

CITY OF BURLINGTON

ORDINANCE
Sponsor: Planning & Zoning Department,
Planning Commission

In the Year Two Thousand Eleven

Public Hearing Dates _____

First reading: 08/08/11

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—
Retaining Walls
ZA #11-10

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 5.2.5, 6.2.2 and Article 13, Definitions to read as follows:

Sec. 5.2.5 Setbacks

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

(a) Setbacks Required: As written.

(b) Exceptions to Yard Setbacks Requirements:

1. Abutting Building with Doors or Windows. As written.
2. Building and Site Features. Eaves, sills, roof overhangs, cornices, steps to first floor entries, walkways, ramps for the disabled, fences, walls, and similar building and site features may project into a required yard setback.
3. Historic Building Features. As written.
4. Accessory Structures and Parking Areas. As written.
5. Swimming Pools. As written.

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6. Shared Driveways. As written.

7. Retaining Walls. Retaining walls no greater than 5' tall may project into a required yard setback, but retaining walls should be set back a minimum of 2' from a side or rear property boundary. Retaining walls projecting into a required side or rear yard setback that exceed 5' in height and/or come within 2' of a side or rear property boundary shall be subject to Development Review Board review per Article 6. These provisions shall not apply to retaining walls acting as seawalls and constructed along, and parallel to, the banks of any river, stream, or brook or constructed below the 102' elevation along the Lake Champlain shoreline.

Sec. 6.2.2, Review Standards

(a) through (l) As written.

(m) Landscaping and Fences and Retaining Walls:

1. Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the uses and buildings on the site. These include but are not limited to stormwater retention and erosion control, winter windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and creating privacy for and from adjacent property.

2. Existing trees shall be retained and incorporated into a landscape plan to the extent possible, and existing trees to be retained shall be protected during construction in accordance with specifications provided by the city arborist. Contiguous green space, both within the site and with adjacent properties, should be provided on a site whenever possible and be designed to provide wildlife travel corridors and habitat preservation, as well as enabling recreational access. If open space is intended to be publicly accessible, it shall be designed to maximize accessibility for all individuals including the disabled,

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encourage social interaction, and facilitate ease of maintenance. Along the street edge, landscaping shall be used to provide a visual buffer into parking areas from the public street and reinforce the streetscape.

3. The selection of plant materials and planting sites should create a sustainable landscape, and consideration shall be given to factors such as hardiness, salt tolerance, disease resistance, invasiveness, root and canopy spread, underground and overhead utilities, soil conditions, and microclimates. The use of native plant materials is encouraged, and the use of plants considered invasive by VT Agency of Agriculture shall be prohibited. For more information on sustainable landscapes, applicants are encouraged to consult *Planting Sustainable Landscapes: A Guide for Plan Reviewers* prepared for the Vermont Department of Forests Parks and Recreation by the Vermont Chapter of the American Society of Landscape Architects.

4. New or replacement street trees shall be provided consistent with the city's Street Tree Master Plan. All proposed street trees shall be selected and planted in accordance with specifications provided by the city arborist.

5. Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle along driveways and at intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles. Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

6. Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to

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neighboring properties. As with fences, retaining wall styles, materials, and dimensions shall be compatible with the context of the neighborhood and use of the property.

(n) through (p) As written.

Article 13, Definitions

Retaining wall: A wall or terraced combination of walls used at a grade change to hold soil and other earth material at a higher elevation.

Seawall: A wall of stone, concrete, or other sturdy material, built along the banks or shoreline of any river, stream, brook, or lake to prevent erosion.

* Material stricken out deleted.

** Material underlined added.