



City of Burlington, VT  
149 Church Street, 3<sup>rd</sup> Floor  
Burlington, VT 05401

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**TO:** Burlington City Council  
Mayor Weinberger

**FROM:** David E White, FAICP, Dir. of Planning  
Scott Gustin, AICP, DPI Principal Planner & Zoning Division Manager  
Mary O'Neil, AICP, DPI Principal Planner

**DATE:** August 2, 2021

**RE:** CDO Amendment ZA-21-07: Height Measurement, Dormers & Eaves

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## **Overview & Background**

This amendment addresses two areas within the Comprehensive Development Ordinance that relate to how a building's height is measured as follows:

### **Height Measurement**

This amendment seeks to improve the connection between existing sections of the Comprehensive Development Ordinance pertaining to how building height is measured:

- Sec. 5.2.6 (a) 1 A & B note two starting points for measuring a building's height – from the sidewalk or from the average finished grade around the entire building, depending on the distance from the sidewalk.
- Sec. 5.2.6 (a) 3 specifies increments for building height measurement along the street façade.

The relationship between Sec. 5.2.6 (a) 1 A and 3 is clear. A building's height measured from the public sidewalk is done in increments to account for changes in grade along the street façade. The relationship between Sec. 5.2.6 (a) 1 B and 3 however is not clear. How does the requirement for height measurement intervals along the street façade(s) relate to the average finished grade around the entire building? This amendment seeks to clarify this relationship. The end result clarifies that measurement of building height is done in increments along the street façade(s) in any case.

The Committee met and discussed this issue on 2/4 and 3/4, and unanimously recommended forwarding the staff recommendation to the full Planning Commission.

### **Dormers & Eves**

The Comprehensive Development Ordinance offers no guidance on how the measurement of a building's height may be impacted when dormers are proposed. Dormers are a common building element that enable greater useable living space in an attic, and at times, can stretch or exceed height limits. This amendment seeks to articulate under what circumstances roof dormers actually affect building height and how. It also introduces a basic design standard and new definition of the term.

A related matter as to roof form is the term "eave" which lacks definition in the CDO. Eaves are allowed to project into setbacks. Lacking definition of the term, there have been proposals to stretch the concept of what an eave is in order to take advantage of the allowable setback encroachment. This amendment seeks to define the term "eave."

The Planning Commission Ordinance Committee discussed changes to address dormers and eaves separately, but the matters have been combined into one amendment given that they are both related to roof forms. The Planning Commission recommended this amendment to the City Council at its meeting on July 27, 2021.

## Proposed Amendment

### Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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### Purpose Statement

The purpose of this amendment is to clarify that building height is measured in increments along the street façade, regardless of whether the building height is measured just from the public sidewalk or from the average finished grade around the entire building. Further, the proposed amendment identifies when and how roof dormers affect building height measurement, provides a design standard for dormers, and defines the terms "dormer" and "eave."

### Proposed Amendments

Proposed changes to the CDO are included in the attached ordinance language, and include:

#### **1. Amends Sec.5.2.6 (a) regarding how building height is measured**

Provides guidance on starting and ending points for measurements, and standards for measuring buildings on sloped sites.

#### **2. Amends Sec.5.2.6 (a) and Sec.6.3.2 (a) 2 regarding dormers**

Provides guidance on how dormers are measured, and design standards for incorporating dormers into rooflines.

#### **3. Amends Article 13: Definitions**

To define eaves and dormers.

### 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).*

Theme	Dynamic	Distinctive	Inclusive	Connected
Land Use	Conserve	Sustain		Grow

#### Compatibility with Proposed Future Land Use & Density

The proposed amendment does not impact the types or density of potential land use and density.

#### Impact on Safe & Affordable Housing

The proposed amendment has no impact on housing safety and affordability.

#### 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, PC OC review 2/4 & 3/4/21	Presentation to & discussion by Commission 4/27/21, 7/27/21	Approved for Public Hearing 4/27/21	Public Hearing 6/22/21 & 7/27/21	<b>Approved &amp; forwarded to Council 7/27/21</b>

City Council Process				
<b>First Read &amp; Referral to Ordinance Cmte 8/9/21</b>	Ordinance Cmte discussion	Ordinance Cmte recommend as modified	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected