

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: (Department or Councilor) _____
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

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

ZA-23-03 Setbacks

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 Sections 5.2.5 Setbacks, amending Sec. 6.2.2 and Sec.
3 14.4.13 Urban Design Standards, and amending Sec. 14.6.7 Parking, thereof to read as follows:
4

5 **Sec. 5.2.5 Setbacks**

6 Setbacks between buildings and property lines where required are intended to provide access to light and air, provide
7 fire separation and access , and maintain the existing neighborhood pattern of buildings and open spaces between them
8 and to the street.

9 **(a) Setbacks Required:**

10 Unless otherwise authorized or specified under the district-specific provisions of Article 4, which shall be
11 controlling over these provisions, a setback shall be provided between any proposed structures and/or site
12 features, and the front, side and rear yard property lines as follows: (See Art. 13 for definitions of “setback”
13 and “yard.”)

14 1. Front yard. In order to maintain the existing pattern of development along a given street, both a minimum
15 and maximum front yard setback shall be maintained where required under Article 4.

16 A. The minimum front yard setback for any structure shall be the average of the front yard setback of
17 principal structures in lawful existence as of the adoption of this ordinance on the two (2)
18 neighboring lots on either side and within the same block and having the same street frontage.
19 Among the comparative sample of four neighboring properties, one may be removed from the
20 averaging calculation.

21 B-C. As Written

22 2-3. As Written

23 **(b) Exceptions to Yard Setback Requirements:**

24 The following projections into required yard setbacks may be permitted subject to the standards of Article 6 to ensure
25 compatibility with neighboring properties:
26

27 1. Abutting Buildings with Doors or Windows: Where the façade of an existing adjacent principal building
28 is within 5 feet of the common property line and has either doors or windows, a setback of 10 feet shall
29 be required for any new development up to the height of the abutting building in any district where no
30 setback is required. New Buildings, additions, or significant improvements to existing Buildings placed
31 on a side or rear property line, or within 10 feet of another building, where no setback is required are

32 subject to construction material and building opening restrictions as established in the effective Building
33 Code (2015 IBC).

34 2. Building or Site Features: Eave, sills, roof overhangs, cornices, steps to first floor entries, walkways,
35 ramps for the disabled, fences walls, and similar building and site features may project into a required
36 yard setback. Building and site features outside of the building envelope, including but not limited to
37 eaves, sills, roof overhangs, cornices, steps to first floor entries, walkways, ramps for people with
38 disabilities, fences and walls may project into a required yard setback. Such projecting building features
39 are subject to construction material and building opening restrictions as established in the effective
40 Building Code (2015 IBC).

41 3-8. As written

42 **Sec. 6.2.2 Review Standards**

43 **(a)-(g) As written**

44 **(h) Building Location and Orientation**

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

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

58 In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate
59 in scale and design to the principal structure. A parking structure – either attached or detached – shall be
60 setback from the longest street-facing wall of the principal structure and be deferential yet consistent in
61 character and design. ~~Where a front yard setback is required, any street-facing garage wall containing garage~~
62 ~~doors shall be set back a minimum of 25’ from the front property line to prevent parked vehicles from~~
63 ~~blocking the public sidewalk.~~ Where a garage is not oriented towards the street (i.e. the garage doors face
64 the rear or side yard), the street-facing garage wall shall have windows or doors or other features that break-
65 up the mass into smaller elements, and be blended with the character of the residential portion of the
66 structure.

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

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

75 2. Each bay of the garage shall have a separate entrance door of no more than 10-feet in width.

76 3. Where the width of the street-facing façade of the residential portion of the structure is less than 14 feet,
77 the street-facing garage portion may be allowed up to but not exceeding 14 feet in order to allow for a single
78 garage bay.

79 4. Where a garage entrance is within a single roofline and wholly integrated into the overall design the front
80 façade of the structure, it may constitute more than 50% of the width of the street-facing façade provided
81 there is interior living space above, and the primary pedestrian entrance offers a clear and welcoming
82 entrance from the street.

83 5. Enclosed space originally designed and constructed as a garage for vehicular parking but converted to
84 living space may be converted back to enclosed vehicular parking provided there is no expansion of the
85 building footprint necessary to complete the conversion.

86 **Sec. 14.4.13 – Urban Design Standards**

87 **a)-d) As written**

88 **e) Walls**

89 i-iv. As written

90 v. New buildings, additions, or significant improvements to existing Buildings placed on a side or rear property
91 line or within 10 feet of another building, where no setback is required ~~shall contain neither doors nor windows along~~
92 ~~such elevation in order to prevent unnecessary limitations on the development of adjacent property are subject to~~
93 ~~construction material and building opening restrictions as established in the effective Building Code (2015 IBC).~~

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95 * Material stricken out deleted.

96 ** Material underlined added.

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