

Department of Planning and Zoning

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MEMORANDUM

TO: Jane Knodell, City Council President
Burlington City Councilors
Mayor Miro Weinberger

FROM: Scott Gustin, Principal Planner

DATE: Friday, April 1, 2016

RE: Proposed zoning amendment: **ZA-16-09; Duplexes on existing lots**

You will please find attached a proposed amendment to the Burlington Comprehensive Development Ordinance for your consideration and adoption as recommended by the Burlington Planning Commission on March 22, 2016.

The amendment is intended to allow duplexes on new conforming lots in the low density residential zones. This amendment was initiated by a member of the public.

Duplexes are allowed in the low density residential zones (RL & RL-W) as a conditional use, subject to footnote 2. That footnote reads:

Duplexes may be constructed, or a single unit may be converted into a duplex, on lots existing as of January 1, 2007 and which meet the minimum lot size of 10,000 square feet.

This footnote prevents establishment of a duplex on any new lot within the low density residential zones (except as part of a PUD). The Planning & Zoning Department has received a request to amend this footnote. Doing so would continue to allow duplexes as a conditional use in the low density residential zones; however, they could be established on any lot (new or existing) meeting the minimum dimensional requirements. Duplexes are expressly cited in the purpose statement for the low density residential zones:

The Residential Low Density (RL) district is intended primarily for low-density development in the form of single detached dwellings and duplexes...

The Waterfront Residential Low Density (RL-W) district is intended primarily for low-density development in the form of single detached dwellings and duplexes...

Duplexes are consistent with the intent of the low density residential zones. Revision of footnote 2 could enable additional duplexes within these zones, consistent with the express intent of these zoning districts.

Thank you for your consideration.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Planning Department,
Planning Commission
Public Hearing Dates: _____

In the Year Two Thousand Sixteen

First reading: _____
Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Appendix A-Use Table—All Zoning Districts, Footnote 2 –
Duplexes on Existing Lots
ZA 16-09

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
2 Burlington be and hereby is amended by amending the Use Table – All Zoning Districts, Footnote 2
3 pertaining to Conditional Use Approval of Attached Dwellings-Duplexes in the RL/W Zoning Districts
4 thereof to read as follows:

- 5
- 6 1. As Written.
- 7 2. Duplexes may be constructed, ~~or a single unit may be converted into a duplex,~~ on lots ~~existing as~~
8 ~~of January 1, 2007 and~~ which meet the minimum lot size of 10,000 square feet specified in Table
9 4.4.5-1.
- 10 3. – 28. As Written.

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** Material stricken out deleted.
*** Material underlined added.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-09 – Duplexes on Existing Lots

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The proposed amendment amends the Comprehensive Development Ordinance Appendix A- Use Table to revise footnote "2" regarding duplexes as conditional uses on existing lots. The purpose of this ordinance is to allow duplexes as a conditional use on both existing and new lots in the R-L and RL-W zoning districts, which is consistent with the express purpose of these zones.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This proposed amendment to the Comprehensive Development Ordinance (CDO) supports the goals and policies of the municipal development plan Housing Element. In particular, the amendment supports the goal to support the creation of new units on all parcels of land currently zoned for residential development at the number of units allowed by zoning.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This proposed amendment is consistent with the proposed future land uses and densities of the Municipal Development Plan, which envisions a historic pattern of development in neighborhoods through policies that conserve and strengthen residential areas.

Implementation of specific proposals for planned community facilities:

This proposed amendment is consistent with policies to encourage more efficient use of properties already developed in order to maintain the scale and character of the city, and in particular, its residential neighborhoods.