

## 2 DEFINITIONS

### 2.02 Specific Definitions

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**Inclusionary ownership unit.** A dwelling unit:

- (1) The sales price for which does not exceed the maximum price for a household with a gross annual income that does not exceed 80% of the median income for the Burlington-South Burlington Metropolitan Statistical Area (MSA), as calculated using a United States Department of Housing and Urban Development (HUD) formula that defines a unit-specific household size based on dwelling unit size (i.e. number of bedrooms); and
- (2) Which is owned by its inhabitants, whose gross annual household income at time of purchase does not exceed 100% of the median income for the Burlington-South Burlington MSA, adjusted for the household size; and
- (3) The sales price for which shall remain perpetually affordable to households with a gross annual household income that does not exceed 80% of the median income for the Burlington-South Burlington MSA;

Note the unit-specific household size based on the number of bedrooms and the actual household size of the purchasing household do not have to be the same.

**Inclusionary rental unit.** A dwelling unit:

- (1) The rent for which does not exceed the maximum price calculated for a household with a gross annual income that does not exceed 80% of the median income for the Burlington-South Burlington MSA, to which the unit is targeted, as calculated using a HUD formula that defines a unit-specific household size based on dwelling unit size (i.e. number of bedrooms) to which the inclusionary unit is targeted; and
- (2) Which is rented by inhabitants whose gross annual household income at time of initial occupancy does not exceed 80% of the median income for the Burlington-South Burlington MSA, adjusted for the household size; and
- (3) The rent for which shall remain perpetually affordable to households with a gross annual household income that does not exceed 80% of the median income for the Burlington-South Burlington MSA;

Note the unit-specific household size based on the number of bedrooms and the actual household size of the renting household do not have to be the same.

**Inclusionary Unit.** A dwelling unit that is either an Inclusionary Ownership Unit or an Inclusionary Rental Unit.

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

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**Security Identification Display Area:** As defined by 49 Code of Federal Regulations (CFR) §1542, as revised.

### 3 GENERAL PROVISIONS

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3.07 Height of Structures

#### 3.07 Height of Structures

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#### D. Waiver of Maximum Height Requirements

(1) **Larger Rooftop Apparatus.** Larger 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-Air, C1-LR, AR, SW, IO, C2, Mixed IC, AIR, and AIR-IND Districts.**

(a) Except within a Planned Unit Development, an applicant may seek approval from the Development Review Board for the height of one or more structures to exceed the limitation set forth in Table C-2 for structures within these zoning districts. Within a Planned Unit Development, ~~the ability of an applicant to seek approval for a structure to exceed the limitation in Table C-2 is heights are~~ established by PUD type.

(b) Submittal requirements. Any request for additional height shall be made in writing at the time of application for a Site Plan. The request must 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, and any supplemental information the Development Review Board deems necessary in order to render a decision.

(c) Standards of Review.

- (i) Demonstration of Compliance with the Provisions of Section 14.06 and 14.07; and,
- (ii) Demonstration that the proposed structure will not have an undue adverse effect on scenic views from adjacent public roadways and other public rights-of-way.

## 8 CITY CENTER FORM BASED CODE DISTRICT

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8.08 Open Space Requirements

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### 8.08 Open Space Requirements

#### D. General Civic Space / Site Amenity Notes

(1) In all Transect Zones, only Civic Space / Site Amenity areas meeting the requirements of [Appendix F Article 11.B](#) and this article shall count towards the minimum qualifying requirements.

(2) In all Transect Zones landscaped parking lot dividers and median strips shall not be considered qualifying Civic Space / Site Amenities. A divider between a parking lot and a qualifying street type shall be considered qualifying where applicable and allowable.

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## 14 SITE PLAN and CONDITIONAL USE REVIEW

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### 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 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. The DRB shall consider the following:

- (a) Street Frontage. Maintain internally-consistent building setbacks and landscaping along the street.
- (b) Building Placement, Orientation. Maintain or establish a consistent orientation to the street and, where a prevalent pattern exists, shall continue the manner in which the site's existing building foundations relate to the site's topography and grade.
- (c) Transition Contrast in Scale. Minimize and mitigate abrupt contrasts in scale between existing, planned or approved development, and proposed development.
- (d) Pedestrian Orientation. Improve and enhance pedestrian connections and walkability within the area proposed for development.
- (e) Solar Gain. Orient their rooflines to maximize solar gain potential, to the extent possible within the context of the overall standards of these regulations.

(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 .
  - (III) The minimum required total area of the greenspace shall be 150,000 square feet. For purposes of this subsection 14.07(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.
- (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 Article 11.B, 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 13.04 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.

(viii) The building, or a portion thereof, being served by the parking area is contained within the Security Identification Display Area of a publicly-owned and operated airport.

(c) Parking area width. Surface parking areas and affiliated drive aisles located to the side of buildings shall not exceed the width of building(s), Civic Spaces, and Site Amenities width along any street frontage. This may be calculated separately or cumulatively for corner lots. Parking approved pursuant to 14.07(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,

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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.

(3) To accomplish (1) and (2), the DRB shall consider:

(a) Pattern and Rhythm. Update or maintain or extend the overall pattern of development defined by the planned or existing street grid, block configurations, position and orientation of principal buildings, prevalence of attached or detached building types.

(b) Architectural Features. Respond to recurring or representative architectural features that define neighborhood character, without adhering to a particular architectural style.

(c) Privacy. Limit impacts and intrusions to privacy on adjoining properties, including side and back yard areas through context sensitive design.

#### D. Site Amenity Requirement

(1) Sites are required to include a specific minimum area for appropriate Site Amenities. This section does not apply to projects within the City Center FBC District (which are governed by Section 8.08).

(2) Applicability. Applications for the following shall be required to provide Site Amenities:

(a) Any non-residential development over 5,000 SF.

(b) Additions or expansions exceeding 5,000 SF for existing non-residential structures.

(c) Any residential development, including conversion of non-residential structures to residential use.

(3) The required area shall be:

(a) For Non-Residential development, a minimum of 6% of non-residential building gross floor area.

(b) For Residential development, determined by number of units as:

(i) For fewer than 10 units, 100 square feet per unit;

(ii) For 10 to 19 units, 85 square feet per unit; or

(iii) For 20 or more units, 60 square feet per unit.

(4) The DRB may, in its discretion, provide a credit for up to 50% of the required Site Amenity area if the Applicant demonstrates a safe, walkable connection to an existing Civic Space or public park that is accessible by the general public and located within five-hundred (500) feet of at least one pedestrian access point for each building on the lot via a walking route and/or pedestrian way. A "safe, walkable connection" shall not include or require crossing a four-lane road.

(a) The DRB may, in its discretion, give a partial credit for the required Site Amenity area if some but not all the buildings on the lot have pedestrian access points located within five-hundred (500) feet of the Civic Space or public park, as described in Section 14.06(D)(4), above.

(b) The DRB cannot provide any credit to replace the remaining 50% of the Site Amenity area.

#### **14.07 Specific Review Standards**

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In all Zoning Districts and the City Center Form Based Codes District, the following standards shall apply:

- A. Environmental Protection Standards.** All proposed development shall be subject to the applicable requirements of Article 12, Environmental Protection Standards.
- B. Site Design Features.** All proposed development shall comply with standards for the placement of buildings, parking and loading areas, landscaping and screening, open space, stormwater, lighting, and other applicable standards related to site design pursuant to these Land Development Regulations.
- C. Access and Circulation.** All proposed development shall comply with site access and circulation standards of Section 15.A.14.
- D. Transportation Demand Management (TDM) [reserved]**
- E. Building Form.** Development within the City Center Form Based Code District, the Urban Design Overlay District, and other districts with supplemental building form standards shall adhere to the standards contained therein.
- F. Streetscape Improvements.** A proposed new construction or extension/expansion of an existing structure exceeding the thresholds listed in either (a) Section 14.09(B) or (b) Section 8.11(D) within the City Center Form Based Code, or Section 3.11(D) in all other zoning districts, 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.
- F. 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.
- G. 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.A.18, Infrastructure, Utilities, and Services, shall also be met.
- H. 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.

## 15.A SUBDIVISION REVIEW

### 15.A.16 Blocks and Lots

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**B. Lots.** All lots must be laid out to logically relate to topography and their intended use or purpose. Building lots must be laid out within existing and planned street and block configurations, in such a way that they can be developed in full compliance with their intended use and these Regulations. Unless otherwise specified under these Regulations as applicable to the subdivision:

- (1) All proposed lots must be numbered, as shown on subdivision plans and plats.
- (2) The arrangement and configuration of lots must allow for the further subdivision of any remaining developable land on the tract or parcel to be subdivided. Where proposed building lots exceed minimum lot area requirements, the DRB may require that such lots be configured and developed in a manner that allows for further subdivision and infill development.
- (3) Building or other lots for existing or planned public facilities or uses, including public parks, as shown on the City's Official map or proposed for dedication to the City, must be labeled and shown as such on the subdivision plan and plat.
- (4) Unless otherwise specified under these Regulations, a minimum of ten percent (10%) of the total buildable area within the developed portion of any Major Subdivision exceeding two acres in size must be allocated to functionally integrated civic space lots, as shown on the subdivision plan and plat.
  - (a) Required civic space must incorporate one or more allowed Civic Space Types under Article 11.B and meet associated type requirements.
  - (b) Designated civic space lots must have frontage on or pedestrian access from an abutting street. The entrance to a civic space that does not front on an abutting street must be readily visible, apparent, and accessible from the street.
  - (c) Civic space lots must be identified on the subdivision plat, and in associated legal documents, as Civic Space lots to be maintained and managed in single or common ownership.
  - (d) For Major Subdivisions under six (6) acres, the DRB may, in its discretion, provide a credit for up to 50% of the required Civic Space area if the Applicant demonstrates a safe, walkable connection to an existing Civic Space or public park that is accessible by the general public and located within five-hundred (500) feet of at least one pedestrian access point for each building in the subdivision, via a walking route or pedestrian way. A "safe, walkable connection" shall not include or require crossing a four-lane road.
    - i. The DRB may, in its discretion, give a partial credit for the required Civic Space area if some but not all buildings in the subdivision have pedestrian access points located within five-hundred (500) feet of the Civic Space or public park, as described in Section 15.A.16, above.
    - ii. The DRB cannot provide any credit to replace the remaining 50% of the required Civic Space area.

## 15.B MASTER PLAN REVIEW

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15.B.02            Applicability

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### 15.B.02            **Applicability**

**(A)    Required Approval.** Master plan review and approval by the DRB is required prior to preliminary subdivision review under Article 15.A, or site plan review under Article 14, as applicable, for:

- (1)    Any Major Subdivision involving four (4) or more acres, except for any portion of Transect Zone Subdivision within the City Center Form Based Code District.
- (2)    Any land subdivision or site development proposed to occur over two (2) or more phases, or three (3) or more years.
- (3)    A Planned Unit Development under Article 15.C unless, at applicant request, Master Plan review is waived by the DRB for a PUD on less than four (4) acres under 15.C.03.
- ~~(4)    **Multiple Structures on a Single User Lot or Complex, in accordance with Section 3.09.**~~
- (5)    The DRB may also require the submission of a Master Plan for any tract or parcel of land where there exists clear potential for future growth and development beyond that presented in an application, as necessary to establish physical and functional connections between areas of proposed and potential future development.

## 15.C PLANNED UNIT DEVELOPMENT

- 15.C.01 Purpose
- 15.C.02 Applicability
- 15.C.03 Planned Unit Development Review
- 15.C.04 ~~General PUD~~ Standards Applicable to All PUD Types
- 15.C.05 Conservation Development
- 15.C.06 Traditional Neighborhood Development
- 15.C.07 General PUD

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### 15.C.02 Applicability

**A. Floating Zone.** For purposes of these Regulations, a Planned Unit Development (PUD) is an unmapped overlay zoning district or “Floating Zone,” as allowed or required within an underlying zoning district, which is applied to a particular tract or parcel of land proposed for subdivision and development. A PUD is intended to function as a more flexible, design-based zoning district in which conservation or form-based design standards also apply to proposed development. Where PUD standards differ from underlying zoning district, site plan, or subdivision standards, PUD standards shall apply.

**B. PUD Types.** The following types of Planned Unit Development are authorized under these Regulations by Zoning District (Table 15.C-1), subject to the associated provisions and standards of review for each PUD type:

- |     |  |                        |
|-----|--|------------------------|
| (1) | Conservation Development (CON <u>PUD</u> )             | Section 15.C.05        |
| (2) | Traditional Neighborhood Development (TND <u>PUD</u> ) | Section 15.C.06        |
| (3) | <u>General PUD</u>                                     | <u>Section 15.C.07</u> |

**C. Required Planned Unit Development.** PUD review and approval by the DRB under this Article is required for any subdivision and development of a tract or parcel with a total area of four (4) or more acres within any zoning district listed for CON PUD and TND PUDs under Table 15.C-1. General PUDs are not mandatory in any district.

**D. Elective Planned Unit Development.** An applicant may elect PUD review, as allowed within specified zoning districts, for the subdivision and development of any tract or parcel:

- (1) Less than four (4) acres that qualifies as a Conservation PUD under Subsection 15.C.05, in which fifty percent (50%) or more of the total tract area includes one or more Hazards or Level I Resources identified for protection under Article 12.
- (2) Where the General PUD type is allowed under Table 15.C-1 or Section 15.C.07(C).

**E. PUD Type by Zoning District.** The types of PUD allowed within an underlying zoning district are specified by district in Table 15.C-1.

**Table 15.C-1 PUD Types by Zoning District**

PUD Type	Underlying Zoning Districts
Conservation Development (CON <u>PUD</u> )	(1) R1-PRD, R1-Lakeshore, R1-Lakeview, R2, Lakeshore, SEQ-NR, SEQ-NRT, SEQ-NRN, SEQ-VR, SEQ-VC  (2) A tract or parcel in any PUD-allowed zoning district in which a minimum of 50% of the total tract or parcel area consists of Hazards and/or Level I Resources (see Section 15.C.05)
Traditional Neighborhood Development (TND <u>PUD</u> )	R1-PRD, R1-Lakeview, R1-Lakeshore, R2, R4, R7, Lakeshore, Allen Road, Swift Street, R7-NC, SEQ-VR, SEQ-VC  SEQ-NR, SEQ-NRN, SEQ-NRT, only in association with a Conservation PUD, in a designated Development Area with a minimum Buildable Area of 4 acres
<u>General PUD</u>	(1) <u>C1-R12, C1-R15, C1-AUTO, C1-AIR, C1-LR, C2, IC, AIR, AIR-I, I-O, and IA.</u>  (2) <u>As described in Section 15.C.07(C).</u>

(1) Planned Unit Development review under this Article does not apply to subdivision and development within those zoning districts for which no PUD type is specified. In addition,

~~(2) All PUD types are prohibited within any zoning district not listed in Table 15.C-1; and~~

(2) All PUD types are prohibited within the SEQ-NRP Subdistrict; except for land on a tract or parcel within the SEQ-NRP that is included for conservation within a Conservation PUD.

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**15.C.04 General PUD Standards Applicable to All PUD Types**

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**D. Development Density.**

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(5) **Minimum (Base) Density.** To ensure densities of development that support the efficient use of land and infrastructure, walkability, and transit-supportive development within a PUD, the following minimum residential densities of development (Base Density), expressed as the minimum number of dwelling units per acre of Buildable Area, apply within designated Development Areas proposed for residential or mixed use development, unless otherwise specified by PUD type:

- (a) The minimum (base) density of residential development within a designated Residential or Mixed Use Area, as specified by PUD Type, represents the minimum number of dwelling units per acre (DU/A) that is either required or allowed by right under these Regulations, over one or more phases of development under an approved PUD Master Plan.
- (b) The required minimum (base) residential density within a designated Residential Area is four dwelling units per acre (4 DU/A) or the maximum residential density allowed within the underlying zoning district, whichever is greater, except within a Southeast Quadrant (SEQ) sub-district. In the SEQ, the minimum (base) residential density is 4 DU/A.
- (c) Within a designated Mixed Use Area, or within ½-mile of a transit route as shown on Overlay District Map 2, the required residential base density is eight dwelling units per acre (8 DU/A) or the maximum residential density allowed within the underlying zoning district, whichever is greater.
- (d) The residential base density may also vary by subzone, as specified by PUD type, in association with allowed housing types within that subzone.
- (e) Accessory Dwelling Units (ADUs) shall not be included in the calculation of residential base density or the minimum number of required dwelling units (residential yield).
- (f) The minimum number of dwelling units required or allowed by right (residential yield) within a designated Residential or Mixed Use area, excluding ADUs, may be calculated as:

$\text{Total Buildable Area (A)} \times \text{Land Allocation (\%)} \times \text{Base Density (DU/A)} = \text{Min DUs (\#)}$
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(6) **Nonresidential Base Density.** There is no minimum (base) density or intensity requirement for nonresidential development within a designated Development Area.

(7) **Maximum Development Density.** The maximum development density allowed within any PUD except a Conservation PUD shall be determined based on the total buildable area, proposed land use allocations by use category, the allowed mix of building types, and associated building lot standards as specified by PUD type.

(a) The DRB may allow for an increase in the overall density of residential development within a designated Residential or Mixed Use area, for example through adjustments or modifications to the required housing mix, allowed housing types, or associated building lot or height standards, as necessary to accommodate the following:

(i) The purchase and transfer of development rights from land within the SEQ-NRP or SEQ-NRT Subdistrict (Section 9.05 Transfer of Development Rights).

- (ii) The incorporation of offset housing units under inclusionary zoning (Section 18.01 Inclusionary Zoning).
- (iii) The incorporation of additional housing units awarded as an incentive for affordable housing development under Section 18.01 Inclusionary Zoning).
- (iv) The transfer of residential development density within a Conservation PUD from Level I and other resource or open space areas identified for protection that are included in a designated Conservation Area.
- (v) Within a Conservation PUD the maximum residential development density within the designated Development Area shall be capped as specified by zoning district under Section 15.C.05.

1 **15.C.07 General PUD**

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3 **A. Authority and Limitations.**

4 **(1) The Development Review Board (DRB) has the authority under 24 VSA § 4417 to review, to**  
5 **approve, to approve with modifications and conditions, or to disapprove an application for a Planned**  
6 **Unit Development (PUD), as further described in Section 15.C.01.**

7 **(2) Limitations on DRB authority under 14.04(A)(3)(b) apply.**

8 **(3) In addition, in no case shall the DRB vary:**

9 (a) **Density restrictions and/or allow an increase in overall density except as authorized via**  
10 **use of Transferrable Development Rights or via Inclusionary Zoning.**

11 (b) **Requirements of the Urban Design Overlay District and Transit Overlay District, as**  
12 **applicable.**

13 (c) **Applicable lot coverage and/or building coverage maximums allowed within each zoning**  
14 **district, as measured across the PUD as a whole, except as authorized via use of Transferrable**  
15 **Development Rights.**

16 (d) **Environmental Protection Standards under Article 12, except as authorized within that**  
17 **Article.**

18 (e) **Parking and building location requirements in Section 14.06(A)(2), except as authorized**  
19 **within that Section.**

20  
21 **B. General PUD Description, Purpose, and Characteristics.** A General PUD is a type of planned  
22 **development that allows for relief from the strict dimensional standards for individual lots in order to**  
23 **encourage innovation in design and layout and efficient use of land consistent with the Comprehensive**  
24 **Plan. Defining characteristics of a General PUD include well-planned, -sited, and -designed development**  
25 **projects that:**

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- 27 • **Conform to the goals in the City of South Burlington Comprehensive Plan and South Burlington**  
28 **City Council’s Resolution on Climate Change dated August 7, 2017.**
- 29 • **Support and enable affordable housing development.**
- 30 • **Contribute to the City’s economic vitality, in response to changing markets and consumer**  
31 **demand, by providing needed housing, goods, services, and employment opportunities.**
- 32 • **Redevelop underperforming properties and commercial strips (retrofits), contaminated sites**  
33 **(brownfields), and large expanses of parking (gray fields) into more compact forms of walkable,**  
34 **pedestrian-oriented, mixed-use development.**
- 35 • **Extend or re-establish existing street, sidewalk, and recreation path connections.**
- 36 • **Incorporate a density of development that supports walkable residential, mixed use, and transit-**  
37 **oriented development, compatible in design with the surrounding area.**
- 38 • **Improve the physical appearance, walkability, and amount of civic and green space within existing**  
39 **residential neighborhoods, commercial centers, and commercial strip development.**
- 40 • **Introduce missing or complementary uses, facilities, services, amenities, or civic space intended**  
41 **to serve the immediate and surrounding area.**
- 42 • **Foster context-sensitive transitions among and between neighborhoods, commercial areas,**  
43 **mixed use areas, civic spaces, and natural resource areas.**
- 44

45 **C. Applicability.** A General PUD is an allowed PUD type in the following circumstances:

1 (1) Within the underlying zoning districts listed in Table 15.C-1 for General PUD.

2 (2) For amendments to General PUDs approved under this Section.

3 (3) For minor amendments to existing PUDs reviewed and approved under the LDRs in effect until  
4 November 10, 2021, the final subdivision approval for which has not expired, regardless of zoning  
5 district.

6 (a) An amendment shall be considered “minor” if it does not significantly alter the overall  
7 intent or scale of the PUD, or the relationship of the approved PUD to its surroundings. A minor  
8 amendment may incorporate additional land not in the PUD as previously approved, but only to  
9 the extent that the additional land does not cause the PUD to exceed other requirements of this  
10 section.

11 **D. Conformance with PUD Standards.** In addition to the specific standards under this Section, all  
12 standards in Section 15.C.04 shall also apply. Application and review process for a General PUD is  
13 governed by Section 15.C.03.

14  
15 **E. Context.** For planning and design purposes, “Planning Area” is defined as the area within ¼-mile  
16 of the lot or parcel to be developed, as measured from the lot line or delineated PUD boundary.

17  
18 **F. General PUD Compatibility and Context Analysis**

19 **(1) Compatibility.** PUD compatibility with the Planning Area, as determined from a detailed  
20 analysis of the Development Context, shall be a primary consideration in General PUD project design,  
21 and for DRB review and approval.

22 **(2) “Development Context” is defined to include:**

23 (a) The prevalent or recurring pattern and form of development within the Planning Area,  
24 including established street grid and streetscape elements, blocks, lots, buildings and yard areas,  
25 civic spaces, and parking arrangements, and

26 (b) The character of the Planning Area, as defined by:

27 (i) The planned character of an area planned for redevelopment by the City as identified  
28 in the Comprehensive Plan;

29 (ii) Approved, to-be-built or recently built (within ten (10) years) development projects  
30 in the Planning Area;

31 (iii) Any updates to the underlying zoning district(s) in the Planning Area within the  
32 preceding ten (10) years; or

33 (iv) Zoning district purpose statements, allowed uses, and district-specific development  
34 standards.

35 (c) Current zoning purpose statements, uses, and standards only if the DRB finds there is no  
36 relevant information under 15.C.07(F)(2)(a) or (b)(i) through (b)(iii), or the DRB finds that there is  
37 a clear, established neighborhood street, block, and lot pattern.

38 **(3) Context Analysis.** The applicant must submit a written Analysis of the Development Context  
39 within the Planning Area, which, at minimum, includes the information required for Master Plan  
40 review under 15.B.04(C) and:

1 (a) Hazards, and Level I and Level II Resources regulated under Article 12.

2 (b) Prevalent pattern of land subdivision and development in the Planning Area, as defined  
3 by block lengths; lot size and front lot line lengths; front, side, and rear setbacks; building height  
4 and coverage; and existing parking arrangements.

5 (c) Streetscape elements, including the placement, orientation, and spacing of buildings  
6 along the street, existing and planned sidewalks, and existing or planned landscaping, street  
7 furniture, and lighting.

8 (d) Building types and styles, including any prevalent or character-defining architectural  
9 features.

10  
11 **G. General PUD Dimensional Standards.**

12 **(1) Relevant subdivision, site plan, zoning district, and applicable overlay district dimensional**  
13 **standards shall form the basis of the design of a General PUD and shall apply unless modified, reduced,**  
14 **or waived by the DRB under (2) below.**

15 (a) The DRB must find an application meets the requirements of 15.C.07(G)(2) in order to  
16 modify, reduce, or waive Site Plan requirements using 14.04(A)(3), Site Plan application  
17 requirements using 14.05(G), Subdivision requirements using 15.A.01(B)(3), Scenic Overlay  
18 District requirements using 10.02(I)(2), (J), and/or (K).

19 (b) The DRB has authority to allow alternative compliance under 15.C.04(C)(3).

20 (c) Height restrictions may be modified, reduced, or waived in underlying zoning districts  
21 identified in 3.07(D)(2) by the DRB under (2) below, except as noted in 15.C.07(C)(2)(b) above.  
22 The standards of review in 3.07(D)(2) shall apply.

23 (d) The DRB cannot modify, reduce, or waive standards as listed in 15.C.07(A)(3).

24 **(2) In response to the existing or planned Development Context in the Planning Area, the DRB**  
25 **may modify, reduce, or waive one or more applicable dimensional standards as necessary to:**

26 (a) Accommodate reductions in the available area associated with infill or redevelopment,  
27 that result in insufficient acreage to meet applicable dimensional standards; or

28 (b) Allow for more creative and efficient subdivision and site layout and design that advances  
29 the purposes of the underlying zoning district and/or the goals of the Comprehensive Plan,  
30 particularly in response to existing site limitations that cannot be eliminated; or

31 (c) Ensure that the pattern and form of proposed development is compatible with existing  
32 or planned Development Context in the Planning Area determined under 15.C.07(F) and to  
33 Transition Zone standards in 15.C.04(E); or

34 (d) Allow for greater energy efficiency, use of alternative energy, green building design, or  
35 otherwise furthering of the South Burlington City Council's Resolution on Climate Change dated  
36 August 7, 2017.

37 **(3) Context shall be determined by the existing or planned Development Context in the Planning**  
38 **Area under Section 15.C.07(F) and (G).**

39  
40 **H. Development Density.**

1 (1) Development Density regulations and definitions included in Section 15.C.04(D) shall apply to  
2 General PUDs.

3 (2) Development density within a General PUD is determined by maximum development density  
4 in the underlying zoning district, except as follows.

5 (a) Density can be re-allocated within the PUD area within single zoning districts;

6 (b) Additional density may be achieved through either or both Inclusionary Zoning and  
7 application of Transferrable Development Rights where specifically authorized by and as  
8 regulated by Section 18.01 or Section 9.05.

9  
10 **I. General PUD Design Standards**

11 (1) Design Standards, Generally. The design for a General PUD shall comply with existing Site  
12 Plan, Subdivision, and Overlay District regulations and standards, but may allow for variations from  
13 applicable regulations that respond to and incorporate the development context within the Planning  
14 Area and under the specific circumstances listed in Section 15C.09(G)(4).

15 (2) Streets. Streets within a General PUD must be compatible with and connect to existing and  
16 planned public street, sidewalk, and path networks in the Planning Area.

17 (a) Street and block pattern requirements of the Subdivision regulations shall apply unless  
18 waived by the DRB under Section 15C.09(G)(4).

19 (3) Parking. Parking design and building location requirements applicable in all underlying zones  
20 and districts apply to General PUDs, including all requirements in Section 14.06(A)(2).

21 (4) Buildings. Buildings and associated building lots within a General PUD must be compatible  
22 with the development context in the Planning Area as described under Section 15.C.07(F) and (G).

23 (5) Civic Spaces and Site Amenities. Civic Spaces and/or Site Amenities must be compatible with  
24 the existing or planned development context. General PUDs must comply with applicable Civic Space  
25 and/or Site Amenity requirements in Subdivision (Section 15.A.16(B)(4)) and Site Plan (Section  
26 14.06(4)).

27 (a) Section 15.A.16(C)(4) requirement for minimum 10% of the total buildable area to be civic  
28 space lots apply to General PUDs only for PUDs that involve subdivision of land resulting in three  
29 (3) or more lots, not including the resulting lots that only contain civic space(s).

30 (b) In a General PUD, Civic Spaces required under Subdivision Regulations (Section  
31 15.A.16(C)(4)) and under Site Plan Regulations (Section 14.06(4)) can be satisfied by a combination  
32 of Civic Spaces, Site Amenities, or a combination, applied across the PUD area.

33 (6) Housing Mix. In a General PUD with more than four (4) residential dwelling units, a mix of  
34 two or more dwelling unit types (as allowed within the applicable zoning district) must be provided as  
35 described by Section 15.A.17. Types of dwelling units are differentiated by either housing type under  
36 Article 11.C or, within multi-family structures with more than four (4) dwelling units, by number of  
37 bedrooms per unit.