

Burlington Planning Commission

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PUBLIC HEARING NOTICE ***Burlington Comprehensive Development Ordinance*** **ZA-19-07 Commercial Uses in E-LM**

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 **Wednesday, January 9, 2019 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-19-07:** The purpose of the proposed amendment is to permit additional commercial uses in certain parts of the E-LM zoning district consistent with the vision for the South End articulated in the draft *planBTV: South End Master plan*. This includes permitting banks, removing the limitations on performing arts centers, and establishing a requirement that a majority of the gross floor area on a lot south of Home Avenue be an industrial/manufacturing/warehouse use.

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

- **ZA-19-07:** The amendment applies to properties located within the Enterprise-Light Manufacturing zoning district located within the South End of Burlington.

List of section headings affected:

- **ZA-19-07:** The proposed amendment modifies *Sec. 4.4.3 (c) and (d)*, modifies *Table 8.1.8-1 Minimum Off-Street Parking Requirements*, modifies *Article 13 Definitions*, modifies *Appendix A-Use Table*, and modifies *Sec. 14.3.4-H* and *Sec. 14.3.5-H*.

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.

Department of Planning and Zoning

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TO: Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner
DATE: December 17, 2018
RE: Public Hearing on Proposed CDO Amendment ZA-19-07: Commercial Uses in the E-LM Zone

Overview & Background

The proposed amendment emerged from a number of separate requests during the past several months to reconsider certain allowable commercial uses in the Enterprise-Light Manufacturing (E-LM) district:

- A series of prospective tenants for the Maltex building on Pine Street, all intending to establish a bank in the building. This use is not presently permitted 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 previous zoning amendment requests that have been approved in the last several 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 South End. This concern is one of the underlying factors that prompted the creation of the draft *planBTV: South End Master Plan*, and 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 2019, following the re-adoption of *planBTV: Comprehensive Plan*, which is anticipated to include *planBTV: South End Master Plan*.

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 Enterprise Zone. A recent example is the provision of small grocery stores between Flynn & Home Avenues only. This amendment uses a similar approach to balance the timely consideration of the above requests brought before the Planning Commission, with the big picture guidance of *planBTV: South End*.

Details related to the proposed amendment can be found on the following pages.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The purpose of the proposed amendment is to permit additional commercial uses in certain parts of the E-LM zoning district consistent with the vision for the South End articulated in the draft *planBTV: South End Master* plan. This includes permitting banks, removing the limitations on performing arts centers, and establishing a requirement that a majority of the gross floor area on a lot south of Home Avenue be an industrial/manufacturing/warehouse use.

1. Allow banks as a permitted use north of Flynn Avenue
Add banks to the list of permitted uses within the E-LM, but prohibit drive-thrus.

2. Prioritize manufacturing, industry, R&D, and warehousing south of Home Avenue
planBTV: South End identifies the area south of Home Avenue as an important area to preserve for more traditional industrial uses. However, today the following commercial uses are also permitted or conditional uses in the E-LM zone, including south of Home Avenue. The proposed amendment limits these uses to a supporting role within the southernmost portion of the district in order to preserve space for industrial/manufacturing uses:
 - 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
 - Variety of uses related to the arts

3. Leverage market-rate commercial uses to support industry/manufacturing
planBTV: South End recognizes the challenge of preserving industrial and manufacturing uses given the market realities of the South End, and identifies the need to come up with creative solutions to support and protect these uses. Therefore, this amendment is intended to leverage more traditional commercial uses that are compatible with and can help subsidize space for industrial/manufacturing uses. This is accomplished by allowing the uses identified above south of Home Avenue only when they are on the same lot as an industrial/manufacturing use, and by limiting the collective area of those uses to no more than 49% of the gross floor area on lot. This establishes two groups of uses:

Group A Use Types	Group B Use Types
Currently permitted or conditional uses in E-LM, including south of Home Ave, for which no change is recommended.	Currently permitted or conditional uses in E-LM. This proposal allows these uses south of Home Ave only when: <ul style="list-style-type: none"> - 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
Taxi/Bus Operations & Trucking Operations, Public Transit Terminal, Public Works Yard/Garage	General Office, Bank/Credit Union
Machine/Woodworking, Manufacturing & Tour-Oriented Manufacturing, Warehouse,	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	Art Gallery Studio, Film Studio, Performing Arts Studio, Photo Studio & Photography, Radio/TV/Recording Studio, Performing Arts Center (currently limited to Pine St), Printing Studio Community Center, Park, Community Garden
Fire Station, Police Station, Post Office Distribution Center	Café/Bakery
Parking Lot/Garage	Medical/Dental Office
	Health Club/Studio, Indoor Recreation Facility
	Trade School, Daycare & Preschool (Large or Small)

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

- Amend *Sec. 4.4.3* to establish the limitation on 'Group B' uses:

Sec. 4.4.3 Enterprise Districts

(a) – (b) *As written.*

(c) Permitted and Conditional Uses:

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

2. Within the E-LM district, permitted or conditionally permitted retail, commercial, arts, education, and service uses not associated with industrial, manufacturing, R&D, and warehouse purposes are not permitted on lots south of Home Avenue except when:

- a. one or more industrial, manufacturing, R&D, and/or warehouse use(s) exist on the lot; and
- b. the combined gross floor area (GFA) of any general retail, commercial, arts, education, and/or service use(s) does not exceed 49% of the gross floor area on the lot.

Uses restricted by this provision are identified in Appendix A- Use Table.

(d) District Specific Regulations

1. Convenience Stores *As written*

2. Drive thrus are not permitted.

- Amend *Article 13* to modify manufacturing definitions:

Article 13: Definitions

~~**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. Includes~~ drop forge. ~~Manufacturing establishments are greater than or equal to 10,000 square feet, and incidental storage and distribution of products. A 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 offer 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.~~

- Amend *Appendix A- Use Table* (See Attached)
Reference new *Sec. 4.4.3 (c) 2* for 'Group B' uses, add new 'Manufacturing-Light' use, and delete 'Machine/Woodworking Shop' and 'Manufacturing-tour Oriented'. Further, add footnotes to limit the size of 'Manufacturing-Light' uses in neighborhood mixed-use districts, to require uses that offer public tours to be permitted by conditional use provisions, and to delete the footnote limiting Performing Arts Centers to Pine Street.
- Amend *Article 14 planBTV Downtown Code* (See Attached)
Amend *Sec. 14.3.4-H* and *Sec. 14.3.5-H* to reflect the updated use types for manufacturing consistent with the above two modifications.

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

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	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
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Accessory Dwelling Unit (See Art.5, Sec.5.4.5)	N	N	N	N	Y	Y	Y	N	N	N	N	N	N		
Attached Dwellings - Duplex	N	N ¹	N	N	Y	CU ²	Y	Y	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	CU	N	Y	Y	N	Y	Y	Y	Y	N	N
Attached Dwelling(s) – Mixed-Use ²⁶	N	N ¹	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N
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
Assisted Living	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Bed and Breakfast ^{4, 6}	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	N	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	N	CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
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
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	N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office ^{ee}	N	CU	N	N	CU	N	N	N	N	CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	N	Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y ²⁷

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

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
	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
Auction House	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y ²⁷
Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 2)	CU	Y	Y	Y	N	Y ²⁷
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	N	CU ^{9, 12, 14}	CU ^{9, 12, 14}	CU ¹⁴	N	N	Y ²⁷
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	N	Y	Y	Y	Y	Y	Y ²⁷
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y ²⁷
Bar, Tavern	N	N	N	N	N	N	N	N	N	CU	CU	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 ²⁷
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) 2)	N	CU	CU	N	N	Y ²⁷
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	Y	Y	N	N	Y ²⁷
Boat Storage	N	N	CU	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
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 ²⁷
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	CU	CU ²⁷
Camp Ground	N	Y	Y	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	N	N	CU	Y	CU	N	CU ²⁷
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	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	N	Y	Y	Y	Y	N	CU ²⁷
Community Garden	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y ²⁷
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	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ¹²	N	Y ¹²	Y	Y	Y ¹²	N	Y ²⁷
Convention Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Courthouse	N	N	N	N	Y	N	N	CU	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N

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

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
	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
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, 27}
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, 27}
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	Y
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
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 ²⁷
Film Studio	N	N	N	N	Y	N	N	N	N	N	CU	Y	CU	N	CU ²⁷
Fire Station	N	N	Y	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Food & Beverage Processing ²⁷	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	N	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 ²⁷
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	N	Y ²⁷
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	CU ¹⁸	CU	CU	N	CU ^{17, 27}
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	N	Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁸
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	Y	N	N	CU	N	CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	N	N	N	N	N	N	N
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) 2)	N	Y	N	Y	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y ¹³	Y	Y	Y	N	Y ²⁷
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/Woodworking Shop Manufacturing- Light ^{27, 29}	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ^{14, 24}	CU	Y
Manufacturing ^{27, 29}	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	Y

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

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
	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
Manufacturing—Tour Oriented	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	CU
Marina	N	N	Y	N	N	N	N	N	(See Sec.4.4.1(d) 2)	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	CU (See §5.4.11)	N	N	N	N	N	N	N	N
Museum—Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y ²¹
Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y ²¹
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	(See Sec.4.4.1(d) 2)	Y	Y	Y	Y	Y	Y ²¹
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	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) 2)	Y	Y	Y	Y	CU	CU ²¹
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N	CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 2)	CU	Y	N	CU	N	CU ^{27,21}
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 2)	CU	CU	CU	Y	N	Y ²¹
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N	Y	Y	Y	Y	N	Y ²¹
Photography Lab	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	CU	Y ²¹
Police Station - Central	N	N	N	N	CU	N	N	N	N	Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	N	CU	Y	Y	Y	N	Y ²¹

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

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ¹	Neighborhood Mixed Use				Enterprise	
	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
Public Transit Terminal	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 2)	N	CU	CU	Y	CU	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N	N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y ²⁷
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 2)	N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	N	CU	CU	Y	Y	N	Y ²⁷
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	(See Sec.4.4.1(d) 2)	N	Y	CU	N	N	CU ²⁷
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	(See Sec.4.4.1(d) 2)	N	Y	Y	CU	N	N
Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	(See Sec.4.4.1(d) 2)	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) 2)	Y ¹³	Y	Y	Y ¹³	N	Y ^{13, 27}
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, 27}
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, 27}
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 ²⁷
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	N	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 2)	N	N	Y ¹⁵	N	Y	Y

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

USES	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
	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
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	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

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 Shelburne 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. Use is permitted or conditionally permitted south of Home Avenue only when on a lot with one or more manufacturing, industrial, R&D, and/or warehouse use, and when the combined gross floor area of any use with this footnote does not exceed 49% of the Gross Floor Area on a lot.~~
- ~~28.~~
- ~~29-28.~~ 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.
- ~~30-29.~~ Must be fully enclosed within a building.
- ~~34-30.~~ 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.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this 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

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

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 Oriented ³	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	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
School, -Trade, or Professional	P

14.3.4-H- USE TYPE **FD6**

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
Parking Structure	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

³ 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- Light ²	P
Manufacturing ²	P
Manufacturing – Tour Oriented ²	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research Lab	P
Warehouse/Storage ²	P
Warehouse, Self-Storage ²	P

14.3.5-H- USE TYPES

FD5

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
Parking Structure	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

- Amend *Table 8.1.8-1 Minimum Off-Street Parking Requirements* to account for the change to definitions above as follows:

<i>Table 8.1.8-1 Minimum Off-Street Parking Requirements</i>			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
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, <u>plus 3 per 1,000 gfa devoted to patron use.</u>	1, <u>plus 2 per 1,000 gfa devoted to patron use.</u>	1
Manufacturing	1.3, <u>plus 3 per 1,000 gfa devoted to patron use.</u>	1, <u>plus 2 per 1,000 gfa devoted to patron use.</u>	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

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).

Proposed Future Land Use & Density

The *2014 Municipal Development Plan (planBTV)* identifies the E-LM zone for encouraging light industry, creative arts and industry, manufacturing, and incubator space for new and emerging businesses in appropriate locations. The plan further calls for an evaluation of the district’s future—as one that is commercial-industrial in nature, or one that is more mixed-use. The draft *planBTV: South End Master 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, the proposed changes place an emphasis on these uses, and creates a mechanism by which more traditional commercial uses are permitted only when on a lot with an industrial use. Therefore, the proposed amendment is consistent with the *2014 plan* and the draft *South End Master Plan*. The proposed amendment does not impact the permitted density or intensity of land uses.

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 current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, by request	Presentation to & discussion by Commission 11/27/2018	Approved for Public Hearing 11/27/2018	Public Hearing 1/9/2019	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council [as is / with changes]	Second Read & Public Hearing	Approval & Adoption
				Rejected