

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-10 – Existing lots required frontage or access

As approved by the City Council on August 11, 2014

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

Purpose: Clarify that Sec. 5.5.2 is aimed at limiting backyard subdivisions.

PART 2: DIMENSIONAL REQUIREMENTS

Sec. 5.2.1 Existing Small Lots

Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements if such lot is not less than four thousand (4,000) square feet in area with a minimum width and depth dimension of forty (40) feet.

A permit for any such development shall require a certificate of appropriateness pursuant to the design review provisions of Article 3 and the development standards of Article 6.

Sec. 5.2.2 Required Frontage or Access

No ~~land development~~ subdivision of land may be permitted on lots that do not have frontage on a public road or public waters.

For lots that have access on both a public road and public waters, only the access on a public road shall be considered for the frontage required under this ordinance.

For lots of record existing as of ~~January 1, 2007~~ April 26, 1973, ~~development subdivision~~ may be permitted with approval of the DRB, if access to such road or public waters exists by a permanent pre-existing easement or right-of-way of at least twenty-five (25) feet in width.

Sec. 5.3.6 Nonconforming Lots

Development may occur on a non-conforming lot only in the following manner:

- (a) *Existing Small Lots:*
Subject to approval by the DRB pursuant to the requirements of Art. 3, Part 4 ~~Site Plan and Design Review~~, any lot of record existing as of January 1, 2007, may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements, provided such lot is not less than four thousand (4,000) square feet in area with a minimum width and depth dimension of forty (40) feet. See Sec. 5.2.1.
- (b) *Required Frontage or Access:*
Subject to the provisions of Sec. 5.2.2, no land development may be permitted on lots that do not have frontage on a public road or public waters. For lots of record existing as

~~of January 1, 2007, development may be permitted with approval of the DRB, if access to such road or public waters exists by a permanent easement or right of way of at least twenty five (25) feet in width. See Sec. 5.2.2.~~

(c) *Changes to a Nonconforming Lot:*
As written.