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# Burlington Planning Commission Report Municipal Bylaw Amendment

**ZA-14-01 – Residential Setback Encroachment Expansion**  
**ZA-14-02 – RCO-RG Lot Coverage**  
**ZA-14-03 – Mixed-Use Districts Conditional Uses Change**  
**ZA-14-04 – Downtown Transition Zoning District Expansion**

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 amendments to the City's zoning regulations are intended to:

- **ZA-14-01** - allow 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-14-02** - provide more flexibility for management and activities of urbanized greenspaces including City Parks by exempting certain activities from requiring zoning permits and allowing for greater lot coverage to recognize actual and future improvements.
- **ZA-14-03** - 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.
- **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.

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

This revision of the ordinance will allow for vertical and horizontal expansions of existing nonconforming buildings, providing for more context sensitive development or rehabilitations of residential properties.

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

All proposed amendments are compatible with proposed future land uses in the Municipal Development Plan.

ZA-14-01 does impact density in the City of Burlington, allowing for more intense use of certain residentially zoned properties.

ZA-14-04 also does increase possible density for the two properties being rezone. However, the properties are currently enclaved by more intense development so there is strong compatibility.

The other two amendments do not impact densities.

*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-14-01 Residential side/Rear Yard Setback Encroachments***

*As warned by the Planning Commission for public hearing 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-14-02 – RCO-Recreation/Greenspace**

*As warned by the Planning Commission for public hearing 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 provide more flexibility for management and activities of urbanized greenspaces including City Parks by exempting certain activities from requiring zoning permits and allowing for greater lot coverage to recognize actual and future improvements.

### **Sec. 4.4.6 Recreation, Conservation and Open Space Districts**

**(a) Purpose** – *unchanged*

**(b) Dimensional Standards and Density**

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

**Table 4.4.6 -1 Dimensional Standards and Density**

District	Lot Coverage <sup>1</sup>	Setbacks <sup>1</sup>			Height <sup>1</sup>
		Front	Side <sup>2</sup>	Rear <sup>2</sup>	
<b>RCO-A</b>	5%	<b>15'</b>	10%	25%	35'
<b>RCO-RG</b>	<u>25%</u> <sup>3</sup>	<b>15'</b>	10%	25%	35'
<b>RCO-C</b>	5%	<b>15'</b>	10%	25%	25'

1. See also exceptions to lot coverage, setbacks and maximum height in **Article 5**.

2. Percentages figure refers to either a percentage of lot width, 10% in the case of side yard setbacks, or lot depth of 25% in the case of rear yard setbacks.

~~2.3. Maximum lot coverage for City Hall Park, Battery Park and Perkins Pier shall be 35%.~~

**(c) Permitted and Conditional Uses**- *unchanged*

**(d) District Specific Regulations**

The following regulations are district-specific exemptions, bonuses, and standards unique to the RCO districts. They are in addition to, or may modify, city-wide standards as provided in **Article 5** of this ordinance and district standards as provided above in **Tables 4.4.6-1**.

## **1. Lot Coverage Exemption for Agricultural Structures.**

The maximum allowable coverage may be increased to ten percent (10%) in the RCO-Agricultural District for agricultural structures subject to approval by the DRB.

## **2. Exemptions for Tree removal and Turf Maintenance in City Parks.**

- i. Regular tree maintenance and removal not otherwise associated with land clearing for new development or site improvements, and regular turf maintenance including re-grading and reseeding shall be exempt from the requirement to obtain a zoning permit.

# **Burlington Comprehensive Development Ordinance**

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

*As warned by the Planning Commission for a public hearing 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 <sup>16</sup>	DT	BST	NMU	NAC	NAC-RC
NON-RESIDENTIAL USES	D	DW	DW-PT <sup>16</sup>	DT	BST	NMU	NAC	NAC-RC
Automobile/Vehicle Repair <sup>10, 11</sup>	N	N	N	N	N	<del>NCU</del> <sup>9, 12</sup> <sub>.14</sub>	<del>CUY</del> <sup>9, 14</sup> <sub>2, 14</sub>	<del>CUY</del> <sup>14</sup>
Food Processing	N	N	N	<del>NCU</del>	<del>CUN</del>	<del>CUN</del>	<del>CUN</del>	CU
Machine/Woodworking Shop	N	N	N	<del>CUN</del>	<del>CUN</del>	<del>CUN</del>	<del>CUN</del>	<del>CUY</del>

- 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.