

Department of Planning and Zoning

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TO: Planning Commission Ordinance Committee
FROM: Scott Gustin
DATE: June 1, 2017
RE: Neighborhood Commercial Uses

Following a request made at the May 16, 2017 Planning Commission meeting, the Ordinance Committee will consider revision to the neighborhood commercial use standards within the residential zones. The request pertained to the Majestic Car Rental property at 616 South Willard Street but pertains also to other small nonconforming commercial uses within the residential zones.

Presently, the neighborhood commercial use provisions apply only to existing neighborhood commercial uses or to historic buildings originally constructed for neighborhood commercial use (but may presently be used for something else).

The 616 South Willard Street property is commercial, presently used as a rental car business. The present use was approved under the previous zoning ordinance that allowed change in one nonconformity to another nonconformity. The building was originally constructed as a gasoline station. It is not historic, nor was it originally constructed for a neighborhood commercial use. It is simply a nonconforming commercial property in a residential zone.

There are at least two ways that the neighborhood commercial use provisions could be amended. One would simply remove the "historic" qualifier. As such, a building originally constructed for a neighborhood commercial use but is not historically significant could qualify for neighborhood commercial uses. Such change would remain consistent with the intent of the Existing Neighborhood Commercial Use provision. The other change would go a step further and simply allow existing nonconforming commercial uses to become neighborhood commercial uses. Such would be the case with 616 South Willard Street. The building is neither historic, nor was it originally constructed for a neighborhood commercial use.

Neighborhood commercial use is defined as follows:

Neighborhood Commercial Uses: Non-residential establishments intended to serve or accommodate the needs of a limited geographic segment of a community or area. Such uses include: banks, places of worship, neighborhood convenience stores, day cares, cleaners & laundromats, fire & police stations, beauty salons and barbers, hardware and general merchandise; libraries, medical/dental offices, parks, pharmacies, post offices, cafes, schools, community centers, and health studios.

The intent of the Existing Neighborhood Commercial Use provision is to allow a range of neighborhood-appropriate uses in our residential zones for properties that currently serve such purpose or were originally constructed to serve such purpose. It is conceivable that there are buildings that are not historically significant that would otherwise qualify for neighborhood commercial use. Amending the ordinance to address this situation is reasonable and is consistent with the intent of the provision. Staff recommends against going a step further and allowing any nonconforming commercial use in a

residential zone to become a neighborhood commercial use. Doing so would largely negate the limitations of nonconformity and the intent to phase them out. There are incentives in place already (i.e. the residential conversion bonus) that are intended to encourage eventual conversion of these nonconforming, non-historic properties.

Given the apparent paucity of non-historic nonconforming commercial buildings in our residential zones, leaving the ordinance language unchanged is also a reasonable alternative.

New ordinance language eliminating the “historic” qualifier is underlined in red, and existing ordinance language to be deleted is ~~stricken~~.

Sec. 4.4.5 Residential Districts

(a) – (c) As written.

(d) District Specific Regulations:

1-5 As written.

6. Uses

A. Exception for Existing Neighborhood Commercial Uses

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in all residential districts subject to the following:

(i) This exemption shall only apply to:

- 1) ~~Historic n~~Neighborhood commercial buildings ~~that are listed or eligible for listing on the state or national register and~~ originally designed and constructed for such purpose(s); or,
- 2) A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.

(ii) – (xii) As written.

7. As written.