

Department of Planning and Zoning

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MEMORANDUM

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

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

DATE: Wednesday, July 24, 2013

RE: Proposed Zoning Amendment

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

The proposed amendment is as follows:

- (a) **ZA-13-11 – Adaptive Reuse and Residential Bonuses** - This proposed amendment to the Comprehensive Development Ordinance is to improve consistency with allowances for Inclusionary Housing and improve the utility of current development bonuses in residential districts that encourage the conversion of non-conforming uses to permitted residential uses. (Modify Section 4.4.5, 7. C & D)

Upon receiving this proposed amendment, 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 amendment will require the Council to hold one or more public hearings in accordance with 24 VSA § 4442 and §4444 before it 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and Zoning is required by statute to begin implementing the amendment as warned until it is adopted, amended, or withdrawn for a period not to exceed 150-days (24 VSA 4449(d)).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 this proposed amendment at your public hearing(s).

Thank you for your consideration.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-13-11 – Adaptive Reuse and Residential Bonuses

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The proposed amendment to the City's zoning regulations is as follows:

ZA-13-11 – Adaptive Reuse and Residential Bonuses - This proposed amendment to the Comprehensive Development Ordinance is to facilitate and encourage the conversion of a non-conforming non-residential use to a conforming residential use in both historic ("Adaptive Reuse") and non-historic ("Residential Conversion") structures. This proposed amendment also makes consistent density and lot coverage allowances with those for Inclusionary Housing (Modify Section 4.4.5, 7. C & D)

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This proposed amendment to the Comprehensive Development Ordinance improves the utility of current development bonuses in residential districts that encourage the conversion of non-conforming uses to permitted residential uses, and as a result create additional housing opportunities and adaptively reuse historic buildings – both important objectives found in the Municipal Development Plan.

Compatibility with the proposed future land uses and densities of the municipal development plan:

ZA-13-11 will support land use and development patterns and intensities well in-line with the policies and goals set in the MDP.

Implementation of specific proposals for planned community facilities:

Revisions to the bylaws are not specifically intended to make accommodations for planned community facilities.

Burlington Comprehensive Development Ordinance

PROPOSED ZA-13-11 – Adaptive Reuse & Residential Bonuses

As approved by the Planning Commission on May 14, 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 improve consistency with allowances for Inclusionary Housing and improve the utility of current development bonuses in residential districts that encourage the conversion of non-conforming uses to permitted residential uses.

Sec. 4.4.5 Residential Districts

7. Residential Development Bonuses.

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

A-B. *unchanged*

C. Adaptive Reuse Bonus.

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the ~~retention, adaptive reuse and rehabilitation~~ conversion of an existing non-conforming nonresidential principal use nonresidential structure and its conversion within a historic building to a permitted-conforming residential use provided the structure has not previously been converted from a residential use to a nonresidential use. Any such redevelopment shall be subject to all of the following conditions:

- (i) ~~The structure shall not have previously been converted from a residential use to a nonresidential use;~~*
- (ii) The building shall be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places;*
- (iii) The gross floor area shall not exceed the pre-redevelopment gross floor area of the existing structure by more than twenty-five (25) percent;*
- (iv) The density limits of the underlying residential zoning district in Sec 4.4.5(b) above shall not apply. Residential density ~~The intensity and extent of~~*

development shall be limited by gross floor area maximum in (iii) above and Table 4.4.5-6 below;

- (v) ~~The building~~ adaptive reuse and rehabilitation conforms to the requirements of Art 5, Historic Buildings;
- (vi) Neighborhood commercial uses less than 2,000 sqft gross floor area may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(5)(A) above. Neighborhood commercial uses 2,000 sqft or larger in gross floor area shall not be permitted. In combination, the sum of neighborhood commercial uses shall be limited to no more than 50% of the gross floor area of the existing structure; and,
- (vii) Lot coverage shall not exceed:

Table 4.4.5-6: Adaptive Reuse Bonus

District	Maximum Coverage
RL, RL-W	Greater of <u>540%</u> (4462% with inclusionary allowance), or expansion by more than 125% of pre-existing building coverage.
RM,	Greater of 40% (48% with inclusionary allowance), or expansion by more than 125% of pre-existing building coverage.
RM, RM-W	Greater of 60% (72% with inclusionary allowance), or expansion by more than 125% of pre-existing building coverage.
RH	Greater of 80% (92% with inclusionary allowance), or expansion by more than 125% of pre-existing building coverage.

D. Residential Conversion Bonus.

Development in excess of the limits set forth in Tables **4.4.5-2** and **4.4.5-3** may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential structure principal use not involving a historic building to a permitted conforming residential use provided, or for the elimination of a non-residential structure and its replacement by a residential structure, subject to all of the following conditions the following:

- (i) ~~The structure shall not have previously been converted from a residential use to a nonresidential use;~~
- (ii) Any structure proposed for demolition shall not be listed or eligible for listing in the United States Department of the Interior’s National Register of Historic Places or the Vermont State Register of Historic Places; and,
- (iii) Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

District	Maximum <u>Lot</u> Coverage	Maximum Density (dwelling unit/acre)
RL, RL-W	50% <u>(62% with inclusionary allowance)</u>	8 du/ac <u>(8.75 with inclusionary allowance)</u>
RM, RM-W	60% <u>(72% with inclusionary allowance)</u>	30 du/ac <u>(37.5 with inclusionary allowance)</u>
RH	80% <u>(92% with inclusionary allowance)</u>	60 du/ac <u>(69% with inclusionary allowance)</u>

E. *unchanged*