

CITY OF BURLINGTON

ORDINANCE \_\_\_\_\_

Sponsor: Planning Department,  
Planning Commission  
Public Hearing Dates: \_\_\_\_\_

In the Year Two Thousand Fifteen

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--  
Downtown, Neighborhood Mixed Use & Enterprise Districts  
Setbacks Abutting a Residential Zone  
ZA #15-04

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 4.4.1, Table 4.4.1-1, 4.4.2, Table 4.4.2-1 and  
3 4.4.3 thereof to read as follows:

4 **Sec. 4.4.1 Downtown Mixed Use Districts**

5  
6 (a) As written.

7  
8 (b) **Dimensional Standards and Density:** The density and intensity of development, dimensions of  
9 building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot  
10 coverage within the Downtown Mixed Use districts shall be governed by the standards as defined in Table  
11 4.4.1-1 below:

12  
13 Balance of Page 1 is intentionally blank.

<b>Table 4.4.1-1 Dimensional Standards and Intensity</b>						
<b>Districts</b>	<b>Max. Intensity</b> (floor area ratio <sup>1</sup> )	<b>Max. Lot Coverage</b>	<b>Min. Building Setbacks</b> (feet) Front <sup>5</sup> Side <sup>2,4</sup> Rear <sup>2,4</sup>			<b>Height</b> <sup>3</sup> (feet)
<b>Downtown</b>						
<b>D</b>	5.5 FAR	100%	Greater of 0' or 12' from curb	0	0	Min: 30 Max: 65
Church St. Marketplace	<i>Same as Downtown</i>					Min: 30 Max: 38 (see Sec. 4.4.1(d)(4)(B))
<b>Downtown Transition District</b>						
<b>DT</b>		100%	Greater of 0' or 12' from curb	0	0	
A. North of Buell St.	4 FAR	<i>Same as Downtown Transition</i>				Min: 30 Max: 45
B. South side of Main St.	5.5 FAR	<i>Same as Downtown Transition</i>				Min: 30 Max: 65
C. South of Buell St.	4 FAR	<i>Same as Downtown Transition</i>				Min: 30 Max: 45
D. South of Maple St.	2 FAR	<i>Same as Downtown Transition</i>				Min: 30 Max: 35
<b>Downtown Waterfront</b>						
<b>DW</b>		100%	Greater of 0' or 12' from curb	0	0	
A. North of Pearl - East	4 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 45
B. Pearl to Bank - East	4 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 45
C. Pearl to Bank - West	2 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 35
D. Bank to College - East	3 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 35
E. Bank to College - West	2 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 35
F. South of College	2 FAR	<i>Same as Downtown Waterfront</i>				Min: 30 Max: 35
<b>Downtown Waterfront – Public Trust</b>						
A. North of Pearl - West	2 FAR	<i>Same as Downtown Waterfront</i>				Max: 35
B. Lakeshore <sup>4</sup>	2 FAR	<i>Same as Downtown Waterfront</i>				Max: 35
<b>Battery Street Transition</b>						
<b>BST</b>	3 FAR	100%	Greater of 0' or	0	0	Min: 30

		12' from curb		Max: 354
1	Floor area ratio is defined and described in Art 5. Bonuses for additional FAR where available are described in section (d)7 below. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.			17
2	Structures shall be setback along any zoning district boundary property line that abuts a residential zoning district pursuant to the requirements of (d)6 below.			18
3	Minimum building height shall be 30-feet and 3 stories. Measurement of and exceptions to height standards are found in Art 5. Bonuses for additional building height where available are described in section (d)7 below. Any portion of a building over 45-feet in height shall be setback from the front property line pursuant to the requirements of (d)4 below.			18
4	All structures shall be setback a minimum of 50-feet from the shoreline of Lake Champlain unless an encroachment is authorized under (d)5 below.			22
5	All structures shall be setback 12-feet from the curb on a public street except as otherwise allowed by the DRB for development along the following streets: both sides of Center Street; both sides of Pine Street between Cherry and Pearl Streets; the east side of Pine Street between Bank and Main Streets; the west side of Pine Street between College and Main Streets; and South Winooski Avenue between Bank and College Streets. The DRB may order a wider setback in any case under its review if it should determine that the application cannot be approved under applicable criteria without such additional setback.			23

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30 (c) As written.

31 (d) **District Specific Regulations**

32 1. through 5. As written.

33 6. **Residential District Setback**

34 Structures shall be setback a minimum of 15-feet from any zoning district boundary property line that abuts a  
 35 residential zoning district. Lots of record existing as of [date of adoption of this amendment] that are split by  
 36 downtown and residential zones are exempt from this district boundary setback. (Exceptions to yard setback  
 37 requirements can be found in (Sec. 5.2.5(b)).

38 Where a structure, legally existing before 1 January 2011, already encroaches into the required residential  
 39 district setback for the Residential High-Density District (RH), the DRB may permit, subject to design  
 40 review, additions to the pre-existing encroaching structure provided:

- 41 • the addition does not project farther into the residential district setback towards the RH district  
 42 boundary than the pre-existing encroachment. In no event shall the encroachment of the addition be less than  
 43 5 feet from the boundary line; and,
- 44 • the height of any addition does not exceed the height of the pre-existing encroachment or 35-feet  
 45 whichever is less.

46 **Sec. 4.4.2 Neighborhood Mixed Use Districts.**

47 (a) As written.

48 (b) **Dimensional Standards and Density:** The density and intensity of development, dimensions of building  
 49 lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot  
 50 coverage shall be governed by the following standards:

**Table 4.4.2 -1 Dimensional Standards and Density**

Districts	Max. Intensity (floor area ratio <sup>1</sup> )	Max. Lot Coverage	Minimum Building Setbacks (feet)			Height (feet)
			Front <sup>4</sup>	Side <sup>2</sup>	Rear <sup>2</sup>	
NAC	2.0 FAR	80% <sup>5</sup>	0	0	0	Max: 35
NMU	2.0 FAR	80%	0 <sup>6</sup>	0	0 <sup>4</sup>	Min: 20 <sup>3</sup> Max: 35
NAC-Riverside	2.0 FAR	80%	0	0	0	Min: 20 <sup>3</sup> Max: 35

1. Floor area ratio is defined in Art. 13 and described in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
2. Structures shall be setback a minimum of 15-feet along any zoning district boundary property line that abuts a residential zoning district. Lots of record existing as of [date of adoption of this amendment] that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.
3. Minimum building height shall be 20-feet and 2 stories. Measurement of and exceptions to height standards are found in Art 5. Bonuses for additional building height are described in section (d)3 below.
4. All structures shall be setback 12-feet from the curb on a public street.
5. Exceptions to minimum lot coverage are provided in (d)2.
6. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.

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53 **Sec. 4.4.3 Enterprise Districts.**

54 (a) As Written.

55 (b) **Dimensional Standards and Density:** The density and intensity of development, dimensions of building  
 56 lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot  
 57 coverage shall be governed by the following standards:

**Table 4.4.3 -1 Dimensional Standards and Density**

Districts	Max. Intensity (floor area ratio <sup>1</sup> )	Max. Lot Coverage <sup>1</sup>	Minimum Building Setbacks <sup>1</sup> (feet)			Max. Height <sup>1</sup> (feet)
			Front	Side	Rear <sup>3</sup>	
Light Manufacturing	2.0 FAR	80%	5 min	0 <sup>2</sup>	10% <sup>2</sup>	45'
Agricultural Processing and Energy	0.75 FAR	60%	10 min	10 min	10 min	45'

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary property line that abuts a residential zoning district. Lots of record existing as of [date of adoption of this amendment] that are split by enterprise and residential zones are exempt from this district boundary setback.

3 – Percentage of the lot depth.

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62 \* Material stricken out deleted.

63 \*\* Material underlined added.

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67 lb/KS/c: Ordinances 2015/Zoning Amendment – Downtown, Neighborhood Mixed Use & Enterprise Districts Setbacks Abutting a Residential  
68 Zone, ZA #15-04, Sec. 4.4.1, Table 4.4.1-1, 4.4.2 & 4.4.3

69 3/19/15