

CITY OF BURLINGTON

ORDINANCE \_\_\_\_\_

Sponsor: Office of City Planning,  
Planning Commission

Public Hearing Dates: \_\_\_\_\_

In the Year Two Thousand Twenty-Four

First reading: \_\_\_\_\_

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

ZA-24-04 Neighborhood Code 2-A: Technical Corrections & PUD  
Standards

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 City  
2 of Burlington be and hereby is amended by amending Sec. 3.4.2(b) Design Review Applicability; moves  
3 Map 4.5.1-1 Design Review Overlay District to Sec. 3.4.2(b) as amended and renumbered Map 3.4.2;  
4 amends Sec. 4.3.1(e) Residential Districts established; modifies Map 4.3.1-1 Base Zoning Districts; modifies  
5 Map 4.4.5-1 Residential Zoning Districts; updates Tables 4.4.5-1 and Tables 4.4.5-2; amends Sec. 4.4.5 (d)  
6 1. B. Residential Development Bonuses; creates Sec 4.4.5-2 (d) 2. D. Exceptions to Maximum Building  
7 Footprint Limit; creates Section 4.4.5 (d) 4. D. Additional Unit; deletes Sec. 4.5.1 Design Review Overlay  
8 District and reserves section; deletes Sec. 5.4.5 Accessory Dwelling Units; amends Table 11.1.3-1 Planned  
9 Unit Development Project Size Standards; establishes Table 11.1.3-2 Planned Unit Development Standards  
10 in RL & RM; and amends Article 13 - Definitions thereof to read as follows:

Article 3: Applications, Permits, and Project Reviews

PART 3: IMPACT FEES

Sec. 3.3.3 Exemptions and Waivers

(a) Exemptions:

The following types of development are exempt from this Part:

1. additions to existing dwelling units, provided such additions are for residential purposes;
2. alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage;
3. land development which does not result in new building square footage (e.g. parking lots, facade renovations, signs, etc.);
4. additions to existing buildings for which the sole purpose is to provide additional means of egress (e.g. stair towers, elevators, etc).
- 4.5. the creation of an Accessory Dwelling Unit or Additional Unit on lot or with in Owner Occupied Single Detached Dwelling as described in Sec. 4.4.5 (d) 4. D.

Commented [SM1]: Added to explicitly state that ADUs are exempt from Impact Fees, per PC recommendation.

Waiting on a response from City Atty office per PC request to consider if ADU needs to appear in ordinance. Will be updated for July meeting.

Article 3: Applications, Permits, and Project Reviews

PART 4: SITE PLAN AND DESIGN REVIEW

Sec. 3.4.1 Purpose

These site plan review regulations are enacted to provide for the consideration of site features and their location and arrangement so as to protect important natural and cultural features, ensure the adequacy of parking and circulation, provide for necessary landscaping and screening, and protect and maintain the character and development pattern of the surrounding area.

Additionally, design review regulations are intended to provide for the detailed review of certain uses, structures, and architectural features 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.

Sec. 3.4.2 Applicability

(a) Site Plan Review:

Site Plan Review shall be required for the approval of all development subject to the provisions of this ordinance with the exception of single-family dwellings not otherwise subject to the requirements of Design Review.

(b) Design Review:

~~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 this part and the review criteria described in Art 6~~  
Design Review shall be required for the approval of all development subject to the provisions of this ordinance ~~for within the following geographic areas or for all development subject to the following provisions:~~

~~1. For any projects located within the geographic areas as delineated as applicable on Map 3.4.2-1 within the Design Review Overlay District~~ Applicable as defined in Article 4, Sec. 4.5.1, and any of the following:

~~1-2. For any projects within geographic areas delineated as not applicable on Map 3.4.2-1 but that are subject to the following provisions:~~

~~2. a. Any development subject to the provisions of Article 3, Part 5 – Conditional Use and Major Impact Review;~~

~~3. b. Any development subject to the provisions of Article 5, Part 3 – Non-Conformities;~~

~~4. c. Any development subject to the provisions of Article 5, Part 4 – Special Use Regulations;~~

~~5. d. Any development subject to the provisions of Sec. 7.1.6 Non-Conforming Signs and Article 7, Part 3 Sign Plans;~~

~~6. e. Any development subject to the provisions of Article 10 – Subdivision;~~

~~7. f. Any development subject to the provisions of Article 11 – Planned Development; and,~~

~~g. A project within an RL District where a building contains 3 or more units or proposes more than one building on a lot subject to Sec. 4.4.5.~~

~~8. h. Any development made subject to the provisions of this Part by direct reference not otherwise noted here.~~

Design Review shall not be required for:

1. Single detached dwellings and duplex dwellings within an RL district not otherwise subject to any of the above provisions.

2. All applications subject to the planBTV: Downtown Code under Art. 14, which shall be exempt from review under this section, and the development review principles and standards contained in Article 6 – Development Review Standards, and instead shall be subject to the requirements of Article 14.

**Commented [MT2]:** See the proposed changes to Art 3 & 4. This proposes to condense the applicability standards for design review from Article 3 & 4 together, proposes some approaches where there are gaps with new NC standards, and suggests a few minor map changes to resolve gaps between current map and NC Residential District boundary changes.

This does not fundamentally change the applicability of design review, but seeks to make it more clear. If a broader discussion about the locations/uses of design review is warranted, suggest removing this from Part 2-A and discussing in a subsequent amendment.

**Commented [MT3]:** This will move existing Map 4.5.1-1 to this location and renumber/rename accordingly.

Potential changes to the map to integrate existing policy with map changes from NC Part 1:

Areas that were RL that are now RM or RC – should they be added to Design Review? (RM used to be a threshold for requiring DR)

**Commented [MT4]:** By starting with the map of where DR is applicable, it presumes that all of the following project types are subject to DR within those zones. These are only needed to be retained for areas where DR would not otherwise be required by virtue of zoning district

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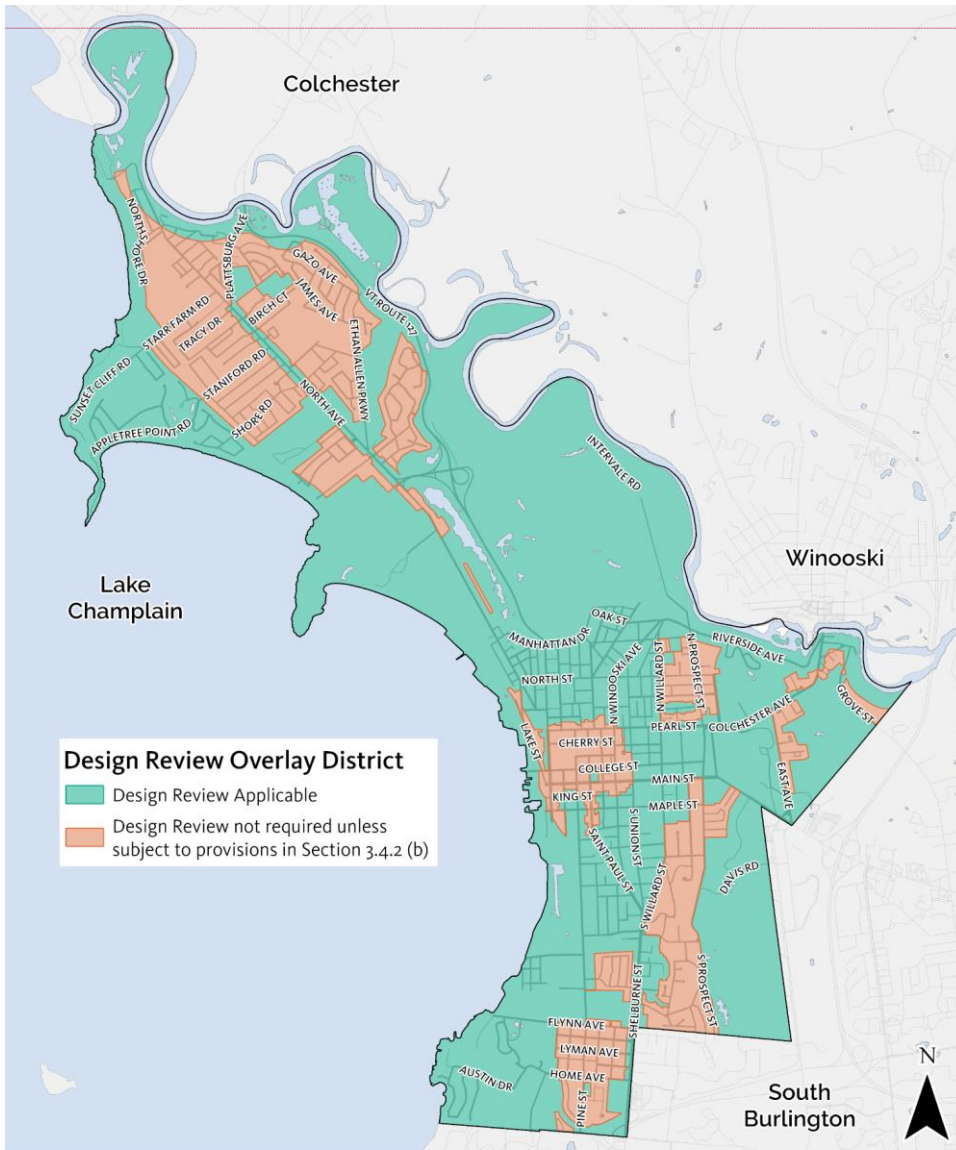
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**Commented [SM5]:** Incorporates the new Corridor District as well as RM areas previously zoned as RL into the Design Review Overlay District.

This new map also adjusts the colors used in an effort to make the map more intuitive.

**Map 3.4.2-1 Design Review Overlay District**

*Burlington Comprehensive Development Ordinance  
Districts effective Jan. 30, 2008 with amendments effective 06-02-2021 (ZA-21-03)*

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**Article 4: Zoning Maps and Districts**

**PART 3: ZONING DISTRICTS ESTABLISHED**

**Sec. 4.3.1 Base Districts Established:**

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

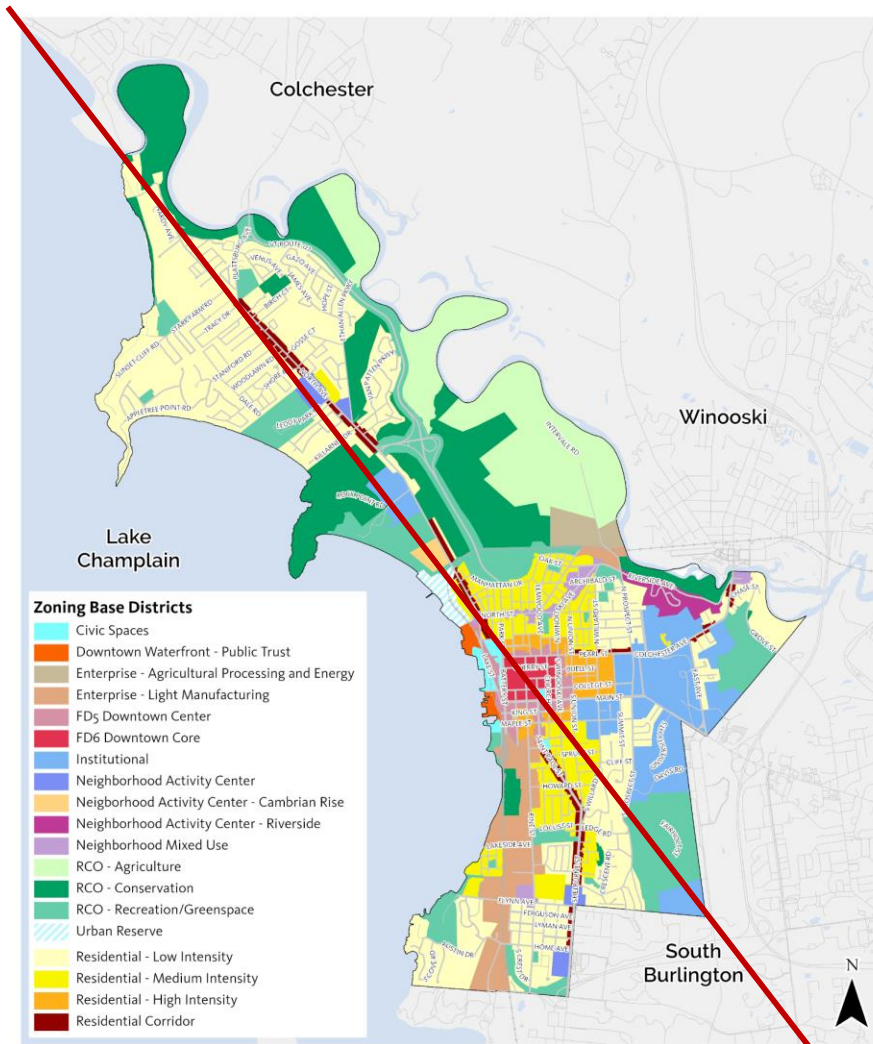
(a) through (d) – *As Written*

(e) A series of four (4) **Residential** districts: *see Sec. 4.4.5*)

- Residential Corridor (RC), [where mapped, this district applies to properties with street frontage on North Avenue, Colchester Avenue, and Shelburne Street to a maximum depth of 200 ft;](#)
- Residential High Intensity (RH);
- Residential Medium Intensity (RM); and
- Residential Lower Intensity (RL);

(f) through (g) – *As Written*

**Commented [MT6]:** Technical correction to clarify how to apply RC zone, and consistent with how the Downtown & Multimodal mixed use parking district works.

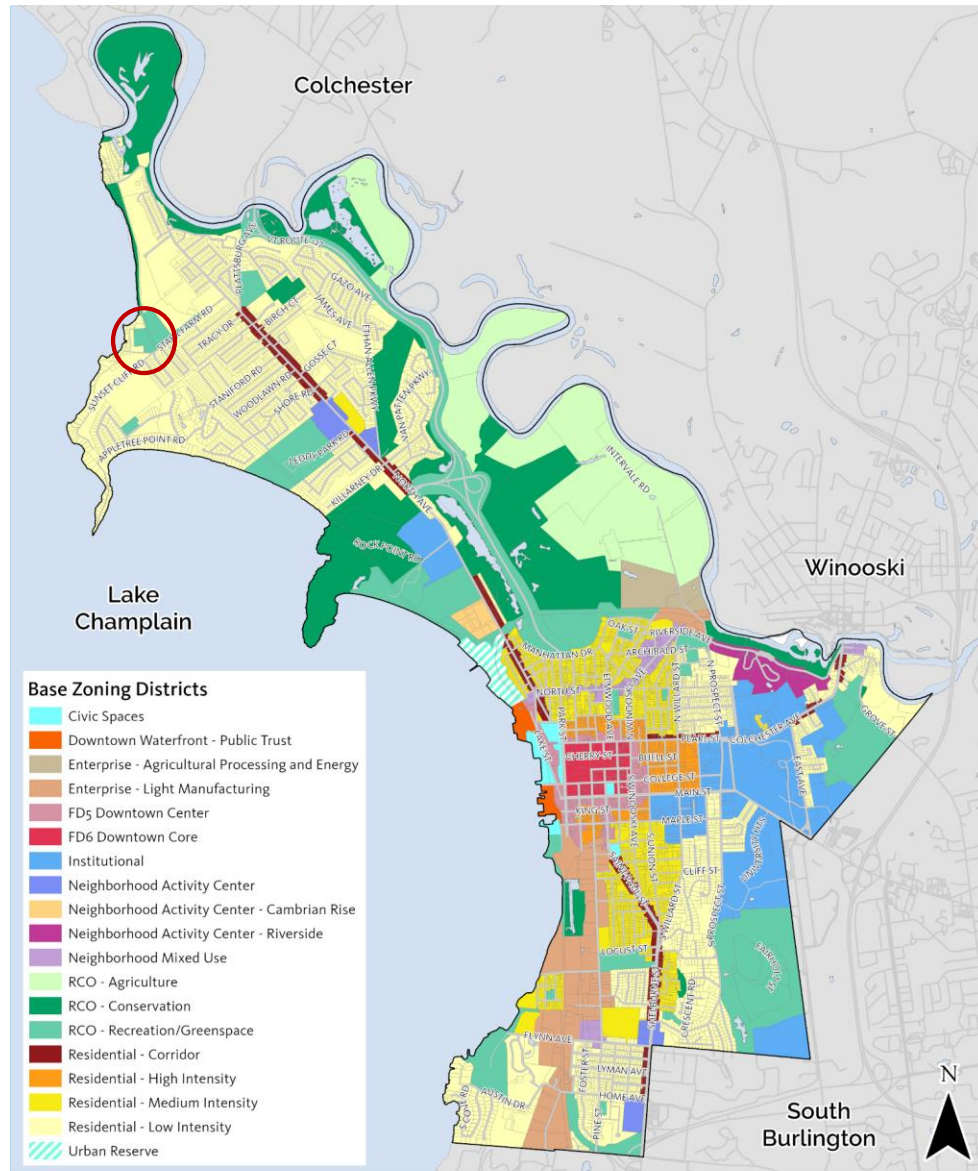


**Map 4.3.1-1 Base Zoning Districts**  
Burlington Comprehensive Development Ordinance  
Districts effective Jan. 30, 2008

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Map 4.3.1-1 Base Zoning Districts





Commented [MT7]: This corrects the inadvertent zoning change to portion of Starr Farm Park from ZA-24-02

Map 4.3.1-1 Base Zoning Districts

Burlington Comprehensive Development Ordinance

Districts effective Jan. 30, 2008 with amendments effective 06-05-24 (ZA-24-02)

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

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

100  
101 **Sec. 4.4.5 Residential Districts**

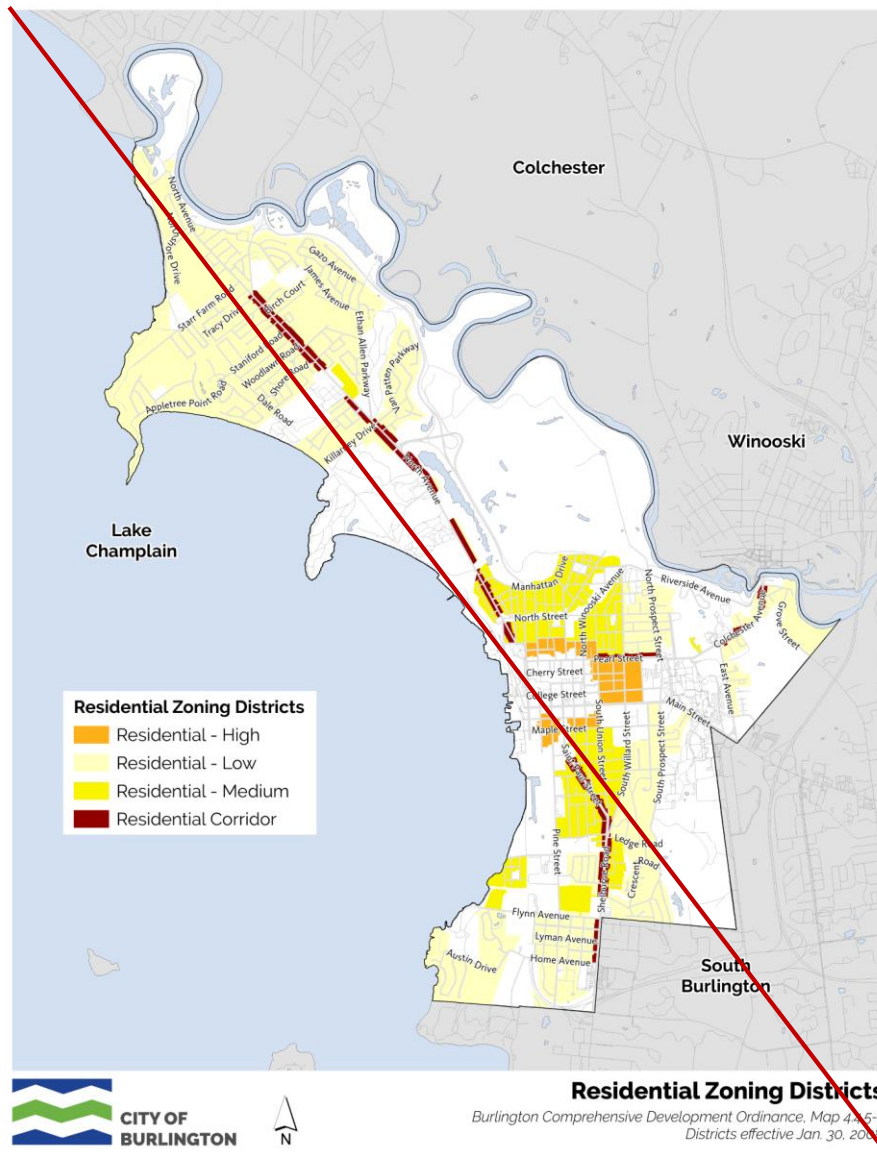
102 **(a) Purpose:**

103 *As Written*

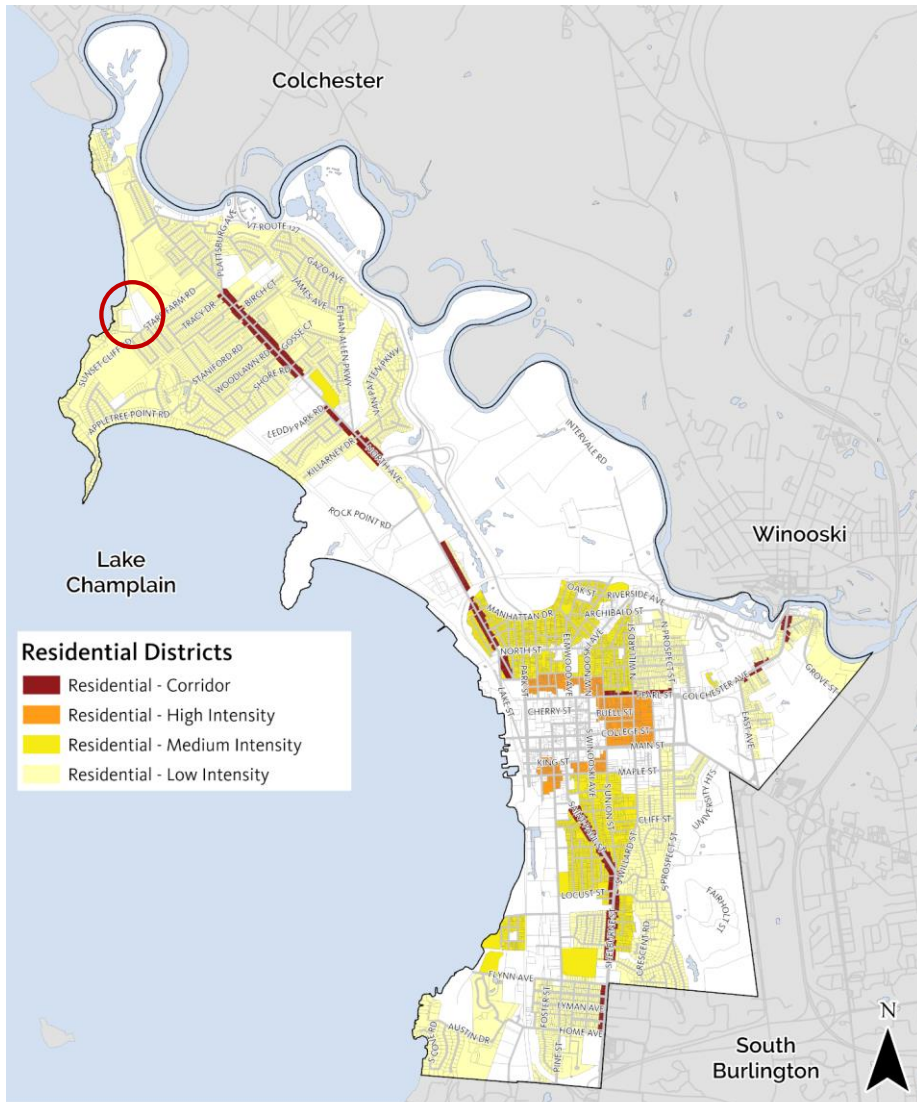
104 The Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

- 105 1. The **Residential Lower Intensity (Residential Low, RL)** – *As Written*
- 106 2. The **Residential Medium Intensity (Residential Medium, RM)** – *As Written*
- 107 3. The **Residential High Intensity (Residential High, RH)** – *As Written*
- 108 4. The **Residential Corridor (RC)** district is intended for residential development that includes a mix of housing  
109 types such as duplex, triplex, quadplex, townhouse, and mid-sized, multi-unit and mixed-use buildings along major  
110 multi-modal transportation corridors that are adjacent to low intensity districts. Single-family detached dwellings  
111 are limited to buildings originally built for such purpose. New and infill development may be located closer to the  
112 street than historic development patterns, with building heights ~~ranging from two to three and a half up to four~~  
113 stories and high lot coverage. Neighborhood-serving commercial uses may be incorporated in existing or new  
114 buildings.

**Commented [MT8]:** Corrects an inconsistency between the purpose statement and tables that follow.







Commented [MT9]: Makes same correction to Starr Farm.

Map 4.4.5-1 Residential Zoning Districts

Burlington Comprehensive Development Ordinance  
Districts effective Jan. 30, 2008 with amendments effective 06-05-24 (ZA-24-02)

118 **Sec. 4.4.5 Residential Districts**

119 (b) **Dimensional Standards**

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

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

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

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.
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.
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) 2C below.
10. Reserved

**Commented [MT10]:** This is a placeholder for the lot cover footnote that will relate to Cottage courts in a future amendment, rather than deleting the stray footnote number from the table.

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

District	Max Height & Stories <sup>1,3</sup>	Max Dwelling Units per Structure <sup>2,3</sup>	Max. Principal Structure Footprint <sup>3</sup>	Max. Secondary Structure Footprint <sup>3</sup>	Max Building face before providing offset <sup>5</sup> Max. Linear Elevation before offset <sup>4</sup>	Min. Distance between Structures on same lot
Residential Low (RL)	35' 3 stories	4	1,800 sq.ft.	1,100 sq.ft.	50'	15'
Residential Medium (RM)	35' 3 stories	4	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50' 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft.	N/A		
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 <a href="#">Table 4.4.5-3</a> or Article 11. <a href="#">Where an existing Principal Structure contains only an owner-occupied Single detached dwelling, and proposes to add one additional unit within the Principal Structure or in a Secondary Structure, see additional provisions in Sec. 4.4.5 (d) 4. D.</a> 4. Required on all building <del>faeces</del> Elevations. Minimum offset is 5 ft measured perpendicular to the building <del>faee</del> Elevation in excess of 50 ft linear feet.						

**Commented [MT11]:** Reference to Table 4.4.5-3 is an intentional placeholder for cottage courts in a future amendment.

**Commented [MT12]:** This is to call attention to the new section in the residential districts which brings the ADU standards into the NC details.

126  
127 (c) **Permitted and Conditional Uses:**  
128 *As Written*

129 (d) **District Specific Regulations:**  
130 The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They  
131 are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as  
132 provided above.

133 **1. Additional Residential Development Permitted**  
134 In addition to any applicable development permitted according to Article 11- Planned Unit Development, the following  
135 additional development types and intensities shall be allowed within the Residential Districts, subject to the following  
136 standards.

137 **A. Reserved**  
138  
139 **Table 4.4.5-3 Reserved**  
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**Commented [MT13]:** FYI: This section was already adopted into the code as a placeholder for Cottage Courts related to the footnote comments in the tables above.

141 **B. Residential Development Bonuses**  
142 The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in  
143 any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that  
144 are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise  
145 applicable.

**Commented [MT14]:** This section has been updated to address how the development bonuses adapt to Table 4.4.5-2 and Article 11 approach recommended.

146 (i) **Senior Housing Bonus**  
147 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  
148 DRB for [projects including exclusively](#) senior housing provided the following conditions are met:  
149 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.);

- b) The proposal shall be subject to the design review provisions of Art. 6;
- ~~e) A maximum of an additional 10 feet of building height may be permitted in the RH District; and,~~
- ~~c) Lot coverage, height, and development intensity shall not exceed the following. The maximum dwelling units per building in Table 4.4.5-2 may be waived subject to the DRB approval under Article 11, and residential densities shall not exceed the following:~~

**Table 4.4.5-4: Senior Housing Bonus**

District	Maximum Lot Coverage	Maximum Development Intensity Density	Maximum Height
RL	44.55%	20 du/ae 1.5 FAR	4 stories, 50 ft
RM	48.65%	40 du/ae 1.75 FAR	
RH	92.90%	80 du/ae 2.0 FAR	5 stories, 62 ft.

**(ii) Residential Conversion Bonus**

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:

- a) Any applicable lot coverage, height, FAR, and units per building limits may be modified by the DRB up to a limit of 100% of the pre-application coverage, height and GFA condition.
- ~~a) Lot coverage and residential densities shall not exceed the following:~~

~~Table 4.4.5-5: Residential Conversion Bonus~~

District	Maximum Coverage	Maximum Density
RL	50% (62% with inclusionary allowance)	8 du/ae (8.75 with inclusionary allowance)
RM	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)

**(iii) 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, and where any applicable development allowances per Article 9 are utilized, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

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

**Commented [MT15]:** This aligns the lot cover bonus to new NC standards for lot cover in these zones. Generally, this bonus previously allowed approx. a 10% lot cover for each district.

**Commented [MT16]:** Most often, these projects are going to be subject to PUD developments, vs small individual NC scale projects. Therefore, these bonuses are calibrated to the FAR that is allowed in the new proposed standards for Article 11.

**Commented [MT17]:** This did not used to allow an additional story in RL & RM. However, changes to Act 47 of 2023 state that if a project is providing 20% affordable housing, they shall be entitled to an extra story of height. Because this is separate from Article 9, and therefore any intensity bonuses afforded to a project under that, this change is necessary to ensure this bonus complies with state requirement.

**Commented [MT18]:** Previously, RH height was limited to 3 stories, and this bonus allowed an extra floor just for the RH district. If we wish to keep the extra floor bonus in RH, with the new height limit in RH of 4 stories, then this is the new max height.

**Commented [MT19]:** 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.

Table 4.4.5-56: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum Density/FAR*	Maximum Height	Maximum Lot Coverage*
RH	80-du/ae2.0 FAR	4562-feet	9290%
RM	40-du/ae1.75 FAR	3550-feet	7265%
RL	20-du/ae1.5 FAR	3550-feet	6255%

\*- 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

Commented [MT20]: Renumbered because the prior table is getting deleted.

2. Exceptions to Dimensional Standards

A. through C – As Written

D. Exceptions to Maximum Building Footprint Limit

- (i) Existing structures legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.4.5-2 shall not be considered non-conforming. Such buildings shall only be allowed to be converted, adaptively reused, or enlarged, including for the purpose of adding additional units, within the limits this part or as otherwise permitted in Sec. 5.4.8 or Article 11.
- (ii) Single-family homes legally existing as of January 1, 2024 in excess of the building footprint limits in Table 4.4.5-2 may be expanded to 125% of the pre-existing footprint, as long as no additional units are added.

Commented [MT21]: This is to answer the question we have received about existing buildings that are already larger than the limit, as well as whether existing SF homes already bigger than 1800 sf should be allowed to expand.

Some policy questions have come up about why would exempt SF homes, and not buildings that allow another unit. Can discuss with PC if needed.

3. Exception for Neighborhood Commercial Uses

As Written

4. Miscellaneous Standards

(A) Through (C) –As Written

D. Additional Unit on lot or with in Owner Occupied Single Detached Dwelling

Where an existing Principal Structure in any Residential Zoning District contains only an owner-occupied Single Detached Dwelling, and an applicant proposes to add a single additional Accessory Dwelling Unit (ADU) within the Principal Structure or within a detached Secondary Structure on the same lot as the owner-occupied home, the application shall be eligible for shall be subject to administrative review and approval according to Sec.3.2.7 (a) 13, and exempt from paying impact fees, according to Sec. 3.3.3., except where otherwise required.

Commented [MT22]: Per commission discussion of using admin review and impact fee waiver as an owner incentive.

Commented [SM23]: Includes the term Accessory Dwelling Unit/ADU per the PC discussion on 6/11

Commented [SM24]: Removing "shall be eligible" to following PC discussion on 6/11 to prevent any questions that might come from using the term "eligibility"

(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.

207  
208 **Article 4: Zoning Maps and Districts**  
209 **PART 5: OVERLAY ZONING DISTRICT REGULATIONS**  
210

211 **Sec. 4.5.1 ~~Reserved~~ Design Review Overlay District**

212 **(a) Purpose:**

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

218 The geographic areas subject to the Design Review Overlay shall be as delineated on Map 4.5.1-1: Design Review  
219 Overlay, that include the following:

220 (1) The following zoning districts:

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

223 B. Portions of the Residential Districts as identified in Map 4.5.1-1 and described below.

224 (2) The following areas within Residential Districts:

225 A. All properties west of the Burlington Bike Path north of College Street;

226 B. All properties west of the Vermont Railway line south of Lakeside Ave;

227 C. All properties within 500' of Lake Champlain or the Winooski River;

228 D. All properties with frontage on Brooks Avenue;

229 E. All properties within the area bounded by Maple, South Willard, Howard and South Union streets;

230 F. All properties with frontage on the west side of South Union St. between Main and Howard streets;

231 G. All properties with frontage on the north side of Howard St. between South Union and St. Paul streets;

232 (3) The following uses, buildings, and properties within Residential Districts:

233 A. ~~All~~ nonresidential uses, residential uses with home occupations, or other conditional uses, having frontage on  
234 the following major streets:

235 (i) Shelburne Street, from its point of beginning southerly to its intersection with Home Avenue;

236 (ii) South Union Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;

237 (iii) St. Paul Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;

238 (iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett  
239 Street; and

240 (v) North Avenue, from its intersection with Convent Square northerly to its intersection with Plattsburg  
241 Avenue.

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

<sup>4</sup> 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.

**Commented [MT25]:** By creating the RC, which allows multiunit buildings and neighborhood commercial uses, effectively means that anything except a single family home or duplex within the RC would be subject to design review if we want to keep the same applicability thresholds. We should update the map to add RC areas to the "applicable" to make this clear.

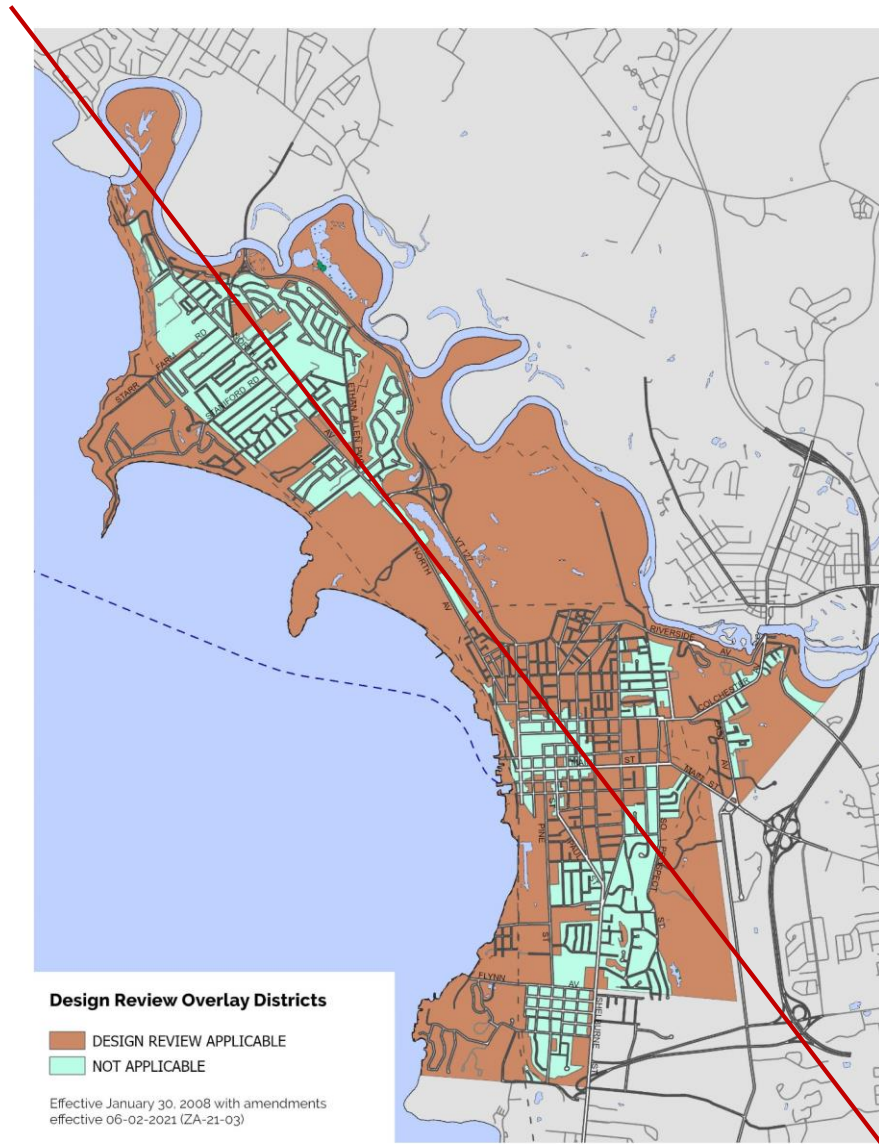
The area covered by ii. is now in RM. Based on the other changes embedded here, same would apply; all but SF & duplex would be applicable.



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

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**Commented [MT26]:** This map will be moved to Article 3, and may incorporate changes per the above sections.

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Map 4.5.1-1: Design Review Overlay

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252 **Article 5: Citywide General Regulations**  
253 **PART 2: DIMENSIONAL REQUIREMENTS**  
254

255 **(b) Exceptions to Lot Coverage:**

256 In all districts, the following shall not be counted as lot coverage:

257 1. through 9. – As *Written*

258 ~~10. For lot area occupied by an ADU, the DRB may approve up to 650 sq. ft. additional lot coverage over existing lot coverage,~~  
259 ~~even if present or proposed lot coverage exceeds the standard lot coverage limits. To grant such an exemption, the DRB~~  
260 ~~must find that the existing lot coverage has been lawfully created, and that the proposed location, site design, and~~  
261 ~~improvements will enable on-site management of the first one-inch of stormwater runoff from the lot area of the ADU~~  
262 ~~exceeding the applicable lot coverage limit, and will not have undue adverse impact on public rights of way based on the~~  
263 ~~review of the DPW Stormwater Program Manager.~~

**Commented [SM27]:** Addressed in ZA-24-04's modest increases to the maximum allowable lot cover in Residential Districts.

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265 **Article 5: Citywide General Regulations**  
266 **PART 4: SPECIAL USE REGULATIONS**  
267

268 Sec. 5.4.5 Accessory Dwelling Units

269 **(a) Accessory Units, General Standards/Permitted Uses:**

270 Where there is a principal structure on a lot which exists as an owner-occupied single family residence, one accessory  
271 dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if  
272 the provisions of this subsection are met. An accessory dwelling unit means a dwelling unit that is clearly subordinate to  
273 the principal dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and  
274 sanitation. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally,  
275 there must be compliance with all the following:

- 276 1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and  
277 2. The unit does not consist of more than 900 sq. ft., or 30 percent (30%) of the Gross Floor Area of the principal home,  
278 whichever is greater; and  
279 3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and  
280 4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the  
281 permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall  
282 identify the permit number and note that the property is subject to the permit and its terms and conditions including  
283 owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.

284 **(b) Discontinuance of Accessory Units:**

285 Approval of an accessory dwelling unit is contingent upon owner occupancy of either the principal or accessory dwelling  
286 unit as a primary residence. For purposes of this section, owner occupancy means that, after the creation of the accessory  
287 unit all individuals listed on the deed for the property must reside in the principal unit or in the accessory unit. If neither  
288 the principal unit nor the accessory unit is owner occupied as a primary residence, the approval for the accessory dwelling  
289 unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the  
290 property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a  
291 new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be  
292 submitted for review and approval.

293 Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit  
294 and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes  
295 of increasing the number of unrelated adults that may be allowed to inhabit the property.  
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**Commented [MT28]:** Per discussion with the PC, we collapsed this into an incentive within Sec. 4.4.5.

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**Article 11: Planned Development**  
**PART 1: PLANNED UNIT DEVELOPMENT**

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**Sec. 11.1.1 Intent.** – *As Written*

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**Sec. 11.1.2 Authority.**

These regulations are enacted under the provisions of 24 V.S.A. Section 4417.

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**Sec. 11.1.3 General Requirements and Applicability**

With the exception of development subject to the requirements of Art 14, any development involving multiple lots, tracts or parcels 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 permitted, may be permitted as a PUD subject to the provisions of this Article.

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

Table 11.1.3-1 Planned Unit Development Project Size Standards

Districts	Minimum Project Size
RH, RM, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, RCO-R/G, RM	<del>2 acres or more</del> 0.5 acres <sup>1</sup>

1. See Table 11.1.3-2 for additional standards for PUD project sizes in the RL and RM districts.

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Table 11.1.3-2 Planned Unit Development Standards

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

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1. Front setbacks shall be measured from the edge of the Right-of-Way, that is fully internal to the project, to which the building draws its frontage. Buildings must be at least 10' from the curb or edge of a public Right-of-Way if no curb exists, except where the ROW is a Public Path, in which case the building must be at least 5' from the edge of the Public Path.
2. For projects within RL & RM zones, the limit on the number of primary and secondary structures is not applicable.

320 3. The DRB may grant an expansion beyond these maximum footprints for additions to existing buildings in excess of  
321 these footprint limits as of January 1, 2024.  
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323 **Sec.11.1.4 Modification of Regulations.**

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

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

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333 Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such  
334 modifications shall be subject to the provisions of Sec. 11.1.5 and Sec. 11.1.6.  
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336 **Article 13: Definitions**

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339 **Sec. 13.1.2 Definitions**

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341 Building Footprint: The sum of the area of the largest floor of a Building measured from the exterior Elevations. It does not  
342 include un-insulated porches if said areas are not used for human occupancy, nor protrusions in a wall (i.e. a bay window) if such  
343 protrusions do not create habitable area.

344  
345 Elevation: An exterior wall of a Building.

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346 \* Material stricken out deleted.

348 \*\* Material underlined added.