Burlington Planning Commission
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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member

Burlington Planning Commission

Tuesday, July 11, 2017, 6:30 P.M.

Conference Room 12, City Hall, 149 Church Street

AGENDA

Note: times given are approximate unless otherwise noted.

I. Agenda

II. Public Forum- Time Certain 6:30 p.m.

III. Report of the Chair

IV. Report of the Director

V. Annual Organizational Meeting *(10 min)*

The Planning Commission will elect officers and appoint members to its committees to serve for the 2018 Fiscal Year:

- Election of Officers: Chair & Vice-Chair
- Election of Executive Committee At-Large Member
- Appointment of Commission Clerk
- Appointment of Committees
  - Long Range Planning Committee:
    - One member of the Executive Committee, Two At-Large Members
    - One member of DRB
    - One member of Conservation Board
  - Ordinance Committee:
    - One member of the Executive Committee, Two At-Large Members
    - Two additional members from the DRB, DAB, or CB

VI. Proposed ZA-18-01 planBTV Downtown Code *(45-60 min)*

At its meeting on June 19, the joint City Council and Planning Commission form-based code committee voted to refer the final draft *planBTV Downtown Code* to the Planning Commission. Staff will present the code to the Planning Commission; the Commission is requested to warn the proposed amendment for public hearing and continue discussion during subsequent meetings. Information related to this amendment are included in the agenda packet on page 3.

- The full draft of *planBTV Downtown Code* can be found here: https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/ZA-18-01-planBTV%20Downtown%20Code_part1.pdf
- Additional ordinance modifications relating to the proposed ZA-18-01 can be found here: https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/ZA-18-01-planBTV%20Downtown%20Code_part2.pdf

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VII. Committee Reports

VIII. Commissioner Items- *Next meeting is Tuesday, July 25, 2017 @ 6:30 pm in Conference Room 12*

IX. Minutes & Communications

The Commission will review and approve the minutes of the June 13, 2017 meeting, enclosed on pages 4-7 of the agenda packet.

X. Adjourn

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Burlington Planning Commission Report
Municipal Bylaw Amendment
DRAFT
ZA-18-01 planBTV: Downtown Code

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to establish a new Article 14 – planBTV: Downtown Code that will regulate all development in the Downtown and Waterfront District emphasizing the intended physical form, character of place, and compatibility of uses. This amendment replaces all existing regulations pertaining to development in the Downtown, Downtown Waterfront, Downtown Transition, and Battery Street Transition zoning districts

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

In 2013, the City of Burlington completed a comprehensive downtown and waterfront master plan called *planBTV: Downtown and Waterfront Master Plan*, which was unanimously supported and adopted by the City Council and adopted as part of the City's Municipal Development Plan. The *planBTV: Downtown and Waterfront Master Plan* includes a cohesive vision that emerged from a planning process grounded in real-world present-day context. This vision for the future of the downtown and waterfront joins other major City policy documents such as the 2014 Climate Action Plan to ensure a "Sustainable Burlington" for the benefit of this generation and those that follow.

The proposed amendment completes one of the most important implementation tools identified in the *planBTV: Downtown and Waterfront Master Plan* - the development of a new form-based code for the Downtown and Waterfront area. This is seen as a critical tool with which to facilitiate infill, allow for a more diverse range of building types, and create a more predictable and transparent public approvals process for new and future development within the city's core.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed amendment directly advances the goals and policies contained within the Municipal Developent Plan as it relates to future land uses, character of place, and development mass and scale.

Implementation of specific proposals for planned community facilities:

The proposed amendment has no impact on the implementation of any specific proposal for planned community facilities.

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Burlington Planning Commission

Tuesday, June 13, 2017, 6:30 P.M.

Conference Room 12, City Hall, 149 Church Street

DRAFT Minutes

Note: times given are approximate unless otherwise noted.

Commissioners Present: B Baker, H Roen, E Lee, A Friend
Commissioners Absent: A Montroll, J Wallace-Brodeur, Y Bradley, E Dunn
Staff Present: S. Gustin, M Tuttle, D White, A Wade

I. Agenda

B Baker: Called the meeting to order at 6:30 pm.

M Tuttle: Staff addition to reapprove two statutory reports for ZA-17-08 and ZA-17-13 after Item VIII.

II. Public Forum

Michael Monte: CHT submitted a request for a zoning change for the St Joseph's School. Property is currently within two zones. Requesting rezoning to NMU to be consistent with the use of the property and for more clear guidance on what can be done on site.

B Baker: Staff to provide guidance on this request to the whole commission.

III. Report of the Chair

No report.

IV. Report of the Director

D White: Form-based code, Great Streets, many development projects continue to advance.

M Tuttle: Introduced Anita Wade as new secretary to the Commission.

V. DRAFT Planning Commission Annual Report FY 2017

M Tuttle: Report was shared with chair and discussed at last Executive Committee. Report reviews this year's activities, including zoning amendments reviewed and adopted, and participation of members on committees. Requesting the Commission approve the report to send to City Council for the chair's presentation.

E Lee: Report says 45 meetings, but attendance shows fewer.

M Tuttle: 45 includes all committees and other working groups. Attendance record is only for regularly scheduled Commission meetings.

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to approve the report and forward to Council.

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VI. Regional Energy Plan Comments

M Tuttle: Provided a memo with the LRPC and BED & P&Z staff comments in response to a CCRPC memo regarding Regional Energy Plan Data Guides. The memo included projections on current and future energy demand for Burlington, and pathways to comply with state energy plan. LRPC advised not able to comment on preferred sites until policy decisions about siting are made by the CCRPC Board and additional public input, perhaps through the MDP update. Additionally, provide feedback on the methodology used to allocate demand to municipalities so that it more accurate reflects each municipality' generation.

D White: CCRPC is looking for host communities to provide input on this draft.

H Roen: State's intent with this process is a good goal, but when it comes to a decision on where to place resources, Burlington doesn't have the land base in relation to its population. Agree with intent of the law, but not sure how to reach those goals.

M Tuttle: Likewise, Burlington Electric provided data from a recent integrated report, and shared that they felt the low range targets could be achievable.

H Roen: Want to make sure efforts on district heat are taken into account.

M Tuttle: Targets include electric, thermal, and transportation sectors, so that can be taken into account for the thermal sector. Request Planning Commission approval of this memo to send to the CCRPC to consider in updating the Regional Energy Plan.

B Baker: Commission is in favor of communicating this memo to the CCRPC.

VII. Proposed CDO Amendment: Replacement Mobile Home

S Gustin: Correction to clarify a recent amendment regarding mobile home parks. Parks are intended to go through conditional use review, but replacing one mobile home with new one or fixing a porch was not the intent and does not have to be conditional use.

The Commission unanimously approved a motion by E Lee, seconded by A Friend, to approve the municipal bylaw amendment report and warn the amendment for public hearing.

VIII. Proposed CDO Amendments: Retaining Walls

S Gustin: A 2011 amendment that expired, establishes standards for retaining walls and their encroachment into setbacks. DRB will review walls within 2ft of property line or more than 5ft tall. DPW suggested the 2' setback for maintenance and requiring a survey. CDO does not require a survey in any other scenario.

H Roen: What is the reason for recommending survey?

S Gustin: To ensure it is being placed on the property.

D White: And to ensure its not in the public right of way.

E Lee: For small projects, a survey requirement could jeopardize a project. Could be better for larger walls, but don't want to discourage owners from improving their property.

B Baker: Survey could uncover other lot conditions that result in violations.

D White: Not sure survey requirement should be exclusive to this situation. If the Commission feels it should be required, should consider the broad range of improvements that should require one.

H Roen: What about material of retaining walls?

S Gustin: Article 6 includes design standards, including materials.

D White: And DPW involved, to ensure the material is safe for the purpose.

E Lee: Should this be the role of the fence viewer?

S Gustin: Fence viewer has no authority. Amendment says if it is closer than 2 ft to property line or taller than 5ft, it goes before DRB. Otherwise administrative approval.

A Friend: What about front yard setbacks?

S Gustin: Suggest removing "side and rear" from the encroachment language to include all yard setbacks.

E Lee: Feel like the language in this amendment could have provided a tool for the DRB when the apartments on Pearl Street were built with the large retaining wall blocking the view from the homes on Union Street.

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to approve the municipal bylaw amendment report, and warn the amendment, including the change to eliminate references to 2' setback on side and rear property lines, for public hearing.

IX. Municipal Bylaw Amendment Report: ZA-17-08

M Tuttle: Council Ordinance Committee added "on and off site" production to the retail bakery definition, and changed CU to N for bakeries in the RCA-A zone. Changes require the amendment be sent back to the Commission to review, opportunity to comment, and reapprove the municipal bylaw amendment report. Revised report at seat.

H Roen: Would this permit a Dunkin Donuts in the Enterprise Zone?

M Tuttle: There are some examples of bakeries in the Enterprise Zone, but produce on-site. If the definition was changed to remove the off-site production allowance, would affect all bakeries in the City.

E Lee: Production uses in the Enterprise Zone produce on-site. Bakery inherently seems like a place where production happens on-site. If food is being produced at another location, does it fit in another land use category? Don't agree with the additional language Council added to this definition.

The Commission approved the updated municipal bylaw amendment report, and asked that the feedback about the language regarding off-site production for bakeries be communicated to Council.

X. Municipal Bylaw Amendment Report: ZA-17-13

M Tuttle: Change simply incorporates the rest of the table regarding lighting that was not included.

D White: Staff has no recommended changes to the report.

The Commission made no changes to the municipal bylaw amendment report.

XI. Permit Reform Study – Historic Buildings

D White: Provided an overview of the Permit Reform process recommendations regarding historic buildings. Recommendations start with the question of how we determine what is historic or eligible, how to more clearly communicate it to applicants, and who has the authority to make those determinations.

E Lee: Can you elaborate on the state register?

D White: Have historic resources on state and/or federal register. Anyone can go to the state to request to be listed or delisted. Use the Secretary of the Interior's standards for eligibility, which include age, but are more about contributing character and whether it is intact. Currently all responsibility for listing in Burlington is with the State. Other recommendations include more clear process for what can be added; design standards for districts; an up-to-date inventory; and a plan and best practices regarding local designation; ad hoc committee to review claims of economic hardship; how to reduce regulations so that owning an historic asset is seen as a positive; and whether there are incentives that can be provided to owners of historic properties.

B Baker: Feel this would be helpful because currently sees disagreement between staff and DRB on some criteria in current ordinance. Overtime, there have been changes to how preservation is viewed.

D White: Guidelines can evolve, some need to be part of a package of the CDO.

E Lee: Need more flexibility for modern materials that look the same as historic materials but provide energy or maintenance efficiencies. Seems that moving these recommendations forward will address some of the problems that currently make some owners unhappy with owning an historic property.

D White: Will need to work together on this. The first step is inventory, which is time consuming, and second identifying regulatory pieces. There may be some short term fixes while considering long term planning, so we can do both in conjunction. Next step will be to send this on to City Council.

H Roen: The regulatory issues are critical issues to address.

E Lee: Vinyl windows are a big issue, but requiring them to be removed is wasteful in the useful life of the windows. Is there a way to create a permit that would require them to be phased out, perhaps requiring a remedy in 10 years? Could help provide a practical solution for people to try to meet their obligations.

B Baker: Sounds like an opportunity for responsible and humane enforcement.

XII. Committee Reports

A Friend: Ordinance Committee discussed zoning of Majestic site and whether or not to consider rezoning, and the Retaining Wall and Mobile Home amendments discussed tonight.

H Roen: Long Range Committee met to talk about the memo on the Regional Energy Plan.

XIII. Commissioner Items

No items.

XIV. Minutes & Communications

The Commission unanimously approved a motion by A Friend, seconded by H Roen, to approve the minutes from the May 23, 2017 meeting and to accept communications.

XV. Adjourn

The Commission unanimously approved a motion by H Roen, seconded by A Friend, to adjourn the meeting at 8:04 pm.

DRAFT

ARTICLE 3: APPLICATIONS, PERMITS, AND PROJECT REVIEWS

PART 2: APPLICATIONS AND PERMITS

Sec. 3.2.1 Pre-Application Conferences

Applicants for all types of development are encouraged to discuss their proposals with the administrative officer prior to the submission of an application in order to provide the applicant with constructive suggestions prior to the submission, and to generally determine the information and review process that will be required for the issuance of a permit.

(a) Administrative Conference:

An Administrative Pre-Application Conference shall be required for all projects that will require review under the planBTV; Downtown Code (Art. 14), Major Impact (Art 3, Part 5) and/or Planned Development (Art. 11) provisions of this ordinance. This requirement may be waived by the administrative officer if the determination is that the project's potential impact is insignificant. For all other applications, an Administrative Pre-Application Conference may be scheduled at the request of the applicant.

(b) – (d) *as written*

Sec. 3.2.2 Application Types and Submission Requirements

Depending on the scale, complexity, and location of the zoning request, and the applicable review process, different types of applications are necessary with respect to the implementation of this ordinance. Requirements for all applications subject to the planBTV: Downtown Code can be found under Sec. 14.7.1.

(a) – (d) *as written*

(e) Certificate of Appropriateness (COA) Level III Application:

A COA Level III Application is required for all land subdivisions (including lot line adjustments and mergers) and planned developments. Submission requirements include the materials required for a COA Level II Application submission or the planBTV: Downtown Code under Sec. 14.7.1 as well as additional requirements as specified in Article 10 - Subdivision and Article 11 – Planned Development as applicable.

The issuance of a zoning permit pursuant to Sec 3.2.9 for a COA Level III Application requires review and approval by the DRB pursuant to Sec. 3.2.8, or by the administrative officer pursuant to Sec. 3.2.7, based on conformance with the applicable district use and dimensional standards found in Art 4, parking

requirements found in Art. 8, and the applicable Land Division, Site Plan Review and Architectural Review development standards found in Art. 6 or the planBTV; Downtown Code Sec. 14.7.1 as applicable. Review of the proposal may also be required by the design advisory board and or/ the conservation board, which provides an advisory report to the DRB.

Depending on the nature, location, type, use, and/or size of the proposed development, the issuance of a zoning permit may also be subject to additional application, review and submission requirements pursuant to Articles 3, 4, and 5.

Sec. 3.2.3 Modification of Submission Requirements

Depending on the location, type, use, and/or size of the proposed development, the issuance of a zoning permit may be subject to one or more of the following review processes which may impose additional submission requirements in order to review the proposal's conformance with the applicable review criteria:

- Site Plan Review - Article 3, Part 4 and Article 6;
- Design Review – Article 3, Part 4 and Article 6;
- Conditional Use and Major Impact Review- Article 3, Part 5;
- Special Uses – Article 5, Part 3;
- Signs – Article 7;
- Subdivision Review - Article 10; ~~and,~~
- Planned Development Review - Article 11; and,
- the planBTV; Downtown Code - Article 14.

The administrative officer may allow the modification of the application and submission requirements listed in Section 3.2.2, including combining existing and proposed information on the same site plan, provided that any modification enables adequate review of the zoning request.

Either the DRB or the administrative officer may require the submission of additional information when deemed necessary to make a decision on the zoning request in a timely manner. Such additional information may include but is not limited to the following:

1. A massing model or computer simulation, prepared to scale, illustrating the proposed structure(s) within its context of the terrain and surrounding buildings;
2. Site and building sections;
3. Evidence and documentation of existing or suspected environmental contamination including but not limited to environmental assessments, corrective action plans, and deed restrictions;
4. Materials specifications;

5. Floor plans (to assist in determining fees and parking requirements);
6. Shadow impact diagrams based on the spring or fall equinox;
7. Plans for outdoor seating and related amenities that encroach upon or materially impact the public right of way;
8. Phasing schedule;
9. Traffic impact and parking analysis; and/or
10. Streetscape elevations.

Sec. 3.2.4-6 as written

Sec. 3.2.7 Administrative Review and Approval

Pursuant to the provisions of 24 V.S.A. Section 4464(c), this section provides for the administrative review and approval of new development and amendments to previously approved development

(a) Administrative Authority:

The administrative officer is hereby authorized to undertake the review and approval of those applicable applications subject to the planBTV; Downtown Code under Sec. 14.7.1 e) i and all of the following types of applications:

1. Basic;
2. Awning;
3. Fence;
4. Sign;
5. COA Level I; and,
6. Lot Line Adjustment.

In addition, the administrative officer is hereby authorized to undertake the review and approval of certain COA Level II applications subject to the following thresholds and conditions:

7. Granting of parking waivers for up to ten spaces in the NMU zones where there is a change of use from one non-residential use to another wholly within an existing building;
8. Waivers for residential parking in tandem situations where there is one space behind one other, usually in a driveway;
9. Additions to single family houses in a design control district located 200-feet or more from the lakeshore and that are 50% or less of the existing gross floor area of the principal structure;

10. Simple renovations in design control districts such as door and window changes, re-siding, re-roofing, enclosing porches, adding a shed or garage, and additions no greater than 500 square feet in size that otherwise comply with all applicable dimensional standards of Art. 4 and the development review criteria of Art. 6;

11. Compliance with conditions of approval as specified in a written decision of the DRB; and,

12. Minor amendments to development applications previously approved by the DRB where the proposed amendment otherwise qualifies for administrative review as a COA Level I application or under the planBTV; Downtown Code under Sec. 14.7.1e)i and will not substantively alter any findings of fact or DRB decision and related conditions of approval.

PART 4: SITE PLAN AND DESIGN REVIEW

Sec. 3.4.2 Applicability

(a) Site Plan Review:

Site Plan Review shall be required for the approval of all development subject to the provisions of this ordinance with the exception of single-family dwellings not otherwise subject to the requirements of Design Review.

(b) Design Review:

Design Review shall be required for the approval of all development subject to the provisions of this ordinance within the Design Review Overlay District as defined in Article 4, Sec. 4.5.1, and any of the following:

1. Any development subject to the provisions of Article 3, Part 5 – Conditional Use and Major Impact Review;

2. Any development subject to the provisions of Article 5, Part 3 – Non-Conformities;

3. Any development subject to the provisions of Article 5, Part 4 – Special Use Regulations;

4. Any development subject to the provisions of Sec. 7.1.6 Non-Conforming Signs and Article 7, Part 3 Sign Plans;

5. Any development subject to the provisions of Article 10 – Subdivision;

6. Any development subject to the provisions of Article 11 – Planned Development; and,

7. Any development made subject to the provisions of this Part by direct reference not otherwise noted here.

All applications subject to the planBTV; Downtown Code under Art. 14 shall be exempt from review under this section, and the development review principles and standards contained in Article 6 - Development Review Standards, and instead shall be subject to the requirements of Article 14.

PART 5. CONDITIONAL USE AND MAJOR IMPACT REVIEW

Sec. 3.5.2 Applicability

(b) Major Impact Review:

Major Impact Review shall be required for the approval of all development involving any one or more of the following:

	Zoning Districts				
	Downtown Mixed Use and Form Districts	**Neighborhood Mixed Use, Institutional, Enterprise,**	**Residential-Medium Density, Residential – High Density**	**Residential-Low Density**	**RCO-A, RCO-C, RCO-RG, UR**
Dwelling Units	Creation of fifty (50) or more dwelling units	Creation of twenty-five (25) or more dwelling units	Creation of ten (10) or more dwelling units	Creation of five (5) or more dwelling units	NA
Land Subdivision	NA	NA	Creation of ten (10) or more lots;	Creation of five (5) or more lots	NA
Non-residential or Mixed Use Development	A developmen t footprint[1] of fifty thousand (50,000) s.f. or more, or the creation of one hundred thousand (100,000) s.f. or more	A development footprint[1] of twenty thousand (20,000) s.f. or more, or the creation of forty thousand (40,000) s.f. or more of gross floor area.	A development footprint[1] of eight thousand (8,000) s.f. or more, or the creation of fifteen thousand (15,000) s.f. or	A developmen t footprint[1] of five thousand (5,000) s.f. or more, or the creation of ten thousand (10,000) s.f. or more of	Creation of five thousand (5,000) s.f. or more of gross floor area[2]

	of gross floor area.		more of gross floor area.	gross floor area.	

[1] Development Footprint: total area of impervious coverage – buildings and parking.

[2] Farm structures are exempt per 10 VSA 6001.

In addition, Major Impact Review shall also be required for multiple projects undertaken by the same applicant or responsible party within any consecutive twelve (12) month period on the same or adjacent property that in the aggregate equal or exceed the above criteria.

ARTICLE 4: ZONING MAPS AND DISTRICTS

PART 3: ZONING DISTRICTS ESTABLISHED

Sec. 4.3.1 Base Districts Established:

The following zoning districts are hereby established as illustrated in Map 4.3.1-1 and further described in Part 4 below.

(a) A series of ~~five~~ three (3~~5~~) **Downtown Mixed Use** districts: *(see Sec. 4.4.1 and Art. 14)*~~Downtown (D);~~

~~Downtown Transition (DT);~~

~~Downtown Waterfront (DW);~~

- FD6 – Downtown Core *(Art. 14)*
- FD5 - Downtown Center *(Art. 14)*; and,
- Downtown Waterfront –Public Trust (DW-PT)~~; and,~~
- ~~Battery Street Transition (BST);~~

(b) – (g) as written

Sec. 4.3.2 Overlay Districts Established:

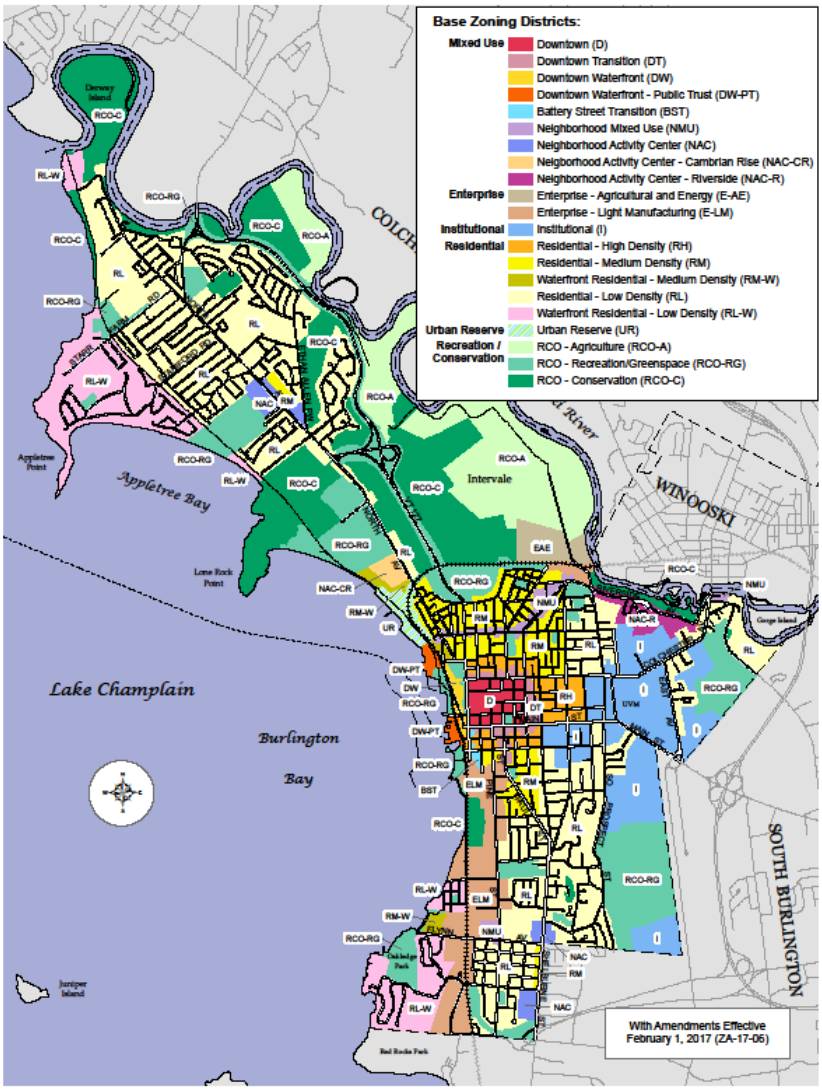
Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. Properties within an Overlay District may be used and developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in Part 5 below:

(a) – (e) as written

(f) A **Mouth of the River Overlay (MOR)** district; and,

(g) A **Centennial Woods Overlay (CWO)** district; ~~and,~~

~~**(h)** A **Downtown Mixed Use Core (DMUC)** district.~~



Map 4.3.1-1 Base Zoning Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

Commented [DEW1]: Map needs to be updated

Sec. 4.4.1 Downtown Mixed Use Districts

(a) Purpose:

The Downtown Mixed Use districts are intended to provide for a diverse and vibrant mixture of commercial and residential development within Burlington's most highly developed and dynamic urban core. A broad range of uses that support a balance between residential and non-residential uses are encouraged reflecting Burlington's role as a regional urban center for commerce, culture, and government. Residential uses are encouraged on upper floors, but are intended to be secondary to non-residential uses and shall not be allowed to define or dominate the overall development objectives and standards for the district. Residential development must be cognizant of nearby non-residential uses in their design and construction, so as to minimize disturbance to residents from non-residential uses. Active uses are to be provided at street-level in order to create an active and interesting streetscape for pedestrians and enhance the vitality of the downtown area.

Development is intended to be intense with high lot coverage and large tall buildings placed close together. Development should complement the historic development pattern, and sensitive transitions should be provided where there is great difference in scale between the old and new. Development should be pedestrian-oriented with buildings oriented to the sidewalk with a strong emphasis on creating a safe and inviting streetscape. Buildings shall be designed with a high level of architectural detailing to help maintain a sense of scale so that they provide visual interest and create enjoyable, human-scale spaces. Parking is intended to be hidden within, behind, or underneath structures, and parked vehicles should not be visible from the street.

The ~~5~~ 3 Downtown Mixed Use districts as illustrated in Map 4.4.1-1 are further described as follows:

~~1. The **Downtown** (D) is the primary urban center of Burlington;~~

~~2. The **Downtown Transition District** (DT) is intended to provide a balance and continuity in the character and scale of development on both sides of Main St., Pearl St. and So. Winooski Ave., creating gateways into the urban core of Burlington, and a transition between the Downtown and the nearby residential district.~~

~~For the purposes of regulating building height in such a way as to ensure a transition of building scale between the Downtown and nearby residential areas, the Downtown Transition District is further divided into the following three (3) areas as depicted in Map 4.4.1-1 and subject to the height limits as defined in Table 4.4.1-1 below:~~

~~**A. D-T North:** Properties with frontage on the north side Pearl Street from Battery Street to Winooski Avenue, and along the east side of South Winooski Avenue from Pearl Street to Buell Street;~~

~~**B. D-T Main St. South:** Lots of record as of January 1, 2007 with frontage along the south side of Main St. in that portion of the Downtown Transition District (DT) between Main St. to King St. and from Battery Street to South Winooski Avenue;~~

~~**C. D-T South:** Properties with frontage on the east side of South Winooski Avenue from Buell Street to Main Street, the west side of~~

~~South Union St from Bradley Street to Main Street, both sides of Main St from South Union St. to South Winooski Avenue, both sides of St. Paul Street between Main and Maple Street, and the south side of Main Street from South Union St. to Battery Street not otherwise included in the D-T Main St. South subdistrict above; and,~~

~~**D. D-T Maple South.:** Properties with frontage on both sides of St. Paul Street south of Maple Street to the Enterprise District.~~

~~3. The **Downtown Waterfront District** (DW) is intended to enhance and diversify commercial and residential development in the downtown waterfront area.~~

~~For the purposes of regulating building height in such a way as to provide vistas along Battery Street of harbor activity within the breakwater area, and to preserve panoramic views along public street corridors of the mountains and lake, the Downtown Waterfront District is further divided into the following areas as depicted in Map 4.4.1-1, and subject to the height limits as defined in Table 4.4.1-1 below:~~

~~A. **North of Pearl:** Properties north of the centerline of Pearl Street extended and east of the railroad;~~

~~B. **Pearl-Bank - East:** Properties between the centerline of Pearl Street and Bank Street extended and east of Lake St.;~~

~~C. **Pearl-Bank – West:** Properties between the centerline of Pearl Street and Bank Street extended and west of Lake St.;~~

~~D. **Bank-College – East:** Properties between the centerline of Bank Street extended and College Street and east of Lake St.;~~

~~E. **Bank-College – West:** Properties between the centerline of Bank Street extended and College Street and west of Lake St.; and,~~

~~F. **South of College:** Properties south of College Street.~~

1.Two Form Districts **- FD6 – Downtown Core and FD5 - Downtown Center -** are created pursuant to *Article 14 planBTV: Downtown Code*. The purpose, and all development standards and review procedures regarding development in these areas can be found in that article.

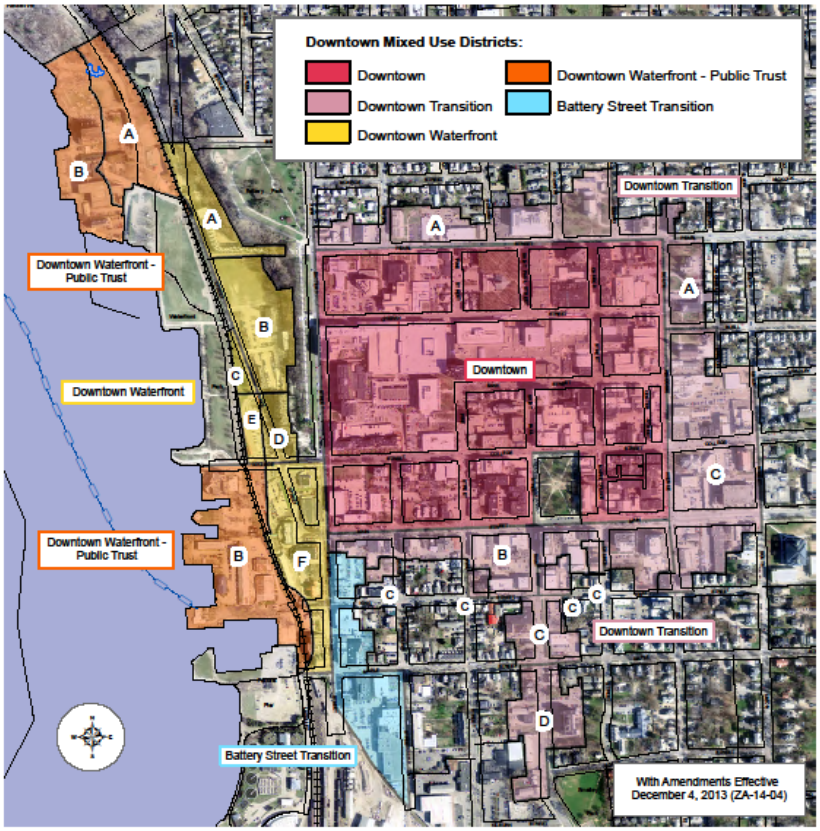
~~4.~~2.The **Downtown Waterfront – Public Trust District** (DW-PT) is intended to enhance and diversify commercial and residential development in the downtown waterfront area, and to increase access, utilization, and enjoyment of the lakeshore by the community. Strong emphasis is placed on enhanced public access to the lakeshore.

For the purposes of regulating building height in such a way as to provide vistas of harbor activity within the breakwater area, and to preserve panoramic views along public street corridors of the mountains and lake, the Downtown Waterfront – Public Trust District is further sub-divided into the following areas as depicted in Map 4.4.1-1, and subject to the height limits as defined in Table 4.4.1-1 below:

A. **North of Pearl:** Properties beyond 200’ of Lake Champlain north of the centerline of Pearl Street extended and west of railroad.

B. **Lakeshore:** Properties within 200' of Lake Champlain and west of the railroad.

~~5. The **Battery Street Transition District** (BS-T) is intended to provide a balance and continuity in the character and scale of development on both sides of Battery Street and provide a transition between the Downtown Waterfront and the nearby residential district.~~



Commented [DEW2]: Map needs to be updated

Map 4.4.1-1 Downtown Mixed Use Districts

(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 Waterfront – Public Trust District ~~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

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

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.

~~2 Structures shall be setback along any zoning district boundary 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)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.~~

~~4~~2 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.

~~5~~3 ~~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.~~

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Downtown Waterfront – Public Trust ~~Mixed Use~~ D~~d~~istrict~~s~~ shall be as defined in Appendix A – Use Table~~.~~

~~Further limitations regarding permitted, or conditionally permitted uses within the Downtown Waterfront – Public Trust District are defined~~ and under (d)(2) below.

(d) District Specific Regulations

1. Use Restrictions

~~The following restrictions regarding the location and overall percentage of residential and nonresidential uses within the Downtown Mixed Use districts shall be as follows:~~

~~A. Ground Floor Residential Uses Restricted:~~

~~In order to maintain an active streetscape for pedestrians and pedestrian oriented businesses and activities, residential uses shall not be permitted on the ground floor of any structure as follows:~~

~~i) in the Downtown (D) and Downtown Waterfront (DW) districts.~~

~~ii) any structure fronting on Pearl, So. Winooski and Main streets in the Downtown Transition (DT) district.~~

~~iii) any structure fronting on Battery Street in the Battery Street Transition (BST) district.~~

~~Historic buildings originally designed and constructed for residential use shall be exempt from these use restrictions.~~

~~2. Public Trust Restrictions:~~

These regulations set forth the permitted uses, identified by the Vermont General Assembly, associated with those parcels within the Downtown Waterfront – Public Trust District (DW-PT), and designated as “filled lands” along the waterfront and which are subject to the public trust doctrine. This district includes all parcels

situated on filled public trust lands on the Burlington waterfront north of the centerline of Maple Street extended as illustrated in Map 4.5.4-1.

It is further the intent of these provisions to ensure that public trust filled lands are available to the public on an open and nondiscriminatory basis.

Uses permitted in the public trust district are limited to those uses specifically authorized by the Vermont General Assembly by legislative act. These regulations are enacted under the provisions of §4411 as amended, Act No. 274 (1988, VT. Adj. Sess.), Act No. 53 (1991), Act No. 87 (1996, VT. Adj. Sess.), ~~and~~ Act No. 22 (1997), and ~~.~~Act No.55 (2017).

A. Permitted Uses: North of Main Street

Only the following uses are permitted within that portion of the Downtown Waterfront – Public Trust District (DW-PT) located north of the centerline of Main Street extended:

(i) Governmental facilities: such as water and sewer plants; Coast Guard and naval facilities; roads that are accessory and transportation facilities accessory to the uses permitted under this section; or existing roads, and similarly sized extensions of those roads, that service the filled public trust lands and immediately adjacent lands;

(ii) Indoor or outdoor parks and recreation uses and facilities including parks and open space, marinas open to the public on a non-discriminatory basis, water dependent uses, boating and related services;

(iii) The arts, educational and cultural activities including theaters and museums;

(iv) Fresh water and other environmental research activities;

(v) Services related and accessory to the uses permitted under subsections (i) through (iv) of this section, including restaurants, snack bars, and retail uses and ancillary parking; only those uses that are subordinate and customarily incidental to the uses listed shall be considered as related and accessory services; and/or

(vi) Railroad, wharfing, and storage uses.

(vii) Publicly Accessible Restrooms. Any structure larger than 1000 sq. ft. in size, other than roads, parking lots, railroad tracks or recreation paths, shall include publicly accessible restrooms with appropriate exterior signs indicating their availability. The DRB may waive this provision if it so determines that adequate publicly accessible restrooms are available within close proximity.

~~(vii)~~(viii) Public Markets

B. Permitted Uses: Maple to Main Street

As written

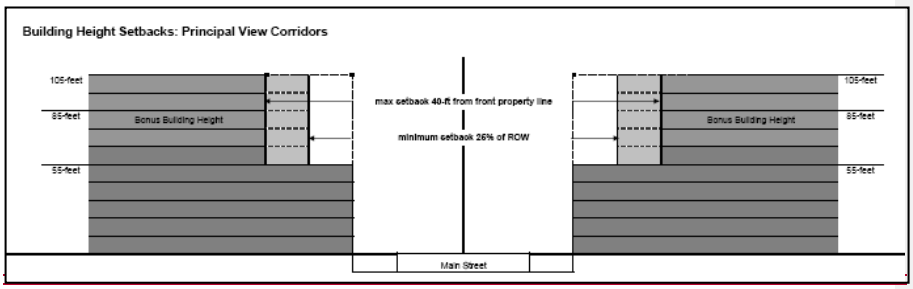
C. *As written*

3. *As written*

~~4. Building Height Setbacks~~

~~A. Principal View Corridors:~~

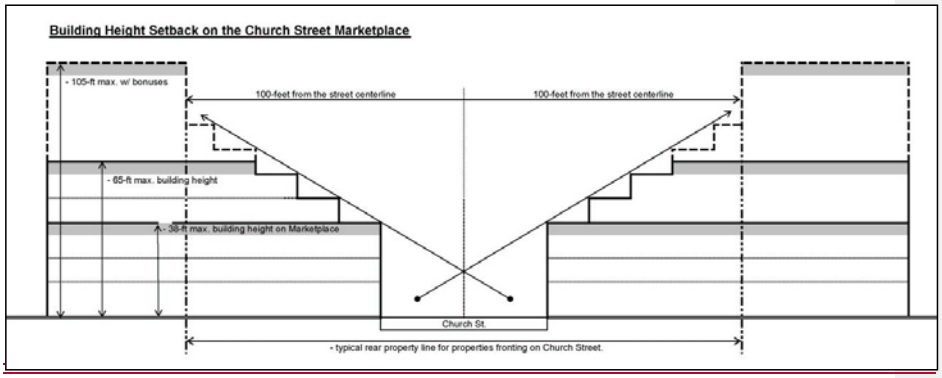
~~Building heights and forms shall respect the principal view corridors, defined as the rights-of-way of Pearl, Cherry, College, and Main Streets, and preserve or enhance views to the lake and mountains. New buildings abutting College and Pearl Streets shall be stepped back above the fourth (4th) story or 45 feet, and new buildings abutting Main and Cherry Streets shall be stepped back above the fifth (5th) story or 55 feet, a distance equal to one-fourth (1/4) the width of the abutting right(s)-of-way from the front property line. In no case shall such upper stories be setback more than forty (40) feet from the front property line. However, where a principal building with no setback abuts a side lot line, no setback shall be required up to the height of the abutting building.~~



~~Figure 4.4.1-1 Principal View Corridor Upper Story Setback~~

~~B. Church Street Buildings:~~

~~For the purposes protecting the historic character and scale of buildings along the Church Street Marketplace, the maximum height of any building fronting on Church Street shall be limited to 38-feet. Any portion of a building within 100-feet from the centerline of Church Street shall be set-back a minimum of 16-feet for every 10-feet of additional building height above 38-feet.~~



~~Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings~~

~~C. Side Street Building Height:~~

~~For the purposes of maintaining the residential character and scale of buildings along the north side of King Street, on both sides of South Champlain Street, St. Paul Street, Pine Street and Church Street and the west side of South Winooski Ave. beyond 150 feet south of the center line of Main Street, as illustrated below, the maximum height of any building fronting on these streets shall be limited to 65-feet, inclusive of any available height bonuses, within 85-feet of the northern edge of the public right-of-way.~~

~~Figure 4.4.1-3 Side Street Building Height Setback~~

~~4~~ ~~5.~~ Lake Champlain Waterfront Setback:

In order to ensure that public trust lands are available to the public on an open and nondiscriminatory basis and the public has continuous and direct access to the waters edge, all buildings shall be setback a minimum of 50-feet from the mean high water mark of Lake Champlain (100-feet above mean sea level) unless an encroachment is authorized below.

A. Additions to Existing Structures.

Where a structure, existing as of the effective date hereof, encroaches into the required waterfront setback, no additions to or replacement of that structure may further encroach into the required setback beyond the footprint of the existing building. Above the ground floor, additions to or replacement of that structure may encroach into the required setback no farther than the maximum encroachment of the original structure.

B. Averaging of Setbacks.

If the waterfront setback of principal structures on adjacent lots, existing as of the effective date hereof, within a distance of one hundred fifty (150) feet on either or both sides of a lot encroaches into the waterfront setback, the required setback may be reduced to the average setback of such structures as illustrated in Figure 4.4.1-4.

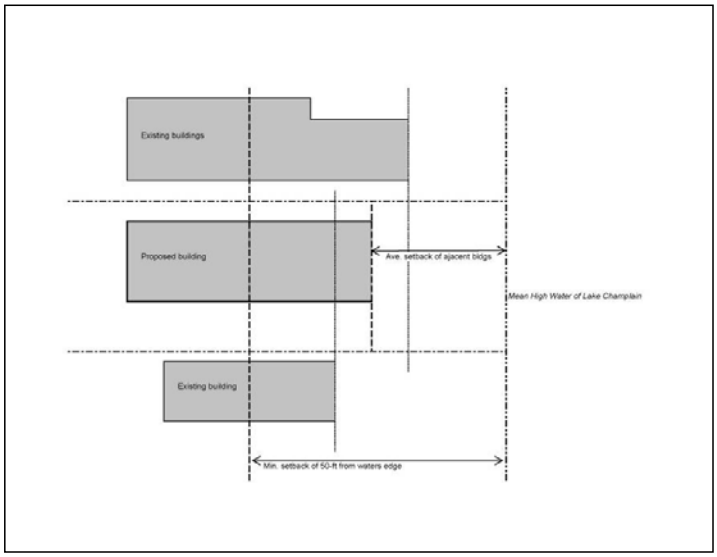


Figure 4.4.1-4 Waterfront Setback Encroachment

C. Permitted Encroachments.

The DRB may approve one or more of the following within the required waterfront setback: structures such as walkways, planters, benches, fountains, public art, sitting walls and other improvements which will enhance the pedestrian environment and enjoyment of the waterfront; and public marinas, public recreational piers, ferry docks, lake excursion facilities, and open-air markets, provided pedestrian circulation is not unreasonably impaired.

~~**6. Residential District Setback**~~

~~Structures shall be setback a minimum of 15 feet from any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by downtown and residential zones are exempt from this district boundary setback. (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.~~

5 ~~7~~. Development Bonuses/Additional Allowances

The following exceptions to the allowable base building height and FAR as provided in Table 4.4.1-1 above may be approved in any combination subject to the maximum limits set forth in Table 4.4.1-2 below at the discretion of the DRB. The additional FAR allowed shall correspond to the proportion of the additional building height granted to the maximum available.

A. ~~Inclusionary Housing:~~

~~**Inclusionary housing units shall be provided, with applicable additional coverage and density exceptions, in accordance with the provisions of Article 9, Part 1. An additional allowance in all Downtown Mixed Use districts may be permitted at the discretion of the DRB for the provision of additional onsite inclusionary housing units.**~~

~~**An additional 10-feet of building height, and corresponding FAR, may be permitted for each additional 5% inclusionary housing units provided in excess of the requirements of Article 9, Part 1 up to a maximum of an additional 20-feet. The total gross floor area dedicated to the additional inclusionary housing shall be equivalent to the gross floor area resulting from the additional allowance.**~~

~~B. Senior Housing:~~

~~**A bonus in excess of the base height and FAR allowance in all Downtown Mixed Use districts may be permitted at the discretion of the DRB for the provision of onsite senior housing.**~~

~~**An additional 10-feet of building height, and corresponding FAR, may be permitted where no less than twenty-five per cent (25%) of the total number of units in the project are reserved for low-moderate income households for seniors as defined by state or federal guidelines, including no less than ten percent (10%) reserved for low-income households. The total gross floor area dedicated to the senior housing shall be equivalent to the gross floor area resulting from the additional allowance.**~~

~~**C.**~~ **Public Parking:**

A bonus in excess of the base height and FAR allowance in Downtown Waterfront

– Public Trust District~~all Downtown Mixed Use districts~~ may be permitted at the discretion of the DRB for the provision of public parking as follows:

(i) 10-feet of additional building height and corresponding FAR may be permitted where all onsite parking, subject to a minimum of 40 parking spaces, is made available to the general public at all hours of holidays; between the hours of 5:00 pm and 6:00 am on weekdays, and from 5:00 pm on Friday until 6:00 am on the following Monday. The DRB may make minor modifications to these hours as may be necessary to address the unique needs of the proposed development.

(ii) 10-feet of additional building height and corresponding FAR may also be permitted, independent of subsection (i) above, where no less than 25 parking spaces or an additional ten percent (10%) above the minimum spaces required pursuant to Sec. 8.1.8, whichever is greater, are made available to the general public at all times.

(iii) The parking referenced in subsection (ii) above may be located anywhere within the same zoning district in which the proposed project is to be located.

(iv) Before authorizing additional height under this section the DRB must specifically require all of the following conditions, together with any other conditions it determines to be necessary or appropriate:

- In no event shall the application of this bonus provision provide for more than 20-feet of building height above the base height permitted in Table 4.4.1-1;
- All spaces made available to the general public shall be those most convenient to the public street, and there must be adequate signage indicating the availability of such spaces to the public and the location of such spaces;
- Where a fee is charged, such fee shall be not more than the prevailing market rate for similar publicly and privately owned parking in the City; and,
- A legally binding agreement, in a form and substance suitable to the city attorney, is executed to guarantee public access to the parking spaces provided.

D. Job Attraction and Expansion Bonus:

A bonus in excess of the base height and FAR allowance in Downtown Waterfront – Public Trust District~~all downtown mixed-use districts~~ may be permitted at the discretion of the DRB for the construction or rehabilitation of buildings for non-residential development that encourages and supports the expansion and retention of Burlington's commercial employment base as follows:

(i) 10 additional feet of building height and corresponding FAR may be permitted for achieving a mixture of at least 75% non-residential and no more than 25% residential utilization of the gross floor area of the development site.

(ii) Another 10 additional feet of building height and corresponding FAR may be permitted for achieving 100% non-residential utilization, except that, as specified by Sec. 4.4.1.(d).1.B., no more than 75% of the gross floor area of any structure ~~in the Downtown Waterfront district~~ may be occupied by office use.

In order to be entitled to such additional height, the DRB must also affirmatively find that at least one of the two following criteria set forth below will be met:

- such additional height allowance is necessary to accommodate the creation of additional jobs in Burlington which will not be created in the City without such allowance; or
- such additional height allowance is necessary to preserve existing employment in Burlington which will be lost to the City without such allowance.

E. ~~Green Buildings:~~*Reserved*

~~This bonus provision expired on January 7, 2013.~~

F. Public Art:

An additional 10 feet of building height and corresponding FAR may be permitted at the discretion of the DRB for the construction or rehabilitation of buildings that incorporates a commitment to public art.

(i) In order to qualify for the public art bonus, projects must:

1) include artworks that visually instigate pedestrian interest by reinventing the design of everyday functional elements (i.e. lighting, benches, pavement/hardscape), creating visual or thematic links to other artworks or design projects within 3 blocks, visually telling a story, and/or integrating texture, color, light, transparency or movement/activity into the design.

2) commit no less than two (2%) percent of their total construction costs, or $40,000, whichever is greater, to the public art features per each 10 feet of height or 1.0 FAR allowance up to a maximum of 20 feet or 2.0 FAR. For the purposes of this bonus, total construction costs mean the sum of all construction costs shown on all building permits associated with the project. For projects involving the expansion and/or rehabilitation of buildings, total construction costs shall mean the combined costs of new construction and the costs of improvements to the property as shown on all building permits associated with the project.

3) attend a Pre-Application Conference with the City Arts Public Art Committee (CAPAC), where they shall present an Art Plan for CAPAC review. The Art Plan must:

a. Present a budget detailing the proposed expenditure of funds on the project's Public Art features relative to total construction costs.

b. Describe in detail the applicant's process for selection of artist(s) and artwork(s) and how that process will foster collaboration among artist(s) and other building design team members.

c. Identify the intended site(s), media, and materials of artwork(s).

d. Describe the qualifying artwork, including artist concept drawings.

e. Detail the schedule for the selection, fabrication and installation of the artwork.

No Pre-Application conference with CAPAC shall be held until the applicant has submitted a fee in the full amount determined by City Arts as part of that department's customary fee-setting process.

4) receive formal approval of the Art Plan by CAPAC, CAPAC's formal approval of the Art Plan shall be conveyed in a memo to the DRB, including any and all Public Art Conditions of Approval. The Public Art Conditions of Approval shall be accepted by the applicant and recorded in a Covenant between the applicant and the City.

(ii) The installation of all Public Art features required as Public Art Conditions of Approval shall be complete before a Certificate of Occupancy is granted. Prior to receiving a Certificate of Occupancy, the applicant must submit a final written report to CAPAC, including visual documentation (slide, photos, etc.) of all Public Art features and a detailed statement of project expenses. Copies of contracts with art consultant(s) and artist(s) must be attached. No Certificate of Occupancy shall be granted without the issuance of a Final Approval Notice from CAPAC.

If the CAPAC determines it impossible for the applicant to complete installation of all required Public Art features prior to granting the Certificate of Occupancy, a Conditional CO may be granted. In such an event, the Conditional Certificate of Occupancy shall be granted only when the applicant posts a performance bond in the full amount dedicated for the Public Art. In addition, CAPAC must approve, in writing to the Building Inspector, a timeline for completion of the Public Art project.

(iii) The following City of Burlington Public Art Standards shall guide the CAPAC's and DRB's review of all applications seeking to utilize the Public Art Bonus. These standards are basic principles that help clarify the nature of Public Art as it relates to the comprehensive development ordinance of the City of Burlington. They are a series of concepts about reviewing Public Art Bonus proposals, and about designing new, or maintaining, repairing, or replacing existing Public Art Bonus eligible or permitted features through the design review process.

1) Eligible Art Expenditures

Eligible art expenditures include: The work of art itself; design fees for artists invited to submit proposals; selected artist(s)' operating costs; travel related to the integration of the art with the project; transportation of the work to the site; installation of the artwork; identification plaques and labels, frames, mats, mountings, anchors, containments, pedestals, or materials necessary for the installation, location or security of the artwork(s); photographs of completed works.

2) Ineligible Art Expenditures

Ineligible art expenditures include: Art exhibitions and educational activities; architect's fees; land costs; utility fee associated with electrical, water, or mechanical services used to activate the works of art; and, in connection with the works of art, registration, dedication, unveiling, security and publicity after selection.

3) Location of Art

Maximum visibility of the art is of primary concern. Art must be sited on the exterior of the building and/or at locations(s) clearly visible and freely accessible by the public from the sidewalk during daylight hours. The applicant will guarantee public access to the artwork(s). The art is a permanent part of the development and must remain in place for the life of the building. Works may be portable, as well as fixed, as long as the art is always at or adjacent to the site and accessible to the public.

4) Maintenance

Art must be maintained and repaired as necessary in accordance with accepted curatorial standards set forth in the Public Art Conditions of Approval by CAPAC. Stolen or vandalized art must be replaced or repaired as close as possible to its original form. So far as practical, in the event repair of a work is required, the responsible artist(s) shall be notified and given the opportunity to complete the repair for a reasonable fee. If the original artist is not available, a qualified professional, such as an art conservator, shall conduct any necessary repairs. Installation, future preservation, maintenance, and replacement if necessary, of the public art provided within this bonus program, or replacement Public Art features that have undergone the same process outlined in this ordinance, is assured for, through the covenant with the City, for as long as the building or buildings should stand.

The City Council may supplement this provision with regulations implanting it which may promulgate from time to time by Resolution. Such regulations must be consistent with the requirement of this provision.

G. Incorporation of Public Amenities:

Additional amenities available for public use on a regular and sustained basis such as, but not limited to open/garden space, internal or external walkways, rooftop terraces, extra wide sidewalks and additional setbacks which, in combination with all other specified conditions, render the benefits being provided to the public commensurate to the private benefits granted shall also be required by the DRB in connection with the granting of any of the bonuses referenced in subsections C-F above inclusive.

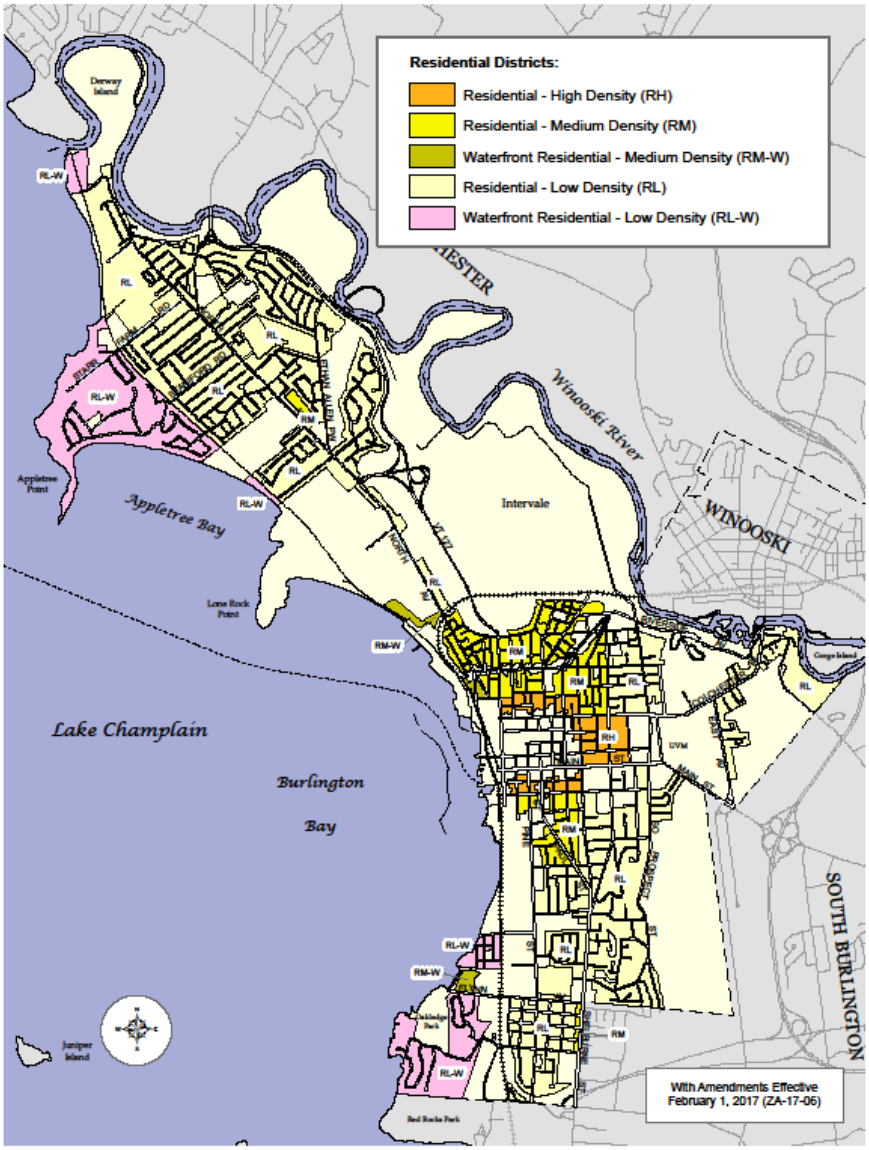
H. Maximum Bonus:

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum FAR and maximum building height permitted in any district as defined below:

Table 4.4.1-2: Maximum FAR and Building Heights with Bonuses

	Maximum FAR	Maximum Height
~~**Downtown**~~	~~8.5 FAR~~	~~105 feet~~
~~**Downtown – Transition:**~~		
A. ~~D-T North of Buell~~	~~5.0 FAR~~	~~55 feet~~
B. ~~D-T Main St. South~~	~~8.5 FAR~~	~~105 feet~~
C. ~~D-T South of Buell~~	~~5.5 FAR~~	~~65 feet~~
D. ~~D-T South of Maple~~	~~3.0 FAR~~	~~45 feet~~
~~**Downtown Waterfront:**~~		
A. ~~North of Pearl - East~~	~~5.5 FAR~~	~~65 feet~~
B. ~~Pearl to Bank - East~~	~~5.5 FAR~~	~~65 feet~~
C. ~~Pearl to Bank - West~~	~~3.0 FAR~~	~~35 feet~~
D. ~~Bank to College - East~~	~~5.0 FAR~~	~~55 feet~~
E. ~~Bank to College - West~~	~~3.0 FAR~~	~~35 feet~~
F. ~~South of College~~	~~3.0 FAR~~	~~35 feet~~
Downtown Waterfront – Public Trust:		
A. North of Pearl - West	3.0 FAR	35 feet
B. Lakeshore	3.0 FAR	35 feet
~~**Battery Street Transition**~~	~~4.5 FAR~~	~~55 feet~~

Sec. 4.4.5 Residential Districts



Map 4.4.5-1 Residential Zoning Districts

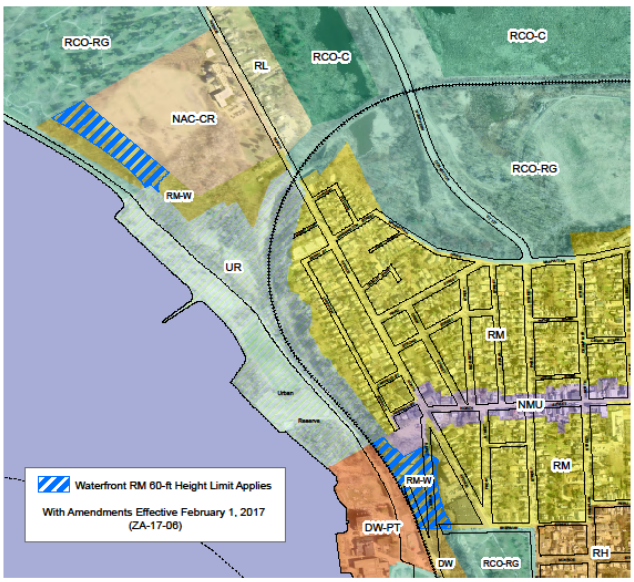
(d) District Specific Regulations:

Commented [DEW3]: Update map

2. Height

A. Exceptions in the Waterfront RM District.

In order is to preserve vistas of harbor activity within the breakwater area and to panoramic views of the mountain and lake from adjoining areas yet provide for additional development opportunities near the downtown area of the city, the maximum building height which may be permitted by the DRB shall be no more than sixty (60) feet in the area beyond two hundred (200) feet inland from the ordinary high water mark and below a base elevation of one hundred eighty (180) feet in the Waterfront Residential – Medium Density district.



Map 4.4.5-2 Waterfront RM Height Exceptions

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PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.1 Design Review Overlay District

(a) Purpose:

The Design Review Overlay District (DR) is intended to provide detailed individual review of certain uses and structures in those areas of the city which contain structures of historical, architectural, or cultural merit, and where the community has a particular interest in the

design of future development in order to address specific land development objectives.

(b) Areas Covered:

The geographic[1] areas subject to the Design Review Overlay shall be as delineated on Map 4.5.1 – 1: Design Review Overlay, that include the following:

(1) The following zoning districts:

A. ~~All~~ The Downtown Waterfront – Public Trust district and all Neighborhood Mixed Use, Enterprise, Institutional, Urban Reserve, and Recreation, Conservation and Open Space districts; and,

B. The High-Density Residential (RH), Medium-Density Residential (RM), Medium-Density Residential - Waterfront (RM-W), and Residential Low Density - Waterfront (RL-W) districts.

(2) The following areas within the Residential – Low Density District:

A. All properties west of the Burlington Bike Path north of College Street;

B. All properties west of the Vermont Railway line south of Lakeside Ave;

C. All properties within 500' of Lake Champlain or the Winooski River;

D. All properties with frontage on Brooks Avenue;

E. All properties within the area bounded by Maple, South Willard, Howard and South Union streets;

F. All properties with frontage on the west side of South Union St. between Main and Howard streets;

G. All properties with frontage on the north side of Howard St. between South Union and St. Paul streets;

(3) The following uses, buildings, and properties within the Residential – Low District:

A. All nonresidential uses, residential uses with home occupations, or other conditional uses, having frontage on the following major streets:

(i) Shelburne Street, from its point of beginning southerly to its intersection with Home Avenue;

(ii) South Union Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;

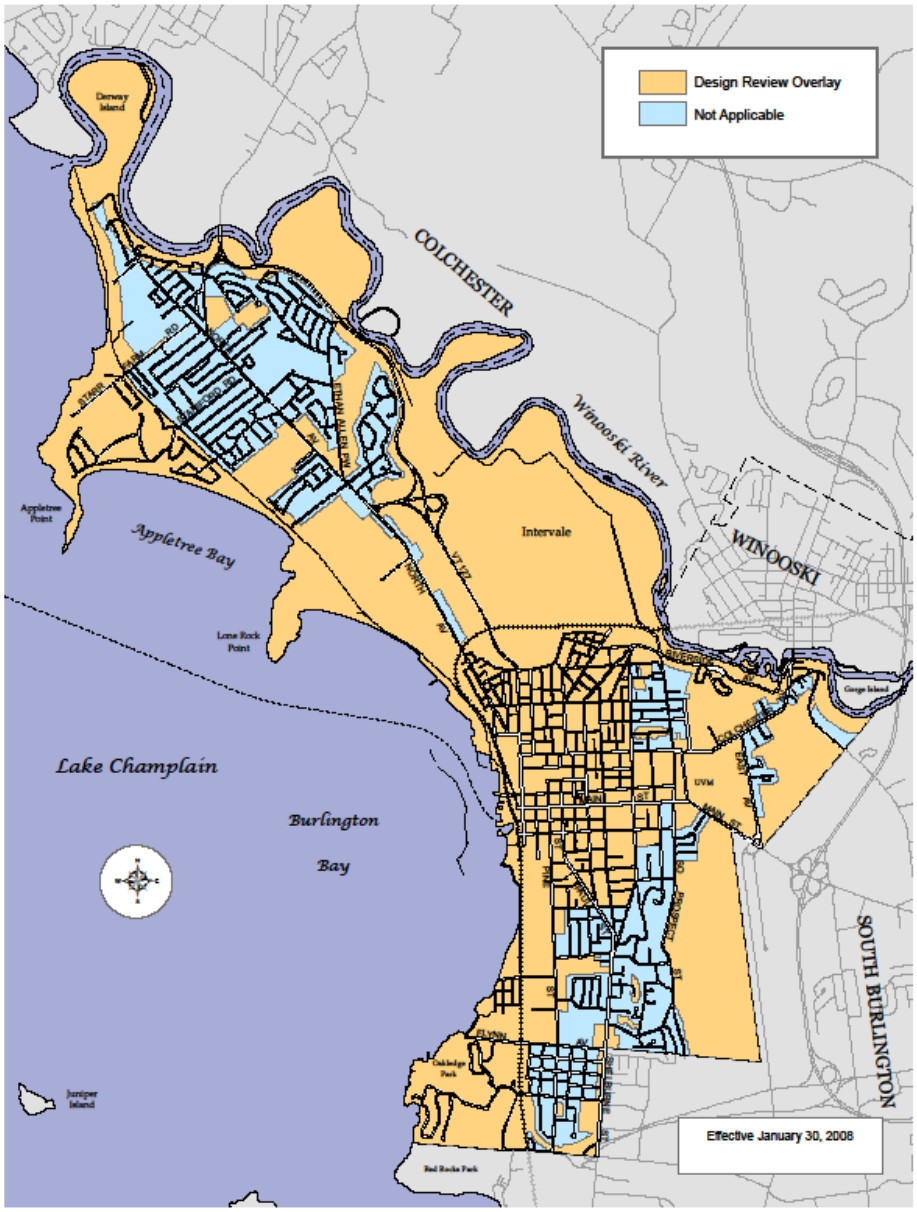
(iii) St. Paul Street, from its intersection with Howard Street southerly to its terminus at Shelburne Street;

(iv) Colchester Avenue, from its intersection with East Avenue northeasterly to its intersection with Barrett Street; and

(v) North Avenue, from its intersection with Convent Square northerly to its

[1] This Section only defines the geographic areas of the city that are subject to Design Review. Other types of development are also subject to Design Review pursuant to the requirements of Article 3, Part 4.

intersection with Plattsburg Avenue.



Map 4.5.1-1: Design Review Overlay

Commented [DEW5]: Revise to take out FBC form districts

(c) *as written*

Sec. 4.5.2-4.5.7 as written

~~Sec. 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District~~

~~(a) Purpose:~~

~~The Downtown Mixed Use Core Overlay (DMUC) district is intended to facilitate the redevelopment of a portion of the former Urban Renewal Area in order to provide for a more walkable, connected, dense, compact, mixed use and diverse urban center. The area should support a diversity of residential, commercial, recreational, educational, civic, hospitality, and entertainment activities, and create opportunities to better connect the street grid for enhanced mobility for automobiles, pedestrians, and bicyclists in order to sustain and advance the economic vitality Burlington's downtown urban core.~~

~~This overlay allows larger scale development than is typically found in the underlying district, and development with larger and taller buildings. Development should be designed to support the diverse mixed-uses, activate and enrich the street and sidewalk for pedestrian activity, and encourage mobility throughout the district and adjacent districts for pedestrians and bicyclists with reduced reliance on automobiles.~~

~~(b) Areas Covered:~~

~~The Downtown Mixed Use Core Overlay (DMUC) district includes those portions of the Mixed Use Downtown (D) District as delineated on Map 4.5.8-1.~~

~~Map 4.5.8–1: Downtown Mixed Use Core Overlay (DMUC) district~~

~~(c) District Specific Regulations: Downtown Mixed Use Core Overlay (DMUC) district:~~

~~1. Dimensional Standards:~~

~~The maximum Building height and mass shall be as prescribed in Table 4.5.8-1 below. Building height and mass in excess of 65 feet and 5.5 FAR shall be allowed by right and without the necessity of the DRB granting of Development Bonuses/Additional Allowances pursuant to Sec 4.4.1 (d)7.~~

~~Any application requiring Major Impact Review pursuant to Sec. 3.5.2 (b) shall not also be subject to Conditional Use Review unless a use specifically identified in Appendix A – Use Table as a "Conditional Use" or identified as "CU" is also proposed~~

~~The Dimensional Standards within the DMUC Overlay District shall be as follows:~~

~~**Table 4.5.8-1 Downtown Mixed Use Core Overlay (DMUC) District Dimensional Standards**~~	
~~**Building Height**[4]~~	~~3 stories min.~~ ~~14 stories not to exceed 160-ft max~~
~~**FAR**[4]~~	~~9.5 FAR total max per lot~~
~~**Floorplate:**~~	
~~Floors 1-5~~	~~100% of lot max.~~
~~Floors 6-8~~	~~80% of lot max.~~
~~Floors 9-12~~	~~55% of lot max.~~
~~Floors 13+~~	~~15,000 sf max per individual floorplate, with individual towers separated by a minimum of 60-ft measured orthogonally.~~
~~The floorplate of any floor may not be larger than the floor below.~~	
~~**Pervious Area**[1]~~	~~10% min~~
~~**Setbacks:**~~	
~~- Front~~	~~0-ft min, 10-ft max. In no event shall a Building be closer than 12' from the curb.~~
~~- Side/Rear~~	~~0-ft min, 12-ft max.~~
~~**Occupied Build-to Zone**[2]~~	~~100%~~
~~**Ground Floor Height (floor-to-floor)**~~	~~14-ft min~~

~~**Arcades**[3]~~	~~10-ft clear depth min~~ ~~14-ft clear height min~~

~~[1] Pervious Area is the area of a lot covered by surfaces or materials that allow for the movement or passage of water into soils below. Pervious areas include, but are not limited to, areas of a lot covered by soil/ mulch, vegetative matter, permeable pavers/pavement, bio-retention areas, or other materials that allow for the infiltration of at least the first inch (1") of rainfall. For these purposes, green roofs that capture and attenuate at least the first inch (1") of rainfall are also considered pervious area.~~

~~[2] Occupied Build-to Zone is the proportion of the linear distance between the maximum and minimum front setback along a front property line that must be occupied by a Building façade. In lieu of a Building façade, a streetscreen between 3.5 and 8 feet in height or active public use or activity (such as outdoor cafes) occupying no more than the lesser of 20 feet or 20% of the Build-to Zone may be included.~~

~~[3] An Arcade is where only the ground floor level of the Building facade is set back from the front property line. The Building facade for the upper floors is at or near the front property line within the Build-to Zone, and is supported by a colonnade with habitable space above.~~

~~[4] Additional development allowances for inclusionary housing projects as provided in Sec. 9.1.12 shall not be applicable in the Downtown Mixed Use Core Overlay District.~~

~~2. Urban Design Standards:~~

~~The following urban design standards shall apply to all Buildings in the DMUC Overlay, and the DRB shall make a final determination regarding strict compliance with these standards except as provided for in E below. These standards and requirements shall take precedence without limitation over any duplicative or conflicting provisions of Article 6, and compliance with Article 6 shall be presumed where a Building is in compliance with these design standards as determined by the DRB.~~

~~A. **Overall Design:** Proposed Buildings shall present an architecturally significant design as follows:~~

~~i. Step backs, horizontal and vertical variation, selection of materials and other architectural design techniques are used to reinforce the street wall, create transitions from adjacent buildings of a smaller mass and height, and reduce the perceived height and mass of the upper stories from the street level;~~

~~ii. Proposed Buildings provide visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing or other architectural design techniques;~~

~~iii. Upper story proportions of Buildings emphasize vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline, reinforce opportunities for establishing points of reference for visual orientation, and retain opportunities for a view of the sky between individual Building elements.~~

B. **Façade Articulation**: All street-facing Building facades shall be articulated as follows:

i. Building facades shall incorporate surface relief through the use of elements such as bay windows, cladding materials, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, belt courses, sign bands, windows, balconies and/or other equivalent architectural features at least three (3) of which must either recess or project from the average plane of the facade by at least four (4) inches.

ii. Buildings with facades between seventy-five (75) feet and one hundred and fifty (150) feet in width shall include vertical changes through the horizontal plane of the Façade by dividing the facade into a series of architectural and/or structural bays between six (6) feet and sixty-five (65) feet in width involving up to a minimum of 50% of the height of the façade.

iii. Buildings with facades greater than one hundred and fifty (150) feet in width must include a more substantial change in the horizontal plane of the façade where for every one hundred and fifty (150) feet in facade width, one (1) or more architectural bay as required above must either recess or project by at least four (4) feet involving the full height of the façade from the average plane of the street wall portion of the facade. Such bays shall occur no closer than fifty (50) feet from the Building's corner.

iv. Required Building Height Setbacks pursuant to Sec 4.4.1 (d) 4 shall not be applicable. Instead, upper stories of any street-facing Building facade exceeding six (6) stories in height shall be setback as follows:

a. An upper story setback at least ten (10) feet from the primary plane of the façade below shall occur within the first 60-ft of Building height at either the 3rd, 4th, or 5th story in order to provide a change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

b. For Buildings exceeding ten (10) stories in height a second upper story setback at least ten (10) feet from the primary plane of the façade below shall occur at either the 10th, 11th, or 12th story in order to provide another change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

c. Setbacks must be visually set off from the stories below by a balustrade, parapet, cornice and/or similar architectural feature, and are encouraged to be activated as an outdoor amenity space for Building occupants.

d. The upper stories beyond a setback may be visually differentiated from the stories below by a change in color, materials and/or pattern of fenestration in order to reduce the actual or perceived massing of the Building overall.

v. Where visible, the raised foundation or basement of a Building shall not exceed 4 ft as measured from the exterior finished grade to the finished floor of the Story above, and must be visually differentiated from the stories above by a horizontal expression line and change in color, material, and/or pattern of fenestration;

vi. The lower one to five stories of a Building must be visually differentiated from the stories above by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the facade; and,

vii. The top one to five stories of a Building must be visually differentiated from the stories below by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade

viii. The top of a Building must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the facade by at least six (6) inches to serve as an expression of the Buildings top.

C. **Street Activation**: All Buildings shall activate the street as follows:

i. Buildings shall have one or more principal entrances for pedestrians at street level that are clearly identified as such along the street frontage or at a corner where a corner lot.

ii. The linear distance along the street frontage between ground floor entries shall not exceed 60 feet, and such doors must be open and operable by residential occupants at all times and non-residential occupants and customers during business hours.

iii. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights and/or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a principal entrance should be expressed vertically and continue onto the upper stories. Such bays are not required to include additional horizontal expression beyond what is required for any upper story setbacks

iv. Requirements regarding openings and the transparency of glazing in a street-facing Building facade shall be as follows:

	Ground Floor	Upper Floors
Rough openings for windows and doors (per floor)	70% min, 80% of which shall be concentrated between 3-10 feet above the adjacent	20% min

	~~sidewalk~~	
~~- Horizontal and vertical distance between rough openings~~	~~20' max.~~	
~~**Transparency:**~~ ~~- applicable to 80% of the glazing on each floor.~~		
~~- VLT - Visible Light Transmittance[1]~~	~~60% min~~	~~40% min~~
~~- VLR - Visible Light Reflectance~~	~~15% max~~	~~15% max~~

~~[1]May be reduced to 50 and 30% respectively to meet the requirements of a High Performance Building Energy Code or equivalent program as determined by the DRB.~~

~~v. Street-facing, street-level windows must allow views into a ground story non-residential use for a depth of at least 3 feet for the first 4 feet above the level of the finished sidewalk in order to provide for a window display, and for a depth of at least 8 feet for the next 4 feet above the level of the finished sidewalk in order to provide a view into the interior of the space. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space). External security shutters are not permitted.~~

~~vi. In addition to the restriction regarding ground floor residential uses pursuant to Sec. 4.4.1, (d) 1-A, General Office uses shall also not be permitted on the ground floor of any building in the DMUC Overlay.~~

~~D. **Materials:**~~

~~The following requirements regarding the selection and use of Building materials is intended to improve the physical quality and durability of buildings, enhance the pedestrian experience, and protect the character of the downtown area.~~

~~i. Primary Materials: Not less than 80 percent of each street-facing Facade shall be constructed of primary materials comprised of high quality, durable, and natural materials. For Facades over 100 square feet, more than one primary material shall be used. Changes between primary materials must occur only at inside corners. The following are considered acceptable primary materials:~~

~~a. Brick and tile masonry;~~

~~b. Native stone;~~

~~c. Wood - panels, clapboard or shingles;~~

~~d. Glass curtain wall; and,~~

~~e. Cementitious siding;~~

ii. Accent Materials: The following accent materials may make up no more than 20% of the surface area on each street-facing façade. Accent materials are limited to:

a. Pre-cast masonry (for trim and cornice elements only);

b. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);

c. Gypsum Reinforced Fiber Concrete (GFRC – for trim elements only);

d. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);

e. Split-faced block (for piers, foundation walls and chimneys only); and.

f. Glass block.

iii. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the administrative officer after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.

iv. Other:

a. The use of recycled and/or regionally-sourced materials is strongly encouraged.

b. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.

c. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.

E. **Alternative Compliance**: Relief from any non-numerical standard above, and relief from any numerical standard with the exception of building height and FAR by no more than 20% of such requirement, may be granted by the Development Review Board after review and comment by the Design Advisory Board and the administrative officer. In granting such relief, the DRB shall find that:

i. the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;

ii. the relief if granted is the minimum necessary to achieve the desired result;

iii. the property will otherwise be developed consistent the purpose of this ordinance, the purpose of the underlying Zoning District and this Overlay District, the purpose of the section that the relief is being sought, and all other applicable standards;

iv. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and,

v. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

3. Use

Mixed-Use Buildings: Any new or substantially rehabilitated building over 105' in total height shall include a mix of uses including no less than 25% of the gross leasable floor area dedicated to non-residential uses and another 25% or more dedicated to residential use.

4. Parking

i. All onsite parking shall be provided in one or more of the following:

a. an underground parking structure (strongly preferred);

b. an above ground parking structure separated from the public street by a liner building a minimum of 40-ft in depth; or,

c. a mixed-use building where with parking located underground, setback a minimum of 40-ft behind the façade of building at the ground level, and/or above the ground floor.

ii. All onsite parking shall participate in any Downtown Parking and Transportation Management District in order to minimize the amount of parking provided and maximize the efficiency of its utilization.

iii. Vehicular entrances to parking structures shall not exceed 24-ft clear width and 16-ft clear height at the street frontage.

iv. At least one pedestrian route from all parking structures shall lead directly to a street frontage (i.e., not directly into a Building). When portions of a building containing parking front on more than one street, multiple pedestrian routes to street frontage is strongly encouraged.

v. All structured parking with frontage on any portion of a public street shall be treated as follows:

a. The required setback between the parking and the public street at the ground level must be occupied by an active use (such as, but not limited to, residential lobby, retail, office, recreational or services). This requirement shall not apply to parking located either entirely below grade or above the second floor where parking may extend out to the building's perimeter.

b. All floors of a parking structure fronting a public street must be level (not inclined), and any sloped ramps between parking levels must be setback a minimum of 20-ft from the street-facing building façade and shall not be discernible along the perimeter of the parking structure.

c. Where upper stories of structured parking are located at the perimeter of a building, parked vehicles, vehicle headlights and interior lighting shall be screened from view from the street and adjacent properties.

d. In addition to the Urban Design Standards required above, facade treatments (materials, fenestration patterns, and architectural detailing) must be continued on stories containing parking in a manner consistent with the overall architectural design of the Building and such that levels of parking are not clearly distinguishable from other uses in a building.

vi. Each parking space provided in an underground parking structure may be counted as 1.75 of the parking spaces as required in Art 8.

5. Signs

A master sign plan pursuant to Article 7 Part 3 is required for all sites occupied by more than three tenants where all signs must meet the requirements of the master sign plan. The master sign plan must establish standards of consistency as applicable of all signs to be provided on the subject property with regard to:

- Colors;
- Letter/graphics style;
- Location and Sign Type;
- Materials;
- Methods of illumination; and/or
- Maximum dimensions and proportion.

In addition to the flexibility from the requirements of Article 7 provided under Sec. 7.3.4, the following shall also be permitted when incorporated as part of a master sign plan in the DMUC Overlay:

i. The area of projecting signs, marques, canopies and awnings shall not be deducted from the maximum allowed signage area permitted for signage under Sec 7.2.3.

ii. Projecting Signs: One projecting sign may be permitted for each ground floor use provided each sign:

a. does not exceed 8 square feet in area;

b. does not project more than 4 feet from the building façade on which it is attached;

c. has its lowest edge at least eight (8) feet above any pedestrian way;

d. has its highest edge no more than eighteen (18) feet above any pedestrian way; and,

e. Any encroachment into the public right-of-way must also be approved by the City Council.

iii. Marquee Signs: One marquee sign per street frontage may be permitted provided such sign:

a. is associated with the following uses only: Cinema, Conference Center, Convention Center, Performing Arts Center and Recreation Facility-Indoor;

b. is located above the principal Building entrance;

c. projects a minimum of 6 feet from the building façade on which it is attached but in no event more than 10 feet and 3 feet from the curb;

d. has its lowest edge at least 9'6" above any pedestrian way;

e. has its highest edge no more the lesser of the floor level of the third story or 35 feet above any pedestrian way;

f. is no more than 40 feet in width;

g. may contain an area for manual changeable copy that does not exceed 30 percent of the area of the sign face on which it is located or 32 square feet, whichever is less; and,

h. Any encroachment into the public right-of-way must also be approved by the City Council.

iv. Canopies and Awnings: Where provided, awnings and canopies placed on a building facade shall meet the following specifications:

a. Awnings and canopies shall provide 8' minimum clear height above the finished grade, and shall project a minimum of 6' from the building façade to a maximum of 2' from the curb. 14' minimum clear height above the finished grade shall be provided above any area used for parking or circulation. Any encroachment into the public right-of-way must also be approved by the City Council.

b. Awnings and canopies shall be placed, sized, shaped and proportioned to match the associated openings.

c. Except as provided below, awnings and canopies shall not be internally illuminated or backlit, however they may contain lighting fixtures intended to illuminate the ground beneath.

d. Awnings shall have a metal structure covered with non-translucent canvas, synthetic canvas or painted metal, and shall have no soffit or sides. Retractable awnings are encouraged.

e. Awnings shall be rectangular in elevation and triangular in cross-section with straight edges. The valance of the awning shall be no more than 12" in height.

f. Canopies shall be constructed of wood and/or metal, and shall be cantilevered or supported from above. The face of the canopy shall be no more than 24" in height.

g. Signage placed on an awning or canopy shall be limited to the windows and doors on the first (ground) floor, and shall not extend outside the overall length or width.

h. Signage placed on a canopy shall be limited to the face or may project above and may be backlit.

i. Signage placed on an awning or canopy shall be limited to:

i. 75% of the valance or canopy face and/or 25% of the sloping plane max.

ii. The height of lettering shall be limited to: 5" min – 10" max on the valance; 18" max on the sloping plane; or 24" max on or above the canopy.

6. Green Buildings and Stormwater Management

A. **Green Buildings**: New development and substantial redevelopment in the DMUC Overlay shall be built to the standard of LEED Gold Certification, or a nationally recognized equivalent as determined by the administrative officer.

i. At the time of application the following shall be required:

a. the submission of documentation of the planned performance criteria and elements of the project necessary to obtain the required green building certification (e.g. LEED checklist);

b. documentation that the project has been registered with the applicable green building certification program (e.g. LEED project registration); and,

c. a written commitment to apply for formal, written review of the project at the earliest milestone where the green building certifying body offers "precertification" or similar (e.g. LEED Design Review).

ii. Prior to the release of any Final Certificate of Occupancy the following shall be required:

a. the submission of revised as-built performance criteria and project elements necessary to obtain the required green building certification (e.g. LEED checklist):

b. the results of 3rd party commissioning of the building envelope and mechanical systems documenting compliance of as-built performance; and,

c. a written certification from the project design professional of record that the project has been constructed to comply with the green building requirements of this section.

B. **Stormwater Management**: Stormwater runoff from 100% of all net new and substantially redeveloped impervious area (or an equivalent area of impervious)) must be captured and managed in such a way as to mimic pre-development (meadow in good condition, Hydrologic Soil Group B) runoff (or discharge) ratio for the 1-year, 24-hour design storm subject to review and approval by the DPW Water Resources Div.

~~The feasibility of implementing runoff volume reduction practices must be evaluated in consultation with the DPW Water Resources Division and shall include an evaluation of the engineering feasibility of techniques including, but not limited to runoff reduction through stormwater reuse, green stormwater infrastructure such as green roofs, bioretention, tree planting and sewer separation of roof water for sites currently discharging to the combined sewer system. Storage and detention methods may be used to meet pre-development flow targets. When and where detention systems are the primary mode of stormwater management, "smart" precipitation integrated detention systems must be evaluated and are strongly preferred. On-site stormwater management must be maximized; however, off-site stormwater management may also be used in consultation with DPW Water Resources.~~

ARTICLE 6: DEVELOPMENT REVIEW STANDARDS

Sec. 6.0.1 Intent and Citywide Development Principles

This Article is intended to provide specific direction in the planning, design, and subsequent review of development in Burlington with the objective of ensuring that all proposed development furthers Burlington's vision for a dynamic, vibrant, sustainable city amidst a scenic, natural setting. Burlington's built environment must protect the city's rich collection of historical, architectural, and natural features, while enhancing the urban experience and livability of neighborhoods by ensuring that development is sensitive to the scale, detailing, and intensity appropriate to each district and allowable use.

Burlington is a leader in advancing the goal of creating a sustainable community. In order to reach this goal, all development in the city shall address the following development principles as applicable:

Development in Burlington shall:

(a) Complement its context and environment – both natural and built, and enhance the community with creative design, durable materials, and quality construction.

(b) Retain and preserve important natural features by incorporating them into site plans and landscape designs.

(c) Emphasize function - natural, aesthetic, social, and recreational – in its landscape design.

(d) Promote effective and efficient transportation systems to mitigate the adverse impacts of vehicles such as by maintaining and perpetuating the urban street grid, supporting multiple and integrated modes, giving pedestrian the priority, reducing curb cuts, integrating parking and circulation into architectural and landscape designs, and minimizing the presence of service areas.

(e) Promote personal safety and accessibility for those with disabilities in the design of publicly accessible outdoor and indoor spaces.

(f) Complement Burlington's architectural and cultural heritage by conserving and/or reflecting dominant design elements and characteristics of neighborhoods, and maintaining neighborhood proportions of scale and mass.

(g) Incorporate climate sensitive and environmentally-conscious design considerations to create healthier, more productive, and more sustainable places to live and work.

(h) Ensure that public buildings, structures, and spaces, be designed and constructed to the highest standards in order to reflect community values, inspire future development, foster civic pride, and serve as a model to others.

Given their more dynamic and complex nature, the following development principles shall also apply as applicable within any mixed-use zoning district as defined in Article 4:

(i) Contribute to Burlington's moderately scaled urban form, and emphasize a more efficient pattern of development.

(j) Ensure the scale, massing, and dominant architectural elements contribute to the overall composition and developing character of the surrounding area.

(k) Complement Burlington's natural setting and conserve scenic public views and view corridors.

(l) Enhance the city's skyline and promote visual interest with a variety of roof forms and architectural elements.

(m) Unify architectural elements, details, and materials of a building, such that all components appear integral to the whole.

(n) Compose the massing of the building to create a transition of height, bulk, and scale to less intensively developed neighboring properties.

(o) Compose building facades at and near the street level with human-scaled elements and details that promote pedestrian interest, comfort, and safety.

(p) Facilitate pedestrian movement, and provide access to the lakeshore and other natural and cultural amenities.

(q) Orient advertising features to the pedestrian, and compliment the architecture of the building.

The role of these development principles, and the design standards found later in this Article, are as follows:

- Development Principles are drawn from established community goals as defined in adopted city plans, and serve as the highest order of importance in cases where individual standards appear to conflict and greater discretion on the part of the DRB is required.
- Design Standards provide more specific direction regarding design methods or strategies that may be used to achieve the development principles. Design standards include both required ("shall") and flexible ("should") components. It is understood that many of the standards presented are not the only options available, and creativity is encouraged to achieve the desired result.

It is recognized that the application of these principles and standards involves value-based design and decision-making requiring a balancing of complex factors, interests, and needs. In applying these city-wide development principles and design standards, particular attention shall be given to the context of the development proposal and achieving conformance with the purpose of the district(s) in which the project is located.

The intent of Article 14, the planBTV Downtown Code, also embodies these same principles and standards through an emphasis on the intended physical form, character of place, and compatibility of uses of new development in the city's downtown and waterfront area through a more objective and prescriptive set of development and urban design standards. As such, all applications subject to the planBTV Downtown Code shall not also be subject to the requirements of this Article 6.

ARTICLE 7: SIGNS

PART 2: DISTRICT REGULATIONS

Sec. 7.2.1 Regulation by District

Signs shall be permitted in each district as specified in Table 7.2.1-1 below and as further regulated by the provisions of this Part. Where other provisions in this Article are more restrictive than Table 7.2.1-1, the more restrictive provisions shall apply.

Table 7.2.1-1: Sign Regulation Summary

		Zoning District[4]			
Sign Type	**Dimensional Requirements**	**All RCO and Residential Districts**	**All Form, Mixed Use, and Institutional Districts**	**All Enterprise Districts**	**(Reserved)**
Parallel	Size	20-sf	2-sf[1]	2-sf[1]	-
	Maximum Height	14-ft[2]	14-ft[2]	14-ft[2]	-
	Illumination	No	Yes	Yes	-
Projecting					
	Size	4-sf	4-sf	4-sf	-
	Maximum Height	12-ft[2]	14-ft	14-ft	-
	Illumination	No	Yes	Yes	-
Freestanding	Size	20-sf	½-sf[1]	1-sf[1]	-
	Maximum Height	6-ft	14-ft	6-ft	-
	Illumination	No	Yes[3]	Yes	-

1. Size is determined per each linear foot of building frontage allocated to the establishment
2. Or ceiling height of the first floor, whichever is less, except in ~~D~~FD6, ~~D-T~~FD5, E-LM and NMU-NAC where the sign may be above 14 feet as per Sec 7.2.3(a)4, Sec. 7.2.4 (c)2D, or Sec. 7.2.4(c)6C.
3. Illuminated freestanding signs are not permitted in NMU district.
4. No signs shall be permitted in the Urban Reserve District.

Sec. 7.2.3 Signs in Form and Mixed Use Districts

Except as provided pursuant to Sec 7.2.4 below pertaining to signs on the Church Street Marketplace, the following on-premise signs may be permitted in any form or mixed use zoning district in addition to signs authorized under Sec. 7.1.3 and Table 7.2.1-1:

Sec. 7.2.4 Sign Regulations for Church Street Marketplace

1 & 2 as written

3. Canopies, marquees and awnings:

A. Canopies, marquees, and awnings attached to buildings are permitted subject to development review board review or the standards of Article 14 as applicable.

PART 3: SIGN PLANS

Sec. 7.3.1 Intent

In order to provide for design quality, flexibility, compatibility, and creativity in larger buildings and building complexes with multiple tenants or owners, signs shall be allowed as specified in a sign master plan for the property as follows:

Sec. 7.3.2 Applicability

Within any Form, Mixed Use, Enterprise, or Institutional zoning district, all signs located on a site, building or a complex of buildings located on a single lot with three or more tenants or owners may be granted a zoning permit if the signs comply with a sign master plan submitted by the building owner and reviewed and approved by the DRB under the provisions of Sec. 7.3.4 below and Article 6.

ARTICLE 8: PARKING

PART 1: GENERAL REQUIREMENTS

Sec. 8.1.1-8.1.11 as written

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) as written

(b) Downtown Street Level Setback:

In order to maintain an active streetscape, any off-street parking occupying street level frontage in the Downtown Parking District shall be setback from the front property line in order to reserve street-level frontage for pedestrian-oriented uses. (see the applicable requirements of Article 14)

Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

(a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be reduced to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces except for the adaptive reuse of a historic building pursuant to Sec. 5.4.8 which may be waived by as much as one hundred percent (100%). Any waiver granted for a non-residential use may be as much as ninety percent (90%) except that a waiver for ground floor retail uses in any Form or Mixed Use district may be as much as one hundred percent (100%). Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

The remainder of this section is as written.

ARTICLE 9. INCLUSIONARY AND REPLACEMENT HOUSING

Sec. 9.1.1-9.1.7 as written

Sec. 9.1.8 Inclusionary Units, Rental and Sales

For covered projects in which units are offered for rent or sale, a base of fifteen percent (15%) of all of the dwelling units in the project, graduated as specified in Table 9.1.9-1, shall be designated as inclusionary units

This includes any covered project where units are offered for sale via the conveyance of a deed or share for individual units, including fee simple ownership, condominium ownership and cooperative ownership.

Table 9.1.8-1 Inclusionary Zoning Percentages

If the average sale and rental price of project units is affordable to a household earning:	The percentage of units which are subject to rent and sales prices as per Sec. 9.1.9 and are subject to marketing and continued affordability provisions (Sec. 9.1.10 and Sec. 9.1.11) shall be:
Less than 139% of median income	15%
140%-179% of median income	20%
Development in any Waterfront district (RM-W, RL-W, NAC-CR and ~~DW~~FD5 west of Battery St) or 180% of median income and above in any other district	25%

Sec. 9.1.9-9.1.11 as written

Sec. 9.1.12 Additional Density and Other Development Allowances

All covered projects shall be entitled to increases in the development allowances of the underlying zoning district in accordance with the provisions of this section.

(a) Any covered project shall be entitled to an increase in the maximum coverage allowed for the site on which the project is located following the calculation of density, height, lot coverage, setbacks, and parking improvements for the site. Calculations for these entitlements shall be based on the following tables:

Table 9.1.12-1 Density/Intensity Allowance Table			
Zoning District	**Additional Allowance**	**Maximum Units/Acre**	**FAR**
RH	15%	46	n/a
RM, RM-W	20%	25	n/a
RL, RL-W	25%	8.75	n/a
~~D, DT, DW~~FD6, FD5	n/a	n/a	0.5 FAR~~+10' height set back 10' along street facade~~
NMU, NAC, NAC-R, NAC-CR, BST	n/a	n/a	0.5FAR+10' height set back 10' along street facade

Table 9.1.12-2 Lot Coverage Allowance Table		
Zoning District	**Additional Allowance**	**Maximum Lot Coverage**
RH, NMU, NAC, NAC-R	15%	92%
RM-W, NAC-CR	20%	72%
RM	20%	48%
RL, RL-W	25%	44%

The remainder of this section is as written

PART 2: HOUSING PRESERVATION AND REPLACEMENT/DEMOLITION AND CONVERSION

Sec. 9.2.2 Applicability

Except as otherwise provided for in Section 9.2.10, this Part is applicable to the loss, demolition, or conversion to a nonresidential use of any housing unit in the City, including those demolished or declared unfit for habitation pursuant to any order, decision or other action of the city's office of inspection services.

The conversion to a nonresidential use of any housing unit located on the ground floor of a building within a form or mixed-use zoning district shall be exempt from the provisions of this Part.

ARTICLE 11. PLANNED DEVELOPMENT

Sec. 11.1.3 General Requirements and Applicability.

With the exception of Development subject to the requirements of Art 14, a~~A~~ny development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	**Minimum Project Size**
RH, RM, RM-W, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional[1]	No minimum project size.
RL, RL-W, RCO-R/G[1]	2 acres or more

ARTICLE 13: DEFINITIONS

Sec. 13.1.1 Miscellaneous.

For the purposes of this ordinance,

(a) Words used in the singular include the plural and words used in the plural include the singular;

(b) Words used in the present tense include the future;

(c) The word "shall" is mandatory and not merely directory;

(d) The word "building" includes "structure";

(e) The word "lot" includes the word "plot"; and,

(f) The word "land" includes the words "marsh", "wetland" and "water".

Sec. 13.1.2 Definitions.

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Appendix A-Use Table – All Zoning Districts

	Downtown Mixed Use[i]				
USES	~~**D**~~	~~**DW**~~	**DW-PT[16]**	~~**DT**~~	~~**BST**~~
RESIDENTIAL USES	~~**D**~~	~~**DW**~~	**DW-PT[16]**	~~**DT**~~	~~**BST**~~
Single Detached Dwelling	~~N[30]~~	~~N~~	N	~~N[30]~~	~~N[30]~~
Accessory Dwelling Unit *(See Art.5, Sec.5.4.5)*	~~N~~	~~N~~	N	~~N~~	~~N~~
Attached Dwellings - Duplex	~~N~~	~~N~~	N	~~N~~	~~N~~
Attached Dwellings - Multi-Family (3 or more)	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Attached Dwelling(s) – Mixed-Use[26]	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
RESIDENTIAL SPECIAL USES	~~**D**~~	~~**DW**~~	**DW-PT[16]**	~~**DT**~~	~~**BST**~~
Assisted Living	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Bed and Breakfast[4, 6]	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Boarding House [6] (4 persons or less)	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Boarding House [6] (5 persons or more)	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Community House (*See Sec.5.4.4*)	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
Convalescent /Nursing Home	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Dormitory[5]	~~N~~	~~N~~	N	~~CU~~	~~CU~~
Group Home	~~Y~~	~~CU~~	N	~~Y~~	~~N~~
Historic Inn (*See Sec.5.4.2*)	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
Mobile Home Park	~~N~~	~~N~~	N	~~N~~	~~N~~
Sorority/Fraternity[5]	~~N~~	~~N~~	N	~~CU~~	~~N~~
NON-RESIDENTIAL USES	~~**D**~~	~~**DW**~~	**DW-PT[16]**	~~**DT**~~	~~**BST**~~
Adult Day Care	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Agricultural Use[20]	~~N~~	~~N~~	N	~~N~~	~~N~~
Amusement Arcade	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
Animal Boarding/Kennel/Shelter	~~CU[29]~~	~~CU[29]~~	N	~~CU[29]~~	~~CU[29]~~
Animal Grooming	~~N~~	~~N~~	N	~~Y~~	~~Y~~
Animal Hospitals/Veterinarian Office	~~CU~~	~~N~~	N	~~CU~~	~~CU~~
Appliance Sales/Service	~~Y~~	~~Y~~	N	~~CU~~	~~Y~~
Aquarium	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~Y~~
Art Gallery/Studio	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~Y~~	~~Y~~
Auction House	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Automobile Body Shop	~~N~~	~~N~~	N	~~N~~	~~N~~
Automobile & Marine Parts Sales	~~Y~~	~~Y[14]~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~Y~~
Automobile/Vehicle Repair	~~N~~	~~N~~	N	~~N~~	~~N~~
Automobile Sales – New & Used	~~Y[10]~~	~~N~~	N	~~CU[10]~~	~~Y[10]~~
Bakery - Retail	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Bakery - Wholesale	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
Bank, Credit Union	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Bar, Tavern	~~Y~~	~~Y~~	N	~~N~~	~~CU~~
Beauty/ Barber Shop	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Bicycle Sales/Repair	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Billiard Parlor	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
Boat Repair/Service	~~N~~	~~CU~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~CU~~
Boat Sales/Rentals	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~Y~~	~~Y~~
Boat Storage	~~N~~	~~CU~~	N	~~CU~~	~~CU~~
Bowling Alley	~~CU~~	~~N~~	N	~~N~~	~~CU~~
Building Material Sales	~~N~~	~~N~~	N	~~N~~	~~N~~
Café	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~Y~~
Camp Ground	~~N~~	~~N~~	(*See Sec.4.4.1(d) 2*)	~~N~~	~~N~~
Car Wash	~~N~~	~~N~~	N	~~N~~	~~N~~
Cemetery	~~N~~	~~N~~	N	~~N~~	~~N~~
Cinema	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Club, Membership	~~Y~~	~~N~~	N	~~Y~~	~~Y~~
Community Center	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Community Garden	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Conference Center	~~Y~~	~~N~~	N	~~CU~~	~~CU~~
Composting	~~N~~	~~N~~	N	~~N~~	~~N~~
Contractor Yard	~~N~~	~~N~~	N	~~N~~	~~N~~
Convenience Store (*See Sec.5.4.3*)	~~Y~~	~~Y[12]~~	N	~~CU~~	~~Y~~

Appendix A-Use Table – All Zoning Districts

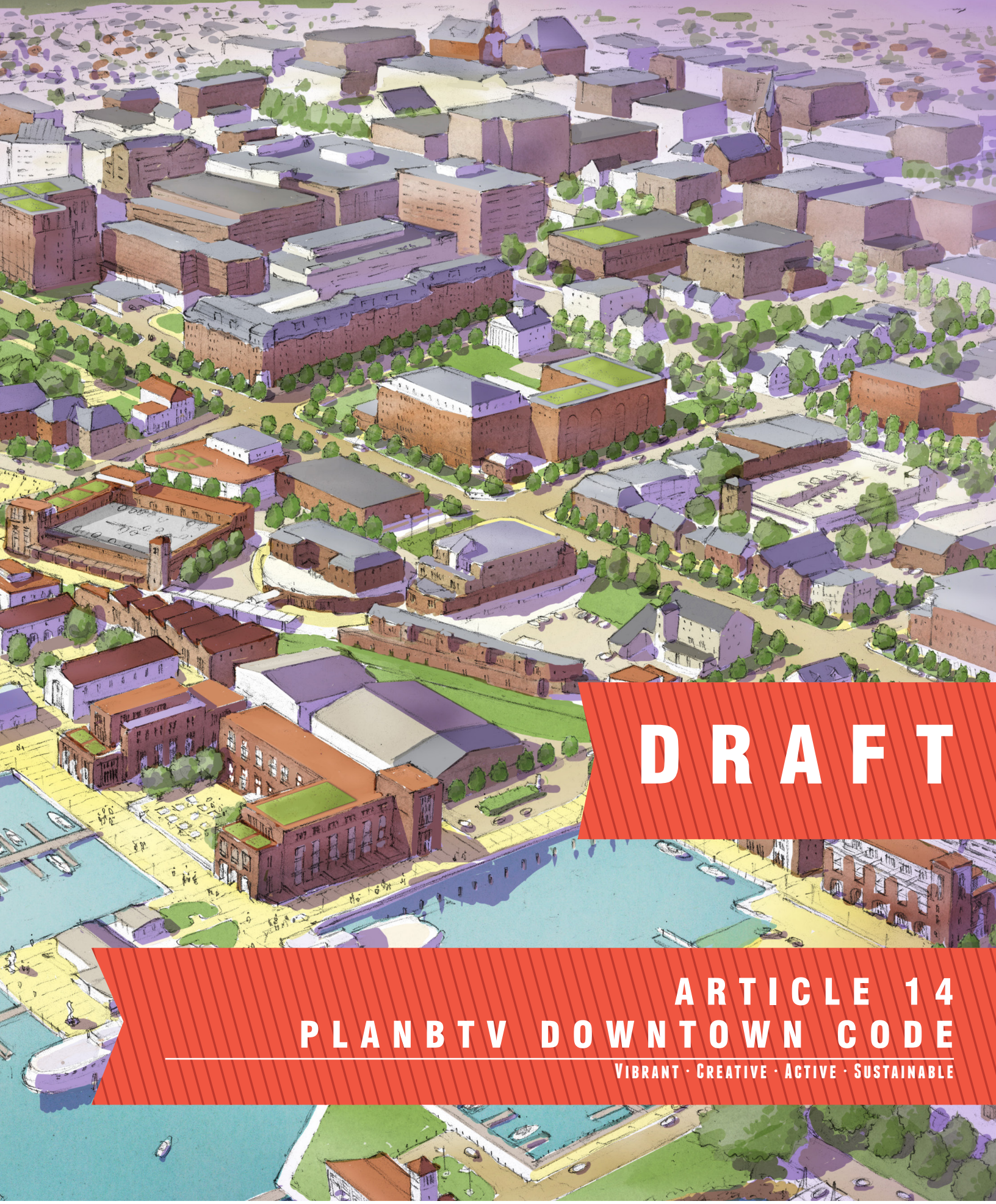
	Downtown Mixed Use[i]				
USES	~~**D**~~	~~**DW**~~	**DW-PT**[16]	~~**DT**~~	~~**BST**~~
Convention Center	~~CU~~	~~CU~~	N	~~CU~~	~~CU~~
Courthouse	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Crematory	~~N~~	~~N~~	N	~~N~~	~~N~~
Crisis Counseling Center	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Daycare - Large (Over 20 children) (see Sec. 5.4.1)	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
Daycare - Small (up to 20 children) (*See Sec.5.4.1*)	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
Daycare – Family Home	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Dental Lab	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Distribution Center	~~N~~	~~N~~	N	~~N~~	~~N~~
Dry Cleaning Plant	~~N~~	~~N~~	N	~~N~~	~~N~~
Dry Cleaning Service	~~Y~~	~~Y~~[14]	N	~~Y~~	~~Y~~
Film Studio	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Fire Station	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Food Processing	~~N~~	~~N~~	N	~~CU~~	~~CU~~
Fuel Service Station[9]	~~Y~~[11]	~~N~~	N	~~CU~~[11]	~~CU~~[11]
Funeral Home	~~CU~~	~~N~~	N	~~N~~	~~N~~
Garden Supply Store	~~CU~~[14]	~~CU~~[14]	N	~~CU~~[14]	~~CU~~[14]
General Merchandise/Retail – Small <4,000sqft	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~Y~~	~~Y~~
General Merchandise/Retail – Large ≥4,000sqft	~~Y~~	~~CU~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~CU~~
Grocery Store – Small ≤10,000sqft	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Grocery Store – Large >10,000sqft	~~Y~~	~~N~~	N	~~CU~~	~~CU~~
Hazardous Waste Collection/Disposal	~~N~~	~~N~~	N	~~N~~	~~N~~
Health Club	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
Health Studio	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Hospitals	~~CU~~	~~N~~	N	~~CU~~	~~CU~~
Hostel	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Hotel, Motel	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~CU~~
Laundromat	~~Y~~	~~Y~~[13]	N	~~Y~~[13]	~~Y~~[13]
Library	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Lumber Yard	~~N~~	~~N~~	N	~~N~~	~~N~~
Machine/Woodworking Shop	~~N~~	~~N~~	N	~~CU~~	~~CU~~
Manufacturing	~~N~~	~~N~~	N	~~N~~	~~N~~
Manufacturing - Tour Oriented	~~N~~	~~CU~~	N	~~N~~	~~CU~~
Marina	~~N~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~N~~	~~N~~
Medical Lab	~~Y~~	~~N~~	N	~~CU~~	~~CU~~
Mental Health Crisis Center	~~N~~	~~N~~	N	~~N~~	~~N~~
Micro-Brewery/Winery	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Museum–Small < 10,000 sqft	~~Y~~	~~Y~~	(See Sec.4.4.1(d) 2)	~~Y~~	~~Y~~
Museum-Large >10,000 sqft	~~CU~~	~~CU~~	(See Sec.4.4.1(d) 2)	~~CU~~	~~CU~~
Office - General	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Office - Medical, Dental	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Open Air Markets	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~Y~~	~~Y~~
Operations Center – Taxi/Bus[9]	~~N~~	~~N~~	N	~~N~~	~~N~~
Operations Center - Trucking[9]	~~N~~	~~N~~	N	~~N~~	~~N~~
Park	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~Y~~	~~Y~~
Parking Garage [9]	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Parking Lot [9]	~~N~~	~~N~~	N	~~N~~	~~N~~
Performing Arts Center	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~CU~~
Performing Arts Studio	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~CU~~
Pet Store[10]	~~CU~~	~~CU~~	N	~~CU~~	~~CU~~
Pharmacy	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Photo Studio	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Photography Lab	~~Y~~	~~N~~	N	~~CU~~	~~CU~~
Police Station - Central	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Police Station - Local	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Post Office – Central Distribution Center	~~N~~	~~N~~	N	~~Y~~	~~N~~
Post Office - Local	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Printing Plant	~~N~~	~~N~~	N	~~N~~	~~N~~
Printing Shop	~~Y~~	~~N~~	N	~~CU~~	~~CU~~

Appendix A-Use Table – All Zoning Districts

	Downtown Mixed Use[i]				
USES	~~**D**~~	~~**DW**~~	**DW-PT**[16]	~~**DT**~~	~~**BST**~~
Public Transit Terminal	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~CU~~
Public Works Yard/Garage[9]	~~N~~	~~N~~	N	~~N~~	~~N~~
Radio & TV Studio	~~Y~~	~~Y~~	N	~~CU~~	~~Y~~
Rail Equip. Storage & Repair	~~N~~	~~N~~	(*See Sec.4.4.1(d) 2*)	~~N~~	~~N~~
Recording Studio	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Recreational Facility - Indoor	~~Y~~	~~CU~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~CU~~
Recreational Facility - Outdoor Commercial	~~N~~	~~CU~~	(*See Sec.4.4.1(d) 2*)	~~N~~	~~N~~
Recreational Facility - Outdoor	~~N~~	~~N~~	(*See Sec.4.4.1(d) 2*)	~~N~~	~~N~~
Recreational Vehicle Sales – New and Used	~~N~~	~~N~~	N	~~N~~	~~N~~
Recycling Center – Large [10] (above 2,000 sf)	~~N~~	~~N~~	N	~~N~~	~~N~~
Recycling Center - Small [10] (2,000 sf or less)	~~N~~	~~N~~	N	~~N~~	~~N~~
Research Lab	~~CU~~	~~CU~~	(*See Sec.4.4.1(d) 2*)	~~CU~~	~~CU~~
Restaurant	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~Y~~	~~Y~~
Restaurant – Take Out	~~Y~~	~~Y~~	(*See Sec.4.4.1(d) 2*)	~~Y~~	~~Y~~
Salon/Spa	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
School - Post-Secondary &Community College	~~CU~~	~~N~~	N	~~CU~~	~~CU~~
School – Preschool Large (over 20 children) (see Sec. 5.4.1)	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
School – Preschool Small (up to 20 children) (see Sec. 5.4.1)	~~Y~~	~~Y~~	N	~~CU~~	~~CU~~
School - Primary	~~CU~~	~~N~~	N	~~CU~~	~~N~~
School - Secondary	~~CU~~	~~N~~	N	~~CU~~	~~N~~
School, -Trade, or Professional	~~Y~~	~~N~~	N	~~CU~~	~~CU~~
Solid Waste Facility - Incinerator, Landfill, Transfer Station	~~N~~	~~N~~	N	~~N~~	~~N~~
Tailor Shop	~~Y~~	~~Y~~	N	~~Y~~	~~Y~~
Warehouse	~~N~~	~~N~~	(*See Sec.4.4.1(d) 2*)	~~N~~	~~N~~
Warehouse, Retail[9]	~~N~~	~~N~~	N	~~N~~	~~N~~
Warehouse, Self-Storage[9]	~~N~~	~~N~~	N	~~N~~	~~N~~
Wholesale Sales[9]	~~N~~	~~N~~	N	~~N~~	~~N~~
Worship, Place of	~~Y~~	~~N~~	N	~~Y~~	~~Y~~

[i] For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	**Zoning District**
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
~~**D**~~	~~Downtown~~
~~**DW**~~	~~Downtown Waterfront~~
DW-PT	Downtown Waterfront – Public Trust
~~**DT**~~	~~Downtown Transition~~
~~**BST**~~	~~Battery Street Transition~~
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing



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ARTICLE 14
PLANBTV DOWNTOWN CODE

VIBRANT · CREATIVE · ACTIVE · SUSTAINABLE

This Code is a collaboration of the City of Burlington and Town Planning & Urban Design Collaborative LLC.
More at: http://www.burlingtonvt.gov/planBTV/

DRAFT: June 20, 2017

Article 14- planBTV Downtown Code Table of Contents

Preamble: a place-based approach to zoning

P.1	What is a Form-Based Code?	5
P.2	The Rural-to-Urban Transect: The Framework for the PlanBTV Downtown Code	6
P.3	Foundation for the PlanBTV Downtown Code	6
P.4	Guiding Principles for the PlanBTV Downtown Code	6
P.5	The Burlington Form Districts	7
P.6	Organization of the PlanBTV Downtown Code	8
P.7	How to Use the PlanBTV Downtown Code	9

Section 14.1: Purpose and Applicability

14.1.1	Purpose	11
14.1.2	Intent	11
14.1.3	Applicability	12

Section 14.2: Regulating Plan

14.2.1	Purpose	13
14.2.2	Applicability	13
14.2.3	Regulating Plan Amendments	13
14.2.4	Form Districts	13
	Map 1 - Regulating Plan	14
14.2.5	Civic Space	15
14.2.6	Special Requirements	15
	Map 2 - Specific Height Areas	16
	Map 3 - Shopfronts Required	17

Section 14.3: Specific to Form Districts

14.3.1	Purpose	19
14.3.2	Applicability	19
14.3.3	Form Districts General	19
14.3.4	FD6 Downtown Core (FD6)	21
14.3.5	FD5 Downtown Center (FD5)	27
14.3.6	Civic Spaces	33

Section 14.4: Specific to Building Types

14.4.1	Purpose	39
14.4.2	Applicability	39
14.4.3	Building Types General and Green Buildings	39
14.4.4	*reserved*	
14.4.5	*reserved*	
14.4.6	*reserved*	
14.4.7	Rowhouse	41
14.4.8	Multi-family: Small	42
14.4.9	Multi-family: Large	43
14.4.10	Mixed-Use	44
14.4.11	Perimeter	45
14.4.12	Civic	46
14.4.13	Urban Design Standards	47

Section 14.5: Specific to Private Frontage Types

14.5.1	Purpose	53
14.5.2	Applicability	53
14.5.3	Frontage Types General	54
14.5.4	Porch: Projecting	57
14.5.5	Porch: Engaged	58
14.5.6	Porch: Integral	59
14.5.7	Stoop	60
14.5.8	Courtyard	61
14.5.9	Dooryard	62
14.5.10	Doorway	63
14.5.11	Lightwell & Landing	64
14.5.12	Officefront	65
14.5.13	Shopfront	66
14.5.14	Terrace	68
14.5.15	Forecourt	69
14.5.16	Gallery	70
14.5.17	Arcade	71

Section 14.6: Applicable in all Form Districts

14.6.1	Purpose	73
14.6.2	Applicability	73
14.6.3	Yard Types & Lot Layers	73
14.6.4	Building Height	74
14.6.5	Historic Building and Districts	76
14.6.6	Special Use Regulations	76
14.6.7	Parking and Circulation	78
14.6.8	Site and Landscape Standards	81
14.6.9	Stormwater Management	82
14.6.10	Outdoor Lighting & Telecommunications Equipment	82

Section 14.7: Administration and Procedures

14.7.1	Applying for a Zoning Permit: Submission Requirements and Review	83
14.7.2	Non-Conformities	85
14.7.3	Varying the Form:: Administrative Relief, DRB Alternative Compliance, and Variances	86

Section 14.8: Glossary

89

The work that provided the basis for this publication was supported by funding under an award with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the government.

This form based code is the result of a collaboration between the Burlington Dept. of Planning and Zoning and their consultant the Town Planning and Urban Design Collaborative (TPUDC). In developing this code for Burlington, many of the best form based codes from across the country were consulted for format, organization, standards and overall inspiration including those in Cincinnati, OH and Flagstaff, AZ (prepared by Opticos), Miami, FL (prepared by DPZ), Nashville, TN, and Buffalo, NY (prepared by Camiros).

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PREAMBLE: A PLACE-BASED APPROACH TO ZONING

SUBSECTIONS:

P.1	What is a Form-Based Code?
P.2	The Rural-to-Urban Transect: The Framework for the PlanBTV Downtown Code
P.3	Foundation for the PlanBTV Downtown Code
P.4	Guiding Principles for the PlanBTV Downtown Code
P.5	The Burlington Form Districts
P.6	Organization of the PlanBTV Downtown Code
P.7	How to Use the PlanBTV Downtown Code

This Preamble provides an overview of PlanBTV Downtown Codes generally, and the creation and organization of the PlanBTV Downtown Code. This text is not regulatory and is intended only to provide an introduction and overview for users.

P.1 - WHAT IS A FORM-BASED CODE?

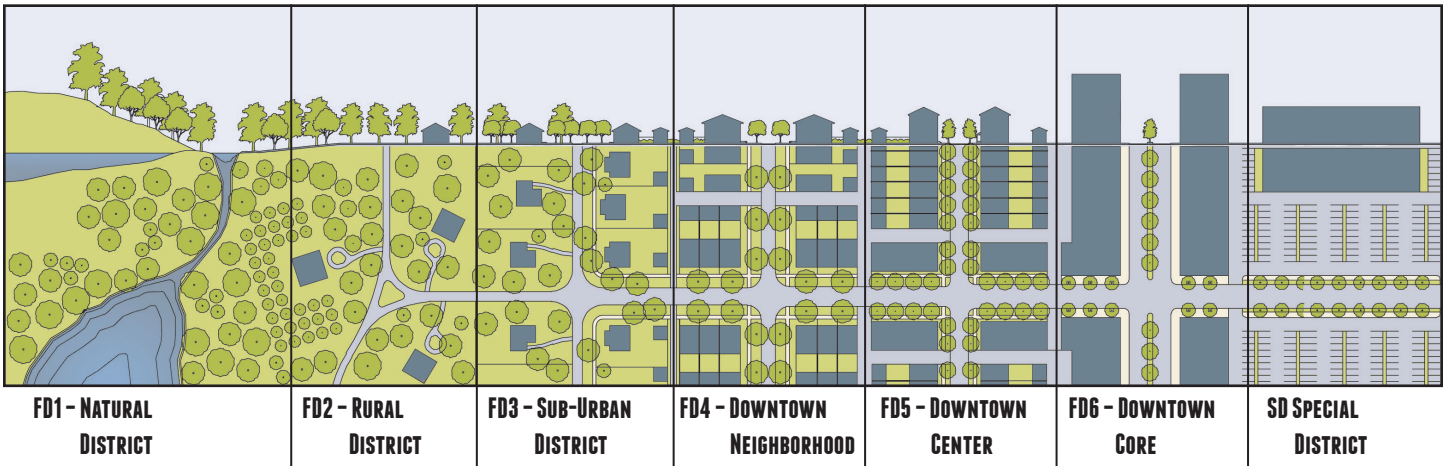
The growing use of "form-based" development regulations represents a paradigm shift in the way that communities regulate the growth and development of the built environment. More and more communities are realizing that conventional, use-based approaches to zoning are much less effective for regulating diverse, urban, mixed-use environments.

Unlike conventional zoning regulations, form-based codes use the intended built form and physical characteristics of a place as the organizing principle or framework of the code, rather than one base on separating or concentrating land uses. A form-based approach helps to explain how buildings and structures relate to their lots, surrounding buildings and structures, and the street and other public rights-of-way. The naming conventions used in a form-based codes are typically "use-neutral" and instead reflect the intended physical form of a place or building. For example, instead of an area being labeled "single-family residential," it might be called "traditional neighborhood." The terms "neighborhood" and "downtown" both may include a mix of uses and different building types but with a different intended physical form, scale, and intensity of development.

While form-based codes primarily focus on the intended physical form and character of a place, it is not to say they ignore uses. Form-based codes carefully provide for a range of uses to maximize compatibility with the intended physical form of the area. In many cases, the defined physical form and character of a place or building will greatly influence the type or scale of a given use. This allows for a more simplified list of permitted and conditionally permitted uses. Burlington is using form-based codes to help achieve the overarching vision of *planBTV-Downtown & Waterfront Master Plan t*o create a vibrant downtown that is welcoming to all.

P.2 - The Rural-to-Urban Transect: The Framework for the PlanBTV Downtown Code

The rural-to-urban transect is an organizing principle used by many form-based codes that establishes a hierarchy of places/contexts from the most rural to the most urban, and replaces use as the organizing principle as is used in conventional or Euclidean zoning. The designation of each zone along this hierarchy is determined first by the character and form, intensity of development, and type of place and secondly by the mix of uses within the area.



The PlanBTV Downtown Code uses the term "Form Districts" rather than "Transect Zones" for ease of use and understanding by the majority of users. The Burlington Form Districts currently include only the more urbanized (FD5-FD6) end of the hierarchy. The more natural, rural and suburban (generally FD1 through FD4) district types are not used at this time because they are generally not present within the downtown area of the city.

P.3 - Foundation for the Burlington Code

In 2013, the City of Burlington completed a comprehensive downtown and waterfront master plan called *planBTV: Downtown and Waterfront Master Plan* (www.burlingtonvt.gov/planBTV/), which was unanimously supported and adopted by the City Council. The development of planBTV began in 2011 with a series of studies to inventory and assess existing conditions and identify primary needs, challenges and opportunities. These assessments provided critical information and perspective necessary to inform a meaningful and grounded visioning and planning process. After 18 months of intensive public engagement by Burlingtonians, the development of the master plan began. planBTV is the culmination of these efforts and includes a cohesive vision that emerged from a planning process grounded in real-world present-day context. This vision for the future of the downtown and waterfront joins other major City policy documents such as the 2014 Climate Action Plan to ensure a "Sustainable Burlington" for the benefit of this generation and those that follow.

One of the most important implementation tools identified in planBTV was the development of a form-based codes for the Downtown and Waterfront area. This was understood to be a critical tool with which to facilitiate infill, allow for a more diverse range of building types, and create a more predictable and transparent public approvals process for new and future development within the city's core.

P.4 - Guiding Principles for the PlanBTV Downtown Code

The PlanBTV Downtown Code is designed to be applied across the planBTV study area, becoming Article 14 of the Comprehensive Development Ordinance for this part of the City, in order to help advance the following guiding principles of the *planBTV: Downtown and Waterfront Master Plan*:

- A Vibrant Economy - local food, local business, local character
- Housing Choice - choice, affordability, dignity
- Transportation Choice - walking, biking, transit, driving
- Active and Healthy Living - Access to nature, arts, people, entertainment
- Environmental & Cultural Stewardship - Access to clean water, clean air & natural spaces
- Sense of Place - Civic pride, tolerance, community, authenticity
- Creativity & Innovation - innovation, arts, creativity

P.5 - The Burlington Form

As part of the creation of the *planBTV: Downtown and Waterfront Master Plan* and the PlanBTV Downtown Code, City staff and their consultant team carefully documented different elements of the existing built and desired urban form in each of the different "Form Districts" to extract the Burlington-specific "DNA" for each sampled area. The result is the creation of two Form Districts for Burlington's downtown and waterfront area as follows:

- FD5 - Downrtown Center applies to areas that have higher density of residential or commercial development often in attached or slightly detached forms providing a transition between the mixed use core and adjacent residential neighborhoods.
- FD6 - Downtown Core applies to the core of the downtown with the highest density of residential or commercial development in attached or slightly detached forms.

For each of these Form Districts, a suite of suitable Building and Frontage Types were also identified and create development forms that are appropriate in each zone. The result is a menu of building forms and configurations that are complimentary to the existing character of Burlington, and should be used as the city contines to evolve in order to retain and enhance its urban form.

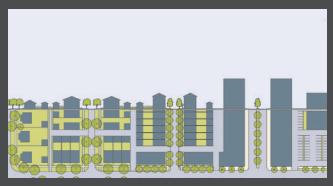
Less Urban ◄ ► **More Urban**

FD5 - Downtown Center	FD6 - Downtown Core

P.6 - Organization of the Burlington Form -Based Code

The following offers a brief overview of the organization of the PlanBTV Downtown Code and where to find the information that may be applicable to a given development proposal.

Preamble
A PLACE-BASED APPROACH TO ZONING

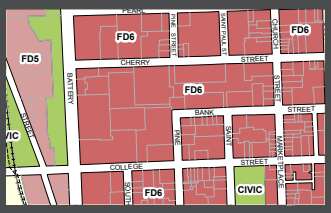


An overview of Burlington's form and character. This text is not regulatory and is intended to provide an introduction and overview of the PlanBTV Downtown Code.

Section 14.1
PURPOSE & APPLICABILITY

Provides an outline for the Structure of the PlanBTV Downtown Code and establishes the overall intent and applicability of the Code within the Burlington Comprehensive Development Ordinance (CDO)

Section 14.2
REGULATING PLAN



Establishes the Downtown and Waterfront District Regulating Plan and the Form Districts and where they apply within the City.

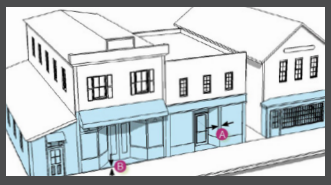
Section 14.3
SPECIFIC TO FORM DISTRICTS

Establishes regulatory standards governing building form and other related matters, such as land use, within each of the Form Districts.

Section 14.4
SPECIFIC TO BUILDING TYPES

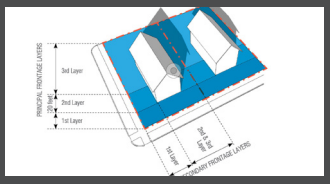
Establishes standards for a wide range of Building Types found within Burlington's downtown that are appropriate for walkable, transit-supportive urban environments.

Section 14.5
SPECIFIC TO FRONTAGE TYPES



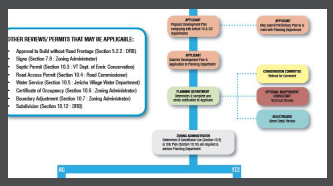
Establishes standards for a wide range of building Frontage Types that provide the transition between the public street and the private realm within buildings.

Section 14.6
SUPPLEMENTAL TO FORM DISTRICTS



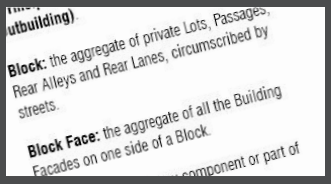
Establishes general development standards that apply across multiple Form Districts for topics such as parking and standards for specific uses.

Section 14.7
ADMINISTRATION & PROCEDURES



Establishes procedures for processing and reviewing developments under the PlanBTV Downtown Code.

Section 14.8
PLANBTV DOWNTOWN CODE GLOSSARY



Provides definitions for certain terms used throughout the PlanBTV Downtown Code.

P.7 - How to Use the PlanBTV Downtown Code

In graphic form, the illustration below highlights the basic steps to follow in using the PlanBTV Downtown Code. This is illustrative only and is not intended to set forth specific administration and procedures, which are set forth more fully in Section 14.7 (Administration and Procedures).

START HERE

Step One: Determine which Form District applies to your property.	Maps
Step Two: Understand the standards specific to your **Form District**.	Section 14.3
Step Three: Identify the **Building Type** you intend to build or alter, and comply with the standards specific to that type.	Section 14.4
Step Four: Identify the **Frontage Type** you intend to build or alter, and comply with the standards specific to that type.	Section 14.5
Step Five: Comply with the standards general to all Form Districts	Section 14.6
Step Six: Follow all necessary procedures for permit application	Section 14.7

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Purpose and Applicability of the PlanBTV Downtown Code

Subsections:

14.1.1 Purpose

14.1.2 Intent

14.1.3 Applicability

14.1.1 - Purpose

Article 14-PlanBTV Downtown Code is adopted as part of the *Burlington Comprehensive Development Ordinance* (CDO) to regulate development in the Downtown and Waterfront District as defined on Map 1-Regulating Plan (Section 14.2). Article 14 emphasizes the intended physical form and character of place and compatibility of uses. The organizing principle of Article 14 is based on a hierarchy of places in Burlington that range from the most rural to the most urban. The designation of Form Districts along this hierarchy is determined by the character and form, intensity of development, type of place, and the mix of uses within an area. These Form Districts reinforce existing, or enable creation of new, walkable mixed-use urban environments.

This Section 14.1 establishes the overall intent and applicability of Article 14 within the Burlington Comprehensive Development Ordinance.

14.1.2 - Intent

The intent of this Article 14-PlanBTV Downtown Code is to enable, encourage and qualify the implementation of the following within the Downtown and Waterfront District:

a) That development contiguous to urban areas should be structured in the pattern of, and be integrated with, the existing urban pattern, and contribute to Burlington's moderately scaled urban form emphasizing a more efficient pattern of development.

b) That development should be compact, pedestrian-oriented and mixed-use, and enhance the community with creative design, durable materials, and quality construction.

c) That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive, and the promotion of personal safety and accessibility for those with disabilities in the design of publicly accessible outdoor and indoor spaces.

d) That a range of housing types and price levels should be provided to accommodate diverse ages and incomes.

e) That buildings and landscaping should contribute to the physical definition of streets as Civic places, and buildings at and near the street level should be composed of human-scaled elements and details that promote pedestrian interest, comfort, and safety.

f) That development should reinforce the implementation of Complete Streets that provide for the mobility needs of all segments of our population.

g) That architecture and landscape design should grow from local climate, topography, history, and building practice, and incorporate modern, climate-sensitive and environmentally-conscious design considerations to create healthier, more productive, and more sustainable places to live and work.

h) That development should enhance the City's skyline and promote visual interest with a variety of architectural styles and elements, details, and materials of a building integral to the whole Building composition.

i) That important Civic buildings should be distinctive and appropriate to a role more important than the other Buildings that constitute the fabric of the City, and be designed and constructed to the highest standards in order to reflect community values, inspire future development, foster Civic pride, and serve as a model to others.

j) That the preservation and renewal of Historic Buildings should be facilitated.

k) That the intended physical form and character of development and resulting places shall be emphasized.

14.1.3 -Applicability

This PlanBTV Downtown Code shall be applicable to all lands within the Downtown and Waterfront District as mapped or described on the Burlington Regulating Plan (Section 14.2), as such may be changed from time to time, pursuant to Section 14.2 - Regulating Plan. Any and all subdivision of land, development and construction or modification of all Improvements, land, Buildings and Structures in the Downtown and Waterfront District shall occur only in accordance with this Article 14-PlanBTV Downtown Code as in effect on the date of acceptance of the completed application for approval of the applicable Project Plan submitted pursuant to Section 14.7 Administration and Procedures.

To the extent applicable and not otherwise in conflict with this Article 14-PlanBTV Downtown Code, the following sections of the *Burlington Comprehensive Development Ordinance* (CDO) shall also apply:

a) Article 1 - General Provisions

b) Article 2 - Administrative Mechanisms;

c) Article 3 - Applications, Permits and Project Reviews, Parts, 1, 2, 3, 5 and 6;

d) Article 4 - Zoning Maps and Districts, Parts 1, 2, 3, and Part 5 Sec. 4.5.4;

e) Article 5 - Citywide General Regulations, Parts 1, 2, 3, and 5;

f) Article 7 - Signs

g) Article 9 - Inclusionary and Replacement Housing;

h) Article 10 - Subdivision Review;

i) Article 12 - Variances and Appeals; and,

j) Article 13 - Definitions.

In each case, the standards and requirements applicable to the Downtown and Waterfront District Regulating Plan and this Article 14 shall take precedence without limitation over any duplicative or conflicting provisions of the other Articles of the Burlington Comprehensive Development Ordinance (BCDO).

If there is any conflict between the provisions of this Article 14 and any provisions of any other existing City codes, ordinances, regulations or standards (the "Existing Local Codes"), the provisions of this Article 14 shall take precedence over such conflicting provisions except for City and state Building, Fire, Health and Safety Codes.

The graphics, illustrations, photographs, tables, and metrics are an integral part of the PlanBTV Downtown Code; however:

a) Photographs are provided only as general illustrative examples and are not binding;

b) The illustrations of Table 14.3-A - Burlington Form Districts Summary Table, Table 14.4-B - Building Types Summary Table, Table 14.5-A - Frontage Types Summary Table and Table 14.6.10-B - Sign Types Summary Table and Tables 14.6.10-C through 14.6.10-K are provided only as general illustrative descriptions and are not binding;

c) The diagrams, photographs and illustrations contained in Sections 14.3.4 through 14.3.8 (Specific to Form Districts, Special Districts), Sections 14.4.4 through 14.4.14 (Specific to Building Types), and Sections 14.5.4 through 14.5.16 (Specific to Frontage Types) are provided only to indicate the general character of the various Form Districts and elements. References to metrics shown thereon shall have regulatory effect.

d) The graphics, illustrations, and photographs in Section 14.8 - Glossary are provided for illustrative purposes only and are not binding;

e) The illustrations of the Civic Space Types on Section 14.6.12 - Civic Spaces are provided for illustrative purposes only and are not binding, but the assignment of each Civic Space Type to the various Form Districts are binding;

f) The graphical depictions of the Form Districts on the various Tables are provided for ease of reference only and are not binding. The Form District designations and standards applicable to each Form District are binding.

Where in conflict, metrics represented in text and/or tables shall take precedence over metrics represented graphically, and a more specific standard shall take precedence a more general standard.

Section 14.2: Regulating Plan

Subsections:

14.2.1 Purpose

14.2.2 Applicability

14.2.3 Regulating Plan Amendments

14.2.4 Form Districts

14.2.5 Civic Space

14.2.6 Special Requirements

14.2.1 - Purpose

This Section 14.2 establishes the Downtown and Waterfront District Regulating Plan (Map 1-Regulation Plan) which provides the geographic framework to define and describe the location and nature of all regulation of Improvements, land, Structures, Buildings and Lots within the Downtown and Waterfront District.

14.2.2 - Applicability

The Downtown and Waterfront District Regulating Plan (Map 1- Regulating Plan) is adopted as an element of the "Official Zoning Map, City of Burlington VT" established under Section 4.1.1 of the *Burlington Comprehensive Development Ordinance*. The Downtown and Waterfront District Regulating Plan indicates the boundaries of the Downtown and Waterfront District, and the applicable Form Districts, Civic Spaces, Special Requirements, and any other elements. The Official Map of the City of Burlington and the Downtown and Waterfront Core Official Map established under Article 4, Part 2 of the *Burlington Comprehensive Development Ordinance* shall also have applicability within the Downtown and Waterfront District.

All Development, redevelopment and Improvements to land, Structures, Buildings and Lots within Downtown and Waterfront District shall comply with the Downtown and Waterfront District Regulating Plan and the elements and standards for such applicable Form Districts, Civic Spaces, and Special Requirements reflected on the Downtown and Waterfront District Regulating Plan.

14.2.3 - Downtown and Waterfront District Regulating Plan Amendments

The Downtown and Waterfront District Downtown and Waterfront District Regulating Plan may be amended from time to time pursuant to Section 4.1.3 of the *Burlington Comprehensive Development Ordinance*.

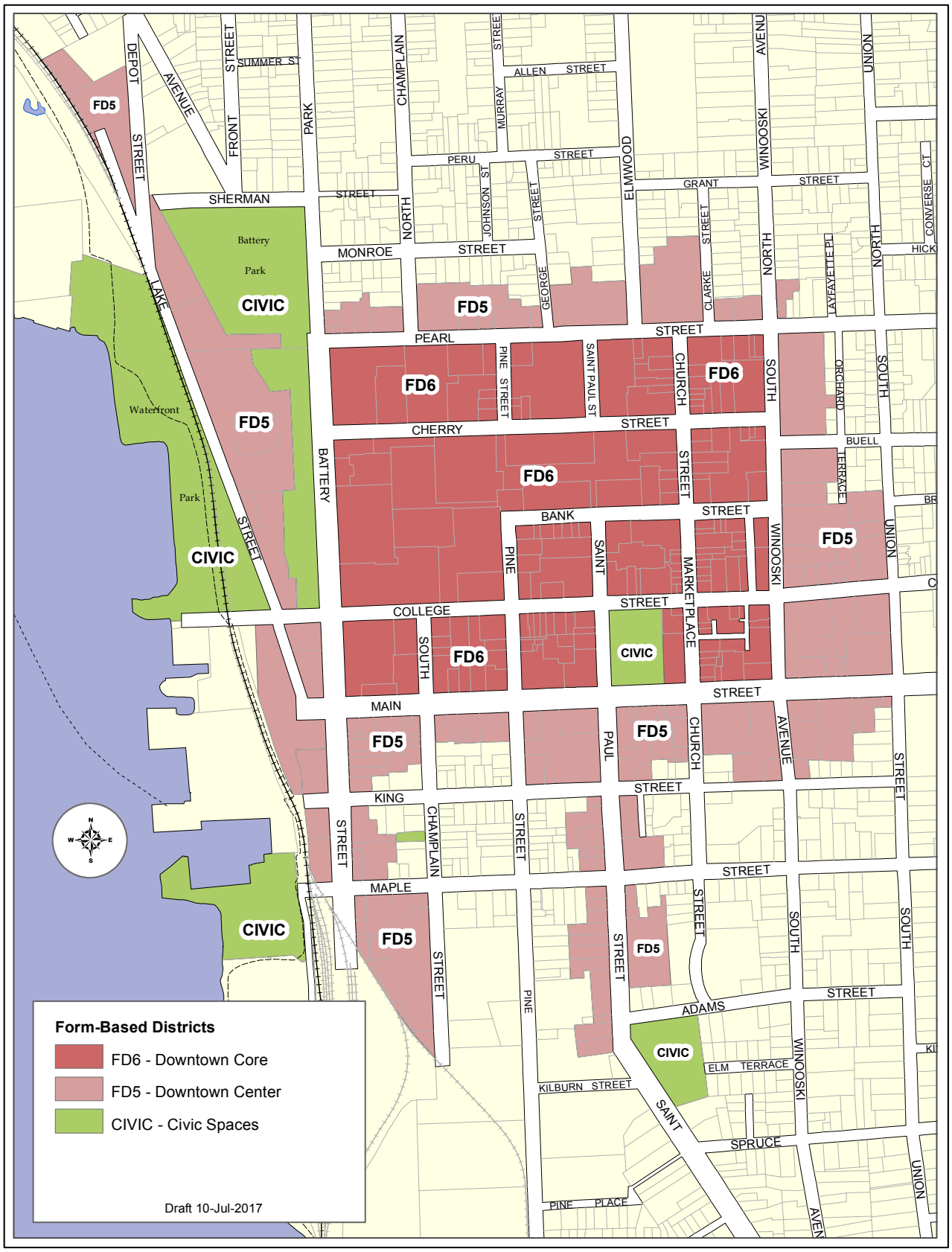
14.2.4 - Form Districts

A Form District is one of several areas on the Downtown and Waterfront District Regulating Plan to which certain development, Lot and Building standards, and other elements of the intended built environment are applicable. Form Districts shall be assigned for and mapped on the Downtown and Waterfront District Regulating Plan, and as applicable, for and on each proposed Downtown and Waterfront District Regulating Plan Amendment and Development Plan. As depicted on the Downtown and Waterfront District Regulating Plan- Map 1, in the Burlington Downtown & Waterfront District there are two (2) Form Districts as follows :

a) FD6 - Downtown Core (Section 14.3.4 - Specific to Form Districts - Downtown Core)

b) FD5 - Downtown Center (Section 14.3.5 - Specific to Form Districts - Downtown Center)

Map 1 - Regulating Plan



14.2.5 - Civic Space

A Civic Space (CS) is an area dedicated for Civic use and defined by the combination of certain physical constants and Improvements, including the relationships among their intended use, size, landscaping and any Enfronting Buildings.

Civic Space assigned and mapped on the Downtown and Waterfront District Regulating Plan are areas that are owned and operated by the City and which are already dedicated for one or more Civic purposes. Additional Civic Spaces as established and described in Section 14.3.7Civic Spaces, may be incorporated into new development or established independently as may be permitted in each of the various Form Districts.

14.2.6 - Special Requirements

The Downtown and Waterfront District Regulating Plan also designates Special Requirements listed below and as depicted on Map 2 - Specific Height Areas and Downtown and Map 3 - Shopfronts Required. Where the Downtown and Waterfront District Regulating Plan designates any one or more of such Special Requirements, the following standards shall be applied:

a) Specific Height Areas - Areas within Form Districts where the maximum height limit of Buildings, subject to the requirements of the applicable Form District, shall be as follows:

i. The height of a Building in FD6 with a Principal Frontage in the area identified as "A" on Map 2 - Specific Height Areas as illustrated may be increased to a maximum of 14 Stories not to exceed 160-feet.

ii. The height of a Building in FD6 with a Principal Frontage on the Church Street Marketplace District in the area identified as "B" on Map 2 - Specific Height Areas shall be decreased to a maximum of 4 Stories not to exceed 45-feet within 20-feet of the Frontage Line. Thereafter, any portion of a building fronting on Church Street exceeding 65-feet shall be set-back a minimum of 10-feet for every 10-feet of additional building height above 65-feet.

iii. The height of a Building in FD5 with a Principal Frontage on the south side of Main Street west of S. Winooski Ave. in the area identified as "C" on Map 2 - Specific Height Areas as illustrated may be increased to a maximum of 10 Stories not to exceed 105-feet to a depth of 150-feet from the Frontage Line.

iv. The height of a Building in FD5 with a Principal Frontage on the north side of Main Street, east of S. Winooski Ave. in the area identified as "D" on Map 2 - Specific Height Areas as illustrated may be increased to a maximum of 8 Stories not to exceed 85-feet.

v. The height of a Building in FD5 with a Principal Frontage in the area identified as "E" on Map 2 - Specific Height Areas as illustrated may be increased to a maximum of 6 Stories not to exceed 65-feet.

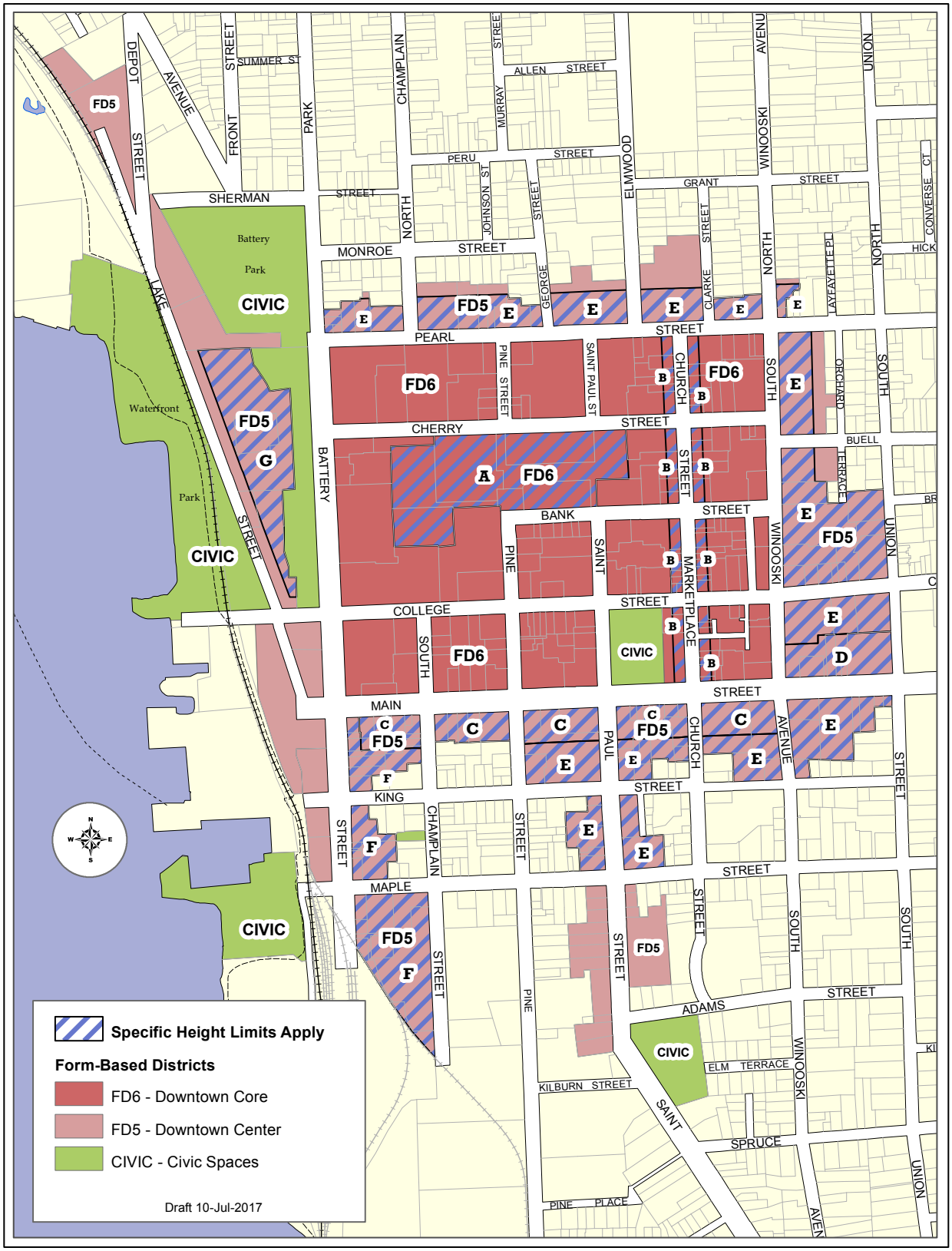
vi. The height of a Building in FD5 with a Principal Frontage in the area identified as "F" on Map 2 - Specific Height Areas may be increased to a maximum of 5 Stories not to exceed 55-feet.

vii. The height of a Building in FD5 with a Principal Frontage on Lake Street in the area identified as "G" on Map 2 - Specific Height Areas may be incrementally increased beyond 50' from the Lake St. Frontage Line in order to establish a second Façade and Frontage along Battery Park Extension with the building having a presence of no more than 1 Story not to exceed 20 feet facing Battery Park Extension.

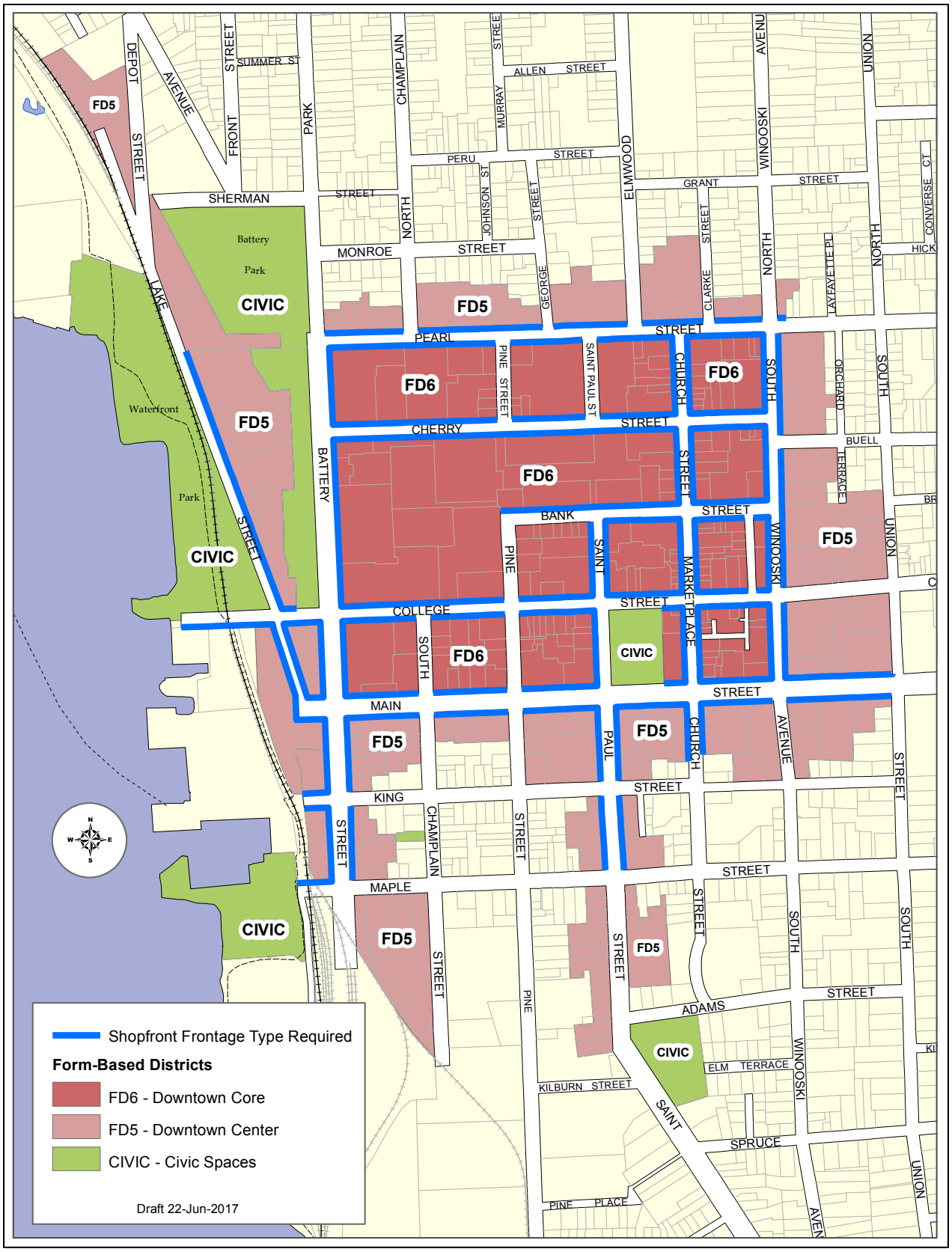
viii. The DRB may increase the applicable depths from the Frontage Line as noted above, not to exceed an additional 20 feet, in order to match an existing rear property line.

b) Shopfront Required - Areas within Form Districts where a Shopfront Frontage Type per the requirements of Sec. 14.5.12 are required as illustrated on the Downtown and Waterfront District Regulating Plan - Map 3 - Shopfronts Required. The required Shopfront Frontage may be used in conjunction with a Courtyard, Arcade, Gallery and/or Terrace Frontage Type as regulated per the requirements of Sec. 14.5. Civic Buildings established per Sec. 14.4.12 are exempt from this requirement.

Map 2 - Specific Height Areas



Map 3 - Shopfronts Required



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Section 14.3: Specific to Form Districts

Subsections:

14.3.1 Purpose
14.3.2 Applicability
14.3.3 Form Districts General
14.3.4 FD6 Downtown Core (FD6)
14.3.5 FD5 Downtown Center (FD5)
14.3.6 Civic Spaces

14.3.1- Purpose

This Section provides regulatory standards governing Building form standards, use, and parking standards for each Form District. Article 14 - PlanBTV Downtown Code is a reflection of the community vision for implementing the intent of *planBTV–Downtown & Waterfront Master Plan* to create places of walkable urbanism. These standards are intended to ensure that all proposed development is compatible with existing and future development on neighboring properties and produces a walkable, urban environment.

14.3.2-Applicability

All Development, redevelopment and Improvements to land, Structures, Buildings and Lots within Downtown and Waterfront District shall comply with all standards of Section 14.3 (Specific to Form Districts) including all Tables specific to each Form District, and shall be considered in combination with the standards of Section 14.4 (Specific to Building Types), Section 14.5 (Specific to Private Frontage Types) and Section 14.6 (Supplemental to Form Districts).

The standards and requirements applicable to a Form District shall modify and take precedence without limitation over any duplicative or conflicting provisions of Section 14.6 (Supplemental to Form Districts).

14.3.3- Form Districts General

The following shall be applicable to all Form Districts:

a) Lots being newly platted or re-platted shall be dimensioned as allowed for by the applicable Form District or Building Type as may be applicable.

b) Buildings shall be disposed in relation to the boundaries of their Lots according to the standards shown for the applicable Form District in this Section.

c) One or more Principal Buildings at the Frontage, and one or more Outbuildings and Backbuilldings to the rear of the Principal Building, may be built on each Lot.

d) Residential development must be cognizant of nearby non-residential uses in their design and construction, so as to minimize disturbance to residents. Accomodations for residential uses shall not undermine or reduce the overall development objectives and intensities on adjacent properties in FD6 and FD5.

Table 14.3-A - The Burlington Form Districts Summary Table provides an overview of the Burlington Form Districts.

TABLE 14.3-A- THE BURLINGTON FORM DISTRICTS SUMMARY TABLE [NOT-REGULATORY]

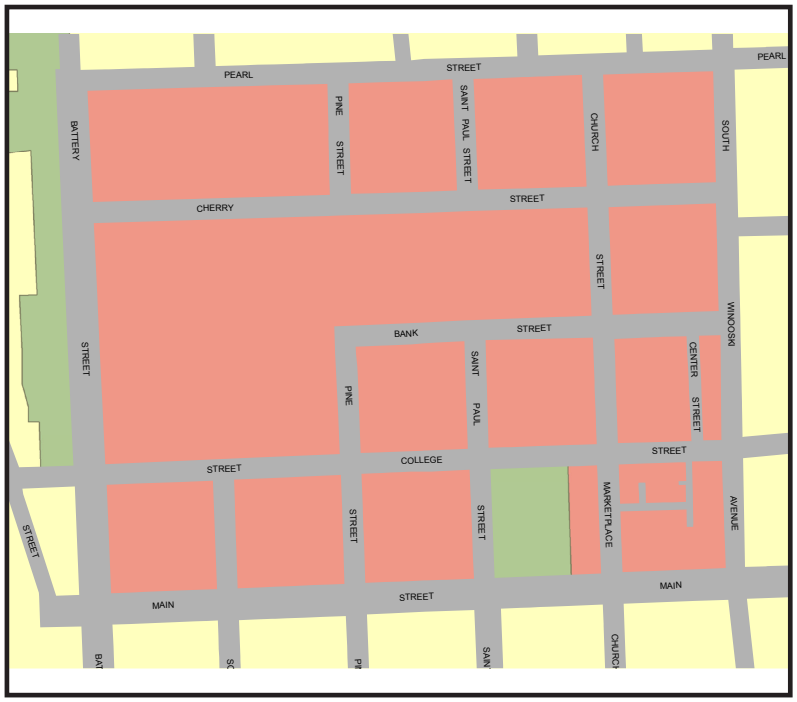
FD5 - DOWNTOWN CENTER	FD6 - DOWNTOWN CORE
INTENT	**INTENT**
To enhance the vibrant urban center with a variety of high density building types that provide locally and regionally serving office, retail, service, hospitality, entertainment, and Civic functions, as well as a wide variety of urban housing choices. This district reinforces and extends the walkable nature of the adjacent downtown core with shallow front setbacks and active street frontages, and provides a transition between larger and smaller scale buildings in the adjacent districts.	To enhance the vibrant urban center with a variety of high density building types that provide locally and regionally serving office, retail, service, hospitality, entertainment, and Civic functions, as well as a wide variety of urban housing choices. This district reinforces the walkable nature of the city's urban core with shallow front setbacks and buildings forming a continuous building wall along the sidewalk, and very active and engaging street frontages.
DESIRED FORM	**DESIRED FORM**
Attached Buildings with little to no side Setback	Attached Buildings with little to no side Setback
Small to large footprint	Small to large footprint
Building at the Frontage line	Building at the Frontage line
Multiple Buildings on a single lot	Multiple Buildings on a single lot
3 to 10 stories	3 to 14 stories
Outbuildings are not common	Outbuildings are not common
GENERAL USE	**GENERAL USE**
Vertically Mixed Uses: retail, service, hospitality, entertainment, Civic, on the ground floor with residential and other commercial uses on upper floors.	Vertically Mixed Uses: retail, service, hospitality, entertainment, Civic, on the ground floor with residential and other commercial uses on upper floors.

FD6 14.3.4 - FD6 - Downtown Core

14.3.4-A- Intent

To enhance the vibrant urban center with a variety of high density building types that provide locally and regionally serving office, retail, service, hospitality, entertainment, and Civic functions, as well as a wide variety of urban housing choices. This district reinforces the walkable nature of the city's urban core with shallow front setbacks and buildings forming a continuous building wall along the sidewalk, and very active and engaging street frontages.

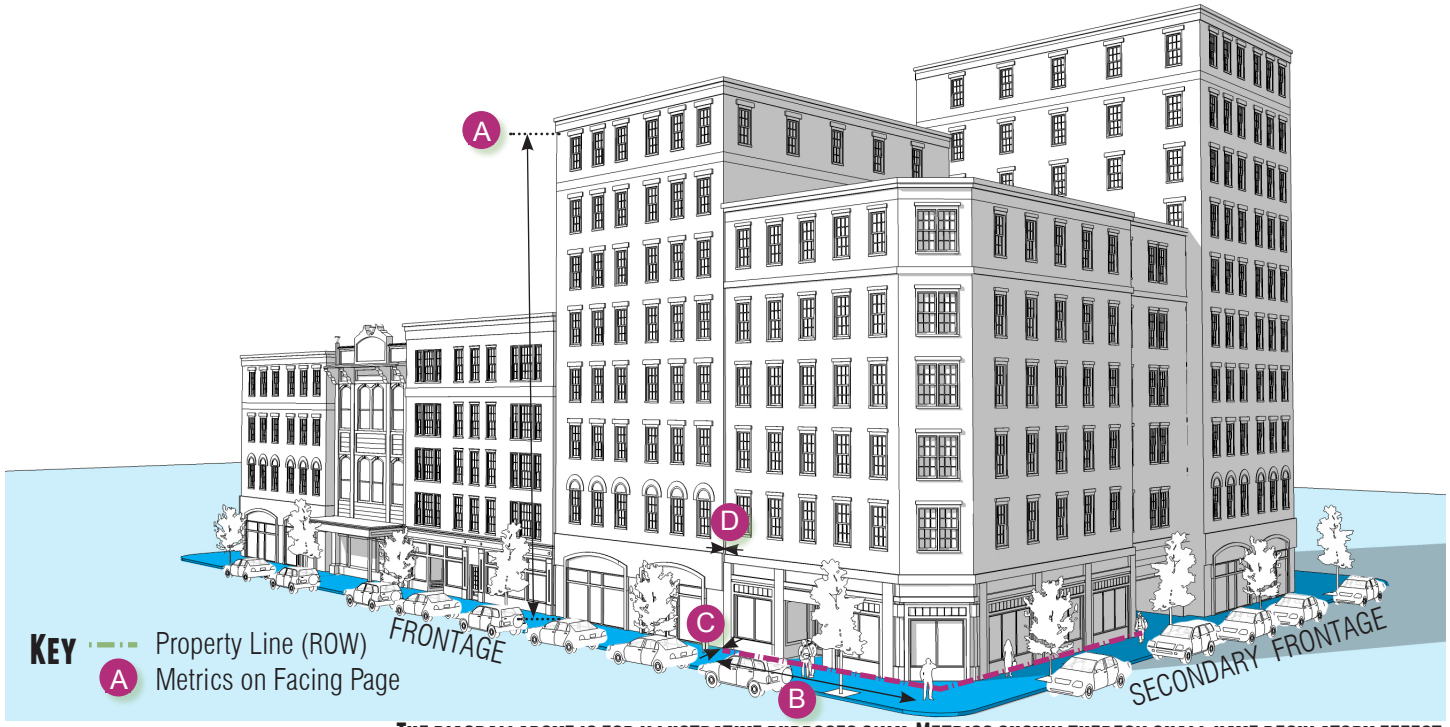
- Attached Buildings with little to no side Setback
- Small to large footprints
- Buildings at the Frontage line
- 3 to 14 stories
- Multiple Buildings on a single lot
- Outbuildings uncommon



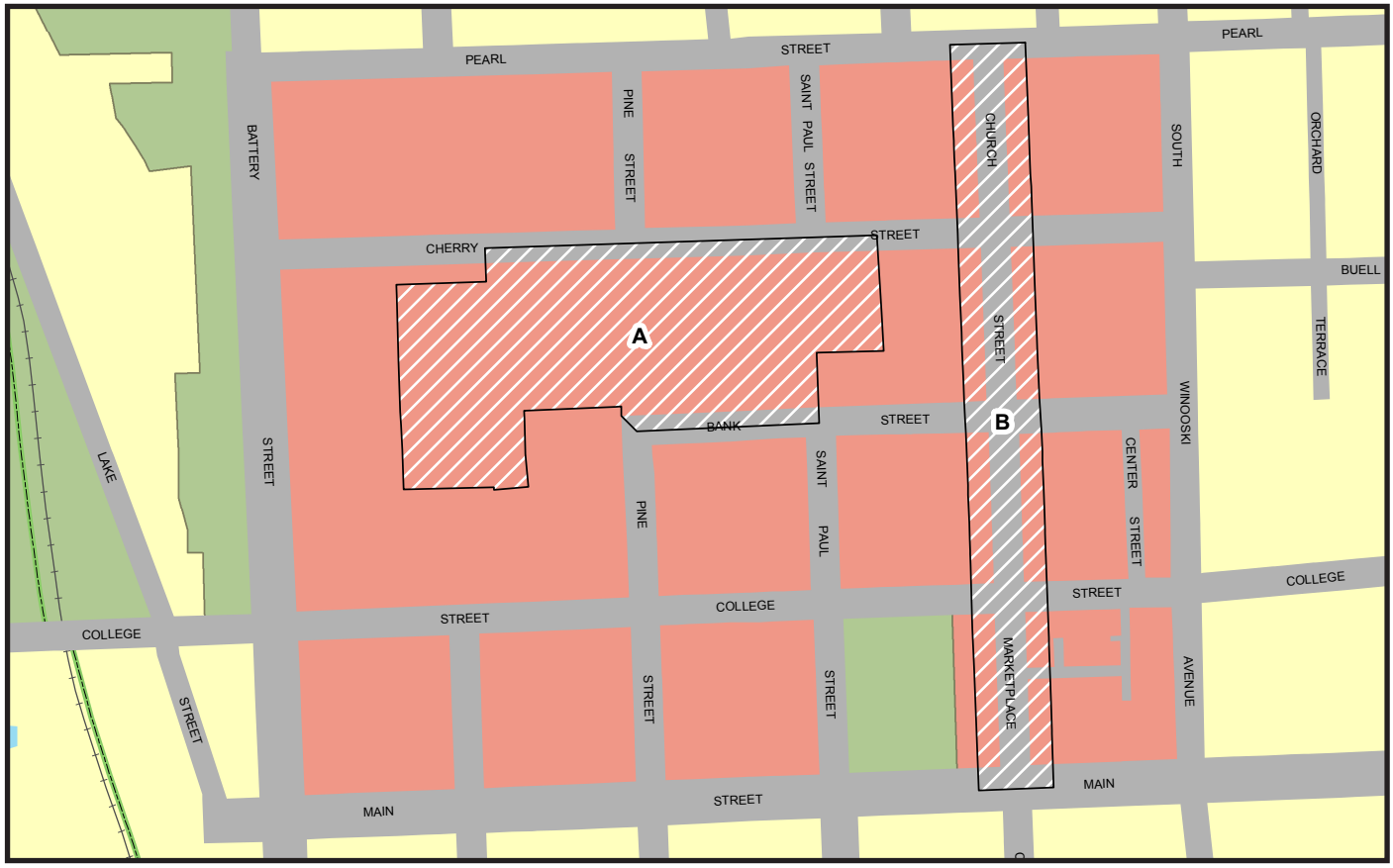
14.3.4-B- Allowed Building Types

Building Type	Standards
Rowhouses[1]	Section 14.4.7
Multi-Family: Small[1]	Section 14.4.8
Multi-Family: Large[1]	Section 14.4.9
Mixed-Use	Section 14.4.10
Perimeter	Section 14.4.11
Civic	Section 14.4.12

[1] Only permitted where a Shopfront Frontage Type is not required.



THE DIAGRAM ABOVE IS FOR ILLUSTRATIVE PURPOSES ONLY. METRICS SHOWN THEREON SHALL HAVE REGULATORY EFFECT.



THE DIAGRAM ABOVE IS AN EXCERPT OF REGULATING PLAN SPECIAL REQUIREMENTS - MAP 2 - SPECIFIC HEIGHT AREAS. (SEE SEC. 14.2.6)

14.3.4-C- Lot Occupation & Building Placement

Building Disposition

Block Perimeter	2,000-ft max.
Pervious Area	10% min.
Yard Type (see Section 14.6.3)	- Sideyard - Rearyard
Ground Floor Entries (linear distance along the Primary Frontage)	every 60-ft max.

Frontage Buildout & Building Setback

Frontage Buildout	100% min. along a Primary Frontage 80% min. along a Secondary Frontage	B
Front Stetback: - Principal Buildings	0-ft min.; 6-ft max. but in no event less than 12-ft from the curb.	C
- Outbuildings	In third Lot Layer	

Front Setback Exceptions:
In no event shall any Building be set closer than 15-ft from the curb along Main St from S. Winooski to Battery St., and along S. Winooski Ave from Main to Pearl St.

Additional exceptions and variations regarding front setbacks may be provided as part of a specific Frontage Type (see Sec. 14.5.).

Side Setback: - Principal Buildings	0-ft min. - 12-ft max.	D
- Outbuildings	0-ft min. or 3-ft min. on a Secondary Frontage	
Rear Setback: - Principal Buildings	0-ft min. or 15-ft from a rear Alley centerline	
- Outbuildings	0-ft min. or 15-ft from a rear Alley centerline	

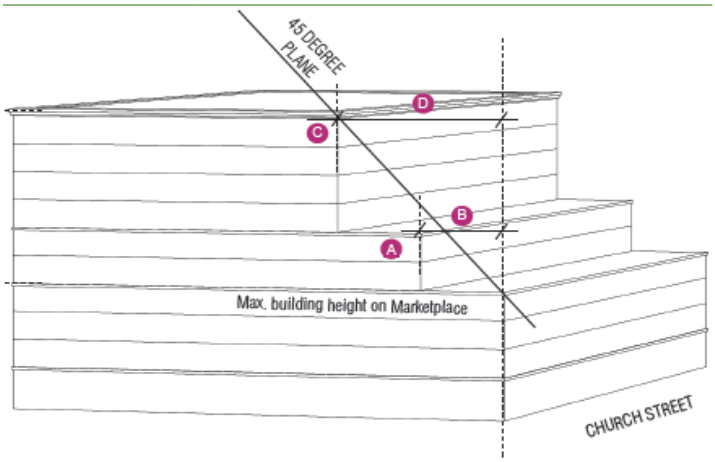
Any development shall also be subject to the provisions of Burlington CDO Sec. 4.2.2 Downtown and Waterfront Official Map as may be applicable.

14.3.4-D- Building Form

Building Height A

Principal Buildings	By Right: • 3 Stories min. • 4 Stories max., not to exceed 45-feet within 20-feet of the Frontage Line on the Church Street Marketplace[1]; otherwise, • 6 Stories max., not to exceed 65-feet Subject to DRB Review per Sec. 14..6.4-d: • 10 Stories max., not to exceed 105-feet or • 14 Stories max, not to exceed 160-feet [2]
Outbuildings	2 Stories max. not to exceed 24-feet

[1] Subject to Regulating Plan Special Requirements - Map 2 - Specific Height Areas (See Sec. 14.2.6), a Building with a Principal Frontage in the area identified as "B" shall be decreased to a maximum of 4 Stories not to exceed 45-feet within 20-feet of the Frontage Line. Thereafter, any portion of a building fronting on Church Street exceeding 65-feet shall be set-back a minimum of 10-feet (B & D below) for every 10-feet of additional building height (A & C below) above 65-feet.



[2] Subject to Regulating Plan Special Requirements - Map 2 - Specific Height Areas (See Sec. 14.2.6), a Building with a Principal Frontage in the area identified as "A" may be increased to a maximum of 14 Stories not to exceed 160-feet.

14.3.4-D- Building Form

Building Bulk (max area per floor)	
Floors 1-5	100% of lot max.
Floors 6-8	80% of lot max.
Floors 9-12	55% of lot max.
Floors 13+	15,000 sf max per individual floorplate, with individual towers separated by a minimum of 60-ft measured orthogonally.

14.3.4-E- Parking, Loading & Service

On-Site Parking

On-site parking shall be provided per the requirements of Sec. 14.6.8.

Location on the Lot

Parking Lots are not permitted, and Parking Areas shall be located in the Third Lot Layer.

Unless located within a Principal Building below the finished grade or above the second Story, all Parking Structures and Garages shall be located in the Third Lot Layer behind a Perimeter Building (see Sec. 14.4.11).

Miscellaneous

See also Sec. 14.6.8 for additional requirements pertaining to parking and site design.

14.3.4-F- Encroachments - Required Setbacks

Encroachment Type	Front	Rear
Frontage Type Elements[1]	Permitted	Permitted
Awnings and Canopies[2]	Permitted	Not permitted
Signs[3]	Permitted	Not permitted
Other Architectural Features[4]	4-ft max.	4-ft max.
Landscaping	Permitted	Permitted
Fences or freestanding walls	Not permitted	6-ft max. height
Driveways, Walkways	Permitted	Permitted
Utility Structures	Not permitted	Permitted

[1] Subject to Frontage Type standards in Sec.14.5.
[2] Subject to Sign standards in Art 7 of the BCDO.
[3] Subject to Awning and Canopy standards in Sec. 14.4.13.
[4] Building eaves, roof overhangs, solar shades, and light shelves; bay windows, oriels, and vestibules that are less than ten feet wide; and, cornices, belt courses, sills, buttresses, or other similar architectural features may encroach into a required setback provided that such extension does not encroach a property line.

14.3.4-G- Encroachments - Public right-of-way

(Along Principal and Secondary Frontages only)

Encroachment Type	Public ROW
Awnings[1] Canopies[1]	Permitted Permitted
Signs [2]	Permitted
Other Architectural Features [3]	4-ft max.

[1] Subject to Awning and Canopy standards in Sec. 14.4.13.

[2] With the exception of Freestanding Signs.

[3] Building eaves, roof overhangs, solar shades, and light shelves; bay windows, oriels, and vestibules that are less than ten feet wide; and, cornices, belt courses, sills, buttresses, or other similar architectural features may encroach into the ROW provided they are a minimum of 10-ft above the Sidewalk.

14.3.4-H- Use Type	FD6
Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.	
RESIDENTIAL - GENERAL	
Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
RESIDENTIAL - SPECIAL	
Assisted Living	P
Boarding House[1]	P
Community House *(Sec.14.6.7.d)*	P
Convalescent /Nursing Home	P
SHORT-TERM ACCOMODATIONS	
Bed and Breakfast[1]	P
Historic Inn *(Sec.14.6.7.b)*	P
Hotel	P
Shelter	P
RETAIL - GENERAL	
ATM	P
Auto/Boat/RV Sales/Rentals[3]	P
Convenience Store	P
Fuel Service Station[2] *(Sec.14.6.7.c)*	CU
General Merchandise/Retail	P
RETAIL - OUTDOOR	
Open Air Markets	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

[1]Must be owner-occupied.

[2] Automobile sales not permitted as an Accessory Use

[3] Exterior storage and display not permitted.

14.3.4-H- Use Type	FD6
OFFICE & SERVICE	
Animal Grooming	P
Auto/Boat/RV Service[3] *(Sec.14.6.7.c)*	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center *(Sec. 14.6.7.g)*	P
Office – General	P
Office – Medical	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Tailor Shop	P
HOSPITALITY/ ENTERTAINMENT/ RECREATION	
Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

14.3.4-H- Use Type	FD6
MANUFACTURING/ PRODUCTION/ STORAGE	
Dental Lab	P
Food Processing	P
Machine/Woodworking Shop [3]	P
Manufacturing [3]	P
Manufacturing - Tour Oriented [3]	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research Lab	P
Warehouse/Storage [3]	P
Warehouse, Self-Storage [3]	P
EDUCATION & DAY CARE	
Day Care - Adult	P
Daycare - All (Sec. 14.6.7.a)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P

14.3.4-H- Use Type	FD6
Civic	
Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P
TRANSPORTATION & UTILITIES	
Recycling Center - Small [3] (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus [3]	P
Parking Structure	P

Key	
Permitted Use	P
Conditional Use	CU

END NOTES

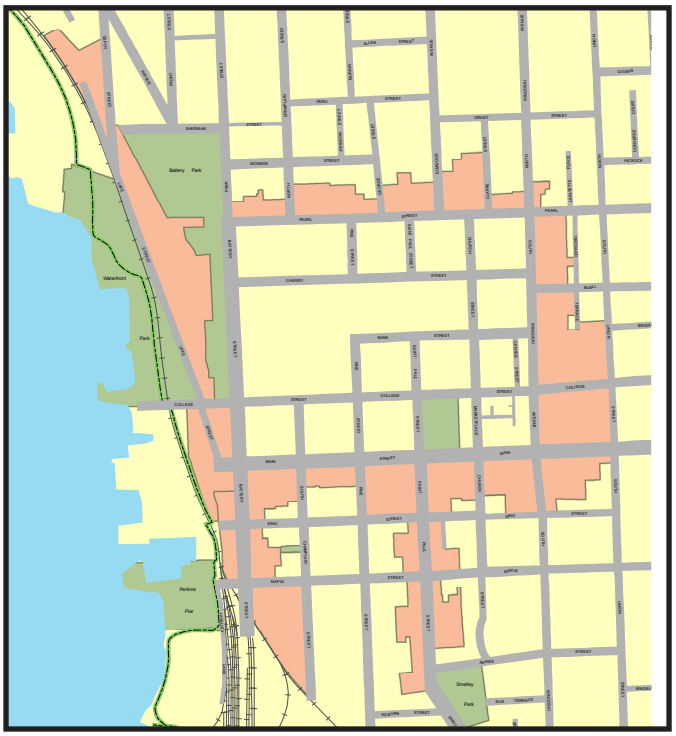
[3] Exterior storage and display not permitted.

FD5 14.3.5 - FD5 - Downtown Center

14.3.5-A- Intent

To enhance the vibrant urban center with a variety of high density building types that provide locally and regionally serving office, retail, service, hospitality, entertainment, and Civic functions, as well as a wide variety of urban housing choices. This district reinforces and extends the walkable nature of the adjacent downtown core with shallow front setbacks and active street frontages, and provides a transition between larger and smaller scale Buildings in adjacent districts.

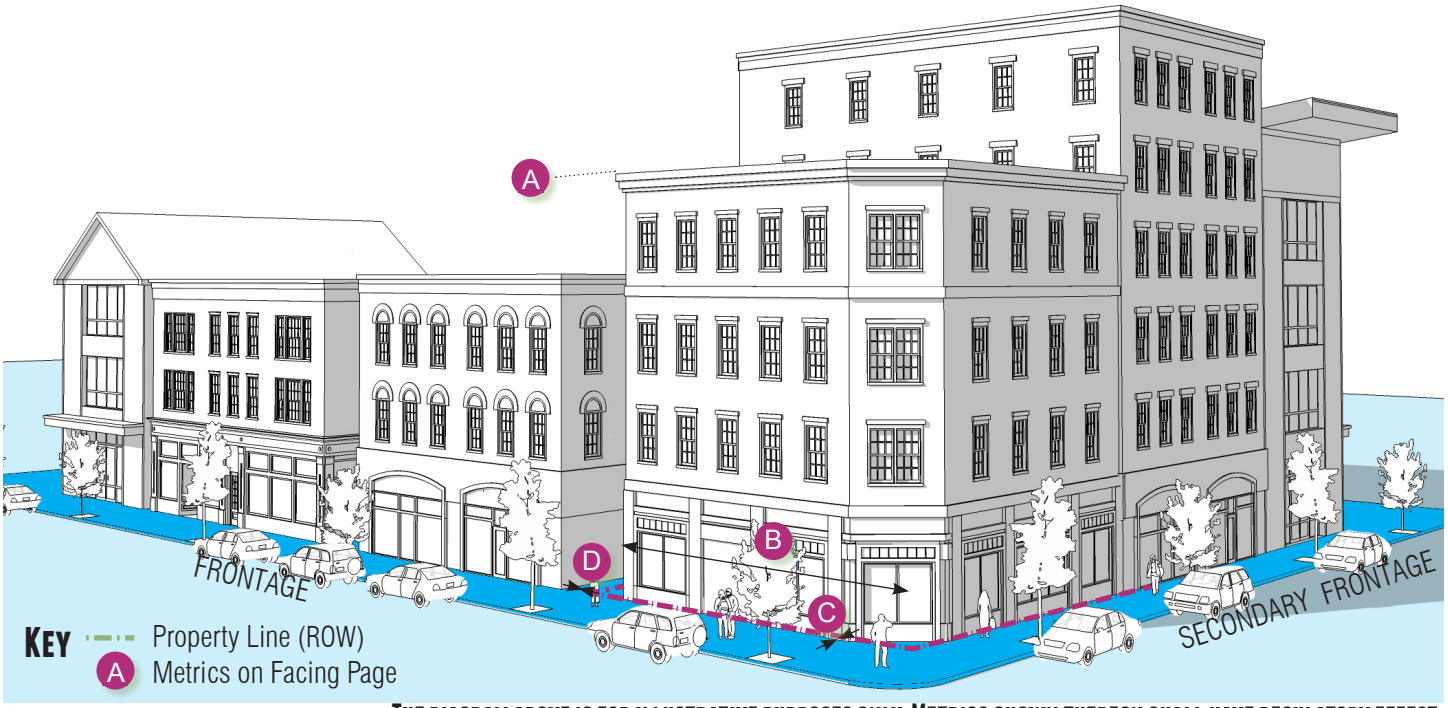
- Attached Buildings with little to no side Setback
- Small to large footprints
- Buildings at the Frontage line
- 3 to 10 stories
- Multiple Buildings on a single lot
- Outbuildings uncommon



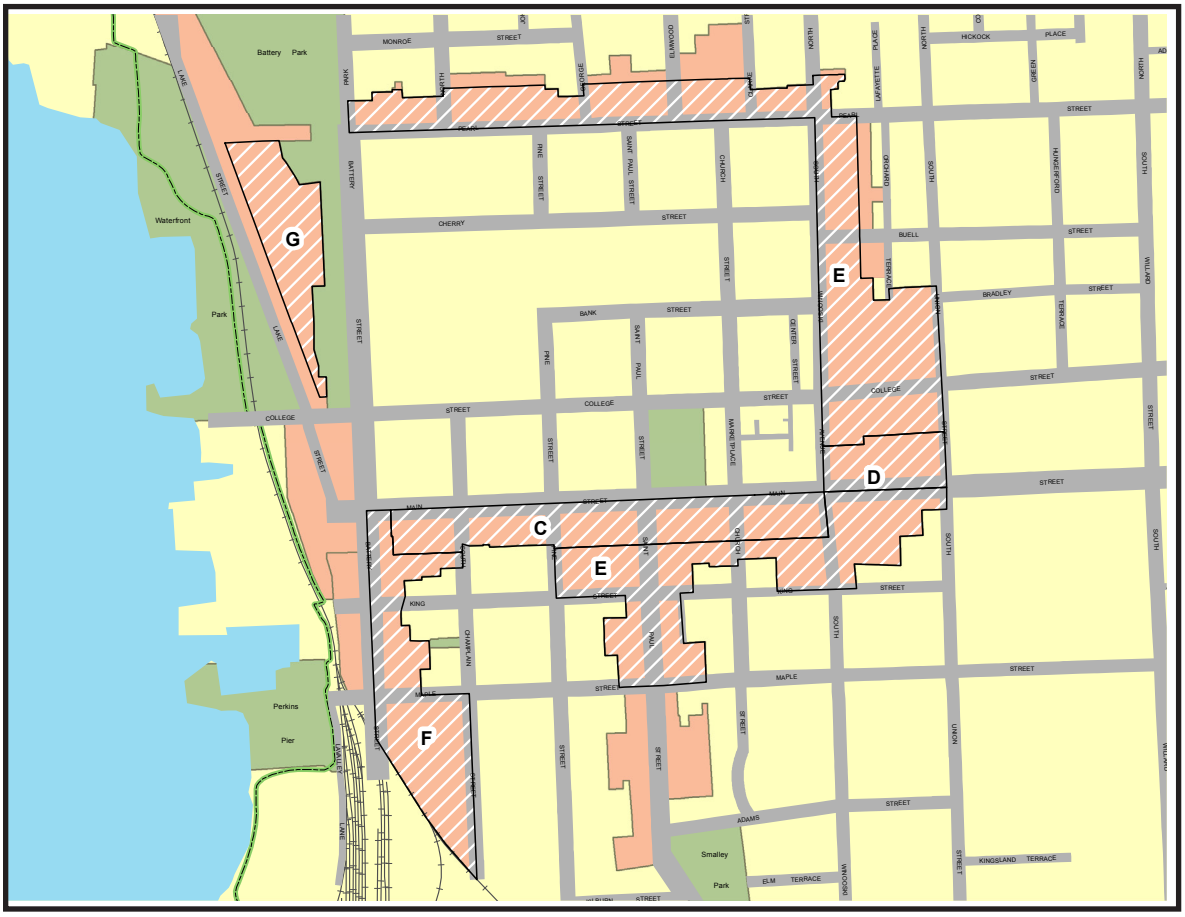
14.3.5-B- Allowed Building Types

Building Type	Standards
Rowhouses [1]	Section 14.4.7
Multi-Family: Small [1]	Section 14.4.8
Multi-Family: Large [1]	Section 14.4.9
Mixed-Use	Section 14.4.10
Perimeter	Section 14.4.11
Civic	Section 14.4.12

[1] Only permitted where a Shopfront Frontage Type is not required.



The diagram above is for illustrative purposes only. Metrics shown thereon shall have regulatory effect.



The diagram above is an excerpt of Regulating Plan Special Requirements - Map 2 - Specific Height Areas. (See Sec. 14.2.6)

14.3.5-C- Lot Occupation & Building Placement

Building Disposition

Block Perimeter	2,000 ft. max.
Pervious Area	10% min.
Yard Type (see Section 14.6.3)	- Sideyard - Rearyard
Ground Floor Entries (linear distance along the Primary Frontage)	60-ft max.

Frontage Buildout & Building Setback

Frontage Buildout	80% min. along both Primary and Secondary Frontages	B
Front Setback: Principal Buildings Outbuildings	- 0-ft min.; 6-ft max, but in no event less than 12-ft from the curb. In third Lot Layer	C

Front Setback Exceptions:
In no event shall any Building be set closer than 15-ft from the curb along Main St from S. Union to Battery St., and along S. Winooski Ave from King to Pearl St.

For additional exceptions and variations regarding front setbacks provided as part of a specific Frontage Type see Sec. 14.5.

Side Setback: Principal Buildings Outbuildings	- 0-ft min. - 12-ft max. - 10-ft min. along a shared boundary with an adjacent residential district. 0-ft min. or 3-ft min. on secondary frontage	D
Rear Setback: Principal Buildings Outbuildings	- 3-ft min. or 15-ft from rear Alley centerline - 10-ft min. along any shared boundary with an adjacent residential district. 3-ft min. or 15-ft from rear Alley centerline	

Miscellaneous

Any development in the area west of Battery Street, between and including Sherman to Maple streets extended, shall also be subject to the provisions of Burlington CDO Sec. 4.2.2 Downtown and Waterfront Official Map as may be applicable.

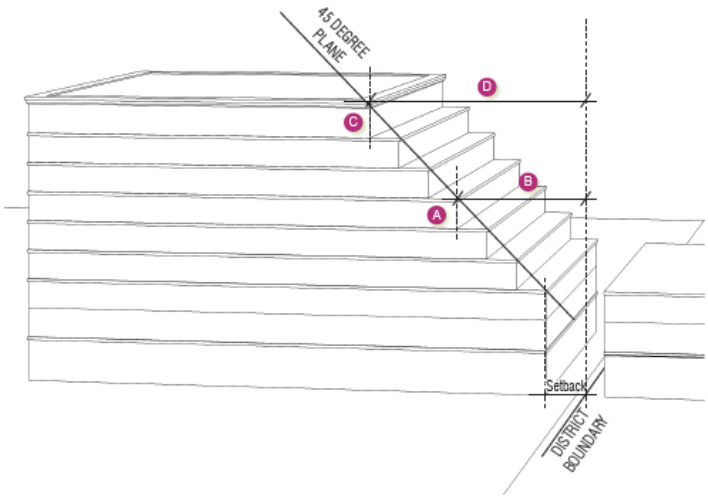
14.3.5-D- Building Height & Bulk

Building Height (A)

Principal Buildings (See Sec. 14.2.6 Regulating Plan Special Requirements - Map 2 for specific reference areas)	By Right: • 3 Stories min. • 3 Stories max., not to exceed 35-ft in area "F" along Battery St.; otherwise, • 4 Stories max., not to exceed 45-ft; and, • 6 Stories max., not to exceed 65-ft in area "C" along Main St. Subject to DRB Review per Sec. 14..6.4-d: • see below[1]
Outbuildings	2 Stories max. not to exceed 24-ft

[1] Subject to Regulating Plan Special Requirements - Map 2 (See Sec. 14.2.6), any Building with a Principal Frontage in the area identified as:
- "C" may be increased to 10 Stories not to exceed 105-ft.
- "D" may be increased to 8 Stories not to exceed 85-ft.
- "E" may be increased to 6 Stories not to exceed 65-ft.
- "F" may be increased to 5 Stories not to exceed 55-ft.
- "G" may be increased beyond 50-ft from the Lake St. Frontage Line in order to establish a second Frontage along Battery Park Extension of no more than 1 Story not to exceed 20-feet.

Additional height granted by the DRB per Sec. 14..6.5-d must not extend into a 45-degree angular plane projecting over the property measured from a height of 35 feet at any required side or rear setback along the shared boundary with an adjacent residential district.



14.3.5-D- Building Height & Bulk

Building Bulk (max area per floor)	
Floors 1-5	100% of lot max.
Floors 6-8	80% of lot max.

14.3.5-E- Parking, Loading & Service

On-Site Parking

On-site parking shall be provided per the requirements of Sec. 14.6.8.

Location on the Lot

Parking Lots are not permitted, and Parking Areas shall be located in the Third Lot Layer.

Unless located within a Principal Building below the finished grade or above the second Story, Parking Structures and Garages shall be located in the Third Lot Layer behind a Perimeter Building (see Sec. 14.4.11).

Miscellaneous

See also Sec. 14.6.8 for additional requirementsts pertaining to parking and site design.

14.3.5-F- Encroachments - Required Setbacks

Encroachment Type	Front	Rear
Frontage Type Elements[1]	Permitted	Permitted
Awnings and Canopies[2]	Permitted	Not permitted
Signs[3]	Permitted	Not permitted
Other Architectural Features[4]	4-ft max.	4-ft max.
Landscaping	Permitted	Permitted
Fences or freestanding walls	Not permitted	6-ft max. height
Driveways, Walkways	Permitted	Permitted
Utility Structures	Not permitted	Permitted

[1] Subject to Frontage Type standards in Sec.14.5.
[2] Subject to Awning and Canopy standards in Sec. 14.4.13.
[3] Subject to Sign standards Art 7 of the BCDO.
[4] Building eaves, roof overhangs, solar shades, and light shelves; bay windows, oriels, and vestibules that are less than ten feet wide; and, cornices, belt courses, sills, buttresses, or other similar architectural features may encroach into a required setback provided that such extension does not encroach a property line.

14.3.5-G- Encroachments - Public right-of-way

(Along Primary and Secondary Frontages only)

Encroachment Type	Public ROW
Awnings[1] Canopies[1]	Permitted Permitted
Signs[2]	Allowed
Other Architectural Features [3]	4' max.

[1] Subject to Awning and Canopy standards in Sec. 14.4.13.

[2] With the exception of Freestanding Signs

[3] Building eaves, roof overhangs, solar shades, and light shelves; bay windows, oriels, and vestibules that are less than ten feet wide; and, cornices, belt courses, sills, buttresses, or other similar architectural features may encroach into the ROW provided they are a minimum of 10-ft above the Sidewalk.

14.3.5-H- Use Types	FD5
Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.	
RESIDENTIAL - GENERAL	
Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
RESIDENTIAL - SPECIAL	
Assisted Living	P
Boarding House[1]	P
Community House *(Sec.14.6.7.d)*	P
Convalescent /Nursing Home	P
Group Home	P
SHORT-TERM ACCOMODATIONS	
Bed and Breakfast[1]	P
Historic Inn *(Sec.14.6.7.b)*	P
Hotel	P
Shelter	P
RETAIL - GENERAL	
ATM	P
Automobile and RV Sales and Rental [2]	P
Convenience Store	P
Fuel Service Station [2] *(Sec.14.6.7.c)*	CU
General Merchandise/Retail	P
RETAIL - OUTDOOR	
Boat Sales/Rentals	P
Garden Supply Store	P
Open Air Markets	P

14.3.5-H- Use Types	FD5
OFFICE & SERVICE	
Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center *(Sec. 14.6.7.g)*	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Tailor Shop	P
Vehicle/Boat Repair/Service [2]	P
HOSPITALITY/ ENTERTAINMENT/ RECREATION	
Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

[1]Must be owner-occupied.

[2] Exterior storage and display not permitted.

14.3.5-H- Use Types	FD5
HOSPITALITY/ ENTERTAINMENT/ RECREATION	
Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Cafe	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P
MANUFACTURING/ PRODUCTION/ STORAGE	
Boat Storage [2]	P
Dental Lab	P
Food Processing	P
Machine/Woodworking Shop [2]	P
Manufacturing [2]	P
Manufacturing - Tour Oriented [2]	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research Lab	P
Warehouse/Storage [2]	P
Warehouse, Self-Storage [2]	P

14.3.5-H- Use Types	FD5
EDUCATION & DAY CARE	
Day Care - Adult	P
Daycare - All (Sec. 14.6.7.a)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P
CIVIC	
Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P
TRANSPORTATION & UTILITIES	
Recycling Center - Small [2] (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus [2]	P
Parking Structure	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

[1]Must be owner-occupied.

[2] Exterior storage and display not permitted.

CIVIC 14.3.6 - Civic Spaces (C)

a) **Purpose & Applicability:**

The purpose of this Subsection is to provide a diverse palette of parks and other publicly accessible Civic Spaces for use within the Form Districts as essential components of walkable urban environments and vibrant community centers. The standards established in this Subsection shall be applicable to the development all proposed Civic Spaces within a Form District either independent from or in combimation with other forms of development, and shall be considered independent from the standards found within each Form District

Civic Spaces established in this subsection are intended to be created independent from or in combination with other Civic Space Types and/or Building Types. The process regarding the review and approval of new Civic Spaces, or the substantial rehabilitation of an existing Civic Space, shall be as provided in Sec. 14.7.1 f).

b) **Civic Space Types:** Table 14.3.6-A (Civic Space Types Summary Table) provides an overview of the permitted Civic Space Types. The following apply to all Civic Space Types established by this subsection and may be further defined by each type as applicable.

i. Location: The Form District(s) in which the Civic Space type is allowed.

ii. Size: The range of allowed sizes of the Civic Space type

iii. Frontage: The relationship along property lines of a Civic Space to Adjacent Buildings or Lots. The front of the Lots attached to or across a Thoroughfare from a Civic Space should face on to the Civic Space to the maximum extent possible.

A. Building. Lots that are attached to or across a thoroughfare from a Civic Space listed as having a "Building" frontage shall have the front of the Lot facing on to the Civic Space for a minimum of three quarters of the Civic Space perimeter.

B. Independent. Lots that are attached to or across a Thoroughfare from Civic Space listed as having an "Independent" frontage may have the front, side street, or rear of the Lot facing on to the Civic Space.

iv. Form. The placement and Disposition of objects within the Civic Space.

A. Natural. Civic Spaces with a "Natural" character are designed in a natural manner with no formal arrangement of elements.

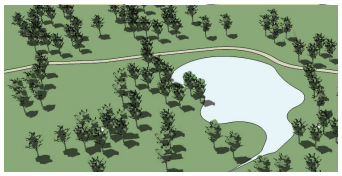
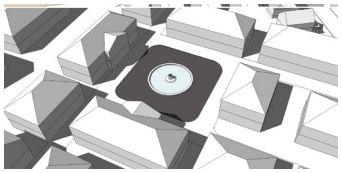
B. Formal. Civic Spaces with a "Formal" character have a more rigid layout that follows geometric forms and has Trees and other elements arranged in formal patterns.

C. Informal. Civic Spaces with an "Informal" character have a mix of both Formal and Natural characteristics.

v. Coverage. The allowed proportion of Impervious Surface within the Civic Space type.

vi. Typical Facilities. A list of the typical facilities found within the Civic Space. This list is not intended to be a complete list of facilities allowed nor is it intended that every Civic Space would contain each of the facilities listed. Where allowed, Buildings, Structures and commercial concessions within a Civic Space Type shall be Accessory to the overall Civic or recreational function of the Civic Space type. Any commercial concessions shall require a licensed approved by the Parks, Recreation, Waterfront Director or the City Council as applicable.

Table 14.3.6-A - Civic Space Types Summary Table [Not Regulatory]

Civic Space Type	Illustration	Districts	Standards
Natural Area: A naturalized Open Space available predominantly for the protection and enjoyment of nature.		FD5	14.3.6-B
Park: An Open Space available for both structured and unstructured recreation.		FD5 FD6	14.3.6-C
Greenway: A linear Open Space that may follow natural and transportation corridors providing unstructured and structured recreation.		FD5 FD6	14.3.6-D
Square: An Open Space often located at the intersection of important Thoroughfares available for unstructured recreation, Civic purposes.		FD5 FD6	14.3.6-E
Plaza: A predominantly hardscaped Open Space often located at the intersection of important Thoroughfares available for Civic purposes.		FD5 FD6	14.3.6-F
Pocket Park: A small predominantly green Open Space available for passive recreation.		FD5 FD6	14.3.6-G
Pocket Plaza: A small predominantly hardscaped Open Space available for Civic purposes.		FD5 FD6	14.3.6-H

14.3.6-B Natural Area

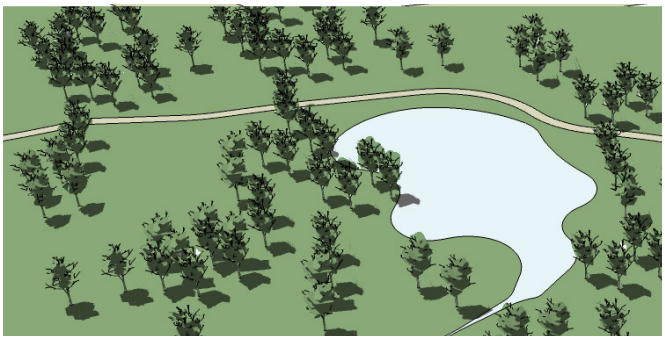


Diagram provided for illustrative purposes only.

Intent

A natural Open Space for the protection and enjoyment of nature and available for unstructured recreation where appropriate.

Specifications

Form District	FD5, FD6
Size	No size limits
Frontage	Independent
Character	Natural
Coverage	0% min.- 5% max.
Buldings and Structures	1,500 sqft max in aggregate
Setback for Buildings and Structure	5' min

Typical Facilities

- Passive recreation and trails
- Accessory Buldings and Structures

Parking

No on-site parking is required.

14.3.6-C Park

Diagram provided for illustrative purposes only.

Intent

An Open Space available for both structured and unstructured recreation.

Specifications

Form District	FD5, FD6
Size	No size limits
Frontage	Independent
Character	Informal
Coverage[1]	0% min. - 30% max.
Buldings and Structures[1]	1,500 sqft max in aggregate
Setback for Buildings and Structure	none

[1] Not inclusive of any associated Civic Buildings.

Typical Facilities

- Passive and active recreation
- Civic, recreational and community facilities
- Community gardens
- Playgrounds and play Structures
- Paths and trails
- Accessory Buldings and Structures
- Limited commercial concessions

Parking

On-site parking is not required unless facilities for structured recreation and community events such as recreation fields and courts, swimming pools, and community rooms are provided.

14.3.6-D Greenway

Diagram provided for illustrative purposes only.

Intent

A linear Open Space that may follow natural and transportation corridors providing unstructured and structured recreation.

Specifications

Form District	FD5, FD6
Size	No size limits
Frontage	Independent
Character	Informal
Coverage [1]	0% min. - 30% max.
Structures	1,500 sqft max in aggregate
Setback for Structures	5' min

[1] Not inclusive of any associated Thoroughfares and transportation facilities.

Typical Facilities

- Passive and active recreation
- Community gardens
- Playgrounds and play Structures
- Paths and trails
- Accessory Structures
- Limited commercial concessions

Parking

No on-site parking is required.

14.3.6-E Square

Diagram provided for illustrative purposes only.

Intent

An Open Space often located at the intersection of important Thoroughfares available for unstructured recreation and Civic purposes.

Specifications

Form District	FD5, FD6
Size	0.5 acres min. 5 acres max.
Frontage	Buildings
Character	Formal
Coverage	0% min. - 60% max.
Structures	600 sqft max in aggregate
Setback for Structures	none

Typical Facilities

- Passive recreation
- Paths
- Accessory Structures
- Limited commercial concessions

Parking

No on-site parking is required.

14.3.6-F Plaza

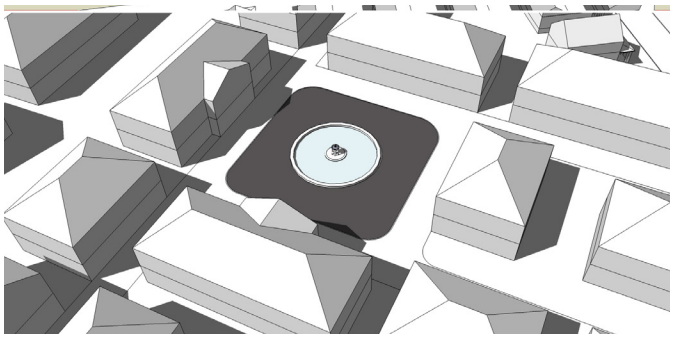


Diagram provided for illustrative purposes only.

Intent

A predominantly hardscaped Open Space often located at the intersection of important Thoroughfares available for Civic purposes.

Specifications

Form District	FD5, FD6
Size	0.5 ac min. 5 ac max.
Frontage	Buildings
Character	Formal
Coverage	60% min. - 100% max.
Structures	600 sqft max in aggregate
Setback for Structures	none

Typical Facilities

- Passive recreation
- Paths
- Accessory Structures
- Limited commercial concessions

Parking

No on-site parking is required.

14.3.6-G Pocket Park

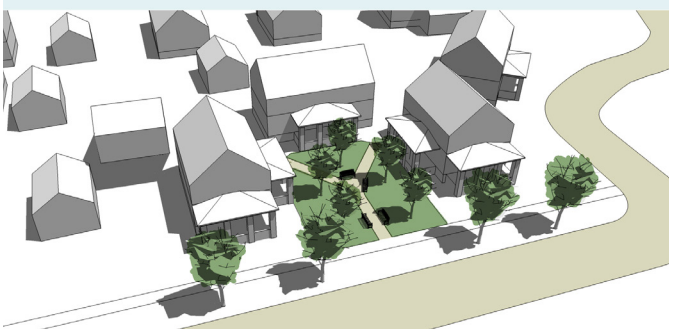


Diagram provided for illustrative purposes only.

Intent

A small predominantly green Open Space available for unstructured passive recreation.

Specifications

Form District	FD5, FD6
Size	500 sf min. 0.5 ac max.
Frontage	Independent
Character	Formal
Coverage	0% min. - 50% max.
Structures	600 sqft max in aggregate
Setback for Structures	none

Typical Facilities

- Passive recreation
- Community gardens
- Playgrounds and play Structures
- Paths and trails
- Limited transient commercial concessions

Parking

No on-site parking is required.

14.3.6-H Pocket Plaza

Diagram provided for illustrative purposes only.

Intent

A small predominantly hardscaped Open Space available for Civic purposes.

Specifications

Form District	FD5, FD6
Size	500 sf min. 0.5 ac max.
Frontage	Independent
Character	Formal
Coverage	60% min. - 100% max.
Structures	not permitted
Setback for Structures	na

Typical Facilities

- Passive recreation
- Paths
- Limited transient commercial concessions

Parking

No on-site parking is required.

Section 14.4: Specific to Building Types

Subsections:

14.4.1	Purpose	14.4.9	Multi-family: Large
14.4.2	Applicability	14.4.10	Mixed-Use
14.4.3	Building Types General and Green Buildings	14.4.11	Perimeter
14.4.4	*reserved*	14.4.12	Civic
14.4.5	*reserved*	14.4.13	Urban Design Standards
14.4.6	*reserved*		
14.4.7	Rowhouse		
14.4.8	Multi-family: Small		

14.4.1- Purpose

This Section sets forth the standards applicable to each Building Type established below. These standards supplement the standards for each Form District within which the Building Types are allowed. These standards are intended to ensure development that reinforces the highly-valued existing character and scale of Burlington's neighborhoods and downtown.

14.4.2- Applicability

The requirements in this Section shall apply to all proposed development within the Form Districts, and shall be applied in addition to the standards for the applicable district in Section 14.3 (Specific to Form Districts) and in Section 14.5 (Specific to Private Frontage Types). The standards and requirements applicable to a Building Type shall modify and take precedence without limitation over any duplicative or conflicting provisions of Section 14.3 (Specific to Form Districts) and Section 14.6 (Applicable in all Form Districts).

14.4.3- Building Types General and Green Buildings

a) **Building Types.** Table 14.4.3-A (Building Types Summary Table) provides an overview of the permitted Building Types. The Building Types are not intended to indicate or suggets a specific architectural style, and their names are not intended to limit uses within a Building Type. For example, a detached house type may or may not include non-residential uses within it, such as a restaurant or office where allowed by the Form District.

b) **Green Buildings**: Any new Building, or substantial modification to an existing Building, over 25,000 sqft in gross floor area shall be required to be built to a LEED Gold Certification or better, or another nationally recognized equivalent as determined by the Planning Commission. This requirement is applicable in all Form Districts.

In order to demonstrate and document compliance, the following shall be required:

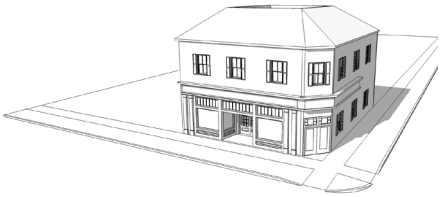
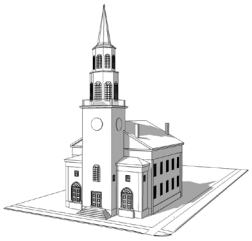
a) At the time of application:

- the submission of documentation of the planned performance criteria and elements of the project necessary to obtain the required green building certification (e.g. LEED checklist);
- documentation that the project has been registered with the applicable green building certification program (e.g. LEED project registration); and,
- a written commitment to apply for formal, written review of the project at the earliest milestone where the green building certifying body offers "precertification" or similar (e.g. LEED Design Review).

b) Prior to the release of a Final Certificate of Occupancy:

- the submission of revised as-built performance criteria and project elements necessary to obtain the required green building certification (e.g. LEED checklist):
- the results of 3rd party commissioning of the building envelope and mechanical systems documenting compliance of as-built performance; and,
- a written certification from the project design professional of record that the project has been constructed to comply with the green building requirements of this section.

Table 14.4-A - Building Types Summary Table [not-regulatory]

Building Type		Form Districts
	14.4.7 Rowhouse: A collection of very narrow to medium sized attached Buildings each containing a single unit and connected to one another side-by-side by a party wall. Each Building has an individual entry facing the street, and groupings often share uniform plans, fenestration and architectural treatments. This Building Type may sit on a single lot, or span across multiple lots each with an individual Building.	FD5 FD6
	14.4.8 Multifamily- Small: A medium sized detached Building that consists of side-by-side and/or stacked units, with individual or shared entries at least one of which faces the street. This Building Type may often have the appearance of a large single-family home.	FD5 FD6
	14.4.9 Multifamily- Large: A medium to large sized detached or attached Building consisting of side-by-side and/or stacked units, with one or more shared entries at least one of which faces the street.	FD5 FD6
	**14.4.10 Mixed-Use:** A medium to large sized attached or detached Building that may provide a vertical and/or horizontal mix of uses or a single non-residential use. Units are commonly organized with pedestrian-oriented retail, hospitality or service uses on the ground floor with individual entries facing the street, and residential or office uses on upper floors served by one or more shared entries.	FD5 FD6
	14.4.11 Perimeter Building: A shallow medium to large sized attached or detached Building that is always associated with and screens a Garage, Parking Structure, Parking Lot or Parking Area located directly behind. This Building Type may provide a vertical and/or horizontal mix of uses commonly organized with pedestrian-oriented retail, hospitality or service uses on the ground floor with individual entries facing the street, and residential or office uses on upper floors served by one or more shared entries.	FD5 FD6
	**14.4.12 Civic:** A medium to large sized attached or detached Building dedicated to a Civic Use and designed to stand apart from its surroundings due to the specialized nature of its public or quasi-public use for public assembly and activity. Examples include libraries, places of worship, courthouses, schools, centers of government, performing arts, and museums. They are often the most prominently sited and architecturally Significant Structures in the community.	FD5 FD6

14.4.7 - Rowhouse

14.4.7-A - Description

Description	Allowed In
Rowhouse: A collection of very narrow to medium sized attached Buildings each containing a single unit and connected to one another side-by-side by a party wall. Each Building has an individual entry facing the street, and groupings often share uniform plans, fenestration and architectural treatments. This Building Type may sit on a single lot, or span across multiple lots each with an individual Building.	FD5 FD6

14.4.7-B - Number of Units

Units per Rowhouse	1 max.
Rowhouses per run	3 min. - 12 max.

14.4.7-C - Building Size and Massing

Height	2 stories min. 3 stories max.	
Width, per rowhouse	12-ft min. 36-ft max.	A

14.4.7-D - Allowed Frontage Types

Porch: Projecting	Section 14.5.4
Porch: Engaged	Section 14.5.5
Porch: Integral	Section 14.5.6
Stoop	Section 14.5.7
Dooryard	Section 14.5.9
Doorway	Section 14.5.10
Lightwell & Landing	Section 14.5.11

14.4.7-E - Pedestrian Access

Principal Entrance Location	Principal Frontage

The diagram and photographs on this page are intended for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.4.8 - Multi-Family-Small

14.4.8-A - Description

	Allowed In
Multi-Family, Small: A medium sized detached Building that consists of side-by-side and/or stacked units, with individual or shared entries with at least one of which facing the street. This Building Type may often have the appearance of a large single-family home.	FD5 FD6

14.4.8-B - Number of Units

Units per building	3 min.- 6 max.

14.4.8-C - Building Size and Massing

Height	2 Stories min.
Width	36-ft min. 48-ft max.

The diagram and photographs on this page are intended for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.4.8-D - Allowed Frontage Types

Porch: Projecting	Section 14.5.4
Porch: Engaged	Section 14.5.5
Porch: Integral	Section 14.5.6
Stoop	Section 14.5.7
Courtyard	Section 14.5.8
Dooryard	Section 14.5.9
Doorway	Section 14.5.10
Lightwell & Landing [1]	Section 14.5.11
Terrace	Section 14.5.14

[1] Only allowed in situations where the slope prevents at-grade entry to the Building.

14.4.8-E - Pedestrian Access

Principal Entrance Location	Principal Frontage

14.4.9 - Multi-Family-Large

14.4.9-A - Description

Description	Allowed In
Multi-Family, Large: A medium to large sized detached or attached Building consisting of side-by-side and/or stacked units, with one or more shared entries at least one of which faces the street.	FD5 FD6

14.4.9-B - Number of Units

Units per building	7 units min.

14.4.9-C - Building Size and Massing

Ground Floor Height, floor to floor	14-ft min.

14.4.9-D - Allowed Frontage Types

Porch: Projecting	Section 14.5.4
Porch: Engaged	Section 14.5.5
Porch: Integral	Section 14.5.6
Stoop	Section 14.5.7
Courtyard	Section 14.5.8
Dooryard	Section 14.5.9
Doorway	Section 14.5.10
Lightwell & Landing [1]	Section 14.5.11
Terrace	Section 14.5.14

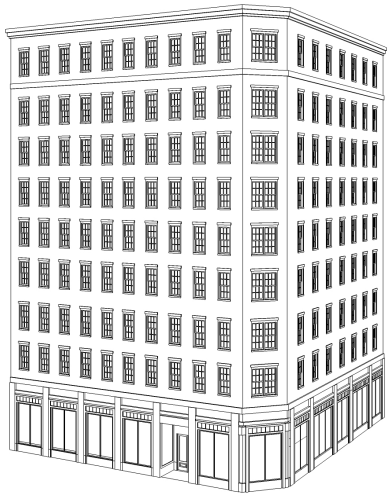
[1] Only allowed in situations where the slope prevents at-grade entry to the Building.

14.4.9-E - Pedestrian Access

Principal Entrance Location	Principal Frontage

The diagram and photographs on this page are intended for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.4.10 - Mixed-Use



14.4.10-A - Description

Mixed-Use: A medium to large sized attached or detached Building that provides a vertical and/or horizontal mix of uses or a single non-residential use. Units are commonly organized with pedestrian-oriented retail, hospitality or service uses on the ground floor with individual entries facing the street, and residential or office uses on upper floors served by one or more shared entries.

Allowed In

FD5
FD6

14.4.10-B - Number of Units

Not applicable

14.4.10-C - Building Size and Massing

Ground Floor Height, floor to floor	14-ft min.

14.4.10-D - Allowed Frontage Types

Courtyard	Section 14.5.8
Dooryard	Section 14.5.9
Doorway	Section 14.5.10
Lightwell & Landing	Section 14.5.11
Officefront	Section 14.5.12
Shopfront	Section 14.5.13
Terrace	Section 14.5.14
Forecourt	Section 14.5.15
Gallery	Section 14.5.16
Arcade	Section 14.5.17

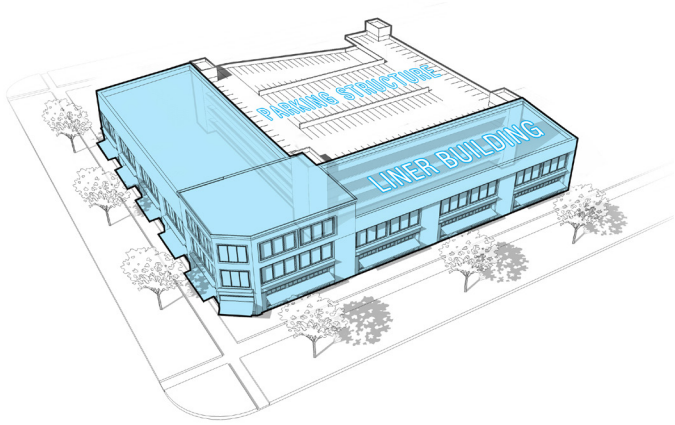
14.4.10-E - Pedestrian Access

Principal Entrance for Ground Floor Units	Principal Frontage
Principal Entrance for Upper Floors Units	Principal or Secondary Frontage

Upper floors units shall be Accessed by a common entry.

The diagram and photographs on this page are intended for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.4.11 - Perimeter Building



14.4.11-A - Description

Description	Allowed In
Perimeter Building: A shallow medium to large sized attached or detached liner Building that is always associated with and screens a Garage, Parking Structure, Parking Lot or Parking Area located directly behind. This Building Type may provide a vertical and/or horizontal mix of uses commonly organized with pedestrian-oriented retail, hospitality or service uses on the ground floor with individual entries facing the street, and residential and/or office uses on upper floors served by one or more shared entries.	FD5 FD6

14.4.11-B - Number of Units

Not applicable

14.4.11-C - Building Size and Massing

Ground Floor Height, floor to floor	14-ft min

The height of the Perimeter Building must equal or exceed the height of the Parking Structure or Garage behind; however the floors are not required to align.

Width	Minimum - Full width of the Parking Structure behind
Depth	20-ft min.

The diagram and photographs on this page are intended for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.4.11-D - Allowed Frontage Types

Dooryard	Section 14.5.9
Doorway	Section 14.5.10
Lightwell & Landing	Section 14.5.11
Officefront	Section 14.5.12
Shopfront	Section 14.5.13
Terrace	Section 14.5.14
Gallery	Section 14.5.16
Arcade	Section 14.5.17

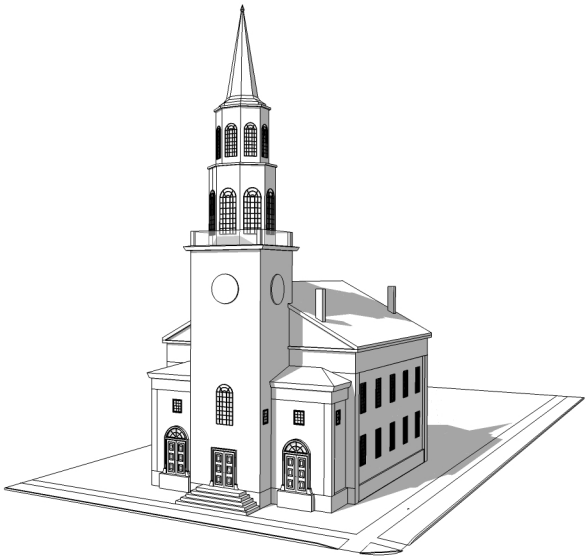
14.4.11-E - Pedestrian Access

Principal Entrance for Ground Floor Units	Principal Frontage
Principal Entrance for Upper Floors Units	Principal or Secondary Frontage

Ground floor units may have individual entries along the front street or side street.

Secondary Access for units may be directly from the Parking Structure.

14.4.12 - Civic



14.4.12-A - Description

Description	Allowed In
Civic: A medium to large sized attached or detached Building dedicated to a Civic Use and designed to stand apart from its surroundings due to the specialized nature of its public or quasi-public use for public assembly and activity. Examples include libraries, places of worship, courthouses, schools, centers of government, performing arts, and museums. They are often the most prominently sited and architecturally significant Buildings in the community.	FD5 FD6

14.4.12-B - Number of Units

Not applicable

14.4.12-C - Building Location, Size and Massing

Overall Building height and other massing requirements are per the Form District standards in Section 14.3 (Specific To Form Districts).

Form District standards with regard to Lot Occupation and Building Placement (Specific To Form Districts) shall not apply to Civic Buildings.

14.4.12-D - Allowed Frontage Types

Frontage Types standards in Section 14.5 (Specific to Frontage Types) shall not apply to Civic Buildings.

14.4.12-E - Pedestrian Access

Principal Entrance for Ground Floor	Principal Frontage
Principal Entrance for Upper Floors	Principal or Secondary Frontage

14.4.12-F Miscellaneous

The process regarding the review and approval of new Civic Buildings, or the substantial rehabilitation of an existing Civic Building, shall be as provided in Sec. 14.7.1 f.

Civic Buildings may be developed as part of or independent from Civic Spaces established pursuant to Sec. 14.3.6.

The diagram and photographs on this page are intended for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.4.13 - Urban Design Standards

While traditional architectural styles and forms are welcome, a diversity of traditional, neo-traditional and modern architectural styles and forms are highly encouraged in order to both reflect and advance the evolution and diversity of Burlington's built environment. Regardless of the architectural style used, there remain a number of fundamental urban design standards that must be addressed in order to ensure the creation of a dynamic, engaging, and pedestrian-oriented streetscape.

The following urban design standards shall be applicable to all new construction and substantial rehabilitation of all Buildings in the Downtown and Waterfront District:

a) **Voids and Transparency**: Requirements regarding the proportion and spacing of voids, and the transparency of glazing on a Building Facade for the purposes of activating the public street, shall be as required in Table 14.4.13-A Street Activation - Primary and Secondary Facade below.

14.4.13-A- Street Activation - Primary and Secondary Facade

	Building Types: *Rowhouse, and Multi-Family: Small*		Building Types: *Mixed-Use, Multi-Family: Large, Perimeter, and Civic*	
	Ground Floor	Upper Floors	Ground Floor	Upper Floors
Facade Voids: (Rough openings of all windows and doors per floor)	15% min	10% min	40% min[1]	20% min
Distance between voids measured both horizontally and vertically	35-ft max.		20-ft max.	
Transparency and Reflectance of Glazing: applicable to 80% of the glazing per floor.	na 15% VLR max[2]	na 15% VLR max[2]	60% VLT min[2] 15% VLR max[2]	na 15% VLR max[2]
(VLT - Visible Light Transmittance, VLR - Visible Light Reflectance)				

[1] Additional requirements shall be as required based on the Officefront or Shopfront Frontage Types.
[2] May be reduced to 50% and 30% respectively to meet the requirements of a High Performance Building Energy Code or equivalent program.

BLANK WALL AND FACADE VOID AREA

b) **Windows & Doors**:

i. All Principal Buildings shall have one or more Principal Entrances that are clearly identified as such along the Primary Frontage, or at a corner on a corner lot where a chamfered corner may be used. Additional entrances may also be provided along a secondary Frontage. Principal Buildings fronting a Civic Space shall also have a minimum of one primary pedestrian entrance directly onto the Civic Space.

ii. To be counted in the Ground floor Entry spacing requirements of a Form District, doors must be open and operable by residential occupants at all times, and non-residential occupants and customers during business hours.

iii. Principal Entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights, or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a Principal Entrance should be expressed vertically and continue onto the upper stories. Such bays are not required to include additional horizontal expression or upper story step-backs as required in c) below.

iv. Where provided:

A. Muntins shall be either true divided lites, or simulated divided lites fixed on both the exterior and interior surfaces with spacer bars to cast a shadow.

B. Storm Windows and Screens shall be integral with the window.

C. Bay windows may project a maximum of 4-feet from the Facade.

D. Shutters shall be provided to either all or none of the window openings on any given Elevation, and shall be sized, shaped and proportioned to match the associated openings.

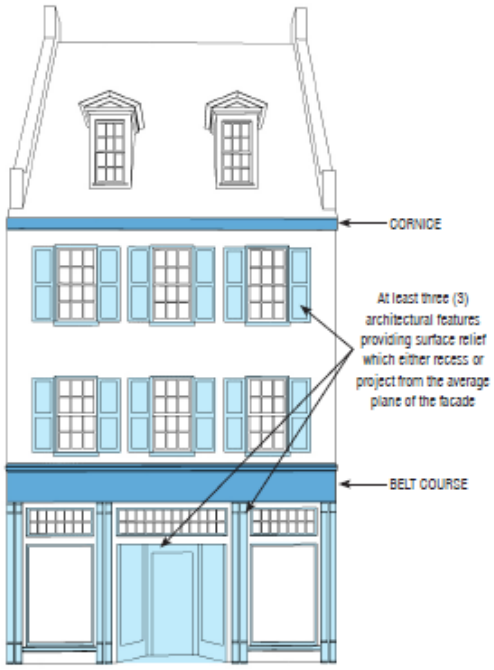
E. Shading devices designed and intended to control light entering the Building may project no more than 5-feet from the Facade, shall be consistent in materials, color, and design across the same Facade, and shall be placed, sized, shaped, and proportioned to match the associated openings.

c) **Façade Articulation and Upperstory Stepbacks**:

i. A majority of the Facade of a Building shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line.

ii. Building Facades shall be vertically articulated as follows:

A. All Building Facades must provide surface relief through the use of elements such as bay windows, cladding, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, belt courses, sign bands, windows, balconies, and other equivalent architectural features at least 3 of which must either recess or project from the average plane of the Facade by at least 4-inches;



B. Buildings with Facades between 75-feet and 150-feet in width must include changes across the horizontal plane by dividing the Facade into a series of architectural bays between 6-feet and 65-feet in width involving a minimum of 50% of the total height of the Façade; and,

C. Buildings with Facades greater than 150-feet in width must include a more substantial change in the horizontal plane where for every 150-feet in Facade width, 1 or more architectural bay as required above must either recess or project from the average plane of the facade by at least 4-feet involving the full height of the façade and no closer than 50-feet from the corner in order to suggest individual volumes.

ii.. Building Facades shall be horizontally articulated as follows:

A. Where visible, a raised foundation or basement of a Building shall not exceed 4-ft as measured from the exterior finished grade to the finished floor of the Story above, and must be visually differentiated from the stories above by a horizontal expression line and change in color, material, and/or pattern of fenestration;

B. A majority of openings within each element of a Building Facade should be organized, both vertically and horizontally, into a logical framework that is harmonious and reinforcing of the overall design of the Building. The pattern may differ between the base, middle, and top, and from bay to bay.

C. The top story must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the Facade of the story below by at least 12-inches to serve as an expression of the Buildings top.

iii. The upper stories of any Building exceeding 6 stories in height shall step-back as follows:

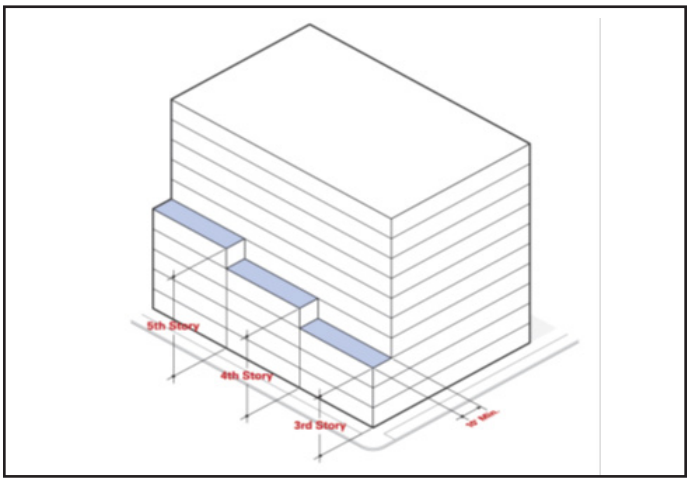
A. An upper story step-back of at least 10-feet from the primary plane of the Façade below shall occur above either the 3rd, 4th, or 5th story with the resulting Building base seeking to maintain a consistent height of at least 50-feet along Main and Battery streets, and at least 33-feet on all other downtown streets, in order to frame and define the public realm.

B. For Buildings exceeding 10 stories in height, a second upper story step-back of at least 10-feet from the primary plane of the Façade below shall occur above either the 10th, 11th, or 12th story.

C. Step-backs shall involve a minimum of 75% of the full width of the Building Façade, but do not have to occur in the same story. Buildings with Facades greater than 150-feet in width shall vary the location of step-backs in order to further modulate the volume of the larger Building mass. Additional step-back may occur in order to provide additional terraces, taper and visual interest to taller Buildings.

D. Step-backs must be visually set off from the stories below by a balustrade, parapet, cornice and/or similar architectural feature, and are encouraged to be activated as an outdoor amenity space for Building occupants.

E. The upper stories beyond a step-back may be visually differentiated from the stories below by a horizontal expression line, belt courses, banding, and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the Facade in order to reduce the actual or perceived massing of the Building.



d) **Building Materials**: The following requirements regarding the selection and use of Building materials is intended to improve the physical quality and durability of buildings, enhance the pedestrian experience, and maintain the character of the downtown area.

i. Primary Materials: Not less than 80 percent of each street-facing Facade shall be constructed of one or more primary materials comprised of tested and proven, high quality, durable, and natural products. For Facades over 100 square feet, more than one Primary Material shall be used. Changes between Primary Materials must occur only at inside corners. The following are considered acceptable Primary Materials:

A. Brick and tile masonry;

B. Native stone;

C. Wood – panels, clapboard or shingles;

D. Glass curtain wall; and,

E. Cementitious siding;

ii. Accent Materials: The following Accent Materials may make up no more than 20% of the surface area on each Façade. Accent Materials are limited to:

A. Pre-cast masonry (for trim and cornice elements only);

B. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);

C. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);

D. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);

E. Split-faced block (for piers, foundation walls and chimneys only); and.

F. Glass block.

iii. Doors and Windows: Commercial grade doors, windows, and hardware shall be used on all Building Types with the exception of the Rowhouse and Multi-family - Small Building Types used for residential purposes.

iv. Fences: Fence materials shall not include barbed or razor wire. Chain link and wire fencing shall not be used along any Frontage Line, however, woven cable fencing is permitted.

v. Roof Materials. Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile.

vi. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the Planning Director after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.

vii. Other:

A. The use of recycled and/or regionally-sourced materials is strongly encouraged.

B. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.

C. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.

e). **Walls**:

i. Unfinished foundation walls on a Primary Building shall be exposed no more than 48-inches above the finished grade. Surface-applied waterproofing on any foundation wall shall not be visible.

ii. The following items are not permitted to project from a Facade: air conditioner and HVAC equipment; utility or gas meters; chimneys, vents, piping, ducts, and conduits external to the building; wind generation; and antennas, satellite dishes, and other telecommunications equipment. When placed on a side elevation, these items shall be concealed from view from the Frontage by landscaping, grills, screens or other enclosures in a manner consistent with the overall architectural design of the Building.

iii. Small exterior vents (less than 10-in x 10-in) associated with small scale heating/cooling equipment or residential appliances shall be permitted on the Facade of Buildings where residential occupancy occurs along the Facade - these are not permitted for other occupancies. Every effort should be made to minimize and consolidate the number of these vents. They shall be located, organized, screened and detailed to harmonize and compliment the overall design of the Facade.

iv. Solar collection devices may project from a Facade only when they are incorporated into an awning, canopy, solar sunshade, or similar allowed projection.

v. New Buildings, additions, or significant improvements to existing Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such elevation in order to prevent unnecessary limitations on the development of adjacent property.

vi. The use of green walls is encouraged where possible.

f) **Roofs**:

i. Buildings are encouraged to incorporate Blue and/or Green roof technologies, solar collection devices, and access for use by owners, tenants, or the public wherever possible.

ii. Any new roof, or complete resurfacing of an existing roof, is encouraged to use materials and methods intended to reduce the urban heat island effect.

iii. All pitched roofs shall be designed and configured to prevent the avalanching of snow and ice onto any street, path, walkway, Building entrances and emergency exits, driveways, parking areas, and adjacent property.

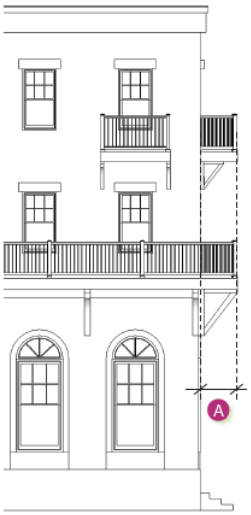
iv. Solar collection devices, wind turbines, and wireless telecommunication equipment shall be positioned to minimize their view from the street level. To the maximum extent practical, screening shall be incorporated in a manner consistent with the overall architectural design of the Building. Solar collection devices may be placed on or incorporated into a pitched roof provided they are at no point more than 10-feet above the roof surface.

v. Roof penetrations, other than chimneys, shall be placed so as not to be visible from streets or paths, and shall match the color of the roof or the sky except those made of metal which may be left natural.

vi. All Buildings, and Structures where appropriate, shall have gutters, downspouts or rain chains, splash blocks or downspouts connected to rain barrels, above or underground drainage systems, and/or other such devices and systems designed for the on-site collection and managment of stormwater. Downspouts shall be arranged as an integral part of the Facade composition, and shall generally be placed at the corners of the Building.

g) **Balconies and Decks**:

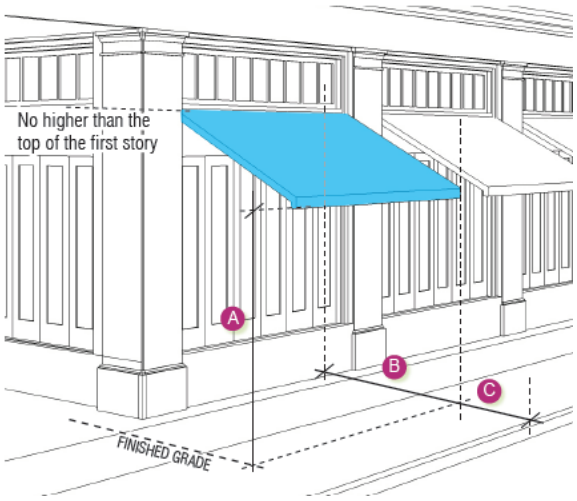
i. Balconies must be at least 4-feet deep (A) and 5-feet wide, and shall be cantilevered or visibly supported by brackets or beams sized, shaped and proportioned to match the associated balcony. Columns or posts extending to the ground are prohibited on a Facade, except in the case of a Gallery Frontage Type.



ii. The balcony platform shall be at least 3-inches thick, and where the underside of a balcony is visible from a public way it shall be finished. Balconies may or may not incorporate a roof, Canopy or Awning.

iii. Decks shall be permitted only in the Third Lot Layer or on rooftops.

h) **Awning and Canopies**: Awning and canopies are encouraged as a traditional street-level store-front fitting to provide shelter over a primary entrance, display windows, or outdoor seating. Where provided, such Awnings and Canopies placed on a Facade shall meet the following specifications:



i. Awnings and canopies shall provide 8-feet minimum clear height above the finished grade (A), and shall project a minimum of 6-feet from the Façade (B) to a maximum of 2-feet from the curb (C). 13-feet 6-inches minimum clear height above the finished grade shall be provided above any area used for parking or circulation (A).

ii. Awnings and canopies shall be placed, sized, shaped, and proportioned to match the associated openings.

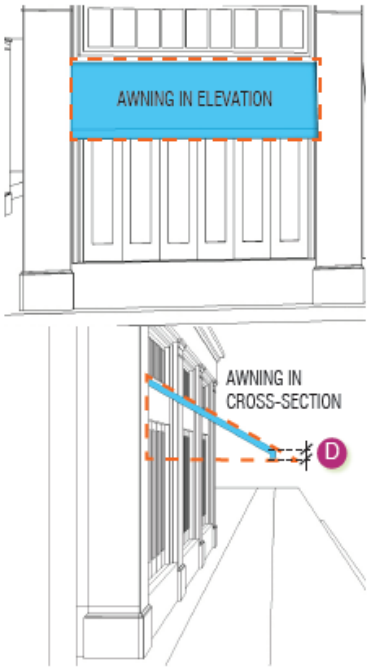
iii. Awnings and canopies that span across an entire Façade shall be fixed no higher than the top of the first story.

iv. All awnings and canopies used within an individual Frontage Type shall be consistent in materials, color, and design.

v. Awnings and canopies shall not be internally illuminated or backlit, however they may contain lighting fixtures intended to illuminate the ground beneath.

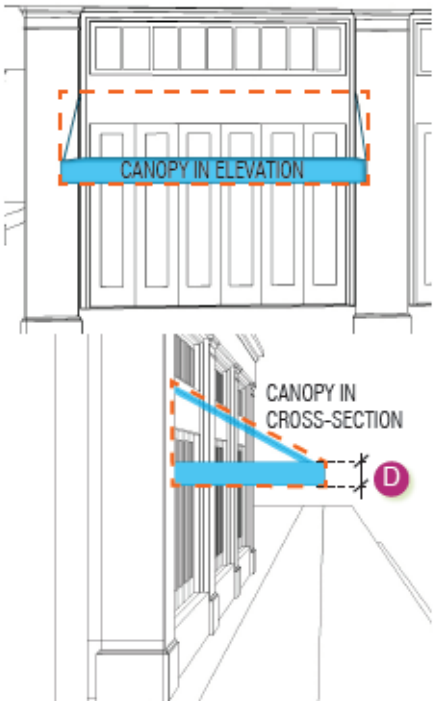
vi. Awnings shall have an internal or external structural framework of steel/aluminum or other appropriate, durable structural material supporting a thin, non-translucent covering material such as painted metal, canvas, or synthetic fabric. The awning design should not include a soffit- or side-panels. Retractable awnings are encouraged.

vii. Awnings shall be rectangular in elevation and triangular in cross-section with straight edges. The valance of the awning shall be no more than 12-inches in height (D).



viii. Canopies shall be constructed of steel/aluminum or other appropriate, durable structural material. The canopy may be clad in metal panel, wood, or other durable finished material. The canopy design shall be open to above without a roof, and the exterior faces of the canopy should be no more than 24-in in height. (D).

ix. Canopies shall be cantilevered or supported from above. Columns or posts extending to the ground are prohibited.



i). **Other**:

i. Upper-story open exterior fire stairs shall be located in the Third Lot Layer. They may be located in the Second Lot Layer provided they are enclosed and incorporated and designed in a manner consistent with the overall architectural design of the Building.

ii. Permanent handicapped access ramps located in the First Lot Layer must be integrated into the design of the chosen Frontage Type. Otherwise they must be located in the Second or Third Lot Layer.

iii. All utility service connections shall be underground for new construction and substantial rehabilitations.

iv. The footprint area of an Outbuilding may not exceed the footprint area of the Principal Building.

Section 14.5: Specific to Private Frontage Types

SubSections:

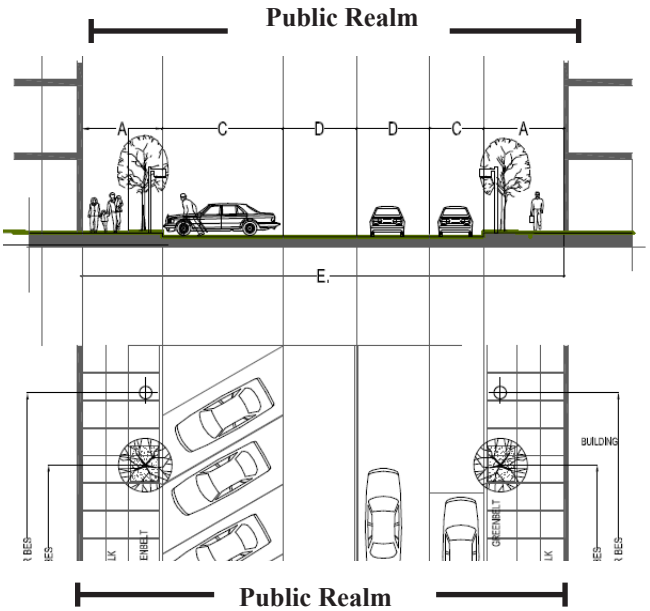
14.5.1	Purpose	14.5.10	Doorway
14.5.2	Applicability	14.5.11	Lightwell & Landing
14.5.3	Frontage Types Summary Table	14.5.12	Officefront
14.5.4	Porch: Projecting	14.5.13	Shopfront
14.5.5	Porch: Engaged	14.5.14	Terrace
14.5.6	Porch: Integral	14.5.15	Forecourt
14.5.7	Stoop	14.5.16	Gallery
14.5.8	Courtyard	14.5.17	Arcade
14.5.9	Dooryard		

14.5.1- Purpose

This Section sets forth the standards applicable to Private Frontages. Private Frontages are the components of a Building that provide an important transition and interface between the public realm (Thoroughfares and Sidewalks, lakeshore and Civic Spaces) and the private realm (yard and/or Building) illustrated below. For each Frontage Type, a description, a statement of the type's intent, and specific design standards are provided. These standards are intended to ensure development that reinforces the highly-valued existing character and scale of Burlington's neighborhoods and downtown by providing an active and intentional relationship between the public and the private realm.

14.5.2- Applicability

These standards shall be applied to all Private Frontages within all Form Districts along Thoroughfares, lakeshore, and Civic Spaces. Individual Buildings may divide the Facade into a series of architectural bays each containing an individual Private Frontage Type. The standards and requirements applicable to a Frontage Type shall modify and take precedence without limitation over any duplicative or conflicting provisions of Section 14.3 (Specific to Form Districts), Section 14.4 (Specific to Building Types) and Section 14.6 (Supplemental to Form Districts).



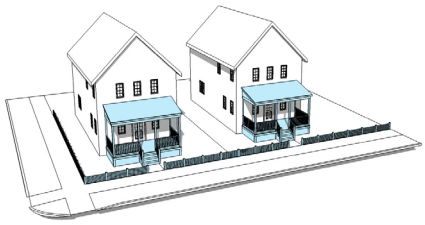
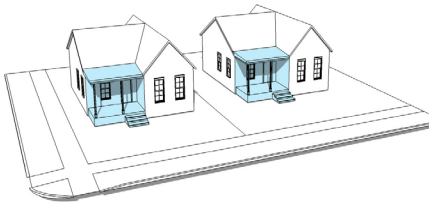
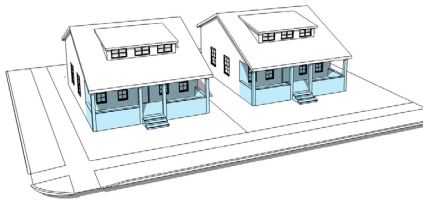
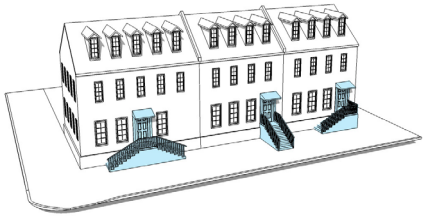
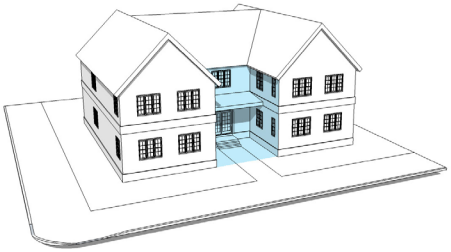
An example of an individual Mixed Use Building employing multiple Frontage Types.

14.5.3 - Frontage Types General

Table 14.5-A (Frontage Types Summary Table) provides an overview of all allowed Frontages Types.

Table 14.5-A - Private Frontage Types Summary Table [not-regulatory]

The Private Frontage is the area between the Building Façade and the ROW/Lot Line.

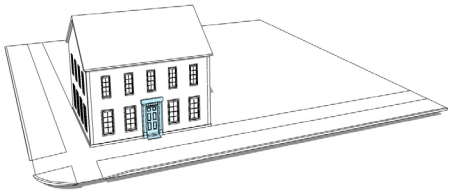
Frontage Type	Illustration Type
14.5.4 - Porch: Projecting A Private Frontage where the Building Facade is set back from the Frontage Line, and includes an attached open porch that Encroaches into the First Lot Layer which may be planted and include a fence to maintain spatial definition with the public right-of-way. The porch contains a Principal entrance sufficiently elevated from the Sidewalk to secure privacy for the first story from a busy public Sidewalk, This type is commonly associated with ground-floor Residential use.	
14.5.5 - Porch: Engaged A Private Frontage where the Building Facade may or may not be set back from the Frontage Line, and includes an open porch with two adjacent sides that are engaged to the Building while two sides remain open. The porch does not Encroach into the First Lot Layer, which may be planted and include a fence to maintain spatial definition with the public right-of-way. The porch contains a Principal entrance sufficiently elevated from the Sidewalk to secure privacy for the first story from a busy public Sidewalk, This type is commonly associated with ground-floor Residential use.	
14.5.6 - Porch: Integral A Private Frontage where the Building Facade may or may not be set back from the Frontage Line, and includes a porch integral to the overall massing and roof form of the Building and open on one, two or three sides. The porch does not Encroach into the First Lot Layer, which may be planted and include a fence to maintain spatial definition with the public right-of-way. The porch contains a Principal entrance sufficiently elevated from the Sidewalk to secure privacy for the first story from a busy public Sidewalk, This type is commonly associated with ground-floor Residential use.	
14.5.7 - Stoop A Private Frontage where the Building Facade is aligned very close to the Frontage Line, and the first Story is elevated from the Sidewalk sufficiently to secure privacy for the windows from a busy public Sidewalk. The elevated Principal entrance is accessed by an exterior stair and small landing that is permitted to Encroach into the First Lot Layer. The remainder of the First Lot Layer must be planted, or paved to join with the adjoining public Sidewalk. This type is commonly associated with ground-floor Residential use.	
14.5.8 - Courtyard A Private Frontage where a portion of the Facade is aligned close to or at the Frontage Line, and the central portion of the Façade is set back to create a courtyard with a Principal entrance at-grade and space for gathering and circulation, or for outdoor shopping or restaurant seating. The First Lot Layer and courtyard must be planted or paved to join with the adjoining public Sidewalk. This type should be used sparingly, and must be used in conjunction with other Frontage Types to define individual or shared entries at least one of which faces the street.	

14.5.9 - Dooryard:

A Private Frontage where the Building Facade is aligned close to the Frontage Line, and the Frontage Line is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public Sidewalk. The result is a small semi-private dooryard containing the Principal entrance in First Lot Layer accessed by a Stoop for an elevated entry or a Doorway for at-grade entry. The remainder of the First Lot Layer may be planted or serve as a small patio. This type is commonly associated with ground-floor Residential use.

14.5.10 - Doorway

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line, and the street-facing Principal entrance provides an at-grade entry. To the extent there is a First Lot Layer, it may be planted or paved to join with the adjoining public Sidewalk. This type is commonly associated with ground-floor Residential use.

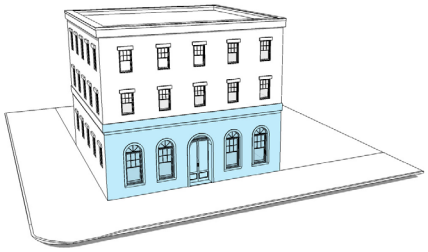


14.5.11 - Lightwell & Landing

A Private Frontage where the Building Facade is set back from the Frontage line, and a street-facing Principal entrance is elevated and accessed by an exterior stair with or without a small landing, and/or sunken and accessed via a Lightwell. The Frontage Line adjoining the Lightwell is partially defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public Sidewalk and safety for pedestrians passing by. This type is particularly well-suited for accommodating grade changes along a Frontage Line, allows for activation of below grade spaces, and buffering residential uses from busy public Sidewalks. The First Lot Layer and Lightwell may be planted or serve as a small patio.

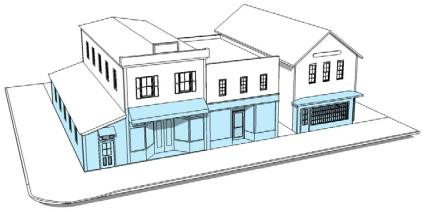
14.5.12 - Officefront

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with street-facing individual and/or shared entries that provide at-grade access directly onto the public Sidewalk. This type is commonly associated with office, retail, service or hospitality uses, and has ample glazing on the Sidewalk level, and may include an Awning and/or Canopy that may Encroach into the First Lot Layer and over-lap the Sidewalk. To the extent there is a First Lot Layer, it is paved to join with the adjoining public Sidewalk with or without outdoor shopping or restaurant seating.



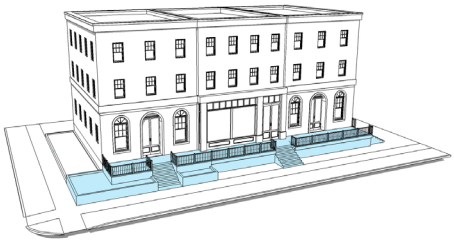
14.5.13 - Shopfront

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with street-facing individual and/or shared entries that provide at-grade access directly onto the public Sidewalk. This type is commonly associated with retail, service and/or hospitality uses, has substantial glazing on the Sidewalk level, and may include an Awning and/or Canopy that may Encroach into the First Lot Layer and over-lap the Sidewalk. To the extent there is a First Lot Layer, it is paved to join with the adjoining public Sidewalk with or without outdoor shopping or restaurant seating.



14.5.14 - Terrace

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with an elevated terrace that may Encroach into the First Lot Layer providing level or terraced public circulation along the Façade. This type provides at-grade access to first story uses and shared entries for upper story uses while accommodating a grade change along a Frontage Line. Frequent steps up to the terrace are necessary to avoid overly tall terrace walls, and the Frontage Line along the terrace edge is defined by a low wall or decorative fence providing a strong spatial definition from the public Sidewalk and safety for pedestrians. Awnings and Canopies may Encroach into the First Lot Layer but shall not cross the Frontage Line. This type is required to be used in conjunction with other Frontage Types to define individual or shared entries facing the street.

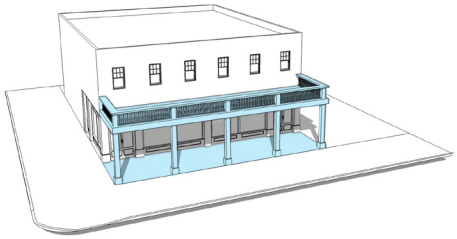


14.5.15 - Forecourt

A Private Frontage where the Building Facade is setback from the Frontage Line with individual at-grade entries for ground level uses and shared entries for upper story uses provide access directly onto a permanent outdoor patio. The First Lot Layer must include a low wall or decorative fence at the Frontage Line to maintain spatial definition with the public right-of-way, and shall be paved to support outdoor seating and dining. Awnings and Canopies may Encroach into the First Lot Layer but shall not cross the Frontage Line. This type should be used sparingly; is intended to serve ground floor commercial, hospitality or retail uses; and requires the use of the Shopfront Frontage Type to define individual or shared first floor entries facing the street.

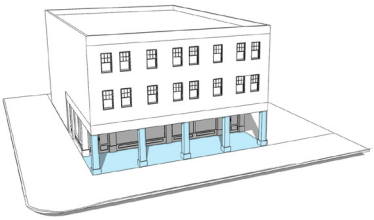
14.5.16 - Gallery

A Private Frontage where the Building Facade is set back from the Frontage Line with an attached cantilevered porch with a lightweight colonnade that fully Encroaches into the First Lot Layer. The First Lot Layer is paved to join with the adjoining public Sidewalk which may be activated with outdoor shopping and/or restaurant seating. Upper story porches are also intended to be activated with outdoor use such as seating and/or dining. This type is required to be used in conjunction with a Shopfront or Officefront Frontage Type to define individual or shared at-grade entries facing the street.

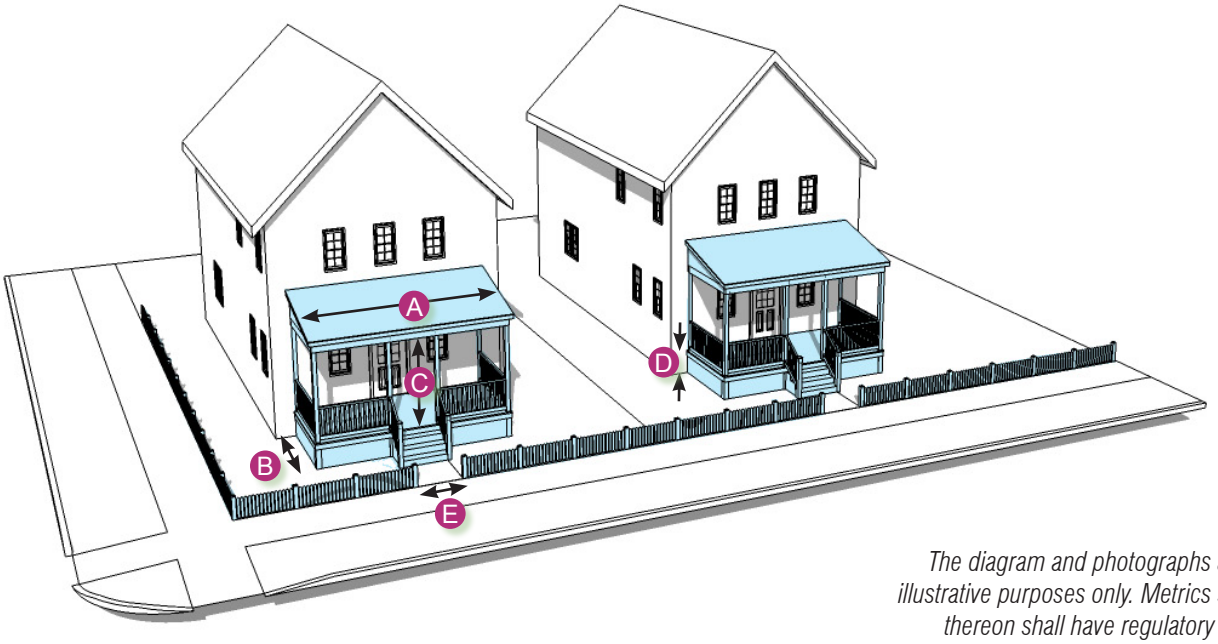


14.5.17 - Arcade

A Private Frontage where only the ground floor level of the Building Facade is set back from the Frontage Line. The Building Facade for the upper floors is at the Frontage Line and is supported by a colonnade supporting habitable space above. This type is intended to serve ground floor commercial, hospitality or retail uses, and is required to be used in conjunction with a Shopfront, or Officefront Frontage Type to define individual or shared first floor at-grade entries facing the street.



14.5.4 - Porch: Projecting



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.4-A - Description

A Private Frontage where the Building Facade is set back from the Frontage Line, and includes an attached open porch that Encroaches into the First Lot Layer which may be planted and include a fence to maintain spatial definition with the public right-of-way. The porch contains a Principal Entrance sufficiently elevated from the Sidewalk to secure privacy for the first story from a busy public Sidewalk, This type is commonly associated with ground-floor Residential use.

14.5.4-B - Building Types

Rowhouse	Multi-Family: Small Multi-Family: Large

14.5.4-C - Standards

Deck Width	8-ft min	A
Deck Depth	6-ft min.	B
Height, Clear	8-ft min.	C
Height	Equal to number of stories with each deck consistent with the associated floorplate.	
Finish Level above Sidewalk	18 inches min.	D
Clear Path of Travel to a Principal Entrance	3-ft wide min.	E

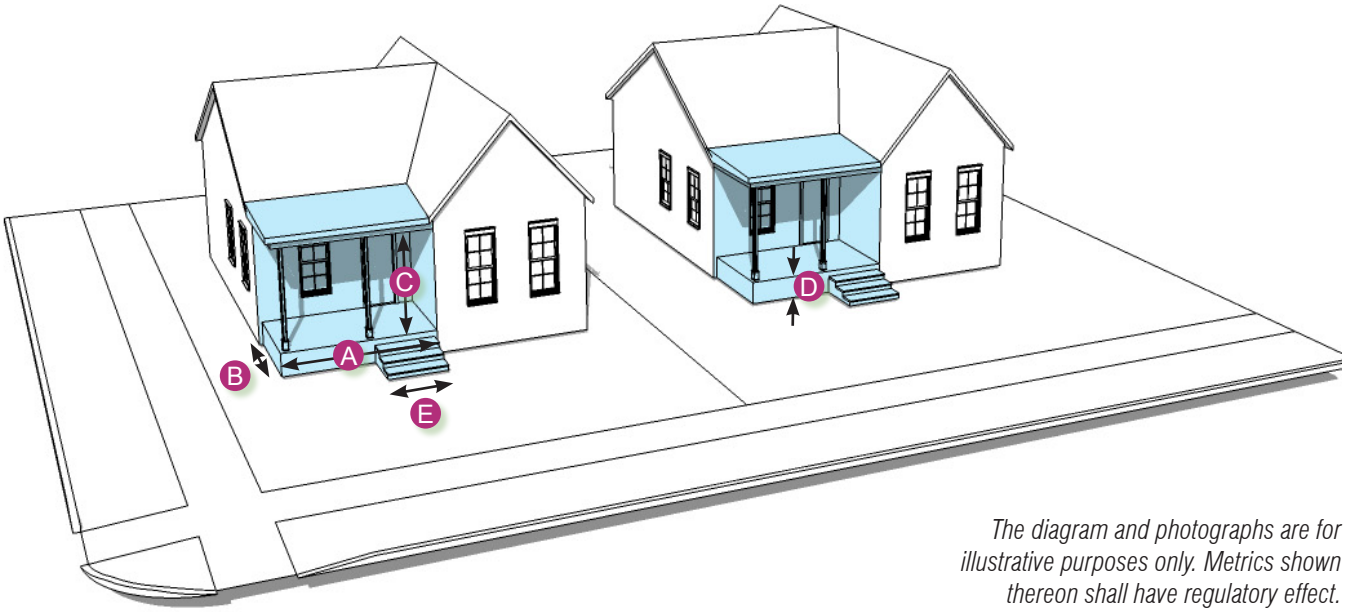
14.5.4-D - Miscellaneous

Projecting porches must have three sides open and a roof, and may not be enclosed.

Projecting porches may Encroach into the First Lot Layer.

Upper Story porches shall not be connected with porches below by an external stairway.

14.5.5 - Porch: Engaged



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.5-A - Description

A Private Frontage where the Building Facade may or may not be set back from the Frontage Line, and includes an open porch with two adjacent sides that are engaged to the Building while two sides remain open. The porch does not Encroach into the First Lot Layer, which may be planted and include a fence to maintain spatial definition with the public right-of-way. The porch contains a Principal Entrance sufficiently elevated from the Sidewalk to secure privacy for the first story from a busy public Sidewalk, This type is commonly associated with ground-floor Residential use.

14.5.5-B - Building Types

Multi-Family: Small

Multi-Family: Large

14.5.5-C - Standards

Deck Width	6-ft min	A
Deck Depth	6-ft min	B
Height, Clear	8-ft min.	C
Height	Equal to number of stories with each deck consistent with the associated floorplate.	
Finish Level above Sidewalk	18 inches min.	D
Clear Path of Travel to a Principal Entrance	3-ft wide min.	E

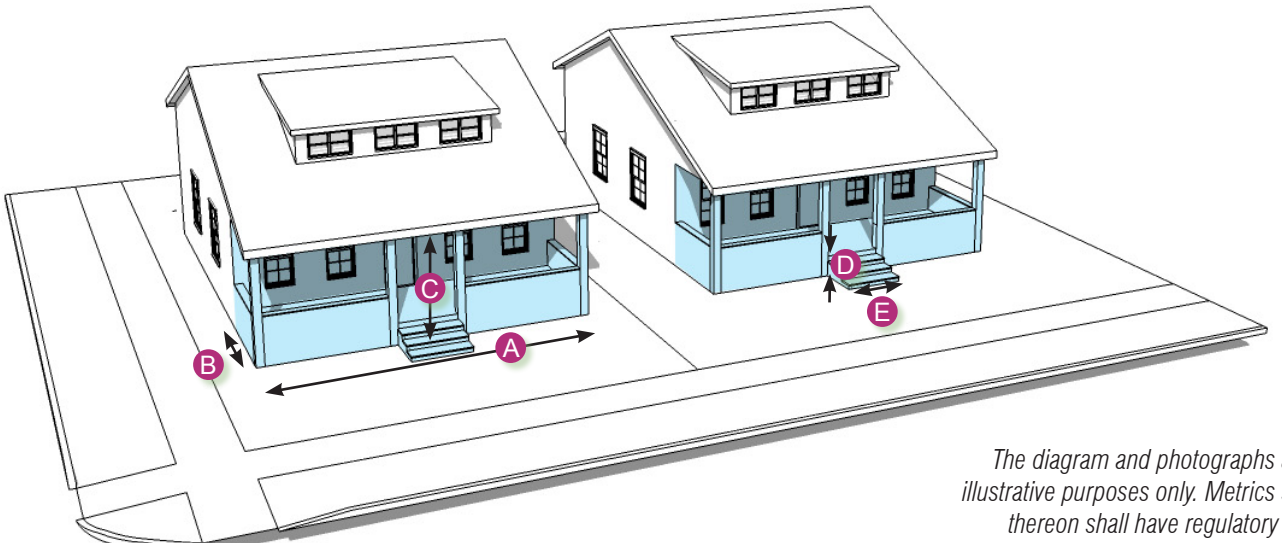
14.5.5-D - Miscellaneous

Engaged porches must have two open sides and a roof, and may not be enclosed. Engaged porches extending along a side elevation may be enclosed beyond the first 6-ft of depth.

Engaged porches are not allowed to Encroach into the First Lot Layer.

Upper Story porches shall not be connected with porches below by an external stairway.

14.5.6 - Porch: Integral



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.6-A - Description

A Private Frontage where the Building Facade may or may not be set back from the Frontage Line, and includes a porch integral to the overall massing and roof form of the Building and open on one, two or three sides. The porch does not Encroach into the First Lot Layer, which may be planted and include a fence to maintain spatial definition with the public right-of-way. The porch contains a Principal Entrance sufficiently elevated from the Sidewalk to secure privacy for the first story from a busy public Sidewalk, This type is commonly associated with ground-floor Residential use.

14.5.6-B - Building Types

Duplex	Multi-Family: Small

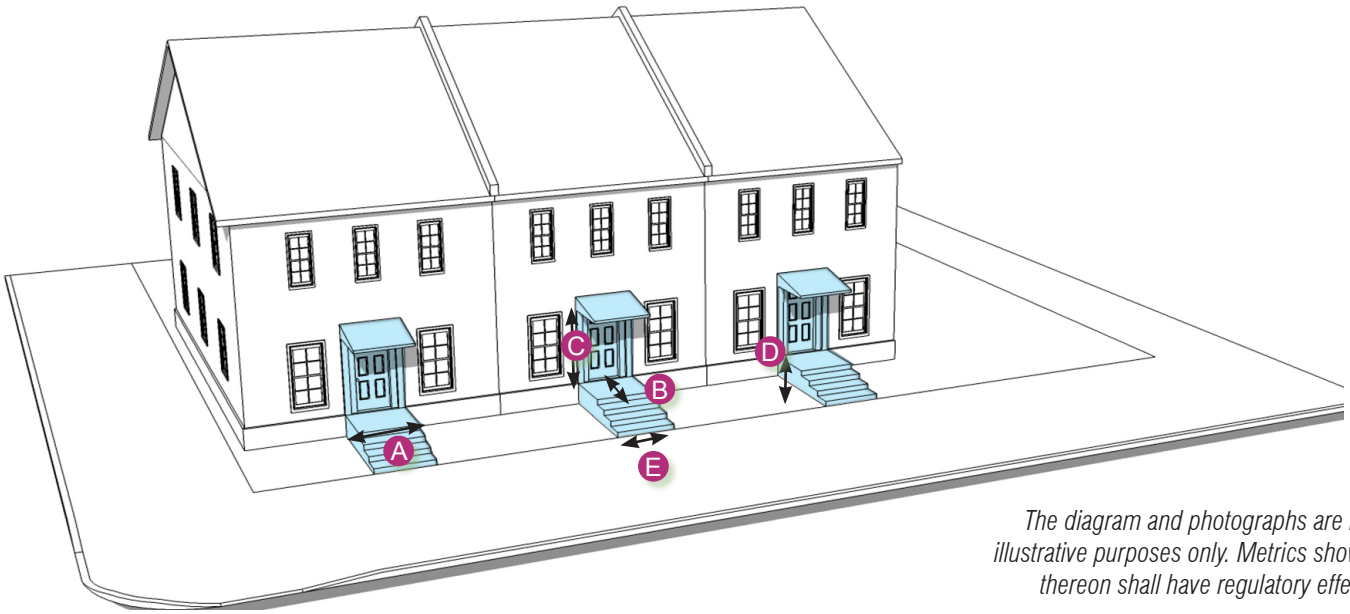
14.5.6-C - Standards

Deck Width	10-ft min	A
Deck Depth	6-ft min.	B
Height, Clear	8-ft min.	C
Height	2 stories max. with the 2nd floor deck consistent with the associated floorplate.	
Finish Level above Sidewalk	18 inches min.	D
Clear Path of Travel to a Principal Entrance	3-ft wide min.	E

14.5.6-D - Miscellaneous

Integral porches must be open on one, two or three sides and may not be enclosed.
Integral porches are not allowed to Encroach within the First Lot Layer.
Upper Story porches shall not be connected with porches below with an external stairway.

14.5.7- Stoop



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.7-A - Description

A Private Frontage where the Building Facade is aligned very close to the Frontage Line, and the first Story is elevated from the Sidewalk sufficiently to secure privacy for the windows from a busy public Sidewalk. The elevated street-facing Principal Entrance is accessed by an exterior stair and small landing that is permitted to Encroach into the First Lot Layer. The remainder of the First Lot Layer may be planted, or paved to join with the adjoining public Sidewalk. This type is commonly associated with ground-floor Residential use.

14.5.7-B - Building Types

Rowhouse
Multi-Family: Small
Multi-Family: Large
Mixed-Use
Perimeter Building

14.5.7-C - Standards

Landing Width	4 inches min.	A
Landing Depth	3-ft min - 6-ft max	B
Clear Height above Landing	8-ft min.	C
Landing Finish Level above Sidewalk	18-in min. - 4-ft max.	D
Depth of recessed entry	4-ft max from the facade	
Clear Path of Travel to a Principal Entrance	3-ft wide min.	E

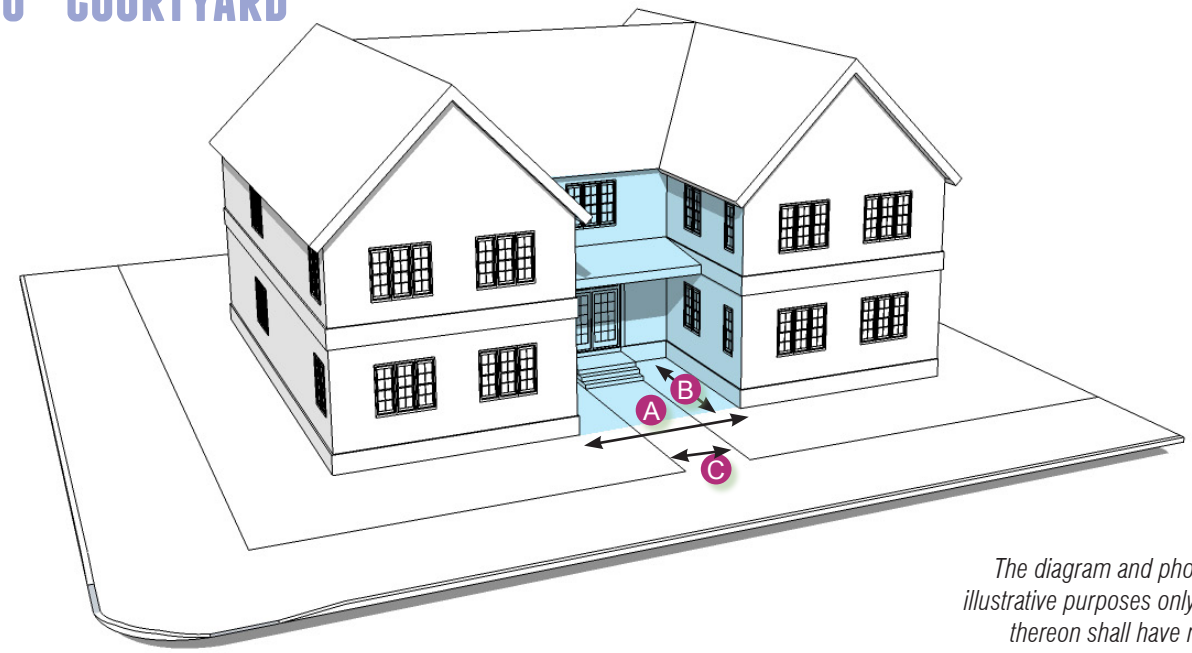
14.5.7-D - Miscellaneous

Stoops may Encroach into the First Lot Layer.

Stairs may be perpendicular or parallel to the Building Façade.

The entry doors are encouraged to be covered and/or recessed to provide shelter from the elements.

14.5.8 - Courtyard



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.8-A - Description

A Private Frontage where a portion of the Facade is aligned close to or at the Frontage Line, and the central portion of the Façade is set back to create a courtyard with a Principal Entrance at-grade and space for gathering and circulation, outdoor shopping and/or restaurant seating. The First Lot Layer and courtyard must be planted or paved to join with the adjoining public Sidewalk. This type should be used sparingly, and must be used in conjunction with another Frontage type to define individual or shared entries at least one of which faces the street.

14.5.8-B - Building Types

Multi-Family: Small
Multi-Family: Large
Mixed-Use

14.5.8-C - Standards

Courtyard Width	- 12-ft min. - lessor of 1/3 the total Building width or 35-ft max	A
Courtyard Depth	12-ft min.- 35-ft max	B
Clear Path of Travel to a Principal Entrance	3-ft min.	C

14.5.8-D - Miscellaneous

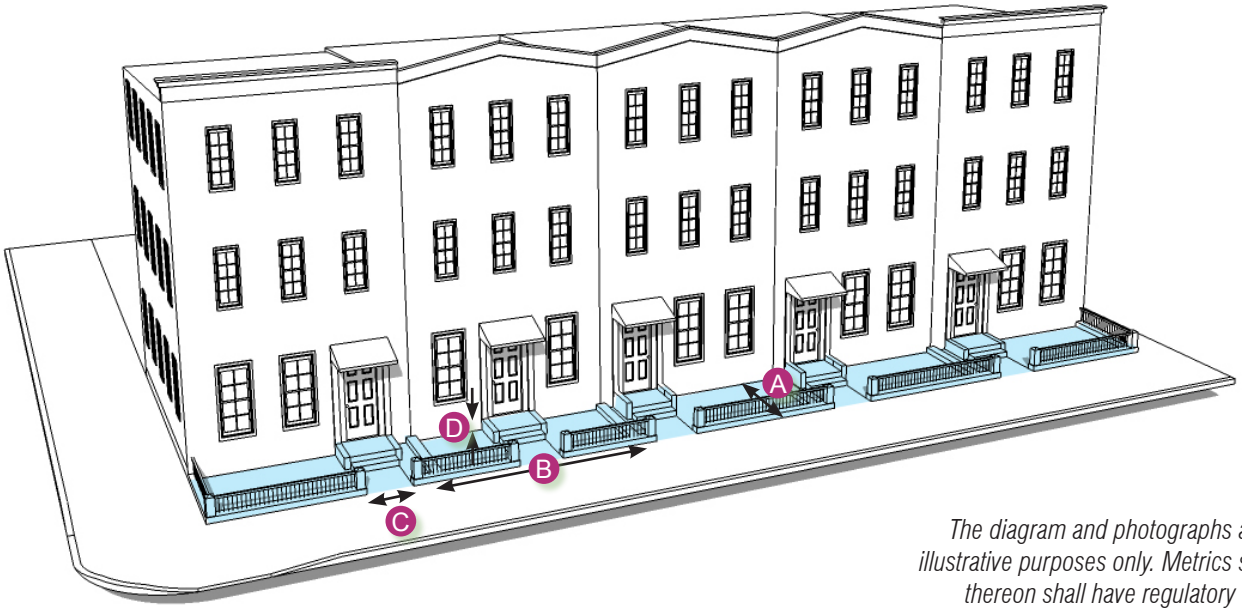
A maximum of one Courtyard is permitted per Principal Building.

The Courtyard shall be activated as a space for gathering, circulation, outdoor shopping and/or restaurant seating.

The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.

A Courtyard is considered as part of the Building for the purpose of measuring the Frontage Buildout.

14.5.9- Dooryard



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.9-A - Description

A Private Frontage where the Building Facade is aligned close to the Frontage Line, and the Frontage Line is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public Sidewalk. The result is a small semi-private dooryard defining the First Lot Layer containing a street-facing Principal Entrance accessed by a Stoop for an elevated entry or a Doorway for at-grade entry. The remainder of the First Lot Layer may be planted or serve as a small patio. This type is commonly associated with ground-floor Residential use.

14.5.9-B - Building Types

Rowhouse
Multi-Family: Small
Multi-Family: Large
Mixed-Use
Perimeter Building

14.5.9-C - Standards

Yard Depth	4-ft min. 12-ft max.	A
Yard Width	Equal to the width of the Facade min. 50-ft max.	B
Depth of recessed entries	4-ft max. from Facade	
Clear Path of Travel to a Principal Entrance	3-ft wide min.	C
Yard Finish level above Sidewalk	18 inches max.	D

14.5.9-D - Miscellaneous

This Frontage Type must be used in conjunction with another Frontage Types such as a Stoop or Doorway to define the street-facing Principal Entrance.

Each Dooryard shall provide access to only one individual or shared entry.

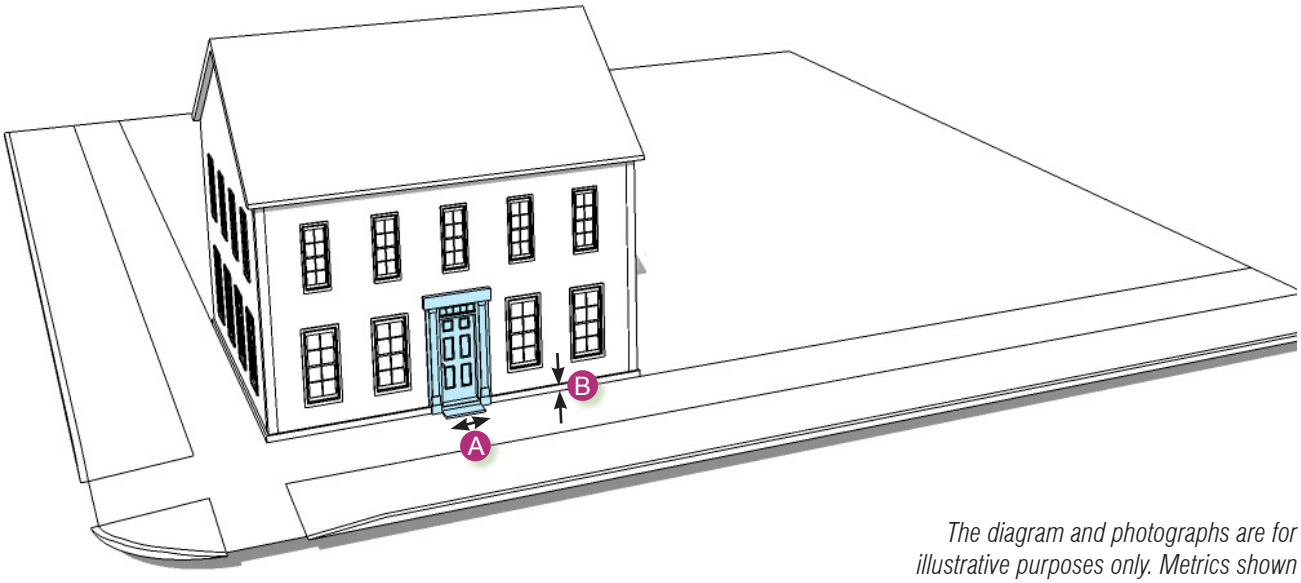
The entry doors are encouraged to be covered and/or recessed to provide shelter from the elements.

Dooryards occupy the First Lot Layer, and may extend the depth of the Building's maximum required front yard setback to an amount equal to the maximum yard depth permitted in Sec. 14.5.9-C.

The Frontage Line shall defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public Sidewalk.

Dooryards may not contain Driveways, parking, loading or service areas, or mechanical equipment or vents.

14.5.10 - Doorway



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.10-A - Description

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line, and the street-facing Principal Entrance provides an at-grade entry. To the extent there is a First Lot Layer, it may be planted or paved to join with the adjoining public Sidewalk. This type is commonly associated with ground-floor Residential use.

14.5.10-B - Building Types

Rowhouse
Multi-Family: Small
Multi-Family: Large
Mixed Use
Perimeter Building

14.5.10-C - Standards

Depth of recessed entries	4-ft max. from Facade	
Clear Path of Travel to a Principal Entrance	3-ft wide min.	A
Finish level above Sidewalk	18 inches max.	B

14.5.10-D - Miscellaneous

Each Doorway shall provide access to only one individual or shared entry.

The entry doors are encouraged to be covered and/or recessed to provide shelter from the elements.

14.5.11- Lightwell & Landing

The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.11-A - Description

A Private Frontage where the Building Facade is set back from the Frontage line, and a street-facing Principal Entrance is elevated and accessed by an exterior stair with or without a small landing, and/or sunken and accessed via a Lightwell. The Frontage Line adjoining the Lightwell is partially defined by a low wall, decorative fence, or hedge providing a strong spatial definition from the public Sidewalk and safety for pedestrians passing by. This type is particularly well-suited for accommodating grade changes along a Frontage Line, allows for activation of below grade spaces, and buffering residential uses from busy public Sidewalks. The First Lot Layer and Lightwell may be planted or serve as a small patio.

14.5.11-B - Building Types

Rowhouse	Mixed-Use
Multi-Family: Small	Perimeter Building
Multi-Family: Large	

14.5.11-C - Standards

Height		
Landing (above Sidewalk)	6-ft max.	A
Lightwell (below Sidewalk)	6-ft max.	B
Depth	5-ft min. 8-ft max.	C
Height, Clear	8-ft min.	D
Clear Path of Travel to a Principal Entrance	3-ft wide min.	E

14.5.11-D - Miscellaneous

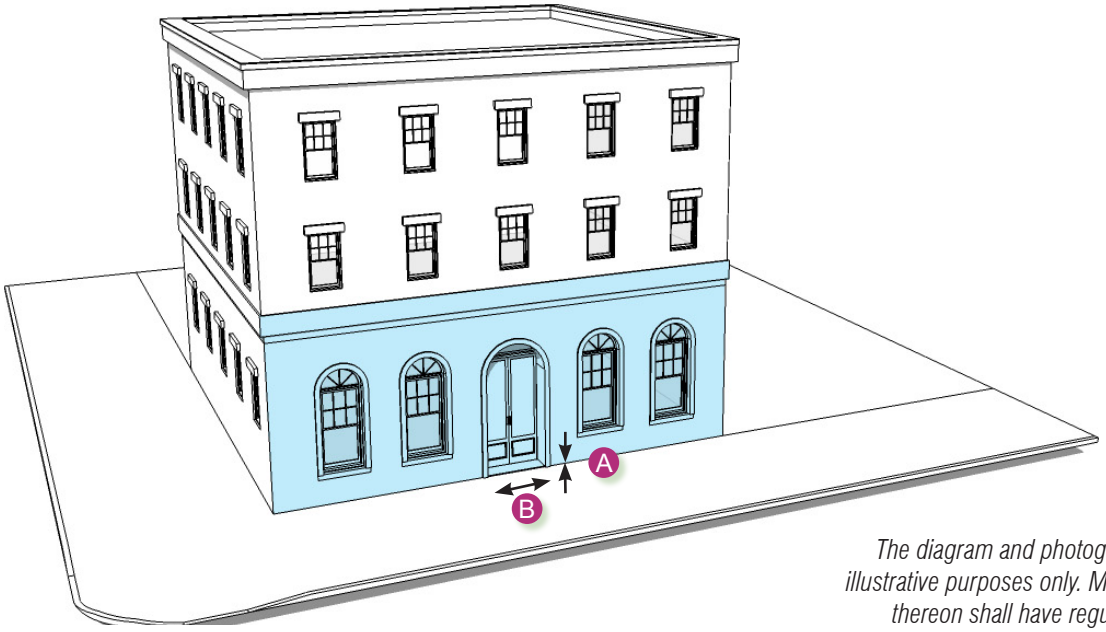
A short fence shall be placed along the Frontage Line at the Lightwell for the safety of pedestrians and to provide a strong spatial definition from the public Sidewalk.

Each Lightwell or Landing shall provide access only one individual or shared entry for a maximum of two entries where both are employed.

The Lightwell and Landing occupies the First Lot Layer, and may extend the depth of the Building's maximum required front yard setback to an amount equal to the maximum depth permitted in Sec. 14.5.11-C.

The entry doors are encouraged to be covered and/or recessed to provide shelter from the elements.

14.5.12 - Officefront



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.12-A - Description

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with street-facing individual and/or shared entries that provide at-grade directly onto the public Sidewalk. This type is commonly associated with office, retail, service, and/or hospitality uses; has ample glazing on the Sidewalk level; and may include an Awning and/or Canopy that may Encroach into the First Lot Layer and over-lap the Sidewalk. To the extent there is a First Lot Layer, it is paved to join with the adjoining public Sidewalk with or without outdoor shopping or restaurant seating.

14.5.12-B - Building Types

Mixed Use

Perimeter Building

14.5.12-C - Standards

Principal Entrance level	At-grade	A
Clear Path of Travel to a Principal Entrance	3-ft wide min.	B
Ground floor Facade voids (rough opening for windows and doors)	50% min. between 3-ft and 10-ft above the Principal Entrance level	
Depth of recessed entries	6-ft max. from Facade	

14.5.12-D - Miscellaneous

The entry doors are encouraged to be covered and/or recessed to provide shelter from the elements.

Recessed entries shall provide access to no more than 3 individual or shared entries.

Street-facing, street-level window area must remain unobstructed up to a minimum interior depth of 8-feet, with the exception of obstructions such as street-facing window signs or product displays that do not take up more than 25% of the total window area.

Windows cannot be made opaque by window treatments except for operable sunscreen devices within the conditioned space.

External security shutters are not permitted.

14.5.13 - Shopfront

The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.13-A - Description

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with street-facing individual and/or shared entries that provide at-grade access directly onto the public Sidewalk. This type is commonly associated with retail, service, and/or hospitality uses; has substantial glazing on the Sidewalk level; and may include an Awning and/or Canopy that may Encroach into the First Lot Layer and over-lap the Sidewalk. To the extent there is a First Lot Layer, it is paved to join with the adjoining public Sidewalk and activated with outdoor shopping and/or restaurant seating.

14.5.13-B - Building Types

Mixed Use	Perimeter Building

14.5.13-C - Standards

Distance between voids	4-ft max.	A
Principal Entrance level	At grade, unless used with a Lightwell & Landing or Terrace Frontage Type	B
Sill Height	3-ft max.	C
Ground floor Facade voids (rough opening for windows and doors)	70% min. between 3-ft and 10-ft above the sidewalk.	
Depth of recessed entries	6-ft max. from Facade	
Clear Path of Travel to a Principal Entrance	3-ft wide min.	

14.5.13-D - Miscellaneous

Street-facing, street-level window area must remain unobstructed up to a minimum interior depth of 8-feet, with the exception of obstructions such as street-facing window signs or product displays that do not take up more than 25% of the total window area.

Windows cannot be made opaque by window treatments except for operable sunscreen devices within the conditioned space.

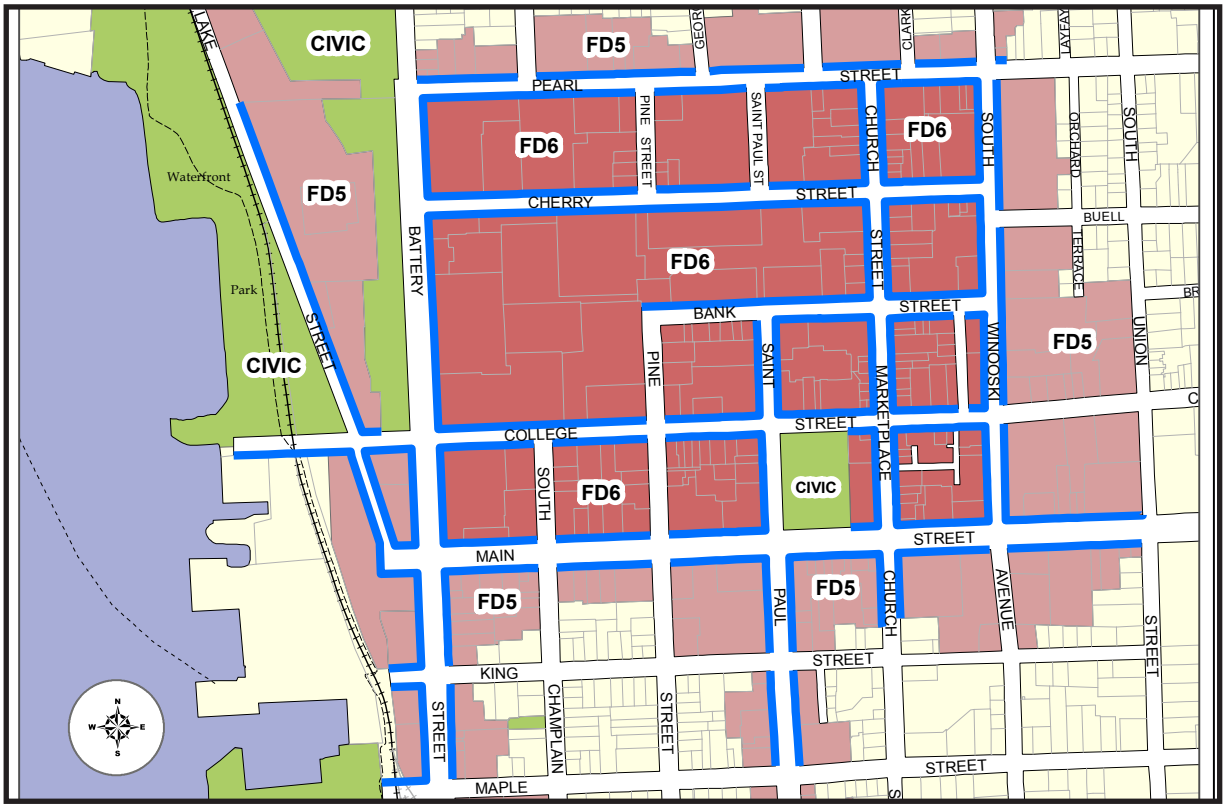
Shopfront doors, windows, awnings, Signs, and lighting shall be designed as a unified whole.

Accordion-style doors/windows or other operable windows that allow the interior space to open to the street are encouraged.

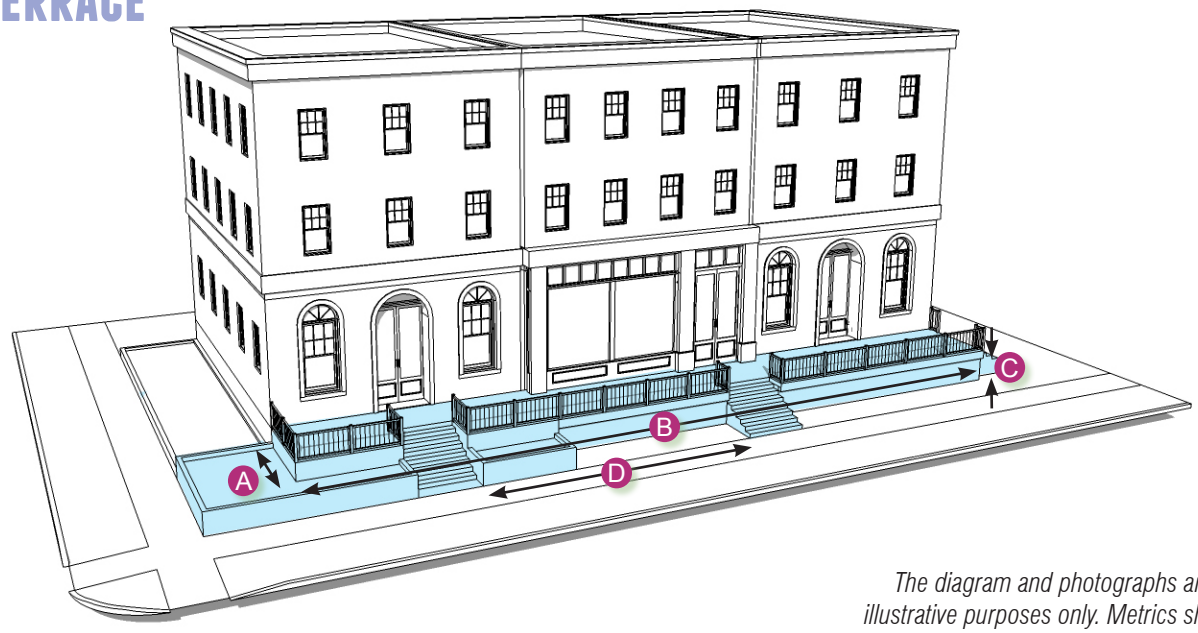
External security shutters are not permitted.

Areas where a Shopfront Frontage Type is required are as depicted on Downtown and Waterfront District Regulating Plan - Map 3 - Shopfront Frontage Required opposite. Piers separating individual Shopfronts may not exceed 4-feet in width.

Map 3 - Shopfront Frontage Required



14.5.14- Terrace



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.14-A - Description

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with an elevated terrace that may Encroach into the First Lot Layer providing level or terraced public circulation along the Façade. This type provides at-grade access to first story uses and shared entries for upper story uses while accommodating a grade change along a Frontage Line. Frequent steps up to the terrace are necessary to avoid overly tall terrace walls, and the Frontage Line along the terrace edge is defined by a low wall or decorative fence providing a strong spatial definition from the public Sidewalk and safety for pedestrians. Awnings and Canopies may Encroach into the First Lot Layer but shall not cross the Frontage Line. This type is required to be used in conjunction with other Frontage Types to define individual or shared entries facing the street.

14.5.14-B - Building Types

Multi-Family: Small	Mixed-Use
Multi-Family: Large	Perimeter Building

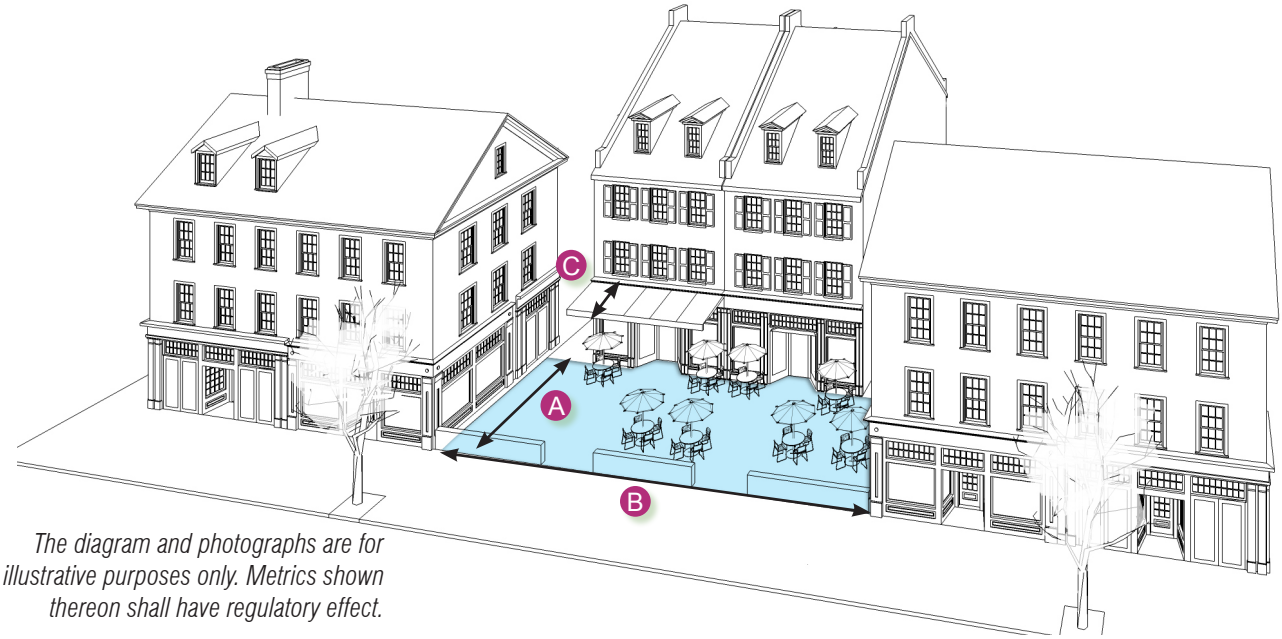
14.5.14-C - Standards

Depth	6-ft min. 15-ft max	A
Length	150-ft max.	B
Finish level above Sidewalk	4-ft max.	C
Distance between stairs/Access	50-ft max.	D

14.5.14-D - Miscellaneous

Terraces occupy the First Lot Layer, and may extend the depth of the Building's maximum required front yard setback to an amount equal to the maximum yard depth permitted in Sec. 14.5.14-C.

14.5.15- Forecourt



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.15-A - Description

A Private Frontage where the Building Facade is setback from the Frontage Line with individual at-grade entries for ground level uses and shared entries for upper story uses provide access directly onto a permanent outdoor patio. The First Lot Layer must include a low wall or decorative fence at the Frontage Line to maintain spatial definition with the public right-of-way, and shall be paved to support outdoor seating and dining. Awnings and Canopies may Encroach into the First Lot Layer but shall not cross the Frontage Line. This type should be used sparingly; is intended to serve ground floor commercial, hospitality, or retail uses; and requires the use of the Shopfront Frontage Type to define individual or shared first floor entries facing the street.

14.5.15-B - Building Types

Mixed-Use

14.5.15-C - Standards

Depth	20' max.	A
Width	equal to the width of the Building Facade	B
Finish level above Sidewalk	At grade	
Hardscape Coverage	80% min.	
Canopy/Awning Projection	10-ft from Facade	C

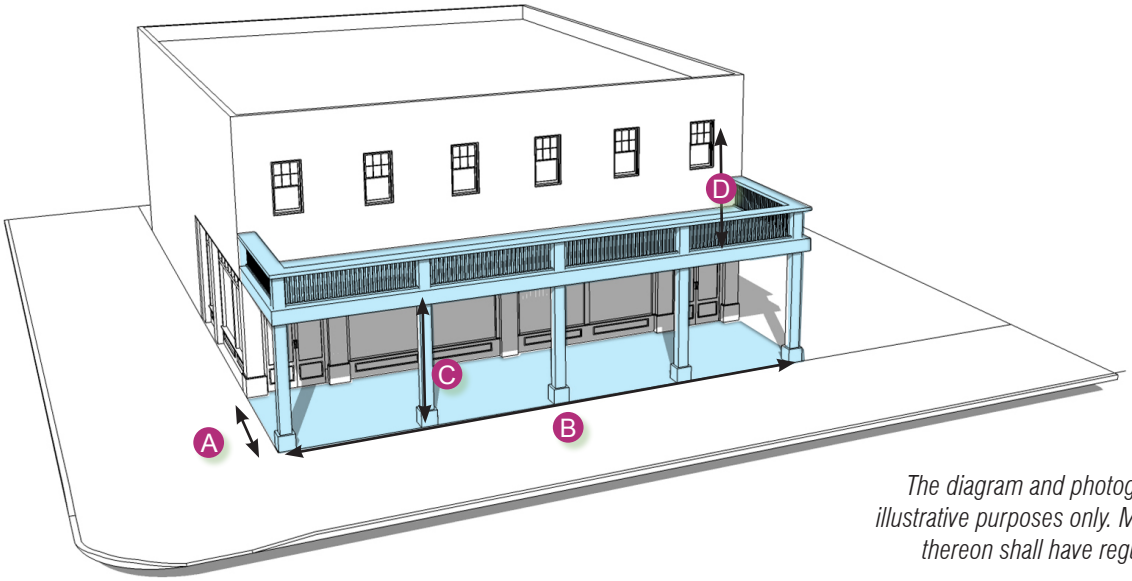
14.5.15-D - Miscellaneous

A Forecourt occupies the First Lot Layer, and may extend the depth of the Building's maximum required front yard setback to an amount equal to the maximum yard depth permitted in Sec. 14.5.15-C.

A Forecourt shall remain open to the sky, and may not contain Driveways, parking, loading or service areas or mechanical equipment or vents.

Hardscape coverage requirement may be achieved through a combination of pervious and impervious surface materials.

14.5.16- Gallery



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.16-A - Description

A Private Frontage where the Building Facade is set back from the Frontage Line with an attached cantilevered porch with a lightweight colonnade that fully Encroaches into the First Lot Layer. The First Lot Layer is paved to join with the adjoining public Sidewalk which may be activated with outdoor shopping and/or restaurant seating. Upper story porches are also intended to be activated with outdoor use such as seating and/or dining. This type is required to be used in conjunction with a Shopfront or Officefront Frontage Type to define individual or shared at-grade entries facing the street.

14.5.16-B - Allowed With

Multi-Family: Small	Mixed-Use
Multi-Family: Large	Perimeter Building

14.5.16-C - Standards

Depth	6-ft min. 10-ft max.	A
Width	Equal to width of the Building Facade	B
Ground floor height, Clear	14-ft min.	C
Upper floor height, Clear	9-ft min.	D
Finish level above Sidewalk	at-grade	
Overall Height	Equal to the number of Stories with each deck consistent with the associated floorplate.	

14.5.16-D - Miscellaneous

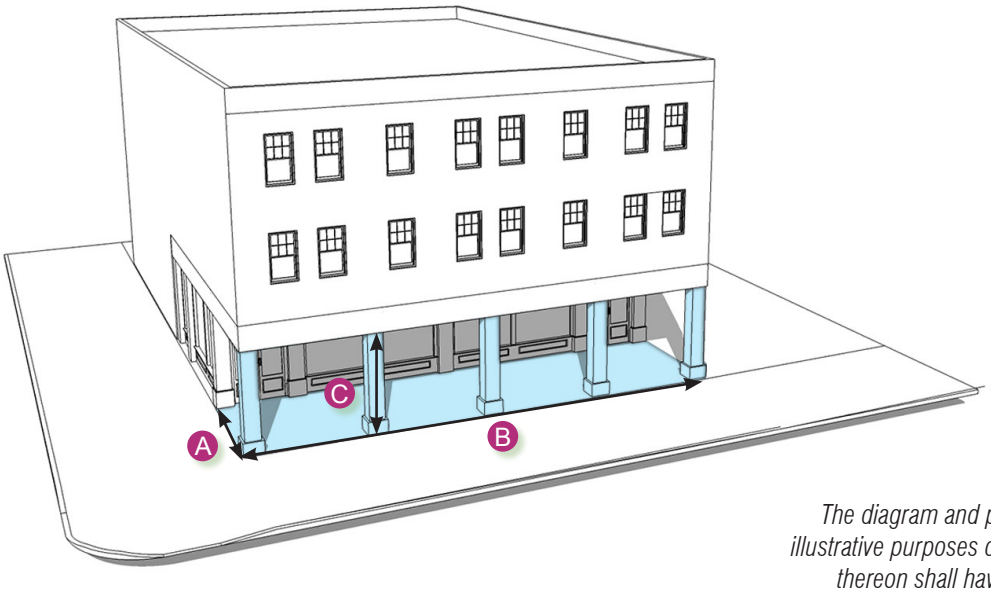
Upper Story porches must not be connected with porches below with an external stairway.

Galleries must remain open on three sides, and may have a roof or Awning covering the upper-most porch deck.

Galleries must have a consistent depth along a Frontage and completely occupy the First Lot Layer. In no case shall it extend into the public ROW.

Galleries may not contain Driveways, parking, loading, or service areas or mechanical equipment or vents.

14.5.17 - Arcade



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.17-A - Description

A Private Frontage where only the ground floor level of the Building Facade is set back from the Frontage Line. The Building Facade for the upper floors is at the Frontage Line and is supported by a colonnade supporting habitable space above. The ground surface is paved to join with the adjoining public Sidewalk which may be activated with outdoor shopping and/or restaurant seating. This type is intended to serve ground floor commercial, hospitality, or retail uses; and is required to be used in conjunction with a Shopfront or Officefront Frontage Type to define individual or shared first floor at-grade entries facing the street.

14.5.17-B - Building Types

Mixed-Use	Perimeter Building

14.5.17-C - Standards

Depth, Clear	12-ft min.	A
Width	Equal to width of the Building Facade	B
Height, Clear	14-ft min.	C
Height, overall	1 Story max.	
Finish level above Sidewalk	at-grade	

14.5.17-D - Miscellaneous

Arcades must have a consistent depth across the entire Facade and remain open on three sides.

Arcades may not contain Driveways, parking, loading, or service areas, or mechanical equipment or vents.

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Section 14.6: Applicable in all Form Districts

SubSections:

14.6.1	Purpose	14.6.6	Special Use Regulations
14.6.2	Applicability	14.6.7	Parking and Circulation
14.6.3	Yard Types & Lot Layers	14.6.8	Site and Landscape Standards
14.6.4	Building Height	14.6.9	Stormwater Management
14.6.5	Historic Building and Districts	14.6.10	Outdoor Lighting and Telecommunications Equipment

14.6.1- Purpose

This Section establishes standards that supplement the regulations of each Form District. The standards are specific to particular aspects of development, and are intended to promote development that complements and reinforces the vibrant, mixed-use pedestrian environment of Burlington.

14.6.2- Applicability

This Section applies to all development in applicable Form Districts. The specific standards and requirements applicable to a Form District (Section 14.3 Specific to Form Districts), Building Type (Section 14.4 Specific to Building Types) and a Frontage Type (Section 14.5 Specific to Frontage Types) shall modify and take precedence without limitation over any duplicative or conflicting provisions of this Section. Each Subsection within this Section further refines the applicability of the standards.

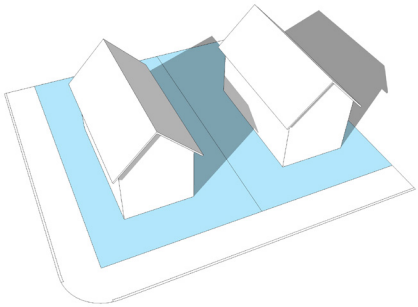
14.6.3 - Yard Types and Lot Layers

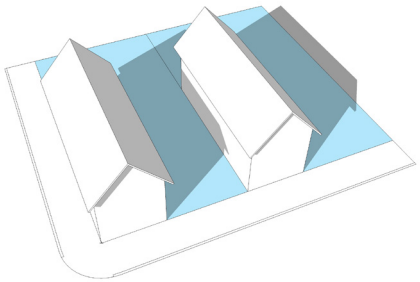
a) **Purpose**. This Subsection establishes Yard Types and Lot Layers used to determine the placement of buildings on a Lot within each Form District.

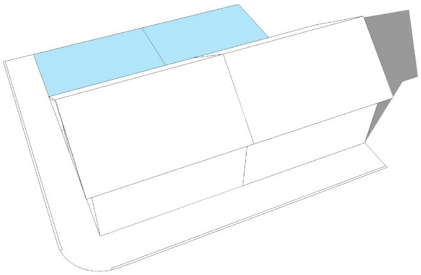
b) **Yard Types**. Buildings and Lots shall conform to the Yard Type standards within each Form District, as set forth in Table 14.6.3-A (Yard Types).

Table 14.6.3-A - Yard Types

Edgeyard	Sideyard	Rearyard
A Lot where a Principal Building occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets back from the Frontage.	A Lot where a Principal Building occupies one side of the Lot with the Setback to the other side. A shallow frontage Setback defines a more urban condition.	A Lot where a Principal Building occupies the full frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous façade defines the Public Frontage/realm.







c) **Lot Layers**. Lots are composed of three Lot Layers as shown in Illustration 14.6.3-A (Lot Layers).

i. First Lot Layer: that portion of a Lot between the Frontage Line and the Façade of a Principal Building.

ii. Second Lot Layer: that portion of a Lot extending 20 feet back from and parallel to the Façade of a Principal Building.

iii. Third Lot Layer: that portion of a Lot bounded by (a) the Second Lot Layer and (b) the Rear Lot Line.

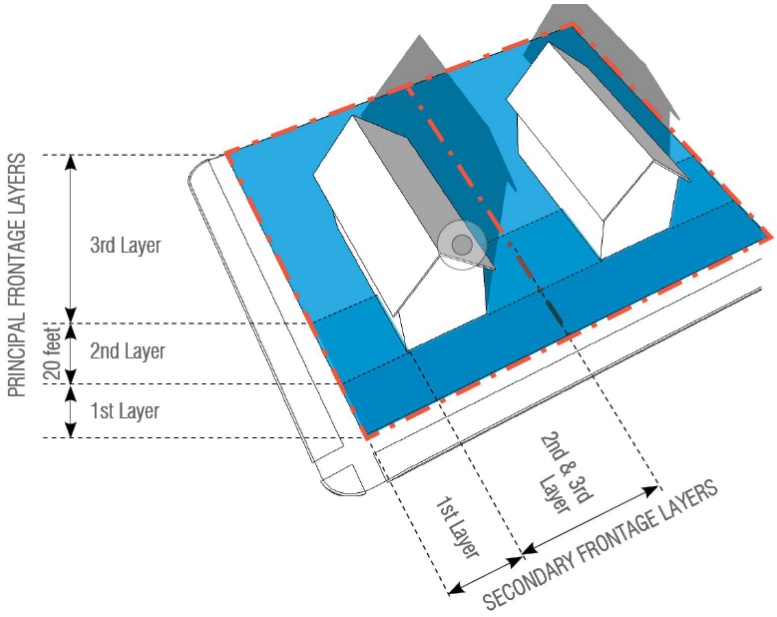


Illustration 14.6.3-A Lot Layers

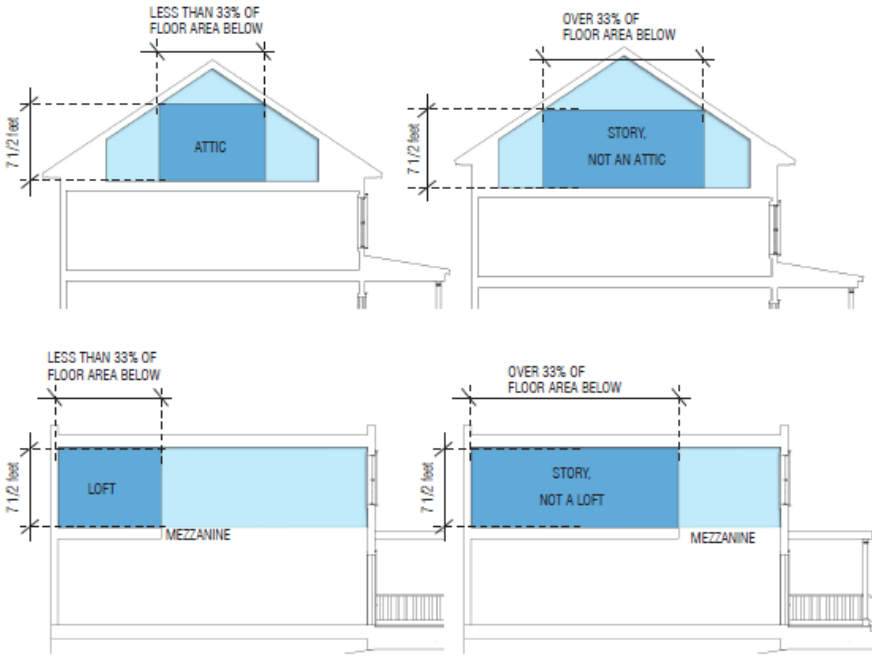
14.6.4 - Building Height

a) Purpose and Applicability. This Subsection shall apply to all Form Districts and establishes the methodology used to measure and calculate the height of a Building to ensure that new development is consistent with the character and scale of Burlington. The maximum and minimum height of a Building shall be as determined by Section 14.3 Specific to Form Districts and Section 14.4 Specific to Building Types where applicable.

b) **Building Height in Feet**. Building height shall be measured in accordance with Sec. 5.2.6 (a) Height Measurement of the BCDO.

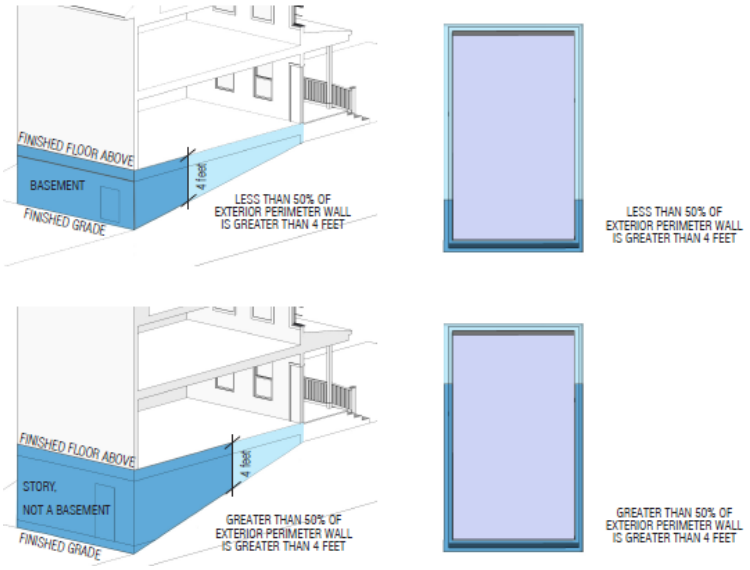
c) **Building Height by Story.** A Story or floor shall be measured as follows for purposes of regulating the height of a Building:

i. Upper floors, mezzanines, or lofts having a clear height of more than 7½ feet measured from finished floor to finished ceiling must extend beyond 33% of the floor area below to be counted as an additional Story.



ii. Basement floors with 50% or more of its exterior perimeter wall greater than 4 (four) feet in height shall count as a Story. The height of the exterior wall shall be measured from the finished grade to the finished floor of the story above.

iii. Where a Lot slopes downward from the Frontage line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



d) **Basements and Crawl Spaces**

i. Exposed basement walls visible along any Frontage shall not exceed 9 (nine) feet in height measured from the exterior finished grade to the finished floor of the Story above.

ii. Unfinished crawl spaces taller than 3 (three) feet shall be screened from view of public Thoroughfares with landscaping.

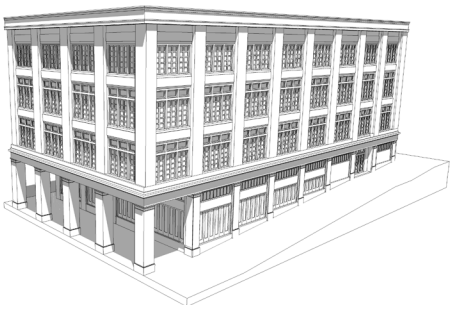
iii. Unfinished crawl spaces shall not exceed 5 (five) feet in height measured from the exterior finished grade to the finished floor of the Story above.

c) **Grading or Regrading of Sites**. Sites with uneven topography present unique issues in relation to building height. Buildings on steep slopes shall reflect the pre-construction topography of the site. When a site's topography is modified, the site shall be graded in such a way to avoid the following features:

i. Retaining walls or blank walls taller than 4 feet in height along required Principal or Secondary Frontage;

ii. Retaining walls taller than 8 feet in height along the rear or side setbacks; and

iii. The construction of buildings that do not reflect the preconstruction topography of the site. Illustrations below show methods of appropriate site grading methods.



d) **Design and Public Space Standards Required for Additional Building Height**: Applications seeking approval from the Development Review Board for any additional Building Height (e.g. height in excess of the By-right Building Height) that may be permitted in a Form District shall comply with the following:

i. Design Standards: The maximum Building height and mass is permitted by-right by the underlying Form District, as may be modified by the chosen Building Type and Frontage Type. However, there are a number of ways that Building shape, articulations, and choice of materials can be used to reduce the perceived height and mass of taller Buildings, and ensure a high quality of design that complements the character of the Downtown and Waterfront area.

After consultation with the Design Advisory Board and a Public Hearing, the Development Review Board shall evaluate any proposal seeking additional Building height under each of the following additional design standards and affirmatively find that:

a. The proposed Building presents a design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline; reinforces opportunities for establishing points of reference for visual orientation; and, provides visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing, or other architectural design techniques;

b. Step backs, horizontal and vertical variation, selection of materials, and/or other architectural design technics are used to reinforce the street wall, create transitions from Buildings of a smaller mass and height, and reduce the perceived height and mass of upper stories from the street level;

c. Upper story proportions of the Building are oriented, tapered and/or separated into separate masses in order to retain sky view between individual Buildings from the public Thoroughfare.

The DRB may condition approval of additional Building height by reducing the by-right Building mass by no more than 10% of the total floor area of the floors above the by-right building height. The maximum by-right Building height shall not be reduced.

ii. Active Public Space and Restrooms: A minimum of 20 sqft/1,000 sqft of the gross floor area above 85-feet shall be dedicated to active and publically accessible upper story rooftops and terraces, and/or street-level public restrooms as follows:

a. Upper story rooftops and terraces must incorporate active public use such as outdoor dining with seating or other uses and activities that complement the use by the public, and be located above the 8th floor. At least 25% of the space must be accessible to the general public during all regular business hours without expectation of purchase.

b. Public restrooms may count towards the public space requirement at a ratio of 10:1. Public restrooms must be located on the ground floor, have a minimum size of 50 sqft, be signed from the public street, be actively monitored and maintained, and be open to the public during all regular business hours. Placement of a public restroom in partnership with the City within an adjacent public space or the public ROW may be acceptable with the concurrence of the respective responsible City department and provided actual development costs and projected 20-yr maintenance costs are paid by the applicant.

14.6.5 - Historic Buildings and Districts

The regulations found in the *Burlington Comprehensive Development Ordinance* (BCDO), Article 5, Section 5.4.8 (Historic Buildings and Sites) shall apply in all Form Districts. To the extent that any Form District, Building Type or Frontage Type standards threaten or conflict with the ability to maintain the historic integrity of a Historic Building or Site, the process for granting relief by the Development Review Board in Sec. 14.7.3 b) shall be followed in order to provide for suitable alternate compliance.

14.6.6 - Special Use Regulations

a) **Purpose and Applicability**. This Subsection provides specific site planning, development, and operating standards for certain land uses and activities to ensure their compatibility with existing uses. The following shall apply in all cases where such uses listed below are otherwise permitted or conditionally permitted pursuant to Section 14.3 - Specific to Form Districts.

b) **Day Care Centers**. The following shall be applicable to an application involving any type of day care center:

i. No playground equipment shall be located within the First Lot Layer;

ii. Adequate and safe drop-off and pickup space shall be provided;

iii. Any modifications, additions, Signs, or site Improvements shall conform to the requirements of the Form District; and,

iv. No more than one residential unit on any parcel may be converted for the creation of a single small day care center. Such a conversion shall be exempt from the requirements of BCDO Article 9, Part 2- Housing Replacement.

c) **Historic Inns**. The following shall be applicable to an application involving a historic inn:

i. The Principal Building shall be listed, or eligible for listing, on the State or National Register of Historic Places, and located on a Lot of record as of January 1, 2007 with a minimum of one-half (1/2) acre (21,780 Square feet) in size and located on a major street;

ii. In Form Districts where a Historic Inn is a conditional use, the premises shall be occupied by a person as their primary residence who is an owner or resident manager of the property or of the business;

iii. The maximum number of guest rooms allowed shall be limited by the existing gross square floor area of the pre-existing Principal Building including additions of up to an additional 20%;

iv. Common dining facilities, and ancillary events limited to indoor business meetings and meals served in conjunction with those meetings, for overnight guests and their guests may be included;

v. Any additions or exterior modifications to the principal Structure shall be subject to the standards for Historic Buildings in Sec 5.4.8 of the BCDO; and,

vi. Any additional modifications, additions, Signs, or site Improvements shall conform to the requirements of the Form District.

d) **Motorized Vehicle Service, Repair, and Fuel Sales**. The following shall be applicable to any application involving motorized vehicle service, repair and/or fuel sales:

i. Fuel pumps shall be located at least 15-feet from any Lot Line;

ii. Access to a public street shall be located a minimum of 50-feet from any intersection between public Thoroughfares and shall be approved by the City Engineer. Shared Access between Adjacent properties is encouraged in order to reduce congestion and improve safety;

iii. The width of any Curb-cut shall be limited to no more than 24-feet;

iv. Where canopies are proposed over gas pump islands, they shall not be located in the First Lot Layer and be within 5-feet of a Lot Line.

v. No Signs or fascia lighting may be placed on or within any pump canopy;

vi. No outdoor vending, display or storage of materials, goods, supplies, or equipment shall be permitted; and,

vii. There shall be a least one Sidewalk dedicated exclusively for pedestrians from a public way/Sidewalk to the store entrance.

e) **Community House**. The following shall be applicable to an application involving a Community House:

i. Density shall not exceed 1 person per 200 square feet of gross floor area;

ii. All standards for the underlying Form District shall continue to be applicable; and,

iii. The minimum distance (Lot Line to Lot Line) between any two Community Houses shall not be less than the following:

Total Occupancy (beds)	Distance (feet) between Community Houses
6 or less	0 ft
7 – 12	500 ft
13 – 20	1,000 ft
21 or more	1,500 ft

f) **Home Occupation**. The following shall be applicable to an application involving a Home Occupation:

i. Any Home Occupation shall clearly be secondary or incidental to a Principal residential use;

ii. The Home Occupation shall be conducted only inside the Dwelling or inside an Accessory Building;

iii. No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with any Home Occupation;

iv. No Home Occupation may increase traffic flow or parking by more than one additional vehicle at a time for customers or deliveries;

v. No Home Occupation shall utilize flammable, toxic or hazardous materials in quantities not customary to a residential use;

vi. No Home Occupation shall create any sound, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard, or any other hazard, nuisance or unsightliness which is discernible beyond the boundaries of the property that is not customarily associated with a residential use;

vii. All standards for the underlying Form District shall continue to be applicable;

g) **Crisis Counseling Center**. The following shall be applicable to an application involving a Crisis Counseling Center:

i. A Crisis Counseling Center may only be permitted on Lots fronting the following streets: Main St., St. Paul St., and Pearl St.;

ii. A Crisis Counseling Center may only be permitted in a Principal Building existing as of January 1, 2007;

iii. Secondary residential use in the same Building and/or on the same Lot may be permitted; and,

iv. All standards for the underlying Form District shall continue to be applicable.

h) **Outdoor Dining and Entertainment Areas**. The following shall be applicable to an application involving outdoor dining and entertainment for restaurants and drinking establishments:

i. With the exception of the Frontage Line, decorative walls or fencing shall be used to enclose the outdoor area;

ii. Furniture and fixtures provided for use in an outdoor area may consist only of movable tables, chairs, umbrellas, planters, lights, and heaters. Lighting fixtures may be permanently affixed onto the exterior of the building. All movable furniture and fixtures shall be removed off-season.

iii. Outdoor liquor consumption and entertainment requires a permit from the City Council. Any outdoor activity on any public Sidewalk or Alley also requires an encumberance permit from the City Council.

iv. Any outdoor area located within 100-feet of a boundary with a residential zoning district requires Conditional Use approval from the Development Review Board;

v. Any outdoor area located within 500-feet of a boundary with a residential zoning district:

a. may not exceed 50 percent of the indoor area Accessible to the public. Any additional outdoor dining area requires Conditional Use approval from the Development Review Board; and,

b. may not include the use of audio/visual equipment or amplified sound without Conditional Use approval from the Development Review Board.

14.6.7 - Parking and Circulation

a) **Purpose**. This Subsection regulates and ensures the provision of parking spaces and Access drives designed for motor vehicles. The Subsection also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that parking needs of new land uses and development are met, while ensuring parking spaces and Access drives are designed and located in a manner consistent with the desired character and development patterns of walkable communities as outlined in *planBTV - Downtown & Waterfront Master Plan*.

b) **Applicability.** In addition to the provisions of this Subsection, the provision of Article 8 of the *Burlington Comprehensive Development Ordinance* regarding parking shall be applicable in all Form Districts. Pursuant to Sec. 8.1.3 Parking Districts, Form Districts 5 and 6 shall be included in the Downtown Parking District.

c) **General Parking, Loading, Service and Driveway Standards**

i. Portable cargo or freight storage containers, trucks, tractors, or tractor-trailers having a capacity of more than a one-and one-half-ton load, front- and rear-end loaders, or any commercial, industrial, agricultural, recreational, or transportation vehicles or equipment shall not be parked or stored within any district for purposes other than short-term unloading, loading or delivery services, or temporary construction within the district.

ii. Automobiles, small trucks, vans, vehicle trailers permitted in conjunction with an approved Home Occupation (one per Home Occupation),regularly utilized for personal or business use may be allowed.

iii. Automotive vehicles, trailers, or vehicles of any kind or type, requiring licenses, but without current plates or inoperable, shall not be parked in any Form District unless completely enclosed within a Building.

iv. Loading and service areas, overhead doors, and other service entries shall not be located on a Primary Frontage or Facade where a rear Alley or Secondary Frontage is available, and shall be screened from view by a Building or Streetscreen. Where no alternative to a Primary Frontage or Facade is available, loading and service doors shall not exceed 12-feet in width and 16-feet clear height.

v. Drive-thrus are not allowed.

d) **On-Site Parking Spaces Required**

i. The minimum and maximum number of parking spaces, including modifications thereof and bicycle parking requirements, will be determined as required in Article 8 of the *Burlington Comprehensive Development Ordinance* unless specified otherwise in each Form District. Each parking space provided in an underground structure may be counted as 1.75 of the spaces required in Article 8.

ii. All onsite parking shall participate in any Downtown Parking and Transportation Management District in order to minimize the amount of parking provided and maximize the efficiency of its utilization.

iii. Previously permitted on-site parking requirements applicable to any Lot or Building prior to the effective date of this Article that exceed those listed in Table 8.1.8-1 Minimum Off-Street Parking Requirements found in Article 8 of the *Burlington Comprehensive Development Ordinance* may be reduced to comply with the standards for the Form District by the Administrative Officer without fee upon application.

e) **Parking Structures and Garages**

i. With the exception of individual Garages serving a Rowhouse Building Type, all parking shall be located behind a Perimeter Building (See Section 14.4.13) or enclosed above the second story within a Principal Building that provides active uses (such as, but not limited to, residential lobby, retail, office, recreational, or services) at the street level along the width of the Frontage a minimum of 20-feet deep.

ii. Facade openings shall be combined for ingress/egress and shall not exceed 24-feet in width and 16-ft clear height at the Frontage. Only one such opening per street Frontage may be permitted.

iii. At least one pedestrian route shall lead directly to a Frontage Line (i.e., not directly into a Building). When portions of a Building containing parking front on more than one street, multiple pedestrian routes to the Frontage is strongly encouraged.

iv. Where upper stories of structured parking are located at the perimeter of a Building, parked vehicles, vehicle headlights and interior lighting shall be screened from view from the street and adjacent properties.

v. All floors fronting a public street must be level (not inclined), and sloped ramps between parking levels must be setback a minimum of 20-ft from the Building Façade and shall not be discernible along the Facade.

vi. Facade treatments (materials, fenestration patterns, and architectural detailing) must be continued on stories containing parking in a manner consistent with the overall architectural design of the Building, and such that levels of parking are not clearly distinguishable from other uses in a Building.

f) **Parking Lots and Parking Areas**

i. All parked vehicles, vehicle headlights and interior lighting shall be screened from view from the street and adjacent properties by a Building, or a landscaped area as follows:

a. A minimum 10-foot wide landscaped area, or a 36-inch high wall within a minimum 5-foot wide landscaped area, with a continuous row of trees and/or shrubs must be provided between the street and parking lot.

b. Plantings must be a minimum of 18-inches in height when planted and must reach a minimum size of 36 inches in height within 3-years of planting.

c. Breaks for pedestrian and vehicle access are allowed.

ii. All Parking Lots and Parking Areas shall be setback a minimum of 5-feet from any side or rear property line.

iii. Openings shall be combined for ingress/egress and shall not exceed 24-feet in width at the Frontage. Only one such opening per street Frontage may be permitted.

h) **Parking Spaces, Lot Design and Layout**

i. Lot Design and Layout. The dimensions of parking spaces shall be determined as required in Article 8 of the *Burlington Comprehensive Development Ordinance*.

ii. Access. The following are applicable to off-street parking design unless modified by Section 14.3 (Specific to Form Districts).

a. All off-street parking facilities shall be designed with an appropriate means of vehicular Access to a Thoroughfare or to an Alley to cause the least interference with traffic flow. Access from developments of two or fewer Dwelling Units onto public Thoroughfares shall be, where practicable, by forward motion of the vehicle. Access from all other developments shall be by forward motion of the vehicle only.

b. Parking spaces shall not be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public Thoroughfare. Ingress to and egress from parking spaces shall be from an on-site aisle or driveway. Parking spaces within Lots of up to eight spaces may be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public Alley or rear lane.

c. Parking, loading, and service areas shall be Accessed by a Rear Alley or Lane, or from a Secondary Frontage where such is available and functional.

d. Driveways may be shared between Adjacent parcels.

e. The location, design and construction of all off-street parking Access points to a public Thoroughfare shall meet the requirements of the City Engineer.

f. Angled spaces may be configured as either head-in or back-in.

ii. Stacked and Tandem Parking. Except as otherwise provided below, all parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle.

a. Vertically stacking 2 vehicles is allowed. Stacked and valet parking, or vertically stacking 3 or more vehicles, may be allowed only if an attendant is present to move vehicles.

b. Tandem Parking may be provided for an individual Dwelling Unit and dedicated employee-only parking where designed as such.

i) **Materials and Markings**

i. All off-street parking, Loading Areas, Drive Aisles and Driveways shall be surfaced with an impervious surfacing material. The use of pervious or semi-pervious surfacing materials including, but not limited to "grasscrete," or recycled materials such as glass, rubber, used asphalt, brick, block, and concrete, may be approved pending review and recommendation by the Department of Public Works, provided such areas are properly maintained. Where possible, such materials should be used in areas in proximity to and in combination with other stormwater control devices.

iii. Off-Street parking of 4 or more spaces and all Loading Areas shall include painted lines, wheel stops, Curbing or other methods of identifying individual parking spaces and Loading Areas, while distinguishing such spaces from aisle and other circulation features and physically separating them from Landscape Areas and pedestrian walkways.

iv. All parking and Loading Areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to Building entrance(s) or a public sidewalk. Where pedestrian and vehicular routes meet, the Sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

j) **Accessible Parking**. All parking facilities that require Accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act (ADA) as administered by the Dept. of Public Works. Parking Access aisles shall be part of an Accessible route to the building or facility entrance. Accessible parking spaces shall be designated as reserved for the disabled by a Sign showing the symbol of Accessibility. Painting of the paved area for the dedicated parking spaces alone shall not be sufficient as the sole means of identifying these spaces.

l) **Landscaping**

i. Parking Areas and Parking Lots with ten (10) or more spaces shall be planted with 2 Trees for every 10 spaces. Each row of parking shall be terminated with a landscape island (see Sec. 14.6.8 Site and Landscape Standards) for Tree specifications.

ii. Parking Area and Parking Lot landscape islands may be combined as a component of a stormwater management plan to facilitate water harvesting.

iii. Where a pedestrian walkway is provided in a Parking Area or Parking Lot, it shall be at least 5-feet wide, and the pavement shall be differentiated from the pavement of the Parking Area or Parking Lot through a change in surface texture, material, style, and/or color.

iv. Bollards, fences, tire stops or other similar devices shall be utilized to prevent parked vehicles from Encroaching onto a Sidewalk, or landscaped area.

14.6.8- Site and Landscape Standards

a) **Purpose and Applicability.** Landscaping shall be used to add visual interest, scale, and color to 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. The following are required in each Form District.

b) **Site Standards:**

i. All utility service connections shall be underground for new construction and is recommended for existing buildings undergoing substantial rehabilitation.

ii. The following items are prohibited in the First Lot Layer: electrical transformers, exhaust vents, HVAC and other mechanical equipment unless they are placed underground; utility or gas meters; solar collection devices and wind turbines; antennas, satellite dishes and other telecommunications equipment; solid waste containers, swimming pools, dog houses and runs, hot tubs and spas.

iii. Ground level electrical transformers, HVAC and other mechanical equipment; antennas, satellite dishes and other telecommunications equipment; and utility boxes and gas meters shall be designed so they do not Encroach on walkways or parking areas, and shall be screened from view from any Public Frontage. They shall not be obstructed by landscaping or hardscape such that meter readers and maintenance personnel are unable to open or Access utilities devices.

iv. Utility boxes and gas meters located Adjacent to Driveways, Parking Areas, Rear Lanes, Alleys or Rear Access Easements, shall require 2 48-inch high, 6-in x 6-in bollards set in concrete to protect them from damage from vehicles.

v. All fences shall be installed so that the finished side faces outward towards the adjacent property or public way.

c) **Lanscape Standards:**

i. The installed landscape shall consist primarily of durable species tolerant of urban conditions, and pre-existing noxious or invasive plants species identified on the prohibited plant list shall be removed.

ii. The spacing and placement of all installed plants shall be adequate and appropriate for the typical size, shape and habit of the plant species at maturity.

iii. Bare and exposed ground on the site and/or in landscaped areas shall be covered with live plant materials and/or Mulch, with the exception of naturally occurring dunes, creek beds, rock outcroppings or similar landscape features typically lacking in vegetation; and clay or sand surfaces associated with recreation fields and facilities.

iv. Pervious paving materials are encouraged for any paved areas in order to increase storm water infiltration on site.

v. Constructed water features, such as fountains, streams and ponds that operate with water recirculation systems, shall be designed to prevent seepage and leaks.

vi. Plantings should be placed at or slightly below grade, and not be mounded up, in order to provide opportunities for storm water infiltration on site.

vii. Ground vegetation or Shrub plantings with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first 2 feet of the First Lot Layer.

viii. Trees and Understory Trees proposed to be installed shall be centered horizontally, and at a minimum shall be located:

a. Two (2) feet from walkways, Curbing, and other impervious pavements when planted in a Tree well or continuous planter.

b. Three (3) feet from walkways, Curbing and other impervious pavements when planted in a continuous Swale.

c. Five (5) feet from underground utilities, utility meters and service lines, fences, walls and other ground level obstructions.

d. Six (6) feet from porch eaves, awnings and similar overhead obstructions associated with the ground level of Buildings.

e. Eight (8) feet from balconies, verandas, Building eaves and Cornices, and similar overhead obstructions associated with the upper stories of Buildings.

f. Fifteen (15) feet from streetlights poles not to impact the light spread of the fixture.

ix. At the time of installation, all:

a. Proposed Trees shall be a minimum height of ten (10) feet and/or three (3) inches in Caliper.

b. Proposed Understory Trees shall be a minimum of eight to ten (8-10) feet in height and/or three to three-and-one-half (3 - 31/2) inches in Caliper.

c. Proposed Shrubs shall be a five (5) gallon container minimum for large Shrubs or two to three (2-3) gallon container minimum for smaller species and shall be planted with 18" minimum Clearance from any Sidewalk or pavement edge at the Lot Line.

d. Where used, Tree grates should be quarter inch pedestrian Tree guard.

e. Where planting space is limited, Structural Soil or silva cell type Structures shall be utilized in and Adjacent to planting wells and strips.

i) **Solid Waste Storage Areas.** Solid waste and recycling containers and enclosures for all multi-family residential and non-residential developments shall comply with the following:

i. Solid waste and recycling enclosures and containers may not be located or stored in the First Lot Layer, or within or block access to any required Access, parking or Landscape Areas or any other area required by law to be maintained.

ii. Solid waste and recycling containers shall be enclosed or screened so as not to be visible from the right-of-way or other publicly Accessible areas. Storage within a Principle Building is preferred.

iii. Detached solid waste and recycling enclosures shall consist of solid wood or masonry walls in a manner consistent with the overall architectural design of the Building; wooden stockade, picket or lattice fencing; or screened by landscaping. They shall be enclosed on all sides, one of which includes a gate or door that can be secured, and be a minimum of one foot taller than the solid waste and recycling container(s) within; and,

iv. All containers and/or enclosures shall be covered and maintained in a manner that prevents blowing trash and is secured from rodents or other pests.

14.6.9 - Stormwater Management

All new development and redevelopment projects that require a zoning permit shall be required to demonstrate compliance with the standards in Article 3, Stormwater & Erosion Control of Chapter 26 of the City Code of Ordinances: Wastewater, Stormwater, and Pollution Control.

Stormwater runoff from 100% of all net new and substantially redeveloped impervious area (or an equivalent area of impervious)) must be captured and managed in such a way as to mimic pre-development (meadow in good condition, Hydrologic Soil Group B) runoff (or discharge) ratio for the 1 year, 24-hour design storm subject to review and approval by the DPW Water Resources Div.

The feasibility of implementing runoff volume reduction practices must be evaluated in consultation with the DPW Water Resources Division and shall include an evaluation of the engineering feasibility of techniques including, but not limited to runoff reduction through stormwater reuse, green stormwater infrastructure such as green roofs, bioretention, tree planting, and sewer separation of roof water for sites currently discharging to the combined sewer system. Storage and detention methods may be used to meet pre-development flow targets. When and where detention systems are the primary mode of stormwater management, "smart" precipitation integrated detention systems must be evaluated and are strongly preferred. On-site stormwater management must be maximized; however, off-site stormwater management may also be used in consultation with DPW Water Resources.

Additionally:

a) Stormwater detention and retention ponds shall be:

i. integrated as landscape features, rather than single-purpose flood control and stormwater management ponds; and

ii. planted with appropriate Trees, Shrubs and grasses, with hydrophilic Plants in basin areas prone to submersion or boggy conditions.

b) Cisterns may be used to capture and recirculate stormwater from Buildings.

c) Where appropriate, Rain Gardens and Bioswales should be installed to infiltrate runoff from Parking Lots, Thoroughfares, Plazas and other Impervious Surfaces.

d) Pervious paving materials are encouraged for any paved areas in order to increase storm water infiltration on site.

e) Where vegetative solutions for natural drainage accommodation are not feasible, porous paving is encouraged for Sidewalks, Parking Lots, and Plazas to infiltrate stormwater.

14.6.10 - Outdoor Lighting & Telecommunications Equipment

The regulations found in the *Burlington Comprehensive Development Ordinance* (BCDO), Article 5, Section 5.2.2 (Outdoor Lighting) shall apply in all Form Districts, and to the extent not limited by state or federal law, the regulations found in the *Burlington Comprehensive Development Ordinance* (BCDO), Article 5, Section 5.4.7 (Wireless Telecommunications Facilities) shall apply in all Form Districts.

Section 14.7: Administration and Procedures

Subsections:

14.7.1 Applying for a Zoning Permit: Submission Requirements and Review

14.7.2 Non-Conformities

14.7.3 Varying the Form: : Administrative Relief, DRB Alternative Compliance, and Variances

14.7.1 - Applying for a Zoning Permit: Submission Requirements and Review

a) **Improvements Authorized.** Any and all subdivision of land, development and construction or modification of all Improvements, land, Buildings and Structures in the Downtown and Waterfront District not otherwise exempt under Sec. 3.1.2 (c) of the *Burlington Comprehensive Development Ordinance* shall occur only in accordance with the Downtown and Waterfront Regulating Plan and this Article 14-PlanBTV Downtown Code as in effect on the date of acceptance of a completed application submitted for approval pursuant to this Section.

b) **Application Submission.** Each application shall be submitted to the Department of Planning and Zoning along with an application for approval in a form to be provided by the Department. Upon its determination that an application are complete, the Department shall process each application in accordance with this Section.

c) **Application Requirements**. An application shall be prepared by or on behalf of the Property Owner(s) in accordance with this Section and submitted to the Department for processing, review and approval. Each application shall include the following:

i. A demonstration of compliance with this Article 14-PlanBTV Downtown Code and all standards applicable thereunder including but not limited to:

A. the Downtown and Waterfront District Regulating Plan and any applicable Special Requirements (Section 14.2 Regulating Plan);

B. the Form District, Special District or Civic Space(s) where the proposed Project is located (Section 14.3: Specific to Form Districts, Special Districts and Civic Spaces);

C. the Building Type(s) proposed as part of the Project (Section 14.4: Specific to Building Types);

D. the Frontage Type(s) proposed as part of the Project (Section 14.5: Specific to Frontage Types); and,

E. all applicable requirements of Section 14.6: Applicable to all Form Districts.

ii. a tabular comparison of each applicable standard and the corresponding standards for the proposed Project;

iii. one or more maps identifying the Project Site on the Downtown and Waterfront District Regulating Plan and showing for the Project Site as applicable the Form District, Special District or Civic Space and any applicable Special Requirements;

iv. one or more Project Plans of the Project Site drawn to a scale accurately indicating each applicable proposed element of the Project in compliance with the standards listed above, including without limitation as applicable:

A. Identifying information including the owner(s) of record, north arrow, date (including any revision dates), and scale (recommended at not smaller than 1 inch equals 40 feet);

B. The location of all property lines, rights-of-way or easements affecting the property, and Abutting streets;

C. Where applicable a plan of all proposed property lines, rights-of-way or easements affecting the property satisfying the submission requirements for a Preliminary Plat pursuant to Sec. 10.1.8 Preliminary Plat Review of the *Burlington Comprehensive Development Ordinance;*

D. Existing natural features of the site including water courses and applicable buffers, wetlands and applicable buffers, contours at no more than 1-foot intervals, floodplains, Trees, and other vegetation, etc;

E. A plan indicating the location, types and dimensions of all proposed grading, drainage, stormwater management, and erosion control demonstrating compliance with the standards in Article 3, Stormwater & Erosion Control of Chapter 26 of the City Code of Ordinances: Wastewater, Stormwater, and Pollution Control;

F. The location and dimensions of all existing and proposed Buildings, Structures, Streetscreens, walkways, Driveways, and other Significant features; with dimensions and distances from the front, side, and rear property lines to each proposed new Building, Structure and/or site Improvement;

G. Location of existing and proposed utilities and facilities (water, sewer, electric, telephone, fire hydrant, etc. including all ground and building mounted equipment);

H. The location, types and dimensions of all proposed Improvements within and Encroachments into the public right-of-way including without limitation building footings, Cornices, steps, terraces, walls, walkways, street Trees, street lights, vehicular Parking Lanes, and travel lanes;

I. A parking and circulation plan indicating the location, layout, dimensions and design of all existing and proposed Driveways, Parking Areas, Parking Lots, Parking Structures. Plans for all Parking Areas, Parking Lots, Parking Structures shall also include the number, type, layout, dimensions, and design of spaces;

J. A landscaping plan indicating all existing vegetation and proposed plant materials, landscape islands, landscaping of Parking Areas and Parking Lots, fencing, furniture, pavement, and other landscape and hardscape elements including all screening of parking, dumpsters, and ground mounted mechanical/electrical equipment. Size, species, and spacing shall be clearly indicated; and,

K. A lighting plan indicating the location, layout, dimensions, and design of all existing and proposed ground and building mounted lighting subject to the requirements of Sec. 5.5.2 (d) of the BCDO.

v. Photographs of the subject and neighboring properties.

vi. Color rendered Elevations (drawings to scale) of all Elevations of all proposed and/or modified buildings and any related buildings including building height and how measured. Building Elevations of each exterior wall and the façade shall indicate all architectural details, window and door openings with dimensions and trim details, and materials, siding (wood clapboard, brick, etc.), roof, trim, colors to be used, and actual color samples for wall and roof materials;

vii. At least two architectural wall cross-sections (one front wall and one side wall), at a scale of 1 inch equals 1 foot, illustrating the relief (e.g. projections and Setbacks) of the Other Architectural Features shown in the building Elevations; and,

ix. A plan for Signs, including type, design and dimensions of all existing and proposed ground and/or building-mounted Signs and/or Sign bands.

d) **Modification of Submission Requirements.** The Director may allow the modification of the application and submission requirements listed above, including reducing and/or combining existing and proposed information on the same site plan, provided that any modification enables adequate review of the application. The Director may also require the submission of additional information when deemed necessary to make a decision on the request. Such additional information may include but is not limited to the following:

i. A massing model or computer simulation, prepared to scale, illustrating the proposed Structure(s) within its context of the terrain and surrounding buildings;

ii. Evidence and documentation of existing or suspected environmental contamination including but not limited to environmental assessments, corrective action plans, and deed restrictions;

iii. Materials specifications;

iv. Floor plans;

v. Shadow impact diagrams based on the spring or fall equinox; and,

vi. Phasing schedule.

e) **Application Review**.

i. An application that conforms to the Downtown and Waterfront District Regulating Plan and all standards applicable to such application pursuant to this Article 14-PlanBTV Downtown Code without the necessity of any additional approval by the Development Review Board as indicated below, shall be entitled to administrative review and approval By Right by the Department.

ii. Applications subject to any of the following shall require review and approval by the Development Review Board as applicable:

- Conditional Use Review or Major Impact Review pursuant to Sec. 3.5.2 of the BCDO;
- Review under Special Use Regulations pursuant to Section 14.6.7;
- Civic Buildings and Civic Spaces pursuant to Section 14.3.6;
- Subdivision Review pursuant to Article 10 of the BCDO;
- Inclusionary and Replacement Housing pursuant to Article 9 of the BCDO;
- Request for Discretionary Building Height pursuant to Sec. 14.6.5 d);
- Request for DRB Relief pursuant to Sec. 14.7.3;
- Request for a Variance pursuant to Article 12, Part 1 of the BCDO; and,
- any other section of the BCDO that requires DRB review and approval.

In such cases, the Development Review Board's review shall be limited to making findings only under the specific review criteria for the required approval listed above. All other elements and aspects of the application shall remain entitled to administrative review and approval by the Department.

f) **Review and Approval of Civic Spaces and Civic Buildings**.

The creation of new Civic Spaces or Civic Buildings, or the substantial rehabilitation of an existing Civic Space or Civic Building, shall follow the process as defined below. Any other proposed alteration to an existing Civic Space or Civic Building shall be reviewed and approved by the Director who shall ensure ongoing compliance with the intent and standards of this Chapter as applicable.

Because of their important civic nature and public use, the design and form of a new or substantially rehabilitated Civic Space or Civic Building shall be determined after:

- pre-application review and consultation with the departments of Planning and Zoning, Community and Economic Development, and Parks, Recreation, Waterfront;
- a pre-application Neighborhood Public Meeting pursuant to Sec. 3.2.1 (d) of the BCDO;
- review and recommendation of the Design Advisory Board; and,
- final review and approval by the Development Review Board.

Any new Civic Spaces and Buildings intended for City ownership and/or management shall also require approval from the Park, Recreation, and Waterfront Commission.

In its discretion to approve a new Civic Space or Civic Building, the Development Review Board, after a Public Hearing, shall consider and reach an affirmative finding on each of the following:

i. Conformance with the adopted land use and development plans for the area as addressed in the Municipal Development Plan; and,

ii. Consistency with:

A. the purpose of this ordinance;

B. the intent of the Form District where the project is located;

C. the purpose of Civic Spaces generally; and,

D. the intent of the Civic Space Type being proposed;

iii. that the proposed Civic Space or Civic Building as designed provides a positive public benefit and enhancement to the community and the context within which it is proposed.

14.7.2 - Non-Conformities

In addition to that as specified in Article 5, Part 3 Non-Conformities of the *Burlington Comprehensive Development Ordinance,* any non-conformity which lawfully existed at the time of adoption of the applicable provisions of this or any Article or any amendment thereto may be continued subject to the following provisions:

a) Any Building, Structure, Frontage, Development, Sign, Improvement, or other appurtenance thereto which legally existed on the effective date of this Article that does not conform to the requirements of this Article may continue until a Substantial Modification to the exterior is requested or Abandonment occurs. At such time, the affected portion(s) of the Building, Structure, Frontage, Development, Sign, Improvement, or other appurtenance thereto shall be required to comply with all applicable provisions of this Article;

b) Any modification other than a Substantial Modification to the exterior of an existing Building, Structure, Frontage, Development, Sign, Improvement, or other appurtenance thereto shall be permitted By Right only if such changes result in greater conformance with the specifications of this Article;

c) Any change or modification shall not create any new nonconformity; and,

d) Buildings listed or eligible for listing on the State or National Register of Historic Places shall not be required to make any modifications under a) and b) above that would threaten their historic integrity.

14.7.3 - Variation from the Form: Administrative Relief, DRB Alternative Compliance, and Variances

The PlanBTV Downtown Code is intended to result in By-Right approval where development occurs strictly in conformance with the requirements of the applicable Form District. In some instances, however, it may be necessary to vary the prescribed form in order to accommodate unique site and/or building circumstances in order to promote context-sensitive development. In such instances, an applicant may seek Administrative or Development Review Board approval for relief from the requirements as set forth below. Any and all relief from the prescribed standards shall run with the land and be binding on the Property Owner and its/their successor and assigns. Applications requesting relief shall be made in writing and in the form as determined by the Department.

a) **Administrative Relief.** Table 14.7.3-A Administrative Relief below sets forth relief from the prescribed standards that may be granted by the Director. No other relief from the prescribed standards shall be permitted except as approved by the Development Review Board below.

i. Any request for Administrative Relief shall extend the requirements of 24 VSA 4448(d) regarding Administrative decisions for an additional 30 days in order to provide for opportunities for public notice and comment pursuant to Departmental procedures.

ii. Decisions by the Director regarding any Relief granted shall be made in writing and upon affirmative findings that:

A. The relief granted is the minimum necessary to achieve the desired result;

B. Granting the relief will yield a result equal to or better than in strict compliance with the standard:

C. Tthe property will otherwise be developed consistent the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards; and,

D. Any additional findings as may be required by Table 14.7.3-A Administrative Relief as follows:

Table 14.7.3-A - Administrative Relief

Type of Relief	Limits of Relief Granted	Required Findings	Standards Reference
Building Setbacks: A building Setback may vary from the maximum or minimum Front and Side Setback requirements.	Maximum relief of 20% from the required maximum or minimum	The variation is necessary to allow the proposed Building to blend with existing Adjacent buildings along the Primary street Frontage.	Section 14.3: Specific to Form Districts and Civic Spaces
Depth of Recessed Entries: Allows for a deeper entry recess.	Maximum entry recess of 10-feet	A deeper entry is necessary for improved visitability.	Section 14.5: Specific to Frontage Types
Frontage Buildout: A reduction in the amount of the Principal Frontage that is occupied by a Building or a Streetscreen.	Maximum of 10% from the required Frontage Buildout	The relief is necessary to enable Access to the rear of the Lot because of constraints due to existing Lot Width and/or Buildings.	Section 14.3: Specific to Form Districts and Civic Spaces;
Frontage Buildout & Setback: A reduction in the amount of the Principal Frontage that is occupied by a Building or a Streetscreen.	Minimum necessary to satisfy the requirements of the Building and Fire Safety Codes.	An adjacent pre-existing Building has doors and/or windows on a side elevation and a greater setback is required. The relief is necessary to satisfy the requirements of the Building and Fire Safety Codes.	Section 14.3: Specific to Form Districts and Civic Spaces
Frontage: A reduction in the minimim elevation of the finished level above the sidewalk	Maximum relief of 6-inches	The relief is necessary for improved visitability.	Section 14.5: Specific to Frontage Types
Glazing: A reduction in the amount of required minimum glazing on Primary and Secondary Facades	Maximum of 10% from the required Glazing	The relief is necessary to meet the requirements of a High Performance Building Energy Code or program.	Section 14.4: Specific to Building Types, Table 14.4.15-A Street Activation and Section 14.5: Specific to Frontage Types
Glazing: A reduction in the maximum linear distance between window openings	Maximum of 10% of the required linear distance between windows	The relief is necessary for the creation of stronger distinctions between individual Frontage Types and/or at Building corners.	Section 14.4: Specific to Building Types, Table 14.4.13-A Street Activation
Ground Floor Floor-to-Floor Height: The minimum floor-to-floor height may be reduced.	Maximum relief of 12-inches	The relief is necessary to better align floors with a pre-existing adjacent Building.	Section 14.4: Specific to Building Types, Sec.14.4.9-C, Sec. 14.4.11-C and Sec. 14.4.12-C
Parking Area Location: Parking Areas may be located in the Second Lot Layer.	The lesser of 25% or 20-feet of a Frontage may be occupied by parking.	The relief is necessary because of constraints due to existing Lot Width and/or Buildings. Parking shall be screened from view along the Frontage.	Section 14.3: Specific to Form Districts and Civic Spaces
Parking Space Dimensions: Parking space(s) size may be reduced by increasing the proportion of Compact Cars.	Up to 30% of the total parking spaces may be designed and designated for compact cars.	The relief is necessary due to constraints created by existing Lot and/ or Building dimensions, and to better meet on-site parking demands.	Section 14.6.7: Parking, Loading, Service and Drive-ways
Porch Dimensions: The width and depth of a Porch may vary from the maximum or minimum requirements.	Maximum relief of 10% from the required maximum or minimum width and/ or depth provided a 5-ft minimum depth and 36 sqft minimum total floor area is maintained.	The relief is necessary due to constraints created by existing Lot and/ or Building dimensions.	Section 14.5: Specific to Frontage Types

b) **Alternative Complaince Granted by the Development Review Board.** Relief from the prescribed standards may be granted by the Development Review as provided below:

i. DRB Relief: Relief from any non-numerical standard, and any numerical standard by no more than 20% of such requirement or an additional 10% beyond any Administrative Relief permitted above, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing. Decisions by the DRB regarding any Relief granted shall be made in writing and upon affirmative findings that:

A. the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;

B. the relief if granted is the minimum necessary to achieve the desired result;

C. the property will otherwise be developed consistent the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;

D. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and,

E. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

ii. Relief for Brownfield Remediation: Subject to the requirements set forth below, the DRB may waive or modify any relevant dimensional and use standards of the applicable Form District and other limitations imposed by this Chapter based on a demonstrated nexus with specific development limitations imposed by an approved corrective action plan, record of decision, or deed restriction limiting potential reuse and redevelopment or an eligible property.

A. Applicability: The provisions of this Section shall only be available to the following types of properties:

1. Properties eligible to participate in the Redevelopment of Contaminated Properties Program (RCPP) within the Agency of Natural Resources, Department of Environmental Conservation created pursuant to 10 VSA §6615a or are otherwise impacted by a VT DEC approved Corrective Action Plan (CAP) for such a property;

2. Property listed on the national priorities list of superfund sites established under the federal Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") or otherwise impacted by a US EPA approved Record of Decision (ROD) for such a property; and/or,

3. Properties which have a hazardous waste certificate under 10 VSA §6606 and which are undergoing corrective action under the federal Resource, Conservation and Recovery Act ("RCRA") pursuant to the Vermont Hazardous Waste Management Regulations (VHWMR) §7-105(b) or are otherwise impacted by a VT DEC approved Corrective Action Plan (CAP) for such a property.

B. Additional Application Requirements: In addition to the submission requirements listed in Sec. 14.7.1., the following information as applicable specifying any and all use and development limitations of the site shall also be provided at the time of application:

1. A VT DEC Approved Corrective Action Plan (CAP) pursuant to 10 VSA §6615a (h);

2. A Record of Decision (ROD) issued by the US EPA;

3. A VT DEC Approved Corrective Action Plan (CAP) pursuant to VHWMR) §7-105(b); and/or,

4. Any Warranty Deed specifying any and all use and development limitations of the site.

C. Review Standards: Any and all variations from the prescribed form for Project Plans involving an eligible Brownfield Remediation shall only be authorized by the DRB upon an affirmative finding that:

1. Any waiver or modification so granted is based on a demonstrated nexus with the development limitations imposed by an approved corrective action plan, record of decision, or deed restriction limiting potential use and redevelopment;

2. Any waiver or modification so granted is the minimum necessary to grant relief from the specific limitations imposed by an approved corrective action plan, record of decision, or deed restriction that would prevent the site from being redeveloped in strict conformance with the underlying requirements of the ordinance; and,

3. The redevelopment of the effected site as proposed satisfies the goals of the municipal development plan, furthers the intent of the Form District in which it is located, and addresses the form-based standards of this article more effectively than redevelopment in strict conformance with the underlying standards of this ordinance.

c) **Variances:** Any other deviation from the prescribed standards of this Article shall require a Variance, which may be granted by the Development Review Board in accordance with Article 12, Part 1 Variances of the *Burlington Comprehensive Development Ordinance*.

Section 14.8: Glossary

This Section provides definitions for certain terms in this Article 14. The following terms, as used in this Article 14, shall have the following meanings:

A

Abutting or Adjacent: having any distance of real property boundary in common with, or being separated from such a common real property boundary by a right-of-way, Alley or Easement.

Access: way or means of approach to provide vehicular or pedestrian entrance to, and/or exit from, a Building or a Lot or other parcel of real property.

Accessory Building: A building that: (1) is located on the same Lot as the Principal Use or building served; (2) is clearly incidental to and customarily found in connection with the Principal Use or building; and (3) is subordinate in area, extent, or purpose to the Principal Building served.

Accessory Use: a use of a Building, Outbuilding, Structure or Lot allowed pursuant to Section 14.3 and which is subordinate and incidental to and customarily found in association with a Principal Use located within the same Lot. Not synonymous with Accessory Dwelling Unit.

Accessory Dwelling Unit: an efficiency or one-bedroom apartment that is clearly subordinate to a single-family Dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided the unit does not exceed 30 percent of the total habitable floor area of the single-family Dwelling.

Alley: a secondary means of vehicular Access to the rear or side of properties otherwise Abutting a street; an Alley may connect to a vehicular Driveway located to the rear of Lots providing Access to Outbuildings, service areas and parking, and containing utility Easements.

Architectural Features: accessory and decorative elements of a building exterior, including but not limited to: cornices, eaves, brackets and other roofline embellisments; lintles, sills, keystones, arches and other door and window embellishments; minor wall projections, etc.

Attic: the interior space between the ceiling joists and roof rafters of a pitched roof Structure. An Attic may be finished into habitable space.

B

Backbuilding: a single-Story Structure connecting a Principal Building to an Outbuilding.

Basement: the part of a building that is fully or partly below ground level. Where more than 50% of volume is below the finished surface of the ground,

Bed and Breakfast: an owner-occupied Lodging type offering 1 to 5 bedrooms, permitted to serve breakfast in the mornings to guests.

Bicycle Locker: an enclosed and secured locker that provides bicycle parking for long term use.

Bicycle Shelter: a roofed shelter that provides multiple bicycle racks for public use.

Bicycle Station: a Building that provides self-service, attended indoor valet, or automated bicycle parking services, often ac-companied by showers, lockers, bicycle repair and rental facilities.

Bioswale: an extended Rain Garden that sometimes runs the length of the Block.

Block: the aggregate of private Lots, Passages, Rear Alleys and Rear Lanes, circumscribed by Thoroughfares.

Block Face: the aggregate of all the Building Facades on one side of a Block.

Brownfield: Abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Building: not synonymous with Structure; man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter of enclosure for persons, animals, or property.

Building Envelope: collectively, all components of a Building that enclose conditioned or unconditioned above-ground space, including foundation, roof, walls, doors and windows.

By Right Development: Development which complies with all applicable requirements of the *Burlington Form Based Code*.

C

Caliper: measurement of the diameter of a Tree trunk for Trees less than twelve (12) inches in diameter. For Trees twelve (12) inches or more, see Diameter at Breast Height. For Trees less than four (4) inches in diameter, it its measured six (6) inches from the ground. For Trees between four (4) inches and twelve (12) inches in diameter, it is measured twelve (12) inches from the ground.

Channel Letters: removable letters that fit into channels on a Sign or Marquee Sign.

Civic: the term defining public or quasi-public activities dedicated to arts, culture, education, recreation, government, places of workshop, public assembly, and public transportation.

Civic Space: an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their Enfronting Buildings.

Clear Sight Triangle: an area formed to provide safe sight distances for pedestrians, bicycles and vehicles at street intersections and Driveways.

Clearance or Height, Clear: the height above the walkway, or other surface if specified, from the bottom edge of an element.

Column: a vertical construction element, having an actual or apparent purpose of carrying weight of a structural element above (such as an entablature or lintel) to another structural element below; consisting of a base, a shaft and a capital.

Commercial Vehicle: a vehicle the Tare Weight of which exceeds 5 tons (10,000 lbs), or a vehicle having more than two axles, or vehicle greater than 8' in height. Construction equipment and farming equipment of any type is included in this definition.

Community House: A Community House is a residential Dwelling Unit where individuals are not handicapped as per the Federal Fair Housing Act but where, due to the particular needs of the resident individuals, a joint living arrangement is necessitated and where the individuals are under sponsorship or care of a public, nonprofit, or for profit agency where the sponsor or caretaker provides, or arranges for, the provision of varying degrees of personal supervision and/or care in a residential environment, such as a halfway house, a personal care residence, a community transitional facility, or any other such facility that provides such services.

The following are not considered Community Houses: group homes, fraternities, sororities, dormitories, convents, communes, apartments, boarding and rooming houses, tourist homes, and hotels and motels. See Sec. 14.6.7 (d) for specific provisions.

Complete Streets are streets for everyone. They are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

Cornice: a crowning projecting molded horizontal top of a building or some part of a building, such as a wall (a wall-Cornice); a trimmed eave on the gable end of a gable-roofed Building creates a Cornice, consisting or two raking (or sloping) Cornices with connected horizontal Cornice.

Curb: the edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the drainage system.

D

Depth, Ground-Floor Space: The distance from the street-facing Facade to the rear interior wall of the ground-floor space available for an allowed use.

Diameter at Breast Height (DBH): diameter in inches of a Tree trunk, measured four and one-half feet (4 ½) above existing grade or, in the event of multiple trunks, the accumulated total of diameters measured.

Disposition: the placement of a Building on a Lot.

Drive Aisle: that part of a Parking Lot accommodating the movement and circulation of vehicles between points of Access and the parking spaces.

Driveway: a lane to accommodate vehicles within a Lot, often leading to a Garage.

Dwelling or Dwelling Unit: A room or set of rooms fitted with a private bath, kitchen, and living facilities comprising an independent, self-contained Dwelling space occupied by a family and where rooms are not let to individuals. Kitchen, living and shared bathroom facilities must be separate and distinct from bedroom facilities. Each bedroom must contain a minimum Square footage consistent with the current mini-mum housing standards. Separate bathroom facilities will be deemed to exist only when it is possible to Access such bath-room facilities without passing through a room which is designated as a bedroom. If there is more than one meter for any utility, address to the property, or kitchen; or if there are separate entrances to rooms which could be used as separate Dwelling Units: or if there is a lockable, physical separation between rooms in the Dwelling Unit such that a room or rooms on each side of the separation could be used as a Dwelling Unit, multiple Dwelling Units are presumed to exist; but this presumption may be rebutted by evidence that the residents of the Dwelling share utilities and keys to all entrances to the property and that they (A) share a single common bathroom as the primary bathroom or (B) share a single common kitchen as the primary kitchen.

E

Elevation: an exterior wall of a Building not along a Frontage Line. See Facade.

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Expression Line: a line prescribed at a certain level of a Building for the major part of the width of a Facade, expressed by a variation in material or by a limited projection such as a molding or balcony. (Syn: transition line.)

F

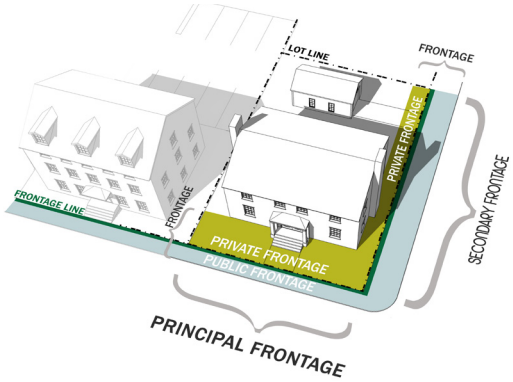
Facade: the exterior wall or walls of a Building that face a Frontage Line. See Elevation.

First Lot Layer: that portion of a Lot between the Frontage Line and the Façade of the Principal Building situated on or to be situated on the Lot.

Foot-candle: a unit of illumination equal to the light flux falling on one Square foot of area one foot away from the light source of one candlepower.

Form District: one of several geographic areas indicated on the Downtown and Waterfront District Regulating Plan within which uniform zoning and land regulations apply. See Table 14.3-A The Burlington Form Districts Summary Table.

Frontage: the area between a Facade and a Thoroughfare, lakeshore or Civic Space, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage separated by a Frontage Line.



Frontage Buildout: the required percentage of a Building Façade or Streetscreen located within the maximum and minimum Setback, excluding vehicular entrances and Driveways. The required Frontage Buildout may be satisfied by one or more of the following: a Building Facade; a Streetscreen occupying no more than the lessor of 20 feet or 20% of the Frontage; or, a Civic Space.

Frontage Line: a Lot Line separating a Public Frontage from a Private Frontage.

Frontage, Private: the Layer between the Frontage Line and the Principal Building Facade.

Frontage, Public: the area between the Curb of the vehicular lanes and the Frontage Line. Elements of the Public Frontage include the Curb, Sidewalk, planter, street Tree, streetlight, street furniture, etc. .

G

Garage: an enclosed area integral to a Principal Building or an Outbuilding that provides as an Accessory Use space for parking or storage of vehicles incidental to the Principal Use of the Lot or Principal Building on the Lot. Not synonymous with Parking Structure.

Green: a Civic Space type for unstructured recreation, spatially defined by landscaping rather than Building Frontages.

Green Roof: a Building roof partially or completely covered with vegetation and soil, or a growing medium, over a waterproofing membrane.

Green Wall: a wall partially or completely covered with vegetation that includes a growing medium, such as soil. Most green walls also feature an integrated water delivery system. Green walls are also known as living walls or vertical gardens.

H

Habitable Space: Areas designed and used for living, sleeping, eating, cooking, or working or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered Habitable Space.

Historic Inn: A building which has the Principal Use of housing overnight guests, subject to the criteria of Sec. 14.6.7 (b), that is listed or eligible for listing on the State or National Register of Historic Places.

Home Occupation: An Accessory Use of a Dwelling Unit for employment involving the provision of services or the fabrication of goods. Home Occupations are subject to all the procedures, conditions, and standards of Sec. 14.6.7 (f).

I

Impervious Surface: any surface that substantially reduces or prevents the infiltration of stormwater, including but not limited to Buildings, roofs, concrete, asphalt, and other paved surfaces that do not use porous materials.

Improvement: planning for, carrying out or the resulting man-made change in the characteristics of land, including but not limited to construction of Buildings, Structures and Infrastructures, subdivision of land, and filling, grading and excavation of land.

Infrastructure: any physical system, facility, or capital Improvement, that provides or facilitates services or Utilities for Improvements, regardless of whether publicly or privately owned, operated, or maintained, such as transportation, potable water, sanitary sewer, storm water management, and waste disposal, and other Improvements or facilities as generally described above that may not be specifically enumerated in this definition.

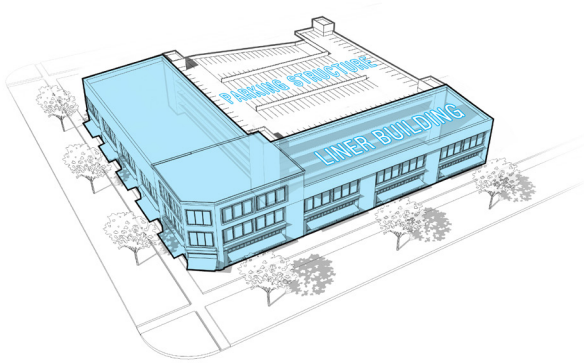
Initial Lumens: a measure of how much light a Lamp is emitting near the beginning of its life.

L

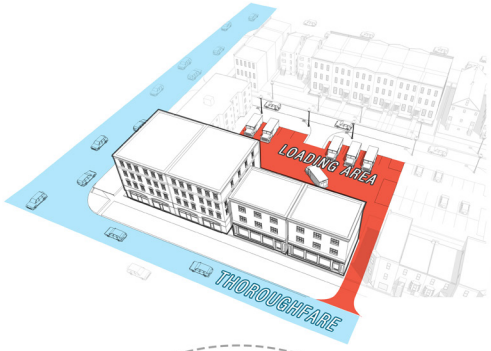
Lamp: The light-producing source installed in the socket portion of the luminaire.

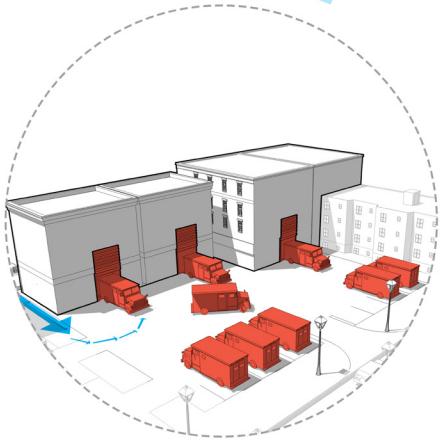
Landscape Area: The portion of a Lot that is not defined as “Lot Coverage” including grass, ground covers, gardens, Shrubs, Trees, and natural areas. Landscaped Area shall not include parking, drives, patios, walkways, or other impervious areas.

Liner Building: a Building specifically designed to mask a Parking Lot or a Parking Structure from a Frontage. (syn. Perimeter Building).



Loading Area: A parking space or berth, directly serving a building for the loading or unloading of merchandise or material, and which has Access to a street, Alley or other appropriate means of ingress and egress.

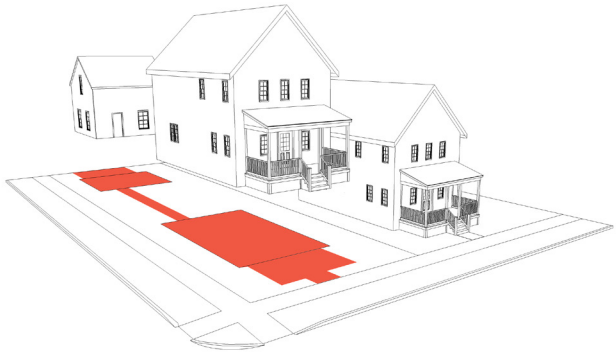




Lot: A parcel of land distinguishable from other parcels by deed, as recorded in the City of Burlington Land Records on a subdivision plat, record, or survey map, or as described by metes and bounds, and intended for transfer of ownership or for building development. For purposes of this Article, the term does not include any portion of a public right-of-way.

Lot Area: the area within the boundaries of a Lot.

Lot Coverage: The total at grade area or footprint of all Buildings, Structures and Impervious Surfaces including but not limited to Parking Areas, walkways drives, etc.; expressed as a percent of the total Lot Area.



Lot Layer: a range of depth of a Lot within which certain elements are permitted. See Sec. 14.6.3(c).

Lot Line: the boundary that legally and geometrically demarcates a Lot.

Lot Width: the length of the Frontage Line of a Lot, or of the Principal Frontage Line of a corner Lot.

M

Mixed Use: multiple Functions or Uses within the same Building or on the same Lot through superimposition or adjacency, or in multiple Buildings by adjacency.

Mulch: a protective covering consisting of organic materials customarily used in landscaping and placed around plants to retain soil moisture, retard erosion, shield roots from freezing, and inhibit weed growth.

N

Native Species: a plant occurring within local jurisdictional boundaries prior to foreign contact, according to the best scientific and historical documentation. This includes species that are considered indigenous, occurring in natural associations with habitats that existed prior to Significant anthropogenic impacts and alteration to the landscape.

Neon Lighting: Low intensity gas filled tube lighting which, when subject to high voltage, becomes luminescent in colors characteristic of the particular gas used.

Nonconformity: A Building, Structure, Lot or use that does not conform to the present Comprehensive Development Ordinance but was in conformance with all applicable laws, ordinances, and regulations at the time at which it was established. See Sec. 14.7.2.

O

Open Space: land intended to remain undeveloped; it may be for Civic Space.

Outbuilding: an Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding.

P

Parking Area: an off-street, ground-level open area within a Lot for parking vehicles as an Accessory Use incidental to a Principal Use of the Lot. Not synonymous with Parking Lot.

Parking Lot: an off-street, ground level, open area within a Lot for parking vehicles as a commercial or Civic Principal Use. Not synonymous with Parking Area.

Parking Structure: a Structure that provides space for parking vehicles as a commercial or Civic Principal Use. Not synonymous with Garage.

Pervious Area: The area of a lot covered by surfaces or materials that allow for the movement or passage of water into soils below. Pervious areas include, but are not limited to, areas of a lot covered by soil/mulch, vegetative matter, permeable pavers/pavement, bio-retention areas, or other materials that allow for the infiltration of at least the first inch (1") of rainfall. For the purposes of this definition, green roofs that capture and attenuate at least the first inch (1") of rainfall are also considered pervious area.

Plaza: a Civic Space type designed for Civic Principal Function and/or Commercial Principal Function in the more urban Form Districts, generally paved and spatially defined by Building Frontages.

Post: a relatively small strong piece of timber, metal, or the like set vertically as a an actual or apparent support or firm point of attachment.

Principal Building: the main Building on a Lot, usually located toward the Frontage, in which there is conducted any one or more of the Principal Use of such Lot.

Principal Entrance: the main point of Access for pedestrians into a Building.

Principal Frontage: the Private Frontage designated to bear the address and Principal Entrance to the Building, and the measure of Lot Width on non-corner Lots, the Private Frontage.

Principal Use: a main or the Principal Use accommodated by a Building or a Lot. The dominant use or uses to which the premises is devoted and the primary purpose for which the premises exists.

Private Frontage: the privately held Lot Layer between the Frontage Line and the Principal Building façade; the First Lot Layer.

Property Owner: Any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly or severally with others hold(s) legal or equitable title to any real property. Synonymous with "Owner."

Public Frontage: the area between the Curb of the Vehicular Lanes and the Frontage Line.

R

Rain Garden: sunken garden that utilizes plants and may include Trees and may provide for the retention and/or absorption of stormwater.

S

Secondary Frontage: on corner Lots, the Private Frontage that is not the Principal Frontage.

Setback: The open, unobstructed area required to be provided between the furthermost projection of a Building or Structure and an Adjacent property line or Form District Boundary.

Shared Parking Factor: a divisor to be applied to the Required Actual Parking for two Principal Functions within a pair of Adjacent Blocks to determine Required Effective Parking for such Lot; or a multiplier to be applied to the Actual Parking for a Lot to determine the Effective Parking for such Lot; in each case, as determined in accordance with Table 14.6.8-B.

Shrub: a multi-trunked, woody plant that usually attains a mature height of no more than fifteen feet (15') and has foliage flush from its height to the ground.

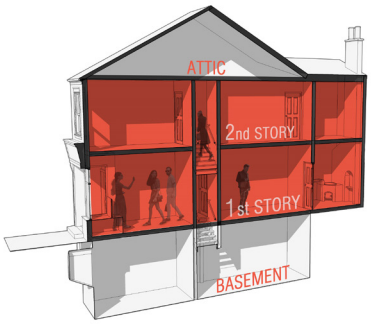
Sidewalk: the paved portion of the Public Frontage dedicated exclusively to pedestrian activity.

Sign: an identification, description, illustration, device or representation for visual communication by characters, letters, symbols, illustrations, graphics or ornamentation, which is affixed to, painted or placed upon, on or otherwise applied to or represented directly or indirectly upon a Building, Structure, or land, and which is used for the purpose of bringing attention to a product, place, activity, person, institution, business or other subject thereof.

Sign Area: the total area of the smallest Square, rectangle, triangle, circle, or combination thereof, which encompasses the space of a Sign used for advertising purposes, including the spaces between open-type letters and figures, including the background Structure, any border and trim or other decoration or addition which is an integral part of the Sign; provided that there shall be excluded from any calculation of Sign Area any Sign base, apron, supports, and other structural members and the area of one side of a Blade Sign.

Square: a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by Building Frontages and consisting of paths, lawns and Trees, formally disposed.

Story: a habitable level within a Building, excluding those elements described in Sec. 14.6.5.



Streetscreen: a freestanding hedge, fence or wall of between 3.5 and 8 feet in height built (a) along the Frontage Line or (b) on the same plane as the Façade of the Building to Screen a Parking Lot, Parking Area or Loading Area, provide privacy to a side yard or rear yard, and/ or strengthen the spatial definition of the public realm. Streetscreens may have openings no larger than necessary to allow automobile and pedestrian Access and may be no longer than 20-ft or 20% of the Frontage whichever is less.

Structural Soil: a load-bearing soil that resists compaction to allow for healthier Tree root growth. Angular gravel within the soil mix allows air and water to permeate while supporting pavement loads.

Structure: any vertical man-made Improvement that is not intended for habitation, including without limitation a park shed, bicycle storage facility, transit stop, ticket booth, Utility facilities, and boathouses. Not synonymous with Building or Outbuilding.

Substantial Modification: Any demolition, deconstruction, relocation, rehabilitation or redevelopment of an existing Building, Structure, Frontage, Development, Sign, Improvement or other appurtenance thereto that affects or exceeds fifty percent (50%) of the area, square footage or pre-development assessed value of the Structure, Building or Lot as determined by the Zoning Administrative Officer.

Swale: a low or slightly depressed natural area for drainage.

T

Thoroughfare: a way for use by vehicular, pedestrian, and bicycle traffic that provides Access to Lots and Open Spaces, and incorporates vehicular lanes and Public Frontages.

Tree: a woody plant with an expected mature height of thirty feet or more and possessing either a single trunk or multiple trunks. Trees are often described in subcategories by common attributes and the functions they serve:

i. Canopy Tree: analogous to the term Shade Tree.

ii. Coniferous Tree: any Tree with needle leaves and a woody cone fruit.

iii. Deciduous Tree: a Tree which sheds its foliage at the end of each growing season.

iv. Evergreen: a Tree or Shrub whose foliage persists year round. Plants typically associated with the upright conical or pyramidal Tree forms and needle foliage of Coniferous Trees (i.e. pine, spruce, fir, etc.), but which may also include plants with broadleaf foliage and rounded or spreading Tree forms.

v. Ornamental Tree: an Understory Tree planted primarily for its aesthetic value and as a landscape focal point, as opposed to its function of shading or screening even though it may perform all three functions.

vi. Shade Tree: typically a Deciduous Tree - rarely an evergreen - planted primarily for its overhead canopy and the quality of the shade it provides.

vii. Small/ Medium/ Large (Tree or Shrub): a means of categorizing Trees or Shrubs based upon their canopy or spread at maturity assuming proper maintenance and normal growing conditions and which serves the purpose of allowing for their proper spacing in landscape plans.

viii. Specimen Tree: a particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

ix. Understory Tree: a small to medium sized Tree with an expected mature height less than thirty feet and a canopy which may or may not offer a sufficient Clearance height for pedestrians beneath.

Turfgrass: a continuous plant coverage consisting of a grass species that is regularly mowed to maintain a desired height.

U

Unit: a discrite portion of a building dedicated by lease or ownership to an individual use.

Urban Agriculture Structure: a structure related to the production of food in an urban environment, including but not limited to greenhouses, hoophouses, cold frames, tool sheds, etc.

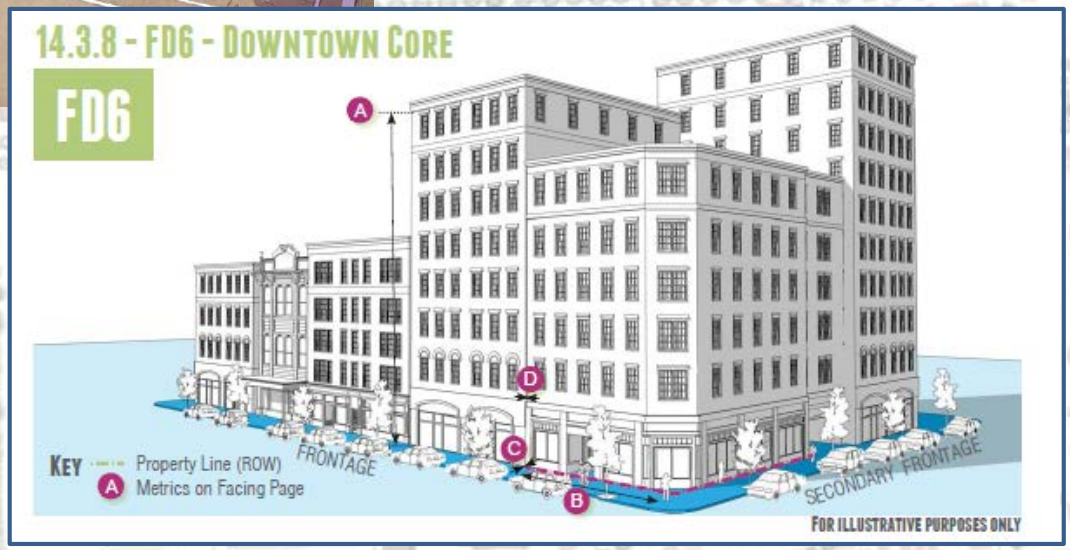
Urbanism: collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and sociocultural aspects.

V

Valance: the portion of an awning that hangs perpendicular to the Sidewalk.

Creating a Vibrant and Walkable Downtown and Waterfront:

planBTV: Downtown Code



plan BTV
Downtown & Waterfront

ZA-18-01 planBTV: Downtown Code

Part 1: planBTV: Downtown Code

- Art. 14 planBTV: Downtown Code

Part 2: Associated CDO Amendments

- Art. 4 Districts
- Art. 6 Design Review
- Art. 7 Signs
- Art. 8 Parking
- Art. 9 Housing
- Art. 11 Planned Development
- Art. 13 Definitions
- Appendix A – Use Table

"to facilitate infill, allow for a more diverse ranges of unit and building types, and (to) simplify the public approvals process by creating a form-based zoning code for the downtown and waterfront area" (p. 53 and others)

planBTV Downtown Code: The Purpose

- To **implement the community vision** established by the *planBTV: Downtown and Waterfront Master Plan*.
- To **promote and advance new infill development and adaptive re-use** that reflects Burlington's character and sense of place while taking advantage of limited opportunities for new development at modestly larger scales and densities where appropriate.
- **Modernize Burlington's permitting process** with a regulatory tool that combines clear and objective regulatory standards with a timely and predictable review process.

Help us go from this…

…to this.

plan BTV
Downtown & Waterfront

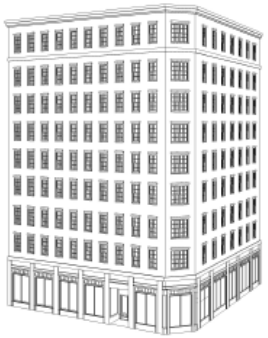
Components of the Downtown Code

Hierarchy of Standards

Form District

FD6 – Downtown Core

Building Type



Mixed Use Building

Frontage Type

Shopfront Frontage

Form District:

- Block Size
- Lot Size & Width
- Building Placement (yard type, setbacks)
- Frontage Buildout
- Building Massing & Height
- Building Type
- Parking & Access Placement
- Allowed Encroachments: setback and right-of-way
- Sign Types
- Civic Space Types
- Land Uses

Building Type:

- Lot Width
- Building Width & Footprint
- Building Height
- Number of Units
- Pedestrian Access Location
- Frontage Type

Frontage Type:

- Relationship to Frontage Line
- Depth & Width
- Clear Height
- Glazing & Transparency
- Finish Grade
- Path of Travel

Yard Types and Layers, Building Height, Parking & Circulation, Landscape and Site Design, Stormwater Management, and Special Uses

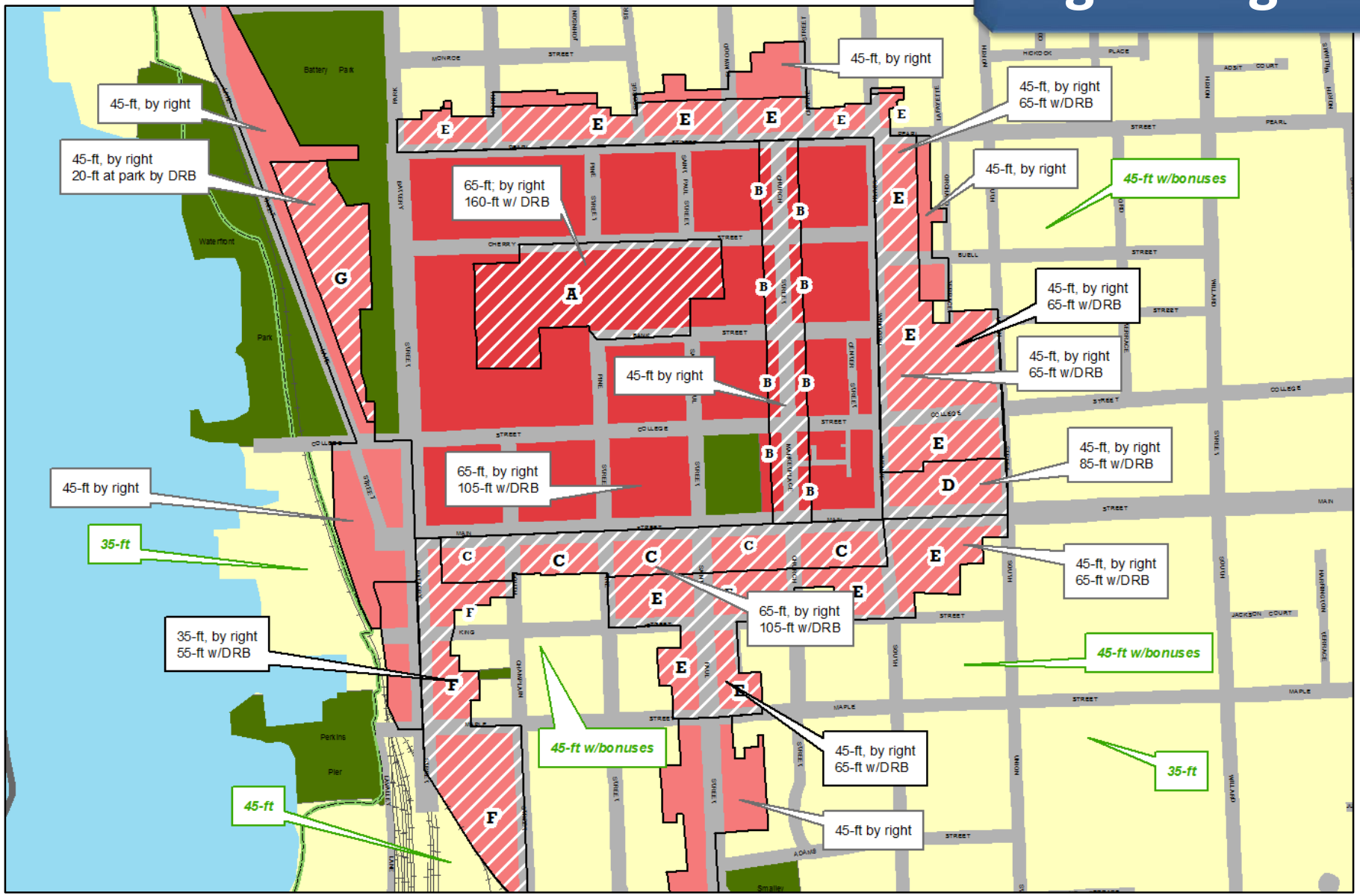
Application Process, Submission Requirements, Review Process, and Varying the Form Standards

Components of the Downtown Code

Regulating Plan

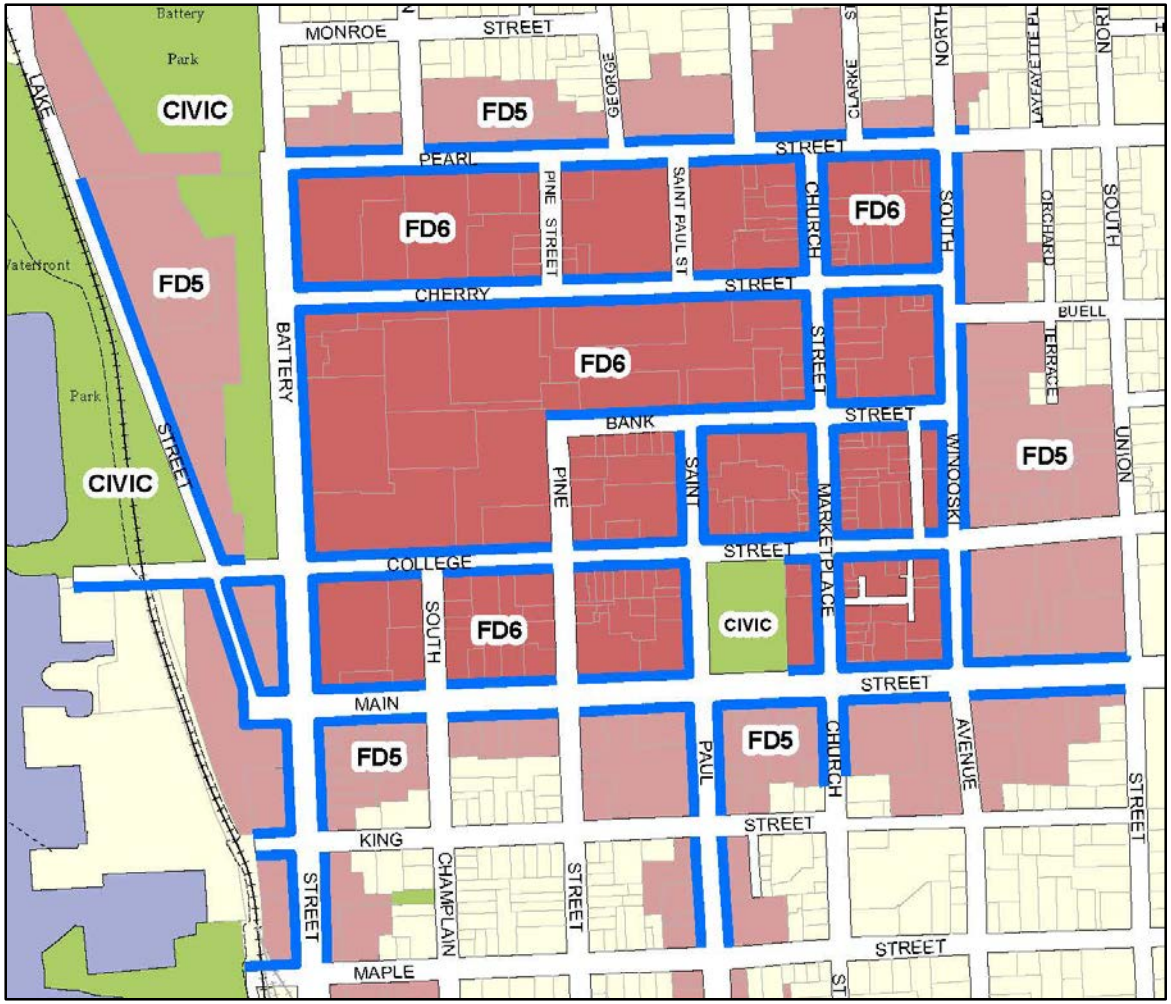
Components of the Downtown Code

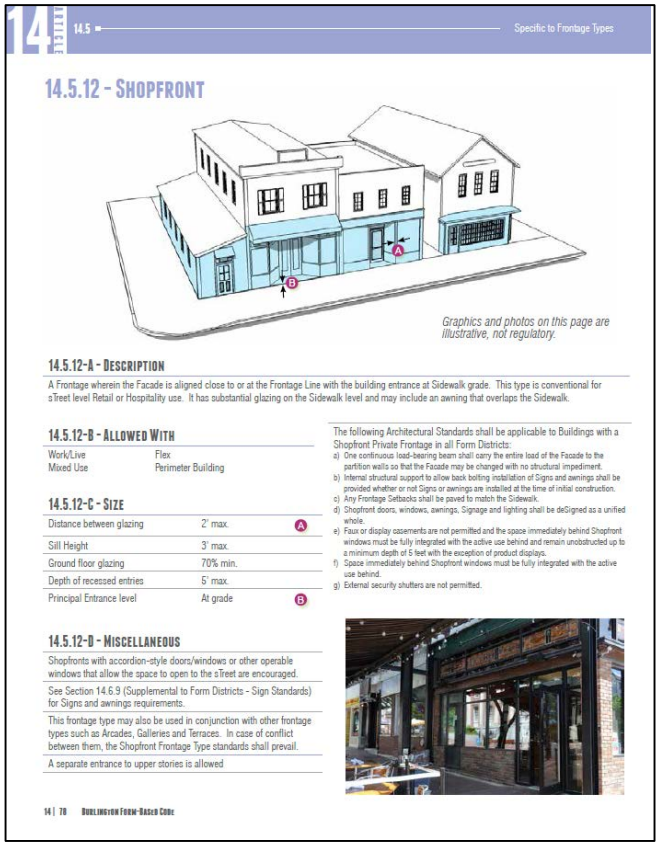
Regulating Plan



Components of the Downtown Code

Regulating Plan





14 | 14.5 Specific to Frontage Types

14.5.12 - Shopfront

Graphics and photos on this page are illustrative, not regulatory.

14.5.12-A - Description

A Frontage wherein the Facade is aligned close to or at the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for sTreet level Retail or Hospitality use. It has substantial glazing on the Sidewalk level and may include an awning that overlaps the Sidewalk.

14.5.12-B - Allowed With

Work/Live	Flex
Mixed Use	Perimeter Building

14.5.12-C - Size

Distance between glazing	2' max.	A
Sill Height	3' max.	
Ground floor glazing	70% min.	
Depth of recessed entries	5' max.	
Principal Entrance level	At grade	B

14.5.12-D - Miscellaneous

Shopfronts with accordion-style doors/windows or other operable windows that allow the space to open to the sTreet are encouraged.

See Section 14.6.9 (Supplemental to Form Districts - Sign Standards) for Signs and awnings requirements.

This frontage type may also be used in conjunction with other frontage types such as Arcades, Galleries and Terraces. In case of conflict between them, the Shopfront Frontage Type standards shall prevail.

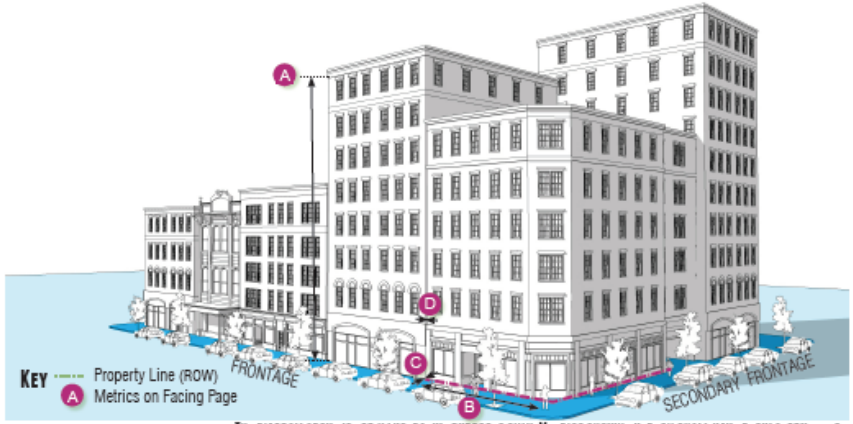
A separate entrance to upper stories is allowed

The following Architectural Standards shall be applicable to Buildings with a Shopfront Private Frontage in all Form Districts:

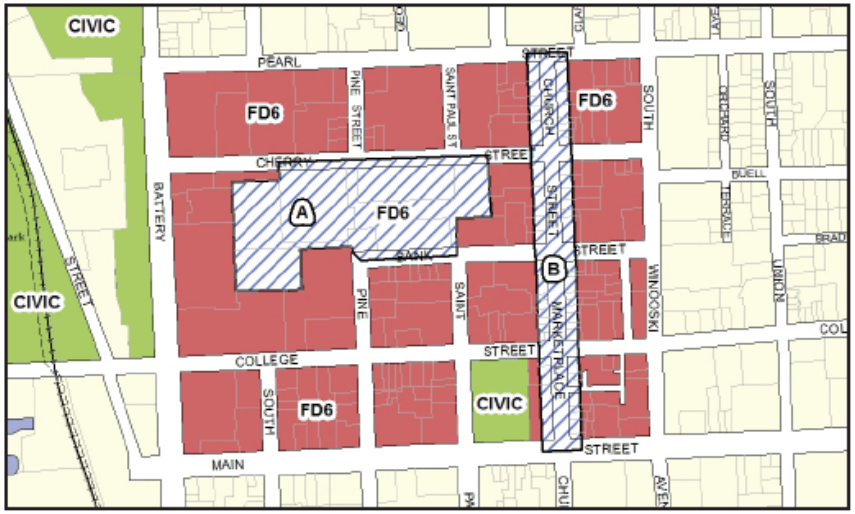
a) One continuous load-bearing beam shall carry the entire load of the Facade to the partition walls so that the Facade may be changed with no structural impediment.
b) Internal structural support to allow back bolting installation of Signs and awnings shall be provided whether or not Signs or awnings are installed at the time of initial construction.
c) Any Frontage Setbacks shall be paved to match the Sidewalk.
d) Shopfront doors, windows, awnings, Signage and lighting shall be deSigned as a unified whole.
e) Faux or display casements are not permitted and the space immediately behind Shopfront windows must be fully integrated with the active use behind and remain unobstructed up to a minimum depth of 5 feet with the exception of product displays.
f) Space immediately behind Shopfront windows must be fully integrated with the active use behind.
g) External security shutters are not permitted.

Components of the Downtown Code

Form Districts



THE DIAGRAM ABOVE IS FOR ILLUSTRATIVE PURPOSES ONLY. METRICS SHOWN THEREON SHALL HAVE REGULATORY EFFECT.



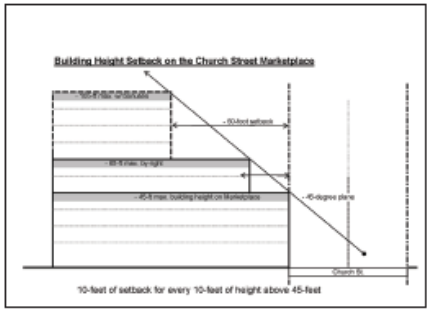
14.3.4-C- BUILDING FORM

BUILDING HEIGHT	A
Principal Buildings	By Right: • 3 Stories min. • 4 Stories max., not to exceed 45 feet on the Church St Marketplace[1] otherwise, • 6 Stories max., not to exceed 65 feet Subject to DRB Review [2]: • 9 Stories max., not to exceed 95 feet • xx Stories max, not to exceed xxx feet
Outbuildings	2 Stories max. not to exceed 24 feet

[1] Subject to Regulating Plan Special Requirements - Map 2 (See Sec. 14.2.6) as summarized below:

A Building with a Principal Frontage in the area identified as:

- "B" on Downtown and Waterfront District Regulating Plan - Map 2 shall be decreased to a maximum of 4 Stories not to exceed 45 feet. Any portion of a building exceeding 45-feet shall be set-back a minimum of 10-feet for every 10-feet of additional building height above 45-feet as illustrated below:



[2] Subject to Regulating Plan Special Requirements - Map 2 (See Sec. 14.2.6) as summarized below, and DRB Review per Sec. 14..6.5-d.

A Building with a Principal Frontage in the area identified as:

- "A" on Downtown and Waterfront District Regulating Plan - Map 2 may be increased to a maximum of xx Stories not to exceed xxx feet.

14.3.4-C- BUILDING FORM

BUILDING BULK (MAX AREA PER FLOOR)	
Floors 1-5	100% of lot max.
Floors 6-8	80% of lot max.
Floors 9+	40% of lot max.

14.3.4-D- LOT OCCUPATION & BUILDING PLACEMENT

Block Perimeter	2,000 ft max.
Pervious Area	10% min.
Frontage Buildout	100% min. along a Primary Frontage
	80% min. along a Secondary Frontage
Ground Floor Entries (linear distance along the Primary Frontage)	60' max.
BUILDING DISPOSITION	**STANDARDS**
Sideyard	Section 14.6.3
Rearyard	Section 14.6.3
BUILDING SETBACK	
Front Setback:	C
- Principal Buildings	- 0' min.; 6' max. - in no event less than 12' from the curb.
- Outbuildings	In third Lot Layer

Front Setback Exceptions:
In no event shall a Building be set closer than 15' from the curb along Main St from S. Winooski to Battery St. and S. Winooski Ave from Main to Pearl St., or closer than 12' from the curb along all other streets.

For additional exceptions and variations regarding front setbacks provided as part of a specific Frontage Type see Sec. 14.5.

Side Setback:	D
- Principal Buildings	0' min. - 12' max.
- Outbuildings	0' min. or 3' min. on secondary frontage
Rear Setback:	
- Principal Buildings	0' min. or 15' from rear Alley centerline
- Outbuildings	0' min. or 15' from rear Alley centerline

Components of the Downtown Code

Building Types

Building Type

14.4.7 Rowhouse:

A collection of very narrow to medium sized attached Buildings each containing a single unit and connected to one another side-by-side by a party wall. Each Building has an individual entry facing the street, and groupings often share uniform plans, fenestration and architectural treatments. This Building Type may sit on a single lot, or span across multiple lots each with an individual Building.

14.4.8 Multifamily- Small:

A medium sized detached Building that consists of side-by-side and/or stacked units, with individual or shared entries at least one of which faces the street. This Building Type may often have the appearance of a large single-family home.

14.4.9 Multifamily- Large:

A medium to large sized detached or attached Building consisting of side-by-side and/or stacked units, with one or more shared entries at least one of which faces the street.

14.4.10 Mixed-Use:

A medium to large sized attached or detached Building that may provide a vertical and/or horizontal mix of uses or a single non-residential use. Units are commonly organized with pedestrian-oriented retail, hospitality or service uses on the ground floor with individual entries facing the street, and residential or office uses on upper floors served by one or more shared entries.

14.4.11 Perimeter Building:

A shallow medium to large sized attached or detached Building that is always associated with and screens a Garage, Parking Structure, Parking Lot or Parking Area located directly behind. This Building Type may provide a vertical and/or horizontal mix of uses commonly organized with pedestrian-oriented retail, hospitality or service uses on the ground floor with individual entries facing the street, and residential or office uses on upper floors served by one or more shared entries.

14.4.12 Civic:

A medium to large sized attached or detached Building dedicated to a Civic Use and designed to stand apart from its surroundings due to the specialized nature of its public or quasi-public use for public assembly and activity. Examples include libraries, places of worship, courthouses, schools, centers of government, performing arts, and museums. They are often the most prominently sited and architecturally Significant Structures in the community.

14.4.10 - Mixed-Use

Courtyard	Section 14.5.8
Dooryard	Section 14.5.9
Doorway	Section 14.5.10
Lightwell & Landing	Section 14.5.11
Officefront	Section 14.5.12
Shopfront	Section 14.5.13
Terrace	Section 14.5.14
Forecourt	Section 14.5.15
Gallery	Section 14.5.16
Arcade	Section 14.5.17

14.4.10-A - Description

Mixed-Use: A medium to large sized attached or detached Building that provides a vertical and/or horizontal mix of uses or a single non-residential use. Units are commonly organized with pedestrian-oriented retail, hospitality or service uses on the ground floor with individual entries facing the street, and residential or office uses on upper floors served by one or more shared entries.

Allowed In

FD5
FD6

14.4.10-B - Number of Units

Not applicable

14.4.10-C - Building Size and Massing

Ground Floor Height, floor to floor	14-ft min.

14.4.10-D - Allowed Frontage Types

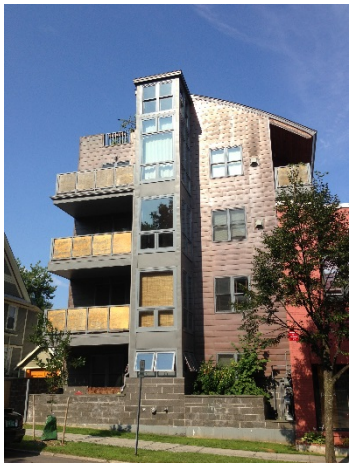
14.4.10-E - Pedestrian Access

Principal Entrance for Ground Floor Units	Principal Frontage
Principal Entrance for Upper Floors Units	Principal or Secondary Frontage

Upper floors units shall be Accessed by a common entry.

The diagram and photographs on this page are intended for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

Urban Design Standards



Overall Design:

- Visual interest and human scale at the street level
- Reduction of the perceived height and mass of upper stories
- Establish points of reference for downtown orientation

Façade Articulation:

- Fine-grained variation within the façade plane (material changes, balconies, belt courses, columns, lintels, etc)
- Regular and strong vertical changes in the horizontal plane (architectural bays)
- Horizontal changes in the vertical plane (strong base, upper story stepbacks, and clearly defined top)

Street Activation:

- Location and frequency of entrances
- Proportion and distance between voids (doors and windows)
- Transparency of glass
- Visual access within

Primary and accent façade materials

Green Buildings: Any new Building, or substantial modification to an existing Building, over 25,000 sqft in gross floor area shall be required to be built to a LEED Gold Certification or better, or another nationally recognized equivalent as determined by the Planning Commission. This requirement is applicable in all Form Districts.

Upon application:

- submission of planned performance criteria and elements of the project necessary to obtain certification (e.g. LEED checklist);
- documentation of registration with the applicable green building certification program (e.g. LEED project registration); and,
- written commitment to apply for formal, written review of the project at the earliest milestone where the green building certifying body offers "precertification" or similar (e.g. LEED Design Review).

Prior to the release of Final Certificate of Occupancy:

- submission of revised as-built performance criteria and project elements necessary to obtain certification (e.g. LEED checklist):
- results of 3rd party commissioning of the building envelope and mechanical systems documenting compliance of as-built performance;
- written certification from the project design professional of record that the project has been constructed to comply with the green building requirements of this section.

Design Standards for Additional Height

The maximum Building height and mass is permitted by-right by the underlying Form District, as may be modified by the chosen Building Type and Frontage Type. However, there are a number of ways that Building shape, articulations, and choice of materials can be used to reduce the perceived height and mass of taller Buildings, and ensure a high quality of design that complements the character of the Downtown and Waterfront area.

After consultation with the Design Advisory Board and a Public Hearing, the Development Review Board shall evaluate any proposal seeking additional Building height under each of the following additional design standards and affirmatively find that:

- a. The proposed Building presents a design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline; reinforces opportunities for establishing points of reference for visual orientation; and, provides visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing, or other architectural design techniques;
- b. Step backs, horizontal and vertical variation, selection of materials, and/or other architectural design technics are used to reinforce the street wall, create transitions from Buildings of a smaller mass and height, and reduce the perceived height and mass of upper stories from the street level;
- c. Upper story proportions of the Building are oriented, tapered and/or separated into separate masses in order to retain sky view between individual Buildings from the public Thoroughfare.

Active Public Space and Restrooms

A minimum of 20 sqft/1,000 sqft of the gross floor area above 85-feet shall be dedicated to active and publically accessible upper story rooftops and terraces, and/or street-level public restrooms as follows:

- Upper story rooftops and terraces must incorporate active public use such as outdoor dining with seating or other uses and activities that complement the use by the public, and be located above the 8th floor. At least 25% of the space must be accessible to the general public during all regular business hours without expectation of purchase.
- Public restrooms may count towards the public space requirement at a ratio of 10:1. Public restrooms must be located on the ground floor, have a minimum size of 50 sqft, be signed from the public street, be actively monitored and maintained, and be open to the public during all regular business hours. Placement of a public restroom in partnership with the City within an adjacent public space or the public ROW may be acceptable with the concurrence of the respective responsible City department and provided actual development costs and projected 20-yr maintenance costs are paid by the applicant.

Components of the Downtown Code

Frontage Types

Frontage Type	Illustration Type

14.5.4 - Porch: Projecting

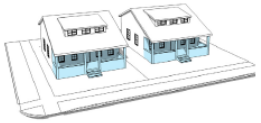
A Private Frontage where the Building Facade is set back from the Frontage Line, and includes an attached open porch that Encroaches into the First Lot Layer which may be planted and include a fence to maintain spatial definition with the public right-of-way. The porch contains a Principal entrance sufficiently elevated from the Sidewalk to secure privacy for the first story from a busy public Sidewalk, This type is commonly associated with ground-floor Residential use.

14.5.5 - Porch: Engaged

A Private Frontage where the Building Facade may or may not be set back from the Frontage Line, and includes an open porch with two adjacent sides that are engaged to the Building while two sides remain open. The porch does not Encroach into the First Lot Layer, which may be planted and include a fence to maintain spatial definition with the public right-of-way. The porch contains a Principal entrance sufficiently elevated from the Sidewalk to secure privacy for the first story from a busy public Sidewalk, This type is commonly associated with ground-floor Residential use.

14.5.6 - Porch: Integral

A Private Frontage where the Building Facade may or may not be set back from the Frontage Line, and includes a porch integral to the overall massing and roof form of the Building and open on one, two or three sides. The porch does not Encroach into the First Lot Layer, which may be planted and include a fence to maintain spatial definition with the public right-of-way. The porch contains a Principal entrance sufficiently elevated from the Sidewalk to secure privacy for the first story from a busy public Sidewalk, This type is commonly associated with ground-floor Residential use.



14.5.7 - Stoop

A Private Frontage where the Building Facade is aligned very close to the Frontage Line, and the first Story is elevated from the Sidewalk sufficiently to secure privacy for the windows from a busy public Sidewalk. The elevated Principal entrance is accessed by an exterior stair and small landing that is permitted to Encroach into the First Lot Layer. The remainder of the First Lot Layer must be planted, or paved to join with the adjoining public Sidewalk. This type is commonly associated with ground-floor Residential use.

14.5.8 - Courtyard

A Private Frontage where a portion of the Facade is aligned close to or at the Frontage Line, and the central portion of the Façade is set back to create a courtyard with a Principal entrance at-grade and space for gathering and circulation, or for outdoor shopping or restaurant seating. The First Lot Layer and courtyard must be planted or paved to join with the adjoining public Sidewalk. This type should be used sparingly, and must be used in conjunction with other Frontage Types to define individual or shared entries at least one of which faces the street.

14.5.9 - Dooryard:

A Private Frontage where the Building Facade is aligned close to the Frontage Line, and the Frontage Line is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public Sidewalk. The result is a small semi-private dooryard containing the Principal entrance in First Lot Layer accessed by a Stoop for an elevated entry or a Doorway for at-grade entry. The remainder of the First Lot Layer may be planted or serve as a small patio. This type is commonly associated with ground-floor Residential use.

14.5.10 - Doorway

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line, and the street-facing Principal entrance provides an at-grade entry. To the extent there is a First Lot Layer, it may be planted or paved to join with the adjoining public Sidewalk. This type is commonly associated with ground-floor Residential use.

14.5.11 - Lightwell & Landing

A Private Frontage where the Building Facade is set back from the Frontage line, and a street-facing Principal entrance is elevated and accessed by an exterior stair with or without a small landing, and/or sunken and accessed via a Lightwell. The Frontage Line adjoining the Lightwell is partially defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public Sidewalk and safety for pedestrians passing by. This type is particularly well-suited for accommodating grade changes along a Frontage Line, allows for activation of below grade spaces, and buffering residential uses from busy public Sidewalks. The First Lot Layer and Lightwell may be planted or serve as a small patio.

14.5.12 - Officefront

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with street-facing individual and/or shared entries that provide at-grade access directly onto the public Sidewalk. This type is commonly associated with office, retail, service or hospitality uses, and has ample glazing on the Sidewalk level, and may include an Awning and/or Canopy that may Encroach into the First Lot Layer and over-lap the Sidewalk. To the extent there is a First Lot Layer, it is paved to join with the adjoining public Sidewalk with or without outdoor shopping or restaurant seating.

14.5.13 - Shopfront

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with street-facing individual and/or shared entries that provide at-grade access directly onto the public Sidewalk. This type is commonly associated with retail, service and/or hospitality uses, has substantial glazing on the Sidewalk level, and may include an Awning and/or Canopy that may Encroach into the First Lot Layer and over-lap the Sidewalk. To the extent there is a First Lot Layer, it is paved to join with the adjoining public Sidewalk with or without outdoor shopping or restaurant seating.

14.5.14 - Terrace

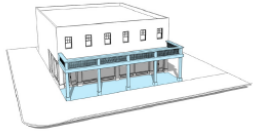
A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with an elevated terrace that may Encroach into the First Lot Layer providing level or terraced public circulation along the Façade. This type provides at-grade access to first story uses and shared entries for upper story uses while accommodating a grade change along a Frontage Line. Frequent steps up to the terrace are necessary to avoid overly tall terrace walls, and the Frontage Line along the terrace edge is defined by a low wall or decorative fence providing a strong spatial definition from the public Sidewalk and safety for pedestrians. Awnings and Canopies may Encroach into the First Lot Layer but shall not cross the Frontage Line. This type is required to be used in conjunction with other Frontage Types to define individual or shared entries facing the street.

14.5.15 - Forecourt

A Private Frontage where the Building Facade is setback from the Frontage Line with individual at-grade entries for ground level uses and shared entries for upper story uses provide access directly onto a permanent outdoor patio. The First Lot Layer must include a low wall or decorative fence at the Frontage Line to maintain spatial definition with the public right-of-way, and shall be paved to support outdoor seating and dining. Awnings and Canopies may Encroach into the First Lot Layer but shall not cross the Frontage Line. This type should be used sparingly; is intended to serve ground floor commercial, hospitality or retail uses; and requires the use of the Shopfront Frontage Type to define individual or shared first floor entries facing the street.

14.5.16 - Gallery

A Private Frontage where the Building Facade is set back from the Frontage Line with an attached cantilevered porch with a lightweight colonnade that fully Encroaches into the First Lot Layer. The First Lot Layer is paved to join with the adjoining public Sidewalk which may be activated with outdoor shopping and/or restaurant seating. Upper story porches are also intended to be activated with outdoor use such as seating and/or dining. This type is required to be used in conjunction with a Shopfront or Officefront Frontage Type to define individual or shared at-grade entries facing the street.



14.5.17 - Arcade

A Private Frontage where only the ground floor level of the Building Facade is set back from the Frontage Line. The Building Facade for the upper floors is at the Frontage Line and is supported by a colonnade supporting habitable space above. This type is intended to serve ground floor commercial, hospitality or retail uses, and is required to be used in conjunction with a Shopfront, or Officefront Frontage Type to define individual or shared first floor at-grade entries facing the street.

Components of the Downtown Code

Frontage Types

14.5.13 - Shopfront

The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.13-A - Description

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with street-facing individual and/or shared entries that provide at-grade access directly onto the public Sidewalk. This type is commonly associated with retail, service and/or hospitality uses, has substantial glazing on the Sidewalk level, and may include an Awning and/or Canopy that may Encroach into the First Lot Layer and over-lap the Sidewalk. To the extent there is a First Lot Layer, it is paved to join with the adjoining public Sidewalk and activated with outdoor shopping and/or restaurant seating.

14.5.13-B - Building Types

Mixed Use	Perimeter Building

14.5.13-C - Standards

Distance between voids	2-ft max.	A
Principal Entrance level	At grade, unless used with a Lightwell & Landing or Terrace Frontage Type	B
Sill Height	3-ft max.	C
Ground floor Facade voids (rough opening for windows and doors)	70% min. between 3-ft and 10-ft above the sidewalk.	
Depth of recessed entries	6-ft max. from Facade	
Clear Path of Travel to a Principal Entrance	3-ft wide min.	

14.5.13-D - Miscellaneous

Street-facing, street-level window area must remain unobstructed up to a minimum interior depth of 8-feet, with the exception of obstructions such as street-facing window signs or product displays that do not take up more than 25% of the total window area.

Windows cannot be made opaque by window treatments except for operable sunscreen devices within the conditioned space.

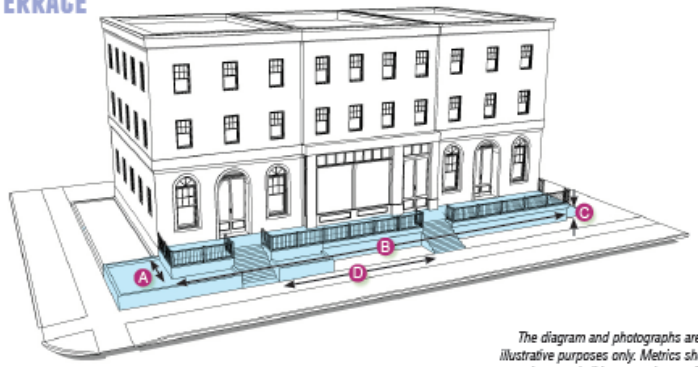
Shopfront doors, windows, awnings, Signs and lighting shall be designed as a unified whole.

Accordion-style doors/windows or other operable windows that allow the interior space to open to the street are encouraged.

External security shutters are not permitted.

Areas where a Shopfront Frontage Type is required are as depicted on Downtown and Waterfront District Regulating Plan - Map 3 - Shopfront Frontage Required opposite.

14.5.14- Terrace



The diagram and photographs are for illustrative purposes only. Metrics shown thereon shall have regulatory effect.

14.5.14-A - Description

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with an elevated terrace that may Encroach into the First Lot Layer providing level or terraced public circulation along the Façade. This type provides at-grade access to first story uses and shared entries for upper story uses while accommodating a grade change along a Frontage Line. Frequent steps up to the terrace are necessary to avoid overly tall terrace walls, and the Frontage Line along the terrace edge is defined by a low wall or decorative fence providing a strong spatial definition from the public Sidewalk and safety for pedestrians. Awnings and Canopies may Encroach into the First Lot Layer but shall not cross the Frontage Line. This type is required to be used in conjunction with other Frontage Types to define individual or shared entries facing the street.

14.5.14-B - Building Types

Multi-Family: Small	Mixed-Use
Multi-Family: Large	Perimeter Building

14.5.14-C - Standards

Depth	6-ft min. 15-ft max	A
Length	150-ft max.	B
Finish level above Sidewalk	4-ft max.	C
Distance between stairs/Access	50-ft max.	D

14.5.14-D - Miscellaneous

Terraces occupy the First Lot Layer, and may extend the depth of the Building's maximum required front yard setback to an amount equal to the maximum yard depth permitted in Sec. 14.5.14-C.

Stormwater Management:

Stormwater runoff from 100% of all net new and substantially redeveloped impervious area (or an equivalent area of impervious)) must be captured and managed in such a way as to mimic pre-development (meadow in good condition, Hydrologic Soil Group B) runoff (or discharge) ratio for the 1 year, 24 hour design storm subject to review and approval by the DPW Water Resources Div.

<u>Discretionary Review</u>
Flexibility - uncertainty

<u>By-Right Review</u>
Prescriptive - certainty

Components of the Form Based Code

Varying the Form:

Administrative Relief

DRB Alternative Compliance

Variance

Table 14.7.3-A - Administrative Relief

Type of Relief	Limits of Relief Granted	Required Findings	Standards Reference
Relief is necessary due to existing topography and other physical site features and constraints			
Lot Width: The width of a lot may vary from the maximum or minimum lot width requirements.	+/- 10%, not to exceed 5 feet	The property can be developed following the intent and all other applicable standards of the character district, and granting the relief will yield a result equal to or better than in strict compliance with the standard.	Section 14.3: Specific to Character Districts, Special Districts and Civic Spaces, Table 14.3.4-D - Lot Occupation & Building Placement
Building Setbacks: A building setback may vary from the maximum or minimum setback requirements.	10% max	The property can be developed following the intent and all other applicable standards of the character district, and granting the relief will yield a result equal to or better than in strict compliance with the standard.	Section 14.3: Specific to Character Districts, Special Districts and Civic Spaces,
Parking Location: Parking Areas may be located in the Second Lot Layer.	Up to 25% of the Frontage may be occupied by parking.	No more than 25% of the Frontage shall be occupied by parking and it shall be screened from view along the Frontage.	Section 14.3: Specific to Character Districts, Special Districts and Civic Spaces
Building Height: Building height may increase where on a sloping lot.	1 additional floor in height.	Granting the relief will enable compliance with the Principal Entrance Level requirements without compromising the desired ground level floor -to-ceiling height.	Section 14.3: Specific to Character Districts, Special Districts and Civic Spaces; Section 14.5: Specific to Frontage Types; and Section 14.6.5 Building Height
Retaining Wall Location: Grading of a site requires retaining walls on rear and side property lines.	A retaining wall may be placed up to a rear or side property line.	Existing topography makes the placement of retaining walls impractical else-where on the lot. The property can be developed following the intent and all other applicable standards of the character district, and granting the relief will yield a result equal to or better than in strict compliance with the standard.	Section 14.3: Specific to Character Districts, Special Districts and Civic Spaces; Section 14.6.4: Supplemental to Character Districts— Topography and Hillside Requirements

Varying the Form:

Table 14.7.3-A - Administrative Relief

Type of Relief	Limits of Relief Granted	Required Findings	Standards Reference
Building Setbacks: A building Setback may vary from the maximum or minimum Front and Side Setback requirements.	Maximum relief of 20% from the required maximum or minimum	The variation is necessary to allow the proposed Building to blend with existing Adjacent buildings along the Primary street Frontage.	Section 14.3: Specific to Form Districts and Civic Spaces
Depth of Recessed Entries: Allows for a deeper entry recess.	Maximum entry recess of 10-feet	A deeper entry is necessary for improved visitability.	Section 14.5: Specific to Frontage Types
Frontage Buildout: A reduction in the amount of the Principal Frontage that is occupied by a Building or a Streetscreen.	Maximum of 10% from the required Frontage Buildout	The relief is necessary to enable Access to the rear of the Lot because of constraints due to existing Lot Width and/or Buildings.	Section 14.3: Specific to Form Districts and Civic Spaces;
Frontage Buildout & Setback: A reduction in the amount of the Principal Frontage that is occupied by a Building or a Streetscreen.	Minimum necessary to satisfy the requirements of the Building and Fire Safety Codes.	An adjacent pre-existing Building has doors and/or windows on a side elevation and a greater setback is required. The relief is necessary to satisfy the requirements of the Building and Fire Safety Codes.	Section 14.3: Specific to Form Districts and Civic Spaces
Frontage: A reduction in the minimim elevation of the finished level above the sidewalk	Maximum relief of 6-inches	The relief is necessary for improved visitability.	Section 14.5: Specific to Frontage Types
Glazing: A reduction in the amount of required minimum glazing on Primary and Secondary Facades	Maximum of 10% from the required Glazing	The relief is necessary to meet the requirements of a High Performance Building Energy Code or program.	Section 14.4: Specific to Building Types, Table 14.4.15-A Street Activation and Section 14.5: Specific to Frontage Types
Glazing: A reduction in the maximum linear distance between window openings	Maximum of 10% of the required linear distance between windows	The relief is necessary for the creation of stronger distinctions between individual Frontage Types and/or at Building corners.	Section 14.4: Specific to Building Types, Table 14.4.13-A Street Activation
Ground Floor Floor-to-Floor Height: The minimum floor-to-floor height may be reduced.	Maximum relief of 12-inches	The relief is necessary to better align floors with a pre-existing adjacent Building.	Section 14.4: Specific to Building Types, Sec.14.4.9-C, Sec. 14.4.11-C and Sec. 14.4.12-C
Parking Area Location: Parking Areas may be located in the Second Lot Layer.	The lesser of 25% or 20-feet of a Frontage may be occupied by parking.	The relief is necessary because of constraints due to existing Lot Width and/or Buildings. Parking shall be screened from view along the Frontage.	Section 14.3: Specific to Form Districts and Civic Spaces
Parking Space Dimensions: Parking space(s) size may be reduced by increasing the proportion of Compact Cars.	Up to 30% of the total parking spaces may be designed and designated for compact cars.	The relief is necessary due to constraints created by existing Lot and/ or Building dimensions, and to better meet on-site parking demands.	Section 14.6.7: Parking, Loading, Service and Drive-ways
Porch Dimensions: The width and depth of a Porch may vary from the maximum or minimum requirements.	Maximum relief of 10% from the required maximum or minimum width and/ or depth provided a 5-ft minimum depth and 36 sqft minimum total floor area is maintained.	The relief is necessary due to constraints created by existing Lot and/ or Building dimensions.	Section 14.5: Specific to Frontage Types

Varying the Form:

Alternative Compliance: Relief from any non-numerical standard above, and any numerical standard with the exception of building height and FAR by no more than 20% of such requirement, may be granted by the Development Review Board. In granting such relief, the DRB shall find that:

i. the relief sought is necessary in order to accommodate **unique site and/or Building circumstances or opportunities**;

ii. the relief if granted is the **minimum necessary** to achieve the desired result;

iii. the property will otherwise be developed **consistent the purpose of this ordinance**, the purpose of the underlying Zoning District and this Overlay District, the purpose of the section that the relief is being sought, and all other applicable standards;

iv. the relief if granted **will not impose an undue adverse burden** on existing or future development of adjacent properties; and,

v. the relief if granted **will yield a result equal to or better than strict compliance** with the standard being relieved.

The Review Process:

By-Right

(Staff Review)

- Form District Standards
- Building Type Standards
- Frontage Type Standards
- General Standards
- Sign Type Standards
- Urban Design Standards
- Landscape Standards
- Administrative Relief Requests

Discretionary

(DRB Review)

- Conditional Uses
- Major Impact Projects
- Discretionary Height
- Civic Building and Spaces
- DRB Relief Requests
- Variance Requests
- Appeals of Administrative Decisions

General Questions?

or

Specific questions or issues that you want to get into more detail at the next meeting?

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
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(802) 865-7195 (FAX)
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www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur
Eamon Dunn, Youth Member

Burlington Planning Commission

Tuesday, July 11, 2017, 6:30 P.M.

Conference Room 12, City Hall, 149 Church Street

Minutes

Members Present: A Montroll, B Baker, Y Bradley, H Roen, E Lee, J Wallace-Brodeur, E Dunn
Members Absent: A Friend
Staff Present: D White, M Tuttle, A Wade

I. Agenda

The Chair called the meeting to order at 6:35 pm. There were no changes to the agenda.

II. Public Forum

No one from the public was present to speak.

III. Report of the Chair

A Montroll: Presented the annual report to Council Monday. Last meeting did not have quorum; reminder to Commission members to notify staff when they are unable to attend a meeting.

IV. Report of the Director

D White: Meeting is a milestone in the work done on the form based code. Staff has been busy on this project and many others including Great Streets. Resolution to the appeal of the Burlington Town Center should be finalized soon. Settlement includes a modification to the approved plan to include another entrance to an additional below-ground parking garage with 200 spaces from Pine Street.

E Lee: What was the appellants' issue with parking?

D White: That is unclear; however, result was another parking garage completely distinct from the other parking resources and with a third entrance.

V. Annual Organizational Meeting

The Commission unanimously approved a motion by Y Bradley, seconded by B Baker, to elect A Montroll as Chair of the commission.

A Montroll: Pleasure and honor to serve. Commission is off to big start this year.

The Commission unanimously approved a motion by Y Bradley, seconded by E Lee, to elect B Baker as Vice-Chair of the commission.

The Commission unanimously approved a motion by B Baker, seconded by J Wallace-Brodeur, to elect Y Bradley as the At-Large member of the Executive Committee.

The Commission unanimously approved a motion by E Lee, seconded by H Roen, to appoint A Wade as Planning Commission Clerk.

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

A Montroll: Any requests for alternative appointments on committees?

M Tuttle: Appointments to committees will include Commissioners only; future meeting will appoint DRB, DAB and Conservation Board members.

The Commission unanimously agreed to retain existing committee assignments, including H Roen, E Lee, and J Wallace-Brodeur on the Long Range Planning Committee, and A Friend, A Montroll, and B Baker on the Ordinance Committee.

VI. Proposed ZA-18-01: planBTV Downtown Code

A Montroll: After many meetings, and a hiatus to work on the DMUC, the joint Council and Commission committee forwarded the amendment to the Commission for consideration with a vote of 4 to 1. The Enterprise Zone, RH zone, and Waterfront areas were taken out of the original draft code; the focus became the downtown core. Building heights were a big issue, but Committee did not make major changes with heights or boundaries for the downtown core. The downtown code isn't major leap from where we are now. When the zoning code was first established it concentrated more on the use for each of the districts and the City later developed requirements for setbacks and heights. Form-based changes this by focusing on what the building looks like, and the impact on downtown character and pedestrian access; uses become secondary. This code does away with bonuses, and replaces with more prescriptive and directive criteria. This will result in less public process for smaller projects which can be reviewed administratively, but those approvals will result in a project that is much closer to what we want. A larger project, or one requesting a higher height will still go before the DRB and include public input. Anticipate a smooth transition from the current code to the form based code's predictability due to checklists of specific criteria.

E Lee: How does the process become more predictable?

A Montroll: Currently, projects go through the DRB process, which includes uncertainty about the length of the process and the outcome. The form based code gives specific criteria with design, heights, etc which the DRB apply to decisions. There have been many discussions on how to preserve the public opportunity to engage in the DRB review process. Larger projects will still be reviewed; and smaller projects will have more direction for results that are what we want.

D White: Code is an evolution of the 1970's Design Review standards, which were adopted into zoning and further refined in 2008. This code specifically originates from planBTV Downtown & Waterfront Plan. Several other communities using form based today including Winooski, Colchester, South Burlington and Jericho. Goal for tonight is to present an overview, with a chance to see where there are specific issues and questions. If the Commission is prepared, take action to warn for Public Hearing on August 7, to transmit to Council in September. The zoning amendment includes two parts: Article 14, which is the Downtown code itself, and all associated amendments to rest of zoning code to like to Article 14. Article 14 is not part of the design review process; has its own process. Code includes a hierarchy of standards for districts, building types and frontage type, selected from a menu. Provided a presentation on the code regarding the districts, intent, building and frontage types, urban design standards and review process.

A Montroll: Next meeting will focus on specifics of the code based on Commission's interests.

H Roen: Would like to learn more about the process for approving additional building height.

D White: Project that doesn't have to go to DRB will include a pre-application meeting with staff so that applications are complete; then staff will run the project through a checklist with a 30-day time frame required. More than 5 units and 10,000 sq.ft. will have had an NPA meeting. If goes to DRB, starts the same way, then schedule a DAB review and a public hearing for the DRB. No 30 day limit, but most are complete within 60 days.

J Wallace-Brodeur: What is the threshold for major impact?

D White: Major impact threshold for DRB review is 50 units, footprint larger than 50,000 sq.ft., or GFA larger than 100,000 sq.ft. in downtown. However, projects with 5 units and 10,000 sq.ft. just requires neighborhood meeting.

J Wallace-Brodeur: Why are some streets excluded from frontage requirements?

D White: Required on major east-west streets linking downtown to waterfront, include Church Street, then looked at where there is concentration of street-front activity today to maintain or expand pedestrian activity. But some streets don't have a strong retail presence, and if it is residential left them out.

A Montroll: This was an area where committee spent a lot of time made a variety of adjustments from staff recommendation. We were not always unanimous in views, but worked really hard to come to a consensus. If we don't make changes to the ordinance, we should still send comments to the Council for consideration.

J Wallace-Brodeur: Would like to discuss in next meeting, should identify other items we may want to include in a communication for Council.

H Roen: Will administrative review require additional staff time to review applications?

D White: It will be tremendously efficient and the burden will be on the applicant to demonstrate that all standards are met. Staff just needs to run through the checklist.

B Baker: Was there outreach to architects and developers who will use this code?

D White: Yes, and Mayor's office will be convening a meeting to discuss as well. May need to do more outreach.

The Commission unanimously approved a motion by Y Bradley, seconded by B Baker, to warn the amendment for public hearing in August.

VII. Committee Reports

Executive: Met to discuss scheduling for form based code at July and August meetings.

Ordinance: Did not meet in July.

Long Range: planBTV South End will be ready for Commission when form-based code work completed.

VIII. Commissioner Items

No items to discuss.

IX. Minutes & Communications

The Commission unanimously approved a motion by E Lee, seconded by B Baker, to approve the minutes from the June 13, 2017 meeting.

X. Adjourn

The Commission unanimously approved a motion by E Lee, seconded by J Wallace-Brodeur, to adjourn the meeting at 8:10pm.

_____

Andy Montroll, Chair

Signed: August 25, 2017

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Meagan Tuttle, Comprehensive Planner