ARTICLE 4: ZONING MAPS AND DISTRICTS

Introduction: This Article of the Burlington Comprehensive Development Ordinance establishes zoning districts throughout the city and the district-specific uses, standards and regulations for each. It also establishes a series of overlay districts which modify the underlying regulations in special or specific circumstances.

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Sec. 4.0 Intent & Authority

These regulations are enacted under the provisions of 24 V.S.A. Chapter 117 with the purpose of:

(a) Dividing all land within the city into zoning districts for the purpose of regulating land use and development;

(b) Providing uniform provisions for each class of uses or structures within each district; and,

(c) Requiring that every parcel of land and every structure in the city, except as otherwise provided by law or by this ordinance, be subject to the regulations, restrictions, and requirements specified for the district in which it is located.

PART 1: ZONING MAP

Sec. 4.1.1 Title

There shall be a map known and designated as the "Official Zoning Map, City of Burlington, VT" (see Map 4.3.1-1) which shall show the boundaries of all zoning districts within the city. The map shall be maintained by the department of planning and zoning in a digital form within the city's geographic information system. An official copy shall be dated and displayed for public reference.

Sec. 4.1.2 Loss or Damage

Should the Official Zoning Map be lost, destroyed or damaged, the administrative officer may have a new map prepared. Computer-generated zoning maps, or copies thereof showing identical data, may be used as substitutes for prints. No further city council authorization or action is required so long as no district boundaries are changed in this process.

Sec. 4.1.3 Amendments & Revisions

Amendments to this map shall be made pursuant to statutory authority and shall be automatically incorporated herein upon adoption. Only the administrative officer, or his or her designee, shall be authorized to alter or modify the Official Zoning Map in accordance with actions of the city council.

The administrative officer shall update the official zoning map and any data bases used for computer-generated zoning maps as soon as possible after amendments to it are adopted by the city council. Upon entering any such amendment, the administrative officer shall change the date of the map to indicate its latest revision. New prints or copies of the map may then be issued.

The department of planning and zoning shall keep copies of superseded prints of the zoning

map for historical reference.

Sec. 4.1.4 Interpretation of District Boundaries

Zoning district boundaries are intended to follow the center line of highways, roads, alleys, railroads, streams, other bodies of water, civil division lines, land lot lines, property lines, or contour lines, or from a specified distance from any of the aforementioned. All such lines or center lines shall be construed to be such boundaries as they existed at the time of passage of this ordinance;

Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the following rules shall apply:

(a) Where district boundaries appear to approximately follow the center line of highways, roads, alleys, railroads, streams, other bodies of water, civil division lines, land lot lines, property lines or contour lines, such lines or center lines shall be construed to be such boundaries as they existed at the time of passage of this ordinance;

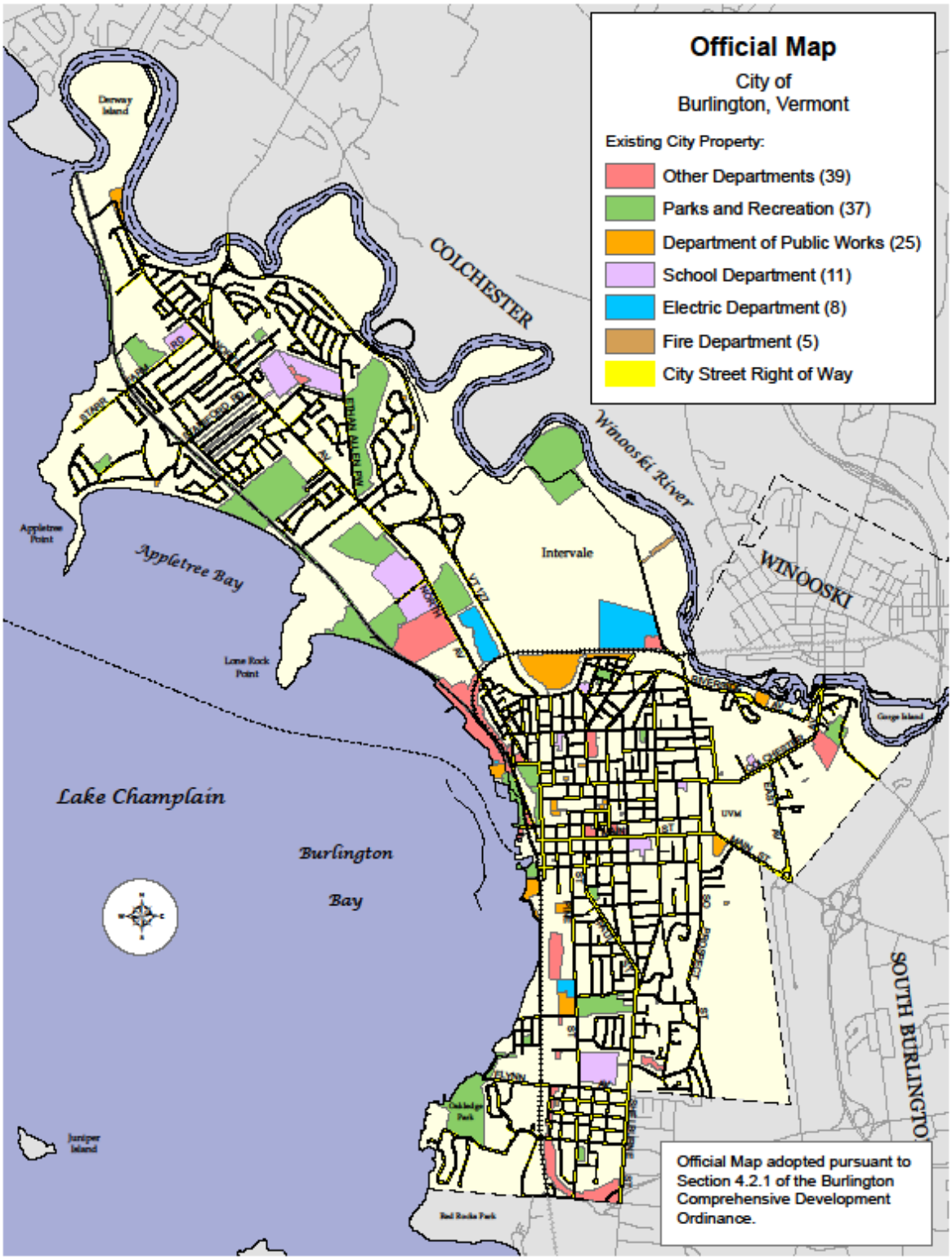
(b) Where district boundaries are indicated as being measured from or being parallel to the center line of highways, roads, alleys, railroads, civil division lines, land lot lines, or property lines, such boundaries shall be construed as being measured from or being parallel thereto and at a distance therefrom as indicated or as determined by the scale shown on the zoning map; and

(c) If further uncertainty exists, the administrative officer shall make a determination as to the location of the boundaries based on the graphic scale of the zoning map.

PART 2: OFFICIAL MAP

Sec. 4.2.1 Authority and Purpose

A map entitled "The Official Map of the City of Burlington" and as depicted on Map 4.2.1-1 below is hereby established pursuant to 24 VSA 4421 that identifies future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements. The intent is to provide the opportunity for the city to acquire land identified for public improvements prior to development for other use, and to identify the locations of required public facilities for new subdivisions and other development under review by the city.



Map 4.2.1-1 Official Map of the City of Burlington

Sec. 4.2.2 Downtown and Waterfront Core Official Map Established

A map entitled "The Official Map of the Downtown and Waterfront Core" and as depicted on Map 4.2.2-1 below is established as part of the Official Map established above. The proposed streets, public ways, public parks and other public lands and visual corridors contained therein are more particularly described as follows:

(a) A pedestrian easement thirty (30) feet in width along the center line of Main Street extended to Lake Champlain west of the Union Station building;

(b) A waterfront pedestrian easement fifty (50) feet in width abutting the ordinary high water mark of Lake Chaplain from Maple Street extended to College Street;

(c) A waterfront pedestrian easement one hundred (100) feet in width abutting the ordinary high water mark of Lake Champlain from College Street extended to the north property line of the city-owned lands designated as "urban reserve" and formerly owned by the Central Vermont Railway;

(d) Visual corridors and/or pedestrian ways sixty (60) feet in width along the center lines of Bank, Cherry, Pearl and Sherman streets extended west to Lake Champlain and visual corridors above the fourth floor along Main Street and College Street;

(e) The following existing streets remain: Maple and King Streets and as extended to Lake chaplain; Main street; College Street and as extended to Lake Champlain; Lake Street from Main Street to College Street; Depot Street; and Battery Street;

(f) An easement for pedestrians and bicycles twenty (20) feet in width, located adjacent to and west of the old Rutland railway right-of-way and owned by the State of Vermont running between the King Street Dock and College Street;

(g) Lake Street (north) modified: The portion of Lake Street is a street seventy (70) feet in width, the center line of which commences on the north line of College Street thence running northerly following the center line of existing Lake to a point intersecting the northerly property line of the Moran Generating Station extended east.

(h) The re-establishment of St Paul Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles; and,

(i) The re-establishment of Pine Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles.

Map 4.2.2-1 Official Map of the Downtown and Waterfront Core

Sec. 4.2.3 Permit Denial Regarding Official Map Parcels

If a permit for any structure within the lines of any proposed street, drainage way, park, school, or other public facility shown on the Official Map or the Waterfront Core Official Map is denied, the city council shall have one hundred and twenty (120) days from the date of the denial of the permit to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the administrative officer shall issue the permit if the application otherwise conforms to all the applicable bylaws.

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 three (3) **Downtown Mixed Use** districts: *(see Sec. 4.4.1 and Art. 14)*

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

(b) A series of four (4) **Neighborhood Mixed Use** districts: *(see Sec. 4.4.2)*

- Neighborhood Mixed Use (NMU);
- Neighborhood Activity Center (NAC);
- Neighborhood Activity Center - Riverside Corridor (NAC-RC); and,
- Neighborhood Activity Center – Cambrian Rise (NAC-CR);

(c) A series of two (2) **Enterprise** districts: *(see Sec. 4.4.3)*

- Agricultural Processing and Energy (E-AE); and,
- Light Manufacturing (E-LM);

(d) An **Institutional** district, as follows: *(see Sec. 4.4.4)*

(e) A series of five (5) **Residential** districts: *(see Sec. 4.4.5)*

- High-Density Residential (RH);
- Medium-Density Residential (RM);
- Medium-Density Residential - Waterfront (RM-W);
- Residential Low Density (RL); and,
- Residential Low Density - Waterfront (RL-W);

(f) A series of three (3) **Recreation, Conservation, and Open Space** districts: *(see Sec.*

4.4.6)

- Agriculture (RCO-A);
- Recreation/Greenspace (RCO-RG); and,
- Conservation (RCO-C);

(g) An **Urban Reserve District (UR).** *(see Sec. 4.4.7)*

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) A **Design Review Overlay (DR)** district**;**

(b) A series of five (5) **Institutional Core Campus Overlay (ICC)** districts, as follows:

- UVM Medical Center Campus (ICC-UVMMC);
- UVM Central Campus (ICC-UVM);
- UVM Trinity Campus (ICC-UVMT)
- UVM South of Main Street Campus (ICC-UVMS); and,
- Champlain College (ICC-CC);

(c) An **RH Density Bonus Overlay (RHDB)** district**;**

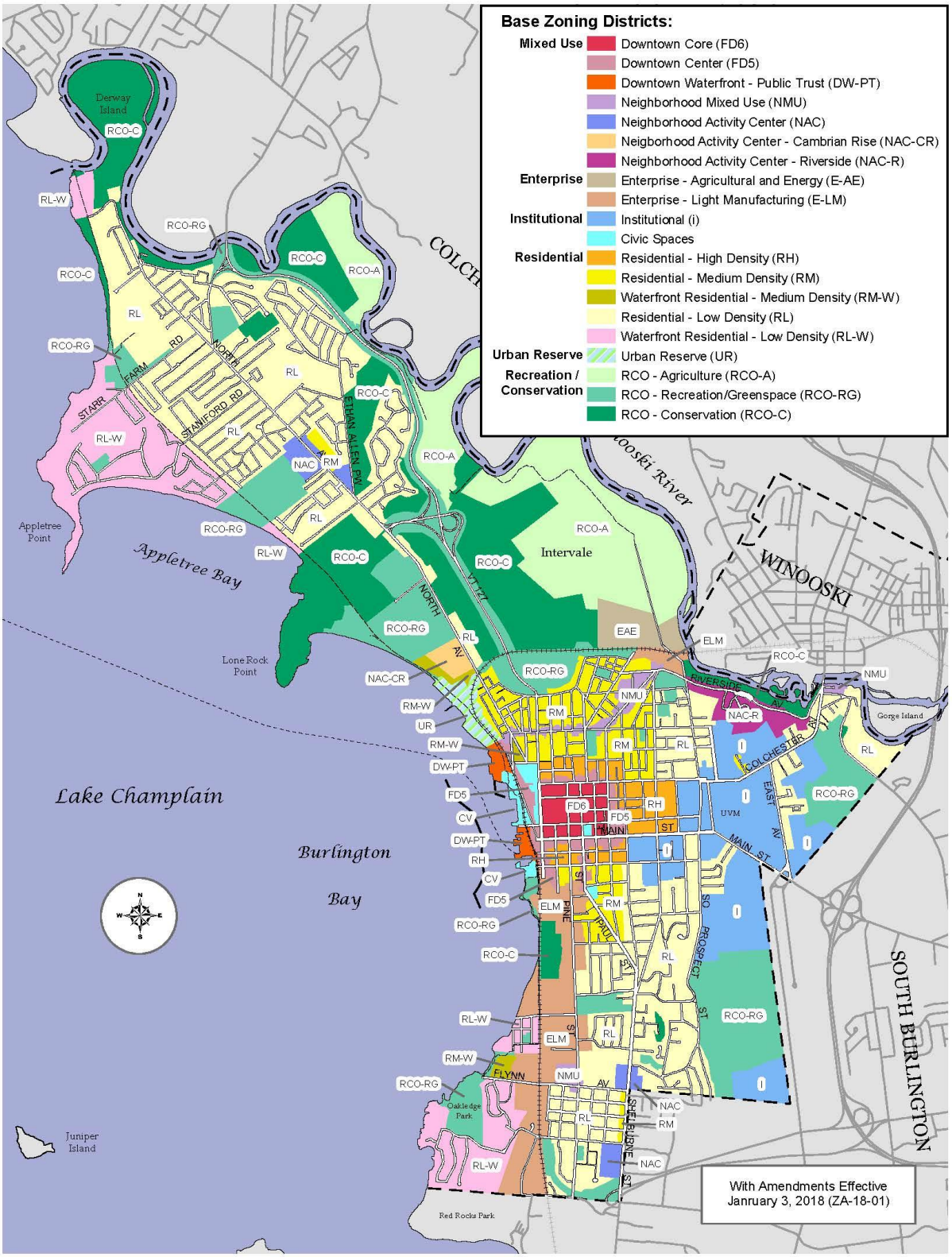
(d) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and,
- Special Flood Hazard Area;

(e) A **RL Larger Lot Overlay (RLLL)** district;

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

(g) A **Centennial Woods Overlay (CWO)** district.



Map 4.3.1-1 Base Zoning Districts

PART 4: BASE ZONING DISTRICT REGULATIONS

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

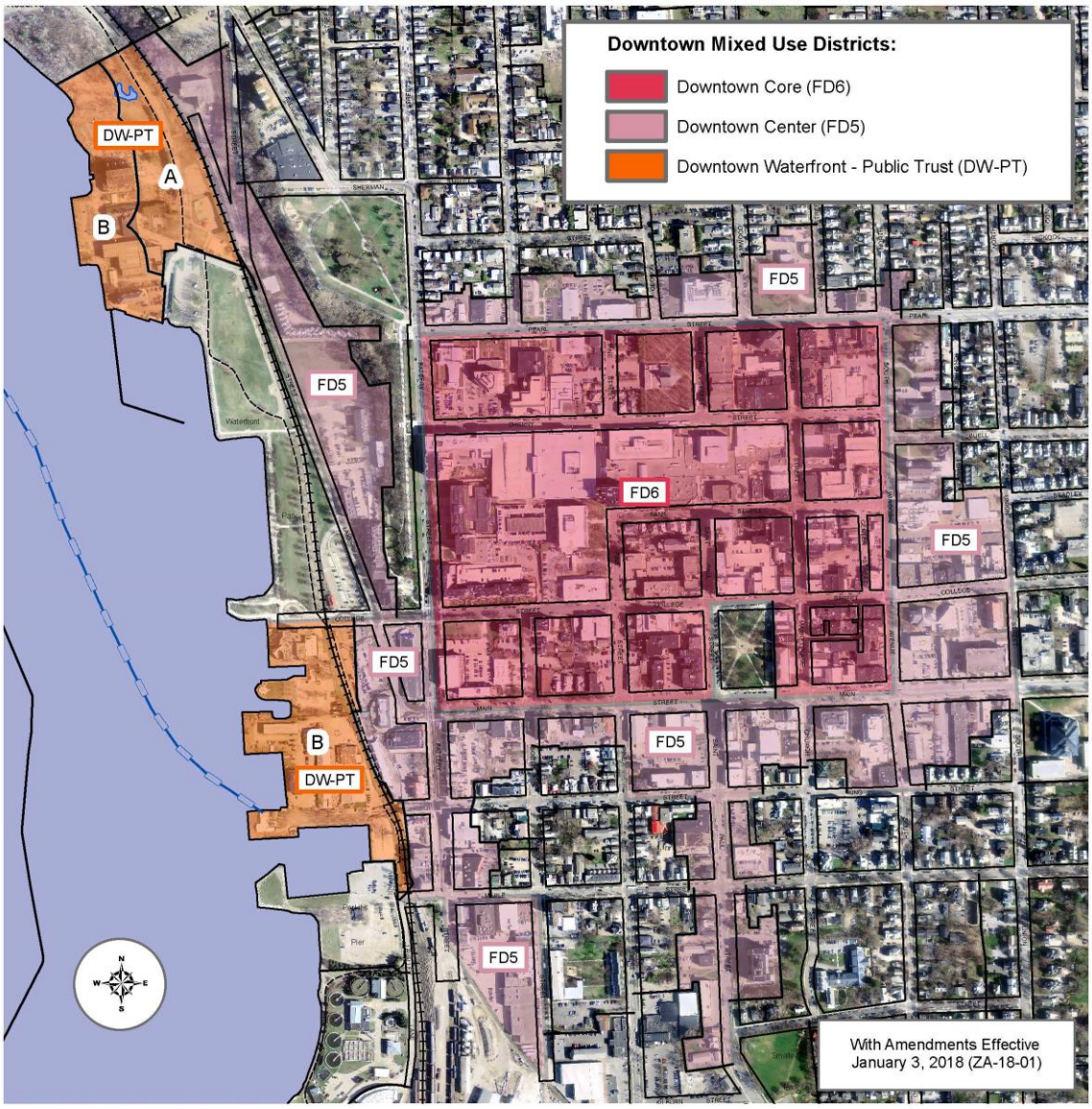
1. Two Form Districts - **FD6 – Downtown Core and FD5 - Downtown Center** - are created pursuant to *Article 14 planBTV: Downtown Code*. The purpose, and all development standards and review procedures regarding development in these areas can be found in that article.

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.



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 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 Side Rear	Height (feet)
Downtown Waterfront – Public Trust				
A. North of Pearl - West	2 FAR	*Same as Downtown Waterfront*		Max: 35
B. Lakeshore[2]	2 FAR	*Same as Downtown Waterfront*		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 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.

(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 District shall be as defined in Appendix A – Use Table and under (d)(2) below.

(d) District Specific Regulations

1. Use 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.), 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.

(viii) Public Markets.

B. Permitted Uses: Maple to 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 Maple Street extended north to the centerline of Main Street extended:

(i) Facilities for transporting pedestrians and vehicles upon Lake Champlain by ferry and cruise vessels, including necessary docks, wharfs, maintenance facilities, administrative offices, gift shops, snack bars and related parking facilities.

(ii) Marine related retail facilities.

(iii) Restaurants.

(iv) Inns with public space, including restaurant, restroom and retail use. Restrooms in the inns shall be available to the public. The authorization granted under this subdivision is contingent upon the prior and continuing availability in Burlington Harbor of 45 transient dock slips which are appropriately marked for convenient access. The authorization granted under this subdivision is also contingent upon the availability, in perpetuity, of uninterrupted public access along the shoreline of Lake Champlain from the centerline of Maple Street extending north to the centerline of Main Street.

(v) Public Markets.

(vi) 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.

C. Other Regulations in Effect

All other regulations of this ordinance shall apply to any uses permitted under this Article.

3. Facades and Setbacks on Side and Rear Property Lines

New buildings, or additions or improvements to existing buildings, placed on a side or rear property line where no setback is required may contain neither doors nor windows along such façade. Where the façade of an existing adjacent principal building is within 5 feet of a common property line and has either doors or windows, a setback of 10-feet shall be required for any new development up to the height of the abutting building.

4. 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.

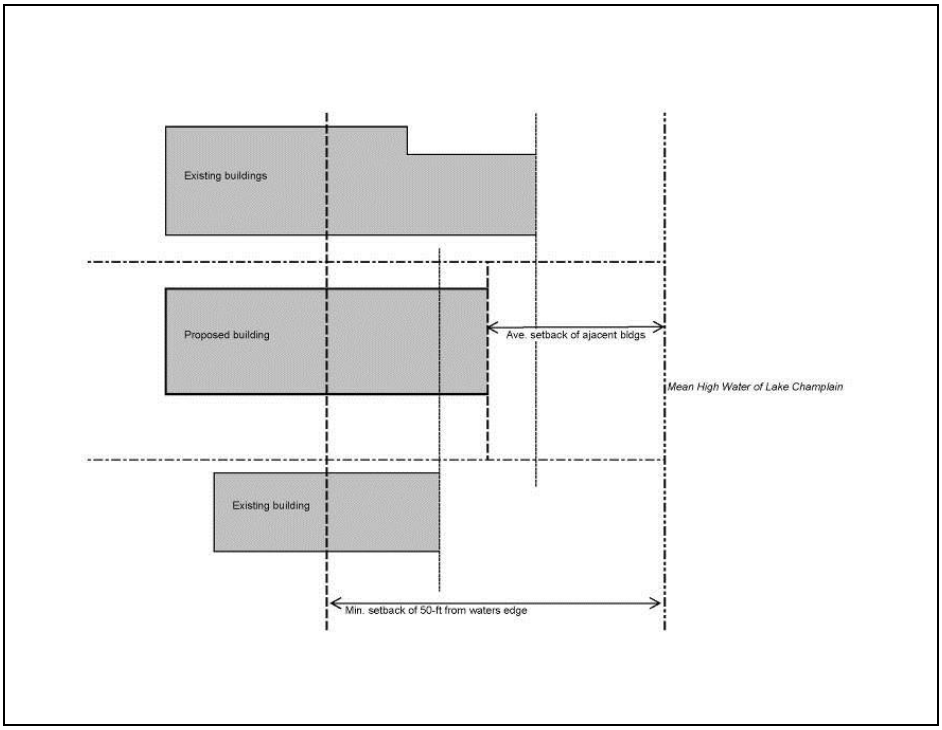


Figure 4.4.1-4 Waterfront Setback Encroachment

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.

5. 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. Public Parking:

A bonus in excess of the base height and FAR allowance in Downtown Waterfront – Public Trust District 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.

B. Job Attraction and Expansion Bonus:

A bonus in excess of the base height and FAR allowance in Downtown Waterfront – Public Trust District 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 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.

C. *Reserved*

D. 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.

E. 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 A, B, and D above inclusive.

F. 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 Waterfront – Public Trust:		
A. North of Pearl - West	3.0 FAR	35 feet
B. Lakeshore	3.0 FAR	35 feet

Sec. 4.4.2 Neighborhood Mixed Use Districts

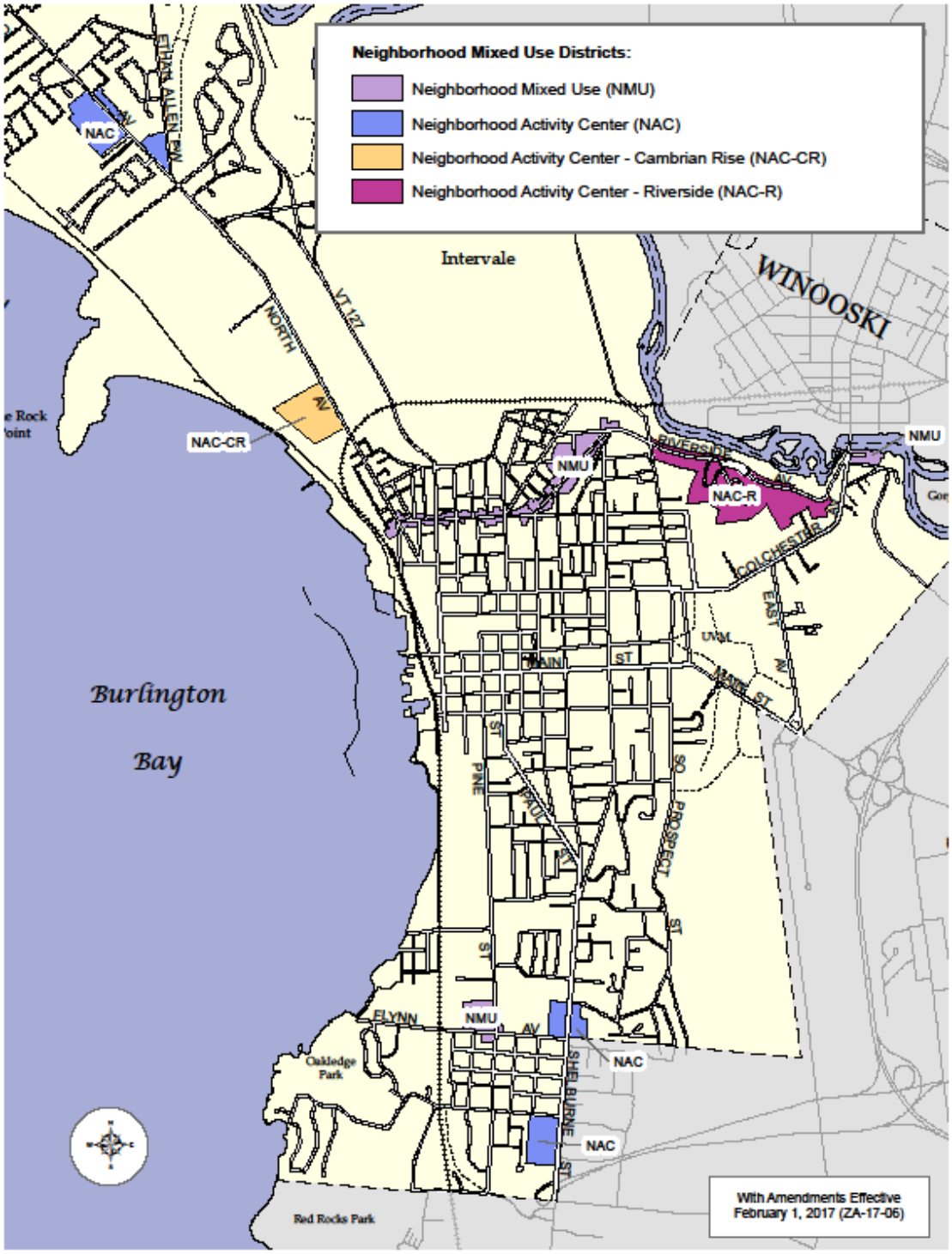
(a) Purpose:

The Neighborhood Mixed Use districts promote development that combines non-residential and residential uses on a single site. These zones allow an increased intensity of development than would typically be found in the surrounding residential areas, and provides neighborhood oriented goods and services and employment opportunities within walking and biking distance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new commercial and residential opportunities in the City. The emphasis of nonresidential uses should primarily be oriented to serving the needs of the surrounding residential neighborhoods and other neighborhood commercial uses.

Development is intended to consist primarily of businesses on the ground floor with housing and other non-residential uses on upper stories. The exception to this is the NAC – Cambrian Rise district that is intended to be more residential in nature than the other Neighborhood Mixed Use districts and thereby is expected to incorporate residential uses at the street level. Development is intended to be pedestrian-oriented with buildings oriented to the sidewalk, especially at corners. Parking is intended to be hidden from the street, since its appearance is out of character with the surrounding residential development and the desired orientation of the buildings.

The 4 Neighborhood Mixed Use districts as illustrated in Map 4.4.2-1 are further described as follows:

1. The **Neighborhood Activity Centers** (NAC) are intended to provide convenient neighborhood and city wide-oriented goods and services and employment opportunities within walking or biking distance of many of the city's residential areas;
2. The **Neighborhood Mixed Use** (NMU) district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods; and,
3. The **NAC – Riverside** (NAC-R) is intended to allow commercial development in areas already predominantly built along this important travel corridor while encouraging emerging mixed-use development. The zone allows a full range of retail and service businesses with a local or regional market orientation. Light industrial uses are allowed but limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves. Parking is intended to be placed behind or to the side of principle buildings.
4. The **NAC – Cambrian Rise (NAC-CR)** is intended to create a new center for mixed use development that allows for a range of housing types and tenures, and to accommodate a diverse range of complimentary general office, institutional and neighborhood oriented small-scale retail and service uses. Much of the development is intended to be densely concentrated and oriented towards North Avenue, with new buildings that are complimentary to the iconic historic former-orphanage. Development should be compact, pedestrian-oriented and enhance the community with creative design, durable materials, and quality construction. Buildings fronting on North Avenue should be oriented toward and activate North Avenue, while Buildings fronting on new streets should be oriented toward and activate those streets. Buildings and landscaping should work together to contribute to the physical definition of streets as civic places, with buildings at and near the street level composed of human-scaled elements and details that promote pedestrian interest, comfort, and safety. Parking should to be hidden behind, to the side, within, or underneath principle buildings, and screened from view from public streets and community spaces.



Map 4.4.2-1 Neighborhood 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 shall be governed by the following standards:

Table 4.4.2 -1 Dimensional Standards and Density

Districts	**Max. Intensity** (floor area ratio[1])	**Max. Lot Coverage**	**Minimum Building Setbacks** (feet) Front[3]	Side	Rear	**Building Height** (feet)
NAC	2.0 FAR	80%[4]	0	0[2]	0[2]	Min: 22', 2 stories Max: 35
NMU	2.0 FAR	80%	0[5]	0[2]	0[2]	Min: 2'. 2 stories Max: 35
NAC-Riverside	2.0 FAR	80%	0	0[2]	0[2]	Min: 22', 2 stories Max: 35
NAC-CR	2.0 FAR	60%	Min. 0[7] Max. 20[7]	10[6]	20[6]	Min: 22', 2 stories Max: 65'

1. Floor area ratio is described in Sec. 5.2.7. Measurement of and exceptions to height limits are found in Sec 5.2.6. Bonuses for additional FAR and height where available are described in section (d)3 below, and additional height, FAR and lot coverage is afforded by-right for inclusionary housing projects under Sec. 9.1.12. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
2. Structures shall be setback a minimum of 15-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.
3. Structures shall be setback a minimum of 12-feet from the curb on a public street.
4. Exceptions to maximum lot coverage are provided in (d)2.
5. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.
6. Side and rear yard setbacks are applicable only to the periphery of the NAC-CR district and not to individual parcels within the district.
7. Front yard setbacks for buildings fronting on North Avenue shall be 20' min and 30' max.

(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 Neighborhood Mixed Use districts shall be as defined in Appendix A – Use Table.

(d) District Specific Regulations:

1. 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 within 25-feet of a public street right-of-way along the street-level frontage in the NAC District. This restriction shall not apply in the NAC – Riverside and NAC – Cambrian Rise districts.

2. Exception to Maximum Lot Coverage in NAC District

The following exceptions to the maximum lot coverage standards for the NAC District of Table 4.4.2 -1 may be provided as follows:

A. Landscaping

Developments that provide landscaping within a parking lot may increase lot coverage above the allowable 80% maximum up to a lot coverage maximum of 85%. This additional lot coverage is limited to twice the landscaping area within a parking lot for each landscaped area of at least 125 square feet with a minimum width of 8 feet excluding curbs, and that include significant shade trees whose mature height is at least 35 feet. If more than two such trees are planted, they shall be 30 feet on center, linear.

In calculating lot coverage, sidewalks are not to be included that are shaded with significant shade trees whose mature height is at least 35 feet and are planted 30 feet on center, linear. A substantial tree must be at least 3 inches in caliper and planted in accordance with Section 11 of the city's "*Burlington Street Tree Planting Plan*" design and planting recommendations.

B. Housing

Developments that provide housing in addition to non-residential uses may increase lot coverage above the allowable 80% maximum by allowing an additional two square feet of lot coverage for every square foot of housing, up to a lot coverage maximum of 90%.

3. Development Bonuses/Additional Allowances

The following exceptions to maximum allowable base building height and FAR in Table 4.4.2-1 above may be approved in any combination subject to the maximum limits set forth in Table 4.4.2-2 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 the NAC and NAC-Riverside districts may be permitted at the discretion of the DRB for the provision of additional onsite inclusionary housing units.

A maximum of an additional 0.5 FAR may be permitted at the discretion of the DRB for an additional 5% inclusionary housing units provided onsite in excess of the requirements of Article 9, Part 1. 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 maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB in the NAC and NAC-Riverside districts where no less than twenty-five per cent (25%) of the total number of onsite units are reserved for low-moderate income senior households 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. Maximum Bonus:

In no case shall any development bonuses or 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 4.4.2 -2: Maximum FAR and Building Heights with Bonuses

	Maximum FAR	Maximum Height
NAC	3.0 FAR	45 feet
NAC-Riverside	3.0 FAR	45 feet
NAC-Cambrian Rise	2.5 FAR	75 feet
NMU	2.5 FAR	45 feet

Sec. 4.4.3 Enterprise Districts

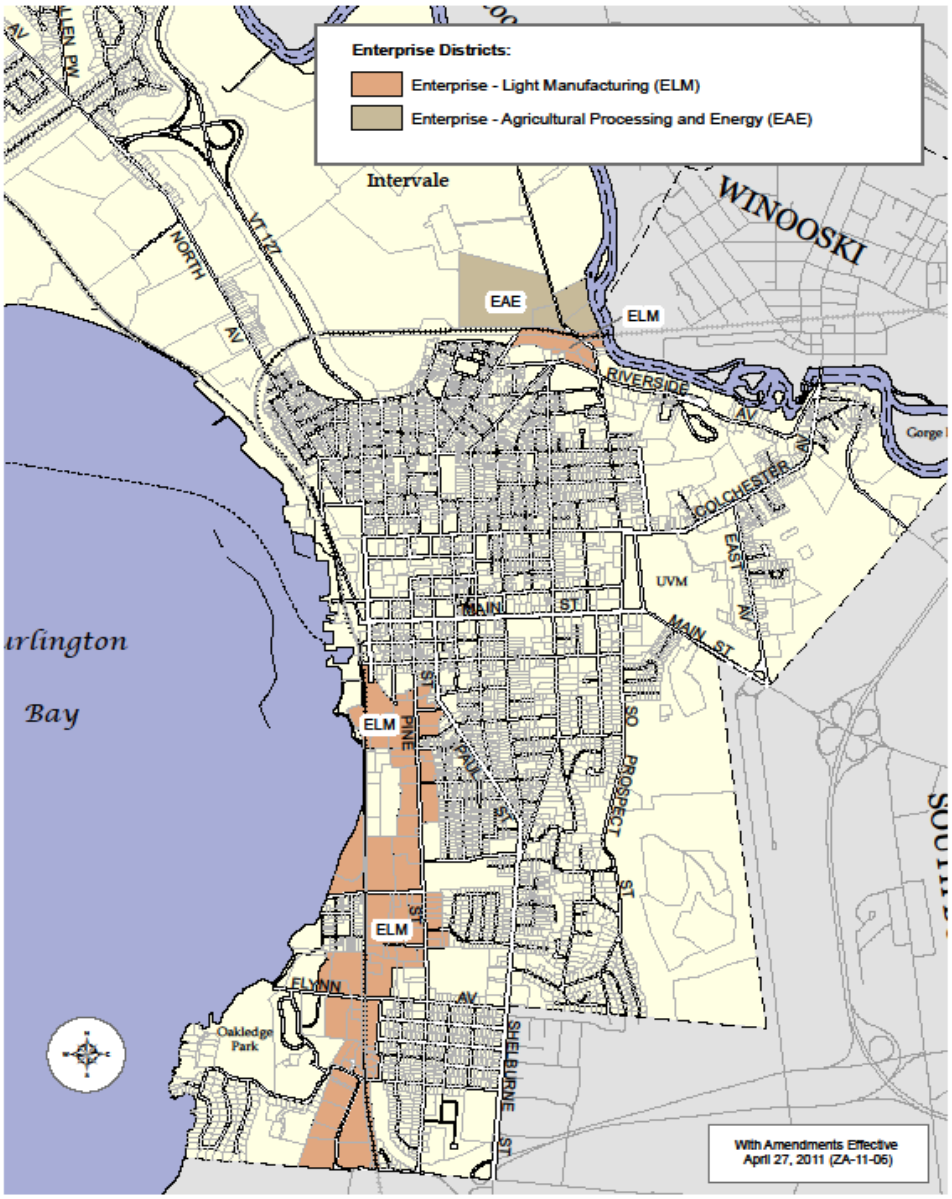
(a) Purpose:

The 2 Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

1. The **Light Manufacturing** (E-LM) district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures.

2. The **Agricultural Processing and Energy** (E-AE) district is intended primarily to accommodate enterprises engaged in the manufacturing, processing, and distribution of agricultural goods and products, and those related to the generation of energy from

renewable sources. This district is intended to serve as a community of manufacturing and service businesses that work together to improve their environmental and economic performance. By working together they will reduce the use of raw materials, reduce outputs of waste, conserve energy and water resources, and reduce transportation requirements. Businesses with this district are encouraged to build linkages between themselves to coordinate the flows of energy and materials for maximum efficiency. Development should be designed with close attention paid to the principles of sustainable development and green building technologies. Parking is intended to be hidden within, behind, or to the side of primary structures.



Map 4.4.3-1 Enterprise 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 shall be governed by the following standards:

Table 4.4.3 -1 Dimensional Standards and Density

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

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.
3 – Percentage of the lot depth.

(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 Enterprise districts shall be as defined in Appendix A – Use Table.

(d) District Specific Regulations:

1. Convenience Stores.

The following shall apply to the review and approval of convenience stores in the E-LM district in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:

A. Convenience stores in the E-LM district shall only be allowed on properties fronting on Pine Street, and must be sited at least 2,000 linear feet, measured lot line to lot line, from any other convenience store in the E-LM district;

B. A convenience store shall not contain more than 5,000 square feet of gross floor area;

C. If located at a street intersection, the nearest edge of any curb cut shall be located as far as possible from any intersections with a minimum distance of 50 feet from an intersection as measured from the corner of and along the lot line of the site;

D. Approval shall be granted only if, in addition to the general conditional use standards listed in Sec. 3.5.6, the DRB determines that a proliferation of

convenience stores is not threatening the primary intent of the E-LM district for industrial purposes, as stated in Section 4.4.3 (a) 1; and,

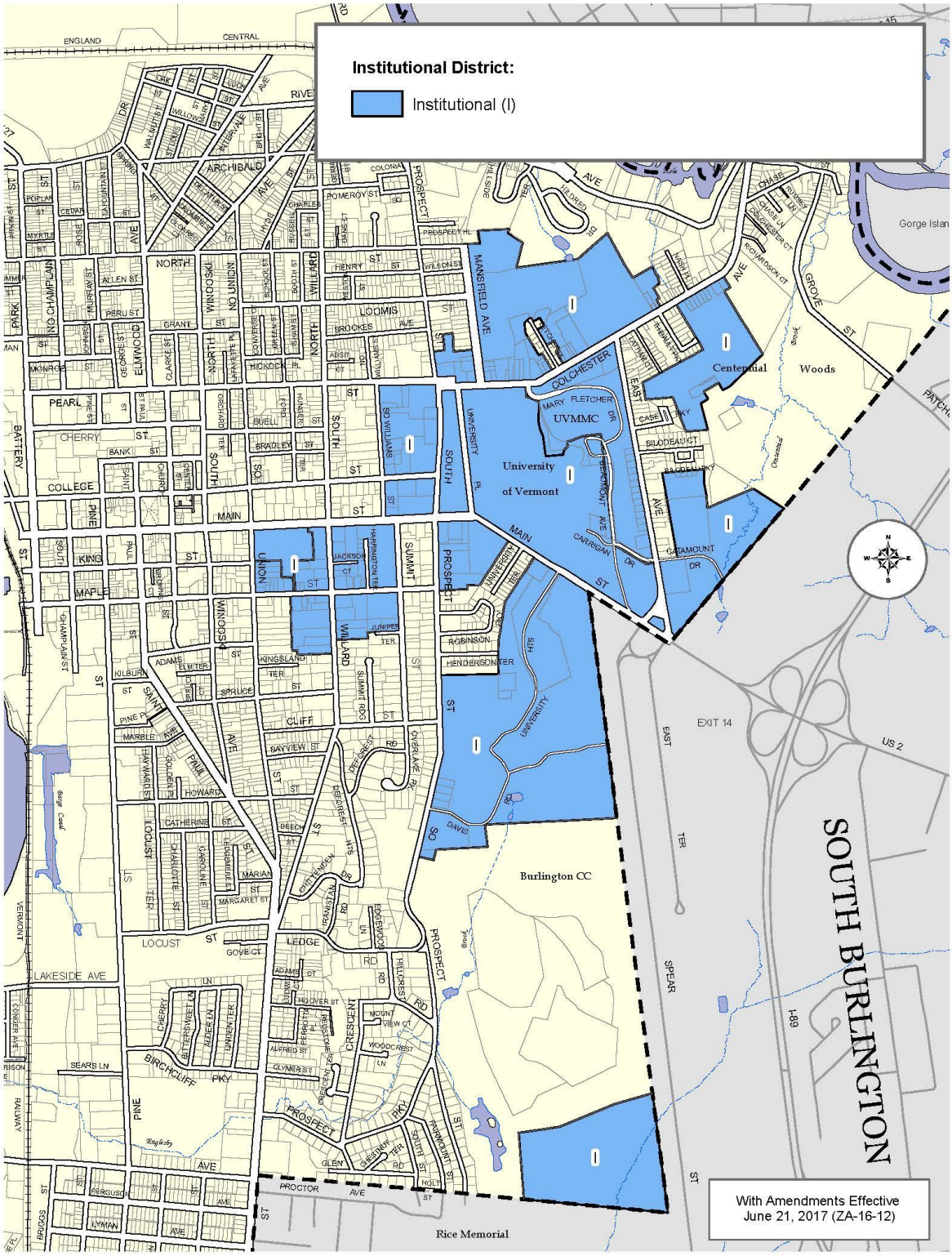
E. Convenience stores that obtain a conditional use permit within the E-LM District may include gasoline pumps provided the total square footage occupied by pumps, pump islands and vehicular space(s) at a pump filling station is the lesser of 1,850 s.f. or 50% of the gross floor area of the enclosed convenience store.

Sec. 4.4.4 Institutional District

(a) Purpose:

The **Institutional District (I)** as illustrated in Map 4.4.4-1 allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city's major educational and health care institutions within their respective institutional missions. New development is intended to be sensitive the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

The district is intended to support broad range of related uses reflecting the resident institution's role as regional educational, health care, cultural and research centers. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.



Map 4.4.4-1 Institutional 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 shall be governed by the following standards:

Table 4.4.4 -1 Dimensional Standards and Density

Districts	**Max. Intensity**	**Max. Lot Coverage**[1]	**Building Setbacks**[1] (feet) Front[2]	Side[3]	Rear[3]	**Max. Height**[1] (feet)
Institutional[4]	20 du/ac (24 du/acre with inclusionary req.)	40% (48% with inclusionary req.)	Minimum: 15-feet	10% of lot width Min: 5-ft Max required: 20-feet	25% of lot depth Min: 20-feet Max required: 75-feet	35'

1 –Measurement of and exceptions to coverage, setback and height standards are found in Art 5.
2 –The calculation of the front yard setback shall be a percentage of lot width and depth or as defined and described in Art 5.
3 – Maximum allowable lot coverage, setbacks and building height in portions of this district may be modified by the provisions of the Institutional Core Campus Overlays in Sec. 4.5.2

(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 Institutional district shall be as defined in Appendix A – Use Table.

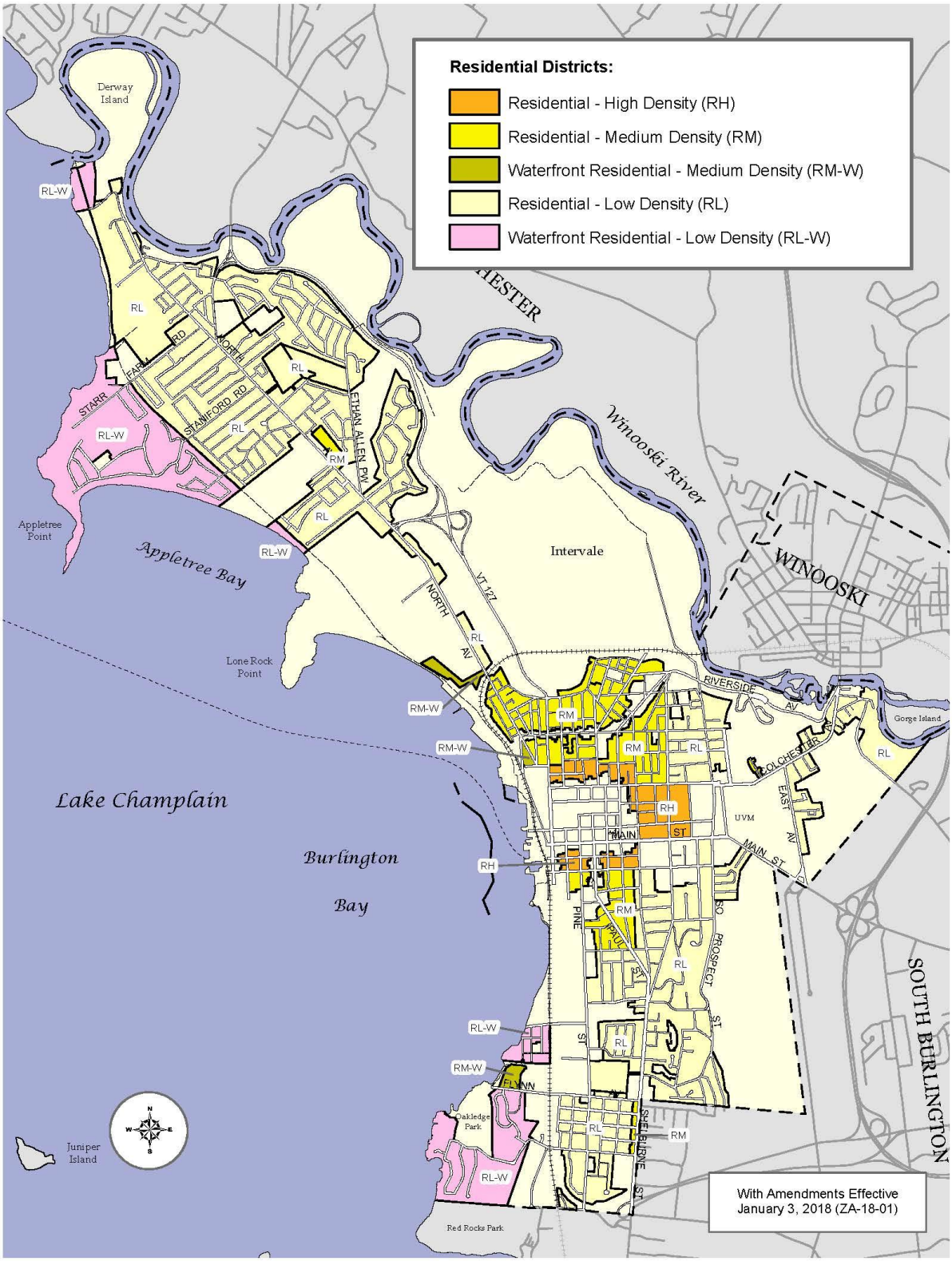
Sec. 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

The 5 Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

1. The **Residential Low Density (RL)** district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history.
2. The **Waterfront Residential Low Density (RL-W)** district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.
3. The **Residential Medium Density (RM))** district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments.
4. The **Waterfront Residential Medium Density (RM-W)** district is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. This district is distinguished from the Residential Medium Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.
5. The **Residential High Density (RH)** district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.



Map 4.4.5-1 Residential Zoning 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 shall be governed by the following standards:

Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W[2]

	Lot Frontage[1]		**Lot Size**	
Use	*(linear feet)*		*(square feet)*	
	RL,WRL	**RM,WRM**	**RL, WRL[3]**	**RM, WRM**
Single detached dwelling	**Min:** 60'	**Min:** 30'	**Min:** 6,000	NA
Duplex and above			**Min:** 10,000	

1. The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street.
2. There are no minimum lot size or frontage requirements in the RH District.
3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.

Table 4.4.5-2: Base Residential Density

District	**Maximum dwelling units per acre[1]**
Low Density: RL, RL-W	7 units/acre
Medium Density: RM, RM-W	20 units/acre
High Density: RH	40 units/acre

Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	**Max. Lot Coverage[1]**	**Setbacks[1, 3, 4, 5, 6]**				**Max. Height[1]**
		Front[2]	**Side[3]**	**Rear**	**Waterfront**	
RL; WRL	35%	**Min/Max:** Ave. of 2 adjacent lots on both sides +/- 5-feet	**Min:** 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides **Max required**:	**Min:** 25% of lot depth but in no event less than 20' **Max required**: 75-feet	**Min:** 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage[1]	Setbacks[1, 3, 4, 5, 6]				Max. Height[1]
		Front[2]	Side[3]	Rear	Waterfront	
			20-feet			
RM	40%	**Min/Max:** Ave of 2 adjacent lots on both sides +/- 5-feet	**Min:** 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides **Max required**: 20-feet	**Min:** 25% of lot depth but in no event less than 20' **Max required**: 75-feet	NA	35-feet
WRM	60%	**Min/Max:** Ave of 2 adjacent lots on both sides +/- 5-feet	**Min:** 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides **Max required**: 20-feet	**Min:** 25% of lot depth but in no event less than 20' **Max required**: 75-feet	**Min:** 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet *(60-feet under Sec. 4.4.5(d)2A)*
RH	80%	**Min/Max:** Ave of 2 adjacent lots on both sides +/- 5-feet	**Min:** 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides **Max required**: 20-feet	**Min:** 25% of lot depth but in no event less than 20' **Max required**: 75-feet	NA	35-feet

1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.
2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.
3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage[1]	Setbacks[1, 3, 4, 5, 6]				Max. Height[1]
		Front[2]	Side[3]	Rear	Waterfront	

exceed 75-feet.

4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.
5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.
6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.

(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 Residential districts shall be as defined in Appendix A – Use Table.

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Setbacks

A. Encroachment for Residential Driveways

For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two tandem parking spaces, driveways may encroach into a required sideyard setback up to the property line with DRB approval.

Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, conditional use criteria and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, protection of neighboring side yard, light and air. In addition, the lot shall be found to have dimensions that are smaller than the existing standards for lot size or frontage. The maximum relief from the 5' minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot. With such approval by the DRB, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.

B. Encroachment into the Waterfront Setback.

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under Sec. 4.5.4:

(i) **Replacement of Existing Structure.**

Replacement of a conforming principle structure existing as of the effective date hereof, may encroach into the required setback provided the replacement does not increase the area or extent of the encroachment more than the existing structure.

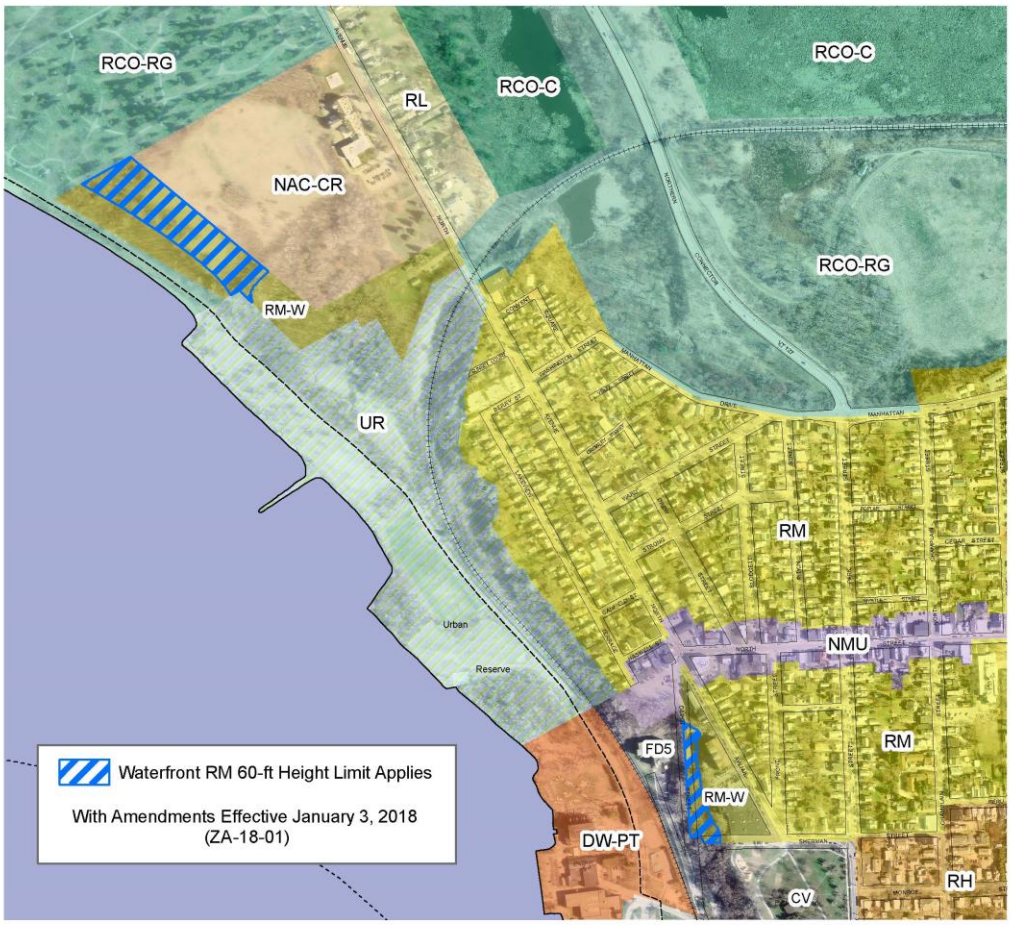
(ii) **Averaging of Setbacks of Existing Structures.**

If the waterfront setback of existing principal structures within a distance of one hundred fifty (150) feet on either or both sides of a lot is less than the required setback, the setback may be reduced to the average alignment of such structures.

2. Height

A. Exceptions in the Waterfront RM District.

In order is to preserve vistas of harbor activity within the breakwater area and 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

3. Lot Coverage

A. Exceptions for Accessory Residential Features.

In the RL, RL-W, RM and RM-W districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at

no time be enclosed or be used for parking:

(i) Decks;

(ii) Patios;

(iii) Porches;

(iv) Terraces;

(v) Tennis or other outdoor game courts;

(vi) Swimming pools and swimming pool aprons;

(vii) Walkways;

(viii) Window Wells; and/or

(ix) Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Adminstrator.

With the exception of the additional lot coverage allowances provided for under Inclusionary Zoning, requirements such additional lot coverage shall not be permitted for any development where bonus provisions of this ordinance are applicable.

4. Accessory Residential Structures and Uses

An accessory structure and/or use as provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

A. Accessory Structures shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;

B. Any accessory structure that is seventy-five percent (75%) or greater of the ground floor area of the principle structure shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;

C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principle structure;

D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space; and,

E. Uncovered play structures, seasonal skating rinks, raised planting beds shall not require a zoning permit.

5. Residential Density

A. Additional Unit to Multi-Family.

One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007, if approved in advance as a conditional use, by the DRB.

B. Additions to Existing Residential Structures.

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

C. Residential Occupancy Limits.

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

(i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and one (1) additional parking space per adult occupant in excess of four (4); or,

(ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and one (1) additional parking space per adult occupant in excess of four (4).

(iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and 1 additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

6. Uses

A. Exception for Existing Neighborhood Commercial Uses.

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in all residential districts subject to the following:

(i) This exemption shall only apply to:

1) Historic neighborhood commercial buildings that are listed or eligible for listing on the state or national register and originally designed and constructed for such purpose(s); or,

2) A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.

(ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.

(iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.

(iv) The neighborhood commercial use shall not be counted against the property's allowable residential density.

(v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.

(vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.

(vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.

(viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.

(ix) To the extent that additional parking is necessary, the parking standards for Shared-Use Districts shall apply pursuant to Article 8.

(x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.

(xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section.

(xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.

7. Residential Development Bonuses.

The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject

to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

A. Inclusionary Housing Requirement.

Inclusionary Housing units shall be provided, with applicable additional lot coverage and density allowances, in accordance with the provisions of Article 9, Part 1. A maximum of an additional 10-feet of building height may be permitted for an additional 5% inclusionary housing units provided in excess of the requirements of Article 9, Part 1. The total gross floor area dedicated to the additional inclusionary housing shall be equivalent to the gross floor area resulting from the additional allowance.

Additional lot coverage and residential densities allowances shall not exceed the following:

Table 4.4.5-4: Inclusionary Housing Allowances

District	Maximum Coverage	Maximum Density
RL/RL-W	44%	8.75 du/ac
RM	48%	25 du/ac
RM-W	72%	25 du/ac
RH	92%	46 du/ac

B. Senior Housing Bonus.

Residential development in excess of the density, lot coverage and building height limits specified in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB for senior housing provided the following conditions are met:

(i) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);

(ii) The proposal shall be subject to the design review provisions of Art. 6;

(iii) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,

(iv) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Senior Housing Bonus

District	Maximum Coverage	Maximum Density
RL/RL-W	40%	20 du/ac
RM	50%	40 du/ac
RM-W	60%	40 du/ac
RH	80%	80 du/ac

C. Adaptive Reuse Bonus.

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use within a historic building to a conforming residential use subject to all of the following conditions:

(i) The building shall be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places;

(ii) The gross floor area shall not exceed the pre-redevelopment gross floor area of the existing structure by more than twenty-five (25) percent;

(iii) The density limits of the underlying residential zoning district in Sec 4.4.5(b) above shall not apply. The intensity and extent of development shall be limited by gross floor area maximum in (ii) above and Table 4.4.5-6 below;

(iv) The adaptive reuse and rehabilitation conforms to the requirements of Art 5, Historic Buildings;

(v) Neighborhood commercial uses less than 2,000 sqft gross floor area may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(5)(A) above. Neighborhood commercial uses 2,000 sqft or larger in gross floor area shall not be permitted. In combination, the sum of neighborhood commercial uses shall be limited to no more than 50% of the gross floor area of the existing structure; and,

(vi) Lot coverage shall not exceed:

Table 4.4.5-6: Adaptive Reuse Bonus

District	Maximum Coverage
RL, RL-W	Greater of 50% (62% with inclusionary allowance), or expansion up to a total of 125% of pre-existing building coverage.
RM, RM-W	Greater of 60% (72% with inclusionary allowance), or expansion up to a total of 125% of pre-existing building coverage.
RH	Greater of 80% (92% with inclusionary allowance), or expansion up to a total of 125% of pre-existing building coverage.

D. Residential Conversion Bonus.

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use not involving a historic building to a conforming residential use subject to all of the following conditions:

(i) Any structure proposed for demolition shall not be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places; and,

(ii) Lot coverage and residential density shall not exceed:

Table 4.4.5-7: Residential Conversion Bonus

District	Maximum Lot Coverage	Maximum Density (dwelling unit/acre)
RL, RL-W	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
RM, RM-W	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

E. Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential densities applicable.

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

Table 4.4.5-8: Maximum Density, Lot Coverage and Building Heights with Bonuses

District	Maximum Density	Maximum Height	Maximum Lot Coverage
RH	80 du/ac	45-feet *(68-ft in RH Overlay)*	92%
RM-W	40 du/ac	60-feet	72%
RM	40 du/ac	35-feet	60%
RL, RL-W	20 du/ac	35-feet	50%

Sec. 4.4.6 Recreation, Conservation and Open Space Districts

(a) Purpose

The Recreation, Conservation and Open Space (RCO) Districts are intended to protect the function, integrity and health of the city's natural systems environment, provide for a balance between developed and undeveloped land, protect air and water quality, provide adequate open areas for recreation, conservation, agriculture, and forestry, enhance the city's quality of life and the aesthetic qualities of the city, moderate climate, reduce noise pollution, provide wildlife habitat, and preserve open space in its natural state.

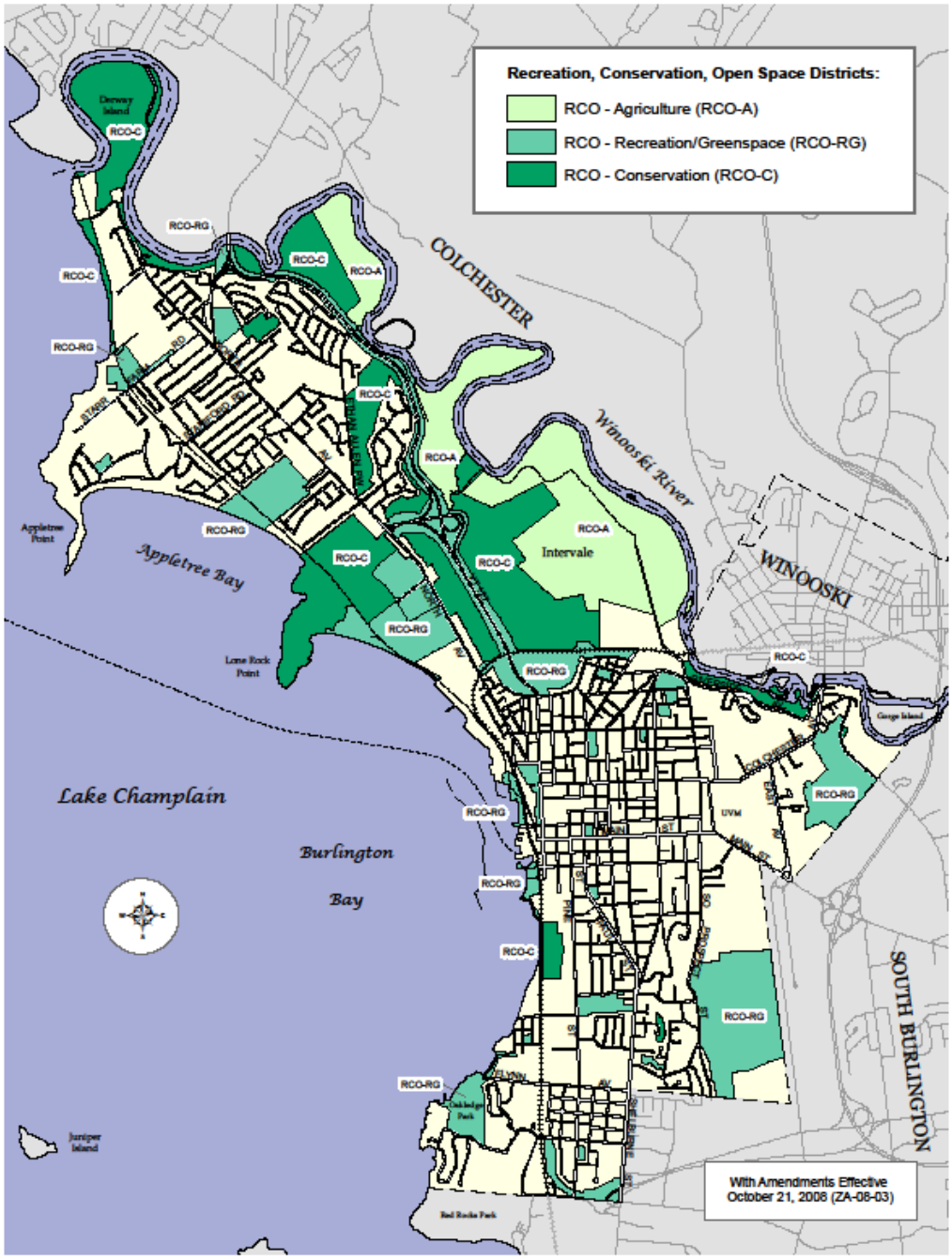
The RCO districts are subdivided into three parts, and are further described as follows:

1) **RCO-Agriculture (RCO-A):** The Agriculture District is intended to protect productive agricultural soils, provide opportunities for viable commercial agricultural production, and to protect natural resources and working forest lands. The Agricultural District may contain designated trails or corridors for compatible passive recreational use.

2) **RCO-Recreation/Greenspace (RCO-RG):** The Recreation/Greenspace District is intended to provide a diversity of passive and active recreational opportunities and other urban green spaces that provide for public use and enjoyment. The District includes a wide spectrum of recreational opportunities including developed parks with active public-use facilities, undeveloped open areas, dog parks, community gardens, urban parks and pocket parks, playgrounds, transportation corridors, and cemeteries. The District also includes private property, including a golf course and residential properties, where appropriate future development could be provided.

3) **RCO-Conservation (RCO-C):** The Conservation District is intended to preserve the

function, integrity and health of the city's significant natural communities and features, both land and water, in their natural state for scientific, ecological, wildlife, educational or scenic purposes. The Conservation District may contain passive recreational opportunities where such activities are compatible with the protection of natural features.



Map 4.4.6-1 Recreation, Conservation, Open Space 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 shall be governed by the following standards:

Table 4.4.6 -1 Dimensional Standards and Density

District	Lot Coverage[1]	Setbacks[1]			Height[1]
		Front	Side[2]	Rear[2]	
RCO-A	5%	**15'**	10%	25%	35'
RCO-RG	5%	**15'**	10%	25%	35'
RCO-C	5%	**15'**	10%	25%	25'

1. See also exceptions to lot coverage, setbacks and maximum height in Article 5.
2. Percentages figure refers to either a percentage of lot width, 10% in the case of side yard setbacks, or lot depth of 25% in the case of rear yard setbacks.
3. City Parks have specific lot coverage maximums based on use and location. See table of lot coverage standards below.

Table 4.4.6 -2 City Park Lot Coverage Maximum Standards

Park	Lot Coverage
Baird Battery Park and Extension Calahan Champlain Street Leddy North Beach and Campground Oakledge Schmanska Smalley Staff Farm	15%
Appletree Lakeside	20%
Waterfront Park	25%
City Hall Park Pomeroy Roosevelt	30%
Perkins Pier Marina Facility	70%

(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 RCO districts shall be as defined in Appendix A – Use Table.

Provided, notwithstanding the foregoing, a planned unit development may be permitted pursuant to the standards and procedures of Article 11 hereof for residential development

in accordance with the low density residential district (RL) allowances and standards for any property in excess of five acres which is located in the RCO-RG district south of Main Street. Any residential uses in the RCO-RG district south of Main Street existing on January 1, 2007 shall be treated as conforming uses and not otherwise subject to the restrictions for non-conforming uses pursuant to Sec.5.3.4.

(d) District Specific Regulations

The following regulations are district-specific exemptions, bonuses, and standards unique to the RCO districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above in Tables 4.4.6-1 and 4.4.6-2.

1. Lot Coverage for Agricultural Structures.

The maximum allowable coverage may be increased to ten percent (10%) in the RCO-Agricultural District for agricultural structures not otherwise exempted from zoning review under V.S.A. 24 § 4413 (d), subject to approval by the DRB.

2. Exemptions for Tree removal and Turf Maintenance in City Parks.

Regular tree maintenance and removal not otherwise associated with land clearing for new development or site improvements, and regular turf maintenance including re-grading and reseeding shall be exempt from the requirement to obtain a zoning permit.

3. Exemptions for low impact design (LID) stormwater management techniques

Due to the unique nature and critical importance of City Parks in the City's overall green infrastructure, LID stormwater management techniques (such as pervious pavement and asphalt, green roofs and rain gardens etc…) shall be credited against lot coverage as determined by the City's Stormwater Administrator pursuant to the requirements of Burlington Code of Ordinances Chapter 26.

4. Pervious surface materials not included in impervious lot coverage calculations

Pervious surface materials, such as woodchips and clay or dirt playfields in City Parks shall not be included in impervious lot coverage calculations.

Sec. 4.4.7 Urban Reserve District

(a) Purpose:

The Urban Reserve District (UR) as illustrated in Map 4.4.7-1 is a unique and temporary zoning district intended to:

1) Temporarily preserve a large portion of the lake shore from development in order to concentrate waterfront development activities farther south within the Downtown and the Downtown Waterfront districts; and,

2) Reserve the right for future generations to determine the most appropriate combination of development and conservation that should occur at this site through a

comprehensive and participatory planning process.

As such, this District maintains the property as passively-used and publicly-accessible open space allowing for continued post-industrial re-naturalization, with opportunities for public education, enjoyment, and passive recreation.

No new development or dedicated uses on the property shall be considered except as may be provided below, including harbor-related development, and no additional fill shall be placed on the property unless part of an approved remediation plan.

Map 4.4.7-1 Urban Reserve District

(b) Dimensional Standards and Density:

There shall be no residential density, FAR or additional lot coverage permitted anywhere within this district.

(c) Permitted and Conditional Uses:

There shall be no permitted or conditionally permitted uses in this district with the exception of the following which shall be considered as Conditional Uses on a case-by-case basis:

1) The temporary staging of off-site construction projects requiring deep-water lake access or projects located on an adjacent property with no other suitable access;
2) The seasonal and temporary storage of snow by the City;
3) Site improvements associated with environmental remediation, mitigation, or re-naturalization plans that have been pre-approved by the appropriate state and/or federal agency. These improvements shall be conducted in such a way as to enhance the natural landscape and improve ecological functions, including but not limited to wetlands enhancement, shoreline stabilization and re-naturalization, removal of shoreline sheet pile, concrete and asphalt, and plantings for the purpose of enhancing the natural attenuation of contaminants; and,
4) Existing public recreational paths and railroad facilities and their necessary maintenance.

(d) District Specific Regulations

1) Any and all improvements in this district shall be consistent with any and all development and use restrictions and easements as may otherwise be applicable to the property.
2) Any authorization granted by the DRB shall include a prescribed duration for the activity after which such authority and all related permits shall expire. The DRB may consider an extension of this time period if such a request has been made prior to expiration. No permit should remain in effect for more than 2 years without reapplication and review pursuant to this section.
3) As a condition of any approval by the DRB for projects involving temporary construction staging or seasonal snow storage, the site shall be restored to its prior condition once the temporary activity has been completed for which the DRB may require a bond or other necessary surety in a form satisfactory to the city attorney.

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. 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

[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.

conditional uses, having frontage on the following major streets:

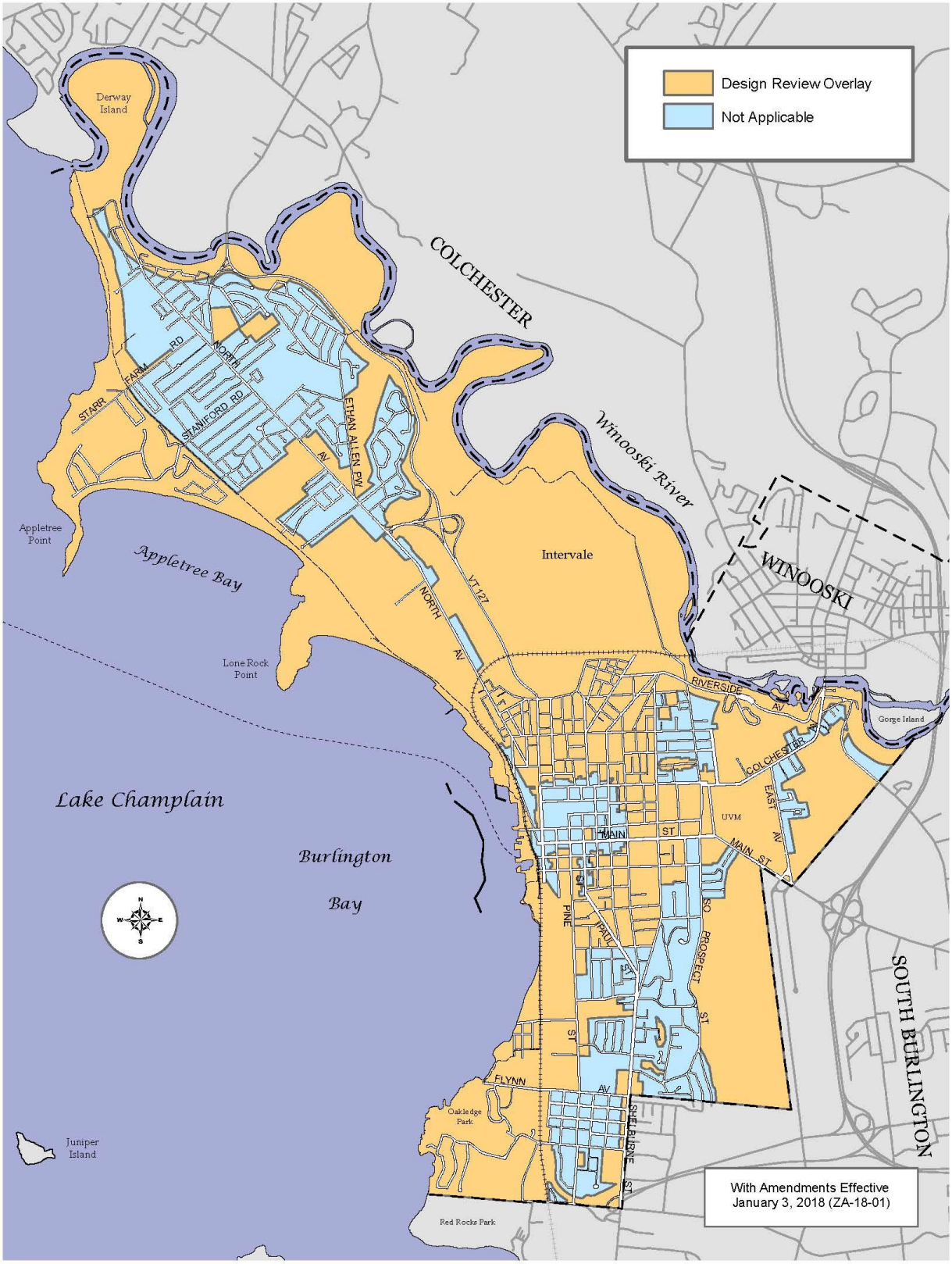
(i) Shelburne Street, from its point of beginning southerly to its intersection with Home Avenue;

(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 intersection with Plattsburg Avenue.



Map 4.5.1-1: Design Review Overlay

(c) District Specific Regulations: Design Review Overlay District:

Within this overlay district, no structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of Article 3, Part 4 pertaining to Design Review and the review criteria described in Art 6.

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) Purpose

The Institutional Core Campus Overlay (ICC) districts are intended to provide for reasonable future growth for institutions within the core of their respective campuses without further intrusion into surrounding residential neighborhoods. This overlay allows increased development than would typically be found in the underlying districts. Development is intended to be more intense than the surrounding neighborhoods with higher lot coverage and larger buildings. New development should provide sensitive transitions to the historic development pattern and scale of the surrounding campus. Buildings both large and small should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Circulation should largely emphasize the needs of pedestrians and bicycles, and parking should be very limited and generally provided offsite. Where parking is provided, it should be hidden either within or underneath structures.

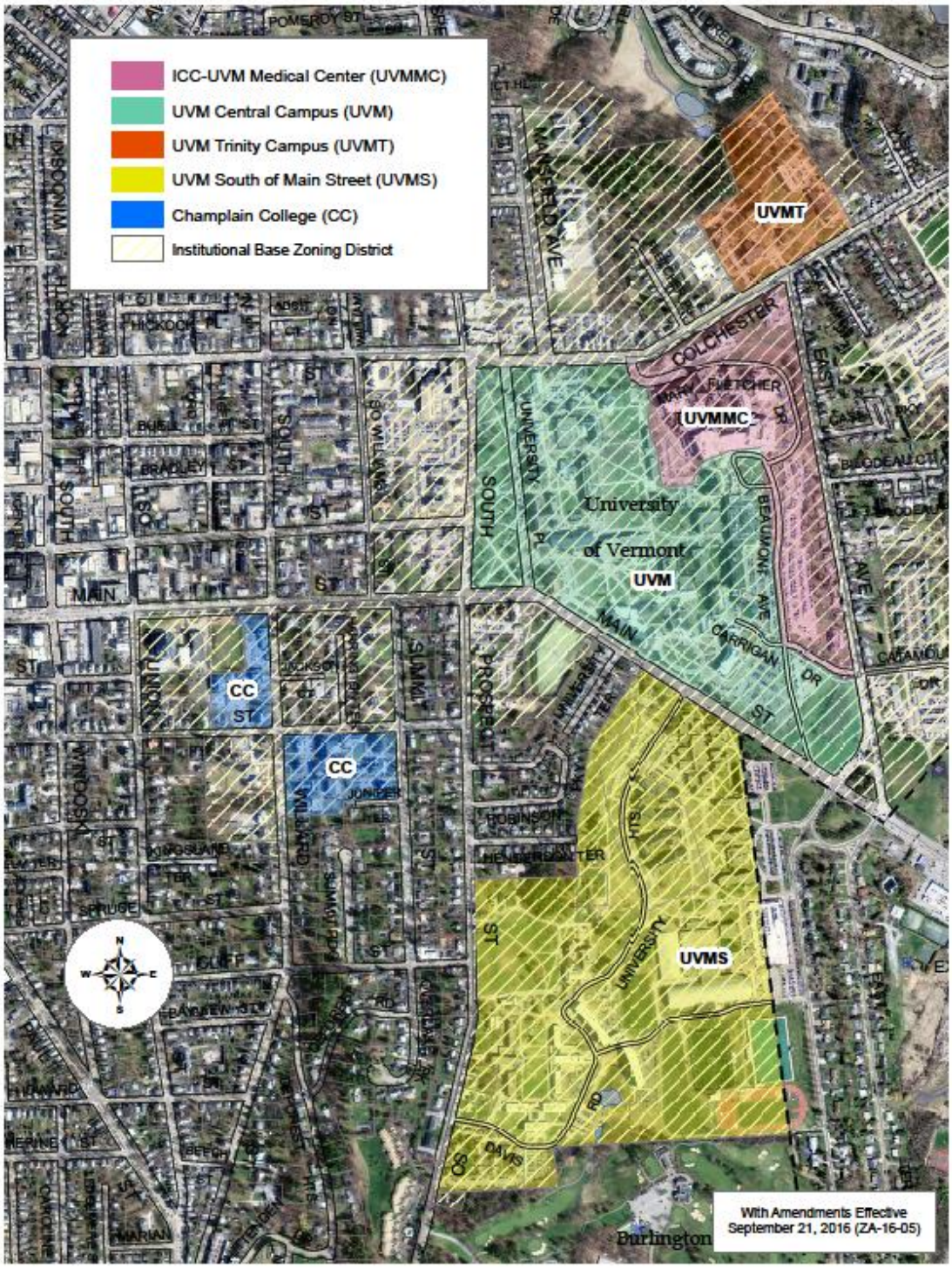
(b) Areas Covered.

The Institutional Core Campus Overlays as delineated on Map 4.5.2-1, and are further described as follows:

1. **University of Vermont Medical Center Campus (ICC-UVMMC)** allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state's academic medical center. As a regional tertiary-level care facility, on-site parking is expected to play a larger role than otherwise would be expected for other institutional campus overlays in order to accommodate the needs of patients and visitors. While outdoor spaces and circulation systems should be inviting and accommodating for pedestrians, the overall development of the campus would be expected to emphasize the needs of internal circulation and functions in order to meet patient care requirements;

2. **UVM Central Campus (ICC-UVM)** allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state's flagship academic institution. In contrast to the ICC-UVMMC, this core campus would be expected to be dominantly pedestrian-oriented, with all but the most essential parking provided off-site. Development within this core campus should reflect the institution's core educational values in both design and quality;

3. **UVM Trinity Campus (ICC-UVMT)** is intended to provide reasonable future use of the Trinity College campus and to preserve the residential character of the existing neighborhoods adjacent to the district;
4. **UVM South of Main Street Campus (ICC-UVMS)** is intended to provide reasonable future use of the UVM residential and athletic campuses south of Main Street without further intrusion into the surrounding residential neighborhoods. This district allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support continued growth and expansion of the state's flagship academic institution. This core campus would be expected to be dominantly pedestrian-oriented, with all but the most essential parking provided off-site. Development within this core campus should reflect the institution's core educational values in both design and quality; and,
5. **Champlain College (ICC-CC)** allows for an increased development scale and intensity than would typically be found in the adjoining and underlying districts to support the long-term development of this small educational institution. Similar to the ICC-UVM, this core campus would be expected to be dominantly pedestrian-oriented, with all but the most essential parking provided off-site. Development within this core campus should reflect the both institution's core educational values and the character of this historic residential neighborhood in both design and quality.

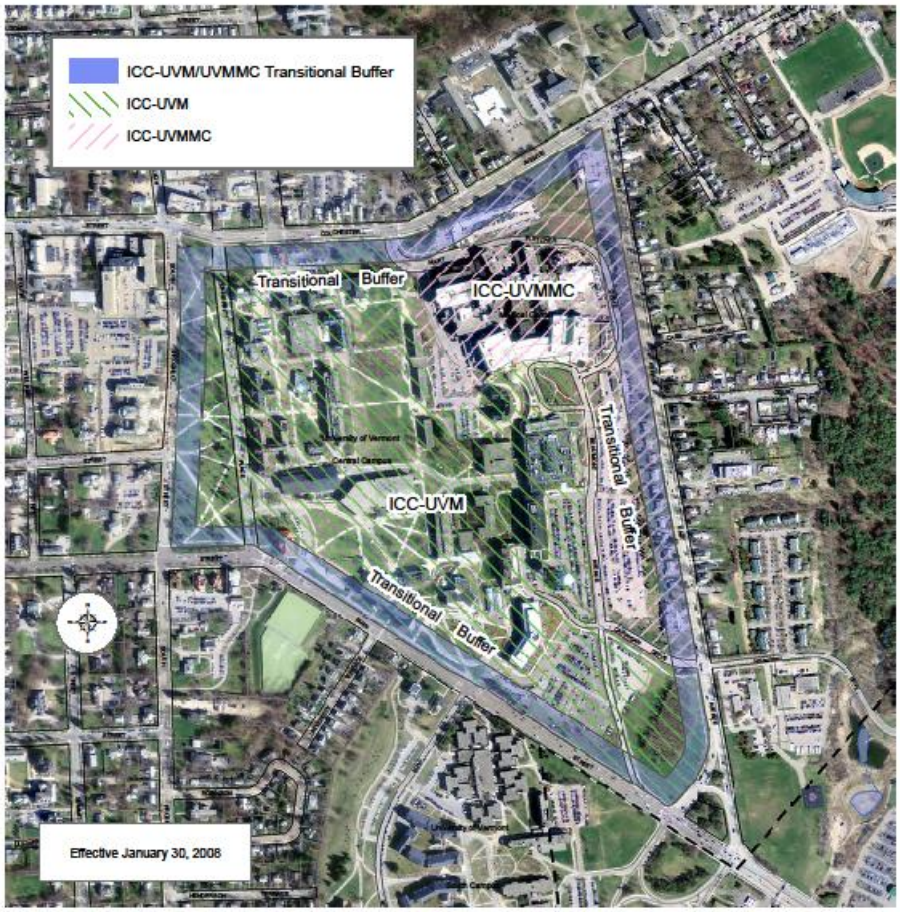


Map 4.5.2–1: Institutional Core Campus Overlay

(c) District Specific Regulations: University of Vermont Medical Center (ICC-UVMMC);

1. Transitional Buffer:

A. The Transitional Buffer shall include all property within the area as measured from the centerlines of Colchester Avenue and East Avenue, and extending 150 feet into the ICC-UVMMC District as delineated on Map 4.5.2-2 Transitional Buffer.



Map 4.5.2–2: Transitional Buffer

B. Lot coverage shall not exceed 40% for the aggregate of all land owned by an institution and located within the Transitional Buffer.

C. Unless replaced on site, no housing unit in a residential structure located within the Transitional Buffer shall be demolished or converted to a nonresidential use, except for housing units which are exempt from the provisions of Article 9. The Housing Replacement standards of this ordinance shall apply to any such activity.

2. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots owned by a respective institution and located within the ICC-UVMMC District. Lot coverage shall not exceed 60% except as provided below.

The maximum lot coverage for the entire tract of land owned by an institution within the ICC-UVMMC District may be increased by one percent for each one percent that the Transitional Buffer coverage is less than 40%, up to a maximum of 65%.

3. Setbacks

Minimum side and rear yard setbacks in the underlying zoning district shall not be applicable within the ICC-UVMMC District.

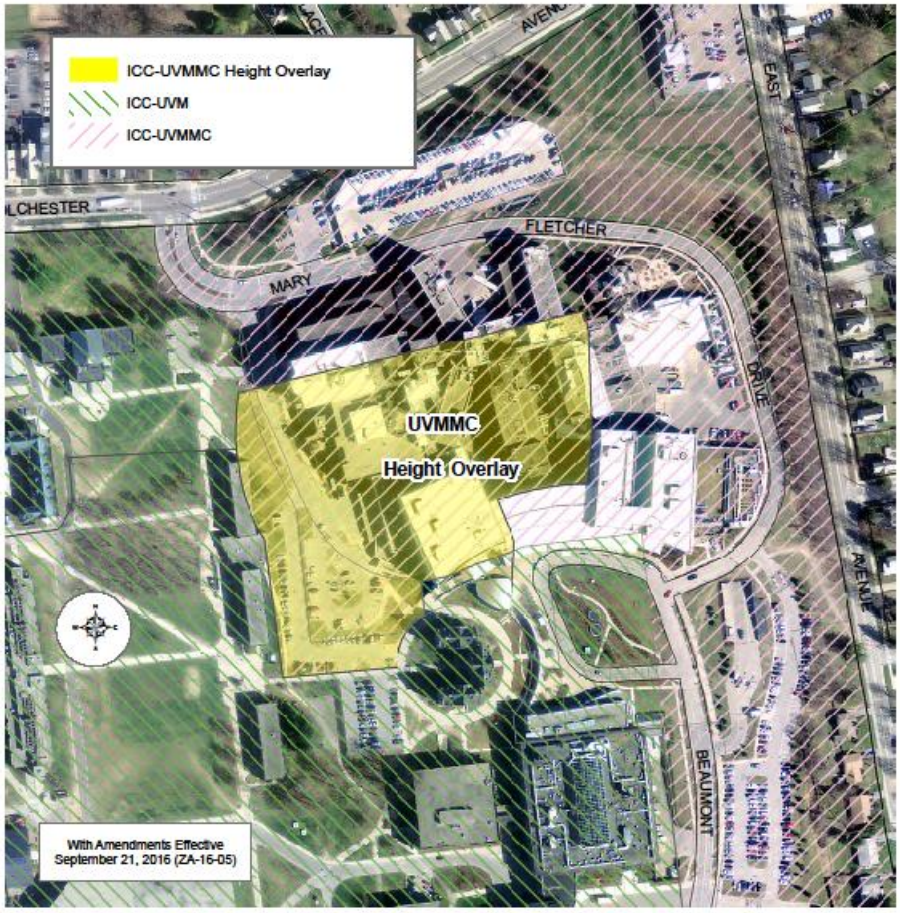
Front setbacks shall be fifteen (15') feet measured only along any street defining the Transitional Buffer.

4. Surface Parking

No new outdoor surface parking spaces shall be permitted unless the number of the new outdoor surface parking spaces is offset by a corresponding removal of outdoor surface parking spaces existing as of January 1, 2007, and upon the approval by the DRB.

5. Building Height

No portion of any building within the ICC-UVMMC Height Overlay (as delineated on Map 4.5.2-3 ICC-UVMMC Height Overlay) shall exceed the elevation of a plane running parallel to the earth at 540-feet above mean sea level. The provisions of Sec. 5.2.6 Building Height Limits shall not be applicable within the ICC-UVMMC Height Overlay.



Map 4.5.2-3 ICC-UVMMC Height Overlay

No portion of any building outside of the ICC-UVMMC Height Overlay may exceed the elevation of a plane running parallel to sea level from the highest point of the tallest structure at the highest elevation within the ICC-UVMMC District as depicted as of January 1, 2009.

6. Density

In the ICC-UVMMC District, density restrictions set forth in Article 4, Sec. 4.4.4 shall not apply to dormitories and rooming houses as defined in Chapter 18 of the Burlington Code of Ordinances. The restrictions on the non-residential equivalent set forth in Art. 5, Sec. 5.2.7 (a) 2 shall not apply in the ICC-UVMMC District.

(d) District Specific Regulations: UVM Central Campus (ICC-UVM);

1. Transitional Buffer:

A. The Transitional Buffer shall include all property within the area as measured from the centerlines of Colchester Avenue, East Avenue, Main Street, and South Prospect Street and extending 150 feet into the ICC-UVM District as delineated on Map 4.5.2-2 UVM/UVMMC ICC Transitional Buffer above.

B. Lot coverage shall not exceed 40% for the aggregate of all land owned by an institution and located within the Transitional Buffer.

C. Unless replaced on site, no housing unit in a residential structure located within the Transitional Buffer shall be demolished or converted to a nonresidential use, except for housing units which are exempt from the provisions of Article 9. Housing Replacement standards of this ordinance shall apply to any such activity.

2. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots owned by the institution and located within the ICC -UVM District. Lot coverage shall not exceed 65% except as provided below.

The maximum lot coverage within the ICC -UVM District may be increased by one percent for each one percent that the Transitional Buffer coverage is less than 40%, up to a maximum of 70%.

3. Setbacks

Minimum side and rear yard setbacks in the underlying zoning district shall not be applicable within the ICC -UVM District.

Front setbacks shall be fifteen (15') feet measured only along any street defining the Transitional Buffer.

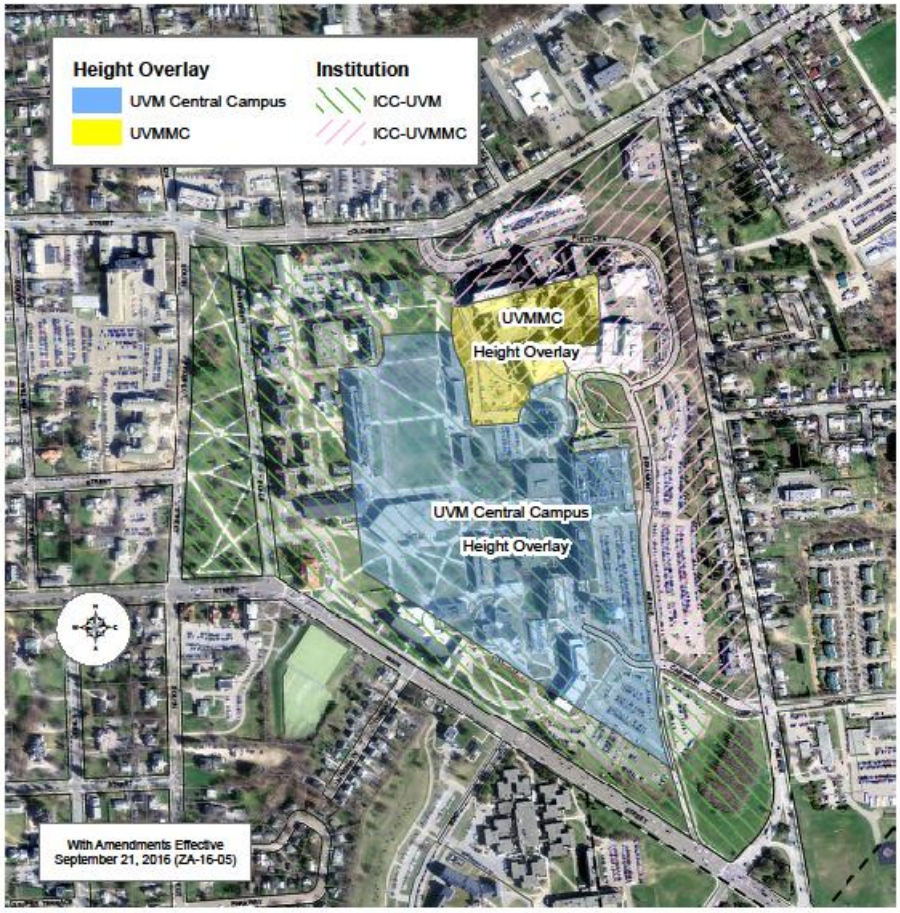
4. Surface Parking

No new outdoor surface parking spaces shall be permitted unless the number of the new outdoor surface parking spaces is offset by a corresponding removal of outdoor surface parking spaces existing as of January 1, 2007, and upon the approval by the DRB.

5. Building Height

Building height shall be measured under the provisions of Art. 5 except that the Measurement Interval method specified in Sec. 5.2.5(a)(3) shall not apply.

For the sole purpose of regulating building height, the ICC-UVM District shall include an ICC-UVM Central Campus Height Overlay as delineated on Map 4.5.2-4 below. Building height within the ICC-UVM Central Campus Height Overlay shall not exceed 140-feet.



Map 4.5.2-4 ICC-UVM Central Campus and Height Overlay

For all other areas within the ICC-UVM District, except for ornamental and symbolic architectural features, additions and new construction may be built to a height that does not exceed the lesser of:

A. The actual height of the tallest existing structure as of January 1, 2008 and located within the core campus district; or,

B. The elevation of a plane running parallel to sea level from a point defined by the roof of the tallest structure at the highest elevation within the parcel as depicted as of January 1, 2008.

6. Density

In the ICC -UVM District, density restrictions set forth in Article 4, Sec. 4.4.4 shall not apply to dormitories and rooming houses as defined in Chapter 18 of the Burlington Code of Ordinances. The restrictions on the non-residential equivalent set forth in Art. 5, Sec. 5.2.7 (a) 2 shall not apply in the ICC -UVM District.

7. Uses:

Within the ICC-UVM District, Schools - Post-secondary and Schools -

Community Colleges shall be treated as permitted uses.

(e) District Specific Regulations: UVM Trinity Campus (ICC -UVMT):

1. Lot Coverage

Lot coverage within the ICC-UVMT district shall not exceed 40% except as may be allowed under the inclusionary housing provision of Article 9, Inclusionary Housing.

Maximum lot coverage shall be applied to the aggregate of all lots owned by a single entity and located within the ICC-UVMT district.

2. Setbacks:

Development in the ICC-UVMT shall be subject to the setback requirements as specified under the provisions of the underlying zoning district.

Minimum side and rear yard setbacks shall not be applicable between parcels under the same ownership within the ICC-UVMT district, but shall apply along the perimeter of the district.

Colchester Avenue Buffer. Within the ICC-UVMT no development of new surface parking or new structures, except for ancillary structures no larger than 200 square feet, shall be permitted within a setback of 115 feet from the front property line on Colchester Avenue.

3. Surface Parking

No new outdoor surface parking spaces shall be permitted in the ICC-UVMT district unless the number of the new outdoor surface parking spaces is offset by

the corresponding removal of outdoor surface parking spaces in the ICC-UVMT district existing as of January 1, 2002 and the Development Review Board has approved such offset in issuing a certificate of appropriateness.

4. Height:

Additions and new construction may be built to a height that does not exceed the greater of thirty-five feet (35') or the height of existing structures located on the same parcel within the ICC-UVMT district, but in no instances shall any building exceed fifty-five feet (55') in height as measured from finished grade.

5. Density:

In the ICC-UVMT district, the restrictions on residential density set forth in the underlying zoning district, and in Article 9 (Inclusionary Housing) shall apply to all development, including changes in use.

Unless replaced on site no housing unit in a residential structure located within the ICC-UVMT shall be demolished or converted to a nonresidential use, except for housing units that are exempt from the provisions of Article 9, Part 2 - Housing Preservation and Replacement/Demolition and Conversion.

6. Uses:

Within the ICC-UVMT, only the following uses shall be permitted or conditionally permitted:

Permitted Uses:	**Conditional Uses:**
Residential	
Assisted Living	
Attached Dwelling(s) – Mixed-Use	
Attached Dwellings - Multi-Family	
Attached Dwellings – Duplex	
Boarding House	
Convalescent /Nursing Home	
Single Detached Dwelling	
Non-Residential	
Bed and Breakfast,	Bakery – Retail
Community Center	Bank
Daycare – Large, Daycare - Small	Café
Dormitory	Convenience Store
Health Care Hospitality	Credit Union
Health Club	Dental Lab
Health Studio	Dry Cleaning Service
Historic Inn	General Merchandise/Retail – Small <4,000sqft
Hostel	Grocery Store – Small ≤10,000sqft
Office – General	Medical Lab
Office - Medical, Dental	Pharmacy

Permitted Uses:	**Conditional Uses:**
Park	Research and Development Facility
Performing Arts Studio	Research Lab
Record and Document Storage	Restaurant
School - Post-Secondary & Community College	
School - Preschool	
Worship, Place of	

All non-residential uses are Permitted Uses within buildings existing as of January 1, 2002; and are Conditional Uses if located within a new building to be constructed after January 1, 2002.

No permitted or conditional use in the ICC-UVMT District may include drive-through facilities, gas pumps or canopies.

7. Parking:

Parking for all uses and structures shall be in accordance with the provisions of Article 8, Part 3 Institutional Parking Plans.

8. Review Requirements:

Within the ICC-UVMT, any new construction or any change in use of 15,000 square feet or more (including any cumulative change of use or new construction of 15,000 square feet or more within a twelve month period) shall be subject to the conditional use major impact review criteria (Article 3).

(f) District Specific Regulations: UVM South of Main Street Campus (ICC - UVMS):

1. Lot coverage

Maximum lot coverage shall be applied to the aggregate of all lots located within the ICC -UVMS District. Lot coverage shall not exceed 60%.

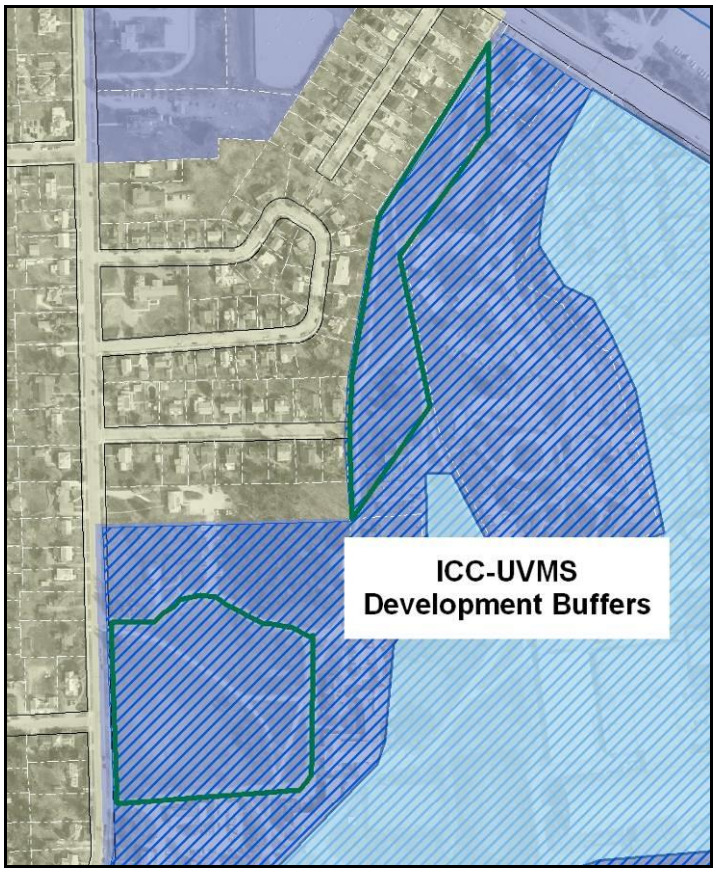
2. Setbacks

Side and rear yard setback requirements as stipulated in the underlying zoning district shall be applicable only along the perimeter of the ICC -UVMS District.

A front yard setback defined by the existing building line as of January 1, 2008 shall be maintained along the South Prospect Street and Main Street frontages of the ICC - UVMS District.

3. Development Buffer

No new structures or surface development shall be permitted within the designated ICC-UVMS Development Buffers as delineated on Map 4.5.2-5 below. These areas shall be maintained as open greenspace, however landscaping, outdoor lighting, street furniture, and subsurface infrastructure improvements may be permitted.



Map 4.5.2-5 ICC-UVMS Development Buffers

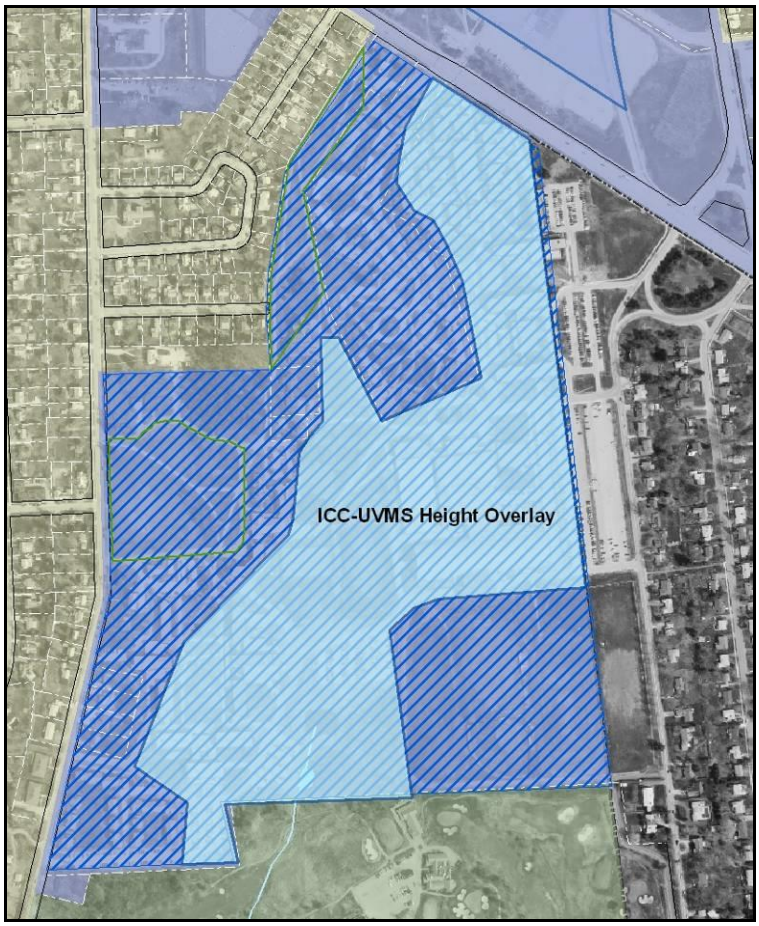
4. Surface Parking

No new outdoor surface parking spaces shall be permitted unless the number of the new outdoor surface parking spaces is offset by a corresponding removal of outdoor surface parking spaces existing as of January 1, 2008, and upon the approval by the DRB.

5. Building Height

Building height shall be measured under the provisions of Art. 5.

For the sole purpose of regulating building height, the ICC-UVMS District shall include an ICC-UVMS South of Main Street Campus Height Overlay as delineated on Map 4.5.2-6 below. Building height within the ICC-UVMS South of Main Street Campus Height Overlay shall not exceed 80-feet.



Map 4.5.2-6 ICC-UVMS South of Main Street Campus Height Overlay

For all other areas within the ICC-UVMS District, except for ornamental and symbolic architectural features, additions and new construction may be built to a height that does not exceed the actual height of the tallest existing structure as of January 1, 2008 and located within the ICC-UVMS District.

6. Density

In the ICC -UVMS District, density restrictions set forth in Article 4, Sec. 4.4.4 shall not apply to dormitories and rooming houses as defined in Chapter 18 of the Burlington Code of Ordinances. The restrictions on the non-residential equivalent set forth in Art. 5, Sec. 5.2.7 (a) 2 shall not apply in the ICC -UVMS District.

7. Uses:

Within the ICC-UVMS District, Schools - Post-secondary and Schools - Community Colleges shall be treated as permitted uses.

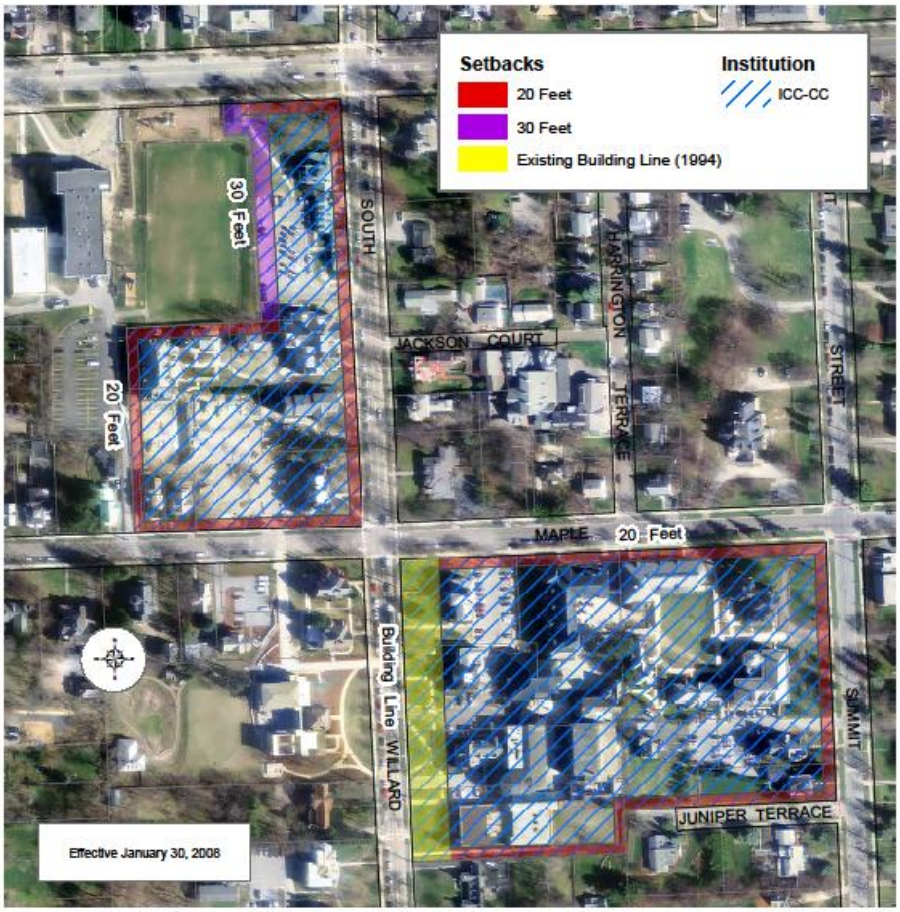
(g) District Specific Regulations: Champlain College (ICC -CC):

1. Lot Coverage

Lot coverage within the ICC-CC shall not exceed 60% inclusive of any applicable bonus provisions.

2. Setbacks:

A. Except as illustrated below, a 20-foot setback shall be applicable along the perimeter of any contiguous ownership of Champlain College within the core campus district. As illustrated below, a 30-foot setback shall be applicable along the western perimeter of the Champlain College Residential Core Campus as delineated on Map 4.5.2-7 ICC-CC Core Campus adjacent and to the east of the Edmunds School playing field.



B. The front yard setback defined by the existing building line as of January 1, 1994 shall be maintained along the South Willard Street frontage south of Maple Street.

C. No new structures shall be placed with 50-feet of the College's southern property line that runs approximately parallel to Tower Terrace as illustrated below.

3. Surface Parking

No new unstructured surface parking lots shall be permitted in the ICC-CC except for exchanging or consolidating with existing unstructured surface parking lots. Such exchanges or consolidations may occur only upon approval by the DRB.

4. Density

For the purposes of regulating the intensity of development and the total number of residential beds, the core campus district shall be divided into two areas: a Residential Core Campus and an Academic Core Campus as delineated on Map 4.5.2-7 ICC-CC Core Campus below.

Core Campus	Floor Area Ratio	Maximum Residential Beds
Residential Core Campus	1.0	530
Academic Core Campus	1.1	150

Map 4.5.2-7 ICC-CC Core Campus

Sec. 4.5.3 RH- Density Bonus Overlay District

(a) Purpose:

The RH-Density Bonus Overlay District is intended to provide an incentive for the conversion of non-residential uses to residential uses within the RH Zoning District to reduce the number of non-conforming uses and increase the supply of housing near the downtown area.

(b) Areas Covered:

The RH-Density Bonus Overlay District includes that portion of the RH Zoning District bordered on the north by Main Street, on the south by Maple Street, on the west by Pine Street and on the east by South Union Street as delineated on Map 4.5.3-1 RH Density Bonus Overlay District. Eligible properties shall be limited to only those existing non-residential single lots of record as of February 8, 2001 of at least one-half acre in size (21,780 sqft). Contiguous lots shall not be combined to meet this minimum lot size standard with the following exception: a half acre lot may be combined with any

contiguous surface parking lot(s) of any size in order to receive the benefits as set forth in this overlay.

Map 4.5.3–1: RH Density Bonus Overlay

(c) District Specific Regulations: RH-Density Bonus Overlay:

1. Conditional Use Review

Any redevelopment undertaken pursuant to the provisions of this overlay district shall be subject to conditional use review pursuant to Article 3.

2. Maximum Residential Density:

An existing non-residential property may be redeveloped for a residential use at a density not to exceed 92 units per acre inclusive of any applicable inclusionary allowances pursuant to Article 9 or development bonuses pursuant to Sec. 4.4.5.

3. Building Height:

For the purposes of regulating building height, this overlay district is divided into the following two (2) areas,

A. In that portion of this overlay between South Union and Church Street, in no

event shall the height of any structure exceed sixty eight (68) feet.

B. In that portion of this overlay between Church and Pine Street, in no event shall the height of any structure exceed fifty-five (55) feet.

Subject to such maximum building heights, the following shall also apply:

C. The height of any proposed building or addition shall not be more than fifteen (15) feet greater than the average height of existing buildings within the same block having frontage on the same street as the proposed;

D. A height greater than that allowed in (C) above may be permitted if such additional height is set back from the front property line a minimum of twenty-five percent (25%) of the width of the street right-of-way, and in no event less than fifteen (15) feet from the front property line.

E. The height allowance for frontage on one street shall not adversely impact the streetscape of an adjacent street, in the judgment of the development review board

F. That portion of any building which is constructed to a height in excess of the height allowed per the underlying zoning district as provided above, must maintain a setback equal to fifty percent (50%) of that portion's height from the property line shared with any adjacent residential structure. The distance of such a setback will be maintained only for that portion of the building immediately adjacent to an existing residential property.

4. Setbacks:

Front yard setbacks shall be as required in the underlying zoning district, subject to the following exceptions:

A. Up to twenty-five percent (25%) of the building façade above the ground level story may project into the front yard setback by not more than fifty percent (50%) for the purpose of creating architectural variation and avoiding large expanses of undifferentiated building wall.

B. At the ground level, patios, paved courtyards, and sitting areas may be allowed within the front setback. Such allowances are subject to approval by the development review board under the design review criteria of Article 6. If the board deems it necessary, it may impose a greater setback in order to achieve the streetscape objectives found in Article 6.

5. Construction Materials:

Any new structure utilizing the height bonus provisions as specified under this subsection shall be constructed of quality masonry materials or other comparable materials of similar durability on all elevations. The exterior material and windows shall also be of a type that the DRB deems effective for sound buffering.

6. Parking Requirements:

In addition to the parking requirements found in Article 8, the following shall also apply within this Overlay:

There shall be at least one parking space per residential unit (exceptions for senior and affordable housing, as outlined in Article 8, shall apply).There shall be an affirmative finding by the DRB that the proposed development provides adequate parking for its residents and non-residential uses. At least seventy-five (75%) of the parking spaces required after any waiver shall be provided onsite as structured parking spaces. Any structured parking shall be concealed by the structure or the building so that it is not visible from the street (the entrance and exit may be visible).

7. Permitted Non-Residential Uses:

The following nonresidential uses may be permitted by the DRB on the ground floor of the structure: art gallery, bakery, bank/credit union, beauty/barber shop, daycare, food store, health club, laundromat, office (general), office (medical or dental), open air market, photo studio, restaurant, retail, tailor shop, and theatre.

8. Residential Occupancy:

Each unit of any structure erected pursuant to this subsection shall be occupied by a "family" as defined in Article 13.

9. Character of the Area Affected:

When the DRB reviews a project under the provisions of Article 3 - Conditional Use Review, it shall take into consideration that developments utilizing this bonus are located in an area adjacent to the Downtown. In making its determinations and setting conditions under the standard "Character of the area affected," the DRB shall consider that it is the public policy of the City of Burlington that where there are conflicts between public uses and activities and the quiet enjoyment of residents in developments utilizing the bonuses permitted in the underlying district, the public uses and activities shall take precedence and the development shall be designed in a manner that mitigates the conflicts.

Sec. 4.5.4 Natural Resource Protection Overlay (NR) District

(a) Purpose and Authority:

The Natural Resource Protection Overlay District is intended to:

- Protect surface waters and wetlands from encroachment by development, and from sources of non-point pollution;
- Preserve natural lakeshore vegetative cover where reasonably possible, and the protection of native plants and vegetative cover that provide lake shoreland wildlife habitat, to the greatest extent possible;
- Protect the functions and values of Burlington's wetlands;

- Protect and enhance water quality near public beaches and other water-based recreation areas from sources of non-point pollution;
- Preserve natural features and communities, geologic features and cultural sites for education and research.
- Provide opportunities for public access where feasible and appropriate;
- Facilitate connections and corridors for wildlife between areas of publicly protected sites.
- Ensure that development that occurs within a Flood Hazard Area conforms to the requirements of the National Flood Insurance Program.
- Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
- Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- Make the City of Burlington and its residents eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

(b) Areas Affected

This overlay district consists of all areas delineated on Map 4.5.4-1-Natural Resources Protection Overlay (NR) District and is divided into four (4) subparts:

1. A **Riparian and Littoral Conservation Zone** which consists of all surface water and a corresponding upland buffer area, and specifically includes the following areas:

   A. Uplands within 250 feet of the Lake Champlain lakeshore (measured at 95.5 feet above mean sea level per National Geodetic Vertical Datum 1929) with the exception of that portion of the shoreline between the northern extent of the Interim Development Area north of the former Moran Generating Station and the most westerly extent of Roundhouse Point described as the "Urban Waterfront" in the *2000 Open Space Protection Plan*;

   B. Uplands within 250 feet horizontal distance measured from the top of the slope where the channel runs adjacent to a valley wall or high terrace, or top of the bank where the channel has access to its floodplain, of the Winooski River;

   C. Uplands within 100 feet horizontal distance measured from the top of the slope where the channel runs adjacent to a valley wall or high terrace, or top of the bank, where the channel has access to its floodplain, of Engelsby Brook, Potash Brook or Centennial Brook; and,

   D. Uplands within 50 feet horizontal distance measured from the top of the slope where the channel runs adjacent to a valley wall or high terrace, or top of the

bank where the channel has access to its floodplain, of all other minor streams, or the mean shoreline of all other minor ponds;

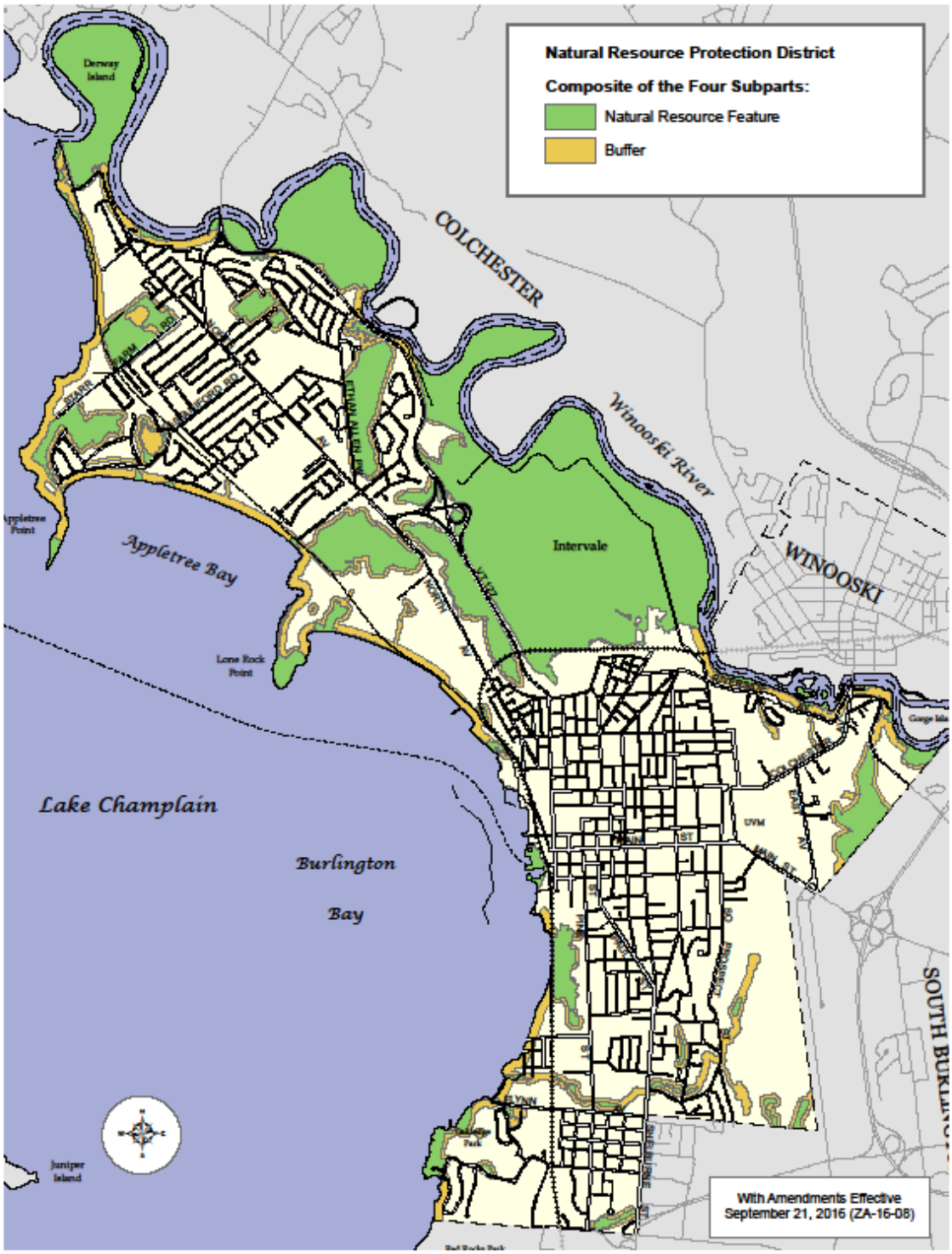
2. A **Wetland Conservation Zone** which consists of wetlands and a corresponding upland buffer area for the following areas:

   A. Uplands within 100 feet of all wetlands depicted in Map 4.5.4-1, Natural Resource Protection Overlay District except in cases where the State of Vermont has established a greater buffer zone width; and.

   B. Uplands within 100 feet from all vernal pools.

3. A **Natural Areas Zone** which consists of all areas identified as Significant Natural Areas in the City's *Open Space Protection Plan* and a corresponding buffer area of 100 feet; and,

4. A **Special Flood Hazard Area** which consists of all areas in the City of Burlington, Vermont identified as special flood hazard areas in and on the most current flood insurance studies and maps of the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.



Map 4.5.4-1: Natural Resource Overlay District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone:

1. Permitted Uses:

Except where otherwise noted herein, only the following uses are permitted within the Riparian and Littoral Conservation Zone and its associated buffer subject to the requirements and limitations set forth below under subpart 4.

A. Normal maintenance of existing lawns and maintained grounds including mowing, trimming of vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping and planting, vegetable and flower gardens, and the repair of existing private landscaping structures such as walkways and walls;

B. "Accepted agricultural and silvicultural practices" as defined under 24 VSA Ch 117;

C. Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;

D. Normal maintenance of existing docks, roads, rail lines, bridges, and culverts provided that disturbance to any shoreland is minimized in conjunction with such maintenance;

E. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,

F. Recreational and educational activities such as hiking, walking, fishing, nature study, and bird watching and associated boardwalks and unimproved trails.

2. Prohibited Uses:

Except where noted herein, the following uses shall be prohibited within the Riparian and Littoral Conservation Zone and its associated buffer.

A. The deposition or introduction of organic and inorganic chemicals, including herbicides and pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,

B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized vehicles used to construct and maintain permitted or regulated activities are specifically exempted from this prohibition);

3. Regulated Uses:

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated

buffer after review and approval pursuant to the requirements and limitations below under Subpart 4.

4. Requirements

1. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.

   In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater, prevent erosion, and control sedimentation. The city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules;

2. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality;

3. Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB; and,

4. No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer.

(d) District Specific Regulations: Wetland Conservation Zone:

1. Additional Application Requirements

The following information shall be submitted in addition to the applicable requirements of Article 3 for any development involving a wetland or wetland buffer zone:

A. Boundary Determination: The boundaries of a wetland shall be determined in the field by a qualified professional with expertise in wetland delineation and surveyed by a licensed land surveyor or other qualified individual. The boundary between wetland and upland shall be delineated by the methodology set forth in the Vermont Wetland Rules. The identification and delineation of wetlands for a proposed project must be performed within a five-year period prior to submission and acceptance of a complete zoning application;

B. A report addressing the project's impact on the wetland functions and values, and the measures that the applicant has incorporated into the project to avoid and minimize wetland impacts shall be prepared by a qualified professional with expertise in wetland delineation and evaluation;

C. A site plan for a project that will impact a wetland or buffer zone shall include delineated wetland boundaries, buffer zone boundaries, erosion control measures, and all components of the proposed project, including, but not limited

to all structures, driveways, parking areas, lawns, utilities, and the overall footprint of the construction area/zone of disturbance; and,

D. As part of their application, applicants must submit a complete stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3, and successfully demonstrate how the project will prevent adverse impacts to surface water and groundwater quality before, during, or after construction. At a minimum, an applicant should demonstrate how a project will meet the standards outlined in the latest edition of the Vermont Soil Erosion Handbook.

2. Permitted Uses:

Except where otherwise noted herein, only the following uses are permitted within a wetland and its buffer zone subject to the requirements and limitations set forth below under Subpart 6.

A. Normal maintenance of existing lawns and maintained grounds including mowing, trimming of vegetation and the removal of dead or diseased vegetation around a residence, decorative landscaping and planting, vegetable and flower gardens, and the repair of existing private landscaping structures such as walkways and walls;

B. "Accepted agricultural and silvicultural practices" as defined under 24 VSA Ch 117.

C. Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;

D. Normal maintenance of existing roads, rail lines, bridges, and culverts provided that disturbance to naturally occurring wetlands and shorelands is minimized in conjunction with such maintenance;

E. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,

F. Recreational and educational activities such as fishing, walking, hiking, nature study, and bird watching.

3. Prohibited Uses:

Except where noted herein, the following uses shall be prohibited within a wetland and its buffer zone.

A. The deposition or introduction of organic and inorganic chemicals, including pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,

B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized construction vehicles used to construct permitted or

regulated activities in the wetland are specifically exempted from this prohibition) ;

4. Regulated Uses:

Except where noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including the list of activities below, may be approved within a wetland and its buffer zone after review and approval pursuant to the requirements and limitations set forth below under Subpart 6 below.

A. The construction of buildings or other structures, and roads, parking areas or other impervious surface;

B. Any form of drainage, dredging, excavation, or removal of material either directly or indirectly;

C. Alteration or modification of natural drainage patterns, natural features and contours;

D. Installation of docks, rip-rap or other shoreline stabilization features;

E. Installation of utility poles or utility service lines, underground pipes or cable conduits, and wells;

F. Cutting of greater than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle;

G. Construction, expansion or placement of any structure;

H. Construction or expansion of roads, rail lines parking areas, trails, and sidewalks;

I. Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland;

J. The construction of a stormwater outfall as part of a stormwater management plan approved by the city engineer. In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and prevent erosion and control sediment and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules; and,

K. Application of pesticides performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9). In no other cases shall pesticides be applied.

5. Prohibited activities in a vernal pool and buffer zone:

Except where noted herein, the following uses shall be prohibited within a vernal pool and its respective buffer.

A. Any activities which disturb the area within 100 feet of a vernal pool, including, but not limited to timber harvesting, disturbance of the understory vegetation, pesticide or herbicide application, the erection of fences or other barriers to amphibian dispersal, barriers and any other type of human activities that disturb the vegetation or water quality in the pool and buffer.

6. Criteria for Review

In granting, denying, or conditioning any permit involving a wetland, vernal pool or respective buffer zone, the DRB, in consultation with the conservation board, will consider the project's impact on the functions and values of the wetland, and the measures that the applicant has incorporated into the project to avoid and minimize impacts. The DRB shall only approve a project having an impact on a wetland or wetland buffer zone if an applicant can demonstrate that any adverse impact is de minimus on the significant functions and values of the wetland including:

A. Water storage for floodwater and stormwater;

B. Erosion and sedimentation control through binding and stabilizing the soil or shoreline;

C. Surface water and groundwater protection, including sediment and toxicant retention, nutrient retention and transformation, and groundwater discharge and recharge;

D. Fisheries habitat;

E. Wildlife habitat;

F. Examples of natural community types that are exemplary, rare, or make an important contribution to the natural heritage of Burlington and Vermont;

G. Habitat for rare, threatened and endangered species;

H. Education and research in natural sciences;

I. Recreational and economic benefits; and,

J. Open space and aesthetics.

In addition, the review of a project having involving a wetland or wetland buffer zone shall also be subject to the following requirements and limitations:

K. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer;

L. No new stormwater outfall shall directly discharge into surface water without approval and implementation of a stormwater management plan approved by

the city engineer;

M. No installation of docks, rip-rap or other shoreline stabilization features shall be installed without review approval by the city engineer;

N. Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality; and,

O. Stormwater management, erosion, and sedimentation control plans shall be submitted for review by the conservation board who shall consult with the development review board and city engineer prior to issuance of a recommendation to the city engineer who shall render a final decision on such plans.

In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and control erosion and sedimentation and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules.

(e) District Specific Regulations: Natural Areas Zone:

1. Additional Application Requirements

The following information shall be submitted in addition to the applicable requirements of Article 3 for any development involving a natural area or associated buffer zone:

A. The boundaries of a Natural Area shall be determined in the field by a qualified professional field naturalist with expertise in feature delineation and surveyed by a licensed land surveyor or other qualified individual. The identification and delineation must be performed within a five-year period prior to submission and acceptance of a complete zoning application;

B. A report shall be prepared addressing the proposed project's impact on the natural areas functions and values, and the measures that the applicant has incorporated into the project to avoid and minimize impacts; and,

C. A site plan that shall include delineated Natural Area boundaries and the associated buffer zone with respect to the overall footprint of the construction area/zone of disturbance.

2. Permitted Uses:

Except where otherwise noted herein, only the following uses are permitted within a natural area and its buffer zone subject to the requirements and limitations set forth below under subpart 5.

A. Normal maintenance of constructed wetlands and stormwater systems, provided that naturally occurring wetlands are not disturbed in conjunction with the maintenance;

B. Normal maintenance of existing roads, bridges, and culverts provided that disturbance to naturally occurring wetlands and shorelands is minimized in conjunction with such maintenance;

C. Selective cutting of less than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle; and,

D. Recreational and educational activities such as fishing, walking, hiking, nature study, and bird watching.

3. Prohibited Uses:

Except where noted herein, the following uses shall be prohibited within the Natural Area and its associated buffer.

A. The deposition or introduction of organic and inorganic chemicals, including pesticides, except when the application of pesticides is reviewed and approved by the BCB and DRB, and performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9); and,

B. The off-road use of any motorized vehicles including ATVs or dirt bikes (the temporary use of motorized construction vehicles used to construct permitted or regulated activities in the wetland are specifically exempted from this prohibition) ;

4. Regulated Uses:

Except where noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including the list of activities below, may be approved after review and approval pursuant to the requirements and limitations set forth below under subpart 5.

A. The construction of buildings or other structures, and roads, parking areas and any other impervious surfaces;

B. Land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) not associated with a permitted or conditionally permitted use. Land disturbing activities which expose 5,000 or more square feet of soil (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) are prohibited except where a stormwater management, erosion prevention and sediment control plan has been reviewed by the Burlington Conservation Board and approved by the city engineer;

C. Any form of drainage, dredging, excavation, or removal of material either directly or indirectly;

D. Alteration or modification of natural drainage patterns, natural features and contours;

E. Installation of docks, rip-rap or other shoreline stabilization features;

F. Installation of utility poles or utility service lines, underground pipes or cable conduits, and wells;

G. Cutting of greater than 25 percent of the trees six inches or more in diameter at breast height over any 10 year cycle;

H. Construction, expansion or placement of any structure;

I. Construction or expansion of existing roads, parking areas, trails, and sidewalks;

J. Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall, or the discharge of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland;

K. The construction of a stormwater outfall as part of a stormwater management plan approved by the city engineer. In making determinations and decisions required herein, the city engineer shall consider the requirements of the most recent State of Vermont Stormwater Management Rules and Guidance document. The city engineer shall require the best practicable means be used to manage stormwater and prevent erosion and control sediment and the city engineer is hereby authorized to develop performance standards to ensure conformance with these state stormwater management rules;

L. Application of pesticides performed by an applicator certified by the Vermont Department of Agriculture for the sole purpose of controlling invasive species and subject to the requirements of the City's pesticide application ordinance (Burlington Code of Ordinances, Chapter 17, Section 9). In no other cases shall pesticides be applied; and,

M. Agricultural and silvicultural activities following Best Management Practices for the Protection of Water Quality including but not limited to housing of livestock, manure storage, pasturing livestock, growing crops, and compost storage, but excluding residential backyard compost storage.

5. Criteria for Review

In granting, denying, or conditioning any permit, the DRB, in consultation with the Conservation Board, will consider the significant functions and values of the natural area, the project's impact on the significant functions and values, and the measures that the applicant has incorporated into the project to avoid and minimize impacts. The DRB shall only approve a project having an impact on a natural area or its associated buffer zone if an applicant can demonstrate that any adverse impact is de minimus on the significant functions and values of the natural area including:

A. Water storage for floodwater and stormwater;

B. Erosion and sedimentation control through binding and stabilizing the soil or shoreline;

C. Surface water and groundwater protection, including sediment and toxicant retention, nutrient retention and transformation, and groundwater discharge and recharge;

D. Fisheries habitat;

E. Wildlife habitat;

F. Examples of natural community types that are exemplary, rare, or make an important contribution to the natural heritage of Burlington and Vermont;

G. Habitat for rare, threatened and endangered species;

H. Education and research in natural sciences;

I. Recreational and economic benefits; and,

J. Open space and aesthetics.

(f) District Specific Regulations: Special Flood Hazard Area:

1. Additional Application Requirements

The following information shall be submitted in addition to the applicable requirements of Article 3 for any development proposed within a Special Flood Hazard Area:

A. Base flood elevation data for all subdivision proposals and other proposed new developments containing more than fifty (50) lots or covering more than five (5) acres;

B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new construction or substantial improvements of structures;

C. Confirmation if such structures contain a basement; and

D. The elevation, in relation to mean sea level, to which any structure has been flood proofed.

E. A Vermont Agency of Natural Resources Project Review Sheet for the proposal should be filled out. The Project Review Sheet should identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the City permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer and attached to the permit application before work can begin.

In addition, the DRB shall require of the applicant any of the following information deemed necessary for determining the suitability of the particular site for the proposed use:

F. Plans in triplicate, drawn to scale, showing the location, dimensions, contours and elevation of the lot; the size and location on the site of existing and/or proposed structures, fill or storage of materials; the location and elevations of streets, water supply and sanitary facilities; and the relationship of the above to the location of the channel, floodway and base flood elevation where such information is available;

G. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel and cross-sectional areas to be occupied by the proposed development;

H. A profile showing the slope of the bottom of the channel or flow line of the stream; and

I. Specifications for building construction and materials, flood proofing, mining, dredging, filling, grading, paving, excavation or drilling, channel improvement, storage of materials, water supply and sanitary facilities.

2. Permitted Uses in Floodway Areas

The following open land uses shall be permitted within the floodway areas to the extent that they are permitted or conditionally permitted in the underlying zoning district, and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the floodway area, or channel modification or relocation, and do not obstruct flood flows, nor result in any increase in flood levels during the occurrence of the base flood discharge, decrease the water-carrying capacity of the floodway or channel, or increase off-site flood damage potential:

A. Agricultural uses, such as general farming, pasture, orchard, and grazing, outdoor plant nurseries, truck farming, and forestry;

B. Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas and boat launching sites; and/or

C. Accessory residential uses, such as lawns, gardens, and parking areas.

3. Permitted Uses in Special Flood Hazard Areas (including Floodway areas)

A. All those permitted open space uses as listed in Section 4.5.4.(f).2 above shall be permitted in the Special Flood Hazard Areas.

B. All other uses permitted in the underlying zoning district are permitted only upon review and approval by the DRB as per subpart 7 below.

4. Permitted Accessory Uses in Special Flood Hazard Areas (Including Floodway areas)

Uses customarily accessory and incidental to any of the permitted uses listed in underlying zoning district may be permitted, subject to the limitations therein.

5. Mandatory DEC Notification and 30-Day Review Period

A. Prior to issuing a permit a copy of the application and supporting information shall be submitted by the administrative officer to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date

the application was mailed to the Agency, whichever is sooner.

B. Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the VT National Flood Insurance Program Coordinator.

C. No permit may be granted for new construction, substantial improvement, filling, installation of a residential structure, or the development of land in any area designated as a floodplain by the Federal Emergency Management Agency (FEMA) prior to the expiration of a period of thirty (30) days following the submission of the application and a report to the Department of Environmental Conservation. The application and report shall describe the proposed use, the location requested and an evaluation of the effect of such proposed use on Burlington's municipal development plan and the regional plan, if any.

D. The subsection shall not be applicable to public utility generating stations and transmission lines which shall require the issuance of a certificate of public good under 30 V.S.A. Sec. 248 prior to any land filling or construction.

6. <u>Evaluation</u>

In reviewing the application, the DRB shall consider the evaluation of the Department of Environmental Conservation and shall determine that the proposed use will conform to the development standards of subpart 7 below.

7. <u>Special Review Criteria</u>

In reviewing each application, the DRB shall assure that the flood-carrying capacity within any portion of an altered or relocated watercourse is maintained and shall consider:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments;

B. The danger that material may be swept on to other lands or down stream to the injury of others;

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

E. The importance of the services provided by the proposed facility to the community;

F. The availability of alternative locations not subject to flooding for the proposed use;

G. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

H. The relationship of the proposed use to the municipal development plan;

I. The safety of access to the property in times of flood of ordinary and emergency vehicles;

J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood-waters expected at the site; and,

K. Conformance with all other applicable requirements of this ordinance.

8. <u>Approval Conditions</u>

Upon consideration of those factors in subpart 7 above and the purposes of these regulations, the DRB shall attach the following conditions to any permit it chooses to grant.

In **Floodway Areas** such conditions require that:

A. Along watercourses with a designated Floodway no encroachments, including fill, new construction, substantial improvements and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.

B. The flood-carrying capacity within any altered or relocated portion of a watercourse shall be maintained;

In all **Special Flood Hazard Areas** (including Floodway areas) such conditions require that:

C. All development:

(i) New construction and/or substantial improvements to structures shall be reasonably safe from flooding and be:

1. Designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood;

2. Constructed of materials resistant to flood damage;

3. Constructed by methods and practices that minimize flood damage; and

4. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(ii) All development shall be designed to minimize flood damage to the proposed development and to public facilities and utilities;

(iii) All development shall be designed to provide adequate surface drainage to reduce exposure to flood hazards;

(iv) All new construction and substantial improvements that have fully enclosed areas below the lowest floor shall:

1. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
2. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings of two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

(v) All necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law.

D. Residential Development:

(i) All new and substantially improved residential structures within Special Flood Hazard Area have the lowest floor, including basement, elevated one foot or more above, the base flood elevation;

(ii) All new, replacement or substantially improved manufactured homes in the Special Flood Hazard Area shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood. The manufactured home may be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation OR so that the lowest floor is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than one foot in height above the base flood elevation.

E. Non-Residential Development:

(i) All new construction and substantial improvements for nonresidential purposes shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Existing non-residential structures may be flood proofed where designed to be watertight to one foot or more above the base flood elevation, with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a proposed building to be flood proofed shall not be issued until a registered architect or engineer has reviewed the structural design, specifications and plans and has certified that the design and methods of construction are in accordance with meeting the provisions of this subsection.

F. Water Supply Systems:

New and replacement water supply and sanitary sewer systems shall be designed so as to prevent the infiltration of floodwaters into the systems and discharge from the systems;

G. On-Site Waste Disposal Systems:

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

H. Recreational Vehicles:

Recreational Vehicles placed on sites with special flood hazard areas shall either:

(i) be on the site for fewer than 180 consecutive days, or
(ii) be fully licensed and ready for highway use, or
(iii) be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Sec. 4.5.4 (f).8.(D).

9. Records

The administrative officer shall maintain a record of:

A. All permits issued in areas covered by this bylaw;

B. An Elevation Certificate with the as-built elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement in the Special Flood Hazard Area; and

C. The elevations, in relation to mean sea level, to which existing structures have been flood-proofed.

D. Any certification of floodproofing.

10. Variances

Variances to the above standards may be granted in writing by the DRB only in accordance with Article 12 and 44 CFR Section 60.6, and after a hearing noticed in the same manner as for a conditional use.

A. Review Criteria.

A decision in favor of the appellant shall be granted if all the following facts are found, and the supporting findings are specified in the decision. The variance, if authorized shall be issued by the DRB only upon:

(i) determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(ii) determination that the variance will not result in increased flood heights, increased susceptibility to flooding or erosion, additional threats to public safety or infrastructure (including emergency services during flood events), or extraordinary public expense;

(iii) the variance will not increase the potential of materials being swept onto other lands or into the stream and causing damage to others; and,

(iv) the variance if granted will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan;

B. Notice to Applicant.

Upon request for a variance the administrative officer shall notify the applicant in writing over the signature of the zoning administrator or his/her designee that:

(i) The issuance of a variance to construct a structure below the base flood elevation will result in increased flood insurance premium rates up to amounts as high as $25 for $100 of coverage; and

(ii) Such construction below the base flood elevation increases risks to life and property.

C. Annual Recording.

The administrative officer shall:

(i) Maintain a record of all variance actions, including justification for their issuance; and

(ii) Report such variances issued in its annual report

11. <u>Warning of Disclaimer of Liability</u>

These regulations do not imply those areas outside the flood hazard area or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of any city official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

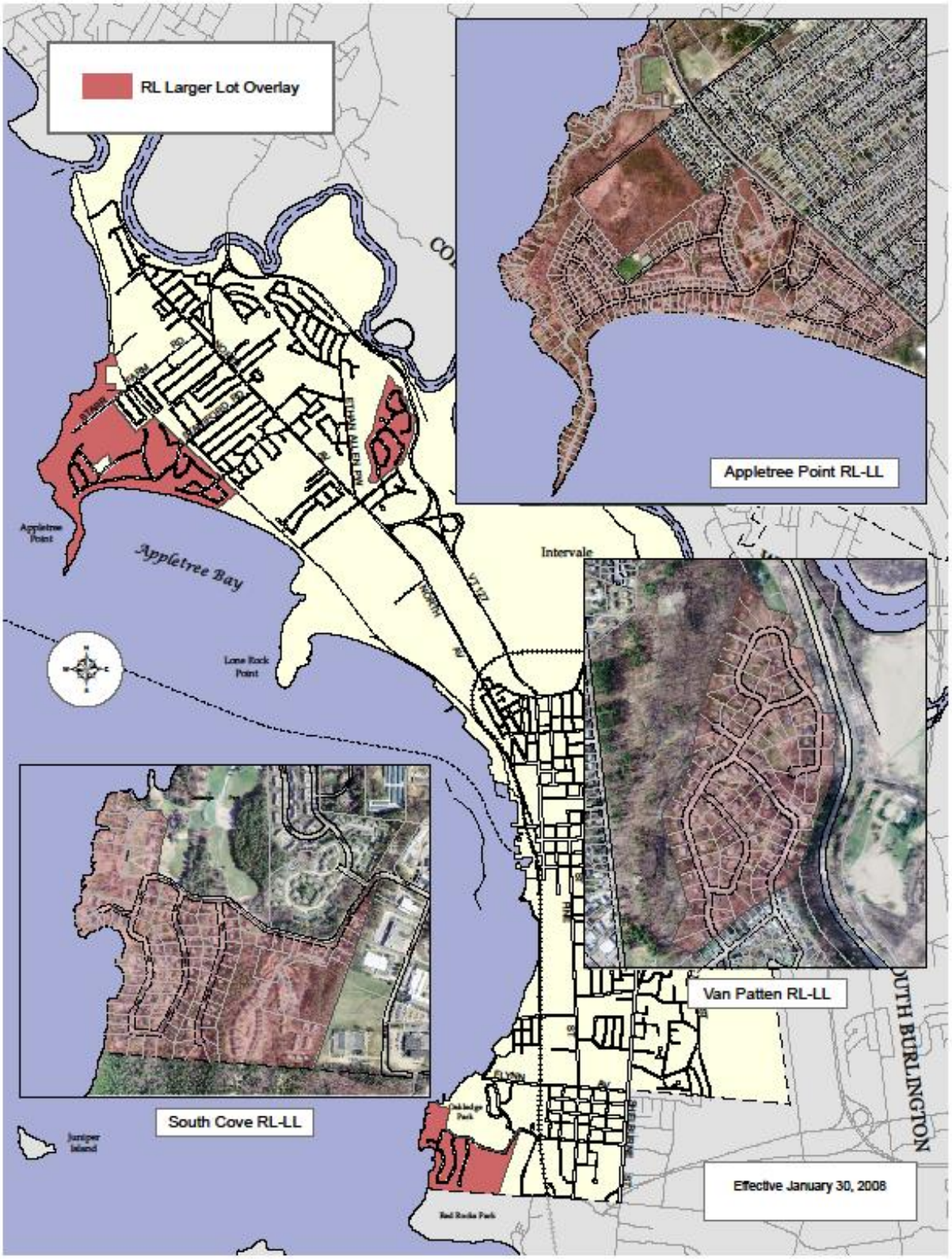
Sec. 4.5.5 RL Larger Lot Overlay District

(a) Purpose:

The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods' development history.

(b) Areas Covered:

The RL Larger Lot Overlay District includes those portions of the RL Zoning District as delineated on Map 4.5.5-1 RL Larger Lot Overlay District.



Map 4.5.5–1: RL Larger Lot Overlay

(c) District Specific Regulations: RL Larger Lot Overlay

1. Minimum Lot Size and Density

The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5- and 4.4.5-2 as follows:

Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage[1] *(In linear feet)*	**Minimum Lot Size** *(In square feet)*	**Maximum dwelling units per acre**[2] *(without bonuses or any Inclusionary Zoning allowances)*
Single detached dwelling	75 feet	9,900 sqft	4.4 units/acre
Duplex and above	100 feet	15,840 sqft	5.5 units/acre
The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street. Inclusive of new streets but exclusive of existing streets.			

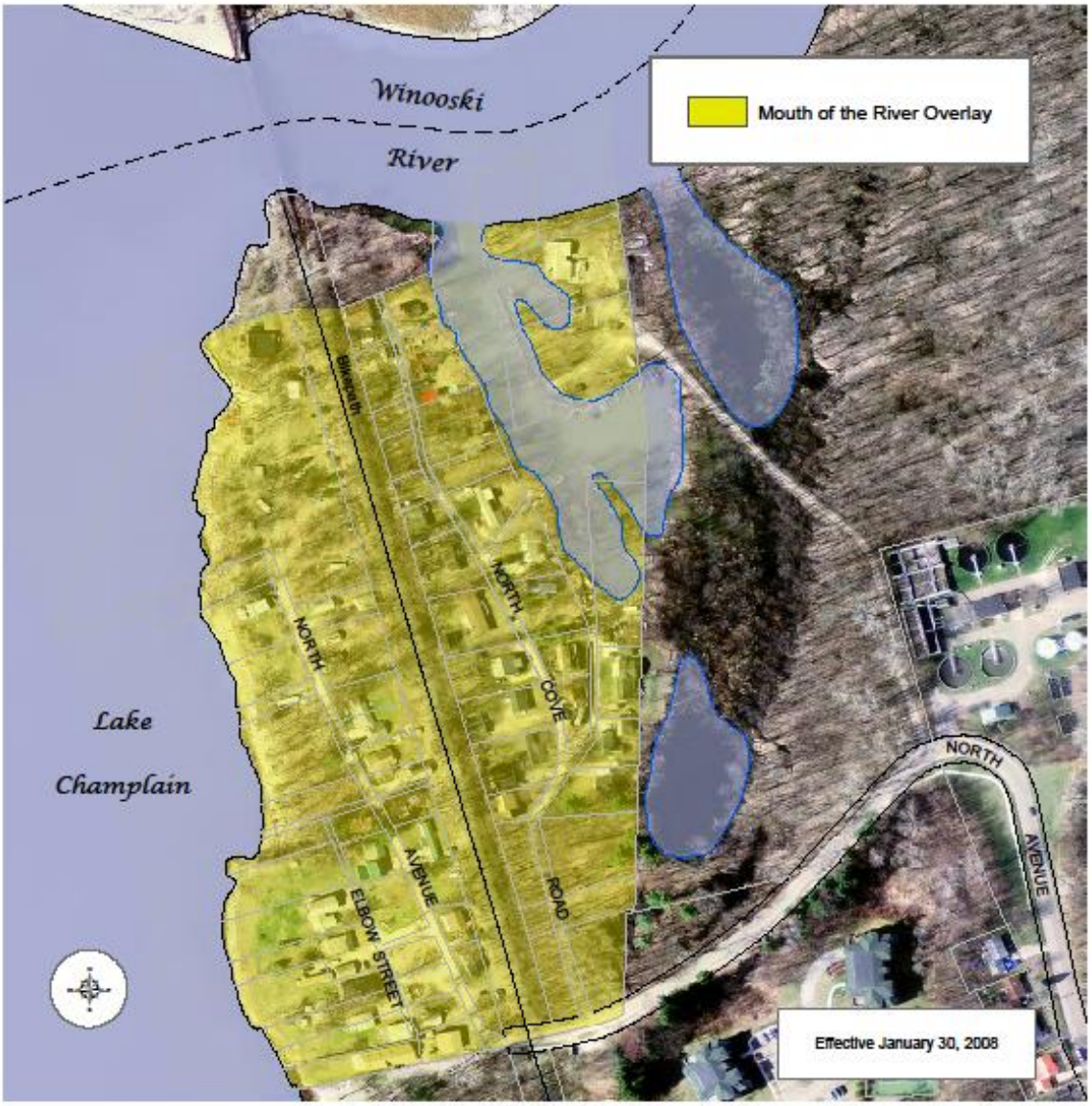
Sec. 4.5.6 Mouth of the River Overlay District

(a) Purpose

The Mouth of the River Overlay District is intended to support the continuation of small-scale non-residential marine and recreational uses.

(b) Areas Covered.

The Mouth of the River Overlay District includes those portions of the RL Zoning District as delineated on Map 4.5.6-1.



Map 4.5.6–1: Mouth of the River Overlay

(c) District Specific Regulations: Mouth of the River Overlay:

1. Uses

A. Exception for Non-Residential Marine and Recreational Uses.

Small-scale non-residential marine and recreational uses in the Mouth of the River Overlay shall be allowed as follows:

(i) The following non-residential marine and recreational uses shall be permitted as follows:

Use	**Permitted – Y Conditional - CU**
Bicycle Sales/Repair	Y
Boat Sales/Rentals	Y
Café	Y
Marina	CU

(ii) In addition to the requirements of (i) above, non-residential uses less than 2,000 sqft shall be treated as a permitted use. Non-residential uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Non-residential uses occupying 4,000 sqft or more shall not be permitted;

(iii) Non-residential uses shall be limited to a single story on the ground level of any structure;

(iv) The sale of fuel shall be prohibited;

(v) Boats for sale or rent, and those accommodated for marine services shall be limited to no more than 25 feet in length;

(vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week;

(vii) All building height, coverage, and setback requirements for the underlying residential district shall apply;

(viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6;

(ix) To the extent that additional parking is required, the parking standards for Shared-Use Districts shall apply pursuant to Article 8;

(x) Home occupations as defined and regulated under this article are not restricted by the provisions of this section; and,

(xi) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.

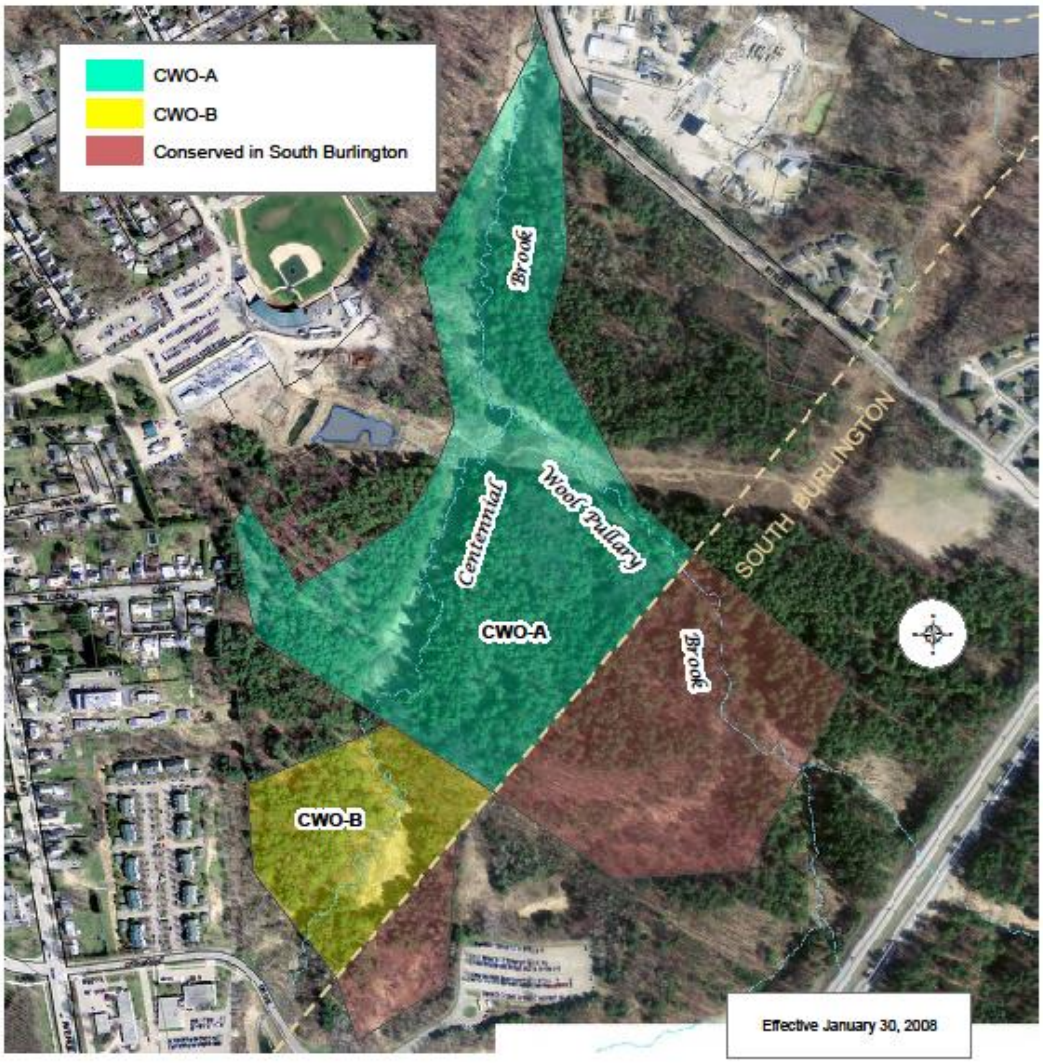
Sec. 4.5.7 Centennial Woods Overlay District

(a) Purpose:

The Centennial Woods Overlay District is intended to provide for educational, institutional and accessory uses, as well as a diversity of passive and active recreational opportunities and other urban green spaces that provide for public use and enjoyment.

(b) Areas Covered:

The Centennial Woods Overlay District includes those portions of the Institutional (I) and RCO-Recreation/Greenspace (RCO-RG) zoning districts as delineated on Map 4.5.7-1.



Map 4.5.7–1: Centennial Woods Overlay

(c) District Specific Regulations: Centennial Woods Overlay:

1. Uses

A. Exception for Educational Uses.

All permitted and conditionally permitted uses in the underlying zoning districts as provided in Appendix A – Use Table shall apply with the following exceptions for educationally-related uses:

Use	CWO-A	CWO-B
Dormitory	Y	CU
Sorority/Fraternity	N	CU
Office - General	Y	CU
Recreational Facility - Indoor	Y	CU
Recreational Facility -Outdoor	Y	CU
Research Lab	Y	CU
School - Post-Secondary & Community College	Y	CU