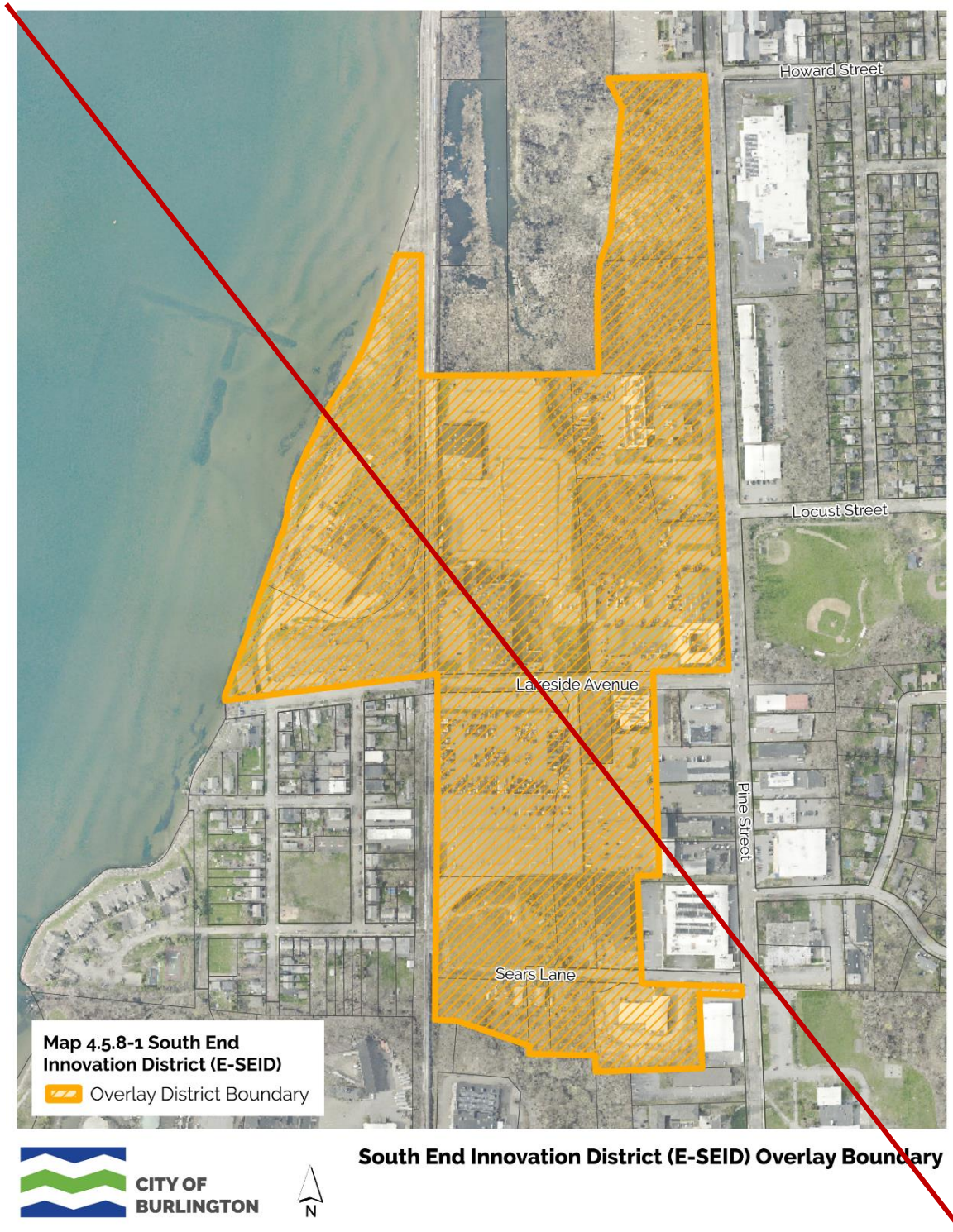
- 723
- 724 **2. Frontage and Ground Floor Activation Standards**
- 725 *As Written*
- 726
- 727 **3. Parking**
- 728 *As Written*
- 729
- 730 **4. Uses**
- 731 Within the E-SEID, only the following uses shall be permitted.
- 732
- 733
- 734

Table 4.5.68-3 Uses Permitted & Limited within the SEID

Permitted Uses:	
Residential ¹	

Non-Residential	
***	***

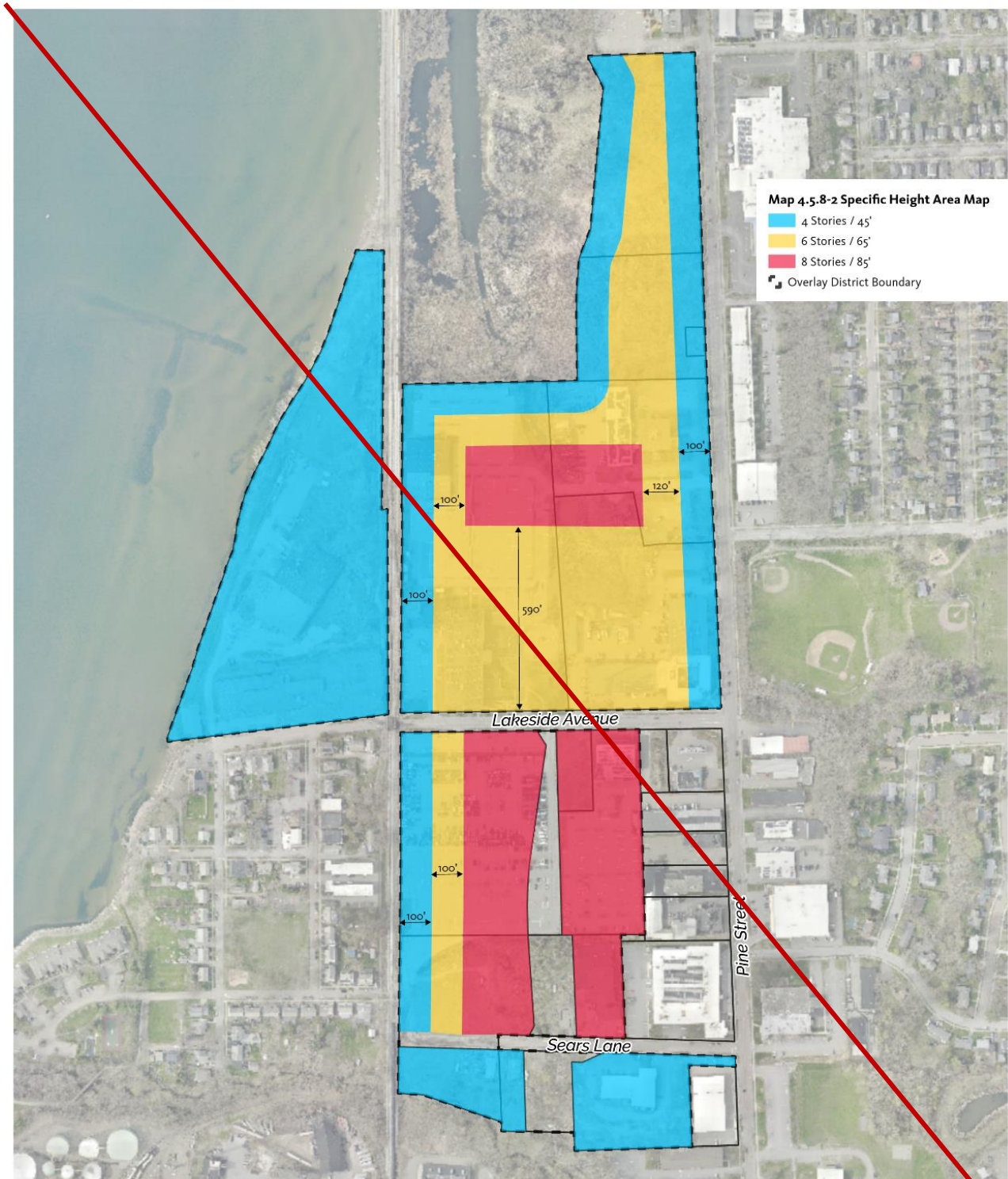
- 735 1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.
- 736 2. Parking Structure and Parking Lot uses are regulated by Sec. 4.5.68(c) 3 Parking and Table 4.5.68-1 SEID Dimensional
737 Standards & Density.



738
739



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



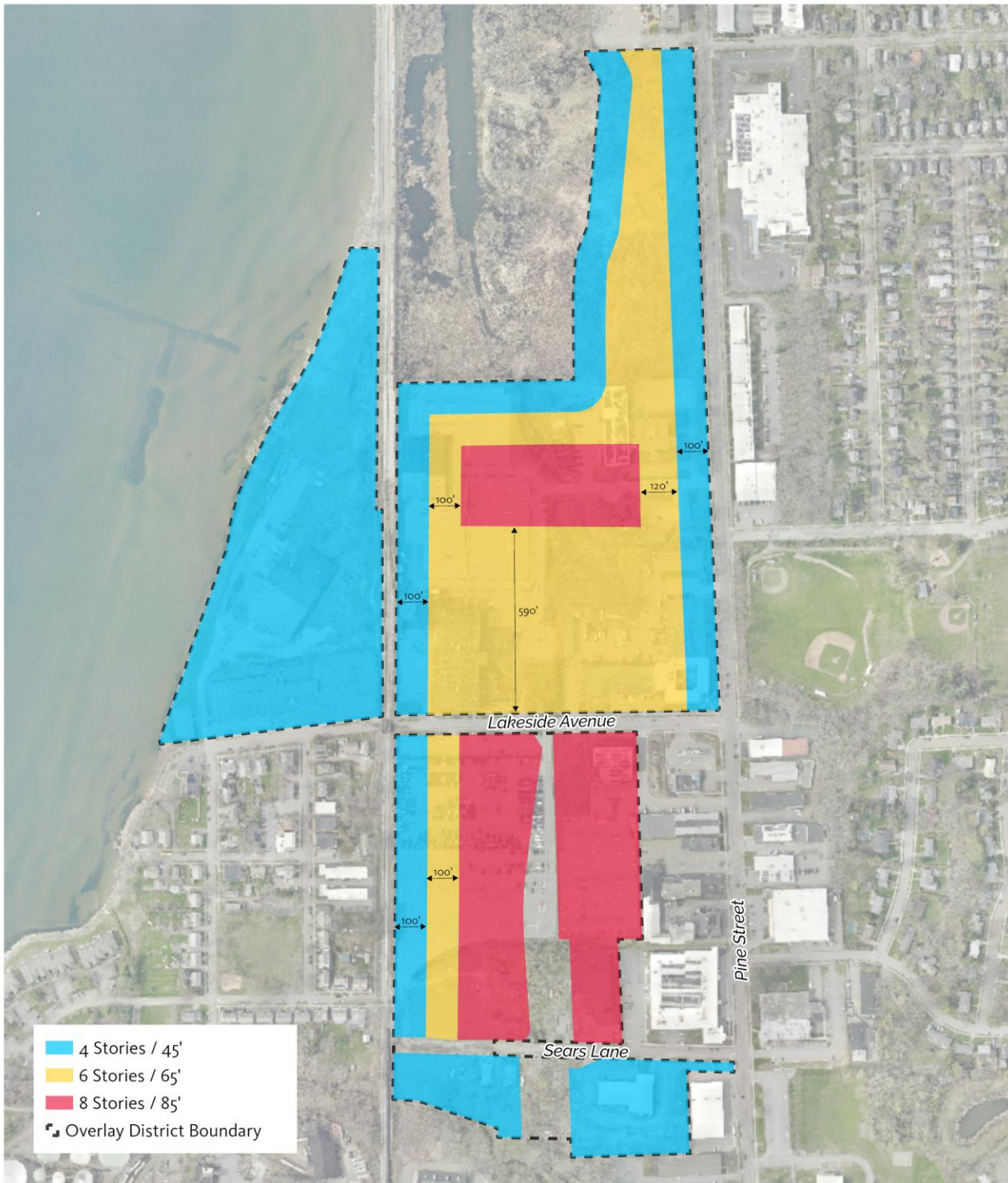
Map 4.5.8-2 Specific Height Area Map
4 Stories / 45'
6 Stories / 65'
8 Stories / 85'
Overlay District Boundary

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



**CITY OF
BURLINGTON**





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

744

Article 5: Citywide General Regulations

745

746

PART 1: USES AND STRUCTURES

747

748

Sec. 5.1.2 Structures

749

Except as otherwise provided by law or by this ordinance, no structure in any district shall be created, removed or altered except in conformance with the provisions of this Article and the requirements of the district in which such land or structure is located.

750

751

(a) - (b) *As written.*

752

(c) **Principal Structures:**

753

~~Only one principal structure shall be permitted on any lot~~ More than one principal structure is permitted on in any a lot within a residential zoning district defined pursuant to subject to the limits of Article 4 – Zoning Districts, Sec. 4.4.5 Residential Districts, or as unless otherwise authorized pursuant to the requirements of Article 11 – Planned Development. In all other districts, more than one principal structure may be permitted on any single lot.

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(d) **Accessory Residential Structures or Buildings:**

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An accessory structure or building customarily incidental and subordinate to a principal residential use, structure, or building shall also be governed by the provisions of Sec. 4.4.5(d) 34. (B).

759

760

(e) - (f) *As written.*

761

762

PART 2: DIMENSIONAL REQUIREMENTS

763

764

Sec. 5.2.1 ~~Reserved.~~ Existing Small Lots

765

~~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:~~

766

767

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

768

769

770

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

771

772

Sec. 5.2.2 Required Frontage or Access

As Written.

773

774

Sec. 5.2.3 Lot Coverage Requirements

As Written.

775

Sec. 5.2.4 Buildable Area Calculation & Steep Slopes Overlay District

As Written.

776

777

(a) **Buildable Area Calculation**

778

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

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The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the additional density or lot

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790 coverage will be compatible within the existing scale and intensity of the surrounding neighborhood, and not have an
791 undue negative impact on sensitive natural features.

792 **(d) Steep Slopes Overlay District**

793 *As Written.*

794
795 **Sec. 5.2.5 Setbacks**

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

799 **(a) Setbacks Required:**

800 *As Written.*

801
802 **(b) Exceptions to Yard Setback Requirements:**

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

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

811 **Sec. 5.2.6 Building Height Limits**

812 *As Written.*

813
814 **Sec. 5.2.7 Density Calculations**

815 *As Written.*

816
817 **PART 3: NON-CONFORMITIES**

818
819 **Sec. 5.3.1 – 5.3.3** *As Written.*

820
821 **Sec. 5.3.4 Nonconforming Uses**

822 **(a) Changes and Modifications**

823 *As Written*

824
825
826 **1. Nonconforming Non-Residential Use:**

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

829 **A. Exception for residential conversion.**

830 A non-residential nonconforming use may be converted to a residential non-conforming use pursuant to the
831 applicable residential conversion provisions of Sec. 4.4.5 (d)~~6~~(1).

832
833 **B. Existing Neighborhood Commercial Uses.**

834 Existing non-residential uses intended to primarily serve the nearby residential area shall not be considered non-
835 conforming to the extent they comply with the provisions of Sec. 4.4.5(d)~~(3)~~(5).

836
837 **2. Nonconforming Residential Use:**

838 A change or expansion of a non-conforming residential use may be allowed subject to conditional use approval pursuant

to the provisions of Article 3, Part 5 by the DRB provided:

- A. Such expansion does not add any additional dwelling units except as may be permitted for residential conversion bonuses approved per the provisions of Sec. 4.4.5(d)(16), this Historic Building Rehabilitation Bonus under Sec. 5.4.8 (e) and for Accessory Dwelling Units per the provisions of Sec. 5.4.5.;
- B. Such expansion does not increase the degree of non-conformity of any non-conforming structure; and,
- C. In such cases where the non-conforming residential use is located in a zoning district where residential uses are generally permitted, expansion of a non-conforming residential use into an existing and previously uninhabited attic or basement within the principle structure may be permitted subject to administrative review provided no additional dwelling units are created, except for Accessory Dwelling Units per Sec. 5.4.5.

(b) Discontinuance
As Written.

PART 4: SPECIAL USE REGULATIONS

Sec. 5.4.1 - Sec. 5.4.7 *As Written.*

Sec. 5.4.8 Historic Buildings and Sites
As Written.

(a) - (d) *As written.*

(e) Historic Building Rehabilitation Bonus

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

i. - iii. *As Written.*

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

v. *As Written.*

Sec. 5.4.9 - Sec. 5.4.11 *As Written.*

Sec. 5.4.12 Mobile Home Parks
As Written.

a) Mobile Home Parks

Regarding the establishment and operation of a Mobile Home Park:

- 1. The required minimum ~~lot size, lot frontage, and waterfront setback, and required maximum density and building height~~ lot and building dimensions, development intensities, and setbacks shall be as required per the applicable Zoning District standards found in Tables 4.4.5-1 ~~and~~, 4.4.5-2, ~~and~~ 4.4.5-3.
- 2. - 8. *As Written.*

b) Non-Conforming Mobile Home Parks
As Written.

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

892
893 **Sec. 6.2.1** *As written.*

894
895 **Sec. 6.2.2** *Review Standards*

896
897 (a) - (g) *As Written.*

898 (h) **Building Location and Orientation:**

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

907 **Remainder of section As Written.*

909
910 **PART 3: ARCHITECTURAL DESIGN STANDARDS**

911
912 **Sec. 6.3.1** *Applicability*

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

915
916 **Sec. 6.3.2** *Review Standards*

917
918 (a) **Relate development to its environment:**

919 Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to
920 ~~their context~~ the purpose of the zoning district. They ~~shall~~ should integrate harmoniously into the topography, and to the
921 use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require
922 building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article
923 4.

924 The following shall be considered:

925 **1. Massing, Height and Scale:**

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

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

926 **Remainder of section As Written.*

927 2. – 3. *As Written.*

928 (b) - (i) *As Written.*

929

930

931 **Article 11: Planned Development**

932 **PART 1: PLANNED UNIT DEVELOPMENT**

933

934 *Sec. 11.1.1 – Sec. 11.1.2 – As Written.*

935

936 **Sec. 11.1.3 General Requirements and Applicability**

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

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

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

941 **Sec.11.1.4 Modification of Regulations.**

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

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

950

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

953

954

955 **Article 13: Definitions**

956

957 **Sec. 13.1.2 Definitions**

958

959

960 **Building Height:** The vertical measurement of a building. See Sec. ~~2-75.2.6~~ for specific calculation provisions.

961

962

963

964

965 **Appendix A- Use Table – All Zoning Districts** ***See attached markups.*

966

967

968 * Material stricken out deleted.

969 ** Material underlined added.

970

971

972

973

974 MET/Ordinances 2024/ZA-24-02 Neighborhood Code

975 As Adopted with amendments 032524