

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

www.burlingtonVT.gov/pz

David E. White, AICP, Director
Ken Lemer, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior IT/GIS Programmer
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Planning & Zoning Clerk
Elsie Tillotson, Administrative Assistant



MEMORANDUM

TO: Joan Shannon, City Council President
Burlington City Councilors
Mayor Miro Weinberger

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: Monday, February 18, 2013

RE: Proposed Zoning Amendments

For your consideration you will please find attached two proposed amendments to the *Burlington Comprehensive Development Ordinance* for your consideration and adoption as recommended by the Burlington Planning Commission.

The proposed amendments are as follows:

- (a) **ZA-13-02– Lot Line Adjustment – Vestigial Alleys** This proposed amendment addresses vestigial alleyways found in parts of the city and affords them an abbreviated approval process as lot line adjustments rather than subdivisions. (Modify Section 10.1.5 and Article 13 - Definitions)
- (b) **ZA-13-04 – Garage Size and Orientation** - This proposed amendment modifies the limitations regarding the size of garages in order to accommodate smaller buildings and narrower lots. (Modify Sections 4.4.5 (d) 4 and 6.2.2 (h))

Upon receiving these proposed amendments, the Council may decide to:

- refer to one or more City Council Committees for further review; or,
- waive the Council's rules and direct the Clerk's Office to warn a Public Hearing for the next available meeting after a 15-day public notice.

Adoption of these amendments will require the Council to hold one or more public hearings in accordance with 24 VSA § 4442 and §4444 before they can be adopted and become effective.

For your information, once a zoning amendment is warned for a Public Hearing by the City Council, the Dept. of Planning and Zoning is required by statute to begin implementing the amendment as warned until it is adopted, amended, or withdrawn for a period not to exceed 150-days (24 VSA 4449(d)).

Planning staff is available to answer any questions you may have, as well as to make a public presentation regarding these proposed amendments at your public hearing(s).

Thank you for your consideration.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-13-02 Lot Line Adjustments

As recommended by the Planning Commission to the City Council on December 18, 2012

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance addresses vestigial alleyways found in parts of the city and affords them the abbreviated approval process for lot line adjustments rather than subdivisions.

Sec. 10.1.5 Lot Line Adjustments

The intent of this section is to provide for an abbreviated review and approval process for the realignment of lot boundary lines between existing adjacent lots, including the merger of lots, where no additional lots are being created. **In addition, a lot line adjustment shall include the addition and subtraction of vestigial alleys, as defined in Article 13, when being combined with an adjacent lot.** A lot line adjustment shall not constitute a subdivision.

Article 13 Definitions

Lot Line Adjustment: The relocation of a common property boundary where an additional lot is not created, and where an existing lot reduced in size by the adjustment complies with the dimensional requirements of this ordinance.

Vestigial Alley: An orphaned alley way, service way or similar lane originally platted for the purpose of providing rear yard access between lots, that is no longer in use for such purpose or is no longer a contiguous alleyway.

Burlington Comprehensive Development Ordinance

PROPOSED ZA-13-04: Garage Size and Orientation

As recommended by the Planning Commission to the City Council on February 12, 2013.

Changes shown (underline to be added, ~~strike out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: Modify the limitations regarding the size of garages in order to accommodate smaller buildings and narrower lots.

Sec. 4.4.5 Residential Districts

(d) District Specific Regulations:

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.12 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

- A. Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2.
- B. Any accessory structure that is ~~seventy-five~~ fifty percent (50%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6.
- C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than ~~fifty-seventy-five~~ 50 percent (50%) of the ground floor area of the principal structure.
- D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.

~~a. and,~~

- E. Accessory structures such as doghouses, doll houses, or tree houses that are less than or equal in the aggregate to a total of sixteen (16) square feet in area shall not require a zoning permit.
- F. Uncovered play structures, seasonal skating rinks, raised planting beds shall not require a zoning permit.

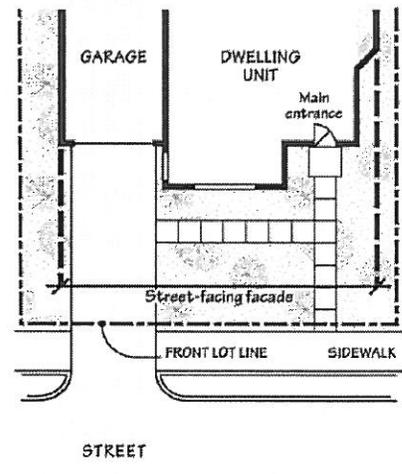
Sec. 6.2.2 Review Standards

(h) Building Location and Orientation:

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblane and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

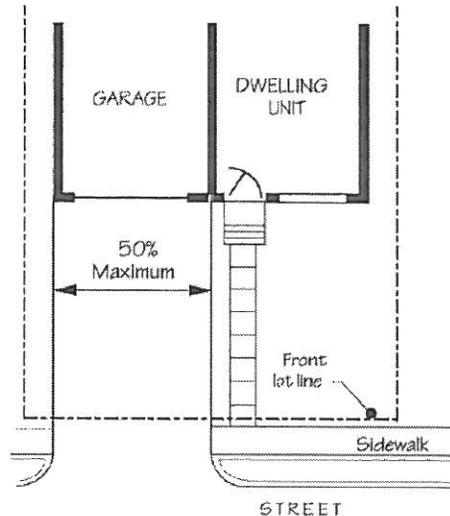
In residential areas, aAccessory buildings shall be located in such a way so as to be deferential and secondary and subordinate in scale and design to the principal structure. Under no circumstances shall a parking structure – either attached or detached – shall be located closer to setback the front property line than from a the longest street-facing wall of the principal residential structure and be deferential yet consistent in character and design. and w Where a front yard setback is required, any street-facing garage wall containing garage doors shall be set back a minimum of 25’ from the front property line to prevent parked vehicles from blocking the public sidewalk. Where a garage is not oriented towards the street (i.e. the garage doors face the rear or side of the property yard), the street-facing garage wall shall have windows or doors or other features that



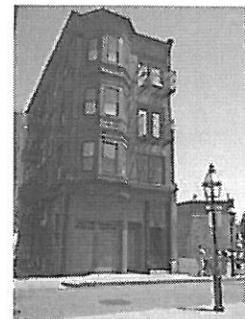
break-up the mass into smaller elements, and be blended with the character of the residential portion of the structure.

Where a garage is attached to a principal single-family or duplex residential structure and oriented to the street (i.e. the garage doors face the street) the following standards shall apply:

1. Except as provided in subsections ~~2-3, 4~~ and ~~3 5~~ below, a street-facing garage wall ~~should~~ shall constitute no more than ~~30~~50% of the ~~length-width~~ of the street-facing façade of the entire structure (including the garage portion), and shall not exceed ~~30~~24-feet or 35% whichever is less. In cases where a street-facing garage wall constitutes between 30%-50% of the street-facing façade, living space is encouraged above to integrate the garage more closely into the design and mass of the overall structure. In cases where the street-facing garage wall constitutes more than 50% of the width of the street-facing façade, living space above is required.



2. Each bay of the garage shall have a separate entrance door of no more than 10-feet in width.
3. Where the width of the street-facing façade of the residential portion of the entire structure is less than ~~35~~ 14 feet long, the street-facing garage wall-portion may be allowed up to but not exceeding 14 feet long-in order to allow for a single garage bay.
- ~~3.4.~~ Where a garage entrance is within a single roofline and wholly integrated into the overall design the front façade of the structure, it may constitute more than 50% of the width of the street-facing façade provided there is interior living space above, and the primary pedestrian entrance offers a clear and welcoming entrance from the street.



- ~~4.5.~~ Enclosed space originally designed and constructed as a garage for vehicular parking but converted to living space may be converted back

to enclosed vehicular parking provided there is no expansion of the building footprint necessary to complete the conversion.