



Neighborhood Code **Part 2-A**

Secondary Structures, Planned Unit Developments,
and Technical Corrections

BTV Neighborhood Code Topics + Amendments

Neighborhood Code Part 1 (ZA-24-02)

Adopted by City Council: March 25, 2024

Secondary Structures effective Oct. 1, 2024

- Modified and streamlined residential districts and boundaries
- Created new Residential Corridor (RC) district along major street corridors adjacent to low intensity zones
- Replaced density standards with massing standards, including number of units per building, updated lot coverage, standardized rear setbacks, maximum building footprints, and building height
- Allowed 2 free-standing structures in RL and RM districts with 4 units per building; does not limit the number of units per building in RH and RC zones



NC Part 2-A (ZA-24-04)

- Adt'l considerations related to secondary structures
- Clarifications and technical corrections relevant to Part 1
- Planned Unit Development standards + Residential Density Bonus

NC Part 2-B (ZA-TBD)

- Standards for small-lot subdivisions to facilitate fee-simple ownership
- Standards for townhouse, fee-simple duplex, Cottage Court developments

NC Part 2-C (ZA-TBD)

- Other potential locations for Residential Corridor zone
- Consider how RC district relates to existing mixed-use districts
- Re-visit use table allowances for all residential districts

NC Part 2-D (ZA-TBD)

- Consider infill-related parking impacts in high-demand areas
- Parking configuration options for residential lots
- Other recommendations of the Transportation Options study

Other Relevant Topics + Related Projects:

Infill implementation + **historic preservation** regulations (*Historic Preservation Plan, Fall 2024*)

Expanded **mixed-use + commercial** in the New North End (*planBTV: New North End, Fall 2024*)

Access to multi-functional + quality **green spaces** (*Open Space Plan, Summer 2024*)

Topics to carry out with other departments:

Impact of infill development on **stormwater + wastewater**

Relationship to **Inclusionary Zoning** requirements

Solutions to **implementation + homeownership** opportunities

Neighborhood Code Part 2-A **Timeline**

6/11	6/25	7/9	7/23	8/13	8/27
Continue Discussion on Neighborhood Code 2-A (ZA-24-04)			Last day for Commission to warn ZA-24-04 for Public Hearing to meet 10/1 deadline		Hold Public Hearing + refer to City Council

- City Council or the Ordinance Committee should decide to warn ZA-24-04 for a Public Hearing by 9/19, allowing amendment to be in effect before the Secondary Structures standards go into effect on 10/1. City Council could then adopt ZA-24-04 during their meeting on 10/28.
- November 2024: Report on first 6 months of Neighborhood Code implementation (# applications submitted, # projects under construction, # units added)

Neighborhood Code Part 2-A: **Progress + Recommendations**

Considerations to Secondary Structures

- ✓ Height of Secondary Structures relative to primary structures
- ✓ Considerations for utilizing existing non-conforming and non-residential buildings that are encroaching in setbacks
- ✓ Relationship between secondary buildings and citywide provisions for ADUs

Technical Corrections

- ✓ Update zoning map for Starr Farm Park
- ✓ Internal reference correction: Table 4.4.5-1 footnote
- ✓ Consolidation of interrelated Design Review standards into one section that provides clearer expectations of what is subject to review

Provide clarity on:

- ✓ What is considered in the definition of a “building footprint”
- ✓ What is considered as a building “face” in Table 4.4.5-2, related to the maximum building face before providing offset.
- ✓ Residential Corridor Districts: (1) Written description of height inconsistency and (2) frontage requirement

Planned Unit Development Standards

- ❑ Identify how base standards in residential areas may be modified by PUD's (i.e. building types & sizes, other urban design considerations). Consider relationship to Cottage Courts.
- ❑ Define minimum project size for projects to utilize PUD in RL areas
- ❑ Update Residential Density Bonuses in Sec. 4.4.5 to be consistent with approach to PUDs in these zones



Neighborhood Code **Part 2-A**

Review of Proposed Ordinance Changes

Recommended Ordinance Change:

Article 3, Part 3: Impact Fees

Sec. 3.3.3: Exemptions + Waivers

- **Proposal (Sec. 3.3.3 (a) 5):** Adds “the creation of an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling as described in Sec. 4.4.5 (d) 4. D.” to developments exempt from Impact Fees.
- **Rationale:** The purpose of this change is to explicitly state that the creation of one additional unit on a lot with an Owner-Occupied Single Detached Dwellings is exempt from Impact Fees, which is relevant to changes made in Sec. 4.4.5-4. (d) 4. that clarifies the relationship between secondary residential structures allowed in residential districts and citywide provisions for Accessory Dwelling Units (ADUs)

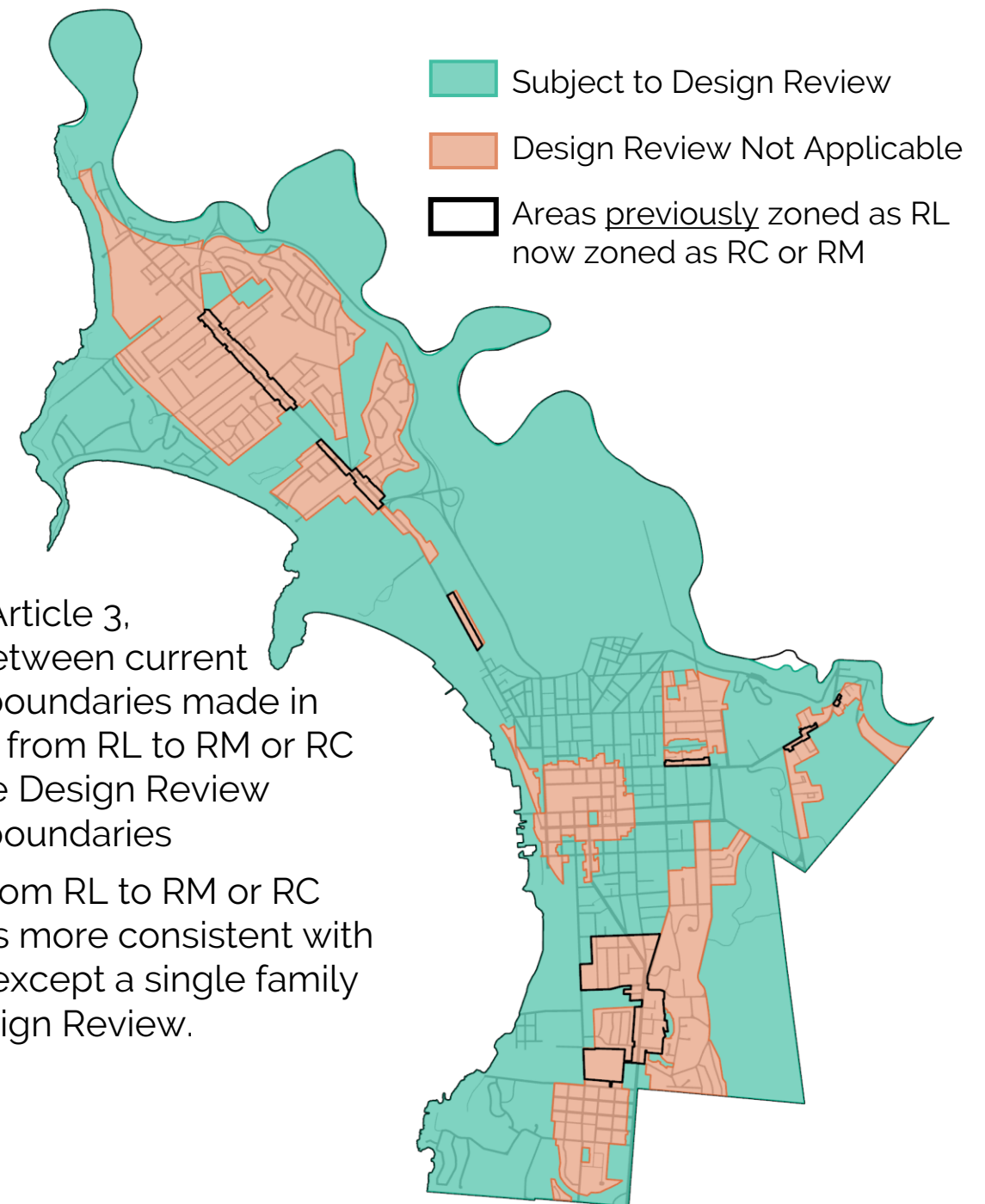
Recommended Ordinance Change:

Map 4.5.1-1: Design Review Overlay District

The changes made to Design Review in Neighborhood Code Part 2-A **do not fundamentally change the applicability of design review**, but seek to make the standards and requirements more clear and address the need for continuity and ease of reference.

Map 4.5.1-1: Design Review Overlay District

- **Proposal: (1)** Map 4.5.1-1 is recommended to be moved to Article 3, Part 4: Site Plan and Design Review **(2)** Resolve any gaps between current Design Review Overlay District and the changes in district boundaries made in ZA-24-02 by including areas that were previously re-zoned from RL to RM or RC as part of the Design Review Overlay District. **(3)** Update the Design Review Overlay District to reflect current Downtown Form District boundaries
- **Rationale:** The outlined areas on the right were re-zoned from RL to RM or RC under Neighborhood Code Pt 1 and thus now allow for uses more consistent with those applicable for Design Review. Additionally, anything except a single family home or duplex in these areas would still be subject to Design Review.



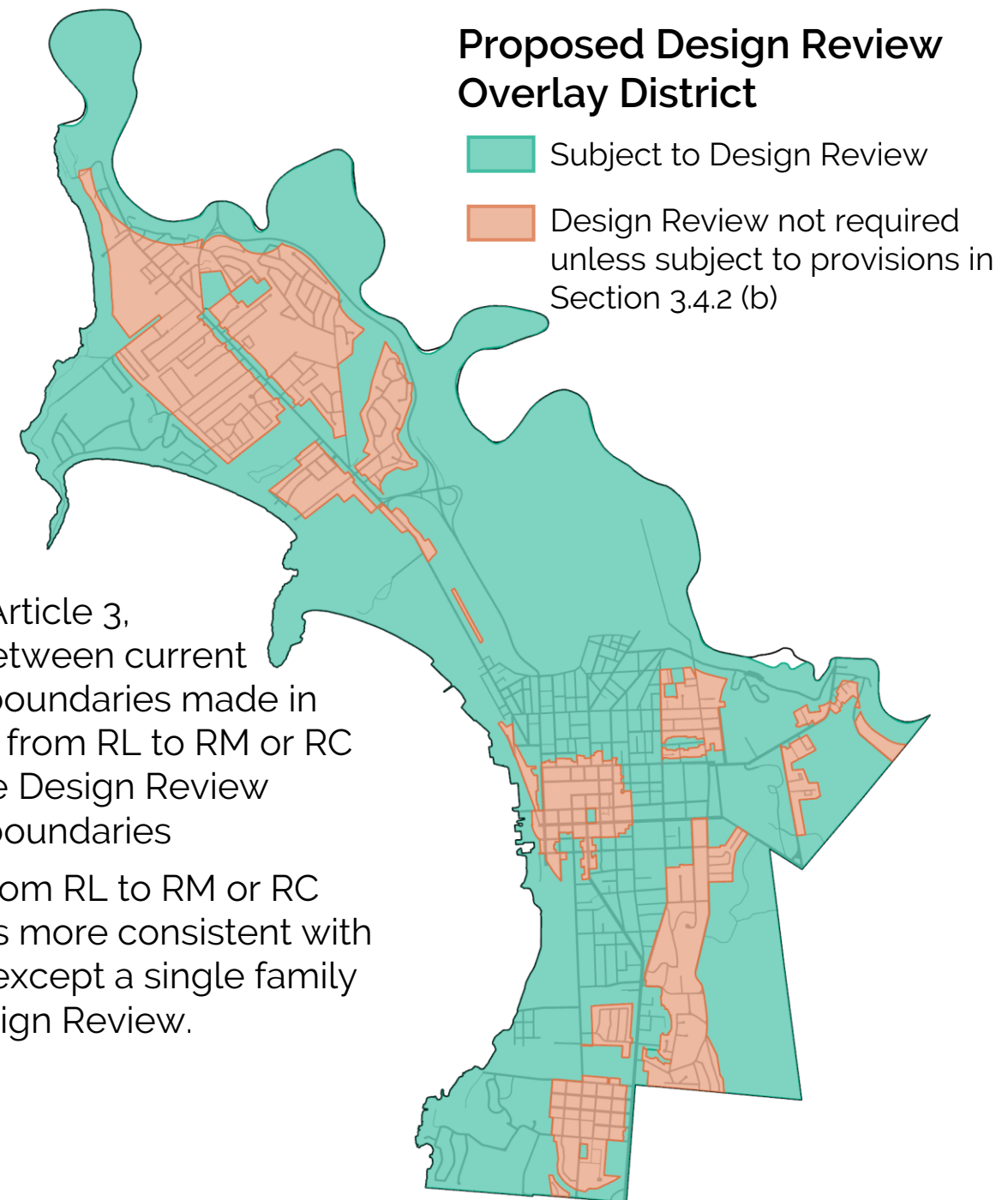
Recommended Ordinance Change:

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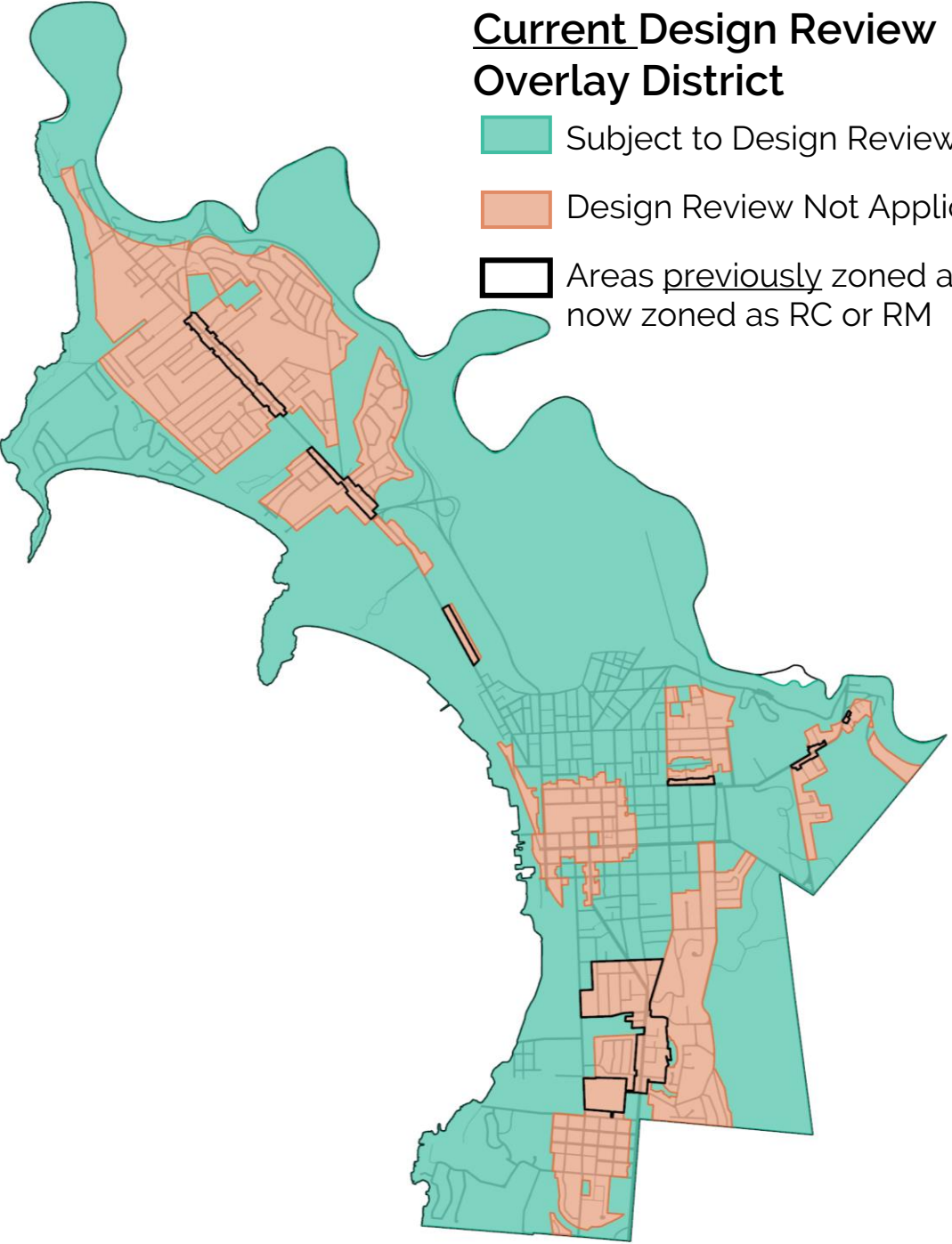
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- **Rationale:** The outlined areas on the right were re-zoned from RL to RM or RC under Neighborhood Code Pt 1 and thus now allow for uses more consistent with those applicable for Design Review. Additionally, anything except a single family home or duplex in these areas would still be subject to Design Review.





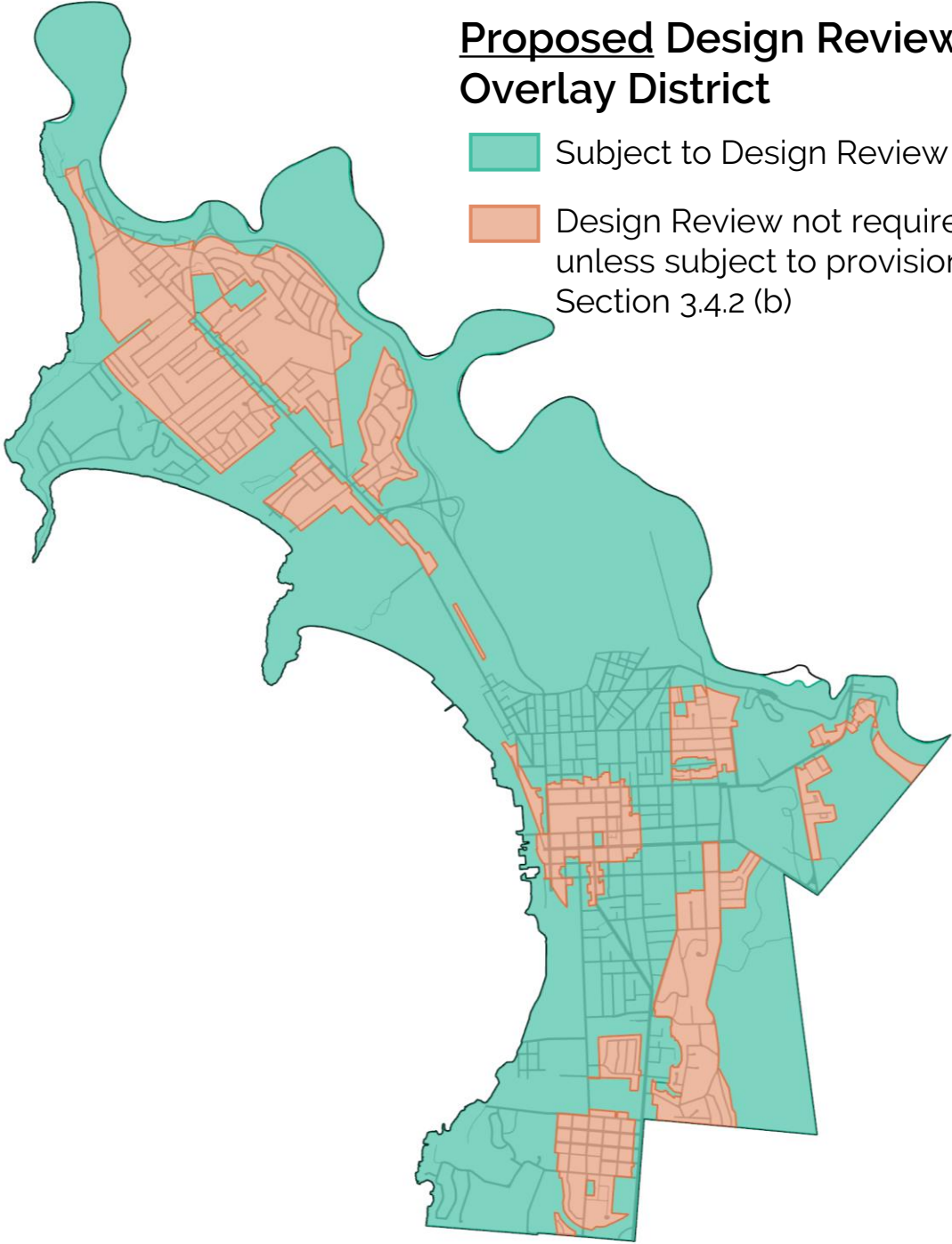
Current Design Review Overlay District

-  Subject to Design Review
-  Design Review Not Applicable
-  Areas previously zoned as RL
now zoned as RC or RM



Proposed Design Review Overlay District

-  Subject to Design Review
-  Design Review not required
unless subject to provisions in
Section 3.4.2 (b)



Recommended Ordinance Change:

Article 3, Part 4: Site Plan and Design Review

Sec. 3.4.2 Applicability

- **Proposal:** Move Map 4.5.1-1 into Section 3.4.2
 - **Rationale:** By starting with the map of where Design Review is applicable, it presumes that all of the project types listed under 3.4.2 (b) 2. are subject to Design Review within the overlay district. Section 3.4.2 (b) 2 is retained to provide clarity that projects within this list will still be subject to design review despite being outside of the Design Review Overlay District.
- **Proposal:** Include language acknowledging that “single detached dwellings and duplex dwellings within an RL district are not otherwise subject to any of the above provisions.”
 - **Rationale:** Facilitate the development of duplexes in residential districts and establish consistency that considers the Act 47 requirement that duplexes be granted the same geographic and dimensional standards as single-family homes.

Recommended Ordinance Change:

Article 4, Part 3: Zoning Districts Established

Sec. 4.3.1 Base Districts Established

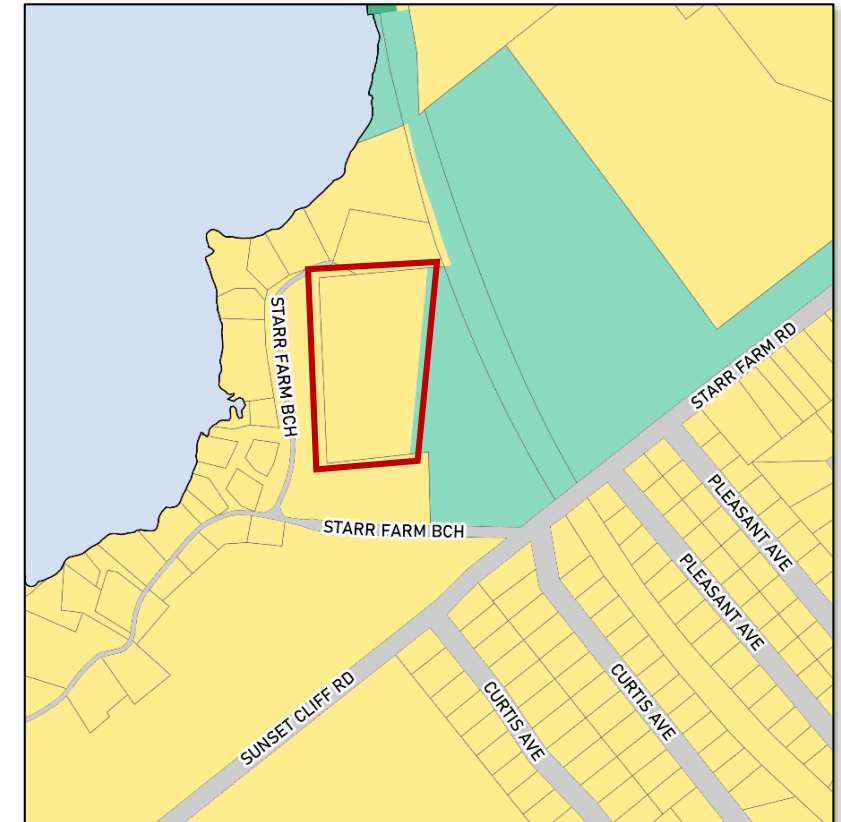
- **Proposal (4.3.1 (e)):** Technical clarification of how the RC zone is applied and a correction of a typo
 - **Rationale:** This technical correction provides clarity regarding the depth of the RC zone, where applied.

Recommended Ordinance Change:

Article 4, Part 3: Zoning Districts Established

Sec. 4.3.1 Base Districts Established

- **Proposal:** Provide a technical correction clarifying that this district applies to properties with street frontage on the identified corridors.
 - **Rationale:** This technical correction provides clarifications that parcels without frontage on the identified corridors are not applicable to Residential Corridor standards and provides consistency with how the Downtown & Multimodal Mixed Use Parking District works.
- **Proposal:** Map 4.3.1-1 Base Zoning Districts technical correction
 - **Rationale:** Corrects the inadvertent zoning change to a portion of Starr Farm Park from ZA-24-02



Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

Sec. 4.4.5 Residential Districts

- **Proposal (Sec 4.4.5 (a)4):** Adjust the purpose statement of the Residential Corridor District
 - **Rationale:** Corrects the inconsistency between the purpose statement and table 4.4.5-2
- **Proposal:** Make the same residential district correction in Map 4.4.5-1
 - **Rationale:** Corrects the inadvertent zoning change to a portion of Starr Farm Park from ZA-24-02
- **Proposal:** Internal reference correction to Table 4.4.5-1
 - **Rationale:** Made space for a footnote related to Cottage Courts in future amendment
- **Proposal:** Modifications to Table 4.4.5-2 include **(1)** an internal reference correction, **(2)** replacement of the term building “face” with building “Elevation”, and **(3)** modify footnote 3 to reference changes proposed to Sec. 4.4.5 (d) 4. D.
 - **Rationale:** Provides clarity on what is considered as a building “face” in Table 4.4.5-2, related to the maximum building face before providing offset. *A new definition was created for the term “Elevation” in Article 13. See slide 22. The modification to footnote 3 calls attention to the new section created which brings ADU standards into Sec. 4.4.5 (see slide 18).*

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

Sec. 4.4.5 (d) 1. B. (i): Residential Development Bonuses, Senior Housing and Housing for Individuals with Disabilities Bonus

- **Proposal:** Clarify the bonus referenced specifically applies exclusively for projects containing housing for seniors and/or individuals with disabilities.
 - **Rationale:** The intent is that only projects providing housing exclusively for these populations are eligible for the bonus.
- **Proposal (Sec. 4.4.5 (d) 1. B. (i) c):** Eliminates the bonus of an additional 10 feet of building height for the current Senior Housing Bonus
 - **Rationale:** Act 47 provides an additional story of height to projects including at least 20% affordable housing. Thus, the bonus' application to projects providing a minimum of 25% affordable housing makes the current height bonus redundant and unnecessary.
- **Proposal:** Creates new Sec. 4.4.5 (d) 1. B. (i) c) that refers to amended Table 4.4.5-4,
 - **Rationale:** This line is added to denote amended Table 4.4.5-4.
- **Proposal:** Modifies Table 4.4.5-4 to **(1)** reflect the new Neighborhood Code Lot Cover standards, **(2)** replaces the Maximum Density requirement with a Maximum Development Intensity measure in FAR, and **(3)** includes a Maximum Height limit.
 - **Rationale:** Table requires amending as bonus now applies to height and FAR (rather than density), in addition to lot coverage.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

Sec. 4.4.5 (d) 1. B. (ii): Residential Development Bonuses, Residential Conversion Bonus

- **Proposal: (1)** Adds language under Sec. 4.4.5 (d) 1. B. (ii) a) clarifying that any applicable lot coverage, height, FAR, and units per building may be modified by the DRB up to a limit of 100% of the pre-application coverage, height, and GFA condition (2) Eliminates Table 4.4.5-5
 - **Rationale:** The focus here is on converting a non-conforming and non-residential use in a residential area to residential. This takes the approach that any existing non-conformity can be retained, but repurposed into residential uses with whatever # of units works within those limits.

Sec. 4.4.5 (d) B. (iii): Limitations on Residential Development Bonuses

- **Proposal: (1)** Clarifies the administration of projects meeting multiple bonus standards and **(2)** replaces the use of density with development intensity.
 - **Rationale:** The CDO offers multiple bonuses, including those in Articles 4 and 9. When a project qualifies for more than one bonus, including an Art. 9 bonus, it is currently unclear how these are granted.
- **Proposal: (1)** Re-numbers Table 4.4.5-6 to 4.4.5-5 and **(2)** replaces Maximum Density requirements with Maximum FAR requirements, as well as updates Maximum Height and Maximum Lot Coverage requirements.
 - **Rationale:** Table is amended to reflect replacement of density (DU/acre) with intensity (FAR). All standards are amended to reflect NC II standards. Height bonus is adjusted to accommodate a true additional floor.

Recommended Ordinance Change:

Article 4, Part 4: Base Zoning District Regulations

Sec. 4.4.5 (d) 2.: Exceptions to Dimensional Standards

- **Proposal:** Create an exception to Maximum Building Footprint Limit under Sec. 4.4.5 (d) 2. D.
 - **Rationale:** This answers the question of whether existing buildings that are already larger than the newly adopted building footprints should be allowed to expand.

Sec. 4.4.5 (d) 4.: Miscellaneous Standards

- **Proposal:** Create new standards for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.)
 - **Rationale:** These modifications streamline the ordinance in an effort to make understanding ADU requirements less complex for the general user. This standard aims to enable a situation where, if someone adds an additional unit in an owner-occupied unit or if they build a single-unit secondary structure meeting these requirements, they can benefit from incentives including the admin review and the waiver of impact fees.

Recommended Ordinance Change:

Article 4, Part 5: Overlay Zoning District Regulations

Sec. 4.5.1: Design Review Overlay District

- **Proposal:** Move the Design Review Overlay District out of Article 4 and into Article 3, where the Design Review requirements are currently housed.
 - **Rationale:** Moving the Design Review Overlay District regulations into Sec. 3.4.2 (b) will condense the applicability standards of design review into one section, thus making Design Review applicability less complex for the general user.

Recommended Ordinance Change:

Article 5, Part 2: Dimensional Requirements

Sec. 5.2.3 (b): Exceptions to Lot Coverage

- **Proposal:** Eliminates the additional lot cover waiver specific to Accessory Dwelling Units (Section 5.2.3 (b) 10.).
 - **Rationale:** Lot cover limits were modestly increased across all Residential Districts through ZA-24-02 to provide flexibility that would allow secondary structures.
-

Recommended Ordinance Change:

Article 5, Part 4: Special Use Regulations

Sec. 5.4.5: Accessory Dwelling Units

- **Proposal:** Collapses section into Section 4.4.5 under the incentive for an Additional Unit on lot or with in Owner Occupied Single Detached Dwelling (Sec. 4.4.5 (d) 4. D.)
 - **Rationale:** These modifications streamline the ordinance in an effort to make understanding ADU requirements less complex for the general user. This standard aims to enable a situation where, if someone adds an additional unit in an owner-occupied unit or if they build a single-unit secondary structure meeting these requirements, they can benefit from incentives including the admin review and the waiver of impact fees.

Recommended Ordinance Change:

Article 7, Part 2: Sign Types

Table 7.2.1-B: Sign Types Permitted by Form/Zoning District

- **Proposal:** Updates Residential Districts with updated abbreviations following ZA-24-04
 - **Rationale:** Corrects abbreviations.
- **Proposal:** Creates a new column for the RC district.
 - **Rationale:** RC district is proposed to be equated with the NMU district's sign standards, reflecting the potential for mixed-use development along the corridors.

Recommended Ordinance Change:

Article 11, Part 1: Planned Unit Development

Table 11.1.3-1: Planned Unit Development Project Size Standards

- **Proposal:** Reduces the minimum project size for RL, RCO-R/G from 2 acres to 0.5 acres and creates new minimum project size for PUDs in RM of 0.5 acres (currently no min. size).
 - **Rationale:** Amended project size standards intended to facilitate infill PUD development

Recommended Ordinance Change:

Article 11, Part 1: Planned Unit Development

Table 11.1.3-1: Planned Unit Development Project Size Standards

- Proposal:**

District	Lot Size	Setback		Max. FAR	Max. Bldg. Height	Max. Bldg. Footprint ^{2,3}	Max. Bldg. Elevation Before Providing Offset	
		Front Internal ROW ¹	Project Periphery					
RL	<u>0.5-1 Acre</u>	<u>0' Min</u> 20' Max.	<u>Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides.</u> <u>Max Required: 20 ft.</u>	<u>0.5</u>	<u>3 Stories</u> 35 ft.	<u>1,800 sq. ft.</u> <u>5,000 sq. ft.</u> <u>15,000 sq. ft.</u>	<u>N/A</u>	
	<u>1-3 Acres</u>						<u>50 ft.</u>	
	<u>3+ Acres</u>							
RM	<u>0.5-1 Acre</u>						<u>1.0</u>	<u>N/A</u>
	<u>1-3 Acres</u>							<u>50 ft.</u>
	<u>3+ Acres</u>							

- Rationale:** Base standards intended to facilitate PUDs. Staff recommends exploring in upcoming NC Part 2B bonus provisions for projects demonstrating exceptional sustainability and other community benefits (e.g. TDM, GSI, community facilities).

Recommended Ordinance Change:

Article 13, Part 2: Definitions

- **Proposal:** Create a definition for Building Footprint
 - **Rationale:** Building footprint is not understood by all in the same way. Recommended definition clarifies intent that only insulated areas intended for human occupancy should be considered as within a building's footprint, excluding protrusions in walls such as bay windows.
- **Proposal:** Create a definition for Elevation
 - **Rationale:** The CDO employs elevation in multiple instances, yet the term is not defined. New definition is intended to provide clarity to the public and staff.

ZA-25-01

Overdose Prevention Centers



CHARLES DILLARD, AICP, PRINCIPAL PLANNER

Background

On June 17, 2024, the Vermont legislature enacted H. 72 – now 18 V.S.A. § 4254, legislation that authorizes overdose prevention centers.

Overdose Prevention Centers are facilities are intended to reduce the potential risks of drug use, including overdose and undesirable public drug use, by providing facilities and trained staff for the on-site use of regulated substances.

Background

The Department of Health will be issuing operating guidelines for OPCs, including level of on-site staff qualifications, by September 15th.

It is the City's goal to support the establishment of an OPC as soon as possible following the State's approval.

Proposed Ordinance

Proposal:

Newly define Overdose Prevention Center as “An establishment containing offices and facilities for providing addiction, medical and social services, including supervised possession and use of regulated substances, as enabled by 18 V.S.A. § 4254.”

Rationale:

Overdose Prevention Centers do not conform perfectly to any use defined in the Comprehensive Development Ordinance. Given the complex legal framework enabling this use, a standalone definition is recommended. Furthermore, it is standard City practice to define any uses specifically enabled by state legislation as such by denoting its enabling statute.

Proposed Ordinance

Proposal:

Allow the OPC use in the following districts:

- Institutional
- Neighborhood Mixed-Use
- Downtown Form Districts 5/6

Rationale:

Overdose Prevention Centers should be located in mixed-use areas with the highest development intensity and where potential impacts can be mitigated. They should also be located in areas where related and supportive addiction, medical and social services are allowed.