

ZONING ARTICLES

ARTICLE NUMBER - XX

ARTICLE NAME – “Setback” Clarification

AMOUNT - \$0.00

To see if the Town will vote to amend Burlington Zoning Bylaws Article II: Definitions by adding a new definition “Setback” and amend Article V: Dimensional Requirements, Section 6.1.2 “Non-Conforming Structures and Premises” Section 10.1.0 “Additional Regulations for Home Occupations” and Section 11.6.4 “Minimal Dimensional Requirements” as follows (where **underline and bold** is new and ~~striketrough~~ is removed):

ARTICLE II: DEFINITIONS

2.19

Setback

The minimum distance by which any building or structure must be separated from a lot line.

ARTICLE V: DIMENSIONAL REQUIREMENTS

5.1.3 Limitation of Area of Accessory Uses

5.1.3.3 In RO districts, no accessory use or uses shall occupy part of the required front or side yards **setback** and not more than twenty (20) percent of the rear yard, other than required off-street parking.

5.1.3.4 In all districts except RO, no accessory use shall occupy any part of the required minimum yard **setback** adjacent to RO and RG districts.

5.1.4 Density Requirements for Religious and Educational Uses and Child Care Facilities

In RO and RG districts, churches or educational uses and their related facilities shall be subject only to: the required front, side and rear minimum yards **setback** and minimum lot frontage as required in RO districts; to a twenty-five (25) percent maximum aggregate building to ground area percentage; to the parking regulations as provided in Article VII; and to Site Plan approval as provided by Sections 9.3.0 through 9.3.6.

SECTION 5.2.0 DENSITY REGULATION SCHEDULE:

No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered except in conformance with the Density Regulation Schedule, as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear setbacks, and maximum height of structures except as may otherwise be provided elsewhere herein.⁴

	RO	RC	RC	BN	BL	BG	BT	IG	I	IR	MCMOD	MIX
Minimum Lot Area ⁹	20,000 sf	120,000 sf	100,000 sf	5,000 sf	10,000 sf	10,000 sf	10,000 sf	40,000 sf	120,000 sf	18 Acres	None	SEE ARTICLE XIV
Minimum Lot Frontage	100 ft	100 ft	100 ft	50 ft	100 ft	100 ft	100 ft	150 ft	100 ft	400 ft	None	
Minimum Front Yard <u>Setback</u>	25 ft	50 ft	25 ft	10 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	25 ft ⁵	25 ft ⁵	100 ft	25 ft	
Minimum Side Yard <u>Setback</u>	15 ft	50 ft	25 ft	10 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	100 ft	15 ft	
Minimum Rear Yard <u>Setback</u>	15 ft	50 ft	25 ft	10 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	15 ft ⁵	100 ft	15 ft	
Minimum Lot Width	20 ft	20 ft	20 ft	N/A	N/A	N/A	N/A	N/A	N/A	N/A	None	
Minimum Yard Adjoining RO & RG, OS and Residentially Zoned Land in Contiguous Municipalities ¹⁰	None	50 ft	50 ft depth of lot	20% depth of lot ⁶	20% depth of lot ⁶	20% depth of lot ⁶	20% depth of lot ⁶	20% depth of lot ⁶	100 ft depth of lot	20% depth of lot ⁶	None	
Maximum Aggregate Building-to-Ground Area Percentage	None	25%	25%	33 1/3%	33 1/3%	33 1/3%	33 1/3%	25%	25%	25%		
Maximum Building & Structure Height ¹¹	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft ⁸	30 ft ⁷	30 ft ⁸	35 ft ¹³	
								80 ft ⁸	90 ft ^{7,12}	80 ft ⁸		
Minimum Feet Between Buildings	None	50 ft	20 ft	None	None	None	None	None	50 ft	None	None	
Maximum Floor Area Ratio (FAR)	None	None	None	None	None	None	None	.15 ^{2,3}	.15 ^{2,3}	None	None	

See notes for Density Regulation Table immediately following

NOTES FOR DENSITY REGULATION TABLE

- 1 but not less than required by the State Building Code
- 2 Except that the Planning Board pursuant to a "Site Plan" or "Special Permit" as described in Section 9.2.0 and 9.3.0 of Article IX, may permit the Maximum Floor Area Ratio (FAR) to increase to .25 if such application or applications meets the performance criteria specified in Section 5.1.5.1 of Article V and further may permit the Maximum Floor Area Ratio (FAR) to increase to .50 if such application or applications meets the performance criteria specified in Section 5.1.5.2 of Article V.
- 3 The Net Floor Area of any structure or building in which a child care facility is to be operated as an accessory or incidental use shall be excluded from the Maximum Floor Area Ratio (FAR) calculation, such that the otherwise allowable FAR of such structure or building shall be increased by an amount equal to the floor area of such child care facility up to a maximum increase of ten (10%) percent. All terms and conditions of M.G.L. Chapter 40A, Section 9 (C) shall apply.
- 4 Reference Section 8.5.5 for additional criteria applicable to the CC and CBD Districts.
- 5 Unless its outside walls are of fireproof construction and any openings in such walls are protected by a suitable fire resistive door or shutter or water curtain device, subject to the approval of the Inspector of Buildings. There shall extend across the rear of every building or structure an open area at least 10 feet wide for firefighting purposes.
- 6 20% of the average depth of the lot measured perpendicularly from the common lot boundary line but not less than 10 feet and not more than 100 feet. Not less than 75% shall be landscaped or, if wooded, left in a natural state. Screening may be placed on the remaining 25%.
- 7 Within 200 feet of RO or RG 30 feet; for each 100 feet in excess of 200 feet from RO or RG 15 additional feet, with a maximum of 90 feet, except that no structure located within 1,800 feet of the center point of the intersection of Cambridge Street and Route 128 shall exceed 80 feet in height.
- 8 Same as I except maximum equals 80 feet.
- 9 Land use principally for a coordinated, integrated retail or industrial use (for example, a shopping center or an industrial park) shall be deemed to be one lot for density regulation and parking purposes notwithstanding that legal ownership in the land is divided, by lease, in fee or otherwise, among two or more owners.
- 10 For any proposed use in the Business or Industrial Districts on property that is adjacent to an Open Space or primarily residential Planned Development District, which requires a special permit as set forth in the Principal Use Regulation Schedule, the Planning Board may require a greater setback (in feet) than is set forth in this Density Regulation Schedule. If the useable square feet of residential space plus the useable square feet of any amenities useable by occupants of the residential component are equal to or more than the useable square feet of non-residential space, then the entire development shall be considered "primarily residential"
- 11 Within 50 feet of OS 30 feet.
- 12 Within 400 feet of an RO or RG use or residentially-zoned land in a contiguous municipality, Structured Parking directly under the finished floor area of a building to a maximum of one level of parking use above the average finished grade around the building can be excluded when calculating structure height.

Beyond 400 feet of an RO or RG use or residentially-zoned land in a contiguous municipality, Structured Parking directly under the finished floor area of a building to a maximum of two levels of parking use above the average finished grade around the building can be excluded when calculating structure height.

The equivalent footprint of the parking footprint under the finished floor area of a building shall be set aside as green space unless, through a finding by the Planning Board pursuant to a "Site Plan" or "Special Permit" as described in Section 9.2.0 and 9.3.0 of Article IX, they determine an alternative public benefit.
- 13 Reference Section 8.6.0 for additional criteria applicable to the MCMOD District.

SECTION 6.1.2 NON-CONFORMING STRUCTURES AND PREMISES

6.1.2 Nonconforming Structures and Premises.

6.1.2.1 The Planning Board may issue a special permit to allow for the reconstruction, extension, or alteration, of a nonconforming structure or premises in accordance with this section only if it determines that such reconstruction, extension or alteration is not substantially more detrimental than the existing nonconforming structure to the premises, neighborhood and environment. The following including but not limited to types of changes to nonconforming structures may be considered by the Planning Board:

1. Reconstruction, extension or structural change of a nonconforming structure, including an increase to existing nonconformity, which does not create a new nonconformity. Each side yard setback shall be considered separately in the determination of the nature of the nonconformity.
2. Extension of an exterior wall at or along the same nonconforming distance within a required yard **setback**.

SECTION 10.1.0 ADDITIONAL REGULATIONS FOR HOME OCCUPATIONS

An occupation conducted in a dwelling unit, provided that:

- (d) No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and ~~other than in a required front yard~~ **outside of the required front yard setback**.

SECTION 11.6.0 OPEN SPACE RESIDENTIAL DEVELOPMENT

11.6.4 Minimum Dimensional Requirements

- (c) Every single family detached dwelling is placed upon a lot with the height, frontage, side and rear yard **setback** requirements in accordance with the requirements of Table 11.6.8. ~~Dimensional Requirements Open Space Residential.~~ **Open Space Residential Dimensional Requirements.**

, or to act in any other manner in relation thereto.

Submitted by the Planning Board

Requested by the Zoning Bylaw Review Committee