

Land Development Regulations



southburlington VERMONT

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1 PURPOSE and TITLE

- 1.01 Purpose and Compliance
- 1.02 Title
- 1.03 Separability
- 1.04 Effective Date of Implementation

1.01 Purpose and Compliance

The purpose of these Land Development Regulations is to implement the Comprehensive Plan of the City of South Burlington; to promote the health, safety, and general welfare of the community; to secure safety from fire, panic, and dangers; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, under and pursuant to the Vermont Planning and Development Act, as amended.

1.02 Title

These provisions shall be known and may be cited as the South Burlington Land Development Regulations.

1.03 Separability

Should any section, sub-section, paragraph, sentence, clause, provision, or phrase of these land development regulations be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other portion of these land development regulations, except the section in question.

1.04 Effective Date and Implementation

These regulations shall become effective twenty-one (21) days after the date of adoption by the City Council. On the date these regulations become effective, they will replace in its entirety the comprehensive revision of the City of South Burlington Land Development Regulations effective May 12, 2003 and as amended through September 24, 2013.

2 DEFINITIONS

- 2.01 Rules of Construction, Intent and Usage
- 2.02 Specific Definitions
- 2.03 Definitions for Flood Hazard Purposes

2.01 Rules of Construction, Intent and Usage

- A. In the construction of these regulations, the following provisions and rules shall be applied, except when the context clearly requires otherwise:
- (1) The "City" is the City of South Burlington, Vermont.
 - (2) Words used in the present tense shall include the future and words used in the future tense shall include the present.
 - (3) Words in the singular number shall include the plural and words in the plural number shall include the singular number.
 - (4) The words "shall" and "must" are mandatory and not optional or merely directory.
 - (5) The words "may" and "should" are permissive.
 - (6) The word "person" includes an individual, firm, association, corporation, partnership, trust, company or other organization, governmental body or agency, and any other legal entity.
 - (7) The word "lot" includes the words parcel, plot, tract of land, or piece of land.
 - (8) The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied, employed for, constructed for, altered for, converted for, rented for, leased for, maintained for, utilized for, or occupied for.
 - (9) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
 - (10) The terms "such as" and "for example" shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or structures.
 - (11) A "building" or "structure" includes any part thereof. "Building" shall have the same meaning as "structure."
 - (12) The word "built" includes "erected," "constructed," "reconstructed," "altered," "enlarged," or "moved."
 - (13) The word "premises" shall include land and buildings thereon.
 - (14) The masculine gender shall include the feminine and neuter, and vice versa.
 - (15) The words "adjacent" and "next to" shall have the same meaning as "abut."
 - (16) The words "original" and "existing" mean the conditions existing on the effective date of these regulations.
 - (17) Abbreviations. "SF" shall mean "square feet", "GFA" shall mean "gross floor area", "GLA" shall mean "gross leasable area", "DU" shall mean dwelling unit, and "ROW" shall mean "right-of-way"

- B. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
- (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) "Either...or" indicates that the connected item, conditions, provisions, or events shall apply singly but not in combination.
- C. References made to officials and official bodies shall mean officials and official bodies of the City of South Burlington, unless the natural construction of the wording indicates otherwise.
- D. The word "regulation," "these regulations," "these land development regulations," "this ordinance," or "this bylaw" means the "City of South Burlington Land Development Regulations."
- E. Any word or phrase which is defined in this section, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.
- F. Any word or phrase that is not defined in this section, or elsewhere in these regulations, shall have its plain and commonly accepted meaning.
- G. Definitions contained in Title 24 of the Vermont Statutes Annotated, Chapter 117 shall be applicable throughout these regulations.

2.02 Specific Definitions

Abandonment. The relinquishment of property, or a cessation of the use conducted on the property for a period of six (6) months within a twelve (12) month period, by the owner, tenant, or lessee, for reasons other than an act of God or access impeded by government action.

Accessory structure or building. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. The accessory structure shall be located on the same lot. Prefabricated buildings may be regulated as accessory structures. Any portion of a principal building developed or intended to be devoted to an accessory use is not an accessory structure. Where an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, the accessory building shall be considered part of the principal building. Private garages must meet applicable setback requirements for principal structures. Utility cabinets that meet the requirements of Section 13.18 shall not be considered accessory structures.

Accessory use. A use of land or property or a building, or a portion thereof, whose area, extent, or purpose is incidental and subordinate to the principal use of the building or land. The accessory use shall be located on the same lot. An accessory use shall not be accessory to another accessory use.

Adjacent. Either abutting or directly across the street.

Administrative Officer. That person appointed by the City Council who has any authority these Regulations may confer upon him or her, and any Assistant Administrative Officer to administer the Regulations and to

issue zoning permits. In the absence of a designated Administrative Officer, the City Manager shall function as the Administrative Officer.

Adult use. An establishment (such as a nightclub, bar, restaurant, supper club, lounge, live or movie theater, cabaret, bookstore, or other) in which a person or persons appear in a state of nudity in the performance of their duties or material is available depicting person or persons in a state of nudity. Nudity shall be as defined in the South Burlington Public Indecency Ordinance.

Affordable housing. this shall mean either of the following:

- (A) Housing that is owned by its inhabitants, whose gross annual household income does not exceed eighty percent (80%) of the median income for the Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than thirty percent (30%) of the household's gross annual income; or
- (B) Housing that is rented by its inhabitants whose gross annual household income does not exceed eighty percent (80%) of the median income for the Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than thirty percent (30%) of the household's gross annual income

This definition, however, does not apply to housing projects covered under inclusionary zoning, pursuant to 24 V.S.A. Section 4414(7). See Section 18.01 (Inclusionary Zoning).

Affordable housing development. A housing development of which at least fifty percent (50%) of the units are affordable housing units.

Agent of owner. Any person who can show written proof that he has authority to act for the property owner.

Agriculture (Farming). Shall include any of the land use activities exempt from zoning regulation pursuant to 24 V.S.A. § 4413(d), as amended.

Airport. A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, and including an area that the aircraft may use to take off and land.

Airport uses. Fixed- and rotary-wing operations together with retail sales and service operations related to public, private, and general aviation, including aircraft sales, repair, and storage, commercial shipping and storage, restaurants, rental vehicles, and other uses designed to serve aviation passengers and industry.

Alteration. Any act or process that changes one or more of the exterior and interior architectural features or the exit facilities of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure, any change in doors or windows, any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another, any increase in height, and any change or rearrangement in the supporting members of an existing

building or structure. The latter acts may involve bearing walls, columns, beams, girders or interior partitions.

Alteration, Structural. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or in the dimensions or configurations of the roof or exterior walls.

Animal shelter. A place where animals are provided with short-term shelter typically operated by a humane society or other non-profit organization. Such establishment may have either or both of an educational component or a residence, occupied by a household with at least one person employed full or part time in a caretaking capacity for the facility, as an accessory use or additional principal permitted use on the site. May or may not include associated outdoor exercise facilities.

Apartment. See Dwelling, multi-family.

Applicant. A person submitting an application.

Application for development. The application form and all accompanying documents and exhibits required of an applicant by an approving authority for development review purposes.

Approved plan. Prior to January 1, 1996, a plan that is conditionally approved under the provisions of this chapter, unless specifically provided otherwise. After January 1, 1996, a plan that has been granted final approval by the appropriate approving authority.

Approving authority. The agency, board, group or other legally designated individual or authority that has been charged with review and approval of plans and applications.

Area affected. (A) The area of land that is the subject of the proposed action; (B) as used under conditional use review, the vicinity of the land that is the subject of the proposed action, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan

Artist production studio. A building or portion thereof used for persons engaged in the application, teaching or performance of fine arts such as, but not limited to, vocal or instrumental music, dance, or the creation of original handmade art or craft items.

Assisted living facility. A multi-family, residential group facility that provides a combination of housing, supportive services, and personalized assistance for persons needing help with activities of daily living. Such activities may include bathing, grooming, and medical reminders. Meals are provided in a central location on site. Dwelling units may or may not have conventional kitchens.

Attic. The part of a building that is immediately below and wholly or partly within the roof framing.

Auto & motorcycle sales. A business enterprise engaged in the sale of automobiles or motorcycles.

Auto & motorcycle sales, limited. A business engaged in the sale of automobiles and/or motorcycles not requiring a commercial drivers license (CDL) to operate, with not more than five (5) vehicles for sale on the premises at any one time.

Auto & motorcycle service and repair. A business enterprise engaged in the servicing and repair of automobiles and/or motorcycles, including auto body repair or auto detailing, including the sale and installation of automobile and/or motorcycle parts and accessories. Includes Auto & Motorcycle Sales, Limited in conformance with these regulations.

Auto rental, with private accessory car wash and fueling. A business enterprise engaged in the rental of automobiles. May include car wash facilities and fueling for the exclusive use by employees of the rental enterprise to clean and refuel the rental cars in preparation for a subsequent rental.

Bar. (A) A business enterprise or part thereof used primarily for the retail sale or dispensing of liquor or alcoholic beverages for consumption on the premise, or (B) the part of a building, structure, or premise of a private club, association or organization that dispenses liquor or alcoholic beverage for consumption on the premises. Also known as a tavern or lounge.

Basement. That portion of a building that is partly or completely below the average pre-construction level of the adjoining ground. A basement shall be considered as a story where the finished surface of the floor above the basement is: (1) More than four (4) feet above the average pre-construction level of the adjoining ground, or (2) More than twelve (12) feet above the pre-construction ground level at any point.

Bed and breakfast. A detached single-family residence with four or fewer rooms for rent, accommodating a maximum of ten guests, for short-term overnight lodging by the day or by the week. The single-family residence must be the primary residence of the owner or operator of the bed and breakfast. Employment shall not exceed one (1) full-time employee in addition to the owner. Only a morning meal may be provided to guests. Bed and breakfasts are also known as tourist homes.

Below market rate households. Households whose aggregate income does not exceed eighty percent (80%) of the county median income, as defined by the United States Department of Housing and Urban Development in the case of for-purchase housing, or does not exceed sixty-five percent (65%) of the county median income, as defined by the United States Department of Housing and Urban Development in the case of rental housing.

Block. An area of land bounded by streets or by a combination of existing, planned, or proposed streets, or by physical features creating a barrier to the continuity of development such as public land, railroad rights-of-way, waterways, and municipal boundaries. Within the Transect Zones, street types applying under this definition shall include only existing public streets, planned streets, and street types listed as qualifying within the applicable Building Envelope Standards and Article 11. The perimeter of the Form Based Codes District also shall be considered an additional block delineation.

Block length: The horizontal distance of a single block face, measured from the edge of the street right-of-way or other applicable feature.

Block perimeter. The horizontal distance created by three or more block lengths in order to return to a point of origin that creates a land area.

Buffer strip. Land area used to visually obstruct or spatially separate one use from another or to shield or block noise, light, or other nuisances. A strip may be required to include fencing, berms, shrubs, and/or trees. A buffer is typically placed between a structure or use and a side or rear property line.

Build-to zone. The area on the lot where a building façade must be located, measured as a minimum and maximum range from the closest street line of an existing or planned street right-of-way.

Build-to-zone, Primary. The build-to-zone where a specified percentage of a building's façade must be located, as determined by the Building Envelope Standards for the applicable District.

Build-to-zone, Secondary. The build-to-zone where a specified percentage of a building's façade may be located, as determined by the Building Envelope Standards for the applicable District.

Building. A structure having a roof supported by columns or walls, and used or intended for the shelter or enclosure of persons, animals, or equipment, goods, or materials of any kind. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building. Buildings shall be classified as Principal or Accessory.

Building Break. Variations in a building façade that include: building height variation, building vertical plane shift (bump outs / step backs), and building section variation that protrude or step back from the front or top of the building by at least two (2) feet for a minimum width of five (5) feet, and major material change (such as brick to stone or hardi-plank) extending the majority of the vertical plane of the building for a width of at least twenty (20) feet . Such an interruption in the continuous line of a building facing a street may include variations in the façade of the building as well as stoops, porches, permanent structural awnings, inverted dormers and picture windows. See the diagrams contained within Article 8 for examples. This term also may apply to structures where specifically referenced in these Regulations.

Building Envelope Standards (BES). Standards for the design of structures and related site features within these Regulations.

Building coverage. The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot to the total lot area.

Building façade. The face of a building that delineates the edge of enclosed floor space. For example, the building face of a two-story structure with a one-story porch is the two-story elevation of the building.

Building footprint. The area of land physically occupied by a building on the ground, including any deck, porch, or other appurtenant structure attached to the building, and any area of land over which any portion of a building or appurtenant structure overhangs. The building footprint does not include uncovered patios, walkways, driveways, landscaping or other unattached structures.

Building line.

Front. The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line. A lot with two or more front lot lines shall have a front building line for each front lot line.

Rear. The line, parallel to the rear lot line, that passes through the point of the principal building nearest the rear lot line. In the event that a property has two or more front lot lines and no rear lot lines, the rear building line shall be the line that is both (a) parallel to the side lot line that passes through the point of the principal building nearest the side lot line and (b) parallel to the Primary Building Façade.

Building, principal. A structure in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a principal building on the lot on which it is located.

Building width. The average length of a building measured along the side most closely parallel to its adjacent public street(s).

Bulk requirements. Standards that control the height, density, and location of structures.

Bulk storage. The storage of chemicals, petroleum products, and other materials in above ground containers or areas for subsequent resale to distributors or retailers dealers or outlets and not directly to the consuming public.

Bulkhead line. A line along a navigable water offshore from which no fill or structure is permitted.

Bus terminal. Any premises for the short term parking (i.e., fewer than 12 hours) of motor-driven buses and loading and unloading of passengers. Bus terminals may include ticket purchase facilities, but shall not include bus maintenance facilities. Bus terminals may also include hubs where three or more routes converge and allow the transfer of passengers between routes.

Bylaws. Zoning regulations, subdivision regulations, or an Official Map adopted under the authority of 24 VSA Chapter 117.

Caliper. The diameter of a tree trunk measured at six (6) inches above the ground for trees up to and including four (4) -inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Campus. The premises of a public or private college, university, school, hospital, or other institution.

Cannabis Dispensary. a nonprofit entity registered under section 18 VSA 4474e which acquires, possesses, cultivates, manufactures, transfers, transports, supplies, sells, or dispenses marijuana, marijuana-infused products, and marijuana-related supplies and educational materials for or to a registered patient who has designated it as his or her center and to his or her registered caregiver for the registered patient's use for symptom relief. A dispensary shall not be located within 1000 feet of the property line of a preexisting public or private school or licensed or regulated child care facility.

Cannabis Dispensary (dispensing only). A portion of a cannabis dispensary providing marijuana for symptom relief to registered patients.

Cannabis Dispensary (cultivation only). A portion of a cannabis dispensary where the marijuana is cultivated.

Canopy tree. Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of twelve hundred (1,200) square feet.

Capacity study. An inventory of available natural and human-made resources, based on detailed data collection, which identifies the capacities and limits of those resources to absorb land development. Data

gathered, relevant to the geographic information system, shall be compatible with, useful to, and shared with the geographic information system established under 3 V.S.A. § 20.

Car wash. A building or premises or portion thereof used for washing motor vehicles, whether by automatic device or self-service.

Cellar. A space partially or fully below ground level and with a floor-to-ceiling height of less than six and one-half (6.5) feet. Cellars shall not be counted as a story in the computation of the intensity of land use development or of gross floor area. See also Basement.

Certificate of occupancy. A required permit allowing occupancy of a building, structure, or premise after it has been determined that all requirements of applicable ordinances have been met.

Change of use. The modification of a use of a building or land, or the replacement of a use of a building or land with another use or uses, or the addition of a use or uses to a building or land, or the cessation of a use or uses of a building or land.

Child care facility. An establishment operated as a business or service on a regular or continual basis, whether for compensation or not, to provide care, protection, supervision and/or education for children under the age of 16 outside their homes for periods of fewer than 24 hours a day by a person other than a child's own parent, guardian or relative as defined by rules adopted by the Vermont Department for Children and Families, but not including a kindergarten approved by the State Board of Education.

Licensed family child care home: A child care facility which provides care on a regular basis in the caregiver's own residence for not more than 12 children at any one time and which complies with all State of Vermont requirements for licensure of child care facilities.

Licensed non-residential child care facility: A child care facility operated outside of the caregiver's own residence which complies with all State of Vermont requirements for licensure of child care facilities.

Registered family child care home: a child care facility which provides for care on a regular basis in the caregiver's own residence for not more than 10 children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. For the purpose of this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

- (A) these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
- (B) during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver.

Chimney. A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

Church. See place of worship.

Club. See membership associations.

Commercial. (A) Uses listed within the Table of Uses as Commercial and Industrial Uses, (B) A term referring broadly to non-residential uses of land involving the provision of goods and services.

Commercial greenhouse. A structure and the land surrounding it in and on which plants, vegetables, flowers, and similar materials are grown for sale or are sold. Such land and greenhouses are also known as nurseries.

Commercial vehicle. Any motor vehicle licensed as a commercial vehicle.

Community center. A building or structure used for recreational, social, educational, health, cultural, or other similar activities. Services within the facility may be offered by one or more public or nonprofit entities.

Community garden. One or more garden plots located on public or private property managed collectively by a group that grows food primarily for the members' home consumption.

Complete application. An application form completed as specified by a bylaw and the rules and regulations of the City and all accompanying documents required by the bylaw for approval of the application. The application shall be certified as complete as soon as all requirements specified in the bylaw and rules and regulations have been met.

Conditional use. A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with and conform to all the conditions and standards for the location or operation of such use as specified in these land development regulations and authorized by the Development Review Board. In granting approval for a conditional use, the Development Review Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of these Land Development Regulations.

Condominium. A building, or group of buildings, in which dwelling units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. There shall be an association of building owners organized for the purposes of maintaining, administering, and operating the common areas and facilities. Condominium is a legal form of real property ownership and not a building style. The purchaser shall have title to his or her dwelling unit and an undivided interest in parts of the interior of the building, the exterior, and other common elements. The property shall be identified in a master deed and officially recorded on a plat. The common elements shall comprise the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between the walls, the public interior spaces, exterior walls, streets, and recreational facilities. Condominiums may be used for residential and non-residential uses.

Congregate care facility. A housing facility that has significant facilities and services specifically designed to meet the physical and/or social needs of older persons. Significant facilities and services may include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, emergency and preventive health care

programs, congregate dining facilities, and transportation to social, medical, or personal services. This is not a group home; see definition below.

Consolidation. The removal of lot lines between contiguous parcels.

Construction. The act of adding to, altering, or extending an existing structure or the erection of a new principal or accessory structure on real property.

Continuum of care facility. A multi-family, residential group facility with a range of accommodations and services in one structure or one campus. This type may include full apartments for independent residents, an assisted living facility, and/or a skilled nursing facility. This definition excludes group homes.

Contractor or building trade facility. A facility, including offices, used for the conduct of building, contracting and related trades that conduct a majority of business activity off-site. Such use may include the indoor storage, maintenance, and processing of vehicles, equipment, merchandise and materials used in the conduct of the business, and other customary and incidental activities directly related to the conduct of the business.

Contractor's yard. An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. A contractor's yard is typically a wholesale trade operation, but may also have retail trade or have some portion allocated to retail trade. Typical uses include lumber yards, mill work yards, and stone or masonry yards and may also include storage of materials, merchandise and equipment incidental to the principal business and not necessarily for sale.

Conversion. A change in the use of land or a structure.

Court. Any open, uncovered, and unoccupied area, other than a yard, that is bounded by two or more attached building walls and unobstructed from ground to sky. This definition shall not preclude the inclusion of "court" in the name of a building or buildings.

(A) **Inner Court.** An open area, unobstructed from the ground to the sky that is entirely within the exterior walls of a building.

(B) **Outer Court.** An open area, unobstructed from the ground to the sky which is bounded on not more than three sides by the exterior walls of one or more buildings OR Any court that is not an inner court.

Covenant. A restriction on the use of land set forth in a written document or plat. The restriction runs with the land and is binding upon subsequent owners of the property.

Cultural facility. An indoor or outdoor auditorium, theater, or other building or structure designed for or primarily used for music, drama, dance, or other live performances, or museum or gallery operated primarily for the display and not sale of works of art.

Curb. A boundary usually marking the edge of the roadway or paved area.

- (A) **Curb cut.** The opening in the curb, measured at the property line, at which point vehicles may enter or leave the property.
- (B) **Curb level.** The permanently established grade of the curb top in front of the center of the building, the lot, or portion thereof under consideration. Where no curb level has been established, the level of the ground at the center of the traveled portion of the street shall be considered the equivalent of the curb level. Where the building does not adjoin the street, the average level of the proposed grade line of the ground immediately adjacent to the building as shown on the building plans shall be considered the curb level.
- (C) **Curb return.** The connecting link between the street curb and the ramp curb.

Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation. Cut shall also refer to the depth below the original ground surface or excavated surface.

Day care facility, adult. An establishment operated as a business or service on a regular or continual basis, whether for compensation or not, to provide care, protection, supervision and/or education for adults with physical, emotional or cognitive impairment who require assistance and supervision or those who need restorative or rehabilitative services. Such services are provided outside the adult's home for periods of fewer than 24 hours a day by persons other than the adult's parent, guardian or relative. An adult day care facility shall constitute a day care center. The center shall be licensed and operated in accordance with state law.

Delivery channel. Public alley or other street providing access to the loading facilities of buildings; typically located to the rear and sides of buildings.

Demolition. Any act or process that destroys in part or in whole a landmark, building, structure, or improvement.

Design vehicle. The type of vehicle used to determine the geometric design of the roadway.

Detached Mixed-Use Storefront. A building with a single, ground-level walk-in non-residential use. The building may also include separate occupant(s), residential or non-residential, on upper stories where permitted.

Development. (A) The carrying out of any change to improved or unimproved land, including but not limited to the construction, reconstruction, conversion, structural alteration, relocation, enlargement or use of any structure or parking area; (B) any mining, excavation, dredging, filling, grading, drilling or any land disturbance; (C) any use or extension of the use of the land, or (D) the subdividing of land into two or more parcels.

Development Review Board. The Development Review Board or "DRB" of the City of South Burlington created pursuant to 24 VSA Chapter 117.

Dilapidation. A deterioration of structures or buildings to the point of being unsafe or unfit.

Dish antenna. Any parabolic or part-spherical device, also known as a satellite dish antenna or earth station, whose purpose is to receive and/or transmit microwave or other electronic communication signals from

and/or to satellites or other instruments for television, radio, data, imagery, or other forms of telecommunications. A typical device contains a combination of four main elements: the antenna or dish, its support structure, the amplifier, and a cable that carries the signal to and/or from a receiver and/or transmitter inside the building.

District. A part, zone, or geographic area within the City of South Burlington within which certain zoning or other land development regulations apply.

Disturbed land. Any soil on a construction site or associated support activities (e.g. staging area, borrow area, disposal site for excess fill) that is exposed to the erosive effects of wind, rain, or runoff due to construction or construction related activities.

Domicile. A residence that is a permanent home to an individual.

Dormer. A window vertical in a roof or the roofed structure containing such a window. The height of a dormer shall be from its base to its peak, inclusive.

Dormitory. A building containing bathroom facilities for the common use of residents of the building which is occupied or intended to be occupied as a dwelling by persons not related by blood, marriage, fosterage or adoption but who are enrolled, affiliated with, or employed by the same educational, religious, or health institution. Dormitory shall not include a rooming house, guest home, tourist home, bed and breakfast, hotel, motel, group home, congregate housing, or health institution. A dormitory is a type of group quarters; see definition below.

Drainage. (A) Surface water runoff; (B) the removal of surface water or groundwater from land by drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development; or (C) the means for preserving the water supply and the prevention or alleviation of flooding. Drainage area is also known as a 'sub-watershed.'

Drainage area. That area in which all of the surface runoff resulting from precipitation is concentrated into a particular stream, water body, or other discharge point.

Drainage system. Pipes, swales, natural features, and manmade improvements designed to carry drainage.

Drainage way. With the exception of major and minor streams, all other streams, watercourses or drainage ways natural in origin and having a clearly defined channel with intermittent or full year flow of water.

Drive-through. An establishment or structure which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, goods, or be entertained while remaining in their vehicles. A drive through shall include all components thereof, including any outdoor menu boards, order windows or service windows.

Driveway. A private vehicular access from a street to a parking space, garage, dwelling, or other structure and generally subordinate in nature to a street. A driveway may be shared among structures, but its function is generally subordinate to a street.

Duplex. See Dwelling, two-family.

Dwelling unit. A building or portion thereof designed, used, constructed or occupied as separate living quarters for one (1) household which includes independent and exclusive cooking, sleeping, and sanitary facilities for a household, and direct access to the unit from the outside of the building or through a common hall.

Dwelling, single-family. A building that contains one (1) principal dwelling unit and that is not attached to any other dwelling by any means and has no roof, wall, or floor in common with any other dwelling unit. This is also known as a detached or one-family dwelling.

Dwelling, multi-family. A structure containing three (3) or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided. Access to units may be from a common hall or from individual entrances. This may also be known as an apartment house, apartment building, or garden apartment.

Dwelling, two-family. A building containing two (2) principal dwelling units that are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar. The units may share a common stairwell exterior to both dwelling units and with access to the outside. There may be a common cellar but not a common basement. Each dwelling is located on its own separate lot. This type of dwelling shall also be known as a duplex.

Dwelling, townhouse or rowhouse. A dwelling unit located in a row of at least three (3) attached such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. The row of dwelling units shall be designed and built as a single structure facing upon a street.

Dwelling unit, attached. A dwelling unit sharing a common side or rear wall(s) with another dwelling unit or units and having its own separate entrance or entrances to the outside. This may also be known as a townhouse or rowhouse.

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Edible Landscaping. The use of food-producing plants in the design of private and public outdoor spaces.

Educational facility. A facility used for or in support of education, instruction, or research in any branch of knowledge including private and public elementary and secondary schools, colleges, and universities.

Element. A component of a plan.

Elevation. (A) A vertical distance above or below a fixed reference level; (B) a flat scale drawing of the front, rear, or side of a building.

Erosion. The process by which the ground surface is worn away by the action of wind, water, gravity, ice or a combination thereof, or the detachment and movement of soil or rock fragments.

Establishment. An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

Excavation. Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing grade or elevation. See pre-construction grade.

Existing use. The use of a lot or structure at the time these land development regulations were enacted.

Exterior architectural features. The architectural character and general composition of the exterior of a structure, including but not limited to, the kind and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, other appurtenant elements and natural features when they are integral to the significance of the site, all of which are subject to public view from a public street, way or place.

Family. See household.

Farm. A parcel, or dedicated portion of a parcel, used primarily for agriculture or urban agriculture as defined in these regulations.

Farmer's Market. A site or structure used primarily for the direct sale of farm and food products to consumers. Subject to definition, regulations, and restrictions in South Burlington Peddlers Ordinance.

Farm Structure. A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in 10 VSA Section 6001(22), but excludes a dwelling.

Fence. Any material or combination of materials erected to enclose, screen, or separate areas of land. Fences may be of an open (e.g. picket), semiopen, or closed (e.g. brick or stone) style. Closed fences may also be known as walls.

Fill. Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans, for purposes of creating a new elevation of the ground.

Final approval. The last official action of the approving agency or board taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, and the required improvements have been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of such guarantees.

Financial institution. A use of structure in which financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (e.g., banks, credit unions, savings and loans), non-depository institutions (e.g., credit agencies, loan brokers), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Finish elevation. The proposed elevation of the land surface of a site after completion of all site preparation work. See also grade, finished.

Fire access. Means of access to a building, neighborhood or street for the purpose of fire and public safety.

Flag lot. See lot, flag.

Floating zone. An unmapped zoning district. Requirements are contained in the relevant article. The floating zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

Floor area. The gross area of all floors of all principal and accessory buildings on a lot, measured from the exterior face of the exterior walls, or in the case of a common wall separating two buildings, from the center line of such common walls. Gross floor area shall include such features as porches, balconies, breezeways, walkways, and raised platforms, if each is enclosed.

Floor area ratio (FAR). The allowable proportion of total gross square feet of principal and accessory building area to total lot size. The ratio is an expression of the intensity of development. For example, an F.A.R. of 1.0 would allow one square foot of building area to be constructed for each square foot of lot area; an F.A.R. of 4.0 would allow four square feet of building area for each square foot of lot area. A floor area ratio (FAR) of 1.0 could be a 40,000 square foot building on a 40,000 square foot lot. It could be a 10,000 square foot building on 4 floors or a 20,000 square foot building on 2 floors. An FAR of 0.5 would be a 20,000 square foot building on a 40,000 square foot lot.

Food hub. A facility that serves as the central location for the aggregation, storage, processing, distribution, and/or marketing of local and source-identified food. A food hub is closely aligned with a farm stand with respect to the types of products available. The principal function of a food hub shall be to provide local farmers and food producers predictable and coordinated access to individuals, retailers, and institutions. This is encouraged to be a distribution point for shares in Community Supported Agriculture (CSAs). A Food Hub is not a "Retail Sales" use. A food hub is not intended for consumers to shop through a wide variety of goods, especially those goods or food products that are neither processed nor grown locally, throughout most of the day, week, and year. A food hub may also constitute an organization responsible for the roles listed herein, and may include technical assistance to local farmers in conjunction with its duties as a central location.

Frontage. (A) The boundary of a lot abutting a street; (B) the front lot line.

Frontage buildout. The percentage of the total length of the front lot line that is the same length as the total horizontal length of the building façades of principal buildings, or portions thereof, that:

- (A) Are located within the lot's build-to-zone, and
- (B) Are parallel with the front lot line, and
- (C) Do not have any portion of another principal building located between it and the front lot line.

Fuel storage. The containment of liquid fuel, including but not limited to heating oil, diesel fuel, gasoline, or kerosene above or below ground.

Garage, private. A detached or attached accessory building, or part thereof, used or intended to be used only for the storage of private passenger vehicles belonging to the residents, employees, or visitors of the premises.

Glazing. The amount of window and door coverage over the specified portion of a building.

Glazing, Transparent. A type of glazing provided by see-through windows that provide visual access to space within the building intended for human occupancy and use, and by doors that are used as operable or public entrances, regardless of whether see-through or opaque.

Grade. The elevation of the land or land level at a specific point.

(A) Grade, finished. The final, average elevation of the ground immediately adjacent to the exterior walls of a building after development, measured as the degree of rise or descent of a sloping surface.

(B) Grade, pre-construction. The elevation of the ground level in its natural state, before construction, filling, or excavation. This is also known as natural grade, and shall be defined as the grade existing on property on the date of an application under the South Burlington Land Development Regulations for any development approval (variance, conditional use approval, zoning permit, site plan approval), unless another grade has been established as the pre-construction grade pursuant to regulations for the Alteration of Existing Grade. Where land receives subdivision approval from the Development Review Board, the grade shown on the approved subdivision plat shall constitute the pre-construction grade, unless modified in accordance with regulations for the Alteration of Existing Grade. Within the City Center Form-Based Codes District, the grade of the adjacent approved street.

(C) Grade, average pre-construction. The grade measured as the average of the pre-construction grade of each of the four (4) [or more as applicable] principal corners of the building. Within the City Center Form Based Codes District, the average of the pre-construction grade along the frontage of the adjacent street(s).

Grading. Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

Greenbelt. The landscaped and maintained vegetative portion of the street right-of-way. Where applicable under specific street types contained in Article 11, may include hardscape elements.

Greenbelt width. The distance between the curb or other edge of the roadway pavement to the sidewalk, recreation path, or edge of the street right-of-way (whichever is closest).

Gross floor area. The sum of all floor areas of all stories of a building, measured from the exterior face of exterior walls, or from the centerline of a wall separating two attached units or structures.

Group home. A therapeutic community residence as defined by 33 V.S.A. §7102 (11)

Group quarters. A dwelling that houses individuals who are unrelated by marriage, blood, adoption, fosterage, or guardianship in a group living arrangement of intentionally structured housing by an organization or institution. This may include fraternities, sororities, dormitories, or living and learning complexes for a student body or religious order, army barracks, or other similar institutional use. This definition excludes group homes.

Groundcover. Groundcover refers to any plant that grows over an area of ground, used to provide protection from erosion and drought, and to improve its aesthetic appearance.

Hardscape / Hardscaping. The non-living materials, and their use and design, that constitute one component of landscaping. This includes paving material, walls or fences, concrete, asphalt, stone or other hard surface that may be used to construct retaining walls, paths, walkways, decks, terraces, accent features, and fences or enclosures.

Health club. See recreation facility, indoor.

Height. The vertical distance of a building measured from the average preconstruction grade level at the base of the building to the highest point of the roof if the roof is flat or mansard, or to the average level between the eaves and the highest point of the roof if the roof is of any other type. Height calculation of a building shall include rooftop apparatus such as solar collectors, chimneys, spires, towers, elevator and mechanical penthouses, air conditioning equipment, water tanks, satellite dishes, radio and television antennas, and similar projections, except as set forth in Section 3.07 of these Regulations. Chimneys (as defined in these Regulations) for residential structures shall be exempt from the height limitations. Height of a structure that is not a building shall be measured from the average preconstruction grade level at the base of the structure to the highest point of the structure.

Home occupation. An occupation or activity carried out for gain secondary to and typically incidental to the use of the dwelling unit by a resident thereof. The conduct of the home occupation is clearly accessory to the use of the dwelling unit for living purposes and does not change the character of the dwelling unit or accessory structure in which it is located. See Section 13.02 for home occupation regulations.

Hospital. A licensed institution providing primary health care services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions requiring medical treatment, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, and training facilities. It may include the retail sale of pharmaceuticals and medical supplies as an accessory use.

Hotel. A building or part of a building in which (a) living or sleeping accommodations are used primarily for transient occupancy on a daily basis and for compensation to the general public, and (b) one or more common entrances serve all such living or sleeping units, and (c) twenty-four hour desk service is provided, in addition to one or more of the following services: housekeeping, telephone, or bellhop service, or the furnishing or laundering of linens. Permitted accessory uses are restaurants or other public dining facility, bars or lounges, public banquet halls, ballrooms, or meeting rooms.

Hotel, extended stay. A residential hotel containing (1) small furnished apartment type units rented on a short term basis each with a kitchen (including stove with an oven or a microwave oven, minimum twelve (12) cubic foot refrigerator, dishwasher, sink and cooking and eating utensils), bath, living space and separate bedroom/sleeping space, and (2) a common area which shall include three (3) or more of the following: business support facilities, guest only breakfast facilities, lobby, and recreation space and amenities; but specifically excludes public restaurant(s), cocktail lounge(s), and banquet meeting rooms containing more than fifty (50) seats. No more than fifteen percent (15%) of the units shall contain more than one bedroom. Units must be available on a daily, weekly and monthly basis and shall not be rented to the same occupant for more than one hundred eighty (180) days in any three hundred sixty-five (365) day period.

Household. A group of between one (1) and four (4) unrelated individuals, or one (1) or more individuals related by blood, marriage, adoption and/or fosterage, occupying a dwelling unit and living as a single housekeeping unit.

Housing unit. See dwelling unit.

Impervious Surface. Those manmade surfaces, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which water runs off rather than infiltrates. Impervious surface shall also include, but is not limited to, compacted gravel or soil surfaces, storage areas, awnings (and other fabric or plastic coverings). Properly installed and maintained pervious pavement shall not be considered Impervious Surfaces for stormwater purposes.

Improvement. Those man-made surfaces including paved and unpaved roads, parking areas, roofs, driveways, and walkways, from which precipitation runs off rather than infiltrates.

Indoor theater. A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Indoor vehicle storage. Indoor facility used to store motor vehicles, such as cars, pick-up trucks, RVs, motor cycles, snowmobiles and boats, but not including aircraft or any vehicle requiring a CDL operator's license. Vehicle storage is typically seasonal, and vehicles are not typically accessible to their owners during the storage period.

Industry. Those fields of economic activity including, mining, construction, manufacturing, transportation, communication, electric service, gas service, sanitary service, and wholesale trade.

Inclusionary Zoning. Provisions under Section 18.01 of these regulations, as authorized under 24 VSA Section §4414(7), which establish minimum requirements and incentives for the construction of housing to meet the needs of low- and moderate-income households.

Inclusionary Unit. A housing unit that is affordable to a low- or moderate income household under inclusionary zoning requirements.

Inn. See hotel.

Institutional use. A non-profit or quasi-public use or facility such as a place of worship, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purpose.

Junk. Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition. It may include old or scrap metal, rope, rags, batteries, paper, rubber glass, building materials, household appliances, brush, wood, lumber, plastic, dismantled or wrecked automobiles or parts thereof, and other old or scrap ferrous or nonferrous materials.

Junk yard. An establishment, place of business, lot, land, parcel, building or structure that is maintained or operated for the purpose of storing, keeping, processing, abandoning, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. The latter is the presence of two (2) or more unregistered, inoperable motor vehicles.

Kennel, commercial. A lot, premises, use, or structure intended and used for the breeding, training, sale, and overnight boarding of well dogs, cats, or other small domestic animals belonging to a person or persons other than the owner of the lot, but not including a veterinary hospital. Includes pet grooming. May or may not include associated outdoor exercise facilities.

Kennel, private. A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

Land development. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. Land development shall also include the connection of any dwelling unit located within the Dorset Street Waterline Service Area as depicted on a plan dated January 30, 1998, to the Dorset Street water line. Land development shall not include any structural alteration or interior remodeling project that does not exceed five thousand dollars (\$5,000) in construction cost. This exemption does not apply to a structural alteration which results in an exterior addition or enlargement of any size or value.

Landscaping. The installation and maintenance of, usually, a combination of trees, shrubs, and plants, but not including bare soil, uncultivated vegetation, impervious surfaces, and gravel.

Large maturing tree. A tree whose height is greater than thirty-five (35) feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

Legislative body. The City Council of the City of South Burlington.

Light manufacturing. The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission exceeding the City's performance standards or other regulations therefor. Light manufacturing includes but is not limited to the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods, musical instruments; novelties; wood products; printed material; lithographical plates; type composition; machine tools; dies and gages; ceramics; apparel; lightweight non-ferrous metal products; plastic goods, pharmaceutical goods; and food products, but not animal slaughtering, curing, nor rendering of fats.

Liner Building. A building or portion thereof which is specifically designed to mask and enliven the edge of a parking lot, garage or structure or a large retail facility (big box), which is located between the front lot line and the parking lot, garage or structure or large retail facility.

Loading space. A space or berth available for the loading and/or unloading of goods from commercial vehicles.

Long Term Bicycle Storage. Also called protected bicycle storage. Bicycle parking spaces intended for employees, tenants, and their visitors and intended to provide a high degree of security and protection from the weather when a bicycle is unattended for a period of time in excess of four hours.

Lot. A plot, piece, parcel of land or assemblage of recorded contiguous parcels of land, the latter all in common ownership and designated as a single parcel, established and recorded by plat, subdivision, or otherwise permitted by law to be used or intended to be used by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these land development regulations. Lot boundaries are (A) established by a deed or deeds recorded in the land records of the City of South Burlington, and the records of any public road right-of-way; or (B) shown on a plat approved by the South Burlington Development Review Board pursuant to subdivision and/or land development regulations, provided such approval has not expired.

Lot, corner. A lot located at the intersection of two or more streets or abutting a curved street in such a way that the front building line meets either side lot line at interior angle of less than 135 degrees. The point of intersection of the front lot lines is the corner. A corner lot shall be deemed to have two front yards and two side yards and no rear yard.

Lot, flag. (A) A lot with no frontage on or abutting a public road and where access to the public road is by a narrow right-of-way usually granted by easement over another lot with the normally required frontage, or (B) A lot for which access is provided by a narrow projection of the lot at least fifteen (15) feet in width connecting said lot to a public street. A driveway accessible by emergency equipment must be located on the projection.

Lot, interior. A lot other than a corner lot and with frontage only on one street.

Lot, non-standard. When a lot owner owns a lot which fails to meet minimum lot size requirements and such lot is contiguous to another lot owned by the same lot owner, such contiguous lots shall constitute a single lot, except that: (A) contiguous lots which as of June 7, 1947 were devoted to separate and independent uses shall constitute separate lots so long as such lots continue to be devoted to separate and independent uses; or (B) contiguous lots which are devoted to uses approved as separate uses under the South Burlington Land Development Regulations shall constitute separate lots provided such uses are conducted in compliance with the terms and conditions of the approvals granted; or (C) contiguous lots which are shown on a plat approved by the South Burlington Development Review Board or Planning Commission pursuant to City regulations shall constitute separate lots provided such approval has not expired.

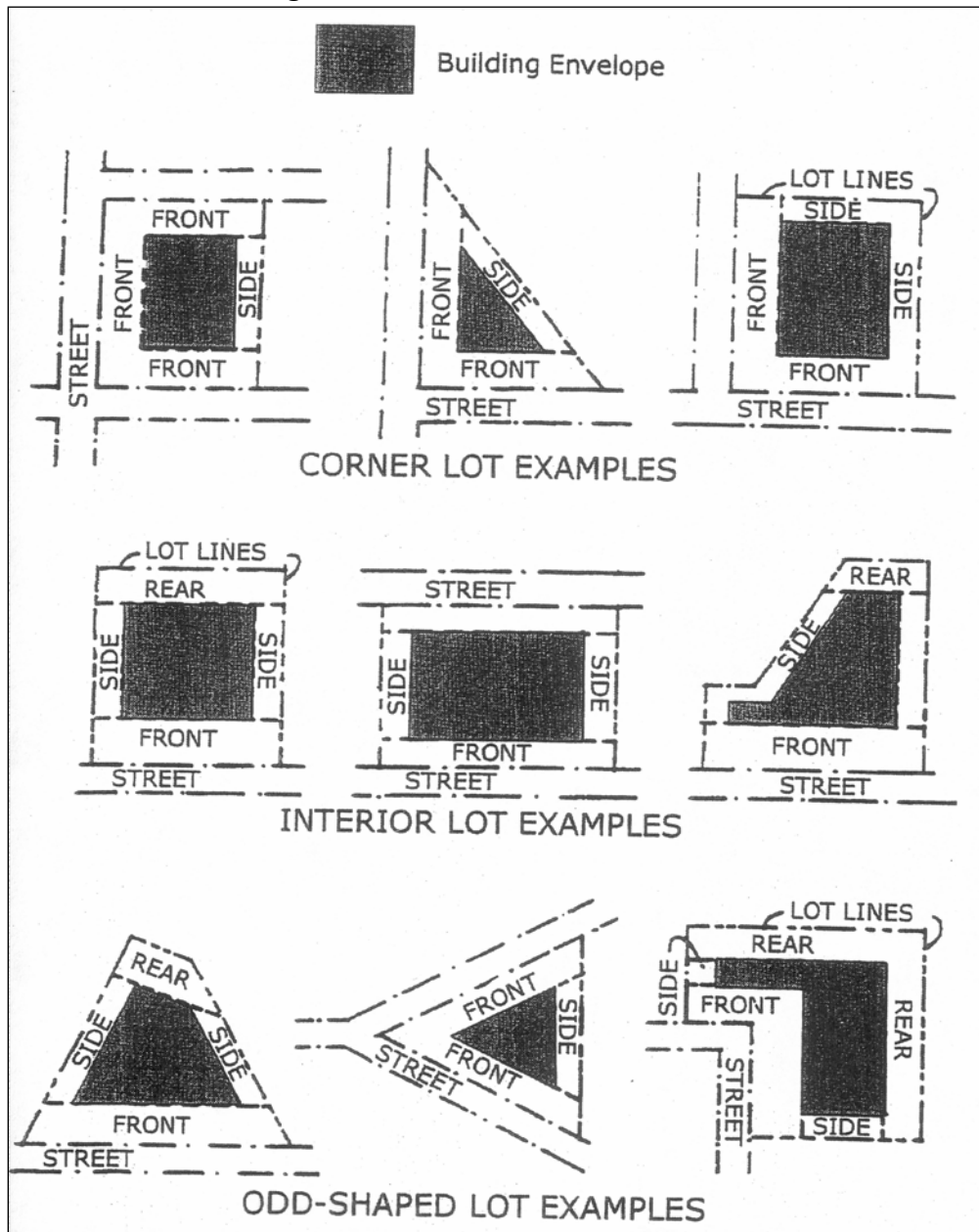
Lot, through. A lot other than a corner lot with frontage on more than one street.

Lot area. The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot coverage. The total area covered by all principal and accessory buildings and impervious surfaces on a lot, unless otherwise specified in these Regulations. See also 'building coverage.'

Lot depth. The distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot lines at right angles to the front lot line, every ten feet and averaging the length of these lines.

Figure 2-1, Lots, Yards, and Lot Lines



Lot line. A property line of record bounding one lot from another lot or from a public or private street or any other public or private space.

Lot line, front. The lot line separating a lot from a street right-of-way. Refer to Figure 2-1 for examples of lot lines for non-standard lots.

Lot line, rear. The lot line opposite and most distant from the front lot line. If the rear lot line is ten (10) feet or less in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed

to be a line parallel to the front lot line. In this case, the rear lot line shall be a line not less than ten (10) feet long at the greatest distance from the front lot line and lying wholly within the lot.

Lot line, side. Any lot line other than a front or rear lot line.

Lot owner. A lot owner is the record owner of fee title to a lot.

Lot size. See lot area.

Lot width. The distance between the side lot lines, or for a corner lot, between the side lot line and the intersection of the two front lot lines, measured along a minimum front setback / build-tozone , as established by these land development regulations. If no setback is required for the lot according to these land development regulations and neither setback nor build-to zone has been established on a previously recorded plat or site plan, lot width is the distance between the side lot lines, or for a corner lot, between the side lot line and the intersection of the two front lot lines, measured along the street right-of-way.

Manufactured home. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly on the dwelling site, which is at least eight (8) feet in width and at least thirty (30) feet in length, which bears a seal that it was built to the standard pursuant to the "National Manufactured Housing and Construction Safety Standards Act of 1974," 42 U.S.C. Sec.5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements of the State of Vermont, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A manufactured home shall be connected to required utilities.

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacture of products, and the blending of materials.

Master deed. A legal instrument under which title to real estate is conveyed and by which a condominium is created and established.

Master plan. A plan intended to guide the arrangement of developed and undeveloped areas and streets within a land development project.

Membership association or organization. A group of people organized for a common purpose to pursue common goals, interests, or activities, usually for social, recreational, or educational purposes. Such association or organization is usually characterized by certain formal membership qualifications, payment of fees or dues, regular meetings, and a constitution and/or by-laws. Such associations or organizations may also be known as clubs, civic, social, fraternal organizations, trade associations, professional organizations, unions, political organizations, and religious organizations, and may include such groups as local civic clubs and associations or local chapters of national associations, and fraternal organizations. Association or organization shall also refer to the land, establishment, or facilities owned, leased, occupied, and/or operated by the organization. The members of the organization shall have a financial interest in and method of control over the assets and management of the association or organization. The building or facility may have accessory uses such as recreational facilities or banquet facilities and overnight lodging for members but not including the sale of goods and services to the public on the premises on a regular basis or

commercial outdoor recreational or entertainment activities. Associations or organizations shall not include establishments operated for pecuniary gain, such as tennis or health clubs.

Mid-block. The segment of a block length that is located a distance from each corner that is equal to at least 1/3 of the block length.

Mixed-rate housing development. A housing development that has both market rate and below market rate dwelling units.

Mixed use. A structure or development that is occupied by a nonresidential use and a residential use, or by a mix of non-residential uses such as office, manufacturing, retail, public, or entertainment uses.

Mobile home. A movable or transportable dwelling unit of at least eight (8) feet in width and thirty-two (32) feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.

Modular home. A dwelling unit that is constructed in compliance with the State Building Code and composed on components substantially manufactured and assembled in an off-site manufacturing facility and transported to the dwelling site for final assembly and a permanent foundation and connection to the required utilities.

Motel. A building or group of buildings which (A) contains living and sleeping accommodations used primarily for transient occupancy to the general public on a daily basis for compensation, with the exception of the manager's or caretaker's unit, and (B) has convenient access to parking spaces for the use of the unit's occupants by way of separate entrances or groups of separate entrances, outside the main building, into the individual units.

Motor freight terminal. A building, structure, or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading, or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to trans-shipment.

Multi-family unit. See Dwelling, multi-family.

Municipal land use permit. Any of the following whenever issued: A. A zoning, subdivision, site plan, zoning permit or other approval pursuant to these Regulations, any of which relate to "land development" as defined in this Article, which has received final approval from the applicable board, commission or officer of the municipality; or B. a septic or sewage system permit issued under any municipal ordinance; or C. final official minutes of meetings which relate to the permits or approvals described in (A) or (B) above which serve as the sole evidence of such permit or approval; or D. a certificate of occupancy, certificate of compliance or similar certificate which relates to the permits or approvals described in (A) or (B) above; or E. an amendment of any of the documents listed in (A) through (D) above.

Municipal building. A building or structure owned and operated by a Vermont municipal corporation or union municipal district to house municipal functions, agencies, or offices, and which may or may not be open to the general public.

Natural drainage flow. The pattern of surface and stormwater drainage from a particular site before the construction or installation of improvements or prior to any regarding.

Natural materials. Indigenous materials such as plants, shrubs, trees, wood that is stained or painted a neutral brown or grey color, unpainted stone, and unpainted brick. "Natural materials" shall not include glass or concrete for purposes of these Regulations.

Night club or private club. An establishment dispensing liquor and/or meals and in which music, dancing, or entertainment is conducted.

Nonconforming lot or parcel. A lot or parcel that does not conform to the present Regulations covering dimensional requirements but that was in conformance with all applicable laws, ordinances and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Nonconforming use. A use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present Regulations, including a use improperly authorized as a result of error by the administrative officer.

Nonconforming structure. A structure or part thereof that does not conform to the present Regulations but was in conformance with all applicable laws, ordinances and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

Nonconformity. A nonconforming use, structure, lot, or parcel.

Non-point runoff. Surface water entering a stream or drainage way from no definable discharge source.

Not-for-profit organization. An entity organized, managed, and existing as a nonprofit or not for profit corporation under Title 11B, Chapter 1, of the Vermont Statutes Annotated.

Nuisance element. Any environmental pollutant, such as noise, radioactivity, vibration, glare, smoke, odor, air pollution, dust, liquid waste, solid waste, or heat.

Nursery. See commercial greenhouse.

Nursing home or convalescent home. See skilled nursing facility.

Office, medical. Any establishment where human patients are examined and treated by doctors, dentists or other medical professionals but not hospitalized overnight. Medical office may include as an ancillary use the assembly, fitting, testing and sale of products directly related to the medical service provided in the same establishment.

Office, general. A building or portion thereof used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, that may include ancillary services for employees and visitors such as a restaurant or coffee shop, and newspaper/candy stand as permitted by these Land Development Regulations. This may also be known as a professional building. Building occupancy may be limited to one tenant or more tenants and/or the building's owner.

Official Map. The legally adopted Official Map of the City of South Burlington pursuant to subsection 3 of section 4401 Title 24 VSA Chapter 117, as amended.

Open space. Land maintained in essentially an undisturbed, natural state for purposes of resource conservation, and/or maintaining forest cover; or that is enhanced and managed for outdoor recreation and civic use, working lands, or local food production. Open space must be of a quality and size that supports its intended function or use. Open space specifically excludes streets, parking areas, driveways and other areas accessible to motor vehicles.

Open space, common. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or employees of the development, and may include such complementary structures and improvements as are necessary and appropriate.

Open space, public. Open space owned in fee or by the City, a public agency, land trust, or non-profit organization and maintained for the use and enjoyment of the general public, health, safety, and welfare of the general public, habitat preservation, agriculture or urban agriculture, or preservation of other public goods such as landscape or scenic vista preservation.

Open Space, Qualifying. Open Space that meets all of the requirements of Tables 8-1 (Open Space Requirements), 8-2 (Qualifying Open Space) and the requirements of Appendix F, Open Space.

Open Space, Qualifiable. Open Space that meets the requirements of Tables 8-1 (Open Space Requirements) and 8-2 (Qualifying Open Space), and the following elements of Appendix F, Open Space: Type, Description, Size, and Location & Access.

Operable entrance. An entrance to a building that is useable and open to the tenants / owners to access that portion of the building that is available for their use. An operable entrance may be to an individual residential or commercial unit, or to some or all of the building. Any such door must be available for entry and exit. Distances between and average frequency of operable entrances shall be measured per building.

Outdoor display. An outdoor arrangement of products for sale, together with accompanying display structure, typically not in a fixed position and capable of rearrangement, and typically with products brought indoors when the business is closed.

Outdoor storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or unregistered vehicles for more than twenty-four hours.

Owner. Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant in the entirety with legal title to the whole or to part of a structure or parcel of land.

Parcel. A lot or tract of land or water that is capable of being described in definitive terms with respect to its location and boundaries.

Park. Any land owned by the public and open for use by the general public for active or passive recreational purposes, urban agriculture, or as a refuge for wildlife.

Parking area, facility, or lot. An off-street public or private land area designed and used or intended for use for the temporary storage of motor vehicles and usually surfaced and improved. Such facility may be a garage or multi-modal center.

Parking, commercial or private. A parking area owned by a business establishment, membership association or organization, place of worship, or similar use and made available by the owners or occupants for the exclusive use of clients, customers, employees, members, owners, tenants, lessees, or occupants of said business establishment, membership association or organization, place of worship, or similar use. Such commercial or private parking may or may not exist on the same lot as the principal use.

Parking, public. A municipally-owned parking area available to the public and therefore not for the exclusive use of the customers or employees of the lot on which the parking area is located. A public parking facility may or may not require payment of a fee.

Parking, surface. A parking area that is located directly on the ground on a single level.

Parking lane. The portion of the pavement width of a street dedicated primarily to the parking of vehicles, including striping and gutter pan if present.

Pavement width. The width of the paved portion of a street not including any trails, sidewalks, or pullouts for transit vehicles.

Performance standards. A set of criteria or limits established by these land development regulations relating to nuisance elements that a particular use or process shall not exceed.

Permitted use. A use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person.

- (A) An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.
- (B) For the purposes of Inclusionary Zoning standards within these Regulations, person means an individual, partnership, corporation, association, unincorporated organization, trust or other legal or commercial entity, including a joint venture or affiliated ownership; a municipality or state agency; and, individuals and entities affiliated with each other for profit, consideration, or any other beneficial interest derived from the development of land. The following individuals and entities shall be presumed not to be affiliated with a person for the purposes of profit, consideration, or other beneficial interest within the meaning of this definitions, unless there is substantial evidence of an intent to evade the purposes of the standards within these Regulations: (A) A stockholder in a corporation shall be presumed not to be affiliated with a person solely on the basis of being a stockholder if the stockholder owns, controls, or has a beneficial interest in less than five percent of the outstanding shares of the corporation; (B) An individual shall be presumed not to be affiliated with a person solely for actions taken as an agent of another within the normal scope of duties of a court-appointed guardian, licensed attorney, real estate broker or salesperson, engineer, or land surveyor, unless the compensation received or beneficial interest obtained as a result of these duties indicates more than an agency relationship; or (C) a seller or chartered lending institution shall be presumed not to be affiliated with a person solely for financing all or a portion of the purchase price at rates not substantially higher than prevailing lending rates in the community.

Personal instruction facility. A commercial establishment primarily engaged in providing instruction. Such instruction may be in any branch of knowledge and may include business schools, trade schools, vocational schools, drivers' education, and schools of dance, gymnastics, martial arts, and similar pursuits.

Personal service. An establishment primarily engaged in providing services involving the care of a person or his or her apparel, such as barber, hairdresser, beauty or nail salon, shoe shine or repair, day spa, laundromat, or dry cleaner. "Personal service" shall not include establishments providing tattoo or body piercing services.

Permeable surface. A material that permits full or partial absorption of stormwater into the ground.

Pervious Surface. See permeable surface.

Pet day care. A commercial service provided to pet owners whereby pets are cared for outside of their home by the business owner during normal business hours, with no overnight boarding, training, sale, or breeding of pets. Includes pet grooming. May or may not include associated outdoor exercise facilities.

Pet grooming. Any establishment where domestic pets are bathed, clipped, combed, or otherwise cleaned for the purpose of enhancing their aesthetic value or health, but not including any outdoor exercise facilities.

Place of lodging. See Hotel.

Place of worship. A building or structure, or groups of buildings or structures, which by design, construction, or use are primarily intended for the conducting of organized religious services and associated accessory uses. May also include use of facilities for indoor or outdoor recreation, community center, or licensed non-residential child care as accessory uses.

Plan. A municipal comprehensive plan adopted pursuant to subchapter 5, section 4385 of Title 24 VSA Chapter 117.

Plan, final. A map and site plan representing a tract of land, showing all required elements of a site plan and which is presented to the Development Review Board or Administrative Officer for final approval.

Plan, preliminary. A preliminary map and site plan indicating the proposed layout of the site which is submitted to the Development Review Board or Administrative Officer for consideration and preliminary approval.

Plan, sketch. A concept map of a proposed site plan of sufficient accuracy and detail to be used for the purpose of discussion with the Administrative Officer or Development Review Board.

Planned unit development (PUD). One or more parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to the area, density or dimensional requirements or allowable number of structures and uses per lot as established in any one or more districts created under the provisions of these regulations. The specific requirements of a PUD and the area, density and dimensional provisions that may be modified are defined in each district in which PUDs are allowed.

Planning Commission. The City of South Burlington Planning Commission, created pursuant to subchapter 2 of Title 24 VSA Chapter 117.

Plant material. The trees, shrubs, plants, or other ground cover including grass that constitutes the plant component of landscaping.

Plat. (A) A map representing a tract of land, showing the boundaries and location of individual properties and streets, or (B) a map of a subdivision.

Plat, final. The final map of all or a portion of a subdivision which is presented to the Development Review Board for final approval and which, upon approval, shall be recorded with the City Clerk.

Plat, preliminary. A preliminary map indicating the proposed layout of the subdivision which is submitted to the Development Review Board for consideration and preliminary approval.

Plat, sketch. A concept map of a proposed subdivision of sufficient accuracy and detail to be used for the purpose of discussion with the Administrative Officer or Development Review Board.

Porch: a covered but unenclosed projection from the main wall of a building.

Porch, open: A porch, open on three sides. Railings or walls on the sides shall not exceed 40 inches in height from the porch floor.

Porch, enclosed: A porch, enclosed on two or more sides by glass, plastic, netting, wire, walls, or similar temporary or permanent materials at a height above 40 inches from the porch floor.

Pre-construction grade. See grade, pre-construction.

Preliminary approval. The conferral of certain rights, prior to final approval, after specific elements, as required in this ordinance, of a development site plan, master plan, planned unit development or subdivision have been approved by the Development Review Board.

Primary Agricultural Soils. Soils classified by the Natural Resources Conservation Service as prime or statewide important soils for agriculture production.

Principal building. A building in which is conducted or is intended to be conducted the main use or uses of the lot on which it is located.

Principal use. The primary or predominant use of a lot.

Private club. See membership association or organization.

Processing and storage. The storage of materials in a facility where such materials may be combined, broken down, or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed. Processing and storage is a single term and refers essentially to a storage and shipment place as opposed to a manufacturing establishment, distribution center, or truck terminal.

Processing and storage shall not include the storage, maintenance or repair of trucks on a site as a principal or accessory use.

Prohibited use. A use that is not allowed in a zoning district.

Public drainage way. The land reserved, dedicated, or used for the installation of storm water sewers, swales or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water so as to safeguard the public against flood damage, sedimentation, and erosion.

Public entrance. An entrance to a building that is useable and open to the public during business hours. Any such door must, at a minimum, be useable and open to the public for entry. Distances between and average frequency of public entrances shall be measured per building.

Public notice. The form of public hearing notice prescribed by Title 24 VSA Chapter 117, Section 4464.

Public realm. Includes all exterior places, linkages and built form elements that are physically and/or visually accessible to all members of the general public, during all business hours, or the majority of the day for residential buildings, regardless of ownership. These elements can include, but are not limited to, pedestrian ways, bikeways, plazas, nodes, squares, transportation hubs, playgrounds, parks, landmarks and are typically adjacent to the street or public place. The Public Realm shall be a physical place.

Quasi-public use. A use owned or operated by a non-profit, religious, or charitable institution and providing educational, cultural, recreational, religious, or other similar types of public programs.

Recreation facility. A place designed and equipped for the conduct of active and passive sports, participatory athletic activities, leisure time activities, and other customary and usual recreational activities. Excluded are facilities intended for spectator activities such as stadiums and arenas.

Recreation facility, indoor. A recreational facility located wholly within an enclosed building(s). Activities are available on a fee or membership basis primarily for the benefit of persons not residing on the lot on which the facility is located. Indoor recreation structures may have accessory uses or structures such as snack bars, locker rooms, and pro shops that are designed and intended for use by the patrons of the primary use. Examples of such use include but are not limited to public or private health clubs, tennis or other racquet courts, swimming pools, YMCAs and YWCAs, health or fitness centers, indoor play areas, training studios for group recreation activities such as martial arts, gymnastics, and dance, bowling alleys, shooting ranges, roller rinks, rock climbing walls, and other similar uses.

Recreation facility, outdoor. A commercial recreational facility for activities wholly or partially outside of any building or structure. Fields, trails, bodies of water, or other land may be used for recreational purposes. Where permitted, structures may include swimming pools, tennis courts, skating rinks, playground equipment, storage and accessory buildings, similar facilities, and accessory uses such as snack bars, pro shops and locker rooms. Examples of outdoor recreation include but are not limited to public and private golf courses, clubs, swimming pools, tennis courts, ball fields, ball courts, driving ranges, miniature golf courses, skateboard parks, and other similar unenclosed recreation activities.

Recreation path. A public path, any portion thereof, either existing or planned, that is used by the general public for recreation.

Recreational vehicle. A motorized or non-motorized vehicle or piece of equipment usually used or stored on wheels or used in the water and used for leisure time for camping, boating, and traveling. "Recreational vehicle" shall include personal watercraft, (e.g. Jetskis).

Redevelopment.

(A) The demolition and reconstruction of a structure or portion of a structure.

(B) For the purposes of stormwater standards within these Regulations, the demolition and reconstruction of a structure, impervious surface, or portion of a structure or impervious surface.

Religious use or institution. See Place of Worship

Removal. The relocation of a structure from one site to another site, whether intact or in separate pieces.

Repair. Any change to a structure that is not construction.

Required improvements. Capital improvements required by the Development Review Board or Planning Commission in conjunction with the subdivision or development of land, including without limitation, monuments, lot markers, streets, curbs, sidewalks, street signs, outdoor lighting, water mains, sanitary sewers, storm drains, stormwater facilities, fire hydrants, and landscaping.

Research facility or laboratory. An establishment or other facility for carrying on basic and applied research into the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products; and including any educational activities associated with and accessory to such research; but not including a medical office, dental, optical, or veterinary clinic, or a research facility or laboratory located on the principal site of a health or educational facility.

Residence. The home, abode, or place where an individual is living at a specific point in time.

Residential Care Home. A residential care home as defined by 33 V.S.A §7102(10)

Residential Use. A use defined as a dwelling, dwelling unit, housing, or housing unit.

Residential district. A zoning district established in these land development regulations which permits primarily residential uses and shall include the Residential 1, Residential 2, Residential 4, Residential 7, Residential 7 with Neighborhood Commercial, Residential 12, Queen City Park, Lakeshore Neighborhood, and Southeast Quadrant Districts, and any other subsequently adopted residential districts.

Resource extraction. The removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Restaurant. An establishment where food and drink is available to the general public. Alcoholic beverages may or may not be served, but shall only be incidental to the serving of food.

Restaurant, short-order. A restaurant where the principal business is the sale of a limited line of specialized, pre-prepared or rapidly prepared foods or beverages directly to the customer in a ready-to consume form and whose operation is characterized by (A) service of food or beverage principally in containers or in paper, plastic or other disposable containers or wrappers, (B) availability of food or beverages for consumption immediately or within a brief period after ordering, and (C) insufficient seating facilities within the restaurant building for the total volume of food sold. Short-order restaurants may also include food delivery services and shall include bakeries and delicatessens. Additional outdoor seating on a seasonal basis may be permitted in conjunction with a short-order restaurant, subject to all applicable standards in these Regulations.

Restaurant, standard. A restaurant where the principal business is the sale of foods or beverages for consumption within the restaurant building and whose operation is characterized by service by a restaurant employee at the same table or counter at which food or beverage is to be consumed. Those restaurants principally characterized as standard restaurants but with a substantial take-out, delivery and/or short order component may be required to meet supplemental parking standards pursuant to these Regulations. Additional outdoor seating on a seasonal basis may be permitted in conjunction with a standard restaurant, subject to all applicable standards in these Regulations.

Retail sales. An establishment engaged in selling goods, groceries, or merchandise to the general public at retail or wholesale for personal or household consumption or for business use and rendering services incidental to the sale of such goods. Typically such an establishment (A) is a place of business and is engaged in activity to attract the general public to buy, (B) buys and receives as well as sells merchandise, (C) may process or manufacture some of the products for sale, such as a jeweler or baker, but such production or manufacture is incidental and subordinate to the selling activities, and (D) sells to customers for their own personal, household, or business use. Such an establishment may have a short order restaurant as an accessory use with the following limitations on the short order restaurant: 1) it must be located entirely within the principal structure and with no dedicated exterior entrance of its own; 2) it is limited to 3,000 square feet 3) it is limited to sixteen (16) or fewer indoor seats; 4) Additional seasonal outdoor seating may be permitted in conjunction with this accessory short order restaurant. A Wholesale Club is considered to be Retail Sales in these Regulations.

Retail warehouse outlet. Retail sales from a warehouse as an accessory use to the principal warehouse use.

Retaining wall. A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

Right-of-way. (A) A strip of land created by conveyance, reservation, dedication, prescription or condemnation, and intended to be occupied primarily by a means of access or utilities, as such by road, path, crosswalk, sidewalk, recreation trail, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or drainage, utility line, and other similar uses; or (B) generally, the right to pass over the property of another.

Runoff. See stormwater.

School. A building or premise or part thereof that is designed, constructed, or used for education or instruction in a branch of knowledge. The school may be public or private. Such use shall not include vocational or trade school; these are termed personal instruction facilities.

School, elementary. Any school that meets state standards and requirements for elementary education.

School, secondary. Any school that meets state standards and requirements for secondary education.

Seasonal mobile food unit: A short order restaurant that is open for business for only a portion of each year. Food is customarily consumed partially on and partially off premise. Outdoor seating may consist of benches, tables, and chairs that are not permanently affixed to the ground. The food unit, along with all accessory items such as tables, chairs, benches, and dumpsters, are removed from the site at the expiration of a permit under these regulations. Restrooms are not customarily provided in conjunction with a seasonal mobile food unit.

Self storage. A structure containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Service station. A building, place of business, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing of gasoline, oil and grease, and other vehicle fuels, and including, as an accessory use, the sale and installation of batteries, tires, lubricants, and other automobile accessories and retail items. Minor repair service may also be rendered. See service station. The free or retail dispensing of electricity for vehicles within approved on-street or off-street parking spaces shall not constitute a service station.

Setback. The distance from the nearest portion of a structure to any lot line. For purposes of this section, a structure shall not include: (A) eaves, sills, pilasters, gutters, leaders, cornices, chimneys, and roof overhangs provided such features do not extend more than two (2) feet from the remainder of the structure; (B) steps to first floor entries provided such features do not extend more than five (5) feet from the remainder of the structure; (C) ramps for the disabled; and (D) light poles.

Setback(s), front. The required setback from the front lot line.

Setback, rear. The required setback from the rear lot line.

Setback(s), side. The required setback from the side lot line.

Shared Parking Plan. An agreement for sharing of parking needs or requirements among two or more proximate land owners reflecting their complementary parking needs (e.g., different peak use hours, occasional or sporadic use, etc.) as part of a development scheme to satisfy the general parking requirements and achieve greater efficiencies.

Shopping center. A group of two (2) or more retail establishments or restaurants, including all associated out-parcels (whether or not they have been subdivided from the original tract), having a unified design of buildings, coordinated parking and service areas, and development plan in accordance with the requirements of the zoning district in which it is located, and where customer and employee parking are provided on-site, and provision for goods delivery is separated from customer access. The shopping center shall be planned, constructed, and developed and/or managed as a unified entity. Non-retail uses, such as offices, theaters, hotels, and automotive repair facilities, may be included in the overall development plan provided such uses are approved by the DRB in conjunction with the overall shopping center.

Short Term Bicycle Parking. Also called bicycle parking. Bicycle parking spaces to accommodate customers, patients, employees, clients, and those biking to those locations to do business.

Shrub. A woody branching plant of relatively low height.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway. The sidewalk may be separated or may directly abut the street, according to regulations in this ordinance.

Sidewalk, full. A sidewalk running flush with the curb by landscaping provided in tree wells or planters

Sidewalk, ribbon. A sidewalk separated from the curb by a landscaped greenbelt.

Sign. A sign as defined in the South Burlington Sign Ordinance, as amended.

Significant tree. A tree other than an evergreen with a caliper of eighteen (18) inches or more.

Silviculture (Forestry). Shall include the following land use activities conducted in accordance with state-defined proper forest management: the growing and harvesting of trees or timber for purposes other than their fruit; and the use of temporary processing equipment such as chippers and portable sawmills, which are used in association with harvesting operations and are removed from the site once harvesting operations are complete.

Site Balancing. Where stormwater control and/or treatment of certain limited areas of new, redeveloped, or substantially reconstructed impervious surface area are not possible, the impact from these areas of untreated impervious surfaces will be compensated on an equivalent basis by controlling and/or treating other impervious surfaces on the lot, parcel, or property. This can be accomplished by providing additional control and/or treatment beyond what is required for impervious surface areas already subject to the requirements of 12.03(C) or by providing control and/or treatment for impervious surfaces that are not otherwise required to meet the requirements of 12.03(C). The applicant must own or otherwise control the impervious surfaces used for site balancing.

Site plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot(s) including topography, vegetation, drainage, floodplains, marshes, and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures, signs, lighting, screening devices, and other information that reasonably may be required in order that an informed decision can be made by the Development Review Board or other approving agent or body.

Single block face. A continuous span along a block without a vehicular street.

Skilled nursing facility. An institution or part of an institution that provides licensed, skilled, full-time nursing care and related services for patients who require medical, nursing, and/or rehabilitative services. The facility shall provide extended and/or intermediate care for those who by reason of advanced age, illness, infirmity, or mental impairments need acute, chronic, or convalescent care. Such facility shall also be known as a nursing home, convalescent facility, or long-term care facility.

Small maturing tree. A tree whose height is thirty-five (35) feet or less at maturity and meets the specification of “American Standards for Nursery Stock” published by the American Association of Nurserymen. See also canopy tree.

Social services. Establishments providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning disabilities, and/or physical disabilities. This includes organizations soliciting funds for these and related services. May include on-site ancillary services, such as child care, but shall not include accommodations for overnight stays.

Stormwater. The portion of precipitation and snowmelt that flows across ground surfaces and is eventually returned to a waterbody such as a river, stream, pond, or reservoir.

Story. That part of a building above ground level between a floor and the floor next above. If there is no floor above it, then the space between the floor and the roof or ceiling next above it. Story shall include basements and not cellars. An intermediate floor between the floor and ceiling of any story shall be deemed a mezzanine and shall not be counted as a story unless the total of all mezzanine areas exceeds five thousand square feet (5,000 SF) or one-third of the area of the floor immediately below it, whichever is less. A basement shall be considered as a story where the finished surface of the floor above the basement is: (1) More than four (4) feet above the average pre-construction level of the adjoining ground, or (2) More than twelve (12) feet above the pre-construction ground level at any point.

Half Story. The habitable floor area within the roof of a sloped roof structure or the attic made habitable with dormers.

Ground Story. The first story of a building other than a cellar or basement.

Roofline story. A story whose finished floor is located at or above the principal roofline of a building.

Story Below Roofline. A story whose finished floor is located below the principal roofline of a building.

Story Facing Street. A Story Below Roofline that faces an existing or planned private or public street. A story shall be considered to face an existing or planned private or public street if any point along the side of the building most closely parallel such street is exposed by more than four (4) feet.

Total Stories. The sum of all stories in a building.

Stream. A watercourse having a source and terminus, banks, and channel through which waters flow at least periodically.

Stream, major. In the City of South Burlington, these shall be the Winooski River, Muddy Brook, and the main stem of Potash Brook.

Stream, minor. In the City of South Burlington, these shall be the main stem and all tributaries of North Brook, Monroe Brook, Bartlett Brook, Centennial Brook, and Engelsby Brook; those streams forming the headwaters of Shelburne Pond; and all tributaries of Potash Brook and Muddy Brook.

Street. A way primarily for vehicular travel that (A) is an existing state, county, or municipal roadway; (B) or is shown upon an approved and recorded plat approved pursuant to law; or (C) is approved by other official action. A street shall include all land between the street lines (also known as the boundary lines of the right-of-way), whether improved or unimproved. The word “street” shall be equivalent to the words “road” or “roadway.”

Street, arterial. A public street that is used or will be used primarily for through traffic flow. These streets are designated in the transportation chapter of the 2001 Comprehensive Plan, or most recent update.

Street, collector. A street that is used or will be used primarily for connecting local street traffic to the arterial street system. These streets are designated in the transportation chapter of the 2001 Comprehensive Plan, or most recent update.

Street, local. A street used primarily for direct access to property and not for through traffic flow. These streets are all those not designated as arterial or collector.

Street, private. A private street is any street providing access to one or more parcels of land that is not intended to be accepted for ownership by the City. The dimensional standards, including width of the right of way and roadbed, and method of connection to public streets, are determined by the City. A private street is expected to meet the standards determined by the City and shall not be confused for an access drive, driveway or the specifications thereof.

Street, public. A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the City by the recording of a subdivision plat or irrevocable offer of dedication, built to public street standards, and eligible for ownership by the City of South Burlington or other public entity.

Street furniture. Objects placed along a street for public use, such as benches, waste bins, etc.

Street orientation. The direction of the front façade of a structure in relation to the street.

Street line. The outer boundary of a street right-of-way.

Street Type. Title, function and requirements for design of street rights-of-way.

Street right-of-way. Any right-of-way that is either:

(A) Public: set aside for public travel which is accepted or eligible to be accepted for ownership by the City of South Burlington or the State, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the City of South Burlington; or has otherwise been established as a public street prior to the adoption of these land development regulations; the right-of-way for a public street.

Or

(B) Private: set aside to allow travel and access between one or more parcels of land and a public street, the dimensions of which shall be depicted clearly on a plat or plan approved or subsequently

approved by the City and recorded or proposed to be recorded in the land records and which is not intended to be, and will not be, accepted for ownership by the City of South Burlington; the right-of-way for a private street.

Structure. Any construction, erection, assemblage or other combination of materials upon the land, including but not limited to, buildings, mobile homes, swimming pools, tennis courts, antennas, satellite dishes, utility sheds, trailers, billboards, signs, walls or fences (except a wall or fence on an operating farm). A structure may be erected for use, occupancy, or ornamentation, and the use of which requires permanent or temporary location on, above, or below the surface of the ground or water. By definition, all buildings are structures, but not all structures are buildings. The term "structure" shall not include paved surfaces such as parking areas, sidewalks, and patios.

Subdivider. Any person, firm, corporation, partnership, or association, who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision.

(A) The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease. The term subdivision includes amended subdivision and, as appropriate in these regulations, shall refer to the process of subdividing land.

(B) Division of land for agricultural or forestry purposes in parcels all of which are larger than twenty five (25) acres, not involving any new street or access, shall not be deemed a subdivision, provided an instrument which waives development rights, until and unless subdivision review occurs, is approved by the City Attorney and City Council, and is recorded in the City's land records.

(C) Division of land such as for minor realignment of property boundary lines of pre-existing lots, for municipal purposes which conform to the Comprehensive Plan (such as road widening, easements, sidewalks, parks, etc.), or alteration of existing lots as specifically permitted under these Land Development Regulations, shall not be deemed a subdivision, but is known as a minor lot line adjustment.

Subdivision, major. Any subdivision involving any of the following: (1) the creation of three or more lots, (2) a planned unit development, (3) the extension or creation of public streets, or (4) the extension of any off-tract municipal or governmental facilities or improvement.

Subdivision, minor. Any subdivision that is not a major subdivision as defined above.

Substantial improvement. Any repair, reconstruction, or improvement of a structure or property, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure or property either, (A) before the improvement or repair is started, or (B) if the structure or property has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (A) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe

living conditions or (B) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Substantial reconstruction. The reconstruction of an impervious surface where an impervious surface currently exists when such reconstruction involves site grading, subsurface excavation, or modification of existing stormwater conveyance. Substantial reconstruction does not include maintenance or management activities on impervious surfaces including any crack sealing, patching, cold planning, resurfacing, reclaiming, or grading treatments used to maintain pavement, bridges, and unpaved roads.

Supermarket or grocery store. See retail food establishment.

Swimming pool. A man-made body of water or receptacle for water and constructed, installed, or maintained in or above ground.

Tavern. See bar.

TDR. Transfer of Development Rights.

Technical deficiency. A defect in a proposed plan or bylaw, or an amendment or repeal thereof which does not involve substantive change to the proposal, including but not limited to corrections to grammar, spelling and punctuation, as well as the numbering of sections.

Townhouse or rowhouse. See dwelling.

Tract. An area, parcel, site, piece of land, or property that is the subject of a development application.

Trailer. A structure standing on wheels, towed, or hauled by another vehicle that carries materials, goods or objects, or is used as a temporary office. Trailers shall be allowed on a work site as temporary offices provided any such temporary location has received necessary approvals.

Travel lane. The portion of the pavement width of a street dedicated primarily to the movement of vehicles in one track of travel including striping if present.

Telecommunications. The transmission and reception of audio, video, data, and other information by wire, radio frequency, light, microwave, and other electronic or electromagnetic systems.

Telecommunications tower. A structure on which transmitting and/or receiving antenna(e) are located. Such antenna(e) may be used for commercial, industrial, municipal, county or state telecommunication purposes. Such structure may be a purpose-built free-standing tower, guyed tower, monopole, camouflaged or "stealth" design tower, a roof with mounted antenna(e), or any building façade of steeple, water tower, silo, sign, or other similar structure.

Transportation services. Establishments primarily engaged in furnishing passenger transportation, including local, statewide and interstate bus service, taxicabs, passenger transportation charter service, and terminal and maintenance/service facilities for motor vehicle passenger transportation.

Transect Zone. A type of District established within the Form Based Code portion of these Land Development Regulations. Also known as a T-Zone.

Transect Zone Unit. Within a Transect Zone, a unit shall be considered as 1,500 sq. ft. gross floor area (GFA) (regardless of the number of bedrooms or use) for the purposes of calculating minimum density. All new dwelling units less than 1,500 sq. ft. GFA shall equal the proposed new unit GFA sq. footage divided by 1,500, for example: 750 sq. ft. shall be considered $\frac{1}{2}$ unit. A new structure or proposed square footage of 1,501 sq. ft. GFA or larger shall be considered (proportionately) more than one unit; for example, 3,000 sq. ft. GFA of new or proposed construction shall be considered two units. Units per acre allowances shall use this standard.

In T-5 and T-4 micro-units (for affordability purposes 200 sq. ft. to 500 sq. ft.) shall be allowed and encouraged. In T-3 cottage housing/starter houses (houses under 1200 sq. ft. or less than one unit) is encouraged.

Transect Zone Subdivision. A subdivision of land within a Transect Zone.

Urban Agriculture. The use of land and structures within or on the edge of an urban or suburban area to produce, process, and market food and fuel, primarily for local consumption. Characterized by intensive production methods on relatively small sites as compared to traditional farming. May include but not limited to: greenhouses; rooftop gardens; community gardens; backyard poultry, bees, or other livestock.

Use. The specific purpose or activity for which a structure, building, or land is or may be designed, arranged, designated, or intended or for which a structure, building, or land is or may be occupied and maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Utility, private or public. (A) Any person, entity, agency, or establishment which, under public franchise or ownership, or under certificate of convenience and necessity, generates, transmits, distributes, and/or provides the public with utility services such as electricity, gas, heat, steam, communication, transportation, water, sewage collection, cable television, telephone, or other similar service, or (B) a closely regulated private enterprise with a franchise for providing a public service. Such services include the erection, construction, alteration, or maintenance of underground, surface or overhead transmission and collection systems, and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

Utility cabinet. This generic term shall encompass electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, accessory telecommunications transmission equipment and storage sheds, substation, or communication relay station, and similar devices.

Vacancy. Any unoccupied land, structure, or part thereof that is available and suitable for occupancy.

Vested right. The right to undertake and/or to complete a development and use of property under the terms and conditions of an approved subdivision plat or site plan.

Veterinary hospital. A place where animals are given medical care and the boarding of animals is limited to short-term care for a certain period of time. Includes pet grooming. May or may not include associated outdoor exercise facilities.

Walkable mixed-use development. Such development shall be designed as part of a planned unit development or master plan and shall have the following components: (A) a mix of residential and

commercial uses and densities, with institutional and municipal uses encouraged; (B) proximity to public transportation (ideally within one-half mile); (C) a connected street network with relatively short blocks, sidewalks and crosswalks, pedestrian-scaled lighting, street trees, and/or recreation paths and bicycle paths; and (D) a compact design characterized, for example, by lots smaller than typically required in commercial districts in these land development regulations, and streets narrower than typically required, and housing and businesses oriented towards the street rather than parking areas.

Warehouse. A building used primarily for the storage of goods, materials, and merchandise.

Warehousing. The indoor storage of goods, materials, and merchandise for shipment to or processing on another property. This may include truck terminal facilities for handling freight with or without maintenance facilities.

Wetland. An area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, fens, marshes, swamps, sloughs, potholes, ponds, but excluding such areas as grow food or crops in connection with farming activities. The boundary of a wetland shall be delineated by the methodology set forth in the 1989 edition of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, or any subsequent amendment or revision of that document.

Wholesale Club. An establishment, also known as a “warehouse club”, primarily engaged in the bulk retail sale of a general line of new merchandise, such as apparel, furniture, groceries and appliances, for personal or household consumption or for business use. The patronage of a wholesale club is typically restricted by a membership requirement.

Wholesale establishment. An establishment or place of business primarily engaged in selling goods, products, material, and merchandise stored on the premises to retailers or persons who are the intermediaries between the producer and the consumer; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Under these Regulations, this definition of Wholesale establishment specifically excludes the Wholesale Club use. A Wholesale Club shall not be considered to be a Wholesale establishment.

Working Land. Land that is used for farming or forestry.

Yard. An area on a lot that lies between the principal or accessory building or buildings and the nearest lot line, and is unoccupied and unobstructed from the ground upward to the sky by any structure or portion thereof except as permitted by these land development regulations. Fences, walls, poles, posts, and other customary yard accessories and ornaments may be permitted in any required yard, subject to height limitations. A required yard is that portion of a yard meeting the minimum yard requirements of the applicable zoning district. [See Also Figure 2-1, Lot Lines and Yards]

Yard, front. A yard extending the full length of the front lot line and situated between the front lot line and the front of the principal building at its farthest point from the front lot line. Each yard that abuts a front lot line shall be deemed a front yard.

Yard, rear. A yard extending across the full length of the rear lot line and situated between the rear lot line and the back of the principal building at its farthest point from the rear lot line. In the case of a through lot or corner lot, there shall be no rear yard, but only front and side yards.

Yard, side. A yard extending along the full length of the side lot line and situated between the side lot line and the side of the principal building at its farthest point from the side lot line, but excluding any area encompassed within a front yard or rear yard. In the case of a through lot or corner lot, there shall be no rear yard, but only front and side yards. See Figure 2-1.

Zero lot line. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning district. A specifically delineated area or district within the corporate limits of the City of South Burlington for which the requirements governing use, placement, spacing, size, lot dimensions, and bulk of buildings and premises are uniform. This is also known as a zone.

Zoning map. The Zoning Map or Maps of the City of South Burlington, Vermont, together with all amendments subsequently adopted, which are part of these Land Development Regulations and which delineate the boundaries of the zoning districts. Also includes any Form Based-Codes District Map and associated designated Street Types.

Zoning permit. A document signed by the Administrative Officer, as required in these Regulations, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the Regulations or authorized variance.

2.03 Definitions for Flood Hazard Purposes

The following definitions shall apply to all lands within the Floodplain Overlay District.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

Base Flood Elevation (BFE). The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

Common Plan of Development. Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

Critical facilities. Includes police stations, fire and rescue facilities, hospitals, and public and private schools.

Development. Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study. An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Flood proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

Floodway, Regulatory in the City of South Burlington. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Historic Structure. Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Lowest floor. The lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home (or Mobile home). A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

New construction. Structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Recreational vehicle. A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area. The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of construction. For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the zoning permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure. For regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Violation. The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

3 GENERAL PROVISIONS

- 3.01 Establishment of Districts and Description of Certain Districts
- 3.02 Official Maps and Other Maps
- 3.03 District Boundaries
- 3.04 Applicability of Regulations
- 3.05 Lots
- 3.06 Setbacks and Buffers
- 3.07 Height of Structures
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- 3.12 Alteration of Existing Grade
- 3.13 General Performance and Maintenance Standards
- 3.14 Reasonable Accommodation to Ensure Equal Access to Housing
- 3.15 Residential and Commercial Building Energy Standards

3.01 Establishment of Districts and Description of Certain Districts

A. Establishment of Districts. For the purpose of these regulations, the City of South Burlington is hereby divided into the districts shown on the Official Zoning Map. This zoning code also contains provisions for overlay districts and a floating district.

(1) Residential Districts

- R1 Residential 1 District
- R1-PRD Residential 1 with Planned Residential Development District
- R1-Lakeshore Residential 1- Lakeshore District
- R2 Residential 2 District
- R4 Residential 4 District
- R7 Residential 7 District
- R12 Residential 12 District
- LN Lakeshore Neighborhood District
- QCP Queen City Park District
- SEQ-NRP Southeast Quadrant-Natural Resource Protection District
- SEQ-NRT Southeast Quadrant-Neighborhood Residential Transition District
- SEQ-NR Southeast Quadrant-Neighborhood Residential District
- SEQ-NRN Southeast Quadrant Neighborhood Residential North District
- SEQ-VR Southeast Quadrant-Village Residential District

(2) Commercial Districts

- C1 Commercial 1 District (also designated "C1-R12" or "C1-R15")
- C1-AUTO Commercial 1 with Automobile Sales District
- C1-AIR Commercial 1 with Airport-Related Uses District
- C1-LR Commercial 1 with Limited Retail District
- C2 Commercial 2 District
- SW Swift Street District

AR Allen Road District
R7-NC Residential 7-Neighborhood Commercial District
SEQ-VC Southeast Quadrant-Village Commercial District

(3) Industrial and Airport Districts

IC Mixed Industrial and Commercial District
AIR Airport District
AIR-I Airport Industrial District
I-O Industrial and Open Space District

(4) Other Districts

IA Institutional and Agricultural District (includes IA North and IA-South)
PR Park and Recreation District
MU Municipal District

(5) Overlay Districts. The following overlay districts are shown on the Overlay Districts Map:

FP Floodplain Overlay District
IHO Interstate Highway Overlay District
TO Traffic Overlay District
SVP Scenic View Protection Overlay District
BBW Bartlett Brook Watershed Protection Overlay District
PBW Potash Brook Watershed Protection Overlay District (reserved)

(6) City Center Form Based Codes District

T-1 Transect Zone 1
T-3 Transect Zone 3-City Center
T-3+ Transect Zone 3 Plus- City Center
T-4 Transect Zone 4 Urban Multi-Use
T-5 Transect Zone 5 City Center

B. Description of Certain Districts.

(1) Floodplain Overlay District. The boundaries of the Floodplain Overlay District shall include those areas that are identified as areas of special flood hazard (Zones A, AE, A1-30, and 0.2%) in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof.}

(a) **Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict.** The boundaries of the Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict shall include those areas of special flood hazard designated in and on the above referenced studies and maps as Zones A, AE, or A1-30.

(b) **Floodplain Overlay (Zone 0.2%) Subdistrict.** The boundaries of the Floodplain Overlay (Zone 0.2%) Subdistrict shall include those areas of special flood hazard designated in and on the above referenced studies and maps as Zone 0.2%.

(2) Traffic Overlay District.

(a) The boundaries of high-volume roadway segments and the balance of restricted roadway segments within the Traffic Overlay District shall include the entire right-of-way of all delineated roadway segments. Cross-streets are not included.

(b) The boundaries of major intersections within the Traffic Overlay District shall include all approaches to the intersection. Any dimensional approach as shown on the Traffic Overlay Zone Map shall be measured from the point of intersection of the street centerlines at the major intersection. The first fifty (50) feet of un-dimensioned minor cross-streets shall be included within the boundaries of the major intersection.

(3) Park and Recreation District. The boundaries of the Park and Recreation District shall include all City owned or leased parkland and all lands owned by the Winooski Valley Park District; also, all future land granted to or purchased by the City for use as public parkland shall be included in the Park and Recreation District at the time of the grant or purchase.

(4) Airport Approach Cone. The boundaries of the Airport Approach Cone, as shown on the Official Zoning Map, include all approaches to the runways at the Burlington International Airport. Angles and widths of the approach cones are more specifically defined in the 1991 Airport Master Plan Update Burlington International Airport, or most recent update.

3.02 Official Maps and Other Maps

A. Official Zoning Map. The Official Zoning Map describes the different and separate districts of the City of South Burlington set forth in Section 3.01. The Official Zoning Map is filed in the office of the City Clerk and is incorporated herein by reference.

B. Overlay Districts Map. The Overlay Districts Map describes the different and separate overlay districts of the City of South Burlington set forth in Section 3.01. The Overlay Districts Map is filed in the office of the City Clerk and is incorporated herein by reference.

C. Southeast Quadrant Official Zoning Map. The Southeast Quadrant Official Zoning Map describes the sub-districts pertaining to the Southeast Quadrant District as set forth in Article 9 of these Regulations and is incorporated into the Official Zoning Map

D. Wetlands Map. The Wetlands Map identifies wetland areas throughout the City that are subject to the restrictions set forth in Article 12 of these regulations. The Wetlands Map is filed in the office of the City Clerk and is incorporated herein by reference.

E. Scenic View Protection Overlay Districts. The maps identifying overlay districts wherein special standards apply are filed in the office of the City Clerk and are incorporated herein by reference.

F. Open Space Plan Areas Map. [reserved]

G. Official Map. The Official Map of the City of South Burlington is adopted pursuant to subsection 3 of section 4401, Title 24 VSA Chapter 117, as amended, filed in the office of the City Clerk, and incorporated herein by reference.

3.03 District Boundaries

A. Interpretation of District Boundaries

- (1) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the Planning Commission shall determine the location, aided by the rules set forth in this section. Requests for interpretation of district boundaries of or within the Southeast Quadrant shall be subject to the provisions of Section 9.04(D) of these Regulations.
- (2) Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.
- (3) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- (4) Boundaries indicated as following railroad lines shall be construed to follow the center line of the railroad right-of-way.
- (5) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line such boundaries shall be construed as moving with the actual shore line.
- (6) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (7) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map or described under each zone shall be determined by the scale of the map.

B. Interpretation by Planning Commission. Where physical or cultural features existing on the ground are inconsistent with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 7 above, the Planning Commission shall interpret the district boundaries.

C. Split Lots. Where a district boundary line divides a lot which was in a single ownership at the time of passage of these regulations, the Development Review Board may permit, as a conditional use, the extension of the regulations for either portion of the lot but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot (See Article 14 for Conditional Use Review). This provision shall not apply to the boundary lines of any overlay or floating district.

D. Wetland Boundaries. The boundaries of wetlands shall be as shown on the Official Wetlands Map unless alternative information is submitted and reviewed pursuant to the standards and procedures for review set forth in Article 12, Section 12.02(C) and (D) of these Regulations. All wetland delineations submitted for review by the City shall be delineated by the methodology set forth in the most recent edition of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. This methodology employs three parameters: vegetation, soils and hydrology. The Development Review Board may use the most recent

edition of The Wetland Plant List of the State of Vermont published by the U.S. Fish and Wildlife Service to determine the frequency of vegetation occurrence in wetlands.

3.04 Applicability of Regulations

A. Area, Density, and Dimensional Requirements. Except where the text of these Regulations provides otherwise, the size and dimension of lots and yards, lot coverage, and density for all districts, except floating and overlay districts, shall be as shown in Table C-2, Dimensional Standards.

B. Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

C. Primacy of Land Development Regulations. Where these regulations impose a greater restriction than imposed or required by other provisions of law or by other laws, rules, regulations, resolutions or ordinances, the provisions of these regulations shall control.

D. Conflict with other Regulations or Private Restrictions. The provisions of these regulations shall not be construed to abrogate or annul the provisions of other ordinances or regulations or to impair private restrictions placed upon property. Where these regulations impose a greater restriction upon land, buildings, or structures than is imposed by any such provision, the restrictions of these regulations shall control.

E. Most Recent Amendment in Effect. Any citation of a statute, law, rule, regulation or ordinance contained in these regulations shall be deemed to refer to such statute, law, rule, regulation or ordinance as amended, whether or not such designation is included in the citation.

F. Measuring Distance. Unless otherwise specified, all distances shall be measured horizontally.

G. Farms, Farm Structures and Silvicultural Practices. These Regulations shall not regulate accepted agricultural and silvicultural practices as defined by the Secretary of Agriculture, Food and Markets, including the construction of farm structures as defined in these Regulations, except that a person shall notify the Department of Planning and Zoning in writing of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets.

3.05 Lots

A. Reduction of Lot Size. No lot shall be so reduced in area that the lot size, coverage, setbacks, or other requirements of these regulations shall be smaller than herein prescribed for each district.

B. Lots with No Road Frontage.

(1) No land development may be permitted on lots which do not have either frontage on a public road or public waters, unless, with the approval of the Development Review Board through a miscellaneous application, such lots have access to a public road or waters by a permanent easement or right-of-way at least twenty (20) feet in width.

(2) The Development Review Board may approve subdivision or development of lots with no frontage on a public street, as long as access to such a street by a permanent easement or right-of-way at least twenty (20) feet in width is provided, according to the following procedures:

(a) Required Information. Applications shall include a plan drawn to scale showing boundaries of all properties crossed by and to be served by the proposed private right-of-way, dimensions and grades of the right-of-way, point of access onto a public street, and other information as the Development Review Board may require.

(b) Conditions of Approval. Any application to create a new lot with no road frontage shall be subject to the requirements and major subdivision criteria of Article 15 of these Regulations in addition to this section.

(i) Number of lots and/or dwelling units on a private right-of-way. The Development Review Board shall limit the number of developable lots on a private right-of-way to three (3) and/or the number of multi-family units to ten (10), whichever is less, beyond which a public street shall be required (See Article 15, Subdivision). The Development Review Board shall require a public street if the number of developable lots is greater than three (3) and/or the number of multi-family units is ten (10) or more, whichever is less. The Development Review Board may also limit the length of a private right-of-way, and may impose other conditions as may be necessary to assure adequate emergency access to all lots and dwelling units.

(ii) The Development Review Board may require a right-of way wider than the twenty (20) foot minimum if it is to serve more than one (1) lot.

(iii) The Development Review Board may impose conditions to insure the maintenance and permanency of a private right-of-way and to insure that a right-of-way will not place a burden on municipal services.

(iv) For a lot with no frontage, the property line that abuts or is closest to the private right-of-way shall be construed as the front lot line and shall determine the front yard.

C. Road Frontage. In order to promote infill development while protecting the character of existing neighborhoods, no lot shall be created without a minimum of 50-ft of frontage on a public road in the following districts: R1, R1-LV, R2, R4, and LN

D. Pre-Existing Small Lots. Any lot in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of forty (40) feet.

E. Corner Lots. In cases where a lot has frontage on two streets, the lot shall be deemed a corner lot and shall have two frontages. In cases where a lot has frontage on a public street and on a private right-of-way, the lot shall be deemed a corner lot and shall have two frontages.

3.06 Setbacks and Buffers

A. General Provisions. The size and dimensions of setbacks shall be as indicated in Table C-2, Dimensional Standards, unless otherwise provided in these Regulations.

B. Arterial and Collector Streets.

(1) For the arterial and collector streets listed below, minimum front setbacks shall be fifty (50) feet from the edge of the planned street right-of-way or greater if so provided elsewhere in this Section 3.06.

Table 3-1 Existing and Planned Street Rights-of-Way

Street	Existing Street ROW (feet)	Minimum Planned Street ROW (feet)
Airport Drive	66	80
Airport Parkway	66	66
Allen Road	66	66
Dorset Street, north of Swift	66	100
Dorset Street, south of Swift	66	66
Hinesburg Road	66	80
Kennedy Drive	100	100
Kimball Avenue	100	100
Market Street	80	80
Patchen Road	66	66
Shelburne Road	100	100
Shunpike Road, east of Kimball Avenue	80	80
Spear Street	66	66
Swift Street	50	66
Williston Road, east of the Hinesburg Road-Patchen Road intersection	66	90
Williston Road, from the Hinesburg-Patchen Road intersection west	66	100

(2) Planned Arterial and Collector Streets. Planned public arterial and collector streets, as designated by the Development Review Board, shall be subject to the provisions of this Section 3.06 and any frontage requirements.

C. Yards Abutting a Planned Street. Yards abutting a right-of-way designated for a planned public street shall have a minimum setback equal to the front setback requirement for the district in which the lot exists, unless the yards abut any of those streets listed in above, in Section 3.06.B in which case the minimum setback shall be fifty (50) feet from the edge of the planned street right-of-way.

D. Setback Calculation. No space which for the purpose of a building or dwelling has been counted or calculated as part of a side, front, or rear setback or open space provision required by this ordinance may be counted or calculated to satisfy or comply with a setback or space requirement of or for any other building.

E. Traffic Visibility across Yards. No shrubbery shall be erected, maintained, or planted on any lot that obstructs or interferes with traffic visibility. In the case of corner lots, such restricted area shall be the triangular area formed by the lot lines along the streets and a line connecting them at points thirty (30) feet from the intersection.

F. Structures Requiring Setbacks. Except as specifically provided elsewhere in these Regulations, the front, side, and rear setback provisions in Section 3.06 shall apply to all structures, except for fences. Residential utility sheds shall be set back at least five (5) feet from all property lines.

G. Satellite dishes. Satellite dishes exceeding three (3) feet in diameter shall not be located within the area between a street right-of-way line and the front elevation of a building. Satellite dishes shall be screened.

H. Front Setbacks for Non-Residential Uses. In the case of nonresidential uses, not more than thirty percent (30%) of the area of the required front setback shall be used for driveways and parking and the balance shall be suitably landscaped and maintained in good appearance. Design approaches that use landscaping elements in the front setback which enhance stormwater infiltration or management are encouraged. No portion of the required front setback shall be used for storage or for any other purpose except as provided in this section. In addition, a continuous strip fifteen (15) feet in width traversed only by driveways and sidewalks shall be maintained between the street right-of-way line and the balance of the lot, which strip should be landscaped and maintained in good appearance. This provision shall apply also to yards that abut a right-of-way designated for a future street.

I. Buffer Strip for Non-Residential Uses Adjacent to Residential District Boundaries.

(1) Where a new non-residential use is adjacent to or within fifty (50) feet of the boundary of a residential district, or where an existing non-residential use, structure or parking area that is adjacent to or within fifty (50) feet of the boundary of a residential district is proposed to be expanded, altered or enlarged, the required side or rear setback shall be increased to sixty-five (65) feet. A strip not less than fifteen (15) feet wide within the sixty-five (65) foot setback shall be landscaped with dense evergreens, fencing, and/or other plantings as a screen. New external light fixtures shall not ordinarily be permitted within the fifteen (15) foot wide buffer area.

(2) The Development Review Board may permit new or expanded nonresidential uses, structures and/or parking areas, and new external light fixtures, within the setback and/or buffer as set forth in (1) above, and may approve a modification of the width of the required setback and/or landscaped buffer as set forth in (1) above. In doing so the DRB shall find that the proposed lighting, landscaping and/or fencing to be provided adjacent to the boundary of the residential district will provide equivalent screening of the noise, light and visual impacts of the new non-residential use to that which would be provided by the standard setback and buffer requirements in (1) above. However in no case may the required side or rear setback be reduced below the standard requirement for the zoning district in which the non-residential use is located.

J. Exceptions to Setback and Lot Coverage Requirements for Lots Existing Prior to February 28, 1974. The following exceptions to setbacks and lot coverages shall be permitted for lots or dwelling units that

meet the following criteria: the lot or dwelling unit was in existence prior to February 28, 1974, and the existing or proposed principal use on the lot is a single-family dwelling or a two-family dwelling.

- (1) Side and Rear Setbacks.** A structure may encroach into the required side or rear setback up to a distance equal to 50% of the side or rear setback requirement of the district, but in no event shall a structure have a side setback of less than five (5) feet.
- (2) Front Setbacks.** A structure may encroach into a required front setback up to the average distance to the building line of the principal structures on adjacent lots on the same street frontage, but in no event shall a structure have a front setback of less than five (5) feet.
- (3) Additional Encroachment Subject to DRB Approval.** Encroachment of a structure into a required setback beyond the limitations set forth in (1) and (2) above may be approved by the Development Review Board subject to the provisions of Article 14, Conditional Uses, but in no event shall a structure be less than three (3) feet from a side or rear property line or less than five (5) feet from a front property line. In addition, the Development Review Board shall determine that the proposed encroachment will not have an undue adverse affect on:

 - (a) views of adjoining and/or nearby properties;
 - (b) access to sunlight of adjoining and/or nearby properties;
 - (c) adequate on-site parking; and
 - (d) safety of adjoining and/or nearby property.
- (4) Processing of a Request.** Any request under subsections (1) - (3) above to expand an existing structure, or place a new structure, to within less than ten (10) feet of any property line shall include the submission of survey data prepared by a licensed surveyor showing the location of affected property lines, existing and/or proposed structures, and any other information deemed necessary by the Administrative Officer.
- (5) Lot Coverage.** For lots that are five thousand (5,000) square feet or greater in size, but less than seven thousand five hundred (7,500) square feet, lot coverage may exceed the maximum allowed for the district up to a maximum of thirty percent (30%) for buildings and fifty percent (50%) for total lot coverage. For lots that are less than five thousand (5,000) square feet in size, lot coverage may exceed the maximum allowed for the district up to a maximum of forty percent (40%) for buildings and sixty percent (60%) for total lot coverage.

K. Front Setback for Front Decks and Porches in the R4 District

In the R4 District, an open porch or deck that shall not exceed the width of the building face to which the porch or deck is attached and that shall not have a depth greater than 12 feet as measured from the building face, shall have a minimum front setback of 10 feet. Access steps not greater than 5 feet in width may project no more than 5 feet in front of the porch or deck, but in no case shall be located closer than 5 feet from the front property line.

An enclosed porch, or an open porch or deck exceeding 12 feet in depth, shall be considered part of the principal building and subject to standard front setbacks.

3.07 Height of Structures

A. General Provisions. Structures in all districts shall comply with the height standards presented below in this section. Maximum allowable building heights are illustrated in Figure 3-1, Height of Structures.

B. Stories. The requirements of Table C-2, Dimensional Standards, shall apply.

(1) Where a roofline story is placed on a building that contains or is planned to contain the maximum permitted number of stories below the roofline, the following conditions shall apply:

- (a) dormers on such story shall not exceed the height of the roof peak, and
- (b) the total width of the dormers on any single side does not exceed thirty-three percent (33%) of the horizontal distance of the roof line along that side. Vertical extensions that exceed thirty-three percent (33%) of the horizontal width (i.e., step dormers) are permitted, but are limited to a maximum height of five (5) feet above the average height of the principal roof structure and shall not exceed fifty percent (50%) of the horizontal width of any side.

(2) In the R1, R1-Lakeview, R1-PRD, R1-Lakeview, R2, R4, R7, Lakeshore Neighborhood, and Queen City Park districts, the total number of stories for any given structure shall not be more than one (1) greater than that of any principal structure on an abutting lot within the same zoning district, without regard to public rights-of-way. A principal structure on an abutting lot that is more than 150 feet from the subject structure shall be excluded from calculation.

C. Maximum Height. Except as allowed below in this section 3.07, the requirements of Table C-2, Dimensional Standards, shall apply.

(1) Where a structure has been approved as part of a Master Plan prior to January 9, 2012 with a height greater than that permitted in these Regulations, such approved maximum height shall remain in effect.

D. Waiver of Height Requirements

(1) **Rooftop Apparatus.** Rooftop apparatus, as defined under Heights in these Regulations, and steeples for places of worship that are taller than normal height limitations established in Table C-2 above may be approved by the Development Review Board as a conditional use subject to the provisions of Article 14, Conditional Uses.

(2) **R12, IA, PR, MU, C1-R12, C1-R15 C1-Auto, C1-Air, C1-LR, AR, SW, IO, C2, Mixed IC, AIR, and AIR-IND Districts.**

- (a) The Development Review Board may approve a structure with a height in excess of the limitations set forth in Table C-2. For each foot of additional height, all front and rear setbacks shall be increased by one (1) foot and all side setbacks shall be increased by one half (1/2) foot.
- (b) For structures proposed to exceed the maximum height for structures specified in Table C-2 as part of a planned unit development or master plan, the Development Review Board may waive the requirements of this section as long as the general objectives of the applicable zoning district are met. A request for approval of a taller structure shall include the submittal of a plan(s) showing the elevations and architectural design of the structure, pre-construction grade, post-construction

grade, and height of the structure. Such plan shall demonstrate that the proposed building will not detract from scenic views from adjacent public roadways and other public rights-of-way.

(c) Rooftop Apparatus. Rooftop apparatus, as defined under Heights in these Regulations, that are taller than normal height limitations established in Table C-2 may be approved by the Development Review Board as a conditional use subject to the provisions of Article 14, Conditional Uses. Such structures do not need to comply with the provisions of subsections (a) and (b) above.

E. Accessory Structures in All Districts:

(1) Accessory structures shall not exceed fifteen (15) feet in height, except that:

(a) For industrial uses in non-residential districts, height standards for principal structures shall apply for accessory structures; and,

(b) For residential uses, accessory structures up to twenty-five (25) feet in height shall be permitted where the structure is located at least thirty (30) feet from all property lines, the structure has a pitched roof, and the lot on which the structure is proposed is at least one (1) acre in size; and,

(c) Accessory structures exceeding the height of the principal structure on the property shall require approval by the Development Review Board as a conditional use, pursuant to Article 14, Conditional Use Review. The applicant shall demonstrate to the Board that the accessory structure will be clearly secondary to the principal structure in function and in appearance from the public right-of-way.

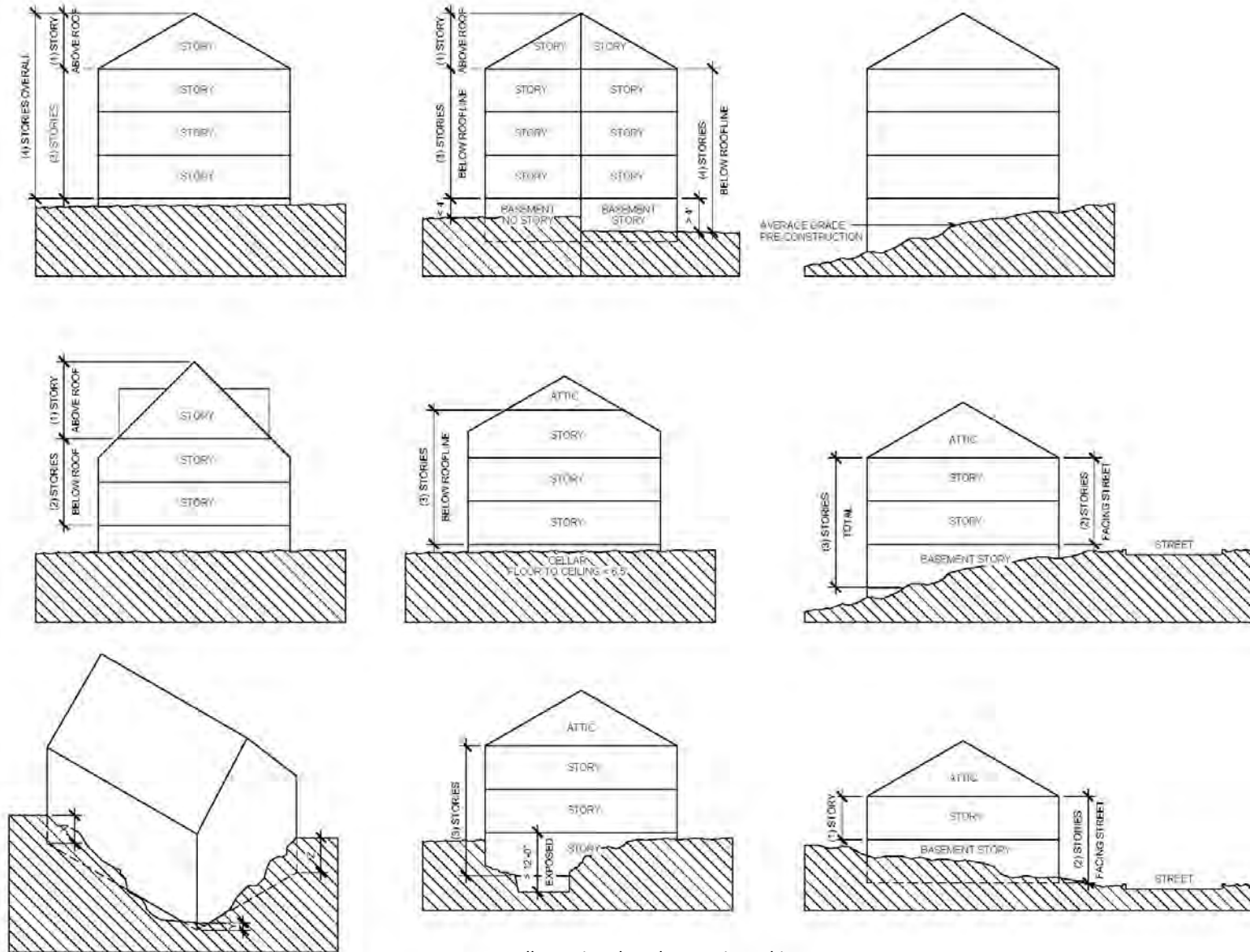
F. Additional Height requirements.

In addition to the requirements of this Section, the provisions of Sections 4.08 (G) [Non-complying structures in the QCP District]; 13.10 [Solar Radiation]; and 10.03 [Scenic View Protection Overlay]; shall apply;

G. Airport Approach Cones.

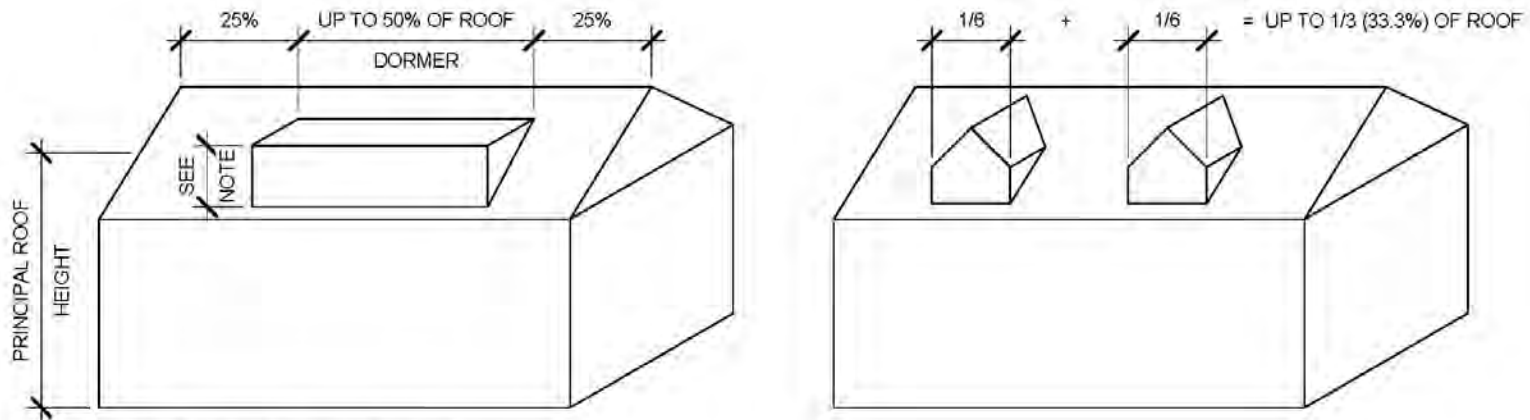
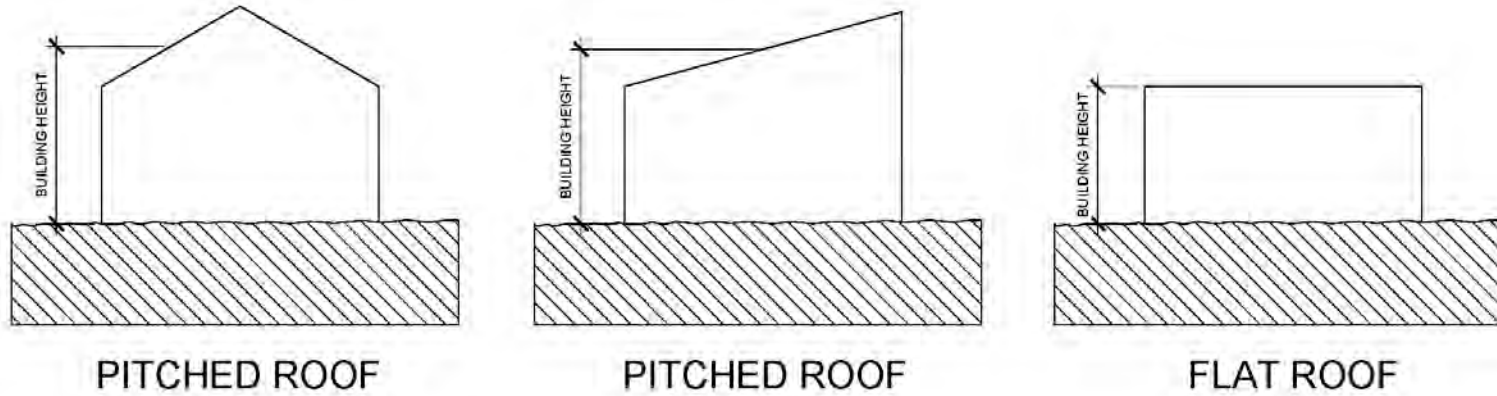
All height provisions are subject to the limitations of Article 13, Section 13.03, Airport Approach Cones.

Figure 3-1a Height of Structures



Illustrations by Adam Davis, architect

Figure 3-1b Height of Structures

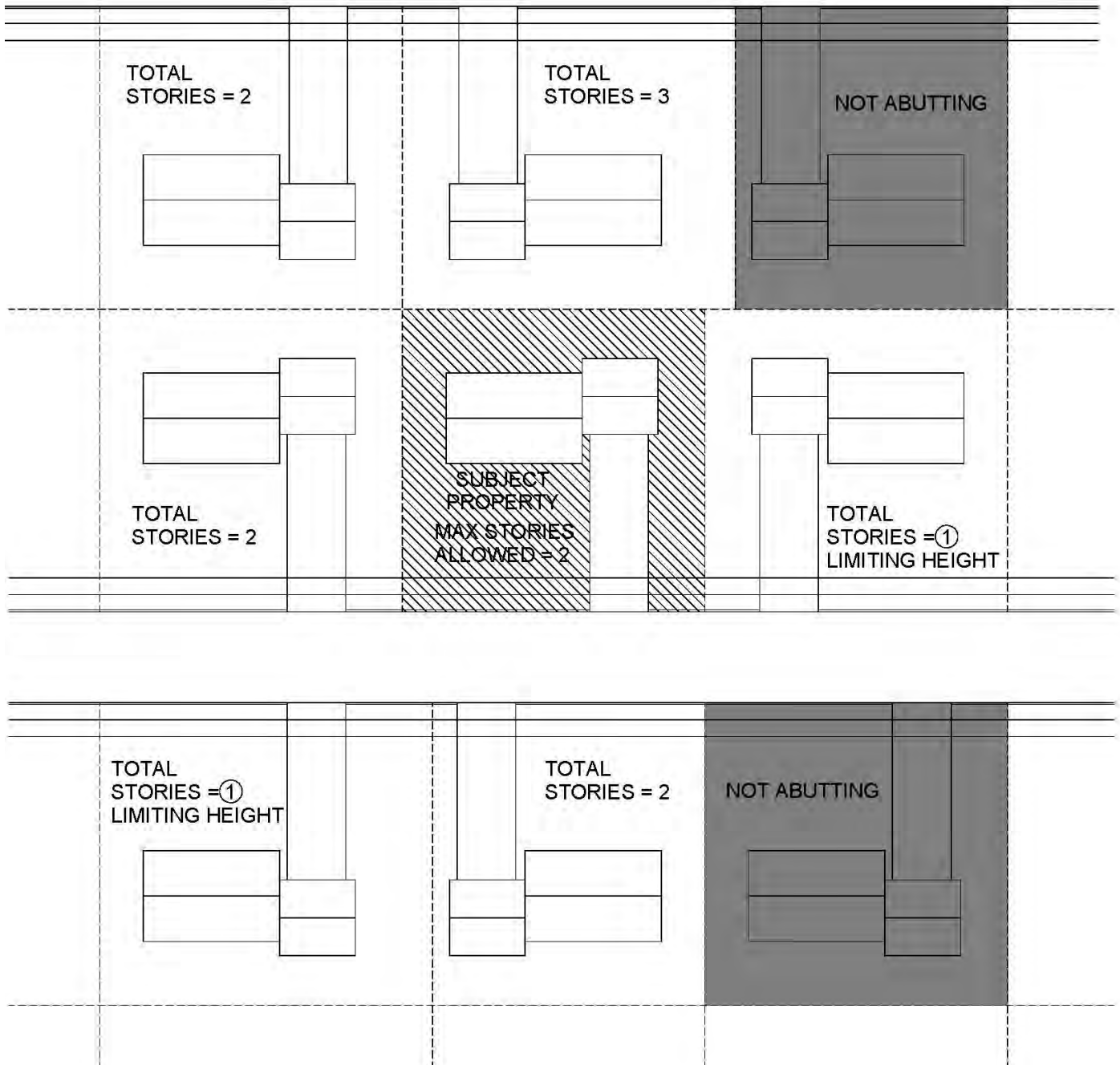


NOTE 1: HEIGHT OF SHED DORMER IS MEASURED FROM BASE TO PEAK

NOTE 2: HEIGHT OF SHED ROOF IS LIMITED TO A MAXIMUM OF 5' ABOVE THE PRINCIPAL ROOF HEIGHT

Illustrations by Adam Davis, architect

Figure 3-1c Height of Structures



Illustrations by Adam Davis, architect

3.08 Temporary Structures and Uses

A. General Provisions. Any temporary use of a lot, not approved in connection with the primary use of that property, shall be restricted according to the provisions of this section. This section shall not apply to peddling activities that are regulated through the Ordinance to Regulate Peddling.

B. Location of Temporary Uses and Structures. Temporary uses or structures on a lot shall not be placed or conducted in such manner as to obstruct or interfere with vehicle circulation and parking, pedestrian movement, block sidewalks, obstruct crosswalks or damage landscaped areas.

C. Temporary Construction Structures. Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction is in progress.

D. Temporary Outdoor Storage. Temporary outdoor storage used in conjunction with the principal use or uses on that property shall be permitted for a period up to one month during a calendar year. Permits for temporary outdoor storage shall be issued by the Administrative Officer in accordance with the provisions of this section.

E. Temporary Uses Exempt from Review. The following uses are permitted without requiring review under this section provided such uses do not exceed the stated limits of this subsection. Uses which exceed the stated limits shall be considered to be permanent uses and, as such, are restricted by other portions of these regulations.

(1) The outdoor storage or parking of one (1) recreational vehicle per residential lot by the owner, if not used for residential purposes. In residential districts, outdoor storage or parking of recreational vehicles shall be either in the side yard or rear yard from November 1st through April 30th. One (1) recreational vehicle may be parked in a residential driveway from May 1st through October 31st.

(2) Auctions lasting no longer than two (2) days per calendar year.

(3) Garage sales totaling no more than 8 (eight) days per calendar year.

(4) Outdoor events held by a business, organization, or resident on the same lot for no more than four (4) consecutive days, two (2) times per calendar year.

F. Use of Recreational Vehicle as a Temporary Residence. The Development Review Board may authorize the use of a recreational vehicle as a temporary residence as a conditional use. In granting such a use, the Development Review Board shall specify time limits for occupancy.

3.09 Multiple Structures and Uses

A. General Provisions. There shall be only one principal building or structure on a lot and only one use per lot, except as otherwise provided in this Section 3.09.

B. Multiple Uses in a Structure and Umbrella Approval.

(1) **The Development Review Board may approve two or more separate uses**, one or more of which is a conditional use in the underlying zoning district, in a principal building or structure as a conditional use if it determines that:

- (a) Such uses are compatible in normal manner of operation including types of traffic generated; hours of use; lack of excessive noise, dust, odor or other objectionable element; and any other relevant aspect of operation.
- (b) Such uses can suitably share common facilities, such as parking and outdoor storage areas, within the requirements of these regulations for any lot.

(2) Umbrella Approval

- (a) The Development Review Board may approve two (2) or more separate uses in a single principal building or structure in conjunction with site plan, PUD or conditional use approval, provided all of the proposed uses are permitted or duly approved conditional uses in the underlying zoning district and all other applicable standards are met. Such standards may concern trip ends, parking spaces, gross floor area dedicated to uses where applicable, number of restaurant or retail food establishment seats, and other numerical standards related to the provisions of these regulations. This shall be known as an umbrella approval.
- (b) Where an applicant with umbrella approval proposes a minor change in use, the Administrative Officer may approve the change as an administrative action and grant a zoning permit. The criteria for determining if the change is minor shall include an assessment of projected p.m. peak hour trip ends, required parking spaces, and other numerical criteria specified in the umbrella approval. If the applicable numerical criteria are the same or fewer than those specified in the umbrella approval, the change may be deemed minor.

C. Multiple Uses and Multiple Structures.

- (1) Outside of the City Center Form Based Codes District, the Development Review Board may approve multiple principal structures on a single lot as part of a Planned Unit Development pursuant to the standards contained within these Regulations.
- (2) Within the City Center Form Based Codes District, multiple principal structures on a single lot shall be permitted in accordance with the standards contained within these Regulations.
- (3) The Development Review Board may approve multiple uses in multiple buildings and structures as part of site plan approval, using an umbrella approval. In granting site plan approval, the layout of all buildings, driveways, and parking areas shall be specified as well as a list of potential types of uses. All general and specific site plan review criteria shall apply.

D. Multiple Structures on a Single-User Lot or Complex. The Development Review Board may approve two (2) or more buildings or structures on a non-residentially-zoned lot or in a commercial or industrial complex for one user. Relevant criteria from site plan, PUD or subdivision reviews shall apply.

E. Occupancy of Principal Building During Construction of Another Principal Building. In cases where an applicant proposes to construct a new principal building on a lot that already has a principal building and then to remove or demolish the existing building, the applicant may use or occupy the existing building during construction of the new principal building under the following circumstances:

- (1) the existing building is legal for occupancy and use

- (2) the applicant shall construct and occupy the new principal building within one (1) year of issuance of the zoning permit
- (3) the existing building shall be demolished and removed within one (1) year of the construction and occupancy of the new principal building.
- (4) the applicant shall provide a suitable bond or other security in accordance with Section 15.15 of these Regulations for the cost of demolishing or removing the existing building.

F. Separate Lots Otherwise Required. All combinations of buildings, structures, and uses that do not meet the above conditions shall require separate lots.

3.10 Accessory Structures and Uses

A. General Requirements. Customary accessory structures and uses are allowed in all districts, as specifically regulated in that district, under the provisions that follow below.

- (1) On lots of less than one (1) acre in size, no more than two (2) accessory structures, including a detached private garage, shall be permitted per principal structure. On lots used primarily for agricultural uses and lots that are one (1) acre or greater in size, more than two (2) accessory structures shall be permitted provided all applicable limitations on coverage and setbacks in these Regulations are met.
- (2) Accessory structures, if detached from a principal structure, shall not be placed in the front yard, and they shall not, if placed in a side yard, be located closer to the street than the required front setback of the principal structure.
- (3) Accessory structures shall be located a minimum of five (5) feet from all side and rear lot lines.
- (4) On corner lots, accessory structures shall not be located on the side street side between the side street and the required front setback of structures fronting on the side street.
- (5) On through-lots, accessory structures shall not be located on the front yard facing the street that the majority of principal buildings on the street face, and shall not be located on any other front yard between the street and the required front setback of structures fronting on that street.
- (6) When an accessory structure is attached to a principal structure, it shall comply in all respects with the requirements of these regulations applicable to the principal structure(s).
- (7) Accessory structures shall comply with front setback requirements for the principal structure to which they are accessory.
- (8) Any structure connected to another structure by an open breezeway shall be deemed to be a separate structure.
- (9) The total square footage of all accessory structures shall not exceed fifty percent (50%) of the first or ground floor of the principal structures, with the exception of in-ground pools, tennis courts, and other similar structures at grade level, which shall not be counted towards the maximum square footage of accessory structures.
- (10) The footprint of the accessory structure(s) shall be included in the computation of lot coverage, except for ramps and other structures for use by the disabled, which in the sole discretion of the

Administrative Officer are consistent with the purpose of providing such access and do not constitute a de facto expansion of decks, porches, etc.

(11) No accessory structure shall be constructed with a cellar or below-grade story.

(12) No part of any such accessory structure shall be designed or used for sleeping purposes, and no cooking facilities shall be placed or permitted in any part of such accessory structure unless such structure is a duly approved location of an accessory residential unit.

B. Poolhouse. Any accessory structure designed as a poolhouse shall be located no farther than fifteen (15) feet from the swimming pool to which it shall be accessory.

C. Attached Garage. A private garage may be constructed as part of a main structure, provided that when so constructed the garage walls shall be regarded as the walls of the main building in applying the applicable front, side, and rear setback requirements of this chapter.

D. Accessory Retail Uses. Where non-residential uses are permitted in a residential district, uses such as hospitals, clubs, and multi-family buildings over fifty (50) dwelling units, such uses may conduct customary and appropriate retail activities such as gift shops, cafeterias, fitness rooms, and snack shops. Such uses shall be conducted within the principal structure. There shall be no external evidence of retail activity discernible from the outside of the structure. Access to the retail activity shall only be from within the principal structure.

E. Accessory Residential Units. One (1) accessory residential unit constructed within or attached to a primary single-family dwelling or within an existing, permitted accessory structure shall be a permitted single family use, in accordance with the following criteria:

(1) Floor space of the accessory residential unit shall not exceed thirty percent (30%) of the total habitable area of the single-family dwelling unit.

(2) The principal dwelling shall be owner-occupied.

(3) The accessory dwelling unit shall be an efficiency or one-bedroom unit.

(4) Adequate wastewater capacity is available to service the accessory unit, as demonstrated by issuance of a Wastewater Allocation or on-site wastewater permit pursuant to the South Burlington Ordinance Regulating the use of Public and Private Sanitary Sewerage and Stormwater Systems.

(5) Two (2) additional off-street parking spaces shall be provided on the same lot, either in a garage or in a driveway, and not in any areas required to meet coverage limitations, or any front yard area other than a driveway, required by these Regulations.

(6) If occupancy of the unit is to be restricted in the deed of the single-family home to a disabled person, no additional off-street parking is required.

(7) A zoning permit shall be required for each accessory residential unit.

Conditional Use Review by the Development Review Board pursuant to Article 14, Section 14.10 shall be required if the establishment of the accessory residential unit involves the construction of a new accessory structure, an increase in the height or floor area of the existing single-family dwelling or existing accessory

structure, or an increase in the dimensions of the off-street parking areas (i.e. garages and driveway areas) presently existing on the site.

F. Accessory Uses in the IC and IO districts. In the IC-Mixed Industrial Commercial and IO-Industrial Open Space districts, those uses designated 'P-ACC' in Table C-2, Table of Uses shall be subject to the following standards and limitations:

- (1) Such accessory uses shall be located wholly within a permitted principal structure.
- (2) Access to the accessory use shall only be from within the principal structure.
- (3) Such uses shall be included in the calculations of required parking, vehicle trip ends, and wastewater allocations through an umbrella permit approval or other DRB approval.
- (4) The total gross floor area of all such accessory uses shall be limited to ten percent (10%) of the gross floor area of the principal structure. The owner of the building or responsible condominium association shall be responsible for allocation of any such floor area among accessory and principal uses.
- (5) No individual accessory use may exceed 3,000 SF in gross floor area except for retail food establishments, which shall not exceed 5,000 SF GFA.
- (6) Other accessory uses that are wholly internal to a principal permitted use (e.g. employee cafeterias, employee fitness rooms, hospital pharmacies) pursuant to this Section shall not require specific approval and shall not be counted towards the ten percent square footage limitation.

3.11 Nonconformities

A. General Provisions. These provisions shall apply to all nonconforming uses, structures, lots, and parcels, except within the City Center Form Based Code District. See Article 8 for nonconformities applicable in that District.

B. Continuance and Restrictions.

- (1) Any lawful structure or any lawful use of any structure or land existing at the time of the enactment of these regulations may be continued, although such structure or use does not conform with the provisions of these regulations, provided the conditions in this Section 3.11 are met.
- (2) A nonconforming use may be continued provided that such structure shall not be enlarged or extended unless the use therein is changed to a conforming use.
- (3) A nonconforming structure that is devoted to a conforming use may be reconstructed, structurally altered, restored or repaired, in whole or in part, with the provision that the degree of nonconformance shall not be increased.
- (4) A nonconforming structure, or part thereof, shall be maintained, repaired, or restored to a safe condition as required by the Administrative Officer.
- (5) A nonconforming structure shall not have its degree of nonconformance increased.
- (6) A nonconforming use shall not be extended or enlarged, nor shall it be extended to displace a conforming use, nor shall it be changed to another nonconforming use, nor shall it, if changed to a conforming use, thereafter be changed back to a nonconforming use.

(7) Nothing in these Regulations shall be construed to prevent the owner of a multi-tenant building containing one or more nonconforming uses from utilizing a portion of the building for a conforming use, provided there is no expansion or extension of a nonconforming use or uses as part of such a change in use.

C. Alterations to Conforming Structures with Nonconforming Use. A conforming structure used by a nonconforming use shall not be reconstructed, structurally altered, restored or repaired to an extent exceeding one hundred percent (100%) of the gross floor area of such structure unless the use of such structure is changed to a conforming use.

D. Alterations to Nonconforming Structures.

(1) Except as otherwise provided in sub-sections (2) and (3) below, and in Article 4, Section 4.08, Queen City Park District, and in Article 12, Section 12.01(D), any nonconforming structure may be altered, including additions to the structure, provided such alteration does not exceed in aggregate cost thirty-five percent (35%) for residential properties and twenty-five percent (25%) for industrial and commercial property of the current assessed value as determined by the City Assessor and in compliance with Section 3.11(B) above.

(2) In the event an addition or an expansion to a nonconforming structure is proposed, the addition or expansion itself must conform with the provisions of these regulations (e.g., dimensional requirements such as setbacks, coverage, etc.).

(3) The thirty-five percent (35%) limitation for residential properties described above shall not apply to structures on lots that were in existence prior to February 28, 1974.

E. Alterations to Facades and Exterior Finishes on Nonconforming Structures. Alterations to facades and exterior finishes shall not be subject to the twenty-five percent (25%) or thirty-five percent (35%) limitations described above.

F. Damage Nonconforming Structures.

(1) Any nonconforming structure damaged by any means to an extent greater than fifty percent (50%) of its current assessed value shall be permitted to be reconstructed only if the future use of the structure and the land on which it is located is in conformity with these regulations.

(2) Any nonconforming damaged by any means to an extent less than fifty percent (50%) of its current assessed value, may be rebuilt provided that:

(a) The resumption of any nonconforming use (if any) takes place within one (1) year of the time of its interruption.

(b) The cost of such reconstruction or structural alteration is less than fifty percent (50%) of said fair market value.

(c) The reconstruction or structural alteration is commenced within six (6) months of the date of interruption and completed within eighteen (18) months of the date of interruption.

(3) Where such reconstruction or structural alteration can reasonably be accomplished so as to result in greater conformance with these regulations, then the reconstruction or structural alteration shall be so done.

(4) No later than six (6) months after a permanent or temporary structure has been damaged, made uninhabitable, or has been abandoned, all scrap, debris, damaged or unsafe materials shall be removed from the site and any remaining excavation, foundation or cellar hole shall be covered over or filled to the existing grade by the property owner. Upon application by the property owner, the Development Review Board may extend the time to undertake such remedial work as a conditional use.

G. Abandonment of Nonconforming Use.

(1) No nonconforming use may be resumed if such use has been abandoned for a period of six (6) months or more.

(2) A nonconforming use shall be considered abandoned when any of the following conditions exist:

(a) When it is replaced by any other use, whether conforming or nonconforming.

(b) When the intent of the owner to discontinue the use is apparent. Any one of the following may constitute prima facie evidence of a property owner's intent to abandon a use voluntarily:

(i) failure to take necessary steps within six (6) months to resume the nonconforming use with reasonable dispatch in any circumstances, including without limitation failing to advertise the property for sale, rent, lease, or use,

(ii) discontinuance of the use for six (6) months, or for a total of eighteen months during any three-year period, or

(iii) in the case where the nonconforming use is of land only, discontinuance of the use for one hundred twenty (120) consecutive days or for a total of six (6) months during a one (1) year period.

(c) When the characteristic equipment and furnishings have been removed from the premises and have not been replaced by similar equipment and furnishings within six (6) months, except in the event that the structure is damaged. In that case, Section 3.11(F) above shall apply.

H. Construction Approved Prior to Regulations. Nothing contained in these regulations shall require any change in plans, construction or designated use of a structure for which a zoning permit has been issued where the construction of such structure shall have been diligently pursued within thirty (30) days of the date of such permit and where such structure shall be completed according to such plans and permit within six (6) months from the effective date of these regulations.

I. Unlawful Use Not Approved or Authorized. Nothing in these regulations shall be interpreted as authorization for or approval of the continuance of the use of a structure or land in violation of zoning prior to the effective date of these regulations.

J. Unsafe Structures. Nothing in these regulations shall permit the use of any portion of a structure declared unsafe by a proper authority nor the continuation of a condition declared to be a health hazard by an appropriate authority.

K. Nonconforming Lots or Parcels.

(1) See Section 3.05 for pre-existing small lots.

(2) The boundaries of a lot or parcel that is nonconforming for any reason other than for being a pre-existing small lot may be altered only in a manner that decreases its degree of nonconformity.

L. Nonconforming Use of Land with No Structure. Where no structure is involved, the non-conforming use of land may be continued, provided that:

- (1) Such nonconforming use shall not be enlarged or increased, nor shall it be extended to occupy a greater area of land than occupied by such use at the time of enactment of these Regulations.
- (2) The lot on which such nonconforming use is located shall not be reduced in size.
- (3) Such nonconforming use shall not be moved, in whole or in part, to any other portion of the lot or parcel of land occupied by such use at the time of enactment of these Regulations.
- (4) If such non-conforming use of land or any portion thereof ceases for any reason whatsoever for one hundred twenty (120) consecutive days or for a total of six (6) months in a one year period, any future use of such land shall be in compliance with all provisions of these Regulations.

3.12 Alteration of Existing Grade

A. Permit Required. The removal from land or the placing on land of fill, gravel, sand, loam, topsoil, or other similar material in an amount equal to or greater than twenty (20) cubic yards, except when incidental to or in connection with the construction of a structure on the same lot, shall require the approval of the Development Review Board. The Development Review Board may grant such approval where such modification is requested in connection with the approval of a site plan, planned unit development or subdivision plat. This section does not apply to the removal of earth products in connection with a resource extraction operation (see Section 13.16, Earth Products.)

B. Standards and Conditions for Approval.

- (1) The Development Review Board shall review a request under this Section for compliance with the standards contained in this sub-Section 3.12(B). and Section 3.07, Height of Structures of these regulations. An application under Section 3.12(A) above shall include the submittal of a site plan, planned unit development or subdivision plat application showing the area to be filled or removed, and the existing grade and proposed grade created by removal or addition of material.
- (2) The Development Review Board, in granting approval may impose any conditions it deems necessary, including, but not limited to, the following:
 - (a) Duration or phasing of the permit for any length of time.
 - (b) Submission of an acceptable plan for the rehabilitation of the site at the conclusion of the operations, including grading, seeding and planting, fencing, drainage, and other appropriate measures.
 - (c) Provision of a suitable bond or other security in accordance with Section 15.15 adequate to assure compliance with the provisions of these Regulations.
 - (d) Determination of what shall constitute pre-construction grade under Section 3.07, Height of Structures.

3.13 General Performance and Maintenance Standards

A. Purpose of Performance Standards. Consistent with the general purposes of these regulations, performance standards (see Appendix A) shall set specific controls on potentially objectionable external aspects of such non-residential uses so as to:

- (1) Reduce to a reasonable minimum the dissemination of smoke, gas, dust, odor, or other atmospheric pollutant outside the structure or beyond the property boundaries in which the use is conducted.
- (2) Control noise and light trespass beyond the boundaries of the site of the use.
- (3) Prevent the discharge of untreated wastes into any watercourse or waterbody.
- (4) Prevent the dissemination of vibration, heat, or electromagnetic interference beyond the immediate site on which the site is located.
- (5) Prevent physical hazard by reason of biohazard, fire, explosion, radiation, or any similar cause.
- (6) Regulate and control the generation and flow of vehicular traffic so as to prevent hazardous conditions, traffic congestion, and excessive noise in the streets.

B. Hazardous Conditions Prohibited. No land or structure in any district shall be used or occupied in any manner so as to cause hazardous or objectionable conditions to exist or to in any way endanger users of the site or the surrounding area. Such hazardous or objectionable conditions include but are not limited to dangerous, injurious, noxious or otherwise objectionable biohazard, fire, explosive, or other hazard; or to create any noise, vibration, smoke, dust, odor, air pollution, heat, cold, dampness, electromagnetic or radioactive radiation, glare, toxicity or other hazardous or objectionable condition on the site or in the surrounding area.

C. Performance Standards. The use of any substance or process so as to create any hazardous or objectionable condition on the site or in the surrounding area shall be prohibited except at levels in conformance with the requirements of this section and the performance standards listed in Appendix A, Performance Standards.

D. Review of Performance Standards.

- (1) The Administrative Officer shall withhold a zoning permit or certificate of occupancy until satisfied that the proposed construction or use will comply with the performance standards in Appendix A, Performance Standards.
- (2) Continued performance with such standards, once applicable, shall be a requirement for the continuance of any certificate of occupancy.
- (3) Furthermore, the Administrative Officer, upon determination at any time that a use is exceeding or may exceed performance standards or will in any way create potentially hazardous conditions shall require an application for conditional use review under the requirements of Article 14, Conditional Use Review and this section.

E. Required Information. Evidence of application for state and/or federal permits for the handling of potentially hazardous conditions, and/or the following information, at minimum, may be required for determination of compliance with performance standards or for conditional use review of potentially hazardous conditions:

- (1) Description of proposed machinery, operations, and products.
- (2) Amount and nature of materials to be used.
- (3) Mechanisms and techniques to be used in restricting the emission of any hazardous and objectionable elements, as well as projected or actual emission levels.
- (4) Method of delivery and disposal or recycling of any hazardous elements.
- (5) Other information as may be necessary.

F. Conditions of Approval. The Development Review Board, in granting conditional use approval, may condition an approval to require evidence of the issuance of applicable state and/or federal permits for the handling of hazardous conditions prior to the issuance of a zoning permit, and may also impose conditions on the following:

- (1) Size and construction of structures, quantities of materials, storage locations, handling of materials, and hours of operation.
- (2) Warning systems, fire controls and other safeguards.
- (3) Provision for continuous monitoring and reporting.
- (4) Other restrictions as may be necessary to protect public health and safety.

3.14 Reasonable Accommodation to Ensure Reasonable Access to Housing

A. Policy. It is the policy of the City of South Burlington, pursuant to the federal Fair Housing Amendments Act of 1988 and the Vermont Fair Housing and Public Accommodations Act, to provide individuals with disabilities reasonable accommodation to ensure equal access to housing. This section establishes the procedure for making requests for reasonable accommodation under these Land Development Regulations. As used herein, "disability" shall have the same meaning as ascribed to the term disability under 9 V.S.A §4501(2) and the term handicap under 42 U.S.C. §3602(h).

B. Request for Reasonable Accommodation. Any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities may make a request for reasonable accommodation. A request for reasonable accommodation shall be in writing and provide the following information:

- (1) Name and address of the individual(s) requesting reasonable accommodation;
- (2) Name and address of the property owner(s);
- (3) Address of the property for which accommodation is requested;

- (4) Description of the requested accommodation and the section of the regulation for which accommodation is sought; and
- (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

While a request for reasonable accommodation is pending, all regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect. A reasonable accommodation shall not affect an applicant's obligations to comply with other applicable provisions of these regulations not at issue in the requested accommodation.

C. Review. A request for reasonable accommodation shall be reviewed by the Administrative Officer or Development Review Board, as set forth in these Regulations by type of review. The decision to grant, grant with conditions, or deny a request for reasonable accommodation shall be based on the following factors:

- (1) Whether the housing which is the subject of the request for reasonable accommodation will be used by an individual with a disability;
- (2) Whether the requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy housing of his or her choice;
- (3) Whether the requested accommodation would require a fundamental alteration in the nature of these Land Development Regulations, and;
- (4) Whether the requested accommodation would impose an undue financial or administrative burden on the City.

The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the Administrative Officer or Board's findings on these criteria. All written decisions shall give notice of an interested person's right to appeal the Administrative Officer's decision to the Development Review Board under section 17.13, or the Development Review Board's decision to the Environmental Court under 24 V.S.A. 4471 .

3.15 Residential and Commercial Building Energy Standards

A. Applicability. This section shall apply to the construction and subsequent alteration of all new principal buildings beginning December 1, 2015, or the date that this Section 3.15 becomes effective, whichever is later.

B. Residential Building Energy Standards (RBES). Residential buildings, as defined by 30 V.S.A. section 51(a)(2), that are principal building, shall comply with the Stretch Code, as defined by 30 V.S.A. section 53(a). Such buildings for which the RBES Certificate certifying compliance with the Stretch Code is not recorded in the South Burlington Land Records shall be deemed land development without a zoning permit in violation of these Regulations.

C. Commercial Building Energy Standards (CBES). Commercial buildings, as defined by 30 V.S.A. section 53(a), that are principal buildings, shall comply with the Commercial Building Energy Standards Stretch Code Guideline, as prepared and revised by the Vermont Public Service Department. If no such

Guideline exists, it shall not be applied. Such buildings for which the CBES Certificate certifying compliance with the CBES and Guideline is not recorded in the South Burlington Local Records shall be deemed land development without a zoning permit in violation of these Regulations.

4 RESIDENTIAL DISTRICTS

- 4.01 Residential 1 District
- 4.02 Residential 2 District
- 4.03 Residential 4 District
- 4.04 Residential 7 District
- 4.05 Residential 12 District
- 4.06 Residential 7 with Neighborhood Commercial District
- 4.07 Lakeshore Neighborhood District
- 4.08 Queen City Park District

4.01 RESIDENTIAL 1 DISTRICT - R1

A. Purpose. A Residential 1 District is hereby formed in order to encourage low-density single-family residential uses. This district is located in areas where low densities are necessary to protect scenic views and cultural resources, and to provide compatibility with adjacent natural areas. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Permitted Uses. Those uses indicated in Table C-1, Table of Uses, and accessory uses to those uses.

D. Conditional Uses. Those uses indicated in Table C-1, Table of Uses, and approved pursuant to Article 14, and accessory uses to those uses.

E. Area, Density, and Dimensional Requirements. In the Residential 1 District, all requirements of this Section 4.01 and Table C-2, Dimensional Standards shall apply, as specified by sub-district (R1-PRD, R1-Lakeshore, R1-Lakeview).

F. Planned Unit Development.

(1) For lots within the Residential 1 District that are five (5) acres in size or more and designated "R1-PRD" on the Official Zoning Map, a Planned Unit Development may be permitted at a maximum of four (4) units per acre subject to all applicable provisions of this section and Article 15. Multi-family dwellings shall be limited to a maximum of four (4) dwelling units per structure.

(2) For lots within the Residential 1 District that are five (5) acres in size or more and designated "R1-Lakeshore" on the Official Zoning Map, a Planned Unit Development may be permitted at a maximum of seven (7) units per acre subject to all applicable provisions of this section and Article 15. Multi-family dwellings shall be limited to a maximum of six (6) dwelling units per structure.

(3) For lots of any size within the Residential 1 District that are designated "R1-Lakeview" on the Official Zoning Map, a Planned Unit Development may be permitted at a maximum of three (3) units per acre subject to all applicable provisions of this section and Article 15. Multi-family dwellings shall be limited to a maximum of three (3) dwelling units per structure.

G. Additional Standards. Multi-Family dwelling units shall be subject to site plan review, as per Article 14, and, except as stated in subsection 4.01(F) of these Regulations, shall be limited to a maximum of four (4) dwelling units per structure.

4.02 RESIDENTIAL 2 DISTRICT - R2

A. Purpose. A Residential 2 District is hereby formed in order to encourage moderate-density residential use district. This district is located primarily in transition areas between higher density residential districts and low-density districts. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Permitted Uses. Those uses indicated in Table C-1, Table of Uses, and accessory uses to those uses.

D. Conditional Uses. Those uses indicated in Table C-1, Table of Uses, and approved pursuant to Article 14, and accessory uses to those uses.

E. Area, Density and Dimensional Requirements. In the Residential 2 District, all requirements of this Section 4.02 and Table C-2, Dimensional Standards shall apply.

F. Planned Unit Development. For lots within the Residential 2 District that are five (5) acres in size or more, a Planned Unit Development may be permitted at a maximum of four (4) units per acre subject to all applicable provisions of this section. Multi-family dwellings shall be limited to a maximum of four (4) dwelling units per structure

G. Additional Standards. Multi-Family dwelling units shall be subject to site plan review, as per Article 14, and, except as stated in subsection 4.02(F) of these Regulations, shall be limited to a maximum of four (4) dwelling units per structure.

4.03 RESIDENTIAL 4 DISTRICT - R4

A. Purpose. A Residential 4 District is hereby formed in order to encourage residential use at moderate densities that are compatible with existing neighborhoods and undeveloped land adjacent to those neighborhoods. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Permitted Uses. Those uses indicated in Table C-1, Table of Uses, and accessory uses to those uses.

D. Conditional Uses. Those uses indicated in Table C-1, Table of Uses, and approved pursuant to Article 14, and accessory uses to those uses, subject to the following standards specific to the R4 district:

- (1) Places of worship shall not be permitted on local streets within the R4 district.

E. Area, Density, and Dimensional Requirements. In the Residential 4 District all requirements of this Section 4.03 and Table C-2, Dimensional Standards, shall apply.

F. Additional Standards. Multi-family dwellings shall be subject to site plan review, as per Article 14, and shall be limited to a maximum of four (4) dwelling units per structure.

4.04 RESIDENTIAL 7 DISTRICT - R7

A. Purpose. A Residential 7 District is hereby formed to encourage high-density residential use. The district is located in areas that are near shopping areas, schools, and public transportation facilities and that are served by roads capable of carrying high traffic volumes. Offices and specified other commercial uses may be permitted within the district in locations that have direct access to arterial and collector streets and that will not adversely affect residential properties. Any use not expressly permitted is prohibited except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Permitted Uses. Those uses indicated in Table C-1, Table of Uses, and accessory uses to those uses.

D. Conditional Uses. Those uses indicated in Table C-1, Table of Uses and approved pursuant to Article 14, and accessory uses to those uses, subject to the following standards specific to the R7 district:

- (1) Places of worship and affiliated educational facilities; such facilities shall not be permitted on local streets within the R7 district.

E. Area, Density, and Dimensional Requirements. In the Residential 7 District all requirements of this Section 4.04 and Table C-2, Dimensional Standards, shall apply.

F. Additional Standards. Multi-family dwellings shall be subject to site plan review, as per Article 14.

4.05 RESIDENTIAL 12 - R12

A. Purpose. A Residential 12 District is hereby formed to encourage high-density residential use. The district is located in areas that are near shopping areas, schools, and public transportation facilities and that are served by roads capable of carrying high traffic volumes. Offices and specified other commercial uses may be permitted within the district in locations that have direct access to arterial and collector streets and that will not adversely affect residential properties. Any use not expressly permitted is prohibited except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Planned Unit Development. Planned Unit Developments shall be required in R12 districts.

D. Permitted Uses. Those uses indicated in Table C-1, Table of Uses, and accessory uses to those uses.

E. Conditional Uses. Those uses indicated in Table C-1, Table of Uses and approved pursuant to Article 14, and accessory uses to those uses, subject to the following standards specific to the R12 district:

- (1) Places of worship and affiliated educational facilities; such facilities shall not be permitted on local streets within the R12 district

F. Area, Density, and Dimensional Requirements. In the Residential 12 District all requirements of this Section 4.05 and Table C-2, Dimensional Standards, shall apply.

4.06 RESIDENTIAL 7 WITH NEIGHBORHOOD COMMERCIAL DISTRICT - R7-NC

A. Purpose. In certain Residential 7 Districts, there may be a community need for a neighborhood commercial area. These commercial areas are intended to serve the convenience shopping needs of local residents and employees. Their location and design are intended to make them accessible both by vehicle and by foot, thereby somewhat reducing traffic volume in the immediate vicinity. In these areas, businesses offering goods and services will be limited in allowed floor area and use as per the regulations set forth below; such regulations generally follow existing Commercial 1. District regulations. Such districts shall be considered non-residential districts for purposes of these Regulations.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Permitted and Conditional Uses. Those uses indicated in Table C-1, Table of Uses, and accessory uses to those uses.

D. Lot, Area, and Dimensional Requirements. The lot, area, and dimensional requirements shall be those set forth in Table C-2, Dimensional Standards, for C1 Districts. Provisions of Article 3 and Table C-2, Dimensional Standards, may be modified by the Development Review Board in accordance with the conditions and objectives of this Section 4.06.

E. Additional Standards.

- (1) Non-residential development and multi-family development shall be subject to site plan review, as set forth in Article 14.
- (2) Multiple structures and multiple uses within structures may be allowed, if the Development Review Board determines that the subject site has sufficient frontage, lot size, and lot depth. Area and frontage requirements may be met by the consolidation of contiguous lots under separate ownership. Construction of a new public street may serve as the minimum frontage requirements.

- (3) Access, parking, and internal circulation:
- (a) Parking requirements may be modified, depending in the extent of shared parking, the presence of sidewalks or recreation paths, and residences lying within walking distance (defined as no further than one-fourth of mile for purposes of this zoning district). Any requirements for shared access and/or parking must be secured by permanent legal agreements acceptable to the City Attorney.
 - (b) Parking areas shall be designed for efficient internal circulation and the minimum number of curb cuts onto the public roadway.
 - (c) Access improvements and curb cut consolidation may be required.
 - (d) Where existing residential dwellings are converted to nonresidential use, the residential appearance of the structure shall be retained.
- (4) Commercial properties that abut residential districts shall provide a screen or buffer along the abutting line, as per Section 3.06(l) and Section 13.06 of these Regulations.

4.07 LAKESHORE NEIGHBORHOOD DISTRICT LN

A. Purpose. A Lakeshore Neighborhood District (LN) is hereby formed in order to encourage residential use at densities and setbacks that are compatible with the existing character of the lake shore neighborhoods located in the vicinity of Bartlett Bay Road and Holmes Road. The district is designed to promote the area's historic development pattern of smaller lots and minimal setbacks. This district encourages the conversion of seasonal homes to year round residences. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Permitted Uses. Those uses indicated in Table C-1, Table of Uses, and accessory uses to those uses.

D. Conditional Uses. Those uses indicated in Table C-1, Table of Uses and approved pursuant to Article 14, and accessory uses to those uses.

E. Area, Density, and Dimensional Requirements. In the Lakeshore Neighborhood District all requirements of this Section 4.07 and Table C-2, Dimensional Standards, as well as Section 4.08(F) (Height of Structures), shall apply.

4.08 QUEEN CITY PARK DISTRICT QCP

A. Purpose. A Queen City Park District (QCP) is hereby formed in order to encourage residential use at densities and setbacks that are compatible with the existing character of the Queen City Park neighborhood. It is designed to promote the area's historic development pattern of smaller lots and reduced setbacks. This district also encourages the conversion of seasonal homes to year round residences. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Permitted Uses. Those uses indicated in Table C-1, Table of Uses, and accessory uses to those uses.

D. Conditional Uses. Those uses indicated in Table C-1, Table of Uses and approved pursuant to Article 14, and accessory uses to those uses.

E. Area, Density, and Dimensional Requirements. In the Queen City Park District all requirements of this Section 4.08 and Table C-2, Dimensional Standards shall apply.

F. Nonconforming Structures. Structures in the Queen City Park District shall be subject to the provisions of Article 3, Section 3.11, nonconformities, and to the following requirements and restrictions:

- (1) Any nonconforming structure may be altered provided such work does not:
 - (a) Exceed in aggregate cost thirty-five percent (35%) for residential properties and twenty-five percent (25%) for nonresidential properties of the fair market value as determined by the City Assessor or by a separate independent appraisal approved by the Administrative Officer; or
 - (b) Involve an increase to the structure's height or footprint, or otherwise involve an increase to the square footage of the building or structure.
- (2) The Development Review Board may approve any alteration which exceeds the thirty-five and twenty-five percent rule described above or which involves an increase to the structure's height, footprint or square footage subject to the provisions of Article 14, Conditional Use Review.
- (3) The Development Review Board shall determine that the proposed alteration or expansion will not adversely affect:
 - (a) Views of adjoining and/or nearby properties;
 - (b) Access to sunlight of adjoining and/or nearby properties; and
 - (c) Adequate on-site parking.

G. Additional Standards.

- (1) Development, construction, and alterations within the QCP District within one hundred (100) linear feet of the center line of Potash Brook shall be subject to the requirements of the Potash Brook Overlay District.
- (2) Multi-family dwellings shall be subject to site plan review, as per Article 14, and shall be limited to a maximum of four (4) dwelling units per structure.

5 COMMERCIAL DISTRICTS

- 5.01 Commercial 1 (C1)
- 5.02 Commercial 1 with Automobile Sales (C1-AUTO)
- 5.03 Commercial 1 with Airport-Related Uses (C1-AIR)
- 5.04 Commercial 1 with Limited Retail (C1-LR)
- 5.05 Commercial 2 (C2)
- 5.06 Swift Street District (SW)
- 5.07 Allen Road District (AR)
- 5.08 Supplemental Standards for Commercial Districts

5.01 COMMERCIAL 1 - C1

A. Purpose. A Commercial 1 District is hereby formed in order to encourage the location of general retail and office uses in a manner that serves as or enhances a compact central business area. Other uses that would benefit from nearby access to a central business area, including clustered residential development and small industrial employers, may be permitted if they do not interfere with accessibility and continuity of the commercial district. Large-lot retail uses, warehouses, major industrial employers, and incompatible industrial uses shall not be permitted. Planned Unit Developments are encouraged in order to coordinate traffic movements, promote mixed-use developments, provide shared parking opportunities, and to provide a potential location for high - traffic generating commercial uses. Any uses not expressly permitted are prohibited, except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Uses. In the Commercial 1 District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses, and accessory uses to those uses.

D. Area, Density, and Dimensional Requirements. In the Commercial 1 District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards.

E. Residential Development Density. In the Commercial 1 District, those areas of the Commercial 1 district generally in the vicinity of the intersection of Dorset Street and Williston Road, and Williston Road and Interstate Highway 89, and which are designated as "C1-R12" on the South Burlington Zoning Map shall have a maximum allowable residential density of twelve (12) units per acre. Those areas of the Commercial 1 district generally in the vicinity of Shelburne Road and designated as "C1-R15" on the South Burlington Zoning Map shall have a maximum allowable residential density of fifteen (15) units per acre.

F. Additional Standards.

- (1) All applications within the Commercial 1 District shall be subject to the supplemental standards in Section 5.08.
- (2) Applications for a drive-through facility shall be subject to conditional use review and the following restrictions at minimum:
 - (a) Compliance with Traffic Overlay District provisions, if applicable.

(b) Compliance with an approved access management plan providing for curb cut consolidation and secondary access.

(c) Mandatory technical review by a traffic consultant to determine adequate stacking lane length and aisle width.

(3) Educational facilities and educational support facilities in the Commercial 1 district shall be subject to the dimensional standards and requirements of the Institutional-Agricultural North district.

5.02 COMMERCIAL 1 WITH AUTOMOBILE SALES DISTRICT (C1-AUTO)

A. Purpose. The purpose of the C1-AUTO District is to recognize the existence of several automobile sales and service facilities in this area of the City and allow for their continued operation and improvement, while not detracting from the overall purpose of the C1 District.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. [Reserved]

D. Uses. In the Commercial 1-AUTO District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

E. Area, Density, and Dimensional Requirements. In the Commercial 1-AUTO District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards. The maximum residential density shall be fifteen (15) units per acre.

F. Additional Standards.

(1) All applications within the Commercial 1-AUTO District shall be subject to the supplemental standards in Section 5.08.

(2) Applications for a drive-through facility shall be subject to conditional use review and the following restrictions at minimum:

(a) Compliance with Traffic Overlay District provisions, if any.

(b) Compliance with an approved access management plan, providing for curb cut consolidation and secondary access.

(c) Mandatory technical review by a traffic consultant to determine adequate stacking lane length and aisle width.

5.03 COMMERCIAL 1 DISTRICT WITH AIRPORT USES C1-AIR

A. Purpose. The purpose of the Commercial 1 with Airport Uses District (C1-AIR) is to recognize the existence of airport-related support services and businesses and to encourage their location in close proximity to the Burlington International Airport. Any use not expressly permitted is prohibited, except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of south Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. [Reserved]

D. Uses. In the Commercial 1-AIR District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

E. Area, Density, and Dimensional Requirements. In the Commercial 1-AIR District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards. The maximum residential density shall be twelve (12) units per acre.

F. Additional Standards. All applications within the Commercial 1-AIR District shall be subject to the supplemental standards in Section 5.08.

5.04 Commercial 1 with Limited Retail (C1-LR)

A. Purpose. A Commercial 1 with Limited Retail C1-LR District is hereby formed in order to encourage the location of general retail at specific intersections in the city, to serve nearby residential areas. These commercial areas are intended to serve the convenience shopping needs of local residents and employees. Their location and design are intended to make them accessible both by motorized vehicle and by foot, thereby somewhat reducing traffic volume in the immediate vicinity. In these areas, businesses offering goods and services will be limited in allowed floor area and use. Such regulations generally follow existing Commercial 1 District regulations. Any uses not expressly permitted are prohibited, except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Uses. In the Commercial 1 with Limited Retail C1-LR District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

D. Area, Density, and Dimensional Requirements. In the Commercial 1 with Limited Retail C1-LR District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards. The maximum residential density shall be twelve (12) units per acre.

E. Additional Standards. All applications within the Commercial 1-LR District shall be subject to the supplemental standards in Section 5.08.

5.05 COMMERCIAL 2 DISTRICT C2

A. Purpose. A Commercial 2 District is hereby formed in order to encourage general commercial activity. In addition to uses permitted in the C1 District, large lot-retail uses, such as sale of motor vehicles and building materials, may be permitted. A range of industrial uses as well as clustered residential development may be permitted in locations that are mutually compatible with general commercial activity. Development shall be subject to site plan review to coordinate traffic movements, encourage mixed-use developments, to provide shared parking opportunities and to provide a potential location for high-traffic

generation commercial uses. Any uses not expressly permitted are prohibited except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Uses. In the Commercial 2- C2 District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

D. Area, Density, and Dimensional Requirements. In the Commercial 2 C2 District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards. The maximum residential density shall be seven (7) units per acre.

E. Additional Standards. All applications within the Commercial 2-C2 District shall be subject to the supplemental standards in Section 5.08.

5.06 SWIFT STREET DISTRICT SW

A. Purpose. In the Swift Street area of the City, residential land uses predominate but exist compatibly with non-residential uses. A Swift Street District recognizes the complex of existing land uses and densities and allows for the further development of this area. Future residential development shall be at Residential 7 densities given this area's proximity to an important arterial road with significant commercial development. Future commercial development shall be in general keeping with Commercial 1 (C1) regulations to provide for the goods and services needs of local residents.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Uses. In the SW District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

D. Area, Density, and Dimensional Requirements. In the SW District, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards. The maximum residential density shall be seven (7) units per acre.

E. Additional Standards. All applications within the SW-Swift Street District shall be subject to the supplemental standards in Section 5.08.

5.07 ALLEN ROAD DISTRICT AR

A. Purpose. In the Allen Road area of the City, residential land uses predominate but exist compatibly with light commercial, light industrial, and other non-residential uses. An Allen Road District recognizes the complex of land uses and densities here, the area's potential as a major gateway into the City from the south, and allows for the further development of this area. Future residential development shall be at Residential 12 densities given this area's proximity to an important arterial road with significant commercial development. Future commercial development shall be in general keeping with Commercial 1 (C1) regulations to provide for the goods and services needs of local residents.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Uses.

- (1) In the AR District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.
- (2) Service stations shall be permitted only on lots having frontage on Shelburne Road.

D. Area, Density, and Dimensional Requirements. In the AR, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards. The maximum residential density shall be twelve (12) units per acre.

E. Additional Standards. All applications within the AR-Allen Road District shall be subject to the supplemental standards in Section 5.08.

5.08 Supplemental Standards for All Commercial Districts

A. Development according to commercial district regulations and multifamily development at the residential density specified for the applicable district shall be subject to site plan review, as set forth in Article 14, the purpose of which shall be to encourage innovation of design and layout, encourage more efficient use of land for commercial development, promote mixed-use development and shared parking opportunities, reduce stormwater runoff and maximize infiltration, provide coordinated access to and from commercial developments via public roadways, and maintain service levels on public roadways with a minimum of publicly financed roadway improvements.

B. Multiple structures, multiple uses within structures, and multiple uses on a subject site may be allowed, if the Development Review Board determines that the subject site has sufficient frontage, lot size, and lot depth. Area requirements and frontage needs may be met by the consolidation of contiguous lots under separate ownership. Construction of a new public street may serve as the minimum frontage needs. Where multiple structures are proposed, maximum lot coverage shall be the normal maximum for the applicable district.

C. Parking, Access, and Internal Circulation

- (1) Parking requirements may be modified, depending in the extent of shared parking, the presence of sidewalks or recreation paths, and residences lying within walking distance (defined as no further than one-quarter (¼) mile for purposes of commercial zoning districts). Any requirements for shared access and/or parking must be secured by permanent legal agreements acceptable to the City Attorney.
- (2) Parking areas shall be designed for efficient internal circulation and the minimum number of curb cuts onto the public roadway.
- (3) Access improvements and curb cut consolidation may be required.

D. Commercial properties that abut residential districts shall provide a screen or buffer along the abutting line in accordance with Section 3.06(l) of these Regulations.

6 INDUSTRIAL and AIRPORT DISTRICTS

- 6.01 Mixed Industrial-Commercial District IC
- 6.02 Airport District AIR
- 6.03 Airport Industrial District AIR-I
- 6.04 Industrial-Open Space District I-O
- 6.05 Supplemental Standards for Industrial and Airport Districts

6.01 MIXED INDUSTRIAL-COMMERCIAL DISTRICT IC

A. Purpose. The Mixed Industrial-Commercial District is formed to encourage general industrial and commercial activity in areas of the City served by major arterial roadways and with ready access to Burlington International Airport. The Mixed Industrial- Commercial district encourages development of a wide range of commercial, industrial and office uses that will generate employment and trade in keeping with the City's economic development policies. These uses are encouraged in locations that are compatible with industrial activity and its associated land use impacts. Major commercial uses, such as supermarkets and shopping centers shall not be permitted. Any uses not expressly permitted are prohibited, except those that are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Review Procedures. All applications for development within the IC district shall be reviewed pursuant to the site plan provisions of Article 14, unless the PUD or subdivision provisions control.

D. Uses. In the IC District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

E. Area, Density, and Dimensional Requirements. In the IC district, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards.

F. Additional Standards. All applications within the IC District shall be subject to the supplemental standards in Section 6.05.

6.02 AIRPORT DISTRICT AIR

A. Purpose. The Airport District is formed to facilitate the development and operation of Burlington International Airport, the Vermont Air National Guard, and associated facilities, while providing standards for review and development that improve the compatibility of these uses with surrounding residential and commercial uses. Any uses not expressly permitted are prohibited, except those which are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Review Procedures. All applications for development within the AIR district shall be reviewed pursuant to the site plan provisions of Article 14, unless the PUD or subdivision provisions control.

D. Uses. In the AIR District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

E. Area, Density, and Dimensional Requirements. In the AIR district, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards.

F. Additional Standards. All applications within the AIR District shall be subject to the supplemental standards in Section 6.05 and the following additional standards:

- (1) No use shall be permitted which will produce electrical interference with radio communications or radar operations at the Airport.
- (2) No lights or glare shall be permitted which could interfere with vision or cause confusion with airport lights.
- (3) No use shall be permitted which could obstruct the aerial approaches to the Airport.
- (4) All uses shall comply with all applicable provisions of the Federal Aviation Administration, and any other federal or state regulations pertaining to airports.

6.03 AIRPORT INDUSTRIAL DISTRICT AIR-I

A. Purpose. In areas proximate to the Airport, an Airport Industrial AIR-I District is established to provide sufficient land area for the Vermont Air National Guard and Airport-related uses, support facilities, and commercial activities that may be incompatible with general residential or commercial uses. The standards and regulations for the Airport Industrial District recognize the importance of these facilities and uses to the operation of the City and regional economies while providing appropriate setbacks and buffering to offset their impacts on adjacent land uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Review Procedures. All proposed development within the AIR-I district shall be reviewed pursuant to the planned unit development provisions of these regulations.

D. Uses. In the AIR District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

E. Area, Density, and Dimensional Requirements. In the AIR district, area, density, and dimensional requirements shall be those shown in Table C-2, Dimensional Standards.

F. Additional Standards. All applications within the AIR District shall be subject to the supplemental standards in Section 6.05 and the following additional standards:

- (1) No use shall be permitted which will produce electrical interference with radio communications or radar operations at the Airport.

- (2) No lights or glare shall be permitted which could interfere with vision or cause confusion with airport lights.
- (3) No use shall be permitted which could obstruct the aerial approaches to the Airport.
- (4) All uses shall comply with all applicable provisions of the Federal Aviation Administration, and any other federal or state regulations pertaining to airports.

6.04 INDUSTRIAL-OPEN SPACE DISTRICT IO

A. Purpose. The Industrial-Open Space IO District is established to provide suitable locations for high-quality, large-lot office, light industrial and research uses in areas of the City with access to major arterial routes and Burlington International Airport. The IO District regulations and standards are intended to allow high-quality planned developments that preserve the generally open character of the district, minimize impacts on natural resources and water quality, and enhance the visual quality of approaches to the City while providing suitable locations for employment and business growth. The location and architectural design of buildings in a manner that preserves these qualities is strongly encouraged. Any uses not expressly permitted are prohibited, except those which are allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Review Procedures. All proposed development within the IO district shall be reviewed initially pursuant to the planned unit development provisions of these regulations. The DRB may condition PUD approvals involving the creation of individual lots for development to allow subsequent applications for development of individual lots to be reviewed pursuant to the standards and procedures for site plan review in Article 14 of these regulations.

D. Uses. In the IO District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

E. Area, Density, and Dimensional Requirements.

- (1) In the IO district, area, density, and dimensional requirements shall be those shown in, Table C-2, Dimensional Standards.
- (2) The minimum lot size of an individual lot within a PUD may be modified by the Development Review Board provided the overall tract of land involved in the PUD complies with the minimum and average lot size requirements for the IO district.

F. Additional Standards. All applications within the IO District shall be subject to the supplemental standards in Section 6.05.

6.05 Supplemental Standards for Industrial and Airport Districts

A. Site plan or PUD review required. Development according to industrial and airport district regulations shall be subject to site plan or planned unit development review as specified above, the purpose of which shall be to encourage innovation of design and layout, encourage more efficient use of land for development, promote shared parking opportunities, provide coordinated access to and from commercial developments via public roadways, and maintain service levels on public roadways with a minimum of publicly financed roadway improvements.

B. Multiple structures and uses permitted. Multiple structures, multiple uses within structures, and multiple uses on a subject site may be allowed, if the Development Review Board determines that the subject site has sufficient frontage, lot size, and lot depth. Area and frontage requirements may be met by the consolidation of contiguous lots under separate ownership. Construction of a new public street may serve as the minimum frontage requirements. Where multiple structures are proposed, maximum lot coverage shall be the normal maximum for the applicable districts.

C. Parking, Access, and Internal Circulation

- (1) Parking requirements may be modified, depending in the extent of shared parking, the presence of sidewalks or recreation paths, and residences lying within walking distance (defined as no further than one-quarter (¼) mile for purposes of these districts). Any requirements for shared access and/or parking must be secured by permanent legal agreements acceptable to the City Attorney.
- (2) Parking shall be placed to the side or rear of the structures if possible.
- (3) Parking areas shall be designed for efficient internal circulation and the minimum number of curb cuts onto the public roadway.
- (4) Access improvements and curb cut consolidation may be required.

D. Buffer strip. Properties in the Airport, Mixed Industrial Commercial, Industrial Open Space and Airport Industrial districts that abut residential districts shall provide a screen or buffer along the abutting line, as per Section 3.06(I) (buffers).

7 OTHER DISTRICTS

7.01 Institutional and Agricultural District (IA)

7.02 Park and Recreation District (PR)

7.03 Municipal District (MU)

7.01 Institutional and Agricultural District I-A

A. Purpose. It is the purpose of the Institutional and Agricultural District to provide for the educational, conservation, research and agricultural operations of the University of Vermont on its properties within South Burlington. It is the further purpose of the Institutional and Agricultural District to provide for the integration of University-related uses into the City's overall land use pattern through the use of appropriate site planning techniques that promote a beneficial pattern of access, circulation, landscaping, and pedestrian connections between University properties and adjacent neighborhoods. The more intensive nature of the University's properties adjacent to the main campus along Williston Road and the more open, undeveloped character of the properties farther south of the main campus along Spear and Swift Street are also recognized in these land development regulations.

To implement these objectives, properties within the Institutional-Agricultural District are designated as Institutional-Agricultural North ("IANORTH") or Institutional-Agricultural South ("IA-SOUTH") on the South Burlington Zoning Map and references are made herein to IA-NORTH and IA-SOUTH properties. Any uses not expressly permitted are prohibited, except those uses allowed as conditional uses.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington's adopted Comprehensive Plan, and are in accord with the policies set forth therein.

C. Uses. In the Institutional and Agricultural District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

D. Area, Density and Dimensional Requirements. In the Institutional-Agricultural District, all requirements of this Section 7.01 and Table C-2, Dimensional Standards shall apply.

E. Additional Standards. All applications within this District shall be subject to the following additional standards:

(1) For properties in the Institutional-Agricultural district west of Spear Street and north of Quarry Hill Road, an undeveloped area shall be maintained for a minimum of sixty-five (65) feet between the boundary of any adjacent residential zoning district and any new non-residential structure. The DRB may require landscaping or other suitable screening in accordance with the provisions of Section 3.06 of these Regulations to ensure adequate buffering between new non-residential structures and adjacent residential districts.

(2) For all other properties in the Institutional-Agricultural district, an undeveloped area shall be maintained for a minimum of one hundred (100) feet between the boundary of any adjacent residential zoning district. The yard shall be kept free of buildings, structures, parking lots and facilities, and access drives other than those required to cross through the required yard. The DRB may require landscaping or other suitable screening in accordance with the provisions of Section 3.06 of these Regulations to ensure adequate buffering between new non-residential structures and adjacent residential districts.

(3) Educational facilities and educational support facilities in the Commercial 1 district shall be subject to the dimensional standards and requirements of the Institutional-Agricultural North district.

(4) Educational Support Facility. Any Educational Support Facility shall be designed and intended to function as a complement to the intended educational use of the property. Such uses shall be secondary to the principal educational use of the property and shall be intended to principally serve students, faculty, and staff of the educational use.

7.02 Park and Recreation District PR

A. Purpose. A Park and Recreation District is hereby formed in order to provide for the recreational needs of the City's residents, to provide a balance between developed recreation areas and natural recreation areas, to integrate private parks into the recreation system, and to make recreation areas accessible to all residents regardless of physical ability.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington's adopted Comprehensive Plan, and are in accord with the policies set forth therein.

C. Uses. In the Parks and Recreation District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

D. Area, Density and Dimensional Requirements. In the Park and Recreation District, all requirements of this Section 7.02 and Table C-2, Dimensional Standards shall apply.

E. Additional Standards. All applications within this District shall be subject to the following additional standards:

- (1) The proposed use will provide an affirmative public benefit to the City and its citizens.
- (2) The proposed use will be compatible with and protect the ability to preserve public recreational use and planned open spaces and natural areas on the project site.
- (3) The proposed use will include areas that may be used or accessed by the general public.

7.03 Municipal District MU

A. Purpose. A Municipal District is hereby formed to provide for public schools, municipal services including but not limited to administration, police, fire, water, street, and sewer services, landfills, operations of other municipal corporations as set forth in 24 VSA [municipal corporations such as CSWD], and other municipal uses, excluding public recreation.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington's adopted Comprehensive Plan, and are in accord with the policies set forth therein.

C. Uses. In the Municipal District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

D. Area, Density and Dimensional Requirements. In the Municipal District, all requirements of this Section 7.03 and Table C-2, Dimensional Standards shall apply.

E. Additional Standards. All applications within this District shall be subject to the following additional standards

- (1) The proposed use will provide an affirmative public benefit to the City and its citizens.
- (2) The proposed use will be compatible with and protect the ability to preserve public recreational use and planned open spaces and natural areas on the project site

8 CITY CENTER FORM BASED CODE DISTRICT

- 8.01 Purpose
- 8.02 Applicability
- 8.03 Land Development and Building Placement
- 8.04 Blocks, streets, and alley
- 8.05 Parking
- 8.06 Special Standards
- 8.07 Prohibited Materials
- 8.08 Open Space Requirements
- 8.09 Uses Allowed and Changes of Use
- 8.10 Review Procedures
- 8.11 Nonconformities
- 8.12 City Center T3 and T3+ Neighborhood
- 8.13 Urban Multi-Use Building Envelope Standards
- 8.14 T-5 Building Envelope Standards
- 8.15 City Center FBC Master Plan Review and Approval [Reserved]

8.01 Purpose

A. Purpose. The City Center Form Based Code (FBC) District is a standalone zoning district with boundaries established on the Official Zoning Map, and has specific rules and standards set forth below which apply solely in the City Center Form Based Codes District. The FBC District implements a form based zoning regulation applicable to the City Center (either the "Code" or the "FBC") which encourages sustainable retail, commercial and mixed use development of open land, redevelopment of existing mixed use land and preservation and improvement of residential areas through pedestrian and bicycle connectivity.

The FBC District (this article) is designed to maintain and foster improvement to the FBC District's existing structures and encourage new development and infrastructure that incorporates planned transportation corridors with walking and bicycling coincidental with the automobile. This District aims to preserve the existing residential fabric while stimulating new mixed use growth that facilitates a safe and economically self-sustaining place to live and work. Future development within the City Center FBC District and its Transect Zones shall be of a form of built environment that creates and protects development patterns that are compact, pedestrian oriented and mixed use. Available parking will be a mix of parallel and diagonal on-street and screened off- street. Adequate space for walking, interconnectedness of neighborhoods and convenient parking areas will characterize the district so that there will be a mix of uses within walking distance of dwellings and parking.

Solely for illustrative purposes, photographs or real world examples of the Building Type options for the City Center FBC District are available in "The Illustrative Guide to the Building Types allowed in each Transect Zone of the City Center Form Based Code District."

8.02 Applicability

A. City Center Form Based Code District and Form Based Code. The City Center FBC District is allocated among different areas, known as Transect Zones, to reflect the different nature and densities of existing and anticipated development. The City Center FBC District Transect Zones are named T-5, T-4,

T-3, T-3+ and T-1 and are shown on the Zoning Map. Each Transect Zone is governed by its respective Building Envelope Standards (BES), attached hereto in Sections 8.12 – 8.14 hereof, and Street Typology, attached hereto in Article 11 hereof. The Zoning Map, Building Envelope Standards and Street Typology are binding within the City Center Form Based Code (FBC) District and are made a part hereof.

(1) The T1 Transect Zone depicts stream buffer, wetland, and wetland buffer areas on the Official Zoning Map. Stream buffer, wetland, and wetland buffer areas are shown for illustrative purposes only. Depicted stream buffer, wetland, and wetland buffer boundaries are approximate. The diagram should not be construed as showing all stream buffers, wetland, and wetland buffer areas, nor the precise locations of such stream buffers, wetland, or wetland buffer areas. Stream buffer, wetland, and wetland buffer delineation for permitting purposes must be determined in accordance with Article 10 and 12 of the South Burlington Land Development Regulations, as applicable.

B. Limited Incorporation of Land Development Regulations. Articles 3, 13, 14, 15, and Appendix C of the South Burlington Land Development Regulations shall not be applicable in the City Center Form Based Code (FBC) District except the following sections:

3.01 - 3.05, Table 3-1, Figures 3-1a & 3-1b, 3.08, 3.09(A), 3.10 (E), 3.11(F-G), 3.12 & 3.13

Article 13 shall apply as indicated within the Article.

Article 14 shall apply as indicated within the Article.

Article 15 shall apply as identified within the Article.

Where in this Article a specific section or subsection is referenced, it shall apply.

In the event of a conflict between the Building Envelope Standards or Street Typology and other portions of these Regulations, the Building Envelope Standards and Street Typology shall control.

8.03 Land Development and Building Placement

A. Land Development. No land development shall be permitted except in full compliance with the applicable Building Envelope Standards (BES) and this Article. See also Section 8.11, non-conformities.

B. Building Placement. All new buildings, and all additions to buildings, except as permitted in a T3 Cottage Court or as permitted under Section 8.11, Nonconformities, shall include at least one building façade located entirely within a Build-to-Zone.

C. Special Requirements, Prohibitions & Exceptions

(1) For buildings on lots adjacent to Public Open Space or Parks, the building facades that are parallel to, and which abut the Public Open Space or Park, without regard to any rights-of-way, shall meet the BES applicable to Secondary Building Facades. Any such building abutting a qualifying street shall meet all BES applicable to such street.

(2) Loading docks and other entries meant principally for deliveries shall not face streets, except where:

(a) They are set back a minimum of 100 feet from the building façade that is parallel to and closest to the public street; and,

(b) The total width of said docks, doors, and entries does not exceed 12 feet.

(3) All loading docks and associated truck parking areas shall be screened from view from streets. In the case of a nonconforming loading dock and associated truck parking area, any changes to the location or configuration of the loading docks or associated truck parking areas shall require compliance with this subsection.

8.04 Blocks, Streets, and Alleys

A. General Standards

(1) **Purpose.** To implement the goals of the Comprehensive Plan and purposes of the City Center FBC District, including transportation, economic development, creation of an active, pedestrian-friendly environment, and to implement the intent of block standards identified within the Building Envelope Standards of each Transect Zone.

(2) Construction of streets

(a) Where a building is proposed to be located on a lot that is adjacent to a new or extended street, such street shall be constructed by the applicant pursuant to Article 15 and in accordance with the requirements of Article 11, Street Typologies.

(b) Where a building is proposed to be located on a lot that is adjacent to existing street, such street shall be upgraded pursuant to Article 15 and in accordance with requirements of Article 11, Street Typologies.

(3) **Perimeter and Length of Blocks.** The minimum / maximum perimeters and lengths of any block shall be determined by BES, except as otherwise provided for in this Article.

(4) **Frontage Buildout.** Frontage Buildout requirements for the applicable Transect Zone shall apply along all streets pursuant to the BES. See Section 8.11, Nonconformities, for development existing at the time the FBC was enacted.

(a) Where wetlands and wetland buffers and streams and stream buffers, as defined in Article 12, are located along streets and are proposed to be unaffected, the linear distance of these features along the street shall be removed from the calculation of the lot's minimum frontage buildout requirement.

(5) **Connectivity.** All existing or proposed streets shall connect directly at each end to another existing public street, or planned or proposed street listed as a qualifying street type in the applicable BES. This requirement, however, shall not apply to the planned street extending north from Barrett Street depicted on the City Center Form Based Code Primary & Secondary Street & Block Standard applicability map.

(6) **Build-to-Zones.** Build-to-Zones are established along both sides and the entire length of all public, planned, and proposed streets within the Transect Zones.

(a) In the event that a third party easement which predates the initial adoption of this Article exists within a build-to-zone prohibiting the frontage buildout to be met, the build-to-zone shall, for the length of the easement, be established along the rear edge of the easement.

B. Location of blocks and streets.

(1) Applicability of block lengths and perimeters.

(a) Exempt areas. Block lengths and block perimeters for the applicable Transect Zone shall not apply in areas shown on the Official Map as exempt from such standard, unless, pursuant to 24 VSA 4421(5), the application is to be reviewed without regard to the proposed public facility indicated on the Official Map. In such instances, block length and perimeter standards for the applicable Transect Zone shall be met.

(b) Non-exempt areas. Block lengths and block perimeters for the applicable Transect Zone shall apply for all areas shown on the Official Map as non-exempt from such standards.

(2) Public Facilities on the Official Map: Where a planned street or any other planned public feature, facility, or improvement is shown on a parcel or lot on the Official Map, the owner of such parcel or lot shall provide an irrevocable offer of dedication of such planned street or planned public feature, facility for improvement to the City at the time of an application for land development on such parcel or lot. In the event that the applicant proposes a private street, a plan clearly depicting the area of such street shall be recorded in the land records prior to the issuance of any zoning permit. The following additional standards shall apply in either instance:

(a) Where applicable, the applicant shall construct such street in accordance with the requirements of these Regulations;

(b) Where the street is proposed to be public, the minimum street right-of-way width shall be as identified within Article 11, Street Typologies;

(c) Where the City identifies a specific Street Type on the Official Map, such street shall comply with the standards for that street type in Article 11;

(d) The actual location of a street may deviate from the location identified on the Official Map within the applicant's parcel by to one quarter (1/4) of a maximum block length in the applicable Transect Zone;

(e) The actual location of a street may deviate from the location identified on the Official Map at the applicant's property line up to one quarter (1/4) of a maximum block length in the applicable Transect Zone. Such deviation shall require approval of the Development Review Board pursuant to the following:

(i) The proposed location shall connect to adjacent existing, planned, or proposed streets at each end;

(ii) The proposed location shall remain consistent with any City and Regional Planning Commission transportation corridor studies;

(iii) It shall remain possible to complete all planned and reasonably anticipated connections to adjacent properties;

(iv) The applicant shall solicit from the owners of all adjoining properties their written input or comment regarding the proposed deviation from the location identified on the Official Map and shall demonstrate to the DRB the attempt(s) to solicit this written input or comment; and,

(v) Any such deviation that results in a significant change in connections to any existing, planned, or proposed street right-of-way shall require approval by the City Council following recommendation by the Planning Commission. Any such deviation shall include an

amendment to the Official Map that depicts the revised connection between the new street location at the applicant's property line and the planned street on the adjacent parcel. For the purposes of this subsection, a significant change may include a change in the parcel(s) through which the streets are planned, any modification to an approved City or State plan for the street connection, or a change affecting the alignment of a planned or existing intersection.

(3) Standards for Non-exempt areas. In areas or circumstances that are not exempt from block length and perimeter requirements, the following standards shall apply.

(a) The applicant shall submit plans demonstrating compliance with the block standards for the entire parcel. Such submission may include phasing, and in such cases, may for future phases provide detail sufficient only to indicate that the standards of these Regulations can be met at a future time.

(b) All proposed streets shall comply with the requirements of Section A above and of the applicable Building Envelope Standards.

(c) The Development Review Board shall have the authority to modify minimum and maximum block lengths by up to 10% where it finds that:

(i) The modification will result in avoidance of impacts to a wetland, wetland buffer, stream, or stream buffer, as defined within these Regulations;

(ii) Pre-existing site conditions such as existing buildings proposed to remain, existing signalized intersections, or existing signalized curb cuts make placement of the block length within the required distance impractical or result in a detriment to vehicular or non-motorized transportation safety or efficiency, or;

(iii) The modification will result in an improved alignment of an intersection, such as aligning with an intersection on the other side of the street, or establishing a safe distance from an existing intersection;

(d) Where the DRB approves a modification of a minimum or maximum block length standard, the following shall apply:

(i) All requirements for pedestrian passages within the applicable BES shall be met; and,

(ii) Where a block length exceeds the maximum for the applicable Transect Zone, a public lane, pedestrian pass, or path as defined within the Street Typologies shall be established, creating a mid-block connection to the adjacent public street, and offered for dedication to the City. Where the applicant's property is not adjacent to a public street, a public lane, pedestrian pass, or path shall be established to the property line or to the nearest existing pedestrian infrastructure that provides perpendicular connectivity.

C. Primary and Secondary Streets. Standards for buildings and building placement along Primary and Secondary Streets are contained within the Building Envelope Standards for each Transect Zone.

D. Primary and Secondary Building Façade determination. Where a building is located on a lot that is a corner lot or through-lot, the Primary Building Façade shall be the one parallel to and closest to the street with the higher traffic count, except where:

(1) The higher traffic count street is an Interstate or Interstate ramp;

(2) The lower traffic-count street is labelled as a Primary Street and the higher traffic count-

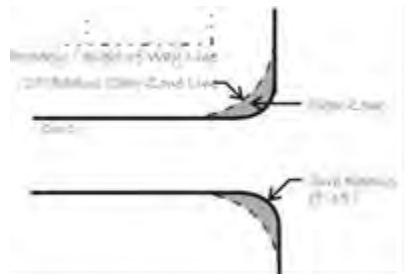
street is labelled as a Secondary Street on the Official Map;

(3) The lot has at least one hundred (100) feet of frontage on Market Street; or,

(4) Upon application to the Development Review Board, the Board finds that the application presents a unique circumstance that is in keeping with the purposes of the Transect Zone in which the project is located.

All building facades parallel to other streets and public open spaces shall be Secondary Building Façades.

E. Corner Radii; Clear zones. Corner curb radii shall be determined by Street Type within Article 11, Street Typologies. Tight turning radii are intended to shorten pedestrian crossings and inhibit drivers from turning corners at high speeds. To allow for emergency vehicles (e.g., fire trucks) to turn corners, a 25-foot radius Clear Zone shall be established free of all vertical obstructions including but not limited to telephone poles, sign poles, fire hydrants, or electrical boxes.



F. Alleys. Alleys are encouraged in the City Center Form Based Code (FBC) District to minimize curb cuts and to provide access to parking and service areas behind buildings. Alley locations and dimensions are not fixed but shall be designed to accommodate the alley's purpose.

8.05 Parking

A. On Street Parking. The selection of diagonal or parallel parking along any section of road shall be determined by Street Type and Street Typology and consultation with the Department of Public Works.

B. Off-Street Parking placement.

(1) Where all Frontage Buildout requirements have been met, off-street surface parking shall be permitted, but shall be set back a minimum of 25 feet from the closest street line.

(2) On a lot that complies with all requirements of the applicable BES, the Development Review Board may approve surface parking which is within the 25-foot setback and which is not hidden from view from the street by a building, provided:

(a) the subject parking represents the smallest practicable portion of the total parking required for the property; and,

(b) the area encompassed by the subject surface parking represents a significantly minor incursion with the 25-foot setback.

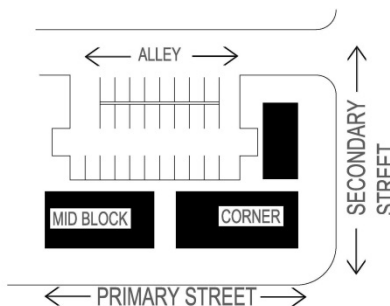
(3) Notwithstanding (1) above, no parking shall be permitted within one hundred and forty feet (140') of an existing, planned or proposed qualifying street unless the Frontage Buildout requirements for all areas between the street right-of-way and proposed parking have been met, regardless of whether such areas are on one or multiple lots with one or multi ownerships.

(a) This figure shall be reduced to eighty feet (80') where the applicant demonstrates that this area has a shared parking agreement that would allow for the development of the area without parking within this eighty-foot (80') area.

C. Structured Parking Lot Placement. Any structure located within the Build-to-Zone may contain structured parking. All such parking, however, shall be set back at least 25' from all front building facades on the first story. Such minimum 25' area shall contain uses that are allowed in the Transect Zone.

(1) Parking structures are exempt from the requirement that at least one building façade be located within a Build-to-Zone so long as Frontage Buildout requirements have been met by a principal building or buildings or liner buildings. A parking structure that is located to the rear of building(s) that comply with the Frontage Buildout for the applicable Transect Zone is exempt from glazing and door standards.

D. Access to Off Street Parking. Alleys shall be the way to access off-street parking. Parking along alleys may be head-in, diagonal, or parallel. Alleys may be incorporated into parking lots as standard drive aisles. Access to all properties adjacent to the alley shall be maintained. Access between adjacent lots and across property lines is required, as stipulated in 14.07A and 13.01F of these Regulations. Corner lots shall access parking from the secondary street (see diagram below).



8.06 Special Standards

A. Civic Sites.

(1) General. Civic sites and buildings are of special public importance. Civic Sites include municipal buildings, libraries, municipal schools, public recreation facilities, and the land on which the Civic building is located. Civic buildings do not include retail buildings, residential buildings, or privately owned office buildings.

(2) Modification of Standards. In order to provide greater flexibility to create a special architectural statement, Civic Buildings may be approved with modification of certain standards listed below. Any such review and any subsequent review shall be made by the Development Review Board following an application. In considering an application, the Board shall have the

authority to modify or waive Build-to-Zone, Glazing, Frequency of Entrances, and Frontage Buildout requirements within the Building Envelope Standards for the applicable Transect Zone. The Board shall consider the following in making its determination:

- (a) Presence of a public design process and formal recommendation from the South Burlington City Council and/or School Board;
- (b) Consistency of the design with an adopted municipal or school building design policy (if one exists);
- (c) Consistency of the project with the written purposes of the applicable Transect Zone; and,
- (d) Advancement, where appropriate, of the project with design elements specifically encouraged within the applicable Transect Zone.

(3) Exemptions. Expansions of or modification to existing municipal school buildings shall be exempt from the following requirements within the BES for the applicable Transect Zone: build-to-zone, glazing, frequency of entrances, minimum story, and frontage buildout.

(4) Limits of Authority. Civic buildings shall not be exempt from any other Building Envelope Standards within the applicable Transect Zone except as apply to any non-civic buildings.

B. Places of Worship.

(1) General, and Modification of Standards. Places of worship are of special public importance. In order to provide greater flexibility to create a special architectural statement, Places of Worship may be approved with modification of certain standards listed below. Any such review and any subsequent review shall be made by the Development Review Board following an application. In considering an application, the Board shall have the authority to modify or waive Build-to-Zone, Glazing, Frequency of Entrances, and Frontage Buildout requirements within the Building Envelope Standards for the applicable Transect Zone. The Board shall consider the following in making its determination:

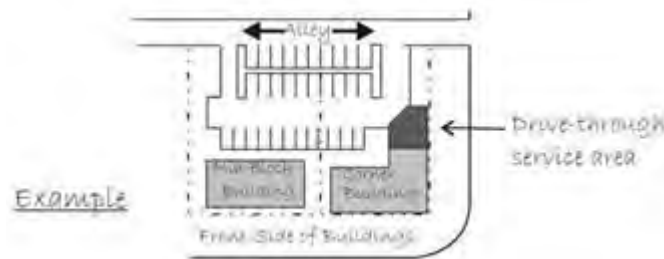
- (a) Consistency of the project with the written purposes of the applicable Transect Zone; and,
- (b) Advancement, where appropriate, of the project with specific design elements encouraged within the applicable Transect Zone.

(2) Limits of Authority. Places of Worship shall not be exempt from any other Building Envelope Standards within the applicable Transect Zone except as apply to any buildings that are not used as Places or Worship.

C. Drive Throughs. Drive-through service windows are permitted in the back of the building, in mid-block and alley-accessed locations provided they comply with all of the following standards:

(1) Queuing for drive-throughs shall not interfere with pedestrian access between the intended pedestrian entrance to the building and any off-street parking for the building or public street sidewalk access to the building;

- (2) For mid-block lots, drive through service windows shall face the rear lot line. In the case of a mid-block through-lot, drive-through service windows shall face the side lot line opposite the primary building façade;
- (3) For corner lots, drive through service windows shall be hidden by the building along all public streets (see diagram below);
- (4) Drive-throughs shall conform to all applicable BES and shall not be exempt from any standard in these regulations that requires a minimum of two (2) stories; and,
- (5) Applications for a drive-through facility shall not be deemed complete without a mandatory technical review by a traffic consultant to determine adequate stacking lane length.



D. Service Stations. Service Stations are permitted in the rear, in mid-block and alley -accessed locations provided they comply with the all of following standards:

- (1) No service station shall be located within 300 linear feet of a civic site;
- (2) Queuing for service stations shall not interfere with pedestrian access between the intended pedestrian entrance to the building and any off-street parking for the building or public street sidewalk access to the building;
- (3) For mid-block lots, fuel pumps, fueling canopies and commercial electric car charging stations shall face the rear lot line;
- (4) For corner lots, fuel pumps, fueling canopies and commercial electric car charging stations shall be hidden by the building along all public streets
- (5) Service stations shall conform to all applicable BES and shall not be exempt from any minimum two (2) story requirement.

E. Buffer Strip. Where a Building Envelope Standard requires a Buffer Strip, it shall consist, at a minimum, of the following:

- (1) A planted buffer not less than twenty (20) feet wide landscaped with dense evergreens and with options for other planting and fencing; OR,
- (2) A combination of alley, as defined within the Street Typologies of these Regulations, and a planted buffer not less than eight (8) feet wide landscaped with dense evergreens and with options for other planting and fencing.

F. Required Minimum Stories, Combined Stories.

- (1) **Building Stories.** Where these Land Development Regulations establish a required minimum number of stories, each story above the ground story up to and including the minimum number of required stories shall:
- (a) Contain a floor area of at least 75% of the building footprint for buildings with a building footprint of less than 60,000 square feet or 50% of the building footprint for building with a buildings footprint of 60,000 square feet or more; and,
 - (b) Be located directly above the story below and form an extension of the building facade for at least 75% of the building facade on all primary and secondary facades.
- (2) **Combined stories.** For each story in a building containing one or more stories with a floor-to-floor height that exceeds the maximum height in the applicable Transect Zone, the number of stories shall be calculated by dividing the proposed floor-to-floor height by the number of feet equal to the maximum story height and rounding up to the next whole number. Example: a 20' floor to ceiling height in a Transect Zone whose maximum sooty height is 14' will count as two stories for the purposes of calculating the maximum allowable number of building stories in a Transect Zone. For the purposes of calculating the minimum number of building stories in a Transect Zone, however, combined stories shall not be considered to be more than one story.

G. Rooftop Elements and Uses; utilities.

- (1) **Conceal rooftop devices.** In the T4 and T5 districts, rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a structure shall be arranged so as to minimize visibility from any point at or below the roof level of the subject structure. Such features, in excess of one foot in height, shall be enclosed by outer building walls or parapets, grouped and screened, or themselves designed so that they are balanced and integrated with respect to the design and materials of the building. Such rooftop devices shall not be counted as a "story."
- (2) **Flat Roof Designs.** Where flat roofs are used, architectural elements such as cornices shall be included. Any such cornice or similar design shall be installed along all primary and secondary building façades.
- (3) **Rooftop Use and structures.** A rooftop may be used for any use permitted for the building. Enclosed or partially-enclosed building features are permitted and shall not be considered as an additional story, subject to the following conditions:
- (a) The total area of all such features, including elevator shafts, building space, garden sheds, permanent awnings or breezeways, or architectural features such as clock-towers or spires, shall not exceed the greater of 200 square feet or 20% of the area of the upper-most story of the building, whichever is greater and,
 - (b) The height of any such features shall not exceed 14' above the maximum height of the building (measured as maximum stories x maximum height of each story).
- (4) **Utility features.** Utility features, such as generators, gas lines or meters, or electrical meters, shall not be located on any façade parallel to and adjacent to a street and shall be screened from view of any such street. On-building fire hydrants shall be exempt from this subsection.

H. Alternate Compliance for Entrances in T4

(1) Authority. The Development Review Board shall have the authority to review and approve, approve with conditions, or deny an application for development that differs from the strict requirements of Section 8.13(C)(6) [T4 Urban Multi-Use District Building Envelope Standards, Entrances] subject to the standards and limitations below.

(2) Entrance standard intent. It is the intent of Section 8.13(C)(6)(a-e), in concert with other standards of Section 8.13, to establish a regular, consistently pedestrian-friendly environment in the applicable district. The presence of regular, Operable entrances is designed to foster a built pattern consisting of attractive, engaging, and interactive built forms. Users along a street are presented with an inviting street presence of the building and are engaged throughout its length. This section is also intended to support the viability of activities within adjacent buildings (existing or future) by creating a pedestrian environment where the user has reason and interest to walk the entire length of a building and engage with the next building rather than have an uninviting and unengaging environment where a user would turn around.

(3) Standards for review. In making its determination, the Development Review Board shall consider the following standards:

- (a) The Board finds that the alternative design advances the specific objectives of the Central District of the Comprehensive Plan in a manner that is equal or greater than the standard contained within the BES.
- (b) The Board finds that the alternative design advances the Purpose of the Transect Zone as stated in these Land Development Regulations in a manner that is equal to or greater than the standard contained within the BES.
- (c) The Board finds that the alternative design advances the Intent of the standard as stated in this Section in a manner that is equal to or greater than the standard contained within the BES.
- (d) Any proposed alternative shall be incorporated along all facades of a building for which alternate compliance is being sought and shall be distributed along the entire façade in a manner which meets or exceeds the average frequency and maximum spacing as required by the BES.
- (e) Any proposed alternative shall be not be counted or calculated as meeting or contributing to any other required element or financial obligation of these Regulations.
- (f) Any proposed alternative shall fulfill its function in all seasons.
- (g) Creative alternatives are encouraged. Any proposed alternatives, however, shall consist of original design elements. In the case of artwork, only Commissioned artwork shall be considered.

8.07 Prohibited Materials

The following is a list of materials that are strictly forbidden as exterior finish materials, on all sides facing a street right-of-way, public right-of-way, pedestrian passages or public civic space, in all City Center districts:

- A.** All types and form of vinyl siding or vinyl finishing products.
- B.** External Insulation and Finish System (EIFS)
- C.** Stucco
- D.** Plywood (excluding Marine Grade plywood)
- E.** Chain-link fence
- F.** T1-11
- G.** Concrete block, cinder block
- H.** Tar paper
- I.** Tyvek or equivalent

8.08 Open Space Requirements

A. Purpose. The open space standards contained herein are established to provide for the creation or improvement of open spaces in both residential and non-residential developments located in the City Center FBC District. Establishing, enhancing and preserving open space serve multiple purposes and meet the recreational needs of residents, visitors, and employees. These open spaces define the distinctive character of the community and are intended to provide a pleasant interlude in the urban environment, serve as a source of great civic pride, and render the area more attractive or attract new residents and businesses to the community. They can also be combined to serve multiple simultaneous purposes, including stormwater treatment, wildlife habitat, or provision of local foods. In addition, these spaces may provide breathing space, and visual and psychological relief, and meet other needs of community residents. Frederick Law Olmsted aptly described parks and open spaces as the “lungs” for the city.

The standards set forth below establish regulations for open space in residential, non-residential, and mixed-use developments. It is the City’s intent that all Qualifying Open Spaces shall be high quality, useable and serve the purposes listed above. Qualifying open space must clearly be planned for that purpose and of sufficient size to serve a legitimate recreational or relaxation opportunity.

In making the final determination of whether, and how much, proposed open space meets the City’s requirements, the Administrative Officer shall utilize these Regulations, its related Appendices, and the purpose statement of this subsection.

Solely for illustrative purposes, photographs or real world examples of the Building Type options for the City Center FBC District are available in “The Illustrative Guide to the Building Types allowed in each Transect Zone of the City Center Form Based Code District.”

B. General Requirements. In addition to the standards set forth in the Building Envelope Standards, qualifying open spaces shall be required in all Transect Zones per Table 8-1:

Table 8-1 Open Space Requirements

Transect Zone	Residential /Non-Residential	Parcel Size	Qualifying Open Space Required	Additional Restrictions, Requirements, or Allowances	Public Realm Requirement
T5	Non-Residential	All	5% of non-residential building gross floor area	May locate qualifying open space off-site or purchase credits	Whether on or off site, 100 % must be part of the public realm.
	Residential, Less than 10 Units	All	100 Square Feet Per Unit	May locate qualifying open space off-site pursuant to BES or purchase credits.	No public realm requirement for residential component.
	Residential, 10-19 Units	All	85 Square Feet Per Unit	May locate qualifying open space off-site pursuant to BES or purchase credits.	No public realm requirement for residential component.
	Residential, 20 or more Units	All	60 Square Feet Per Unit	May locate qualifying open space off-site pursuant to BES or purchase credits.	No public realm requirement for residential component.
T4	Non-Residential	<20,000 SF	6% of non-residential building gross floor area	May locate qualifying open space off-site or purchase credits.	Whether on or off site, 75% must be part of the public realm.
	Non-Residential	>20,000 SF	6% of non-residential building gross floor area	Qualifying open Space must be located on site.	Whether on or off site, 75% must be part of the public realm.
	Residential, Less than 10 Units	All	100 Square Feet Per Unit	Qualifying open Space must be located on site; 50% or more must be commonly accessible to all tenants/residents.	No public realm requirement for residential component.
	Residential, 10-19 Units	All	85 Square Feet Per Unit	Qualifying open Space must be located on site; 50% or more must be commonly accessible to all tenants/residents.	No public realm requirement for residential component.

	Residential, 20 or more Units	All	60 Square Feet Per Unit	Qualifying open Space must be located on site; 50% or more must be commonly accessible to all tenants/residents.	No public realm requirement for residential component.
T3/T3+	Non-Residential	All	6% of non-residential building gross floor area	Qualifying open Space must be located on site.	Minimum 30% must be part of the public realm.
	Residential, Less than 10 Units	All	100 Square Feet Per Unit	Qualifying open Space must be located on site.	No public realm requirement for residential component.
	Residential, 10-19 Units	All	100 Square Feet Per Unit	Qualifying open Space must be located on site; 25% or more must be commonly accessible to all tenants/residents.	No public realm requirement for residential component.
	Residential, 20 or more Units	All	90 Square Feet Per Unit	Qualifying open Space must be located on site; 40% or more must be commonly accessible to all tenants/residents.	No public realm requirement for residential component.

(1) Mixed uses. Where a lot contains both residential and non-residential uses, the minimum open space requirements in Table 8-1 for each type of use shall be met. The gross floor area of the non-residential uses on the lot shall be the sum of the gross floor area of each building on the lot less the sum of the area of the residential units on the lot.

C. Qualifying Open Space. Qualifying Open Space is defined per the palette of options included in Table 8-2, and specifically *excludes* areas also intended for motor vehicular use, such as parking areas, driveways, travel lanes, etc.

Table 8-2. Qualifying Open Space

Transect Zone	Allowable Open Space (see Appendix F for standards)
T5	Pocket/Mini Park
	Plaza/Square
	Outdoor café/restaurant seating (not within the public right-of-way)
	Sun Terrace (as restricted in Appendix F)
	Courtyard

	Pedestrian Pass
	Indoor Park / Atrium
T4	All Open Space listed as allowable in T5 and;
	Playgrounds
	Green (residential and campus style development only)
	Community gardens
	Rain Gardens (as restricted in Appendix F)
	Wooded area (as restricted in Appendix F)
	Enhanced or recreational Wetlands/Stormwater Treatment Area (as restricted in Appendix F)
T3/T3+	Pocket/Mini Park
	Courtyard
	Green- residential with more than 7 units only
	Private yard space (respecting common space requirement indicated in Table 8-1)
	Playground
	Community gardens
	Wooded area (as restricted in Appendix F)

D. General Open Space Notes

- (1) In all Transect Zones, only Open Space areas meeting the requirements of Appendix F and this article shall count towards the minimum qualifying Open Space requirements.
- (2) In all Transect Zones landscaped parking lot dividers and median strips shall not be considered qualifying Open Space. A divider between a parking lot and a qualifying street type shall be considered qualifying Open Space where applicable and allowable.

E. Locating Open Space Off-Site

- (1) Qualifying open space may be located off-site, or on a parcel other than the one where the subject use is located, in areas designated in Table 8-1. Designated off-site qualifying open space must be located within City Center FBC District boundaries and must meet the standards articulated herein. Designated off-site open space must qualify under the palette of options listed in Table 8-2.
- (2) Designated off-site qualifying open space shall be located on developable land. For the purposes of this section (8.08(D)), developable land is an area of land within the City Center FBC District that feasibly can be developed with residential uses or mixed uses in accordance with the Code as determined by the DRB. Developable land area shall not, except where otherwise specified, include:
 - (a) Land area that is already substantially developed, including existing parks and dedicated, perpetual open space within such substantially developed portion;

(b) Areas of contiguous land that are unsuitable for development because of topographic features or for environmental reasons, per chapter 12 of these regulations.

(3) Wetlands and wetland buffers shall not be designated as off-site qualifying open space areas, unless the DRB makes a finding that the wetland and/or wetland buffer is improved and can be actively and explicitly used as a qualifying Open Space pursuant to this Article and Appendix F. In considering whether to make this finding, the DRB may wish to consider the reasonable and expected use of the wetland, and refer to the specifications for “Enhanced or Recreational Wetlands” in Appendix F of these Regulations. If the DRB makes such a finding, that wetland and/or wetland buffer shall not count as more than 50% of the minimum required qualifying open space.

F. Off-Site Open Space Credits

(1) Applicability. In lieu of providing Open Space as required by these Regulations, an applicant may contribute to a designated City Fund that shall be used to acquire Open Space and/or for Open Space capital improvements, both within the City Center FBC District, subject to the following conditions and requirements:

(a) In the T5 and T4 Transect Zones, a contribution may be provided in lieu of Open Space for any parcel of less than two (2) acres in size.

(b) In the T5 Transect Zone, a contribution may be provided in lieu of no more than 50% of the minimum required qualifying Open Space for any parcel of two (2) acres or more.

(2) Amount of Contribution. The amount of contribution shall be calculated as follows: the minimum required percentage of qualifying Open Space per Table 8-1 multiplied by the mean current assessed value of the land of all parcels of two (2) acres or less within the T5 and T4 Transect Zones.

G. Landscaping Requirements

(1) Per Section 13.06(G), new development must meet a minimum landscaping budget equal to 3% of the first \$250,000 of construction costs, 2% of the next \$250,000, and 1% of remaining construction costs. This section requires that this investment be in trees and shrubs, and on-site.

(2) For the City Center FBC District, a portion of the minimum landscaping budget may be used for art, decorative hardscapes, or other publically welcoming amenities, as detailed in Table 8-3 and Appendix F, and when located within the public realm as defined in these Regulations.

Table 8-3. Landscaping Options

Zone	Maximum use of Minimum Landscaping Budget	Acceptable Palette of Options
T5	60%	Palette includes commissioned sculptures (excluding signs ⁵), fountains, ornamental planters, ornamental or commissioned benches*, and ornamental or commissioned bicycle racks*
T4	40%	Palette includes same as T5.

T3/T3+	30%	Palette includes same as T5; also includes structural or enhanced soils for community gardens, gazebos for common use, and rain gardens (as restricted in Appendix F).
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**credit may be given for the difference by which the proposed amenity exceeds the specified requirement for the district, at the discretion of the Administrative Officer or the Development Review Board where applicable*

⁵ *As defined in the South Burlington Sign Ordinance*

Credit will not be given for the value of the land under which any of the above are constructed.

H. Maintenance. All qualifying open space areas, and elements contained within, shall be maintained in good condition and the entire area shall be kept clear of debris. Failure to maintain the area shall constitute a violation of these Regulations.

8.09 Uses Allowed and Changes of Use.

A. General Provisions. Within the Transect Zones, all uses shall be allowed except as specified in Table 8-4, Table of Uses, these Land Development Regulations, other applicable City ordinances and regulations and by state statute or applicable state regulation. In Table 8-4 below (Transect Zone Table of Uses), where a use is not listed as prohibited within a specific Transect Zone, it is allowed in that Transect Zone pursuant to these Land Development Regulations.

B. Nonconforming structures. Table 8-4, Transect Zone Table of Uses, indicates uses that are prohibited in each Transect Zone for structures that are not in full compliance with the applicable Building Envelope Standards. See also Section 8.11 for nonconformities.

Table 8-4. Transect Zone Table of Uses

Transect Zones Table of Uses	Non-Conforming Structures, all Transect Zones	T3/ T3+	T4	T5(1)
Adult use	Prohibited	Prohibited	Prohibited	Prohibited
Airport Uses	Prohibited	Prohibited	Prohibited	Prohibited
Animal shelter	Prohibited	Prohibited	Prohibited	Prohibited
Auto and/or motorcycle sales	Prohibited			
Auto and/or motorcycle service & repair	Prohibited			
Auto rental, with optional private accessory car wash & fueling	Prohibited			
Cannabis dispensary (cultivation only)	Prohibited	Prohibited	Prohibited	Prohibited
Car wash	Prohibited			
Commercial kennel, veterinary hospital and/or pet day care	Prohibited	Prohibited	Prohibited	Prohibited
Drive-through establishments, except financial institutions	Prohibited	Prohibited		
Drive-through financial institutions	Prohibited in T3 and	Prohibited		

	T3+			
Equipment service, repair, and/or rental	Prohibited			
Junk yard	Prohibited	Prohibited	Prohibited	Prohibited
Lumber and/or contractor’s yard	Prohibited	Prohibited	Prohibited	Prohibited
Manufacturing / assembly from previously prepared materials & components	Prohibited			
Mobile home, RV and/or boat sales, repair & service	Prohibited			
Motor freight terminal	Prohibited	Prohibited	Prohibited	Prohibited
Service Stations	Prohibited			
Transportation services	Prohibited	Prohibited	Prohibited	Prohibited
Warehousing & distribution	Prohibited			
Wholesale establishments	Prohibited			
Bottle redemption centers	Prohibited			
Outdoor storage in connection with any permitted use, except for dumpsters which must be reviewed for adequate screening during the development approval process	Prohibited			
Uses that require regular (1 trip weekday or greater) trips using 24,000 lb. vehicles	Prohibited in T3 and T3+	Prohibited		
ALL OTHER USES				

(1) Note: in the T5 District, ground-level residential uses are prohibited. For the purposes of this subsection, residential uses include dwelling units and any other form of permanent housing including but not limited to group homes, residential care homes, congregate care, assisted living, continuum of care facilities, group quarters, or hospices.

C. Changes of Use. Changes of Use within the Form Based Code shall require site plan approval if:

- (1) Changes are proposed to the Site Plan; or,
- (2) Except within the T5 District, the change in use will result in an increase of 75 PM Peak Hour Vehicle Trips or 25% of the total PM Peak Hour Vehicle Trips for the subject property as defined within these regulations, whichever is greater.

8.10 Review Procedures

A. Site Plans and other applications. See Article 14, Site Plan.

B. Subdivisions. The applicable sections of Article 15 (set forth in Section 18.02) shall only apply to subdivision review. Planned Unit Developments are not permitted within the Transect Zones and City Center Form Based Code (FBC) District.

C. Development Review Board Review Authority. Notwithstanding other Articles of these Regulations, any authority granted to the Development Review Board under this Article 8 shall remain with the Development Review Board and shall not be delegated to Administrative Review. Any authority granted to the Administrative Officer shall remain with the Administrative Officer except upon appeal of the Administrative Officer's decision.

8.11 Nonconformities

A. Purpose

The purpose of this section is to establish regulations and limitations on the continued existence of uses and structures established prior to the effective date of this Code that do not conform to the provisions of this Code. Nonconformities may continue, but the provisions of this Section are designed to limit investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in this Code.

B. Nonconforming Uses

(1) Authority to Continue. Nonconforming uses may be continued provided the conditions in this Section are met.

(2) Repair and Alterations. Repair and alterations, including structural alterations, may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided the comply with the Code, including any limitations on any conforming structures.

(3) Extensions/Expansions

(a) A nonconforming shall not be extended, expanded, enlarged or increased in size, footprint or coverage.

(b) No nonconforming use may be extended to displace a conforming use.

(4) Change in Use. A nonconforming use only may be changed to a use allowed in this applicable Transect Zone. A nonconforming use may not be changed to another nonconforming use. A nonconforming use that is changed to a conforming use may not revert back to any nonconforming use.

(a) Nothing in these Regulations shall be construed to prevent the owner of a multi-tenant building containing one or more nonconforming uses from utilizing a portion of the building for a conforming use, provided there is no expansion or extension of a nonconforming use or uses as part of such a change in use.

(5) Abandonment. See Section 3.11(G)

C. Nonconforming Structures

(1) Authority to Continue. Nonconforming structures may be continued provided conditions in this Section are met.

(2) Repair and Alterations. Repair and alterations may be performed on any nonconforming structure, provided the comply with the Code and with the following:

(a) When the total area of alterations to the primary building façade, or to the building façade that is parallel to and oriented to the street, exceeds 35% of the total areas of such building façade, the alterations shall comply with the Building Standards described in the BES applicable to the Transect Zone (excluding build-to-zone and story requirements). For the purposes of this subsection, window and window casing replacement, painting, adding or removal of siding, and other similar changes shall not be considered alterations. For multi-tenant buildings, the standard shall apply separately for each tenant area where that tenant gross floor area exceeds 10,000 square feet.

(b) Structural alterations involving the replacement, relocation, removal, or other similar changes to more than 50% of all load bearing wall / pillar elements of a building shall require compliance with all standards within these Regulations.

(3) Damage to Nonconforming Structures. See Section 3.11 (F)

D. Extensions/Expansions

(1) Any nonconforming structure with a gross floor area greater than 20,000 square feet may be altered, provided, however, that no enlargement, maintenance or alteration creates any additional nonconformity or increases the degree of the existing nonconformity of all or any part of such structure. See Figure 8-1.

(2) Any nonconforming structure with a gross floor area equal to or less than 20,000 square feet may be altered in a manner that increases the nonconformity by no more than the percentage of the existing gross square footage listed below in Table 8-4. See Figure 8-1

Table 8-4 Extensions / Expansions

Structure Size	<1,000 SF GFA	1,001 – 2,500 SF GFA	2,501 – 5,000 SF GFA	5,001 – 10,000 SF GFA	10,001 – 20,000 SF GFA
Percent Permitted	75%	35%	30%	25%	10%

Example: a 20,000 sq. ft. structure may be enlarged or altered in a nonconforming manner (expand to side by a maximum total of 2,000 sq. ft.)

E. Relocation

No nonconforming structure may be relocated in whole or in part to any other location on the same or any other lot unless the structure and its location conform to these Regulations.

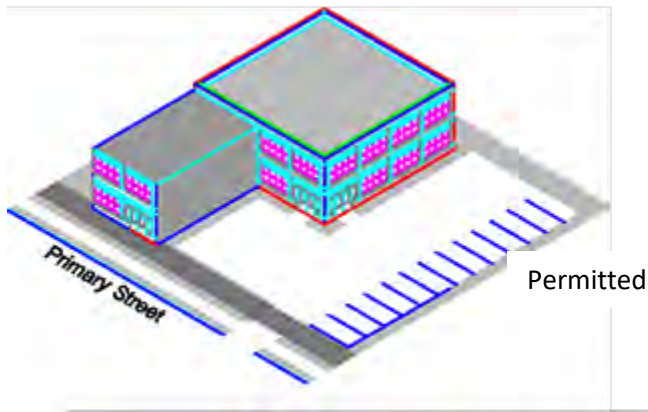
F. Open Space

- (1) Purpose: To create a fair and equitable transition from the prior requirements for a maximum lot coverage percentage to the new requirements for a minimum amount of Qualifying Open Space.
- (2) Where any of the following apply, the applicant shall be required to obtain approval from the Development Review Board or Administrative Officer for the identification of approvable open space prior to any Land Development:
 - (a) A proposed addition to a non-conforming building exceeds 5,000 square feet GFA;
 - (b) Lot coverage is proposed to increase by at least 1,000 square feet or 1% of the lot area, whichever is greater; or
 - (c) A portion of a lot developed with one or more building is proposed to be subdivided,.
- (3) The identification shall be completed as follows:
 - (a) The applicant shall identify, on a plan, Qualifiable Open Space area(s) for the lot, or in the case of a subdivision, lots, totaling no less than the minimum required percentage of Qualifying open space listed in Table 8-1 (Open Space Requirements), based on the existing uses and buildings on the lot(s);
 - (b) At the time of identification and approval, the applicant shall not be required to enhance any Qualifiable open spaces to meet any of the additional requirements of Appendix F or to locate any such Qualifying open space on-site, except:
 - (i) Where more than 50% of the Qualifiable Open Space consists of impervious areas, the amount of such impervious open space that exceeds 50% shall be enhanced to full compliance with Appendix F and such Qualifying Open Space shall be located on-site as depicted on the plan;
 - (c) Any new buildings or expansions of existing buildings shall be required to comply with all Open Space Requirements of Section 8.08 (Open Space Requirements); and,
 - (d) An application to expand an existing building on a lot for which Qualifiable Open Space has been identified and approved may meet its minimum Qualifying open space requirements in Table 8-1 by enhancing the minimum required amount of the identified Qualifiable Open Space to full compliance with Appendix F and locating that Qualifying Open Space on-site as depicted on the plan.
- (4) The identification of approvable open space shall be a one-time requirement. No further such approval shall be required unless the applicant requests a modification of areas identified and approved as Qualifiable Open Space.

Figure 8-1 Nonconformity Build-to Requirements

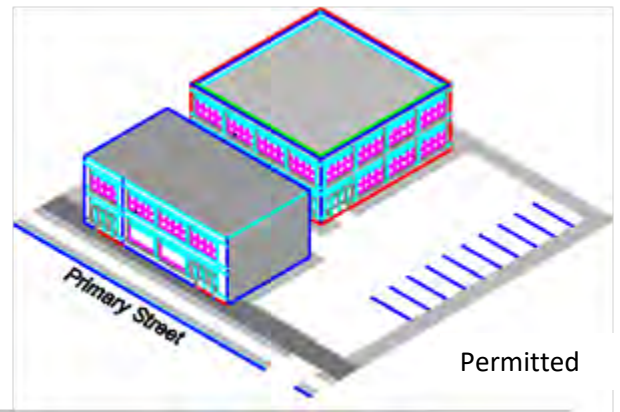
A. FRONT: ADDITION

Any addition to the front must move toward build to zone. The addition does not have to meet the frontage buildout.



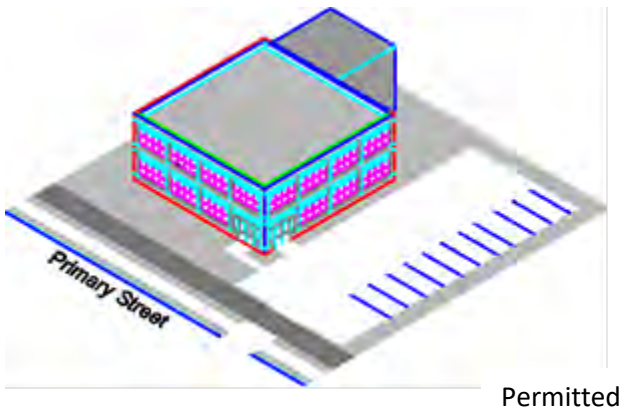
A. FRONT: NEW BUILDING

A new building must be placed in the build to zone until the frontage buildout has been met.



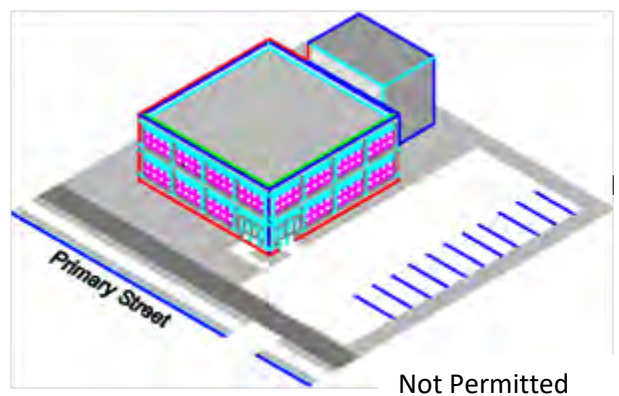
B. REAR: ADDITION

Rear additions are allowed because the extension does not increase the degree of the non-conformity.



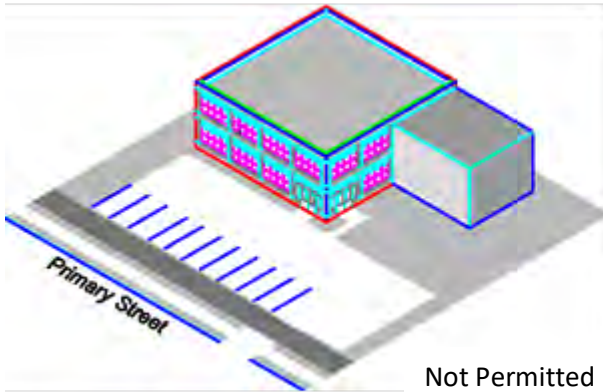
B. REAR: NEW BUILDING

New Buildings located outside of the build-to zone are not allowed until the frontage buildout has been met.



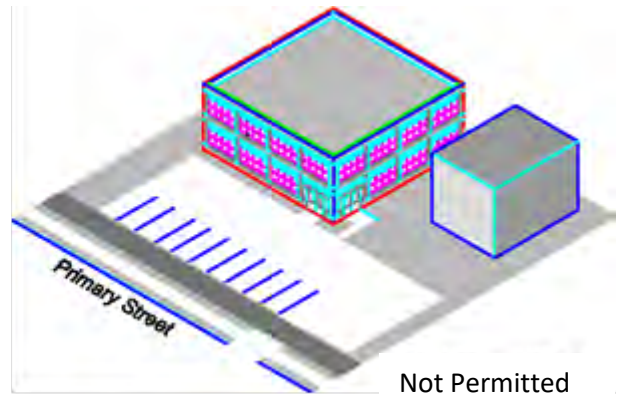
C. SIDE: ADDITION

Side additions are not allowed because the extension increases the width of the building not in the Build-to zone.

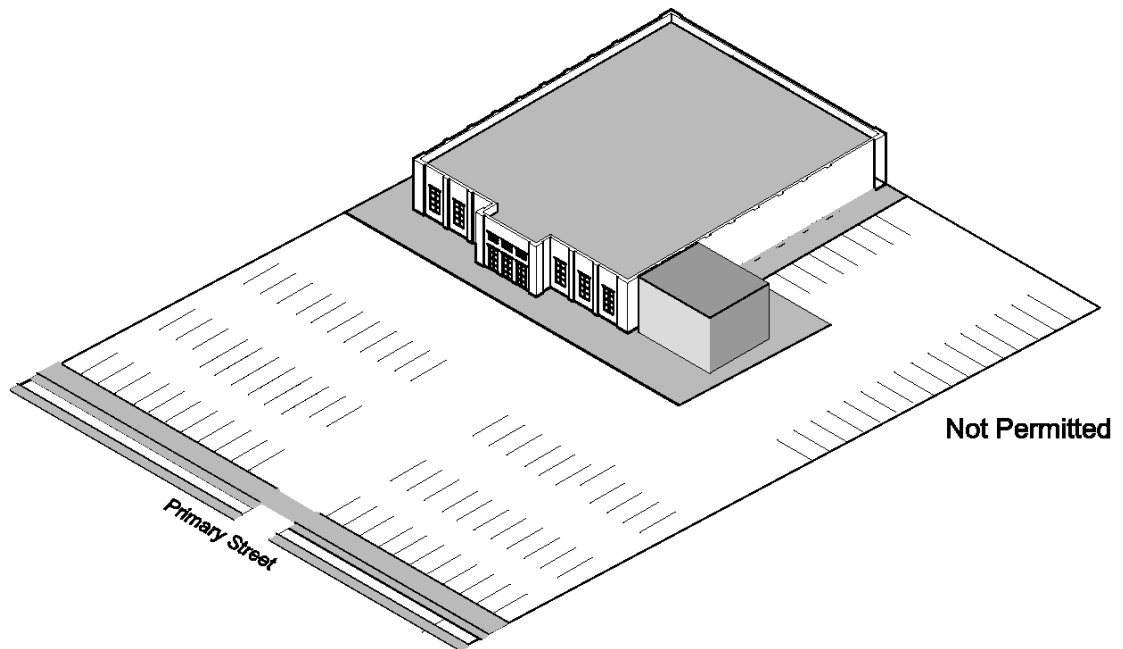


C. SIDE: NEW BUILDING

New Buildings located outside of the build-to zone are not allowed until the frontage buildout has been met.

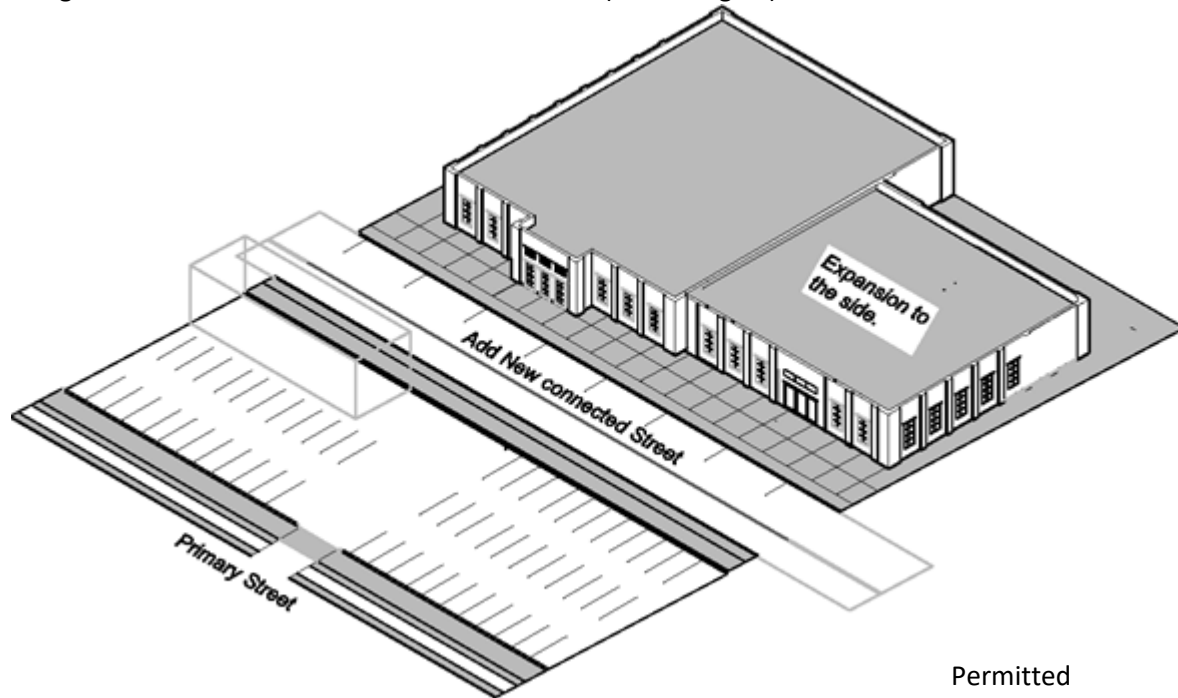


D. SIDE: ADDITION (Large Building) Side additions are not allowed because the extension increases the width of the building not in the Build-to zone.



D. SIDE: ADDITION (Large Building) Add new **connected** street* and side additions are now allowed because the new street establishes a new Build-to-Zone.

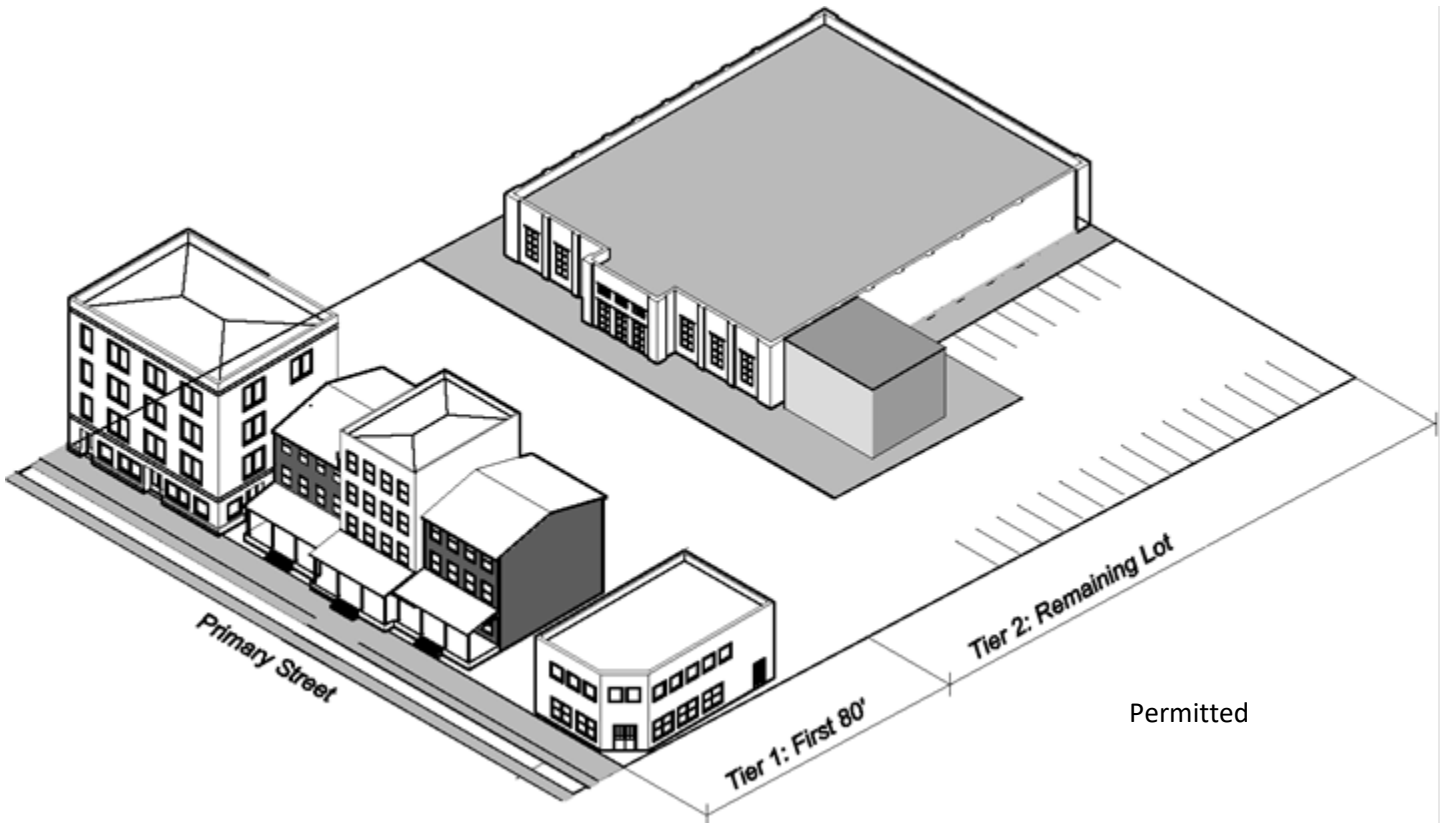
*New street shall be selected from the pre-determined FBC street types allowable in the site's transect designation and shall conform to block standards (block lengths).



E. Tiers

Tier 1: Conformity with Build-to required. Conformity shall be achieved by BES (Build-to, glazing and frequency of doors) , FBC open space standards and/or combination of the two. Surface parking is not conforming.

Tier 2: Per parcel all expansions permitted if Tier 1 is established with conforming buildings or open space standards*



* Large parcels: Parcels with street frontages greater than 300' may expand laterally the percentage of the build out at Tier 1 in the same lateral location of the conforming build out.

8.12 City Center T3 and T3+ Neighborhood Building Envelope Standards

(A) Purpose

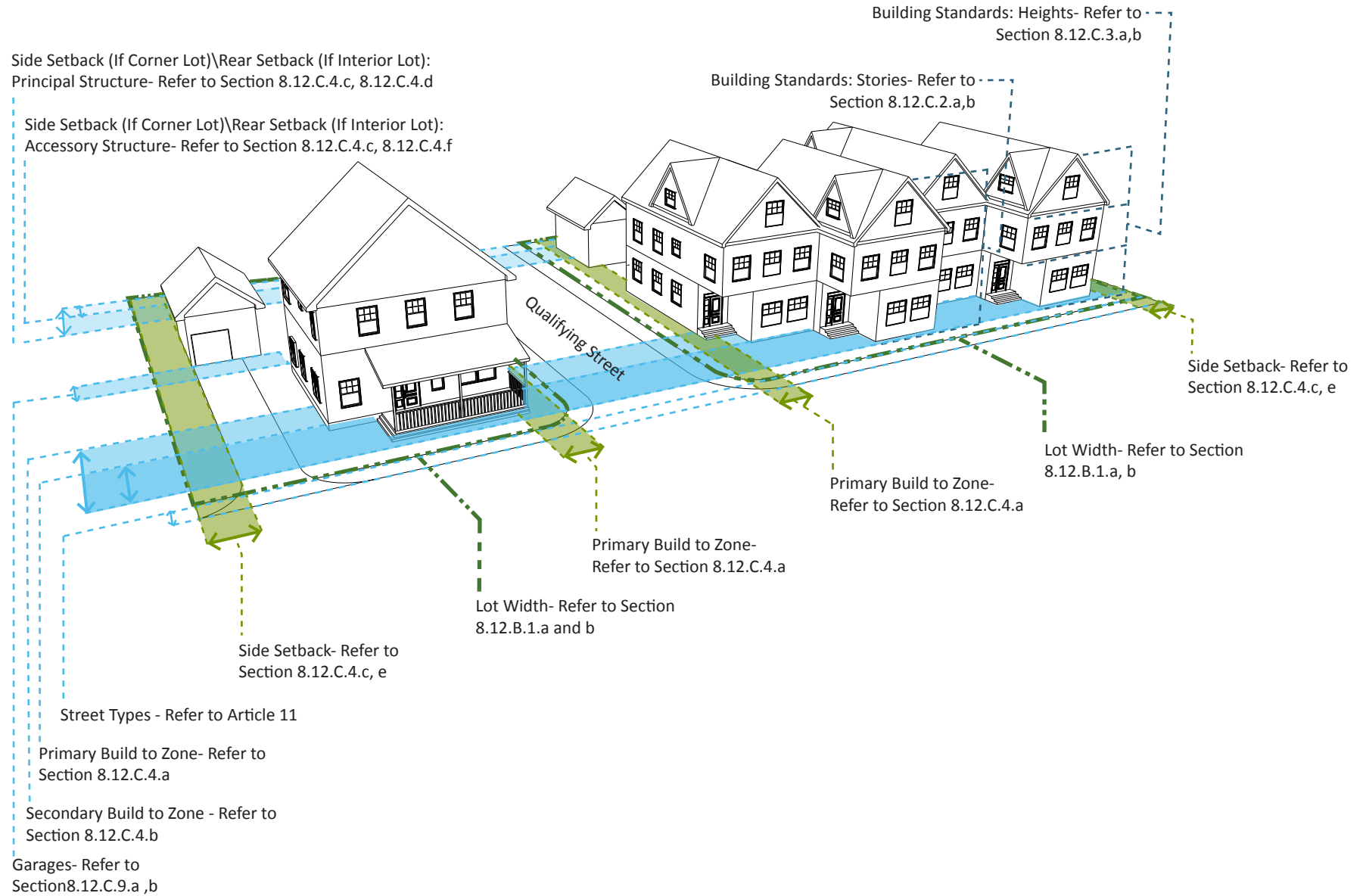
T-3 and T3+: A multi-use neighborhood with a street-oriented public realm that encourages medium-density, multi-use/multi-purpose built environment. Typically detached / freestanding single or two-family residences, small-scale multi-family, corner stores, and small scale commercial uses. Pedestrian-oriented streets, but ultimately mode-neutral. Small front yards are encouraged. Parking (not including on-street parking) shall be away from the primary street.

T3 and T3+ BES Standard	Primary Building Façade Requirements	Secondary Building Façade Requirements	Supplemental
(B) Lot Standards			
(1) Lot Dimensions			
(a) Lot size	None		
(b) Lot Width	70' Min., 120' Max. [150' Max if Cottage Court] (see note 3)		
(2) Lot Occupation			
(a) Percentage of Lot Coverage	75% Max.		
(b) Units per acre	4 Units per acre Min.		
(C) Building Standards			
(1) Building Types			
(a) Detached single family dwelling	Permitted		
(b) Two-family dwelling	Permitted		
(c) Multi-family housing	Permitted		
(d) Detached mixed-use storefront	Permitted		
(e) Cottage	Permitted		
(f) Accessory Structure	Permitted		
(2) Building Stories			
(a) Principal	1.5 Min.; 2.5 Max. (T3), 3.5 Max. (T3+)		
(b) Accessory	1 Max.		
(3) Floor-to-Ceiling Height			
(a) First story	12' Max.		
(b) Upper Stories	10' Max.		
(4) Build-to Zone			See T3 & T3+ Figures
(a) Primary Build-to-Zone	5' Min., 20' Max.	5' Min., 30' Max.	
(b) Secondary Build-to-Zone	5' Min., 30' Max.	5' Min., 45' Max.	
(c) Side Setback, Principal Structure	8' Min., No Max.	8' Min., No Max.	
(d) Rear Setback, Principal Structure	20' Min., No Max.	not applicable	
(e) Side Setback, Accessory Structure	8' Min., No Max.	8' Min., No Max.	
(f) Rear Setback, Accessory Structure	8' Min., No Max.	not applicable	
(g) Setback from rear of Principal Structure for any Accessory Structures	10' Min., No Max.	No closer to street than Principal Structure	
(5) Frontage			See T3 & T3+ Figures
(a) Frontage Buildout	None	None	
(b) Percentage of Frontage Buildout within the Primary Build-to-Zone	75% Min., No Max.	No Min., No Max.	
(c) Percentage of Frontage Buildout within the Secondary Build-to-Zone	0% Min., 25% Max.	No Min., No Max.	
(6) Entrances			See Entrances Figure
(a) Frequency of Public Entrances, non-residential first story use	1 per unit Min.		
(b) Maximum distance between Public Entrances, non-residential first story use	Not applicable		
(c) Frequency of Operable Entrances, residential first story use	1 per unit Min.		
(d) Maximum distance between Operable Entrances, residential first story use	not applicable		

T3 and T3+ BES Standard	Primary Building Façade Requirements	Secondary Building Façade Requirements	Supplemental
(e) Frequency of Public Entrances on first story for non-residential second story uses	1 per upper story unit Min.		
(f) Frequency of Public Entrances on first story for residential story use	1 per 4 units (see note 4)		
(7) Glazing			See Glazing Figures
(a) First Story	Min. 30% of the length of the building, and Min. 3' in height	Min. 15% of the length of the building, and Min 3' in height	
(b) First Story, percent of glazing required to be transparent	75% Min.	75% Min.	
(c) Upper Stories	Min. 25% of the length of the building, and Min. 3' in height	Min. 12.5% of the length of the building, and Min 3' in height	
(d) Upper Stories, percent of glazing required to be transparent	75% Min.	75% Min.	
Building Breaks			See Bldg Breaks Figure
(8) (a) Building Horizontal Façade	Min. 1 every 24'	Min. 1 every 36'	
(b) Single Span of Horizontal Façade Without a Break	24' Max.	36' Max.	
(9) Garages			
(a) Garage doors shall be either (i) located at a minimum of a 90 degree angle to the street containing the primary building facade or (ii) set back a minimum of 10' from the rear of the Principal Building			
(b) Notwithstanding (a) above, a single-car garage set back a minimum of 10' from the front façade of a Principal Building shall be permitted.			
(c) Garage doors facing an alley are permitted and highly encouraged			
(9) Supplemental Building Standards			
(a) Awnings, Stoops, Vestibules	Encouraged		
(b) All homes in residential subdivision (unless in cottage court configuration) shall face street	Required		
(c) Subdivisions will not be designed or laid out in a manner that will result in placing the rear of homes next to streets.	Required		
(d) Primary facades of homes shall face the street	Required		
(e) Variation in building façade encouraged and blank walls strongly discouraged	Encouraged		
(f) To the extent possible, the narrow face of the building should be oriented to the street	Encouraged		
(D) Block and Street Standards			
(1) Blocks			See Section 8.04
(a) Perimeter	4,000' Max.		
(b) Length	300' Min., 1,000' Max.		See Note 3
(c) Single block lengths greater than 500' shall include a publicly dedicated sidewalk, passage, or trail at least 8' in width that connects to another street.			
(2) Street Types			See Article 11
(a) Neighborhood Street	Permitted, Qualifies as a Street		
(b) Neighborhood Street Narrow	Permitted, Qualifies as a Street		
(c) Neighborhood Street / Bike Boulevard	Permitted, Qualifies as a Street		
(e) Support Street	Permitted, Qualifies as a Street		
(f) Market Street	Permitted, Qualifies as a Street		
(g) Lane	Permitted Connection, Not a Street		

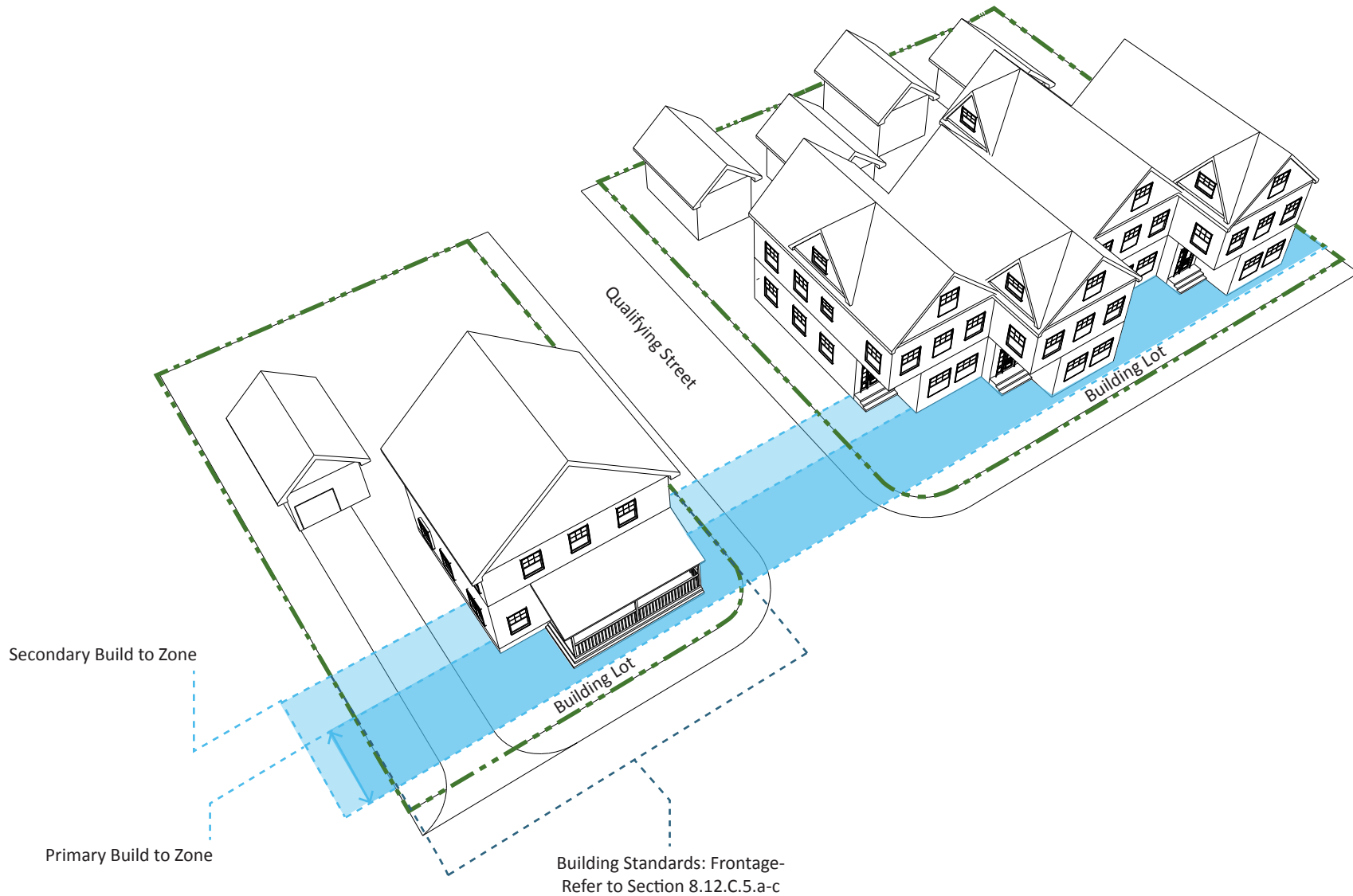
T3 and T3+ BES Standard	Primary Building Façade Requirements	Secondary Building Façade Requirements	Supplemental
(h) Alley	Permitted Connection, Not a Street		
(i) Path	Permitted Connection, Not a Street		
(j) Pedestrian Pass	Permitted, Qualifies as a Street		
(k) All other streets	Prohibited		
(3) Curb Cuts			
(a) On Market Street	400' Min. distance between curb cuts		
(b) All other streets	70' Min. distance between curb cuts		
(E) Parking Standards			
(1) Parking Amount Requirements			
(a) Per Residential Unit	1 Min, 3 Max.		See Note 4
(b) Per 1,000 gross s.f. Non-Residential	4 spaces Min.		See Note 4
(2) Location & Screening			
(a) New construction resulting in additional non-residential gross floor area or residential units shall meet T3 and T3+ Parking Standards			
(b) New parking is allowed in the side yard			
(c) Parking spaces may be leased from the city or a private landowner			
(d) New parking spaces shall be screened from all streets and the public realm, a minimum of four (4) feet in height			
(e) Parking under structures is encouraged			
(f) Parking shall only be permitted in compliance with applicable BES standards			
(g) Residential: all parking shall be located to the side or rear of buildings			
(h) Non-residential: all parking shall be on-site and located behind the Principal building			
(F) Supplemental District Standards			
(1) Where a T-3 Lot abuts a non-FBC District, the following standards shall apply:			
(a) A buffer strip shall be required			See Section 18.02(B)
(G) Streetscape Standards			
(1) General Standards			
(a) Non-hardscape, pervious areas within the front yard shall be predominantly planted with groundcover or flowering vegetation.			
(b) All features proposed within an existing, proposed, or planned public ROW shall comply with requirements of the Department of Public Works.			
(c) Proposed development shall comply with all requirement of Article 11			
(2) Streetscape requirements			
(a) Benches	As determined by DPW		
(b) Bicycle Racks for at least 5 bikes	1 Min. per 300' frontage		
(c) Street Tree Spacing, on center	50' Max. average		
Notes			
(1) If a corner lot is 100' or less in width along the street containing the primary building facade and greater than two (2) times that width in depth, the required frontage buildout on the BES shall be reduced by 50% on the street containing the secondary building facade.			
(2) Upper Story Glazing Shall comply with the following standards:			
(a) Upper story glazing shall be a minimum of 30 percent of the façade on the primary building facade and 20% on secondary building facades.			
(3) For a lot or property to be developed or improved, lot width requirements shall be met.			
(4) Public and Operable Entrances for Upper Story Units:			
(a) All second story units facing a Street shall have a balcony of at least 6' in depth for the entire width of the building façade along the Street.			
(b) For corner units, the balcony shall be required along the Primary Street			
(c) No units located entirely on the third story shall be permitted.			

T3 AND T3+ NEIGHBORHOOD RESIDENTIAL MIXED USE BUILDING ENVELOPE STANDARDS



T3 AND T3+ NEIGHBORHOOD RESIDENTIAL MIXED USE

LOT FRONTAGE STANDARDS



T-3 "Cottage Court"

Building Envelope Standards and Site Requirements

Site Dimensions

(A) Site area (min)	22,500 SF
Site area per detached house (min)	4,500 SF
Detached houses per site (max)	9
Site width (min)	150'
Site depth (min)	150'

Lot Dimensions

(B) Lot area (min)	1,200 SF
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Courtyard

(C) Area (min)	3,000 SF
Courtyard area per detached house(min)	600 SF
(D) Courtyard width (min)	40'

The courtyard must be one contiguous open area and must be provided at grade and cannot be built, parked or driven upon, except for emergency access and permitted temporary events.

Building Setbacks/Build-to

(E) Primary street: principal building (min)	15'
(F) Primary street: accessory structure (min)	50'
(H) Side interior (min)	5'
(I) Rear (min)	5'

Courtyard Encroachment

(J) Porch including steps (max)	8'
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Placement Limitations

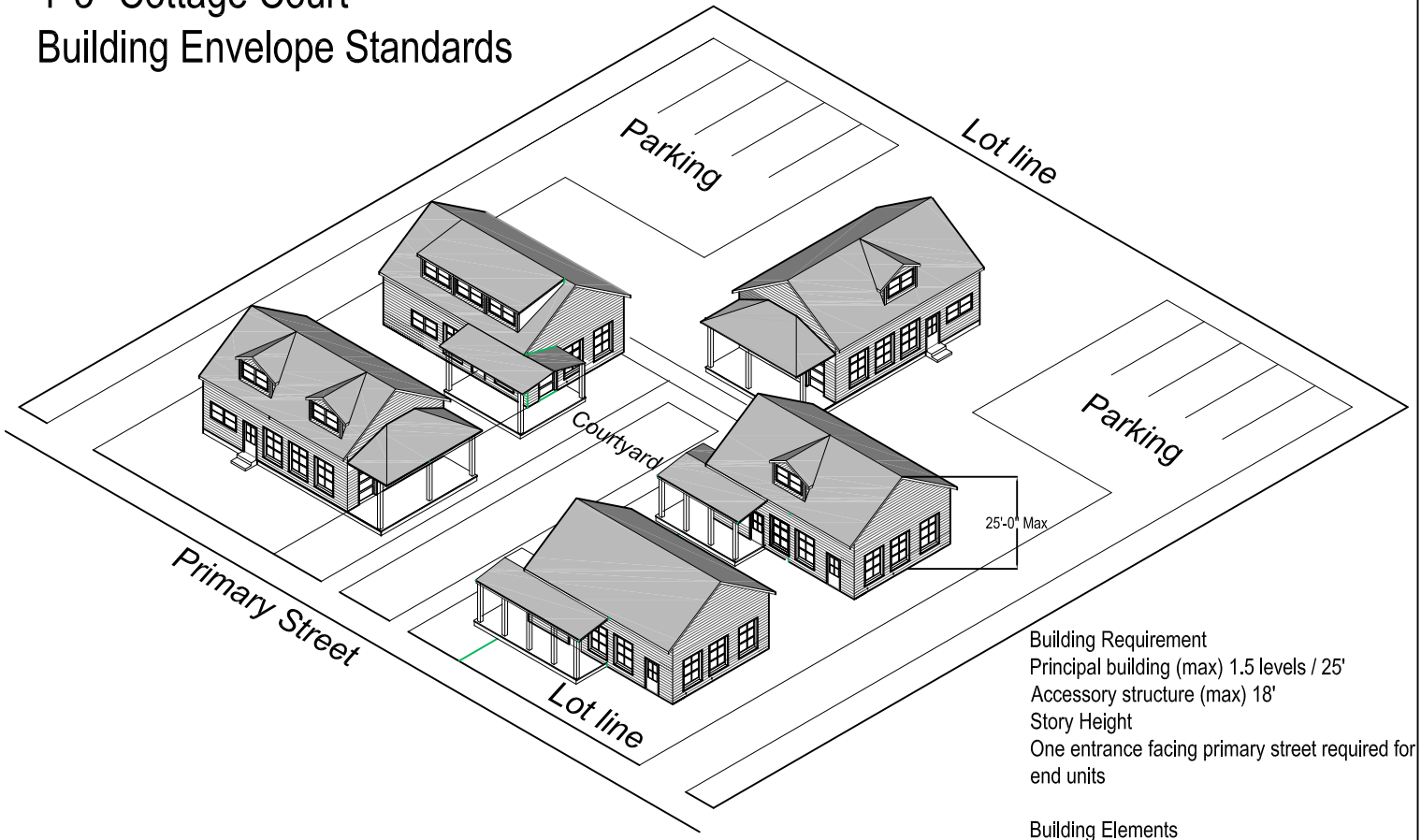
(K) Building separation (min)	10'
(B) Principal building footprint (max)	1200 SF

Parking

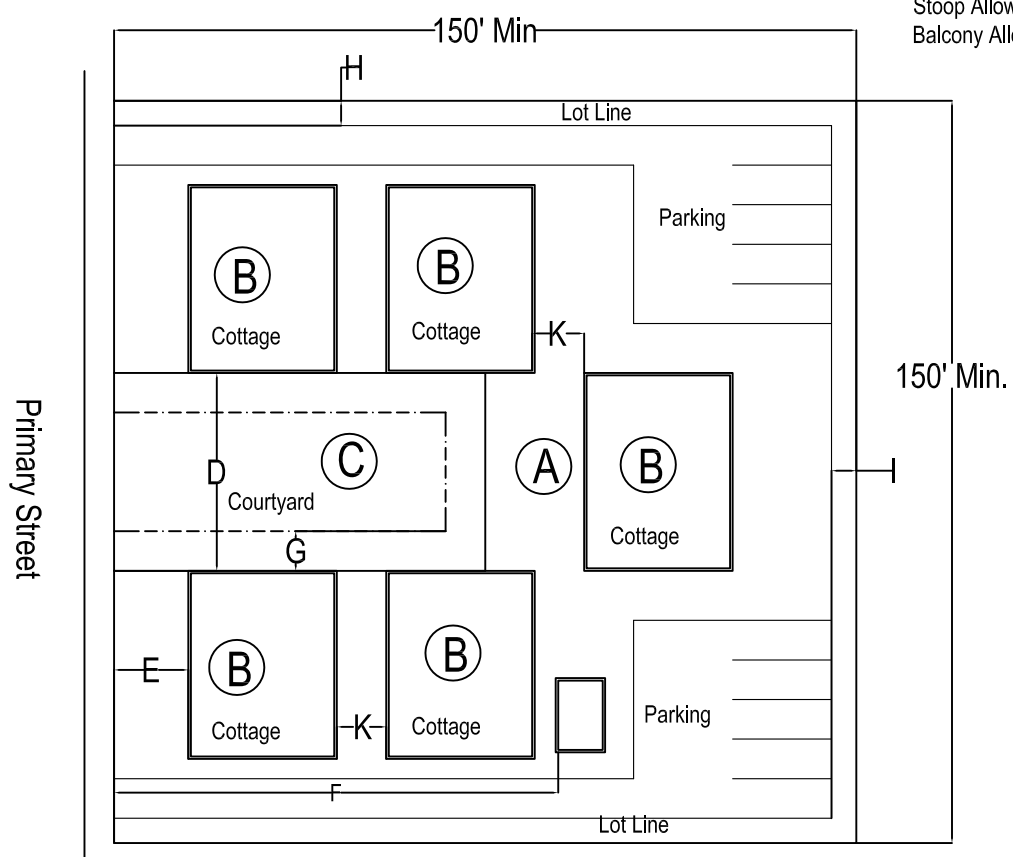
On-site parking not allowed between the building & the street

T-3 Parking standards apply

T-3 "Cottage Court" Building Envelope Standards



- Building Requirement**
 Principal building (max) 1.5 levels / 25'
 Accessory structure (max) 18'
 Story Height
 One entrance facing primary street required for end units
- Building Elements**
 Porch Allowed
 Stoop Allowed
 Balcony Allowed



Site Dimensions (see Sheet 2)

8.13 T-4 Urban Multi-Use Building Envelope Standards

(A) Purpose

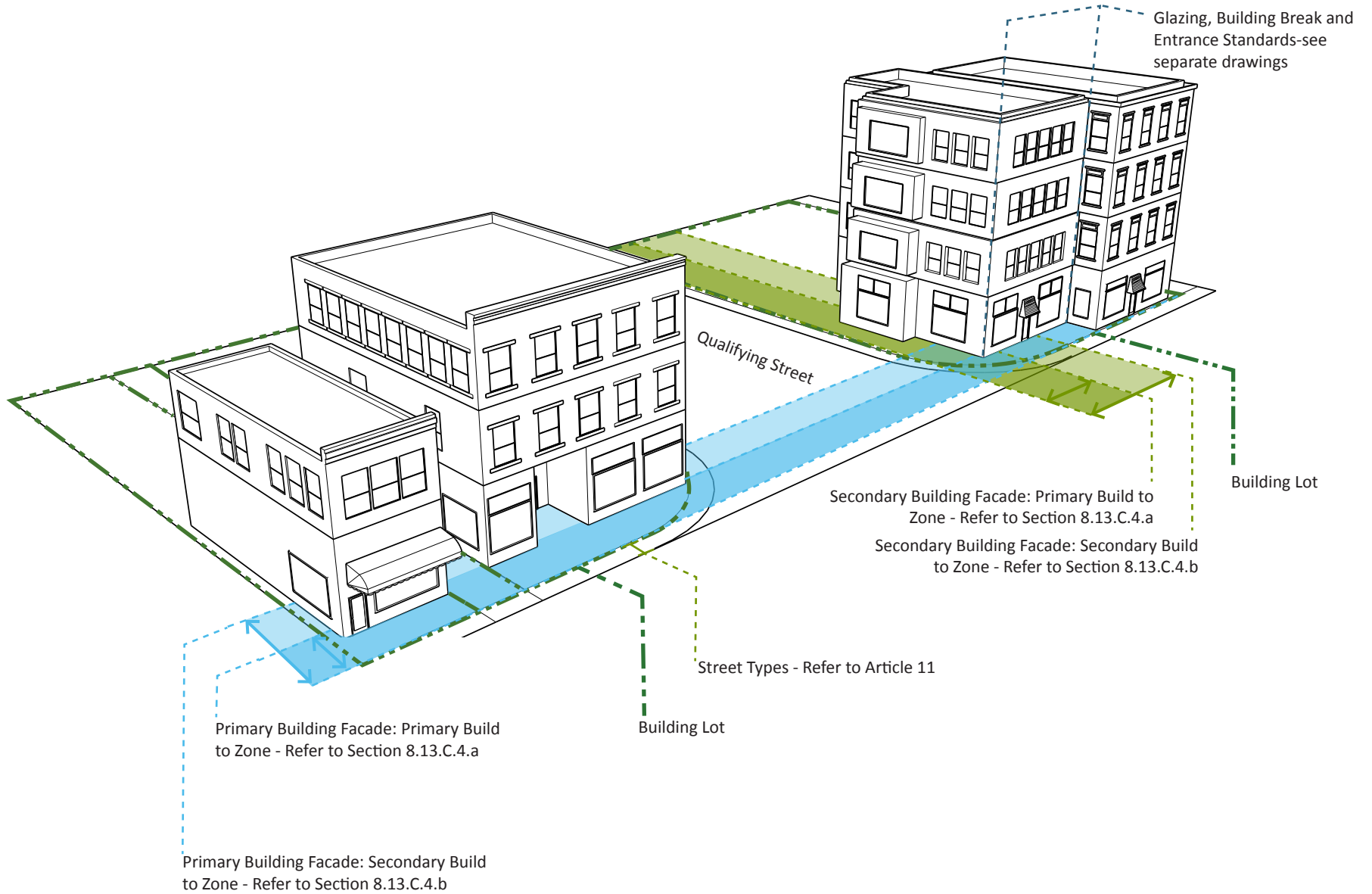
Generally a multi-use, mixed use dense downtown built environment, typical of areas adjacent to and supportive of main street(s). Housing, retail, and other commercial uses are typical; parking facilities are also allowed. The built environment can be a mix of freestanding buildings and shared wall buildings. T-4 is multimodal oriented with an emphasis on medium foot traffic pedestrianism. Parking (not including on-street parking) shall be away (or hidden) from the street.

T4 BES Standard	Primary Building Façade Requirements	Secondary Building Façade Requirements	Supplemental
(B) Lot Standards			
(1) Lot Dimensions			
(a) Lot size		None	
(b) Lot Width		None	
(2) Lot Occupation			
(a) Percentage of Lot Coverage		None	
(b) Units per acre		None	
(C) Building Standards			
(1) Building Types			
(a) All Types		Permitted	
(2) Building Stories			
(a) Principal		2 Min., 4 Max.	
(b) Accessory		1 Max.	
(3) Floor-to-Floor Height			
(a) First story		24' Max.	
(b) Upper Stories		14' Max	
(4) Build-to-Zone			See T4 Figures
(a) Primary Build-to-Zone	0' Min., 12' Max.	0' Min., 18' Max.	
(b) Secondary Build-to-Zone	0' Min., 24' Max.	0'. Min., 36' Max.	
(5) Frontage			See T4 Figures
(a) Frontage Buildout , Primary Streets	70% Min.	70% Min. (Note 1)	
(b) Frontage Buildout , Secondary Streets	70% Min. within 80' of Primary Street, 50% Min. elsewhere	70% Min. within 80' of Primary Street, 50% Min. elsewhere (Note 1)	
(b) Percentage of Frontage Buildout within the Primary Build-to-Zone	75% Min.	100% Max.	
(c) Percentage of Frontage Buildout within the Secondary Build-to-Zone	0% Min., 25% Max.	100% Max.	
(6) Entrances			See Entrances Figure
(a) Average frequency of Public Entrances, non-residential first story use	36' Max.	54' Max.	
(b) Maximum distance between Public Entrances, non-residential first story use	46' Max.	72' Max.	
(c) Average Frequency of Operable Entrances, residential first story use	36' Max.	54' Max.	
(d) Maximum distance between Operable Entrances, residential first story use	46' Max.	72' Max.	
(7) Glazing			See Glazing Figure
(a) First Story	Min. 40% of the Width of the Building, and Min. 7.5' in Height	Min. 20% of the Width of the Building, and Min 7.5' in Height	
(b) First Story, percent of glazing required to be transparent	75% Min.	75% Min.	
(c) Upper Stories		See Note 2	

T4 BES Standard	Primary Building Façade Requirements	Secondary Building Façade Requirements	Supplemental
(d) Upper Stories, percent of glazing required to be transparent	See Note 2		
Building Breaks			See Bldg Breaks Figure
(8)			
(a) Building Horizontal Façade	Min. 3 every 80'	Min. 3 every 80'	
(b) Single Span of Horizontal Facade Without a Break	48' Max.	48' Max.	
(9) Supplemental Building Standards			
(a) Awnings, Stoops, Vestibules	Encouraged		
(D) Block and Street Standards			
(1) Blocks			See Section 8.04
(a) Perimeter	2,800' Max.		
(b) Length	300' Min., 700' Max.		
(2) Street & Connection Types			See Article 11
(a) Neighborhood Street Narrow	Permitted, Qualifies as a Street		
(b) Neighborhood Street	Permitted, Qualifies as a Street		
(c) Private commercial way	Permitted, Qualifies as a Street		
(d) Support Street	Permitted, Qualifies as a Street		
(e) Commercial Street	Permitted, Qualifies as a Street		
(f) Avenue	Permitted, Qualifies as a Street		
(g) Commercial Boulevard	Permitted, Qualifies as a Street		
(h) Destination Street	Permitted, Qualifies as a Street		
(i) Market Street and Garden Street	Permitted, Qualifies as a Street		
(j) Path	Permitted Connection, Not a Street		
(k) Pedestrian Pass	Permitted Connection, Not a Street		
(l) Alley	Permitted Connection, Not a Street		
(m) All other street types	Prohibited		
(4) Curb Cuts (not including street intersections)			
(a) On Market Street	400' Min. distance between curb cuts		
(b) On Garden Street	400' Min. distance between curb cuts		
(b) All other streets	100' Min. distance between curb cuts		
(E) Parking Standards			
(1) Parking Amount Requirements			
(a) Per Residential Unit	2 spaces Max.		
(b) Per 1,000 gross s.f. Non-Residential	2 spaces Min.		
(2) Location & Screening			
(a) New construction resulting in additional non-residential gross floor area or residential units shall meet T-4 Parking Standards			
(b) New surface parking shall be set back from the primary street a minimum of 25'			
(c) Parking spaces may be leased from the city or a private landowner			
(d) New parking spaces shall be screened from all streets and the public realm, a minimum of four (4) feet in height			
(e) Parking under structures is encouraged			
(f)			
Parking shall only be permitted in compliance with applicable BES standards for building frontage			
(g) No parking spaces required for ground floor tenants/ uses less than 5,000 sq. ft.			
(3) Off-Site Parking			
(a) Off-site parking within 600' may be used to meet parking requirements for Residential uses.			
(b) Off-site parking within 1200' may be used to meet parking requirements for non-Residential uses.			
(c) Shared parking may be used to meet parking requirements (See Article 13).			
(F) Supplemental District Standards			
(1) Where a T-4 Lot abuts the R4 or R7 Zoning District, the following standards shall apply:			
(a) A buffer strip shall be required			See Section 8.06(E)
(b) The third story of any building shall be set back a minimum of twelve feet (12') from the rear building line; and,			

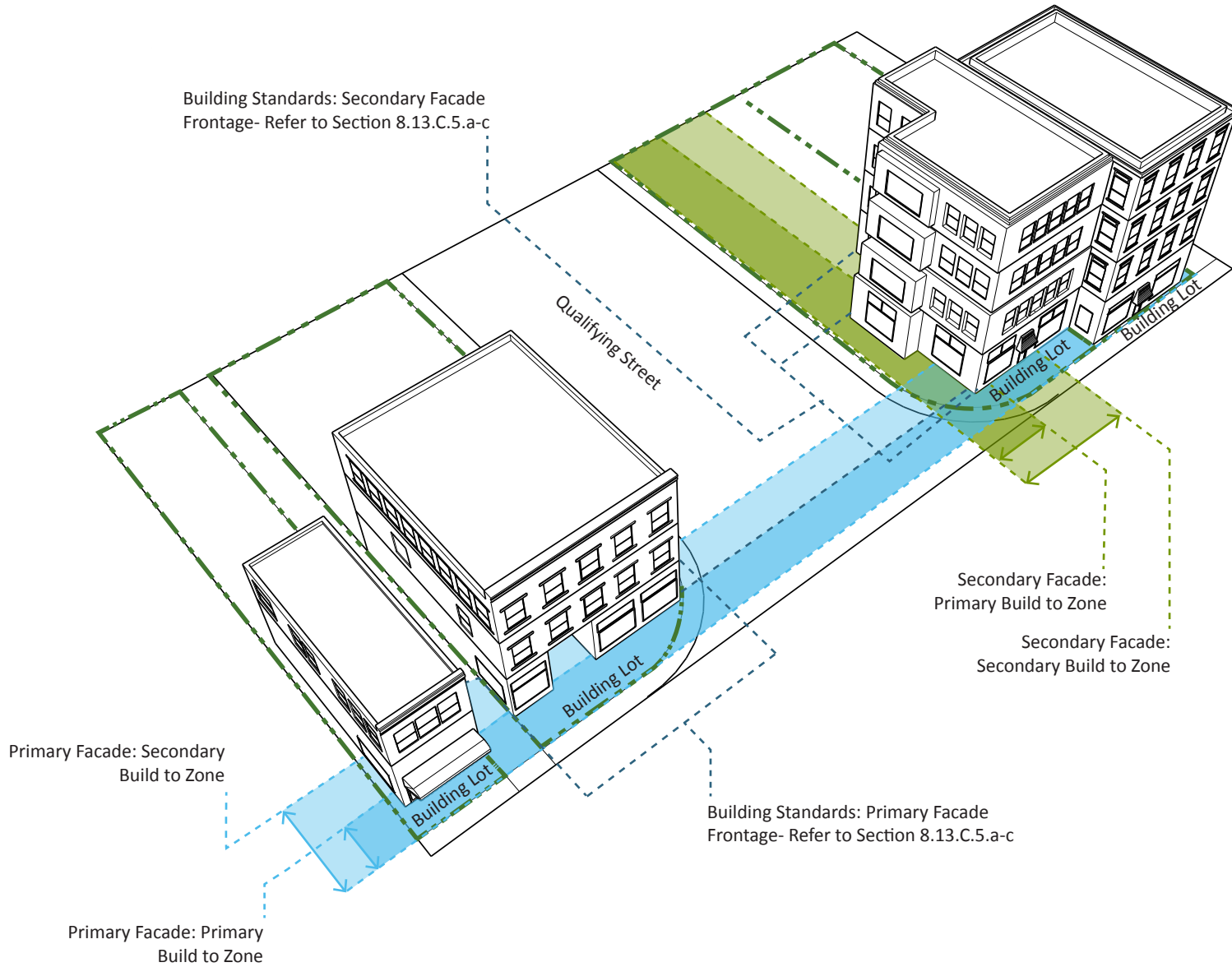
T4 BES Standard	Primary Building Façade Requirements	Secondary Building Façade Requirements	Supplemental
(c) The fourth story of any building shall be set back a minimum of twenty-four feet (24') from the rear building line.			
(d) Along Secondary Streets, parking structures within the build-to-zone that do not meet entrance and/or glazing standards are permitted and shall count towards Frontage Buildout requirements, provided that a minimum of 0.5% of the construction cost is used for original artwork installed on or in front of the building façade facing said street.			
(e) Along Secondary Streets, a Streetfront Open Space, as defined within these Regulations, shall count towards Frontage Buildout requirements.			
(2) Large Single Story Principal Buildings. New large single-story principal buildings shall be permitted subject to the following requirements:			
(a) Such building shall have a frontage greater than 100' and a footprint greater than 10,000 square feet;			
(b) No new single-story building shall be permitted within one thousand (1,000) linear feet in any direction from any existing single-story building approved under this subsection;			
(c) Such building shall be a minimum of 24' in height and shall have the appearance of two or more stories;			
(d) Such building shall have entries at a frequency of every 50' or less and shall have a maximum distance between entries of 60'; and,			
(e) Such building shall comply with all other provisions of these Regulations.			
(3) Small Single Story Principal Buildings. New small single-story principal buildings shall be permitted subject to the following requirements:			
(a) Such building shall have a maximum footprint of 3,500 square feet; and,			
(b) Such building shall comply with all other provisions of these Regulations.			
(G) Streetscape Standards			
(1) General Standards			
(a) All streetscape features must be consistent within a project.			
(b) Non-hardscape, pervious areas within the front yard shall be predominantly planted with groundcover or flowering vegetation.			
(c) All features proposed within an existing, proposed, or planned public ROW shall comply with requirements of the Department of Public Works.			
(d) Proposed development shall comply with all requirement of Article 11			
(2) Streetscape requirements			
(a) Benches		2 Min. per 100' frontage	
(b) Bicycle Racks for at least 5 bikes		1 Min. per 100' frontage	
(c) Street Tree Spacing, on center		50' Max. average	
Notes			
(1) If a corner lot is 100' or less in width along the street containing the primary building facade and greater than two (2) times that width in depth, the required frontage buildout on the BES shall be reduced by 50% on the street containing the secondary building facade.			
(2) Upper Story Glazing Shall comply with the following standards:			
(a) Upper story glazing shall be a minimum of 30 percent of the façade on the primary building facade and 20% on secondary building facades.			
(b) 80% of glazing on upper stories shall be taller than wide			
(c) The required percentage shall be achieved by multiple openings. Windows may be ganged horizontally if each grouping (maximum five per group) is separated by a mullion, column, pier or wall section that is at least 7 inches wide.			
(d) Glazing on upper stories shall not be flush with building surface material and shall be recessed a minimum of 3 inches, except for bay windows and storefronts.			
(e) Upper story windows/glazing (not doors) shall be no closer than 30 inches to building corners (excluding bay windows and storefronts).			

T4 URBAN MULTI USE BUILDING ENVELOPE STANDARDS



T4 URBAN MULTI USE

LOT FRONTAGE STANDARDS



8.14 T-5 Building Envelope Standards

(A) Purpose

Emphasis is on Market Street with high volume foot traffic. Create a street-oriented public realm that encourages a dense downtown, multi-use/multi-purpose built environment. Retail and other commercial uses must be on the ground floor, with and mixed uses permitted above. Parking (not including on-street parking) shall be away (or hidden) from the street.

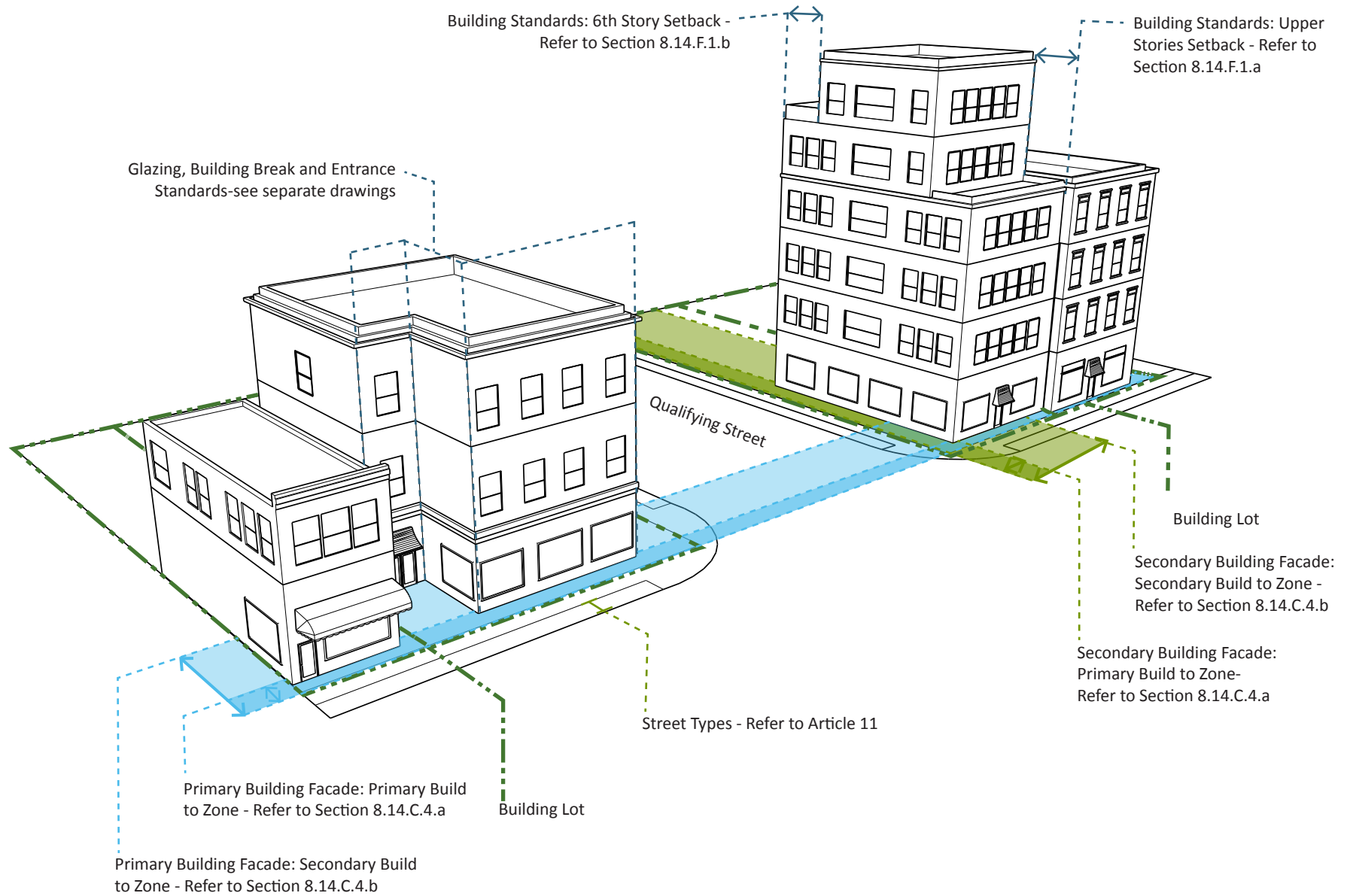
T5 BES Standard	Primary Building Façade Requirements	Secondary Building Façade Requirements	Supplemental
(B) Lot Standards			
(1) Lot Dimensions			
(a) Lot size		None	
(b) Lot Width		None	
(2) Lot Occupation			
(a) Percentage of Lot Coverage		None	
(b) Units per acre		None	
(C) Building Standards			
(1) Building Types			
(a) All Types		Permitted	
(2) Building Stories			
(a) Principal		2 Min., 6 Max.	
(b) Accessory		1 Max.	
(3) Floor-to-Floor Height			
(a) First story		14' Min., 20' Max.	
(b) Upper Stories		10' Min., 14' Max.	
(4) Build-to-Zone			See T5 Figures
(a) Primary Build-to-Zone	0' Min., 6' Max.	0' Min., 9' Max.	
(b) Secondary Build-to-Zone	0' Min., 24' Max.	0' Min., 36' Max.	
(5) Frontage			See T5 Figures
(a) Frontage Buildout	85% Min.	85% Min. (Note 1)	
(b) Percentage of Frontage Buildout within the Primary Build-to-Zone	75% Min.	50% Min.	
(c) Percentage of Frontage Buildout within the Secondary Build-to-Zone	0% Min., 25% Max.	50% Max.	
(6) Entrances			See Entrances Figure
(a) Average frequency of Public Entrances, non-residential first story use	30' Max.	45' Max.	
(b) Maximum distance between Public Entrances, non-residential first story use	40' Max.	60' Max.	
(c) Average Frequency of Operable Entrances, residential first story use		not applicable	
(d) Maximum distance between Operable Entrances, residential first story use		not applicable	
(7) Glazing			See Glazing Figure
(a) First Story	Min. 80% of the Width of the Building, and Min. 7.5' in Height	Min. 40% of the Width of the Building, and Min 7.5' in Height	
(b) First Story, percent of glazing required to be transparent	75% Min.	75% Min.	
(c) Upper Stories		See Note 2	
(d) Upper Stories, percent of glazing required to be transparent		See Note 2	
Building Breaks			See Note 3 & Bldg Breaks Figure
(8) (a) Building Horizontal Façade	Min. 3 every 80'	Min. 3 every 80'	

T5 BES Standard	Primary Building Façade Requirements	Secondary Building Façade Requirements	Supplemental
(b) Single Span of Horizontal Façade Without a Break	Recommend every 24-48 feet; 60' Max.	Recommend every 24-48 feet; 60' Max.	
(9) Supplemental Building Standards			
(a) Awnings, Stoops, Vestibules	Encouraged		
(D) Block and Street Standards			
(1) Blocks			See Section 8.04
(a) Perimeter	1,600' Max.		
(b) Length	400' Max.		
(2) Street and Connection types			See Article 11
(a) Destination Street	Permitted, Qualifies as a Street		
(b) Support Street	Permitted, Qualifies as a Street		
(c) Neighborhood Street Narrow	Permitted, Qualifies as a Street		
(d) Market Street & Garden Street	Permitted, Qualifies as a Street		
(e) Path	Permitted Connection, Not a Street		
(f) Alley	Permitted Connection, Not a Street		
(b) Pedestrian Pass	Permitted Connection, Not a Street		
(h) All other street types	Prohibited		
(3) Curb Cuts			
(a) On Market Street	Prohibited		
(b) On Garden Street	Prohibited		
(c) All other streets	100' Min. distance between curb cuts		
(E) Parking Standards			
(1) Parking Amount Requirements			
(a) Per Residential Unit	2 spaces Max.		
(b) Per 1,000 gross s.f. Non-Residential	2 spaces Min.		
(2) Location & Screening			
(a) New construction resulting in additional non-residential gross floor area or residential units shall meet T-5 Parking Standards			
(b) New surface parking shall be set back from the primary street a minimum of 25'			
(c) Parking spaces may be leased from the city or a private landowner			
(d) New parking spaces shall be screened from all streets and the public realm, a minimum of four (4) feet in height			
(e) Parking under structures is encouraged			
(f)	Parking shall only be permitted in compliance with applicable BES standards for Frontage Buildout		
(g) No parking spaces required for ground floor tenants/ uses less than 5,000 sq. ft.			
(3) Off-Site Parking			
(a) Off-site parking within 600' may be used to meet parking requirements for Residential uses.			
(b) Off-site parking within 1200' may be used to meet parking requirements for non-Residential uses.			
(c) Shared parking may be used to meet parking requirements (See Article 13).			
(F) Supplemental District Standards			
(1) Upper Story setbacks			
(a) All stories above the fourth story of any building shall be set back a minimum of twelve feet (12') from the primary and secondary building façades.			
(b) All stories above the fifth story of any building shall be set back a minimum of twelve feet (12') from all Alleys.			
(G) Streetscape Standards			
(1) General Standards			
(a) All streetscape features must be consistent within a project.			
(b) Non-hardscape, pervious areas within the front yard shall be predominantly planted with groundcover or flowering vegetation.			

T5 BES Standard	Primary Building Façade Requirements	Secondary Building Façade Requirements	Supplemental
(c) All features proposed within an existing, proposed, or planned public ROW shall comply with requirements of the Department of Public Works.			
(d) Proposed development shall comply with all requirement of Article 11			
(2) Streetscape requirements			
(a) Benches		1 Min. per 50' frontage	
(b) Bicycle Parking or Rack Spaces		20 Min. per 100' frontage	
(c) Street Tree Spacing, on center		30' Max. average	
Notes			
(1) If a corner lot is 100' or less in width along the street containing the primary building facade and greater than two (2) times that width in depth, the required frontage buildout in the BES shall be reduced by 50% on the street containing the secondary building facade.			
(2) Upper Story Glazing Shall comply with the following standards:			
(a) Upper story glazing shall be a minimum of 30 percent of the façade on the primary building facade and 20% on secondary building facades.			
(b) 80% of glazing on upper stories shall be taller than wide			
(c) The required percentage shall be achieved by multiple openings. Windows may be ganged horizontally if each grouping (maximum five per group) is separated by a mullion, column, pier or wall section that is at least 7 inches wide.			
(d) Glazing on upper stories shall not be flush with building surface material and shall be recessed a minimum of 3 inches, except for bay windows and storefronts.			
(e) Upper story windows/glazing (not doors) shall be no closer than 30 inches to building corners (excluding bay windows and storefronts).			
(3) Building Break Standards also apply to any façade facing a Qualifying Open Space			

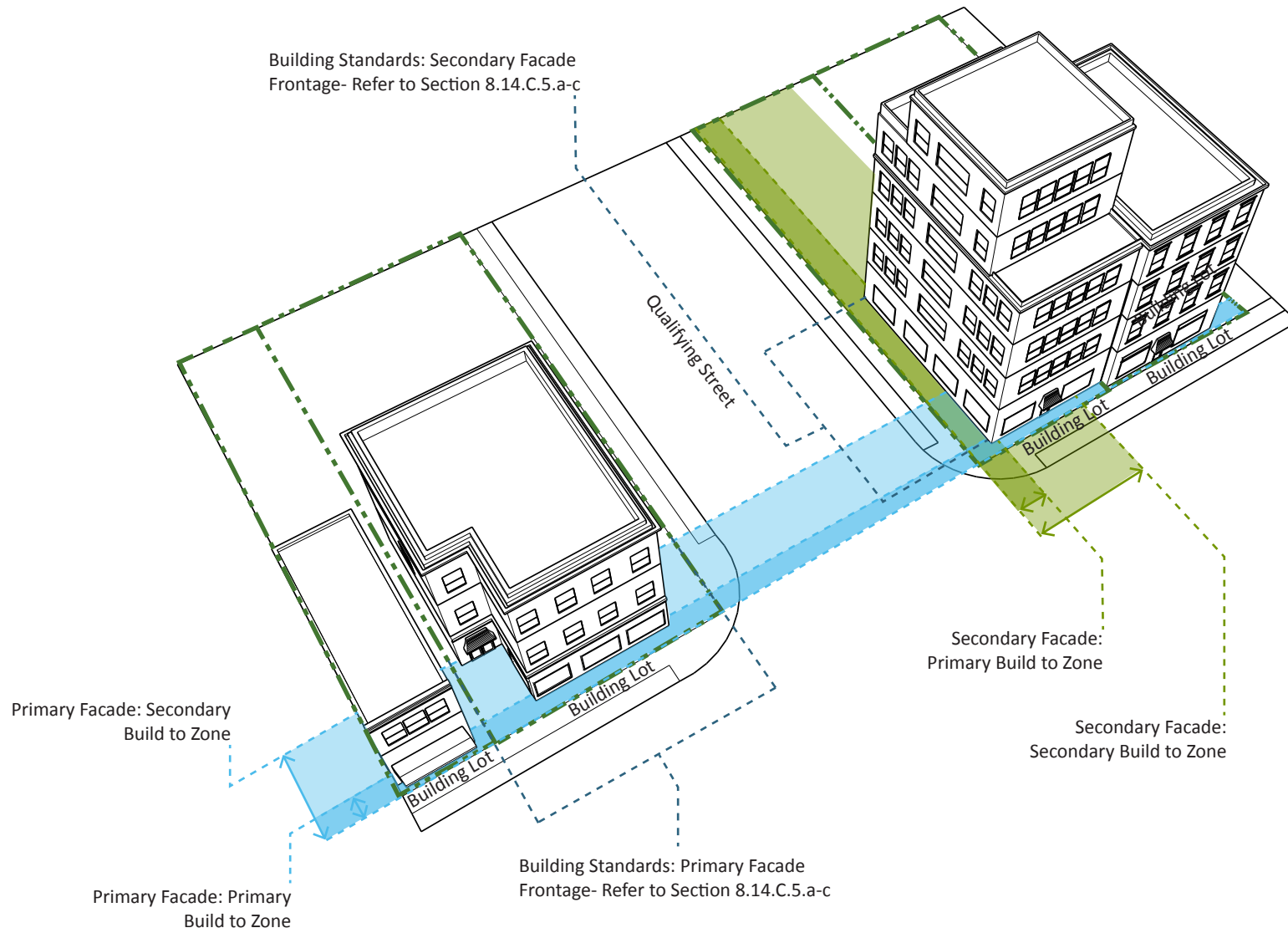
T5 CITY CENTER

BUILDING ENVELOPE STANDARDS

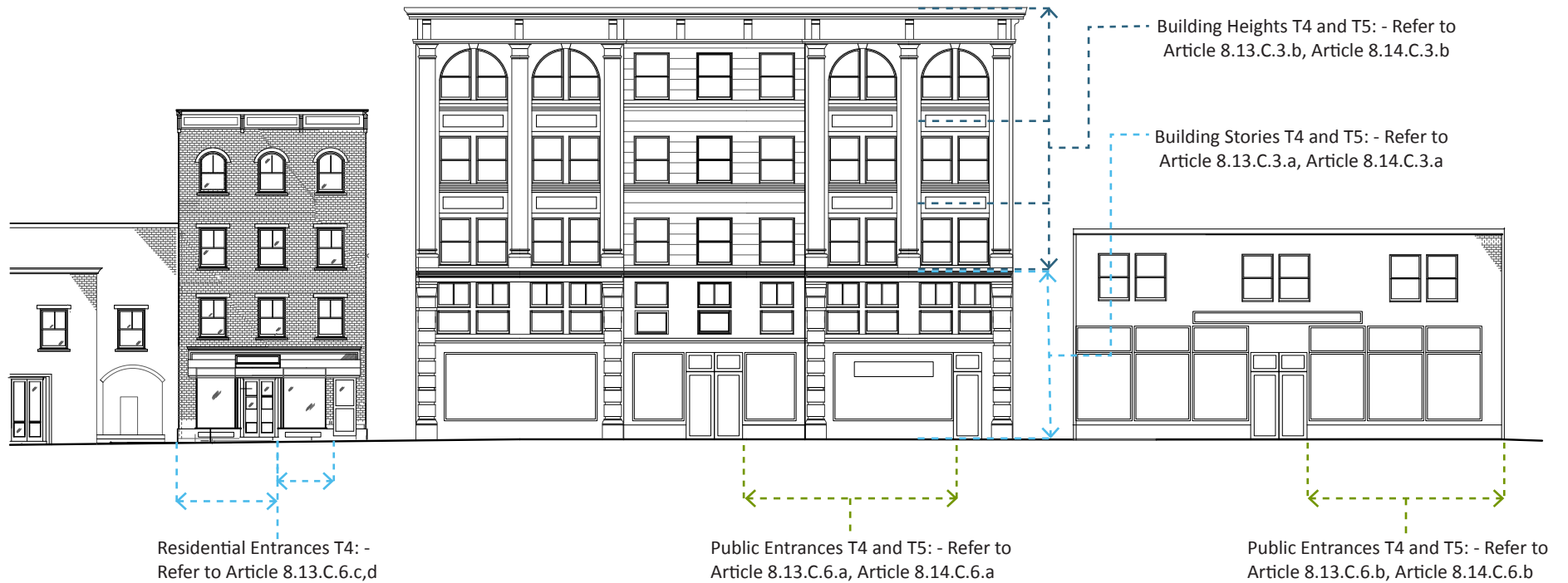


T5 CITY CENTER

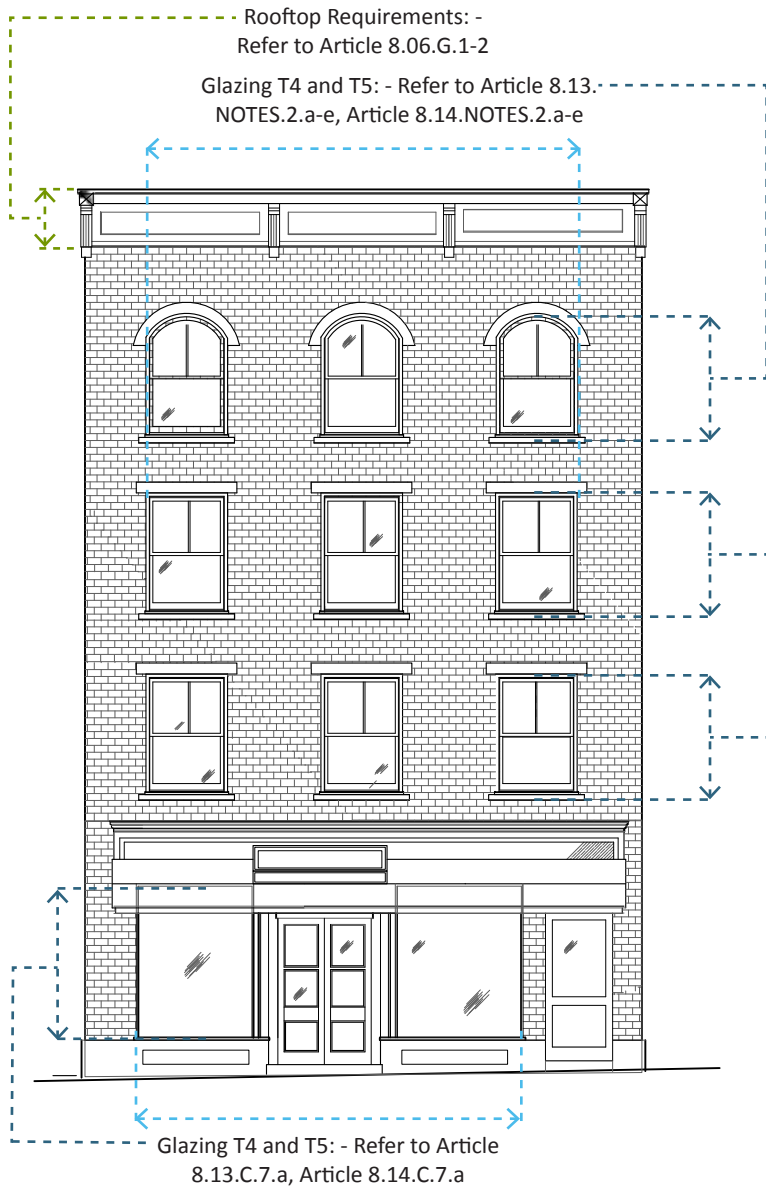
LOT FRONTAGE STANDARDS



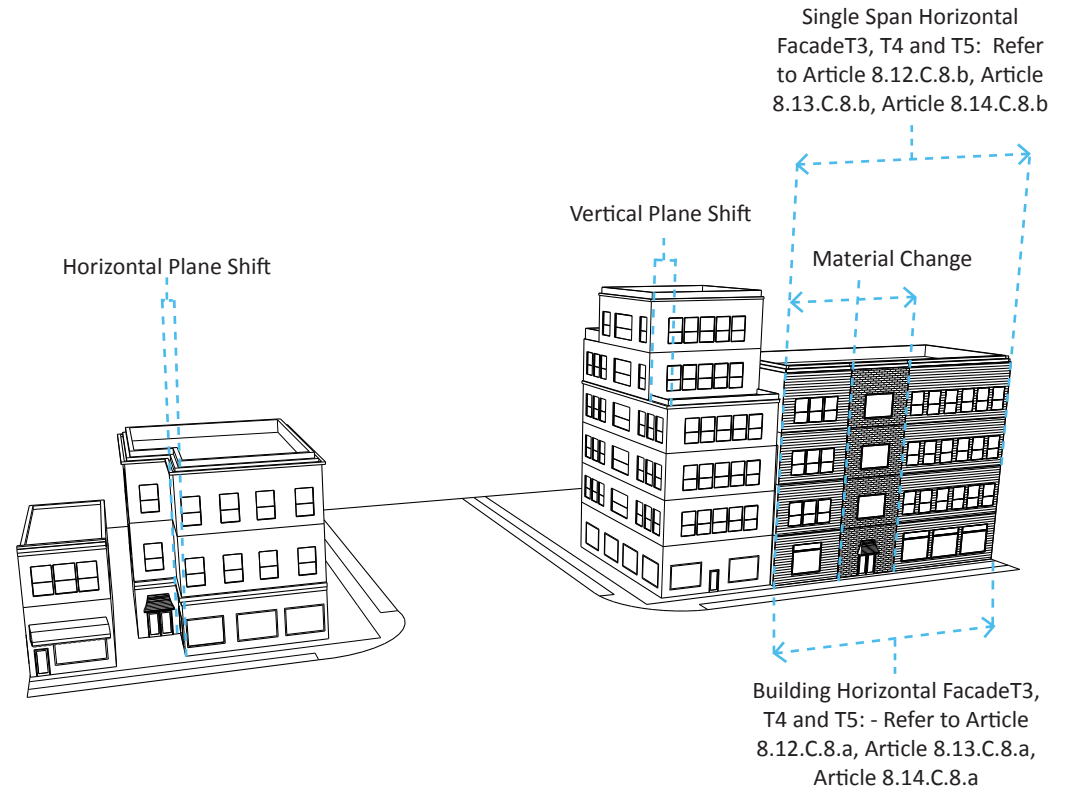
ENTRANCE STANDARDS



GLAZING STANDARDS



BUILDING BREAKS



8.15 City Center FBC Master Plan Review and Approval [Reserved]

8.16– 8.18 [Reserved]

9 SOUTHEAST QUADRANT - SEQ

- 9.01 Purpose
- 9.02 Comprehensive Plan
- 9.03 Uses
- 9.04 Designation of SEQ Sub-Districts and SEQ Zoning Map
- 9.05 Residential Density
- 9.06 Dimensional and Design Requirements Applicable to All Sub-Districts
- 9.07 Regulating Plans
- 9.08 SEQ-NRT SEQ-NR, and SEQ-NRN Sub-Districts; Specific Standards
- 9.09 SEQ-VR Sub-District; Specific Standards
- 9.10 SEQ-VC Sub-District; Specific Regulations
- 9.11 Supplemental Standards for Arterial and Collector Streets
- 9.12 SEQ-NRP; Supplemental Regulations
- 9.13 SEQ Review and Approval Process

9.01 Purpose

A Southeast Quadrant District (SEQ) is hereby formed in order to encourage open space preservation, scenic view and natural resource protection, wildlife habitat preservation, continued agriculture, and well-planned residential use in the area of the City known as the Southeast Quadrant. The natural features, visual character and scenic views offered in this area have long been recognized as very special and unique resources in the City and worthy of protection. The design and layout of buildings and lots in a manner that in the judgment of the Development Review Board will best create neighborhoods and a related network of open spaces consistent with the Comprehensive Plan for the Southeast Quadrant shall be encouraged. Any uses not expressly permitted are hereby prohibited, except those which are allowed as conditional uses.

9.02 Comprehensive Plan

These regulations hereby implement the relevant provisions of the City of South Burlington Comprehensive Plan, and any adopted amendments to such plan, and are in accord with the policies set forth therein. In the event of a conflict between the Southeast Quadrant chapter and other provisions of the Comprehensive Plan, the Southeast Quadrant chapter shall control.

9.03 Uses

In the SEQ District, principal permitted uses and conditional uses shall be those shown in Table C-1, Table of Uses.

9.04 Designation of SEQ Sub-Districts and SEQ Zoning Map

A. The SEQ District is divided into six sub-districts:

- (1) SEQ-NRP SEQ – Natural Resource Protection
- (2) SEQ-NRT SEQ – Neighborhood Residential Transition
- (3) SEQ-NR SEQ – Neighborhood Residential

- (4) SEQ-NRN SEQ – Neighborhood Residential North
- (5) SEQ-VR SEQ – Village Residential
- (6) SEQ-VC SEQ – Village Commercial

B. These sub-districts are shown on the map entitled Southeast Quadrant Zoning Map, incorporated into this bylaw.

C. Areas designated SEQ-NR, SEQ-NRN, SEQ-NRT, SEQ-VR, and SEQ-VC shall be considered development areas. Areas designated SEQ-NRP are designated as conservation areas, and are subject to supplemental regulations in this Article.

D. Interpretation of Sub-District Boundaries.

In any location where uncertainty exists regarding the exact boundaries of a sub-district as shown on the Southeast Quadrant Zoning Map, the affected property owner may submit a written request that the Planning Commission define the location of the boundary with respect to the subject property. The Planning Commission shall consider such request at a meeting of the Planning Commission held within 60 days of receipt of the written request. At the meeting, the Planning Commission shall provide an opportunity for persons, including municipal staff, officials, and consultants, to present information relevant to the determination of the boundary location. The Planning Commission has the authority to invoke technical review of any such submittals or to gain additional information. Within 30 days following such meeting, or any continuation thereof, the Planning Commission shall determine the boundary location, giving consideration to the original intent or purpose in designating such sub-district, as expressed in the Southeast Quadrant chapter of the Comprehensive Plan.

9.05 Residential Density

A. Maximum Assigned Density: The maximum assigned density of a parcel or portion of a parcel in any SEQ sub-district shall be one point two (1.2) dwelling units and/or lots per gross acre.

- (1) **SEQ-VC:** Lots in the SEQ-VC district that were in existence as of the effective date of this Article and that are two acres or less in size shall be allowed an assigned residential density of 4 d.u. to the acre as of right. This density may be increased to no more than 8 d.u. to the acre through the transfer of development rights. Development in SEQ-VC shall be according to Section 9.10.

B. Average Development Density: The number of dwelling units that may be located on, or the number of single family house lots that may be created, within a contiguous development parcel subject to a single PUD or Master Plan approval shall not exceed an average density and a maximum number of units per structure of the following:

- (1) In the SEQ-NRP sub-district, the provisions of Section 9.12 shall apply.
- (2) SEQ-NRT: Four (4) dwelling units (du) to the acre
- (3) SEQ-NR: Four (4) dwelling units (du) to the acre and four (4) dwelling units per structure
- (4) SEQ-NRN: Four and two-thirds (4.67) dwelling units (du) to the acre and four (4) dwelling units per structure

- (5) SEQ-VR: Eight (8) dwelling units (du) to the acre and six (6) dwelling units per structure
- (6) SEQ-VC: Eight (8) dwelling units (du) to the acre and six (6) dwelling units per structure.

Such average densities may be achieved only under a PUD Planned Unit Development application. See Section 9.13, SEQ Review and Approval Process.

Where a structure has been approved as part of a Master Plan prior to January 9, 2012 with a greater number of dwelling units than those permitted in these Regulations, such approved number of units in a structure shall remain in effect.

C. Affordable Housing Density Increase.

- (1) Affordable housing bonuses pursuant to Section 18.02 are allowed in the SEQ-NR, SEQ-NRN, SEQ-NRT, SEQ-VR, and SEQ-VC sub-districts. If affordable housing, as defined in Article 2 and regulated in Article 18 of these Regulations, is proposed as part of an application for development, the Development Review Board may grant a density increase in any of the eligible SEQ sub-districts according to the requirements of Section 18.02.
- (2) Calculation of the allowed density increase (i.e. 25% or 50% per Section 18.02) shall be based on the maximum allowable overall density of the project as a whole, including non-contiguous sending parcels where applicable. If a development plan is approved by the Development Review Board, the applicable average density may be increased on the development parcel sufficient to accommodate the affordable housing units.
- (3) In the SEQ-VR and SEQ-VC sub-districts, the Development Review Board may allow residential structures containing one or more affordable dwelling units to have two additional dwelling units, up to a maximum of eight (8) dwelling units per structure. This provision shall not be interpreted to allow an increase in the total allowable number of units for the project as a whole.
- (4) When an affordable housing density increase is granted in accordance with this Section and Section 18.02, the designated affordable dwelling units shall not constitute units for the purposes of calculation of Transferable Development Rights.

9.06 Dimensional and Design Requirements Applicable to All Sub-Districts

The following standards shall apply to development and improvements within the entire Southeast Quadrant Zoning District.

A. Height. See Article 3.07.

- (1) Heights of structures within the SEQ-NRN sub-district shall adhere to the standards of the SEQ-NR sub-district except where limited by the requirements in Section 9.08.(C)(8).

B. Open Space and Resource Protection.

- (1) Open space areas on the site shall be located in such a way as to maximize opportunities for creating usable, contiguous open spaces between adjoining parcels, creating or enhancing stream buffer areas, or creating or enhancing buffers for primary or secondary natural communities.

(2) Building lots, streets and other structures shall be located in a manner consistent with the Regulating Plan for the applicable sub-district, allowing carefully planned development at the average densities provided in this bylaw.

(3) A plan for the proposed open spaces and/or natural areas and their ongoing management shall be established by the applicant. Such plan shall describe the intended use and maintenance of each area. Continuance of agricultural uses or enhancement of wildlife habitat values in such plans for use and maintenance is encouraged. Existing natural resources on each site shall be protected through the development plan, including (but not limited to) primary natural communities, streams, wetlands, floodplains, conservation areas shown in the Comprehensive Plan, and special natural and/or geologic features such as mature forests, headwaters areas, and prominent ridges. In making this finding the Development Review Board shall use the provisions of Article 12 of this bylaw related to wetlands and stream buffers.

(4) Sufficient grading and erosion controls shall be employed during construction and after construction to prevent soil erosion and runoff from creating unhealthy or dangerous conditions on the subject property and adjacent properties. In making this finding, the Development Review Board may rely on evidence that the project will be covered under the General Permit for Construction issued by the Vermont Department of Environmental Conservation.

(5) Sufficient suitable landscaping and fencing shall be provided to protect wetland, stream, or primary or natural community areas and buffers in a manner that is aesthetically compatible with the surrounding landscape. The use of split rail or other fencing made of natural materials is encouraged. Chain link fencing shall be prohibited except:

- (a) fencing for agricultural purposes, and
- (b) fencing for recreational purposes, such as baseball diamonds, tennis courts, basketball courts, dog parks, or similar activities. Any chain link fencing installed for these purposes shall be plastic coated in either dark green or black.

In all cases, proposed fences shall comply with this section and section 13.17 (Fences) of these Regulations

C. Agriculture. The conservation of existing agricultural production values is encouraged through development planning that supports agricultural uses (including but not limited to development plans that create contiguous areas of agricultural use), provides buffer areas between existing agricultural operations and new development, roads, and infrastructure, or creates new opportunities for agricultural use (on any soil group) such as but not limited to community-supported agriculture. Provisions that enhance overall neighborhood and natural resource values rather than preservation of specific soil types are strongly encouraged.

D. Public Services and Facilities. In the absence of a specific finding by the Development Review Board that an alternative location and/or provision is approved for a specific development, the location of buildings, lots, streets and utilities shall conform with the location of planned public facilities as depicted on the Official Map, including but not limited to recreation paths, streets, park land, schools, and sewer and water facilities.

(1) Sufficient water supply and wastewater disposal capacity shall be available to meet the needs of the project in conformance with applicable State and City requirements, as evidenced by a City water allocation, City wastewater allocation, and/or Vermont Water and Wastewater Permit from the Department of Environmental Conservation.

(2) Recreation paths, storm water facilities, sidewalks, landscaping, utility lines, and lighting shall be designed in a manner that is compatible with the extension of such services and infrastructure to adjacent properties.

(3) Recreation paths, utilities, sidewalks, and lighting shall be designed in a manner that is consistent with City utility plans and maintenance standards, absent a specific agreement with the applicant related to maintenance that has been approved by the City Council.

(4) The plan shall be reviewed by the Fire Chief or his designee to insure that adequate fire protection can be provided, with the standards for evaluation including, but not limited to, minimum distance between structures, street width, vehicular access from two directions where possible, looping of water lines, water flow and pressure, and number and location of hydrants.

E. Circulation. The project shall incorporate access, circulation and traffic management strategies sufficient to prevent unsafe conditions on of adjacent roads and sufficient to create connectivity for pedestrians, bicycles, vehicles, school transportation, and emergency service vehicles between neighborhoods. . In making this finding the Development Review Board may rely on the findings of a traffic study submitted by the applicant, and the findings of any technical review by City staff or consultants.

(1) Roads shall be designed in a manner that is compatible with the extension of such services and infrastructure to adjacent properties.

(2) Roads shall be designed in a manner that is consistent with City roadway plans and maintenance standards, absent a specific agreement with the applicant related to maintenance that has been approved by the City Council.

(3) The provisions of Section 15.12(D)(4) related to connections between adjacent streets and neighborhoods shall apply.

9.07 Regulating Plans

A. Description and Regulatory Effect. The regulatory text of this Article is supplemented with illustrations, officially known as the Regulating Plan, illustrating the dimensional and design concepts. The Regulating Plan contains basic land planning and neighborhood design criteria that are intended to foster attractive and walkable neighborhood development patterns. Design criteria and guidelines set forth below are intended to address basic neighborhood design relationships related to scale, connectivity, and overall orientation that promote pedestrian friendly development as follows in Section 9.07(C).

The Regulating Plan is an illustrative guide; it does not have the same force of regulation as does the text in this bylaw. However, the Development Review Board will refer to both the Regulating Plan and the text of this section in its project reviews.

B. General Provisions

(1) The Regulating Plan shall apply to new development within the SEQ-NRT, SEQ-NR, SEQ-NRN, SEQ-VR and SEQ-VC sub-districts.

(2) All residential lots created on or after the effective date of this bylaw in any SEQ sub-district shall conform to a standard minimum lot width to depth ratio of one to two (1:2), with ratios of 1:2.5 to 1:5 recommended.

(3) For lots and/or structures with approvals prior to the effective date of this bylaw, the Regulating Plan shall not supersede such approvals, Table C-1, Permitted and Conditional Uses, or Table C-2, Dimensional Standards.

C. Street, Block and Lot Patterns

(1) **Overall Criteria:** Development criteria within the Street, Block and Lot Pattern section are intended to provide pedestrian-scaled development patterns and an interconnected system of streets that allow direct and efficient walking and bicycling trips, and decrease circuitous vehicular trips.

(2) **Street Design:** The intention of street design criteria is to provide a system of attractive, pedestrian-oriented streets that encourage slower speeds, maximize connections between and within neighborhoods, and contribute to neighborhood livability.

(3) **Building Design:** The intention of the building design guidelines is to ensure that new housing and commercial development reinforce a pedestrian-friendly environment, while allowing creativity in design.

D. Parks Design and Development.

(1) **General standards.** The SEQ has an existing large community park, the Dorset Street Park Complex. Parks in the SEQ may be programmed as neighborhood parks or mini-parks as defined in the Comprehensive Plan. Mini parks in the SEQ should be a minimum of 10,000 square feet, with programming approved by the South Burlington Recreation Department. Such parks are to be located through the neighborhoods in order to provide a car-free destination for children and adults alike, and to enhance each neighborhood's quality of life. They shall be knitted into the neighborhood fabric as a focal point in the neighborhood, to add vitality and allow for greater surveillance by surrounding homes, local streets and visitors. Each park should be accessible by vehicle, foot, and bicycle and there should be a park within a quarter-mile of every home.

(2) **Specific Standards.** The following park development guidelines are applicable in the SEQ-NRT, SEQ-NR, SEQ-NRN, SEQ-VR, and SEQ-VC sub-districts:

(a) Distribution and Amount of Parks:

(i) A range of parks and open space should be distributed through the SEQ to meet a variety of needs including children's play, passive enjoyment of the outdoors, and active recreation.

(ii) Parks should serve as the focus for neighborhoods and be located at the heart of residential areas, served by public streets and fronted by development.

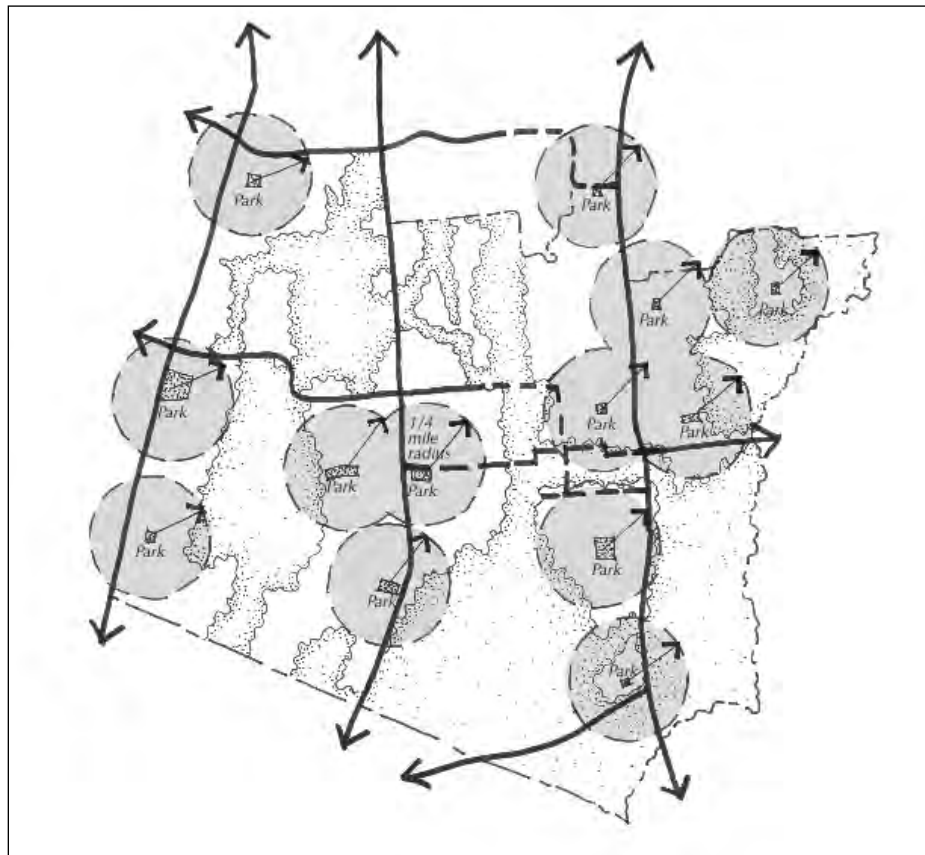
(iii) Parks should be provided at a rate of 7.5 acres of developed parkland per 1,000 population per the South Burlington Capital Budget and Program.

(iv) A neighborhood or mini park of 10,000 square feet or more should be provided within a one-quarter mile walk of every home not so served by an existing City park or other publicly-owned developed recreation area.

(b) Dedication of Parks and Open Space: Parks and protected open space must be approved by City Council for public ownership or management, or maintained permanently by a homeowners' association in a form acceptable to the City Attorney.

- (c) Design Guidelines
- (i) Parks should be fronted by homes and/or retail development in order to make them sociable, safe and attractive places.
 - (ii) Parks should be located along prominent pedestrian and bicycle connections.
 - (iii) To the extent feasible, single-loaded roads should be utilized adjacent to natural open spaces to define a clear transition between the private and public realm, and to reinforce dedicated open space as a natural resource and not extended yard areas.

Figure 9-1: Conceptual Distribution of Parks within 1/4 Mile of Homes.



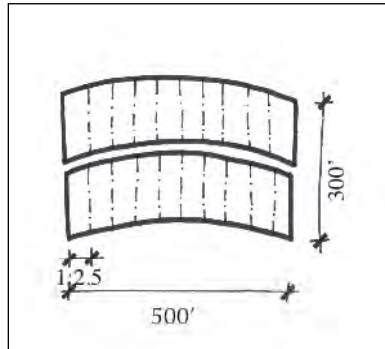
9.08 SEQ-NRT, SEQ-NR, and SEQ-NRN Sub-Districts; Specific Standards

The SEQ-NR, SEQ-NRN, and SEQ-NRT sub-districts have additional dimensional and design requirements, as enumerated in this Section.

A. Street, block and lot pattern.

- (1) **Development blocks.** Development block lengths should range between 300 and 500 linear feet. If it is unavoidable, blocks 500 feet or longer must include mid-block public sidewalk or recreation path connections.

Figure 9-2: Typical SEQ-NR, SEQ-NRN, and SEQ-NRT Block Size and Lot Proportion

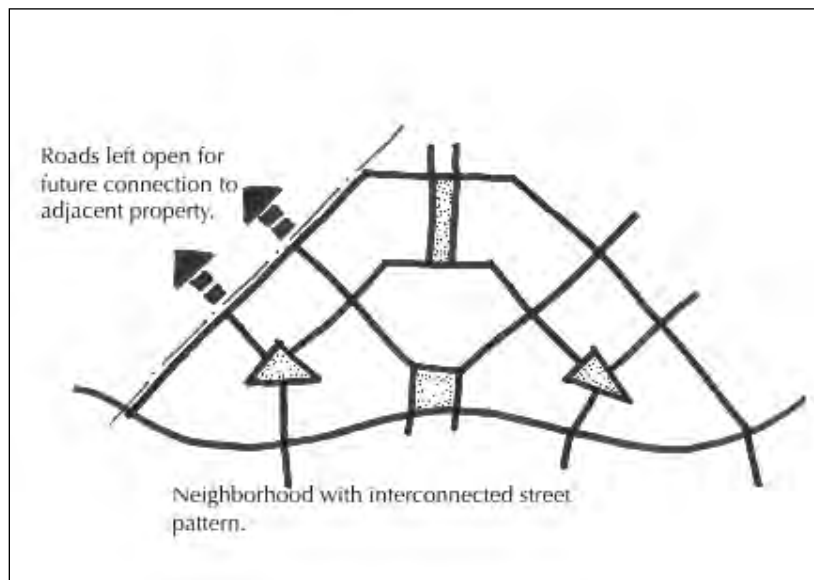


(2) Interconnection of Streets

- (a) Average spacing between intersections shall be 300 to 500 feet.
- (b) Dead end streets (e.g. cul de sac or hammer-head) that are not constructed to an adjacent parcel to allow for a future connection are strongly discouraged. Such dead end streets shall not exceed 200 feet in length.

- (3) Lot ratios.** Lots shall maintain a minimum lot width to depth ratio of 1:2, with a ratio of 1:2.5 to 1:5 recommended.

Figure 9-3: Interconnected Street Pattern with Future Street Connections to Adjoining Property.



B. Street, Sidewalk & Parking Standards

- (1) Street dimensions and cross sections.** Neighborhood streets (collector and local) are intended to be low-speed streets for local use that discourage through movement and are safe for pedestrians and bicyclists. Dimensions for public collector and local streets shall be as set forth in Tables 9-1 and 9-2, and Figures 9-4 and 9-5 below.

(2) Sidewalks.

- (a) Sidewalks must be a minimum of five feet in width with an additional minimum five-foot planting strip (greenspace) separating the sidewalk from the street.
- (b) Sidewalks are required on one side of the street.

(3) Street Trees

- (a) Street trees are required along all streets in a planting strip a minimum of five feet wide.
- (b) Street tree types shall be large, deciduous shade trees with species satisfactory to the City Arborist. Street trees to be planted must have a minimum caliper size of 2.5 to 3 inches DBH, and shall be planted no greater than thirty feet (30') on center.

(4) On-street parking. Sufficient space for one lane of on-street parking shall be provided on all streets except for arterials outside of the SEQ-VC and SEQ-VR sub-districts. This requirement may be waived within the SEQ-NRN sub-district provided the DRB finds sufficient off-street parking has been provided to accommodate the parking needs of the uses adjacent to the street.

(5) Intersection design. Intersections shall be designed to reduce pedestrian crossing distances and to slow traffic.

(6) Street and sidewalk lighting. Pedestrian-scaled light fixtures (e.g., 12' to 14') shall be provided sufficient to ensure pedestrian safety traveling to and from public spaces. Overall illumination levels should be consistent with the lower-intensity development patterns and character of the SEQ, with lower, smoother levels of illumination (rather than hot-spots) and light trespass minimized to the lowest level consistent with public safety.

Figure 9-4: Pavement Dimensions: Collector Streets, SEQ-NRT, SEQ-NRN, and SEQ-NR

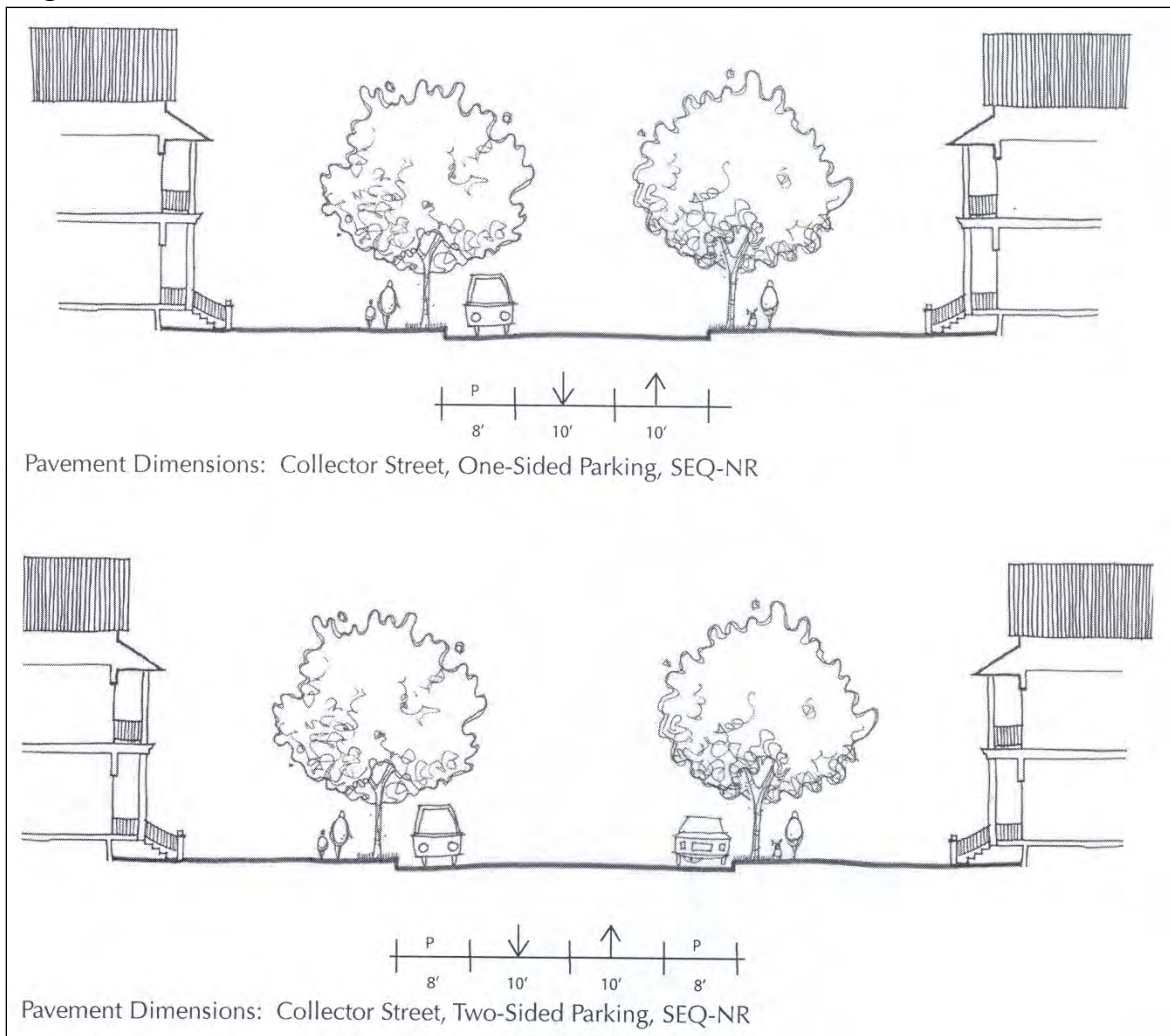


Table 9-1: Street Design Criteria for Collector Streets, SEQ-NRT, SEQ-NRN, and SEQ-NR

Design Speed	25 mph
Pavement width (parking one side)	28'
at wetland crossings	20'
Minimum radius of curves	260'
Minimum tangent length between curves	50'
Minimum vertical sight distance	150'
Minimum horizontal sight distance	275'

Figure 9-5: Pavement Dimensions: Local Streets, SEQ-NRT, SEQ-NRN, and SEQ-NR

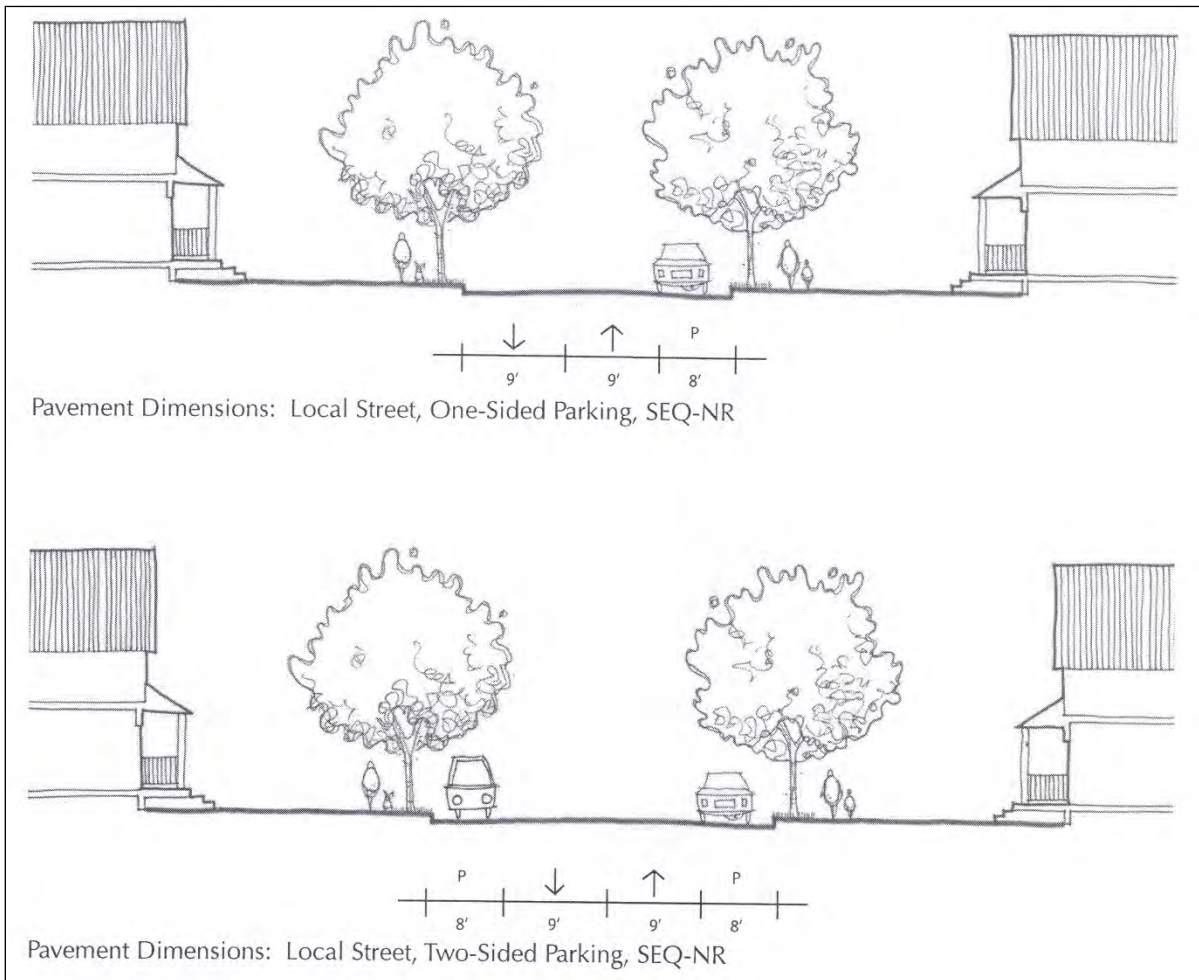
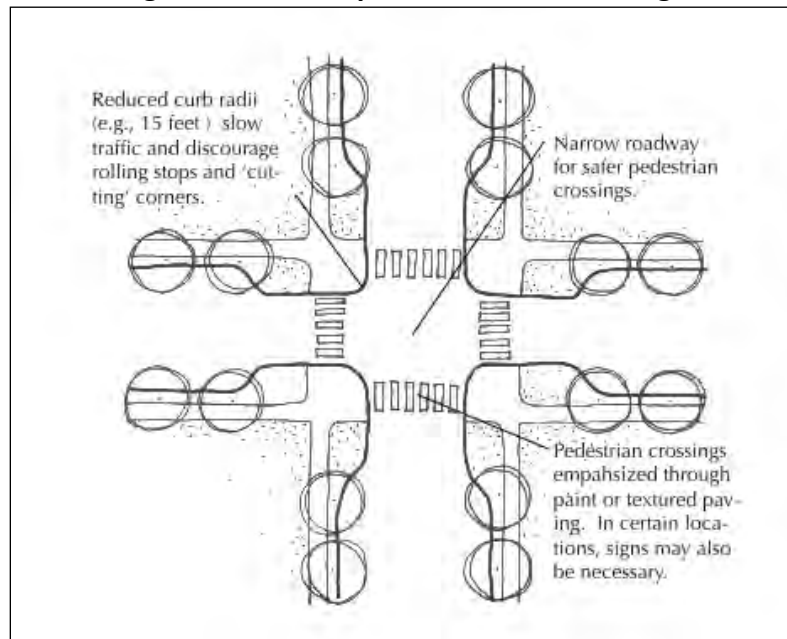


Table 9-2: Street Design Criteria for Local Streets, SEQ-NRT, SEQ-NRN, and SEQ-NR

Design Speed	25 mph
Pavement width (parking one side)	26'
With no parking	24'
With no parking, SEQ-NRN	20'
at wetland crossings	18'
Minimum radius of curves (1)	200'
Minimum tangent length between curves	50'
Minimum distance between centerline offsets	150'
Minimum vertical sight distance	150'
Minimum horizontal sight distance	275'

(1) In the SEQ-NRN sub-district, the minimum curve radius shall be determined based on recommendation of the Fire Department and Department of Public Works

Figure 9-6: Conceptual Intersection Design

C. Residential Design

(1) Building Orientation. Residential buildings must be oriented to the street. Primary entries for single family and multi-family buildings must face the street. Secondary building entries may open onto garages and/or parking areas. (Special design guidelines apply to arterial streets; see Section 9.11). A minimum of thirty-five percent (35%) of translucent windows and surfaces should be oriented to the south. In the SEQ-NRN sub-district, residential buildings should orient their rooflines to maximize solar gain potential, to the extent possible within the context of the overall standards of the regulating plan.

(2) Building Façades. Building façades are encouraged to employ a theme and variation approach. Buildings should include common elements to appear unified, but façades should be varied from one building to the next to avoid monotony. Front porches, stoops, and balconies that create semi-private space and are oriented to the street are encouraged. In the SEQ-NRN sub-district, residential buildings with rear façades that orient towards a public recreation path should employ rear porches, balconies, or other features to enhance their architectural detail.

(3) Front Building Setbacks. A close relationship between the building and the street is critical to the ambiance of the street environment.

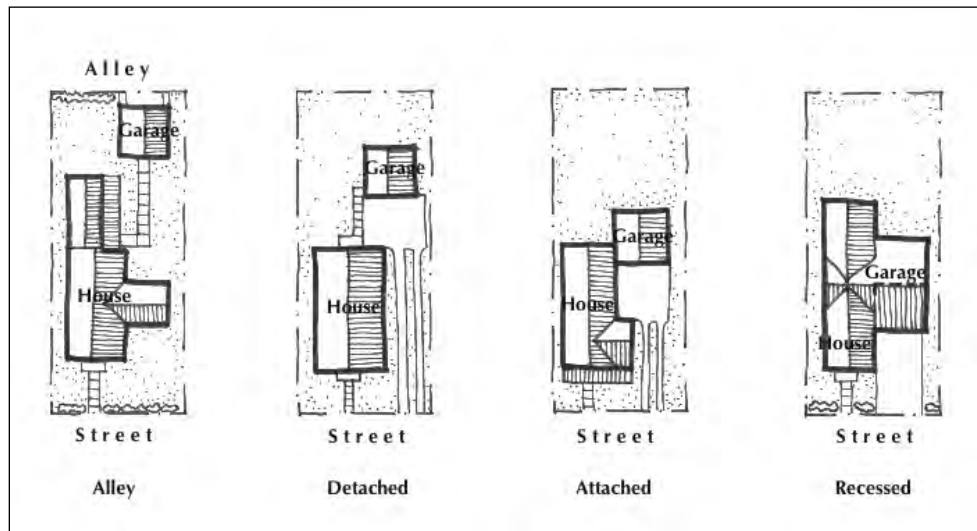
- (a) Buildings should be set back a maximum of twenty-five feet (25') from the back of sidewalk.
- (b) Porches, stoops, and balconies may project up to eight feet (8') into the front setbacks.

(4) Placement of Garages and Parking. For garages with a vehicle entrance that faces a front lot line, the facade of the garage that includes the vehicle entrance must be set back a minimum of eight feet (8') behind the building line of the single or two-family dwelling.

- (a) For the purposes of this subsection:

- (i) The building width of a single or two-family dwelling, not including the garage, shall be no less than twelve feet (12'), except for a duplex with side-by-side primary entries, in which case the building width of each dwelling unit in the duplex, not including a garage, shall be no less than eight feet (8')
- (ii) The portion of the single or two-family dwelling that is nearest the front lot line may be a covered, usable porch, so long as the porch is no less than eight feet (8') wide.
- (b) The DRB may waive this provision for garages with vehicle entries facing a side lot line, provided that (i) the garage is visually integrated into the single or two-family dwelling; and (ii) the façade of the garage that is oriented to the street is no more than eight feet (8') in front of the façade of the house that is oriented to the street.
- (c) Rear alleys are encouraged for small lot single-family houses, duplexes and townhouses.

Figure 9-7: Residential Garage Placement Options



- (d) **Mix of Housing Styles.** A mix of housing styles (i.e. ranch, cape cod, colonial, etc.), sizes, and affordability is encouraged within neighborhoods and developments. These should be mixed within blocks, along the street and within neighborhoods rather than compartmentalized into sections of near-identical units.
- (i) **Mix of Housing Styles, SEQ-NRN sub-district.** A minimum of at least three (3) housing styles (i.e. ranch, cape cod, colonial, etc.), sizes, and/or affordability is required within neighborhoods and developments. These should be mixed within blocks, along the street and within neighborhoods rather than compartmentalized into sections of near-identical housing styles. Where housing styles are repeated, different colors and/or materials shall be employed to enhance variety.

D. Landscape and Fence Buffer Standards, SEQ-NRN sub-district

- (1)** Applicability and submission requirements. This section provides standards for the landscaping of development within the SEQ-NRN sub-district. A landscape plan shall be included as part of any preliminary and/or final plat application.

(2) Existing Vegetation

(a) Existing vegetation that can effectively serve as landscape buffer to potentially incompatible uses and/or are significant, healthy trees shall be retained to the maximum extent possible, while accommodating the permitted level of development.

(b) Landscaped Buffers

(i) Location - Table 9-2A establishes the required locations and lengths of landscaped buffers. It also summarizes the principal standards for the design of those buffers, which are set forth in detail below. These buffers are alternatives, not cumulative.

(ii) Width – Table 9-2A establishes a minimum width for landscaped buffers of different types in different situations to be located between a property line that is adjacent to an identified “Adjoining Use” and the nearest principal structures.

(3) Landscape Buffer Types

(a) Type 0 – Low Height Vegetation. A Type 0 landscaping typically includes grass or meadow area with foundation screening at the buildings. This type of buffer is intended to provide separation between new buildings and the existing land uses.

(b) Type I - Dense Plantings. A Type I landscaped buffer must be composed primarily of continuous dense screening vegetation / hedge that will be at least five (5) feet in width and grow to at least six (6) feet in height.

(c) Type II – Informal Plantings. A Type II landscaped buffer must be composed of a split rail fence (or equivalent approved by the DRB), major trees, a partial understory of small trees, and a berm with a mixture of shrub type plantings. The minimum amount of planting per 100 horizontal feet of buffer shall be a full ground cover, two trees of at least 3” caliper, three ornamental or understory trees of at least 2” caliper, and any combination of shrubbery that occupies at least 50% of the area at the time of planting, all of which shall be distributed throughout the minimum buffer width described in Table 9-2A. With approval of the City Council, up to 10 feet of the green space between a recreation path and a property line may be used to enable the installation of the split rail fence and a portion of a berm.

(4) Use of Berms. Earthen Berms. An earthen berm may be required to increase the effectiveness of a landscaped buffer. The landscaping plan shall show the contours of the proposed berm and one or more cross-sections detailing its construction. The required buffer width may be reduced by the height of the berm, up to a number of feet that shall not exceed 25% of the required width, as provided in Table 9-2A.

(a) Berms shall not exceed six feet (6’) in height.

(b) No berm shall have a slope greater than 3:1, except where a retaining wall is used in accordance with these Regulations.

(5) Delineation Fences. Any development proposed adjacent to a City park shall include a fence delineating the separation of property lines, as depicted on Figure 9-2A. Such fence shall be of a split-rail or similar variety.

- (6) Permissible impervious surfaces in landscaped buffers.
 - (a) Crossings. Landscaped buffers may be crossed by driveways, roads, sidewalks, trails, and utility lines, including necessary risers and boxes, serving the development. The width of these crossings should be minimized.
 - (b) Light Standards. The bases of standards for approved outdoor lighting may be placed in a landscaped buffer.
 - (c) Miscellaneous. Landscaped buffers may include retaining walls, planters, minor impervious surfaces that are part of runoff and erosion control works; and sculptures or other works of art.

- (7) Supplemental setback standards, SEQ-NRN sub-district. In addition to the standards set forth in Table C-2, Dimensional Standards and this section, the requirements of Table 9-2A shall apply.

Table 9-2A Supplemental landscape buffer and setback requirements, SEQ-NRN sub-district

<u>Adjoining Use</u>	<u>Minimum Buffer Widths</u>			<u>Minimum setback (5)</u>
	Type 0	Type I (5)	Type II	
High Use Rec Path (1)	n/a	n/a	30'	50'
Lower Use Rec Path (2)	70'	n/a	27'	30'
Resource Protection Area (3)	40'	5'	27'	35'
% Reduction for Use of Berm (4)	25%	n/a	25%	n/a'

(1) The section of recreation path running along the west side of the SEQ-NRN sub-district, as shown on Figure 9-2A.

(2) The section of recreation path running along the south and east sides of the SEQ-NRN sub-district, as shown on Figure 9-2A.

(3) The area located at the north boundary line of the SEQ-NRN sub-district, as shown on Figure 9-2A

(4) Plantings are to be placed on top of berm for added vertical screening effect. Reduction not applicable to High Use Recreation Path.

(5) Setbacks apply to all principal structures.

- (8) Supplemental Height Standards, SEQ-NRN sub-district. In addition to the standards set forth in Table C-2, Dimensional Standards, residential structures shall be limited to a maximum of one (1) total story within the areas marked as “1-Story Building Area” on Figure 9-2A.

9.09 SEQ-VR Sub-District; Specific Standards

The SEQ-VR sub-district has additional dimensional and design requirements, as enumerated in this Section.

A. Street, Block and Lot Pattern

(1) **Development blocks.** Development block lengths should range between 300 and 400 linear feet; see Figure 9-2 for example. If longer block lengths are unavoidable blocks 400 feet or longer must include mid-block public sidewalk or recreation path connections.

(2) **Interconnection of Streets**

(a) Average spacing between intersections shall be 300 to 500 feet.

(b) Dead end streets (e.g. cul de sac or hammer-head) that are not constructed to an adjacent parcel to allow for a future connection are strongly discouraged. Such dead end streets shall not exceed 200 feet in length.

(3) **Lot ratios.** Lots shall maintain a minimum lot width to depth ratio of 1:2, with a ratio of 1:2.5 to 1:5 recommended.

B. Street, Sidewalk & Parking Standards

(1) **Street dimensions and cross sections.** Neighborhood streets (collector and local) in the VR sub-district are intended to be low-speed streets for local use that discourage through movement and are safe for pedestrians and bicyclists. Dimensions for public collector and local streets shall be as set forth in Tables 9-3 and 9-4, and Figures 9-8 and 9-9 below.

(2) **Sidewalks**

(a) Sidewalks must be a minimum of five feet (5') in width with an additional minimum five-foot planting strip (greenspace) separating the sidewalk from the street.

(b) Sidewalks are required on one side of the street, and must be connected in a pattern that promotes walkability throughout the development. The DRB may in its discretion require supplemental sidewalk segments to achieve this purpose.

(3) **Street Trees;** see Section 9.08(B)(3)

(4) **On-street parking;** see Section 9.08(B)(4).

(5) **Intersection design.** Intersections shall be designed to reduce pedestrian crossing distances and to slow traffic; see Figure 9-6 and Section 9.08(B)(5).

(6) **Street and sidewalk lighting.** Pedestrian-scaled light fixtures (e.g., 12' to 14') shall be provided sufficient to ensure pedestrian safety traveling to and from public spaces. Overall illumination levels should be consistent with the lower-intensity development patterns and character of the SEQ, with lower, smoother levels of illumination (rather than hot-spots) and trespass minimized to the lowest level consistent with public safety.

C. Residential Design

(1) **Building Orientation.** Residential buildings must be oriented to the street. Primary entries for single family and multi-family buildings must face the street. Secondary building entries may open onto garages and/or parking areas. (Special design guidelines apply to arterial streets).

(2) Building Façades. Building facades are encouraged to employ a theme and variation approach. Buildings should include common elements to appear unified, but façades should be varied from one building to the next to avoid monotony. Front porches, stoops, and balconies that create semi-private space and are oriented to the street are encouraged.

(3) Front Building Setbacks. In pedestrian districts, a close relationship between the building and the street is critical to the ambiance of the street environment.

(a) Buildings should be set back fifteen feet (15') from the back of sidewalk.

(b) Porches, stoops, and balconies may project up to eight feet (8') into the front setbacks. Porch, stoop and balcony areas within the front setback shall not be enclosed or weatherized with glazing or other solid materials.

(4) Placement of Garages and Parking. See Section 9.08(C)(4) and Figure 9-7.

(5) Mix of Housing Styles. A mix of housing styles (i.e. ranch, cape cod, colonial, etc.), sizes, and affordability is encouraged within neighborhoods and developments. These should be mixed within blocks, along the street and within neighborhoods rather than compartmentalized into sections of near-identical units.

Table 9-3: Street Design Criteria for Collector Streets, VR and VC

Design Speed	25 mph
Pavement width (parking one side)	28'
Pavement width (parallel parking both sides)	36'
at wetland crossings	20'
Minimum radius of curves	260'
Minimum tangent length between curves	50'
Minimum vertical sight distance	150'
Minimum horizontal sight distance	275'

Figure 9-8: Pavement Dimensions, Collector Streets, SEQ-VR

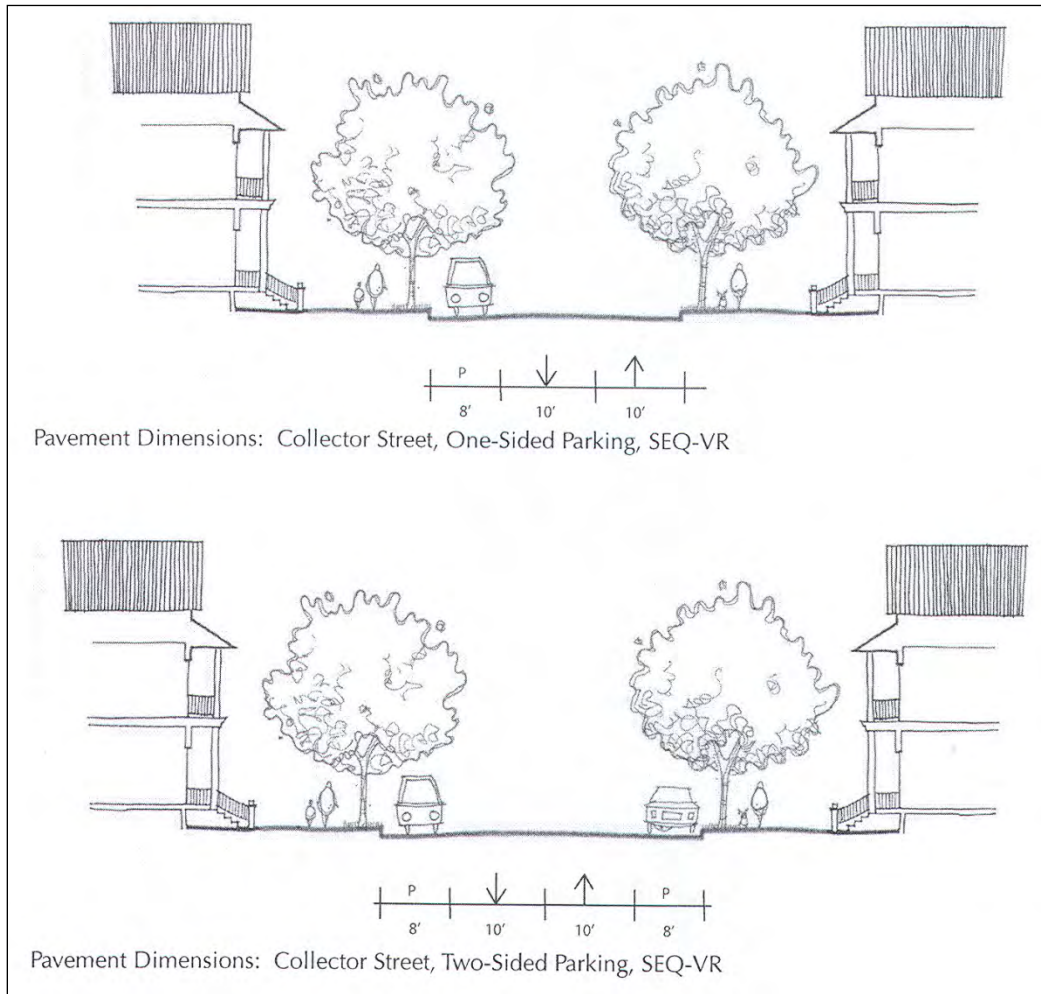
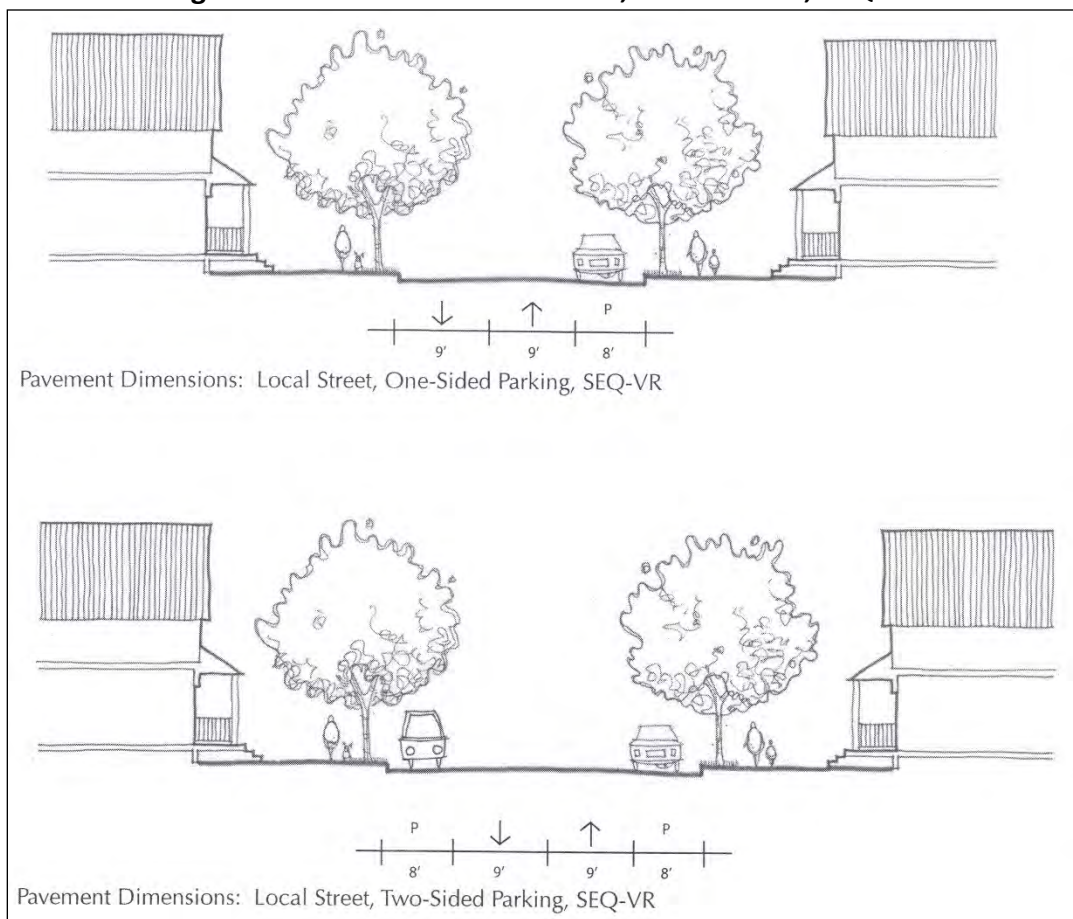


Table 9-4: Street Design Criteria for Local Streets, VR and VC

Design Speed	25 mph
Pavement width (parking one side)	26'
Pavement width (parallel parking both sides)	34'
With no parking	24'
at wetland crossings	18'
Minimum radius of curves	200'
Minimum tangent length between curves	50'
Minimum distance between centerline offsets	150'
Minimum vertical sight distance	150'
Minimum horizontal sight distance	275'

Figure 9-9: Pavement Dimensions, Local Streets, SEQ-VR



9.10 SEQ-VC Sub-District; Specific Regulations

The SEQ-VC sub-district has additional dimensional and design requirements, as enumerated in this section.

A. Street, block and lot pattern.

(1) Development blocks. Development block lengths should range between 200 and 300 linear feet; see Figure 9-2 for example. Blocks 300 feet or longer must include mid-block public sidewalk or recreation path connections.

(2) Interconnection of Streets

(a) Average intersection spacing shall be 200 to 300 feet.

(b) Dead end streets (e.g. cul de sacs or hammer-heads) that are not constructed to an adjacent parcel to allow for a future connection are strongly discouraged. Such dead end streets shall not exceed 200 feet in length.

(3) Lot ratios. Lots for new residential structures shall incorporate a minimum lot width to lot depth ratio of 1:2, with a ratio of 1:2.5 to 1:5 recommended.

B. Street, Sidewalk & Parking Standards

(1) Street dimensions and cross sections. Neighborhood streets in the VC sub-district are intended to be low-speed streets for local use that discourage through movement and are safe for pedestrians and bicyclists. Dimensions for public collector and local streets shall be as set forth in Section 9.09(B)(1) above, and Tables 9-3 and 9-4; cross-sections shall be as set forth in Figures 9-10 and 9-11 below.

(2) Sidewalks

(a) Sidewalks must be a minimum of five feet in width plus a minimum five-foot planting strip separating the sidewalk from the street.

(b) Sidewalks are required on both sides of the street.

(3) Street Trees; see Section 9.08(B)(3)

(4) On-street Parking; see Section 9.08(B)(4)

(5) Intersection Design. Intersections shall be designed to reduce pedestrian crossing distances and to slow traffic; see Section 9.08(B)(5) and Figure 9-6.

(6) Lighting. Pedestrian scale light fixtures (e.g., 12' to 14') shall be provided sufficient to ensure pedestrian safety traveling to and from public spaces. Overall illumination levels should be consistent with the lower-intensity development patterns and character of the SEQ, with lower, smoother levels of illumination (rather than hot-spots) and trespass minimized to the lowest level consistent with public safety.

C. Residential Design

(1) Building Orientation. Residential buildings must be oriented to the street. Primary entries for single family and multi-family buildings must face the street. Secondary building entries may open onto garages and/or parking areas. (Special design guidelines apply to arterial streets; see Section 9.11).

(2) Building Façades. Building façades are encouraged to employ a theme and variation approach. Buildings should include common elements to appear unified, but façades should be varied from one building to the next to avoid monotony. Front porches, stoops, and balconies that create semi-private space and are oriented to the street are encouraged.

(3) Front Building Setbacks. In pedestrian districts, a close relationship between the building and the street is critical to the ambiance of the street environment. Front building setbacks in the SEQ-VC

district will vary depending on the building type and neighborhood design. Residential buildings should complement the setbacks of surrounding commercial buildings.

(a) Setbacks to the building line as defined in these Regulations may range from zero feet (0') to a maximum of fifteen feet (15').

(b) Where buildings are set back from the sidewalk, porches, stoops, balconies may project into the front setback area, and may overhang the sidewalk at the second and higher levels.

(4) Placement of Residential Garages and Parking Areas. Parking for residential uses must be located in side or rear yards, or in an approved shared parking area within the VC sub-district.

(5) Off-Site and Shared Parking. The distance limitations of Section 13.01(D) (2)(b) shall not apply in the VC sub-district; applicants may utilize off-site or on-site (as applicable) shared parking located anywhere within the VC district or within any area within 1,000 linear feet regardless of zoning sub-district.

Figure 9-10: Pavement Dimensions: Collector Streets, SEQ-VC

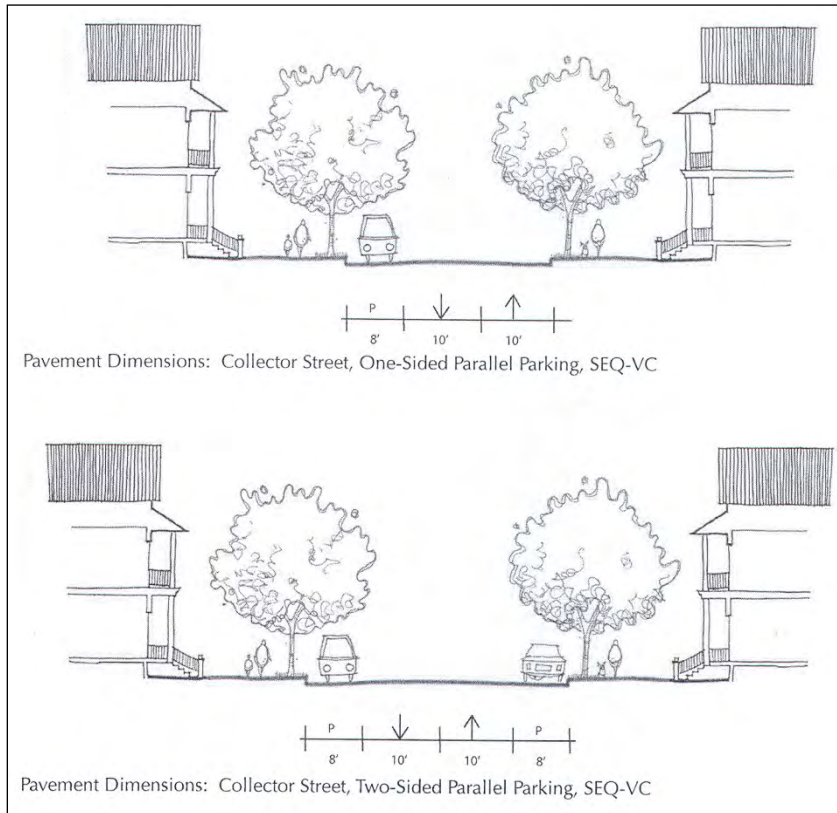
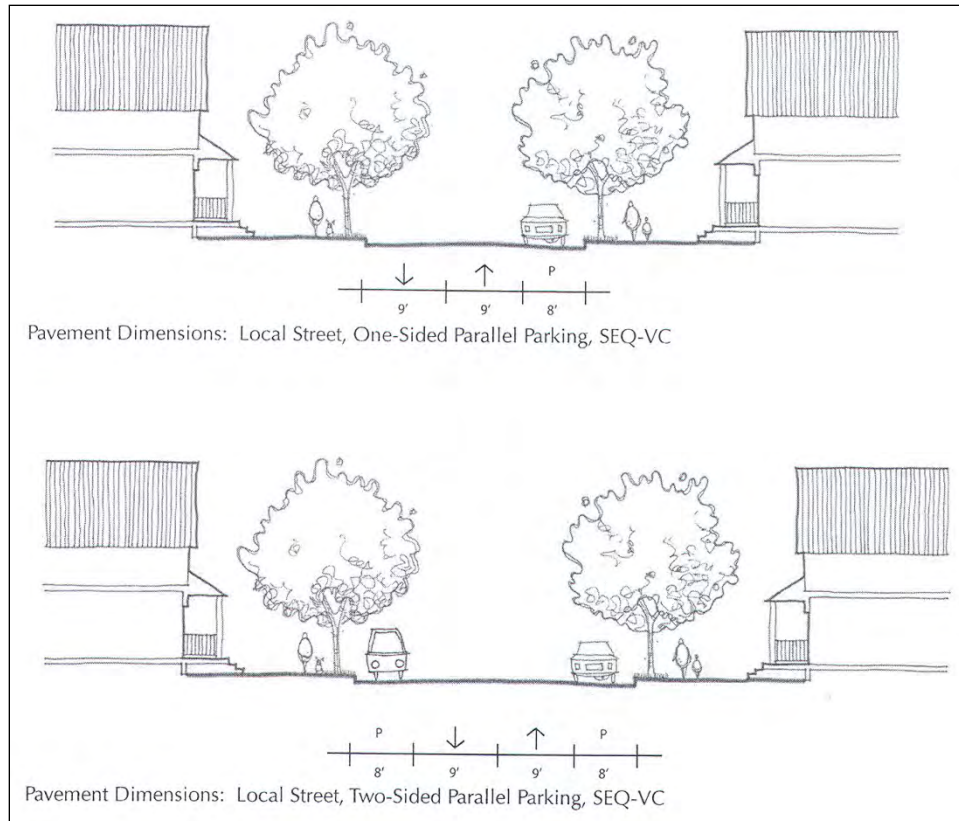


Figure 9-11: Pavement Dimensions: Local Streets, SEQ-VC



D. Design Standards for Non-Residential Land Uses in the SEQ-VC Sub-District

(1) Building Orientation. Non-residential buildings must be oriented to the principal public street on which the building has a façade. Primary building entries must be oriented to and open onto a sidewalk or other public walkway providing access from the public street. Secondary building entries may open onto parking areas.

(2) Building Façades

- (a) Building façades should be varied and articulated for pedestrian interest.
- (b) Street level windows and numerous shop entries are encouraged along the sidewalk. Blank or solid walls (without glazing) should not exceed thirty feet (30') in length at the street level.
- (c) Building entries should be emphasized with special architectural treatment.
- (d) All buildings should have a well-defined 'base' with richer detail in the pedestrian's immediate view (i.e., textured materials, recessed entries, awnings, fenestration patterns) and a recognizable 'top' consisting of elements such as cornice treatments, roof overhangs with brackets, textured materials, stepped parapets.
- (e) Buildings should have hipped or gabled roofs or flat roofs with an articulated parapet. Mansard style roofs are discouraged.
- (f) Buildings in the SEQ-VC should employ "four-sided" design principles intended to ensure a high visual quality from any publicly-used vantage point.

(3) Building Setbacks. New buildings with commercial uses must be built within a build-to-zone established no less than fifteen feet (15') and no more than twenty feet (20') from the edge of the curb.

The area between the building and the curb shall provide for convenient pedestrian access via sidewalk or recreation path; see Section 9.10(C)(1) above. Parking is prohibited between the building and the sidewalk.

(4) Parking

(a) Notwithstanding the provisions of Article 13 of these Regulations, each non-residential use shall provide three (3) off-street parking spaces per 1,000 gross square feet. The DRB may grant a parking waiver in conformance with Section 13.1(N)(3). The Development Review Board may allow on-street parking within 500 linear feet of the nearest building line of the use to count towards the use's parking requirements.

(b) The provisions of Section 13.1 notwithstanding, the DRB may allow shared parking anywhere within the VC district, regardless of linear distance from the proposed use.

9.11 Supplemental Standards for Arterial and Collector Streets

A. Setbacks. The minimum front setbacks from Dorset Street, Old Cross Road, Nowland Farm Road, Hinesburg Road, Swift Street, Swift Street Extension, and Old Cross Road Extension, shall be as set forth in Section 3.06(B) (1) and (2) of these Regulations.

B. Building Orientation along Arterial and Collector Streets.

(1) New developments with frontage on Dorset Street, Old Cross Road/Nowland Farm Road, or Swift Street, or which have the potential to include frontage along Swift Street Extension or Old Cross Road Extension, shall maintain a setback of twenty feet (20') from the edge of the planned street right-of-way.

(2) New developments with frontage on Hinesburg Road shall maintain a setback of forty feet (40') from the edge of the planned street right-of-way.

(3) This setback area shall be attractively landscaped, with suitable street trees, grassed swales or other means of infiltrating storm runoff, and fencing made of natural materials, in a manner that creates a defined edge to the development, without creating a visual "wall" or barrier. Acceptable alternatives for this treatment are shown in Figures 9-12 and 9- 13.

(4) A public sidewalk or recreation path planned in coordination with the South Burlington Recreation Path Committee shall be incorporated into the setback area.

(5) The use of earthen berms of more than four feet (4') in height above the average pre-construction or finished grade of the setback area, shall not be permitted. Under no circumstances shall vegetation other than grasses and low-growing shrubs be planted along the slope or top of any berms or other land shaped areas.

9.12 SEQ-NRP; Supplemental Regulations

A. Any lot that lies entirely within a SEQ-NRP sub-district is subject to the following supplemental regulations:

- (1) Such lot shall be conveyed to the City of South Burlington as dedicated open space or to a qualified land trust and shall not be developed with a residence, or
- (2) Such lot may be developed with a residence or residences pursuant to a conservation plan approved by the Development Review Board. See 9.12(B) below.
- (3) Such lot may be developed with uses other than residences, as listed in Table C-1, subject to the Development Review Board's approval of a conservation plan that balances development or land utilization and conservation. Such lot may also include the following additional development/activities:
 - (a) Driveways, roads, underground utility services, or other appurtenant improvements to serve approved development or uses. Utility service components, such as transformers and amplifiers, may be installed at ground level where such accords with standard industry practices.
 - (b) Landscaping, regrading, or other similar activities necessary to the creation of a buildable lot.

B. A lot that was in existence on or before June 22, 1992 and which lies substantially or entirely within a SEQ-NRP sub-district may be improved with one or more single family detached dwelling units, subject to conditional use review and the following supplemental standards:

- (1) Where the lot is less than fifteen (15) acres in size, the Development Review Board may permit no more than one (1) single family dwelling unit only if:
 - (a) The portion of the lot in any other (non-NRP) SEQ sub-district is insufficient to accommodate the construction and use of a single family dwelling unit in compliance with these Regulations, and;
 - (b) The location of structures, yards, and access drives have no portion within a designated primary natural community or its related buffer.

Figure 9-12: Setbacks at Arterial Streets

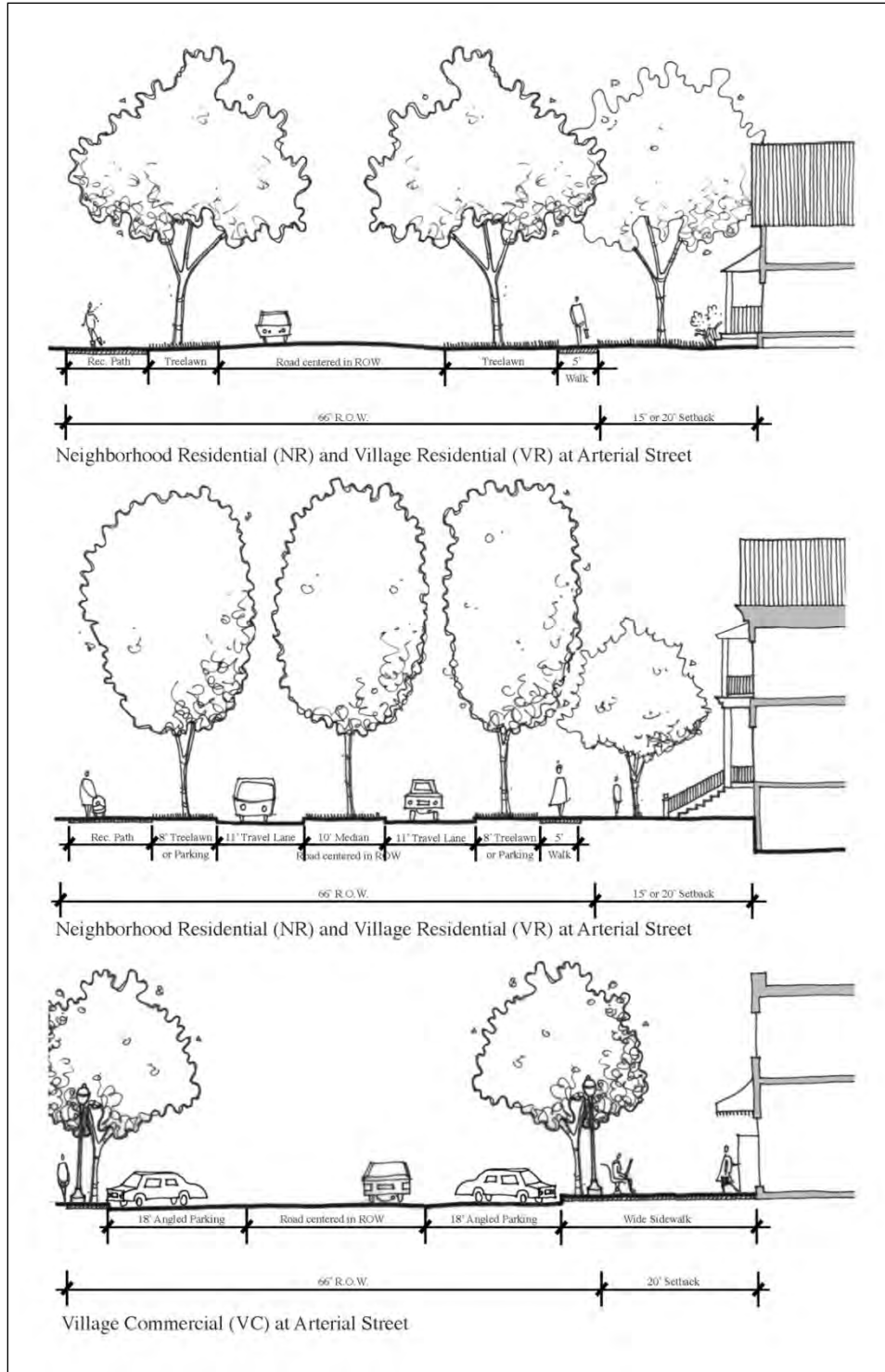
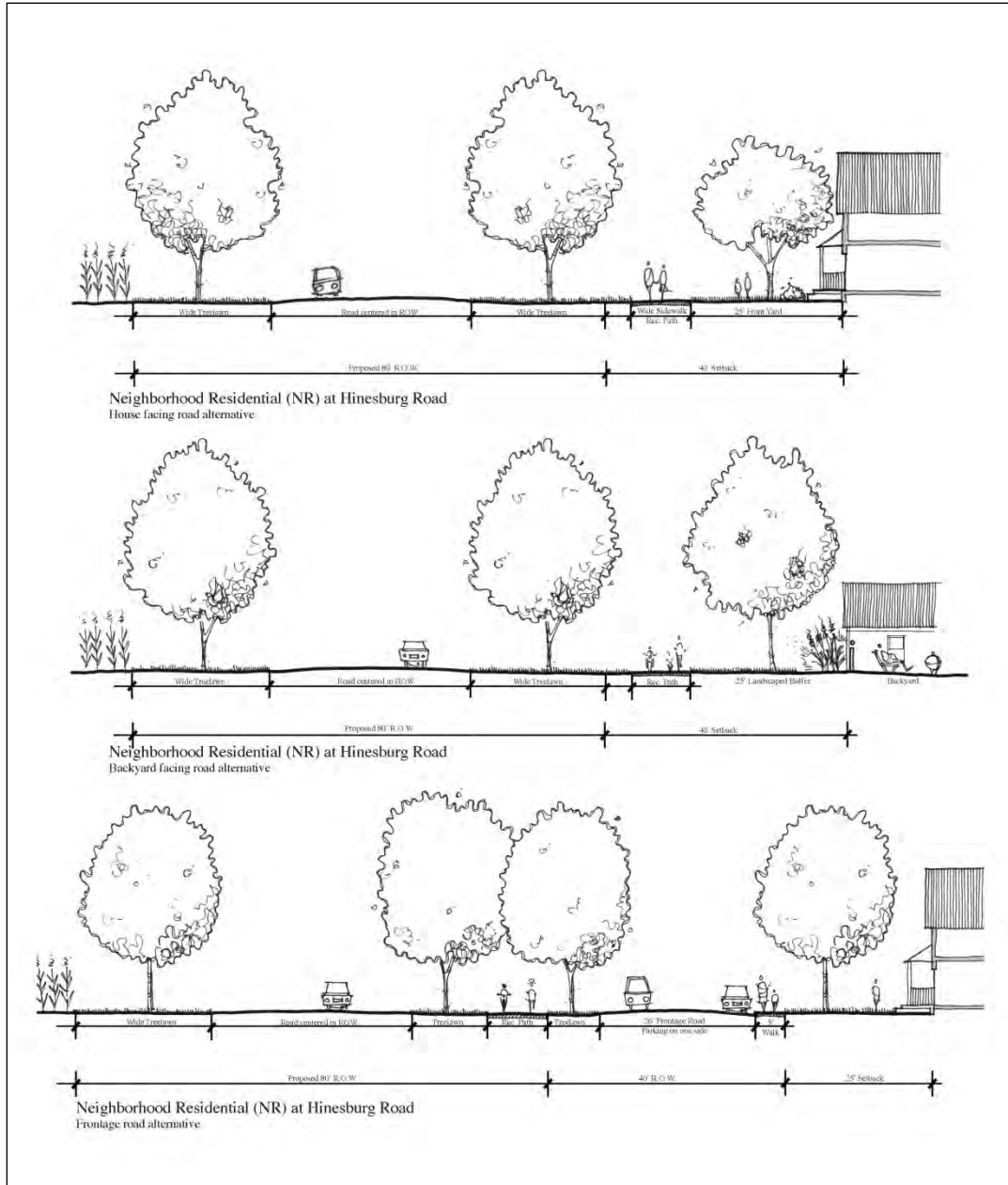


Figure 9-13: Setbacks at Hinesburg Road



(2) Where the lot is fifteen (15) acres or more in contiguous area, the Development Review Board may allow a subdivision of no more than three (3) lots and construction of one (1) single family dwelling unit on each of these lots only if:

- (a) The DRB shall determine whether the portion of the lot in any non-NRP SEQ sub-district is sufficient to accommodate the construction and use of at least three (3) single family dwelling units on lots approvable in compliance with these Regulations.
 - (i) Where the DRB finds that the portion of the lot in any non-NRP SEQ sub-district is sufficient to accommodate the construction and use of at least three (3) single family dwelling units on lots approvable in compliance with these Regulations, no subdivisions of land or construction of new dwelling units shall be permitted in the NRP subdistrict;
 - (ii) Where the DRB finds that the portion of the lot in any non-NRP SEQ sub-district is sufficient to accommodate the construction and use of two (2) single family dwelling units on lots approvable in compliance with these Regulations, the subdivision of land and construction of up to one (1) new dwelling unit in the NRP subdistrict may be permitted by the DRB in compliance with these Regulations;
 - (iii) Where the DRB finds that the portion of the lot in any non-NRP SEQ sub-district is sufficient to accommodate the construction and use of one (1) single family dwelling units on lots approvable in compliance with these Regulations, the subdivision of land and construction of up to two (2) new dwelling unit in the NRP subdistrict may be permitted by the DRB in compliance with these Regulations;
 - (iv) Where the DRB finds that the portion of the lot in any non-NRP SEQ sub-district is insufficient to accommodate the construction and use of any single family dwelling units on lots approvable in compliance with these Regulations, the subdivision of land and construction of up to three (3) new dwelling unit in the NRP subdistrict may be permitted by the DRB in compliance with these Regulations; and,
- (b) such lots shall have a minimum size of 12,000 square feet per dwelling unit, and,
- (c) the location of structures, yards, and access drives have no portion within a designated primary natural community or its related buffer, and,
- (d) The location of structures and access drives are clustered such that no dwelling unit is located more than one hundred (100) feet from any other structure, and,
- (e) The dwelling units shall be detached single family dwellings, and,
- (f) Such subdivision plan shall be subject to the Development Review Board's approval of a conservation plan in a form acceptable to the City Attorney that permanently encumbers the land against further land subdivision and development.

C. A single tax parcel existing as of the effective date of these regulations which exceeds one hundred (100) acres and is located entirely within the NRP sub-district, as shown on the South Burlington Tax Maps last revised 6/05 (June 2005), whether such lands are contiguous or not, may be subdivided at an average overall density for the entire tax parcel of one (1) single-family dwelling per ten (10) acres. Any new lots so created shall have a minimum size of 12,000 square feet per dwelling unit. Such lots shall be clustered in a manner that maximizes the resource values of the property and shall have no portion within a designated primary natural community or its related buffer. All dwelling units shall be detached single family houses. Such subdivision plan shall be subject to the Development Review Board's approval of a conservation plan in

a form acceptable to the City Attorney that permanently encumbers the land against further land subdivision and development.

9.13 SEQ Review and Approval Process

A. Single family residences and two-family residences on a single existing lot are specifically excluded from the review provisions of Section 9.13 of this article. All other development is subject to the provisions presented below.

B. For all development other than that listed above in 9.13(A), the Development Review Board shall use the Planned Unit Development (PUD) review and approval process presented in Article 15, Subdivision and Planned Unit Development Review.

C. Transfer of Development Rights and Non-Contiguous PUDs.

(1) The Development Review Board may approve a PUD application that involves non-contiguous parcels, regardless of sub-district, if the following conditions are met:

(a) The applicant shall demonstrate that development rights have been secured and encumbered from lands lying within the SEQ-NRP or SEQ-NRT sub-districts, or adjacent lands on the same tax parcel lying within any sub-district, or from lands acquired by the City or State for the purpose of providing public parks in any sub-district, and EITHER that the sending parcel is sufficiently encumbered against further land subdivision and development through a purchase or other agreement acceptable to the City Attorney to ensure conformance with these Regulations; OR

(b) All encumbered parcels not subject to a permanent conservation easement or restriction of similar binding effect shall be reviewed as components of the PUD and shall be subject to the provisions of this article.

(2) If the conditions of 9.13(C)(1) above are met, the Development Review Board may then approve the assignment (transfer) of all or a portion of the residential development density calculated for a non-contiguous encumbered parcel to another parcel to satisfy the provisions of Section 9.05 above.

D. Master Plan Review. As per Section 15.07, Master Plan Review and Approval, the Development Review Board shall require a master plan for any application for 10 or more dwelling units. In such a case, the provisions of Section 15.07 shall apply in addition to the PUD provisions of Article 15, and the SEQ-specific provisions of this article.

10 OVERLAY DISTRICTS FP, TR, SVP, IHO, TO

- 10.01 Flood Plain Overlay District
- 10.02 Traffic Overlay District
- 10.03 Scenic View Protection Overlay District
- 10.04 Interstate Highway Overlay District
- 10.05 Transit Overlay District

10.01 Floodplain Overlay District (FP)

A. Purpose. It is the purpose of the Floodplain Overlay District to:

- (1) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;
- (2) Ensure that the selection, design, creation, and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair flood plain services or the stream corridor;
- (3) Manage the flood hazard area designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the City of South Burlington, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

B. Authority. In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the City of South Burlington Vermont. These regulations shall apply to development in all areas in the City of South Burlington identified as within the Floodplain Overlay District designated in Section 3.01(B).

C. Comprehensive Plan. These regulations hereby implement the relevant portions of the City of South Burlington's adopted Comprehensive Plan, and are in accord with the policies set forth therein.

D. Warning of Disclaimer of Liability. This bylaw does not imply that land outside of the areas covered by this overlay district will be free from flood damages. This regulation shall not create liability on the part of the City of South Burlington, or any municipal official or employee thereof, for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

E. Precedence of Bylaw. The provisions of this Floodplain Overlay District shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this regulation imposes a greater restriction the provisions here shall take precedence.

F. Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict

- (1) **Development Review in Hazard Areas**

- (a) **Permits.** A permit is required from the Administrative Officer for all development, as defined in Section 2.03 (Floodplain Definitions), in the Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict.
- (b) **Submission requirements.** In addition to all information required for permitted and conditional uses, the applicant shall prepare and submit a Project Review Sheet to Vermont Agency of Natural Resources. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer and attached to the permit before work can begin.
- (c) **Referrals.**
- (i) Upon receipt of a complete application for a substantial improvement or new construction the Administrative Officer shall forward a copy of the application and supporting information to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- (ii) If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.
- (d) **Permitted Uses.** The following uses are permitted in the Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict. Structures associated with any of the permitted uses below shall be allowed only as Conditional Uses subject to the provisions of this Section 10.01.
- (i) Park;
- (ii) Recreation path;
- (iii) Outdoor recreation facility;
- (iv) Non-substantial improvements of existing structures;
- (v) Development related to on-site septic or water supply systems;
- (vi) Building utilities;
- (vii) At-grade parking for existing buildings; and,
- (viii) Recreational vehicles.
- (e) **Conditional Uses.** The following uses are allowed in the Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict as conditional uses subject to approval by the Development Review Board in accordance with the provisions of this Section 10.01 and Table C-2, Dimensional Standards.
- (i) Substantial improvement, elevation, relocation, or flood proofing of existing structures;
- (ii) Accessory structures;

- (iii) New or replacement storage tanks for existing structures;
- (iv) Grading, excavation; or the creation of a pond;
- (v) Improvements to existing roads;
- (vi) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
- (vii) Public utilities.

(f) **Prohibited Uses.** In addition to any uses not specifically listed in this section, the following uses are specifically prohibited in the Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict:

- (i) New residential or non-residential structures (including the placement of manufactured homes);
- (ii) Storage or junk yards;
- (iii) New fill except as necessary to elevate structures above the base flood elevation; and,
- (iv) Accessory structures in the floodway.

(2) Area, Density and Dimensional Requirements. In the Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict, all structures shall be subject to the area, density and dimensional requirements of the Residential 1 District as set forth in Section 4.01 and Table C-2, Dimensional Standards of these regulations.

(3) Additional Standards.

(a) No encroachment, including fill, new construction, substantial improvement, or other development, that would result in any increase in flood levels within the regulatory floodway during the occurrence of the base flood discharge, shall be permitted unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will: a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood; and b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

(b) Within the Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict, excavation of earth products shall be prohibited in such cases where it is anticipated that such excavation will lower the level of the water table, interfere with natural flow patterns, or reduce flood storage capacity.

(c) All development allowed as Conditional Uses pursuant to Section 10.01(F)(1)(e) above shall meet the following additional standards:

- (i) All development shall be reasonably safe from flooding, as determined by compliance with the specific standards of this subsection.
- (ii) All development shall be designed (I) to minimize flood damage to the proposed development and to public facilities and utilities, and (II) to provide adequate drainage to reduce exposure to flood hazards.
- (iii) All development shall be (I) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (II) be constructed with materials resistant to flood damage, (III) be constructed by methods and practices that minimize flood damage, and (IV) be constructed with electrical, heating,

ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(iv) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(v) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(vi) The flood carrying capacity within any portion of an altered or relocated watercourse shall be maintained.

(vii) Replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (pad) under the entire manufactured home is above the base flood elevation.

(viii) Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one (1) foot above base flood elevation; this must be documented, in as-built condition, with a FEMA Elevation Certificate.

(ix) Non-residential structures to be substantially improved shall:

(I) Meet the standards in Section 10.01(F)(3)(c)(viii); or,

(II) Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two (2) feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection. An occupancy permit for the structure shall not be issued until an "as-built" plan has been submitted and a licensed professional engineer or architect has certified that the structure has been constructed in accordance with accepted standards of practice for meeting the provisions of this subsection.

(x) For all new construction and substantial improvements, fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) shall be prohibited.

(xi) For all new construction and substantial improvements, fully enclosed areas that are above grade, below the lowest floor, below Base Flood Elevation and subject to flooding, shall be (i) solely used for parking of vehicles, storage, or access, and such a condition shall clearly be stated on any permits; and, (ii) designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(xii) In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data.

(xiii) In the AE Zone, where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one (1) foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.

(xiv) All recreational vehicles shall be fully licensed and ready for highway use.

(xv) A small accessory structure of 500 square feet or less in gross floor area that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on a building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria of subsection (xi) above.

(4) Administration and Enforcement.

(a) The Zoning Permit issued for any development pursuant to this Section 10.01(F) shall include: a record of the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new construction or substantial improvements of structures.

(b) Upon issuance of a zoning permit, the Administrative Officer shall properly file and maintain a record of:

(i) Elevation Certificates with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new or substantially improved structures (not including accessory structures) in the Special Flood Hazard Area;

(ii) All flood proofing and other certifications required under this regulation; and,

(iii) All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

(c) Certificate of Occupancy. A Certificate of Occupancy shall be required for all new structures or substantial improvements to structures in the Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict.

(d) Enforcement

(i) A copy of any notice of violation of this section shall be mailed by the Administrative Officer to the State NFIP Coordinator.

(ii) If any appeals have been resolved, but the violation remains, the Administrative Officer shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

(iii) Any proposed agricultural structure that does not meet the criteria and process in the Accepted Agricultural Practices will be in violation of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

(e) Variances

(i) A variance may be granted by the Development Review Board only in accordance with Title 24, Vermont Statutes Annotated and 44 CFR Section 60.6.

(ii) Any variance issued in the Special Flood Hazard Area shall not increase flood heights, and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

G. Floodplain Overlay (Zone 0.2%) Subdistrict

(1) Permits. A permit is required from the Administrative Officer for all development, as defined in Section 2.02 (Definitions), in the Floodplain Overlay (0.2% Zone) Subdistrict.

(2) Permitted Uses. Those uses allowed as permitted uses in any underlying zoning district within the City may be permitted in the Floodplain Overlay (0.2% Zone) Subdistrict only in accordance with the provisions of this section.

(3) Conditional Uses. Those uses allowed as conditional uses in any underlying zoning district within the City may be permitted in the Floodplain Overlay (0.2% Zone) Subdistrict only in accordance with the provisions of this section.

(4) Prohibited Uses. In addition to any uses not specifically listed in the underlying zoning district, new Critical Facilities are specifically prohibited in the Floodplain Overlay (0.2% Zone) Subdistrict.

(5) Area, Density and Dimensional Requirements. In the Floodplain Overlay (0.2% Zone) Subdistrict, all structures shall be subject to the area, density and dimensional requirements of the underlying zoning district as set forth in Article IV and Table C-2, Dimensional Standards of these regulations.

(6) Additional Standards.

(a) Any Critical Facilities to be expanded or substantially improved in the Floodplain Overlay (0.2% Zone) Subdistrict shall be located such that the lowest floor is at least one (1) foot above base flood elevation.

(b) In the Floodplain Overlay (0.2% Zone) Subdistrict, where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data.

(7) Administration and Enforcement. Administration and enforcement of development in the Floodplain Overlay (0.2% Zone) Subdistrict shall be subject to all requirements of Article XVII (Administration and Enforcement) of these Regulations.

10.02 Traffic Overlay District

A. Purpose. It is the purpose of the Traffic Overlay District to provide a performance-based approach to traffic and access management associated with development and re-development of properties in high traffic areas of the City. It is the further purpose of the Traffic Overlay District to provide a means by which the allowable uses and the arrangement and intensity of uses on a given parcel may be regulated, above and beyond District regulations, based on traffic generated and impacts on City access management goals. It is the further purpose of the Traffic Overlay District to provide incentives to improve site design and access management during the development and redevelopment process, in keeping with the goals and objectives of the City's Comprehensive Plan.

B. Comprehensive Plan. These regulations hereby implement the relevant portions of the City of South Burlington's adopted Comprehensive Plan, and are in accord with the policies set forth therein.

C. Permitted Uses. Those uses allowed as permitted uses in any Zoning District within the City may be permitted in the Traffic Overlay District only in accordance with the provisions of this section.

D. Conditional Uses. Those uses allowed as conditional uses in any Zoning District within the City may be permitted in the Traffic Overlay District only in accordance with the provisions of this section.

E. Establishment of Traffic Overlay Zones. The following zones are established based on their location in relation to the identified critical intersections or roadways on the Overlay District Map. The location and dimensions of major intersections, high-volume roadway segments, and the balance of restricted roadway segments, as described in this section are shown on the Overlay District Map. The location of the access point to a lot is the main determinant ruling on whether a lot is subject to these regulations. In situations where a lot is located in more than one zone, the location of the driveway will determine the zone that applies to the parcel. A lot that does not directly front on a Traffic Overlay zone but has an actively used access to it via an easement is subject to the restrictions for that zone. However, this rule would not apply to an existing lot with an existing access that would be connected to as a result of these access management objectives. If a parcel has one driveway in one zone and another driveway in another zone, the zone which is more restrictive shall apply to the entire property. A lot located in a Traffic Overlay Zone but without access in that zone is not subject to these regulations. Other locations and types of access are not restricted.

(1) Traffic Overlay Zone 1. Zone 1 shall consist of all lots within a specified distance from a major intersection as identified on the Overlay District Map. The distances from the intersection are defined as center-line to center-line distances between the closest driveway of the subject lot and the center line of the roadway intersecting the roadway fronting the subject parcel.

(2) Traffic Overlay Zone 2. Zone 2 shall consist of all lots with access to a high-volume roadway segment as identified on the Overlay District Map.

Zone 2A: Access to a high-volume roadway via a private driveway

Zone 2B: Access to a high-volume roadway via a public roadway with an unsignalized intersection

Zone 2C: Access to a high-volume roadway via a public roadway or a private driveway with a roundabout or a signalized intersection.

(3) Traffic Overlay Zone 3. Zone 3 shall consist of all lots with access to the balance of road segments as identified on the Overlay District Map. Zone 3 regulations only apply to parcels with private driveways or culs-de-sac.

F. Calculation Procedures for Traffic Overlay Zones.

(1) Maximum Allowable Traffic Generation (Traffic Budget). The size of an allowable use on any lot in a traffic overlay zone shall be such that its traffic generation will not exceed the maximum allowable traffic generation – the Traffic Budget. The traffic budget is calculated by multiplying the size of the lot by the maximum traffic generation rate (i.e. maximum peak hour trip ends per 40,000 SF) applicable to the traffic overlay zone in which the lot is located as shown in Table 10-1 below. In the determination of the allowable maximum size for a use, the definitions and standards in this Section 10.02 shall apply. Specific procedures and examples are contained in Appendix B. If the maximum permitted size for a use or any lot is too small to allow reasonable activity normally associated with that use, then that use shall not be permitted on the lot. The maximum size of a proposed use must be in compliance with all other zoning regulations of the City of South Burlington.

(2) Estimating the traffic generation of the proposed use: Traffic generation estimates for the use under consideration shall be based on the latest TRIP GENERATION manual published by the Institute of Traffic Engineers (the 7th Edition of 2003 and subsequent editions). The Development Review Board or Administrative Officer may approve or may require traffic generation estimates from other sources, including local traffic counts, if the ITE Trip Generation manual does not contain any data for a specified use, or sufficient data for a specified use, or if a use contains unique characteristics that cause it to differ from national traffic estimates. See Appendix B for guidance.

(3) Peak Hour for evaluation. The peak hour shall be the PM Peak Hour of Adjacent Street Traffic, one hour between 4 and 6 p.m. This is the highest continuous hour in terms of traffic generation between 4 p.m. and 6 p.m. Traffic generation is defined as the total number of vehicle trip ends at the use in question. (4) Since access management and conflict resolution of turning vehicles are a major objective of this Traffic Overlay Zone, no credits are allowed for “pass-by” or diverted traffic.

G. Peak Hour Trip Generation Limits per 40,000 SF of land area: The maximum permitted peak hour volume per 40,000 square feet of land area in any zone shall be as set forth in Table 10-1 below.

Table 10-1 Maximum Peak Hour Trip Ends per 40,000 SF

Zone	Max. number of peak hour trip ends per 40,000 SF of land area
1	15
2A	20
2B	25
2C	30
3	45

The above allowable traffic generation rates assume a mix of right-turn and left-turn movements in and out of the site driveways. If a site is located along an arterial with a raised median thus preventing all left turns, the traffic budget for that site shall be increased by 15%. This Traffic Budget credit of 15% can only be taken when all site access points off the adjacent arterial(s) are for right-turns-in and right-turns-out only.

H. Standards for Adjustments to a Project’s Traffic Generation Calculation or to a Site’s Traffic Budget

(1) The Development Review Board or, within the Form Based Code District the Administrative Officer, may allow adjustments to the project’s traffic generation or may approve peak hour traffic volumes above the standards set forth in Section 10.02(F) above for a lot in a traffic overlay zone if the

Development Review Board, or within the Form Based Code District the Administrative Officer, determines that other site improvements with respect to improved access management, internal circulation, connections between adjacent properties, and improved pedestrian and/or transit access, will produce a net benefit for traffic flow in the immediate vicinity of the project. See Appendix B for guidance on adjustments.

(2) In the event that the existing peak hour trip generation of the uses presently authorized and operating on the site exceeds the maximum allowable traffic budget for the site including credits, the existing peak hour trip generation shall be the maximum allowable for the site, and no additional credits shall be provided for site improvements or any other cause. This provision shall not alleviate the responsibility of the applicant to make traffic and other site improvements required by the DRB, or within the Form Based Code District the Administrative Officer, pursuant to these Regulations as part of a site plan, PUD or conditional use approval.

(3) In making its determination of whether other site improvements will produce a net benefit for traffic flow the Development Review Board, or within the Form Based Code District the Administrative Officer, may consider the following:

- (a) Change or reduction in the number and location of curb cuts
- (b) The creation of secondary access points within lots sufficient for two-way, year-round vehicular and pedestrian movements that provide for suitable internal circulation between properties (i.e. the access points need to be kept free of snow).
- (c) The elimination of left turns or through movements across an arterial through the creation of raised medians, subject to approval by the Director of Public Works.
- (d) Reductions in the width of curb cuts or access points or their definition in a manner that substantially improves the definition of turning and traffic movements into and out of the property, and to a width no greater than the specified maximum width for the applicable type of driveway in Figure 15-1 of these Regulations, subject to approval by the Director of Public Works.
- (e) The relocation of access points farther away from high-volume intersections, subject to all other applicable dimensional and traffic management standards.
- (f) The impact of the proposal on the overall traffic volumes and levels of service at intersections in the immediate vicinity of the project.
- (g) Any other criteria contained within PUD review or other factors as the Development Review Board or Administrative Officer deems relevant, subject to consultation with and approval by the Director of Public Works.

I. Other Traffic Impact Considerations. The Traffic Overlay District regulations do not alleviate the need for standard traffic impact studies or other traffic engineering analyses that are normally required for proposed developments. The needs for levels of service determinations with the proposed project, queuing analyses and sight distance verifications, etc. are not alleviated by these regulations.

10.03 Scenic View Protection Overlay District

A. Purpose. A Scenic View Protection Overlay District is hereby formed in order to encourage the preservation of spectacular views of the Green Mountains, Adirondack Mountains and Lake Champlain from both planned and existing public ways. These spectacular views represent an irreplaceable natural resource which enhances the quality of life of residents and visitors of South Burlington. It is the intent of this overlay

district to encourage the placement of buildings, lots and landscaping in a manner that best preserves these important scenic resources.

B. Comprehensive Plan. These regulations hereby implement the relevant portions of the City of South Burlington's adopted Comprehensive Plan, and are in accord with the policies set forth therein.

C. Applicability.

(1) In addition to the provisions of any other section(s) of these regulations, the uses allowed in any underlying district in a Scenic View Protection Overlay District, as shown on the Scenic View Protection Overlay District Map, shall be subject to the limitations in this Section 10.03.

(2) In addition to those items listed in the definition of "structure" in these Regulations, earthen berms shall constitute a structure for purposes of this Section 10.03.

D. Spear Street - Overlook Park View Protection Zone

(1) Designated Building Envelopes.

(a) The term "Designated Building Envelope" as used in this Section 10.03 shall define a hexagonal figure enclosing an area of fifteen thousand (15,000) square feet as depicted on the Scenic View Protection Overlay District Map. The long axis of a Designated Building Envelope shall be oriented on a lot so that it is perpendicular to Spear Street.

(b) Structures or vegetation located in any portion of a "Designated Building Envelope" located in Zone A or Zone C shall be required to meet the height limitations applicable to Zone A or Zone C.

(2) Zone A.

(a) No part of any structure within Zone A of the Spear Street Overlook Park View Protection Zone shall exceed an elevation of 370 feet above mean sea level minus 4 feet for each 100 feet that said part of a structure is horizontally distant from the Zone A base line shown on the above referenced Scenic View Protection Overlay District Map.

(b) Landscaping and other vegetation located within Zone A of the Spear Street - Overlook Park View Protection Zone shall be maintained so that it does not exceed an elevation of 370 feet above mean sea level minus 4 feet for each 100 feet that said landscaping or vegetation is horizontally distant from the Zone A base line shown on the above referenced Scenic View Protection Overlay District Map.

(c) Notwithstanding the restrictions set forth in the previous sentence, any vegetation or planting located within Zone A that are within an area two hundred (200') feet east of any building in existence on May 16, 1989 may be maintained at a height exceeding the requirements of this section subject to the following limitations:

(i) The building in existence on May 16, 1989, must remain in existence.

(ii) Such vegetation must be maintained so that it does not diminish to any degree the view available from any point of the Zone A base line on May 16, 1989.

(3) Zone B

(a) No part of any structure shall exceed the elevation of the Zone B base line minus 4 feet from each 100 feet that said part of said structure is horizontally distant from the Zone B base line shown

on the above referenced Scenic View Protection Overlay District Map. This section shall not apply to any structure located in a Designated Building Envelope.

(b) Landscaping and other vegetation shall be maintained so that it does not exceed the elevation of the Zone B base line minus 4 feet for each 100 feet that said landscaping or vegetation is horizontally distant from the Zone B base line shown on the above referenced Scenic View Protection Overlay District Map, or 2 feet above any grade existing on 7/17/89, whichever height is higher. This section shall not apply to landscaping located within a Designated Building Envelope.

(c) Any principal structure shall be located entirely within a Designated Building Envelope.

(4) Zone C

(a) No part of any structure shall exceed the elevation of the Zone B base line minus 4 feet for each 100 feet that said part of said structure is horizontally distant from the Zone B base line shown on the above referenced Scenic View Protection Overlay District Map.

(b) Landscaping and other vegetation shall be maintained so that it does not exceed the elevation of the Zone B base line minus 4 feet for each 100 feet that said landscaping or vegetation is horizontally distant from the Zone B base line shown on the above referenced Scenic View Protection Overlay District Map.

(5) Zone D.

(a) No part of any structure within Zone D of the Spear Street - Overlook Park View Protection Zone, shall exceed the elevation of 370 feet above mean sea level minus 1.8 feet for each 100 feet that said part of said structure is horizontally distant from the Zone A base line shown on the above referenced Scenic View Protection Overlay District Map.

(b) Landscaping and other vegetation shall be maintained so that it does not exceed an elevation of 370 feet above mean sea level minus 1.8 feet for each 100 feet that said landscaping or vegetation is horizontally distant from the Zone A base line shown on the above referenced Scenic View Protection Overlay District Map.

(6) Zone E.

(a) No part of any structure within Zone E of the Spear Street - Overlook Park View Protection Zone shall exceed an elevation of 370 feet above mean sea level minus 8.7 feet for each 1000 feet that said part of said structure is horizontally distant from the Zone A base line shown on the above referenced Scenic View Protection Overlay District Map.

(b) Landscaping and other vegetation shall be maintained so that it does not exceed an elevation of 370 feet above mean sea level minus 8.7 feet for each 1000 feet that said landscaping or vegetation is horizontally distant from the Zone A base line shown on the above referenced Scenic View Protection Overlay District Map.

E. Spear Street - Ridge View Protection Zone

(1) No part of any structure within the Spear Street Ridge View Protection Zone shall exceed an elevation of 382 feet above mean sea level minus 3.1 feet for each 100 feet that said part of said structure is horizontally distant from the Spear Street Ridge View Protection Zone Base Line shown on the above referenced Scenic View Protection Overlay District Map.

(2) Landscaping and other vegetation located within the Spear Street Ridge View Protection Zone shall be maintained so that it does not exceed an elevation of 382 feet above mean sea level minus 3.1 feet for each 100 feet that said landscaping or vegetation is horizontally distance from the Spear Street Ridge View Protection Zone Base Line shown on the above referenced Scenic View Protection Overlay District Map.

F. Dorset Park View Protection Zone

(1) Zone A.

(a) No part of any structure within Zone A of the Dorset Park View Protection Zone shall exceed an elevation of 441 feet above mean sea level minus 4.3 feet for each 1000 feet that said part of said structure is horizontally distant from the Dorset Park View Protection Zone West Base Line shown on the above referenced Scenic View Protection Overlay District Map, or 3 feet above any grade existing on the date of passage of these regulations, whichever height is higher.

(b) Landscaping and other vegetation located within Zone A of the Dorset Park View Protection Zone shall be maintained so that it does not exceed an elevation of 441 feet above mean sea level minus 4.3 feet for each 1000 feet that said landscaping or vegetation is horizontally distant from the Dorset Park View Protection Zone West Base Line shown on the above referenced Scenic View Protection Overlay District Map, or 3 feet above any grade existing on the date of passage of these regulations, whichever height is higher.

(2) Zone B.

(a) No part of any structure within Zone B of the Dorset Park View Protection Zone shall exceed an elevation of 439 feet above mean sea level plus 3.1 feet for each 1000 feet that said part of said structure is horizontally distant from the Dorset Park View Protection Zone East Base Line shown on the above referenced Scenic Protection Overlay District Map, or 3 feet above any grade existing on the date of passage of these regulations, whichever height is higher.

(b) Landscaping and other vegetation located within Zone B of the Dorset Park View Protection Zone shall be maintained so that it does not exceed an elevation of 439 feet above mean sea level plus 3.1 feet for each 1000 feet that said landscaping or vegetation is horizontally distant from the Dorset Park View Protection Zone East Base Line shown on the above referenced Scenic View Protection Overlay District Map, or 3 feet above any grade existing on the date of passage of these regulations, whichever height is higher.

(3) Zone C.

(a) No part of any structure within Zone C of the Dorset Park View Protection Zone shall exceed an elevation of 439 feet above mean sea level plus 2.2 feet for each 100 feet that said part of said structure is horizontally distant from the Dorset Park View Protection Zone East Base Line shown on the above referenced Scenic View Protection Overlay District Map, or 3 feet above any grade existing on the date of passage of these regulations, whichever height is higher.

(b) Landscaping and other vegetation located within Zone C of the Dorset Park View Protection Zone shall be maintained so that it does not exceed an elevation of 439 feet above mean sea level plus 2.2 feet for each 100 feet that said landscaping or vegetation is horizontally distant from the Dorset Park View Protection Zone East Base Line shown on the above referenced Scenic View

Protection Overlay District map, or 3 feet above any grade existing on the date of passage of these regulations, whichever height is higher.

(4) Zone D.

(a) No part of any structure within Zone D of the Dorset Park View Protection Zone shall exceed an elevation of 441 feet above sea level minus 2.0 feet for each 1000 feet that said part of said structure is horizontally distant from the Dorset Park View Protection Zone West Base Line shown on the above referenced Scenic View Protection Overlay District Map, or 3 feet above any grade existing on the date of passage of these regulations, whichever height is higher.

(b) Landscaping and other vegetation located within Zone D of the Dorset Park View Protection Zone shall be maintained so that it does not exceed an elevation of 441 feet above mean sea level minus 2.0 feet for each 1000 feet that said landscaping or vegetation is horizontally distant from the Dorset Park View Protection Zone West Base Line shown on the above referenced Scenic View Protection Overlay District Map, or 3 feet above any grade existing on the date of passage of these regulations, whichever height is higher.

G. Hinesburg Road - North View Protection Zone

(1) No part of any structure within the Hinesburg Road-North View Protection Zone shall exceed an elevation of 393.5 feet above mean sea level plus 5.8 feet for each 1000 feet that said part of said structure is horizontally distant from the Hinesburg Road-North View Protection Zone Base Line shown on the above referenced Scenic View Protection Overlay District Map.

(2) Landscaping and other vegetation located within the Hinesburg Road-North View Protection Zone shall be maintained so that it does not exceed an elevation of 393.5 feet above mean sea level plus 5.8 feet for each 1000 feet that said landscaping or vegetation is horizontally distant from the Hinesburg Road - North View Protection Zone Base Line shown on the above referenced Scenic View Protection Overlay District Map.

H. Hinesburg Road - South View Protection Zone

(1) No part of any structure within the Hinesburg Road - South View Protection Zone shall exceed an elevation 3 feet above the elevation of the lowest point on the Hinesburg Road - South View Protection Zone Base Line shown on the above referenced Scenic View Protection Overlay District Map.

(2) Landscaping and other vegetation located within the Hinesburg Road - South View Protection Zone shall be maintained so that it does not exceed an elevation 3 feet above the elevation of the lowest point on the Hinesburg Road - South View Protection Zone Base Line shown on the above referenced Scenic View Protection Overlay District Map.

I. Alteration and Expansion.

(1) Notwithstanding the provisions of these Regulations, any structure which fails to comply with the requirements of this Section 10.03 shall not:

(a) be expanded or altered in any way which increases its degree or extent of non-compliance, except in strict conformance with the requirements set forth in this Section 10.03(J) herein.

(b) be reconstructed if totally or substantially destroyed by fire, storm, explosion, other catastrophe, neglect or voluntary action, except in compliance with this Section 10.03, provided, however, if no usable structure may be reconstructed in compliance with these provision, then the property owner may rebuild a usable structure that creates a minimum violation of this section, and is subject to the limitations of Section 3.11 (nonconformities).

(2) The provisions of this Section 10.03 notwithstanding, the Development Review Board shall have the authority to grant a waiver from the provisions of this Section 10.03 if it finds that the standards set forth in either Section 10.03(K) or (L) below have been met.

J. Exemptions through Subdivision Review. The Development Review Board may approve a proposed subdivision, though development of one or more lots in the proposed subdivision with construction of a structure would exceed the limitations of the Scenic View Protection Overlay District in the South Burlington Land Development Regulations ("view restrictions" herein), if it finds that the proposal meets the requirements of sub-part A or sub-part B below.

(1) Sub-part A

(a) The property under review existed as a parcel of land in separate and non-affiliated ownership from adjoining properties on June 1, 1992; and

(b) Thirty percent or more of the land area of the subject property cannot support the construction of structures twenty-five (25) feet in height due to the development restrictions set forth in any statute, ordinance or bylaw; and

(c) The applicant has attempted to minimize development on that portion of the property which cannot be developed in accordance with the view restrictions by concentrating development on portions of the property that can be developed in accordance with the view restrictions; and

(d) The applicant has attempted to minimize the extent of noncompliance with the view restrictions by establishing designated building areas, view corridors, height limitations for structures, and landscaping restrictions on any lot which cannot be developed in compliance with the view restrictions.

(2) Sub-part B

(a) The applicant has designated building areas and/or height limitations for structures on any lot which cannot be developed in compliance with the view restrictions; and

(b) The applicant can demonstrate that the construction of structures in conformance with the limitations set forth in subparagraph a, will not obstruct the view in the affected View Protection District from any point on the district baseline because of the presence of lawfully existing vegetation or structures.

K. Waiver. The Development Review Board shall have the authority to grant a waiver from the provisions of this section if it finds that the standards set forth below have been met:

(1) A structure has been granted a waiver from the requirements of this Article pursuant to the authority set forth in Section (K) above.

OR

(2) The applicant can demonstrate that the construction, alteration or expansion of a structure will not obstruct or be visible within the view in the affected View Protection District from any point on the baseline, because of the presence of natural topographic features other than trees or other vegetation, and/or the presence of lawfully existing structures. In making a determination pursuant to this section, the Development Review Board shall find that either of criterion "a" or both criteria "b" and "c" below is met:

(a) A lawfully existing building or structure on the same property, or a natural topographic feature other than trees or other vegetation, will entirely screen the construction, alteration or expansion from all sight lines along the baseline of the applicable Scenic View Protection District;

OR

(b) All construction will take place within a designated building envelope whose outside edges are established by the sight lines extending from the baseline of the applicable Scenic View Protection District, at a height of six feet, in a straight line towards the structure; AND

(c) No part of the construction, alteration or expansion will exceed the height of the structure or structures on the same property blocking the view from the baseline, measured at the point where the sight lines establishing the building envelope in (b) above intersect with the screening structure or structures.

OR

(3) For properties within the Spear Street-Ridge Overlay Zone, the applicant can demonstrate that the proposed construction, alteration or expansion will not extend above the highest point of the roofline of the existing structure to be altered.

10.04 Interstate Highway Overlay District (IHO)

A. Purpose. It is the purpose of the Interstate Highway Overlay District to provide for a safe and aesthetically attractive buffer between the right-of-way of the Interstate Highway and developed land uses within South Burlington.

B. Boundaries of the Interstate Highway Overlay District. The Interstate Highway Overlay District shall include all land within one hundred fifty (150) feet horizontal distance of the Interstate 89 and Interstate 189 rights-of-way, and within fifty (50) feet horizontal distance of the interstate ramps rights-of-way, both existing and planned, as depicted in Figure 10-1.

C. Standards.

(1) No building of any kind, including any structure or construction such as parking facilities or lots, or tennis courts shall be permitted within the district, except as specifically provided in this section. Any use or structure granted approval within the Interstate Highway Overlay District shall be subject to the specific provisions of this section.

(2) The following structures and infrastructure shall be allowed in the IHO district, subject to conditional use approval by the Development Review Board:

- (a) Public recreation paths
- (b) Roadways or access drives for purposes of accessing a preexisting or approved structure within the IHO district and no other reasonable provisions for access can be made.
- (c) Utility lines, including power, telephone, cable, sewer and water.
- (d) Stormwater treatment facilities and maintenance thereof, including necessary removal of vegetation and dredging.
- (e) Research and educational activities provided any building or structure, including parking lots or facilities, is located outside the IHO district.
- (f) Hydro-electric power generation

(g) Municipal buildings, subject to the provisions of Section 10.03(D) below.

(3) Use of nonconforming structures. Nonconforming structures within the IHO district may be used for any land use allowed within the underlying zoning district, in accordance with Table C-1, Table of Uses.

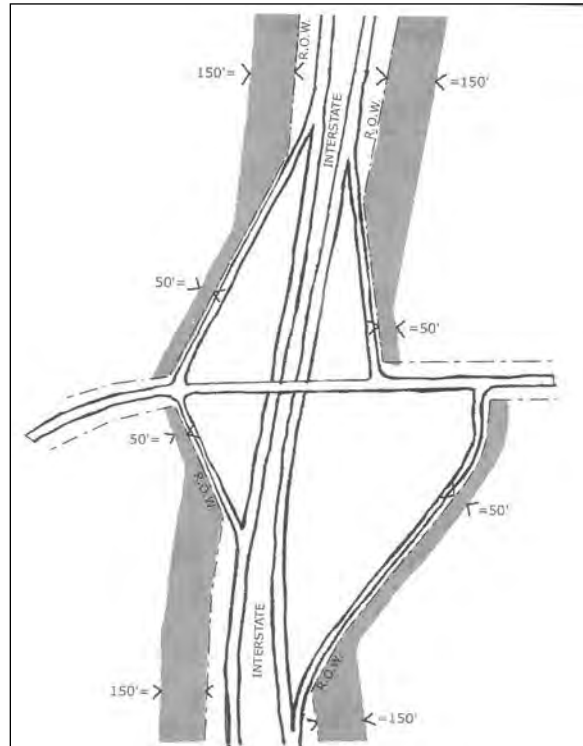
(4) Encroachment of other uses into the IHO district. The encroachment of land uses allowed in the underlying zoning district into the IHO district may be allowed by the Development Review Board as a conditional use under certain circumstances as provided below, and provided the area of encroachment is screened from view by existing or proposed landscaping and/or topography:

- (a) The encroachment is necessary to rectify a natural catastrophe or for the protection of the public health, safety or welfare; OR
- (b) The encroachment is necessary for the purposes of providing for or improving public facilities; OR
- (c) The encroachment is necessary to provide safe access to a parcel on which a use has been approved by the DRB in cases where there is no feasible alternative to the encroachment.

D. Encroachment of municipal buildings in the IHO district. In portions of the IHO district where the underlying zoning district is MU-Municipal, the Development Review Board may allow the encroachment of municipal facilities as a conditional use subject to the following standards and criteria:

- (1) Accessory uses not directly related and essential to the functioning of the municipal building shall not be permitted within the IHO district.
- (2) A finding is made by the DRB that the proposed municipal building cannot be located outside the IHO district because the following criteria are met:
 - (a) The use must occur in close proximity to another preexisting municipal building; AND
 - (b) There is no reasonably practicable alternative location for the municipal building, with pre-existing investment in the site a consideration for the practicability of alternative locations; AND
 - (c) The encroachment is the minimum necessary to operate the proposed municipal building.
- (3) The maximum extent of the encroachment shall be no more than fifteen (15) feet into the IHO district.

E. Exemption for lots with existing single or two-family dwellings. A lot containing an existing single or two-family dwelling, as of the effective date of these regulations, shall be exempt from the provisions of this Section 10.04. Notwithstanding this exemption, no additional dwelling units or new principal structures shall be permitted on such lots.

Figure 10-1 Interstate Highway Overlay District**10.05 Transit Overlay District (TO)**

A. Purpose. It is the purpose of the Transit Overlay District to provide for a safe, compact, and efficient land use pattern that supports regular fixed-route transit service, pedestrian and bicycle infrastructure. Certain land uses may be permitted only within the Transit Overlay District, or be permitted outside the District subject to conditions. Other incentives or requirements that complement a multi-modal environment may also be established.

B. Comprehensive Plan. These regulations hereby implement the relevant portions of the City of South Burlington's adopted Comprehensive Plan, and are in accord with the policies set forth therein.

C. Boundaries of the Transit Overlay District. The Transit Overlay District shall include all areas shown on the Overlay District Map.

D. Permitted and Conditional Uses. Any uses listed within Table C-1, Table of Uses, with a Transit Overlay District requirement shall only be allowable within the Transit Overlay District.

- (1) A use shall be considered to be located within the Transit Overlay District when all portions of a principal building leased or owned by the use in question are within the boundaries of the Transit Overlay District.
- (2) A use shall only be allowable where a public sidewalk or recreation path connects the use to a public roadway identified as a transit route on the Transit Overlay District Map in a direct (ie, generally shortest distance from the use to the roadway) manner. All such accesses must be located within the Transit Overlay District.
- (3) All uses under this section shall be subject to all applicable provisions of the underlying zoning district.

11 TRANSECT ZONE STREET TYPOLOGIES

11.01 Applicability

A. General. This Article provides standards which shall be followed for the construction of new streets and reconstruction of existing streets within the City Center Form Based Codes District and is intended to provide a catalog of preapproved street types. Article 15 contains additional applicable standards.

B. Specific Requirements and Modifications. All streets shall be constructed with sidewalks, greenbelts, bike facilities, medians, travel lanes, and on-street parking as specified for each street type, unless an alternative is approved by the Development Review Board, as specifically authorized within Section 11.06.

C. Review Authority. Notwithstanding any provision to the contrary within these Land Development Regulation, authority under this Article 11 assigned to the Development Review Board shall be reviewed by Development Review Board.

11.02 Street Types

A. Intent and Purpose. The community role and traffic tolerance is the intent and purpose of each street type in South Burlington and should be considered throughout the design process.

B. Intended Uses and Activities. Intended uses and activities are the most likely uses of the street as envisioned by the community. The arrangement from left to right shall be the order in which the listed competing uses and activities are weighed and considered in deciding the appropriate street type and aspects of the design of the street.

C. Standards. Street Design standards Tables 15-1 – 15.1E and Article 11 of these Regulations specify the street design standards that shall be followed in designing, redesigning, modifying, or reconstructing a street, except as follows:

- (1) Street, streetscape and any other construction or improvements along or within the existing or proposed right-of-way for Market Street, Garden Street and Midas Drive and for the Williston Road intersections of Midas Street/White Street and Patchen Road/Hinesburg Road shall conform to engineered plans developed by the City and as modified by the Director of Public Works.

11.03 New Streets

A. Where a proposed street is required, it shall be constructed in conformance with the applicable street type standards

B. Determination of applicable street types. The applicable street type standards for each section of roadway shall be determined as follows:

- (1) Any street type listed for a specific section of roadway on the Official Zoning Map shall be the applicable street type for the purposes of these regulations.

(2) Any street type listed for a specific section of roadway on the Official Map shall be the applicable street type for the purposes of these regulations

(3) Where a new street, pedestrian pass, mid-block lane, or other similar roadway is required or proposed, the Development Review Board shall determine the applicable street type.

(a) Any such determination shall be based upon a review of supporting documentation from the applicant (or City, at its discretion) which shall consist, at a minimum, of the following information:

(i) A statement of the proposed street type and specific reasons for the choice of proposed street type;

(ii) The project traffic volumes, including trucks, pedestrians, and bicyclists, and other relevant information; and,

(iii) A statement of compatibility with the present and anticipated improvements to adjacent roadway sections.

(b) In making its determination, the DRB shall consider the following:

(i) Only street types listed as “allowable street types” in the relevant Building Envelope Standards shall be eligible;

(ii) The intent of the potentially applicable street typologies;

(iii) The anticipated adjacent development patterns;

(iv) Planned, proposed, or anticipated connections and extensions from existing roads;

(v) Facilities needed to accommodate anticipated users, including vehicles, pedestrians, and cyclists;

(vi) Long range studies, capital plans, the Comprehensive Plan, and related planning & policy documents prepared by or with the City of South Burlington; and

(vii) Recommendations from the Public Works and Planning & Zoning Departments

11.04 Existing Streets

A. Extension or Substantial Rebuilding. An existing street shall not be extended or substantially rebuilt, as determined by the Development Review Board as applicable, except in conformance with this Article and Article 15.

B. Minimum Requirements. A proposed new construction or extension/expansion of an existing structure exceeding the thresholds listed in Section 8.09 (D) of these Regulations, whether conforming or non-conforming, shall be required to upgrade adjacent sidewalks, greenbelts, and related street furniture (trees, benches, etc.) to the standards contained within the applicable Street Type and Building Envelope Standard. Nothing in this subsection shall be construed to limit requirements for additional upgrades as necessary to meet the requirements of these Regulations.

C. Maintenance. Street repairs undertaken as part of an annual operating budget are not subject to meeting the street type standards.

11.05 Design Controls

A. Design Speed and Design Vehicle. The specified design speed and design vehicle shall be applied as design controls, unless an alternative is approved by the Development Review Board based on site specific considerations. Target speed shall not be used as a design control per se, but should guide decisions within the given range of potential values based on the selected design speed.

B. Bikeways. Where another plan or ordinance specifies a higher class of bikeway, said document shall supersede the typology.

C. Curb Radii. The physical curb radius may be greater than the specified range, but only if the effective radius remains within the range. Example: where a bump-out or neck-down extends the curb.

D. Bus Routes. When the specified design vehicle is smaller than the transit vehicle on street segments occupied by either operating or planned fixed route service, the design vehicle shall be adjusted to match the transit vehicle. However, the design of the curb radii should only be altered at corners affected by routine turning movements by the transit vehicle.

E. Wetlands and Conservation Areas. Where any street type crosses a wetland or traverses a conservation area on both sides of the right-of-way, the minimum pavement width of that section of the street may be reduced to 18’.

F. Cross Section Graphics. The cross sections depicted for each street type do not specify the required cross section for that street type. The cross section graphics depict a typical envisioned street design based on the dimensional standards.

11.06 Modifications

A. General. The Development Review Board may specifically authorize modification of the City’s Roadway standards in the Transect Zone Street Typologies. Any such authorization shall be based upon a review of a specific request from the applicant or the City which shall consist, at a minimum, of the following information:

- (1) A statement as to the specific design standard or feature for which a modification is requested and a discussion of each proposed feature of the project which does not comply with the standards;
- (2) The significant reason(s) why the cited standard cannot be achieved;
- (3) Estimated costs to construct to the standard and to the proposed design (if available);
- (4) The project traffic volumes, including trucks, pedestrians, and bicyclists, and other relevant information;
- (5) A statement of compatibility with the present and anticipated improvements to adjacent sections;

- (6) A review of accident data for the site to determine if the types of accidents occurring are or may be related to the proposed feature;
- (7) A discussion of practical countermeasures that will be employed to reduce the frequency and severity of future accidents; and,
- (8) A statement of recommended action, including other mitigating features as appropriate.

B. Determination. In making its determination, the DRB shall consider the following:

- (1) The purpose of the Transect Zone in which the project is located;
- (2) The intent of the applicable street typology;
- (3) The minimum street standards needed to accommodate the stated design vehicle; and,
- (4) Recommendations from the Department of Public Works, the Fire Department, and the Department of Planning & Zoning as appropriate.

Any modification shall represent the least deviation possible from the purpose and intent of the minimum design vehicle standards.

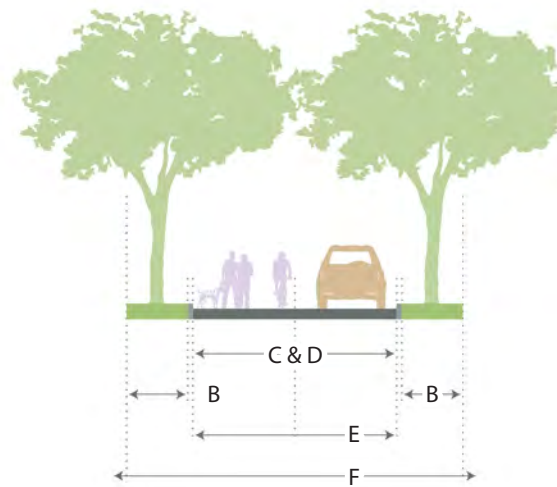
11.07 Street Typologies

Symbology & Notes

Intended Uses & Activities

	Pedestrians		Transit Traffic, Boarding, & Alighting
	Bicycling		Deliveries
	Play		Outdoor Dining & Cafés
	Personal Vehicle Traffic		Shopping
	Truck & Freight Traffic		Postal Service
	Free or Metered Parking		Utilities
	School Bus Traffic		Rubbish & Recycling

Lane



Role in Community

A Lane is an extremely narrow residential street, lasting at most a few blocks, sometimes containing a bend. Its purpose is to create an intimate residential environment; often where through traffic would be illogical.

Congestion Tolerance

Motor vehicle use primarily for neighborhood residents.

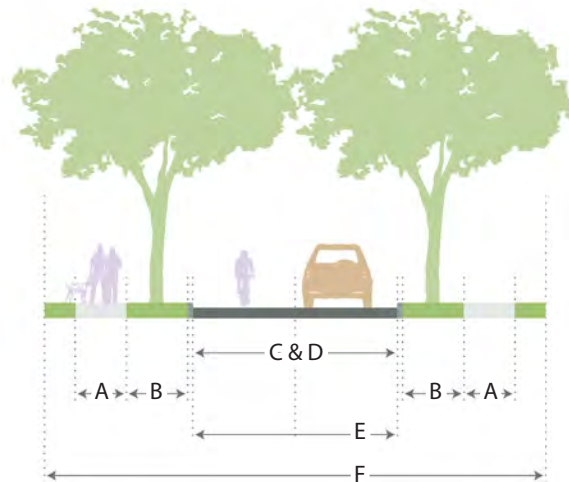
A (Sidewalk Width)	Not Applicable
B (Greenbelt Width)	8' Max
C (Parking Ln Width)	N/A
D (Travel Ln Width)	see pavement width
E (Pavement Width)	10' (assuming buildings have access from another street with 20' pavement)
F (Street ROW Width)	33' Min
Target Speed	15 mph
Design Speed	25 mph
Design Vehicle	P (Passenger Car)
# Through Lanes	1-2 Lane
Sidewalk Type	Shared with Pavement
Curbing	Vertical Faced Curb or Shared Space
Curb Radius	15' Max
One-Way Traffic	Permitted
Center/Left Turn Ln	Not Permitted
Median	Not Permitted
Min Bicycle Facility	Shared with Pavement
On-St Bike Parking	Not Required
Transit Facilities	Not Permitted
On-Street Parking	Not Permitted
Ownership	Public or Private

Intended Uses & Activities

Order of Consideration



Neighborhood Street - Narrow



Role in Community

Narrow Streets are a special residential street type within the local street network that provides for greater intimacy and ambiance as well as traffic calming because of its limited width. Its application should be targeted to areas where through trips are undesirable or unlikely and where parallel alternative routes are accessible.

Congestion Tolerance

Motor vehicle use primarily for neighborhood residents.

‡ Removal of the curb requirement may be administratively granted. If no curb is required then minimum pavement width shall increase by 2' EACH side

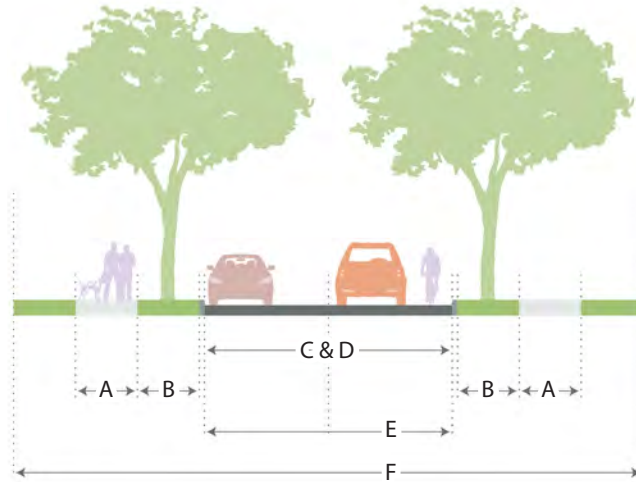
A (Sidewalk Width)	5' Min
B (Greenbelt Width)	6' Min
C (Parking Ln Width)	Not Permitted
D (Travel Ln Width)	9' Min, 10' Max
E (Pavement Width)	20' Min, 22' Max ‡
F (Street ROW Width)	50' Min
Target Speed	15 to 20 mph
Design Speed	25 mph
Design Vehicle	P (Passenger Car)
# Through Lanes	2 Lanes
Sidewalk Type	Sidewalk
Curbing	Vertical Faced Curb
Curb Radius	5' Min, 15' Max
One-Way Traffic	Permitted
Center/Left Turn Ln	Not Permitted
Median	Permitted only as Traffic Control Device or Gateway
Min Bicycle Facility	Practice of Share the Road
On-St Bike Parking	See Building Envelope Standards
Transit Facilities	Permitted
On-Street Parking	Not Permitted
Ownership	Public or Private

Intended Uses & Activities

Order of Consideration



Neighborhood Street



Role in Community

Neighborhood Streets are the default street type for residential areas and form the basic structure of the local street network.

Congestion Tolerance

Maintain very low traffic volumes.

A (Sidewalk Width)	5' Min
B (Greenbelt Width)	6' Min
C (Parking Ln Width)	8'
D (Travel Ln Width)	9' Min, 10' Max
E (Pavement Width)	20' Min, 28' Max ‡
F (Street ROW Width)	50' Min
Target Speed	20 to 25 mph
Design Speed	25 mph
Design Vehicle	DL-23 (Delivery Vehicle)
# Through Lanes	2 Lanes
Sidewalk Type	Sidewalk
Curbing	Vertical Faced Curb ‡
Curb Radius	5' Min, 15' Max
One-Way Traffic	Not Permitted
Center/Left Turn Ln	Not Permitted
Median	Permitted only as Traffic Control Device or Gateway
Min Bicycle Facility	Practice of Share the Road
On-St Bike Parking	See Building Envelope Standards
Transit Facilities	Permitted
On-Street Parking	Parallel **
Ownership	Public or Private

‡ Removal of the curb requirement may be administratively granted. If no curb is required then minimum pavement width shall increase by 2' EACH side

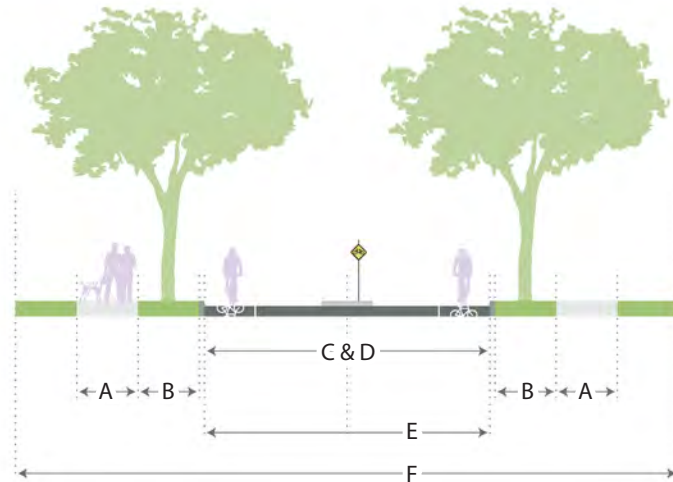
** Standard is not required. Only permitted on one side of the street if included

Intended Uses & Activities

Order of Consideration



Neighborhood Street - Bike Boulevard



Role in Community

Bike Boulevards are a special residential street type which is meant to prioritize and to facilitate the movement of bicyclists from neighborhood to neighborhood and from neighborhood to destination.

Congestion Tolerance

Motor vehicle use primarily for neighborhood residents.

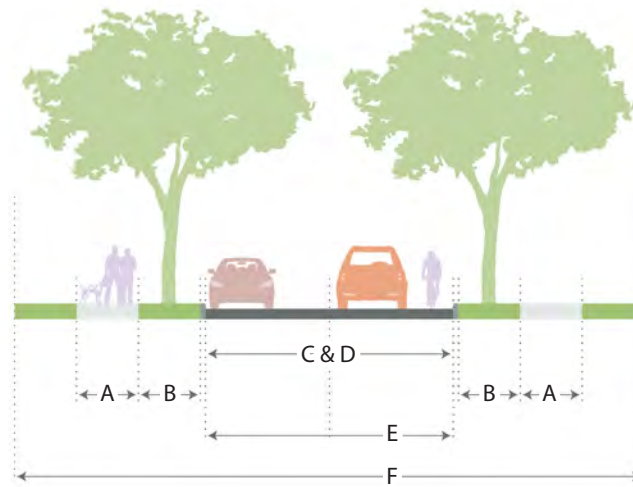
A (Sidewalk Width)	5' Min
B (Greenbelt Width)	6' Min
C (Parking Ln Width)	N/A
D (Travel Ln Width)	9' Min, 10' Max
E (Pavement Width)	28' Min, 36' Max
F (Street ROW Width)	50' Min
Target Speed	20 to 25 mph
Design Speed	25 mph
Design Vehicle	P (Passenger Car)
# Through Lanes	2 Lanes
Sidewalk Type	Sidewalk
Curbing	Vertical Faced Curb
Curb Radius	5' Min, 15' Max
One-Way Traffic	Not Permitted
Center/Left Turn Ln	Not Permitted
Median	Permitted only as Traffic Control Device or Gateway
Min Bicycle Facility	Bike Lanes, 5'
On-St Bike Parking	See Building Envelope Standards
Transit Facilities	Not Permitted
On-Street Parking	Not Permitted
Ownership	Public or Private

Intended Uses & Activities

Order of Consideration



Private Commercial Way



Role in Community

A Private Commercial Way is a special street type intended to serve internal access needs for commercial properties. These are intended to be entirely private in ownership. Bicycle facilities may be provided separate from the street. No right-of-way is required.

Congestion Tolerance

Significant delay is acceptable at peak periods.

* Standard is not required

† Standard applies only to parallel parking. Dimensional standards contained in Table 13-8 of the LDR shall apply to the design of angled parking

‡ Bicycle Facilities may be provided separately from the street up to 200' linear distance.

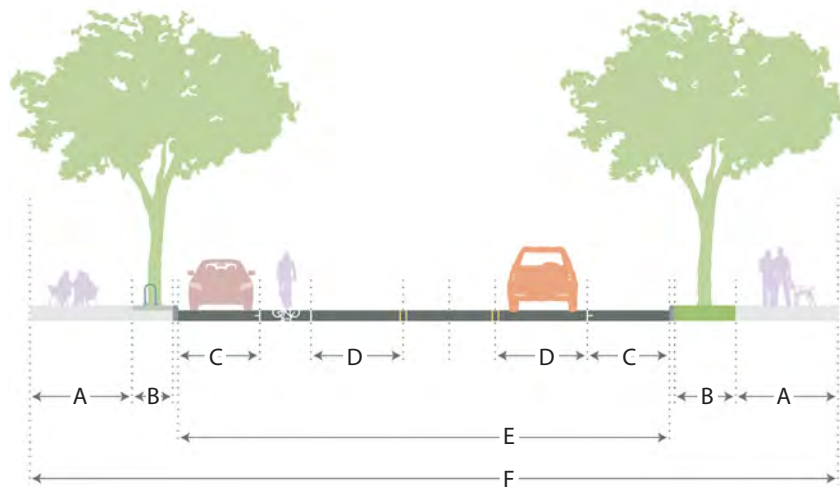
A (Sidewalk Width)	5' Min
B (Greenbelt Width)	5' Min
C (Parking Ln Width)	8'*
D (Travel Ln Width)	9' Min, 11' Max
E (Pavement Width)	20' Min
F (Street ROW Width)	40' Min
Target Speed	15 mph
Design Speed	25 mph
Design Vehicle	SU-30 (Single Unit Truck)
# Through Lanes	2 Lanes
Sidewalk Type	Full or Ribbon Sidewalk
Curbing	Vertical Faced Curb
Curb Radius	5' Min, 15' Max
One-Way Traffic	Not permitted
Center/Left Turn Ln	Not Permitted
Median	Permitted only as Gateway or Pedestrian Refuge Island
Min Bicycle Facility	Bike Lane or Cycletrack ‡
On-St Bike Parking	See Building Envelope Standards
Transit Facilities	Permitted
On-Street Parking	Parallel or Angled †
Ownership	Private

Intended Uses & Activities

Order of Consideration



Support Street



Role in Community

Support Streets are side streets parallel or perpendicular from primary thoroughfares with higher levels of activity (Destination Streets, Commercial Streets, Avenues, or Commercial Boulevards). Support Streets allow for a harmonious transition from high activity along the primary thoroughfare into the surrounding land use context. Support Streets provide space for deliveries and additional on-street parking, especially where those uses may be constrained on the primary thoroughfare.

Congestion Tolerance

Significant delay is acceptable at peak periods.

Greenbelt

The greenbelt may consist principally of hardscape elements but must include sufficient access to soil for required trees.

A (Sidewalk Width)	6' Min, 16' Max
B (Greenbelt Width)	5' Min
C (Parking Ln Width)	8' Max †
D (Travel Ln Width)	9' Min, 12' Max
E (Pavement Width)	36' Min, 66' Max
F (Street ROW Width)	60' Min
Target Speed	15 to 20 mph
Design Speed	30 mph
Design Vehicle	SU-30 (Single Unit Truck)
# Through Lanes	1 or 2 Lanes
Sidewalk Type	Sidewalk
Curbing	Vertical Faced Curb
Curb Radius	5' Min, 15' Max
One-Way Traffic	Permitted
Center/Left Turn Ln	Permitted
Median	Permitted only as Refuge Island
Min Bicycle Facility	Shared Lane
On-St Bike Parking	See Building Envelope Standards
Transit Facilities	Permitted
On-Street Parking	Parallel or Angled †
Ownership	Public or Private

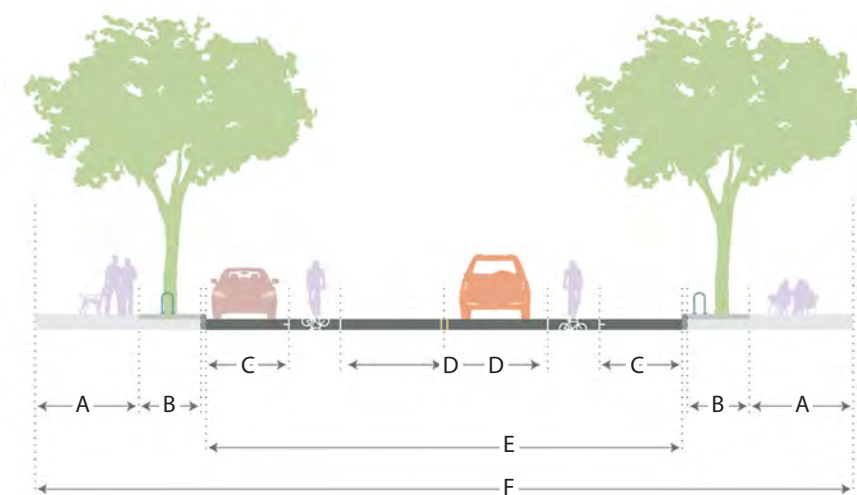
Intended Uses & Activities

Order of Consideration



† Standard applies only to parallel parking. Dimensional standards contained in Table 13-8 of the LDR shall apply to the design of angled parking.

Commercial Street



Role in Community

Commercial Streets are thoroughfares of moderate vehicular capacity at low speed. Located outside of the core of City Center, Commercial Streets provide neighborhood commercial services and are lined with businesses such as restaurants, retail, services, and some offices. This thoroughfare type is sometimes equipped with a landscaped median and should be designed to balance the needs of vehicles with those of pedestrians and bicyclists.

Congestion Tolerance

Significant delay is acceptable at peak periods.

Greenbelt

The greenbelt may consist principally of hardscape elements but must include sufficient access to soil for required trees.

Medians

Medians measuring 9' or more in width shall be planted with street trees at an average spacing of no more than 50' on center.

Intended Uses & Activities

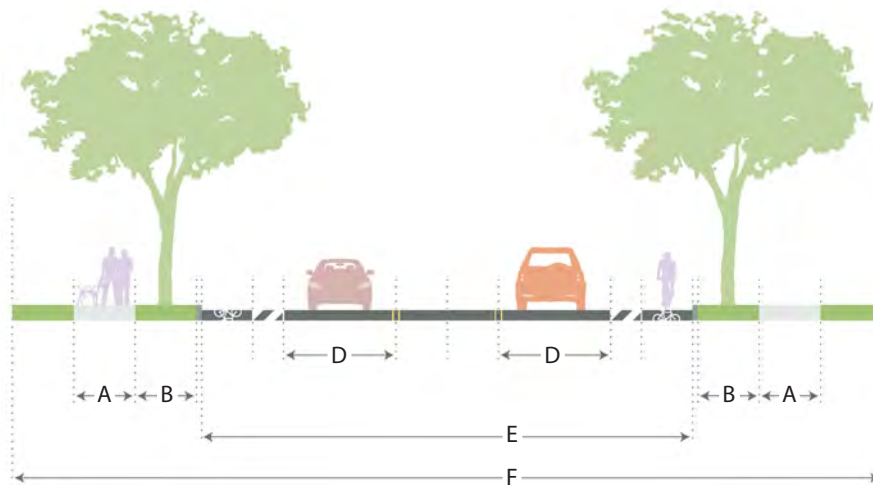
Order of Consideration



A (Sidewalk Width)	10' Min, 16' Max
B (Greenbelt Width)	4' Min
C (Parking Ln Width)	8' Max †
D (Travel Ln Width)	10' Min, 11' Max
E (Pavement Width)	33' Min, 46' Max (not including median)
F (Street ROW Width)	66' Min
Target Speed	20 to 30 mph
Design Speed	25 mph
Design Vehicle	SU-30 (Single Unit Truck)
# Through Lanes	2 Lanes
Sidewalk Type	Sidewalk
Curbing	Vertical Faced Curb
Curb Radius	5' Min, 15' Max
One-Way Traffic	Not Permitted
Center/Left Turn Ln	Permitted
Median	Permitted
Min Bicycle Facility	Shared Lane or Bike Lane
On-St Bike Parking	See Building Envelope Standards
Transit Facilities	Permitted
On-Street Parking	Parallel or Angled †
Ownership	Public or Private

† Standard applies only to parallel parking. Dimensional standards contained in Table 13-8 of the LDR shall apply to the design of angled parking.

Avenue



Role in Community

Avenues are major thoroughfares meant to provide expedient connections between neighborhoods, commercial areas, and regional destinations. This thoroughfare should be designed to safely and conveniently facilitate medium and longer distance trips for drivers, pedestrians, bicyclists, and transit riders, while also serving as aesthetically pleasing gateways for the community.

It is required that one of the sidewalks be a 10' rec path.

Congestion Tolerance

Minor to moderate delay is acceptable at peak periods.

Medians

Medians measuring 9' or more in width shall be planted with street trees at an average spacing of no more than 50' on center.

A (Sidewalk Width)	6' Min, 10' Max
B (Greenbelt Width)	6' Min, 12' Max
C (Parking Ln Width)	8' Max*
D (Travel Ln Width)	10' Min, 12' Max
E (Pavement Width)	36' Min, 80' Max
F (Street ROW Width)	66' Min
Target Speed	25 to 30 mph
Design Speed	30 mph
Design Vehicle	SU-30 (Single Unit Truck)
# Through Lanes	2 to 4 Lanes
Sidewalk Type	Rec path on one side; sidewalk on other
Curbing	Vertical Faced Curb
Curb Radius	10' Min, 20' Max
One-Way Traffic	Not Permitted
Center/Left Turn Ln	Permitted
Median	Permitted
Min Bicycle Facility	Bike Lane or Cycletrack
On-St Bike Parking	See Building Envelope Standards
Transit Facilities	Permitted
On-Street Parking	Parallel*
Ownership	Public

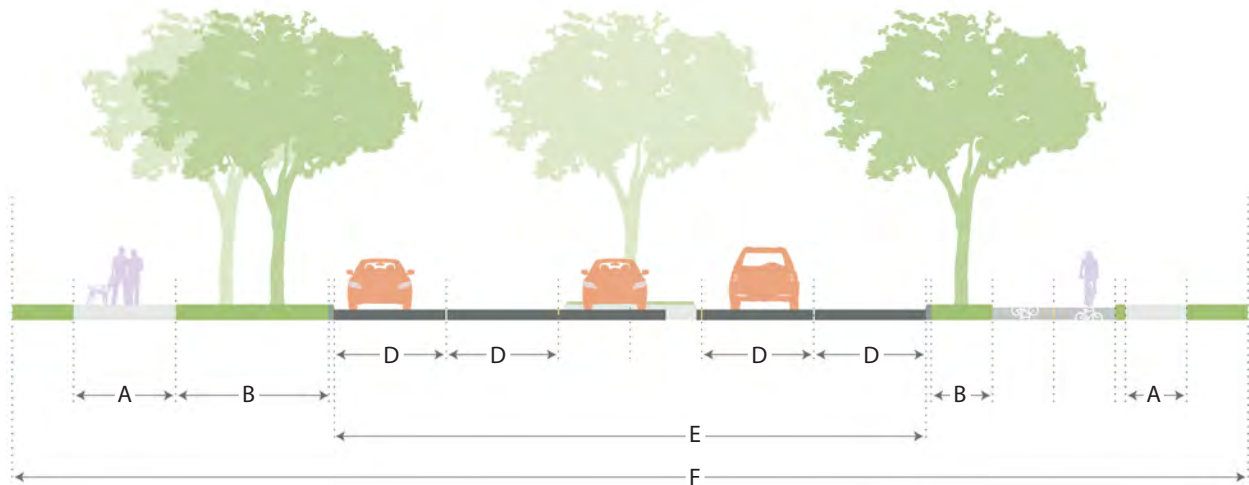
Intended Uses & Activities

* Standard is not required

Order of Consideration



Commercial Boulevard



Role in Community

A commercial boulevard is a major thoroughfare meant to provide access to principal commercial concentrations and other predominantly automobile orientated land uses. While Commercial Boulevards serve as conduits for through traffic and as the origin and destination of many motor vehicle trips, they also provide safe and enjoyable accommodations for pedestrian, bicycle, and transit trips.

Congestion Tolerance

Moderate delay is acceptable at peak periods; considerable ingress and egress is expected from adjacent land uses.

Medians

Medians measuring 9' or more in width shall be planted with street trees at an average spacing of no more than 50' on center.

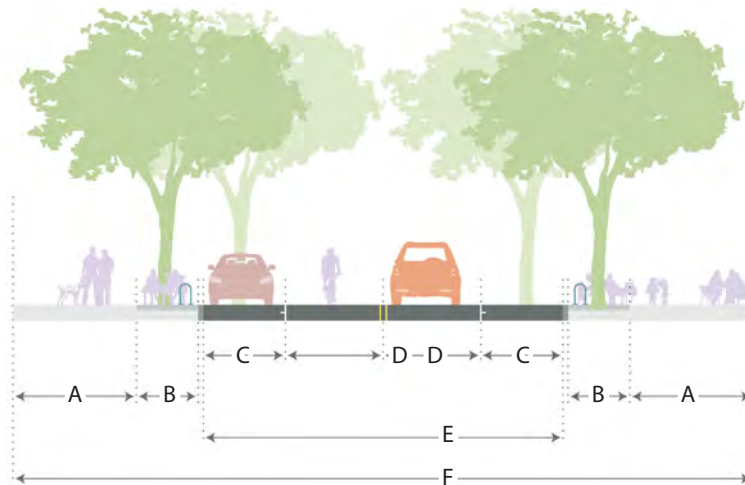
A (Sidewalk Width)	5' Min, 20' Max
B (Greenbelt Width)	8' Min, 16' Max
C (Parking Ln Width)	Not Permitted
D (Travel Ln Width)	11' Min, 12' Max
E (Pavement Width)	36' Min, 80' Max
F (Street ROW Width)	80' Min
Target Speed	30 mph
Design Speed	35 mph
Design Vehicle	WB-50 (Semi-trailer)
# Through Lanes	2 to 4 Lanes
Sidewalk Type	Sidewalk
Curbing	Vertical Faced Curb
Curb Radius	15' Min, 25' Max
One-Way Traffic	Not Permitted
Center/Left Turn Ln	Permitted only within medians
Median	Required
Min Bicycle Facility	Buffered Bike Lane or Cycletrack
On-St Bike Parking	See Building Envelope Standards
Transit Facilities	Permitted
On-Street Parking	Not Permitted
Ownership	Public

Intended Uses & Activities

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Destination Street



Role in Community

A Destination Street is meant to serve as the front door of a multi-use destination of greater than normal significance to the community. A Destination Street should serve as an intuitive and special place for social gathering, shopping, dining, entertainment, and events that may or may not require the street to be closed temporarily to motor vehicle traffic. Traffic should naturally move slowly due to a high density of pedestrians and activities.

Congestion Tolerance

Gridlock is acceptable at peak periods.

Greenbelt

The greenbelt may consist principally of hardscape elements but must include sufficient access to soil for required trees.

A (Sidewalk Width)	12' Min
B (Greenbelt Width)	5' Min
C (Parking Ln Width)	8' †
D (Travel Ln Width)	9' Min, 11' Max
E (Pavement Width)	22' Min, 66' Max
F (Street ROW Width)	66' Min
Target Speed	15 mph
Design Speed	25 mph
Design Vehicle	DL-23 (Delivery Vehicle)
# Through Lanes	2 Lanes
Sidewalk Type	Sidewalk
Curbing	Vertical Faced Curb or Shared Space
Curb Radius	5' Min, 15' Max
One-Way Traffic	Not permitted
Center/Left Turn Ln	Not Permitted
Median	Permitted only as Traffic Control Device or Gateway
Min Bicycle Facility	Shared Lane
On-St Bike Parking	See Building Envelope Standards
Transit Facilities	Permitted
On-Street Parking	Parallel or Angled †
Ownership	Public or Private

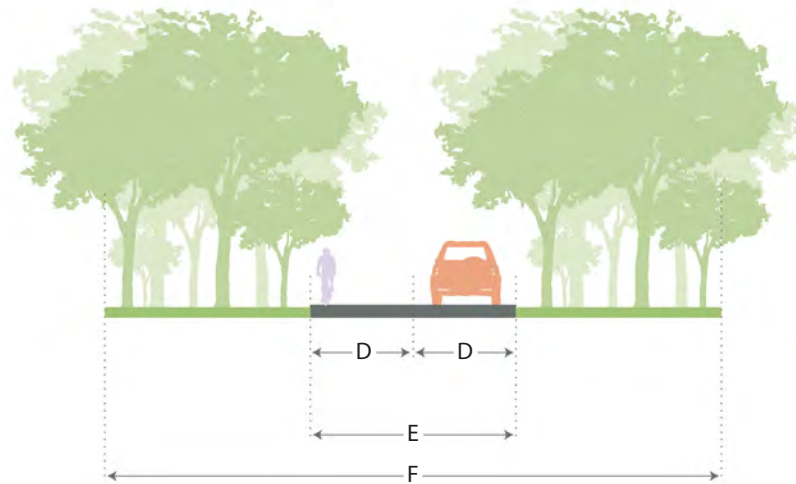
Intended Uses & Activities

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† Standard applies only to parallel parking. Dimensional standards contained in Table 13-8 of the LDR shall apply to the design of angled parking.

Rural Drive



Role in Community

A Rural Drive is a rural, slower-speed residential road providing local access or routes for scenic recreational cycling. Rural Drives can be either paved or unpaved as appropriate.

Congestion Tolerance

Motor vehicle use primarily for neighborhood residents and recreation cyclists.

A (Sidewalk Width)	N/A
B (Greenbelt Width)	N/A
C (Parking Ln Width)	Not Permitted
D (Travel Ln Width)	N/A
E (Pavement Width)	20' Min, 22' Max
F (Street ROW Width)	50' Min
Target Speed	20 to 30 mph
Design Speed	25 to 30 mph
Design Vehicle	P (Passenger Car)
# Through Lanes	1 or 2 Lanes
Sidewalk Type	Sidewalk*
Curbing	No Curb
Curb Radius	5' Min, 15' Max
One-Way Traffic	Not Permitted
Center/Left Turn Ln	Not Permitted
Median	Not Permitted
Min Bicycle Facility	Not Required
On-St Bike Parking	Not Required
Transit Facilities	Not Permitted
On-Street Parking	Not Permitted
Ownership	Public or Private

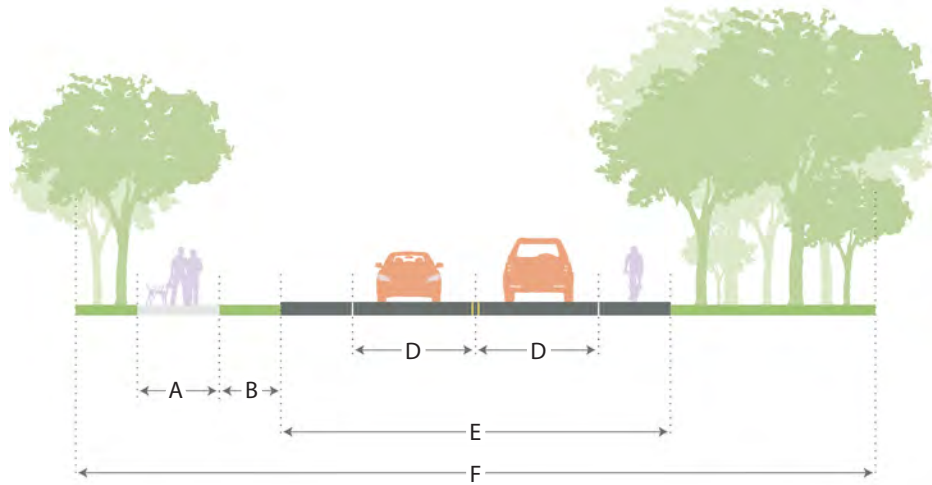
* Standard is not required

Intended Uses & Activities

Order of Consideration



Rural Connector



Role in Community

A Rural Connector is a street providing additional connectivity and access to the swaths of land between the few major thoroughfares crossing rural areas.

Congestion Tolerance

Moderate delay is acceptable at peak periods.

A (Sidewalk Width)	10' Min*
B (Greenbelt Width)	5' Min*
C (Parking Ln Width)	Not Permitted
D (Travel Ln Width)	11' Min, 12' Max
E (Pavement Width)	22' Min
F (Street ROW Width)	50' Min
Target Speed	30 to 40 mph
Design Speed	30 to 45 mph
Design Vehicle	P (Passenger Car)
# Through Lanes	2 Lanes
Sidewalk Type	Rec Path
Curbing	Not Specified
Curb Radius	15' Min, 30' Max
One-Way Traffic	Not Permitted
Center/Left Turn Ln	Permitted for Left Turns
Median	Permitted
Min Bicycle Facility	5' Min Bike Lane Each Side, may be required to be wider on steep grades; may also be an off-street rec path within 100' of street
On-St Bike Parking	Not Required
Transit Facilities	Permitted
On-Street Parking	Not Permitted
Ownership	Public

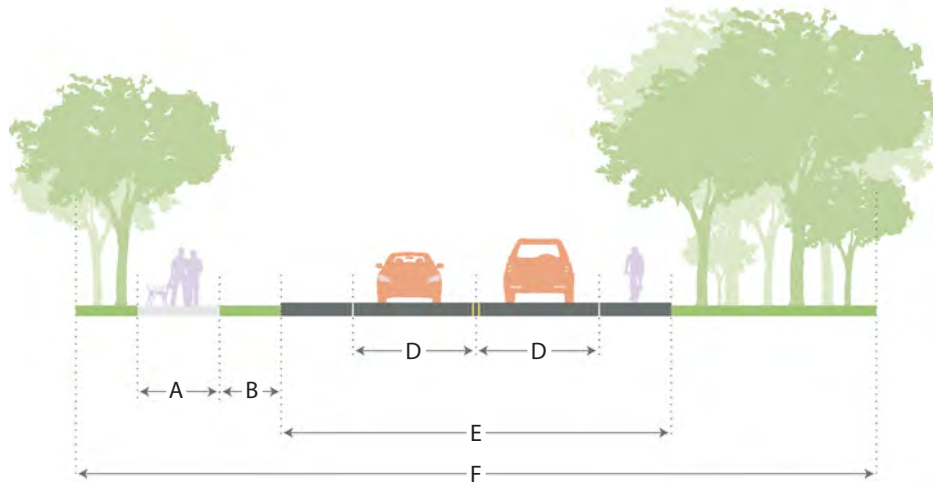
* Standard is not required

Intended Uses & Activities

Order of Consideration



Rural Highway



Role in Community

A Rural Highway is a major thoroughfare providing regional mobility at the edges of developed areas. As infill comes to the abutting parcels, the highway should transition into an appropriate urban street type.

Congestion Tolerance

Minor delay is acceptable at peak periods.

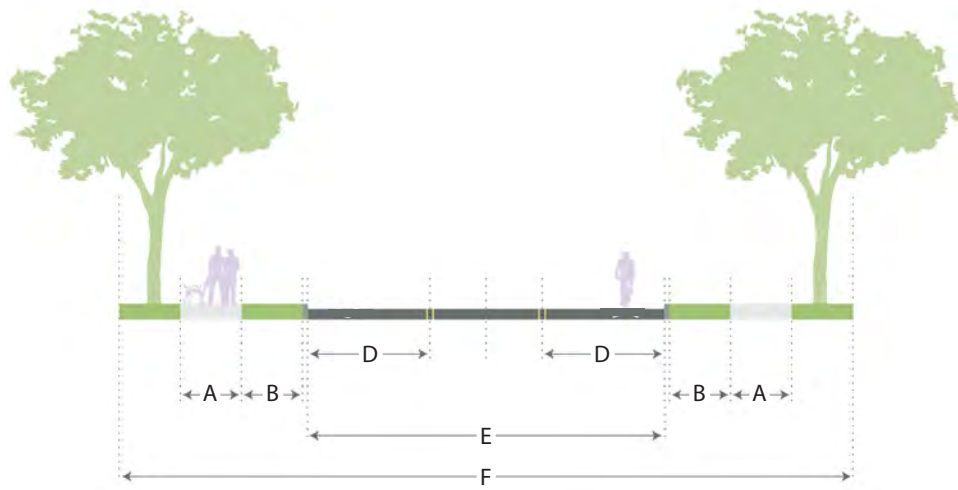
A (Sidewalk Width)	10' Min*
B (Greenbelt Width)	10' Min*
C (Parking Ln Width)	Not Permitted
D (Travel Ln Width)	11' Min, 13' Max
E (Pavement Width)	22' Min
F (Street ROW Width)	50' Min
Target Speed	30 to 40 mph
Design Speed	30 to 45 mph
Design Vehicle	WB-50 (Semi-trailer)
# Through Lanes	2 Lanes
Sidewalk Type	Rec Path
Curbing	Not Specified
Curb Radius	15' Min, 30' Max
One-Way Traffic	Not Permitted
Center/Left Turn Ln	Permitted for Left Turns
Median	Permitted
Min Bicycle Facility	5' Min Each Side
On-St Bike Parking	Not Required
Transit Facilities	Permitted
On-Street Parking	Not Permitted
Ownership	Public

Intended Uses & Activities

Order of Consideration



Industrial Access Road



Role in Community

An Industrial Access Road is a road providing access to industrial sites which facilitates the movement of goods, but also provides a safe and comfortable route for employees and customers regardless of travel mode.

Congestion Tolerance

Minor to moderate delay is acceptable at peak periods; considerable ingress, egress, and truck traffic is expected.

A (Sidewalk Width)	10' Min
B (Greenbelt Width)	5' Min
C (Parking Ln Width)	Not Permitted
D (Travel Ln Width)	11' Min, 13' Max
E (Pavement Width)	22' Min
F (Street ROW Width)	60' Min
Target Speed	20 to 25 mph
Design Speed	25 to 30 mph
Design Vehicle	WB-50 (Semi-trailer)
# Through Lanes	2 Lanes
Sidewalk Type	Rec Path
Curbing	Not Specified
Curb Radius	15' Min, 30' Max
One-Way Traffic	Not Permitted
Center/Left Turn Ln	Permitted
Median	Permitted
Min Bicycle Facility	Street Rec Path
On-St Bike Parking	Not Required
Transit Facilities	Permitted
On-Street Parking	Not Permitted
Ownership	Public or Private

Intended Uses & Activities

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Pedestrian Pass



Role in Community

Pedestrian passes are narrow pedestrian right of ways that cut through blocks in residential and/or commercial areas. Pedestrian passes allow for pedestrian shortcuts, add additional network connectivity, provide access to businesses and dwellings, and/or provide secondary or rear entrances. Pedestrian passes may include landscaping, seating, and other amenities, as such, a pedestrian pass may feel more like a public square or park.

Congestion Tolerance

Prohibit motor vehicles.

A (Sidewalk Width)	N/A
B (Greenbelt Width)	N/A
C (Parking Ln Width)	N/A
D (Travel Ln Width)	N/A
E (Pavement Width)	8' Min, 24' Max
F (ROW Width)	N/A
Target Speed	N/A
Design Speed	N/A
Design Vehicle	Pedestrian
# Through Lanes	N/A
Sidewalk Type	N/A
Curbing	No Curb
Curb Radius	N/A
One-Way Traffic	N/A
Center/Left Turn Ln	N/A
Median	N/A
Min Bicycle Facility	Location and Directional Markings*
On-St Bike Parking	Regularly Spaced Racks
Transit Facilities	N/A
On-Street Parking	N/A
Ownership	Private

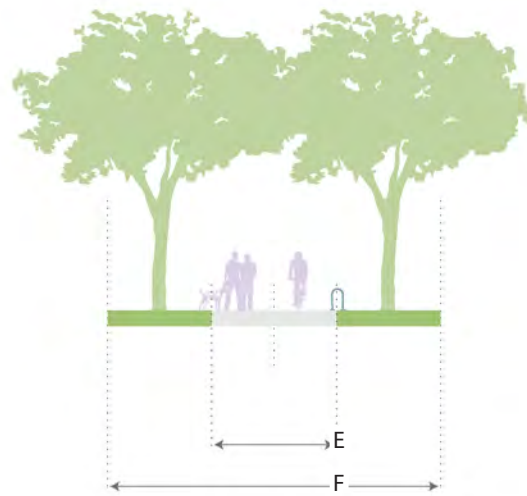
* Standard is not required

Intended Uses & Activities

Order of Consideration



Path



Role in Community

Paths are right of ways reserved exclusively for non-motorized users (pedestrians, bicyclists, skaters, runners, etc). Paths serve primarily as recreational corridors, but can serve as transportation corridors when designed to connect conveniently to residential, civic, commercial, and/or industrial land uses.

Congestion Tolerance

Prohibit motor vehicles.

A (Sidewalk Width)	N/A
B (Greenbelt Width)	N/A
C (Parking Ln Width)	N/A
D (Travel Ln Width)	N/A
E (Pavement Width)	10' Min, 14' Max
F (ROW Width)	20' Min
Target Speed	N/A
Design Speed	N/A
Design Vehicle	Bicycles & Pedestrians
# Through Lanes	N/A
Sidewalk Type	N/A
Curbing	No Curb
Curb Radius	N/A
One-Way Traffic	N/A
Center/Left Turn Ln	N/A
Median	N/A
Min Bicycle Facility	Location and Directional Markings*
On-St Bike Parking	N/A
Transit Facilities	N/A
On-Street Parking	N/A
Ownership	Public or Private

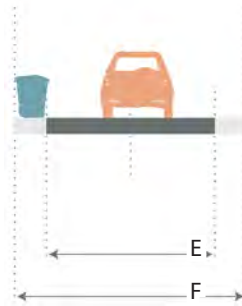
* Standard is not required

Intended Uses & Activities

Order of Consideration



Alley



Role in Community

Alleys provide rear access to residential and commercial properties and a space for parking, utilities, sanitation, and other uses that might otherwise degrade the public realm if located before the frontage.

Congestion Tolerance

Prevent motor vehicle traffic other than for rear access.

A (Sidewalk Width)	N/A
B (Greenbelt Width)	N/A
C (Parking Ln Width)	N/A
D (Travel Ln Width)	N/A
E (Pavement Width)	16' Min., 20' if for Fire Access
F (ROW Width)	N/A
Target Speed	10 mph
Design Speed	N/A
Design Vehicle	DL-23 (Delivery Vehicle)
# Through Lanes	1 Lane
Sidewalk Type	N/A
Curbing	No Curb
Curb Radius	5' Min, 15' Max
One-Way Traffic	Permitted
Center/Left Turn Ln	Not Permitted
Median	N/A
Min Bicycle Facility	Not Required
On-St Bike Parking	Not Required
Transit Facilities	Not Permitted
On-Street Parking	Not Permitted
Ownership	Private

Intended Uses & Activities

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12 SURFACE WATER PROTECTION STANDARDS

12.01 General Stream and Surface Water Protection Standards

12.02 Wetland Protection Standards and Review Procedures

12.03 Stormwater Management Standards

12.04 Stormwater Management Overlay District (SMO) [Reserved]

12.01 General Stream and Surface Water Protection Standards

A. Purpose. It is the purpose of this Section to provide for the protection and improvement of the surface waters and streams within the City of South Burlington, Lake Champlain and Shelburne Bay, and the watersheds contained wholly or partially within the City. These regulations and standards are intended to lead to the establishment and protection of natural areas along the City's surface waters to provide improved protection for water quality and the provision of open space areas and wildlife habitat. It is the further purpose of this Section to provide for the retention of preexisting residential neighborhoods located along Lake Champlain and Potash Brook in a manner consistent with the resource protection goals of this Section and the Comprehensive Plan.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of south Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Surface Water Buffer Standards ("Stream Buffers")

(1) Applicability. The requirements of this Section shall apply to all lands described as follows:

- (a) All land within one hundred (100) feet horizontal distance of the centerline of Muddy Brook and the main stem of Potash Brook, with the exception of lands within the Queen City Park zoning district which shall be subject to the provisions of (D) below.
- (b) All land within one hundred (100) feet horizontal distance of the edge of the channel of the Winooski River
- (c) All land within fifty (50) feet horizontal distance of the centerline of any minor stream
- (d) All land within ten (10) feet horizontal distance of the centerline of a drainage way
- (e) All land within one hundred fifty (150) feet horizontal distance of the high water elevation of Lake Champlain, which for purposes of these regulations shall be one hundred two (102) feet above mean sea level datum.

(2) General standards. It is the objective of these standards to promote the establishment of heavily vegetated areas of native vegetation and trees in order to reduce the impact of stormwater runoff, reduce sedimentation, and increase infiltration and base flows in the City's streams and Lake Champlain. Therefore, except as specifically permitted by the DRB pursuant to the standards in Section 12.01(C)(3), (C)(4), (D) and/or (E) below, all lands within a required stream buffer defined above shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping with appropriate species of vegetation to achieve these objectives shall be permitted. The specific standards for the vegetation and maintenance of stream buffers are as follows:

- (a) The clearing of trees that are not dead, heavily damaged by ice storms or other natural events, or diseased, and the clearing of any other vegetation other than invasive species, is permitted only in conjunction with DRB approval pursuant to (3) or (4) below.

- (b) Any areas within a required stream buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass, and shall not be mowed.
- (c) The creation of new lawn areas within stream buffers is not permitted after the effective date of these regulations.
- (d) Snow storage areas designated pursuant to site plan or PUD review shall not be located within stream buffers unless the applicant can demonstrate that:
 - (i) There is no reasonable alternative location for snow storage on the same property.
 - (ii) Measures such as infiltration areas have been incorporated into the site plan and/or stormwater treatment system to reduce the potential for erosion and contaminated runoff entering the associated stream as a result of snow melt.
- (e) The placing or storing of cut or cleared trees and other vegetation within the stream buffer is prohibited.

(3) Expansion of pre-existing structures within stream buffers. The expansion of pre-existing structures within stream buffers, except as provided in Section D below, shall be permitted only in accordance with the standards for non-complying structures in Article 3, Section 3.11 of these Regulations.

(4) New uses and encroachments within stream buffers. The encroachment of new land development activities into the City's stream buffers is discouraged. The DRB may authorize the following as conditional uses within stream buffers, subject to the standards and conditions enumerated for each use. The DRB may grant approvals pursuant to this section as part of PUD review without a separate conditional use review.

- (a) Agriculture, horticulture and forestry including the keeping of livestock, provided that any building or structure appurtenant to such uses is located outside the stream buffer.
- (b) Clearing of vegetation and filling or excavating of earth materials, only to the extent directly necessitated for the construction or safe operation of a permitted or conditional use on the same property and where the DRB finds that:
 - (i) There is no practicable alternative to the clearing, filling or excavating within the stream buffer; and
 - (ii) The purposes of this Section will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures.
- (c) Encroachments necessary to rectify a natural catastrophe for the protection of the public health, safety and welfare.
- (d) Encroachments necessary for providing for or improving public facilities.
- (e) Public recreation paths, located at least twenty five (25) feet from the edge of channel of the surface water.
- (f) Stormwater treatment facilities meeting the Vermont Agency of Natural Resources stormwater treatment standards, and routine maintenance thereof, including necessary clearing of vegetation and dredging. Evidence of a complete application to the VANR for coverage under the applicable permitting requirements shall be required to meet this criterion for encroachment into a stream buffer.

- (g) Roadways or access drives for purposes of crossing a stream buffer area to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access and the roadway or access drive is located at least twenty five (25) feet from the edge of the channel of the surface water for all water bodies listed in section 10.01(C)(1)(a) and (b) and ten (10) feet from the edge of channel of the surface water of all other streams.
- (h) Utility lines, including power, telephone, cable, sewer and water, to the extent necessary to cross or encroach into the stream buffer where there is no feasible alternative for providing or extending utility services.
- (i) Outdoor recreation, provided any building or structure (including parking and driveways) appurtenant to such use is located outside the stream buffer.
- (j) Research and educational activities provided any building or structure (including parking and driveways) appurtenant to such use is located outside the stream buffer.
- (k) Hydro-electric power generation

D. Pre-Existing Structures along Lake Champlain and within Queen City Park

(1) Applicability. The provisions of this section shall apply to preexisting structures within the areas defined as follows:

- (a) All lands within one hundred fifty (150) feet horizontal distance of the high water elevation of Lake Champlain, which for purposes of these regulations shall be one hundred two (102) feet above mean sea level datum;
- (b) All lands within the Queen City Park zoning district located within one hundred (100) feet horizontal distance of the centerline of Potash Brook.

(2) Expansion and construction of pre-existing structures. Within the areas defined in Section (D)(1) above, the expansion and reconstruction of pre-existing structures may be approved by the DRB as a conditional use provided the requirements of the underlying zoning district and the following standards are met:

- (a) The structure to be expanded or reconstructed was originally constructed on or before April 24, 2000. For purposes of these Regulations, expansion may include the construction of detached accessory structures including garages and utility sheds.
- (b) The expanded or reconstructed structure does not extend any closer, measured in terms of horizontal distance, to the applicable high water elevation or stream centerline than the closest point of the existing structure.
- (c) The total building footprint area of the expanded or reconstructed structure shall not be more than fifty percent (50%) larger than the footprint of the structure lawfully existing on April 24, 2000. For purposes of these regulations, reconstruction may include razing the existing structure and/or foundation and constructing a new structure in accordance with the provisions of the underlying zoning district regulations and this section.
- (d) An erosion control plan for construction is submitted by a licensed engineer detailing controls that will be put in place during construction or expansion to protect the associated surface water.

(e) A landscaping plan showing plans to preserve, maintain and supplement existing trees and ground cover vegetation is submitted and the DRB finds that the overall plan will provide a visual and vegetative buffer for the lake and/or stream.

(3) Erosion control measures and water-oriented development along Lake Champlain. Within the area along Lake Champlain defined in Section (D)(1)(a) above, the installation of erosion control measures and water-oriented development may be approved by the DRB as a conditional use provided the following standards are met:

- (a) The improvement involves, to the greatest extent possible, the use of natural materials such as wood and stone.
- (b) The improvement will not increase the potential for erosion.
- (c) The improvement will not have an undue adverse impact on the aesthetic integrity of the lakeshore. In making a determination pursuant to this criterion, the DRB may request renderings or other additional information relevant and necessary to evaluating the visual impact of the proposed improvement.
- (d) A landscaping plan showing plans to preserve, maintain and supplement existing trees and ground cover vegetation is submitted and the DRB finds that the overall plan will provide a visual and vegetative buffer for the lake and/or stream.

E. Potash Brook Tributary 3 Requirements. For lands located within one hundred fifty (150) feet horizontal distance of Tributary 3 of Potash Brook, as delineated in the Potash Brook Watershed Restoration Plan, the DRB shall have the authority to invoke technical review of proposed land development activities requiring DRB approval. Such technical review shall have the specific purpose of recommending site plan, stormwater and landscaping measures that will ensure that land development activities are consistent with the City's overall plan for ecosystem restoration in the Tributary 3 watershed.

F. Landscaping and Maintenance Standards within Stream Buffers [reserved]

G. Watercourse Alteration and Relocation.

(1) The alteration or relocation of a watercourse is permitted subject to the approval of the Development Review Board provided the alteration or relocation:

- (a) Is needed to accomplish a clear public purpose or objective;
- (b) Will not reduce the ability of the watercourse to carry or store flood waters adequately;
- (c) Will not have an adverse impact on downstream or upstream water quality;
- (d) Will not affect adversely the use and enjoyment of adjacent properties;
- (e) Will not affect adversely the habitat value of the watercourse or immediately adjacent areas or wetlands.

(2) In making findings relative to these criteria, the DRB shall be authorized to invoke technical review by a professional in hydrology or geomorphology, and/or to rely on the issuance of a Stream Alteration Permit issued by the Vermont Department of Environmental Conservation as evidence that the above criteria have been met.

- (3) The South Burlington Natural Resources Committee shall in a timely manner review and make advisory comments to the DRB on any application made pursuant to this section.

12.02 Wetland Protection Standards and Review Procedures

A. Purpose. It is the purpose of this Section to provide appropriate protection of the City's wetland resources in order to protect wetland functions and values related to surface and ground water protection, wildlife habitat, and flood control.

B. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of south Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

C. Wetlands Map and Applicability of Standards.

(1) All wetland areas within the City of South Burlington, whether identified on the map entitled "Wetlands Map" as set forth in Section 3.02 of these regulations or as identified through field delineation, and a buffer area fifty (50) feet horizontal distance surrounding the boundary of any such wetland, shall be subject to the provisions of this section.

(2) In the absence of site-specific delineations, the City's Wetlands Map shall control as to the location of wetlands and wetland buffer areas subject to the provisions of this section.

D. Submittal and Review of Field Delineation and Wetlands Report

(1) For all properties for which any application for development requiring DRB review is made, and on which any wetland areas are indicated on the Wetlands Map, applicants are strongly encouraged to submit site specific field delineations indicating the location, classification, functions and values of all wetland areas (Class I, II and III) and an associated fifty (50) foot buffer area. In the absence of such site-specific delineations and information, the City's Wetlands Map shall control.

(2) Applicants are encouraged to submit a field delineation and wetlands report as early in the development review process as possible.

(3) The DRB shall have the authority to invoke technical review by a qualified wetlands consultant of any field delineation and wetlands report. The City's wetlands consultant shall submit an evaluation of the field delineation and wetlands report addressing the proposed development's consistency with the standards in (D) above, and outlining the following:

(a) Measures that can be taken to improve the overall effect of the project on wetland resources without altering the layout of the proposed project.

(b) Measures that can be taken to improve the overall effect of the project on wetland resources that involve altering the layout of the proposed project.

E. Standards for Wetlands Protection

(1) Consistent with the purposes of this Section, encroachment into wetlands and buffer areas is generally discouraged.

(2) Encroachment into Class II wetlands is permitted by the City only in conjunction with issuance of a Conditional Use Determination (CUD) by the Vermont Department of Environmental Conservation and positive findings by the DRB pursuant to the criteria in (3) below.

(3) Encroachment into Class II wetland buffers, Class III wetlands and Class III wetland buffers, may be permitted by the DRB upon finding that the proposed project's overall development, erosion control, stormwater treatment system, provisions for stream buffering, and landscaping plan achieve the following standards for wetland protection:

- (a) The encroachment(s) will not adversely affect the ability of the property to carry or store flood waters adequately;
- (b) The encroachment(s) will not adversely affect the ability of the proposed stormwater treatment system to reduce sedimentation according to state standards;
- (c) The impact of the encroachment(s) on the specific wetland functions and values identified in the field delineation and wetland report is minimized and/or offset by appropriate landscaping, stormwater treatment, stream buffering, and/or other mitigation measures.

12.03 Stormwater Management Standards

A. Purpose. The purpose of this section is:

- (1) To promote stormwater management practices that maintain pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate, filter, store, evaporate and detain stormwater close to its source;
- (2) To protect water resources, particularly streams, lakes, wetlands, floodplains and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions;
- (3) To protect other properties from damage that could be caused by stormwater and sediment from improperly managed construction activities and post-construction conditions on the development site;
- (4) To reduce the impacts on surface waters from impervious surfaces such as streets, parking lots, rooftops and other paved surfaces; and
- (5) To promote public safety from flooding and streambank erosion, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and to prevent damage to municipal infrastructure from inadequate stormwater controls.

B. Scope and Applicability

- (1) These regulations shall apply to all land development within the City of South Burlington where one-half acre or more of impervious surface area exists or is proposed to exist on an applicant's lot or parcel.
- (2) If the combination of new impervious surface area created and the redevelopment or substantial reconstruction of existing impervious surfaces is less than 5,000 s.f. then the application is exempt from requirements in this Section 12.03.
- (3) Applications meeting the criteria set forth in section 12.03(B)(1) and not exempt under section 12.03(B)(2) shall meet the requirements in section 12.03(C) as follows:
 - (a) If the area of the lot or parcel being redeveloped or substantially reconstructed is less than 50% of the lot's existing impervious surface area, then only those portions of the lot or parcel that

are being redeveloped or substantially reconstructed must comply with all parts of Section 12.03(C). All new impervious surface area must meet the requirements of section 12.03(C).

(b) If the area of the lot or parcel that is being redeveloped or substantially reconstructed exceeds 50% of the lot or parcel's existing impervious surface area then all of the lot or parcel's impervious surfaces must comply with all parts of Section 12.03(C). All new impervious surface area must meet the requirements of Section 12.03(C).

C. Site Design Requirements For New Development

(1) The Water Quality Volume (WQv) as defined in the Vermont Stormwater Management Manual for the lot or parcel's impervious surfaces shall not leave the lot via overland runoff, and shall be infiltrated using Low Impact Development (LID) practices including, but not limited to, practices detailed in the "South Burlington Low Impact Development Guidance Manual".

(a) If it is not possible to infiltrate the volume of stormwater runoff specified in Section 12.03(C)(1) due to one or more of the following constraints:

- (i) Seasonally high or shallow groundwater as defined in Appendix D1 of the Vermont Stormwater Management Manual,
- (ii) Shallow bedrock as defined in Appendix D1 of the Vermont Stormwater Management Manual,
- (iii) Soil infiltration rates of less than 0.2 inches per hour,
- (iv) Soils contaminated with hazardous materials, as that phrase is defined by 10 V.S.A. §6602(16), as amended,
- (v) The presence of a "stormwater hotspot" as defined in Section 2.6 of the Vermont Stormwater Management Manual, or
- (vi) Other site conditions prohibitive of on-site infiltration runoff subject to the review and approval of the Development Review Board,

then the WQv shall be retained on the lot using other LID strategies and practices such as those detailed in the "South Burlington Low Impact Development Guidance Manual", or treated by stormwater treatment practices meeting the Water Quality Treatment Standard as described in the most recently adopted version of the Vermont Stormwater Management Manual.

(2) The post-construction peak runoff rate for the one-year, twenty-four hour (2.1 inch) rain event shall not exceed the existing peak runoff rate for the same storm event from the site under conditions existing prior to submittal of an application. LID practices shall be incorporated into the design as necessary to achieve the maximum allowed runoff rate. If constraints prevent the use of LID practices (see Section 12.03(C)(1)(a)), stormwater treatment practices detailed in the Vermont Stormwater Management Manual may be used to achieve the required post construction runoff rate.

(3) Applicants who demonstrate that the required control and/or treatment of stormwater runoff per section 12.03(C)(1) and 12.03(C)(2) cannot be achieved for areas subject to these regulations per section 12.03(B) may utilize "site balancing".

D. Additional Site Plan Requirements

(1) Applicants required to comply with Section 12.03(C) must include the following information in their site plan submission:

- (a) Sub-watershed boundaries and drainage area delineations for all stormwater treatment practices.
- (b) Location, type, material, size, elevation data, and specifications for all existing and proposed stormwater collection systems, culverts, detention basins, LID installations, and other stormwater treatment practices.
- (c) Soil types and/or hydrologic soil group, including the results of any soil borings, infiltration testing, or soil compaction testing.
- (d) A brief written description of the proposed stormwater treatment and management techniques. Where LID design approaches are not proposed (see Section 12.03(C)(1)(a)), the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures.
- (e) A detailed maintenance plan for all proposed stormwater treatment practices.
- (f) Modeling results that show the existing and post-development hydrographs for the WQv (0.9-inch) and the one-year, twenty-four hour (2.1-inch) rain event. Any TR-55 based model shall be suitable for this purpose.

E. Drainage Structures

- (1) **Removal of Runoff** – The applicant shall remove any impervious surface runoff that exists as a result of the proposed land development. Drainage facilities shall be located in the street right-of-way where feasible. All drainage facilities shall be designed in accordance with Public Works Standards and Specifications. Drainage facilities shall also conform to the provisions of Section 12.01 Surface Water Buffer Standards (“Stream Buffers”).
- (2) **Drainage Structures To Accommodate Upstream Development** – Culverts or other drainage facilities shall be of sufficient size to accommodate potential runoff from the entire upstream drainage area, whether or not all or part of the upstream area is on the applicant’s lot or the parcel subject to the application. In determining the anticipated amount of upstream runoff for which drainage facilities must be sized, the applicant shall design the stormwater drainage system assuming the total potential development of upstream drainage areas. All drainage structures shall be designed to, at a minimum, safely pass the twenty-five year, twenty-four hour (4.0 inch) rain event. The applicant’s engineer shall provide such information as the Stormwater Superintendent or his designee deems necessary to determine the adequacy of all drainage structures.
- (3) **Responsibility for Downstream Drainage Structures** – The applicant shall provide the Stormwater Superintendent or his designee with such information as the Superintendent deems necessary to determine the effects of the application on drainage structures located downstream of the applicant’s lot or the parcel subject to the application, notwithstanding whether these structures are located on land owned or controlled by the applicant. This analysis shall be conducted using the twenty-five year, twenty-four hour (4.0-inch) storm event. In instances where the Superintendent anticipates that additional runoff incident to the application may overload an existing downstream drainage structure(s) and result in damage to private or public infrastructure or property, the DRB shall impose conditions requiring the applicant to incorporate measures to prevent these conditions, notwithstanding whether such improvements are located on or off the applicant’s property.

12.04 Stormwater Management Overlay District (SMO) [Reserved]

13 SUPPLEMENTAL REGULATIONS

- 13.01 Off-Street Parking and Loading
- 13.02 Home Occupations
- 13.03 Airport Approach Cones
- 13.04 Swimming Pools
- 13.05 Outside Storage and Display
- 13.06 Landscaping, Screening, and Street Trees
- 13.07 Exterior Lighting
- 13.08 Specific Regulations for Nighttime Illumination of Governmental Flags
- 13.09 Bus Shelters
- 13.10 Solar Radiation
- 13.11 Numbering Systems for Multi-Family Development
- 13.12 Group Homes and Residential Care Homes
- 13.13 Family Child Care Home or Facility (Day Care Facility)
- 13.14 Bicycle Parking & Storage
- 13.15 Connections across a Lot
- 13.16 Earth Products
- 13.17 Fences
- 13.18 Utility Cabinets
- 13.19 Signs
- 13.20 Subsurface Sewage Disposal Systems
- 13.21 Satellite Dishes
- 13.22 Seasonal Mobile Food Units
- 13.23 Outdoor exercise facilities for animal shelters, commercial kennels, pet day cares, and veterinary hospitals
- 13.24 Self Storage in the Mixed Commercial-Industrial (CI) District
- 13.25 Retaining Walls
- 13.26 Auto & Motorcycle Sales, Limited
- 13.27 Food Hubs

13.01 Off Street Parking and Loading

A. Purpose. In order to minimize traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents, as well as to promote other elements of sound community planning, off-street parking and loading spaces shall be required of all structures and land uses. Such spaces shall be provided and kept available as an accessory use to all permitted and conditional uses of structures, lots, and land in amounts not less than those specified in Tables 13-1 through 13-6, Schedule of Off-Street Parking and Loading Requirements within non-transect zone districts, and neither less nor more than the standards set forth within the City Center FBC District (Article 8). Subject to the provisions of Section 13.01(N), Exemptions and Waivers, the requirements of this section shall apply under the following circumstances:

- (1) All new structures erected for use on a property.
- (2) Any structure which is hereafter altered or enlarged.
- (3) All new uses of a property.
- (4) Any use of a property which is hereafter altered or enlarged.

B. Determination of Parking and Loading Spaces.

(1) All structures and land uses shall be provided with a sufficient amount of off-street parking to meet the needs of persons employed at or making use of such structures or land uses, and sufficient off-street loading facilities to meet the needs of such structures or land uses, but not less than the minimum standards of Tables 13-1 through 13-6, Schedule of Off-Street Parking and Loading Requirements within non-transect zone districts, and neither less nor more than the standards set forth within the City Center FBC District (Article 8)s.

(2) No certificate of occupancy or certificate of compliance shall be issued for any structure or land use until the required off-street parking and/or loading spaces have been established. Required off-street parking and/or loading facilities shall be maintained as long as the use of structure exists which the facilities are designed to serve.

(3) The following methods shall be used to determine the number of required off-street parking and loading spaces:

(a) The requirement for a single use shall be determined directly from the schedule of such requirements in Tables 13-1 through 13-6. Within the City Center FBC District, requirements shall be determined pursuant to applicable Transect Zone Building Envelope Standards.

(b) The requirement for a combination use made up of several different component uses (e.g., a restaurant and bar; or a retail store combined with an office building or a storage area) shall be determined by undertaking a shared parking calculation as explained under Section 13.01(E).

(c) When the required number of spaces is determined to result in a fraction, it shall be increased to the next highest whole number.

(d) If the use is not specifically listed in the schedule of such requirements, the requirements shall be the same as for the most similar use listed, as determined by the Development Review Board.

(e) When the schedule requires the number of spaces to be calculated per employee and employees are on the site in shifts, the number to be used is the number of employees present during the largest shift plus any provision for shift overlaps. In all other cases it shall mean the total number of employees on the site or who will use the site for parking at any one time.

(f) A garage or a carport may be used to meet the requirements of this section. A driveway may only be used to meet the requirements of this section where it serves a one-family dwelling. A driveway can be considered to meet the parking requirement for a two-family dwelling if cars can enter or exit independently for each unit.

(g) Uses which require approval pursuant to Article 14, Site Plan and Conditional Use Review may be required to provide off-street parking spaces in excess of the requirements of this section and Tables 13-1 through 13-6.

Notes applicable to Tables 13-1 through 13-6:

1. If all parking spaces are common, i.e. non-reserved, and if there are more than 10 DUs, the requirement decreases to 2 spaces per DU
2. Any spaces required as part of the operational function, such as display, storage or queuing spaces at the transfer station or service station, are in addition
3. Add 3 per 1,000 SF GFA for retail areas plus 3.5 per 1,000 SF GFA for office space
4. Parking need varies according to type of facility and will be determined during site plan approval
5. For the City Center FBC District (Article 8), these tables do not apply. See applicable Transect Zone Building Envelope Standards

6. Bicycle parking may substitute for up to 25% of required parking. For every five required bicycle parking spaces that meet the short or long term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision

Definitions applicable to Tables 13-1 through 13-6:

“Employee” means the number of employees working at the specific location on the main shift plus any overlap from prior or later shifts.

TABLE 13-1: PARKING REQUIREMENTS, RESIDENTIAL USES

Use	Parking Space Requirement	Notes
Single-family dwelling	2 spaces per DU	
Two-family dwelling	2 spaces per DU plus 1 space for every 4 units	1
Multi-family dwelling	1 space per DU plus 1 space for every 4 units for studio and 1-bedroom DUs; 2 spaces per DU plus 1 space for every 4 units for all other DUs	1
Assisted living	0.6 spaces per DU	
Congregate housing	1.2 spaces per DU plus 1 space for every 4 units	
Accessory residential unit	1 per DU	
Accessory residential unit w/o occupancy restriction on lots of ½ acre or more	2 per DU	

TABLE 13-2: PARKING REQUIREMENTS, COMMERCIAL USES

Use	Parking Space Requirement	Notes
Agriculture & construction equipment sales, service & rental	2 per 1,000 SF GFA	
Recreation facility, indoor	0.33 per person in maximum occupancy permitted	
Recreation facility, outdoor	0.33 per seat or per person in maximum occupancy	
Auto and motorcycle sales, service and repair	2 per 1,000 SF GFA	2
Artist production studio	2 per 1,000 SF GFA	
Auto rental, with private accessory car wash and fueling	2 per 1,000 SF GFA	2
Drive-through bank	5.8 per 1,000 SF GFA	2
Bed & breakfast, minimum 1 acre lot	2 plus 1.5 per guest bedroom	
Car wash	2 per 1,000 SF GFA, minimum of 2	2
Commercial greenhouse	2 per 1,000 SF GFA	
Convenience store, principal use	5 per 1,000 SF GFA	
Day care facility	1 per employee plus 0.1 per licensed enrollment capacity	
Equipment service, repair & rental	2 per 1,000 SF GFA	
Financial institution	3.6 per 1,000 SF GFA	
Flight instruction	1 per employee (faculty and staff) plus 0.5 per student enrollment capacity	

Use (continued)	Parking Space Requirement	Notes
Hotels	1 per room, plus 0.33 per maximum occupancy in meeting and banquet rooms	
Hotels, extended stay	1 per room plus 1 per employee	
Indoor theater	0.33 per seat	
Commercial kennel, animal shelter, veterinary hospital or pet day care	1 per employee plus 0.5 per 1,000 SF GFA	
Lumber and contractor's yard	1 per employee plus 0.5 per 1,000 SF GFA	
Mobile home, RV, and boat sales, repair & service	2 per 1,000 SF GFA	2
Office, general	3.5 per 1,000 SF GFA	
Office, medical	5 per 1,000 SF	
Personal or business service, principal use	2 per treatment station, but not less than 4 per 1,000 SF GFA	
Pet grooming	4 per 1,000 SF GFA	
Printing & binding production facilities	2 per 1,000 SF GFA	
Photocopy & printing shops, with accessory retail	2 per 1,000 SF GFA, plus 5 per 1,000 SF GFA of retail area	
Radio & television studio	2 per employee	
Research facility or laboratory	3 per 1,000 SF GFA	
Restaurant, standard	18 per 1,000 SF GLA	
Restaurant, short order	12 per 1,000 SF GLA	
Retail sales	5 per 1,000 SF GFA	
Retail sales up to 3,000 SF GFA	4 per 1,000 SF GFA	
Retail warehouse outlet	5 per 1,000 SF GFA	
Sale, rental & repair of aircraft & related parts	2 per 1,000 SF GFA	
Seasonal mobile food unit	8 per employee	
Service station with convenience store	10 per 1,000 SF GLA	2
Shopping center	5 per 1,000 SF GLA if GLA is 400,000 SF or less 5.5 per 1,000 SF GLA if more than 400,000 SF	
Taverns, night clubs & private clubs	0.5 per maximum authorized occupancy	
Motor freight terminal	1 per employee	2
Commercial or public parking facility	1 per employee	2
Warehousing, processing, storage & distribution	0.5 per 1,000 SF GFA	
Distribution and related storage, as a minority of floor area accessory to another principal permitted or conditional use	0.5 per 1,000 SF GFA for the distribution and storage portion of GFA	
Wholesale establishments	0.5 per 1,000 SF GFA plus any requirements for office or sales area	

TABLE 13-4: PARKING REQUIREMENTS, PUBLIC AND QUASI-PUBLIC USES

Use	Spaces Required	Notes
Place of worship	0.5 per seat	
Community center	0.33 per maximum permitted occupancy	
Cultural facility	0.33 per maximum permitted occupancy	
Educational facility: elementary and secondary schools	1 per classroom and other rooms used by students, staff or faculty, plus 0.25 per student of driving age	
Educational facility: college, university, or professional school	1 per classroom and other rooms used by students, staff or faculty, plus 0.50 per student	
Food Hub	1 per employee plus two per 1,000 GFA	
Personal instruction facility	2 per employee	
Municipal facility	3 per 1,000 SF GFA	
Educational support facilities	2 per 1,000 SF GFA	
Group home	1 per sleeping room plus 2 spaces	
Group quarters	1 per sleeping room plus 2 spaces	
Hospice	0.3 per bed	
Skilled nursing facility	0.3 per bed	
Social services	4 per 1,000 SF GFA	
Public utility substations	1 per employee, minimum of 2 spaces	
Cemeteries	1 per employee, minimum of 2 spaces	2
Parks	n/a	4
Recreation paths	n/a	4

TABLE 13-5: PARKING REQUIREMENTS, INDUSTRIAL USES

Use	Spaces Required	Notes
Light manufacturing	0.5 per 1,000 SF GFA, plus 1 space per employee	
Manufacturing & assembly from previously prepared materials & components	0.5 per 1,000 SF GFA plus 1 space per employee	

TABLE 13-6: PARKING REQUIREMENTS, MISCELLANEOUS USES

Use	Spaces Required	Notes
Private providers of public services, including vehicle storage & maintenance	0.5 per 1,000 SF GFA plus 1 space per employee	2
Waste transfer stations	1 space plus 1 per employee	2

C. Location of Off Street Parking, Loading, and Vehicle Entrances.

(1) Except as provided in the City Center FBC District and in Sections 13.01(E) and (D), off street parking and loading that is required for a use or uses under this section shall be located entirely on the property on which the use or uses exist. The Development Review Board may approve required off street parking that is located off the property (“off-site parking”) on which a use or uses exist, according to Section 13.01(D).

(2) Vehicle Entrance. No curb cuts or vehicle entrance from any public street shall be constructed or maintained except in conformance with all applicable standards of the City of South Burlington and Vermont Agency of Transportation.

- (3) The installation of acceleration and/or deceleration lanes on the adjacent public street may be required if deemed necessary by the Development Review Board.
- (4) Driveways shall be located more than two hundred (200) feet from signalized street intersections (measured between the near edges of the driveway and intersection), except upon recommendation by the Director of Public Works based on site-specific circumstances. Greater distances are encouraged on streets with high traffic volumes.
- (5) Screening shall be provided where headlights from vehicles on site may be visible and project parallel to a public street.

D. Off-Site Parking.

- (1) Required parking and loading spaces shall normally be provided upon the same lot as the use or structure to which they are accessory. However, there may be occasions where off-site parking is beneficial, whether off-site parking is combined with parking requirements for other uses or parcels, or just for one particular use. Parking could be provided off-site in combination with parking for other uses that are the same (e.g. several retail establishments could combine parking) or that are different. If the uses are the same, the parking requirement shall be determined by adding the parking space needs as per Tables 13-1 through 13-6. If the uses are different, a shared parking calculation shall be undertaken as per Section 13.01(E).
- (2) Off-site parking may be provided for non-residential uses provided that the Development Review Board approves a plan for off-site parking meeting the following requirements:
- (a) The applicant(s) provides an acceptable overall design and an accurate site plan for all properties affected by the parking proposal in conjunction with site plan or PUD review. All owners of the property(ies) where the off-site parking will be provided shall sign the application.
 - (b) The lots involved generally shall be adjacent. However, at its discretion, the DRB may approve a plan for off-site parking where the off-site parking is located within eight hundred (800) linear feet at its farthest point of the property on which the associated use or uses exist. This subsection does not apply to the City Center FBC District. See the applicable Transect Zone Building Envelope Standards for standards.
 - (c) The applicant shall record appropriate legal documents to ensure that the off-site parking spaces shall be available for use by the user or users for which the off-site parking spaces are being sought. Such legal documents shall be acceptable to the City Attorney in form and content. Such legal documents shall ensure the continued existence of the parking lot or facility to serve said uses so long as they may exist. Such agreement shall guarantee also that upon termination of such joint use, each subsequent use of the premises will provide off-street parking for its own use in accordance with the requirements of this section and Tables 13-1 through 13-6.
 - (d) The required parking spaces to be provided, their locations and striping shall be shown on the plan.
 - (e) In no event shall off-site parking and loading space for any non-residential use be located in any R1, R1, R4, LN, QCP or SEQ district.

E. Shared Parking on a Single Lot.

- (1) As a matter of public policy, the City of South Burlington finds that the coordination of off-street parking between adjoining non-residential sites is desirable (1) to allow for traffic circulation between sites rather than having all traffic entering and exiting the existing road system to proceed from site to site, (2) to allow for improved pedestrian circulation, and (3) to reduce the overall amount of paved

surface on a site. This coordination can take various forms, from a simple paved connection to a more elaborate plan to provide both a connection and shared parking arrangements. Such connection and shared parking are not to be considered a parking waiver, but an agreement between the landowners and the City of South Burlington to effect an overall circulation and parking plan.

(2) Where the Development Review Board determines that a proposed development consisting of two (2) or more uses will generate different hourly, daily and/or seasonal parking demands due to the varied hours of operation of each use and different peaking characteristics, the Development Review Board may approve a site plan or PUD utilizing shared parking on the site that is the subject of the application, or on another site (see Shared Parking, Section 13.01(E) above). The Development Review Board may, at its discretion, allow for a reduced number of shared parking spaces to be provided, on or off site, provided that:

(a) The applicant shall provide the Development Review Board with a site plan and a complete and accurate description of the proposed uses and floor areas devoted to such uses. All uses participating in the shared parking plan must be located within a convenient walking distance to the shared parking facility, which generally shall be defined as one-quarter (1/4) mile.

(b) A shared parking analysis shall be presented calculating the parking demand for each individual use by time period and, where applicable, by season, in the form of a matrix. The various time periods shall depend on the uses being analyzed. These periods typically include a weekday morning, weekday lunch time, weekday afternoon, weekday evening, Saturday midday and Saturday evening. If the uses experience significant seasonal variations the analysis should be done for the peak season and possibly for different seasons (summer, winter, special events, etc.) For each use, the matrix should indicate the individual peak demand corresponding to the parking requirement as indicated in Tables 13-1 through 13-6, then the expected demand for each time period being analyzed in terms of a percentage of the peak demand and the number of parking spaces required for that use at that particular time period. For instance, if there is a 50,000 SF office component in a mixed-use project, the peak demand for that component is 175 spaces (3.5 times 50), and during the weekday am period that component will have a presence of 100%, i.e. 175 spaces, during lunch time the presence would be 90%, i.e. 158 spaces, during the weekday afternoon the presence would be 97%, i.e. 170 spaces, and during the evening hours the presence would be 20%, i.e. 35 spaces. The same analysis needs to be done for the other uses that are part of the sharing arrangement. To calculate the total number of spaces required with the sharing arrangement the numbers of spaces required for each use need to be added for each time period, and the largest number determines the requirement. This analysis should be undertaken by a professional planner or engineer, and can be based on the "Shared Parking" publication by the Urban Land Institute or on "Shared Parking Planning Guidelines", an informational report by the Institute of Transportation Engineers. In some cases the applicant may have to undertake specific surveys of individual uses to determine the percentage present at various time periods. If the parking demand of a new use is to be shared with an existing use the applicant should undertake an occupancy survey of the existing parking facility.

(c) The parking spaces that are part of a shared parking plan cannot be reserved for individual users or destinations, unless those reserved spaces are excluded from the calculation.

(d) The Development Review Board may order the property owner to construct the future parking spaces if, at the Administrative Officer's recommendation, the DRB determines a need for additional spaces to be constructed. For example, a change in the use(s) or the ownership of the parcel may be enough to require the installation of the parking spaces. In the event that the owner fails to install the additional parking spaces within one hundred twenty (120) days of being so ordered the City Attorney shall take appropriate action in a court of competent jurisdiction to restrain the use of said premises. When this subsection is utilized, the site plan shall contain a statement, signed by the applicant in such a form as shall be approved by the City Attorney,

consenting to the provisions contained herein. In addition, the property owner shall be required to submit a covenant, for filing in the City Clerk's office, in such a form as shall be approved by the City Attorney, indicating consent to the provisions of this subsection.

(e) The approval of such shared parking shall be automatically terminated upon the termination of the operation of any of the involved uses.

EXAMPLE OF A SHARED PARKING ANALYSIS

Building Use	Size 1,000 SF or DU	Peak Parking		Weekday AM (10-11 AM)		Weekday Lunch (12-2 PM)		Weekday PM (3-4 PM)		Weekday Eve. (7-8 PM)		Saturday (12-2 PM)	
		Ratio	Spaces	%		%		%		%		%	
				Present	Cars	Present	Cars	Present	Cars	Present	Cars	Present	Cars
Retail	75.8	5	379	0.7	265	0.85	322	0.8	303	0.8	303	1	379
Bank	2	5	10	0.8	8	1	10	0.05	6	0.05	1	0.17	2
Restaurant	11.5	10	115	0.3	35	0.75	86	0.75	58	0.75	86	0.5	58
Office	157.6	3.5	552	1	551	0.97	535	0.05	513	0.05	28	0.17	94
Residential	155	2	310	0.5	155	0.5	155	0.95	155	0.95	295	0.71	220
Cinema seats	635	15.9	0.3	5	0	0	0	0.2	42	0.8	168	0.3	63
Total			1,370		1014		1108		1077		881		816

Notes: (1) The peak parking ratio typically corresponds to the zoning requirement and represents the amount of parking that would have to be supplied if each use was built independently on its own lot. (2) The percentages for the presence of each peak parking demand by time period are based on "Shared Parking" by the Urban Land Institute and on BFJ experience. (Table produced by BFJ, October 2002)

F. Access Management Requirements. It is the intent of the City to minimize traffic and pedestrian conflicts caused by vehicular driveways on public roadways by reducing the number of required driveways and by minimizing the number of vehicles utilizing such driveways off public roadways. All applicants must make an effort to reduce these impacts. All commercial lots (retail, restaurant, office, service uses, excluding residential, agricultural and industrial uses) located adjacent to other commercial lots must provide a driveway connection to any adjacent commercial lot. If the adjacent property owner does not want to provide for that connection, the applicant must provide an easement to do so in the future when circumstances may change. This driveway connection or easement should be located where the vehicular and pedestrian circulation is most feasible.

G. Design Requirements for Parking Spaces, Parking Aisles, Lighting, and Landscaping.

- (1) Design requirements for off-street parking and loading are provided in Table 13-8 and Figure 13-1 within Section 13.01, Off-Street Parking and Loading, Section 13.06, Landscaping, Screening, and Street Trees, and Section 13.07, Exterior Lighting. All paved parking spaces shall be striped or otherwise physically delimited.
- (2) The location of parking areas and loading docks shall prevent conflicts with entering and exiting traffic onto a public street and prevent conflicts between vehicles and pedestrians. The distance between access points and parking areas shall be adequate to minimize blockage and prevent back-ups onto the public street.
- (3) Provision shall be made for access by police, fire and emergency vehicles.
- (4) Pedestrian safety. Insofar as practicable, pedestrian and bicycle circulation shall be separated from motor vehicle circulation. Safe and convenient pedestrian circulation, including appropriate sidewalks, shall be provided on the site and its approaches. The pedestrian circulation on site shall be designed to minimize adverse effects of vehicular traffic on sidewalks and recreation paths.
- (5) Bicycle parking or storage facility. At least one (1) bicycle parking or storage facility shall be provided for all uses subject to site plan or Planned Unit Development review to serve persons employed or residing on the premises as well as the visiting public. Additional such facilities may be

required as deemed necessary by the Development Review Board or as required within the City Center FBC District.

(6) Stormwater management strategies that facilitate infiltration including but not limited to recessed planting islands, bioretention facilities, and pervious parking spaces are encouraged in the design of any off-street parking or loading area.

H. Number of Parking Spaces. The required number of spaces shall be as listed in Tables 13-1 through 13-6 above, except within the City Center FBC District, Transect Zones (See applicable Transect Zone Building Envelope Standards) and the SEQ-VC subdistrict (See Article 9). For any use not specifically listed in the schedule of such requirements, the requirements shall be the same as for the most similar use listed, as determined by the Administrative Officer.

I. Handicapped – Accessible Parking Spaces. Parking spaces for handicapped persons shall be provided for all non-residential uses. The size, number, and location of spaces shall comply with the ADA Accessibility Guidelines. Handicap accessible spaces are required to be eight feet (8'0") wide, with an adjacent access aisle five feet (5'0") wide. One in every eight (8) accessible spaces must have an access aisle eight feet (8'0") wide and must be signed "van accessible". The number of accessible spaces required is shown in Table 13-7 below.

Table 13-7 Minimum Number of Accessible Parking Spaces Required

Total parking spaces in lot	1 - 25	26- 50	51 - 75	76 - 100	101- 150	151- 200	201- 300	301- 400	401- 500	501- 1000	> 1,000
Number of accessible spaces in lot	1	2	3	4	5	6	7	8	9	2% of total	20 + 1 per 100 over 1,000

J. Recreational Vehicles. Parking or storage facilities for recreational vehicles shall be provided in all multi-family residential developments of twenty-five (25) units or more, except within the City Center FBC District (where they shall be optional at the applicant’s discretion). Recreational vehicles shall not be stored on any common open lands other than those specifically approved for such purpose by the DRB through the review process. The Development Review Board may waive this provision only upon a showing by the applicant that the storage and parking of recreational vehicles shall be prohibited within all private and common areas of the development.

K. Access Drives. Commercial or industrial access drives connecting parking areas to a public street or right-of-way shall be a minimum of fifteen (15) feet in width, or ten (10) feet if designated for one-way traffic. Residential access drives serving garages and parking lots shall be a minimum of twenty (20) feet in width. Aisles and access drives shall be privately owned and maintained.

L. Reserved Parking. In the event that an applicant can demonstrate to the Development Review Board that its present parking needs do not necessitate the construction of the number of parking spaces required herein, the Development Review Board may approve a site plan requiring the present construction of a lesser number of spaces. In such an event, the site plan shall show sufficient spaces reserved for future parking requirements with the combined number of spaces being not less than that required by Table 13-1 through 13-6. In all cases, at least two-thirds (2/3s) of the number of required parking spaces shall be provided. The remaining reserved space shall remain unpaved or kept pervious until such time as it is needed, unless the reserved area is used for internal circulation. The reserved area shall be shown on any site plan. The Development Review Board may order the property owner to install the future parking spaces if, at the Administrative Officer’s recommendation and the Development Review Board’s sole discretion, the

need for additional spaces arises. For example, a change in the use(s) or the ownership of the parcel may be enough to require the installation of the parking spaces. In the event that the owner fails to install the additional parking spaces within one hundred twenty (120) days of being so ordered, the Administrative Officer shall revoke the certificate of occupancy for the premises, and the City Attorney may take appropriate action in a court of competent jurisdiction to restrain the use of said premises. When this subsection is utilized, the site plan shall contain a statement, signed by the applicant in such a form as shall be approved by the City Attorney, consenting to the provisions contained herein. In addition, the property owner shall be required to submit a covenant, for filing in the City Records office, in such a form as shall be approved by the City Attorney, indicating consent to the provisions of this subsection.

M. Structured Parking. Structured parking may be allowed by the Development Review Board in conjunction with approval of a site plan or PUD. Structured parking shall be defined as any structure consisting of more than one level and used to store motor vehicles. The parking structure may be stand-alone or may be part of or attached to another structure. Such structures typically comprise parking decks, garages, or roof-top parking areas. The Development Review Board may require design elements for parking structures that specifically address safety, security, lighting, landscaping, and visual aesthetics as conditions for approval.

N. Exemptions, Waivers, and Modifications of Requirements.

(1) Exemptions. Existing buildings and uses are exempt as follows:

(a) Structures and land uses lawfully in existence or in use or for which zoning permits have been approved by the effective date of these regulations shall not be subject to the parking or loading space requirements set forth in this section. However, any parking or loading facility now existing to serve such structures or uses shall not be reduced except where such facility exceeds such requirements, in which case such facility shall not be reduced below such requirements.

(b) However, no structure or lot lawfully in use at the effective date of this chapter shall be enlarged unless the off-street parking and truck loading space requirements of this section are complied with to the same extent as would be required if the entire pre-existing structure or use and the proposed enlargement were being submitted as if they were a new application. The Development Review Board shall require additional off-street parking and truck loading spaces with respect to the proposed enlargement, but at its discretion may not require additional spaces with respect to the preexisting part of the structure or use.

(2) Waivers. Except within the City Center FBC District, where the Development Review Board determines that a proposed land use or structure is adequately served by existing or proposed parking facilities, the Development Review Board may waive the off-street parking space requirements stipulated in Tables 13-1 through 13-6, by no more than twenty-five percent (25%).

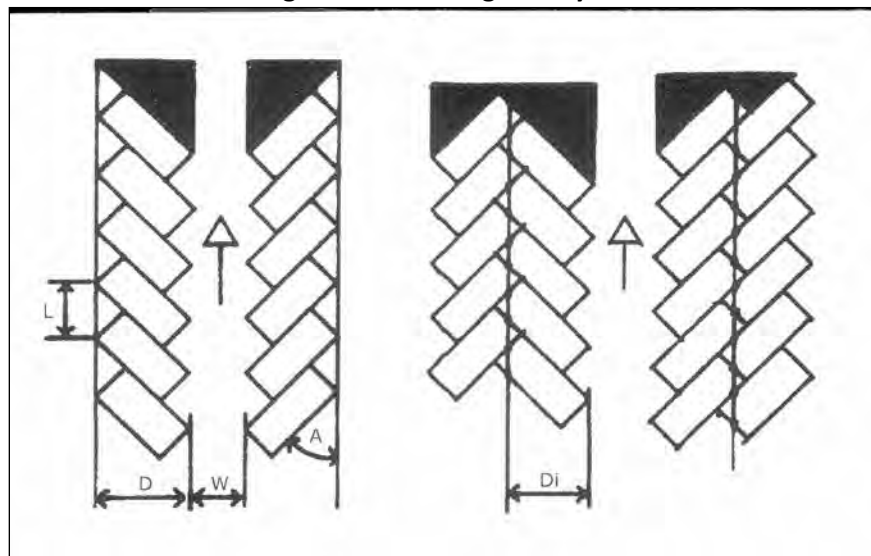
(3) Modifications of Requirements. Except within the City Center FBC District, where the Development Review Board determines that unique usage or special conditions exist, it may require off-street parking spaces and loading areas greater than the requirements of this section. The Development Review Board may reduce the requirements of Tables 13-1 through 13-6 for the number of off-street parking spaces and loading areas for non-residential uses and structures if it determines that overlapping use of parking spaces or other unique characteristic cause the requirement to be unnecessarily stringent. See sub-sections on Shared Parking.

Table 13-8 Parking Lot Dimensions

A	L	D	W	D _i
Parking Angle (Degrees)	Curb Length per Car (Feet)	Depth of Stall (Feet)	Width of Aisle (Feet)	Depth of Stall (Feet)
0	22.0	8.0	12	8.0
20	24.9	14.2	12	10.1
25	20.1	15.4	12	11.4
30	17.0	16.4	12	12.7
35	14.8	17.3	12	13.7
40	13.2	18.1	12	14.8
45	12.0	18.7	13	15.8
50	11.1	19.2	13	16.6
55	10.4	19.6	14	17.2
60	9.8	19.8	15	17.8
65	9.4	19.9	17	18.2
70	9.0	19.8	20	18.4
75	9.0	19.6	23	18.6
80	9.0	19.2	24	18.4
85	9.0	18.7	24	18.3
90	9.0	18.0	24*	18.0

The width of an aisle serving a single row of 90 degree parking spaces may be reduced to 22 feet.

Figure 13-1 Parking Lot Layout



13.02 Home Occupations

A. General Restrictions. Customary home occupations are permitted as accessory uses in all districts provided that:

- (1) The use is conducted solely and entirely within the primary dwelling or in an accessory building, and the use is clearly incidental and secondary to the use of the dwelling unit from living purposes.
- (2) The home occupation shall be owned by the principal occupant of the dwelling in which it is located. In no case may the homeowner or principal occupant rent out the business area of the dwelling.

- (3) The total space devoted to the home occupation must be located either in the dwelling or an accessory structure. In either case, the total space devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the dwelling.
- (4) There shall be no external display or advertising of goods or services or other external evidence of such use, except for a sign. Such sign shall conform to the City Sign Ordinance. The content of the sign shall be the name and/or address of the home occupation and/or owner of the business.
- (5) The establishment of such occupation shall not require internal or external alterations or involve construction features not customarily found in dwelling units.
- (6) The appliances and equipment shall be operated in such a manner that they do not produce and emit beyond the boundaries of the premises on which the use is located, dust, glare, hazard, heat, light, noise, nuisance, odor, radiation, radio or television interference, smoke, or vibration and are in no other manner obnoxious or detrimental to the immediate neighborhood.
- (7) The use itself is conducted in such a manner and during such hours that it is in no way obnoxious, offensive, or detrimental to the immediate neighborhood.
- (8) In the case of a music or voice instructor, the office or studio shall be so equipped and used that the sounds therefrom shall not be heard beyond the boundaries of the premises on which the use is located.
- (9) There are not more than two (2) employees or helpers other than members of the household.
- (10) Prior to establishing a home occupation, a certificate of occupancy/compliance permit shall be obtained from the Administrative Officer. The Administrative Officer shall issue such permit only if the request is in conformance with the above requirements.
- (11) In the event that there is more than one home occupation on the premises, all provisions above shall apply as if there were only one home occupation. For example, no more than twenty-five percent (25%) of the ground floor area of the dwelling shall be used, whether by one home occupation or more than one.

13.03 Airport Approach Cones

A. General Restrictions. Notwithstanding the provisions of any other section(s) of these regulations, the uses permitted in any district in the Airport Approach Cones, as shown on the Official Zoning Map and Overlay Districts Map, shall be permitted subject to the following limitations:

- (1) No use shall be permitted which will produce electrical interference with radio communication or radar operations at the airport.
- (2) No use shall be permitted which could obstruct the aerial approaches to the airport.
- (3) All uses shall comply with applicable FAA or other federal or state regulations.
- (4) No lights or glare shall be permitted which could interfere with vision or cause confusion with airport lights.

13.04 Swimming Pools

A. General Restrictions. Swimming pools may be allowed, subject to the following provisions:

- (1) No pool shall be constructed in a required front yard.

- (2) No pool shall be closer than ten feet as measured from water's edge to any side or rear yard lot lines
- (3) Any lighting in conjunction with the pool shall be so situated that there is no direct glare beyond lot line.
- (4) Every in-ground swimming pool shall be completely enclosed by a wall, fence, or other substantial structure not less than four (4) feet in height measured on the outside of the enclosure. No openings other than doors and gates with any dimensions greater than four inches shall be permitted therein except that picket fences may be erected or maintained having horizontal spacing between pickets not more than four (4) inches. All gates or door opening through such enclosures shall be equipped with self-closing and self-latching devices capable of remaining securely closed at all times when not in actual use; provided however, that the door of any residence forming any part of the enclosure need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four (4) feet above the ground or otherwise equally inaccessible to small children.
- (5) A natural barrier, hedge, or other protective device approved by the Administrative Officer may be used in place of the above as long as the degree of protection afforded by the substituted devices or structures is not less than the aforementioned protection by the enclosure, gate and latch. All above-ground pools shall bar step access when not in use.
- (6) No poolhouse or structure accessory to the pool shall be used for habitation or for home occupation.

13.05 Outdoor Storage and Display

A. Outdoor Storage. Outdoor storage of goods, materials, vehicles for other than daily use, and equipment shall be subject to the following provisions:

- (1) Any outdoor storage shall be appurtenant to the primary use of the property and shall be allowed only in nonresidential districts and upon approval of the DRB in conjunction with a site plan, conditional use and/or PUD application.
- (2) The Development Review Board may require that outdoor storage areas in connection with commercial or industrial uses be enclosed and/or screened where the storage area may comprise an attractive nuisance, where the proposed use of the storage areas present opportunities for theft, or where the Board finds that said storage areas are in view of residentially-zoned parcels.

B. Outdoor Display. Except for uses within buildings in full compliance with the requirements of the City Center FBC District (ie, not nonconforming), outdoor display of goods, materials, vehicles for other than daily use, and equipment shall be subject to the following provisions:

- (1) Any outdoor display shall be appurtenant to the primary use of the property and shall be allowed only in nonresidential districts and upon approval of the DRB in conjunction with a site plan, conditional use and/or PUD application that clearly indicates the location of any outdoor display areas.
- (2) Outdoor display of equipment is prohibited where such equipment is fitted with arms, lifts, buckets, or other parts that can be elevated and where such parts are displayed in an elevated manner. This does not include boats with masts, bridges, or canopies.

13.06 Landscaping, Screening, and Street Trees

A. Purpose. The City of South Burlington recognizes the importance of trees, vegetation, and well-planned green spaces in bringing nature into the city and using these as a resource in promoting the health, safety, and welfare of city residents through improved drainage, water supply recharge, flood control, air quality, sun control, shade, and visual relief. Landscaping and screening shall be required for all uses subject to site plan and planned unit development review. Street tree planting shall be required for all public streets in a subdivision or planned unit development. In evaluating landscaping, screening, and street tree plan requirements, the Development Review Board shall promote the retention of existing trees while encouraging the use of recommended plant species. In making its decisions, the Development Review Board may refer to the Vermont Tree Selection Guide, published by the Vermont Urban & Community Forestry Program and/or the recommendation of the City Arborist.

B. Landscaping of Parking Areas. Except for parking spaces accessory to a one-family or two-family dwelling, all off-street parking areas subject to review by the Development Review Board, shall be curbed and landscaped with appropriate trees, shrubs, and other plants including ground covers, as approved by the Development Review Board. Sections of recessed curb are permitted if their purpose is to allow stormwater runoff from the adjacent parking area to reach stormwater collection, treatment and management infrastructure. The Development Review Board shall consider the adequacy of the proposed landscaping to assure the establishment of a safe, convenient, and attractive parking area and the privacy and comfort of abutting properties.

(1) All off-street parking areas shall be landscaped around the perimeter of the lot with trees, shrubs and other plants. Perimeter planting shall be set back from the curb sufficiently to allow for snow storage. The purpose of perimeter planting shall be to mitigate the view of the parking lot from the public way and from adjacent uses and properties, and to provide shade and canopy for the parking lot. In some situations it may be necessary both for surveillance purposes and for the perception of safety to install the size and type of plants that leave visual access between the parking lot to the public way or other pedestrian areas.

(2) In all parking areas containing twenty-eight (28) or more contiguous parking spaces and/or in parking lots with more than a single circulation lane, at least ten percent (10%) of the interior of the parking lot shall be landscaped islands planted with trees, shrubs and other plants. Such requirement shall not apply to structured parking or below-ground parking.

(3) All interior and perimeter planting shall be protected by curbing unless specifically designed as a collection and treatment area for management of stormwater runoff as per 13.06(B)(5)(c) below. Interior planted islands shall have a minimum dimension of six (6) feet on any one side, and shall have a minimum square footage of sixty (60) square feet. Large islands are encouraged.

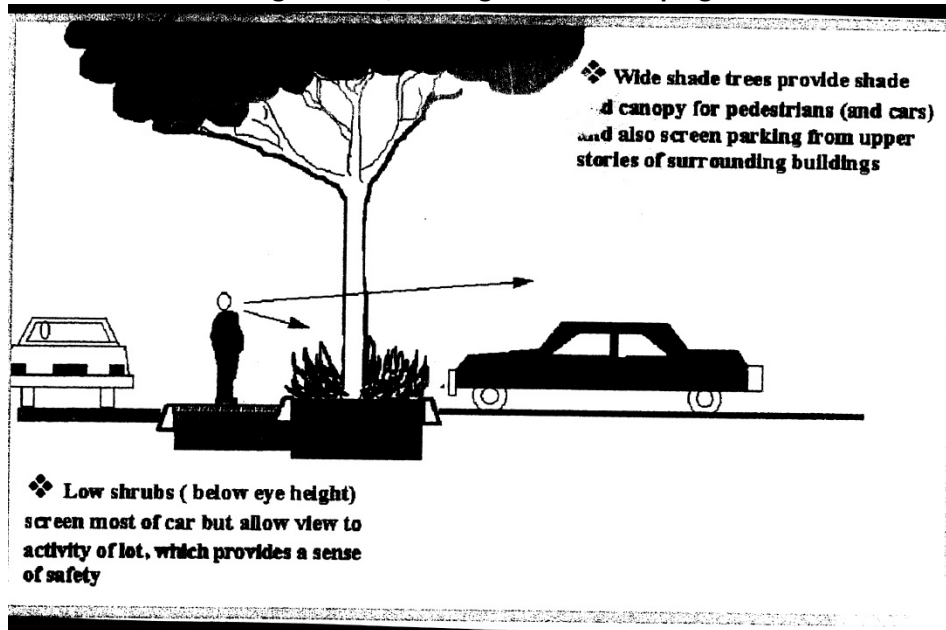
(4) Landscaping Requirements

(a) Landscaping shall include a variety of trees, shrubs, grasses and ground covers. All planting shall be species hardy for the region and, if located in areas receiving road runoff or salt spray, shall be salt-tolerant.

(b) At least one (1) major deciduous shade tree shall be provided within or near the perimeter of each parking area, for every five (5) parking spaces. The trees shall be placed evenly throughout the parking lot to provide shade and reduce glare. Trees shall be placed a minimum of thirty (30) feet apart.

- (c) Trees shall have a caliper equal to or greater than two and one-half (2 ½) inches when measured on the tree stem, six (6) inches above the root ball.
- (d) Where more than ten (10) trees are installed, a mix of species is encouraged; the species should be grouped or located in a manner that reinforces the design and layout of the parking lot and the site.
- (e) Within the City Center FBC District, landscaping required within this section shall not count towards meeting minimum landscape budget requirements as detailed in Section 13.06(G).

Figure 13-2, Parking Area Landscaping



From Landscape Guide for Vermont Roadways & Transportation Facilities

(5) Planting islands

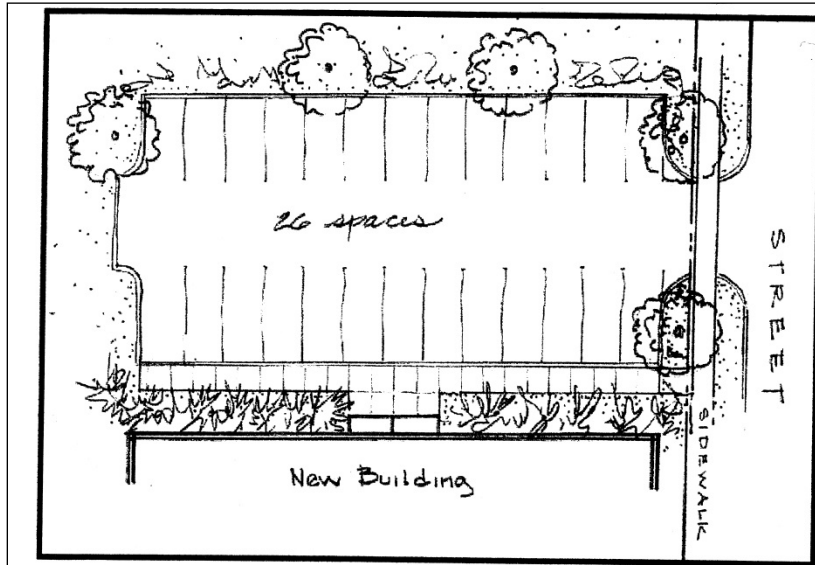
(a) Curbed planting islands shall be designed and arranged to define major circulation aisles, entrances and exits, provide vegetative focal points, provide shade and canopy, and break up large expanses of asphalt pavement. All islands shall be planted with trees, shrubs, grasses and ground covers. Plant materials judged to be inappropriate by the Development Review Board will not be approved.

(b) Curbs of such islands shall be constructed of concrete or stone and shall be designed to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging the plants. Sections of drop curb are permitted if their purpose is to allow stormwater runoff from the adjacent parking area to reach stormwater collection and management infrastructure.(c)

Islands are strongly encouraged to be graded and planted to serve as collection and treatment areas for stormwater management. It is recommended that sections of drop curb no greater than five feet in length be installed to allow stormwater to flow off the paved parking lot and onto the island for treatment. At the DRB's discretion, curbless parking areas and planting islands may be allowed where these are specifically designed for stormwater management. However, ends and corners of such areas must be protected with curbing to prevent cars from driving over or parking on planted areas.

(6) Snow storage areas must be specified and located in an area that minimizes the potential for erosion and contaminated runoff into any adjacent or nearby surface waters.

Figure 13-3, Example of Acceptable Perimeter Area Landscaping

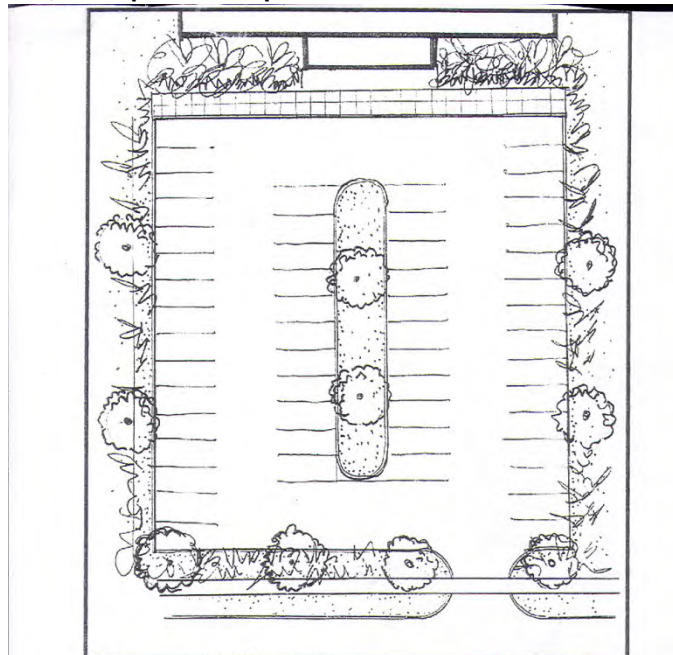


Example

Twenty six (26) space parking lot
 7120 square feet of pavement
 No internal island required
5 tree minimum (26 spaces/5)

Illustration by Kathleen Ryan, ASLA

Figure 13-4, Example of Acceptable Internal and Perimeter Landscaping



Example

Fifty four (54) space parking lot
 17650 square feet of pavement
 1,765 square feet of curbed island required
10 tree minimum -- (54 spaces/5)

Illustration by Kathleen Ryan, ASLA

C. Screening or buffering. The Development Review Board will require landscaping, fencing, land shaping and/or screening along property boundaries (lot lines) whenever it determines that a) two adjacent sites are dissimilar and should be screened or buffered from each other, or b) a property's appearance should be improved, which property is covered excessively with pavement or structures or is otherwise insufficiently landscaped, or c) a commercial, industrial, and multi-family use abuts a residential district or institutional use.

(1) All off-street parking areas, off-street loading areas, outdoor storage areas, refuse, recycling, and compost collection (excluding on-site composting) areas, and utility improvements such as transformer(s), external heating and cooling equipment shall be effectively screened.

(2) Such screening shall be a permanently maintained landscape of evergreen or a mix of evergreen and deciduous trees and shrubs, and/or a solid fence.

(3) The landscaping shall be designed to minimize erosion and stormwater runoff, and to protect neighboring residential properties from the view of uses and parking areas on the site. The landscaping shall be of such type, height, and spacing, as in the judgment of the Development Review Board, will effectively screen the activities on the lot from the view of persons standing on adjoining properties. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.

(4) A solid wall or fence, of location, height, and design approved by the Development Review Board, may be substituted for the required planting.

(5) Modifications. Where the existing topography and/or landscaping provides adequate screening or would render the normally required screening inadequate, the Development Review Board may modify the planting and/or buffer requirements by, respectively, decreasing or increasing the requirements.

(6) Recreational vehicle parking areas shall be screened with evergreen trees and shrubs and such landscaping plan shall be part of the application.

(7) Additional landscaping above and beyond the formula may be required for the purpose of adding a buffer strip along I-89 to properly screen development from the highway.

D. Front Yards of Non-Residential and Multi-Family Uses. In the case of non-residential and multi-family uses, the required front yard and/or the frontage along designated arterial and collector streets (see Article 3, Section 3.06 for this list) shall be suitably landscaped and maintained in good appearance. Landscape elements that reduce stormwater runoff and promote stormwater infiltration are encouraged. The Development Review Board shall require the applicant to meet the provisions of sections 13.06(F) and (G).

E. Site Restoration. Grading or seeding shall be required to restore the condition of any portion of a site that is disturbed during construction in compliance with Section 16.03 (Standards for Erosion Control during Construction).

F. Landscaping Plan. Landscaping plans shall be prepared by a landscape architect, master gardener, nursery professional, arborist, professional landscape designer, or other landscape professional. See Appendix E, Submission Requirements.

G. Landscaping Standards.

- (1) The Development Review Board shall require compliance with any Tree Ordinance or Landscaping Design Standards enacted by the City of South Burlington, subsequent to the effective date of these regulations.
- (2) Overall, there shall be a mix of large canopy tree species within each landscaping plan.
- (3) Landscaping Budget Requirements. The Development Review Board shall require minimum planting costs for all site plans, as shown in Table 13-9 below. In evaluating landscaping requirements, some credit may be granted for existing trees or for site improvements other than tree planting as long as the objectives of this section are not reduced. The costs below are cumulative; for example, a landscaping budget shall be required to show a planned expenditure of three percent of the first \$250,000 in construction or improvement cost plus two percent of the next \$250,000 in construction or improvement cost, plus one percent of the remaining cost over \$500,000. The landscaping budget shall be prepared by a landscape architect or professional landscape designer.

Table 13-9 Landscaping Value Requirements

Total Building Construction or Building Improvement Cost	% of Total Construction/Improvement Cost
\$0 - \$250,000	3%
Next \$250,000	2%
Additional over \$500,000	1%

H. Enforcement, Penalties, and Appeals.

- (1) Inspection. Prior to the expiration of the construction bond or other guarantee and prior to the issuance of the certificate of occupancy, the Administrative Officer shall inspect all landscaping and screening. He/she shall identify all trees, shrubs, and other plants that are not in a healthy and vigorous condition or have been removed and provide a list of replacement requirements and a deadline for re-planting to the project owner.

I. Landscape Maintenance. Maintenance and responsibility. All planting shown on an approved site plan shall be maintained by the property owner in a vigorous growing condition throughout the duration of the use. Plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season. Trees with a caliper of less than 5" may be replaced on an inch-by-inch basis with trees of the same genus of at least 2" caliper each. No permit shall be required for such replacements provided they conform to the approved site plan. Replacement of trees with a caliper of greater than 5" shall require an amendment to the site plan.

13.07 Exterior Lighting

A. General Requirements. All exterior lighting for all uses in all districts except for one-family and two-family uses shall be of such a type and location and shall have such shielding as will direct the light downward and will prevent the source of light from being visible from any adjacent residential property or street. Light fixtures that are generally acceptable are illustrated in Appendix D. "Source of light" shall be deemed to include any transparent or translucent lighting that is an integral part of the lighting fixture(s). Site illumination for uncovered areas shall be evenly distributed. Where feasible, energy efficient lighting is encouraged.

B. Specific Requirements for Parking Areas. Light sources shall comply with the following:

- (1) The number and spacing of required light pole standards in a parking area or lot shall be determined based on the type of fixture, height of pole, number of fixtures on the pole, and the desired lighting level. Unless the applicant can demonstrate a reasonable alternative, lighting shall be considered evenly distributed if the light fixtures are placed at intervals that equal four times the mounting height.
- (2) Pole placement, mounting height, and fixture design shall serve to minimize lighting from becoming a nuisance. All light sources shall be arranged so as to reflect away from adjacent properties. All light sources shall be shielded or positioned so as to prevent glare from becoming a hazard or a nuisance, or having a negative impact on site users, adjacent properties, or the traveling public. Excessive spillover of light to nearby properties shall be avoided. Glare shall be minimized to drivers on adjacent streets.
- (3) Poles shall be rustproof metal, cast iron, fiberglass, finished wood or similar structural material, with a decorative surface or finish.
- (4) Poles in pedestrian areas shall not be greater than 30 feet in height and shall utilize underground wiring.
- (5) Poles in all other areas shall not exceed thirty (30) feet in height, and shall utilize underground wiring.
- (6) Light sources on structures shall not exceed thirty (30) feet, or the height of the structure, whichever is less. Exterior lighting for parking garages and structures shall be mounted no higher than the roof of the structure.
- (7) Safe pole locations: Breakaway poles shall not be used in parking lots. Poles shall not be erected along the outside of roadway and ramp curves or where vehicles must make sharp turns. Poles should not be located where they might be susceptible to collision strikes. Poles located behind longitudinal traffic barriers should be offset sufficiently to allow for barrier deflection under impact.
- (8) Pole location in parking lots: Pole locations shall be coordinated with stall and aisle layouts. Where practical, poles should be near the end of parking rows or around the perimeter of the lot. When located at parking stall boundaries, light poles should be mounted on concrete pedestals. Where raised medians or islands are used to separate adjacent stalls, light poles should be placed in these areas unless pedestrian traffic will be inconvenienced. Where light poles are placed between parking rows in the interior of the lot, the poles should be located on the center line of double rows of parking stalls and on the center line of two opposing stalls and should not be placed on the stall line between cars where fender damage might occur.

C. Stadium Lighting in the Municipal District (MU). Notwithstanding any other provisions of these Regulations, the DRB may approve as a conditional use the installation of lighting structures not exceeding eighty feet (80') in height that are used exclusively to illuminate recreation fields in the Municipal District during the conduct of co-curricular competitions, practices and events that are conducted, sponsored and supervised directly by the South Burlington School District which involve participation by students enrolled in the South Burlington School District, subject to the following conditions:

- (1) A photometric plan prepared by an engineer or professional lighting designer shall be submitted which indicates pole locations and light levels on the property, with maximum light levels, average light levels, and light levels at all property boundaries clearly indicated.
- (2) There shall be no light trespass from the stadium lighting onto any residentially zoned property.

- (3) Lighting shall be designed and shielded so as to avoid "hot spots" or other concentrations of high light levels.
- (4) Cut sheets shall be submitted indicating fixture and bulb types, heights, lighting angles, pole materials, shielding and other pertinent information sufficient for technical review by a qualified lighting consultant.
- (5) The DRB shall have the authority to seek an independent technical review by a qualified lighting consultant of any such proposal.
- (6) No stadium lighting may be illuminated after 11:00 PM.

13.08 Specific Requirements for Nighttime Illumination of Governmental Flags.

A. The City encourages those who fly the Flag of the United States to observe the custom prescribed in the United States Flag Code of displaying the flag from sunrise to sunset. However, if governmental flags are to be flown at night and are to be illuminated, the regulations in this Section apply.

- (1) **Application.** An applicant for nighttime illumination shall submit to the Administrative Officer an Application for Zoning Permit along with a Lighting Design Plan as described in (i) below.
- (2) **Flag Type.** Only governmental flags may be illuminated. Nongovernmental flags shall not be flown on a pole with an illuminated governmental flag. No more than three (3) governmental flags may be flown on the same pole.
- (3) **Dimensional Requirements.** A governmental flag to be illuminated may not exceed sixty (60) square feet in size. Flagpoles may not exceed thirty-five (35) feet in height.
- (4) **Lighting Fixtures.** A flag shall be illuminated by no more than two (2) fixtures per pole. There shall be no more than two (2) fixtures per property used to illuminate flags, irrespective of the number of flagpoles installed on a property. Only narrow beam spotlights with glare controls (such as but not limited to louvers, grids, full hoods, or "barn door" baffles) may be used. The fifty percent (50%) beam spread of the fixture(s) used shall correspond to the area of the flag(s) to be illuminated. Fixtures may be mounted at grade, on the flagpole to be illuminated, or on stanchions no more than twenty-four (24) inches above grade. Ground- or stanchion-mounted fixtures shall be located no more than fifteen (15) feet from the base of the flagpole. Wall-mounted fixtures located on adjacent buildings are prohibited.
- (5) **Illumination Level.** An application may be based, at the applicant's discretion, on either the maximum total light level on the flag, measured in initial foot-candles and determined by the geometric relationship of the flag to the proposed lighting fixture or fixtures; or the total lumen power of each lamp used to illuminate the flag. Manufacturers' data for lamps and fixtures and the Lighting Plan submitted by the applicant must provide sufficient information to make a determination on one of the applicable criteria. Maximum total illumination levels shall not exceed the following standards:
 - (a) Maximum light level on the flag on properties having a principal frontage on Williston Road, Shelburne Road, or Dorset Street between Williston Road and Kennedy Drive, and properties in the Commercial 1, Commercial 2, Municipal, Mixed Industrial Commercial, and Industrial Open Space Districts with frontage on Interstate Highway 89 or Interstate Highway 189: one hundred (100) initial foot-candles.
 - (b) Maximum light level on the flag, all other lots: fifty (50) initial foot-candles.
 - (c) Total initial lumen power of each lamp used to illuminate the flag on properties having a principal frontage on Williston Road, Shelburne Road, or Dorset Street between

Williston Road and Kennedy Drive, and properties in the Commercial 1, Commercial 2, Municipal, Mixed Industrial Commercial, and Industrial Open Space Districts with frontage on Interstate Highway 89 or Interstate Highway 189: 36,000 initial lumens.

(d) Total initial lumen power of each lamp used to illuminate the flag, all other lots: 15,000 initial lumens.

(6) Setbacks from Residential Properties. Any flagpole to be illuminated per the provisions of this section shall be located a minimum of one hundred (100) feet from all property lines of any adjacent parcel zoned Residential 1, Residential 2, Residential 4, Residential 7, Residential 12, Residential 7 with C- 1, Queen City Park, Lakeshore Neighborhood, and Southeast Quadrant District.

(7) Lamp Type. Lamps used shall be metal halide or another type having a Color Rendering Index (CRI) over sixty-five (65).

(8) Glare Control. Fixtures shall be aimed directly at the flag(s) to be illuminated. No portion of the lamp(s) or reflective surfaces on the fixture(s) shall be visible from a roadway or from adjoining properties.

(9) Lighting Design Plan. An applicant shall submit a Lighting Design Plan with the following information:

(a) The location of property boundaries, nearby roadways, the flagpole to be illuminated, and the lighting fixtures to be used.

(b) The proposed mounting type, location(s) and dimensions (ground, flagpole or stanchion).

(c) A statement of the illumination level measurement to be used (initial foot-candles at the flag or lumen power of the lamps) and a diagram sufficient to determine lighting levels at the flag if initial foot-candles are the measurement to be used to determine compliance.

(d) An illustration of the area that will be illuminated by the proposed fixtures.

(e) The manufacturer's specifications for the lighting fixture(s) to be used, including lamp type, beam spread, Color Rendering Index, wattage, and glare controls.

13.09 Bus Shelters

A. Specific Requirements. Bus shelters may be constructed adjacent to or within street rights-of-way in any zoning district after approval of a site plan by the Development Review Board. The shelter shall be located to permit ample room for the bus to conveniently leave the traveled roadway to pick up or discharge passengers. The design shall be harmonious with adjacent properties. Such structure shall not have more than one (1) sign, such sign not exceeding two (2) square feet in area.

13.10 Solar Radiation

A. General Requirements. The Development Review Board may regulate the height and setbacks of any structure, wall, fence, or shrubbery on any lot so as to protect the access of any abutting properties to solar radiation. Access to solar radiation shall be defined as full exposure to the sun along the entire south wall of a principal structure with no obstructions between the base of the wall and a twenty-four degree (24o) angle above horizontal.

13.11 Numbering Systems for Multi-Family Development

A. General Requirements. All multi-family developments shall contain appropriate directional signs and numbering systems at major entrances. Signs shall be in conformance with the City of South Burlington Sign Ordinance and State of Vermont E-911 procedures.

13.12 Group Homes and Residential Care Homes

A residential care home or group home to be operated under State licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. §4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

13.13 Family Child Care Home or Facility (Day Care Facility)

A. A registered family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property and shall be subject to the applicable requirements for such uses in each district.

B. A registered family child care home serving no more than six full-time children and four part-time children, as defined in subdivision 33 V.S.A. §4902(3)(A) and these regulations, shall be considered to constitute a permitted use of property in all districts provided that:

- (1) Prior to establishing the registered child care home, approvals are received from the State of Vermont;
- (2) The location of the drop-off and pick-up area does not pose an undue risk to the safety of traffic or of the drop-off or pick-up operations. The Administrative Officer may seek a recommendation from the Director of Public Works where safety is in question.

C. A licensed family child care home shall be considered to constitute a permitted use of property in all districts provided that:

- (1) Prior to establishing the licensed child care home, approvals are received from the State of Vermont;
- (2) There is sufficient space for the drop-off and pick-up of children on or in front of the property;
- (3) The location of the drop-off and pick-up area does not pose an undue risk to the safety of traffic or of the drop-off or pick-up operations. The Administrative Officer may seek a recommendation from the Director of Public Works where safety is in question.

D. A licensed non-residential child care facility shall be permitted in accordance Table C-1, Table of Uses, and shall be subject to the requirements of Article 14, Site Plan Review and Table C-2, Dimensional Standards Applicable in All Districts.

13.14 Bicycle Parking and Storage

A. Purpose. These standards for short term parking and long term storage of bicycles are intended to recognize and promote cycling as a viable means of transportation and recreation for residents, consumers, visitors, and employees.

B. Short Term Bicycle Parking

(1) Applicability. These standards apply to any application for development that requires site plan approval under Section 14.03 of the LDRs, and all applications for development of parcels located in the City Center Form Based Codes District.

(a) In order to facilitate a reasonable nexus between land development and bicycle parking requirements, applications for development to which these standards apply on parcels with existing development shall be permitted to phase in required short term bicycle parking as follows:

(i) For the first application, the applicant shall propose and install at least 50% of the required number of bicycle parking spaces.

(ii) Thereafter, any applications for development of the same parcel shall comply with all standards for Short Term Bicycle Parking.

(2) Standards for bicycle parking spaces (bps).

(a) The minimum number of bicycle parking spaces shall be as indicated on Table 13-10.

(b) Bicycle parking shall utilize the 'Inverted U' style or as shown as acceptable in Appendix G.

(c) If an applicant wishes to install something different, any bps shall meet the following specifications:

(i) Allow secure locking of the frame and wheel;

(ii) Support a bicycle frame at two points of contact;

(iii) Meet the intent of the examples provided in Appendix G.

(d) Location & Serviceability. Each bps shall be:

(i) Securely anchored to the ground and on a paved surface of at least 2x6 feet;

(ii) Spaced to allow easy access to each bicycle and spaced at least 24 inches from obstructions, including walls, doors, posts, columns or landscaping;

(iii) Easily accessible from the street or multi-use path and protected from motor vehicles;

(iv) Visible to passers-by and well-lit to promote usage and enhance security; especially in retrofitted areas, or where good visibility is not achievable, an applicant may be required to install directional signage.

(v) Located at principal entrances where reasonably practicable.

(vi) Where existing vehicle parking is replaced with bicycle parking in accordance with Section 13.01, note 6, bicycle parking must still meet the standards herein and shall be safely separated from vehicle parking spaces using striping, bollards, islands or other similar measures deemed adequate by the reviewing party.

(e) Bicycle parking serving buildings with multiple entrances shall be dispersed so that all principal entrances are served.

(f) For office building use, up to 50% of short term bicycle parking requirements may be met by supplementing the (indoor) long term bicycle parking requirements with the required short term bicycle parking spaces.

C. Long Term Bicycle Storage

- (1) Applicability.** These standards apply to:
 - (a) Construction of new mixed use or commercial buildings and any new residential building with more than 3 dwelling units;
 - (b) Structural alterations involving the replacement, relocation, or removal of, or other similar changes to, more than 50% of all load bearing walls shall require compliance with all standards for long term bicycle storage.
 - (c) Building additions of more than 5,000 gross square feet in area.
- (2) Standards**
 - (a) For Residential Buildings
 - (i) Secure Storage in bicycle locker, bicycle storage room or private enclosure outside of the private residence that protects entire bicycle, including components and accessories against theft and weather.
 - (ii) Garages which are private to each unit may count towards parking requirements.
 - (b) For Non-Residential Buildings
 - (i) Secure storage in bicycle locker, bicycle storage room or enclosure that protects entire bicycle, including components and accessories against theft and weather;
 - (ii) Where indicated in Table 13-11, clothes lockers shall be lockable with the following dimensions: minimum 12” wide, 18” deep, 36” high. Lockers do not need to be in same place as bicycle storage;
 - (iii) Secure office space (private offices, common space with ability to lock bicycles, etc.) may account for up to 50% of the required indoor parking areas and lockers;
 - (iv) Shower and changing facilities dependent on the number of bicycles required to be stored and as indicated on Table 13-10.

Table 10. Bicycle Parking Requirements

Type of Activity	Short Term Bike Parking	Long Term Bike Storage
Residential buildings with more than 3 units	1 for every 10 units; minimum 4 ₁	1 for every unit
Warehousing, contractor, and light industry	1 per 20k SF; minimum 2	2 per tenant
Retail, restaurant, office, and all other	1 per 5k SF; minimum 4	50% of required short term bike parking spaces.
Educational	1 space for each 20 students of planned capacity.	For new buildings only, one space for each 20 employees.

₁ May request waiver from minimum per building for buildings with less than 6 units if Development Review Board finds the need is adequately met for visitors.

Table 11. Long Term parking – shower and changing room facility requirements

Number of protected long term bicycle parking spaces	Changing facility	Unisex Showers	Clothes Lockers
1-3	none	none	1
4 - 9	1 ₂	1 ₂	3
For every 10	1 ₂	1 ₂	40% of LTB parking

₂ if unisex, units available to any gender; otherwise provide one per gender

13.15 Connections across a Lot

A. General Requirements. If structures on two (2) adjacent lots are owned and occupied by a single corporate entity or occupied (but not owned) by a single corporate entity or occupied by two (2) corporate entities between which long term contractual relations have been established which call for frequent movement of goods or people between the buildings, then the Development Review Board may approve construction of a connection between the buildings, even though the connection violates normal setbacks required elsewhere in these regulations, provided:

- (1) The connection is no larger than fifteen (15) feet in width.
- (2) The connector shall be subject to site plan review, and the application shall be signed by all involved property owners.
- (3) Fire doors shall be installed at both ends of the connection.
- (4) The connection in conjunction with other buildings and connections in the area will not obstruct emergency access.
- (5) The connection is designed to be architecturally integral to the design of both connected buildings.
- (6) The connection shall be securely locked at both ends and exit signs removed or disabled if the occupancy conditions set forth above are not met or if the owner(s) of the buildings determine that the connection is not to be used.
- (7) The connections shall be removed if the connector is not used and the occupancy requirements set forth above are not met for twelve months.
- (8) In the event of item (7) above, the Administrative Officer may grant six-month extensions if there is a reasonable expectation that the connector will be placed back in service within that time period.

13.16 Earth Products

A. General Requirements. The conduct of a resource extraction operation that involves the removal of loam, gravel, stone, fill, topsoil, sod or similar substance, except when incidental to or in connection with the construction of a building on the same lot, shall be permitted in any district, except as limited by the Surface Water Protection Standards and Interstate Highway Overlay District, subject to site plan approval by the Development Review Board after public notice.

B. Site Plan Requirements. An application for the removal of more than twenty (20) cubic yards within one (1) calendar year period shall include the submittal of a site plan showing the area from which earth products are to be removed. Also, the application shall include specific information pertaining to the following factors and such other information as the Development Review Board may require. At minimum, the following information shall be required:

- (1) Depth of excavation, in proximity to roads or adjacent properties.
- (2) Existing grade and proposed grade created by removal of material.
- (3) Effect upon public health and safety.
- (4) Creation of a nuisance.
- (5) Effect upon the use of adjacent properties by reason of noise, dust or vibration.

- (6) Effect upon traffic hazards in residential areas or excessive congestion or physical damage on public ways.
- (7) Erosion potential due to removal of vegetative cover.

C. Conditions of Approval. The Development Review Board, in granting its approval, may impose conditions on the following:

- (1) Duration of the permit for any length of time that the Development Review Board deems appropriate.
- (2) Submission of an acceptable plan for the rehabilitation of the site at the conclusion of the operations, including grading, seeding and planting, fencing, drainage, and other appropriate measures.
- (3) Hours of operation, routes of transportation, and amount of material to be removed.
- (4) Provision of a suitable bond or other security in accordance with Section 15.15 adequate to assure compliance with the provisions of these Regulations.

D. Review Authority. Notwithstanding any other provisions within these Regulations, applications under this Section 13.16 shall be reviewed by the Development Review Board in all Zoning Districts and the City Center FBC District.

E. Removal of Earth Products within Flood Plain District. Within the Flood Plain District, excavation of earth products shall be prohibited in such cases where it is anticipated that such excavation will lower the level of the water table or will interfere with the natural flow patterns or reduce the flood storage capacity.

F. Exemption. The provisions of this section shall not apply to the removal of earth products from an operating farm, nursery, or cemetery to the extent that such removal is necessary to the operation of same. An official exemption shall be obtained from the Administrative Officer, who will determine if Development Review Board approval is or is not required.

13.17 Fences

A. General Requirements. In this section, fence and wall shall be interchangeable terms.

B. Specific Requirements. All fences are subject to the following provisions:

- (1) A fence shall be erected within the boundaries of the applicant's property and shall be placed wholly within but not on the property boundaries.
- (2) A fence shall be erected so that its smooth or finished side faces an abutting property or roadway. All fence posts shall be placed on the inside of the fence, except for a fence to contain livestock.
- (3) No part of any fence shall be placed in such manner as to visually obstruct vehicular or pedestrian traffic. If determined necessary by the Administrative Officer, the placement of fences near the corner of a property at the intersection of two roads shall provide for a clear vision area defined as a triangular area formed by the street right-of-way lines at points which are thirty (30) feet distant from the intersection of the street right-of-way lines and measured along such lines.
- (4) A fence over four (4) feet in height shall require a zoning permit from the Administrative Officer.
- (5) A fence over eight (8) feet in height shall require approval by the Development Review Board as a conditional use subject to the provisions of Article 14, Conditional Use Review.

- (6) A fence over eight (8) feet in height shall be considered a structure subject to normal setback requirements for the zoning district, unless otherwise approved by the Development Review Board as a conditional use subject to the provisions of Article 14, Conditional Use Review.
- (7) In the Queen City Park, R1-Lakeview, and Lakeshore Neighborhood Districts, a fence over four (4) feet in height shall require a zoning permit from the Administrative Officer and shall be subject to the following supplemental requirements:
- (a) No such fence shall exceed six (6) feet in height; and,
 - (b) The fence shall have a maximum opacity of 50% on all sides.
- (8) No fence shall be erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface water.
- (9) No fence shall be erected that may create a fire hazard or other dangerous condition or that may result in obstruction to fire fighting.
- (10) Fences shall be maintained in a safe and substantial condition.
- (11) No fence shall be located or constructed on a terrace or wall that will have an overall height of more than that permitted, unless otherwise approved by the Development Review Board as a conditional use subject to the provisions of Article 14, Conditional Use Review.
- (12) Notwithstanding any other provisions within these Regulations, applications under this Section 13.17 assigned to the Development Review Board shall be reviewed by the Board in all Zoning Districts and the City Center FBC District.

C. Prohibited Fences and Materials. The following fences and fencing materials are specifically prohibited:

- (1) Barbed, razor or ribbon wire or broken glass as part of any fence, unless specifically permitted.
- (2) Pointed metal fences.
- (3) Canvas and/or cloth fences, except when used to protect shrubs and vegetation.
- (4) Poultry and/or turkey wire fences within minimum front, side and rear setbacks.
- (5) Temporary fences, unless for snow control. Snow control fences shall be allowed from November 1 through to the following May 1.
- (6) Expandable fences and collapsible fences, except during construction of a building.
- (7) Chain link fences erected with the open loop at the top of the fence.

D. Exemption. All existing fences that do not conform to the provisions of these regulations may be continued as they presently exist, except that these fences shall not be altered, extended, replaced or modified except in accordance with these regulations.

13.18 Utility Cabinets and Similar Structures

A. General Requirements. In any district, the Development Review Board may grant site plan approval for the construction of a utility cabinet, according to the following regulations.

B. Specific Standards for Utility Cabinets and Similar Structures.

- (1) The facility shall serve the City of South Burlington and/or immediately adjacent communities.
- (2) The minimum required lot for a public utility cabinet, substation, or communication relay station may be reduced from the zoning district requirements, at the discretion of the Development Review Board. In the event that the facility shall be erected on property not owned by the utility, the Development Review Board shall require that the facility be located unobtrusively.
- (3) If the parcel containing the facility is landlocked, there shall be a recorded easement or permission granting access to the utility or owner of the facility.
- (4) There shall be sufficient landscaping with evergreens of sufficient height and density to screen effectively the facility from surrounding property. Landscaping may allow for the use of any doors so long as the door-side of the units are not visible from an existing or planned public street.
- (5) There shall be adequate off-street parking for maintenance, service, or other vehicles.
- (6) The location of the facility shall be shown on all relevant site plans.
- (7) The Development Review Board may attach conditions in order to prevent any hazard to the public or noise nuisance to surrounding property. Utility cabinets shall be located a minimum of five (5) feet from all existing or planned public roads or rights-of-way.
- (8) A facility that would be a nuisance to surrounding properties due to smoke, gas, heat, odor, noise, or vibration shall not be permitted in any district.

13.19 Signs

A. General Requirements. No signs shall be erected or maintained except in conformance with the Sign Ordinance of the City of South Burlington.

13.20 Subsurface Sewage Disposal Systems.

A. General Requirements. No building or structure shall be erected or altered unless an adequate sewage disposal system is provided in compliance with all applicable regulations of the City of South Burlington Sewer Ordinance and the Vermont Agency of Natural Resources.

13.21 Satellite Dishes

A. General Requirements. Satellite dishes over three (3) feet in diameter shall not be located within the area between the street line and the building (the front yard). Satellite dishes shall be suitably screened or landscaped. Satellite dishes shall not be placed in the side or rear setbacks.

13.22 Seasonal Mobile Food Units

Seasonal mobile food units shall be subject to site plan review and the following requirements:

A. A proposed seasonal mobile food unit shall provide evidence of a valid Commercial Caterer License from the Vermont Department of Health.

B. A seasonal mobile food unit may have temporary outdoor seating for a maximum of sixteen (16) people. Temporary outdoor seating shall be placed directly on the ground with no foundation or underlying structure.

C. A seasonal mobile food unit shall not be permitted to operate between the hours of 9:00 pm and 7:00 am.

D. A seasonal mobile food unit, and any associated seating and accessory items such as dumpsters, shall be removed from the property at the expiry of its permit under these regulations.

E. A seasonal mobile food unit shall be exempt from landscaping requirements under these regulations.

F. Prior to approval of a zoning permit or renewal, a written recommendation shall be sought from the South Burlington Police Department, South Burlington Fire Department, and South Burlington Department of Public Works. Said permit or renewal may be denied, if vehicular access to the property is likely to, or has, created unsafe vehicular or pedestrian traffic conditions adjacent to the property.

G. A zoning permit for a seasonal mobile food unit shall be valid for a maximum of seven (7) months, from April 1 to October 31, after which time it expires.

H. A seasonal mobile food unit zoning permit may be renewed in subsequent calendar years at the request of the applicant. The administrative officer shall approve the renewal upon finding that all aspects of the permit and these regulations have been met to date and in the previous year's operation of the seasonal mobile food unit. No such renewal shall be issued if no zoning permit was issued in the previous calendar year.

I. Any modifications to an approved site plan shall require an amendment as required by these Regulations.

J. A seasonal mobile food unit shall be exempt from Section 10.02, Traffic Overlay District, of these regulations.

K. Notwithstanding any other provisions within these Regulations, applications under this Section 13.22 assigned to the Development Review Board shall be reviewed by the Board in all Zoning Districts and the City Center FBC District.

13.23 Outdoor exercise facilities for animal shelters, commercial kennels, pet day cares, and veterinary hospitals

A. Specific Standards:

(1) All outdoor exercise areas shall be fully enclosed and screened on all sides.

(2) Animals shall not be permitted in outdoor exercise areas between 9:00 pm and 7:00 am.

(3) Where a planned outdoor exercise facility is adjacent to or within fifty (50) feet of the boundary of a residential district or existing residential use, the required side or rear setback for the outdoor exercise facilities shall be sixty-five (65) feet from the residential or residentially-zoned property. A strip not less than fifteen (15) feet wide within the sixty-five (65) foot setback shall be landscaped with dense evergreens, fencing, and/or other plantings as a screen. New external light fixtures shall not be permitted within the fifteen (15) foot wide buffer area.

(4) Runoff from any exercise facility shall not drain to any stream or public right-of-way without treatment.

13.24 Self Storage in the Mixed Commercial-Industrial (CI) District within Transit Overlay District

A. General Requirements. In the Commercial-Industrial District, where such district is also within the Transit Overlay District, the Development Review Board may grant site plan approval for a self-storage facility, according to the following regulations.

B. Specific Standards:

- (1) The facility shall be clearly secondary to a permitted principal use in this district
- (2) The facility shall not occupy more than 20% of the gross floor area of the principal use
- (3) The facility shall only be accessible through an interior entrance
- (4) Access to storage units shall only be available during business hours, with an employee on site.

13.25 Retaining Walls

A. General Requirements. In this section, a retaining wall shall be distinct from a fence or wall.

B. Specific Requirements. All retaining walls shall be subject to the following requirements:

- (1) All retaining walls shall require a zoning permit from the Administrative Officer.
- (2) A retaining wall shall be erected within the boundaries of the applicant's property and shall be set back at least five (5) feet from all property boundaries.
- (3) No part of any retaining wall shall be placed in such manner as to visually obstruct vehicular or pedestrian traffic. If determined necessary by the Administrative Officer, the placement of retaining walls near the corner of a property at the intersection of two roads shall provide for a clear vision area defined as a triangular area formed by the street right-of-way lines at points which are thirty (30) feet distant from the intersection of the street right-of-way lines and measured along such lines.
- (4) A retaining wall over eight (8) feet in height shall require approval by the Development Review Board as a conditional use subject to the provisions of Article 14, Conditional Use Review, and shall include a demonstration by a certified engineer that the retaining wall is structurally sound to serve its intended purpose.
- (5) Retaining walls shall be maintained in a safe and substantial condition.

13.26 Auto & Motorcycle Sales, Limited

A. General Requirements: An auto & motorcycle service and repair business may be granted approval from the Development Review Board to display up to five (5) automobiles and/or motorcycles (combined) at one time for sale to the public, in accordance with the following requirements:

B. Specific Requirements:

- (1) The site plan shall indicate the location of all parking spaces of vehicles for sale, not to exceed five (5) total; and,
- (2) No vehicles for sale may be parked in any other location on the property.

13.27 Food Hubs**A. Specific standards**

- (1) Processing activities at the food hub location shall be limited to non-mechanized packaging, provided it is subordinate to the distribution activities.
- (2) Storage is permissible for terms of less than 30 days.
- (3) Butchering or killing of livestock shall not be permitted within the designated food hub area.
- (4) A food hub may be host to- with no greater frequency than once per week- a farmer's market without additional municipal review or permitting.
- (5) Edible landscaping is strongly encouraged; the value of edible landscaping used at Food Hub sites shall be counted towards the minimum landscaping budget as 150% of every dollar planted.

B. Permitting

- (1) Facilities under 5,000 GFA may be reviewed under Section 14.09, Administrative Review.
- (2) Facilities larger than 5,000 GFA shall require DRB Site Plan review in accordance with Chapter 14 of these Regulations.

14 SITE PLAN and CONDITIONAL USE REVIEW

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14.01 General Purpose

It is the purpose of this Article to regulate site development plans in order that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; that the public health, safety, comfort, morals, convenience, and general public welfare may be promoted; and that the preservation of historic landmarks, sites, districts, and buildings be promoted. The site plan review processes and the conditional use review process will allow the City of South Burlington to review the arrangement, layout, use interrelationships and neighborhood impacts of sites intended for development or redevelopment and to ensure the aesthetic quality of such design to conform to the character of the neighborhood and the goals of the comprehensive plan. In reviewing site plans and conditional uses, appropriate conditions and safeguards may be imposed with respect to the adequacy of pedestrian and vehicular access, circulation, parking, landscaping and screening, and to protecting the utilization of renewable energy resources.

14.02 Definition of Site Plan

As used in this Article, the term site plan shall mean a rendering, drawing, or sketch prepared to specifications contained in this article. The site plan shall show the arrangement, layout, and design of the proposed use of a single parcel or assembled parcels of land.

14.03 Uses and Actions Subject to Site Plan Approval

A. Site Plan Approval Required. Site plan approval shall be required prior to issuance of a zoning permit in all districts, except as provided in subsection B, for:

- (1) Outside of the City Center FBC District:
 - (a) Any new use, change in use, or expansion of use in any district.
 - (b) Uses subject to conditional use permit approval. See Section 14.10 below.
 - (c) Any alteration or change to an approved site plan.
 - (d) New parking lots or expansions of existing parking lots.
 - (e) Any structure formerly used as a residence proposed for conversion to non-residential use.
 - (f) Any planned unit development. See Article 15, Planned Unit Development, for specific regulations.

(g) Landscape feature signs not reviewed as part of a PUD, as set forth in the South Burlington Sign Ordinance.

(2) Within the City Center FBC District:

- (a) Any alteration or change to an approved site plan.
- (b) Any new structure, or addition to, replacement of, or reduction to a structure.
- (c) New parking lots or expansions to existing parking lots
- (d) Any change in use from a non-residential to a residential use or vice-versa.
- (e) Landscape feature signs, as set forth in the South Burlington Sign Ordinance.

B. Excluded from Site Plan Review. Specifically excluded from the provisions of this article are:

- (1)** One-family dwelling on a single lot, its accessory structures, and related features such as decks, pools, sheds, and detached garages.
- (2)** Two-family dwelling on a single lot, its accessory structures, and related features such as decks, pools, sheds, and detached garages.
- (3)** Agricultural and horticultural uses.
- (4)** Forestry uses.
- (5)** Renovations that are one hundred percent (100%) internal to an existing building or structure.
- (6)** Exterior renovations to an existing building or structure that do not increase, alter or otherwise modify the outer envelope of said building or structure, except in design review overlay districts (see Article 11).
- (7)** Repair and replacement of existing driveways, curb cuts, aprons, and sidewalks.
- (8)** Repairs to existing swimming pools.
- (9)** Fences and walls as provided in these Land Development Regulations.
- (10)** Any clearance of scrub or brush not including trees, plants or shrubs approved as part of a planting plan for site plan approval. Removal of any trees of caliper greater than 5" shall require site plan approval. See also Section 13.06 (I) for maintenance and responsibility for landscaping improvements.

14.04 Review and Approval of Site Plans

A. Authority. The Development Review Board shall have the authority to review and approve, approve with modifications, or disapprove site plans prepared to the specifications set forth in this Article, except as provided for administrative site plan reviews.

B. Review Period. Where site plan review by the Development Review Board or Administrative Officer is required, the Development Review Board or the Administrative Officer shall act to approve or disapprove any such site plans within the time required by applicable state law. Failure to so act within said period shall be deemed approval. Copies of the Development Review Board or Administrative Officer's decision, along with findings of fact, shall be sent to the applicant.

C. Combined Decision for Conditional Uses. Where a conditional use permit is required, the Development Review Board shall make the determination on the conditional use permit and on the site plan permit required for the conditional use and shall issue one (1) set of findings of fact pertaining to both.

14.05 Application, Review, and Approval Procedure

A. Pre-Submission (Sketch Plan). Prior to a formal submission, the applicant should meet in person with the Administrative Officer and other City officials as desired to discuss the proposed site plan. The intent of such a conference is to enable the applicant to inform the Department of Planning and Zoning of the proposal prior to the preparation of a detailed site plan and for said Department to review the basic site design concept, advise the applicant as to potential problems and concerns, and to determine generally the type of information to be shown on and submitted with the site plan.

B. Submission. A site plan generally shall be prepared by a registered architect, licensed landscape architect, licensed land surveyor, licensed engineer, or professional land planner. The site plan shall be submitted to the Administrative Officer.

C. [Reserved].

D. Application for Site Plan. See Appendix E, Submission Requirements.

F. Development Review Board / Administrative Officer Action.

(1) Outside of the City Center FBC District:

(a) The Development Review Board or Administrative Officer shall review the site plan application, pursuant to Section 14.09. The DRB shall review the application against the site plan criteria in this Article 14 and any other applicable standards in these Regulations. If the DRB determines that the site plan and supporting material fail to demonstrate compliance with applicable standards, it shall deny the site plan. However, if it further determines that with a minor modification or modifications the site plan and supporting material would comply with applicable standards, the DRB may, in its discretion, impose a condition or conditions requiring such modification or modifications and approve the site plan. For the purpose of this section, a minor modification is one that leaves no part of its implementation to the discretion of the applicant.

(2) Within the City Center FBC District:

(a) The Administrative Officer or Development Review Board shall review the site plan application, pursuant to Section 14.09.

(b) For all applications, except those which meet one or more of the criteria listed in Section 14.09(B)(1-9), an application shall be deemed complete only after all the following actions have been completed by the applicant:

- (i) Participation in a pre-application meeting with staff of the Department of Planning & Zoning;
- (ii) Submission of all required information (see Appendix E);

- (iii) Demonstration of proof that applicant delivered to each of the adjoining landowners notice of the application in accordance with Section 17.06 of these Regulations, and, at a minimum the following information:
- (I) A project description and contact information provided by the Administrative Officer;
 - (II) A site plan for the property on a paper size no less than 11" x 17", and;
 - (III) Invitation to an applicant-sponsored informational and input meeting;
- (iv) Posting of a notice of the proposed project on a form with project description provided by the Administrative Officer within view from the public right-of-way most nearly adjacent to the property for which the application is made;
- (v) Demonstration of proof that the applicant held an applicant-sponsored information and feedback meeting, by, at a minimum, providing a copy of summary notes from meeting. The purpose of this meeting is to give residents the opportunity to provide input and feedback to the applicant. Applicants are encouraged to make modifications to the application based on this feedback, so long as such modifications comply with these Regulations. Such meeting shall consist, at a minimum, of:
- (I) Notice of said meeting no less than seven (7) days in advance to all parties required within this section;
 - (II) Said meeting shall be held in an ADA-accessible public building in the City of South Burlington;
 - (III) Said meeting shall be held at a time that is convenient to the public (a weekday evening or Saturday), and;
 - (IV) Said meeting shall include an overview of the project by the applicant, an opportunity for all members of the public in attendance to offer oral input, and acceptance of any written input;
- (vi) The expiration of fifteen (15) days following receipt of the proof of delivery of notification of the application to adjoining landowners as described in this section, and;
- (vii) Issuance of a written statement from the Department of Public Works and Fire Department regarding compliance with these regulations.
- (c) The applicant may make revisions to an application following initial submittal.
- (i) Where the Administrative Officer determines that the revisions do not alter the overall description of the project, or that the revisions reduce the scale of the project, no new notification and no new applicant-sponsored information and input meeting shall be required. However, pursuant to 24 VSA §4448, the Administrative Officer shall have 30 days from the date that the applicant submits all revisions to the application to act with regard to the application.
 - (ii) Where the Administrative Officer determines that the changes do alter the overall description of the project, all requirements of this section 14.05(F)(2) shall be met anew.
- (d) The Administrative Officer shall review the application against the site plan criteria in this Article 14, site plan, and the applicable BES in Article 8 and any other applicable standards in these Regulations, except as stated within this Article or within Article 8, City Center Form Based Code District.

(e) Where tasks, actions and responsibilities are assigned to the Development Review Board, such tasks, actions, authorities, and responsibilities shall be administered by the Administrative Officer unless specifically assigned to the Development Review Board within the City Center FBC District.

(f) If the Administrative Officer determines that the site plan and supporting material fail to demonstrate compliance with applicable standards, she/he shall deny the site plan. However, if she/he further determines that one or more minor modifications would bring the site plan and supporting material into compliance with applicable standards, the Administrative Officer may, in her/his discretion, impose a condition or conditions requiring such modification or modifications and approve the site plan. For the purpose of this section, a minor modification is one that leaves no part of its implementation to the discretion of the applicant.

(g) Any appeal of the Administrative Officer's action shall be done in accordance with the appeals process for Administrative Officer actions in these Regulations and applicable State law.

(3) Upon approval, the applicant shall provide three (3) full-sized copies, one (1) copy reduced to 11" by 17", and one digital copy of the approved plan to the Department of Planning and Zoning. A copy of the Development Review Board's decision and findings of fact, shall be sent to the applicant and recorded in the City Clerk's office. Three (3) record copies of the plans shall be retained in the Department of Planning and Zoning.

G. Waiver of Application Requirements. Except within the City Center Form Based Codes District, the Development Review Board shall have the authority to, when reasonable, waive any application requirements for site plan approval. Any such waiver may be exercised in the event any such requirements are 1) found not to be requisite in the interest of public health, safety, or general welfare or 2) inappropriate to a particular site plan because of the particular character or limited nature of a new development or change in use or conditions peculiar to a site or 3) will cause extraordinary and unnecessary hardship.

H. Expiration of Approval. See Section 17.04.

I. Field Changes and As-Built Plans

(1) Field Changes

(a) During construction, the Administrative Officer may authorize or require, at his/her own determination or upon the request of the applicant, minor adjustments to the approved site plan when such adjustments are necessary in light of technical or engineering considerations, the existence or materiality of which was first discovered during actual construction. Such minor adjustments shall be consistent with the spirit and intent of the approved site plan.

(b) Where unforeseen conditions are encountered which require any material change to an approved site development plan or where the developer wishes to modify the approved plan for other reasons, a site plan application shall be filed with the Development Review Board or Administrative Officer for review in accordance with procedures required for the amendment of applications.

(2) As-Built Plans

(a) Upon completion of any development or redevelopment pursuant to an approved final site plan involving field changes as set forth in (1) above, and prior to the issuance of a certificate of occupancy by the Administrative Officer, the applicant shall submit to the Administrative Officer as-built plans in paper and digital form, prepared and certified by a licensed engineer, architect,

landscape architect or surveyor, showing the location of all site improvements as constructed. Such plan shall be based on a field survey.

(b) Said as-built plan shall be reviewed by the Administrative Officer to determine if it is in compliance with the approved final site plan. The Administrative Officer shall specify its compliance with or variation from the approved final site plan by signature and shall file one (1) copy with the Department of Planning and Zoning.

(c) If variations from the approved final site plan exist, an amended site plan shall be filed with the Development Review Board for review in accordance with the same procedures required for initial applications.

(3) The provisions of this Section 14.05(H) shall apply to all types of approvals granted by the DRB and/or Administrative Officer, including but not limited to subdivisions, PUDs, site plans, miscellaneous approvals, and conditional use permits.

J. Technical or Consultant Review of Site Plans. See Section 17.08, Development Review Board.

K. Bonding Requirements. The owner or developer shall provide a performance bond, escrow account, or letter of credit in accordance with Sections 15.15 and 15.16 of these Regulations.

14.06 General Review Standards

Except within the City Center Form Based Code District, the following general criteria and standards shall be used by the Development Review Board in reviewing applications for site plan approval. They are intended to provide a framework within which the designer of the site development is free to exercise creativity, invention, and innovation while improving the visual appearance of the City of South Burlington. The Development Review Board shall not specify or favor any particular architectural style or design or assist in the design of any of the buildings submitted for approval. The Development Review Board shall restrict itself to a reasonable, professional review, and, except as otherwise provided in the following subsections, the applicant shall retain full responsibility for design.

A. Relationship of Proposed Development to the City of South Burlington Comprehensive Plan. Due attention by the applicant should be given to the goals and objectives and the stated land use policies for the City of South Burlington as set forth in the Comprehensive Plan.

B. Relationship of Proposed Structures to the Site.

(1) The site shall be planned to accomplish a desirable transition from structure to site, from structure to structure, and to provide for adequate planting, safe pedestrian movement, and adequate parking areas.

(2) Parking:

(a) Parking shall be located to the rear or sides of buildings. Any side of a building facing a public street shall be considered a front side of a building for the purposes of this subsection.

(b) The Development Review Board may approve parking between a public street and one or more buildings if the Board finds that one or more of the following criteria are met. The Board shall approve only the minimum necessary to overcome the conditions below.

(i) The parking area is necessary to meet minimum requirements of the Americans with Disabilities Act;

- (ii) The parking area will serve a single or two-family home;
- (iii) The lot has unique site conditions, such as a utility easement or unstable soils, that allow for parking, but not a building, to be located adjacent to the public street;
- (iv) The lot contains one or more existing buildings that are to be re-used and parking needs cannot be accommodated to the rear and sides of the existing building(s);
- (v) The principal use of the lot is for public recreation; or
- (vi) The lot is located within the Mixed Industrial-Commercial Zoning District and meets the following criteria:
 - (I) The lot is located in an approved subdivision where the parking on each lot in the subdivision is proposed to be located between the building or buildings on each lot and the public street so that a significant greenspace surrounded by buildings may be incorporated similar to a college campus style “quad”, as detailed below.
 - (II) The parking on any lots that include a part of the greenspace shall be aligned in a similar fashion so that the buildings are located between the greenspace and the parking and so that the parking is located between the buildings and the public street to maintain the integrity and continuity of the greenspace . Prior to gaining approval from the Development Review Board, the applicant for each lot is required to provide a written agreement, such as a shared parking, greenspace and use agreement, from each lot owner in the approved subdivision whose lot will include a portion of the greenspace that provides that each lot owner will comply with this general parking, building and greenspace alignment, layout and design in the future development of each of their lots.
 - (III) The minimum required total area of the greenspace shall be 150,000 square feet. For purposes of this subsection 14.06(B) (2)(b)(vi), “greenspace” shall be defined as a consolidated and continuous landscaped area located across more than two lots in the approved subdivision, similar in nature to a common open space, largely surrounded by buildings, but shall not include building or impervious parking areas. The greenspace may extend between buildings, but shall not extend beyond the building line of the principal building on each lot that includes a portion of the greenspace. The greenspace shall consist of pervious surfaces such as lawns, trees, plantings, wetlands, and gardens, and may include impervious landscape features, such as path networks, sculptures, gazebos, water features, footbridges, sitting areas, stone walls, and other features and amenities that may be built within and throughout the greenspace in order to create a more attractive and enjoyable environment. The area of the greenspace shall be calculated by measuring and adding the portion of the total greenspace defined on the site plan for each lot in the approved subdivision that includes a portion of the greenspace.
 - (IV) Any parking located between a proposed building and a public street shall include landscape screening at least three (3) feet in height above the grade of the adjacent public street, , except as necessary to maintain adequate sight distances.
- (vii) The lot is located within the Mixed Industrial-Commercial or Industrial & Open Space Zoning Districts, and it is clear that the circulation and layout of the lot cannot reasonably be designed in a manner to avoid conflicts between visitors / employees and the inherent operations of the use(s) on the lot;
 - (I) In order to further reduce the likelihood of such conflicts, this exception to the general requirements for parking is only available when the uses of the lot(s) are limited to:
 1. Distribution and related storage

2. Light manufacturing
3. Manufacturing
4. Processing and Storage
5. Warehousing and Distribution

(II) The parking shall be limited as follows:

1. No more than 25% of the total parking on the lot shall be located between a public street and the building(s);
2. Parking shall be predominantly screened from the roadway with landscaping features, and separated from the roadway's sidewalks or multi-use paths by one or more of the following Qualifying Open Spaces (as defined in Appendix F, except for the location standards which are superseded by this subsection): Pocket/Mini Park; Wooded area; Community Garden; Enhanced Rain Garden; or Streetfront Open Space. The size of this Open Space shall be sufficient to (1) create or extend a pleasant pedestrian experience on the adjacent public sidewalk or recreation path, (2) largely screen parking from the street right-of-way, and (3) provide for additional usable open space on the parcel. The open space shall represent a minimum of 35% of the total square footage of the parking spaces (not including circulation infrastructure) proposed to be located in front of the building.
3. The minimum required landscaping budget established by the Development Review Board pursuant to Section 13.06 shall increase by a percentage that is equivalent to the percentage of the total parking that is proposed to be located between a public street and the building(s) on a lot. Of this total increased landscaping budget, the percentage that must be dedicated to installation of landscaping in the front yard shall be equivalent to the percentage of the total parking that is proposed to be located between a public street and the building(s) (e.g., if the minimum required landscaping budget before any increase was \$100,000, and if 10% of the total parking for the lot is proposed to be located between a public street and the building(s), then the minimum required landscaping budget shall increase by 10%, for a new total landscaping budget of \$110,000, and no less than 10% of the new total landscaping budget, or \$11,000, must be dedicated to installation of landscaping in the front yard).
4. The applicant shall construct a safe, paved pedestrian access from the street to the building's main entrance.
5. The parking layout and circulation shall not interfere with safe pedestrian access from the street to the building's main entrance.

(c) Where more than one building exists or is proposed on a lot, the total width of all parking areas located to the side of building(s) at the building line shall not exceed one half of the width of all building(s) located at the building line. Parking approved pursuant to 14.06(B)(2)(b) shall be exempt from this subsection.

(d) For through lots, parking shall be located to the side of the building(s) or to the front of the building adjacent to the public street with the lowest average daily volume of traffic. Where a lot abuts an Interstate or its interchanges, parking shall be located to the side of the building(s) or to the front adjacent to the Interstate. Parking areas adjacent to the Interstate shall be screened with sufficient landscaping to screen the parking from view of the Interstate.

(3) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing or anticipated adjoining buildings.

C. Relationship of Structures and Site to Adjoining Area.

(1) The Development Review Board shall encourage the use of a combination of common materials and architectural characteristics (e.g., rhythm, color, texture, form or detailing), landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles.

(2) Proposed structures shall be related harmoniously to themselves, the terrain and to existing buildings and roads in the vicinity that have a visual relationship to the proposed structures.

14.07 Specific Review Standards

In all Zoning Districts and the City Center Form Based Codes District, the following standards shall apply:

A. Access to Abutting Properties. The reservation of land may be required on any lot for provision of access to abutting properties whenever such access is deemed necessary to reduce curb cuts onto an arterial or collector street, to provide additional access for emergency or other purposes, or to improve general access and circulation in the area.

B. Utility Services. Electric, telephone and other wire-served utility lines and service connections shall be underground insofar as feasible and subject to state public utilities regulations. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and to the site. Standards of Section 15.13, Utility Services, shall also be met.

C. Disposal of Wastes. All dumpsters and other facilities to handle solid waste, including compliance with any recycling, composting, or other requirements, shall be accessible, secure and properly screened with opaque fencing to ensure that trash and debris do not escape the enclosure(s). Small receptacles intended for use by households or the public (ie, non-dumpster, non-large drum) shall not be required to be fenced or screened.

D. Landscaping and Screening Requirements. See Article 13, Section 13.06 Landscaping, Screening, and Street Trees.

E. Modification of Standards. Except within the City Center Form Based Code District, where the limitations of a site may cause unusual hardship in complying with any of the standards above and waiver therefrom will not endanger the public health, safety or welfare, the Development Review Board may modify such standards as long as the general objectives of Article 14 and the City's Comprehensive Plan are met. However, in no case shall the DRB permit the location of a new structure less than five (5) feet from any property boundary and in no case shall be the DRB allow land development creating a total site coverage exceeding the allowable limit for the applicable zoning district in the case of new development, or increasing the coverage on sites where the pre-existing condition exceeds the applicable limit.

F Low Impact Development. The use of low impact site design strategies that minimize site disturbance, and that integrate structures, landscaping, natural hydrologic functions, and various other techniques to minimize runoff from impervious surfaces and to infiltrate precipitation into underlying soils and groundwater as close as is reasonable practicable to where it hits the ground, is required pursuant to the standards contained within Article 12.

G. Standards for Roadways, Parking and Circulation. Standards of Section 15.12 Standards for Roadways, Parking, and Circulation shall be met.

14.08 Integration of Procedures

A. General. Except within the City Center Form Based Code District, there may be applications where the particular circumstances of a proposed development require compliance with other procedures in these regulations, such as conditional use permit review. In such cases, the Development Review Board shall integrate site plan review as required by this article with the other procedural and/or submission requirements. Such integration of procedures may require, upon mutual written consent of the Development Review Board and the applicant, reasonable modification of the time schedules otherwise stated in this article or in said related regulations or requirements.

14.09 Administrative Review

A. Authority. The Department of Planning and Zoning is hereby authorized to conduct administrative review and approval of site plan applications for principal permitted uses and conditional uses, as provided below.

B. Determination of Eligibility, except within the City Center Form Based Code District. All determinations of eligibility for administrative review are subject to the discretion of the Director of Planning and Zoning. The Administrative Officer shall not approve administrative amendments to master plans, subdivisions, or variances. The Administrative Officer may review, approve, approve with conditions, or deny administrative amendments to site plans involving a principal permitted use, site plans involving an approved conditional use, and site plans of planned unit developments, if the proposed amendment meets one or more of the following criteria:

- (1) Relocation of site improvements and/or accessory structures that have been previously approved, provided that such relocations do not alter the approved coverage for the site.
- (2) Re-approval of plans if a permit issued by the Development Review Board has expired within the preceding six months and no changes or alterations of any kind are proposed, including those outlined in (4) below.
- (3) Approval of plans showing as-built adjustments beyond standard field adjustments, provided that such adjustments do not require the amendment of any condition of approval in the most recent findings of fact.
- (4) Minor alterations to an approved landscaping plan such as substitution of appropriate similar species or landscaping or hardscaping materials, provided that the total value of landscaping proposed in the amended plan is equal to or exceeds the amount approved by the Development Review Board.
- (5) An increase in building area and/or impervious coverage totaling less than five thousand (5,000) square feet or three percent (3%) of the overall site coverage, whichever is smaller. Applicants are advised that the cumulative total increase in building area and/or site coverage cumulatively permitted through all administrative amendments on any one lot shall not exceed five thousand (5,000) square feet or three percent (3%) of the overall site coverage, whichever is smaller. Development Review Board approval shall be required for any amendment exceeding these limits.
- (6) All coverage and other limitations pursuant to these regulations shall apply in determining whether an administrative amendment shall be approved.
- (7) Applications submitted pursuant to Section 3.06(J) of these Regulations (Exceptions to Setback and Lot Coverage Requirements for Lots Existing Prior to February 28, 1974).
- (8) Changes in use of all or part of a building or structure with prior site plan approval to a permitted use in the applicable zoning district, provided the proposed use, whether solely or in

combination with other uses subject to the same approval, will not result in any permitting requirement or threshold being exceeded or violated.

C. Determination of Eligibility within City Center Form Based Code District. The Administrative Officer shall review all applications except:

- (1) Applications for Subdivision or modifications to subdivisions (except Minor Lot Line Adjustments);
- (2) Applications involving new proposed public rights-of-way, parks, or other land proposed to be deeded to the City of South Burlington;
- (3) Requests for development within any of the water or wetlands resources identified within Article 12 of these Regulations;
- (4) Applications for development within Areas of Special Flood Hazard; or
- (5) Where specifically stated in these Regulations

D. Reporting of Decisions. All administrative approvals, except those within the City Center FBC District, shall be reported by the Administrative Officer to the Development Review Board at least annually, and all such decisions of the Administrative Officer shall state that the decision may be appealed in accordance with State law.

14.10 Conditional Use Review: General Provisions and Standards

A. Comprehensive Plan. These regulations hereby implement the relevant provisions of the City of South Burlington adopted comprehensive plan and are in accord with the policies set forth therein.

B. Definition of Conditional Use. A conditional use shall be defined as a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the general and specific standards for the location or operation of the use as specified in these regulations and as authorized by the Development Review Board. Uses requiring a conditional use permit are listed in Table C-1, Table of Uses. In granting approval for a conditional use, the Development Review Board may attach such additional, reasonable conditions and safeguards as it may deem necessary to implement the purposes of these regulations.

C. Uses and Actions Subject to Conditional Use Review. Conditional use permit approval shall be required prior to issuance of a zoning permit in all districts where such uses are listed as conditional uses in the District Regulations. Any alteration, extension or other change to an existing conditional use shall require review under the requirements of this section.

D. Review and Approval Procedure. A use designated as a conditional use in any district may be permitted by the Development Review Board, after public notice and public hearing, according to the following procedures:

- (1) Any conditional use shall be either:
 - (a) subject to site plan review, except as provided for in Section 14.03(B), and therefore reviewed under the requirements of Article 14, Site Plan and Conditional Use Review; or,
 - (b) subject to planned unit development review and therefore reviewed under the requirements of Article 15, Planned Unit Development.

(2) The Development Review Board may require submission of plans, data, or other information in addition to the requirements of Article 14, as it deems necessary.

(3) The Development Review Board shall act to approve or disapprove a requested conditional use within forty-five (45) days after the close of the final public hearing held under this section, and failure to so act shall be deemed approval.

(4) In approving a conditional use, the Development Review Board may attach additional requirements as it may deem necessary to implement the provisions of the South Burlington Comprehensive Plan and these regulations.

E. General Review Standards. The Development Review Board shall review the proposed conditional use for compliance with all applicable standards as contained in these regulations. The proposed conditional use shall not result in an undue adverse effect on any of the following:

- (1) The capacity of existing or planned community facilities.
- (2) The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- (3) Traffic on roads and highways in the vicinity.
- (4) Bylaws and ordinances then in effect.
- (5) Utilization of renewable energy resources.

F. Expiration of Conditional Use Permits. A conditional use permit shall be deemed to authorize only one (1) specific conditional use on a subject property and shall expire if the conditional use shall cease for more than six (6) months for any reason, unless an umbrella approval has been granted.

14.11 Conditional Use Review: Specific Uses and Standards

A. Parking garages. Review of such use shall include a review of the proposed structure's aesthetics and potential off-site impacts including but not limited to lighting, traffic, and circulation.

B. [Reserved]

C. Convenience Store in Conjunction with a Gasoline Filling Station/Service Station. A service station that is a primary use on its lot may be allowed to have a convenience store as an accessory conditional use, subject to the following:

- (1) The proposed convenience store shall be an accessory use located on the same lot as primary use service station.
- (2) Such store shall have retail sales of convenience merchandise, prepared foods, and pre-packaged foods for personal or household consumption.
- (3) Minimum lot size. The primary use shall have a minimum lot size of thirty thousand (30,000) square feet.
- (4) Location of primary use. The service station shall have a minimum street frontage of one hundred (100) feet on an arterial road.
- (5) Maximum floor area. Such store shall have a gross floor area of no more than ten percent (10%) of the lot area.

- (6) Maximum height. Such store shall be no more than one (1) story high.
- (7) Hours of operation. The consumer convenience center shall be accessory to the primary use and as such shall be open for business during the same hours as the pumping operation of the service station.
- (8) Parking. Parking spaces shall be provided proximate to the store, at the rate of one (1) space per one hundred fifty (150) square feet of consumer convenience center floor area. Where parking is located near a residential district boundary, the applicant shall provide landscaping, and/or fencing or screening in the mandatory setback.
- (9) Lighting. The applicant shall demonstrate to the Development Review Board's satisfaction that the proposed lighting plan will adequately light the store exterior and related parking area and will not shed light onto abutting residentially zoned land.

D. Gasoline Filling Stations/Service Stations. No new gasoline filling stations or service stations shall be permitted within one thousand (1,000) linear feet in any direction from the property boundaries of an existing gasoline filling station or service station.

E. Processing and Storage.

- (1) Hours of operation, including hours of truck delivery or pick-up activities, shall be limited by the DRB consistent with the character of the adjacent neighborhood and proximity to residential areas and residentially-zoned lands.
- (2) The DRB shall have the authority to limit the total square footage that may be devoted to processing and storage on any lot or within any one building to ensure compatibility with adjacent land uses.

[additional items reserved]

15 SUBDIVISION and PLANNED UNIT DEVELOPMENT REVIEW

- 15.01 Purpose
- 15.02 Authority and Required Review
- 15.03 Allowed Uses, Densities, Zoning Boundary Adjustments and Perimeter Setbacks
- 15.04 General Subdivision and PUD Review Procedures
- 15.05 Sketch Plan Review
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- 15.07 Master Plan Review and Approval
- 15.08 Major Subdivision, Transect Zone Subdivision, or PUD Approval Procedure
- 15.09 Final Plat Recording
- 15.10 Lot Layout
- 15.11 Relation to Scenic View Protection Overlay District
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- 15.13 Utility Services
- 15.14 Required Public Facilities and Improvements
- 15.15 Performance Bonds, Escrow Accounts and Letters of Credit
- 15.16 Acceptance of Streets and Required Public Facilities and Improvements
- 15.17 Certificate of Title
- 15.18 Criteria for Review of PUDs, Subdivisions, Transect Zone Subdivisions, and Master Plans
- 15.19 Minor Lot Line Adjustments

15.01 Purpose

It is the purpose of the provisions for subdivision and Planned Unit Development (PUD) review to provide for relief from the strict dimensional standards for individual lots in these Regulations in order to encourage innovation in design and layout, efficient use of land, and the viability of infill development and re-development in the City's Core Area, as defined in the Comprehensive Plan. It is the further purpose of this Article to coordinate site plan, conditional use and subdivision review into a unified process. The Development Review Board shall administer these regulations for the purpose of assuring orderly growth and coordinated development in the City of South Burlington and to assure the comfort, convenience, safety, health and welfare of its citizens.

15.02 Authority and Required Review

A. Authority

- (1) Pursuant to Section 4413 through Section 4421 of 24 VSA Chapter 117, as amended, the Development Review Board shall have the authority to review and approve, approve with conditions or deny an application for subdivision of land pursuant to the standards in these Regulations.
- (2) In accordance with the provisions of Subsections (3) and (12) of Section 4407 of Title 24 VSA Chapter 117, the Development Review Board shall have the authority to review and approve, approve with modifications, or deny Planned Unit Developments and Planned Residential Developments (PUDs). Planned Unit Developments shall not be permitted within The City Center FBC District.
- (3) In conjunction with PUD review, the modification of these Land Development Regulations is permitted subject to the conditions and standards in this Article and other applicable provisions of these Regulations.
- (4) Notwithstanding section 15.02(A)(3), however, the following standards shall apply to all PUDs:

(a) in no case shall the DRB permit the location of a new structure less than five (5) feet from any property boundary, and, in no case shall the DRB permit the location of a structure not in compliance with Section 15.03(D).

(b) In no case shall be the DRB allow land development creating a total site coverage exceeding the allowable limit for the applicable zoning district in the case of new development, or increasing the coverage on sites where the pre-existing condition exceeds the applicable limit.

(c) In no case shall the DRB permit the location of parking not in compliance with Section 14.06 (B) (2).

(5) Pursuant to this Article, the South Burlington Development Review Board shall have the further authority to review and approve, approve with modifications, or deny a Master Plan reviewed in conjunction with a PUD. A Master Plan shall be a binding sub-part of a PUD approval and shall not be construed as a separate land development review procedure from the PUD procedures set forth in this Article.

(6) The modification of the maximum residential density for a zoning district shall be permitted only as provided in the applicable district regulations and/or for the provision of affordable housing pursuant to Section 13.14 of these Regulations.

B. Applications for which PUD review is required. For certain uses and in certain districts, applications for development review must be made as a PUD pursuant to this Article. Such uses and districts are noted below, in Table C-1, Table of Uses, and in individual district articles in these Regulations. For all land development activities meeting these standards, PUD review shall be required unless an application is being made pursuant to specific provisions in a PUD permit issued by the DRB that apply to the land involved and specify another review procedure. The Master Plan requirements of this Article may apply in addition to the standard PUD requirements, as set forth in Section 15.07 below. Developments that ordinarily shall be subject to PUD review are:

(1) All applications for development in the Southeast Quadrant District other than a single-family or two-family residence,

(2) All applications for educational facilities and educational support facilities in the Commercial 1 and Institutional-Agricultural Districts

(3) All applications in which the total area of all involved lands is ten (10) acres or more, except within the City Center FBC District.

C. Elective PUD Review. In all districts of the City except the City Center FBC District, any applicant for site plan, conditional use and/or subdivision review, or any other application for land development requiring action by the Development Review Board, may request review pursuant to the PUD process and regulations, except for parcels of land less than two (2) acres in the following districts: R1, R1-LV, R2, R4, and LN.

15.03 Allowed Uses, Densities, Zoning Boundary Adjustments and Perimeter Setbacks

A. Uses Allowed. In any application for PUD review, all uses allowed as permitted or conditional uses in the underlying district(s) involved in the application shall be deemed to be permitted uses and a separate conditional use permit or permits shall not be required.

B. Density. In any application for PUD or subdivision review, the overall density or FAR allowable for the land in question shall be the same as for the underlying district(s) involved in the application.

C. Zoning District Boundary Adjustment. In conjunction with a PUD or subdivision application involving land in two or more zoning districts, the DRB may at its discretion approve a request to relocate the boundary of the zoning district up to fifty (50) feet in either direction within the area affected by the application.

D. Perimeter Setbacks. Any principal structure proposed on a lot that borders any of the districts in Article IV or the SEQ-NR, SEQ-NRP, SEQ-VR or SEQ-NRT SEQ Sub-Districts must meet the setback required by these Regulations for the adjoining district for the type of yard (side or rear) that is immediately adjacent in the above-referenced district.

15.04 General Subdivision and PUD Review Procedures

A. Subdivision and PUD Process Unified. It is a purpose of these regulations to provide for a unified review process for subdivisions and Planned Unit Developments, in keeping with the provisions of 24 VSA Chapter 117, as amended. While some provisions of these regulations may apply only to the strict subdivision of land and others only to a strict planned unit development project without land subdivision, the intent of these regulations is to unify the process to the greatest extent possible. Therefore, any questions as to the required elements of a PUD or subdivision application or the standards applicable to a specific case shall be interpreted based on the context of Article 15 of these regulations, and the appropriateness and relevance of a given standard or provision of Article 15 to a PUD or subdivision application.

B. Statement of requested waivers required for PUDs. Any applicant utilizing PUD review must provide a list of waivers and other relief sought through PUD review from the strict dimensional standards, subdivision standards, site plan review standards, or other applicable provisions of these Regulations.

15.05 Sketch Plan Review

A. Sketch Plan Required for PUD and Subdivision. For the purpose of classification and initial review, any applicant for a subdivision, Transect Zone subdivision, or PUD of land shall, prior to submitting an application for subdivision approval, submit to the Administrative Officer the elements required in Appendix E, Submission Requirements:

B. Site plan information. All applicable information required for a site plan pursuant to Section 14.05 of these Regulations shall be submitted at preliminary plat stage for subdivisions involving commercial or industrial uses, multi-family uses, or planned unit development.

C. Sketch plan review procedures.

(1) Classification. The Administrative Officer shall, prior to the meeting on the sketch plan, classify the subdivision proposal as a Minor Subdivision, a Major Subdivision/PUD, or a Transect Zone subdivision. The Administrative Officer shall also determine whether the application requires Master Plan review, and shall duly note any request by an applicant for review and approval pursuant to the PUD and/or Master Plan provisions in Article 15.

(2) Meeting required. The applicant, or his duly authorized representative, shall attend the meeting of the Development Review Board on the sketch plan to discuss the application.

(3) Review by DRB. The Development Review Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems necessary, make specific suggestions to be

incorporated by the applicant in subsequent submissions. At this time, the Development Review Board may determine that a minor subdivision developer shall supply additional material normally required for a major subdivision at the warned public hearing.

15.06 Review and Approval of Minor Subdivisions

A. Application for Minor Subdivision Approval. After classification of the proposed subdivision as a minor subdivision, and within six months after the meeting on the sketch plan for the application, the applicant shall be allowed to bypass the preliminary plat process and proceed directly to filing an application for the approval of a final subdivision plat. This Section 15.06 shall apply to minor subdivisions only, and shall not apply to applications for PUD approval or any applications requiring Master Plan approval.

B. Final Plat Requirements for Minor Subdivision Approval. See Appendix E, Submission Requirements.

C. Public Hearing for Final Plat for Minor Subdivisions. A public hearing shall be held by the Development Review Board after submission of the Final Subdivision Plat and all required information to the Administrative Officer. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act. The DRB shall take action to approve, approve with conditions or deny the final plat application at a duly warned public hearing in accordance with Section 15.08(E) of this Article.

15.07 Master Plan Review and Approval

A. Master Plans Established. For any application involving subdivision for which the applicant has sought Master Plan approval, or for which Master Plan approval is required, the applicant shall follow the procedures outlined in this Section. The applicant may elect to apply simultaneously for preliminary plat and/or preliminary site plan approval for a portion or portions of the affected property.

B. Master Plan Optional or Required. As part of the PUD and/or subdivision review process, any applicant for land development involving ten (10) or more contiguous acres may submit an application for Master Plan except within the Transect Zones. Master plan review also shall be required as a step in the PUD or subdivision review process in the following cases:

- (1) Development of more than ten (10) dwelling units in the Southeast Quadrant
- (2) Development of more than ten (10) units in a five (5) year period in the R1-Lakeshore District.

C. Master Plan Review Process.

(1) **Master Plan.** An applicant meeting the criteria in (B) above shall submit a sketch plan for review by the DRB. After identification of the proposed project as requiring a master plan, and within six (6) months after the final DRB meeting on the sketch plan (or a longer period if mutually agreed by the applicant and the DRB, but not exceeding two (2) years in total), the applicant shall file an application for approval of a master plan. The plan shall conform to the layout shown on the sketch plan, incorporating recommendations made by the Development Review Board.

(2) **Combined with Preliminary Site Plan or Preliminary Plat Review.** The Master Plan application may, at the applicant's request, be combined with preliminary site plan or preliminary subdivision plat review for a discrete portion or all of the property proposed for development. Any areas of the lands

proposed for development for which master plan review is secured but preliminary site plan or preliminary plat review is not shall require preliminary site plan or plat review at a subsequent time prior to receiving final approval. The DRB shall review the master plan and all areas proposed for preliminary plat simultaneously, and shall make separate findings of fact as to the master plan and the areas reviewed for preliminary plan or plat. The findings of fact pertaining to the master plan shall be binding on the DRB and the applicant for all subsequent preliminary site plan or preliminary plat applications made pursuant to the master plan approval.

(3) Master Plan Application. Submission requirements are as listed in Appendix E, Submission Requirements.

D. Approval and Amendment of Master Plan.

(1) Upon receipt of a complete application for master plan approval, with or without an associated preliminary site plan or preliminary plat application, the DRB shall take action to approve, approve with conditions, or deny the master plan at a duly warned public hearing.

(2) In its approval of a Master Plan, the DRB shall specify the level of review and process required for subsequent applications pursuant to the approved Master Plan provided such procedure is consistent with the intent of these Regulations. The DRB may, for example, specify that final site plan only shall be required for specified portions of a project subject to a master plan, or that a section of a PUD shall be able to be amended with a final plat amendment action.

(3) Any application for amendment of the master plan, preliminary site plan or preliminary plat that deviates from the master plan in any one or more of the following respects, shall be considered a new application for the property and shall require sketch plan review as well as approval of an amended master plan:

- (a) An increase in the total FAR or number of residential dwelling units for the property subject to the master plan;
- (b) An increase in the total site coverage of the property subject to the master plan;
- (c) A change in the location, layout, capacity or number of collector roadways on the property subject to the master plan;
- (d) Land development proposed in any area previously identified as permanent open space in the approved master plan application; and/or
- (e) A change that will result in an increase in the number of PM peak hour vehicle trip ends projected for total buildout of the property subject to the master plan.

(4) Any application for amendment of the master plan that does not reduce the total area or alter the location of proposed permanent open spaces, and which does not meet any of the criteria in (3) above, and any application for preliminary plat or preliminary site plan that is found to be consistent with the findings of fact for the master plan, shall not require sketch plan review. The DRB may, at its discretion, allow applicants for preliminary plat or preliminary site plan review pursuant to a master plan to combine preliminary and final review into one application and approval action.

(5) The DRB may in its findings of fact on the master plan, or its approval of a site plan or preliminary plat pursuant thereto, specify certain minor land development activities (such as but not limited to the addition of decks or porches to dwelling units) that will not require DRB action, and may be undertaken pursuant to issuance of a Zoning Permit.

- (6) The City shall in its approvals maintain a record of such criteria as are applicable to the project such as residential density, FAR, total site coverage, required off-street parking, sewer capacity, and the location and status of public amenities.

15.08 Major Subdivision, PUD, or Transect Zone Subdivision Approval Procedure

A. Preliminary Plat Application. After classification of the proposed subdivision as a major subdivision and within six (6) months of the meeting on the sketch plan, the applicant shall file an application for the approval of a preliminary plat with the Administrative Officer. The preliminary plat application shall consist of the elements listed within Appendix E, Submission Requirements.

B. Preliminary Plat Public Hearing and Approval

(1) **Public hearing.** A public hearing shall be held by the Development Review Board after submission of the preliminary plat and all required information to the Administrative Officer. Said hearing shall be advertised and warned in accordance with the public notice provisions of the Vermont Planning and Development Act.

(2) **Attendance at public hearing required.** The applicant, developer, or his duly authorized representative shall attend all required meetings and hearings held under these regulations to review the applicant's or developer's application, including any public meetings or hearings, which are continued to a specific time and date.

(3) **Action to Approve Preliminary Plat.**

(a) Within forty-five (45) days after the close of the public hearing on a preliminary plat, the Development Review Board shall approve, modify and approve, or disapprove said preliminary plat. Failure of the Development Review Board to act within said forty-five (45) day period shall constitute an approval of the preliminary plat. Copies of the Development Review Board decision, along with findings of fact, shall be sent to the applicant.

(b) When granting approval to a preliminary plat, the Development Review Board shall state the conditions of such approval, if any, with respect to (i) the specific changes which it will require in the preliminary plat, and (ii) the character and extent of the required improvements for which in its opinion may be waived without jeopardy to public health, safety, and general welfare.

(c) Approval of a preliminary plat shall not constitute approval of the final plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the final plat. Prior to approval of the final plat, the Development Review Board may require additional changes as a result of further study of the application or as a result of new information obtained at any public hearing held pursuant to these regulations.

C. Final Plat Application Procedures

(1) The applicant shall, within twelve (12) months after the approval of the preliminary plat, submit an application for approval of the final plat to the Administrative Officer.

(2) The final plat application may be submitted in sections in accordance with the preliminary plat and/or Master Plan approval for the property so that it shall only include the phase of the approved preliminary plat that the applicant proposes to record and develop at that time.

(3) If the final plat, or a section thereof, is not submitted to the Development Review Board within twelve (12) months after the approval of the preliminary plat, the Development Review Board may refuse to act on the final plat and require resubmission of the preliminary plat.

D. Final Plat Application. The final plat application shall consist of the elements required by Appendix E, Submission Requirements.

E. Transect Zone Final Plat Application. After classification of the proposed subdivision as a Transect Zone subdivision and within six (6) months of the meeting on the sketch plan, the applicant shall file an application for the approval of a final plat with the Administrative Officer. The final plat application shall consist of the elements listed within Appendix E, Submission Requirements.

F. Action on Final Plat

(1) Public hearing. A public hearing shall be held by the Development Review Board after submission of the final plat and all required information to the Administrative Officer. Said hearing shall be advertised and warned in accordance with the public notice provisions of the Vermont Planning and Development Act.

(2) Action on Final Plat. The Development Review Board shall, within forty-five (45) days after the close of the public hearing, approve, modify and approve, approve with conditions, or deny such plat. Failure to act within said forty-five (45) days shall be deemed approval. Copies of the Development Review Board decision, along with findings of fact, shall be sent to the applicant. If the Development Review Board places any stipulations regarding the content of the plat or supporting documents, it shall require that any stipulated changes be completed to the satisfaction of the Administrative Officer before filing of the approved plat. The Development Review Board may establish phasing schedules for construction of structures and may also require certain streets and other improvements to be completed prior to or during specified phases of construction.

(3) Attendance at public hearing required. The applicant, developer, or her duly authorized representative shall attend all required meetings and hearings held under these regulations to review the applicant's or developer's application, including any public meetings or hearings, which are continued to a specific time and date. The Development Review Board may disapprove the applicant's or developer's application if she or her duly authorized representative fail to attend any such public hearings or meetings.

15.09 Final Plat Recording

A. Recording Required. The approval of the Development Review Board, or certification by the City Clerk of the Development Review Board's failure to act within forty-five (45) days of the close of the final public hearing held under these regulations, shall expire one hundred eighty (180) days from such approval or certification unless, within such one hundred eighty (180) day period, such plat shall have been duly filed or recorded with the office of the City Clerk. No subdivision plat which requires Development Review Board approval may be filed or recorded in the office of the City Clerk until it has been approved by the Development Review Board and such approval is endorsed in writing on such plat by the Development Review Board Chairman or Clerk, or the certificate of the City Clerk showing the failure of the Development Review Board to take action within said forty-five (45) day period is attached thereto and filed or recorded with said plat. The plat to be filed with the City Clerk shall comply with the requirements of the Vermont Statutes Annotated, as presently enacted or as hereinafter from time to time amended. After such filing or recording, the plat shall be part of the South Burlington Official Map.

B. Submittal of documents required. Endorsement shall not take place until all required plats, construction drawings, and supporting documents have been submitted to the Administrative Officer per

the requirements of this section and in digital form and determined to be complete and accurate. If all required submissions are not determined to be complete and accurate within the one hundred eighty (180) day period, then subdivision approval shall be void and the application must be resubmitted for final plat approval.

C. Plat Void if Revised After Approval. No changes, erasures, modifications, or revisions shall be made on any subdivision plat after approval has been given by the Development Review Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Development Review Board and the Development Review Board approves any modification. In the event that such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void and the Development Review Board shall institute proceedings to have the plat stricken from the records of the City Clerk.

D. Endorsement by the Development Review Board. Every approved subdivision plat shall carry an endorsement on the copy to be filed with the City Clerk stating that the plat has been approved by Resolution of the Development Review Board of the City of South Burlington, Vermont, and specifying the date of such approval, subject to the requirements of said conditions of said Resolution, and signed and dated by the Chairman or Clerk of the Development Review Board.

15.10 Lot Layout

A. Lots shall be laid out in such a way that they can be developed in full compliance with these land development regulations, and giving consideration to topography, soils, and drainage conditions.

B. Except within the City Center FBC District, the following standards shall apply: Corner lots shall have extra width to conform to setbacks on each street. No subdivision showing any reserved strips shall be approved. A width to length ratio of one to five (1:5) shall be used as a guideline by the Development Review Board in evaluating lot proportions. Developments consisting predominantly of square or roughly square lots or lot with an excessive length to width ratio (i.e. spaghetti lots) shall not be approved.

C. Within the City Center FBC District, the following standards shall apply: All subdivisions shall contain allowable lot dimensions, block dimensions and street typologies in the applicable / relevant Transect Zone Building Envelope Standards.

15.11 Relation to Scenic View Protection Overlay District (Article 10)

The Development Review Board may approve a proposed subdivision, though development of one or more lots in the proposed subdivision with construction of a structure would exceed the limitations of the Scenic View Protection Overlay District in these regulations ("view restrictions") in accordance with the provisions in Article 10.

15.12 Standards for Roadways, Parking and Circulation

A. Street Layout. The arrangement of streets in the subdivision shall provide for the continuation of arterial, collector and local streets of adjoining subdivisions and for proper projection of arterial, collector and local streets through adjoining properties that are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required, of needed utilities and public services such as recreation paths, sewers, water and drainage

facilities. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. In no case shall gates of any kind be permitted across public or private roads, or driveways serving more than one dwelling unit.

B. Relationship to Traffic Overlay District. In all PUDs and subdivisions in which the provisions of the Traffic Overlay District in Section 10.02 of these Regulations apply and in which the Traffic Overlay District provisions conflict with those of this section, the more restrictive provisions shall apply.

C. Topography. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. Adequate provisions shall be made in the project's stormwater management system to prevent flooding in the streets and erosion or other adverse impacts on adjacent properties.

D. Criteria for Public and Private Roadways.

(1) In reviewing PUD, subdivision and master plan applications, the DRB shall have the authority to require the construction of roadways to City standards and the dedication of roadways to the City. The DRB also shall have the authority, subject to the limitations in (3) below, to waive this requirement and to allow private streets, and/or public streets not built to full City standards as set forth in Table 15-1 and Figure 15-1.

(2) **Public roadway required.** The DRB shall require a roadway to be built to City standards in Table 15-1, Figure 15-1, and the Transect Zone Street Typologies contained within Article 11 and dedicated to the City as a public roadway if one or more of the following situations applies:

- (a) The proposed roadway will or could provide a future extension to an adjoining property.
- (b) The right-of-way or proposed alignment of the proposed roadway is consistent with the right-of-way for a proposed City street shown on the Official Map; the City Council shall have the authority to determine if a proposed right-of-way with a similar location and/or alignment to a right-of-way on the Official Map must be required to be a public roadway.
- (c) The Development Review Board determines that the proposed length of a roadway or the significance of the roadway within the City's street network warrants public ownership.
- (d) The proposed roadway serves one (1) or more lots occupied by and/or proposed for non-residential or mixed-use development.

(3) **Private roadways allowed.** The DRB may at its discretion approve a roadway or roadways within a subdivision or PUD to be private if one or more of the following situations applies:

- (a) The proposed roadway functions as a private frontage or service road to serve more than one (1) commercial lot, and the Development Review Board determines such a road would be consistent with the standards for PUDs in this Article.
- (b) The proposed roadway functions as a private service or access road within a commercial subdivision or PUD, and the Development Review Board determines such a road would be consistent with the standards for PUDs in this Article.
- (c) The proposed roadway serves five (5) or fewer single-family or duplex dwellings, in any combination of the two types of dwellings.
- (d) The proposed roadway has only one (1) point of access on another existing or proposed public roadway, and serves nine (9) or fewer dwelling units in any combination of single-family, duplex or multi-family dwellings.

(e) The proposed roadway has two (2) or more points of access on another existing or proposed roadway and serves nineteen (19) or fewer dwelling units in any combination of single-family, duplex or multi-family dwellings.

(f) The homes built on a private roadway must be sprinklered to the satisfaction of the South Burlington Fire Chief. All proposed sprinkler systems must be reviewed and agreed upon prior to plat approval. This requirement may be waived by the DRB upon recommendation by the City of South Burlington Fire Chief.

(4) Connections to adjacent parcels.

(a) If the DRB finds that a roadway or recreation path extension or connection to an adjacent property may or could occur in the future, whether through City action or development of an adjacent parcel, the DRB shall require the applicant to construct the roadway to the property line or contribute the cost of completing the roadway connection.

(b) In determining whether a connection to an adjacent property may or could occur, and the location and configuration of such connection, the DRB may consider:

(i) The existence of planned roadways or recreation paths in the City's Comprehensive Plan, Official Map, or these Regulations;

(ii) The requirements of the Zoning District in which the adjacent property is located and whether these Regulations allow additional development or development density on the adjacent parcel;

(iii) The context of the proposed development's setting in relation to the adjacent property;

(iv) The presence of physical obstacles to such a connection, such as wetlands, water bodies, or steep slopes;

(v) The presence of legal restrictions to development or use on the adjacent property; and/or;

(vi) Any other information it deems necessary to make its determination.

(c) If the DRB finds that a roadway or recreation path connection to an adjacent property may or could occur, but the maximum allowed length of the proposed dead end street will not connect the roadway or recreation path to the adjacent property, the DRB may accept a dedication of a right-of-way to the property line and/or impose a condition that any future development on the property requires construction of the roadway or recreation path to the property line.

(d) For roadway connections, sufficient right-of-way shall be dedicated to accommodate two (2) lanes of vehicle travel, City utilities, and a ten-foot wide grade-separated recreation path. For independent recreation path connections, a right-of-way with a minimum width of twenty feet (20') is required.

(e) Any such roadway or recreation path shall include one or more signs indicating the intent to construct future connections to the street or recreation path.

(5) Nothing in this section shall be construed to limit the authority of the DRB to grant waivers of public roadway standards subject to the provisions of §15.12(D)(4).

E. Standards for Construction of Roadways

(1) All streets shall be constructed completely by the applicant.

- (2)** All public roadways shall be built to the specifications in Table 15-1, Figure 15-1, and the Transect Zone Street Typologies contained within Article 11 unless specifically authorized otherwise by the DRB in its final approval of the subdivision or PUD.
- (3)** All private roadways shall be built to the specifications set forth in this section with the exception of curbing and widths. All private roadways shall be a minimum width of twenty-six (26) feet with parking and twenty (20) feet without parking.
- (4)** Modification of Roadway Standards.
- (a) In any PUD or non-Transect Zone subdivision, the DRB may specifically authorize modification of the City's roadway standards in Table 15-1 below if it specifically finds that such modification is in furtherance of Comprehensive Plan policies and the goals for the specific zoning district in which a project is located, and that such modification is consistent with provisions for the public health, safety and welfare and the orderly development of the City. In making such a finding, the DRB shall consider the recommendation of the City Engineer, Director of Public Works and Fire Chief with respect to the City's ability to provide public services to the proposed subdivision or PUD.
- (b) In any Transect Zone subdivision, see Article 11, Transect Zone Street Typologies.

Table 15-1 Street Design Standards⁽¹⁾

	Arterial	Collector	Local	Private
Minimum ROW width	80'	60'	50'	n/a
Minimum pavement width	48'	30'	28' ⁽²⁾	26' ⁽⁴⁾ /20' ⁽⁵⁾
Curbing required?	yes	yes	DRB discretion	no
Maximum grade	6%	8%	10%	
Minimum grade	0.5%	0.5%	0.5%	
Minimum radius of curves ⁽³⁾	1000'	500'	300'	
Minimum tangent length between reverse curves	200'	150'	100'	
Minimum distance between center line offsets	400'	300'	200'	
Angle at intersection of street center lines	90°	90°	80°-90°	
Minimum vertical sight distance	400'	300'	200'	
Minimum horizontal sight distance	800'	500'	300'	
Maximum grades within 100' center line of intersection	2%	3%	3%	

Notes: (1) These standards do not apply for streets within the Transect Zones. Refer instead to Article 11, Transect Zone Street Typologies.

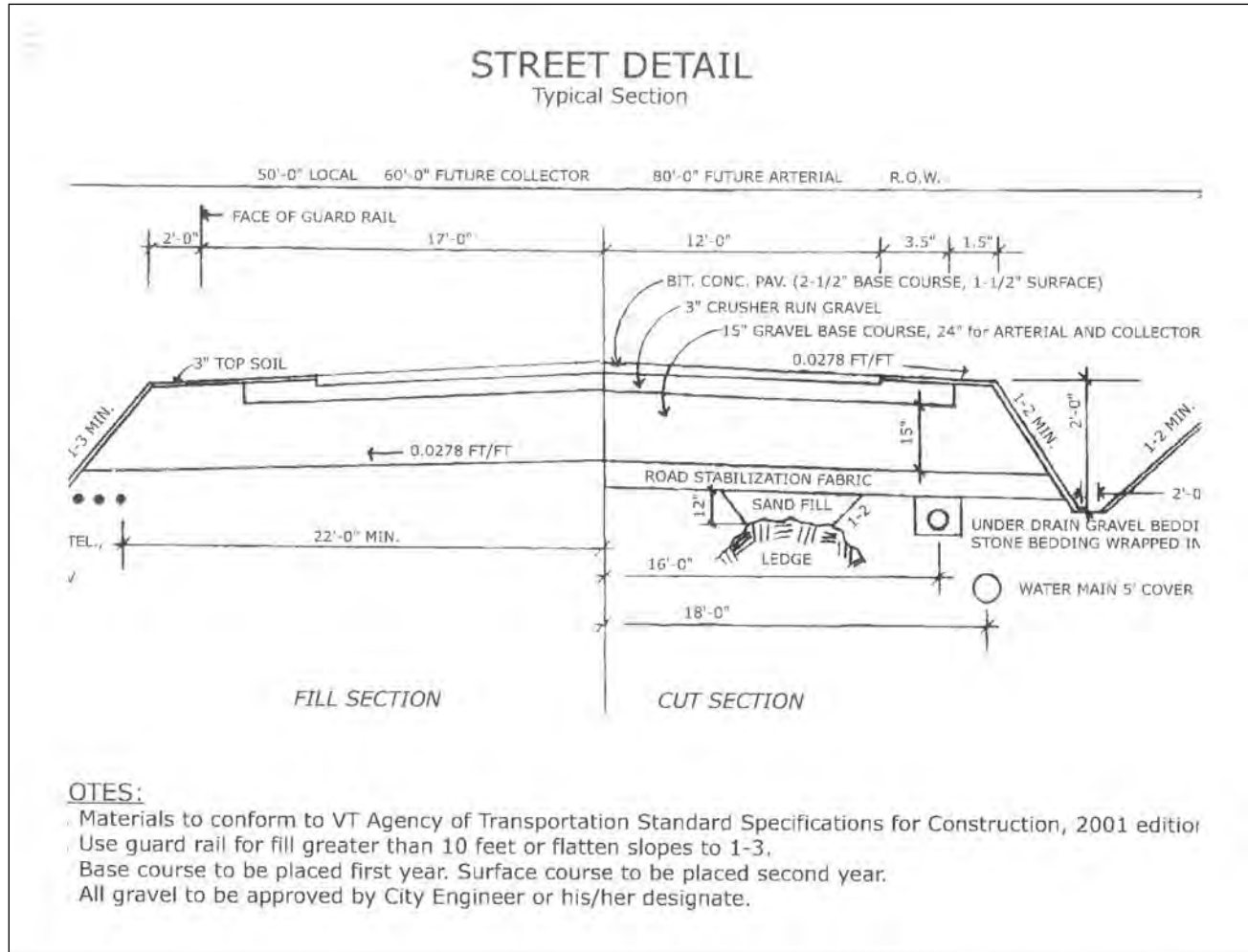
(2) Minimum pavement width for local streets intended to serve primarily commercial or industrial uses shall be 32 feet unless determined otherwise by the DRB pursuant to Section 15.12(D)(4) above.

(3) Minimum radius of curves shall be measured at centerline of pavement. This standard is acknowledged to vary in order to conform to minimum sight distance requirements.

(4) With parking

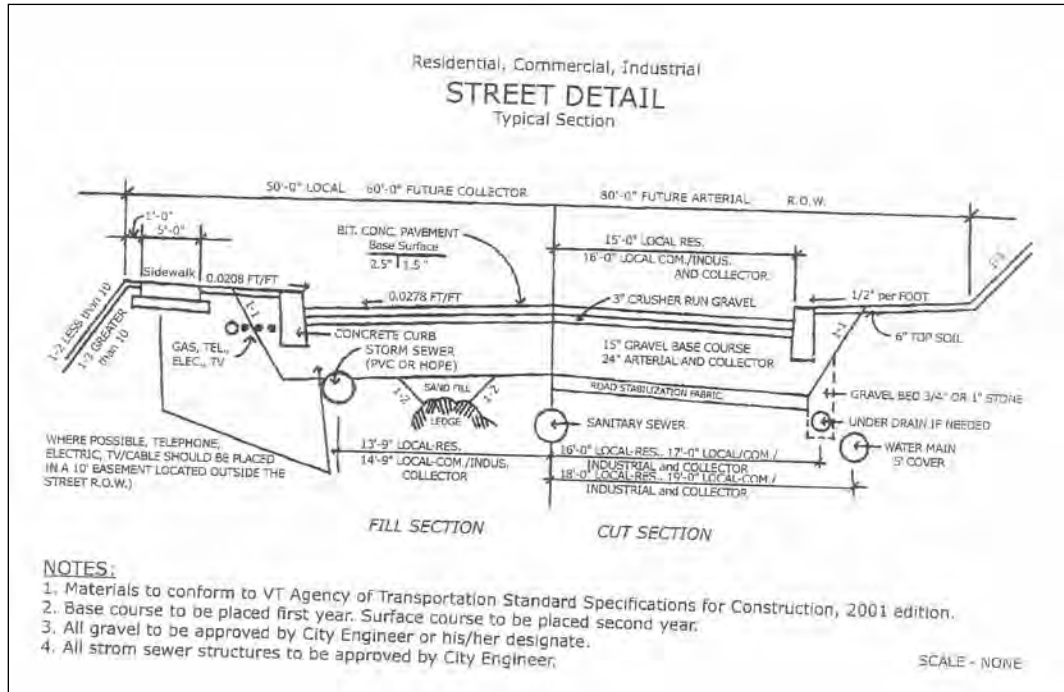
(5) Without parking

Figure 15-1A, Street Detail, Typical Section (1)



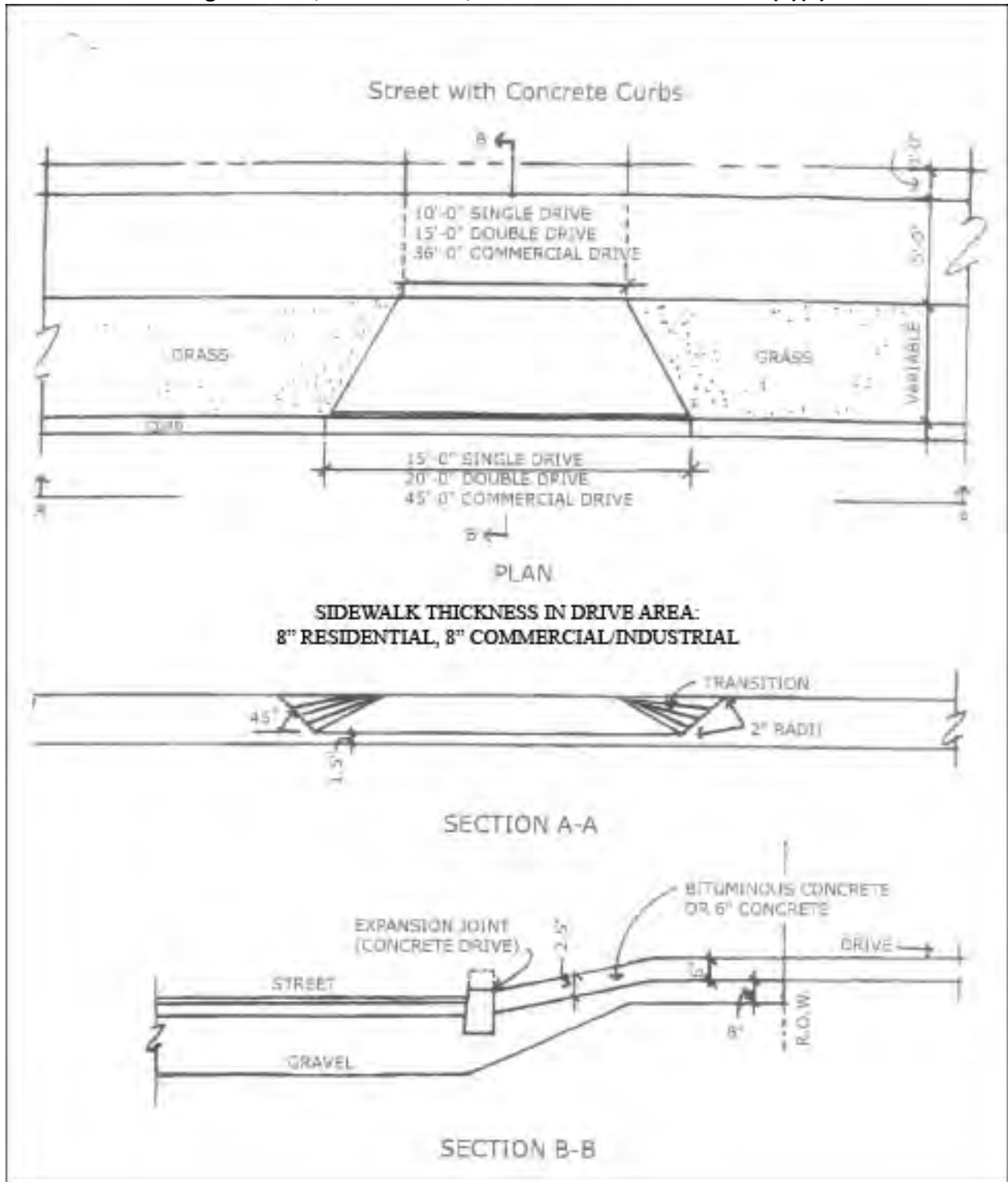
(1) Where any standards within this Figure conflict with those within the Transect Zone Street Typologies, the Transect Zone Street Typologies within Article 11 shall apply.

Figure 15-1B, Street Details, Residential, Commercial or Industrial Street (1)



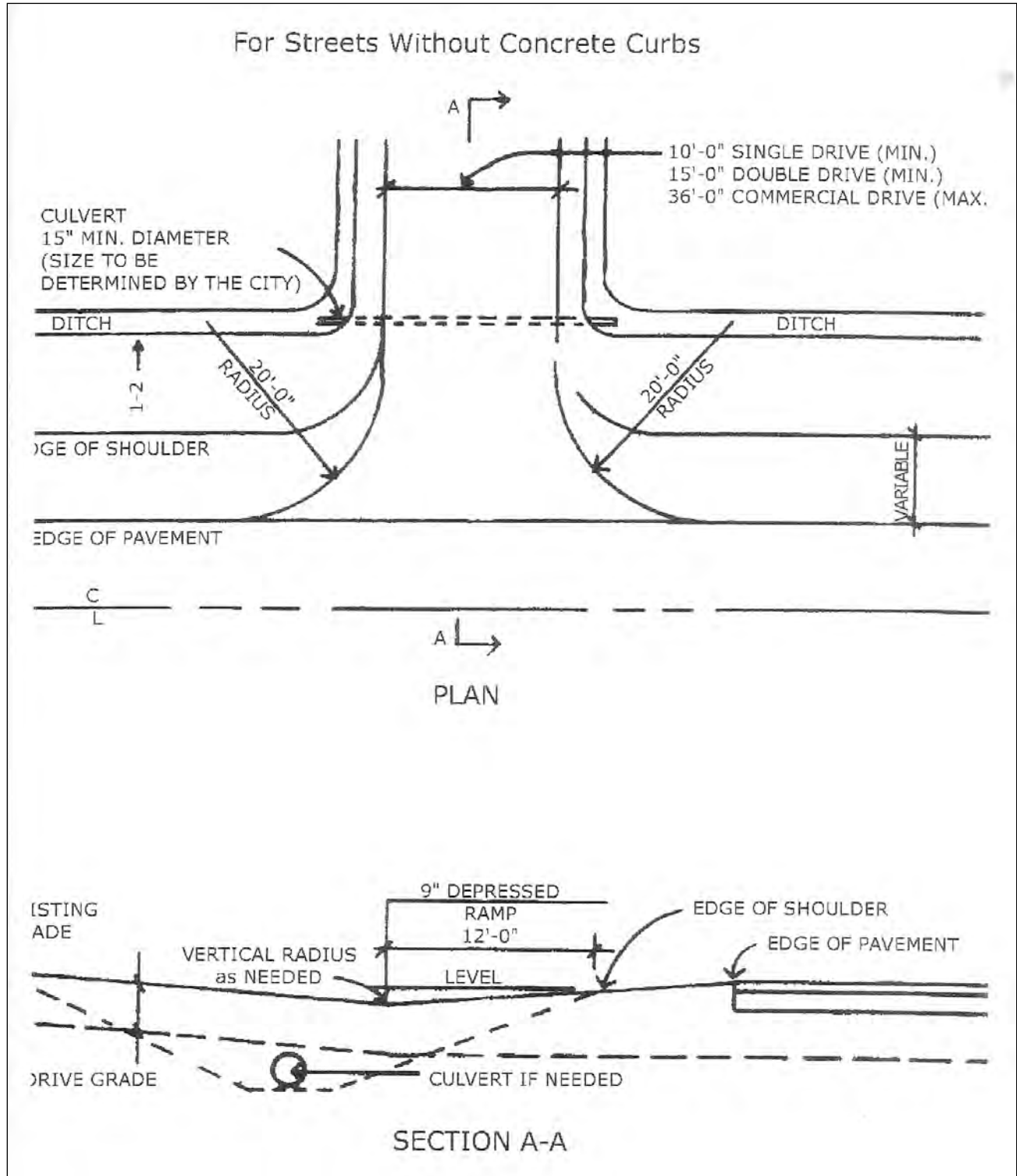
(1) Where any standards within this Figure conflict with those within the Transect Zone Street Typologies, the Transect Zone Street Typologies within Article 11 shall apply.

Figure 15-1C, Street Details, Streets with Concrete Curbs (1)(2)



- (1) Where any standards within this Figure conflict with those within the Transect Zone Street Typologies, the Transect Zone Street Typologies within Article 11 shall apply.
- (2) The use of precast modular permeable concrete products as a sidewalk material are permitted in all locations.

Figure 15-1D, Street Details, Streets without Concrete Curbs(1)



(1) Where any standards within this Figure conflict with those within the Transect Zone Street Typologies, the Transect Zone Street Typologies within Article 11 shall apply.

F. Entrances

(1) The nearest signalized intersection or those intersections specified by the DRB shall have an overall level of service "D" or better, at the peak street hour, including the anticipated impact of the fully developed proposed PUD or subdivision. In addition, the level of service of each through movement on the major roadway shall have a level of service "D" or better at full buildout.

(2) Entrances to PUDs and subdivisions generally shall be separated by a minimum distance of four hundred (400) feet on either side of a public street, in order to ensure safe access and traffic movement into and out of the PUD or subdivision. However, entrances to PUDs and subdivisions may be allowed on opposite sides of a public street if substantially aligned with each other.

(3) Signalized entrances to PUDs and subdivisions shall be separated from signalized intersections (measured between the near edges of the driveway and intersection) based on the following street traffic volumes:

Table 15-2: Signalized Intersections to PUDs

Projected Peak Hour (vph per access lane)	Volume Distance (feet)
Below 450	300
450-550	350
551-650	400
651-750	450
751 and greater	500

(4) The location and design of project access shall make provisions for improved access management and traffic safety. Specifically, the design of PUD and subdivision access points shall:

- (a) Maximize the use of secondary streets for access and circulation
- (b) Align access points with existing intersections and/or curb cuts
- (c) Consolidate existing curb cuts within the PUD property
- (d) Provide for safe access to abutting properties
- (e) Make provisions for safe access, with provisions for appropriate sight distances and accommodations for high-accident locations
- (f) Provide deceleration, acceleration and/or turn stacking lanes as appropriate to meet the standards in (1) above.
- (g) Provide adequate curb radii to accommodate the anticipated speeds and types of vehicles.

G. Emergency Access. Paved access for emergency vehicles shall be provided to within one hundred (100) feet of the principal entry for multi-family dwellings, and commercial, industrial, and institutional establishments. All streets and highways shall be of sufficient width and suitable grade and shall be so located to facilitate fire protection and coordinated so as to compose a convenient system properly related to the plan.

H. Standards for Internal Circulation and Parking. The design of internal circulation patterns and parking areas shall meet the criteria for site plans in Article 14 of these Regulations. For applications in the City Center FBC District, the design shall meet the standards in Article 8 of these regulations.

I. Street Jogs. Street jogs with center line offsets of less than two hundred (200) feet shall not be allowed, unless specifically approved by the DRB for purposes of traffic calming, upon concurrence of the Fire Chief and City Engineer.

J. Street End Alternatives. Dead end street designs are shown in Figures 15-1E through 15-1H and are recommended only in residential districts. Hammerhead Turnaround designs, as shown in Figures 15-1F through 15-1H are the City's preferred street end configuration. Cul-de-sac designs, as shown in Figure 15-1E, are only allowed in residential districts. The length of a dead-end street shall be subject to the review and approval of the Fire Chief and City Engineer and these Regulations. The number of dwelling units served by any dead end street, or system of streets sharing a common single access to an arterial or collector street, shall not exceed fifty (50) unless additional connections to other streets are approved by the Development Review Board after consultation with the City Engineer and Director of Planning & Zoning.

If it is reasonably foreseeable that the street will be extended beyond the proposed dead end to connect to new development at some point in the future, the applicant shall provide a plat showing the street area to be returned to adjacent property owners when the extension occurs. In addition, any required sidewalk must be configured in such a manner that it can be utilized during the future road extension, as practical.

Figure 15-1E, Typical Cul-de-Sac (1)(2)

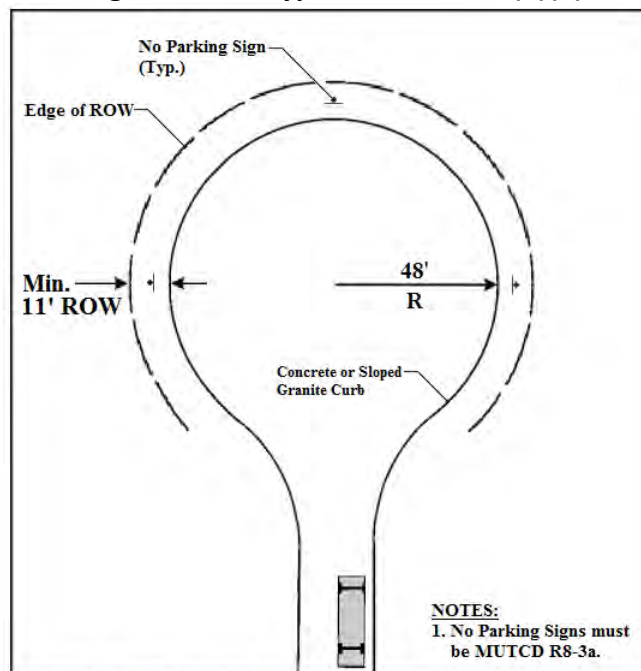


Figure 15-1E. Typical Cul-de-sac Design

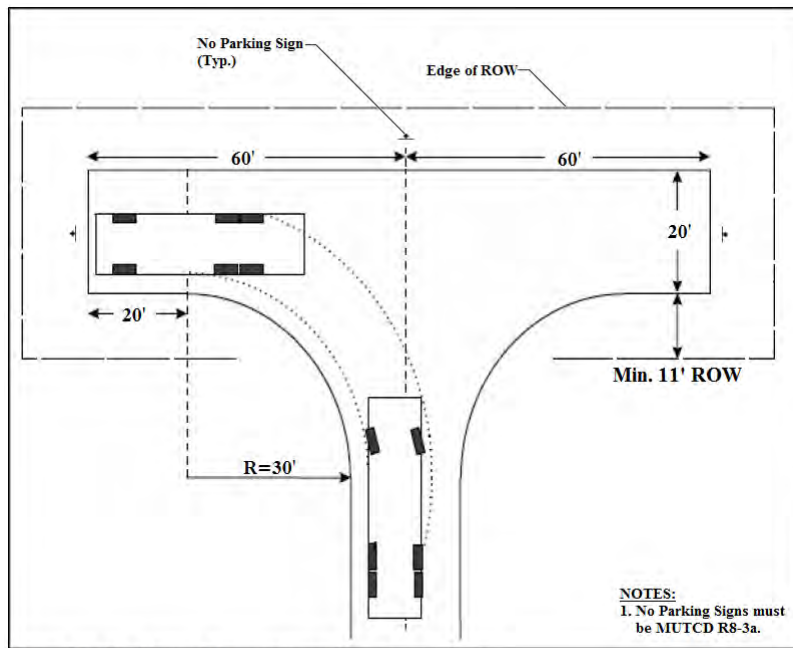


Figure 15-1F. Typical Hammerhead Turnaround Design

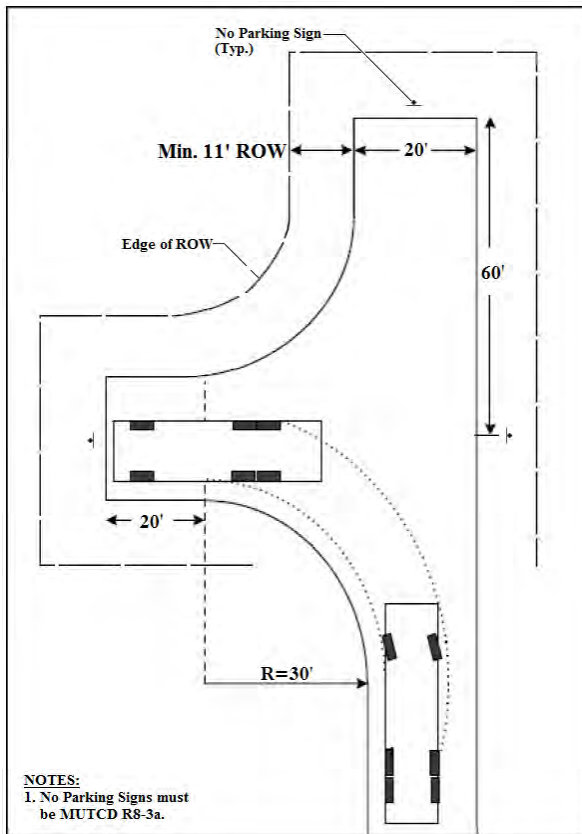


Figure 15-1G.

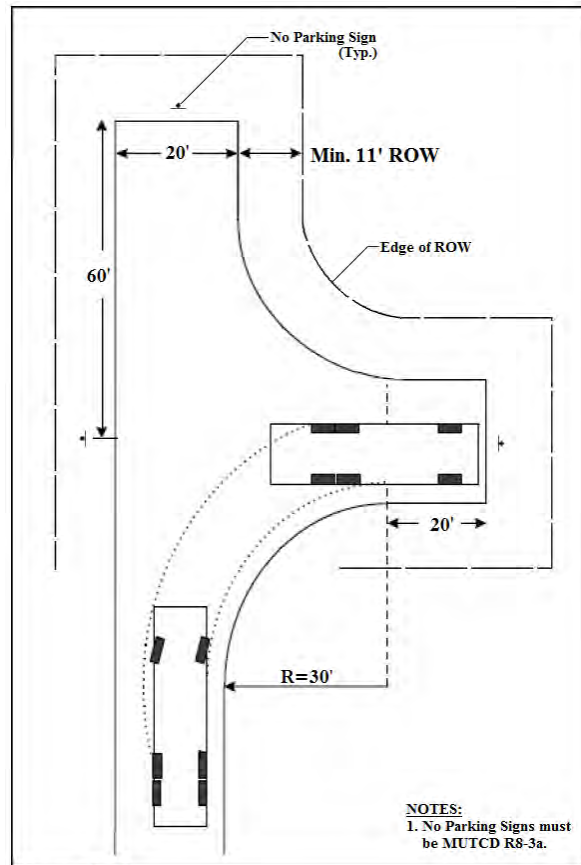


Figure 15-1H.

- (1) Where any standards within this Figure conflict with those within the Transect Zone Street Typologies, the Transect Zone Street Typologies within Article 11 shall apply.
- (2) Grassed and landscaped islands may be used for stormwater treatment and Sections of drop curb surrounding these islands are permitted if their purpose is to allow stormwater runoff from the adjacent parking area to reach stormwater collection and management infrastructure.

K. Street Names. Streets and their names, as approved by the Planning Commission, shall be identified on the proposed plat. Proposed streets that are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing street names within the City of South Burlington irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court, or other similar suffix. All street names shall conform to E-911 Regulations, as amended.

L. Street Signs and Numbering Systems. All street signs and posts shall be provided and installed by the City at the expense of the subdivider. Directional signs at the entrance of cluster developments and at other appropriate locations shall be provided to identify clearly the address and location of all residential units. All signs shall conform to the South Burlington Sign Ordinance, as amended.

M. Sidewalks and Recreation Paths.

(1) Unless otherwise provided in the specific regulations in Article 9 (SEQ) or in the City Center Form Based Codes District, sidewalks and/or recreation paths shall be installed along both sides of arterial streets, along both sides of collector streets in commercial areas, along one side of collector streets in noncommercial areas, and along one side of local streets. The specific location of sidewalks and/or recreation paths shall be determined by the DRB.

(2) Sidewalk and/or path to curb distance shall be at least five (5) feet or as otherwise approved by the City Engineer (see street details in Figure 15-1) or required by the applicable City Center FBC District Transect Zone.

(3) Sidewalks shall be laid out so as to maximize southern exposure.

(4) Sidewalks and/or paths in the Transect Zones shall comply with Article 11, Transect Zone Street Typologies.

(5) Permanent pedestrian easements, twenty (20) feet in width, may be required through blocks six hundred (600) feet or more in length, or as a continuation of cul-de-sacs, or in conjunction with utility easements in order to facilitate pedestrian circulation within the subdivision or PUD or access to adjoining neighborhoods and public property or community focal points such as parks, schools, and other public property, shopping centers, centers of employment, and community recreation facilities, etc. Additional pedestrian easements shall be reserved in conformance with the pedestrian trail and recreation path systems as indicated in the Official Map and Comprehensive Plan.

15.13 Utility Services

A. Utility Easements. Easements of sufficient width shall be provided in locations acceptable to the City Engineer so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

B. Public Water Service.

(1) The existing public utility system shall be extended so as to provide the necessary quantity of water, at acceptable pressure. Construction shall conform to City Water Department requirements as outlined in "Water Department specifications", adopted March 8, 1978 (or as may be amended from time to time). All proposed off-site water line construction plans shall be approved by the Water Department prior to installation.

(2) The subdivider or developer may be required to design and install water mains and appurtenances of larger sizes than the immediate need for his development would require in order to

conform to the City Water Department and/or Champlain Water District master plan for water main sizes.

C. Private/On-Site Water Service. A community system or other means of providing water to the subdivision may be approved by the DRB and shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community water systems shall be designed in such a way that they may eventually be connected to the municipal water supply system. Evidence of the location and availability of potable water in adequate quantities shall be provided. Due consideration in the location of community or individual water systems shall be given with respect to building sites, roadways, septic systems, flood water levels, and other factors affecting the potability of water supplies.

D. Public Wastewater Service

(1) The subdivider or developer shall connect to the public sewer system or provide a community wastewater system approved by the City and the State in any subdivision where off-lot wastewater is proposed. The subdivider or developer is required to provide such pumping and other facilities as may be necessary.

(2) If, due to planning for future subdivision or future users, the subdivider or developer is requested by the Development Review Board to over-design and over-build said utilities or portions thereof so that future users may connect onto the system, the City shall pay the difference between the cost of the improvements necessary for the subdivision and the cost of over-designing and over-building.

(3) Any such Development Review Board request to over-design and over-build said utilities shall be submitted by the Development Review Board to the City Council for approval. If the Council fails to approve the over-design and over-build request within the time set out for preliminary approval, it shall be deemed rejected and the developer or sub-divider shall not be required to so over-design and construct as requested by the Development Review Board.

(4) Applicants shall comply with applicable provisions of the South Burlington Sanitary Sewerage and Stormwater Ordinance with regard to public wastewater capacity, allocation and fees. In the event there is insufficient capacity for new wastewater connections at the time of a PUD or subdivision application, the Planning Commission may approve a Sewer Policy containing administrative guidelines for review of any proposed subdivision that are awaiting certification of sufficient sewer capacity.

E. Utility Lines. New electric, telephone, outdoor lighting and cable TV distribution systems shall be underground. The subdivider or developer shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for underground installation, both for the proposed subdivision, and area adjacent to the subdivision.

F. Stormwater Management. Any new subdivision or PUD shall meet the City's standards pursuant to Article 12 of these regulations.

15.14 Required Public Facilities and Improvements

A. General Standards. All required improvements shall be designed and installed in accordance with the design standards, development requirements, specifications and procedures set forth in these regulations and other applicable City regulations and standards. Typical plans and sections are attached to these regulations. Said installation and design standards apply to both public and privately owned required

improvements. Proposed privately owned streets and other improvements shall be marked as such on the final plat.

B. Reference Monuments. Permanent reference monuments shall be set in concrete for all corners and angle points of the boundaries of the subdivision and as required by the City Engineer for new roads. Lot corner markers shall be set at corners and angle points of all lots, plots, or parcels, and located in the ground to finish grade.

C. Modification of Design or Improvements. If at any time after approval before or during the construction of the required improvements, the subdivider demonstrates that unforeseen conditions make it necessary or preferable to modify the location or design of structures, utility cabinets, curb cuts, roads, parking lots, lighting, or landscaping, such minor alterations may be authorized by the Administrative Officer pursuant to the standards in Section 14.05(I) for as-built plans and field changes, upon the advice of the City Engineer. Such authorization may be provided if the proposed changes are within the spirit and intent of the Development Review Board's approval and that they do not waive or substantially alter the function of any improvements previously required by the Development Review Board. The modification of minor engineering or construction details or improvements may be authorized by the City Engineer without further approval, provided such changes do not alter the approved function, location or design of structures, curb cuts, roads, or parking lots.

D. Inspection of Improvements.

(1) At least seven (7) days prior to commencing construction of any required improvements(s), the subdivider shall advise the City Engineer, in writing, when the construction of required improvements(s) shall begin and thereafter shall conform to any inspection schedule as may be set forth by the City Engineer. Inspections shall be carried out so as to assure satisfactory completion of improvements or stipulations required by the Development Review Board. A written record of inspections shall be maintained.

(2) The City Engineer may, at his discretion, designate a qualified inspector other than himself to perform inspections as needed during the installation of required improvements and attest to the satisfactory completion of such work.

E. Proper Installation of Public Facilities and Improvements

(1) Prior to construction of required public facilities and improvements, the subdivider or developer shall submit contract documents and working drawings, certified by a licensed engineer, for the required improvements to the City Engineer or his designee for approval. The City Engineer or his designee shall give his approval or denial within a period of two weeks. If requested by the subdivider or developer, the City shall make reasonable periodic inspections and, as soon as possible, in writing, notify the subdivider or developer of any deficiencies found.

(2) Within fourteen (14) days of completion of the public facilities and improvements, the subdivider or developer shall submit to the City Engineer as-built construction drawings, certified by a licensed engineer. The City Engineer shall then inspect the required public facilities and improvements within forty-five (45) days after said submission and determine if all the required improvements have been constructed in accordance with the submitted drawings and the final plat approval. He/she shall report findings within thirty (30) days, in writing, to the Administrative Officer with a copy to the subdivider or developer. In the event deficiencies are found and are not remedied by the subdivider or developer, within two (2) weeks of receipt of notice, or within an alternative period of time mutually agreed upon by the Administrative Officer and the subdivider or developer after receipt of notice, the Administrative Officer shall notify the holder of the surety and take all necessary steps to preserve the

City's rights under any performance bond, escrow account, or letter of credit. If all required public facilities and improvements are found to be properly completed, the Administrative Officer shall recommend that the City Treasurer release or close the performance bond, escrow account, or letter of credit in accordance with Section 15.15 of these Regulations.

15.15 Performance Bonds, Escrow Accounts and Letters of Credit.

A. Public Facilities and Improvements.

(1) As used in Sections 15.14, 15.15 and 15.16, public facilities and improvements shall include, without limitation, streets, sidewalks, recreation paths, curbing, water and sewer mains and pipes, stormwater infrastructure, pipes and catch basins, fire hydrants, parks, recreational facilities and other improvements which are public or are intended to become public.

(2) Before issuance of a zoning permit, the applicant, subdivider or developer shall furnish the City with a suitable performance bond, escrow account, or letter of credit in an amount sufficient to cover the full costs of all proposed public facilities and improvements and ancillary site improvements and their maintenance for two years after completion.

(3) **Term.** Such bonds, escrow accounts, or letters of credit shall run until the City Engineer has deemed the work to be complete in accordance with City approvals and regulations and for two years thereafter, but in no case for a longer term than three years. However, with the consent of the applicant, subdivider or developer, the term of that bond, escrow account or letter of credit may be extended for an additional period not to exceed three years. If any public facilities and improvements have not been installed or maintained as provided within the term of the bond, escrow account or letter of credit then the amount secured by the bond, escrow account or letter of credit shall be forfeited to the City.

(4) **Partial release of bond, escrow accounts or letters of credit for public facilities and improvements.** Upon a determination by the City Engineer that a phase of the construction of public facilities and improvements is complete as provided in Article 15.14(E)(2), the Administrative Officer may recommend that the City Treasurer approve a partial release of the amount of the bond, escrow account or letter of credit equivalent to the phase or portion of the completed construction, up to a maximum of 90% of the original amount. Any amounts that the City Treasurer releases shall not exceed the proportion of the total project that has been built, up to a maximum of 90% of the original amount. The remaining 10% of the original amount of the bond, escrow account or letter of credit only shall be released upon the determination of the City Engineer that the public facilities and improvements have been maintained for two years after the City Engineer determined the public facilities and improvements to be complete. Upon a determination by the City Engineer that the public facilities and improvements have been maintained as provided within the term of the bond, escrow account or letter of credit, the Administrative Officer may recommend that the City Treasurer approve the release of the remaining 10% of the original amount.

B. All other bonds, escrow accounts, or letters of credit required by these Regulations, including but not limited to Landscaping and Site Restorations or rehabilitation, Earth Products and required demolition and removal of buildings.

(1) Before issuance of a zoning permit, the applicant, subdivider or developer shall furnish the City with a suitable performance bond, escrow account, or letter of credit in an amount sufficient to

guarantee all landscaping and plantings as required under Article 14, and any site restorations or rehabilitations as required under Article 3 or Article 13, for a period as described in this section.

(2) Term for Bonds, Escrow Accounts, or Letters of Credit for demolition and removal of buildings required by Article 3.09. Bonds, escrow accounts or letters of credit for the demolition and removal of a principal building upon the construction and occupancy of a new principal building, as required by Article 3.09 of these Regulations, shall run for a period of two (2) years. The Administrative Officer may recommend that the City Treasurer approve the release of the bond, escrow account or letter of credit upon a demonstration of compliance with Article 3.09(E)(3). If an applicant, subdivider or developer does not demonstrate compliance with Article 3.09(E)(3) as provided within the term of the bond, escrow account or letter of credit, then the amount secured by the bond, escrow account or letter of credit shall be forfeited to the City.

(3) Term for Other Bonds, Escrow Accounts, or Letters of Credit required by Articles 3, 13 and 14. All other bonds, escrow accounts, or letters of credit shall run for a period of three (3) years. However, with the consent of the applicant, subdivider or developer, the term of that bond, escrow account or letter of credit may be extended for an additional period not to exceed three years. If any required work has not been constructed, installed or maintained as provided within the term of the bond, escrow account or letter of credit then the amount secured by the bond, escrow account or letter of credit shall be forfeited to the City.

C. Amount of Bonds. The amount of such bond, escrow account or letter of credit shall be established by the Development Review Board and shall be equal to: 100% of the estimated project costs for public facilities and improvements, plus a 15% contingency; or 100% of the estimated project costs for all other types of bonds required by these Regulations. The applicant, subdivider or developer shall be responsible for providing accurate cost estimates. Where amounts are not specified by these Regulations, the City Engineer shall review all cost estimates and provide a recommendation to the Board. The Board may invoke technical review to confirm the accuracy of estimates.

D. Form of Bonds, escrow accounts, and letters of credit. The form of any such bond, escrow account, or letter of credit shall be approved by the City Attorney and City Council and shall include procedures for the City to make use of such funds in accordance with 24 VSA § 4464.

E. "As-built" construction drawings and plans shall be submitted in paper and digital form to, and approved by, the City Engineer, prior to the release of any bonds, or portions thereof, for the installation of all required improvements.

15.16 Acceptance of Streets and Required Public Facilities and Improvements

The approval by the Development Review Board of a PUD or subdivision plat or a site plan shall not be deemed to constitute or be evidence of any acceptance by the City of any streets, easements, water and sewer facilities, ~~or~~ open space, or other public facilities and improvements shown on the subdivision plat or site plan. Final acceptance of all proposed streets and required public facilities and improvements shall be in conformance with steps and procedures established by the City Council and/or appropriate City Commissions and/or Boards. Final acceptance shall not take place until after the City Engineer has determined that required public facilities and improvements have been satisfactorily completed and after all bonds, escrow accounts or letters of credit, other than an amount that may be required to cover maintenance and-guarantee work for a two-year period, have been released or closed.

15.17 Certificate of Title

The final plat application for a minor or major subdivision or PUD shall be accompanied by a Certificate of Title showing the ownership of all property and easements to be dedicated or acquired by the City, and said

Certificate of Title shall be approved by the City Attorney. All proposed legal documents purporting to convey property or easements to the City shall also accompany the final plat application for a minor subdivision or major subdivision, and be approved by the City Attorney.

15.18 Criteria for Review of PUDs, Subdivisions, Transect Zone Subdivisions, and Master Plans

A. General Standards. In all zoning districts of the City, the DRB shall make findings of fact on a PUD, subdivision Transect Zone subdivision, and/or Master Plan in keeping with the standards for approval of subdivisions in Article 15 and/or site plans and conditional uses in Article 14 For PUD, subdivision and/or Master Plan applications within the SEQ, IO and R1-Lakeshore districts, the DRB shall also make positive findings with respect to the project's compliance with the specific criteria in this section.

The general standards applicable to all PUDs, subdivisions, Transect Zone subdivisions, and Master Plans are, except as noted below:

- (1) Sufficient water supply and wastewater disposal capacity is available to meet the needs of the project in conformance with applicable State and City requirements, as evidenced by a City water allocation, City wastewater allocation, and/or Vermont Water and Wastewater Permit from the Department of Environmental Conservation.
- (2) Sufficient grading and erosion controls will be utilized during construction and after construction to prevent soil erosion and runoff from creating unhealthy or dangerous conditions on the subject property and adjacent properties. In making this finding, the DRB may rely on evidence that the project will be covered under the General Permit for Construction issued by the Vermont Department of Environmental Conservation.
- (3) The project incorporates access, circulation and traffic management strategies sufficient to prevent unreasonable congestion of adjacent roads. In making this finding the DRB may rely on the findings of a traffic study submitted by the applicant, and the findings of any technical review by City staff or consultants.
- (4) The project's design respects and will provide suitable protection to wetlands, streams, wildlife habitat as identified in the Open Space Strategy, and any unique natural features on the site. In making this finding the DRB shall utilize the provisions of Article 12 of these Regulations related to wetlands and stream buffers, and may seek comment from the Natural Resources Committee with respect to the project's impact on natural resources.
- (5) The project is designed to be visually compatible with the planned development patterns in the area, as specified in the Comprehensive Plan and the purpose of the zoning district(s) in which it is located. For Transect Zone subdivisions, this standard shall apply only to the location of lot lines, streets and street types, and natural resources identified in Article XII of these Regulations.
- (6) Open space areas on the site have been located in such a way as to maximize opportunities for creating contiguous open spaces between adjoining parcels and/or stream buffer areas. For Transect Zone subdivisions, this standard shall apply only to the location of natural resources identified in Article XII of these Regulations and proposed open spaces to be dedicated to the City of South Burlington.
- (7) The layout of a subdivision or PUD has been reviewed by the Fire Chief or his designee to insure that adequate fire protection can be provided, with the standards for approval including, but not be limited to, minimum distance between structures, street width, vehicular access from two directions where possible, looping of water lines, water flow and pressure, and number and location of hydrants. All aspects of fire protection systems shall be designed and installed in accordance with applicable codes in all areas served by municipal water. This standard shall not apply to Transect Zone subdivisions.
- (8) Roads, recreation paths, stormwater facilities, sidewalks, landscaping, utility lines and lighting have been designed in a manner that is compatible with the extension of such services and

infrastructure to adjacent properties. For Transect Zone subdivisions, this standard shall only apply to the location and type of roads, recreation paths, and sidewalks.

(9) Roads, utilities, sidewalks, recreation paths, and lighting are designed in a manner that is consistent with City utility and roadway plans and maintenance standards, absent a specific agreement with the applicant related to maintenance that has been approved by the City Council. For Transect Zone subdivisions, this standard shall only apply to the location and type of roads, recreation paths, and sidewalks.

(10) The project is consistent with the goals and objectives of the Comprehensive Plan for the affected district(s).

(11) The project's design incorporates strategies that minimize site disturbance and integrate structures, landscaping, natural hydrologic functions, and other techniques to generate less runoff from developed land and to infiltrate rainfall into underlying soils and groundwater as close as possible to where it hits the ground. For Transect Zone subdivisions, this standard shall apply only to the location of natural resources identified in Article XII of these Regulations.

B. Industrial-Open Space District. A Master Plan and/or PUD in the Industrial-Open Space District shall comply with the following standards:

(1) Open space and development areas shall be located so as to maximize the aesthetic values of the property in keeping with the Comprehensive Plan goal of preserving and enhancing the open character, natural areas, and scenic views of the Quadrant, while allowing carefully planned development.

(2) Open space and any buffering shall be located in a manner that minimizes impacts on adjacent residential uses, if any.

C. R1-Lakeshore District. A Master Plan shall be required for development of more than ten (10) residential units in a five (5) year period in the R1-Lakeshore District. Development pursuant to a Master Plan shall be subject to the following supplemental standards:

(1) Gross residential density shall be allowed to be increased to seven (7) dwelling units per acre

(2) Dwelling units shall not exceed two and one-half (2 ½) stories in height.

(3) The layout of the PUD conforms to the City's Official Map with respect to the layout of roads and open spaces.

(4) The proposed PUD maximizes the lakeshore recreation and access opportunities and the conservation of historic resources.

(5) The proposed PUD protects the visual integrity of the lakeshore.

15.19 Minor Lot Line Adjustments

A. Any application for a minor lot line adjustment shall be accompanied by a plat prepared by a Vermont licensed land surveyor and indicating all lots that are proposed to be modified as a result of the proposed lot line adjustment. The survey shall be sufficient to clearly indicate the area, metes, bounds, and ties of each of the affected lots. The survey shall include all structures and site improvements and delineate all building/structure setbacks, lot coverage, parking spaces and any other details as may be specified by the Administrative Officer.

B. _____ The Administrative Officer shall approve an application for a minor lot line adjustment, provided that the following criteria are met:

- (1) No new lots are created through the adjustment;
- (2) The sale or exchange of parcels of land is between adjacent property owners;
- (3) The relocation of the lot-line does not result in the creation of a non-conforming lot, structure or use; and,
- (4) The proposed change does not violate any conditions imposed from prior municipal approvals.

C. _____ Where, there is uncertainty as to whether an application comprises a minor lot line adjustment, the Administrative Officer may refer the application to the Development Review Board for review as a subdivision of land.

16 CONSTRUCTION and EROSION CONTROL STANDARDS

16.01 Purpose

16.02 Applicability

16.03 Standards for Erosion Control during Construction

16.04 Excavation and Grading

16.01 Purpose

It is the purpose of this Article to provide standards for proper erosion control and landscaping during and after land development activity in the City in order to prevent the adverse effects of erosion and runoff on the City's residents, surface waters, and air quality.

16.02 Applicability

Nothing in this Article shall be interpreted to supersede applicable permit conditions in an applicable permit issued by a superseding authority, including but not limited to those issued by the Vermont Department of Environmental Conservation or a permit issued by the Vermont Environmental Board pursuant to 24 VSA Chapter 151 (Act 250).

16.03 Standards for Erosion Control during Construction

A. Natural Cover. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, and to limit storm water runoff, and to conserve the natural cover and soil. After application for approval has been submitted to the Development Review Board, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of that particular subdivision or to meet any requirements of these regulations.

B. Erosion and Sediment Control.

- (1) The smallest practical area of land should be exposed at any one time during development. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Areas of disturbance must have temporary or permanent stabilization within 21 days of initial disturbance.
- (2) Land shall not be left exposed between October 15 and April 15.
- (3) Where necessary, temporary vegetation and/or mulching and structural measures shall be required by the Development Review Board to protect areas exposed during the development.
- (4) Sediment basins (debris basins, desalting basins, or silt traps) shall be installed and maintained during development to remove sediment from run off water and from land undergoing development.
- (5) The permanent final vegetation and structures shall be installed as soon as practical in the subdivision. Exposed soil must be seeded and mulched or covered with erosion control matting within 48 hours of final grading.
- (6) Adequate and permanent measures shall be taken at culvert outfalls to minimize or prevent erosion and disruption of drainageway areas.

C. Site Restoration. After completion of construction, suitable grading or seeding shall be done to restore the condition of any disrupted portion of a site.

16.04 Excavation and Grading

A. General. All excavating and filling required for construction of improvements shall be as specified within this Section. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of top soil shall be provided to cover overall finished slopes. This material shall be spread uniformly over all finished slopes. All streets shall be graded from property lines to property line to approved grade and cross section.

B. Fill. No stumps, wood, roots, sod, other fibrous materials or refuse shall be used as fill.

C. Embankments. Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth extending across the entire fill area. They shall be spread by a bulldozer or other acceptable method, and shall be thoroughly compacted. Where embankments are made of rock, the rock shall be so deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.

D. Subgrade. Upon completion of filling and excavating, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with the acceptable material and the process of leveling and rolling continued until no further depression results.

E. Side Slopes. Side slopes in embankments and on roadside drainage ditches shall descend one (1) foot vertically for at least each two (2) feet horizontally (2 on 1). Surplus material resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least (2) feet horizontally (2 on 1). Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally (1 on 6). Where rock cuts have a face higher than ten (10) feet vertically, a three (3) foot berm shall be provided at each ten (10) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the limits of the street right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

17 ADMINISTRATION and ENFORCEMENT

- 17.01 General Provisions
- 17.02 Zoning Permits
- 17.03 Certificates of Occupancy
- 17.04 Expiration of Permits and Approvals
- 17.05 Revocation of Permits and Approvals
- 17.06 Fees, notifications, and digital submissions
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- 17.09 Administrative Officer
- 17.10 Amendments to Regulations and Maps [reserved]
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- 17.13 Appeals

17.01 General Provisions

A. Applicability of Vermont Planning and Development Act.

Administration and enforcement of these regulations, the effect of the adoption of these regulations, the appointment and powers of the Administrative Officer, the appointment and powers of the Development Review Board, the requirement for zoning permits and certificates of occupancy/compliance, penalties and remedies, administration and finance, public notice, appeals and granting of variances and other related provisions of Chapter 117 and Title 24, Vermont Statutes Annotated, known as the Vermont Planning and development Act, shall be applicable to these regulations, as such provisions now provide or may hereafter be amended. [reserved]

17.02 Zoning Permits

A. Zoning Permit Required. No land development may be commenced within the area affected by these regulations without a zoning permit issued by the Administrative Officer. No zoning permit may be issued by the Administrative Officer except in conformance with these regulations and the provisions of the Vermont Planning and Development Act. Any applicant for a zoning permit shall provide the Administrative Officer with any and all information the Administrative Officer deems necessary to ascertain compliance with these zoning regulations. Such permit shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with the Vermont Planning and development Act.

17.03 Certificates of Occupancy

A. Certificate of Occupancy Required. It shall be unlawful to use, occupy or permit the use or occupancy of any land or structure or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy has been issued therefor by the Administrative Officer.

B. Certificate of Occupancy Not Required. Certificates of occupancy shall not be required for single-family or two-family dwellings, except as specifically listed below:

- (1) Certificates of Occupancy are required for single and two family dwellings within the Floodplain Overlay (Zones A, AE, and A1-30) Subdistrict
- (2) Certificates of Occupancy are required for inclusionary single and two-family dwellings within the City Center FBC District

C. Final Inspection and Certificate Issuance. Within thirty (30) days after notification in the form of a complete application made to the Administrative Officer that a building or structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer to have made a final inspection thereof and issue a certificate of occupancy if the project is found to conform with the provisions of this ordinance-

D. Temporary Certificate of Occupancy. Upon written request of the owner or his authorized representative, the Administrative Officer may issue a temporary certificate of occupancy for the purposes described above provided the owner or his authorized representative can demonstrate that any and all City approvals or permits have been obtained and complied with to the fullest extent possible, barring uncontrollable factors such as inclement weather that may have prevented final paving or installation of required landscaping. The temporary certificate of occupancy shall remain in effect for a period not to exceed six (6) months at which time the owner or his representative must obtain a certificate of occupancy as provided in Sections 17.03(A) and (C) above. No more than one (1) temporary certificate of occupancy may be issued per approval.

17.04 Expiration of Permits and Approvals

A. Zoning Permits. A zoning permit shall expire one (1) year from its date of issue unless viewed as a whole, the work, time, and expenditures invested in the project demonstrate a continued good faith intent to presently commence upon the permitted project.

B. Expiration of Approvals. All site plan, conditional use, variances, design review, and miscellaneous application approvals shall expire six (6) months from the date of their approval by the Development Review Board or Administrative Officer, unless:

- (a) A zoning permit is issued for the project;
- (b) The Development Review Board or Administrative Officer has granted a longer period for a multi-phase development or for other projects that may reasonably require a longer period before commencement of the permitted project; or,
- (c) The Development Review Board or Administrative Officer has approved a request for extension of the approval. The Board or Administrative Officer may approve one (1) extension to an applicant of an approval if reapplication takes place before the approval has expired and if the Board determines that conditions are essentially unchanged from the time of the original approval. In granting such an extension, the Board or Administrative Officer may specify a period of time of up to one (1) year for the extension.

C. Subdivision Approvals. [reserved]

17.05 Revocation of Permits and Approvals

[reserved]

17.06 Fees, notifications, and digital submissions

A. Fees and digital submissions. The City Council shall prescribe and may revise by resolution reasonable fees to be charged with respect to the administration of these regulations. Such fees shall incorporate the cost of public warning of applications. All applications subject to site plan review, and all applications before the Development Review Board, shall include a digital copy of all materials submitted.

B. Notifications. Pursuant to 24 VSA 4464(a)(3), the applicant shall be required to bear the cost and responsibility of notification of adjoining landowners. The applicant shall be required to demonstrate proof of delivery in the form of a listing of all recipients and their addresses, supported by a sworn certificate of service.

17.07 Planning Commission

A. Authorization. The Planning Commission is established via the City Charter, 24 V.S.A. App §13-701.

B. Members and Terms of Office. Membership and Terms of Office for the Planning Commission are set forth in the City Charter, 24 V.S.A. App §13-701. All members shall be appointed by the City Council. All members may be compensated and reimbursed by the City of South Burlington for necessary and reasonable expenses. All members of the Planning Commission shall be residents of the City of South Burlington.

D. Powers, Duties, and Procedural Rules. The Planning Commission shall elect its chair, vice-chair and a clerk and shall exercise all powers and duties as provided for in the City Charter, 24 V.S.A. App. § 13-702.

17.08 Development Review Board

A. Authorization. The South Burlington Development Review Board is established by the City Council via resolution in accordance with 24 V.S.A. §4460.

B. Members. Board membership is set forth in 24 V.S.A. §4460 and as adopted by City Council resolution. All members may be compensated and reimbursed by the City of South Burlington for necessary and reasonable expenses.

C. Term of Office. Four Board members shall have terms of four years and three board members shall have terms of three years.

D. Procedural Rules. The Development Review Board shall elect its own officers, adopt rules of procedure, and operate pursuant to 24 V.S.A. §4461.

E. Powers and Duties. In connection with any proceeding:

(1) The officers of the development review board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under appeal.

(2) The board may set such reasonable fees for filing notices of appeal and other acts as it deems proper; the payment of which shall be a condition to the validity of such filing or act under Title 24, Chapter 117.

- (3) The board may examine or cause to be examined any property, maps, books, or records bearing upon the matters concerned in such proceeding,
- (4) The board may require the attendance of any person having knowledge in the premises.
- (5) The board may take testimony and require proof material for its information.
- (6) The board may administer oaths or take acknowledgment in respect of such matters.
- (7) The Development Review Board may require an applicant to pay for reasonable costs of an independent technical review of the application. The Development Review Board may table review of the application pending receipt of an independent technical review.

17.09 Administrative Officer

A. Authorization. The City of South Burlington may appoint an Administrative Officer and Assistant Administrative Officers pursuant to the City Charter.

B. Powers & Duties.

- (1) The Administrative Officer and Assistant Administrative Officers shall have all authorities granted by the City Charter, State Statutes, and these Regulations.
- (2) The Administrative Officer and Assistant Administrative Officers may require an applicant to pay for reasonable costs of an independent technical review of the application.

17.10 Advisory Committees

A. Authorization. South Burlington City Council may appoint one or more advisory committees in accordance with 24 V.S.A. §4433.

B. Membership and terms of office. Advisory committee membership and terms of office are set forth in 24 V.S.A. §4433 and as adopted by City Council resolution.

D. Powers, Duties, and Procedural Rules. Advisory committees shall elect its own officers, adopt rules of procedure, and operate pursuant to 24 V.S.A. §4433, §4461 and §4464(d).

17.11 Amendments to Regulations and Maps

[reserved]

17.12 Violations

[reserved]

17.13 Penalties

[reserved]

17.14 Appeals

An interested party may appeal any decision or act of the Administrative Officer to the Development Review Board within fifteen (15) days of the date of the decision or act in accordance with 24 V.S.A. §4465.

18. AFFORDABLE HOUSING STANDARDS

18.01 Inclusionary Zoning

18.02 Affordable Housing Density Bonus

18.01 Inclusionary Zoning

A. Purpose. Inclusionary zoning to provide affordable and moderate income housing in the City Center Form Based Codes District of the City of South Burlington has been adopted pursuant to 24 VSA § 4414(7) for the following purposes:

- (1) To implement policies that support achievement of housing goals, objectives, and targets included in the South Burlington Comprehensive Plan as most recently amended;
- (2) To affirmatively address the current and anticipated need for affordable housing units among low- and moderate-income South Burlington households that pay more than 30% of their income on housing, as described in state law (24 VSA § 4303(1));
- (3) To mitigate the impacts of market-rate housing development that is unaffordable to low- and moderate-income households on the cost and supply of land and infrastructure available for affordable housing development in the City Center Form Based Codes District;
- (4) To promote the integrated development of mixed-income housing in the City Center Form Based Codes District, including a range of housing options needed to strengthen, diversify, and contribute to the vitality of City Center and the South Burlington community;
- (5) To ensure that affordable housing opportunities are available in the City Center Form Based Codes District, which is or will be accessible to goods and services and served by existing or planned public transit services;
- (6) To ensure that affordable housing units developed under inclusionary zoning remain affordable.
- (7) To provide integrated development incentives that contribute to the economic feasibility of providing affordable housing units, including eliminating maximum residential densities, minimum lot sizes, and minimum parking requirements for residential units within the City Center Form Based Codes District.

B. Applicability

(1) Covered Development. Except as otherwise provided in this bylaw, the provisions of this section shall apply within the City Center Form Based Codes District to any development, including each phase of development, that will result in the creation of twelve (12) or more dwelling units through subdivision, new construction, or the conversion of an existing structure or structures from non-residential to residential use. For purposes of this requirement, two or more developments shall be aggregated and considered as one development subject to this section if:

- (a) The developments are located on abutting properties; and
- (b) The developments are owned or controlled by the same person; and
- (c) Either:

- (i) The developments will undergo subdivision, construction, or conversion of an existing structure or structures from non-residential to residential use within the same five-year period, which period shall be measured from the date a proper and complete application is first submitted, or
 - (ii) A master plan exists, as approved by the City, which includes two or more of the developments.
- (2) Exemptions.** The following developments are exempt from these requirements:
- (a) Projects that are developed by an educational institution for the exclusive residential use and occupancy of its students.
 - (b) Institutional, group homes or group quarters housing, including long-term care facilities.
 - (c) The redevelopment of existing dwelling units in a project that produces no additional units.

C. Inclusionary Units

(1) For covered development, at least five percent (5%) of the total dwelling units offered for rent or sale, including units offered for sale in fee simple, shared, condominium or cooperative ownership, shall be affordable to households having incomes no greater than 80% of the area median income (AMI) adjusted for household size. An additional five percent (5%) of the total dwelling units shall be affordable to households having incomes no greater than 100% of the AMI adjusted for household size. An additional five percent (5%) of the total dwelling units shall be affordable to households having incomes no greater than 120% of the AMI adjusted for household size.

- (a) Where the application of this formula results in a fractional dwelling unit, that fractional dwelling unit shall be rounded to the nearest whole number (fractions that are greater than $n.00$ but less than $n.50$ are rounded down; fractions that are greater than or equal to $n.50$ but less than $n+1.00$ are rounded up).
- (b) When the developer proposes to build at least 12 but fewer than 17 housing units, the requirement will be to include two (2) affordable dwelling units one of which shall be affordable to households whose incomes are no greater than 80% of AMI adjusted for household size and the other shall be affordable to households whose income is no greater than 100% of AMI adjusted for household size.
- (c) When the developer is required to build a number of affordable dwelling units that is not evenly divisible by three, the first “remaining” dwelling unit must be affordable at the 80% AMI level adjusted for household size and, where applicable, the second “remaining” dwelling unit must be affordable at 100% AMI level adjusted for household size.

Example: The developer is required to build 13 affordable dwelling units. Four dwelling units must be affordable at the 80% of AMI adjusted for household size, four dwelling units must be affordable at the 100% of AMI adjusted for household size; four dwelling units must be affordable at the 120% of AMI adjusted for household size; and the “remaining” dwelling unit must be affordable at the 80% AMI adjusted for household size.

(2) Inclusionary units required under this section shall be:

- (a) Constructed on site, unless off-site construction is approved under Subsection (E)(1)(b) (Off-Site Construction) of this Article, and integrated among market rate units in the development.

- (b) Similar in architectural style and outward appearance to market rate units in the proposed development.
- (i) Inclusionary units shall be constructed with the same exterior materials and architectural design details used in market rate construction. Similar exterior amenities and landscaping shall also be provided. However, the exterior dimensions of the inclusionary units may differ from those of the market rate units.
- (ii) Inclusionary units shall be no less energy efficient than market rate units; inclusionary units may differ from market rate units with regard both to interior amenities and to gross floor area. The average (mean) gross floor area of all inclusionary units, however, shall not be less than 70% of the average (mean) gross floor area of market rate units.
- (iv) Inclusionary units developed as part of a single-family housing development may be accommodated in duplexes or multi-family dwellings that resemble market rate single-family dwellings, as allowed within the City Center Form Based Codes District.
- (c) Constructed and made available for occupancy concurrently with market rate units. Buildings containing the last 10% of market rate units shall not receive certificates of occupancy until certificates of occupancy are issued for all buildings containing inclusionary units, including when the inclusionary units are provided off-site as provided for in Subsection (E)(1)(b) (Off-Site Construction) of this Article.

D. Affordability Requirements

- (1) Affordability Determinations.** Inclusionary units required under this section shall be affordable and marketed to income-eligible eligible households as follows:
- (a) Housing costs for inclusionary units shall not exceed 30% of annual household income, adjusted for household size. Housing costs used to calculate the affordability of inclusionary units shall include:
- (i) For rental units – rent (inclusive of any condominium or homeowners’ association fees) and utilities (water, electricity and heating costs).
- (ii) For sale units – mortgage principal and interest, annual property taxes, homeowner’s insurance, and condominium or homeowners’ association fees.
- (b) Income eligibility shall be determined based on income guidelines, as adjusted for household size, published annually by the U.S. Department of Housing and Urban Development (HUD) for the Burlington-South Burlington Metropolitan Statistical Area (MSA), or on program-based income eligibility requirements established by a partnering housing organization. The AMI shall be determined using the most recent income guidelines available at the time a unit is available for occupancy.
- (c) The maximum rent or sale price of an inclusionary unit shall be calculated based on unit size (i.e. number of bedrooms) and the HUD formula of 1.5 persons per bedroom, which are used to establish the “Household Size Equivalent”:

Table 18-1 HUD Formula for Determining Maximum Rents and Purchase Prices	
Unit Size	Household Size Equivalent¹
Efficiency/Studio	1
One-Bedroom Unit	1.5
Two-Bedroom Unit	3
Three-Bedroom Unit	4.5
Four-Bedroom Unit	6

(d) With respect to inclusionary units offered for sale, sale prices shall be calculated based on an available fixed rate, 30-year mortgage, consistent with a blended rate for banks or other lending institutions offering mortgages in South Burlington, or a lower Vermont Housing Finance Agency (VHFA) rate if the developer can guarantee the availability of VHFA mortgages at this rate for all required inclusionary units. The calculated price shall assume a down payment of no more than 5% of the purchase price.

(2) Continued Affordability. An inclusionary unit shall remain affordable in perpetuity commencing from the date of initial occupancy, through a deed restriction, restrictive covenant, or through purchase by or a contractual agreement with a local, state or federal housing authority or nonprofit housing agency, to be reviewed by the City Attorney and approved by the City Manager prior to recording in the City of South Burlington Land Records. Any deed restriction, covenant or other instrument or agreement ensuring the continued affordability of inclusionary units shall include:

(a) **Resale Restrictions.** Provisions to ensure the affordability of units offered for sale shall include a formula for limiting equity appreciation to an amount not to exceed 25% of the increase in the unit's value, as determined by the difference between fair market appraisals of the unit at the time of purchase and the time of resale, with adjustments for improvements made by the seller and the necessary costs of sale, as may be approved by the City Manager;

(b) **Rent Increases.** Provisions to ensure the affordability of rental units shall limit annual rent increases to the percentage increase in the median household income within the Burlington-South Burlington MSA, except to the extent that further increases are made necessary by documented hardship or other unusual conditions, and shall provide that no rent increase may take effect until it has received the written approval of the City Manager;

¹ The maximum allowable rent or sales price is based on the designated AMI level (80%, 100%, or 120%) corresponding to the "Household Size Equivalent" in the table above that matches the number of bedrooms in the housing unit. The result is that the maximum rent or sales price for a particular affordable unit is the same for all eligible households seeking to rent or purchase that affordable housing unit.

For example, the maximum rent or sales price for a one-bedroom unit is determined using the average of the applicable AMI level for one- and two-person households. Note that the applicant household's income is not used to determine the maximum rent or sales price of a particular housing unit.

(c) Sublet Restrictions. Provisions for inclusionary rental units shall prohibit the subletting of units at rental rates that exceed affordability limits established pursuant to this section.

(3) Reporting Requirements. Annually, the owner of a project that includes inclusionary rental units shall prepare and submit a report to the City Manager that lists the gross rents charged for inclusionary units and the household incomes of unit tenants, and certifies that unit affordability has been maintained as required.

E. Developer Options

(1) Options (a) and (b) below are available to developers upon request, as necessary to address documented financial hardships or physical site constraints that limit or preclude the incorporation of inclusionary units within a covered development. Options (c) and (d) are available to the developer at his or her discretion. A payment or contribution in lieu of constructing required inclusionary units shall be prohibited.

(a) Dedication. The South Burlington City Council, in consultation with the entity designated by the City Council (for example, a permanent South Burlington Housing Committee or South Burlington Affordable Housing Board), may accept as an alternative to the development of inclusionary units, a dedication by the developer of equal or greater value that furthers the purposes of this section. An example might be the donation of developable land in the City Center Form Based Codes District that provides accessibility to transit, employment opportunities, and services.

(b) Off-Site Construction. The developer of a covered development may comply with the requirements of this section by constructing, within two years of receiving a permit for the covered development, the required number of inclusionary units on another site within the City Center Form Based Codes District, or contracting with another entity to construct the required number of units in the City Center Form Based Codes District.

(c) A developer who constructs inclusionary units having three bedrooms shall receive credit for three inclusionary units for every two three-bedroom inclusionary units constructed.

(d) A developer who constructs inclusionary units having four bedrooms shall receive credit for four inclusionary units for every two four-bedroom inclusionary units constructed.

F. Administration and Compliance

(1) Application Requirements. In addition to other submission requirements applicable to proposed projects specified within this bylaw, applications under this section shall include the following information:

(a) A site or subdivision plan that identifies the number, locations, types, and sizes of inclusionary units in relation to market rate units;

(b) Documentation supporting the allocation of inclusionary and market rate units, including inclusionary unit set aside calculations;

(c) A description of each unit's type, floor area, number of bedrooms, estimated housing costs, and other data necessary to determine unit affordability;

(d) A list of proposed options, if any, to be incorporated in the plan, as provided for under Subsection (E) (Developer Options) of this Article;

(e) Documentation regarding household income eligibility;

- (f) Information regarding the long-term management of inclusionary units, including the responsible party or parties, as required to ensure continued affordability;
- (g) Draft legal documents required under this section to ensure continued affordability;
- (h) Construction timeline for both inclusionary and market rate units; and
- (i) Other information as requested by the Administrative Officer to determine project compliance with inclusionary zoning requirements.

(2) Compliance Officer. The Administrative Officer (AO) is responsible for certifying, in writing, whether a development application is in compliance with the inclusionary zoning requirements specified in Subsection (F)(1) (Application Requirements) of this Article. In cases in which the AO determines the application is not in compliance, he or she shall specify the areas of non-compliance.

(3) Program Evaluation. In order to monitor and track the success of inclusionary zoning in meeting the purposes of this section and the City's affordable housing goals and targets, the City Manager shall:

- (a) Collect and maintain income eligibility guidelines, mortgage interest rate information, and other information necessary to meet the requirements of this section;
- (b) Monitor and maintain records regarding the status of inclusionary units developed under this Section 18.01; and
- (c) Prepare an annual written report for distribution to the South Burlington City Council and Planning Commission and posting on the City's website, to be considered in a public meeting, that summarizes the status of covered projects and inclusionary units approved to date, and sets forth program findings, conclusions, and recommendations for any changes that will increase the effectiveness of inclusionary zoning.

18.02 Affordable Housing Density Bonus

A. Purpose. One of the adopted Comprehensive Plan goals is the availability of quality housing and quality affordable housing to attract and retain a qualified work force. The following provisions are established to enable the City of South Burlington to ensure a supply of standard housing available at below-market rate purchase prices or rents. In this way, a choice of housing opportunities for a variety of income groups within the City can be created in accordance with the Comprehensive Plan and these Regulations.

B. Applicability. This section shall apply in any Zoning District in which residential development is permitted, with the exception of the City Center Form Based Codes District.

C. Density Increase. On a case by case basis and as part of the Planned Unit Development application, the Development Review Board may grant an increase in residential density over the base zoning density, in order to create below market rate housing. The density increases shall be approved on the following criteria and standards:

- (1) **Affordable Housing Development.** The Development Review Board may grant a density increase of no more than fifty percent (50%) in the total number of allowed dwelling units for an Affordable Housing Development. The total of below market rate units shall be at least half of the total proposed dwelling units. Where the total proposed dwelling units is an uneven number, the total of below market rate units shall be calculated as at least the total proposed dwelling units, less one (1), divided by two.

Such application shall be subject to Article 14, Site Plan and Conditional Use Review, and Article 15, Subdivision and Planned Unit Development Review.

(2) **Mixed Rate Housing Development.** The Development Review Board may grant a density increase of no more than twenty-five percent (25%) in the total number of allowed dwelling units for a Mixed Rate Housing Development. For each additional market-rate dwelling unit produced as a result of the density increase, one (1) comparable below market rate unit must be provided. Such application shall be subject to Article 14, Site Plan and Conditional Use Review, and Article 15, Subdivision and Planned Unit Development Review.

Table 13-9 Example of Affordable Housing Bonus Calculation

Affordable Project: 50% of Total Units Affordable		Mixed-Rate Project: 25% of <i>Bonus</i> Units Affordable
Acres	8.35	8.35
Base Density	12	12
Base Units	100.2*	100.2*
Bonus Units	50	25
Total Units	150	125
Net Density	17.98	14.99
Affordable Units	74	13
Market Rate Units	74	112

**Partial units always round DOWN to the lower whole number of units*

D. Criteria for Awarding Density Increase. In addition to the standards found in Article 14, Site Plan and Conditional Use Review, , and Article 15, Subdivision and Planned Unit Development Review, the following standards shall guide the Development Review Board:

- (1) The density upon which a bonus may be based shall be the total acreage of the property in question multiplied by the maximum residential density per acre for the applicable zoning district or districts.
- (2) Within the Residential 1 and Residential 2 zoning districts, the provisions of this Section 13.14 shall apply only to properties of five (5) acres or more, and the maximum allowable residential density with or without such a density increase shall be four (4) dwelling units per acre.
- (3) **Development Standards.**
 - (a) **Distribution.** The affordable housing units shall be physically integrated into the design of the development in a manner satisfactory to the Development Review Board and shall be distributed among the housing types in the proposed housing development in the same proportion as all other units in the development, unless a different proportion is approved by the Development Review Board as being better related to the housing needs, current or projected, of the City of South Burlington.
 - (b) **Minimum Floor Area.** Minimum gross floor area per affordable dwelling unit shall not be less than comparable market-rate units in the housing development.
 - (c) **Plan for Continued Affordability.** The standards for Section 18.01(D)(2) shall apply.

(4) Administration. The City of South Burlington Housing Authority, if any, or a bona fide qualified non-profit organization shall be responsible for the on-going administration of the affordable housing units as well as for the promulgation of such rules and regulations as may be necessary to implement this program. The Housing Authority or non-profit organization will determine and implement eligibility priorities, continuing eligibility standards and enforcement, and rental and sales procedures.

E. Housing Types. The dwelling units may at the discretion of the Development Review Board be of varied types including one-family, two-family, or multi-family construction, and studio, one-bedroom, two-bedroom, three-bedroom and four-bedroom apartment construction.

A PERFORMANCE STANDARDS

A.1 Fire and Explosion Hazards

- (a) All activities involving storage of flammable and explosive materials shall be provided with adequate safety and fire-fighting devices in accordance with all applicable state and local laws and regulations.
- (b) Burning of waste materials in open fires is prohibited.

A.2 Vibration

- (a) No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instrument at or beyond the lot lines, nor shall any vibration produced exceed 0.002g peak at up to 60 cps frequency, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.
- (b) Vibrations occurring at higher than 50 cps frequency or random vibrations shall not induce accelerations exceeding .001g. Single impulse random vibrations occurring at an average interval greater than 5 minutes shall not induce accelerations exceeding .01g.

A.3 Noise

- (a) The following acts are declared to be loud, disturbing and unnecessary noises and shall be deemed detrimental to the health and safety of the residents of the City of South Burlington:

(i) Defect in vehicle or operation of vehicle. The operation of any automobile or motorcycle in such a manner as to create squealing, or squealing of tires, or loud and unnecessary grating, grinding, exploding-type, rattling, or other noises.

(ii) Loud speakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public.

(iii) Horns, signaling devices, etc. The sounding of any horn or signal on any automobile, motorcycle or other vehicle except as a danger warning; the creation, by means of any other signaling device, of any unreasonable loud or harsh sound; and the sounding of any such device for unnecessary and/or unreasonable periods of time.

(iv) Radios, phonographs, etc. The using, operating or permitting to be played, used or operated of any radio or television receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing of sounds in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such a machine or device is operated and who are voluntary listeners thereto.

(v) Exhaust. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(vi) Noise in general. Any noise which is deemed objectionable because of volume, frequency or beat and is not muffled or otherwise controlled.

(b) Specific Standards

(i) The creation of, permitting or operation of any of the above sets, instruments, devices or vehicles causing said noise in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle from which noise emanates shall be prima facie evidence of a nuisance and a violation of these Regulations.

(ii) It shall be a violation of these Regulations for any property owner to create or allow the creation of noise in excess of the following stated limits in the City during the hours of 12:00 AM and 8:00 AM:

- a. 45 dBA based on a one-hour average measured at any point where the property on which the noise emanates adjoins any property used for residential purposes.
- b. 60 dBA based on a one-hour average measured at any point where the property on which the noise emanates adjoins any property used for commercial purposes.

(iii) For purposes of this Appendix, the following terms shall be defined as stated below:

- a. Decibel – a unit measure of sound level.
- b. Sound level – in decibels measured by a sound meter, by using the “A” frequency weighing, expressed in dBA.
- c. Average sound level – a sound level during a given period of time (e.g. one hour) found by the general rule of combination of sound levels. Also called “equivalent sound level.”

(c) Exemption

(i) Speakers, sound trucks, amplifiers, etc. used for commercial purposes as advertising for which a proper permit has been issued are specifically exempt from the provisions of these Regulations.

(ii) Emergency vehicles operated by fire, rescue and police agencies are specifically exempt from the provisions of these Regulations.

(iii) Temporary actions benefiting the public, including but not limited to roadway construction, sewer and water line construction, and special public events, are specifically exempt from the provisions of these Regulations upon approval of such an exemption by the City Manager.

(d) Sound Measurement Standards. Sound shall be measured in accordance with the standards specified by the American National Standards Institute.

A.4 Air Pollution

(a) Visible emissions. There shall not be discharged into the atmosphere from any source at any time any air pollutant in excess of specified darkness standards (No. 1 on the Ringlemann Chart, except

under specified conditions contained within air pollution standards). This shall include emissions of air pollutants of such capacity as to obscure an observer's view to a degree equal to or greater than the above visible emission standard. Visible emission of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

(b) Pollutants. All discharge or emission of potentially dangerous or offensive elements into the air shall be subject to the requirements of all applicable local, state, and federal regulations.

A.5 Odors

(a) No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detected or as to interfere unreasonably with the comfort of the public.

(b) Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

(c) Table III, Odor Thresholds in Chapter 5 of the Air Pollution Abatement Manual, copyright 1951 by the Manufacturing Chemists' Association, Inc. or its equivalent shall serve as a guide to determining such quantities of offensive odors.

A.6 Electromagnetic Radiation

(a) It shall be unlawful to operate, or cause to be operated, a planned or intentional source of electromagnetic radiation except in compliance with the applicable regulations of the Federal Communications Commission or the Inter-department Radio Advisory Committee regarding such sources of electromagnetic radiation. Said operation shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines.

(b) The determination of "abnormal degradation in performance" and "of quality and property design" shall be made in accordance with good engineering practices as defined in the most current principles and standards of the Institute of Electrical and Electronic Engineers.

A.7 Radioactive Radiation

(a) No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line.

(b) The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive materials shall be in conformance with all applicable state and federal regulations.

A.8 Heat

(a) For the purposes of these Regulations, heat is defined as thermal energy of a radioactive, conductive, or convective nature.

(b) Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property, whether such change be in the air or the ground, in a natural stream or lake, or in any structure on such adjacent property.

A.9 Direct Glare

(a) Direct glare is defined for the purposes of these Regulations as illumination within property lines caused by direct or spectrally reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining.

(b) No such direct glare shall be permitted, except that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the angle of maximum candlepower shall be sixty degrees (60°) drawn perpendicular to the ground. Such luminaries shall be placed not more than thirty feet (30') above ground level and the maximum illumination at ground level shall not be in excess of an average of three (3) foot candles.

A.10 Indirect Glare

(a) Indirect glare is defined for the purposes of these Regulations as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure.

(b) Indirect glare produced by illumination at ground level shall not exceed 0.3 foot candles maximum, and 0.1 foot candles average.

(c) Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

A.11 Liquid and Solid Wastes

No discharge or emission of any potentially dangerous or offensive elements shall be permitted at any point into any sewage disposal system, water supply system, watercourse, or lake, or into the ground or air, except in accord with all applicable local, state and federal regulations.

A.12 Other Requirements

Where the requirements of these performance standards may be replaced by newer standards or may conflict with other local, state or federal statutes or regulations, the stricter standards shall apply.

B TRAFFIC GENERATION DATA and CALCULATION PROCEDURES

B.1 Calculating the Maximum Allowable Traffic Generation (Traffic Budget)

The maximum allowable traffic generation is a function of the specific Traffic Overlay District zone that the parcel is located in, a function of the type of connection (if the parcel is located in Zone 2), and a function of the size of the parcel. If, for instance, a parcel is located in Zone 2 along a high-volume roadway section, and it is proposed to be connected via a private driveway (case 2A), and the parcel has a total area of 60,000 square feet, the maximum allowable traffic generation is $60,000/40,000 \times 20$ equals 30 vehicle trips. If that same parcel would be connected to the high-volume roadway via a public road with a signalized intersection or a roundabout (case 2C) the maximum allowable traffic generation would be $60,000/40,000 \times 30$ equals 45 vehicle trips. The maximum allowable traffic generation refers to the number of vehicle trips generated during the afternoon (P.M.) peak hour of the adjacent street traffic, the highest continuous hour between 4 pm and 6 pm. The actual traffic generation of the proposed use as calculated per sections B2 and B3 below must not exceed the maximum allowable traffic generation – the traffic budget.

B.2 Calculating the Traffic Generation of the Proposed Use

To calculate the traffic generation of the proposed use the applicant must use the latest version of the ITE TRIP GENERATION manual (the 7th Edition of 2003 and subsequent editions). The ITE rates must be used whenever possible. The following are specific guidelines that need to be followed:

Choice of Independent Variable: The independent variable is the characteristic of the proposed project that is used to estimate the project's traffic generation. For many uses the ITE manual gives a choice of independent variables that can be used. For instance, for office buildings one can use the gross building floor area or the number of employees as an independent variable. For the purposes of these land development regulations it is recommended that a primary measurement be used as the independent variable, not a derived measurement. For instance, for office buildings the floor area is a primary measurement, whereas the number of employees is generally an estimate based on the floor area. The independent variable should be easily verifiable and should be related to the land use type, not to the characteristics of the tenant/operator. The independent variable that relates to the size of the use and that is the best trip generation predictor for the PM Peak Hour of the Adjacent Street Traffic, One Hour between 4 PM and 6 PM, has to be used. See the ITE Trip Generation Handbook, an ITE Recommended Practice, March 2001, for more explanations and guidance.

Use of Regression Equations or Average Rates: The ITE TRIP GENERATION manual gives weighted average trip generation rates for each use compiled in the manual. The use of average rates implies a linear relationship between the size of the use and traffic generation, i.e. traffic generation changes in direct proportion to its size. For some uses ITE also provides a regression equation that represents a non-linear curve that best fits the data. The use of the regression equation takes into consideration the fact that traffic generation is not always in direct proportion to the size of the use. The use of the regression equation is recommended when: a) a regression equation is provided, b) the independent variable is within the range of data given by ITE, and c) either, the data plot has at least 20 points (studies), or the coefficient of determination (R^2) is greater or equal to 0.75, and the standard deviation

is greater than 110% of the weighted average rate. The use of weighted average rates is recommended when: a) there are at least 4 data points (studies), b) the independent variable is within the range of data given by ITE, c) the standard deviation is less or equal to 110% of the weighted average rate, and d) $R^2 < 0.75$ or no equation is provided. If ITE provides fewer than 4 data points the Development Review Board may require additional local traffic generation studies.

Convenience Markets and Gasoline Providers: The ITE TRIP GENERATION manual has trip generation rates for several related uses: Land Use # 944 Gasoline/Service Stations; Land Use #945 Gasoline/Service Station with Convenience Market; Land Use #946 Gasoline/Service Station with Convenience Market and Car Wash; Land Use # 853 Convenience Market with Gasoline Pumps; and Land Uses # 851 and 852 for Convenience Markets. The difference between use 945 and use 853 is the primary purpose of the use. The primary business of Gasoline/Service Stations with Convenience Markets is the fueling of motor vehicles, although they may also have facilities for servicing and repairing motor vehicles. Generally these uses are operated by gasoline companies. For Convenience Markets with Gasoline Pumps the primary business is the selling of convenience items. Generally they are operated by companies other than gasoline companies. For Convenience Markets with Gasoline Pumps (Use # 853) ITE gives PM peak hour generation rates for two independent variables: Vehicle Fueling Positions and 1000 SF Gross Floor Area. Only average rates are given for these two variables. The Gross Floor Area has a slightly lower standard deviation (58% of the average as compared to 65% for the Vehicle Fueling Positions), and is therefore the recommended variable for this use. This is also logical because the sale of convenience items is the primary business of this use. For Gasoline/Service Stations with Convenience Markets the opposite is true: the Vehicle Fueling Positions is the recommended variable. In some cases the Development Review Board may require the use of more than one independent variable. In such cases the applicant shall use the worst-case calculation.

When Local Traffic Generation Studies are Required: The use of ITE Trip Generation rates as the baseline for these regulations is mandatory because it is considered to be an appropriate measurement of the traffic impacts of a particular use category. There are, however, situations when other traffic generation sources may be required. Other sources may include professionally conducted traffic generation studies not included in the ITE TRIP GENERATION manual or local trip generation studies conducted for the particular use. Local trip generation studies are required when: a) the particular land use is not covered by ITE; b) there are fewer than 4 data points (studies) in the ITE TRIP GENERATION manual; or c) the size of the use falls outside the range of the TRIP GENERATION data points. Four data points are suggested as a minimum for the purposes of this zoning code. If ITE provides only two data points, the Development Review Board may require traffic generation studies at two additional sites.

Daily Traffic Variation: Typically traffic generation rates are for an average weekday, and are collected on a Tuesday through Thursday. If a use has a regular peak on Fridays (such as shopping centers) the Friday rate needs to be taken into consideration. The procedures given in the ITE manual and handbook should be followed.

Traffic Generation of Multiple Uses on One Site:

Whenever more than one use or more than one commercial establishment is proposed on one site, there is the potential for some vehicle trips to remain internal within the site. The total net traffic generation for that site may therefore be less than the sum of the traffic generation volumes for each

use or establishment. This is sometimes referred to as the shopping center effect: as shopping centers increase in size the traffic generation rate per 1000 square feet of floor area decreases. To take this effect into consideration it is recommended that the percentage of internal trips be estimated for each trip interchange between the different uses. Exhibit B1 shows a calculation example for a site with townhouses, with a health club and with an office building.

The percentage of internal trips varies according to the market of that particular use. Some uses are more oriented to local customers or users and may have a higher percentage of internal trips, whereas other uses may draw from a larger distance and would therefore have a lower percentage of internal trips. For example a health club tends to draw its customers from a smaller area than the employees in an office building. Therefore the percentage of internal trips would be higher for the home-to-health club trips, than for the home-to-office trips. Exhibit B1 shows the percentages of internal trips to range from 5% to 15% for the individual interchanges. This is a reasonable range for most situations, although there may be cases with higher percentages. The Trip Generation Handbook, An ITE Recommended Practice, March 2001 may be consulted for further guidance.

The percentage of internal trips is applied to the lowest number of each trip interchange. For instance, for the interchange of trips from the town houses to the health club (in Exhibit B1) 54 trips exit from the town houses and 66 trips enter the health club. The 15% is applied to the lowest of the two numbers, 54 in this case. The resulting trip ends (8.1 in this case) are deducted from both inbound and outbound trips. The example in Exhibit B1 shows that the total gross traffic generation before credit for internal trips was 396 (164 plus 232) for the P.M. peak hour. This gross generation was then reduced by 58 vehicle trips (29 plus 29) to account for internal traffic, to yield a net generation of 338 trips (135 plus 203). This represents an overall reduction for internal trips of 14.65%.

As the number of uses or establishments increases the overall percentage of internal trips will increase.

B. 3 Estimating the Effects of Various Mitigation Strategies

The Development Review Board may grant traffic generation credits for a particular application if the applicant commits to or implements measures or changes to the site that reduce the traffic impacts. These credits will either decrease the site's estimated traffic generation or they will increase the traffic budget allowed for the site. Reduction in the Number of Driveways/Access Points: For each existing driveway that will be eliminated the Development Review Board may grant the applicant a traffic budget credit of 20 vehicle trips for that site. If the particular driveway to be eliminated carries more than 40 vehicles during the P.M. peak hour at the time of the application, the allowable increase in traffic budget would be half the number of trips on that driveway. If for instance the specific driveway carries today 70 vehicles in the P.M. peak hour, the allowable increase in traffic budget would be 35 vehicle trips. However, the applicant needs to verify that the remaining driveways will be able to handle the projected traffic with reasonable delays and queues.

Connection to Adjacent Parcel: Connecting one parcel to an adjacent parcel is similar to the beneficial effects gained from multiple uses on one site: A certain proportion of trips will remain internal to the two parcels instead of being external trips over the City's street network. The same calculation methodology is recommended as for the estimation of internal traffic for a site with multiple uses. However, the calculation must distinguish between the internal trips on the one parcel that is subject to the application and the trips between the two parcels. The applicant gets full credit for the internal trips

on the subject parcel, but only credit for half the trips being made between the two parcels. In the case of multiple uses on one parcel all trip ends of the internal traffic are on the same parcel, whereas for trips between two parcels half of the trip ends are on one parcel and the other half is on the other parcel.

Exhibit B2 shows an example where Parcel A, the subject of the application, has a mix of a health club and an office, and is proposed to be connected to Parcel B which has 150 town houses. First Parcel A gets the credit for the trips being made between the office and the health club – a total credit of 18 trips in this case. Then Parcel A gets credit for half the trips being made between Parcel A and B – 19 trips in this case. The total gross traffic generation of 271 vehicle trips (93 plus 178) has thus been reduced by 18 for internal trips within parcel A plus 19 trips for the interconnection to Parcel B, a total reduction of 13.7%. The minimum traffic credit for a connection to an adjacent parcel shall be 15 vehicle trips. The connection must also include a pedestrian path between the buildings on both parcels. The pedestrian path can be a separate path or a striped walkway along the traffic lanes. These connections must be practicable all year long and cannot become storage areas for snow. If the connection consists of a pedestrian path only, the Traffic Budget credit shall be 10 vehicle trips. For the above connections a reciprocal easement agreement shall be established between the two property owners. The Traffic Budget credit that may be granted under this provision is independent of whether the adjacent parcel is in a Traffic Overlay District zone.

If a connection consists of emergency access only, NO credits shall be allowed.

Connection to Other Roadway: Connecting to another road or to a roadway section that is not in a Traffic Overlay District zone will in effect reduce the amount of traffic generated in the Traffic Overlay District. The applicant is allowed to reduce the traffic generation for the purposes of this regulation by the amount of traffic that would reasonably use the connection. The percentage of the traffic projected to use the connection must be supported by a traffic distribution analysis. The connection under consideration must be practicable all year long and must satisfy standard design requirements for a local driveway connection (minimum 11' lanes, reasonable grades, etc) and must be approved by the City's Director of Public Works. The connection may be secured through an official easement or a right-of-way acquisition.

Raised Medians/Right Turns In and Right Turns Out: Left turns in or out of a site are more detrimental in terms of traffic safety and traffic flow than right turns. If an applicant eliminates left turns in and out of a site through the construction of a new raised median, the Development Review Board may grant a credit for the reduction or elimination of the left turns. This credit may be granted as an increase to the Traffic Budget and may be as high as 50 % of the amount of left-turn movements eliminated by the new median during the P.M. peak hour. Uses with access to an arterial with an existing raised median preventing left turns in and out shall be granted an automatic credit of 50%, per Section 10.02(G), and shall not be eligible for an additional credit for a raised median. The applicant needs to submit a traffic study determining the amount of left-turn movements without the raised median and the traffic pattern with the raised median. The distribution of traffic must be justified through a market analysis or a count of similar driveways nearby. The impacts of the left-turn elimination on adjacent intersections need to be analyzed. The new raised median also needs to be approved by the City's Director of Public Works.

Exhibit B1

Calculation Example of Mixed-Use Traffic Generation

	ITE Category	ITE	Size 1000 Sq. Ft. or Dwelling Unit	ITE Rate		Equation or Average Rate	PM Peak Hour Trips	
				In	Out		In	Out
Residential								
	Low-Rise	231	150	0.47	0.36	Rate	71	54
Residential Total							71	54
Non-Residential								
	Health Club	493	25.0	2.62	1.68	Rate	66	42
	General Office	710	75.0	0.37	1.81	Equation	28	136
Non-Residential Total							93	178
Subtotal							164	232
Minus Internal Trips						Internal %		
	Residential to Health Club					15%	8.1	8.1
	Residential to Office					5%	1.4	1.4
	Office to Health Club					10%	6.6	6.6
	Office to Residential					5%	3.5	3.5
	Health Club to Residential					15%	6.3	6.3
	Health Club to Office					10%	2.8	2.8
Internal Trips							29	29
Net Subtotal							135	203

Note: The percentage of internal trips is applied to the lowest number of each trip interchange. For instance, for the interchange of trips from residential to healthclub 54 trips exit from the residential uses and 66 trips enter the healthclub use. The 15% is applied to the lowest of the two numbers, 54 in this case. The resulting trip ends are deducted from both inbound and outbound trips. The percentage of internal trips varies according to the types of uses, and ranges in most cases between 5 and 15%.

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Exhibit B2

Calculating the Benefits of Connecting to an Adjacent Parcel

	ITE Category	Size 1000 Sq. Ft. or Dwelling Unit	ITE Rate PM Peak Hour		Equation or Average Rate	PM Peak Hour Trips		
			In	Out		In	Out	
Parcel A Subject to								
	Health Club	493	25.0	2.62	1.68	Rate	66	42
	General Office	710	75.0	0.37	1.81	Equation	28	136
Parcel A Gross Subtotal:							93	178
Minus Trips Internal to Parcel A						Internal %		
	Office to Health Club					10%	6.6	6.6
	Health Club to Office					10%	2.8	2.8
	Parcel A Internal Trips						9	9
Parcel A Net Subtotal							84	168
Parcel B								
	Low-Rise Condo/Townhouse	231	150	0.47	0.36	Rate	71	54
Parcel B Subtotal							71	54
Minus Trips between Parcel A and Parcel B						% Between two Parcels		
	Residential to Health Club					15%	8.1	8.1
	Residential to Office					5%	1.4	1.4
	Office to Residential					5%	3.5	3.5
	Health Club to Residential					15%	6.3	6.3
Total Trips between Parcel A and Parcel B							19	19

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C USES and DIMENSIONAL STANDARDS

The tables on the following pages describe the allowable uses in each zoning district in the City, and the specific dimensional standards applicable to each. The tables are C-1, Table of Uses and C-2, Table of Dimensional Standards.

TABLE C-2 DIMENSIONAL STANDARDS APPLICABLE IN ALL DISTRICTS

Use	Specific Dimensional Standard
Accessory residential units	Standards for the principal dwelling unit
Additional dwellings for farm employees	Standards for single family dwelling in same zoning district
Bed and breakfast	Standards for single family dwelling in same zoning district. Minimum lot size 1 acre, except SEQ-VC zoning district where there is no minimum lot size.
Non-Residential Child Care Facility	Minimum lot size 12,000 SF or minimum for two-family dwelling in same zoning district, whichever is greater.
	Other dimensional standards for two-family dwelling in same zoning district apply.
Horticulture and forestry with on-premise retail sales	Minimum lot size three (3) acres. Retail uses must be set back a minimum of twenty (20) feet from all property lines.
Horticulture and forestry without on-premise retail sales	No minimum standards
Keeping of livestock	Minimum lot size ten (10) acres
Single family dwelling related to agriculture	Standards for single family dwelling in the same zoning district.

TABLE C-2 DIMENSIONAL STANDARDS APPLICABLE IN ALL DISTRICTS

District	Land Use	Minimum lot size (max. residential density in dwelling units per acre)	Maximum site coverage:		Standard setbacks (feet):			Maximum Building Height						
			Buildings only	Buildings, parking and all other impervious surfaces	Front(s)	Side yard(s)	Rear	Accessory	Principal (flat)	Principal (pitched)	Stories Facing Street	Stories Below Roofline	Roofline Stories [see section 3.07(B)]	Total Stories
IA-N	ALL	10 acres	20%	40%	75	50	50	15	35	40				
IA-S	ALL	10 acres	10%	20%	75	50	50	15	35	40				
PR	ALL	none	15%	25%	40	15	30	15	35	40				
MU	ALL	none	30%	70%	40	15	30	15	35	40				
SEQ-NRP, NRT, NRN* and NR	Single-family	12,000 SF (1.2)	15%**	30%	20	10	30	15	25	28	2	3	1	4
	Two-family	24,000 SF (1.2)	15%	30%	20	10	30	15	25	28	2	3	1	4
	All other uses	40,000 SF (1.2)	15%	30%	20	20	30	15	25	28	2	3	1	4
SEQ-VC	Single-family	12,000 SF (1.2)	15%**	30%	20	10	30	15	25	28	2	3	1	4
	Two-family	24,000 SF (1.2)	15%	30%	20	10	30	15	25	28	2	3	1	4
	All other uses	40,000 SF (1.2)	15%	30%	20	20	30	15	35	40	3	3	1	4
SEQ-VR	Single-family	12,000 SF (1.2)	15%**	30%	20	10	30	15	25	28	2	3	1	4
	Two-family	24,000 SF (1.2)	15%	30%	20	10	30	15	25	28	2	3	1	4
	All other uses	40,000 SF (1.2)	15%	30%	20	20	30	15	30	35	3	3	1	4
QCP	Single-family	7,500 SF (4)	20%	40%	10	5	10	15	25	25	2	3	1	4
	Two-family	12,000 SF (4)	20%	40%	10	5	10	15	25	25	2	3	1	4
	Multi-family	6,000 SF/unit (4)	20%	40%	10	5	10	15	25	25	2	3	1	4
	Non-residential uses	12,000 SF	20%	40%	10	10	10	15	25	25	2	3	1	4
LN	Single-family	12,000 SF (4)	20%	40%	20	10	30	15	25	25	2	3	1	4
	Two-family	12,000 SF/unit (4)	20%	40%	20	10	30	15	25	25	2	3	1	4
R1-Lakeview	All	14,000 SF (3)	20%	40%	20	10	30	15	25	25	2	3	1	4
R1	All	40,000 SF (1)	15%	25%	50	25	30	15	25	28	2	3	1	4
R2	Single-family	22,000 SF (2)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	22,000 SF (2)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	11,000 SF/unit (2)	20%	40%	30	10	30	15	25	28	2	3	1	4

District	Land Use	Minimum lot size (max. residential density in dwelling units per acre)	Maximum site coverage:		Standard setbacks (feet):			Maximum Building Height						
			Buildings only	Buildings, parking and all other impervious surfaces	Front(s)	Side yard(s)	Rear	Accessory	Principal (flat)	Principal (pitched)	Stories Facing Street	Stories Below Roofline	Roofline Stories [see section 3.07(B)]	Total Stories
R4	Single-family	9,500 SF (4)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	12,000 SF (4)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	6,000 SF/unit (4)	20%	40%	30	10	30	15	25	28	2	3	1	4
	Non-residential uses	40,000 SF	30%	60%	30	10	30	15	25	28	2	3	1	4
R7	Single-family	6,000 SF (7)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	10,000 SF (7)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	6,000 SF/unit (4)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Non-residential uses	40,000 SF	40%	60%	30	10	30	15	25	28	2	3	1	4
R12	Single-family	6,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	8,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	3,500 SF/unit (12)	40%	60%	30	10	30	15	35	40				
	Non-residential uses	40,000 SF	40%	60%	30	10	30	15	35	40				
R7-NC	All residential uses	Same as R7 standards												
	All non-residential uses	12,000 SF	40%	70%	30	10	30	15	35	40				
C1	Multi-family	3,500 SF/unit (12 or 15)	40%	70%	30	10	30	15	35	40				
	All other uses	40,000 SF	40%	70%	30	10	30	15	35	40				
C1-Auto	Multi-family	3,500 SF/unit (15)	40%	70%	30	15	30	15	35	40				
	All other uses	40,000 SF	40%	70%	30	15	30	15	35	40				
C1-AIR	All	40,000 SF	40%	70%	30	15	30	15	35	40				
C1-LR	Single-family	6,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	8,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	3,500 SF/unit (12)	40%	70%	30	10	30	15	35	40				
	Non-residential uses	20,000 SF	40%	70%	30	10	30	15	35	40				
AR	Single-family	6,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	8,000 SF (12)	30%	40%	30	10	30	15	25	28	2	3	1	4

District	Land Use	Minimum lot size (max. residential density in dwelling units per acre)	Maximum site coverage:		Standard setbacks (feet):			Maximum Building Height						
			Buildings only	Buildings, parking and all other impervious surfaces	Front(s)	Side yard(s)	Rear	Accessory	Principal (flat)	Principal (pitched)	Stories Facing Street	Stories Below Roofline	Roofline Stories [see section 3.07(B)]	Total Stories
	Multi-family	3,500 SF/unit (12)	40%	70%	30	10	30	15	35	40				
	Non-residential uses	20,000 SF	40%	70%	30	10	30	15	35	40				
SW	Single-family	6,000 SF (7)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Two-family	10,000 SF (7)	30%	40%	30	10	30	15	25	28	2	3	1	4
	Multi-family	6,000 SF/unit (7)	30%	40%	30	10	30	15	35	40				
	Non-residential uses	20,000 SF	40%	70%	30	10	30	15	35	40				
C2	Multi-family	6,000 SF/unit (7)	40%	70%	30	10	30	15	35	40				
	All other uses	40,000 SF	40%	70%	30	10	30	15	35	40				
IC	All	40,000 SF	40%	70%	30	10	30	15	35	40				
AIR	All	3 acres	30%	50%	50	35	50	15	35	40				
AIR-I	All	3 acres	30%	50%	50	35	50	15	35	40				
IO	All	3 acres	30%	50%	50	35	50	15	35	40				
City Center FBC District	Please see Article 8, City Center FBC District													

* See Article 9 for additional dimensional standards in the SEQ-NRN subdistrict. Where a conflicts exists, the more restrive shall apply.

**For single-family residences in the SEQ existing as of May 24, 2006, the maximum building coverage shall be 20%.

RESIDENTIAL & INSTITUTIONAL DISTRICTS	Institutional			Residential								Southeast Quadrant				
	IA(1)	PR	MU	R1	R2	R4	R7	R7-NC(2)	R12	LN	QCP	SEQ-NRP	SEQ-NRT	SEQ-NR	SEQ-VR	SEQ-VC(2)
Residential Uses																
Single-family dwelling				P	P	P	P	PUD	PUD	P	P	P	P	P	P	P
Two-family dwelling				PUD	P	P	P	PUD	PUD	P	P		P	P	P	P
Multi-family dwelling				PUD	PUD	P	PUD	PUD	PUD		C			PUD	P	P
Accessory residential units	Please See Section 3.10 for Regulations															
Group home or Residential Care Home	C			P	P	P	P	PUD	PUD	P	P	P	P	P	P	P
Agricultural Uses																
Agricultural uses consistent with State-defined "Farming" activity	<i>Exempt from local regulation in all districts</i>															
Single-family dwelling related to agriculture	P	P	P	P	P	P	P		P			P	P	P	P	P
Additional dwellings for farm employees	P	P	P	P	P	P	P		P			P	P	P	P	P
Public & Quasi-Public Uses																
Cemeteries	Conditional in all districts															
Community center	PUD	P	P					P			C			P	P	P
Congregate care, assisted living, or continuum of care facility						C-TO	C	C	C							
Cultural facility	PUD (11)															
Educational facility	PUD		P			C								C	C	
Funeral homes, mortuaries, and crematoriums								C	C							
Group quarters	PUD (11)															
Hospice	PUD															
Municipal facility	C	C	P													
Parks	Permitted in all districts															
Personal instruction facility								P								P (6)
Place of worship	PUD (11)			P	P	P	P	P	P		P			P	P	P
Recreation paths	Permitted in all districts															
Social services	PUD															
Commercial Uses																
Adult use																
Auto & motorcycle service and repair, accessory use, no fueling pumps																C

RESIDENTIAL & INSTITUTIONAL DISTRICTS	Institutional			Residential								Southeast Quadrant				
	IA(1)	PR	MU	R1	R2	R4	R7	R7-NC(2)	R12	LN	QCP	SEQ-NRP	SEQ-NRT	SEQ-NR	SEQ-VR	SEQ-VC(2)
Bed and breakfast, min. 1 acre lot						C	C	C	C		C	C	C			C(3)
Family child care home, registered or licensed				P	P	P	P	P	P	P	P	P	P	P	P	P
Child care facility, licensed non-residential	C	C(12)	P(12)					P				P (4)				P
Commercial greenhouse												C-ACC				
Commercial or public parking facility	N-PUD (11)		C													
Food Hub	P(7)	P(6)	P(6)				P(6)	P(7)	P(7)			P(6)	P(6)	P(6)	P(6)	P(7)
Financial institution								P								
Golf course												C	C	C		
Office, general	PUD (11)	C (10)					PUD-TO	P	PUD-TO							C
Office, medical	PUD (11)						PUD-TO	P	PUD-TO							C
Personal or business service, principal use	N-PUD (7) (11)							P								P (6)
Pet Grooming								P								
Photocopy & printing shops with accessory retail	N-PUD (11)															
Private providers of public services, including vehicle storage and maintenance			P													
Recreation facility, indoor	N-PUD (11)	P	P				C	C	C							P (6)
Recreation facility, outdoor	N-PUD (11)	P	P				C		C							
Research facility or laboratory	PUD (11)															
Restaurant, short order	N-PUD (11)							C								
Restaurant, standard	N-PUD (11)							C								C
Retail sales	N-PUD (7) (11)							P (7)								C (6)
Seasonal Mobile Food Unit																P
Service station								C								
Waste transfer stations			C													

	Commercial 1					Other Commercial			Heavy Commercial-Industrial		Airport		City Center FBC District
NON-RESIDENTIAL ZONING DISTRICTS	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND	
Residential Uses													
Single-family dwelling					PUD	P	P	P					
Two-family dwelling					PUD	P	P						
Multi-family dwelling	PUD	PUD	PUD		PUD	PUD	PUD		PUD				
Accessory residential units	Please see Section 3.10 for regulations												
Group home or Residential Care Home					PUD	P	P	P					
Agricultural Uses	<i>Exempt from local regulation in all districts</i>												
Public & Quasi-Public Uses													
Cemeteries	Conditional in all districts												
Community center						P	P	PUD	P				
Congregate care, assisted living, or continuum of care facility	C	C				C	C		C				
Cultural facility													
Educational facility	PUD	PUD				C	C		C				
Educational support facilities	PUD(5)	PUD(5)											
Food Hub	P(7)	P(6)	P(6)	P(6)	P(6)	P(6)	P(6)	P(7)	P(7)	P(7)			
Funeral homes, mortuaries, and crematoriums	C	C	C	C	C	C	C	C	C	C			
Hospice	P	P			P	P	P		P				
Municipal facility	P	P								P	C	C	
Parks	Permitted in all districts												
Personal instruction facility	P	P		P	P	P	P	P	P	P	P	P	P
Place of worship	P	P	P	P	P	P	P		P		P-ACC		
Recreation paths	Permitted in all districts												
Skilled nursing facility	C	C			C	C	C		C				
Social services	C	C		C	C	C	C		C				
Commercial & Industrial Uses													
Adult use													

NON-RESIDENTIAL ZONING DISTRICTS	Commercial 1					Other Commercial			Heavy Commercial-Industrial		Airport		City Center FBC District
	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND	
Agriculture & construction equipment sales, service & rental									P	P			
Airport Uses											P	P	
Animal shelter	C	C						P					
Artist production studio	P	P				P	P		P				
Auto & motorcycle sales			P						P	P			
Auto & motorcycle service & repair			P						P	P			
Auto rental, with private accessory car wash & fueling				P					P	P	P	P	
Bed & breakfast						C	C						
Cannabis dispensary (dispensing only)	P	P	P	P			P		P	P-TO			
Cannabis dispensary (cultivation only)								P		P			
Car wash									P				
Child care facility, licensed non-residential	P	P	P	P	P	P	P	P	P	P			
Commercial greenhouse								PUD	P	P			
Commercial kennel, veterinary hospital and pet day care	C	C		P				P	P	P			
Commercial or public parking facility	C	C	C	C	C				C	C	C	C	
Contractor or building trade facility								P	P	P		P	
Distribution and related storage, with >15% of GFA in office or other principal permitted use by same tenant						C			P	P		P	
Drive-through bank	PUD	PUD	PUD	PUD					PUD				
Equipment service, repair & rental									P	P			
Family child care home, registered or licensed					P	P	P	P					
Financial institution	P	P	P	P	P			ACC	P	P			
Flight instruction				P							P	P	
Hotel	PUD	PUD	PUD	C	C		C		C				
Hotel, extended stay	PUD	PUD		C	C		C		C				
Indoor theater	P	P											

See Article 8

	Commercial 1					Other Commercial			Heavy Commercial-Industrial		Airport		City Center FBC District
	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND	
NON-RESIDENTIAL ZONING DISTRICTS													
Indoor vehicle storage, maximum 10,000 square feet										P-ACC			
Junk yard													
Light manufacturing						PUD		PUD	P	P	P	P	
Lumber and contractor's yard									P	P		P	
Manufacturing & assembly from previously prepared materials & components	P	P	P	P	P			PUD	P	P	P	P	
Mobile home, RV and boat sales, repair & service									P	P			
Motor freight terminal										C		P	
Office, general	P	P	P	P	P	P	P	PUD	P	P		P	
Office, medical	P	P	P	P	P	P	P	PUD-TO	P	P-TO			
Personal or business service	P	P	P	P	P(7)	P	P	P (7)	P	P			
Pet grooming	P	P	P	P	P	P	P		P	P			
Photocopy & printing shops, with accessory retail	P	P	P	P	P	P	P	P-ACC	P	P			
Printing & binding production facilities						C		P	P	P		P	
Private providers of public services, including vehicle storage and maintenance									P	P	P	P	
Processing and storage						P		P	P	P	P	P	
Radio & television studio	P	P	P			C	P		P	P			
Recreation facility, indoor	P	P	P	P	P	P	P	P-ACC	P	P			
Recreation facility, outdoor	C	C	C	C	C	C	C		C	C			
Research facility or laboratory	P	P	P	P	P	P	P	P	P	P		P	
Restaurant, short order	P	P	P	P	P	P-ACC	P-ACC	P-ACC	P	P-ACC	P-ACC		
Restaurant, standard	P	P	P	P	P	P	P		P		P-ACC		
Retail sales	P (8)	P	P	P(8)	P (7)	P (7)	P (7)	P (7)	P (9)	P (8)	P-ACC		
Retail warehouse outlet									P	P			
Sale, rental & repair of aircraft & related parts											P	P	
Seasonal Mobile Food Unit	P	P	P	P	P	P	P		P	P			

NON-RESIDENTIAL ZONING DISTRICTS	Commercial 1					Other Commercial			Heavy Commercial-Industrial		Airport		City Center FBC District
	C1 R12	C1 R15	C1-AUTO	C1-AIR	C1-LR	AR	SW	IO	C2	IC	AIR	AIR-IND	
Self-storage									P	ACC, P-Non-TO			
Service station						C			C				
Shopping center	C	C											
Taverns, night clubs & private clubs	P	P	P	P	P		P		P	P			
Transportation services									P	P			
Warehousing & distribution				C		C				P		P	
Wholesale establishments						C	C		P	P		P	

Key and Notes to the Table above:

P = Permitted

PUD = Allowable within a Planned Unit Development

TO = Allowable only in the Transit Overlay District

C = Conditional Use

ACC = Allowable as an accessory use

Non-TO = Allowable only outside of the Transit Overlay District

- (1) "N" refers to the Institutional-Agricultural North sub-district.
- (2) R7 and SEQ-VC as classified as non-residential zoning districts, but are included in this table for purposes of efficiency
- (3) No minimum lot size for bed & breakfast in the SEQ-VC district
- (4) Permitted within a structure existing and approved for use as an 'educational facility' as of July 1, 2013. The structure existings as of July 1, 2013, may be expanded,
- (5) Educational support facilities in C1 are subject to the dimensional standards of the IA-North District. See Article 7.
- (6) Use is limited to 3,000 SF GFA per tenant with a maximum 9,000 SF GFA total footprint for the building. Tenants shall have separate entries from one another and no direct passageways from one to another.
- (7) Use is limited to 5,000 SF GFA per tenant with a maximum 15,000 SF GFA total footprint for the building. Tenants shall have separate entries from one another and no direct passageways from one to another.
- (8) Use is limited to 15,000 SF GFA per tenant with a maximum 25,000 SF GFA total footprint for the building. Tenants shall have separate entries from one another and no direct passageways from one to another.
- (9) Use is limited to 30,000 SF GFA per tenant with a maximum 30,000 SF GFA total footprint for the building. Tenants shall have separate entries from one another and no direct passageways from one to another.
- (10) Use is restricted to not-for-profit organization whose primary purpose is the provision of educational or research services related to agriculture, horticulture, forestry, natural resource preservation, arts or recreation
- (11) Use is allowed only as an Educational Support Facility. See Section 7.01(E)
- (12) Allowable only as a municipally-operated facility.

D LIGHTING

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass

Unshielded Floodlights or Poorly-shielded Floodlights

Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

Unshielded Streetlight

Unshielded Security Light

Unshielded PAR Floodlights

Unshielded 'Period' Style Fixtures

Drop-Lens Canopy Fixtures

Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

Full Cutoff Fixtures

Fully Shielded Wallpack & Wall Mount Fixtures

Fully Shielded Fixtures

Full Cutoff Streetlight

Fully Shielded Security Light

Fully Shielded 'Period' Style Fixtures

Shielded / Properly-aimed PAR Floodlights

Flush Mounted Canopy Fixtures

All Districts Except City Center FBC						City Center FBC District				Submittal requirement
Site Plan	Sketch Plan	Master Plan	Major Prelim	Major Final	Minor Final	Subdiv Sketch	Subdiv Final	DRB Non-subdiv.	Admin / Site Plan	
BASIC INFORMATION										
√	√	√	√	√	√	√	√	√	√	Completed application form; three (3) full-sized, one (1) reduced [11" x 17"], and one (1) digital copy of plans; and a list of the owners or record of abutting property owners
√	√	√	√	√	√	√	√	√	√	Name and address of the owner of record, applicant, and owners of record of abutting properties; and name and address of engineer(s), architect(s), landscape architect(s) preparing plans, plan preparation date, and date and description of all revisions shown on all plan sheets
√	√	√	√	√	√	√	√	√	√	Date, true north arrow and scale (numerical and graphic). The preferred scale shall be not more than one hundred (100) feet to the inch, or not more than sixty (60) feet to the inch where lots have less than one hundred (100) feet of frontage.
√	√	√	√	√	√	√	√	√	√	Narrative accompanying the application to include the following: (a) description of the project; (b) demonstration of compliance with applicable review standards; (c) list of submission elements; and (d) list of any changes made to plans from previous submittals under the same application
√		√	√	√	√		√	√		List of waivers the applicant desires from the requirements of these regulations and accompanying narrative describing the request(s), detailing the City's authority to grant the request(s) and describing why the waiver(s) should be granted
√				√	√		√		√	Estimated project construction schedule, phasing, and date of completion, and estimated cost of all site improvements. (note: for FBC subdivisions, only public infrastructure information required)
√	√	√	√	√	√	√	√	√	√	Any other information or data that the Administrative Officer or Development Review Board shall require for a full assessment of the project pursuant to the Land Development Regulations
SITE INFORMATION										
√	√	√	√	√	√	√	√	√	√	Location map, showing relation of subject property to adjacent properties and surrounding area.
√	√	√	√	√	√	√	√	√	√	Boundaries and area of existing subject property(ies), proposed property lines, continues properties, boundaries of all zoning districts, transects, and overlay districts, and all designations on the City's Official Map, and lots within the proposed subdivision numbered.
√	√	√	√	√	√	√	√	√	√	Location of existing restrictions on land, such as easements and covenants.
√				√	√		√	√	√	Location of planned restrictions on land, such as easements and covenants.
				√			√			Permanent reference monuments
				√	√		√			Copies of proposed deeds, deed restrictions, covenants, agreements or other documents showing the manner in which open space, including park and recreational areas, and school site areas are to be dedicated, reserved and maintained and a certificate from the City Attorney that these documents are satisfactory.
				√	√		√		√	In the case of a subdivision or development served by a privately owned and/or maintained street: A completed contract between the landowner and the City regarding the number of lots or dwelling units to be served by the proposed right-of-way or private street and the responsibility for the roadway maintenance and a copy of all proposed deeds, agreements, or other documents which convey or relate to the use of a privately owned street or right-of- way, and a certificate of the City Attorney that these documents are satisfactory.
		√		√	√		√		√	A complete survey of the subdivision, prepared by a licensed land surveyor, showing the location, bearing and length of every street line, lot line and boundary line, and existing and proposed restrictions on the land, including but not limited to access ways and utility easements. Where applicable, this information shall be tied to reference points previously established by the City.
√			√	√					√	Lot area in square feet and acres, and lot coverage calculations including building, overall, and front yard coverage and the location and layout of any off-street parking or loading areas, traffic circulation areas, pedestrian walkways, and fire lanes.

All Districts Except City Center FBC						City Center FBC District				Submittal requirement
Site Plan	Sketch Plan	Master Plan	Major Prelim	Major Final	Minor Final	Subdiv Sketch	Subdiv Final	DRB Non-subdiv.	Admin / Site Plan	
√				√					√	Point-by-point lighting plan and cut sheets for all proposed outdoor lighting within the site
√			√	√			√	√	√	Preliminary grading, drainage, landscaping and buffering plan in accordance with Article 13, Supplemental Regulations.
√				√				√	√	The extent and amount of cut and fill for all disturbed areas, including before-and-after profiles and cross sections of typical development areas, parking lots and roads, and including an erosion and sedimentation control plan, and proposed locations of sediment sink/setting pond and interceptor swales.
√			√	√					√	The location of any outdoor storage for equipment and materials if any, and the location, type and design of all solid waste-related facilities, including dumpsters and recycling bins.
√			√	√				√	√	Estimate of all earthwork, including the quantity of any material to be imported to or removed from the site or a statement that no material is to be removed or imported.
√			√	√					√	Location of existing structures on the site, and showing all site conditions to remain.
LANDSCAPE FEATURES										
√	√	√	√	√	√	√	√	√	√	Existing water courses & buffers, wetlands & buffers, base flood elevations if located in an area of special flood hazard, wooded areas, ledge outcrops, and other natural features.
	√		√	√		√	√	√	√	Existing and proposed open space
				√			√	√	√	By proper designation on such plat, all public space for which offers of cession are made by the applicant and those spaces title to which is reserved by him.
			√	√			√	√	√	The location of all open space to be dedicated to the City as well as all open space to be retained by the applicant or to be held in common private ownership.
√	√	√	√	√	√	√	√	√	√	Existing and proposed contours at a maximum vertical interval of two (2) feet.
√				√					√	Detailed specifications and locations of planting, landscaping, screening, and/or buffering materials.
			√							A general concept of the landscaping, both in written and graphic form.
√			√				√	√	√	A list of existing vegetation, with the location, type, and size of existing trees of six inches or greater in caliper.
√			√					√	√	A written plan to preserve and protect significant existing vegetation during and after construction. Such plan will be of sufficient detail that the City of South Burlington will be able to inspect the site during construction to ensure that existing vegetation is protected as per the plan.
√				√					√	Detailed landscaping plan, specification of materials, costs, and phasing plan, including vegetation to remain, types of new plant materials, identified by common name and botanical name, sizes of all new plant materials by height and/or diameter at time of planting and at maturity, quantities of each of the planting materials, and treatment of the ground surface (paving, seeding, or groundcover) for all plantings, screening, buffering, and stormwater infiltration.
√				√					√	Detailed erosion control plan demonstrating compliance with these regulations
BUILDINGS										
√	√		√	√					√	Existing and proposed structures
√			√						√	One set of preliminary plans, elevations, floor plans, and sections of proposed structures showing the proposed location, use, design and height of all structures, roads, parking areas, access points, sidewalks and other walkways, loading docks, outdoor storage areas, sewage disposal areas, landscaping, screening, site grading, and recreation areas if required. Plans shall also show any proposed division of buildings into units of separate occupancy and location of drives and access thereto.
			√	√					√	Detailed elevations to demonstrate compliance with Building Envelope Standards and material requirements
									√	Solar ready roof analysis report
			√	√						Elevations of buildings proposed as part of Planned Unit Developments

All Districts Except City Center FBC						City Center FBC District				Submittal requirement
Site Plan	Sketch Plan	Master Plan	Major Prelim	Major Final	Minor Final	Subdiv Sketch	Subdiv Final	DRB Non-subdiv.	Admin / Site Plan	
	√	√	√	√	√	√	√		√	Location, type, and width of existing and proposed streets and block layout (including roadways, sidewalk, recreation path)
			√	√	√		√		√	Plans and profiles showing location of existing and proposed street pavements, proposed elevations along center lines of all streets, curbs, gutters, sidewalks, manholes, catch basins, and culverts
√			√	√	√				√	Plans showing the location, size and invert elevations of existing and planned sanitary sewers, storm water drains, and fire hydrants and location and size of water, gas, electricity and any other utilities or structures.
√	√		√	√			√		√	Location of existing septic systems and wells.
√			√	√	√				√	Existing and proposed water and wastewater usage
√			√	√	√				√	Location and design of all utility distribution facilities
√				√	√				√	The location and details of all the improvements and utilities, including the location of all utility poles, utility cabinets, sewage disposal systems, water supply systems, and all details and locations of the stormwater management system.
√			√							Preliminary designs of any bridges or culverts which may be required.
√				√	√				√	Construction drawings of all required improvements.
√				√			√		√	The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves tangent distance and tangent bearings for each street.
√			√	√	√	√	√		√	All means of vehicular access and egress to and from the site onto public streets, and all provisions for pedestrian access and circulation.
√			√	√		√	√		√	Analysis of traffic impacts, if required by the traffic overlay district and/or the DRB.
√			√	√	√				√	Proposed stormwater management system, including (as applicable) location, supporting design data and copies of computations used as a basis for the design capacities and performance of stormwater management facilities.
√				√					√	Detailed plans, designs and finished grades of retaining walls, steps, ramps, paving, site improvements, fences, bridges, culverts, and drainage structures.
		√								Overall plan for the property showing the locations and total combined area of the property(ies) proposed for subdivision and/or site plan phase, either in conjunction with the initial master plan application or in the future, specifying which area or areas are currently proposed for subdivision or development.
		√								The location and total area of the property(ies) currently proposed for subdivision or development that are to be deeded as perpetually open spaces, and which areas proposed to be left open are subject to future evaluation within the parameters of the master plan.
		√								the location, total area and nature of any public amenities or facilities other than buildings proposed either in conjunction with the initial master plan application or in the future, specifying which features are currently proposed for development.
		√								The maximum impervious coverage proposed for the property or properties subject to the Master Plan.
		√								The maximum Floor Area Ratio (FAR) and/or number of dwelling units proposed for the property or properties subject to the Master Plan.
		√								The maximum number of vehicle trip ends (VTEs) and associated parking proposed for the property or properties subject to the master plan.

* note: the Land Development Regulations may contain additional submission requirements for specific requests and applications

Appendix F - GUIDELINES FOR OPEN SPACE in CITY CENTER							
	Plaza/Square	Green	Pocket/Mini Park	Playground	Outdoor Café/ Restaurant Seating	Sun Terrace	Indoor Park/Atrium
Description	Primarily hard-surface space.	Informal and centralized public, civic space or common/shared private space for residential use or campus-style development.	Small open area tucked between buildings on a separate lot or portion of a lot.	Programmed space and/or structure that serves the recreational needs of children in the immediate vicinity.	An open-air seating area provided by a restaurant located on the subject or adjoining property, where restaurant patrons can eat or drink	Accessible and open area on upper story with seating and gathering amenities.	Interior open space where at least one wall facing the street consists entirely of glass.
Size	Minimum 5,000 sq.ft.	Residential: 0.25-2 acres; Campus-style Development: 0.5-3 acres.	2,000-10,000 sq. ft.	Play area shall be a minimum of 2400 square feet.	Minimum 100 sq. ft.	500-3,000 sq.ft; total area shall not count as more than 50% of the minimum required qualifying open space.	Minimum area 1,500 sq.ft. Minimum ceiling height 20'. Area to be counted as qualifying open space shall not exceed twice the area of the glass wall projected onto the floor plane.
Location & Access	Outdoors and within Public Realm. High Visibility from public rights of way. Accessible from a public street at grade or 3' above or below street level connected to street with wide, shallow stairs. May include space for a farmer's market	For residential: Centralized; Accessible to all tenants/residents via pedestrian walkway or direct frontage (cottage court development). For campus-style development: Centralized; Accessible from a public right-of-way via direct walkway; Access from several locations encouraged.	Fronts on and is accessed from a street right-of-way. Pedestrian accessible.	Accessible from Public Right-of-Way or adjacent to private sidewalk. Should be centrally located and visually accessible to the greatest extent practicable.	Highly visible, directly adjacent to public right of way. See additional public realm standards below.	Second floor or above. Encourage location in places which have spectacular views. Accessible directly from the sidewalk or public corridors. For T5 Non-Residential, must provide adequate signage about location and accessibility in hallways and elevators.	Building interior adjacent to sidewalk or public open space. Direct access from street level. Provide several entrances to make the space available and inviting to the general public.
Seating*, Tables, Etc.	Minimum one seating space for each 150 sq.ft. of plaza area. Minimum 3 seats.	Provide formal and informally arranged seating, on sculptured lawn. Moveable chairs desirable. Three seats per quarter acre, rounded up.	One seat for each 750 sq.ft. of park size. Must include amenities which differentiate the space from basic lawn area. Examples include benches, bike racks, trash receptacles, gazebos, playgrounds or public picnic tables.	Must provide benches or formal seating areas at one space for each 500 square feet, rounding up, as well as at least 200 square feet of level, grassed, informal seating.	Seating material shall be of moderate to high quality in order for café space to be considered qualifying open space.	One seating space for every 50 sq.ft. of terrace area.	Provide one seat for every 100 sq.ft. of floor area, one table for every 400 sq.ft. of floor area. At least one half of seating to consist of movable chairs.
Landscaping, Design-	Landscape is secondary to architectural elements. Use trees to strengthen spatial definition. Shall include attractive paving material or pattern to create unique space. Encouraged use of lush, dense plant material. Shall incorporate art, sculpture and/or water feature.	Provide lush landscape setting with predominantly lawn surfaces and planting such as: trees, shrubs, ground cover, flowers. Canopy trees should provide substantial shade.	Turf and landscape plantings to promote shade over at least 25% of area;	Appropriate ground material- rubber or woodchips. Plantings for articulation of space encouraged. Flat paved or concrete area for wheeled toys encouraged. Paved areas including space for basketball or other sport courts are encouraged and may be counted towards minimum required area of qualifying open space. Shade shall be provided in consultation with the Recreation Director.	For optional separated seating areas, use planting boxes of interesting patterns of plants, open fences of less than 3 feet in height, or decorative and moveable bollards with decorative chain connectors.	Terrace may take one of the following forms: complex architectural setting which may include art works; flower garden; space with trees and other planting. Planted roofs are permitted provided area is also a functional seating space.	Provide attractive paving material to create interesting patterns. Use rich plant material. Incorporate sculpture and/or water feature.
Commercial Services, Food	20% of space may be used for restaurant/cafe seating, taking up no more than 20% of the sitting facilities provided.	20% of space may be used for restaurant seating taking up no more than 20% of the sitting facilities provided.	Not permitted	Not counted towards open space requirement.	May serve as seating area for adjacent restaurant/food service, or be space provided for those bringing their own meals.	Dependent on Transect, may possibly be used up to 100% for commercial food services. See Table 8-1.	30% of area may be used for restaurant seating taking up no more than 30% of the seating and tables provided.
Sunlight and Wind	Sunlight to most of the occupied area from mid-morning to mid-afternoon.	Sunlight to most of the occupied area from mid-morning to mid-afternoon. Shelter from wind.	No requirements	Sunlight to most of the occupied area from mid-morning to mid-afternoon.	Sunlight encouraged to most of the occupied area at lunchtime.	No requirements	No requirements except as noted for street façade to be wall of glass. Encouraged to be south-facing.
Other				Shall include minimum components: 3 low child-sized swings; 1 toddler sized swing; 2 slides; one or more play houses.			

Notes:

Seating dimensions:	*Required dimensions for one seating space or one seat are as follows:	Height: 12" to 36"; ideally 17"; must allow user to bend knees and have feet below knees	Depth: 14" one-sided; 30-36" double-sided	Width: 30" of linear seating are counted as one seat
Materials	All products installed in qualifying open spaces shall be of high quality materials intended to be used for commercial application.			

Appendix F - GU							
	Courtyard	Wooded Area	Community Garden	Rain Garden	Pedestrian Pass	Streetfront Open Space	Enhanced or Recreational Wetlands/Stormwater Treatment Area
Description	Common Open Space area on a portion of a lot.	Naturally occurring area with predominance of canopy trees with enhancement and public access.	Land set aside and maintained for production of food to be used primarily for participating gardeners.	A shallow depression planted with native plants that captures rainwater runoff from impervious urban areas.	Narrow pedestrian right of ways that cut through blocks in residential and/or commercial areas.	Liner open space area to secondary streets, as permitted per the Regulations.	An existing wetland buffer or new stormwater treatment area which offers public amenities that exceed those minimally necessary for water resource management.
Size	5,000-20,000 sq. ft.	2,500 sq. ft. minimum; Shall include the land of the improvement (such as enhanced path, viewing platform, etc) and no more than 50 feet to either side; total area shall not count as more than 50% of the minimum required qualifying open space.	Minimum 400 square feet. Encouraged to serve at least 20% of units in multifamily developments.	Maximum size of 3,500 sf; shall not count as more than 50% of minimum required qualifying open space.	8' minimum width; 24' maximum width.	50' minimum depth from closest public street line; or if private, 50' minimum depth from edge of pavement or sidewalk as applicable.	Shall include the land of the improvement (such as enhanced path, viewing platform, etc) and 50 feet to either side; total area shall not count as more than 50% of minimum required qualifying open space.
Location & Access	Physically defined by surrounding buildings on three sides (outer) or four sides (inner)	Must be accessible, at minimum, by residents, tenants, or customers of site. Must be onsite. Offsite wooded areas shall not be considered qualifying open space even where the LDR permit open space to be located off-site.	May not be located in any class wetland or wetland buffer. Shall have proper drainage.	The garden should be positioned near a runoff source like a downspout, driveway or sump pump to capture rainwater runoff and stop the water from reaching the sewer system.	No vehicular traffic. Must connect two public streets. Storefronts and restaurants are highly encouraged to access the pedestrian pass.	Must be immediately adjacent to qualifying secondary street. See Chapter 8 for additional regulations. Must be on each side of roadway, unless a complying building is located on the opposite side.	Must be visible to public or tenants and users of building. Direct pedestrian access from adjacent public street type.
Seating*, Tables, Etc.	One seating space for each 500 sq.ft. of courtyard area, with a minimum of 3	Light enhancement expected. Must include improvements, including cleared paths and benches.	None required.	The space must serve as a visual amenity which can be enjoyed through paths or seating. Adjacent seating intended to enhance the garden are required and can be counted as part of the required open space.	One seating space for each 150 sq.ft.	Seating is encouraged, but there shall be no minimum requirement.	If functional for sitting and viewing, seating can be ledges, benches, and/or stairs.
Landscaping, Design-	If paved, area shall be amended throughout with substantial planted areas or large planters of trees and lush greenery. If grassed, area should be articulated at perimeter with lush greenery.	Majority of area must be covered with canopy trees. Light enhancement expected. Must include cleared paths, benches, and/or other amenities.	Must have adequate planting soils, tested for pH balance, drainage, nutrients, etc. Where they are inadequate, soils shall be amended for more suitable farming. Shall have water service directly to gardens.	Deep rooted native plants and grasses.	If paved, area shall provide trees at no more than 30 foot intervals. If grassed, area shall be accented with intermittent trees or public art.	Slight, gentle, and undulating berms from 1-3 feet in height are encouraged to block views of parking areas. Ever-green landscaping is required. Include canopy trees whose branches are above the average visual line of sight, located throughout the space, with no more than 40 feet between any two such trees or between a tree and the street or parking area. Landscaping should aim to distract from parking beyond, but should not create dense walls of shrubbery or trees. Artwork is also highly encouraged.	LID techniques; no fencing permitted.
Commercial Services, Food	Not permitted	Not permitted.	Not permitted.	Not permitted.	40% of area may be used for restaurant seating taking up no more than 30% of the seating and tables provided.	Not permitted.	Not permitted.
Sunlight and Wind	Sunlight to sitting areas for most of day.	No requirements	Full sunlight.	Appropriate to the plant species selection.	Sunlight to most of the occupied area at lunchtime. Shelter from wind.	No requirements.	Appropriate to the plant species selection.
Other				See LID language for additional standards.		Separate travelled way from parking areas; shall create pedestrian environment.	Must be located on applicant-owned property.

Notes:
Seating dimensions:
Materials

Appendix G Bicycle Parking

Examples

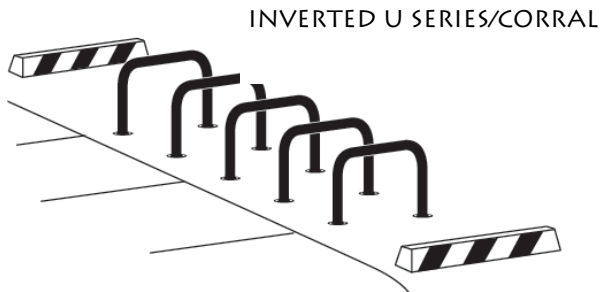
Acceptable



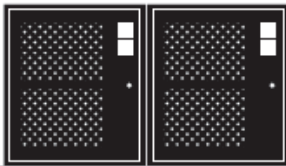
INVERTED U



POST & RING



INVERTED U SERIES/CORRAL



BIKE LOCKERS

VERTICAL



TWO-TIER



Not Acceptable

WAVE

also called undulating or serpentine



SCHOOLYARD

also called comb, grid



COATHANGER



WHEELWELL



BOLLARD



SPIRAL



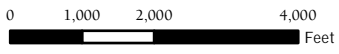
SWING ARM SECURED



Zoning Map

South Burlington, Vermont

Effective April 11, 2016



Data Disclaimer:

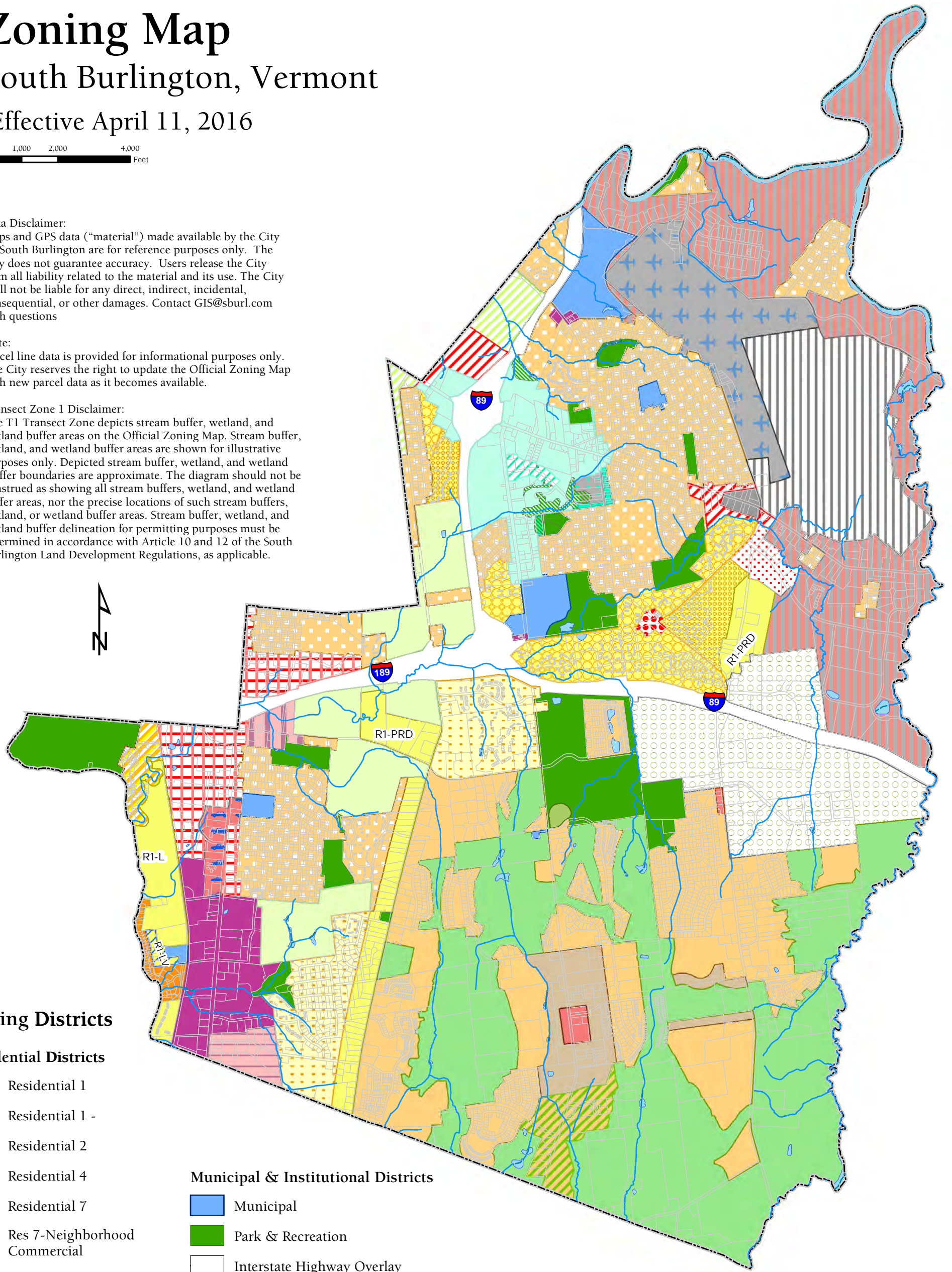
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Note:

Parcel line data is provided for informational purposes only. The City reserves the right to update the Official Zoning Map with new parcel data as it becomes available.

Transect Zone 1 Disclaimer:

The T1 Transect Zone depicts stream buffer, wetland, and wetland buffer areas on the Official Zoning Map. Stream buffer, wetland, and wetland buffer areas are shown for illustrative purposes only. Depicted stream buffer, wetland, and wetland buffer boundaries are approximate. The diagram should not be construed as showing all stream buffers, wetland, and wetland buffer areas, nor the precise locations of such stream buffers, wetland, or wetland buffer areas. Stream buffer, wetland, and wetland buffer delineation for permitting purposes must be determined in accordance with Article 10 and 12 of the South Burlington Land Development Regulations, as applicable.



Zoning Districts

Residential Districts

- Residential 1
- Residential 1 -
- Residential 2
- Residential 4
- Residential 7
- Res 7-Neighborhood Commercial
- Residential 12
- Lakeshore Neighborhood
- Queen City Park

Form Based Code Districts

- Transect Zone 1
- Transect Zone 3
- Transect Zone 3 Plus
- Transect Zone 4
- Transect Zone 5

Municipal & Institutional Districts

- Municipal
- Park & Recreation
- Interstate Highway Overlay
- Institutional & Agricultural-North
- Institutional & Agricultural-South

Southeast Quadrant Subdistricts

- Natural Resource Protection
- Neighborhood Residential North
- Neighborhood Residential
- Neighborhood Residential Transition
- Village Commercial
- Village Residential

Commercial Districts

- Commercial 1 - Residential 12
- Commercial 1 - Limited Retail
- Commercial 1 - Residential 15
- Commercial 1 - Airport
- Commercial 1 - Automobile
- Commercial 2
- Swift Street
- Allen Road

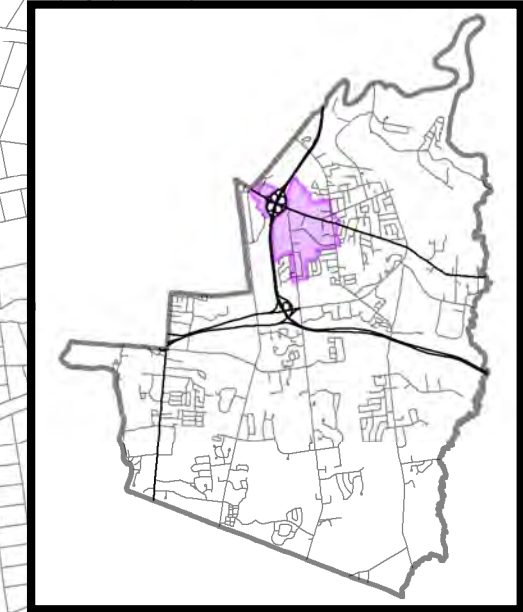
Industrial and Airport Districts

- Mixed Industrial & Commercial
- Airport
- Airport Industrial
- Industrial & Open Space



City Center Form Based Code - Primary & Secondary Streets & Block Standard Applicability

Effective Date: July 10, 2017



Legend

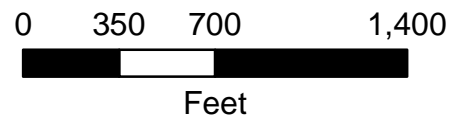
- Existing Road Parcels
- Planned Recreation Path
- Primary Existing Streets
- Primary Planned Streets
- Secondary Existing Streets
- Secondary Planned Streets
- Planned Street Right of Way

Proposed City Center Zoning

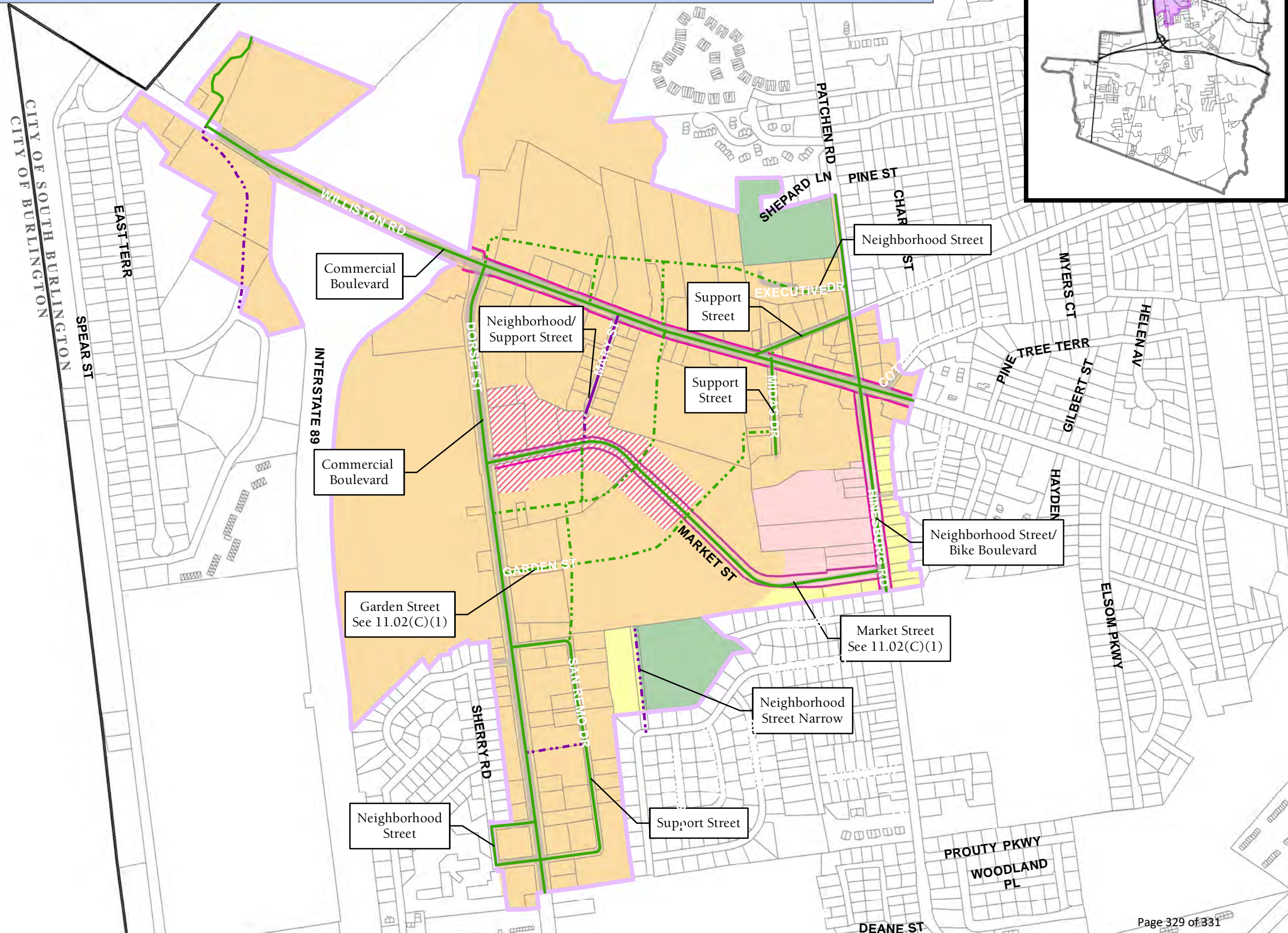
Transect Zones

- T-1
- T-3
- T-3+
- T-4
- T-5
- Park/Civic

Street Designation Label



*Approximate locations of proposed roads, to be used for planning purposes only. Please refer to original studies for exact road centerlines.

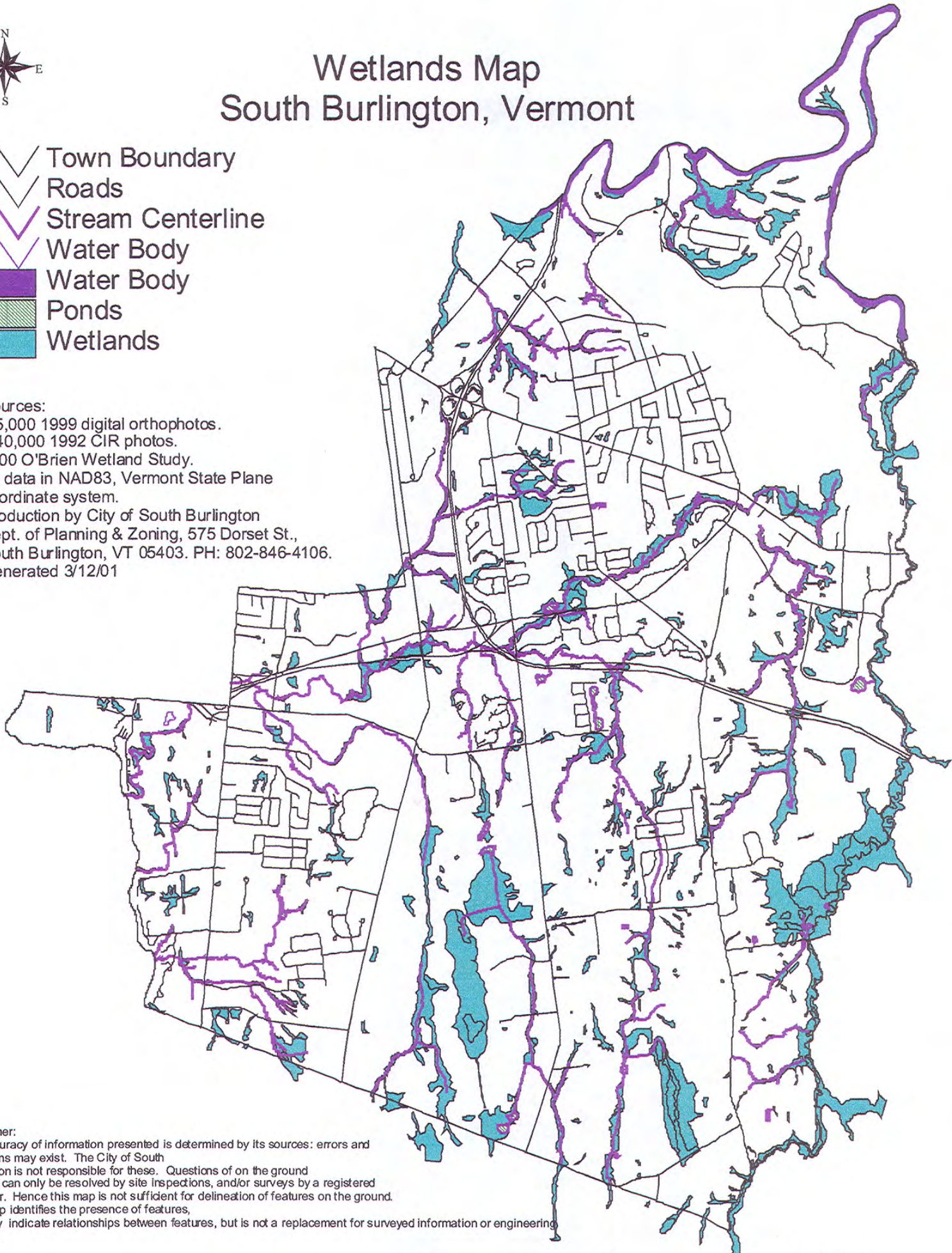




Wetlands Map South Burlington, Vermont

-  Town Boundary
-  Roads
-  Stream Centerline
-  Water Body
-  Water Body
-  Ponds
-  Wetlands

Sources:
 1:5,000 1999 digital orthophotos.
 1:40,000 1992 CIR photos.
 2000 O'Brien Wetland Study.
 All data in NAD83, Vermont State Plane
 coordinate system.
 Production by City of South Burlington
 Dept. of Planning & Zoning, 575 Dorset St.,
 South Burlington, VT 05403. PH: 802-846-4106.
 Generated 3/12/01



Disclaimer:
 The accuracy of information presented is determined by its sources: errors and omissions may exist. The City of South Burlington is not responsible for these. Questions of on the ground location can only be resolved by site inspections, and/or surveys by a registered surveyor. Hence this map is not sufficient for delineation of features on the ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.



Overlay Districts

South Burlington, Vermont

Effective June 27, 2016



Legend

Traffic

- Major Intersections - Zone 1
- High Volume Roadway Segments - Zones 2A, 2B, 2C
- Balance of Restricted Roads - Zone 3

Flood Plain Overlay District

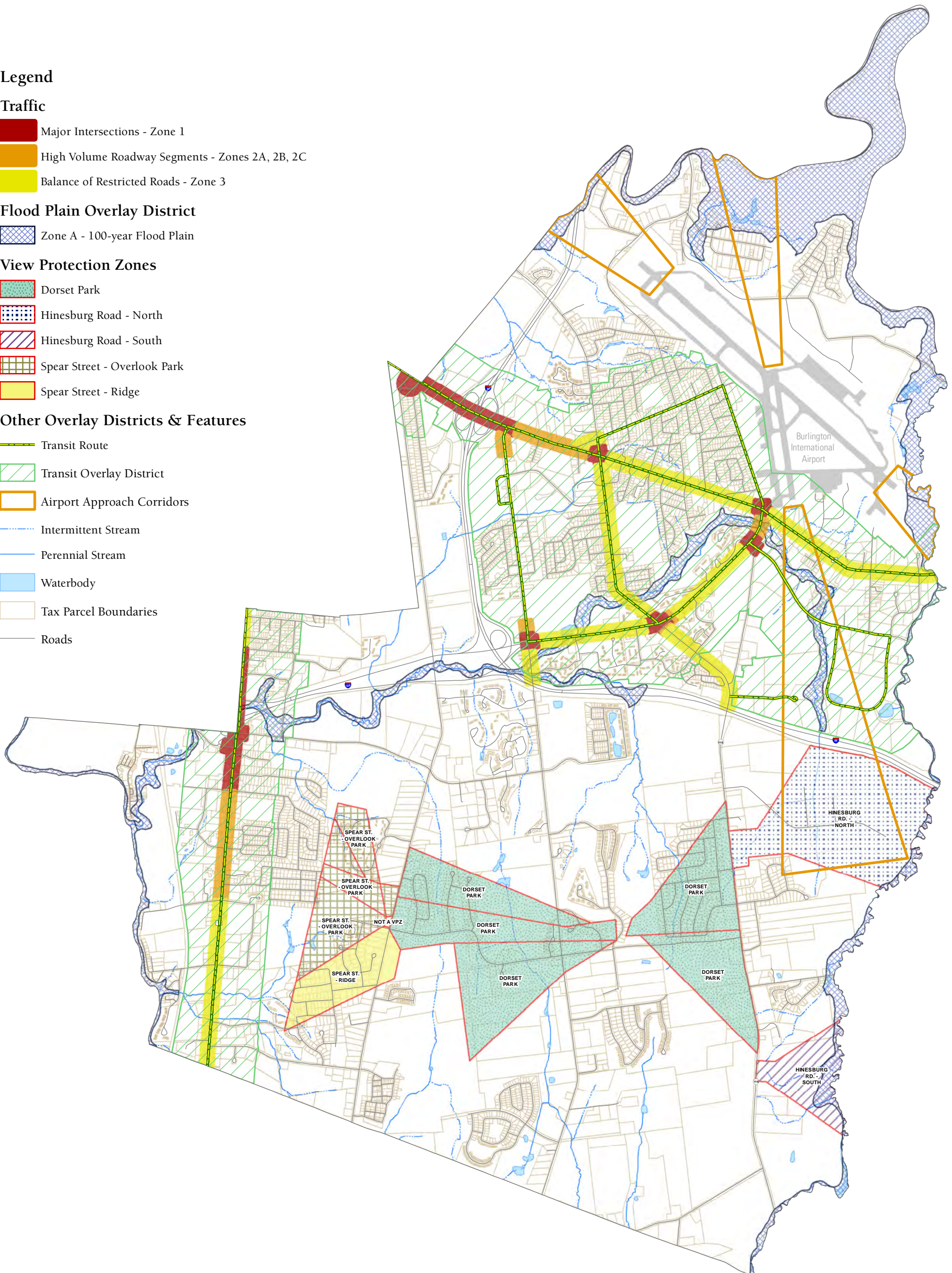
- Zone A - 100-year Flood Plain

View Protection Zones

- Dorset Park
- Hinesburg Road - North
- Hinesburg Road - South
- Spear Street - Overlook Park
- Spear Street - Ridge

Other Overlay Districts & Features

- Transit Route
- Transit Overlay District
- Airport Approach Corridors
- Intermittent Stream
- Perennial Stream
- Waterbody
- Tax Parcel Boundaries
- Roads



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 but it is not a replacement for surveyed information or engineering studies.
 Map updated by M. Brumberg using ArcGIS 10.3. All data is in State Plane Coordinate System, NAD 1983.