

CITY OF BURLINGTON

ORDINANCE 7.01

Sponsor: Planning Department,

Planning Commission, Councilors Mason, Bushor, Paul: Ordinance Com.

Public Hearing Dates

11/04/13

In the Year Two Thousand Thirteen

First reading: 08/12/13

Referred to: Ordinance Committee

Rules suspended and placed in all stages of passage: _____

Second reading: 11/04/13

Action: amended; adopted

Date: 11/04/13

Signed by Mayor: 11/07/13

Published: 11/13/13

Effective: 12/04/13

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE—

Adaptive Reuse and Residential Bonuses

ZA 13-11

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 Sections 4.4.5, Residential Districts, Table 4.4.5-6: Adaptive Reuse Bonus and Table 4.4.5-7: Residential Conversion Bonus, thereof to read as follows:

Sec. 4.4.5 Residential Districts

(a) – (c) As written.

(d) District Specific Regulations

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential 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.

1-6. As written.

7. Residential Development Bonuses.

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

A-B. As written.

C. Adaptive Reuse Bonus.

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

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____.

_____, Mayor.

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:

* * * * *

An Ordinance in Relation to

from a residential use to a nonresidential use. Any such redevelopment shall be subject to all of the following conditions:

- (i) ~~The structure shall not have previously been converted from a residential use to a nonresidential use;~~
- (ii) The building shall be listed or eligible for listing in the United States Department of the Interior’s National Register of Historic Places or the Vermont State Register of Historic Places;
- (iii) The gross floor area shall not exceed the pre-redevelopment gross floor area of the existing structure by more than twenty-five (25) percent;
- (iv) ~~The density limits of the underlying residential zoning district in Sec 4.4.5(b) above shall not apply. Residential density~~ The intensity and extent of development shall be limited by gross floor area maximum in (iii) above and Table 4.4.5-6 below;
- (v) ~~The building adaptive reuse and~~ rehabilitation conforms to the requirements of Art 5, Historic Buildings;
- (vi) Neighborhood commercial uses less than 2,000 sq. ft. gross floor area may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(5)(A) above. Neighborhood commercial uses 2,000 sq. ft. or larger in gross floor area shall not be permitted. In combination, the sum of neighborhood commercial uses shall be limited to no more than 50% of the gross floor area of the existing structure; and,
- (vii) Lot coverage shall not exceed:

Table 4.4.5-6: Adaptive Reuse Bonus

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

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____

_____, Mayor.

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

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Attest:

* * * * *

D. Residential Conversion Bonus.

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

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

Table 4.4.5-7: Residential Conversion Bonus

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

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____.

_____, Mayor.

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:

* * * * *

An Ordinance in Relation to

E. As Written.

* Material stricken out deleted.

** Material underlined added.

lb/KJS /c: Ordinances 2013/Zoning Amendment #ZA 13-11 – Adaptive Reuse and Residential Bonuses, Sec. 4.4.5
8/7/13 amended; adopted 11/04/13 lo

AN ORDINANCE IN RELATION TO

COMPREHENSIVE DEVELOPMENT ORDINANCE--
Adaptive Reuse and Residential Bonuses
ZA 13-11

Introduced by

Chattahoochee Planning Department, Planning Commission

Ordinance Committee

Read in City Council first time

August 12, 2013

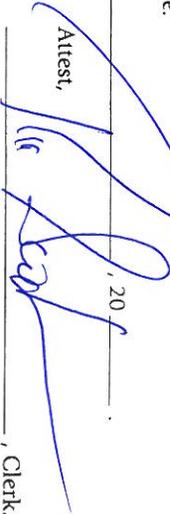
Attest,


Clerk

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

, 2013

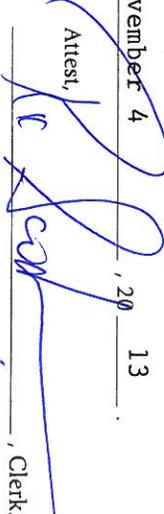
Attest,


Clerk

Read in City Council second time

November 4, 2013

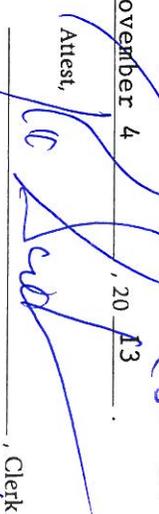
Attest,


Clerk

Passed in City Council at meeting held (as amended)

November 4, 2013

Attest,


Clerk

Approved

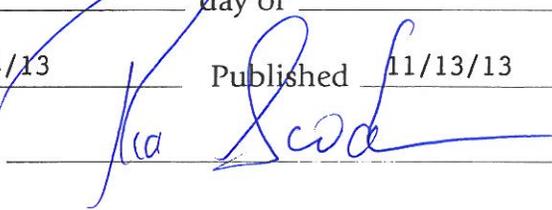
November 7, 2013

, Mayor

I, ACAO 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, namely the 13th day of November, 2013.

Adopted 11/04/13 Published 11/13/13 Effective 12/04/13

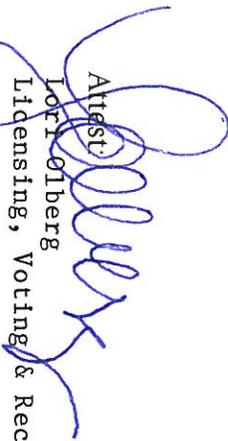
 Acao, City Clerk

* * * * *

Distribution

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

P & Z Director White
City Attorney's Office, Gene, Kim, Linda

Attest,

Lori Olberg
Licensing, Voting & Records Coordinator

* * * * *