



Section-By-Section Overview of LDR-20-01 Environmental Protection Standards

Draft as of March 26, 2021

For a brief summary of the proposed amendments, please visit the project website. Please note that this is a general overview only, generalizes the description of standards and applicable areas, and is not intended to be comprehensive. Please refer to the draft amendments themselves.

Article 2: Definitions

This Article hosts the definitions of terms used throughout the Land Development Regulations. Proposed changes:

- *Section 2.02: Specific Definitions:* Defines terms newly used in the draft Environmental Protection standards, and updates existing definitions where appropriate. Where possible, definitions were drawn from source studies (eg, habitat blocks). Additional updates for clarity.
- *Section 2.03 Definitions for Flood Hazard and River Corridor Purposes.* Updates definitions based on State model bylaw for best practices

Article 3: General Provisions

This Article creates the zoning districts used in the city and provides standards that apply to all development throughout the City. Proposed changes:

- *Section 3.01 Establishment of Districts and Description of Certain Districts:* formally creates the 0.2% (500-year) B1 and B2 floodplain overlay districts that are regulated in Section 10.01
- *Section 3.02 Official Maps and Other Maps:* removed the outdated “Wetland Map” that had been part of the prior regulations, and replaces it with a Natural Resources Map that shows locations of mapped Hazards, Level I Resources, and Level II Resources regulated by the Environmental Protection Standards
- *Section 3.03 District Boundaries:* Removes using the outdated “Wetland Map” as the starting point for on-the-ground field identification of wetlands. Section 12.03 instead points users to the Natural Resources Map and updated State advisory database of wetlands as the starting point. In either case, field delineation of wetlands boundaries remains required.
- *3.04 Applicability of Regulations:* creates a new “test” for evaluating whether a proposed project has an “undue adverse effect.” The term is used in the current regulations, but there is no specific methodology for evaluation. This “test” would be applied wherever the standard calls for evaluating whether the proposed project has an undue adverse effect on the subject in question. This term, and a similar test, have been widely used at the Act 250 level in Vermont for certain aspects of development and is proposed to be adapted for local use here.

Article 9: Southeast Quadrant

This Article sets the rules for the Southeast Quadrant's subdistricts, planned unit development standards, street and building standards, and transfer of development rights standards.

- *9.06 Dimensional and Design Requirements Applicable to All Sub-Districts, [B: Open Space and Resource Protection]:* Updates and provides specific reference to the standards to be used in review of an applicant's plan for protection of open spaces and natural resources on a property. The proposed amendment would point directly to the standards applicable to Hazards, Level I, and Level II resources regulated by Articles 10 & 12. It removes general language that exists today that states that resources on the site, "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, must be protected", without provide direction to the Development Review Board on how to do this except for wetlands and stream buffers. The proposed update would address all natural resources proposed under the Environmental Protection Standards and provide a specific methodology for protection of these resources in a legally defensible manner.

The amendment would also relocate standards for providing a visible demarcation of the boundary of a wetland or stream buffer from this section to Article 12 so that it would apply city-wide instead of only in the southeast quadrant.

- *9.12 SEQ-NRP; Supplemental Regulations:* Replaces an un-defined reference prohibiting development in "primary natural communities and their buffers" with Hazards, Level I Resources, and Level II Resources as defined in these Regulations.

Article 10: Overlay Districts

This Article establishes and sets the standards for a series of zoning districts that apply to a geography specific to the subject area being regulated. These standards apply in addition to the requirements of the zoning district where the property sits.

- *Section 10.01: Floodplain Overlay District (FP):* This section sets the proposed standards for the newly-created 0.2% (500-year) floodplain districts B1 and B2. District B1, which includes land in generally undeveloped areas, generally prohibits future development within the 500-year floodplain in a manner similar to how the City currently prohibits new development in River Corridors and the 100-year floodplain. District B2, which includes land in areas that are already developed, sets floodproofing requirements for new development and substantial renovation that are based on the models provided by the Vermont Department of Environmental Conservation for pre-existing developed areas within the 100-year floodplain.

This section also includes a general update of standards applicable to the 100-year floodplain to meet current best practice recommendations from the Vermont Agency of Natural Resources, and retains the City's supplemental standards as applicable.

- *Section 10.07: River Corridor Overlay District.* This section is proposed to be updated and combines the current River Corridor and Stream Buffer standards, which are currently in separate sections by largely cover the same geographic areas. The updated River Corridor District includes all areas within the State-mapped River Corridors, plus all portions of streams and brooks not mapped by the State that either meet the definition of a "river corridor" under Vermont guidance or are a

part of the current Stream Buffer areas regulated by the City.

As part of the update, the standards from both River Corridors and Stream Buffers are incorporated and updated. Updates include removal of certain prior exceptions (such as snow storage allowances in stream buffers), consistent measurement of boundaries to the top of bank/slope, and clarifying the definition and standards for intermittent streams. Removes standards for review stream alterations that are solely under State jurisdiction.

Article 12: Environmental Protection Standards

This article proposes to replace the existing “surface water protection standards”, and sets the standards for regulation of specified natural resources.

- *Section 12.01: General Protection Standards, Classifications and Review Procedures:* Specifies the purpose of the Article, classifies natural resources into Hazards, Level I, and Level II Resources (used elsewhere in these regulations to make certain regulatory distinctions), lists certain exempt activities, including those required by State law and residential fencing, and establishes the general review procedure for applications.
- *Section 12.02:* Reserved section number for future use
- *Section 12.03 Wetland Protection Standards:* The proposed amendments expand existing buffers for Class I and Class II wetlands from 100'/50' to 200'/100' in residential in conservation zoning districts. [note: there are presently no Class I wetlands in South Burlington]. The proposed amendments also prohibit incursions into Class I & II wetland buffers except for certain restricted infrastructure encroachments, removing current allowances for modifications to the standards except within the City Center Form Based Codes area. Class III wetlands less than 300 s.f. in area are proposed to be removed from regulation. Larger ones are subject to the regulations and are eligible to apply for a modification. The edge of wetland buffers must be clearly demarcated on the ground.
- *Section 12.04:* Reserved section number for future use
- *Section 12.05 Habitat Blocks:* This is a new section. It creates a series of mapped areas where future development is generally prohibited, save certain exceptions described below. The Habitat Blocks were developed based on a study commissioned by the City in 2019/2020 entitled “Habitat Block Assessment and Ranking.” The results of this report by Arrowwood Environmental were then reviewed, boundaries and thresholds of applicability were adapted for use in a regulatory setting. In general, land development is prohibited within the boundaries of the Habitat Blocks shown on the Natural Resources Map. Exceptions include invasive species removal, walking trails and activities exempt from local regulatory review under Vermont law, including forestry operations.

The proposed regulations allow for certain modifications to the boundaries of the mapped habitat blocks. There are three methods available to an applicant, with minor modifications requiring a lower threshold of evaluation than more significant ones. In each case, however, the net amount of land within the mapped Habitat Block must remain equal. The proposed regulations also provide an allowance for existing properties that are more than 70% covered by Habitat Blocks & Habitat Connectors to develop a portion of the property equal to not more than 30% of the land,

with a prioritization of developable areas included.

- *Section 12.06 Habitat Connectors:* This is a proposed new section. Its purpose is to retain certain connections for wildlife, either between a pair of Habitat Blocks or between a Habitat Block and a stream or water feature that is likely used for wildlife movement. In many cases, these resources were already linked by streams, brooks, or wetlands which are regulated separately in these LDRs. For these remaining Habitat Connectors, a buffer of 150' (or the best fit available) is established. An applicant may apply to relocated the mapped site of the connector so long as it meets the same start point on adjacent parcels and retains its link to the Habitat Block.
- *12.07 Habitat and Disturbance Assessment:* This is a proposed new section. It provides specific standards for performing a Habitat and Disturbance Assessment (HDA) where required by these regulations. An HDA is required for an applicant seeking approval for large exchange of the mapped Habitat Block area, or relocating a mapped Habitat Connector.
- *12.08 Stormwater Management:* This section is proposed to be updated, building on the current requirements and applying updated best management practices.
- *12.09 Steep Slopes:* This is a proposed new section. Development is proposed to be generally prohibited on slopes exceeding 25% grade, with allowances only for restricted infrastructure. Development on slopes of 15-25% grade are permitted but must demonstrate that slopes and development will remain stable.
- *12.10 Restricted Infrastructure Encroachment:* This is a proposed new section. It would provide specific standards for the review of infrastructure that is proposed to impact a natural resource in these regulations that would otherwise generally prohibit development. Environmental Restoration projects are included and allowed. Proposed new crossings of any regulated resource must meet certain supplemental standards. If the proposed infrastructure is not included on the City's Official Map as planned future public infrastructure, it must meet several additional criteria demonstrating there is no feasible alternative and that the crossing is needed.

Article 15: Subdivision and Planned Unit Development

This Article provides the process and standards of review for all proposed subdivisions of land and Planned Unit Developments.

- *15.02 Authority and Required Review.* This Section provides the broad authority for the Development Review Board to modify the standards of the Land Development Regulations as part of a Planned Unit Development (PUD) application, and also establishes any specific limitations on that authority. The proposed amendment would specify that there is no broad authority to waive or modify the standards for any Hazard, Level I, or Level II resource as part of a PUD except as specifically provided for in Articles 10 & 12 (discussed above).
- *15.18 Criteria for Review of PUDs, Subdivisions, Transect Zone Subdivisions, and Master Plans:* This section updates the list of natural resources to be considered in a subdivision or PUD to be Hazards, Level I resources, and Level II resources and removes a reference to a 2002 Open Space Strategy.

Appendix E: Submission Requirements

Updates / replaces the submission requirements for initial applications and final applications related to the Environmental Protection Standards.