

Burlington Planning Commission

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To: Burlington City Council

From: Burlington Planning Commission

Date: January 30, 2023

RE: ZA-23-01 South End Innovation District Zoning Amendment

Overview

The creation of a South End Innovation District is a priority planning objective originating in *planBTV: South End*. The District intends to reinforce and grow the South End as a center for innovative businesses and institutions and expand and preserve the arts district through creating new space for artists and employees in the area to live and work. Notably, while *planBTV: South End* did not recommend that residential uses be permitted in the District, a worsening housing crisis has precipitated both a Mayoral initiative to expand housing choices and supply in the South End and a demonstrable shift in community support for housing in the area of the South End proposed to rezoned for the South End Innovation District.

Since late spring, 2022, Planning staff has managed the drafting of this zoning amendment, including engagement with the general public and a core group of stakeholders that includes property owners and arts advocates. The amendment addresses both the urban form of the District and the land uses that will be permitted. Regarding the latter, the Planning Commission ultimately voted 4-2 to recommend a simplified land use framework, relative to that initially proposed by staff. The Commission's recommendation to remove this framework reflects concern among some members that the Primary/Secondary distinction is unnecessary micromanagement and would ultimately require projects to incorporate uses that may not be viable. Additional information regarding the initially-proposed two-tier land use framework is provided below.

The simplification of this land use framework into one general set of allowable uses will allow developments to incorporate only the mix of residential and secondary uses. While not necessarily exemplary outcomes with regard to the primary intent of the Innovation District, the recommended land use framework achieves the goal of facilitating much-needed housing development in the South End Innovation District.

Alternative Approaches

The proposed land use framework is an aspect of the proposed amendment that the Commission debated. While the Planning Commission recommends the above land use approach as a tool to facilitate needed housing development, the following approaches were also debated by the Commission and should be considered during the Council's deliberations as well:

1. Revert to the initial two-tier land use framework

The amendment initially sought to balance the community objective to foster an arts and innovation economy in the South End with the need to create a convenient and amenity-rich neighborhood that will be home to hundreds of households. That balance was reflected in a land use framework that would have established two categories of permitted uses as outlined below:

- Primary Permitted Uses are those that reflect the core intent of the District as laid out in *planBTV: South End* and include all uses that encapsulate the range of arts, light manufacturing and office activities envisioned in the Innovation District. Primary uses also include a range of commercial and service uses that are considered intrinsic to successful urban neighborhoods (e.g. daycare, medical offices, bicycle sales and repair, and bakeries). Residential uses supportive of a dense, multifamily district are considered Primary Permitted Uses as well. For a full list of Primary Permitted Uses, see below.

- Secondary Permitted Uses are those that, while supportive of and even necessary to a vibrant urban neighborhood, are not considered intrinsic to the intent of the South End Innovation District, which should prioritize space for business, arts and innovation uses. Secondary uses include service uses (e.g. pharmacy, laundromat, salon/spa, animal hospital/veterinarian’s office and medical/dental offices), amenities (e.g. café, restaurant, bar/tavern), and larger format hospitality uses (e.g. hotel, museum). For a full list of Secondary Permitted Uses, see below.

The now-removed two-tier land use framework would have allowed for Secondary Permitted Uses at a rate of two square feet for every one square foot of those Primary Permitted uses. For example, in order to permit a 5,000 square foot restaurant use, a developer would first need to provide 2,500 square feet of Primary Permitted uses. Furthermore, all such uses would be allowed to be distributed throughout lots existing as of January 1, 2023, to allow for phasing and fair distribution of land uses throughout the district. This latter provision is necessary in light of future subdivision that could occur in the South End Innovation District, due to today’s large lot sizes and proposed dimensional standards.

It should be noted that some Commissioners and South End property owners expressed a concern that the Primary/Secondary framework was overly prescriptive as first proposed. In response, the framework was revised to allow a 2:1 ratio of Secondary uses to Primary uses, where the original proposal established a 1:1 ratio, and to allow the mix of uses through a master plan process prior to a lot’s subdivision.

Initially Proposed South End Innovation District Land Use Approach

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
Residential¹	
Assisted Living	Dormitory
Attached Dwellings - Multi-Family	
Co-Housing	
Convalescent/Nursing Home	
Emergency Shelter	
Group Home	
Non-Residential	
Art Gallery/Studio	Animal Grooming
Adult Day Care	Animal Hospital/Veterinarian’s Office
Agricultural Use	Appliance Sales/Service
Bakery	Bank/Credit Union
Bicycle Sales/Repair	Bar/Tavern
Community Center	Beauty/Barber Shop
Community Garden	Billiard Parlor
Daycare	Boat Repair/Service
Grocery Store ≤ 10,000 sf	Boat Sales/Rentals
Library	Bowling Alley
Manufacturing - Light	Building Material Sales
Office - General	Cafe
Office - Technical	Cinema
Open Air Markets	Convenience Store
Park	Crisis Counseling Center
Parking Garage ³	Dry Cleaning Service
Parking Lot ³	Film Studio
Performing Arts Studio	Fire Station
Photo Studio	Food & Beverage Processing

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
Photography Lab	Garden Supply Store
Printing Plant	General Merchandise/Retail - Large $\geq 10,000$ sf
Printing Shop	General Merchandise/Retail - Small $\leq 10,000$ sf
Public Transit Terminal	Health Club
Public Works Yard/Garage	Health Studio
Radio & TV Studio	Hotel ²
Recording Studio	Laundromat
Research & Development Facility	Mental Health Crisis Center
Research Lab	Museum – Large $\geq 10,000$ sf
School – Post-Secondary and CC	Museum – Small $\leq 10,000$ sf
School - Preschool	Office – Medical/Dental
School - Primary	Performing Arts Center
School - Secondary	Pet Store
School – Trade, or Professional	Pharmacy
	Place of Worship
	Recreational Facility - Indoor
	Recreational Facility - Outdoor
	Restaurant
	Restaurant – Take Out
	Salon/Spa
	Tailor Shop

1. Residential uses are permitted only in new additions to buildings that existed as of January 1, 2023, or in buildings built after January 1, 2023.
2. One hotel is permitted per lot established as of January 1, 2023 and may not account for more than 80 percent of the Gross Floor Area of the building in which the use is located.
3. Parking Garage and Lot uses are regulated by Sec. 4.5.8 (c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density

2. Minor revisions to Primary & Secondary Uses

If there are specific uses that are of particular interest to allow that are currently limited to Secondary uses, such uses could be moved to the Primary use category. Some commissioners discussed the merit of this approach, however staff ultimately determined that this approach would weaken the ordinance's ability to prioritize the arts and innovation intent of the South End Innovation District. Further, given the decision to alter the ratio to facilitate development of those secondary uses, staff feels it is unnecessary to move individual uses from the secondary to primary category.

3. Consider mix of uses at the district level instead of on individual lots

A suggestion was made to balance the considerations by ensuring a mix of uses across the entire SEID instead of on a lot-by-lot basis. While this could allow for the greatest flexibility in a mixed use district, the legality of such an approach would need to be further researched. Additionally, staff has recommended against approaches like this because they are difficult to administer, and limits what is legally permitted on a lot based on what has already been permitted on a nearby lot.