

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
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Jay Appleton, Senior IT/GIS Programmer
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Planning & Zoning Clerk
Elsie Tillotson, Administrative Assistant



MEMORANDUM

TO: Joan Shannon, City Council President
Burlington City Councilors
Mayor Miro Weinberger

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: Friday, September 13, 2013

RE: Proposed Zoning Amendments

For your consideration you will please find attached 3 proposed amendments to the *Burlington Comprehensive Development Ordinance* for your consideration and adoption as recommended by the Burlington Planning Commission.

The proposed amendments are as follows:

- **ZA-14-01** - allows for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment.
- **ZA-14-03** - enable a greater variety of non-residential uses within mixed use districts that support small and emerging entrepreneurs, artisans, mobile food carts and trucks, and value-added urban agriculture.
- **ZA-14-04** – rezone two properties from High Density Residential to Downtown Transition along South Champlain Street to allow for more flexibility in the development of those parcels.

Upon receiving these proposed amendments, the Council may decide to:

- refer to a City Council Committee for further review; or,
- waive the Council's rules and direct the Clerk's Office to warn a Public Hearing for the next available meeting after a 15-day public notice.

Adoption of these amendments will require the Council to hold one or more public hearings in accordance with 24 VSA § 4442 and §4444 before they can be adopted and become effective.

For your information, once a zoning amendment is warned for a Public Hearing by the City Council, the Dept. of Planning and Zoning is required by statute to begin implementing the amendment as warned until it is adopted, amended, or withdrawn for a period not to exceed 150-days (24 VSA 4449(d)).

Planning staff is available to answer any questions you may have, as well as to make a public presentation regarding these proposed amendments at your public hearing(s).

Thank you for your consideration.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-01 Residential side/Rear Yard Setback Encroachments

As approved by the Planning Commission on September 10, 2013

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

Purpose: This proposed amendment to the Comprehensive Development Ordinance allows for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment.

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications:

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming ~~single family homes and community centers (existing enclosed spaces only)~~ structures that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);
- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,
- iii) Be compatible with the character and scale of surrounding structures.

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Balance of 5.3.5 as written.

* Material ~~stricken-out~~ to be deleted.

* Material underlined added.

Burlington Comprehensive Development Ordinance

PROPOSED ZA-14-03 – Conditional Uses in Mixed Use Districts

As approved by the Planning Commission on September 10, 2013

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

Purpose: This proposed amendment to the Comprehensive Development Ordinance is to enable a greater variety of non-residential uses that support small and emerging entrepreneurs, artisans, mobile food carts and trucks, and value-added urban agriculture within mixed use districts.

Appendix A-Use Table – All Zoning Districts

	Downtown Mixed Use					Neighborhood Mixed Use		
USES	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC
NON-RESIDENTIAL USES	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC
Automobile/Vehicle Repair ^{10, 11}	N	N	N	N	N	NCU ^{9, 12, 14}	CUY ^{9, 11, 14}	CUY ¹⁴
Food Processing	N	N	N	NCU	CUN	CUN	CUN	CU
Machine/Woodworking Shop	N	N	N	CUN	CUN	CUN	CUN	CUY

9. Automobile sales not permitted as an accessory use.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed as an accessory use.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.

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MEMORANDUM

TO: Planning Commission

CC: David Hauke
Peter Owens, CEDO Director
Jesse Bridges, Parks and Recreation Director
Howard Dolan
Max Tracy, Ward 2 City Councilor

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: August 1, 2013

RE: Proposed Zoning Amendment – Mixed Use Districts

Recent communications to the Commission, and conversations with staff here in the office, have involved requests to amend the CDO to enable a greater variety of non-residential uses within our mixed use districts. More specifically, these requests include Community Kitchens and “Makers Spaces” in Downtown and Neighborhood Mixed Use Districts, and Automobile Repair in Neighborhood Mixed Use Districts.

Staff would recommend enabling the following:

- **Community Kitchens**: Such spaces are an important element in supporting small and emerging entrepreneurs, mobile food carts and trucks, and value-added urban agriculture in the community by creating spaces where commercial-grade kitchen equipment (ovens, refrigeration, mixers, etc) is available. Such facilities are really no different in use and impact as “Food Processing” which is allowed as a Conditional Use in the NAC-R district.

In support of a request from CEDO, Planning staff is recommending “Food Processing” be allowed in all Neighborhood Mixed Use Districts (NAC-R, NAC and NMU) and the Downtown Transition and Battery Street Transition districts. Given the potential for noise, odors and other nuisance-type impacts on neighboring property from such activities, staff feels that Conditional Use review for any such proposals is appropriate.

- **Makers Spaces**: Such spaces are an important element in supporting small and emerging entrepreneurs and artisans in the community by creating spaces where commercial-grade manufacturing equipment is available (grinders, saws, presses, drills, lathes, etc). Such facilities are really no different in use and impact as a “Machine/Woodworking Shop” which is allowed as a Conditional Use in the NAC-R district.

In support of the request from David Hauke, CEDO and Parks and Recreation, Planning staff is recommending that “Machine/Woodworking Shop” be allowed as a Conditional Use in all Neighborhood Mixed Use Districts (NAC-R, NAC and NMU) and

the Downtown Transition and Battery Street Transition districts. Given the potential for noise, odors and other nuisance-type impacts on neighboring property from such activities, staff feels that Conditional Use review for any such proposals is appropriate.

- **Automobile Repair:** Along with the neighborhood grocery, pub, church, school and post office, there is no other use more common and neighborhood-serving than the local auto repair shop. However, the CDO only allows such uses as a Permitted Use in the NAC and NAC-R districts with some specific restrictions.

In support of a request from Dolan's Auto on No. Winooski Ave and Councilor Max Tracy, Planning staff is recommending that "Automobile/Vehicle Repair" be allowed as a Conditional Use in all Neighborhood Mixed Use Districts (NAC-R, NAC and NMU). Given the potential for noise, odors and other nuisance-type impacts on neighboring property from such activities, staff feels that Conditional Use review for any such proposals is appropriate as well as specific restrictions to include:

- Automobile sales not permitted as an accessory use (Footnote #9)
- Exterior storage and display not permitted (Footnote #10)
- All repairs must be contained within an enclosed structure (Footnote #11)
- No fuel pumps shall be allowed ((Footnote #12)
- Such uses not to exceed ten thousand (10,000) square feet per establishment (Footnote #14)

Thank you for your consideration.

Burlington Comprehensive Development Ordinance

PROPOSED ZA-14-04 –Downtown Transition District Expansion

As approved by the Planning Commission on September 10, 2013

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

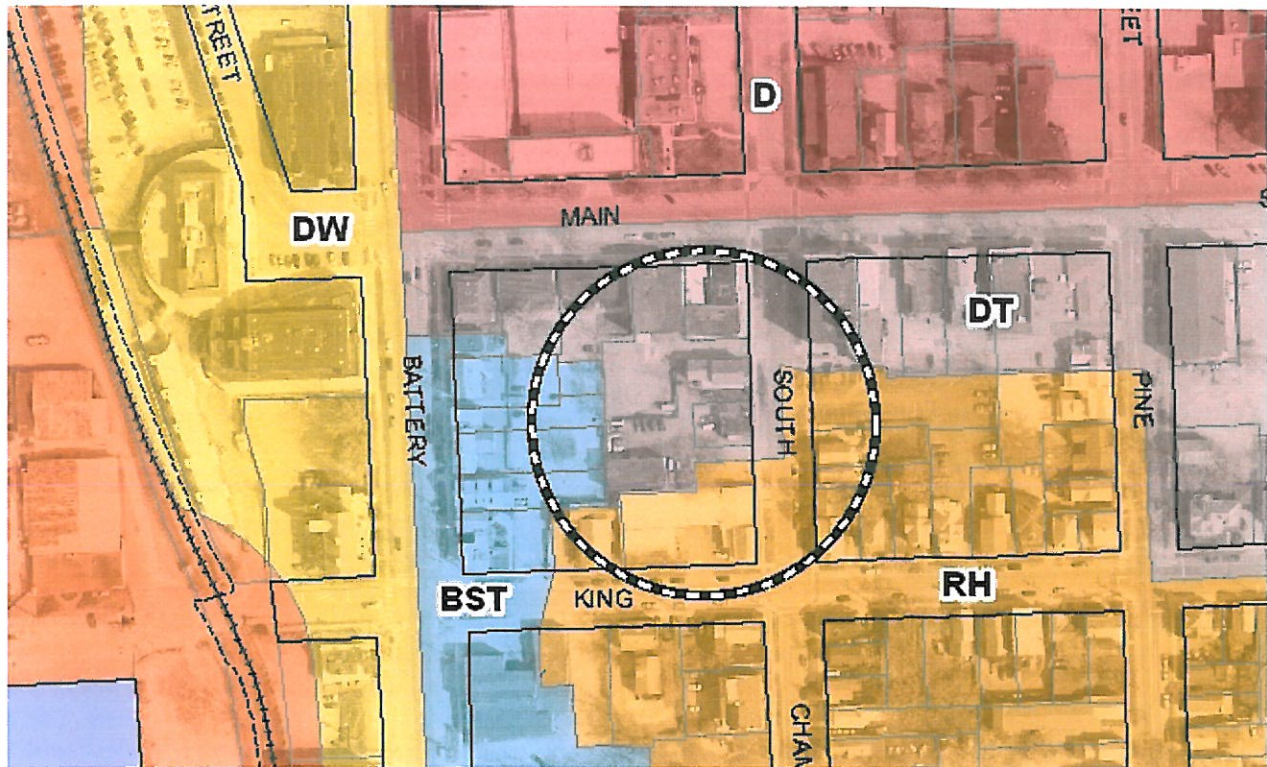
Purpose: This proposed amendment to the Comprehensive Development Ordinance is to expand the Downtown Transition district boundary along the west side of South Champlain Street to straighten boundary lines while providing more development flexibility on affected parcels.

Maps to be amended

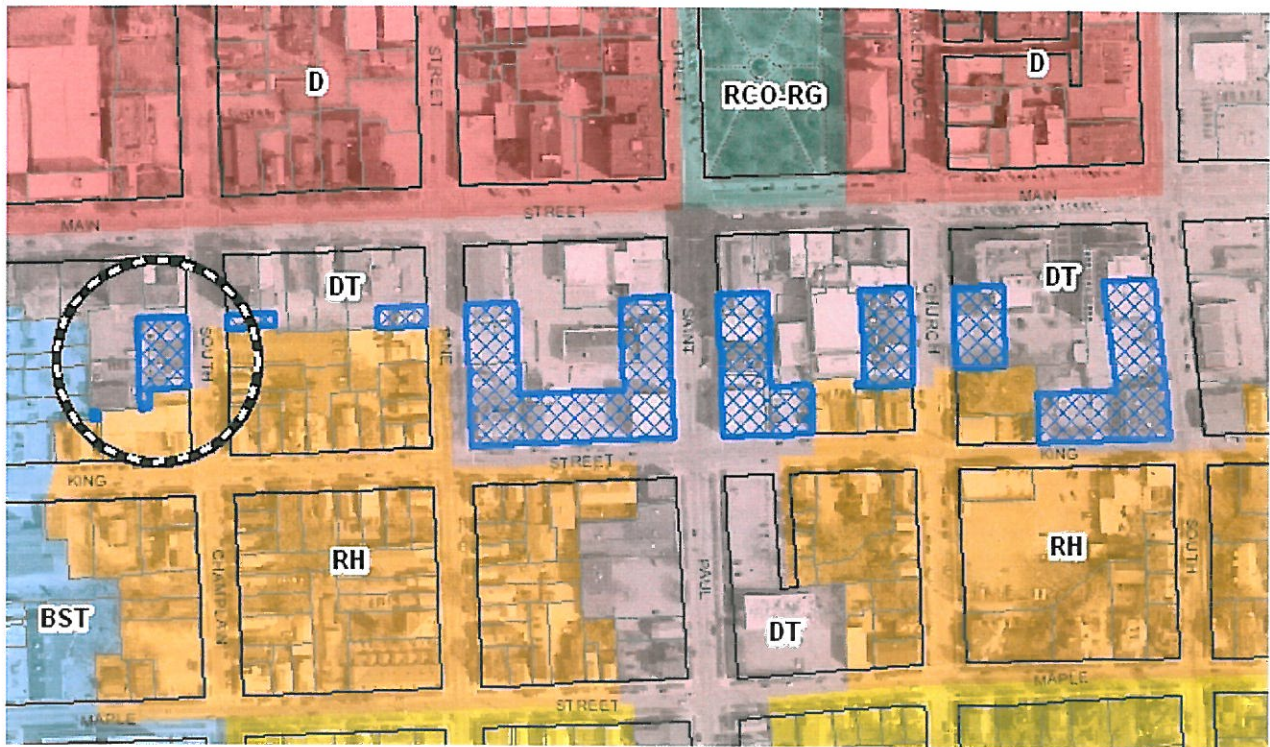
4.3.1-1 Base Zoning Districts

4.4.1-1 Mixed Use Downtown Districts

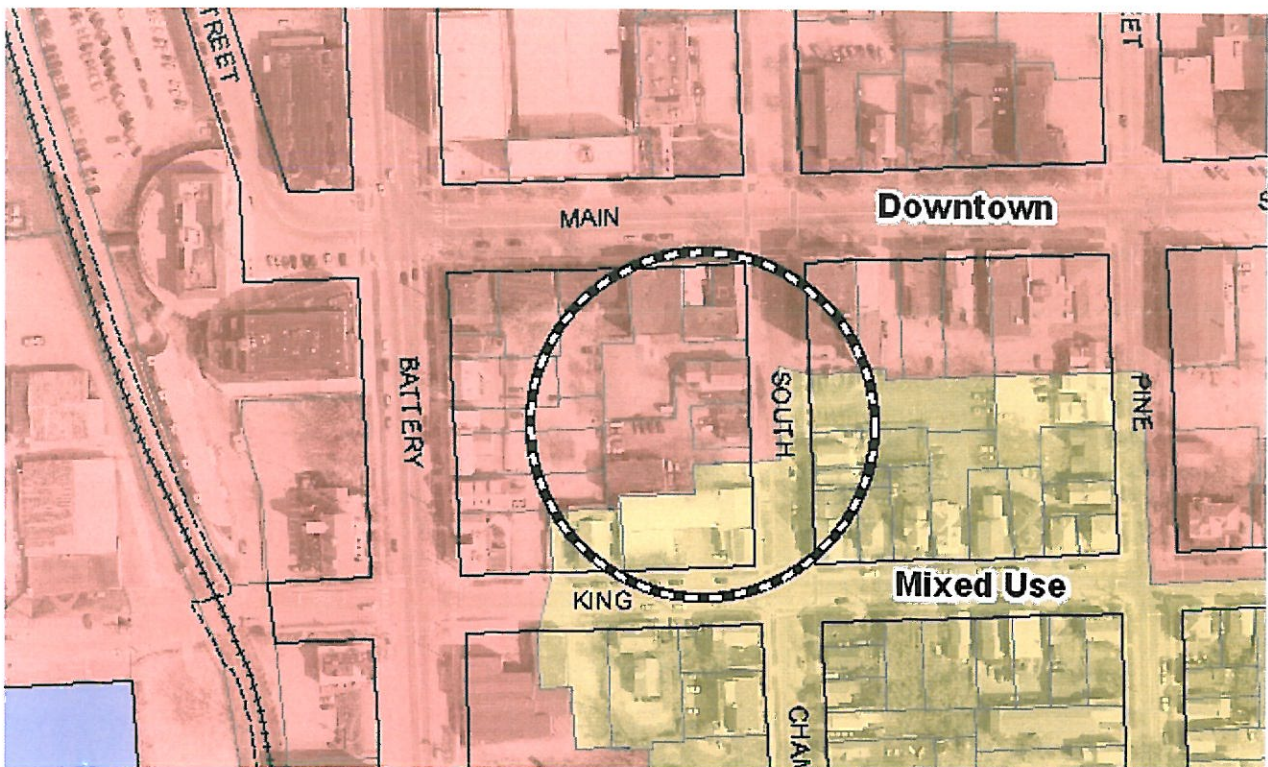
4.4.5-1 Residential Zoning Districts



4.4.1-3 Side Street Building Height Setback



8.1.3-1 Parking Districts



S2 ARCHITECTURE

July 22, 2013

Mr. David E. White, AICP
Director of Planning & Zoning
Burlington Department of Planning & Zoning
City Hall, 149 Church Street
Burlington, VT 05401

Dear Mr. White:

I am writing on behalf of the owner of the property at 151 South Champlain Street, South River LLC, to request the re-zoning of a portion of the property to "Downtown Transitional" (DT). We are currently working on redevelopment plans for the property which include restoration of the historic Blinn House for residential use and new construction of an apartment building on the rear portion of the property. The property is currently zoned partially in the DT zone and partially in the High Density Residential zone (RH) as you can see on the attached site diagrams. The pocket of RH zone currently on the property also places that portion of the site in the Neighborhood Parking District.

We are requesting that the entire property at 151 South Champlain Street be re-zoned as DT to provide one zone for the property and to allow the property to be consolidated with the adjacent DT zone properties which run along the south side of Main Street. This change to DT zone will allow our plans for the redevelopment of the entire property to comply with DT zoning requirements and Downtown parking district requirements.

The primary reason we are requesting re-zoning of the property is so that the parking district can be changed from Neighborhood (2 spaces per dwelling unit) to Downtown (1 space per dwelling unit). As you can see on the attached site diagrams, the buildable area will not change. Our current redevelopment plans will provide the one parking space per new dwelling unit, but to provide two spaces per unit for the existing Blinn House – which is currently in the Neighborhood Parking District – severely reduces the feasibility of the project due to the limitations of this downtown site to provide this number of parking spaces.

The property at 157 South Champlain Street could also be considered for re-zoning to DT, but that property is under different ownership.

We have reviewed the project with Scott Gustin and he recommended that we submit this request for re-zoning to your attention. Please contact me if we can provide any additional information or clarifications and thank you for considering this request.

Sincerely,



Steven Schenker, AIA, LEED AP
Project Architect for the redevelopment of 151 S. Champlain Street

Cc: South River LLC, David Shlansky, Manager
Scott Gustin, Burlington Department of Planning & Zoning





KEY

	DOWNTOWN ZONE (D)
	DOWNTOWN TRANSITION ZONE (DT)
	DOWNTOWN WATERFRONT (DW)
	BATTERY STREET TRANSITION ZONE (BST)
	HIGH DENSITY RESIDENTIAL ZONE (RH)

151 SOUTH CHAMPLAIN ST.

Burlington, VT 05401

OWNER:
South River, LLC
40 Green Street, Suite 2
Burlington, VT 05401
Phone: (802) 271-1111

ARCHITECT:
S.J. Larkins
220 Shelburne Rd.
Burlington, VT 05401
Phone: (802) 915-1200

DATE: 7.22.13

REVISIONS

REQUEST FOR
RE-ZONING

A2

