



MEMORANDUM

TO: City of Burlington Planning Commission Chair
Town of Shelburne Planning Commission Chair
Town of Colchester Planning Commission Chair
Town of Williston Planning Commission Chair
City of Winooski Planning Commission Chair
Town of Essex Planning Commission Chair
Village of Essex Junction Planning Commission Chair
Charlie Baker, Chittenden County Regional Planning Commission
Wendy Tudor, VT Department of Housing and Community Affairs

FROM: Paul Conner, Director of Planning & Zoning

SUBJECT: Proposed Land Development Regulation Amendments

DATE: June 20, 2013

Enclosed please find a series of proposed amendments to the City of South Burlington's Land Development Regulations, as well as a report from the Planning Commission, as required under Chapter 117. The Planning Commission will hold a public hearing on these amendments on Tuesday, July 9th, 2013 at 7:00 PM in the City Hall Conference Room, 575 Dorset Street, South Burlington.

Feedback on the draft amendments is welcome, either in person at the hearing, or in writing in advance of the hearing date. Should you have any questions, feel free contact the Department of Planning & Zoning.



southburlington
PLANNING & ZONING

**PROPOSED AMENDMENTS to the SOUTH BURLINGTON
LAND DEVELOPMENT REGULATIONS**

Public Hearing July 9, 2013

PLEASE TAKE NOTICE that the South Burlington Planning Commission will hold a public hearing on Tuesday, July 9th at 7:00 PM or shortly thereafter in the City Hall Conference Room, 575 Dorset Street, South Burlington, VT to consider the following amendments to the South Burlington Land Development Regulations:

1. Permit pre-existing structures used for educational facilities to allow child care facilities in the Southeast Quadrant Natural Resource Protection subdistrict
2. Amend standards for location of parking on a parcel for master planned development in the Mixed Industrial-Commercial District
3. Establish of new "Southeast Quadrant-Neighborhood Residential North subdistrict as part of JAM Golf legal settlement & amendments to height and building standards in the Southeast Quadrant District and definitions

Copies of the proposed amendment are available for inspection at the Department of Planning & Zoning, City Hall, 2nd Floor, 575 Dorset Street, South Burlington, between 8:00 AM and 4:30 PM Monday through Friday except holidays, and on the city website at www.sburl.com/planning.

Jessica Louisos, Chair
June 20, 2012

KEY TO AMENDMENTS:

Proposed new language is **bold and underlined**
Proposed language to be removed has a ~~strike through~~
Notes used for clarification are in ALL CAPITALS

1. PERMIT CHILD CARE FACILITIES WITHIN PRE-EXISTING SCHOOLS IN THE SEQ-NATURAL RESOURCE PROTECTION DISTRICT

Appendix C: Uses and Dimensional Standards

LIST "Child care facility, licensed non-residential" AS "**Permitted (7)**" WITHIN THE "SEQ-NRP sub-district"

ADD THE FOLLOWING FOOTNOTE:

(7) Permitted within a structure approved as an 'educational facility' as of July 1, 2013. No expansions to a principal building containing such use shall be permitted.

2. AMEND STANDARDS FOR LOCATION OF PARKING ON A PARCEL

14.06 General Review Standards

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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 reused 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:**
 - a. **The lot is located an approved subdivision whose layout is such that by locating parking on the public street side of the proposed building it would allow for the creation of a significant greenspace similar to a college campus-style “quad”, as detailed below.**
 - b. **Any adjacent lots which would share the quad shall align their parking in a similar fashion on the opposite sides of any proposed buildings so that the integrity and continuity of the greenspace was maintained. Prior to gaining approval from the Development Review Board the applicant is required to provide written approval from the adjacent lot owners that they will comply with this general parking alignment for future development of their lots.**
 - c. **The minimum allowable size of the interior consolidated greenspace shall be 150,000 square feet. This measurement shall be arrived at by measuring all non-impervious surface area (this would also include path networks, sculptures, water features, footbridges, and other features and amenities that may be built within the interior greenspace in order to create a more attractive and enjoyable environment) from the interior edge of the parking areas on all sides of the greenspace, including areas between buildings as long as they are accessible to the rest of the interior greenspace.**
 - d. **For the purposes of this subsection “greenspace” shall be defined by an area that does not include buildings or impervious parking areas, but may include impervious walkways, footbridges, sitting areas, wetlands, gazebos, water features, sculpture, stone walls, plantings, trees, or other amenities and features designed to create a more enjoyable outdoor atmosphere.**
 - e. **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.**

3. ESTABLISHMENT OF SEQ-NEIGHBORHOOD RESIDENTIAL NORTH SUBDISTRICT

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 Subdistrict
- SEQ-VR Southeast Quadrant-Village Residential District

10 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-NRN and SEQ-NR 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 ~~five~~ six sub-districts:

- (1) SEQ-NRP SEQ – Natural Resource Protection
- (2) SEQ-NRT SEQ – Neighborhood Residential Transition
- ~~(3)~~ SEQ-NR SEQ – Neighborhood Residential
- ~~(3)~~~~(4)~~ **SEQ-NRN SEQ – Neighborhood Residential North**
- ~~(4)~~~~(5)~~ SEQ-VR SEQ – Village Residential
- ~~(5)~~~~(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**
- ~~(4)~~(5) SEQ-VR: Eight (8) dwelling units (du) to the acre and six (6) dwelling units per structure
- ~~(5)~~(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.

Affordable housing bonuses pursuant to Section 13.14 are allowed in the SEQ-NR, SEQ-NRT, SEQ-VR, and SEQ-VC sub-districts. If affordable housing, as defined and regulated in Article 13 of these Regulations, is proposed as part of a development application, the Development Review Board may grant a density increase in any of the eligible SEQ sub-districts according to the requirements of Section 13.14.

Calculation of the allowed density increase (i.e. 25% or 50% per Section 13.14) 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 meeting, the applicable average density may be increased on the development parcel sufficient to accommodate the affordable housing units.

In addition, the Development Review Board may allow a residential structure in SEQ-VR and SEQ-VC to have two additional dwelling units per structure, up to a maximum of eight (8) dwelling units per structure, if one or more of the units in the structure is an affordable unit. This provision shall not be interpreted to allow an increase in the total allowable number of units for the project as a whole.

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.

The requirements of Table C-2, Dimensional Standards, shall apply. Heights of structures within the SEQ-NRN subdistrict shall adhere to the standards of the SEQ-NR subdistrict except where limited by the requirements in Section 9.08.

~~(1) — The maximum height of any occupied structure in the SEQ-NRP, SEQ-NRT, or SEQ-NR sub-district shall not exceed forty five feet (45'); the waiver provisions of Section 3.07(E) shall not apply to occupied structures in these sub-districts.~~

~~(2) — The maximum height of any occupied structure in the SEQ-VR or SEQ-VC sub-district shall not exceed fifty feet (50'); the waiver provisions of Section 3.07(E) shall not apply to occupied structures in these sub-districts.~~

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 districts:

(a) **Distribution and Amount of Parks:**

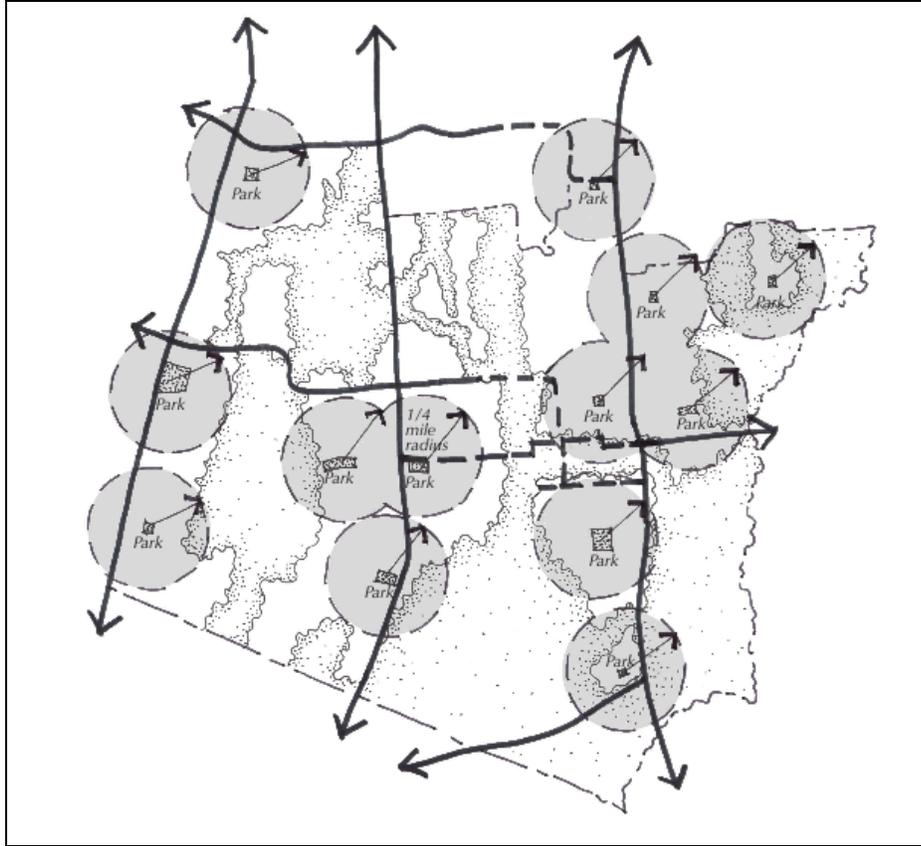
- (i) A range of parks and open space should be distributed through the SEQ to meet a variety of needs including children's play, passive enjoyment of the outdoors, and active recreation.
- (ii) Parks should serve as the focus for neighborhoods and be located at the heart of residential areas, served 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.



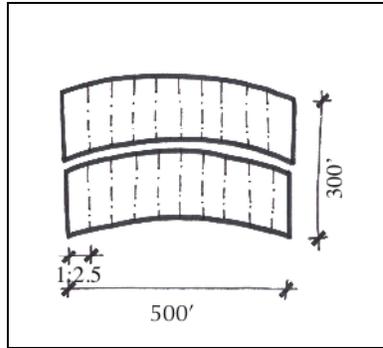
9.08 SEQ-NRT ~~and~~, SEQ-NR, and SEQ-NRN Sub-Districts; Specific Standards

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



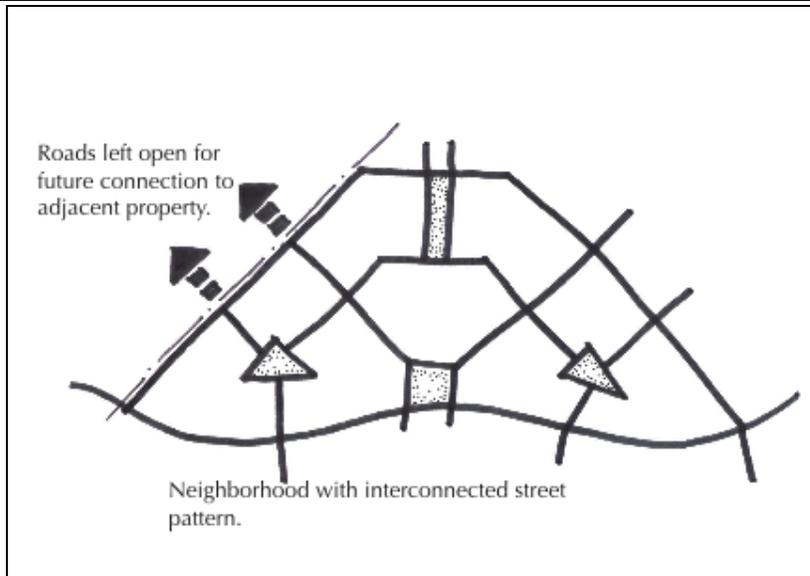
(2) **Interconnection of Streets**

- (a) Average spacing between intersections shall be 300 to 500 feet.
- (b) Dead end streets (e.g. culs de sac) are strongly discouraged. Dead end streets shall not exceed 200 feet in length.
- (c) Street stubs are required at the end of dead end streets to allow for future street connections and/or bicycle and pedestrian connections to open space and future housing on adjoining parcels per section 15.12(D)(4).

(3) **Street Connection to Adjoining Parcels.** Street stubs are required to be built to the property line and connected to adjacent parcels per section 15.12(D)(4) of these Regulations. Posting signs with a notice of intent to construct future streets is strongly encouraged.

(4) **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 needs.**
- (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 and SEQ-NR

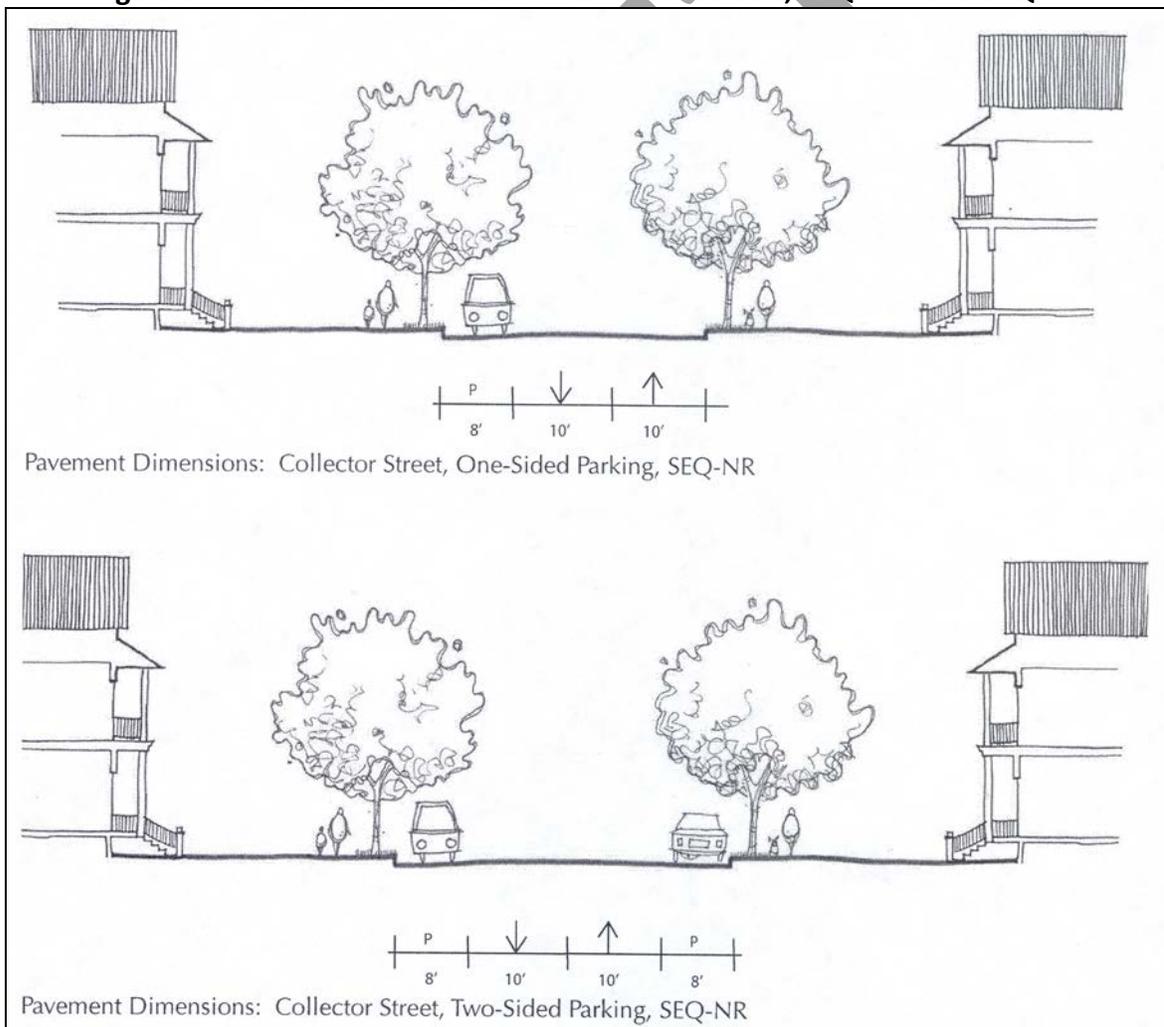


Table 9-1: Street Design Criteria for Collector Streets, SEQ-NRT and SEQ-NR

Design Speed	25 mph
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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, ~~and~~ SEQ-NR, SEQ-NRN

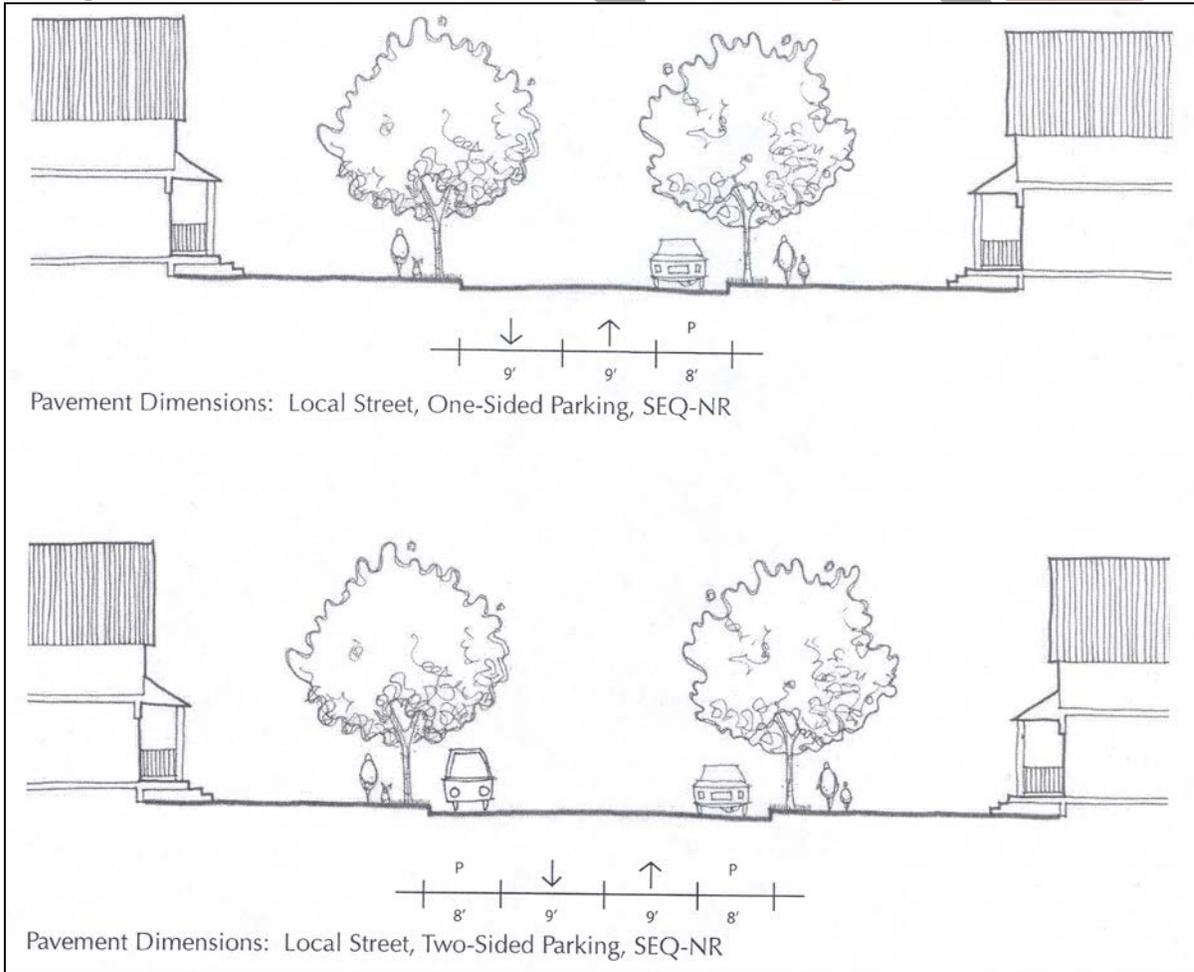


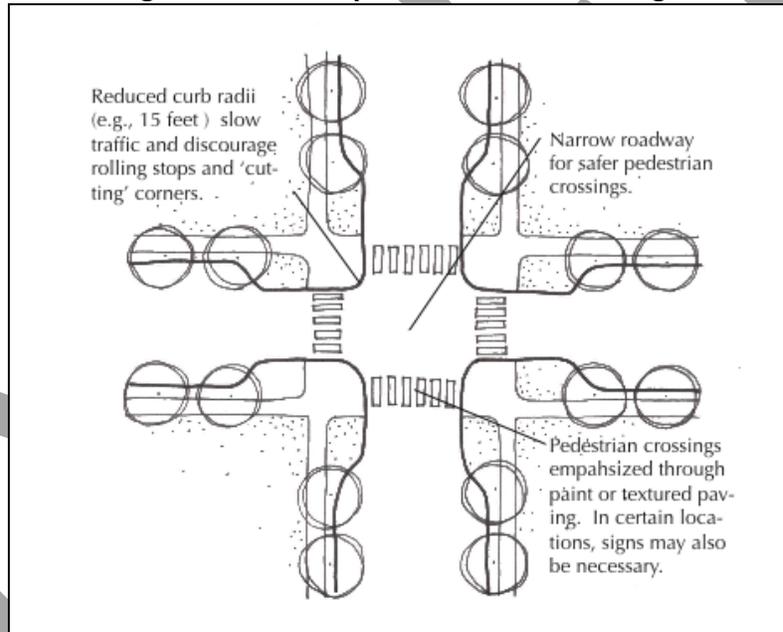
Table 9-2: Street Design Criteria for Local Streets, SEQ-NRT, ~~and~~ SEQ-NR, and SEQ-NRN

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Design Speed	25 mph
Pavement width (parking one side)	26'
With no parking	24'
<u>With no parking, SEQ-NRN</u>	<u>20'</u>
at wetland crossings	18'
Minimum radius of curves <u>(1)</u>	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 Subdistrict, 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 subdistrict, 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 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. In the SEQ-NRN subdistrict, residential buildings whose rear 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.

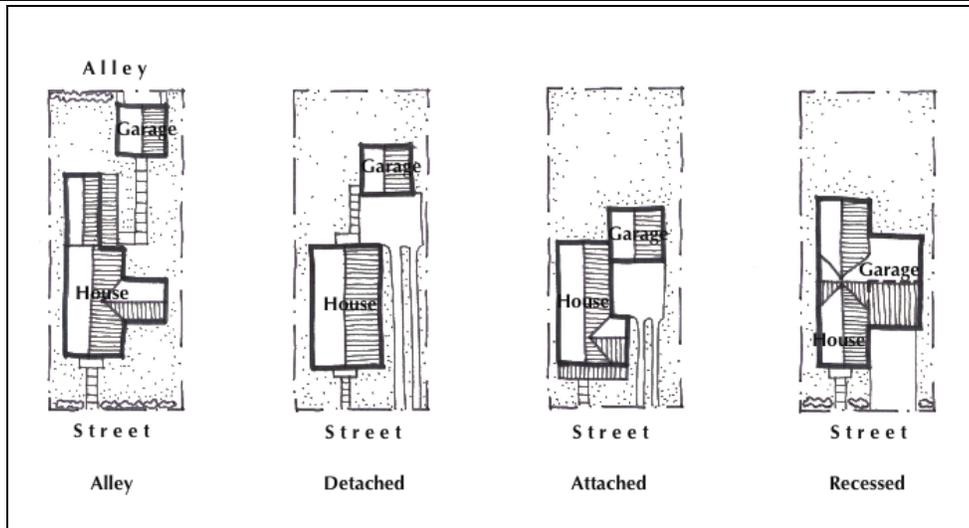
(4) **Placement of Garages and Parking.** For garages where the vehicle entrance is parallel to the front building line of a house, the front building line of the garage must be set behind the front building line of the house by a minimum of eight (8) feet.

a. For the purposes of this subsection, the front building line of a house may include a covered, usable porch that is at least eight (8) feet in width.

b. The front building line of any housing shall be at least twelve feet (12') in width, except in the case of a duplex with side-by-side entries, which shall be at least eight feet (8') per unit and sixteen feet (16') combined.

~~a.c.~~ The DRB may waive this provision for garages with vehicle entries facing a side yard, provided that (i) the garage is visually integrated into the main house and (ii) the front building line of the garage is no more than eight (8) feet in front of the front building line of the house. Rear alleys are encouraged for small lot single-family houses, duplexes and townhouses.

Figure 9-7: Residential Garage Placement Options



(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.

b.a. Mix of Housing Styles, SEQ-NRN subdistrict. 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 units. Where styles are repeated, different colors and/or materials shall be employed to enhance variety.

(6) Landscape and Fence Buffer Standards, SEQ-NRN subdistrict

(a) Applicability. This section provides performance standards for the landscaping of development within the SEQ-NRN sub-district.

(b) Existing Vegetation

(i) Existing vegetation that can effectively serve as landscape buffer to potentially incompatible uses and/or are significant, healthy trees shall be retained to the extent possible, while accommodating the permitted level of development.

(c) Landscaped Buffers

(i) Location - Table 9-2A shows where landscaped buffers are required. It also summarizes the principal standards for the design of those buffers, which are set forth in detail below.

(ii) Width – Table 9-2A establishes a minimum width for landscaped buffers of different types in different situations. The landscaping plan must show the

dimensions of the proposed buffer/s, including all crossings and inclusions; a planting design and schedule appropriate for the proposed buffer type; and one or more typical cross- sections.

(d) Landscape Buffer Types

(i) 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.

(ii) Type I - Existing Vegetation. A landscaped buffer composed primarily of existing woodland or forest that must be of sufficient height and density to provide an effective visual buffer. Where this type of buffer is proposed, the landscaping plan shall include photographic documentation of the buffer's effectiveness. The landscaping plan shall also propose supplemental new plantings where the existing vegetation is too thin to be an effective visual buffer.

(iii) Type II - Dense Plantings. A Type II landscaped buffer must be composed primarily of continuous dense screening vegetation that will grow to at least six (6) feet in height. The screening vegetation or hedge must be supplemented, on the exterior side, by a Type III or IV landscaped buffer, whichever is most appropriate to the context, of at least (8) feet in width.

(iv) Type III – Informal Plantings. A Type III landscaped buffer must be composed of a planted area that includes a ground cover, a partial understory of shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover, two major trees, three ornamental or understory trees, and any combination of shrubbery that occupies at least 50% of the area at the time of planting. The DRB may require an earthen berm and/or additional plant materials where the uses being separated are substantially different in intensity.

(e) 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, but shall not exceed 25% of the required width.

(i) Berms shall not exceed six feet (6') in height.

(ii) No berm shall have a slope greater than 3:1, except where a retaining wall is used in accordance with these Regulations.

(f) Delineation Fences. Any development proposed adjacent to a City Park shall include a fence delineating the separation of property lines. Such fence shall be of a split-rail or similar variety.

(g) Permissible impervious surfaces in landscaped buffers.

i) 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.

ii) Light Standards. The bases of standards for approved outdoor lighting may be placed in a landscaped buffer.

iii) 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 subdistrict. 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 subdistrict

<u>Proposed Use</u>	<u>Adjoining Use</u>	<u>Minimum buffer widths</u>				<u>Minimum setback (6)</u>
		<u>Type 0</u>	<u>Type 1</u>	<u>Type 2 (4)</u>	<u>Type 3</u>	
<u>Residential</u>	<u>High Use Rec Path (1)</u>	<u>100'</u>	<u>70'</u>	<u>13' + 8'</u>	<u>27'</u>	<u>70'</u>
	<u>Lower Use Rec Path (2)</u>	<u>70'</u>	<u>50'</u>	<u>13' + 8'</u>	<u>27'</u>	<u>30'</u>
	<u>Resource Protection Area (3)</u>	<u>50'</u>	<u>n/a</u>	<u>13' + 8'</u>	<u>27'</u>	<u>40'</u>
	<u>% Reduction for Use of Berm (5)</u>	<u>25%</u>	<u>n/a</u>	<u>25%</u>	<u>25%</u>	<u>n/a'</u>

(1) The section of recreation path running along the west side of the SEQ-NRN subdistrict
 The section of path on the east side of the

(2) subdistrict

(3) "TREE-age" area located to the north of of the SEQ-NRN subdistrict

(4) Type 2 buffer is permitted only where space limitation preclude use of the other types

(5) Plantings are to be placed on top of berm for added vertical screening effect

(6) Setbacks apply to all principal structure

(8) Supplemental Height Standards, SEQ-NRN subdistrict. 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 area marked in 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 400 feet.
 - (b) Dead end streets (e.g. culs de sac) are discouraged. Dead end streets shall not exceed 200 feet in length.
 - (c) Street stubs are required at the end of dead end streets to allow for future street connections and/or bicycle and pedestrian connections to open space and future housing on adjoining parcels per section 15.12(D)(4).
- (3) **Street Connection to Adjoining Parcels.** Street stubs are required to be built to the property line and connected to adjacent parcels per section 15.12(D)(4) of these Regulations. Posting signs with a notice of intent to construct future streets is strongly encouraged.
- (4) **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

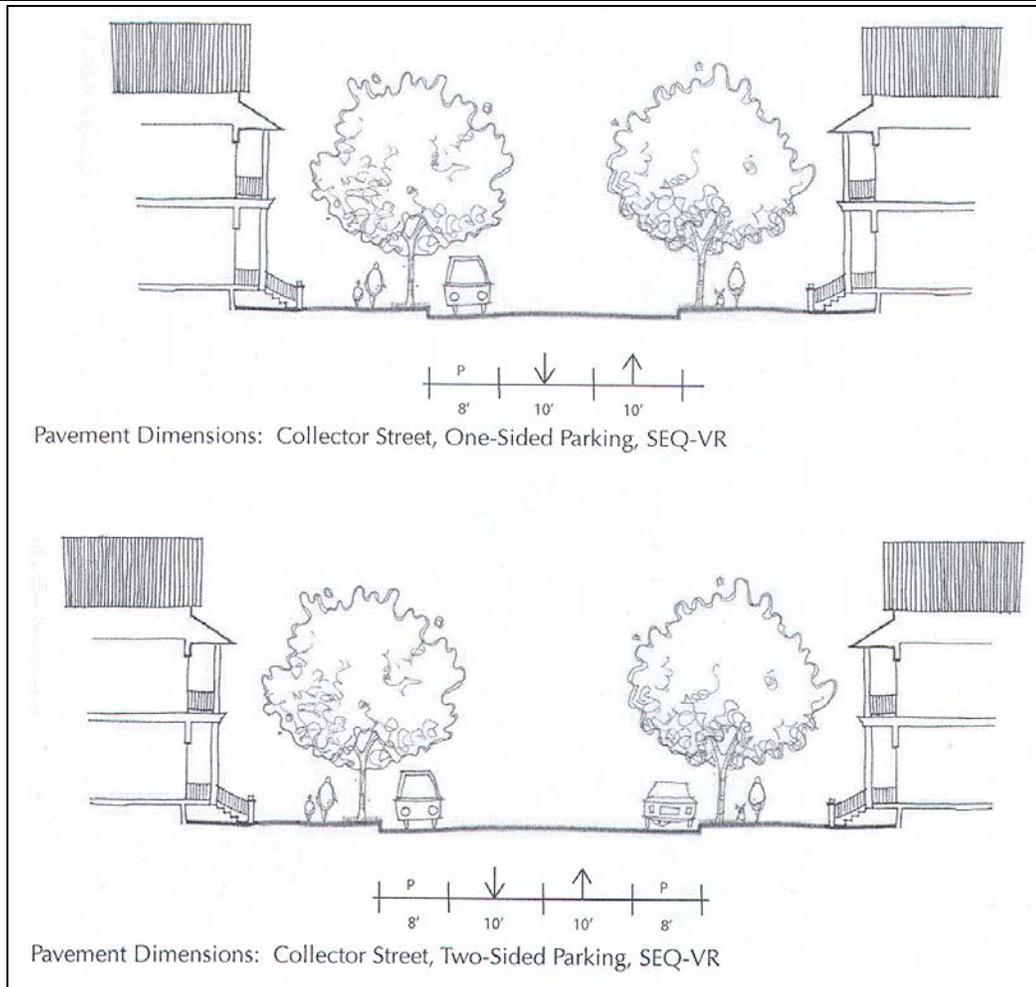
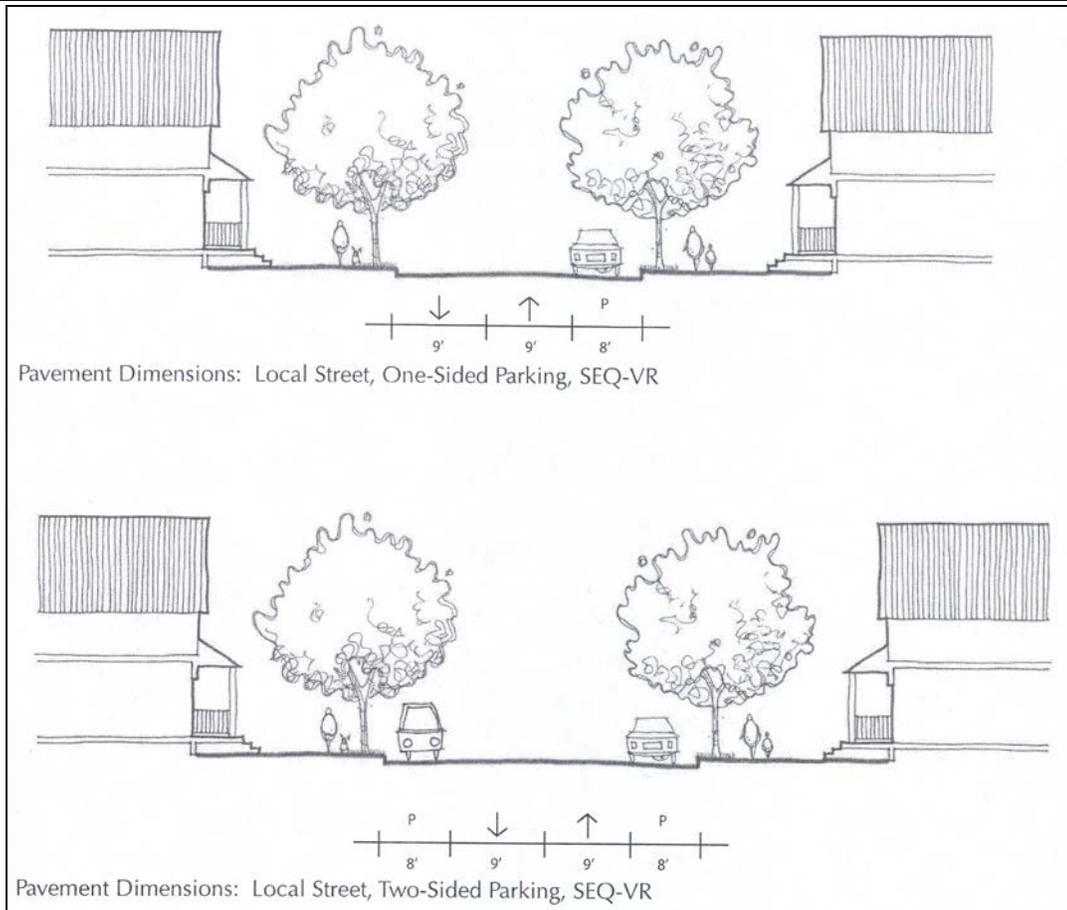


Table 9-4: Street Design Criteria for Local Streets, VR and VC

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) are discouraged. Dead end streets shall not exceed 200 feet in length.

(c) Street stubs are required at dead end streets to allow for future street connections and/or bicycle and pedestrian connections to open space and future housing on adjoining parcels per Section 15.12(D)(4).

(3) Street Connection to Adjoining Parcels. Street stubs are required to be built to the property line per Section 15.12(D)(4) of these Regulations to allow connection to adjacent parcels. Posting signs with a notice of intent to construct future streets is strongly encouraged.

(4) 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 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.

Figure 9-10: Pavement Dimensions: Collector Streets, SEQ-VC

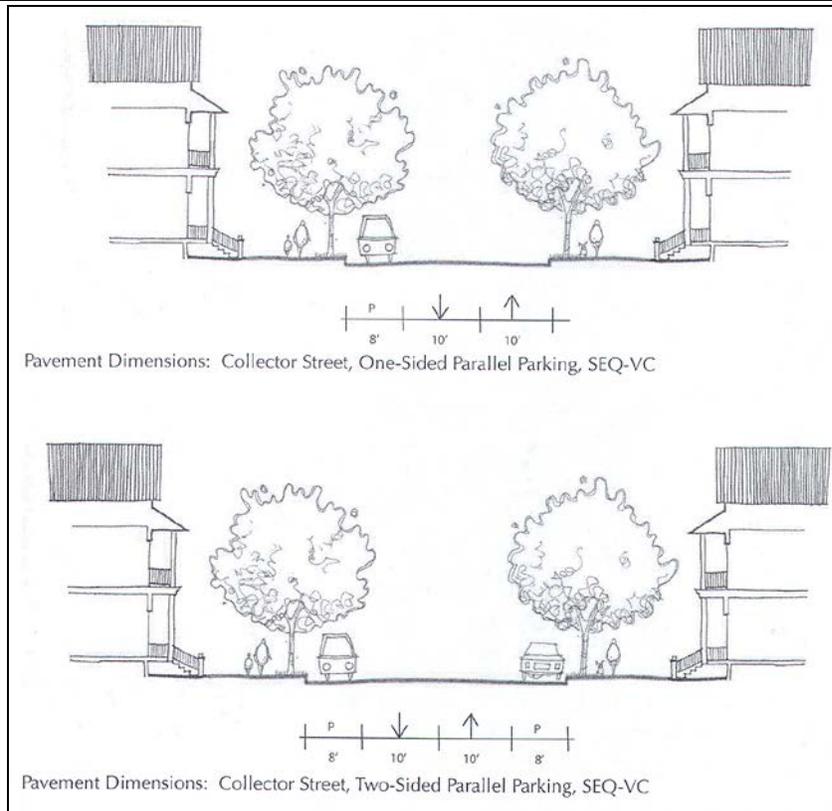
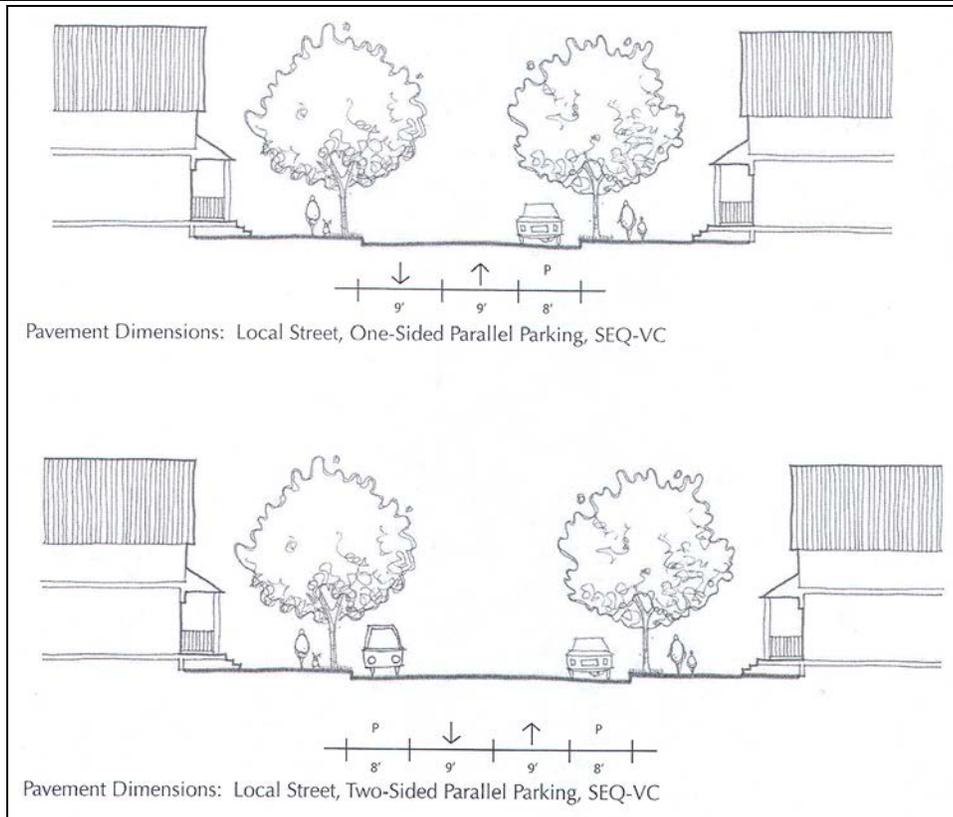


Figure 9-11: Pavement Dimensions: Local Streets, SEQ-VC



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.

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 facades 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 to a 'build-to line' 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 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 right-of-way.
- (3) This setback area shall be attractively landscaped, with suitable street trees 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 **except within the SEQ-NRN subdistrict**. 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.

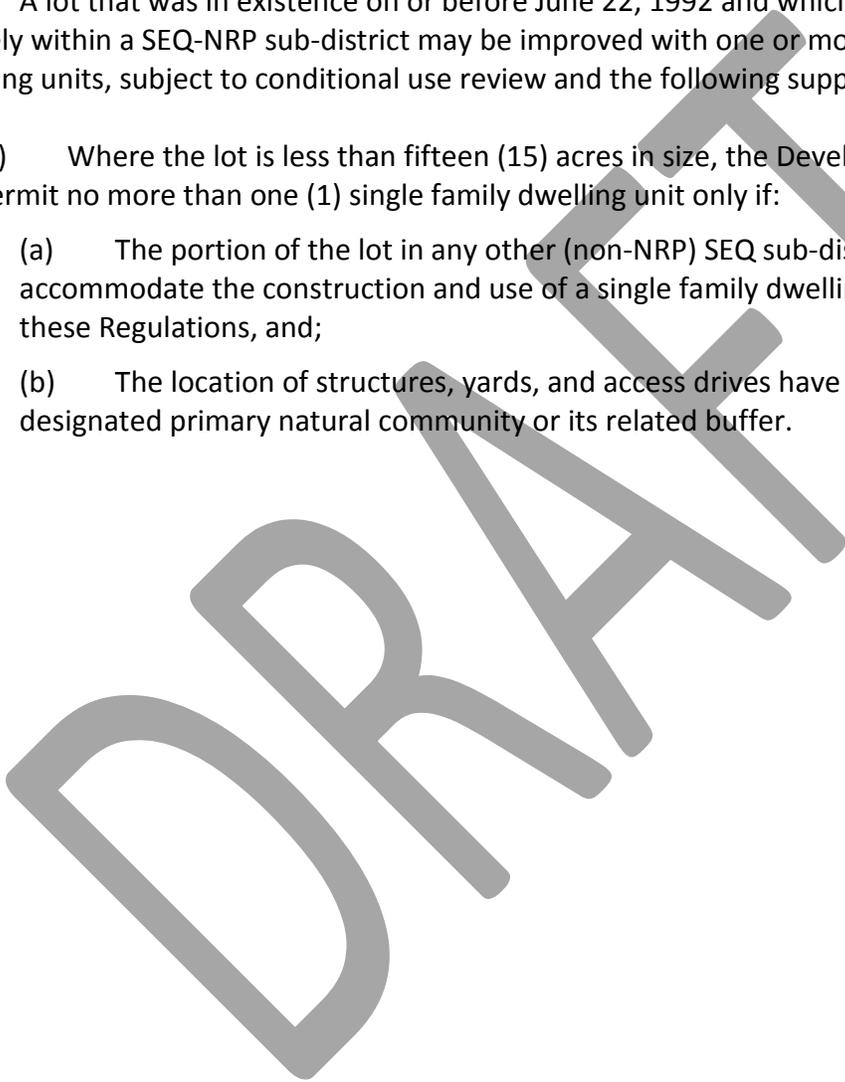


Figure 9-12: Setbacks at Arterial Streets

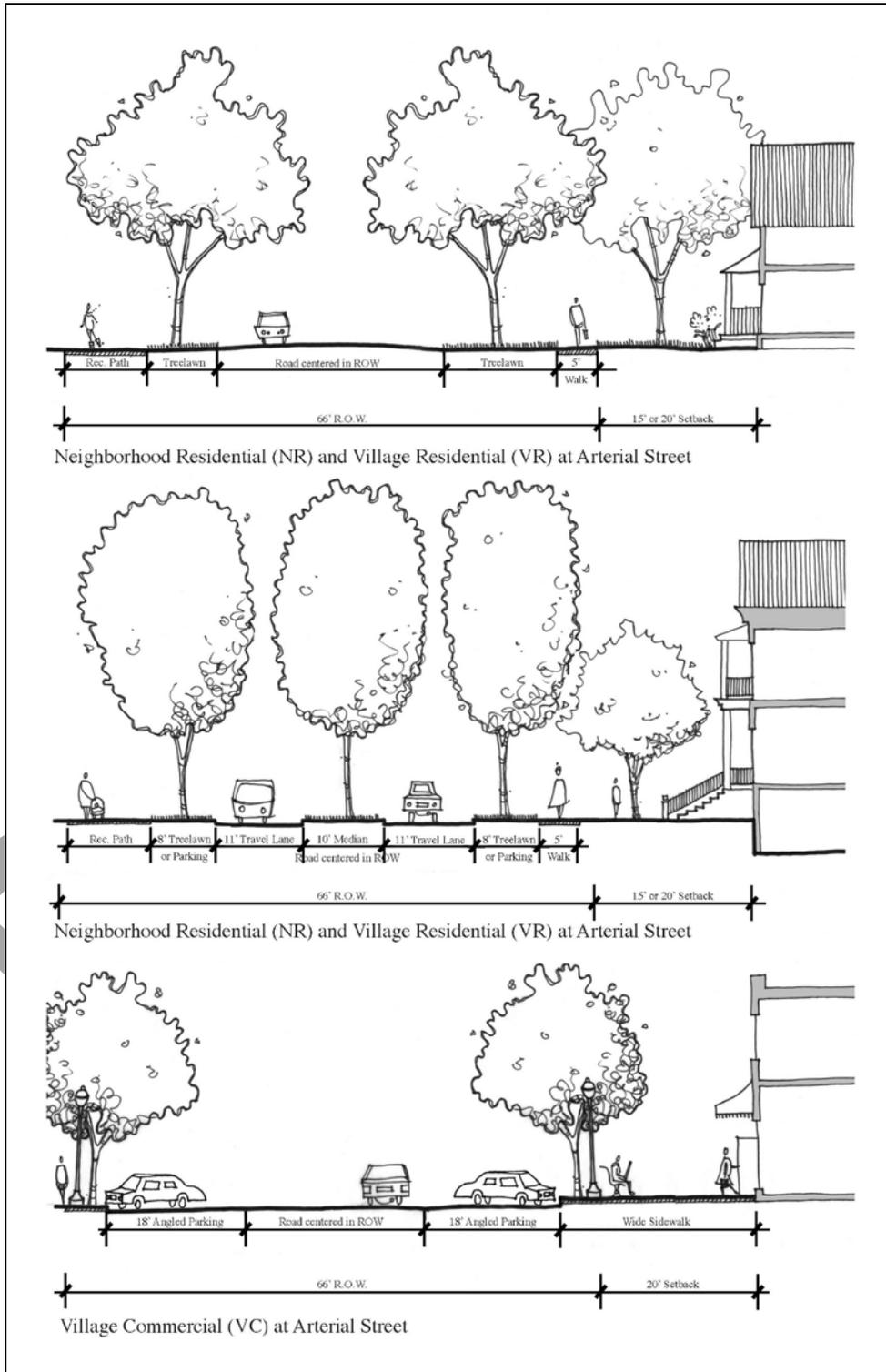
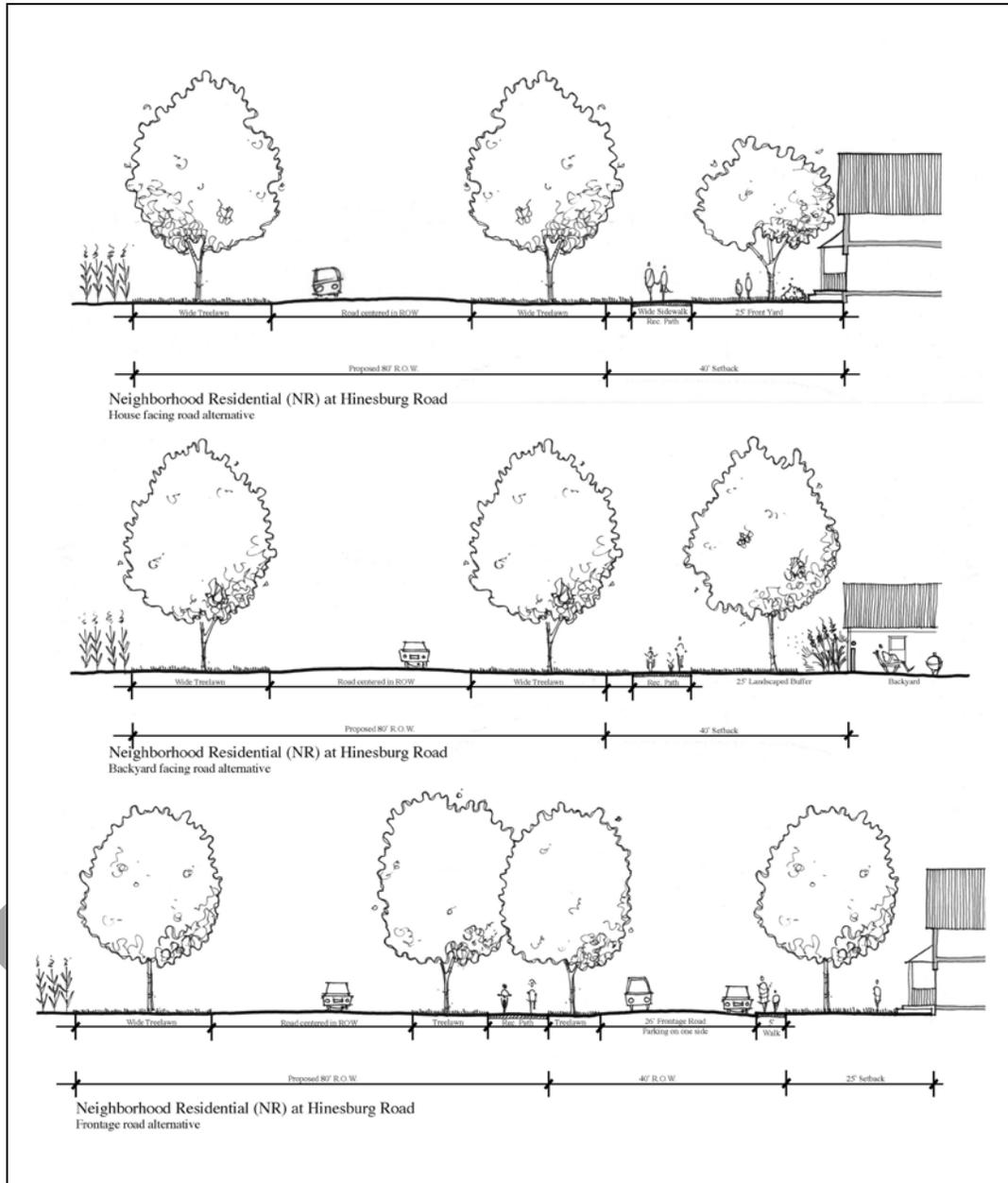


Figure 9-13: Setbacks at Hinesburg Road



(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.

DORSET STREET

PAVED REC. PATH

1-STORY
BUILDING
AREA

1-STORY
BUILDING
AREA

**SEQ
NEIGHBORHOOD
RESIDENTIAL
NORTH**

NO
STRUCTURE
AREA

**PARK
ROAD**

1-STORY
BUILDING
AREA





South Burlington Planning Commission Proposed Land Development Regulation Amendment Report Public Hearings Scheduled for July 9, 2013

In accordance with 24 V.S.A. §4441(c), the South Burlington Planning Commission has prepared the following report regarding the proposed amendment to the city's Land Development Regulations.

Brief Description of the Proposed Amendments

The South Burlington Planning Commission will hold a public hearing on July 9, 2013 in the City Hall Conference Room, 575 Dorset Street, South Burlington, VT to consider the following amendment to the South Burlington Land Development Regulations:

1. Permit pre-existing structures used for educational facilities to allow child care facilities in the Southeast Quadrant Natural Resource Protection subdistrict
2. Amend standards for location of parking on a parcel for master planned development in the Mixed Industrial-Commercial District
3. Establish of new "Southeast Quadrant-Neighborhood Residential North subdistrict as part of JAM Golf legal settlement & amendments to height and building standards in the Southeast Quadrant District and definitions

Findings Concerning the Proposed Amendments

The proposed amendments have been considered by the Planning Commission for their consistency with the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, last adopted March 9, 2011. For each of the amendments, the Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- (1) Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
- (2) Is compatible with the proposed future land uses and densities of the municipal plan.*

(3) Carries out, as applicable, any specific proposals for any planned community facilities.”

1. Permit pre-existing structures used for educational facilities to allow child care facilities in the Southeast Quadrant Natural Resource Protection subdistrict

(1) Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing

The proposed amendment is consistent with the goal of providing safe and affordable childcare, while having no significant effect on other elements of the Plan.

(2) Is compatible with the proposed future land uses and densities of the municipal plan.

The proposed amendments are not anticipated to affect future land uses or densities.

(3) Carries out, as applicable, any specific proposals for any planned community facilities.

The proposed amendments are not anticipated to affect planned community facilities.

2. Amend standards for location of parking on a parcel for master planned development in the Mixed Industrial-Commercial District

(1) Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing

The proposed amendment furthers the goals of encouraging a high quality built and unbuilt environment. It has no changed effect on housing.

(2) Is compatible with the proposed future land uses and densities of the municipal plan.

The proposed amendments are not anticipated to affect future land uses or densities.

(3) Carries out, as applicable, any specific proposals for any planned community facilities.

The proposed amendments are not anticipated to affect planned community facilities.

3. Establish of new “Southeast Quadrant-Neighborhood Residential North subdistrict as part of JAM Golf legal settlement & amendments to height and building standards in the Southeast Quadrant District and definitions

- (1) *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing*

The proposed amendment would create a new residential zoning district adjacent to existing housing, utilities, and transportation. While the area in question is listed as "Park" in the Future Land Use Map, the amendment is being put forward as part of a legal settlement that will add ~21 acres of land to the nature park while allowing for the subdivision and development of ~7 acres. On balance, with the goals of natural resource protection and housing, the amendment furthers the goals of the Comprehensive Plan.

- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*

See above.

- (3) *Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed amendments are not anticipated to affect planned community facilities.