



South Burlington Planning Commission

575 Dorset Street
South Burlington, VT 05403
(802) 846-4106
www.sburl.com

Meeting Wednesday, September 9, 2020

7:00 pm

IMPORTANT:

This will be a fully electronic meeting, consistent with recently-passed legislation. Presenters and members of the public are invited to participate either by interactive online meeting or by telephone. There will be no physical site at which to attend the meeting.

Participation Options:

Interactive Online Meeting (audio & video): <https://www.gotomeet.me/SBCity/pc-2020-09-09>

By Telephone (audio only): Phone # [\(224\) 501-3412](tel:2245013412), Access Code: 201-969-965

AGENDA:

1. Agenda: Additions, deletions or changes in order of agenda items (7:00 pm)
2. Open to the public for items not related to the agenda (7:02 pm)
3. Announcements and staff report (7:10 pm)
4. *Work Session on [Land Development Regulation Overhaul](#) (7:15 pm)
 - a. Review Planned Unit Development Approaches to Density, and Building Types (7:15 pm)
 - b. Review Thresholds and applicability for Master Plans, PUDs, Subdivisions (8:25 pm)
5. *[Summary and priority of related work](#) products to PUDs and unrelated amendments (8:40 pm)
6. Consider possible application for 2021 Municipal Planning Grant (8:50 pm)
7. Consider Road Name request for Golf Course "Clubhouse" Parcel (8:57 pm)
8. *Review and approve [minutes](#) of August 25, 2020 (8:58 pm)
9. Other Business (8:59 pm)
 - a. *City of Burlington Planning Commission public hearing [on proposed amendments to the Burlington Comprehensive Development Ordinance](#), September 23, 6:45 pm
10. Adjourn (9:00 pm)

Respectfully submitted,

Paul Conner, AICP,
Director of Planning & Zoning

** item has attachments*

South Burlington Planning Commission Meeting Participation Guidelines

1. The Planning Commission Chair presents these guidelines for the public attending Planning Commission meetings to ensure that everyone has a chance to speak and that meetings proceed smoothly.
2. Initial discussion on an agenda item will generally be conducted by the Commission. As this is our opportunity to engage with the subject, we would like to hear from all commissioners first. After the Commission has discussed an item, the Chair will ask for public comment. Please raise your hand to be recognized to speak and the Chair will try to call on each participant in sequence.
3. Once recognized by the Chair, please identify yourself to the Commission.
4. If the Commission suggests time limits, please respect them. Time limits will be used when they can aid in making sure everyone is heard and sufficient time is available for Commission to conduct business items.
5. Side conversations between audience members should be kept to an absolute minimum. The hallway outside the Community Room is available should people wish to chat more fully.
6. Please address the Chair. Please do not address other audience members or staff or presenters and please do not interrupt others when they are speaking.
7. Make every effort not to repeat the points made by others.
8. The Chair will make reasonable efforts to allow everyone who is interested in participating to speak once before speakers address the Commission for a second time.
9. The Planning Commission desires to be as open and informal as possible within the construct that the Planning Commission meeting is an opportunity for commissioners to discuss, debate and decide upon policy matters. Regular Planning Commission meetings are not "town meetings". A warned public hearing is a fuller opportunity to explore an issue, provide input and sway public opinion on the matter.
10. Comments may be submitted before, during or after the meeting to the Planning and Zoning Department. All written comments will be circulation to the Planning Commission and kept as part of the City Planner's official records of meetings. Comments must include your first and last name and a contact (e-mail, phone, address) to be included in the record.



TO: South Burlington Planning Commission
FROM: Paul Conner, Director of Planning & Zoning
SUBJECT: PC Staff Memo
DATE: September 9, 2020 Planning Commission meeting

- 1. Agenda: Additions, deletions or changes in order of agenda items (7:00 pm)**
- 2. Open to the public for items not related to the agenda (7:02 pm)**
- 3. Announcements and staff report (7:10 pm)**

Staff Report:

S. 237: The Senate this spring passed a bill with significant proposed changes to enabling laws for local zoning. The House is presently reviewing. Staff is keeping an eye on its status, and the Vermont Planners Association has weighed in with feedback.

Mapping Tutorials for Zoning. As discussed at your last meeting, Commissioner Ostby will be hosting two tutorials, Thursday evening 9/3 and Friday mid-day 9/4. Details posted on front porch forum.

- 4. ***Work Session on [Land Development Regulation Overhaul](#) (7:15 pm)**

a. Review Planned Unit Development Approaches to Density, and Building Types (7:15 pm)

b. Review Thresholds and applicability for Master Plans, PUDs, Subdivisions (8:25 pm)

See attached memo for 9/9, block layout concepts, most recent building type standards, and prior Commission memo 8/25.

- 5. ***Review LDR amendment work plan list; determine approach to review (8:35 pm)**

See attached status of LDR amendments

- 6. Consider possible application for 2021 Municipal Planning Grant (8:50 pm)**

Staff is reviewing grant criteria and overall capacity; we will present a recommend on or before the meeting date.

- 7. Consider Road Name request for Golf Course "Clubhouse" Parcel (8:50 pm)**

The Development Review Board recently issued final plat approval for this phase of the Vermont National Golf Course. This 11-home neighborhood is located on the east side of Dorset Street, directly across the street from the VNCC Clubhouse. The approved plans consist of 11 single family

homes on a road that connects Dorset Street to Foulsham Hollow Road. The applicant has requested that the Commission consider approval of one of the following names, by order of preference:

1. *Clubhouse Loop [or Drive, or Lane]*
2. *Medalist Loop [or Drive]*

None of the names conflict with the Vermont E-911 Database. Staff recommends Medalist Drive, as there has been some confusion historically with the lot being across the street from the actual golf course clubhouse, and recommends Drive (or Road) over Loop/Lane, as loops are typically circular and lanes have largely been reserved for rear-access alleys in South Burlington.

8. ***Review and approve minutes of August 25, 2020 (8:58 pm)
9. Other Business (8:59 pm)
 - a. *City of Burlington Planning Commission public hearing on proposed amendments to the Burlington Comprehensive Development Ordinance, September 23, 6:45 pm
10. Adjourn (9:00 pm)

**** item has attachments***



MEMORANDUM

TO: South Burlington Planning Commission

FROM: Paul Conner, Director of Planning & Zoning

SUBJECT: Proposed Density Approach; Thresholds, Applicability in PUDs

DATE: September 9, 2020 Planning Commission meeting

At your last meeting, staff and Commissioners discussed how subdivisions are proposed to function, how blocks are formed, and how different approaches to calculating density could apply in PUD settings.

The staff memo from that meeting is enclosed again in this week's packet, as the information is largely the same. At this meeting, we'd like to address the following items:

1. Proposed Min/Max Density Calculations by PUD type. [Updated with staff recommendations]

Recommended Minimum and Maximum Residential Density, by PUD type

<i>PUD Type</i>	<i>Minimum Density Staff Recommendation</i>	<i>Maximum Density Staff Recommendation</i>
<i>Infill/ Redevelopment</i>	Greater of <ul style="list-style-type: none"> 4 units per Buildable Acre or Zoning district max density number (eg. XX u/a) applied to Buildable Area 	<i>Building Type-Based, with:</i> <ul style="list-style-type: none"> <i>A subset of the requirements of the PUD type(s) allowed AND</i> <i>Specific context-based design standards to transition from the current built environment</i> <i>Staff is reviewing where this may leave gaps that would warrant a Land-Based approach</i>
<i>TND</i>	Greater of <ul style="list-style-type: none"> 4 units per Buildable Acre or Zoning district max density number (eg. XX u/a) applied to Buildable Area <i>For PC Discussion: Consider Min of 8 units per Buildable Acre within ¼ mile of transit routes</i>	<i>Building-Type Based</i>
<i>NCD</i>	Greater of <ul style="list-style-type: none"> 4 units per Buildable Acre or Zoning district max density number (eg. XX u/a) applied to Buildable Area 	<i>Building-Type Based</i>
<i>Conservation</i>	Greater of <ul style="list-style-type: none"> 4 units per Buildable Acre or Zoning district max density number (eg. XX u/a) applied to Buildable Area <i>For PC Discussion: In selected areas of the City, no minimum density if at least 85% of gross area is assigned as Open Space and the assigned Buildable Area does not exceed 10 acres</i>	<i>Land-Based Option 1:</i> <ul style="list-style-type: none"> <i>Based on Underlying Zoning</i> <i>Calculated as maximum density of underlying zoning district (e.g. XX u/a) for total land area*, applicable only in the Buildable Area</i> <i>For PC Discussion: Determine whether to include or exclude hazards in density calculations</i>

At the last meeting, staff presented a powerpoint that included pros and cons of each approach. These are repeated below:

Pros and Cons of Each Approach to Density

	<i>Land Based Option 1</i>	<i>Land Based Option 2</i>	<i>Building Based</i>
<i>Source</i>	Underlying Zoning	Minimum Density	Building Types
<i>Pros</i>	<ul style="list-style-type: none"> • Similar to current LDRs • Direct link to underlying zoning. • For Conservation PUD, directly addresses takings 	<ul style="list-style-type: none"> • Allows for direct incentives proportional to the scale of the development • Incremental step from current LDRs 	<ul style="list-style-type: none"> • Establishes a pedestrian-oriented environment with a mix of housing types; • Encourages innovation in design; • Supports affordability of housing; • Makes full use of infrastructure; • Makes efficient use of land that is being developed
<i>Cons</i>	Likely to result in missing neighborhood elements: <ul style="list-style-type: none"> • No or little mix of housing types beyond single and two-family homes • No neighborhood environment, with larger unbuilt, unusable areas between multi-family buildings 	Can result in missing neighborhood elements: <ul style="list-style-type: none"> • No or little mix of housing types beyond single and two-family homes • No neighborhood environment, with larger unbuilt, unusable areas between multi-family buildings 	<ul style="list-style-type: none"> • Establishes compact building form that may differ from adjacent built areas (on smaller lots) – need include context-sensitive standards in infill design • Single and two-family homes have a narrower lot width than recent typical design

To assist in the Commission’s decision making, staff offers the following resources:

A. Sample Block Layouts based on the Commission’s options for calculation of maximum density.

See the enclosed package of drawings. This series shows examples of how the different approaches to density calculation could apply in a typical block. We used the example of a block in the Orchards Neighborhood that measures 750’ x 250’ (2,000’ total perimeter).

Examples 1A, 1B, 1C, and 2C show a parcel-based approach; examples 4A, 4B, 5A and 5B are building-type based. Staff used the building types as the template and assumed that there would be a minimum of three building types required and a maximum of 50% of any single building type allowed.

B. Building Types most recent working draft

The Commission and Affordable Housing Committee have each reviewed and provided feedback on prior drafts. This draft further refines prior versions through additional detail and refinement of standards.

NOTE: The numerical standards (lot width, lot area, height, setback etc.) are not set in stone; at an upcoming meeting, Commissioners can review in detail the effects of narrower or wider lots.

Meeting Objectives:

- A. Determine approach to calculation of minimum / maximum density for each PUD type.

2. Applicability of PUD Types / Thresholds

Proposed Thresholds for PUDs:

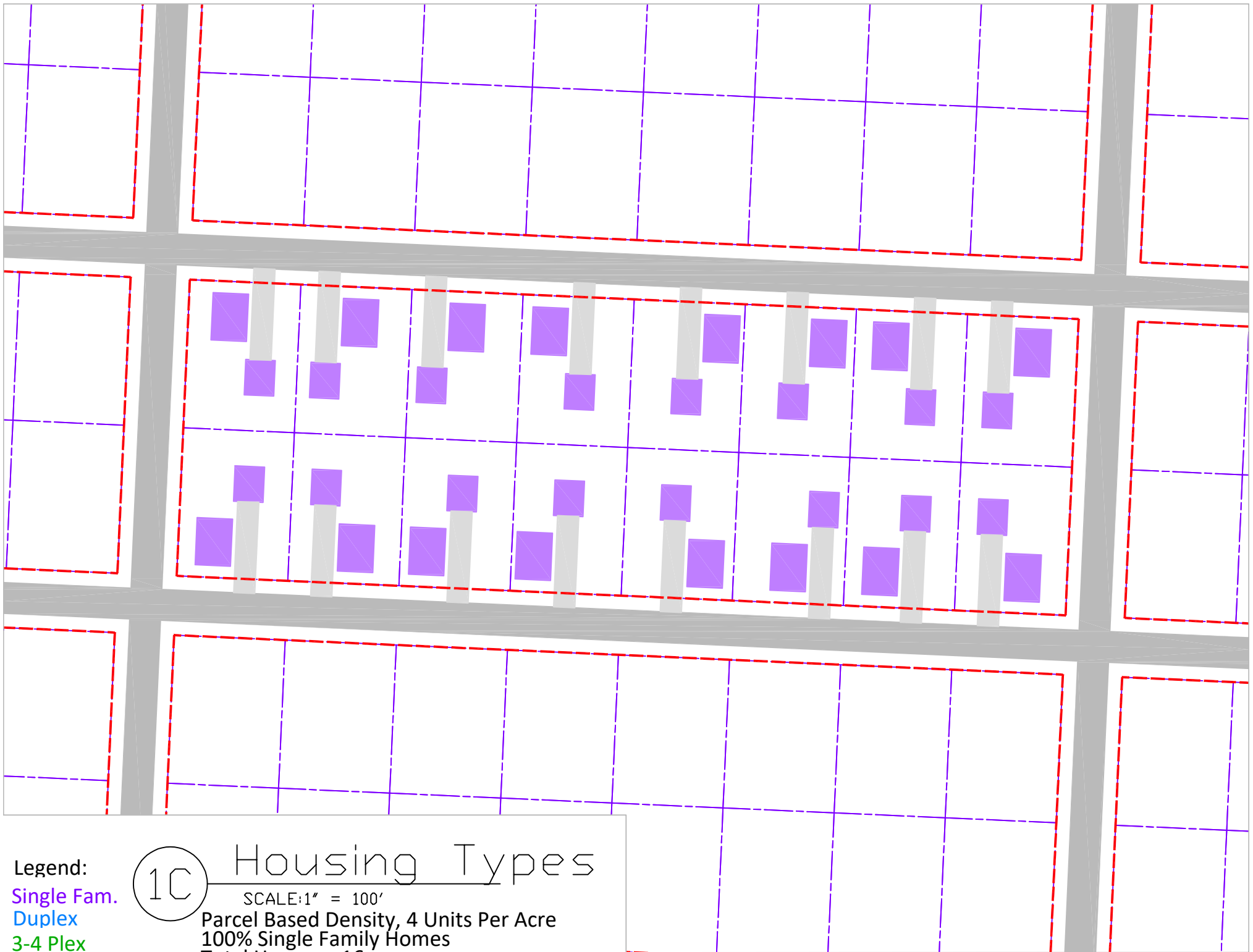
Area	Applicability	Conservation	TND	NCD	Infill/Redevelopment
0-2 acres	Not Permitted				
2-4 acres	Elective	Permitted			Permitted up to TND/NCD threshold
4+ acres	Mandatory (1)	Permitted			Permitted up to TND/NCD threshold
5+ acres	Mandatory (1,2)	Permitted		Permitted	Permitted up to TND threshold
10+ acres	Mandatory (2)	Permitted	Permitted	Permitted	

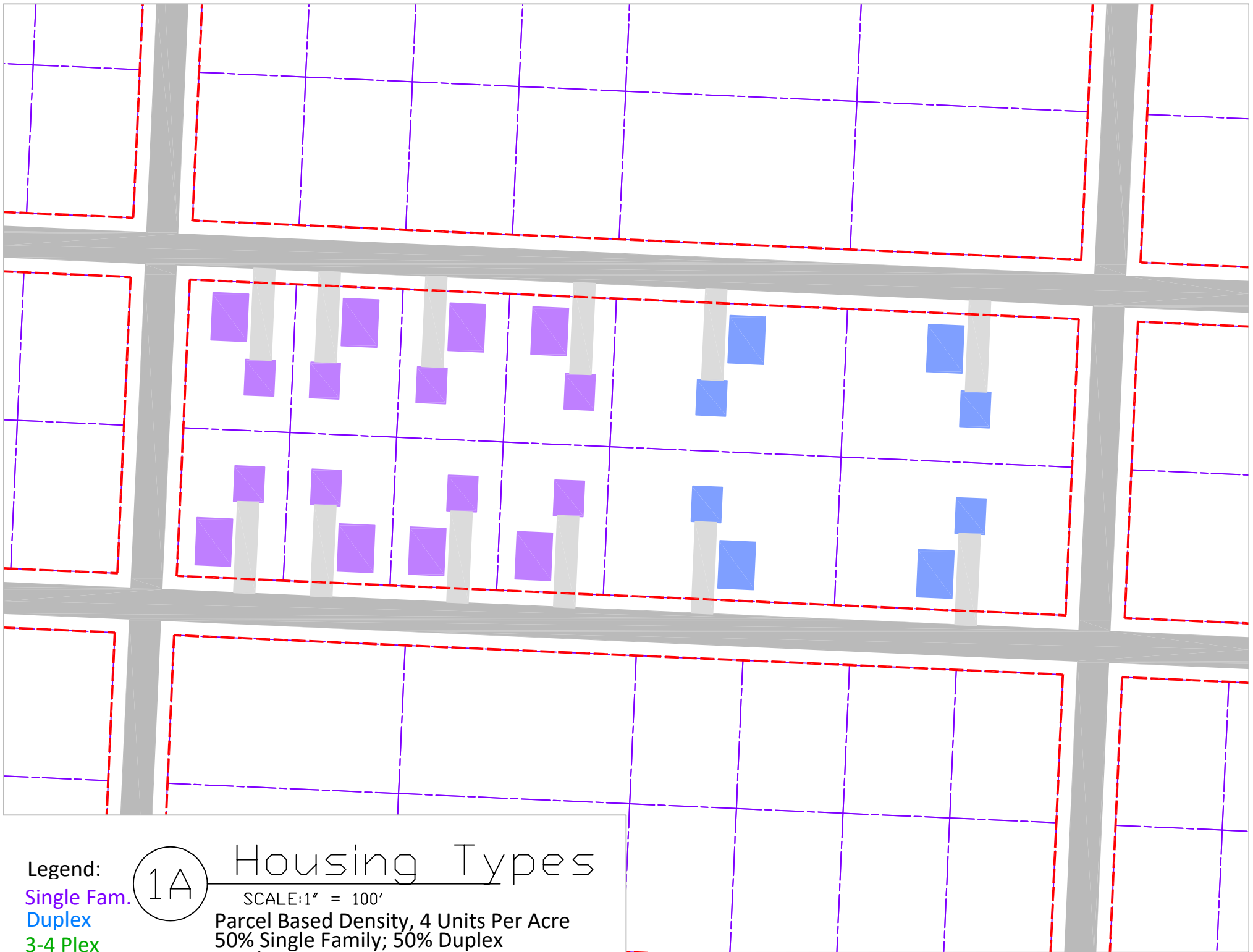
- (1) The Commission had previously indicated that PUDs should be required for all neighborhoods over 4 acres in size in order to preclude large-lot, sub-Act 250 neighborhoods from being built. An alternative to requiring a PUD for these 4-10 acre lots could be to establish a *maximum* lot size under standard subdivision. This has not been fully examined but is an option for the Commission.
- (2) Staff is working with consultant Sharon Murray to review circumstances of single-buildings on large lots and how these would related to PUD requirements.

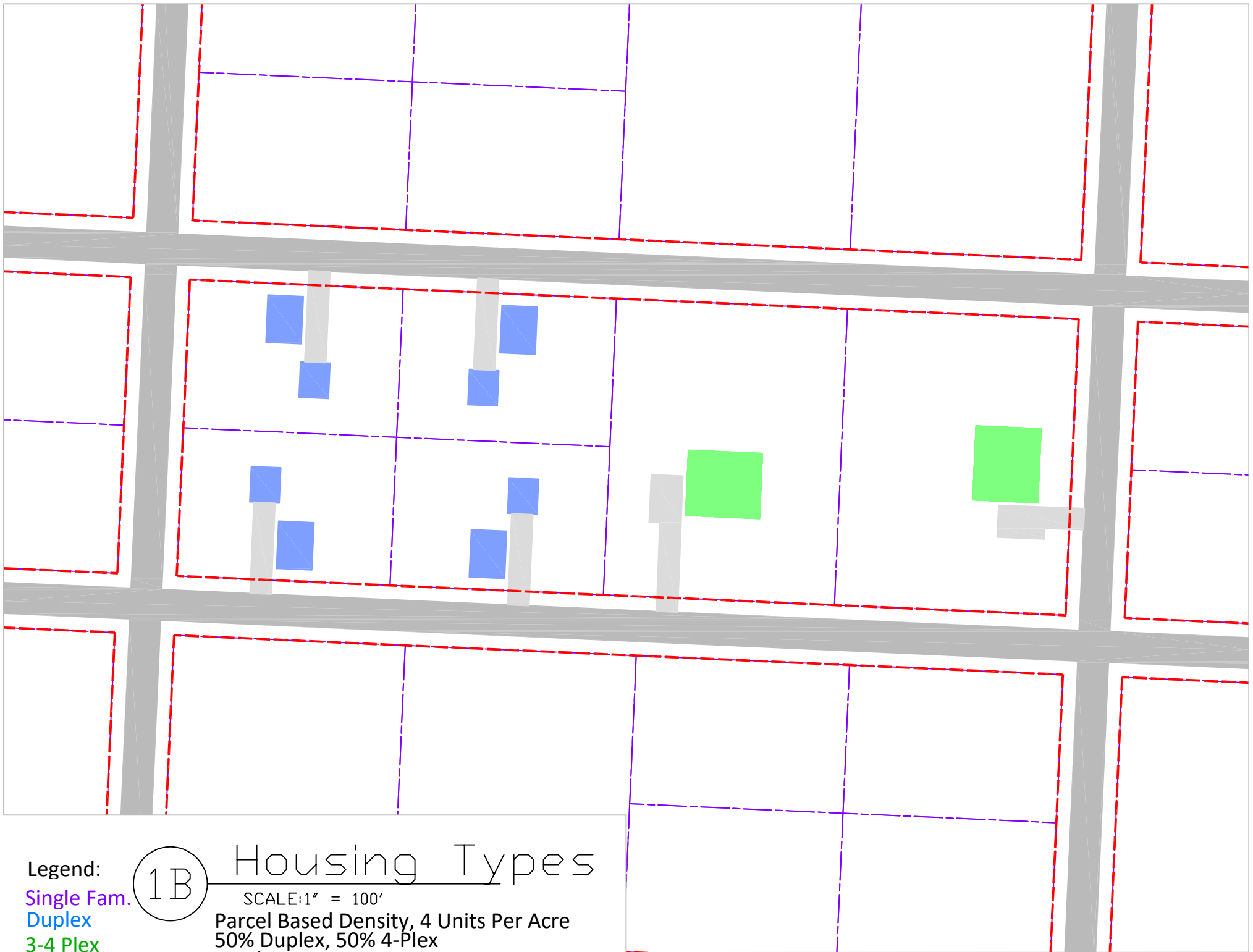
Proposed Applicability of Individual PUD/PRD Types:

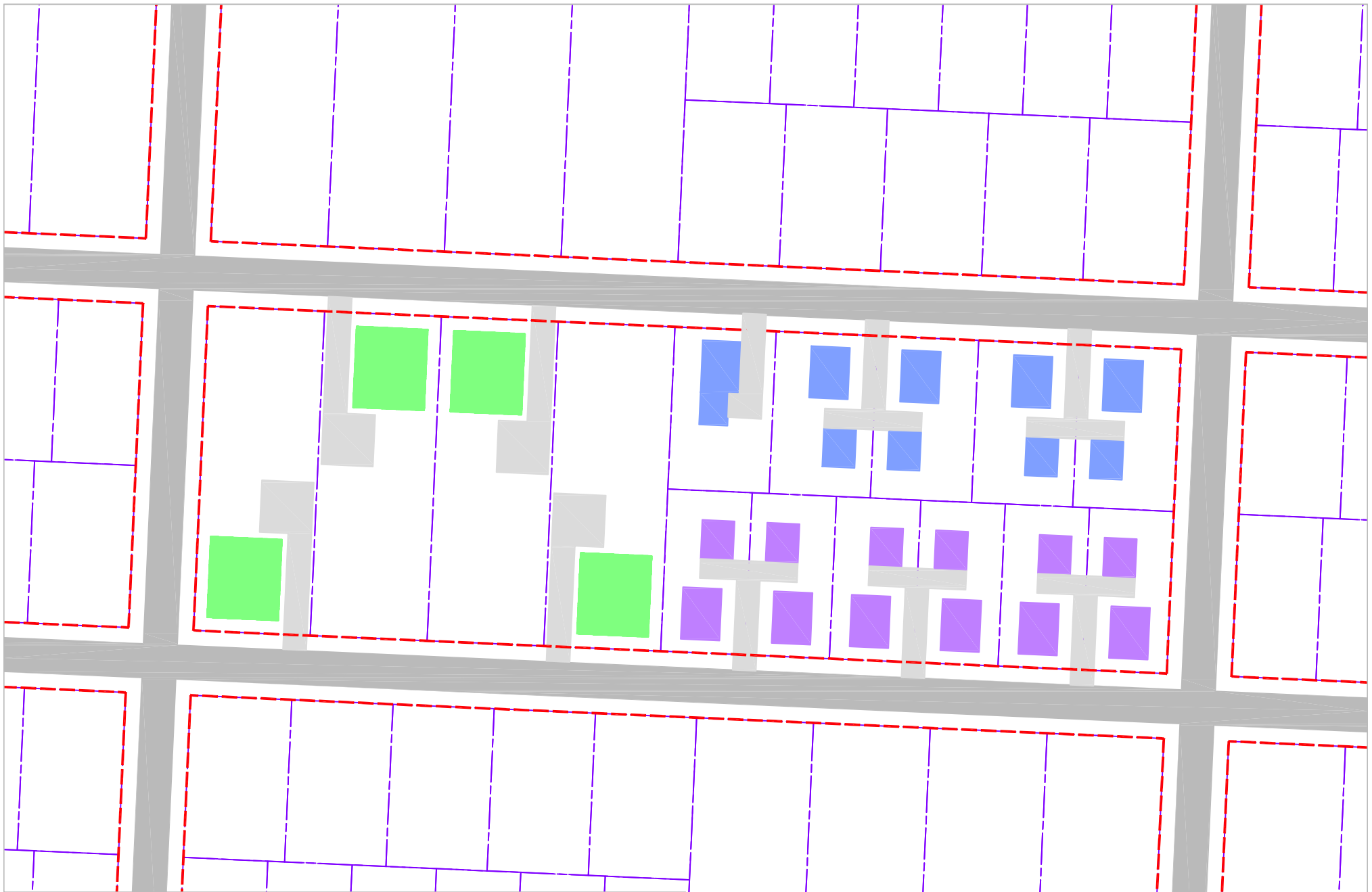
PUD Type	Allowable Zoning Districts
Infill/ Redevelopment	Applicable TND / NCD districts
Conservation PUD	All Zoning Districts where thresholds are exceeded; R1, R2, SEQ-NR, SEQ-NRT, SEQ-VR, SEQ-VC, SEQ-NRP <i>[additional limitations apply]</i>
TND	R1-PRD, R1-LV, R2, R4, R7, Lakeshore, Allen Rd, Swift St, C1-LR, R7-NC, SEQ NR, SEQ-NRT, SEQ-NRT, SEQ-VR, SEQ-VC
NCD	R12, All C1- Districts, C2, Allen Road, Swift St, R7-NC











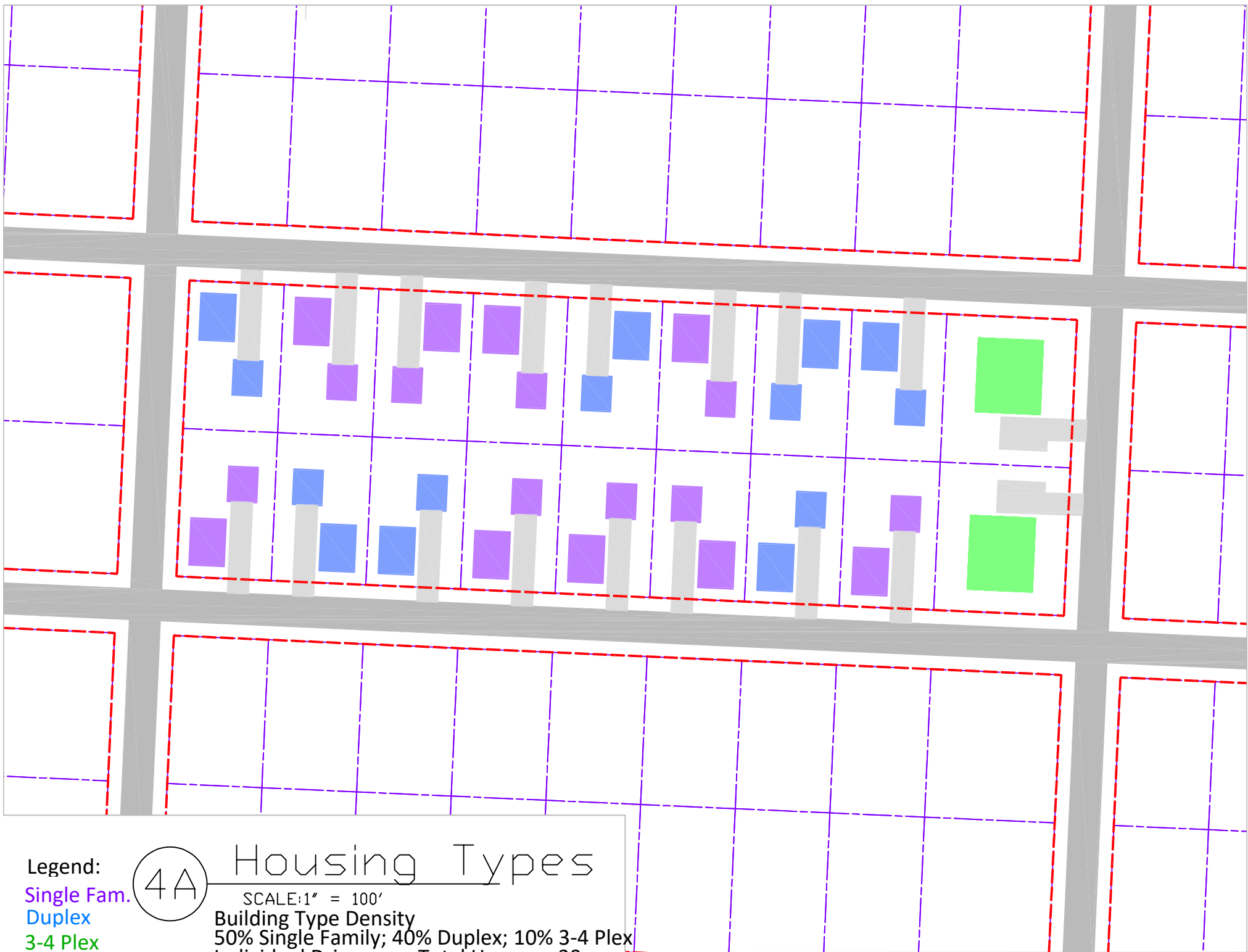
Legend:
Single Fam.
Duplex
3-4 Plex

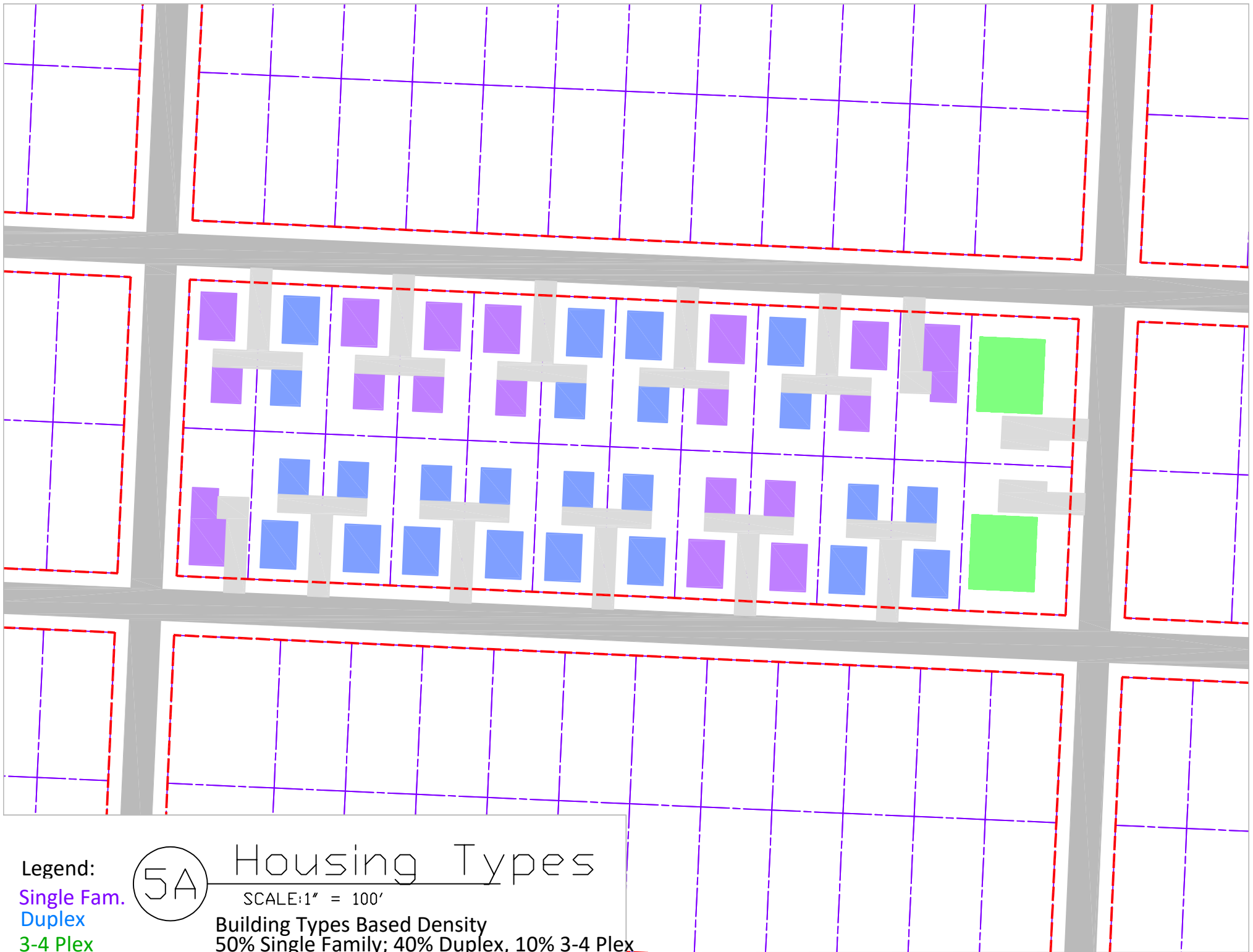


Housing Types

SCALE: 1" = 100'

Parcel Based Density, 8 Units Per Acre
25% Single Family; 25% Duplex; 50% 4-Plex
Total Homes = 32





Legend:

Single Fam.

Duplex

3-4 Plex

5A

Housing Types

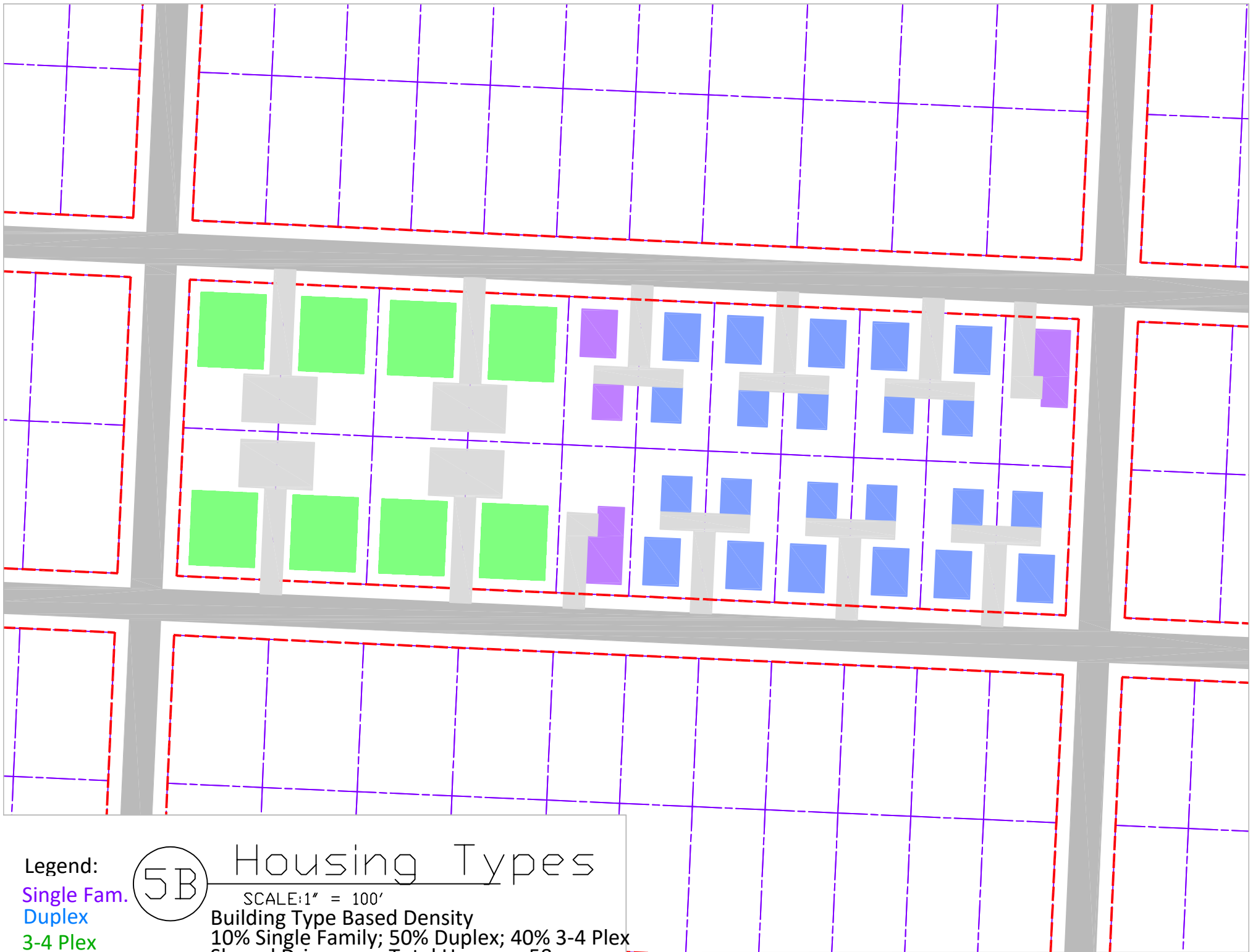
SCALE: 1" = 100'

Building Types Based Density

50% Single Family; 40% Duplex, 10% 3-4 Plex

Shared Driveways; Total Homes = 40





Setbacks/ Building Location [note: front setbacks may move to street types]												
Building Type	Description	PUD Type	Frontage Type	Lot Area (Min-Max)	Lot Width*	Height		Glazing	Vehicular Access & Parking [PC to determine if these should be guidelines or standards]	Supplementary Design Notes	Allowed Street Categories	
Detached House	A single unit dwelling or group home, consisting of one detached principal dwelling unit per lot. May include one accessory dwelling and/or a home occupation, as allowed under the regulations.	TND CON (per underlying)	Residential front yard; Porch, stoop; Main pedestrian entrance to the house shall be accessed directly from and face the street or green.	4,000-10,000 SF	40'-80' lot width	1.5-2.5 stories	•BTZ 10-25 ft (exceptions for arterials and irregular lots approved by DRB); may be reduced to 5 feet for porch •Min side setback: 5 ft • Min rear setback: 10 ft	No requirements. South facing windows to living space encouraged.	•On a corner lot, parking shall be accessed from the side street. •Garages must be set back (will insert SEQ language here) and doors may not consume more than 40% of the total front façade of the structure. Alley access preferred.	Maximum lot coverage 70%	Local, Collector	
Carriage House	A small, detached, accessory building located on the same lot as a detached house or owner-occupied duplex, respecting required setbacks. This type of housing is intended to provide affordable housing and home-based businesses within the context of a walkable, residential neighborhood.	TND CON (per underlying) NCD	At ground level or above a detached garage. Not permitted in the front yard.	Must be on a shared lot with a detached house.	Must be on a shared lot with a detached house.	For detached ADUs in accessory structures, 15 feet maximum. May increase by 2 feet in height for every 10 feet from property line, not to exceed 2 stories.	•Typically located at the rear of a lot. May not be to the front of the main structure • Minimum 10' rear and side setbacks for single story. Two stories shall meet all setbacks for principal buildings.	No requirements. South facing windows encouraged.	In accordance with detached single family units. ADUs provided parking per LDRs. Shared driveway access (single curbcut) required.	Architecture shall be complementary to that of the principal building.	Local, Collector	
Duplex (stacked or side-by-side)	A two-unit dwelling, consisting of a small to medium sized detached residential structure that contains two principal dwelling units, either stacked or side by side, which are entirely separated by a vertical dividing wall or floor. This housing type has the appearance of a single family dwelling and is typically scaled to fit within a primarily single family neighborhood. It is intended to provide additional, housing options within the context of a walkable, residential neighborhood.	TND CON (per underlying)	Each dwelling unit has its own primary entry that faces the street and is accessed from a porch or stoop.	5,000-10,000 SF lot area per building; Individual units in side by side duplex may be sited on lots equivalent to half of the minimum and max range listed here.	•50'-80' lot width; •May be located on one lot, or two lots sharing a side property line along the dividing wall, with front, side, and rear yards.	1.5-2.5 stories	•BTZ 10-25 ft(exceptions for arterials and irregular lots approved by DRB); may be reduced to 5 feet for front porch •Min side setback for outside walls: 5 ft •Min side setback for inside or shared walls: 0 ft • Min rear setback: 20 ft	No requirements.	•If facing the street, garages are limited to single bay per dwelling unit. Additional bays must be located either behind the duplex or be side-loaded •Provision of on-street parking and alley access is preferred •Driveways may not exceed 12' in width per unit	Maximum lot coverage for structure 70%	Local, Collector	
Multiplex, Small	A housing type consisting of 3 to 4 principal dwelling units within a detached, residential building that has the appearance of a large single family dwelling (detached house), with front, side and rear yards. This housing type is typically scaled to fit sparingly within a primarily single family neighborhood, or within medium density residential neighborhood. It is intended to provide additional housing options within the context of a walkable, residential neighborhood.	TND CON (per underlying) NCD	Porch; stoop. The units may share a common main entrance or have separate residential scale entrances. At least one main entry must face the street.	8,000-15,000 SF	•50'-100' lot width	2-2.5 stories	BTZ 10-25 ft (exceptions for arterials and irregular lots approved by DRB) •Min side setback for outside walls: 10 ft •Min side setback for inside or shared walls: 0 ft • Min rear setback: 20 ft	Location and amount of glazing should be typical of a large single family dwelling, with ample residential scale windows. Large windowless walls are not permitted.	Garages are limited to detached accessory structures or rear-loaded and hidden from view of the principal public street.	Front entry shall be principal design feature of front facing facade. Maximum lot coverage TBD	Local, Collector, Arterial	
Cottage Cluster	A series of small, detached, one-unit structures arranged to define a shared courtyard that is typically perpendicular to the street. A cottage cluster is scaled to fit within primarily single-family or medium-density neighborhoods, and includes 3 to 9 buildings. The shared central green space takes the place of a private rear yard and serves as a community-enhancing	TND CON (per underlying)	Porch; shared courtyard with units adjacent to the street having direct entrance from the street	2,000-5,000 SF per unit	80'-125' lot width at street [reviewing for consistency with T3]	1-2 stories	Setbacks: 5 foot minimum front, side, and rear . Outermost perimeter must meet 10 foot side and rear setbacks from adjacent properties.	No requirements.	Vehicular access is to the rear of the structures, or a common parking lot may be provided. There should be no vehicular access through the shared courtyard.	Varies, but are internally consistent. Maximum lot coverage TBD	Local, Collector	
Row House/Townhouse	A structure that contains 3 to 10 very narrow to medium-sized dwelling units connected to one another side-by-side by a party wall. Each dwelling unit has an individual entry facing the street, and groupings of units often share uniform plans, fenestration and architectural treatments.	NCD TND CON (per underlying)	Each unit has an individual entrance that faces the public street and is accessed from a porch, stoop, or lightwell	2,000-4,000 SF per unit	20'-30' per unit lot width	2-2.5 stories	BTZ 10-25 ft (exceptions for arterials and irregular lots approved by DRB) •Min side setback for outside walls: 10 ft Min side setback for inside or shared walls: 0 ft	No requirements.	Per current regs related to parking.	Groupings of units should generally share uniform fenestration and architectural treatments	Collector, Arterial	
Multiplex, medium	A large, detached structure that contains 5 to 8 dwelling units. Has a single building massing and may often have the appearance of a traditional large single-family home or duplex.	NCD TND CON (per underlying)	The structure has several residential style entries, several of which must face the street and are accessed from a porch, or stoop	10,000-18,000 SF	60'-125' lot width	2-2.5 stories	BTZ 10-25 ft, 5-15 feet to the sides.	Minimum front glazing of 30% for all sides facing the public street. South facing windows encouraged.	Per Article 14	See description. The Board may approve a single, shared entry if careful thought is given to make the building appear as though it is a large/estate home.	Local, Collector, Arterial	

Setbacks/ Building Location [note: front setbacks may move to street types]												
Building Type	Description	PUD Type	Frontage Type	Lot Area (Min-Max)	Lot Width*	Height		Glazing	Vehicular Access & Parking [PC to determine if these should be guidelines or standards]	Supplementary Design Notes	Allowed Street Categories	
Multiplex, large	A large, detached structure that contains 9 to 12 dwelling units. Designed and massed to appear as one or more large single-family homes. Large multiplexes can be located in a location that transitions from a primarily single-family neighborhood into a higher-density or mixed-use neighborhood.	NCD CON (per underlying)	The structure has several residential style entries, several of which must face the street and are accessed from a porch or stoop	20,000-35,000 SF	80'-150' lot width	2-3 stories	BTZ 15-35 ft, 5-15 feet to the sides.	Minimum front glazing of 30% for all sides facing the public street. South facing windows encouraged.	To the rear of the structure. No garages facing the street. Garages should be individual rather than be a consolidated space.	See description. The design of the structure to resemble single family homes distinguishes it from a multistory flex building.	Collector, Arterial	
Stacked Flat Building	A large detached structure that contains 12-60 dwelling units. Building must be oriented with its narrowest dimension at the street, fitting in line with the street rhythm.	NCD			80'-150' lot width [note: still be evaluated]	3-5 stories	BTZ 15-35 ft, 5-15 feet to the sides.	Minimum front glazing of 30% for all sides facing the public street. South facing windows encouraged.	Underground or to the rear of the structure.			
Civic Building	Medium to large attached or detached building dedicated to a civic use and designed to stand apart from its surroundings due to the specialized nature of its public or quasi-public use for public assembly. Examples include libraries, places of worship, schools, centers of government, performing arts, community centers, and museums. Private building types also permitted: poolhouse, clubhouse or other spaced dedicated to gathering of neighborhood residents	NCD TND	The applicant shall plan for and demonstrate a pedestrian access plan.	NA	NA	Public: per underlying zoning; private: 2 stories max.	Private civic buildings should be centrally located so that they are accessible to all parts of the surrounding neighborhood.	No requirements	None required. If provided, per article 14.		Collector, Arterial	
Cottage Commercial	Intended to provide for a wide mix of uses in a building with the physical characteristics of a small scale residential building. The building is versatile and could easily accommodate either residential or non-residential uses, distinguishable only through signage. May also serve as a live-work space. Buildings are expected to reflect the character of the surrounding	NCD TND	Porch ; shopfront. Publicly accessible entrance at streetfront.	6,000-15,000 SF	60'-100' lot width	1.5-2.5 stories	<ul style="list-style-type: none"> •BTZ 10-50 ft (exceptions for arterials and irregular lots approved by DRB) •Min side setback: 10 ft • Min rear setback: 10 ft 	<ul style="list-style-type: none"> •Minimum on first floor: 40% •Residential scaled or treated windows 	Rear of building or on street. Non landscaped parking area may not exceed 2x the footprint of the structure.	<ul style="list-style-type: none"> •Residential doors and residentially scaled windows on public street •Pitched or gabled roof required •Porches, stoops, and covered entryways are 	Local, Collector	
Neighborhood Storefront	Attached or detached building intended to serve people and businesses at the neighborhood or village scale. While the upper stories may provide for office space or residential occupation, the first floor is clearly intended for non-residential use.	TND- per 13.28 NCD	Shopfront, gallery, arcade. <ul style="list-style-type: none"> •Building entries emphasized with special architectural treatment; A walkway in front of the building, connecting the tenant spaces is required •Commercial entry door 	6,000-15,000 SF	60'-100' lot width	May range from 1-3 stories but must demonstrate an average minimum of 1.5 stories and must have a varied roofline.	<ul style="list-style-type: none"> •Setback no more than 30 feet from road right of way; attached units may have a zero side setback •Restaurant uses are encouraged to provide outdoor dining space 	<ul style="list-style-type: none"> •Minimum on first floor: 40% •First floor windows minimum 7.5' in height 	Per article 14. Also, non landscaped surface parking area may not exceed 2x the footprint of the structure.	<ul style="list-style-type: none"> •Blank walls not to exceed 30' in length at street level 	Local, Collector, Arterial?	
MultiStory Flex Building	Multi-purpose building. May be interchangeable between residential and commercial in use and appearance.	NCD	Gallery; arcade; storefront. If intended primarily for residential use, may also (permit?) a large porch. additional entrances may be located to the rear to align with building mass	25,000 SF-50,000 SF	100'-250' lot width	NCD: per underlying and overlay zoning Campus: 4 stories max	BTZ 10-50 ft, 15 feet side yard minimum	Minimum of 30% of area of façades facing a street	Per article 14. Also, non landscaped surface parking area may not exceed 2x the footprint of the structure.	<ul style="list-style-type: none"> •Required window treatments, facade breaks and roof height variations (details to be added here) 	Collector, Arterial	
Urban Storefront	Intended as commercial or mixed use for higher density non-transect areas with higher traffic volumes. Can include freestanding buildings or shared wall buildings.	NCD	Gallery; arcade, storefront.	25,000 SF-50,000 SF?	150'-300' lot width	<ul style="list-style-type: none"> •2-5 stories •Maximum height determined by zoning district 	BTZ 10-30 ft, 15 feet side yard minimum	Minimum transparent glazing on street facing first floor: 50%	Per article 14. Also, non landscaped surface parking area may not exceed the footprint of the structure.	Buildings should have a recognizable base, middle and top and balance vertical and horizontal proportions. Buildings should also employ horizontal building breaks for every 80 feet.	Local, Collector, Arterial	
Important note- just because a type is allowed in a particular PUD type, doesn't meet it is permitted anywhere, on any street type, and without limitation. Language is under development by our consulting team to use these types in context. There may be a required mix of housing types within a PUD.												

Building Type		Description	PUD Type	Frontage Type	Lot Area (Min-Max)	Lot Width*	Height	Setbacks/ Building Location [note: front setbacks may move to street types]	Glazing	Vehicular Access & Parking [PC to determine if these should be guidelines or standards]	Supplementary Design Notes	Allowed Street Categories	
*Special Notes		•Lot widths are measured at the primary street. •12 feet additional lot width is permitted for SF and Duplex buildings where access is needed to the side or rear of the lot for parking's. 18 feet additional is permitted per all other housing types where access is needed to the side or rear of the lot. No additional width is permitted where garages are proposed to be front loaded. Curbcuts at street shall not exceed 12 feet in width.											
Standards for all types		All buildings must be oriented to the street, or shared green or courtyard where applicable. For pre-existing lots with less than 200 feet of frontage on a public street and where the depth of the lot is more than 2x the width of the lot's frontage, the design may instead treat the access drive or new private street as the primary frontage. See design for mews (TBC)											
		Home occupations permitted in accordance with LDRS											
		When used in CC FBC district, standards of Chapter 8 take precedent											

DRAFT



MEMORANDUM

TO: South Burlington Planning Commission
FROM: Paul Conner, Director of Planning & Zoning
SUBJECT: Subdivisions, PUDs, Master Plans, Site Plans
DATE: August 25, 2020 Planning Commission meeting

At your last meeting, the focus was on Article 12 and the draft Environmental Protection Standards. At this meeting we'd like to take a similar tact, but on the "built environment" side of the equation, and then tie them together.

Over the past year-plus, you've seen and provided input on a multitude of different pieces of this puzzle. I'm sure it's been a challenge to keep track of, and we appreciate all of your attention. At this meeting we'd like to give you a snapshot of where we are with each of the pieces, what each does, and most importantly, gather Commission feedback on a handful of extremely important remaining decision points.

Included in this memo are updates, proposed thresholds for, and key questions on the following:

1. *Subdivision Standards*
2. *Planned Unit Developments*
3. *Master Plans*
4. *Site Plans*

Staff will begin the meeting with a presentation. The presentation will highlight the goals of the project, what these updates include and intended to do (and what they do not do), and where pieces of the work – namely PUDs – complement other updates to the LDRs that the Commission may elect to undertake in the future.

*Included in this presentation will be a discussion of two possible ways that the Commission may elect to assign maximum density in a PUD (which may also vary by PUD type): **Land-Based vs. Building-Type Based**. This determination in various PUD settings is the most significant remaining decision for the Commission in terms of completing the PUD project. Most of the remaining key questions are about thresholds and how to achieve the stated goals for this project.*

The presentation will also reference the current Commission's work, including expansion of the TDR program and integration with Inclusionary Zoning. These will be addressed more fully at an upcoming meeting

Meeting objectives:

- Commissioners are clear proposed structure and role of subdivisions, master plan, PUD, site plan
- Commissioners are clear on role of Hazards, Level 1, Level 2 Resources
- Commissioners are clear on how a Conservation subdivision works or pose questions they have
- Commissioners are clear on options for calculating maximum density or pose questions they have
- Commissioners have identified any additional information needed to make decisions on critical questions at upcoming meetings

Below please find a status report on each topic, staff recommendations, and key Commission questions
Key questions / future decisions for Commission consideration are in Red

1. Subdivisions:

Summary:

This is a major upgrade to this Article. Currently nearly all subdivisions, except for minor subdivisions resulting in two lots, are also Planned Unit Developments (PUDs), and therefore not generally tied to underlying zoning district standards. This amended Article establishes clear standards for the subdivision of land (creation and merger of lots, supporting infrastructure) under the City's current zoning district and environmental protection regulations. As proposed, all planned unit developments are considered subdivisions, but not all subdivisions will qualify as types of planned unit development.

Principal Functions

- Establishes the pattern of land subdivision and subsequent development: arrangement of streets, blocks, building lots, supporting infrastructure, civic and other open spaces, and connectivity with transportation networks, adjoining parcels.
- Establishes street and block length standards applicable to residential & mixed-use zoning districts
- Newly created building lots must meet zoning district (or PUD) lot standards, and accommodate development (uses) allowed within the zoning district.
- In a non-PUD subdivision, development density is based only on the Buildable Area, and is not transferable from undevelopable land within the subdivision.

Proposed Applicability / Thresholds:

- Administrative Review for minor Boundary Line adjustments and lot mergers.
- DRB review required for all subdivisions per state law. The level of review varies by type of subdivision, as currently defined under the LDRs:
 - Minor Subdivision: 2 lots (final review)
 - Major Subdivision: 3+ lots (preliminary, final review)

How Environmental Protection Standards are applied

- Resource protection standards under Articles 10 and 12 apply, as applicable to any form of development, including allowed encroachments.
- Subdivision and building lot lines must avoid or, to the extent allowed under applicable regulations, minimize the subdivision and physical fragmentation of protected resources. A building lot may extend into a protected resource area only as necessary to meet minimum lot area and frontage standards.
- Hazards / Level I Resource Areas must be set aside as undevelopable land (e.g., conserved open space), and excluded from the calculation of "Buildable Area." (*see note re: Conservation Subdivisions*)
- Level I and II Resource Areas may be incorporated into a building lot so long as the building envelope on the lot is delineated to exclude these resources.

How Density is Applied:

In a non-PUD subdivision, development density is determined based on zoning district standards (lot sizes, frontage, etc.) as applied to the net buildable area. It is not transferrable from undevelopable areas to developable areas within the subdivision.

Status:

Draft ready for Commission review (*with adjustments to natural resource classification underway based on Commission feedback*). Final language to be modified based on Commission feedback on key items. Staff to provide complete draft in September 2020.

Related Documents:

Standard	Status
Environmental Protection Standards	Provided to PC 5/26/20
Street types	PC previously reviewed; complete
Civic Space Types	PC previously reviewed; need to assign to zoning districts for subdivision
Updated planned rights-of-way	Draft ready for review
Official Map	On PC work plan; to be updated following IZ

Critical Remaining Commission Decisions Points on Subdivisions

- Confirm that in future subdivisions, Hazards and Level 1 Resources must be set aside as undevelopable land (e.g., conservation lots) and excluded from density calculations
- Application of “walkable” street and block standards in residential and mixed use districts

Non-critical, important decision points on Subdivisions [future meeting this summer/fall]

- Review traffic level of service thresholds
- Review proposed standards for public vs private roads
- Confirm requirements for construction / payment of infrastructure connections
- Review proposed minimum civic space standards [non-PUD subdivisions]

2. Planned Unit Developments

Summary:

Planned Unit Development (PUD) provisions, as currently required for all subdivisions of 10 or more acres under the LDRs and all major subdivisions in the SEQ (and elective for 2 or more acres), provide flexibility from applicable zoning district requirements by allowing the DRB to modify or waive required lot sizes, setbacks, and other dimensional standards, ostensibly to meet stated community objectives in conformance with the comprehensive plan. Current standards also allow for the calculation and transfer of density across the entire subdivision, as applied within designated development areas. PUDs currently function primarily as a means to modify or waive zoning standards, without any additional design or development criteria intended to meet city objectives.

The intent of new PUD provisions, is to more clearly and specifically define planned unit development as one or more “types” of planned development that allow for some flexibility within defined dimensional and design parameters specific to each type. As proposed, PUD types function as “floating” zones that relate to underlying zoning districts with regard to allowed uses (with limited additions) and minimum densities of development, but otherwise incorporate dimensional and design standards – including land allocation, and street, building, and civic space type standards – that vary by PUD type.

Principal Functions

- Allow or require integrated, comprehensive forms of planned development, e.g.:
 - Traditional Neighborhood Development – walkable residential neighborhoods
 - Neighborhood Commercial Development – walkable, mixed use centers
 - Conservation PUDs – resource conservation, walkable neighborhoods
 - Infill/Redevelopment – context sensitive modifications allowing integration, “best fit”
- Each PUD type is proposed as a “floating zone” – an overlay zone as defined under the current LDRs, which is generally affiliated with an underlying zoning district in terms of allowed uses (with additional uses assigned to certain PUD types), but dimensional and design standards for blocks lots, and building form vary by PUD type.
- Each PUD type has minimum thresholds (triggers) for applicability.
- More than one PUD type may be permitted within a parcel or parcels, so long as minimums for each are met

How Environmental Protection Standards are applied

- Resource protection standards under Articles 10 and 12 apply, as applicable to any form of development, including allowed encroachments.
- Subdivision and building lot lines must avoid or, to the extent allowed under applicable regulations, minimize the subdivision and physical fragmentation of protected resources
- Hazards Resource Areas must be set aside as undevelopable land (e.g., conserved open space), and excluded from the calculation of “buildable area.”
- Level I Resource Areas are treated as follows:
 - In a TND, NCD, or Infill/Redevelopment PUD, they are treated as a Hazard Resource Area
 - In a Conservation PUD, they are treated as a Level II Resource Areas *[note, this is a work in progress based on Commissioner feedback at 8/11 meeting]*
- Level II Resource Areas are included in the calculation of “buildable area” – e.g., for purposes of determining the allowed density of development, and minimum land use (and resource land in Conservation PUD) allocations as applicable; however resource protections standards apply

- Level II Resources may include land that is not otherwise regulated in Article 12, such as Agricultural soils or farms, expanded riparian areas, other
- In a conservation PUD, the applicant has a right to build on 30% of non-Hazard land, which may include some Level II Resources if these Level II resources exceed 70% of the remaining property. Level II resources recommended be ranked for purposes of Conservation PUD allocations.

Proposed Thresholds for PUDs:

Area	Applicability	Conservation	TND	NCD	Infill/Redevelopment
0-2 acres	Not Permitted				
2-4 acres	Elective	Permitted			Permitted up to TND/NCD threshold
4+ acres	Mandatory (1)	Permitted			Permitted up to TND/NCD threshold
5+ acres	Mandatory (1,2)	Permitted		Permitted	Permitted up to TND threshold
10+ acres	Mandatory (2)	Permitted	Permitted	Permitted	

- (1) The Commission had previously indicated that PUDs should be required for all neighborhoods over 4 acres in size in order to preclude large-lot, sub-Act 250 neighborhoods from being built. An alternative to requiring a PUD for these 4-10 acre lots could be to establish a *maximum* lot size under standard subdivision. This has not been fully examined but is an option for the Commission.
- (2) Staff is working with Sharon Murray to review circumstances of single-buildings on large lots and how these would related to PUD requirements.

Proposed Applicability of Individual PUD/PRD Types:

PUD Type	Allowable Zoning Districts
Infill/ Redevelopment	Applicable TND / NCD districts
Conservation PUD	All Zoning Districts where thresholds are exceeded; R1, R2, SEQ-NR, SEQ-NRT, SEQ-VR, SEQ-VC, SEQ-NRP <i>[additional limitations apply]</i>
TND	R1-PRD, R1-LV, R2, R4, R7, Lakeshore, Allen Rd, Swift St, C1-LR, R7-NC, SEQ NR, SEQ-NRT, SEQ-NRT, SEQ-VR, SEQ-VC
NCD	R12, All C1- Districts, C2, Allen Road, Swift St, R7-NC

Simplified Developable Land Allocations [simplified, full version to be provided next month]

PUD Type	Residential Min	Non-Residential Min	Open Space Min	Unallocated
TND	70%	5%	10% (Civic)	15%
NCD	40%	25%	10% (Civic)	25%
Conservation	15%	0%	70% (65% Resource, 2% civic)	15%

Minimum and Maximum Residential Density, by PUD type

PUD Type	Minimum Density	Maximum Density
Infill/Redevelopment	Greater of 4 units per Buildable Acre or underlying zoning district max gross density	<i>Land-Based 1 or 2, or Building-Based [staff recommends Commission discuss pros & cons of each]</i>
TND	Greater of 4 units per Buildable Acre or underlying zoning district max gross density, whichever is greater <i>Option: Minimum of 8 units per Buildable Acre within ¼ mile of transit routes</i>	<i>Land-Based 1 or 2, or Building-Based [staff recommends Building-Based]</i>
NCD	Greater of 8 units per Buildable Acre or underlying zoning district max gross density whichever is greater	<i>Land-Based 1 or 2, or Building-Based [staff recommends Building-Based]</i>
Conservation	Greater of 4 units per Buildable Acre or underlying zoning district max gross density	<i>Land-Based 1 or 2, or Building-Based [staff recommends Commission discuss pros and cons of each]</i>

Maximum Density Alternatives:

	Land Based Option 1	Land Based Option 2	Building Based
Source	Underlying Zoning	Minimum Density for applicable PUD	Building Types
Base calculation	Total land area underlying zoning district maximum	1.5 – 2 times the minimum density for the PUD	Determined based on allowed building types and associated lot sizes as applied within Buildable Areas
Bonuses, TDRs	Added (eg, current affordable housing)	2 – XX times the minimum density for the PUD	Additional more compact building types and/or greater allowed percentage of more compact building types

Status:

In development; awaiting PC review and determination on how to calculate Maximum Density

Related Documents:

Standard	Status
Environmental Protection Standards	Provided to PC 5/26/20
Subdivision Standards	See above
Master Plan Standards	See above
Street types	PC previously reviewed; complete
Civic Space Types	PC previously reviewed; need to assign to zoning districts for subdivision
Building Types <i>[except PRD]</i>	PC previously reviewed; Commission to review updated detailed requirements
TDR standards for sending / receiving areas	Under development
Site Plan Standards	Ready for Commission Review

Critical Remaining Commission Decisions Points on Planned Unit Developments

- Determine whether to include infill/redevelopment PUDs for smaller residential parcels
- Determine How Maximum Density is to be calculated in TNDs, NCDs, Conservation, Infill/Redevelopment
- Finalize list of Hazards, Level 1 Resource Protection Areas, Level 2 Resource Protection Areas

Non-critical, important decision points on master plans [future meeting this summer/fall]

- Finalize thresholds for PUDs and PUD types
- Review and Finalize Building Type standards
- Finalize allocations for each PUD type
- Determine standards for Infill/Redevelopment
- Determine allowed uses to apply to each
- Incorporate TDRs (sending, receiving) into PUD types
- Incorporate Inclusionary Zoning into PUD types

3. Master Plan

Summary:

As with subdivisions, this is a major upgrade to Article 15, to include more specific submission requirements and review criteria. Master plans are intended to provide an overall plan for the orderly, coordinated development of large tracts of land, and for more complex, phased development projects, including most forms of planned unit development. The current Master Plan requirement under Article 15 applies to:

- Development of more than 10 dwelling units in the SEQ (also referred to in the SEQ as a “regulating plan”)
- Development of more than 10 dwelling units in a 5-year period in the R1-Lakeshore District.

Current Master Plan provisions do not include specific review criteria; they simply establish a handful thresholds for required amendments. They also give the DRB authority to determine the level of review for future phases of development, but do not require phasing or overall design plans, and do not give the applicant any vested rights.

The amended Master Plan would require applicants to identify protected resource areas, areas reserved for future development, and the overall pattern of development (street, block layouts) within designated development areas, to include the allocation of proposed land uses and civic space. The master plan would also provide overall buildout estimates (budgets), proposed phasing schedules, and (potentially) establish common design palates to be carried through the development. Where a design palate is submitted and approved, it can be carried through future approvals. For the applicant, an approved Master Plan would vest the project under current Land Development Regulations for a period of up to 10 years, for all future applications submitted under that Master Plan.

Principal Functions

- Applies to larger, more complex development – larger parcels, phased development, planned unit development, multiple principal uses or buildings on a parcel
- Consists of a development (subdivision, land use, transportation, design) plan prepared to scale, that establishes the overall framework for orderly, integrated subdivision and development of one or more parcels of land.
- Used to determine project budgets at buildout (e.g., total developed area, acreage allocations by use type, total housing units or gross square feet, total trip generation, stormwater volume, water and sewer capacity allocations, etc.) and anticipated mitigation measures, improvements.
- Serves as the basis for project phasing (phasing plan), specifying the timing and sequence of development, provision of civic space, public amenities, etc. in relation existing and planned infrastructure capacity, required improvements, adopted capital improvement plan.
- May also serve as the basis for formal development agreements with the City (e.g., with regard to provision of infrastructure, public facilities, amenities).
- Subsequent subdivision, development applications must be found to be consistent with the master plan as approved.
- Vests the project under the current regulations for a period of up to 10 years, to provide assurances necessary for project financing as necessary for large-scale projects, e.g.,

Proposed Thresholds:

As proposed, required for:

- Subdivision, development of any parcel equal to or greater than 4 acres (elective 2-4 acres)
- All Planned Unit Development
- Development occurring over 2 or more phases or 3 or more years
- Multiple principal buildings on a single lot (in association with preliminary site plan review)

How Environmental Protection Standards are applied

- Per Article 12 / Subdivision / PUD type standards

How Density is Applied:

- Per underlying zoning / PUD type standards
- Master Plan may approve multiple PUDs within a single application

Status:

Draft complete for Commission review in September. Minor modifications will be needed based on Commission guidance on Subdivisions, PUDs

Related Documents:

Standard	Status
Subdivision	See above
PUDs	See below
Site Plans	See below

Critical Remaining Commission Decisions Points on Master Plans

- Thresholds for applicability [review in early September]

Non-critical, important decision points on master plans [future meeting this summer/fall]

- Amount of information required [include design palate]

4. Site Plans

Summary: Site plans are the specific, site-level design of how a building and its support infrastructure are arranged on a lot. They apply to all development other than the subdivision of land, and single or two family home properties in South Burlington. In the past these have been closely linked to PUDs and in fact many commercial properties have applied as PUDs in order to obtain dimensional waivers, etc. The proposed amendments would make clear the DRB / Administrative Officer's purview with site plans specifically, and establish clear (limited) authority to grant dimensional waivers where appropriate, thus reserving the PUD tool for its intended purpose.

Principal Functions:

- Site level design for all development except single family homes & two family homes
- Includes building bulk, placement and architectural standards, as applicable
- Standards and arrangement of site features: parking, lighting, stormwater, site-level civic space, landscaping, refuse removal, snow removal, etc.
- Allows for limited waiver of dimensional standards by the DRB
- Density, housing preservation, and inclusionary zoning standards applied
- Site-level traffic and transportation demand management [subset of a subdivision or PUD]

How Environmental Protection Standards are applied

Per Article 12 [may have been partially addressed via subdivision / PUD if lot was created after adoption of regulations]

Proposed Thresholds: As presently applied: all development other than single and two-family homes

Status: Draft ready for Commission review.

Related Documents:

Standard	Status
Environmental Protection Standards	Provided to PC 5/26/20
Subdivision Standards	See above
Master Plan Standards	See above
TDR Standards [may be applied now or later]	Under development
Site-Level Civic Space Types [possible later addition]	PC previously reviewed; need to assign amounts per site plan – may be later project
Update underlying Zoning Districts if not a PUD [including possible future modifications]	Not yet started

Critical Remaining Commission Decisions Points on Planned Unit Developments

- Review proposed changes to underlying zoning districts [in September]

Non-critical, important decision points on master plans [future meeting this summer/fall]

- Determine waiver authority for site plan applications
- Consider options for infill via TDR
- Consider site-level civic space requirements

	A	B	C	D	G	H	L
	Number	Title	Description	LDR Section	Type	Overall status	Next steps
1	LDR-20-01	Environmental Resource Standards	Update Natural Resource Standards, add Forest Blocks & Forest Block Connectors; establish criteria for limited infrastructure incursion	3.04; Article 12	PUD	PC reviewed on 8/11; return to draft after discussion of PUD types; adjust to include Conservation PUD	Commission confirm standards at high level; provide recommendation to Council for feedback; develop draft for public input
2	LDR-17-13	Urban Design Overlay Lot Coverage	Request to allow greater lot coverage in the C1-Auto District. Working Group proposes to be for Urban Design Overlay	Article 10	Stand Alone	Draft complete. PC review 8/11/2020	Commission review and possible action
3	LDR-20-04	Planned Unit Developments	Update and re-write of PUD standards; integration of existing SEQ standards into city-wide PUD standards	Article 15C	PUD	<i>Draft under development. PC guidance on thresholds and density approach 8/25</i>	Determine Density; applicability, thresholds
4	LDR-20-02	Subdivision Standards	Update and re-write of Subdivision Standards & procedures	Article 15B	PUD	Staff draft complete (subject to modification with conclusion on PUDs)	Present to PC
5	LDR-20-03	Master Plan Standards	Update and re-write of Master Plan Standards	Article 15A	PUD	Staff draft 90%	Present alongside PUDs or Site Plans
6	LDR-20-05	Building Types	Establish building types for applicability in PUDs (and possible elsewhere later)	Appendix E	PUD	Commission has reviewed; staff draft 90%. Need to calibrate with PUDs	PC to review and calibrate for PUDs
7	LDR-20-06	Open Space Types in PUDs	Apply certain open space types to PUDs (& Subdivisions). Relates to LDR-19-06	Appendix E	PUD	Commission has reviewed. Draft 90%.	Reconcile with PUDs & Subdivisions; present to PC
8		Comprehensive Plan amendment for Natural Resources	Possible amendment of Comprehensive Plan natural resource and future land use map to reflect updated objectives for conservation.	Comp Plan	PUD		PC decide whether update is needed
9	LDR-20-07	Street standards	Replace Street standards from City Center FBC, Southeast Quadrant, and General with citywide standards	Article 9, Article 11, Article 15	PUD	Draft complete. Needs to be put into graphic form	Present to PC
10	LDR-20-08	Required setback on Arterials & Collectors	Separates required setbacks from the subject of Planned Rights-of-Way (previously required together). Eliminates larger setbacks (50') from most streets and relies on underlying zoning. Clears conflict with SEQ standards	3.06, Article 9	Subdivision / Site Plan Stds	Staff draft complete	Present to PC
11	LDR-20-09	Planned Rights-of-Way	Provides greater clarification for how a planned ROW is to be measured, and notes that "existing" ROW is a typical and not necessarily the actual existing along all roadways	3.06	Subdivision / Site Plan Stds	Staff draft complete	Present to PC
12	LDR-20-10	Building envelopes for SEQ-NRP	Establish building envelopes for any allowed development in the SEQ-NRP district	Article 9	Related to Environmental Protection Stds	Staff draft ready	Present to PC
13							

	A	B	C	D	G	H	L
	Number	Title	Description	LDR Section	Type	Overall status	Next steps
1							
14	LDR-20-11	Site Plan Standards; waivers	Updates general site plan standards to ensure that cross-references to related standards are included. Revises waiver standards to allow site plan review to stand "on its own" [currently many properties use PUD as a tool to seek waivers from standards], and to set clear waiver guidelines to the DRB; establishes standards for when adjacent streetscape improvements are needed.	14.04; 14.07	Site Plan Stds	Staff first draft 80%	Present to PC in September
15	LDR-20-12	Expand Use of TDRs	Expand applicability of TDRs citywide	New Article 11	TDR [relates to PUDs for receiving]	Staff and Commissioner Mittag have prepared detailed outlines.	PC discuss approach and provide direction
16	LDR-20-13	C1 Zoning Districts	Eliminates C1-R12 zoning district and C1-Air zoning district. C1-R12 west of I-89 becomes C1-R15, C1-R12 near Kennedy Drive and C1-Air become Transition Commercial. Purpose statement for C1-R15 revised. C1-Auto purpose statement revised; possible realignment and clarifications re display vehicles	Article 5	Individual	Ready for presentation	Present to PC
17	LDR-20-14	Transition Mixed Use and Neighborhood Mixed Use Districts	Establishes two new zoning districts to replace Allen Road, Swift Street, R7-NC and C1-LR districts, and apply per zoning map	Article 5	PUD	Ready for presentation	Present to PC
18	LDR-20-15	R2 Zoning District	Removed PUD density increase in R2 district and instead applies via PUD standards	4.02	PUD	Ready for presentation	Present to PC
19	LDR-20-16	R1 Zoning Districts	Eliminates subdistricts of R1 (R1-PRD, R1-Lakeview, R1-Lakeshore), removes PUD density increases, and instead applies, where allowed, through PUDs. R1-PRD and R1-Lakeshore become R1 and PUDs are addressed via PUD standards. R1-Lakeview is consolidated into Lakeshore neighborhood.	4.01	PUD	Ready for presentation	Present to PC
20	LDR-20-17	Floodplain standards	Raise requirement minimum levels for any roadways to 2 feet above flood elevation	10.01	NAT RESOURCE	Staff draft complete	Present to PC
21	LDR-20-24	Address construction noise in LDRs	Set standards and requirements associated with construction noise	Article 16	Stand Alone	Council discussion in September 2020; TBD if any requests to Commission	
22	LDR-19-06	Open Space Chart & FBC types	Modify table of open space types (Appendix F) and applicability in the City Center Form Based Code District	Article 8, Appendix E	FBC; relates to PUDs for applicability	PC held hearing 8/13/19; staff has reviewed questions	Present to PC

	A	B	C	D	G	H	L
1	Number	Title	Description	LDR Section	Type	Overall status	Next steps
23	LDR-20-18	Technical corrections	3.01 District descriptions; 3.04: silvicultural practices; 3.06: setbacks for pre-existing lots; 3.06: accessory structure setbacks; 3.06 corner visibility; 3.07 Height; 3.09 Umbrella uses; 3.10 parking for ADUs; 5.08 relocate commercial district standards; zoning district descriptions- remove redundant references to implementing Plan and streamline wording for uses; 6.05 removes / relocates standards for commercial / industrial districts; Throughout - removes redundant references to implementing Comprehensive Plan; Article 6 & Section 13.11 relocate and clarify when drive-throughs are permitted / prohibited [no policy change proposed]; 13.17 Relocate SEQ fence standards; 13.11 relocate numbering system requirements; throughout: generally renumber sections; Appendix E remove requirement for paper submission	Throughout	TECHNICAL	90%; awaiting determinations on other sections	Present to PC
24		Residential Design	Re-locates residential design standards from SEQ to apply citywide; modifies garage scale to principal facade	3.16	Conservation PUDs?	Staff draft complete	Present to PC for consideration
25	LDR-20-19	City Center Official Map - Executive Drive	Relocate the planned roadway from Patchen Road west from current placement over executive drive to Jaycee Boundary	Official Map	INDIVIDUAL	Discussed in City Council and Rec/Parks & Bike/Ped Executive Sessions	Present to PC
26	LDR-18-02	Change IA to Residential	Rezone Edlund parcel from IA-S to R4 or other		PUD	Commission has indicated that this would be part of a larger review of properties during Interim Zoning	Recommend address as part of PUDs
27	LDR-20-20	Replace Traffic Overlay District	Replaces the traffic overall district with a tiered city-wide set of standards that promote multi-modal transportation	Article 15	TRANSPORTATION	Staff / consultant draft 80%	Present approach to PC; PC to decide when to include
28	LDR-20-21	Airport Approach cones & FAA review	Revised language following communication with the FAA	6.02, 6.03, 10.***	TIDY	Staff draft complete	Staff Identified; Present to PC
29	LDR-20-23	FBC official map recreation paths	Consider addition of recreation / pedestrian paths in City Center FBC area official Map	Official Map	FBC	FBC Subcommittee reviewed in 2019; recommended	Reconstitute FBC subcommittee
30		Accessory Structures	Increases allowance for # of accessory structures on a lot and references total SF of accessory structures as part of total lot building coverage instead of 50% of ground floor area of principal building; removes special reference to garage connection	3.10	SITE PLAN	Staff draft complete	Staff Identified; Present to PC
31		Retaining walls	Allow the DRB to consider approval of a retaining wall within 5' of a property line.	13.25	SITE PLAN	Staff draft complete	Staff Identified; Present to PC
32		Earth Products - Stormwater	Exempt the removal of earth products from an approved stormwater facility. Removed requirement to obtain a formal exemption from the ZA[not a practice elsewhere in the LDRs]	13.17	SITE PLAN	Staff draft complete	Staff Identified; Present to PC
33		Bus Shelters	Remove local review if in ROW.	13.09	SITE PLAN	Staff draft complete	Staff Identified; Present to PC

	A	B	C	D	G	H	L
1	Number	Title	Description	LDR Section	Type	Overall status	Next steps
34		RV Parking	Allows RVs to be placed in the same locations as an accessory structure on a property, plus the driveway	3.09	SITE PLAN	Staff draft complete	Resident Request; present to PC
35		Pre-existing small lots	Reduces minimum size of a pre-existing small lot that may be built upon from 1/8 acre to 3,000 s.f. and width from 40' to 30'	3.05	SITE PLAN	Staff draft complete	Staff Identified; Present to PC
36		FBC Building breaks, Roofline Std; garage access; T3 upper windows conflicts	Clarify how far a building break along a vertical plane must extend; review roofline standards; address garage accesses	FBC T3, T4, T5 BES	FBC	Initial review by FBC subcommittee on most	Determine Review Body
37		FBC t5 Curb Cuts / blocks	Consider relocating curb cut allowance in T5 to be at rear of first building	Article 8	FBC	FBC subcommittee reviewed in 2019	Determine Review Body
38		FBC Building street frontage	Consider modifying street types and/or allowing buildings with no street frontage if frontage on street is met	T4 BES	FBC	FBC Subcommittee reviewed in 2019	Determine Review Body
39		FBC T5 Uses & Doors	Modify doorway frequency and public usage standards in T5; consider modifying allowance uses to service & retail only for first 25' and then all uses behind. Allow lobby	T5 BES	FBC	FBC Subcommittee reviewed in 2019	Determine Review Body
40		FBC T5 0' size lot line	Consider requiring a 0' setback on at least one side of a T5 lot	T5 BES	FBC	Not yet reviewed	Determine Review Body
41	LDR-19-07	Solar canopies in Parking areas	Would parking areas with solar canopies to have modified landscaping requirements	13.06	SITE PLAN	PC pulled and asked for work on landscaping around perimeters. Updated draft complete	Present to PC
42		FBC official Map - Williston Road Network Study	Review and consider official map amendment based on Williston Road Phase II report. Also adjust frontage building requirements based on Tiers	Official Map; Article 8	FBC	PC to discuss	Determine Review Body
43		Limited Neighborhood Commercial Use Update	Expand allowance to be integrated into a mixed-use or non-residential building on the property in addition to as a stand-alone structure	13.27	Individual	Staff draft under development	Present to PC. Not pressing
44	LDR-18-05	Allow parking in front where setback	Allow parking to be in front of buildings where building set back XXX feet from road		SITE PLAN	Commission Indicated in Nov 2018 that this request would be considered following Interim Zoning	PC to review post IZ
45	LDR-18-04	Remove Scenic Overlay segment	Remove the scenic overlay district from a parcel in the SEQ-NR district on Hinesburg Road		NAT RESOURCE	Commission Indicated in Nov 2018 that this request would be considered following Interim Zoning	PC to review post IZ
46	LDR-18-03	Review rural areas	Review regulations for rural lands in South Burlington		PUD	To be reviewed as part of Interim Zoning	Under review as part of IZ

**SOUTH BURLINGTON PLANNING COMMISSION
MEETING MINUTES
25 AUGUST 2020**

The South Burlington Planning Commission held a regular meeting on Tuesday, 25 August 2020, at 7:00 p.m., via remote electronic participation.

MEMBERS PRESENT: J. Louisos, Chair; B. Gagnon, M. Ostby, M. Mittag, D. Macdonald, P. Engels

ALSO PRESENT: P. Conner, Director of Planning and Zoning; S. Dooley, L. Ravin, F. Von Turkovich, A. Chalnack, A. & C. Long, J. Nick, L. Kingsbury, D. Long, K. Ryder

1. Agenda: Additions, deletions or changes in order of agenda items:

No changes were made to the agenda.

2. Open to the public for items not related to the Agenda:

No issues were raised.

3. Planning Commissioner announcements and staff report:

Mr. Conner said things are very busy in the office due in part to lots of refinancing and to noise issues connected with the building of a street in the SEQ, and noted that the Council is looking into noise issues; this issue may get to the Planning Commission in the next few months.

4. Work Session on Land Development Regulation Overhaul:

- a. Presentation and discussion of Subdivision, Master Plan, and PUD Standards**
- b. Review and discussion of key questions**
- c. Staff update on Habitat Block map and analysis; Commissioner questions**

Mr. Conner noted the repackaging of materials to make things clearer. Things will all be pulled together in the next few meetings.

Mr. Conner then presented a power point focusing on subdivisions, master plans, PUDs, environment protection standards, site plan standards and related amendments.

PUDs are not intended to solve every problem. They address large neighborhoods and some infill neighborhoods and can complement zoning standards. Other tools include subdivision regulations, zoning district standards and Form Based Codes.

Mr. Conner showed overhead photos of city neighborhoods such as Mayfair Park, the Orchards and Prouty Parkway which do meet all the standards. He also showed the Village at Dorset Park which has some small blocks and one very large block (which would have had a mid-block connection were it to be approved today). He also showed the Dorset Street/Barrett Street neighborhood and noted the San Remo block where a street is planned to break up the long block. Mr. Conner also noted some commercial examples such as Larkin Terrace and the corner of Shelburne Rd. and Farrell Street as well

as Taft Corners in Williston which also meet block standards. The concept is that a standard block size can fit all types of development. Mr. Conner noted that once roads are set, there are there forever; the question is what can take place decades from now.

Regarding density, Mr. Conner showed how different arrangements can work in the same block area. The idea here is that the numeric density is secondary to the scale of the building on the site. He showed some examples from Oregon and said the question is how to get different housing types into a block. To demonstrate this, Mr. Conner showed a side-by-side duplex, stacked duplex, townhouses, a South Village triplex, a 4-plex that will look like a single-family home, and the Kirby Cottages (Mr. Conner noted that the Kirby Cottages have all been purchased by a South Burlington Company for housing for employees).

Mr. Mittag asked how you deal with traffic with 60+units on a block. Mr. Conner said South Burlington is not planning anything on that scale, probably about half of that. There can also be incentives so people are not always in cars, and there can be some non-residential components so every trip is not a vehicle trip.

Mr. Von Turkovich asked whether building types are exclusive or just a way to get a discussion started. Mr. Conner said they are just a sampling. There is a full list available. Mr. Von Turkovich said he liked the block sizing.

Ms. Louisos asked if housing types would be considered at the subdivision level. Mr. Conner said there is nothing to preclude that, but it is a leap to do so.

Ms. Ostby asked if there are examples of where this has happened. Mr. Conner said Minneapolis did it recently and cities in the Pacific Northwest have been doing it for some time.

Mr. Conner then outlined the 4 types of PUDs being considered:

- a. Traditional Neighborhood
- b. Neighborhood Commercial
- c. Conservation
- d. Infill/Redevelopment

He added that the Commission may look at a "Campus" PUD later, but that in order to complete the principal part of this project in the nearer term, that this piece had been put as a lower priority.

Each of the PUDs is proposed as a "floating zone" on an overlay zone as defined under the current LDRs, generally affiliated with an underlying district. Each PUD type will have a minimum trigger for applicability, and more than one PUD type may be permitted within a parcel as long as the minimums are met.

The Resource Protection Standards in Articles 10 and 12 would apply to PUDs. In all PUDs except the Conservation PUD, hazards and Level 1 resource areas would be set aside as undevelopable and would

be excluded from the buildable area calculation. In Level 2, resource areas, would be included in the buildable area to determine density. Resource protection standards would still apply.

In the Conservation PUD, 70% of natural resources must be set aside (how that is calculated would be up to the Planning Commission). It would be the Commission's option to base requirements on a full parcel and to exclude Level 1 and both Level 1 and Hazards. Level 2 resources may include land not otherwise regulated in Article 12, such as agricultural soils or farms. An applicant could build on 30% of non-hazard land which may include some Level 2 resources, if these resources exceed 70% of the remaining property. Mr. Conner noted that all of these numbers and calculations are up to the Commission

Mr. Conner then showed a chart of Residential Development Density Options. He showed 4 different ways to calculate maximum density. The remaining question for the Commission to consider is whether to go with a "land-based" density option or a "building type-based" option. The land-based option would, for example, could be 4 units per acre minus hazards, etc. The building-based option would construct density based on building types and their allocated land area. A maximum number of different types of homes would be established. In the latter case, a bonus would become more of an allowed housing type or possibly a different housing type.

Mr. Conner showed a chart describing various building types (e.g., detached house carriage house, duplex, multiplex, etc.). He also showed a chart of Building Form Based Density (buildings per acre on residential land after Level 1 and Hazards are removed).

Mr. Macdonald said it looks as though the building-based option allows more density. Mr. Conner said that effectively it does, but there would be fewer dwelling units per acre. The DRB would have guidance to consider such things as transit routes, adjacent neighborhoods, etc.).

Mr. Conner said both approaches could work for infill types of development and in a Conservation PUD (you can get the same amount of density you would get before deducting the 70%). While both forms would work, the message would be simpler with a "land-based" approach, especially for a Conservation subdivision.

Ms. Ostby asked whether the 1.2 units per acre in the Southeast Quadrant (SEQ) would still work. Mr. Conner gave examples of how a Conservation PUD, or a TND, would work, and how the application of TDRs could make a difference. In the SEQ, staff's working draft states that without TDRs, there would be a minimum density set in whatever area you wanted to build. You would get density on the buildable part of the property. The remainder of the land would be for conservation or reserved for future use if you chose not to bring in TDRs.

Mr. Mittag asked what would happen if a person had a large parcel and wanted to set aside 90% and build homes on 4 or 5 large lots. Mr. Conner said the person could go with a straight subdivision. The Commission wouldn't have to put in a minimum density. He also noted that there are areas where the city may want a minimum amount development. He added that the Conservation PUD could also be designed without a minimum density in some areas.

Mr. Engels said he heard that there are only 700 acres left for development in the city. Mr. Conner said that is probably close in terms of land not incumbered. It does not include land that could be used for redevelopment and infill. Mr. Engels suggested focusing on those 700 acres. He said what he is hearing sound close to Form Based Code, and he felt that was worthwhile to explore. It is a simple system while the other is more complex, especially when you're looking at only 700 acres. Mr. Conner noted that PUDs and Form Based Code are not all that dramatically different from each other.

Mr. Gagnon noted that even with Form Based Code, certain building types and street types are defined, and that is what a PUD is doing....like a Form Based Code without the T-zones. Mr. Conner felt that was accurate. He felt there was nothing to preclude the city from over time moving away from PUDs once there are specific neighborhoods designed and laid out through the City's detailed work in those areas.

Mr. Mittag felt commercial and industrial zones might be appropriate places for Form Based Code.

Mr. Conner said he didn't expect anything to be settled at this meeting. At the next meeting, all this will be put together with the conservation pieces.

Mr. Chalnack asked about having a large parcel with a lot of resources to conserve, but a person wants to sell off a few parcels along the road. Mr. Conner said that is a policy decision. The first PUD draft did have a minimum density, but that is not set in stone. Mr. Chalnack asked whether a landowner could choose a Conservation PUD. Mr. Conner said in most of the country, that would be established. The proposal for the Planning Commission is that in all residential and lower density areas it would be an option for an owner.

Noah Hyman, another member of the public, said he wants to building houses for his 4 kids and create a "family compound." He asked if what is proposed would inhibit his ability to do that and whether he would have to create a minimum density. He also felt that what he heard tonight devalues TDRs.

Mr. Conner said it is an objective of the TDR Committee to retain the TDR value. TDRs could go outside PUD areas (e.g., Shelburne Road, Williston Rd) where residential density could be increased.

Ms. Dooley said she would like to hear the community's perspective on this, particularly with relevance to affordability and what kind of community people want.

Mr. Conner said that relates to the "missing middle," and that is why the proposal is looking at different ways to consider density and create a variety of housing. He stressed that this is not a "silver bullet."

Ms. Dooley said it is important to make that link explicit. She felt it is important to have a goal of inclusion so that people of one income level aren't living in one part of the community and those of another level in another part of the community. Ms. Ostby said she felt inclusionary zoning needs to be city-wide.

Mr. Macdonald asked whether the 700 developable acres are identifiable. He felt if the Commission could see them, they could consider what should go there. Mr. Conner said “absolutely.” The conversation could be tied to the map of available parcels.

Ms. Ostby said she would offer a remote listening session to community members and help develop a map so people can form questions for the Commission.

Ms. Louisos noted an offer from a community group to speak with the Commission regarding housing. They made a presentation to the City Council. Mr. Gagnon felt that would be good as some residents follow the Commission and not the Council, and the report does supplement what the Commission has been talking about.

Ms. Louisos said she would work with Mr. Conner about the timing for that presentation.

5. Minutes of 27 November 2018, 17 December 2019, 2 February, 11 February and 11 August 2020:

Mr. Gagnon moved to approve all of the above Minutes as written. Mr. Mittag seconded. Motion passed unanimously.

6. Other Business:

Ms. Ostby said she would like to know how people affected by the 2 different development types feel about them. Mr. Conner said the biggest difference is that with “parcel-based”, unless you go with a really high number, you don’t get a mixture of housing types and there are gaps which preclude walkable neighborhoods.

Members agreed to hold the next meeting on Wednesday following Labor Day as the City Council will be meeting on the Tuesday.

As there was no further business to come before the Commission, the meeting was adjourned by common consent at 9:05 p.m.

Clerk



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: South Burlington Planning Director
Colchester Planning Director
Winooski Planning & Zoning Manager
Chittenden County Regional Planning Director
VT Department of Housing and Community Development
FROM: Meagan Tuttle, AICP, Comprehensive Planner, City of Burlington
DATE: August 27, 2020
RE: Burlington Comprehensive Development Ordinance Amendments

Enclosed, please find proposed amendments to the *City of Burlington Comprehensive Development Ordinance*:

- ZA-21-01: Daycare & Preschool in RCO
- ZA-21-01: Temporary Tents

The Planning Commission will hold a public hearing on the proposed amendments on Wednesday, September 23, 2020 at 6:45 pm via a virtual meeting on the platform Zoom.

Please ensure this communication is forwarded to the chairs of your respective Planning Commissions. Submit any communications for the Planning Commission's consideration at the hearing to me by close of business on September 22, 2020.

Thank you.

CC: Andy Montroll, Burlington Planning Commission Chair
David White, FAICP, Director, City Planning
Scott Gustin, AICP, Principal Planner, Department of Permitting & Inspections
Kimberly Sturtevant, Assistant City Attorney

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

Andy Montroll, Chair
Bruce Baker, Vice Chair
Yves Bradley
Alex Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance **ZA-21-01 Daycares & Preschools in RCO** **ZA-21-02 Temporary Tents**

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). Per Act 92, Secs. 5 and 6, the public hearing will take place during the Planning Commission meeting on **Wednesday, September 23, 2020 beginning at 6:45pm. You may access the hearing/meeting as follows:**

To join from a Computer, please click this URL to join, and enter the password if prompted:

<https://us02web.zoom.us/j/87568033583>

To join by phone, dial this number and enter the Webinar ID when prompted:

Number: +1 312 626 6799 Webinar ID: 875 6803 3583

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:

The purpose of the proposed amendments are as follows:

- **ZA-21-01:** To eliminate the distinction between small and large Day Care Centers and small and large Preschools, and to eliminate the GFA limit on these facilities in RCO districts.
- **ZA-21-02:** To allow for placement of structural tents for non-residential purposes without review or zoning permit required for up to 180 days with Fire Marshal permit.

Geographic areas affected:

These amendments apply to the following areas of the city:

- **ZA-21-01:** Eliminating the distinction between small and large facilities applies to all zoning districts, but changes what is presently allowed in RCO and E-AE zoning districts. Change to footnote 8 impacts only RCO zoned areas.
- **ZA-21-02:** Applies to all parts of the city.

List of section headings affected:

The proposed amendments modify the following sections of the *Burlington Comprehensive Development Ordinance*:

- **ZA-21-01:** Modifies *Sec. 5.4.1, Table 8.1.8-1*, some definitions in *Article 13*, and *Appendix-A Use Table*
- **ZA-21-02:** Modifies *Sec. 5.1.2 (f) Temporary Structures*

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. The proposed amendment can be reviewed in hard copy posted on the first floor of City Hall, 149 Church Street, Burlington or on the department's website at <https://www.burlingtonvt.gov/DPI/CDO/Proposed-Amendments-Before-the-Planning-Commission>



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner, City Planning
DATE: August 27, 2020
RE: Proposed CDO Amendment: ZA-21-01 Day Care & Preschool in RCO Districts

Overview & Background

This amendment originates from a request made by the Winooski Valley Parks District (WVPD) on behalf of its tenants, the Ethan Allen Museum and the Forest Preschool. The preschool has operated at the Homestead Barn and WVPD property since 2015. Due to the critical need for childcare in the City and state, the preschool has maintained a waiting list for enrollment. As a result of COVID-19, the preschool is experiencing a significant increase in the demand for space in the program, as well new standards to re-open under modified guidelines for staff and classroom space. While the WVPD has space to expand to meet both the increased need for space at the current enrollment, as well as the preschool's needs under expanded enrollment, the zoning ordinance presently limits this expansion in two ways—by limiting the gross floor area (GFA) of the facility and the enrollment to 20 children.

Presently, the CDO separately defines Small Day Care Center and Large Day Care Center and Small Preschool and Large Preschool. The distinction between large and small facilities in both of these cases is based on the number of children served in a facility—small is limited to 20 children, while large is more than 20 children. A zoning amendment that predates the current 2008 CDO made the distinction between Small and Large Daycares. An amendment to enable a small childcare to operate in conjunction with the facilities at the WVPD property was approved in 2015. These thresholds then informed a series of more recent amendments which established the same distinction between Large and Small Preschools, and a series of other changes related to these uses.

The distinction between large and small facilities is relevant only within the RCO and E-AE zoning districts. Within these districts, Small Day Cares and Small Preschools are allowed as a Conditional Use, but only in conjunction with Small Museums and are limited to 50% of the GFA of the museum. However, neither Large Day Care nor Large Preschool are permitted in these districts. Within all other zoning districts, large and small facilities of both types are treated exactly the same in terms of where they are allowed, any applicable footnotes, and their minimum parking requirements (as proposed by ZA-20-04, which is scheduled for public hearing before the Council).

In order to enable the preschool to respond to its underlying and COVID-19 driven needs for expanded enrollment, the WVPD has requested an amendment to the ordinance to address these limitations. It is staff's recommendation that the CDO be amended to eliminate the distinction between large and small day care and preschool facilities, as there is no material difference between them except for within the RCO and Enterprise-Ag districts, and to remove the 50% GFA limit on their size relative to museums within the RCO districts.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	----------------------

Purpose Statement

This amendment proposes to eliminate the distinction between small and large Day Care Centers and small and large Preschools, and to eliminate the gross floor area limitation on these facilities within the RCO zoning districts.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

- 1. Update Sec. 5.4.1 to reflect updated uses**
 - Remove references to small and large day care centers and preschools, and replace with "Day Care Center" and "Preschool."
- 2. Update Table 8.1.8-1 regarding minimum parking for updated uses**
 - Remove references to small and large day care centers and preschools, and replace with "Day Care Center" and "Preschool." Utilize minimum parking standards as proposed by ZA-20-04, which are consistent across all uses.
- 3. Modify definitions in Article 13 to change uses**
 - Revise Small Day Care Center and Large Day Care Center to Day Care Center
 - Revise Small Preschool and Large Preschool to Preschool
- 4. Update Appendix A- Use Table to reflect updated uses, amend Footnote 8 (attached to this memo)**
 - Update the uses within Appendix A to be consistent with the above changes
 - Utilize existing Small Day Care Center provision for new Day Care Center use, and existing Small Preschool provisions for new Preschool use regarding where facilities are permitted or conditional use.
 - Amend Footnote 8 to remove the 50% GFA limit for Daycares and Preschools within the RCO Districts relative to Small Museums

****BEGIN PROPOSED AMENDMENTS****

Changes shown (underline to be added, ~~strike out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

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

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

- (a) No playground equipment shall be located within the front yard;
- (b) [Reserved]
- (c) The site plan review shall insure adequate and safe drop-off and pickup space is provided and that traffic problems are not created;
- (d) Any additions, signage, or site improvements shall be residential in character;
- (e) The facility shall be licensed by the State of Vermont;

- (f) No more than one residential unit may be converted for the creation of a single ~~small~~ day care center, ~~large day care center~~, ~~small preschool~~, or ~~large~~ preschool. Such a conversion shall be exempt from the requirements of **Article 9, Part 2- Housing Replacement**; and,
- (g) The neighborhood is not overburdened with other ~~small~~ day care centers, ~~large day care centers~~, ~~small preschools~~, or ~~large~~ preschools.

Sec. 8.1.8 Minimum Parking Requirements

Parking for all uses and structures shall be provided in accordance with Table 8.1.8-1.

- (a) – (c) As written.

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
<i>**All prior uses As Written**</i>			
Daycare Large (Over 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	2 drop-off <u>0</u>
Daycare Small (20 children or less) (per two (2) employees)	<u>1</u>	<u>1</u>	<u>1</u>
School – Preschool Large (over 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 per 5 children <u>0</u>
School Preschool Small (up to 20 children) (per two (2) employees)	<u>1</u>	<u>1</u>	<u>1</u>
<i>**All following uses As Written**</i>			

Sec. 13.1.2 Definitions

All other definitions as written.

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

- (a) **Family Day Care Home:** For the purposes of this ordinance, family day care home shall have the same meaning as that set forth in 24 V.S.A. sec. 4412 (5).
- (b) **Small Day Care Center:** A state licensed daycare facility, ~~serving no more than twenty (20) full-time children in total.~~
- ~~(c) **Large Day Care Center:** A state licensed facility providing day care services for more than twenty (20) full-time children.~~

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

- (a) **Primary:** elementary school, inclusive of grades K-8.
- (b) **Secondary:** a high school and/or vocational center for attendance after elementary/primary school, granting a high school diploma for levels of education inclusive of grades 9-12.

- (c) **Post-Secondary:** after high school, including colleges, community colleges, universities, or continuing education.
- (d) **Trade or Professional:** a school that offers instruction in skilled trades.
- (e) **Small Preschool:** a school providing educational services for children from 3 years of age until their admission to first grade and that may include kindergarten, ~~serving no more than twenty (20) full-time children in total.~~
- (f) ~~**Large Preschool:** a school providing educational services to children from 3 years of age until their admission to first grade and that may include kindergarten, for more than twenty (20) full-time children in total.~~

****END PROPOSED AMENDMENTS****

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the provision of safe and affordable housing.

Compatibility with Proposed Future Land Use & Density

The proposed amendment removes arbitrary standards limiting the size of a day care or preschool facility in an area of the city where these uses are otherwise permitted as a conditional use. This change is consistent with *planBTV* policy 14.4 which identifies the need to "expand the number and quality of spaces available for, and funding sources to support, child care close to where residents live and work in order to ensure that all Burlington families have access to these services regardless of income or background."

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, resident request	Planning Commission Discussion 8/26/2020	Approved for Public Hearing 8/26/2020	Public Hearing 9/23/2020	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council	Second Read & Public Hearing	Approval & Adoption
				Rejected

Excerpt of Appendix A-Use Table for Proposed ZA-21-01

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Daycare – Large (Over 20 children) (see Sec. 5.4.1)	N	N	N	N	CU	CU¹³	CU¹³	CU¹³	N	Y	Y	Y	Y	N	CU^{17,27}
Daycare – Small (up to 20 children) Day Care Center (See Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
School – Preschool Large (over 20 children) (see Sec. 5.4.1)	N	N	N	N	CU	CU¹³	CU¹³	CU¹³	N	Y	Y	Y	Y	N	CU^{17,27}
School – Preschool Small (up to 20 children) (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**

Footnotes (1) – (7) As Written.

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

Footnotes (9) – (32) As Written.

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner, City Planning
DATE: August 27, 2020
RE: Proposed CDO Amendment: ZA-21-02 Temporary Tents

Overview & Background

During the COVID-19 State of Emergency, since mid-March of this year, the City has established programs such as the "Making Space" initiative to expand areas of public rights of way available for restaurant and retail recovery to occur safely, and to adhere to social distancing requirements. This effort has included the installation of temporary tents, awnings, tables and chairs, parklets, and other infrastructure to create designated spaces for commercial activity. Many other programs and establishments have moved their activities outdoors into what is considered a safer environment to reduce the risk of COVID-19 transmission. As these activities have taken place within public rights of way, the Burlington CDO has not applied, and a streamlined process for review and approval by the Department of Public Works has been established.

As we move into the fall and winter months, and particularly as we prepare for the anticipated return of in-person classes both in the Burlington School District and the higher education institutions, we expect that temporary outdoor venues will play an even more significant role in the safe and successful operations of commercial and civic establishments. Through the City's COVID-19 Analytics Team, we understand that the Burlington School District, and other childcare and youth programming providers are planning to utilize outdoor spaces as a complement to their indoor facilities and programming. Over the summer, the Permitting & Inspections Department has received zoning permit applications from Burlington City Arts, churches and other establishments in the city seeking to erect tents on private property where the CDO does apply.

As such, this amendment seeks to amend the zoning ordinance to provide additional flexibility in the Temporary Structure Provisions to exempt Tents as defined in Chapter 3 of NFPA 101 from requiring a zoning permit for up to 180 days, contingent upon the Fire Marshal issuance of a temporary tent permit.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	----------------------

Purpose Statement

The proposed amendment provides for the placement of structural tents for non-residential purposes without review or required zoning permit for up to 180 days, provided that the tent is approved by the Burlington Fire Marshal.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

1. Amend Sec. 5.1.2 (f) Temporary Structures

- Add an exemption for Tents from review and required permit for up to 180 days within any 12-month period.

****BEGIN PROPOSED AMENDMENTS****

Changes shown (underline to be added, ~~strike out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Sec. 5.1.2 Structures

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.

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

(f) Temporary Structures:

The administrative officer may approve a temporary structure that is incidental and accessory to a principal use subject to the following:

No Review or Permit Required	Site Plan Review: Zoning Permit & COA	Review as per Underlying Zoning
A structure placed up to 10 consecutive days or 30 days within any 12-month period at the same location.	A structure placed from 11-31 consecutive days or 31-60 days within any 12 month period at the same location.	A structure placed over 31 consecutive days or more within any 12 month period at the same location, is no longer considered a temporary structure.
Tents used for recreational non-commercial camping purposes.		
<u>Tents as defined in Chapter 3 of NFPA 101 for non-residential purposes, as approved by the Burlington Fire Marshal, placed up to 180 days within any 12-month period at the same location.</u>		

****END PROPOSED AMENDMENTS****

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the provision of safe and affordable housing.

Compatibility with Proposed Future Land Use & Density

The proposed amendment has no impact on proposed future land use and densities in *planBTV*.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, resident request	Planning Commission Discussion 8/26/2020	Approved for Public Hearing 8/26/2020	Public Hearing 9/23/2020	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council	Second Read & Public Hearing	Approval & Adoption
				Rejected

11.10.5 Air-Supported and Air-Inflated Structures.

11.10.5.1 General. In addition to the general provisions of 11.10.1, the requirements of 11.10.5 shall apply to air-supported and air-inflated structures.

11.10.5.2 Pressurization (Inflation) System. The pressurization system shall consist of one or more operating blower units. The system shall include automatic control of auxiliary blower units to maintain the required operating pressure. Such equipment shall meet the following requirements:

- (1) Blowers shall be powered by continuous-rated motors at the maximum power required.
- (2) Blowers shall have personnel protection, such as inlet screens and belt guards.
- (3) Blower systems shall be weather protected.
- (4) Blower systems shall be equipped with backdraft check dampers.
- (5) Not less than two blower units shall be provided, each of which has capacity to maintain full inflation pressure with normal leakage.
- (6) Blowers shall be designed to be incapable of overpressurization.
- (7) The auxiliary blower unit(s) shall operate automatically if there is any loss of internal pressure or if an operating blower unit becomes inoperative.
- (8) The design inflation pressure and the capacity of each blower system shall be certified by a professional engineer.

11.10.5.3 Standby Power System.

11.10.5.3.1 A fully automatic standby power system shall be provided. The system shall be either an auxiliary engine generator set capable of running the blower system or a supplementary blower unit that is sized for 1 times the normal operating capacity and is powered by an internal combustion engine.

11.10.5.3.2 The standby power system shall be fully automatic to ensure continuous inflation in the event of any failure of the primary power. The system shall be capable of operating continuously for a minimum of 4 hours.

11.10.5.3.3 The sizing and capacity of the standby power system shall be certified by a professional engineer.

11.10.6 Maintenance and Operation.

11.10.6.1 Instructions in both operation and maintenance shall be transmitted to the owner by the manufacturer of the tensioned-membrane, air-supported, or air-inflated structure.

11.10.6.2 Annual inspection and required maintenance of each structure shall be performed to ensure safety conditions. At least biennially, the inspection shall be performed by a professional engineer, registered architect, or individual certified by the manufacturer.

11.10.7 Services.

11.10.7.1 Fired Heaters.

11.10.7.1.1 Only labeled heating devices shall be used.

11.10.7.1.2 Fuel-fired heaters and their installation shall be approved by the authority having jurisdiction.

11.10.7.1.3 Containers for liquefied petroleum gases shall be installed not less than 60 in. (1525 mm) from any temporary membrane structure and shall be in accordance with the provisions of NFPA 58, *Liquefied Petroleum Gas Code*.

11.10.7.1.4 Tanks shall be secured in the upright position and protected from vehicular traffic.

11.10.7.2 Electric Heaters.

11.10.7.2.1 Only labeled heaters shall be permitted.

11.10.7.2.2 Heaters used inside a temporary membrane structure shall be approved.

11.10.7.2.3 Heaters shall be connected to electricity by electric cable that is suitable for outside use and is of sufficient size to handle the electrical load.

11.11 Tents.

11.11.1 General.

11.11.1.1 The provisions of Section 11.1 shall apply.

11.11.1.2 Tents shall be permitted only on a temporary basis.

11.11.1.3 Tents shall be erected to cover not more than 75 percent of the premises, unless otherwise approved by the authority having jurisdiction.

11.11.2 Flame Propagation Performance.

11.11.2.1 All tent fabric shall meet the flame propagation performance criteria contained in Test Method 2 of NFPA 701, *Standard Methods of Fire Tests for Flame Propagation of Textiles and Films*.

11.11.2.2 One of the following shall serve as evidence that the tent fabric materials have the required flame propagation performance:

- (1) The authority having jurisdiction shall require a certificate or other evidence of acceptance by an organization acceptable to the authority having jurisdiction.
- (2) The authority having jurisdiction shall require a report of tests made by other inspection authorities or organizations acceptable to the authority having jurisdiction.

11.11.2.3 Where required by the authority having jurisdiction, confirmatory field tests shall be conducted using test specimens from the original material, which shall have been affixed at the time of manufacture to the exterior of the tent.

11.11.3 Location and Spacing.

11.11.3.1 There shall be a minimum of 10 ft (3050 mm) between stake lines.

11.11.3.2 Adjacent tents shall be spaced to provide an area to be used as a means of emergency egress. Where 10 ft (3050 mm) between stake lines does not meet the requirements for means of egress, the distance necessary for means of egress shall govern.

11.11.3.3 Tents not occupied by the public and not used for the storage of combustible material shall be permitted to be erected less than 10 ft (3050 mm) from other structures where the authority having jurisdiction deems such close spacing to be safe from hazard to the public.

11.11.3.4 Tents, each not exceeding 1200 ft² (112 m²) in finished ground level area and located in fairgrounds or similar open spaces, shall not be required to be separated from each other, provided that safety precautions meet the approval of the authority having jurisdiction.

11.11.3.5 The placement of tents relative to other structures shall be at the discretion of the authority having jurisdiction, with consideration given to occupancy, use, opening, exposure, and other similar factors.

3.3.262 Specification.

3.3.262.1* Design Specification. A building characteristic and other conditions that are under the control of the design team. (SAF-FUN)

3.3.262.2 Input Data Specification. Information required by the verification method. (SAF-FUN)

3.3.263 Staff (Residential Board and Care). Persons who provide personal care services, supervision, or assistance. (SAF-BCF)

3.3.264 Stage. A space within a building used for entertainment and utilizing drops or scenery or other stage effects. (SAF-AXM)

3.3.264.1 Legitimate Stage. A stage with a height greater than 50 ft (15 m) measured from the lowest point on the stage floor to the highest point of the roof or floor deck above. (SAF-AXM)

3.3.264.2 Regular Stage. A stage with a height of 50 ft (15 m) or less measured from the lowest point on the stage floor to the highest point of the roof or floor deck above. (SAF-AXM)

3.3.265* Stair.

3.3.265.1 Aisle Stair. A stair within a seating area of an assembly occupancy that directly serves rows of seats to the side of the stair, including transition stairs that connect to an aisle or a landing. (SAF-AXM)

3.3.265.2 Outside Stair. A stair with not less than one side open to the outer air. (SAF-MEA)

3.3.266 Stakeholder. An individual, or representative of same, having an interest in the successful completion of a project. (SAF-FUN)

3.3.267 Storage Occupancy. See 3.3.190.15.

3.3.268* Stories in Height. The story count starting with the level of exit discharge and ending with the highest occupiable story containing the occupancy considered. (SAF-FUN)

3.3.269* Story. The portion of a building located between the upper surface of a floor and the upper surface of the floor or roof next above. (SAF-FUN)

3.3.269.1 Occupiable Story. A story occupied by people on a regular basis. (SAF-FUN)

3.3.270 Street. A public thoroughfare that has been dedicated for vehicular use by the public and can be used for access by fire department vehicles. (SAF-MEA)

3.3.271* Street Floor. A story or floor level accessible from the street or from outside the building at the finished ground level, with the floor level at the main entrance located not more than three risers above or below the finished ground level, and arranged and utilized to qualify as the main floor. (SAF-MER)

3.3.272* Structure. That which is built or constructed. (SAF-FUN)

3.3.272.1 Air-Inflated Structure. A structure whose shape is maintained by air pressure in cells or tubes forming all or part of the enclosure of the usable area and in which the occupants are not within the pressurized area used to support the structure. (SAF-IND)

3.3.272.2* Air-Supported Structure. A structure where shape is maintained by air pressure and in which occupants are within the elevated pressure area. (SAF-IND)

3.3.272.3 Limited Access Structure. A structure or portion of a structure lacking emergency openings. (SAF-IND)

3.3.272.4 Membrane Structure. A building or portion of a building incorporating an air-inflated, air-supported, tensioned-membrane structure; a membrane roof; or a membrane-covered rigid frame to protect habitable or usable space. (SAF-IND)

3.3.272.5 Multilevel Play Structure. A structure that consists of tubes, slides, crawling areas, and jumping areas that is located within a building and is used for climbing and entertainment, generally by children. (SAF-AXM)

3.3.272.6* Open Structure. A structure that supports equipment and operations not enclosed within building walls. (SAF-IND)

3.3.272.7* Parking Structure. A building, structure, or portion thereof used for the parking, storage, or both, of motor vehicles. [88A, 2015] (SAF-IND)

3.3.272.7.1 Assisted Mechanical Type Parking Structure. A parking structure that uses lifts or other mechanical devices to transport vehicles to the floors of a parking structure, where the vehicles are then parked by a person. [88A, 2015] (SAF-IND)

3.3.272.7.2 Automated Type Parking Structure. A parking structure that uses computer controlled machines to store and retrieve vehicles, without drivers, in multi-level storage racks with no floors. [88A, 2015] (SAF-IND)

3.3.272.7.3 Enclosed Parking Structure. Any parking structure that is not an open parking structure. [88A, 2015] (SAF-IND)

3.3.272.7.4 Open Parking Structure. A parking structure that meets the requirements of 42.8.1.3 (SAF-IND).

3.3.272.7.5 Ramp Type Parking Structure. A parking structure that utilizes sloped floors for vertical vehicle circulation. [88A, 2015] (SAF-IND)

3.3.272.8 Permanent Structure. A building or structure that is intended to remain in place for a period of more than 180 days in any consecutive 12-month period. (SAF-FUN)

3.3.272.9 Temporary Structure. A building or structure not meeting the definition of permanent structure. (See also 3.3.272.8, Permanent Structure.) (SAF-FUN)

3.3.272.10 Tensioned-Membrane Structure. A membrane structure incorporating a membrane and a structural support system such as arches, columns and cables, or beams wherein the stresses developed in the tensioned membrane interact with those in the structural support so that the entire assembly acts together to resist the applied loads. (SAF-IND)

3.3.272.11* Underground Structure. A structure or portions of a structure in which the floor level is below the level of exit discharge. (SAF-IND)

3.3.272.12 Water-Surrounded Structure. A structure fully surrounded by water. (SAF-IND)

3.3.273 Suite.

3.3.273.1 Guest Suite. An accommodation with two or more contiguous rooms comprising a compartment, with or without doors between such rooms, that provides living, sleeping, sanitary, and storage facilities. (SAF-RES)

3.3.273.2 Non-Patient-Care Suite (Health Care Occupancies). A suite within a health care occupancy that is not intended for sleeping or treating patients. (SAF-HEA)

3.3.273.3 Patient Care Non-Sleeping Suite (Health Care Occupancies). A suite for treating patients with or without patient beds not intended for overnight sleeping. (SAF-HEA)

3.3.273.4 Patient Care Sleeping Suite (Health Care Occupancies). A suite containing one or more patient beds intended for overnight sleeping. (SAF-HEA)

3.3.273.5 Patient Care Suite (Health Care Occupancies). A series of rooms or spaces or a subdivided room separated from the remainder of the building by walls and doors. (SAF-HEA)

3.3.274 System.

3.3.274.1 Elevator Evacuation System. A system, including a vertical series of elevator lobbies and associated elevator lobby doors, an elevator shaft(s), and a machine room(s), that provides protection from fire effects for elevator passengers, people waiting to use elevators, and elevator equipment so that elevators can be used safely for egress. (SAF-MEA)

3.3.274.2 Site-Fabricated Stretch System. A system, fabricated on-site, and intended for acoustical, tackable, or aesthetic purposes, that is comprised of three elements: (1) a frame (constructed of plastic, wood, metal, or other material) used to hold fabric in place, (2) a core material (infill, with the correct properties for the application), and (3) an outside layer, comprised of a textile, fabric, or vinyl, that is stretched taut and held in place by tension or mechanical fasteners via the frame. (SAF-INT)

3.3.275 Technically Infeasible. A change to a building that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with applicable requirements. (SAF-FUN)

3.3.276 Temporary Platform. See 3.3.211.1.

3.3.277 Temporary Structure. See 3.3.272.9.

3.3.278 Tensioned-Membrane Structure. See 3.3.272.10.

3.3.279* Tent. A temporary structure, the covering of which is made of pliable material that achieves its support by mechanical means such as beams, columns, poles, or arches, or by rope or cables, or both. (SAF-IND)

3.3.279.1 Private Party Tent. A tent erected in the yard of a private residence for entertainment, recreation, dining, a reception, or similar function. (SAF-AXM)

3.3.280 Thermal Barrier. See 3.3.31.3.

3.3.281 Tower. An enclosed independent structure or portion of a building with elevated levels for support of equipment or occupied for observation, control, operation, signaling, or similar limited use. (SAF-IND)

3.3.281.1 Air Traffic Control Tower. An enclosed structure or building at airports with elevated levels for support of equipment and occupied for observation, control, operation, and signaling of aircraft in flight and on the ground. (SAF-IND)

3.3.282 Two-Family Dwelling Unit. See 3.3.66.3.

3.3.283 Uncertainty Analysis. See 3.3.17.2.

3.3.284 Underground Structure. See 3.3.272.11.

3.3.285 Verification Method. A procedure or process used to demonstrate or confirm that the proposed design meets the specified criteria. (SAF-FUN)

3.3.286* Vertical Opening. An opening through a floor or roof. (SAF-FIR)

3.3.287 Vomitory. An entrance to a means of egress from an assembly seating area that pierces the seating rows. (SAF-AXM)

3.3.288 Wall.

3.3.288.1 Fire Barrier Wall. A wall, other than a fire wall, that has a fire resistance rating. (SAF-FIR)

3.3.288.2 Proscenium Wall. The wall that separates the stage from the auditorium or house. (SAF-AXM)

3.3.289* Wall or Ceiling Covering. A textile-, paper-, or polymeric-based product designed to be attached to a wall or ceiling surface for decorative or acoustical purposes. (SAF-INT)

3.3.290 Water-Surrounded Structure. See 3.3.272.12.

3.3.291 Weathered-Membrane Material. See 3.3.171.5.

3.3.292 Yard. An open, unoccupied space other than a court, unobstructed from the finished ground level to the sky on the lot on which a building is situated. (SAF-MEA)

Chapter 4 General

4.1* Goals.

4.1.1* Fire. A goal of this *Code* is to provide an environment for the occupants that is reasonably safe from fire by the following means:

- (1)*Protection of occupants not intimate with the initial fire development
- (2) Improvement of the survivability of occupants intimate with the initial fire development

4.1.2* Comparable Emergencies. An additional goal is to provide life safety during emergencies that can be mitigated using methods comparable to those used in case of fire.

4.1.3* Crowd Movement. An additional goal is to provide for reasonably safe emergency crowd movement and, where required, reasonably safe nonemergency crowd movement.

4.2 Objectives.

4.2.1 Occupant Protection. A structure shall be designed, constructed, and maintained to protect occupants who are not intimate with the initial fire development for the time needed to evacuate, relocate, or defend in place.

4.2.2 Structural Integrity. Structural integrity shall be maintained for the time needed to evacuate, relocate, or defend in place occupants who are not intimate with the initial fire development.

4.2.3 Systems Effectiveness. Systems utilized to achieve the goals of Section 4.1 shall be effective in mitigating the hazard or condition for which they are being used, shall be reliable, shall be maintained to the level at which they were designed to operate, and shall remain operational.