

Burlington Planning Commission

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PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-17-14 Preschool Technical Amendments

ZA-17-15 Article 4 Development Bonuses

ZA-17-16 Replacement Mobile Homes

ZA-17-17 Retaining Walls

ZA-18-01 planBTV: Downtown Code

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Tuesday, August 8, 2017** beginning at 6:45pm in Conference Room 12, City Hall, 149 Church Street, Burlington, VT.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-17-14:** The purpose of this proposed amendment is to correct two gaps in the CDO regarding preschools by adding standards for use for the NAC-CR zoning district to Appendix A-Use Table, and adding minimum off-street parking requirements to Table 8.1.8-1.
- **ZA-17-15:** The purpose of this proposed amendment is to address duplicity and contradictions between Article 4 and Article 9 regarding development bonuses in neighborhood mixed use and residential zoning districts. In particular, this amendment clarifies the maximum cumulative development bonus allowable for properties in neighborhood mixed use zones by retaining an additional 0.5 FAR bonus, but eliminating a 10 ft height bonus, when providing an additional 5% inclusionary housing over what is required in Article 9. Additionally, this amendment clarifies that development bonuses may be cumulative up to, but not to exceed, the maximum allowable bonuses for properties in residential zones. This amendment also removes the requirement that a residential use created through the adaptive reuse and residential conversion bonuses be conforming to the underlying zoning district, due to the inconsistency this creates in low-density residential districts. Finally, this amendment corrects a footnote which applies a setback to properties in the NAC, NMU, and NAC-R zones when abutting residential uses, but not to the NAC-CR.
- **ZA-17-16:** The purpose of this proposed amendment is to ensure that language in Article 5 review standards for applications involving a mobile home park clarify that the review standards in Article 3, Part 5 for Conditional Use review apply to new and expanded mobile home parks, but not individually to the alteration or replacement of a mobile home within a park.
- **ZA-17-17:** The purpose of this proposed amendment is to add requirements to the Comprehensive Development Ordinance regarding retaining walls which encroach into a required

property setback, design review standards for retaining walls, and provide definitions to distinguish between retaining walls and seawalls.

- **ZA-18-01:** The purpose of this amendment is to establish a new *Article 14-planBTV Downtown Code* that will regulate all development in the Downtown and Waterfront district, emphasizing the intended physical form, character of place, and compatibility of uses. This amendment replaces all existing regulations pertaining to development in the Downtown, Downtown Waterfront, Downtown Transition and Battery Street Transition zoning districts.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-17-14:** The first part of this amendment applies to the areas of the City zoned NAC-Cambrian Rise, and the second part of this amendment applies to all Neighborhood, Shared Use and Downtown Parking Districts in which preschools are a permitted use.
- **ZA-17-15:** This amendment applies to all areas of the City within residential and neighborhood mixed-use zoning districts.
- **ZA-17-16:** This amendment applies to areas of the City zoned low and medium density residential (RL, RL-W, RM, and RM-W) where mobile home parks are permitted as a Conditional Use.
- **ZA-17-17:** This amendment applies to all areas of the City.
- **ZA-18-01:** This amendment applies to all parts of the downtown and waterfront area presently in the Downtown, Downtown Waterfront, Downtown Transition and Battery Street Transition zoning districts.

List of section headings affected:

- **ZA-17-14:** This amendment adds preschools as a permitted use within *Appendix A- Use Table* for the NAC-CR district, and adds parking standards for preschools within *Table 8.1.8-1 Minimum Off Street Parking Requirements*.
- **ZA-17-15:** This amendment modifies *Table 4.4.2-1*; and amends text in *Sec.4.4.2.(d)3.A. Inclusionary Housing*, *Sec 4.4.5.(d)7.C. Adaptive Reuse Bonus*, *Sec 4.4.5.(d)7.D. Residential Conversion Bonus*, and *Sec 4.4.5.(d)7.E. Limitations on Residential Development Bonuses*.
- **ZA-17-16:** This amendment modifies the text in *Sec. 5.4.12 Mobile Home Parks*.
- **ZA-17-17:** This amendment modifies text in *Sec. 5.2.5 (b)* and *Sec.6.2.2 (m)*, and adds two definitions to *Article 13 Definitions*.
- **ZA-18-01:** This amendment establishes a new *Article 14: planBTV: Downtown Code*, which replaces all current provisions regarding the Downtown, Downtown Waterfront, Downtown Transition and Battery Street zoning districts, and amends other sections to include the appropriate references to the new article, including the following sections, maps tables, and figures:
 - Amends *Sec. 3.2.1 (a)*, *Sec 3.2.2*, *Sec 3.2.2 (e)*, *Sec. 3.2.3*, *Sec. 3.2.7 (a)*, *Sec. 3.4.2 (b)*, and *Sec. 3.5.2 (b)*
 - Amends *Sec 4.3.1 (a)* and *Sec. 4.3.2 (f)* and *(g)*; Strikes *Sec. 4.3.2 (h)*
 - Amends *Sec 4.4.1 (a) 1-3* and *Sec 4.4.1 (a) 5*; adds new *Sec 4.4.1 (a) 1*; and amends *Sec 4.4.1 (a) 4*; amends *Sec 4.4.1 (b)* and *Sec 4.4.1 (c)*; amends *Sec 4.4.1 (d)*; amends *Sec 4.4.1 (d) 7*; and amends *Sec 4.4.1 (d) 7 C-E*

- Strikes *Sec 4.4.1 (d) 1. A*; strikes *Sec 4.4.1 (d) 4. A-C*; strikes *Sec 4.4.1 (d) 6*; and strikes *Sec 4.4.1 (d) 7 A-B*;
- Amends *Sec 4.5.1 (b) (1) A*
- Strikes *Sec 4.5.8* in its entirety
- Amends *Sec.6.0.1*
- Amends *Sec 7.2.3*; *Sec 7.2.4 3. A.*, and *Sec 7.3.2*
- Amends *Sec 8.1.12 (b) and Sec 8.1.15 (a)*
- Amends *Sec 9.2.2*
- Amends *Sec 11.1.3*
- Amends *Sec 13.1.2*
- Strikes the Downtown (D), Downtown Waterfront (DW), Downtown Transition (DT) and Battery Street Transition (BST) districts and all use provisions associated with these districts from *Appendix A-Use Table*

- Amends *Map 4.3.1.-1 Base Zoning Districts, Map 4.4.1-1 Downtown Mixed Use Districts, Map 4.4.5-1 Residential Zoning Districts, Map 4.4.5-2 Waterfront RM Height Exceptions, and Map 4.5.1-1 Design Review Overlay*;
- Strikes *Map 4.5.8-1 Downtown Mixed Use Core Overlay (DMUC) District*

- Amends *Table 4.4.1-1 Dimensional Standards and Intensity and Table 4.4.1-2 Maximum FAR and Building Heights with Bonuses*;
- Strikes *Table 4.5.8-1 Downtown Mixed Use Core Overlay (DMUC) District Dimensional Standards*
- Amends *Table 7.2.1-1 Sign Regulation Summary*
- Amends *Table 9.1.8-1 Inclusionary Zoning Percentages*
- Amends *Table 9.1.12-1 Density/Intensity Allowance Table*

- Strikes *Figure 4.4.1.1 Principal View Corridor Upper Story Setbacks, Figure 4.4.1.2 Measuring Height Limits for Church Street Buildings, and Figure 4.4.1.3 Side Street Building Height Setbacks*

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.burlingtonvt.gov/pz.