

# CITY OF BURLINGTON

ORDINANCE  
Sponsor: Planning & Zoning Department,  
Planning Commission

In the Year Two Thousand Eleven

Public Hearing Dates \_\_\_\_\_

First reading: 03/07/11 03/28/11

Referred to: Ordinance Committee

Rules suspended and placed in all stages of passage: 03/28/11

Second reading: \_\_\_\_\_

Action: \_\_\_\_\_

Date: \_\_\_\_\_

Signed by Mayor: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

## An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE --  
Downtown Mixed Use Residential District Setback  
ZA 11-07

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 Sec. 4.4.1 and Table 4.4.1-1 thereof to read as follows:

### Sec. 4.4.1 Downtown Mixed Use Districts

(a) **Purpose:**  
As written.

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

Table 4.4.1-1 Dimensional Standards and Intensity.

As written except as indicated in the footnotes below

- 1 Floor area ratio is defined and described in Art 5. Bonuses for additional FAR where available are described in section (d)67 below. 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 property line that abuts a residential zoning district pursuant to the requirements of (d)6 below.
- 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)67 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)2 4 below.

4 As written

5 As written

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**(c) Permitted and Conditional Uses:**

As written.

**(d) District Specific Regulations**

1. through 5.

As written.

**6. Residential District Setback**

Structures shall be setback a minimum of 15-feet from any property line that abuts a residential zoning district. (Exceptions to yard setback requirements can be found in (Sec. 5.2.5 (b))

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

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

**67. Development Bonuses/Additional Allowances**

As written.

\* Material stricken out deleted.

\*\* Material underlined added.