CITY OF BURLINGTON

In the Year Two Thousand Twenty-One

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE – Height Measurement, Dormers & Eaves
ZA #21-07

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
Burlington be and hereby is amended by amending Sections 5.2.6, Building Height Limits, 6.3.2(a)2, Roofs
and Rooftops, and 13.1.2, Definitions, thereof to read as follows:

Sec. 5.2.6 Building Height Limits
No structure shall exceed thirty-five (35) feet in height unless otherwise authorized under the district-specific
provisions of Article 4:

(a) Height Measurement:
The maximum height of any building shall be measured as follows:

1. Starting Point: Building height shall be measured from:

   A. a public sidewalk, alley, or other public way or space where the proposed building’s street-facing
      façade is within a 4050-foot horizontal distance of the lot’s street frontage, or an exterior wall on the
      front of the building; or,

   B. the average finished grade within a 10-foot horizontal distance of the building’s street-facing façade
      where the proposed building is more than a 50-foot horizontal distance from the lot’s street frontage all
      exterior walls of the building. In cases where a property line is within a 10-foot horizontal distance of
      an exterior wall, the average grade shall be measured between the property line(s).

   C. For buildings on sloped sites, see additional measurement standards in (b) below.

2. Ending Point: Building height shall be measured to:

   A. Flat Roof: As written.
   B. Pitched Roof: As written.
   C. Curved Roof: As written.
   D. Roofs with Dormers: Building height will be calculated to the midpoint of the rise of dormers that
      either individually or collectively exceed 50% of the width of the horizontal gable length of the roof.
      Dormers less than this width do not affect height calculation noted in A – C and E of this subsection.
   E. Other Roof Forms: As written.
(b) **Buildings on Sloped Sites:** Buildings on slopes shall reflect the pre-construction topography of the site by making use of opportunities to vary the building's height and roof forms relative to terrain changes as follows:

31. **Measurement Interval:** To encourage a variation in building heights relative to terrain changes and encourage a variation in roof form, building height shall be measured along the street-facing façade, beginning no less than 16-feet or more than 32-feet from lowest corner, or where two streets intersect if a corner lot, and at an-intervals of no less than 32-feet or more than 65-feet for along the entire length of the street-facing façade(s).

42. **Lots Fronting on Two or More Streets:** Where a lot, other than a corner lot, fronts on two or more streets, the building height shall be measured along each street-facing façade. Where the streets are at differing elevations, the building height may gradually increase above the maximum height allowed on the lowest street provided that any such additional height along the lowest street shall be set-back a minimum of 16-feet from the average plane of the building's street-facing façade below for every 10-feet of additional building height up to the maximum height allowed on the highest street.
53. Illustration: To illustrate evaluate the height and bulk of the proposed building structure in context with its surroundings, the DRB applicant may be required the developer to prepare a scale model, computer visualization, illustrations, or other renderings of the proposed building in context with its surroundings.

(cb) Exceptions to Height Limits  As written.

(de) Clear Sight Triangle As written.

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Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. Massing, Height and Scale: As written.

2. Roofs and Rooflines.

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city’s skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.
Dormers shall not exceed the height of the ridgeline of the roof to which they are attached, and shall be set back a minimum of 1-foot from the edges of the underlying roofline. Individual dog house dormers shall be limited to 33% of the horizontal eave length of the principal roofline.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or “green” roof technologies (with a clearly articulated maintenance plan) and “gray water” collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city’s skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

3. Building Openings  As written.

(b)–(i) As written.

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Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

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Dormer: A roofed structure, often containing a window that projects vertically beyond the plane of a pitched roof. Dormers are commonly used to increase the usable space in a half story and to create window openings in a roof plane.

Shed dormers have a single, inclined roof.

Dog house dormers are gable roofed, typically with a single window.

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Eave: The edge of the roof which overhangs the face of an exterior building wall and, normally, projects beyond the side of a building; performing the primary function of the roof in throwing water clear of the exterior building walls.

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

Secs. 5.2.6, 6.3.2(a)(2), 13.1.2
10/6/21
AN ORDINANCE
IN RELATION TO
CDO-Height Measurement, Dormers & Eaves
ZA #21-07

Introduced by Office of City Planning, Planning
Commission, Ordinance Committee
Read in City Council first time
August 9, 2021
Attest, Clerk.
Rules suspended, and ordinance placed in all stages of passage.

Attest, Clerk.
Read in City Council second time
October 25, 2021
Attest, Clerk.
Passed in City Council at meeting held
October 25, 2021
Attest, Clerk.

Approved, 2021

Mayor.

I, CAO Schad, Clerk of the City of Burlington, do hereby certify that the within Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for Wednesday, November 3rd, 2021.

Adopted, 10/25/21
Published, 11/03/21
Effective, 11/24/21

Distribution
I hereby certify that this Ordinance has been sent to the following department(s) on
Meagan Tuttle, Office of City Planning
City Attorney's Office

Lori Ulberg
Licensing, Voting & Record Coordinator

Attest,