

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

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Kienan Christianson

Vacant, (Alternate)

Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday September 3rd, 2019, 5:00 PM

PUBLIC HEARING NOTICE

**The Burlington Development Review Board will hold a meeting on
Tuesday September 3rd, 2019, at 5:00 PM in Contois Auditorium, City Hall.**

- 1. 20-0113CU; 83 North Willard (RM, Ward 2C) Diane and Thomas Frankenfield**
Request to allow occupancy by 5 unrelated adults and 1-space parking waiver

Plans may be viewed in the Zoning Division Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning Division office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drdb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

The programs and services of the City of Burlington are accessible to people with disabilities.

Individuals who require special arrangements to participate are encouraged to contact the Department of Permitting and Inspections; Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday September 3rd 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Consent

1. 20-0172CA; 1093 North Ave (RCO, Ward 4N) City of Burlington- Parks Dept.

Build 4-bay building adjacent to existing building and add above ground fueling depot with tanks. Stabilize the existing building for unconditioned storage space (Project Manager: Scott Gustin)

2. 19-0948CA; 62 Ward St (RM, Ward 3C) Joseph Speidel and Maura O'Sullivan

Second story addition in rear. Exterior modifications to include: new stairs, doors, windows, removal of chimney. (Project Manager: Mary O'Neil)

V. Public Hearing

1. 20-0113CU; 83 North Willard (RM, Ward 2C) Diane and Thomas Frankenfield

Request to allow occupancy by 5 unrelated adults and 1-space parking waiver (Project Manager: Scott Gustin)

VI. Other Business

1. Zoning Amendments

VII. Adjournment

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**Department of Permitting and Inspections
Zoning Division**

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
vacant, Zoning Clerk
Theodore Miles, Zoning Compliance Officer
Charlene Orton, Administrator



TO: Development Review Board
FROM: Mary O'Neil
DATE: September 3, 2019
RE: ZP19-0948CA; 62 Ward Street

=====

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RM **Ward:** 3C

Owner/Applicant: Joe Speidel / Anna Thelemark

Request: Second story addition over rear single story on existing single family home.

Background Information:

The owner applied in June 2019 for a second story addition over an existing single (rear) story on their single family home. Setbacks were not clearly defined, as boundary lines were unknown. The application has been on hold until a site survey was completed that could inform the owner and the Department of Permitting and Inspections where the actual boundary lines are. A revised site plan, based on a survey was submitted via email August 1, 2019. It is determined that the existing single story addition encroaches into a required setback, requiring DRB review of any vertical expansion within that non-conformity.

Background:

- ▽ **Zoning Permit 19-0313CA;** add composite walkway/steps between front porch and driveway. October 2018.
- ▽ **Zoning Permit 18-1085CA;** replace windows, door, and shingle siding on front porch. June 2018.
- ▽ **Zoning Permit 14-0511CA;** replace one first story window, remove one second story door and replace with window. Remove roof deck. November 2013.
- ▽ **Non-Applicability of Zoning Permit Requirements 10-0370NA;** replace deck and roof with same materials, dimensions, location. October 2009.
- ▽ **Zoning Permit 04-307;** construct a backyard shed. December 2003.
- ▽ **Zoning Permit 97-343;** construction of a second level open deck on the rear of the existing single family home. Replace a window with a door to access the deck and removal of the aluminum siding to expose the wood clapboard siding. March 1997.
- ▽ **Zoning Permit VR-97-072;** Variance for deck construction within a setback. (Applicant missed the deadline to appeal conditions of permit issuance related to deck construction.). Approved with conditions June 1997.
- ▽ **Zoning Permit 85-427;** install roof window in east roof of building. Existing slate roof will be butted to frame. September 1985.

Recommendation: Consent approval, per the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Part 4: Site Plan and Design Review

See Table 4.4.5-3, and Article 6, below.

Article 4: Zoning Maps and Districts

Table 4.4.5-3 Residential District Dimensional Standards

In the RM zoning district, coverage is limited to 40%. 26.48% is proposed.

Side yard setbacks can be calculated at 10% of the property width, or by a method of averaging two properties on either side for the same elevation. Utilizing the 10% method, the required side yard setback is 5'. The existing house and rear addition are approximately 2' from the property line. The applicant seeks approval of vertical expansion over the existing first floor at the existing (non-conforming) setback under provisions of Section 5.3.5, below.

The ridgeline of the 2nd story addition is proposed to be below the primary roof, less than the 35' maximum.

Affirmative finding.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

This is an existing developed lot. **Affirmative finding.**

Section 5.2.2 Required Frontage or Access

There is existing frontage and access from Ward Street. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The lot does not exceed 2 acres. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

(b) Exceptions to Yard Setback requirements:

2. ***Building and Site Features.** Eaves, sills, roof overhangs, cornices, steps to first floor entries, walkways, ramps for the disabled, fences, walls and similar building and site features may project into a required yard setback.*

The proposed building eaves and rear steps to a first floor entry are noted exceptions to setbacks per this standard. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

There is no change in use. The home remains a single family residence.

Part 3: Non Conformities

Section 5.3.5 (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) 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.*

The proposed vertical expansion will not exceed the existing level of non-conformity. The plan will be in character with similar residential additions, and characteristic of building expansion to this style of house. This vertical expansion is reserved only for the second story addition at the approximate 2' setback on the east elevation. The revised site plan and building elevations submitted with the August 1, 2019 illustrate the proposed continuation of the nonconformity to setback.

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

Not applicable.

2. *Such a change or modification shall not create any new nonconformity;*

No new non-conformity is proposed or shall be created.

and,

3. *Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.*

See Article 3, Part 4; Table 4.4.5-3 and Article 6.

Affirmative finding as conditioned.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

As the proposal is for a 2nd story addition, no alterations are proposed to the topography or landscaping of the parcel. Not applicable.

(b) Topographical Alterations:

Not applicable.

(c) Protection of Important Public Views:

No protection is offered for public views from or through private parcels. Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

The structure is not listed on the state or National Register of Historic Resources. Not applicable.

(d) Supporting the Use of Renewable Energy Resources:

No part of the application will preclude the use of wind, water, solar, geothermal, or other renewable energy resource.

(e) Brownfield Sites:

Not applicable.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

There is an existing porch to shelter residents in inclement weather.

Other than an after-the-face permit to acknowledge a rear patio, no site disturbance is proposed.

No EPSC is required. **Affirmative finding.**

(h) Building Location and Orientation:

No alteration to the location or orientation of the principal structure is proposed. The orientation of the proposed second story addition makes it a natural and organic building modification as it interfaces just below the ridge of the existing house. **Affirmative finding.**

(i) *Vehicular Access:*
No change proposed.

(j) *Pedestrian Access:*
No change proposed.

(k) *Accessibility for the Handicapped:*
While encouraged, handicapped accessibility is not required for single family homes. Any ADA requirements are under the jurisdiction of the building inspector.

(l) *Parking and Circulation:*
Existing conditions provide 2 parking spaces for the single family residence; compliant with the requirements of the ordinance.
Affirmative finding.

(m) *Landscaping and Fences:*
No changes are proposed to the existing landscaping. A three foot high fence is visible in photographs; this is acceptable within the Clear Site Triangle as long as the height is not greater than 3'. **Affirmative finding as conditioned.**

(n) *Public Plazas and Open Space:*
Not applicable.

(o) *Outdoor Lighting:*
Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.
No additional lighting has been included in the submission packet. If any additional lighting is proposed, spec sheets and illumination information needs to be provided for review. **Affirmative finding as conditioned.**

(p) *Integrate infrastructure into the design:*
Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.
Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.
Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on

neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

No HVAC or other mechanical equipment is noted within the submission documents. If any mechanical equipment is proposed, specification sheets and building elevations/roof plan as applicable shall be submitted for review. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. *Massing, Height and Scale:*

The proposal rests comfortably behind the existing 2nd story area without negatively inflating building mass and height. Its scale and height are consistent with and sensitive to the existing building. **Affirmative finding.**

2. *Roofs and Rooflines.*

A gable roof is proposed, in continuous orientation to the existing roof, breaking at the addition but successfully integrating the new living area while masking the new building area behind existing structure. **Affirmative finding.**

3. *Building Openings*

From the submitted “PZ-2” plan, in-swinging French doors are proposed on the 2nd floor with a small awning window proximate. There are no opening illustrated on the northwest elevation of the 2nd story, likely due to the steep roof slope and small knee wall created by the vertical expansion. It is likely that the proximity to the neighboring property line may prohibit any structural openings building code, which is under the jurisdiction of the building inspector. The addition is consistent with the character of the building. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8.

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The orientation of the new building mass is reservedly placed behind the existing building, without disturbing the recognizable characteristics of the home.

Affirmative finding.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content

materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Cementitious clapboard siding and asphalt shingles are proposed. These are appropriate for new construction and sympathetic with the existing structure. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction per the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(f) Make advertising features complementary to the site:

Not applicable.

(g) Integrate infrastructure into the building design:

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:

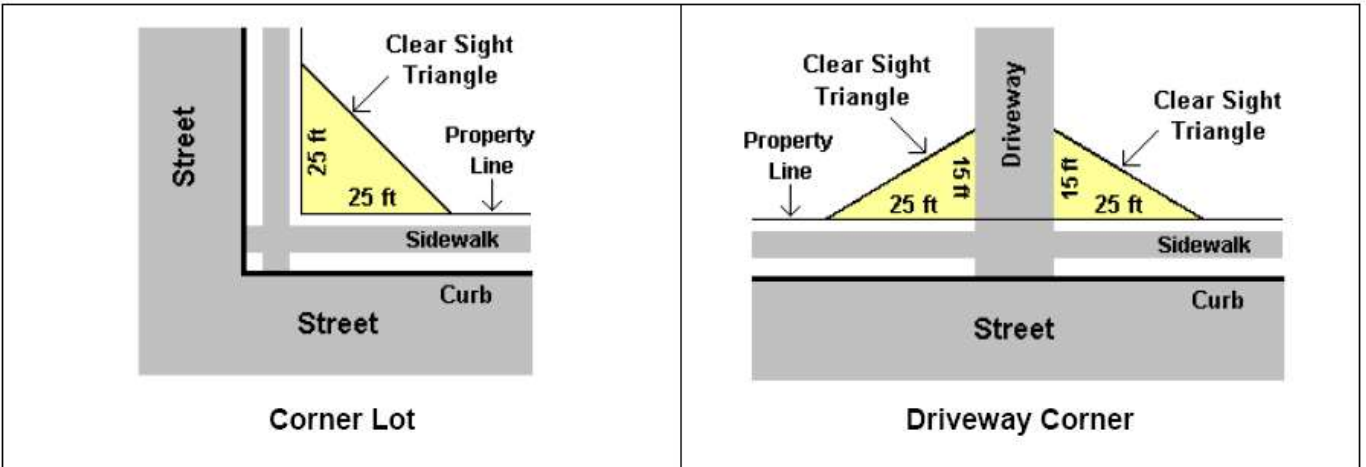
All construction shall meet applicable building and life safety code as defined by the building inspector and/or fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

A single family home in the Neighborhood Parking District requires 2 parking spaces. The driveway can currently accommodate two vehicles, and is compliant. **Affirmative finding.**

II. Conditions of Approval

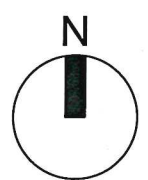
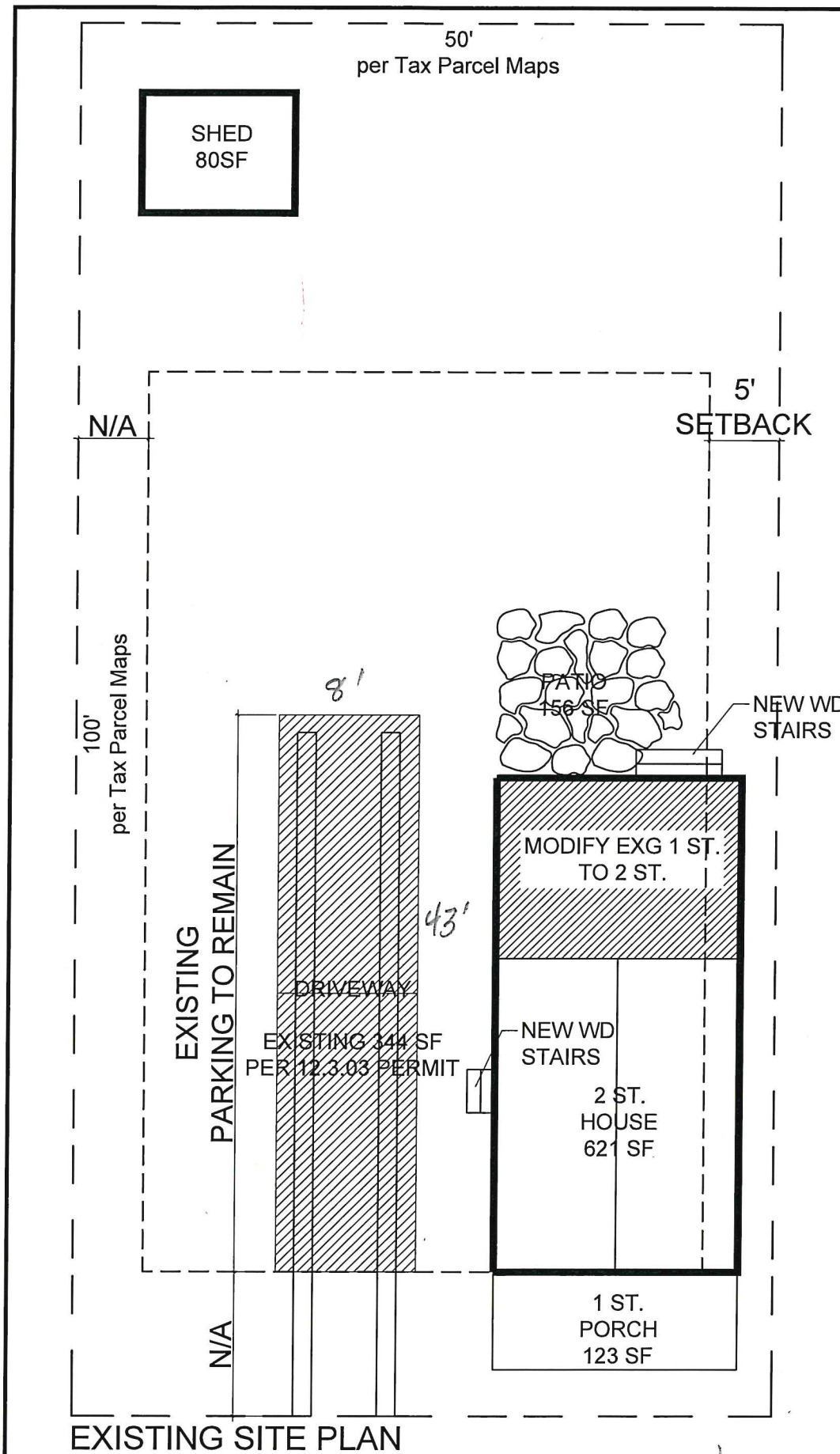
1. No lighting information has been included in the submission packet. If any additional lighting is proposed, spec sheets and illumination information shall be provided for staff review and approval.
2. Any vertical expansion within a required setback requires DRB review (Section 5.3.5(A) Vertical expansion may be approved by the DRB over an existing single story within the required 5' setback. Eave and roof overhangs lines may encroach per Section 5.2.5 (b) 2.
3. If any mechanical equipment is proposed, specification sheets and building elevations/roof plan as applicable shall be submitted to staff for review and approval.
4. All new construction is required to meet the Guidelines for Energy Efficient Construction per the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
5. No request for an addition to the existing structure shall imply or be considered approval of an additional residential unit.
6. Fencing shall meet the **Clear Site Triangle**, per Section 5.2.6 (c):
*Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, **shall be limited to 3-feet in height above the curb** in order to provide safe sight distances for pedestrians and vehicles.*



7. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

via email 8/1/19



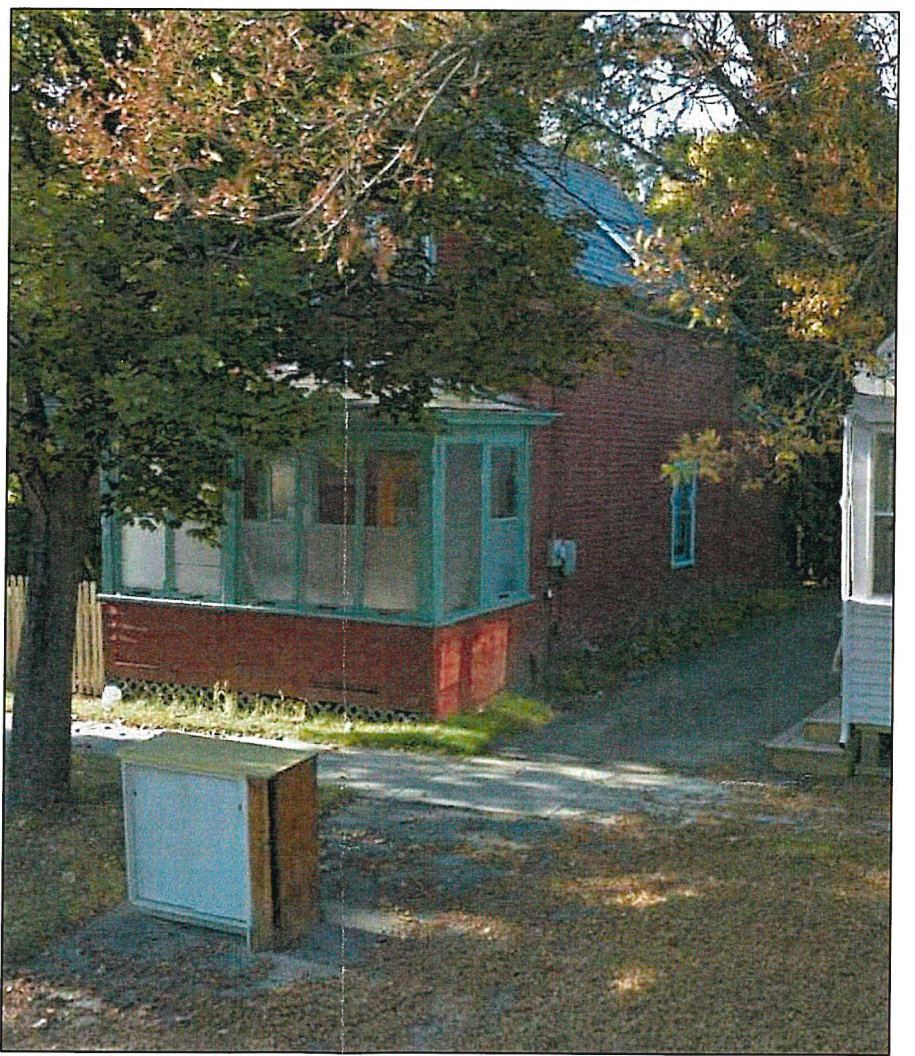
PROJECT:
ADD A SECOND FLOOR OVER EXISTING
HABITABLE SPACE. NEW ADDITION WILL NOT
PROJECT BEYOND EXISTING 1 STOREY
FOOTPRINT



REAR (N)



FRONT/SIDE (SW)



FRONT/SIDE (SE)

DISTRICT:	= RM
LOT SIZE:	= 5000 SF (.0666 ACRES per City Property Database)
ALLOWABLE COVERAGE	= 2000 SF (@ 40%)
EXISTING COVERAGE	= 1121 SF
PROPOSED COVERAGE	= 1141 SF
ALLOWABLE ACCESSORY	= 500 SF(10%)
EXISTING ACCESSORY	= 183 SF
PROPOSED ACCESSORY	= 183
BUILDING HEIGHT (ALLOWABLE)	= 35'
BUILDING HEIGHT (ACTUAL)	= N/A
SETBACKS:	= N/A - AS SHOWN ON PLAN

EXISTING ELEVATIONS



struktur, pllc
47 Maple Street, Suite 304
Burlington, VT 05401
802.922.2632 / 802.881.9836
www.strukturvt.com

62 WARD STREET
1324 / 5000 = 26.48%

SPEIDEL RENOVATION

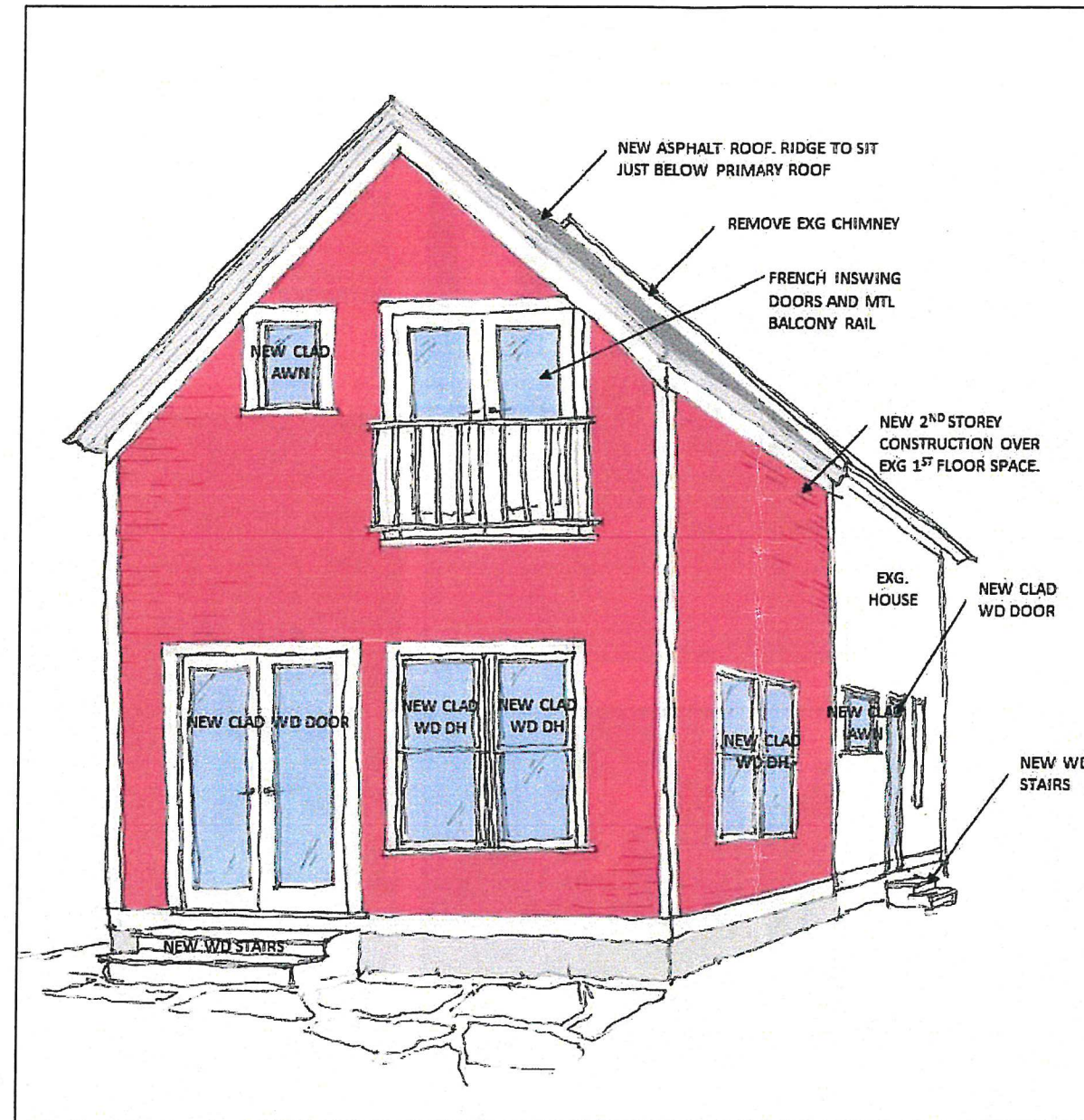
BURLINGTON, VERMONT

Zoning Permit Submittal

DATE: 2.7.17
SCALE: 1/8"=1'-0"

PZ-

REVISED 8.1.19



REAR/SIDE (NW)

PROPOSED ELEVATIONS

DRAFT

Department of Permitting & Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
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Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: September 3, 2019
RE: 20-0172CA; 1093 North Avenue

=====

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Zone: RCO-RG Ward: 4N

Owner/Applicant: City of Burlington

Request: Build 4-bay building adjacent to existing building and add above ground fueling depot with tanks. Stabilize the existing building for unconditioned storage space.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards)

Background Information:

The applicant is seeking approval to construct a new building for Parks' use adjacent to the existing building along the eastern edge of the Leddy Park parking lot. The existing building will be converted for use as storage. No exterior changes are proposed for the existing building. A new exterior fuel tank will also be installed nearby.

This development is a municipal parks project and, therefore, is subject to only limited zoning review per 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. This application may be reviewed only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements.

Previous zoning permit activity:

- 10/19/18, Approval to construct bike path pause place
- 3/19/18, Approval to install three signs
- 6/20/13, Approval for field reconstruction
- 6/29/10, Approval for seasonal mobile food cart
- 9/19/08, Approval of three ground-monitoring wells
- 7/11/07, Approval to construct two dugouts
- 2/2/04, Approval for expansion of athletic field complex

Recommendation: **Consent Approval** as per, and subject to, the following findings and conditions:

I. Findings

Article 2: Administrative Mechanisms

The zoning permit records for this property show that there is one previous zoning permit (07-837CA) that has expired without issuance of its required certificate of occupancy. Per this section, this zoning permit must be closed out with a final certificate of occupancy prior to issuance of a certificate of occupancy for this new zoning permit. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.6, Recreation, Conservation, and Open Space Districts:

(a) Purpose

(2) RCO – Recreation/Green Space (RCO-RG)

The subject property is located in the RCO-RG District. This zone is intended to provide an array of passive and active recreational opportunities in the form of developed parks, open green spaces, community gardens, and the like. The proposed development will take place within Leddy Park and will be accessory to the park. The project is consistent with the intent of this district.

(Affirmative finding)

(b) Dimensional Standards & Density

Up to 15% lot coverage is allowed at Leddy Park. Current lot coverage is 14.2%. The proposed development will increase lot coverage by 0.2% up to 14.4%.

As to setbacks, the proposed structure is located within the interior of Leddy Park, nowhere near the property boundaries.

Proposed building height is ~ 19' to the midpoint of the roof rise and is under the maximum permissible height of 35.' **(Affirmative finding)**

(c) Permitted & Conditional Uses

A park is a permitted use in the RCO-RG zone. No change to the present park use is proposed. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable to this proposal.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.6 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.6 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.6 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.6 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

No new outdoor illumination is included in the project plans. Typically, at least building doorways are illuminated. If that is the case here, fixture cut sheets and locations must be provided and noted on the project plans. If none is proposed, no additional information is needed. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

An erosion prevention and sediment control plan will be needed for the proposed construction. A post-construction stormwater screening form also needs to be completed prior to construction. Both are subject to review and approval by the city's stormwater program. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The proposed construction site contains no significant natural areas as identified in the Open Space Protection Plan. Some tree clearing is needed as evidenced by the current extent of woods and the proposed building location; however, clearing limits are not clearly depicted on the site plan and must be. **(Affirmative finding as conditioned)**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

Not applicable per 24 VSA, Sec. 4413. The city's stormwater standards under Chapter 26 continue to apply.

(h) Building location and orientation
Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access
Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access
Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped
Not applicable per 24 VSA, Sec. 4413. Accessibility requirements under the City's building code continue to apply.

(l) Parking and circulation
No new parking is required or proposed for this development. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls
The proposed building and fuel tank will be set into an existing wooded area. Limited tree clearing is proposed as noted above, but no new landscaping is proposed. **(Affirmative finding)**

(n) Public plazas and open space
No new public plazas or open space are included in this proposal, nor are they required.
(Affirmative finding)

(o) Outdoor lighting
See Sec. 5.5.2.

(p) Integrate infrastructure into the design
The proposed fuel tank will be set to the side of the new building and will be screened on three sides by existing woods and the new building. No new ground-mounted HVAC or dumpster is proposed. Any new utility lines must be buried. **(Affirmative finding as conditioned)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed building is very basic in appearance and reflects its intended utilitarian function as a garage/shop for Parks' use. Its scale is similar to that of the existing building it will be set next to. The three garage bays and windows preclude any totally blank building walls and provide some detail to the overall massing of the building. **(Affirmative finding)**

2. Roofs and Rooflines

Not applicable per 24 VSA, Sec. 4413.

3. Building Openings

Not applicable per 24 VSA, Sec. 4413.

(b) Protection of important architectural resources

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Provide an active and inviting street edge

Not applicable per 24 VSA, Sec. 4413.

(e) Quality of materials

Not applicable per 24 VSA, Sec. 4413.

(f) Reduce energy utilization

Not applicable per 24 VSA, Sec. 4413.

(g) Make advertising features complimentary to the site

No new exterior signs are included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

No new rooftop mechanical equipment is proposed. The elevation plans depict what appear to be vents along the rear (east) elevation. Such location is appropriate for these mechanical features.

(Affirmative finding)

(i) Make spaces safe and secure

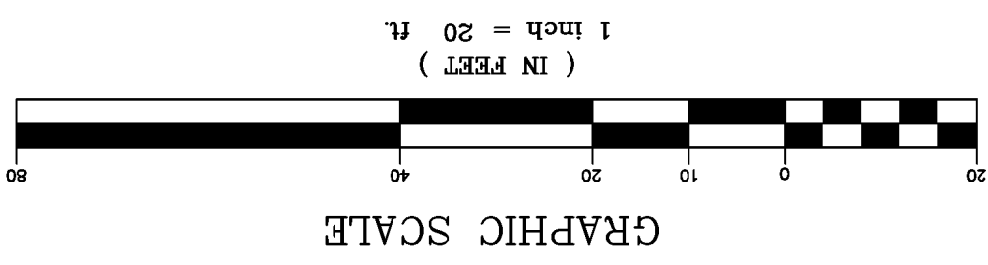
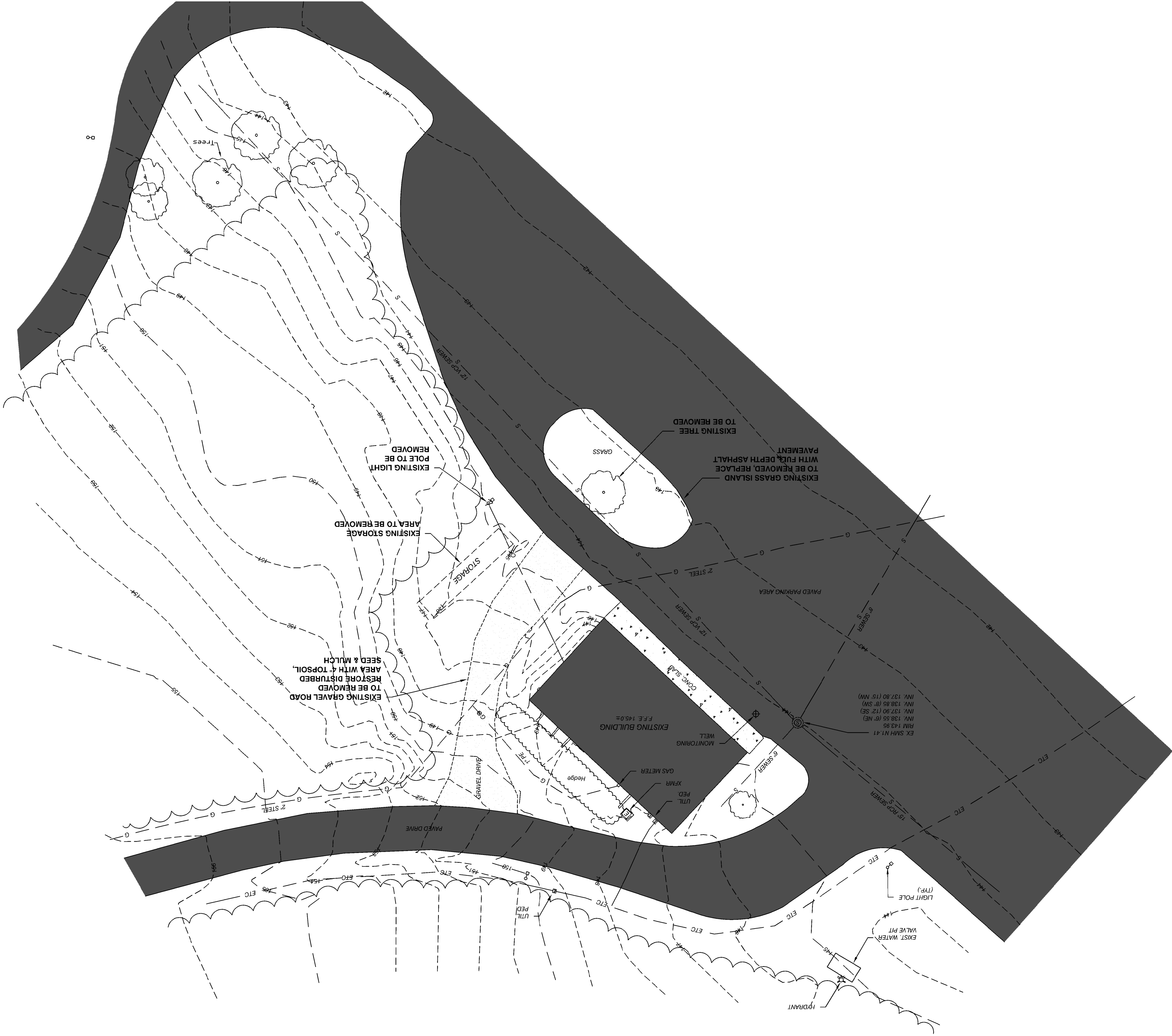
The proposed building must provide adequate egress as required by the building code. If outdoor illumination is proposed, details are needed. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, all zoning permits issued after July 13, 1989 must be closed out (issued a Certificate of Occupancy) prior to issuance of a Final Certificate of Occupancy for this permit. Upon expiration of this new zoning permit, no additional zoning permits may be issued until it, and all prior zoning permits, have been closed out with final certificate(s) of occupancy. It is recommended that certificates of occupancy for the old zoning permits be sought prior to seeking a certificate of occupancy for the new zoning permit.
2. **Prior to release of the zoning permit**, revised project plans addressing the following shall be submitted, subject to staff review and approval:
 - a. Outdoor lighting information consistent with the standards of Sec. 5.5.2 (if any is proposed);
 - b. Erosion prevention and sediment control plan and stormwater screening form approved by the Stormwater Program; and,
 - c. Proposed extent of tree clearing.
3. Any new utility lines must be buried.
4. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
5. Standard permit conditions 1-15.

- LEGEND**
- APPROXIMATE PROPERTY LINE
- APPROXIMATE SETBACK LINE
- 1:00
- EXISTING CONTOUR
- EXISTING CURB
- EXISTING GRAVEL
- EXISTING PAVEMENT
- EXISTING GUARD RAIL
- EXISTING ELECTRIC
- EXISTING FORECMAN
- EXISTING GAS
- EXISTING STORM
- EXISTING GRAVITY SEWER
- EXISTING TELEPHONE
- EXISTING WATER
- EXISTING SWALE
- STREAM
- WETLANDS
- WETLANDS BUFFER
- EXISTING SEWER MANHOLE
- EXISTING STORM MANHOLE
- EXISTING CATCH BASIN
- EXISTING WELL
- EXISTING HYDRANT
- EXISTING SHUT OFF
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- EXISTING GUY WIRE/POLE
- EXISTING SIGN
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EDGE OF BRUSH/WOODS
- IRON ROD/PIPE FOUND
- CONCRETE MONUMENT FOUND
- TEST PIT
- PERCOLATION TEST
- PROJECT BENCHMARK

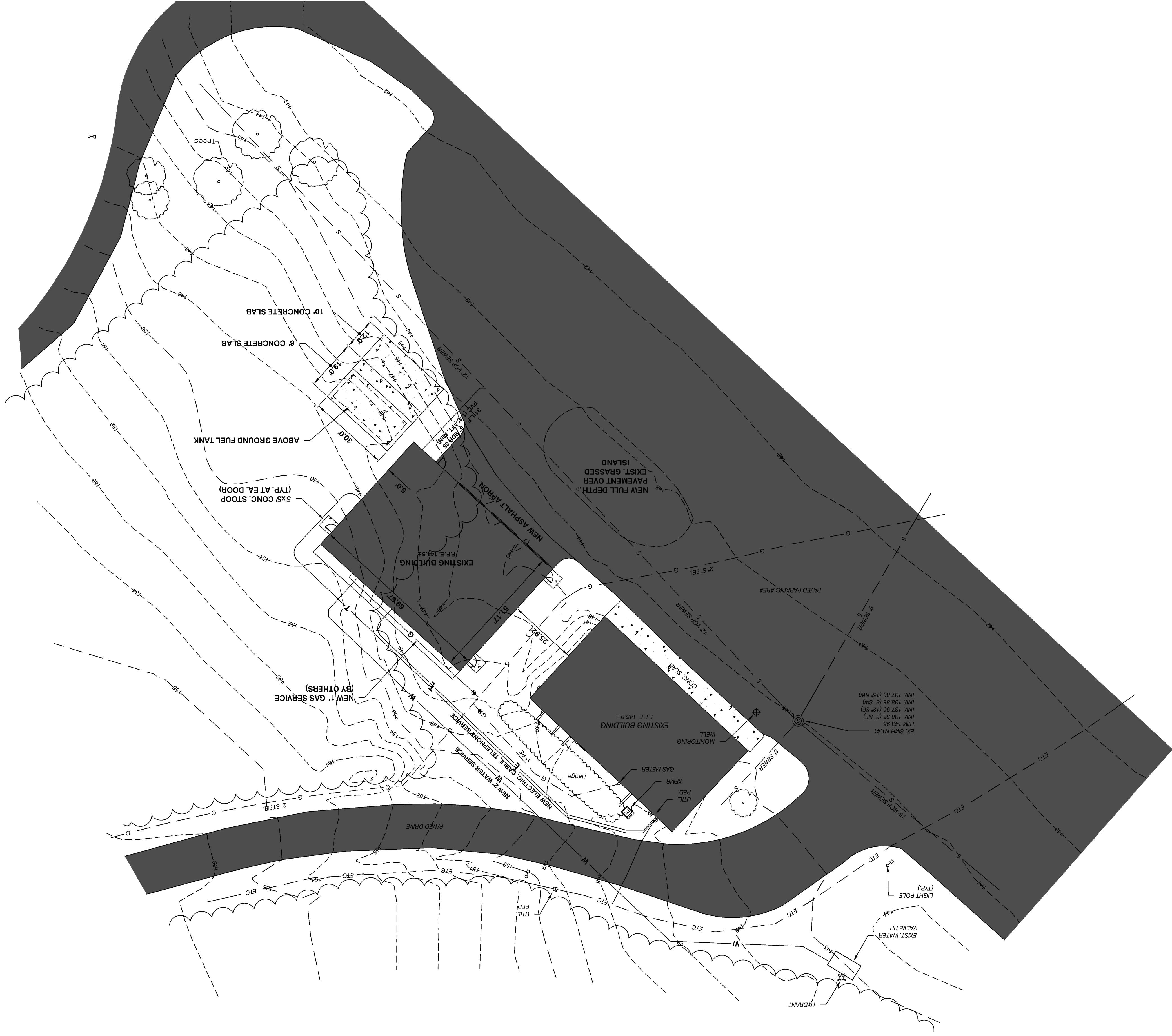
- NOTES**
- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY LOCATIONS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
 - THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
 - PROPERTY LINE INFORMATION IS APPROXIMATE AND BASED ON EXISTING TAX MAP INFORMATION. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
 - SITE INFORMATION IS BASED ON A FIELD SURVEY PERFORMED BY LATITUDES LAND SURVEYING, INC. AUGUST 2019. CIVIL ENGINEERING ASSOCIATES, INC. SURVEY ORIENTATION IS GRID NORTH. VERMONT COORDINATE SYSTEM OF 1983 (HORIZONTAL) AND NAVD83 (VERTICAL). ESTABLISHED FROM GPS OBSERVATIONS ON SITE.
 - CONTOUR INFORMATION IS BASED UPON FIELD SURVEY. HORIZONTAL AND VERTICAL DATUM BASED ON VCS MAD 83 AND NAVD 88.



SITE ENGINEER:	CIVIL ENGINEERING ASSOCIATES, INC. 10 MAINSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403 P: 802.864.2271 FAX: 802.864.2271 WEB: WWW.CEA-VT.COM COPYRIGHT © 2019 - ALL RIGHTS RESERVED	DRAIN SAL CHECKED DSM APPROVED DSM	CLIENT:	BREAD LOAF CORPORATION 1293 ROUTE 7 SOUTH MIDDLEBURY, VERMONT 05753	PROJECT:	BURLINGTON PARKS, TREES & GROUNDS FACILITY LEDGY PARK BURLINGTON, VT	LOCATION MAP 1" = 2000'	DATE		CHECKED	REVISION	EXISTING CONDITIONS SITE PLAN				DATE AUG., 2019	SCALE 1" = 20'	PROJ. NO. 18186
								DRAWING NUMBER				C1.0						

LEGEND

- | | | |
|--|------------------------------|--------------|
| | PROPOSED SETBACK LINE | — — — — — |
| | PROPOSED SETBACK LINE | — — — — — |
| | PROPOSED CIRCUMFERENCE | ===== |
| | PROPOSED CURB | ===== |
| | PROPOSED FENCE | ===== |
| | PROPOSED GRAVEL | ===== |
| | PROPOSED PAVEMENT | ===== |
| | PROPOSED GUARD RAIL | ===== |
| | PROPOSED ELECTRIC | _____E_____ |
| | PROPOSED FORECATCHMAN | _____FM_____ |
| | PROPOSED GAS | _____G_____ |
| | PROPOSED STORM | _____ST_____ |
| | PROPOSED GAVATTY SEWER | _____S_____ |
| | PROPOSED TELEPHONE | _____T_____ |
| | PROPOSED WATER | _____W_____ |
| | PROPOSED SWALE | —————→ |
| | CONCRETE MONUMENT SET | ● |
| | REBAR SET | ⊗ |
| | PROPOSED SLOPE | ~~~~~ |
| | PROPOSED PROPERTY LINE | ———X——— |
| | PROPOSED EJECTOR | ⚡ |
| | PROPOSED HYDRANT | ⦿ |
| | PROPOSED SHUT OFF | ⊙ |
| | PROPOSED UTILITY POLE | ○□ |
| | PROPOSED LIGHT POLE | ⦶ |
| | PROPOSED EDGE OF BRUSH/WOODS | ~~~~~ |
| | PROPOSED STORM MANHOLE | ⑨ |
| | PROPOSED SEWER MANHOLE | ⑧ |
| | PROPOSED PATCH BASIN | ⊞ ⊞ |
| | PROPOSED WELL | ⊕ |

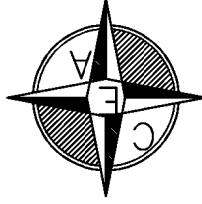


GRAPHIC SCALE

(IN FEET)



SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.cca-vt.com
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NAME
DATE
PAGE

AGENT:

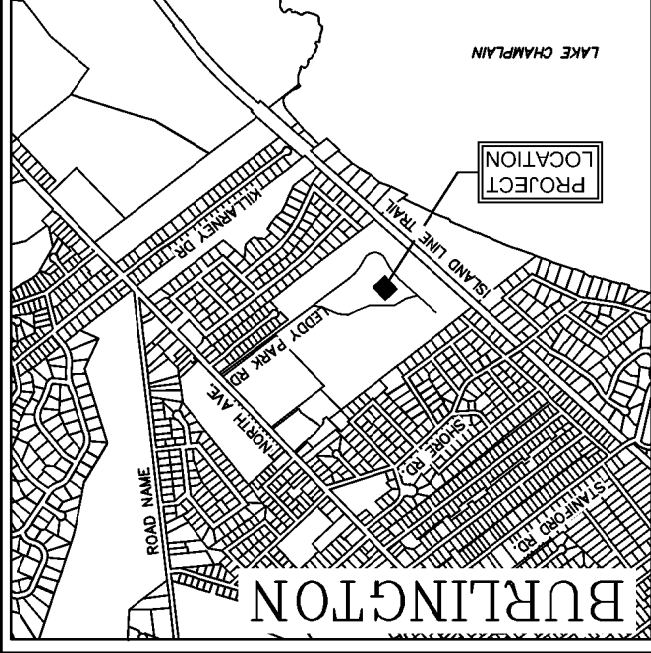
BREAD LOAF CORPORATION

1293 ROUTE 7 SOUTH
MIDDLEBURY, VERMONT 05753

PROJECT:

**BURLINGTON
PARKS, TREES
& GROUNDS
FACILITY**

LEDDY PARK
BURLINGTON, VT



LOCATION MAP

[illegible]

**PROPOSED
CONDITIONS SITE
PLAN**

DRAWING NUMBER

THE
JUG, 2019

20 = "

PROJ. NO. 18186

C2.0

Revised		
No.	Date	Description

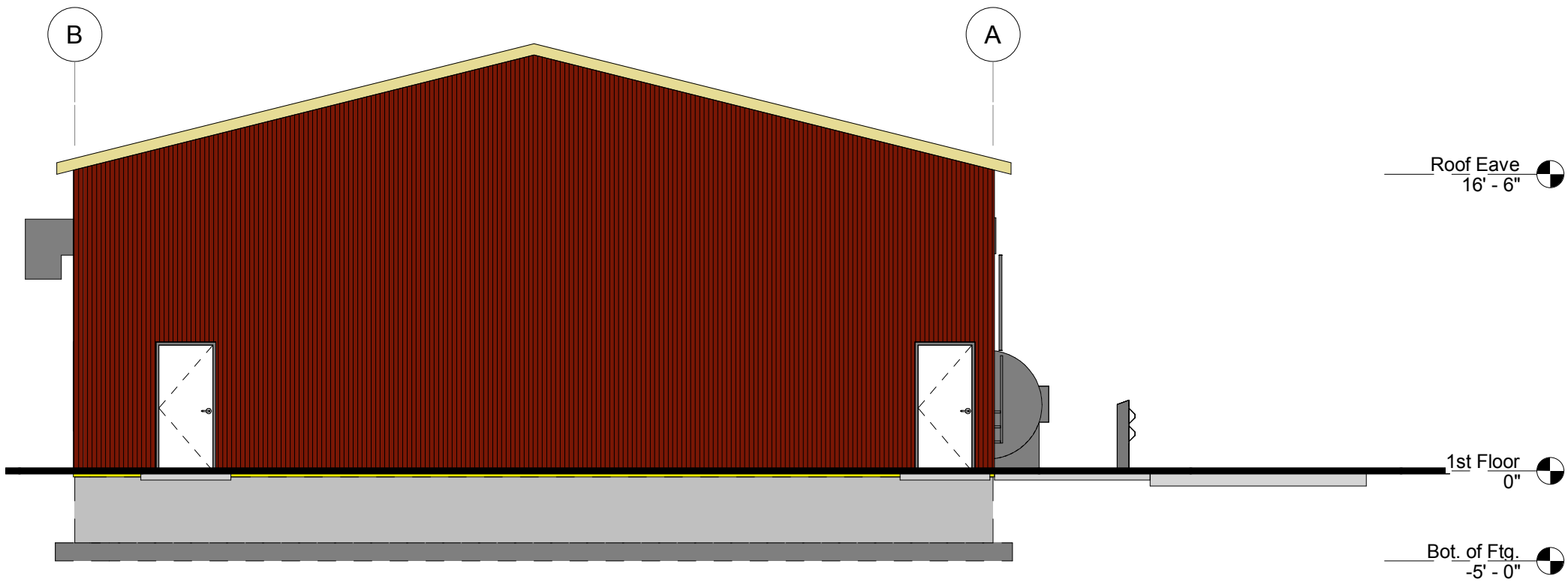
Burlington Parks Trees &
Grounds Facility

Leddy Park Road
Burlington, VT 05408

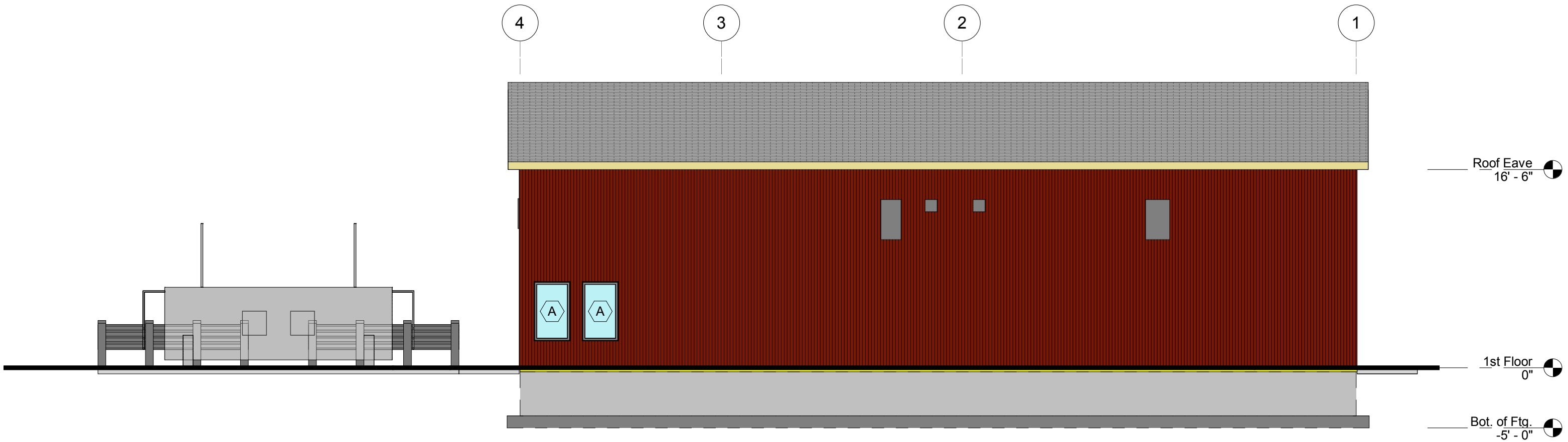
Proj. No: BD19032 Date: 08/28/19

Exterior
Elevations

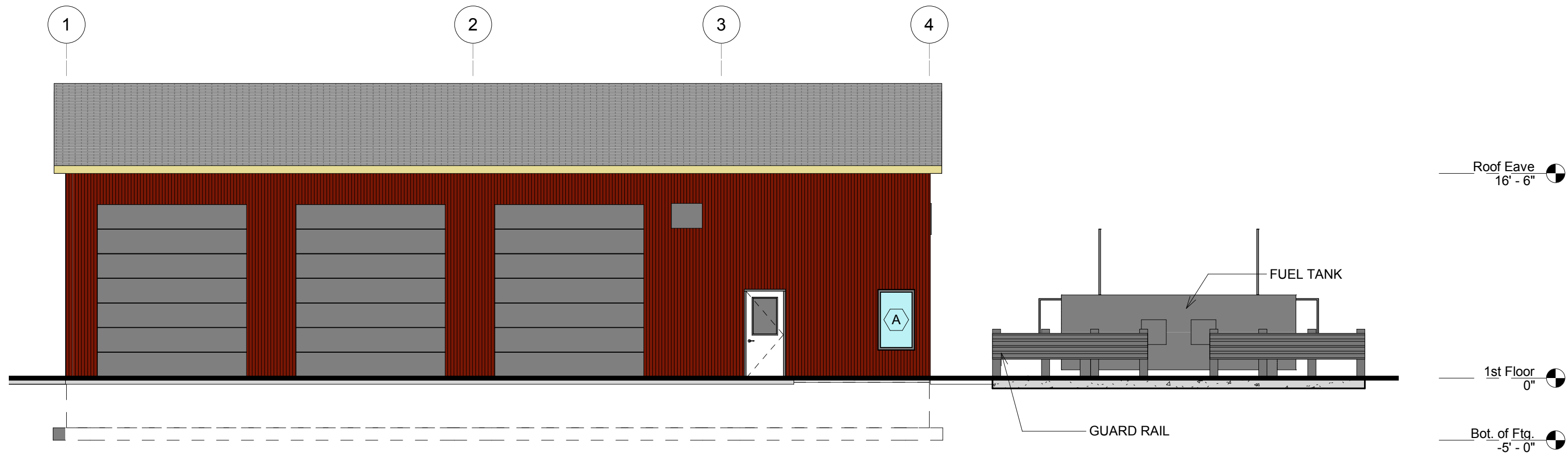
A-4.1



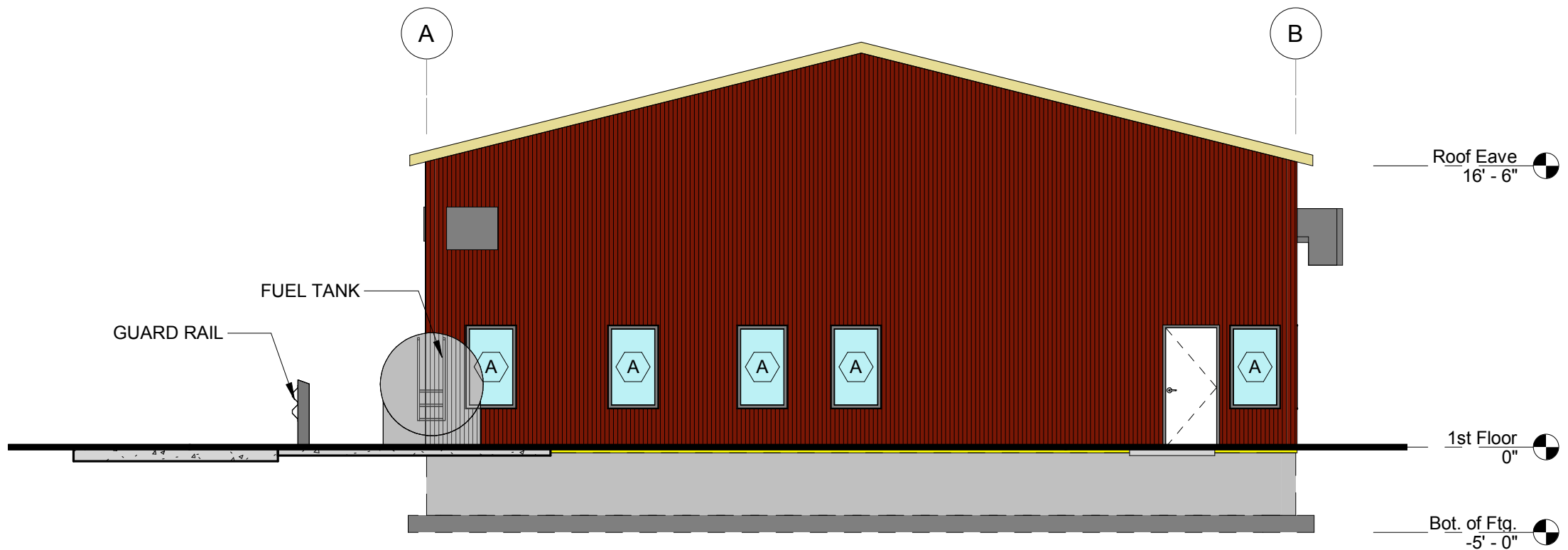
4 EXT NORTH ELEVATION
A-2.1/A-4.1 1/8" = 1'-0"



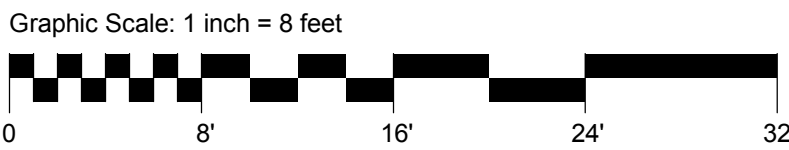
1 EXT EAST ELEVATION
A-2.1/A-4.1 1/8" = 1'-0"



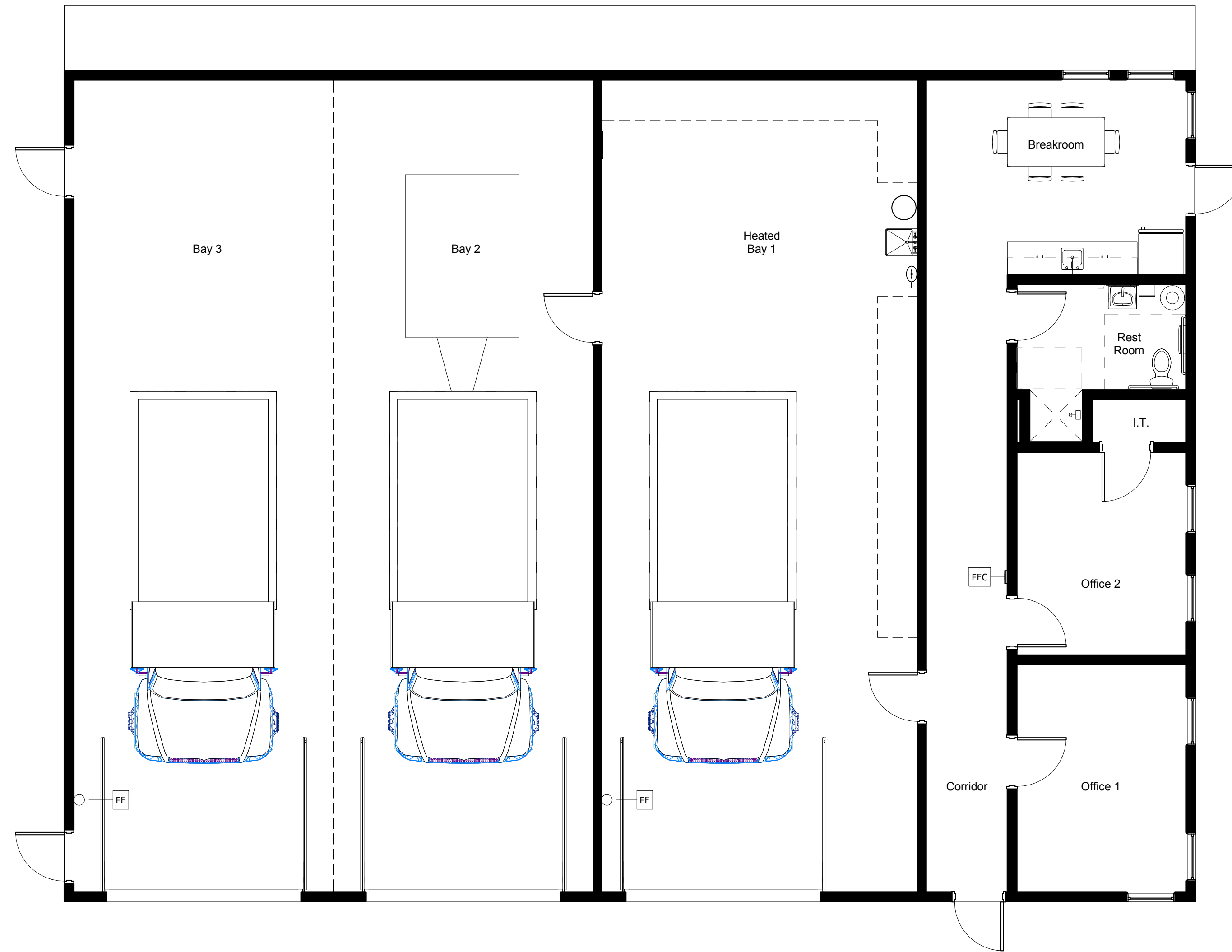
3 EXT WEST ELEVATION
A-2.1/A-4.1 1/8" = 1'-0"



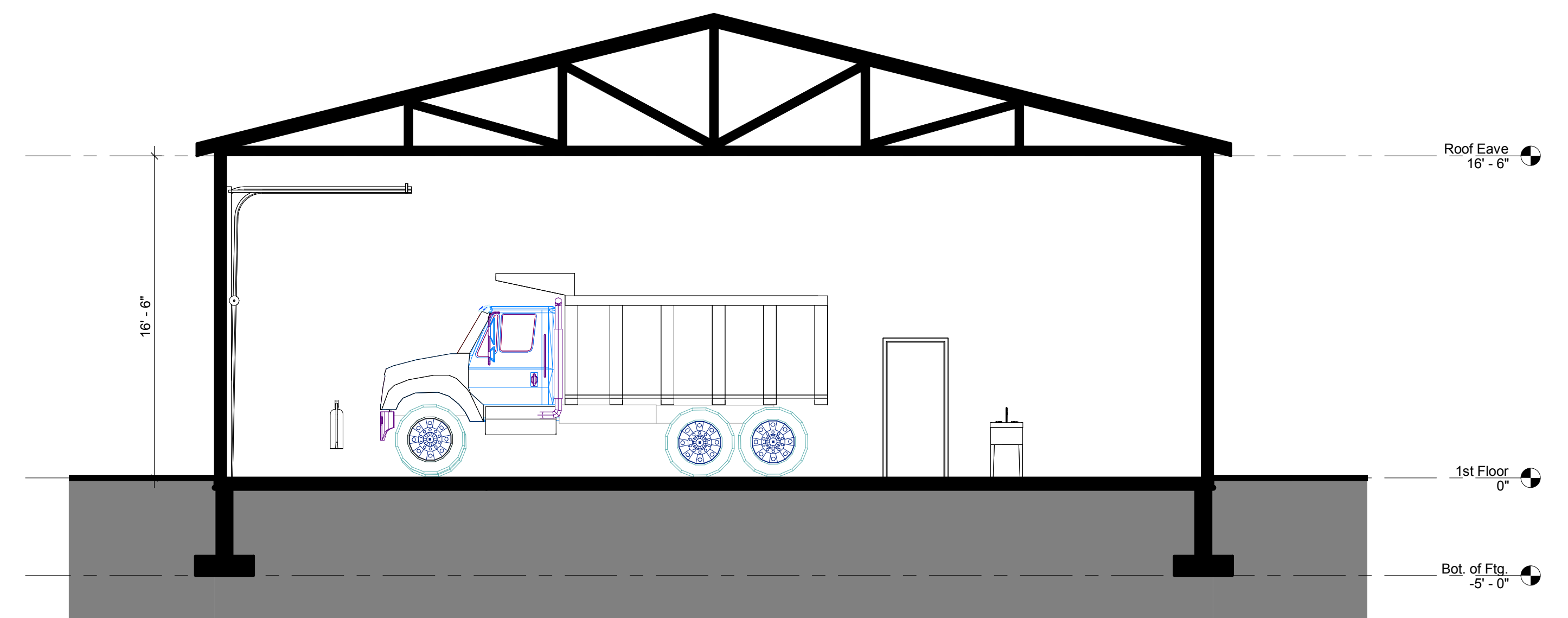
2 EXT SOUTH ELEVATION
A-2.1/A-4.1 1/8" = 1'-0"



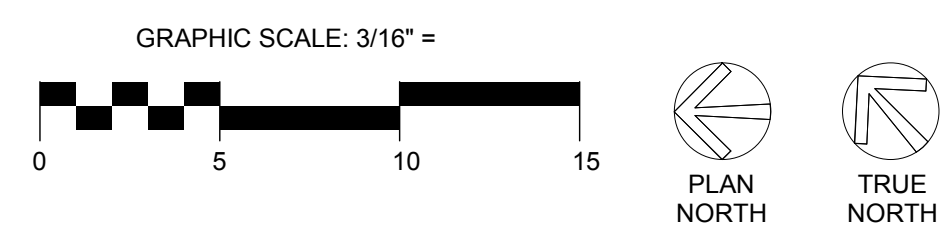
Preliminary Design



Floor Plan



N-S Building Section Looking West



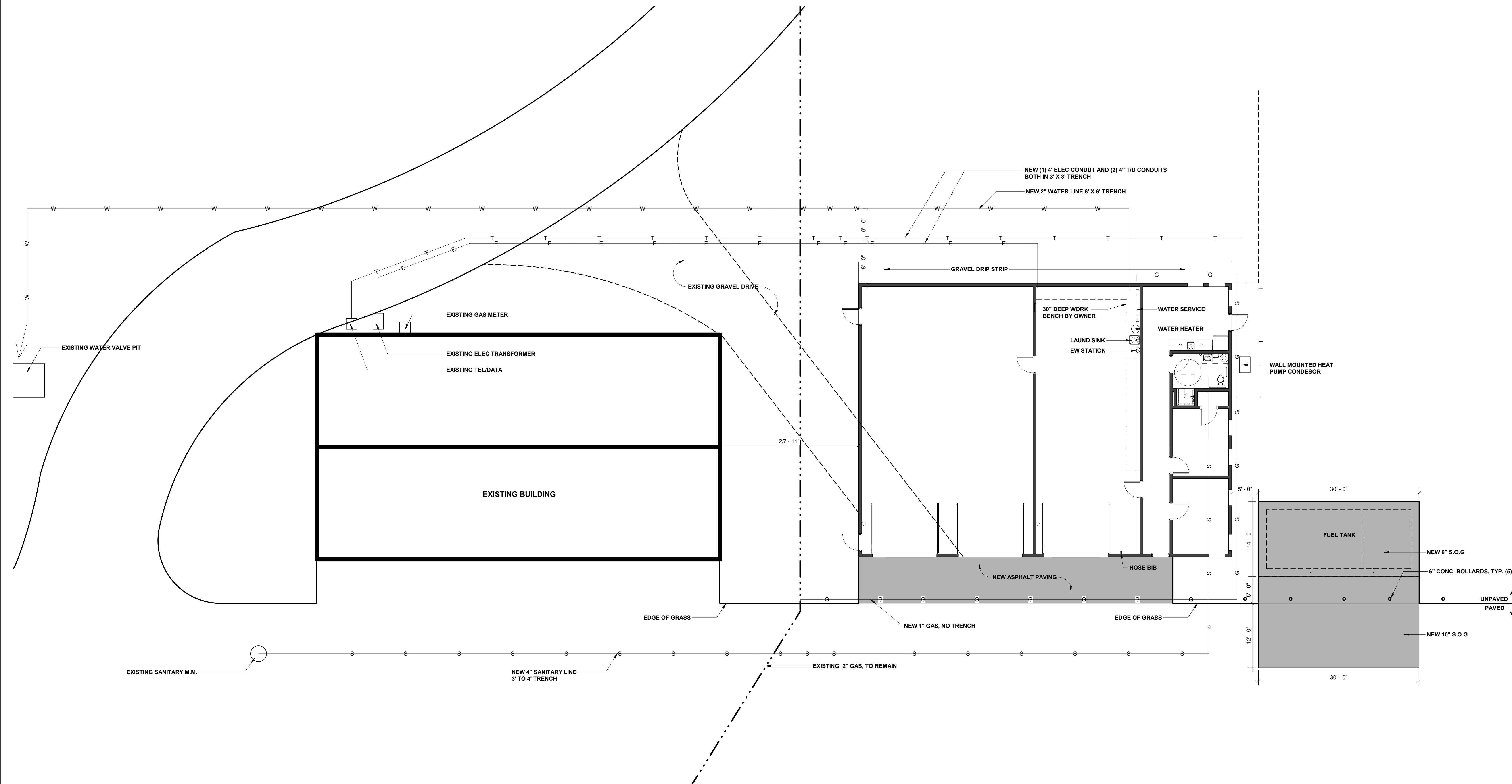
Floor Plan and Section

Burlington Parks Trees and Grounds Facility

3/16" = 1'-0"

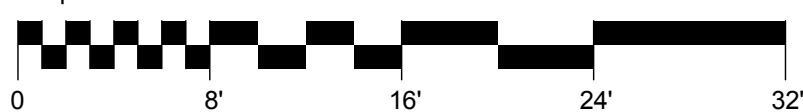
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08/26/2019



Site Plan Proposed Utility Layout

Graphic Scale: 1 inch = 8 feet



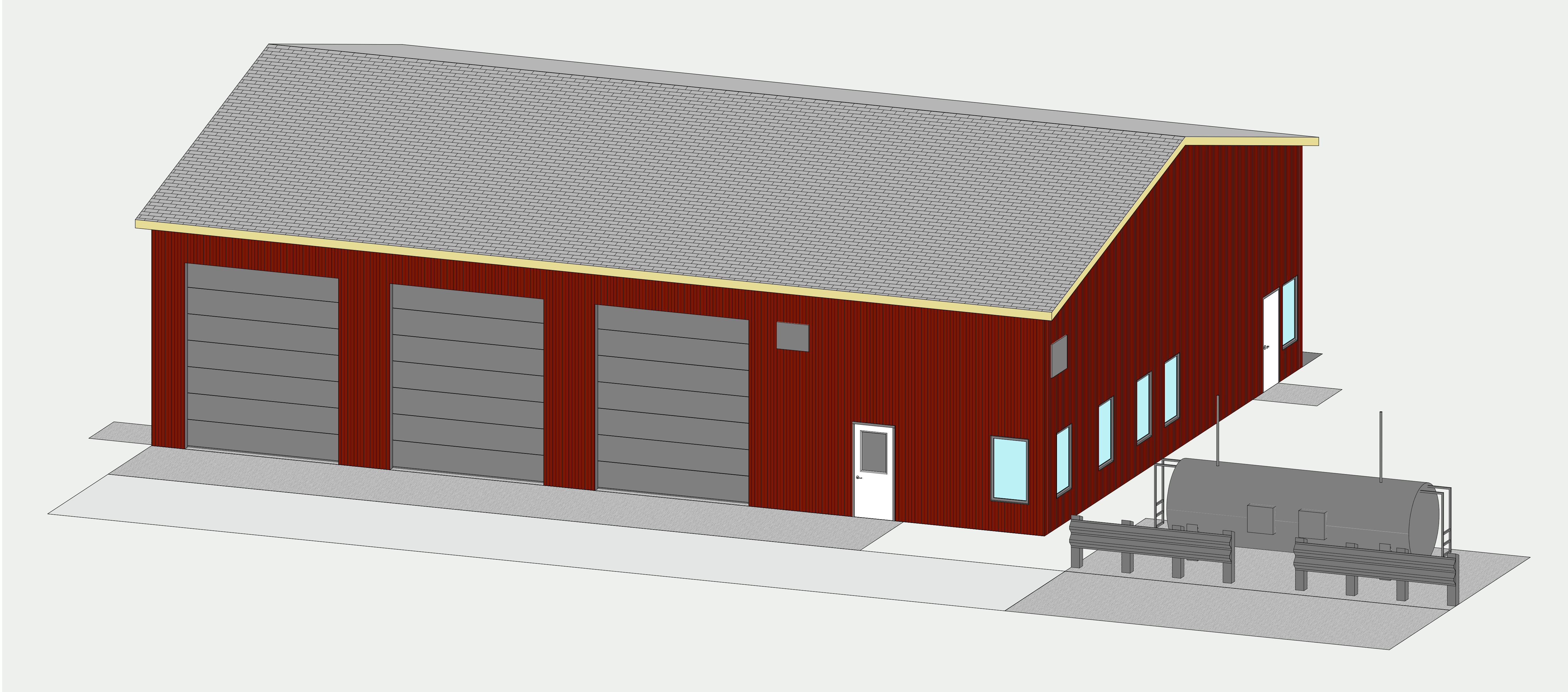
Preliminary Site Utility Plan

Burlington Parks Trees and Grounds Facility

1/8" = 1'-0"

08/26/2019

© 2019, Bread Loaf Corporation



Revised		
No.	Date	Description

Burlington Parks Trees &
Grounds Facility

Leddy Park Road
Burlington, VT 05408

Proj. No: BD19032 Date: 08/28/19

Site Axon

Preliminary Design

A-2.3

Department of Permitting & Inspections

Zoning Division
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

*William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator*



TO: Development Review Board
FROM: Scott Gustin
DATE: September 3, 2019
RE: 20-0113CU; 83 North Willard Street

=====

The applicant has requested deferral of this application until the September 17 meeting of the Development Review Board.



THE CITY
OF BURLINGTON
CITY PLANNING

City Hall, 3rd Floor
149 Church Street
Burlington, VT 05401

www.burlingtonvt.gov/planning
Phone: (802) 865-7144

TO: Kurt Wright, City Council President
Burlington City Council
Mayor Miro Weinberger
FROM: Scott Gustin, Principal Planner
DATE: August 26, 2019
RE: CDO Amendment ZA-19-04: Trees, Junkyards, and Cross Reference Correction
CC: Meagan Tuttle, Comprehensive Planner

Overview & Background

You will please find attached a proposed amendment to the *Burlington Comprehensive Development Ordinance* for your consideration that makes corrections to three separate elements of the *Burlington Comprehensive Development Ordinance* that were discovered through the routine administration of the ordinance related to tree removal standards, junkyards and automobile/vehicle salvage yards, and a cross reference to Article 5. The amendment was approved by the Planning Commission following a public hearing on May 28, 2019.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	----------------------

Purpose Statement

The purpose of this amendment is to make a number of technical corrections to the *Burlington Comprehensive Development Ordinance*. These include the relocation of language regarding tree removal standards from Article 3 to Article 5 and eliminating references to these standards that are duplicative and/or superseded by Article 14; the relocation of the zoning permit exemption for tree removal in city parks from Article 4 to Article 3 and the addition of "Civic" districts (created by Article 14) to those applicable districts exempt from a permit; creation of a new definition for junkyards, deletion of automobile salvage/junkyard definition, and amendment to the vehicle salvage yard definition; and to address an incorrect reference within Sec.6.2.2 (p).

1. Tree Removal Standards- Changes to Articles 3, 4, and 5

The adoption of *Article 14, planBTV: Downtown Code*, affected the tree cutting provisions within the CDO. Sec. 3.1.2, *Zoning Permit Required*, (a) *Exterior Work* stipulates that tree removal of a certain degree requires the advance review and approval of the Development Review Board per the criteria in Article 6, *Part 2: Site Plan Design Standards*. Article 14 expressly supersedes Article 6 in the downtown form districts. As a result, reference to Article 6 is moot when considering tree cutting in the downtown form districts. Additionally, the actual standards for review of tree removal proposals are contained within the performance standards of Article 5, specifically Sec. 5.5.4, *Tree Removal*. The amendment deletes reference to Article 6 in the tree cutting provision of Sec. 3.1.2. The performance

standards of Article 5: Part 5 expressly continue to apply within the downtown form districts. As reference to DRB review is made, the amendment relocates that language to a more appropriate location in Sec. 5.5.4, *Tree Removal*.

One additional item related to tree cutting standards is the exemption under Sec. 4.4.6, *Recreation, Conservation, and Open Space Districts* (d) *District Specific Regulations*. Item 2 under this section exempts regular tree maintenance and removal in city parks from the requirement for a zoning permit. This exemption is more appropriately located with all other zoning permit exemptions under Sec. 3.1.2, *Zoning Permit Required* (c) *Exemptions*. The amendment deletes the exemption from Sec. 4.4.6 and relocates it under Sec. 3.1.2. Further, as Article 14, planBTV: Downtown Code, created a new district, Civic, which applies to city parks, a reference to this district is added to this exemption.

2. Junkyards & Automobile/Vehicle Salvage Yards- Article 13 Definitions and Addition to Appendix A- Use Table

The CDO presently contains definitions for “automobile salvage/junkyard” and “vehicle salvage yard.” Both address essentially the same thing but are not identical. The amendment deletes the less specific “automobile salvage/junkyard.” Vehicle salvage yard is expressly targeted at junk vehicles. So as to keep automotive uses grouped together in *Appendix A – Use Table – All Zoning Districts*, the word “automobile” has been added to the term “vehicle salvage yard.”

The more general “junkyard” was defined in the 1994 Zoning Ordinance but is not defined in the CDO. Outdoor storage of trash is addressed in Article III, Division 1 of the city code of ordinances. There are several ongoing situations with properties filled with junk not necessarily including junk vehicles. Including a cross reference to the applicable section within the city code of ordinances within the definition of junkyard would be helpful in enforcing against such properties. (For reference, this section of the code of ordinances is attached along with changes to *Appendix A- Use Table*.) The amendment adds such a definition.

Neither “Junkyard” nor “Automobile/Vehicle Salvage Yard” are included in *Appendix A – Use Table – All Zoning Districts*. In the 1994 Zoning Ordinance, “auto/junk/salvage yard” was included in the Use Table and was allowed only in the Enterprise Zone. The amendment incorporates the terms into the *Use Table* and prohibits them in all zones.

3. Cross Reference Correction

This item is simply a correction to a cross reference within Sec. 6.2.2 (p), to accurately point to the Performance Standards of Article 5.

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Compatibility with Proposed Future Land Use & Density

The proposed amendment has no impact on the proposed future land uses and densities within the *Municipal Development Plan (planBTV)*.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the availability of safe and affordable housing.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, with PC OC recommendation	Presentation to & discussion by Commission 1/9/2019	Approve for Public Hearing 1/9/2019	Public Hearing 5/28/2019	Approve & forward to Council 5/28/2019
City Council Process				
First Read & Referral to Ordinance Cmte 6/17/19	Ordinance Committee discussion 7/31/19	Ordinance Cmte recommends to Council as is	Second Read & Public Hearing 8/26/19	Approval & Adoption
				Rejected

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Planning Department,
Planning Commission

Public Hearing Dates: _____

In the Year Two Thousand Nineteen

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Tree, Junkyards, and Cross Reference Corrections
ZA #19-04

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Section 3.1.2, Zoning Permit Required, Section 4.4.6, Recreation, Conservation and Open Space Districts, Section 5.5.4, Tree Removal, Section 6.2.2, Review Standards, Section 13.1.2, Definitions, and Appendix A-Use Table—All Zoning Districts, thereof to read as follows:

Sec. 3.1.2, Zoning Permit Required

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

(a) Exterior Work:

1. -8. *As written.*

9. Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period. ~~Such land development shall require the advance approval of the DRB under the criteria set forth in Article 6, Part 2 hereof before a zoning permit may be issued.~~

10. – 20. *As written.*

(b) Interior Work:

As written.

(c) Exemptions

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1. -2. *As written.*

3. Within any city park within an RCO zone or Civic district, 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.

~~34. -45~~ 16. *As written, except renumbered to accommodate new number 3.*

Sec. 4.4.6, Recreation, Conservation and Open Space Districts

(a) – (c) *As written.*

(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 and 4.4.6-2.

1. *As written.*

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

~~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.~~

~~3.~~ **2.** *As written.*

~~4.~~ **3.** *As written.*

Sec. 5.5.4, Tree Removal

Zoning permit requests for tree removal are subject to DRB review per the following criteria.

(a) – (b) *As written.*

Sec. 6.2.2, Review Standards

(a) – (o) *As written.*

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 5 Performance Standards.

Sec. 13.1.2 Definitions.

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Automobile/Vehicle Salvage Yard: Land or buildings used for the collection, wrecking, dismantling, storage, salvaging, and sale of machinery, parts, or vehicles not in running condition. Three or more unregistered vehicles are considered an automobile/vehicle salvage yard. An automobile/vehicle salvage yard does not include automobile/vehicle repair as defined in this Article.

~~**Automobile Salvage/Junkyard:** Land or buildings used for the collection, wrecking, dismantling, storage, salvaging, and sale of automobile parts from automobiles that are not in running condition.~~

Junkyard: Any place of outdoor storage or deposit that is maintained, operated, or used for storing, keeping, processing, buying, or selling garbage, trash, appliances, and/or furniture as articulated under Article III, Division 1, Sec. 18-111 of the City Code of Ordinances. Junkyard does not include a solid waste facility or a vehicle salvage yard as defined in this ordinance.

Appendix A—Use Table—All Zoning Districts—*See proposed changes on attached table.

** Material stricken out deleted.

*** Material underlined added.

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC- RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC- RC	NAC-CR	E-AE	E-LM
*****	*****	*****	*****	*****	*****	*****	*****	***	*****	*****	****	*****	*****	*****	*****
RESIDENTIAL SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC- RC	NAC-CR	E-AE	E-LM
*****	*****	*****	*****	*****	*****	*****	*****	***	*****	*****	****	*****	*****	*****	*****
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC- RC	NAC-CR	E-AE	E-LM
*****	*****	*****	*****	*****	*****	*****	*****	***	*****	*****	****	*****	*****	*****	*****
<u>Automobile/ Vehicle Salvage Yard</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
*****	*****	*****	*****	*****	*****	*****	*****	***	*****	*****	****	*****	*****	*****	*****
<u>Junkyard</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
*****	*****	*****	*****	*****	*****	*****	*****	***	*****	*****	****	*****	*****	*****	*****

i. As written.

1. – 31. As written.

Legend: As written.

Excerpt of City Code of Ordinances pertaining to proposed amendment ZA-19-04

Article III, Division 1, Sec. 18-111 for reference only:

18-111 Accumulation of garbage, trash, abandoned vehicles, appliances and furniture on any property within the city prohibited.

(a) It shall be unlawful for any landowner, and person leasing, occupying, or having charge or possession of any property in the city to keep, maintain, or deposit on such property any materials or items enumerated below, unless they are in compliance with this section or otherwise allowed by law. "Property" shall include the abutting area known as the "greenbelt" held to be that area of a public street located between the roadway edge and the sidewalk, or, if no sidewalk exists, between the roadway edge and the adjacent property line. (Charter §§ 48(6), 48(8), 48(23) and 211.)

(b) The following materials or items shall not be stored, kept, maintained or deposited on the property: concrete, asphalt, construction debris, brick foundations and flat work, unless being used for a building project which is in compliance with all city ordinances.

(c) The following materials or items shall not be stored, kept, maintained, deposited or allowed to remain outdoors and in plain view in the front yard of any property: (1) appliances such as refrigerators, stoves and microwave ovens; (2) sinks, toilets, cabinets, or other fixtures or equipment; (3) abandoned, discarded, or broken furniture; (4) furniture not constructed for outdoor use; and (5) lumber and other construction material. Lumber and other construction material is exempted from this provision if it is covered and stored neatly and is being used in conjunction with a building project in compliance with all city ordinances. Rubbish, junk, refuse, garbage, scrap metal, tin cans and recyclables shall only be allowed to remain outdoors and in plain view in the front yard of any property for the purpose of recycling and solid waste pickup for disposal and only if they are neatly kept, stored, maintained, or deposited in accordance with all minimum housing, health and solid waste ordinances and regulations.

(1) Owners of rental units with ten (10) or more units on a property shall be required to have covered wheeled recycling containers with a minimum capacity of sixty-five (65) gallons (hereinafter "toters") for curbside recycling pick up or an approved equivalency on or before October 1, 2013. At least one (1) such a container shall be provided for every three (3) units or portion thereof.

(2) Owners of rental units with eight (8) or nine (9) units on a property shall be required to have toters for curbside recycling pick up or an approved equivalency on or before September 1, 2017. At least one (1) such container shall be provided for every three (3) units or portion thereof.

(3) Owners of rental units with six (6) or seven (7) units on a property shall be required to have toters for curbside recycling pick up or an approved equivalency on or before March 1, 2018. At least one (1) such container shall be provided for every three (3) units or portion thereof.

(4) Owners of rental units with two (2) to five (5) units on a property shall be required to have toters for curbside recycling pick up or an approved equivalency on or before September 1, 2018. At least one (1) such a container shall be provided for every three (3) units or portion thereof.

(d) Subject to the limitations in this subsection, materials or items referred to in subsection (c) of this section may be kept on other portions of the property if they are stored, kept outdoors in plain view, maintained or deposited neatly, are covered, do not obstruct fire escapes, means of egress, fire lanes, or emergency services access, and do not pose a danger to invitees, including utility, delivery and postal service employees and police officers, firefighters, city and state officials, and public health and safety officials who may need to be present on the property in emergency situations, routine inspections or other lawful reasons. Materials or items referred to in subsection (c) of this section should not be stored, deposited, kept or maintained in violation of zoning setback regulations or cover a footprint of in excess of fifty (50) square feet, with a height limitation of six (6) feet (11.11 cubic yards). Two (2) such storages shall be allowed on the property. Rubbish, junk, refuse and garbage, scrap metal, tin cans, and recyclables shall be neatly kept, stored, maintained or deposited on property other than the front yard in accordance with all minimum housing, health, zoning and solid waste ordinance regulations.

(e) It shall be unlawful to keep, maintain, store or deposit any inoperative, abandoned or dismantled motor vehicles on any property in violation of Chapter 20, Article VI.

(f) Trailers and boats shall be neatly stored in accordance with zoning ordinances and regulations and in a manner which does not obstruct fire escapes, means of egress, fire lanes, or emergency services access and which does not pose a danger to invitees, including utility, delivery and postal service employees and police officers, firefighters and other public health and safety officials who may need to be present on the property in emergency situations, routine inspections or other lawful reasons.

(g) A copy of all orders issued pursuant to this section shall be posted by the enforcement officer or his/her delegate or inspector in a conspicuous place in a common area of the dwelling or building in which the dwelling unit is located. Such notice shall be in addition to the notice required under Section 18-26.

(h) Notwithstanding Section 18-31(a)(1), a second or subsequent violation of this section during a twelve (12) month period shall be deemed to be a civil offense and shall be punishable by a fine of two hundred dollars (\$200.00) and a waiver fine of one hundred fifty dollars (\$150.00).
(Ord. of 3-22-99; Ord. of 9-10-12(2); Ord. of 12-1-14(1); Ord. of 6-5-17; Ord. of 8-7-17(1))

CITY OF BURLINGTON

ORDINANCE 5.03

Sponsor: Planning Department
Planning Commission, Ordinance Committee

Public Hearing Dates: 06/17/19

First reading: 02/11/19

Referred to: Ordinance Committee

Rules suspended and placed in
stages of passage:

Second reading: 06/17/19

Action: adopted

Date: 06/17/19

Signed by Mayor: 06/24/19

Published: 07/03/19

Effective: 07/24/19

In the Year Two Thousand Nineteen

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Commercial Uses in the E-LM Zone
ZA #19-07A

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington
2 and hereby is amended by amending Section 4.4.3, Enterprise Districts, Table 8.1.8-1 Minimum Off-Street Parking
3 Requirements, Section 13.1.2, Definitions, Section 14.3.4—H—Use Type FD6, Section 14.3.5—H—Use Type F
4 and Appendix A-Use Table—All Zoning Districts, thereof to read as follows:

5

6 ***Sec. 4.4.3 Enterprise Districts***

7 (a) – (b) As written.

8

9 (c) Permitted and Conditional Uses:

10 1. The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of
11 Article 3, within the Enterprise districts shall be defined in Appendix A- Use Table.

12

13 2. Within the E-LM district, uses unrelated to Industrial or Art Production are permitted to be located
14 lots south of Home Avenue only when:

15

16 a. one or more Industrial and/or Art production use(s) exists on the lot; and
17 b. the combined gross floor area (GFA) of all other use(s) does not exceed 49% of the gross
18 floor area on the lot. Uses limited by this provision are identified by Footnote 27 in
19 Appendix A- Use Table; all uses marked as a conditional use or with additional footnotes in
20 Appendix A continue to apply.

21

22 (d) As written.

23

24

25 ***Sec. 8.1.8 Minimum Off-Street Parking Requirements***

26 Parking for all uses and structures shall be provided in accordance with Table 8.1.8-1.

27 (a) Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements
28 shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the
29 facility and its associated uses.

30 (b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the
31 nearest whole number.

ORIGINAL

AN ORDINANCE
IN RELATION TO

Introduced by

Councilor _____

Read in City Council first time

_____, 20_____.

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of
passage.

_____, 20_____.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20_____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20_____.

Attest,

_____, Clerk.

Approved _____, 20_____.

I, _____, City Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day,

namely the _____ day of _____, 20_____.

Adopted _____ Published _____ Effective _____
_____, City Clerk

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on _____

Attest:

* * * * *

* * * * *

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted		
***	***		
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
***	***		
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
***	***	***	***
Machine shop/Woodworking Shop <u>Manufacturing- Light</u>	1.3, plus 3 per 1,000 gfa devoted to patron use.	1, plus 2 per 1,000 gfa devoted to patron use.	1
Manufacturing	1.3, plus 3 per 1,000 gfa devoted to patron use.	1, plus 2 per 1,000 gfa devoted to patron use.	1
Manufacturing Tour Oriented	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	1
***	***	***	***
<u>Office, Technical</u>	<u>2</u>	<u>2</u>	<u>2</u>
***	***	***	***

Sec. 13.1.2 Definitions.

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Art Production: Activities associated with the creation, printing, and recording of works of art, except live performances open to the public.

ORIGINAL

AN ORDINANCE
IN RELATION TO

Introduced by

Councilor _____

Read in City Council first time

_____, 20____.

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of
passage.

_____, 20____.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20____.

Attest,

_____, Clerk.

Approved _____, 20____.

I, _____, City Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day,
namely the _____ day of _____, 20____.
Adopted _____ Published _____ Effective _____
_____, City Clerk

* * * * *

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on _____

Attest:

* * * * *

Industrial: Businesses involved in activities such as manufacturing or processing of products by automated, digital, mechanical, or manual means; warehousing and storage; waste disposal; transportation and logistics; research and development; and related technical engineering and distribution functions. (See also Manufacturing, Manufacturing Light, Office-Technical, Research and Development Facility, Food and Beverage Processing, etc.)

Machine/Woodworking Shop: Shops less than 10,000 square feet where lathes, presses, grinders, shapers, and other wood and metal working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops. Includes stone cutting but excludes drop forge.

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including but not limited to the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, metal, wood, stone, etc., including drop forge. Manufacturing establishments are greater than or equal to 10,000 square feet, and incidental storage and distribution of products. Manufacturing use may include a show room and/or offer public tours that are incorporated into the facility's ordinary operations.

Manufacturing- Light: The manufacturing of finished products or parts from previously prepared materials using hand tools, mechanical tools, and electronic tools, including processing, fabrication, assembly, treatment, and packaging of products, as well as incidental storage, sales, and distribution of such products; as well as shops for overhaul and repair including for plumbing, HVAC, and electrical. A light manufacturing use may include a show room and/or public tours that are incorporated into the facility's ordinary operations.

Manufacturing tour Oriented: A manufacturing and/or processing establishment in which public tours are accommodated and incorporated into the facility's ordinary operations and may include the accessory retail sale of products or goods produced on the premises.

Office-Technical: Offices of businesses providing professional services in a technical field including but not limited to engineering, graphic design, industrial design, product design/development, surveying and publishing, but not including standalone medical/dental, or general professional, and administrative services.

*Balance of Section 13.1.2 As written.

Section 14.3.4-H- Use Type FD6--*See proposed changes on attached Section 14.3.4-H-Use Type FD6.

Section 14.3.5-H- Use Type FD5--*See proposed changes on attached Section 14.3.5-H-Use Type FD5.

Appendix A—Use Table—All Zoning Districts—*See proposed changes on attached table.

ORIGINAL

AN ORDINANCE
IN RELATION TO

Introduced by

Councilor _____

Read in City Council first time

_____, 20_____.

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of
passage.

_____, 20_____.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20_____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20_____.

Attest,

_____, Clerk.

Approved _____, 20_____.

I, _____, City Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day,

namely the _____ day of _____, 20_____.
Adopted _____ Published _____ Effective _____, City Clerk

* * * * *

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on _____

Attest:

* * * * *

94
95 ** Material stricken out deleted.
96 *** Material underlined added.
97
98
99
100 lb/KS/Ordinances 2019/Zoning Amendment – ZA #19-07A Commercial Uses ELM, Sec. 4.4.3, Table 8.1.8-1 Sec. 13.1.2, Appendix A-U
101 Table—All Zoning Districts, Sec. 14. 3.4—H, Sec. 14.3.5—H
102 6/12/19

ORIGINAL

AN ORDINANCE
IN RELATION TO

CDO - Commercial Uses in the E-LM Zone
ZA #19-07A

Introduced by Planning Department, Planning
Commission, Ordinance Committee

Read in City Council first time

February 11, 2019

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of
passage.

_____, 20____.

Attest,

_____, Clerk.

Read in City Council second time

June 17, 2019

Attest,

_____, Clerk.

Passed in City Council at meeting held

June 17, 2019

Attest,

_____, Clerk.

Approved _____, 2019

I, DFO Goodwin, City Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day of _____, 2019.
namely the 3rd day of June.

Adopted 06/17/19
Published 07/03/19
Effective 07/24/19
_____, City Clerk

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on _____

P & Z Director White/Meagan Tuttle
City Attorney's Office: Kim/Linda

Attest:

Lori Olberg

Licensing, Voting & Records Coordinator

* * * * *

* * * * *

14.3.4-H- Use Type

FD6

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
--------------------	---

Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
--	---

RESIDENTIAL - SPECIAL

Assisted Living	P
-----------------	---

Boarding House ¹	P
-----------------------------	---

Community House (Sec. 14.6.6.e)	P
---------------------------------	---

Convalescent /Nursing Home	P
----------------------------	---

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast ¹	P
--------------------------------	---

Historic Inn (Sec. 14.6.6.c)	P
------------------------------	---

Hotel	P
-------	---

Shelter	P
---------	---

RETAIL - GENERAL

ATM	P
-----	---

Auto/Boat/RV Sales/Rentals ³	P
---	---

Convenience Store	P
-------------------	---

Fuel Service Station ² (Sec. 14.6.6.d)	CU
---	----

General Merchandise/Retail	P
----------------------------	---

RETAIL - OUTDOOR

Open Air Markets	P
------------------	---

Key

Permitted Use	P
---------------	---

Conditional Use	CU
-----------------	----

END NOTES

¹Must be owner-occupied.

²Automobile sales not permitted as an Accessory Use

³Exterior storage and display not permitted.

14.3.4-H- Use Type

OFFICE & SERVICE

Animal Grooming	
-----------------	--

Auto/Boat/RV Service ³ (Sec. 14.6.6.d)	
---	--

Beauty Salon/Barber Shop/Spa	
------------------------------	--

Car Wash	
----------	--

Crisis Counseling Center (Sec. 14.6.6.g)	
--	--

Office – General	
------------------	--

Office – Medical	
------------------	--

Office- Technical	
-------------------	--

Dry Cleaning Service	
----------------------	--

Funeral Home	
--------------	--

Health Club/Studio	
--------------------	--

Laundromat	
------------	--

Mental Health Crisis Center	
-----------------------------	--

Tailor Shop	
-------------	--

HOSPITALITY/ENTERTAINMENT/RECREATION

Aquarium	P
----------	---

Art Gallery/Studio	P
--------------------	---

Bar, Tavern	P
-------------	---

Billiards, Bowling & Arcade	P
-----------------------------	---

Café	P
------	---

Cinema	P
--------	---

Club, Membership	P
------------------	---

Community Center	P
------------------	---

Conference/Convention Center	P
------------------------------	---

Museum	P
--------	---

Performing Arts Center	P
------------------------	---

Performing Arts Studio	P
------------------------	---

Recreational Facility - Indoor	P
--------------------------------	---

Restaurant	P
------------	---

Restaurant – Take Out	P
-----------------------	---

14.3.4-H- Use Type

FD6

MANUFACTURING/PRODUCTION/STORAGE

Dental Lab	P
Food Processing	P
Machine/Woodworking Shop Manufacturing-Light ³	P
Manufacturing ³	P
Manufacturing – Tour-Oriented³	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
<u>Research & Development Facility</u>	P
Research Lab	P
Warehouse/Storage ³	P
Warehouse, Self-Storage ³	P

EDUCATION & DAY CARE

Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P

14.3.4-H- Use Type

FD6

School, -Trade, or Professional

P

CIVIC

Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Recycling Center - Small ³ (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ³	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

³ Exterior storage and display not permitted.

14.3.5-H- Use Types

FD5

Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
--------------------	---

Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
--	---

RESIDENTIAL - SPECIAL

Assisted Living	P
-----------------	---

Boarding House ¹	P
-----------------------------	---

Community House (Sec. 14.6.6.e)	P
---------------------------------	---

Convalescent /Nursing Home	P
----------------------------	---

Group Home	P
------------	---

Short-term accommodations

Bed and Breakfast ¹	P
--------------------------------	---

Historic Inn (Sec. 14.6.6.c)	P
------------------------------	---

Hotel	P
-------	---

Shelter	P
---------	---

RETAIL - GENERAL

ATM	P
-----	---

Automobile and RV Sales and Rental ²	P
---	---

Convenience Store	P
-------------------	---

Fuel Service Station ² (Sec. 14.6.6.d)	CU
---	----

General Merchandise/Retail	P
----------------------------	---

RETAIL - OUTDOOR

Boat Sales/Rentals	P
--------------------	---

Garden Supply Store	P
---------------------	---

Open Air Markets	P
------------------	---

14.3.5-H- Use Types

FD5

OFFICE & SERVICE

Animal Grooming	P
-----------------	---

Beauty Salon/Barber Shop/Spa	P
------------------------------	---

Car Wash	P
----------	---

Crisis Counseling Center (Sec. 14.6.6.g)	P
--	---

Dry Cleaning Service	P
----------------------	---

Funeral Home	P
--------------	---

Health Club/Studio	P
--------------------	---

Laundromat	P
------------	---

Mental Health Crisis Center	P
-----------------------------	---

Office – General	P
------------------	---

Office – Medical	P
------------------	---

Office- Technical	P
-------------------	---

Tailor Shop	P
-------------	---

Vehicle/Boat Repair/Service ²	P
--	---

HOSPITALITY/ENTERTAINMENT/RECREATION

Aquarium	P
----------	---

Art Gallery/Studio	P
--------------------	---

Bar, Tavern	P
-------------	---

Key

Permitted Use	P
---------------	---

Conditional Use	CU
-----------------	----

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

14.3.5-H- Use Types

FD5

HOSPITALITY/ENTERTAINMENT/RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Cafe	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

MANUFACTURING/PRODUCTION/STORAGE

Boat Storage ²	P
Dental Lab	P
Food Processing	P
Machine/Woodworking Shop/Manufacturing-Light²	P
Manufacturing ²	P
Manufacturing – Tour Oriented²	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research and Development Facility	P
Research Lab	P
Warehouse/Storage ²	P

14.3.5-H- Use Types

FD

Warehouse, Self-Storage ²

P

EDUCATION & DAY CARE

Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P

Civic

Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Recycling Center - Small ² (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ²	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

Proposed ZA-19-07A: Appendix A Use Table—All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space				Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use					Enterprise	
		RCO - A	RCO - RG	RCO - C	I		RLW	RMW	RH		NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM	
USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RLW	RMW	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM		
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RLW	RMW	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM		
RESIDENTIAL SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RLW	RMW	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM		
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RLW	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM		
Adult Day Care	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	N		
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N	N	N	N	N	Y	N		
Amusement Arcade	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	N	N		
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	Y	Y	Y	CU	CU	CU ²²		
Animal Grooming	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	CU ²²		
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	N	CU	CU	CU	CU	Y	Y ²²		
Appliance Sales/Service	N	N	N	N	N	N	N	N	N	Y ²⁴	Y	Y	Y ²⁴	N	Y ²²		
Aquarium	N	N	CU	N	CU	N	N	N	(See Sec 4.4.1(d) 21)	N	N	N	N	N	N		
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec 4.4.1(d) 21)	Y	Y	Y	Y	Y	Y		
Auction House	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²²		
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y ²²		
Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	(See Sec 4.4.1(d) 21)	CU	Y	Y	Y	N	Y ²²		
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	CU ^{12, 14}	CU ^{12, 14}	CU ¹⁴	CU ¹⁴	N	N	Y ²²		
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²²		
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	N	Y	Y	Y	Y	Y	Y ²²		
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N		
Bar, Tavern	N	N	N	N	N	N ²²	N ²²	CU ¹³	N	Y	Y	CU	CU	N	N		
Beauty/Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y	Y	CU	Y	N	N		
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y ²²		
Billiard Parlor	N	N	N	N	N	N	N	N	N	CU	Y	CU	Y	N	N		
Boat Repair/Service	N	N	CU	N	N	N	N	N	(See Sec 4.4.1(d) 21)	N	CU	CU	N	N	Y ²²		
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	(See Sec 4.4.1(d) 21)	N	Y	Y	N	N	Y ²²		
Boat Storage	N	N	CU	N	N	N	N	N	N	N	CU	CU	N	N	Y ²²		
Bowling Alley	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	N		
Building Material Sales	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	Y	N	N	Y ²²		

Proposed ZA-19-07A: Appendix A Use Table—All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁶	Neighborhood Mixed Use				Enterprise	
		RCO - A	RCO - RG	RCO - C		RLW	RMW	RH		NMU	NAC	NAC-RC	NAAC-CR	E-AE	E-LM
USES	UR				I				DW-PT ¹⁶						
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	(See Sec 4.4.1(d) 31)	Y	Y	Y	Y	CU	CU ²²
Camp Ground	N		Y	N	N	N	N	N	(See Sec 4.4.1(d) 31)	N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N		N	CU	Y	CU	N	CU ²²
Cemetery	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU	N	CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	N	CU	CU	Y	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	N	Y	Y	Y	Y	N	CU ²²
Community Garden	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y ²²
Conference Center	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Convenience Store (See Sec 5.4.3)	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	N	N	Y
Convention Center	N	N	N	N	N	N	N	CU ¹²	N	Y ¹²	Y	Y	Y ¹²	N	Y ²²
Courthouse	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Crematory	N	N	N	N	Y	N	N	CU	N	N	N	N	N	N	N
Crisis Counseling Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Daycare - Large (Over 20 children) (See Sec 5.4.1)	N	N	N	N	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	N	CU ^{17, 22}
Daycare - Small (up to 20 children) (See Sec 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17, 22}
Daycare - Family Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	N
Distribution Center	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y
Dry Cleaning Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y ²⁴	Y	Y	Y ²⁴	N	CU ²²
Film Studio	N	N	N	N	Y	N	N	N	N	N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	N	CU ¹¹	Y ¹¹	Y	Y	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	N	CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	N	CU ²⁴	Y	Y	N	Y	Y ²²
General Merchandise/Retail - Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	(See Sec 4.4.1(d) 31)	Y	Y	Y	Y	N	Y ²²
General Merchandise/Retail - Large ≥4,000sqft	N	N	N	N	N	N	N	N	(See Sec 4.4.1(d) 31)	N	CU ¹⁸	CU	CU	N	CU ^{17, 22}

Proposed ZA-19-07A: Appendix A Use Table—All Zoning Districts

USES	Urban Reserve	Recreation, Conservation & Open Space				Institutional	Residential			Downtown Mixed Use	Neighborhood Mixed Use				Enterprise	
		RCO - A	RCO - RG	RCO - C	I		RLW	RMW	RH		NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
USES	UR															
Grocery Store – Small <10,000sqft	N	N	N	N	N		N	N	CU	N	Y	Y	Y	Y	CU	CU ^{2a}
Grocery Store – Large >10,000sqft	N	N	N	N	N		N	N	N	N	N	Y	Y	N	N	CU ^{2a}
Hazardous Waste Collection/Disposal	N	N	N	N	N		N	N	N	N	N	N	N	N	N	CU
Health Club	N	N	N	N	N		N	N	N	N	N	N	N	N	N	CU
Health Studio	N	N	N	N	N		N ²	N ²	CU	N	CU	Y	Y	Y	N	CU ²
Hospitals	N	N	N	N	CU		N	N	CU	N	N	N	N	N	N	Y ²
Hostel	N	N	N	N	Y		N	N	CU	N	Y	Y	Y	Y	N	N
Hotel, Motel	N	N	N	N	CU		N	N	N	(See Sec 4.4.1(d) 2f)	N	Y	N	Y	N	N
Laundromat	N	N	N	N	CU		N ²	N ²	CU ³	N	Y ³	Y	Y	Y	N	Y ²
Library	N	N	N	N	Y		CU	CU	Y	N	Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N		N	N	N	N	N	CU ¹⁰	Y	N	N	Y
Machine/Workshop/Shop	N	N	N	N	N		N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ²⁴	CU	Y
Manufacturing - Light ²	N	N	N	N	N		N	N	N	N	N	N	CU	N	CU	Y
Manufacturing ^{2a}	N	N	N	N	N		N	N	N	N	N	N	CU	N	CU	Y
Manufacturing - Tour Oriented	N	N	N	N	N		N	N	N	N	N	N	CU	N	CU	Y
Marina	N	N	Y	N	N		N	N	N	(See Sec 4.4.1(d) 2f)	N	N	N	N	N	N
Medical Lab	N	N	N	N	CU		N	N	N	N	CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N
Museum - Small <10,000 sqft	N	CU	CU	CU	Y		CU ¹³	CU ¹³	CU ¹³	(See Sec 4.4.1(d) 2f)	Y	Y	Y	Y	CU	Y ^{2a}
Museum - Large >10,000 sqft	N	N	N	N	CU		N	N	N	(See Sec 4.4.1(d) 2f)	N	CU	CU	N	CU	CU ^{2a}
Office - General	N	N	N	N	N		N	N	N	N	Y	Y	Y	Y	CU	Y ²
Office - Medical, Dental	N	N	N	N	CU		N ²	N ²	N ²	N	Y	Y	Y	Y	N	Y ²
Office - Technical	N	N	N	N	N		N	N	N	N	Y	Y	Y	Y	N	Y ²
Open Air Markets	N	Y	Y	N	Y		CU	CU	CU	(See Sec 4.4.1(d) 2f)	Y	Y	Y	Y	Y	Y ²
Operations Center – Taxi/Bus ⁹	N	N	N	N	N		N	N	N	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁸	N	N	N	N	N		N	N	N	N	N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y		Y	Y	Y	(See Sec 4.4.1(d) 2f)	Y	Y	Y	Y	CU	CU ²

Proposed ZA-19-07A: Appendix A Use Table—All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ^d	Neighborhood Mixed Use				Enterprise					
		RCO - A	RCO - RG	RCO - C		I	RLW	RMW		RH	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM			
USES	UR	N	N	N	N	N	N	CU	N	N	N	N	CU	Y	N	N	CU	N	CU
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N	N	N	N	CU	Y	N	N	N	CU	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	(See Sec. 4.4.1(d) ²¹)	N	N	N	CU	Y	N	N	N	CU	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	N	N	N	(See Sec. 4.4.1(d) ²¹)	CU	Y	N	CU	N	CU	CU ^{22,32,33}
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec. 4.4.1(d) ²¹)	CU	CU	CU	CU	Y	N	Y	N	Y	Y
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N	CU	Y	CU	CU	Y	N	N	N	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	N	N	Y	Y	Y	Y	N	N	N	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N	N	Y	N	Y	Y	N	N	N	N	N
Photography Lab	N	N	N	N	N	N ²²	N ²²	N	N	N	Y	N	Y	Y	N	N	N	N	N
Police Station - Central	N	N	N	N	N	N	N	N	N	N	CU	N	CU	Y	Y	Y	CU	Y	Y
Police Station - Local	N	N	N	N	CU	N	N	CU	N	N	Y	N	Y	Y	N	N	N	N	N
Post Office – Central	N	N	N	N	Y	N	N	N	N	N	N	N	Y	Y	N	N	N	Y	Y
Post Office - Local	N	N	N	N	N	N ²²	N ²²	N ²²	N	N	Y	N	Y	Y	N	N	N	N	N
Printing Plant	N	N	N	N	CU	N ²²	N ²²	N	CU	N ²²	N	N	CU	Y	N	N	N	N	Y
Printing Shop	N	N	N	N	N	N	N	N	N	N	N	(See Sec. 4.4.1(d) ²¹)	N	CU	CU	Y	CU	Y	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	N	N	N	(See Sec. 4.4.1(d) ²¹)	N	CU	CU	Y	CU	Y	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N	N	N	N	N	CU ¹¹	Y ¹¹	N	CU	Y	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	N	N	N	(See Sec. 4.4.1(d) ²¹)	N	N	N	N	CU	CU ²²	CU ²²
Recording Studio	N	N	N	N	N	N	N	CU	N	N	CU	N	CU	CU	Y	Y	N	N	Y
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	CU	CU	CU	(See Sec. 4.4.1(d) ²¹)	N	Y	CU	N	N	CU ²²	CU ²²
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	N	N	N	(See Sec. 4.4.1(d) ²¹)	N	N	CU	N	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	N	N	Y	(See Sec. 4.4.1(d) ²¹)	N	Y	Y	CU	N	N	N
Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU	CU	N	N	N	Y
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	N	CU	N	CU	CU	CU	CU	CU	CU	Y
Research and Development Facility	N	N	N	N	CU	N	N	N	N	N	CU	N	CU	CU	CU	CU	CU	CU	Y

Proposed ZA-19-07A: Appendix A Use Table—All Zoning Districts

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use	Neighborhood Mixed Use				Enterprise	
		RCO - A	RCO - RG	RCO - C		RUW	RMW	RH		NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Research Lab	N	CU	N	N	CU	N	N	N	(See Sec 4.4.1(d) 21)	N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ¹³	(See Sec 4.4.1(d) 21)	Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	(See Sec 4.4.1(d) 21)	Y ¹³	Y	Y	Y ¹³	N	Y ¹³ <u>Z</u>
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	N	Y	Y	Y	Y	N	N
School - Post-Secondary & Community College	N	N	Y	N	CU	N	CU	CU	N	CU	CU	CU	CU	N	N
School – Preschool Large (over 20 children) (see Sec. 5.4.1)	N	N	N	N	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	N	CU ¹⁷ <u>Z</u>
School – Preschool Small (up to 20 children) (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ¹⁷ <u>Z</u>
School - Primary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School - Trade or Professional	N	N	N	N	CU	N	N	N	N	CU	N	N	CU	N	CU ¹⁷ <u>Z</u>
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	(See Sec 4.4.1(d) 21)	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	N	N	N	Y ¹⁵	N	Y	Y
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁸	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	N	Y	CU	CU	CU	N	N

Proposed ZA-19-07A: Appendix A Use Table—All Zoning Districts

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1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycare centers and small preschools in the RCO zones shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec 4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Sheburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. Performing arts centers in the ELM zone shall be limited to a total of 5,000 square feet in size and to properties with frontage on Pine Street. Performing arts centers may contain accessory space for preparation and serving food and beverages; including alcohol, provided this accessory space comprises less than 50% of the entire establishment. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross Floor Area on the lot.
28. Grocery Stores up to but not to exceed 30,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
29. Must be fully enclosed within a building.
30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
31. See special use standards of Sec. 5.4.13, Emergency Shelters.
32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Zoning District	
Abbreviation	Zoning District
RCO - A	RCO - Agriculture
RCO - RG	RCO - Recreation/Greenspace
RCO - C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
DW-PT	Downtown Waterfront Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC - Riverside Corridor
NAC-CR	NAC - Cambrian Rise
E-AE	Enterprise - Agricultural Processing and Energy
E-LM	Enterprise - Light Manufacturing

¹For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

Department of Planning and Zoning

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TO: Council President Wright
Burlington City Council
Mayor Weinberger
FROM: Meagan Tuttle, Comprehensive Planner
DATE: May 22, 2019
RE: Proposed CDO Amendment ZA-19-07A: Commercial Uses in the E-LM Zone

Overview & Background

The proposed amendment emerged from a number of separate requests to City and the Planning Commission to consider certain commercial uses in the Enterprise-Light Manufacturing (E-LM) district:

- Prospective tenants for the Maltex building on Pine Street, all intending to establish a bank in the building. This use is not presently permitted anywhere in the E-LM.
- An inquiry about expanding the size limit for performing arts centers in order to allow Arts Riot to expand into an adjacent space for its office/storage needs. A performing arts center is presently limited to 5,000 sq.ft. on properties along Pine Street.
- Burton's interest in repurposing one of their buildings on Industrial Parkway, to include a range of R&D, warehouse, and other commercial uses, including a performing arts center.

These requests, as well as a number of requests that have been approved in the past few years, relate to the long-standing concern that the E-LM standards are somewhat outdated, and utilize a one-size-fits-all approach despite the evolving nature of the district, and the varying character between Pine Street and Industrial Parkway. This concern is one of the underlying factors that prompted the creation of the draft *planBTV: South End Master Plan*; a comprehensive update to the E-LM standards is one of the key recommendations of the draft plan. A comprehensive review of the district is likely in late 2019.

Recent amendments to E-LM have begun to incorporate the approach discussed in *planBTV: South End* – to consider the appropriateness of various art, commercial, and industrial uses within certain parts of the district. A recent example is the provision of small grocery stores between Flynn & Home Avenues only. This amendment used a similar approach: to balance the timely consideration of the requested change at hand with the big picture guidance of *planBTV: South End*.

A version of this proposed amendment was originally presented to the Planning Commission on November 27, 2018 and was the subject of a public hearing on January 9, 2019. Following the Public Hearing, the Commission requested staff to make some modifications to address several questions:

- How do we define manufacturing uses in a way that recognizes the evolving nature of the industry, and provides flexibility for it to thrive in the South End?
- How do we protect industrial uses and "do no harm" to current property values and interests?
- Where do we allow performing arts venues in the district and how do we mitigate their impact?

On January 29, 2019 the Planning Commission forwarded the proposed amendments to City Council. During the Ordinance Committee discussion on May 7, the Committee voted to divide this amendment into two parts: ZA-19-07a, which includes the bulk of the original proposal from the Planning

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

Commission. At a subsequent meeting on May 14, the Committee made changes to the size and geographic limit for Performing Arts Centers. ZA-19-07b addresses only the request to allow Banks in the E-LM, along with a prohibition on drive-thrus. Amendment ZA-19-07b has been referred to the City Council for public hearing and adoption. As such, this memo has been updated to address the remainder of proposed ZA-19-07a.

Ordinance Committee Modifications

During the Ordinance Committee discussions, the following changes were made to the proposed amendment.

- Revise the proposed language of *Sec. 4.4.3 (c) 2* to ensure that terms used are clearly defined in Article 13, and to clarify what types of uses are contemplated in parts 'a' and 'b.'
 - *The text of Sec 4.4.3 (c) 2. a & b was subsequently amended, and new definitions of Industrial and Art Production were added to Article 13.*
- Limit the size of Performing Arts Centers south of Home Avenue to 15,000 sq.ft..
 - *Footnotes in Appendix A were subsequently amended to reflect this change.*
- Maintain the 5,000 sq.ft. limit and geographic limit to Pine Street to Performing Arts Centers on Pine Street, as is presently in the ordinance.
 - *Footnotes in Appendix A were subsequently amended to reflect this change.*

Recommended Amendment Details

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement & Summary

The purpose of the proposed amendment is to permit additional commercial uses in certain parts of the E-LM zoning district in a way that is consistent with the vision for the South End articulated in *planBTV: South End Master plan*. This includes creating definitions for Industrial and Art Production, expanding the geographic and size limit for Performing Arts Centers south of Home Avenue, creating new R&D and Technical Office uses, and establishing a requirement that limits the gross floor area (GFA) of uses not related to Industrial and/or Art Production uses on a lot south of Home Avenue to 49%. The major goals of this amendment include:

1. Prioritize Industrial and Art Production uses in the southern part of the E-LM
planBTV: South End identifies the southern part of the Enterprise Zone as an important area to preserve for traditional and emerging industrial, R&D, and art/maker uses. As such, the amendment:
 - establishes definitions to generally describe uses that are considered to be "Industrial" and "Art Production" uses; creates a new Technical Office definition
 - updates definitions for a number of manufacturing uses to recognize the evolving nature of the industry
 - adds Technical Office and R&D (existing definition) uses to *Appendix A-Use Table*

In addition to Industrial and Art Production uses, the following commercial uses are also currently permitted or conditional uses in this part of the E-LM zone. Particularly for retail and general office, these uses can create upward market pressure, making space less affordable for Industrial and Arts businesses. Modeled after research from other communities, this amendment seeks to create a mechanism to protect space for these uses.

This balance is achieved not by prohibiting the following uses, but rather by limiting them to a supporting role within a portion of the district:

- General Retail, specific retail types, General Office, Open Air Markets
- Variety of auto, marine, bike, rail related sales and services
- Health Clubs & Studios
- Cafes & Bakeries
- Community Center,
- Daycare & Preschools
- Medical/Dental Offices
- Animal care services

2. Leverage market-rate commercial uses to support industrial uses

planBTV: South End recognizes the challenge of preserving Industrial uses given the market realities of the South End, and identifies the need to come up with creative solutions to support these uses. To do so, this amendment leverages traditional commercial uses to subsidize space for Industrial and Art purposes.

This is accomplished by allowing the types of commercial uses identified above south of Home Avenue only when they are on the same lot as one or more Industrial/Art Production uses, and by limiting the collective area of those commercial uses to no more than 49% of the gross floor area on the lot. To do so, this amendment establishes two groups of uses:

Group A Use Types Permitted or conditional uses in E-LM which are allowed without a size limitation south of Home Avenue.	Group B Use Types Permitted or conditional uses in E-LM which are allowed south of Home Avenue when: - on a lot with one or more Group A uses - collective GFA of Group B uses is <49% of total GFA on the lot
Food & Beverage Processing	Animal Boarding & Kennel/Shelter, Vet/Animal Hospital
Medical/Dental Lab	Auto Repair/Body Shop, Auto/Marine Parts, Bicycle Repair, Boat Rental/Sales; Auto Sales, Car Wash, Rail Equip/Storage, RV Sales
Technical Office (new use)	General Office
Machine/Woodworking, Manufacturing & Tour-Oriented Manufacturing, Warehouse, R&D	Appliance Sales/Service, Dry-cleaning service, Laundromat, Auction House, Garden Supply
Hazardous Waste Disposal, Solid Waste Facility, Recycling Center; Dry Cleaning Plant	Wholesale Sales General Retail (Large or Small) Open Air Markets
Retail Warehouse/Self Storage, Printing Plant, Distribution Center, Lumber Yard, Contractor Yard	Performing Arts Center (currently limited in size & to Pine St), Performing Arts Studio, Community Center, Park, Community Garden
Art Gallery Studio, Film Studio, Photo Studio & Photography, Radio/TV/Recording Studio, Printing Studio	Café/Bakery
Taxi/Bus Operations & Trucking Operations, Public Transit Terminal, Public Works Yard/Garage	Medical/Dental Office
Fire Station, Police Station, Post Office Distribution Center	Health Club/Studio, Indoor Recreation Facility
Parking Lot/Garage	Trade School, Daycare & Preschool

3. Expand the allowable area of Performing Arts Centers in the E-LM
Finally, this amendment accommodates the request to allow Performing Arts Centers as a commercial use that supports Industrial activities south of Home Avenue. This is achieved by amending footnotes which currently limit this use to 5,000 sq.ft. only on properties fronting Pine Street, to also include a limit up to 15,000 sq.ft. for properties fronting Industrial Parkway.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance* (see attached amendments):

- Amend Sec. 4.4.3 to establish the limitation on 'Group B' uses
- Amend Article 13 to create and modify Industrial, Manufacturing, Art production, and Technical Office definitions
- Amend Appendix A- Use Table to reference new *Sec. 4.4.3 (c) 2* for 'Group B' uses; add new 'Manufacturing-Light' and 'Office-Technical' uses, add 'Research & Development' use, and delete 'Machine/Woodworking Shop' and 'Manufacturing-tour Oriented' uses; add footnotes to limit the size of 'Manufacturing-Light' uses in neighborhood mixed-use districts, and to require uses that offer public tours to be permitted by conditional use provisions; and amend the footnote limiting Performing Arts Centers to 5,000 sq.ft. on Pine Street to also include a limit up to 15,000 sq.ft. on Industrial Parkway. This amendment also makes a technical change to correct an outdated cross reference that applies to a variety of uses in the DW-PT district column; this error was discovered during the amendment discussion.
- Amend Article 14 planBTV Downtown Code Sec. 14.3.4-H and Sec. 14.3.5-H to reflect the updated use types consistent with the above two modifications.
- Amend Table 8.1.8-1 Minimum Off-Street Parking Requirements to account for the change to uses/definitions above as follows and to add a requirement for the new 'Office-Technical' use consistent with the requirements for general office.

Relationship to Municipal Development Plan (planBTV)

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Proposed Future Land Use & Density

The *2014 Municipal Development Plan (planBTV)* identified the E-LM zone for encouraging light industry, creative arts/industries, manufacturing, and incubator space for new and emerging businesses in appropriate locations. The plan further called for an evaluation of the district's future—as one that is commercial-industrial in nature, or one that is more mixed-use. The *2019 planBTV* update adopted *planBTV: South End Master Plan* by reference, which is specific to the E-LM zone. This plan provides this evaluation, with the recommendation that the future land use for the southernmost portion of the E-LM is focused on supporting the needs of light industrial, R&D, and industrial arts/maker businesses.

As such, a critical element of the proposed amendment is the new provision which places an emphasis on and creates a protection for these types of uses. This creates a mechanism by which a variety of general commercial uses are permitted in this area only when they are on a lot with an industrial use. *planBTV: South End* does not identify an exhaustive list of commercial uses which should be permitted

or not, but rather indicates that commercial uses not related to Industrial and maker enterprises should be limited, and not be stand-alone uses. Therefore, the proposed amendment is consistent with *planBTV: South End Master Plan*.

The proposed amendment does not impact the permitted density or intensity of land uses. While some new commercial uses are permitted by this amendment in the southernmost part of the E-LM zone, they are limited in size and subject to conditional use review. Other uses which may have similar parking and/or build out requirements that have been permitted with little restriction are now limited in their overall size relative to the area of a lot and other buildings on the lot.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the availability of safe and affordable housing. Housing is not presently permitted in the E-LM, and the proposed amendment does not change this.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities. There are new and upgraded transportation system segments anticipated throughout the E-LM as identified in *planBTV: South End*. However, this amendment is not anticipated to impact the design or feasibility of those projects.

Process Overview

The following chart summarizes the current stage in the amendment process, and recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, upon request	Presentation to & discussion by Commission 11/27/2018	Approve for Public Hearing 11/27/2018	Public Hearing 1/9/2019	Approve & forward to Council 1/29/2019
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte 2/11/2019	Ordinance Committee discussion 5/7/19 5/14/19 (19-07A)	Recommend to Council with changes, incl. separation of 19-07A, 19-07B 5/14/19	Second Read & Public Hearing	Approval & Adoption
				Rejected

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Assistant Planner
Layne Darfler, Planning Technician



TO: Council President Wright
Burlington City Council
Mayor Weinberger
FROM: Meagan Tuttle, Comprehensive Planner
DATE: May 22, 2019
RE: Proposed CDO Amendment *ZA-19-07B*: Commercial Uses in the E-LM Zone (Banks)

Overview & Background

The proposed amendment emerged from a number of separate requests to City and the Planning Commission to consider allowing banks in the Enterprise-Light Manufacturing (E-LM) district. On two separate occasions, prospective tenants for the Maltex building on Pine Street, requested this change in order to establish a bank in the building. This use is not presently permitted anywhere in the E-LM.

This request, as well as a number of requests that have been approved in the past few years, relate to the long-standing concern that the E-LM standards are somewhat outdated, and utilize a one-size-fits-all approach despite the evolving nature and varying character of the district. This concern is one of the underlying factors that prompted the creation of the draft *planBTV: South End Master Plan*; a comprehensive update to the E-LM standards is one of the key recommendations of the draft plan. A comprehensive review of the district is likely in late 2019.

On January 29, 2019 the Planning Commission forwarded a proposed amendment to City Council which included this change and several others related to Industrial and Commercial uses in the E-LM. During the Ordinance Committee discussion on May 7, the Committee voted to divide this amendment into two parts: ZA-19-07A, which includes the bulk of the original proposal from the Planning Commission, and this amendment, ZA-19-07B, which addresses only the request to allow banks in the E-LM, along with a prohibition on drive-thrus. Amendment ZA-19-07B was referred to the City Council for public hearing and adoption. ZA-19-07A was subsequently referred to City Council for public hearing and adoption.

Recommended Amendment Details

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement & Summary

The purpose of the proposed amendment is to permit additional commercial uses in the E-LM zoning district—specifically to allow banks in the district as a use that supports and is complementary to a number of other uses that are located in the evolving South End district.

Proposed Amendments

To achieve the purpose identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance* (see attached amendments):

- Amend Sec. 4.4.3 to establish a limitation on drive thru's associated with uses in the E-LM
- Amend Appendix A- Use Table to permit banks in the E-LM district.

Relationship to Municipal Development Plan (planBTV)

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Proposed Future Land Use & Density

Currently, both general office and small retail uses are permitted in the E-LM district; banks are very similar in nature and impact to these uses. Therefore, this amendment is anticipated to have little to no effect on the proposed land use and densities for this area of the city in *planBTV* and *planBTV: South End*.

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the availability of safe and affordable housing. Housing is not presently permitted in the E-LM, and the proposed amendment does not change this.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the stage in the zoning amendment process, and recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, upon request	Presentation to & discussion by Commission 11/27/2018	Approve for Public Hearing 11/27/2018	Public Hearing 1/9/2019	Approve & forward to Council 1/29/2019
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte 2/11/2019	Ordinance Committee discussion 5/7/2019	Recommend to Council as 19-07B 5/7/2019	Second Read & Public Hearing	Approval & Adoption
				Rejected

CITY OF BURLINGTON

ORDINANCE 5.04

Sponsor: Planning Department
Planning Commission, Ordinance
Committee

Public Hearing Dates: 06/17/19

In the Year Two Thousand Nineteen

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Commercial Uses in the E-LM Zone (Banks)
ZA #19-07B

First reading: 02/11/19

Referred to: Ordinance Committee

Rules suspended and placed in
stages of passage:

Second reading: 06/17/19

Action: adopted

Date: 06/17/19

Signed by Mayor: 06/24/19

Published: 07/03/19

Effective: 07/24/19

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington
2 and hereby is amended by amending Section 4.4.3, Enterprise Districts, and Appendix A-Use Table—All Zoning
3 Districts, thereof to read as follows:

4

5 ***Sec. 4.4.3 Enterprise Districts***

6 (a) – (c) As written.

7

8 (d) District Specific Regulations

9 1. *Convenience Stores.* As written.

10

11 2. Drive thrus are not permitted.

12

13

14

15 **Appendix A—Use Table—All Zoning Districts—***See proposed changes on attached table.

16

17

18 ** Material stricken out deleted.

19 *** Material underlined added.

20

21

22

23 lb/KS/Ordinances 2019/Zoning Amendment – ZA #19-07B Commercial Uses ELM (Banks), Sec. 4.4.3, Appendix A-Use Table—All Zoning
24 Districts
25 6/12/19

ORIGINAL

AN ORDINANCE
IN RELATION TO

CDO - Commercial Uses in the E-LM Zone (Banks)
ZA #19-07B

Introduced by Planning Department, Planning
Commission, Ordinance Committee

Read in City Council first time

February 11, 2019

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of
passage.

_____, 20____.

Attest,

_____, Clerk.

Read in City Council second time

June 17, 2019

Attest,

_____, Clerk.

Passed in City Council at meeting held

June 17, 2019

Attest,

_____, Clerk.

Approved _____, 2019

1, DFO Goodwin, City Clerk of the City of Burlington
and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has
been duly published according to Law and the Charter of the City, and in compliance with said
Charter this certificate is hereto attached.
And the within Ordinance was ordered published for Wednesday, _____ day,
_____ day of July, 2019.
Adopted 06/17/19
Published 07/03/19
Effective 07/24/19
_____, City Clerk
_____, DFO Goodwin

* * * * *

Distribution

I hereby certify that this Ordinance has
been sent to the following department(s)
on

P & Z Director White/Meagan Tuttle
City Attorney's Office: Kim/Linda

Attest:
Lori Olberg, Licensing, Voting & Recor
Coordinator

* * * * *

ZA-19-07B: Appendix A-Use Table – All Zoning Districts

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
		RCO - A	RCO - RG	RCO - C		RL/W	RM/W	RH		NMU	NAC	NAC- RC	NAC- CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC- RC	NAC- CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
SPECIAL USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC- RC	NAC- CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC- RC	NAC- CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	YN
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

1. – 31. As written.

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

Legend: As written.

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Brad Rabinowitz

AJ LaRosa

Springer Harris

Geoff Hand

Zoraya Hightower

Brooks McArthur

Kienan Christianson

Sean McKenzie, (Alternate)

Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday September 3rd 2019, 5:00 PM

Contois Auditorium, City Hall, 149 Church St, Burlington, VT

Minutes

Board Members Present: B. Rabinowitz, S. Harris, G. Hand, B. McArthur, K. Christianson,

Board Members Absent: A. LaRosa, Z. Hightower,

Staff Present: Scott Gustin, Mary O'Neil, Layne Darfler

I. Agenda

B. Rabinowitz, public hearing item is requesting deferral

II. Communications

No additional communications

III. Minutes

Minutes from 8-20-19 will be discussed at deliberation

IV. Consent

1. 20-0172CA; 1093 North Ave (RCO, Ward 4N) City of Burlington- Parks Dept.

Build 4-bay building adjacent to existing building and add above ground fueling depot with tanks. Stabilize the existing building for unconditioned storage space (Project Manager: Scott Gustin)

G. Hand Recused

There was no objection to the project being on the consent agenda by the Board and no members of the public stepped forward to testify.

S. Harris, motion to approve and adopt staff findings and recommendations

B. McArthur, seconds the motion

4-0-0

2. 19-0948CA; 62 Ward St (RM, Ward 3C) Joseph Speidel and Maura O'Sullivan

Second story addition in rear. Exterior modifications to include: new stairs, doors, windows, removal of chimney. (Project Manager: Mary O'Neil)

There was no objection to the project being on the consent agenda by the Board and no members of the public stepped forward to testify.

B. McArthur, motion to approve and adopt staff findings and recommendations

G. Hand, seconds the motion

5-0-0

V. Public Hearing

1. **20-0113CU; 83 North Willard (RM, Ward 2C) Diane and Thomas Frankenfield**
Request to allow occupancy by 5 unrelated adults and 1-space parking waiver (Project Manager: Scott Gustin)

Request for deferral to date certain of September 17th, 2019

Motion to defer to date certain of September 17th, 2019 made by K. Christianson

Seconded by G. Hand

5-0-0

VI. Other Business

1. Zoning Amendments

S. Gustin provided discussion overviews of recently adopted zoning amendments and decisions by the Vermont Supreme Court.

VII. Adjournment

The meeting was adjourned at 5:15PM

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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