

DRAFT

ARTICLE 14
BURLINGTON FORM-BASED CODE

VIBRANT · CREATIVE · ACTIVE · SUSTAINABLE

The Form-Based Code is a collaboration of the City of Burlington and Town Planning & Urban Design Collaborative LLC.
More at: <http://www.burlingtonvt.gov/planBTV/>

November 1, 2015

PREAMBLE: A PLACE-BASED APPROACH TO ZONING

■ SUBSECTIONS:

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P3	Foundation for the Burlington Form-Based Code
P4	Guiding Principles for the Burlington Form-Based Code
P5	The Burlington Form Districts
P6	Organization of the Burlington Form-Based Code
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This Preamble to the Burlington Form-Based Code provides an overview of Form-Based Codes generally, and the creation and organization of the Burlington Form-Based Code. This text is not regulatory and is intended only to provide an introduction and overview for users.

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

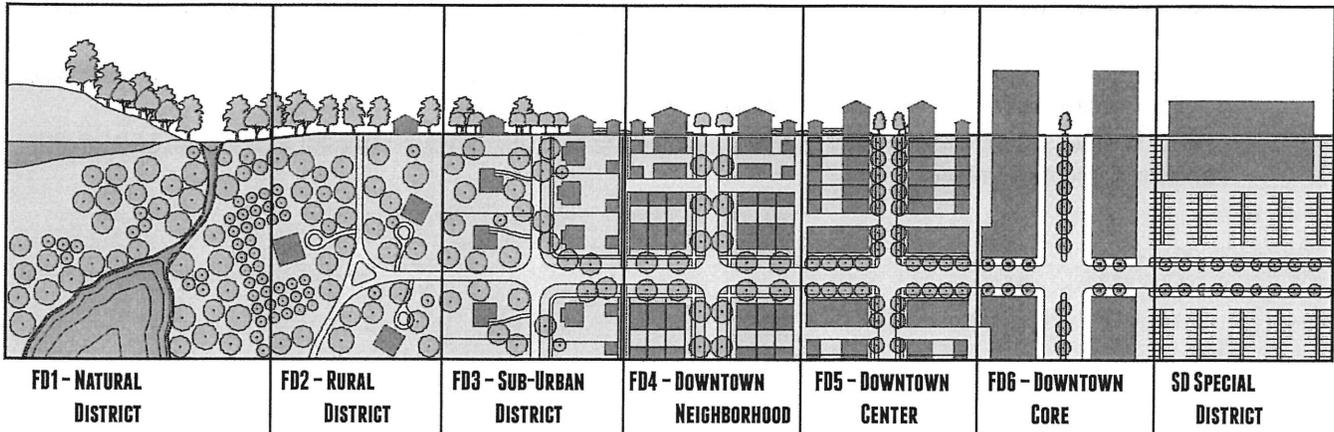
The growing use of “Form-Based” development regulations represents a paradigm shift in the way that communities regulate the growth and development of the built environment. More and more communities are realizing that conventional, use-based approaches to zoning are much less effective for regulating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

Unlike conventional zoning regulations, Form-Based Codes use the intended built form and physical characteristics of a place as the organizing principle or framework of the code, rather than one based on separating or concentrating land uses. As such, the naming conventions used in a Form-Based Code are typically “use-neutral” and instead reflect the intended physical form of a place or building. For example, instead of an area being labeled “single-family residential,” it might be called “traditional neighborhood.” The terms “neighborhood” and “downtown” both may include a mix of uses and different building types but with a different intended physical form, scale, and intensity of development.

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

P.2 - THE RURAL-TO-URBAN TRANSECT: THE FRAMEWORK FOR THE BURLINGTON FORM-BASED CODE

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



The Burlington Form-Based Code uses the term “Form Districts” rather than “Transect Zones” for ease of use and understanding by the majority of users. The Burlington Form Districts currently include only the more urbanized (FD4-FD6) end of the hierarchy. The more natural, rural and suburban (generally FD1 through FD3) district types are not used at this time because they are generally not present within the downtown or waterfront area of the city.

P.3 - FOUNDATION FOR THE BURLINGTON CODE

In 2013, the City of Burlington completed a comprehensive downtown and waterfront master plan called *planBTV: Downtown and Waterfront Master Plan* (<http://www.burlingtonvt.gov/planBTV/>), which was unanimously supported and adopted by the City Council. The development of planBTV began in 2011 with a series of studies to inventory and assess existing conditions and identify primary needs, challenges and opportunities. These assessments provided critical information and perspective necessary to inform a meaningful and grounded visioning and planning process. After 18 months of intensive public engagement by Burlingtonians, the development of the master plan began. planBTV is the culmination of these efforts and includes a cohesive vision that emerged from a planning process grounded in real-world present-day context.

One of the most important implementation tools identified in planBTV was the development of a Form-Based Code for the Downtown and Waterfront area. This was understood to be a critical tool with which to facilitate infill, allow for a more diverse range of building types, and simplify the public approvals process for new and future development within the city's core.

P.4 - GUIDING PRINCIPLES FOR THE BURLINGTON FORM-BASED CODE

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

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

P5 - THE BURLINGTON FORM DISTRICTS

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

- FD4 - Downtown Neighborhood district applies to areas that have a mix of small to medium footprint, medium-density housing types (attached and detached) and in some instances a mix of single-family homes.
- FD5 district applies to areas that have higher density of residential or commercial development often in attached or slightly detached forms providing a transition between the mixed use core and adjacent residential neighborhoods.
- FD6 - Downtown Core district applies to the core of the downtown with the highest density of residential or commercial development in attached or slightly detached forms.

LESS URBAN

MORE URBAN



FD4 - DOWNTOWN NEIGHBORHOOD

FD5 - DOWNTOWN CENTER

FD6 - DOWNTOWN CORE



PURPOSE AND APPLICABILITY OF THE BURLINGTON FORM-BASED CODE

SUBSECTIONS:

- 14.1.1 Purpose
- 14.1.2 Intent
- 14.1.3 Applicability

14.1.1 - PURPOSE

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

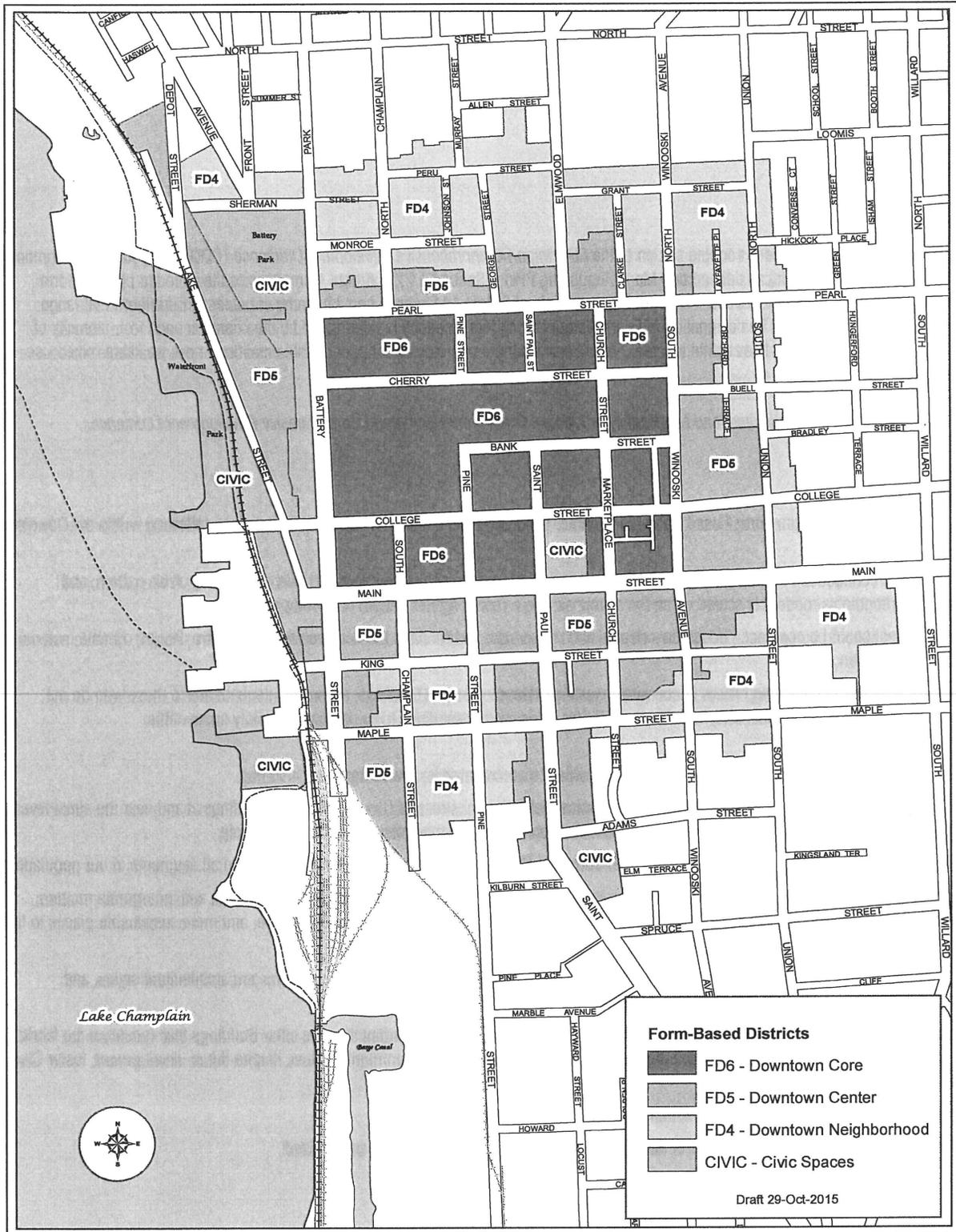
This Section 14.1 establishes the overall intent and applicability of Article 14 within the Burlington Comprehensive Development Ordinance.

14.1.2 - INTENT

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

- a) That development contiguous to urban areas should be structured in the pattern of and be integrated with the existing urban pattern, and contribute to Burlington's moderately scaled urban form emphasizing a more efficient pattern of development.
- b) That development should be compact, pedestrian-oriented and mixed-use, and enhance the community with creative design, durable materials, and quality construction.
- c) That ordinary activities of daily living should occur within walking distance of most Dwellings, allowing independence to those who do not drive, and the promotion of personal safety and Accessibility for those with disabilities in the design of publicly accessible outdoor and indoor spaces.
- d) That a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- e) That buildings and landscaping should contribute to the physical definition of streets as Civic places, and buildings at and near the street level should be composed of human-scaled elements and details that promote pedestrian interest, comfort, and safety.
- f) That development should reinforce the implementation of Complete Streets that provide for the mobility needs of all segments of our population.
- g) That architecture and landscape design should grow from local climate, topography, history, and building practice, and incorporate modern, climate-sensitive and environmentally-conscious design considerations to create healthier, more productive, and more sustainable places to live and work.
- h) That development should enhance the City's skyline and promote visual interest with a variety of roof forms and architectural styles, and architectural elements, details, and materials of a building are all integral to the whole composition.
- i) That important Civic buildings should be distinctive and appropriate to a role more important than the other Buildings that constitute the fabric of the City, and be designed and constructed to the highest standards in order to reflect community values, inspire future development, foster Civic pride, and serve as a model to others.
- j) That the preservation and renewal of Historic Buildings should be facilitated.
- k) That the intended physical form and character of development and resulting places shall be emphasized.

MAP 1 - REGULATING PLAN



SECTION 14.3: SPECIFIC TO FORM DISTRICTS

SUBSECTIONS:

- 14.3.1 Purpose
- 14.3.2 Applicability
- 14.3.3 Form Districts General
- 14.3.4 FD4 Downtown Neighborhood (FD4)
- 14.3.5 FD5 Downtown Center (FD5)
- 14.3.6 FD6 Downtown Core (FD6)

14.3.1- PURPOSE

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

14.3.2-APPLICABILITY

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

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

14.3.3- FORM DISTRICTS GENERAL

The following shall be applicable to all Form Districts:

- a) Lots being newly platted or re-platted shall be dimensioned as shown for the applicable Form District in this Section.
- b) Buildings shall be disposed in relation to the boundaries of their Lots according to the standards shown for the applicable Form District in this Section.
- c) A majority of the Facade of the building shall be built parallel to a rectilinear Principal Frontage Line or to the tangent of a curved Principal Frontage Line.
- d) The footprint area of an Outbuilding may not exceed the footprint area of the Principal Building.
- e) All utility service connections shall be underground for new construction and is recommended for existing buildings undergoing a renovation or addition.
- f) One or more Principal Buildings at the Frontage, and one or more Outbuildings and Backbuildings to the rear of the Principal Building, may be built on each Lot.

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

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

FD4-DOWNTOWN NEIGHBORHOOD

FD5 - DOWNTOWN CENTER

FD6 - DOWNTOWN CORE



INTENT

To provide a wide variety of urban housing choices, in medium to high density building types with small-scale neighborhood supportive functions primarily at corners. This district aims to reinforce and enhance the walkable nature of the neighborhood, given its close proximity to Adjacent mixed function zones.

INTENT

To enhance the vibrant urban center with a variety of high density building types. Provide locally and regionally serving office, retail, service, hospitality, entertainment, Civic functions, as well as a wide variety of urban housing choices. This district also aims to reinforce the walkable nature of the urban core of the city.

INTENT

To enhance the vitality of the urban core with a variety of high density building types. Provide locally and regionally serving office, retail, service, hospitality, entertainment, Civic functions, as well as a wide variety of urban housing choices. This district also aims to reinforce the walkable nature of the urban core of the city.

DESIRED FORM

Attached or detached buildings

DESIRED FORM

Attached buildings

DESIRED FORM

Attached buildings

Small to medium footprint

Small to large footprint

Small to large footprint

Building at or close to frontage line

Building at the frontage line

Building at the frontage line

Small to no side Setback

No side Setback

No side Setback

2 to 3 stories

3 to 6 stories

3 to 11 stories

Outbuildings common

Outbuildings not common

Outbuildings not common

GENERAL USE

A diverse residential mix; with small to medium-sized neighborhood supportive service and retail functions primarily at corners.

GENERAL USE

Vertically Mixed Uses: retail, service, hospitality, entertainment, Civic, on the ground floor with residential and other commercial uses on upper floors.

GENERAL USE

Vertically Mixed Uses: retail, service, hospitality, entertainment, Civic, on the ground floor with residential and other commercial uses on upper floors.

14.3.4 - FD4 - DOWNTOWN NEIGHBORHOOD

FD4



14.3.4-A- INTENT

To provide a wide variety of urban housing choices, in medium to high density building types with small-scale neighborhood supportive uses primarily at corners. This district aims to reinforce and enhance the walkable nature of the neighborhood, given its close proximity to Adjacent Mixed Use zones.



Attached or detached buildings

Small to medium footprint

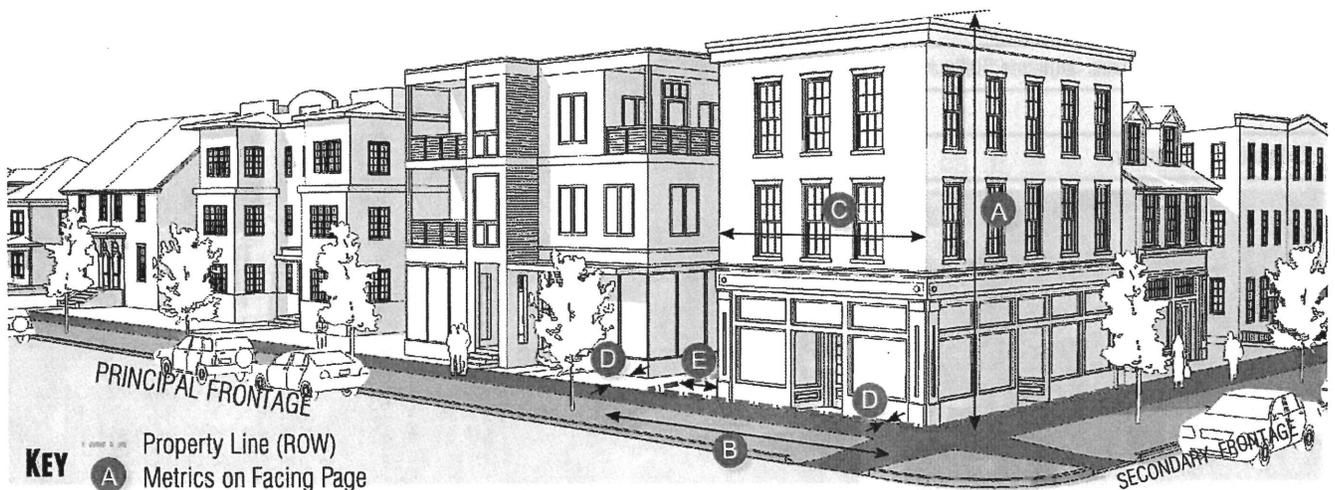
Building at or close to the frontage line

Small to no side Setback, large rear Setback

2 to 3 stories

Outbuildings common





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

14.3.4-B- ALLOWED BUILDING TYPES

BUILDING TYPE	STANDARDS
Carriage House	Section 14.4.4
Detached House	Section 14.4.5
Duplex	Section 14.4.6
Rowhouses	Section 14.4.7
Multi-Family: Small	Section 14.4.8
Multi-Family: Large	Section 14.4.9
Work/Live	Section 14.4.10
Mixed-Use ¹	Section 14.4.11
Perimeter ¹	Section 14.4.12
Civic	Section 14.4.13

¹Allowed on corner Lots only. see Section 14.5.12

14.3.4-C- BUILDING FORM

HEIGHT	
Principal Building	<p>By Right: A</p> <ul style="list-style-type: none"> 2 Stories min.¹ 3 Stories max., not to exceed 38 feet. <p>Subject to DRB Review ²:</p> <ul style="list-style-type: none"> 4 Stories max., not to exceed 50 feet within 50 feet of an adjacent Form District boundary with a higher maximum Building height.
Outbuilding & Backbuilding	
Carriage House	2 Stories max., not to exceed 24 feet
Other Outbuilding	1 Story max., not to exceed 15 feet
Backbuilding	1 Story max., not to exceed 15 feet

¹ Applicable only to the development of new Principal Buildings.

² Subject to DRB Review per Sec. 14.6.5 d)

14.3.4-D- LOT OCCUPATION & BUILDING PLACEMENT

Block Perimeter	2,400 ft max.
Lot Width ¹	30' min. - 75' max. B
Pervious Area	35% min.
Landscaped Area	25% min.
Frontage Buildout	60% min. at Setback C
Density	40 units/ac max.

¹Minimum Lot Width for Rowhouses is 12'.

BUILDING DISPOSITION	STANDARDS
Edgeyard	Section 14.6.3
Sideyard	Section 14.6.3
Rearyard	Section 14.6.3

SETBACK (DISTANCE FROM ROW/LOT LINE/FORM DISTRICT)

Front D	
Principal Building	+/- 5' of the average of the 2 adjacent lots on both sides ¹
Outbuilding	In the third Lot Layer
Side E	
Principal Building	5' min. ²
Outbuilding	5' min.
Rear	
Principal Building	5' min.
Outbuilding	5' min.

¹ 0' front Setback is allowed only for Mixed Use and Perimeter Building Types on a corner lot.

² 0' side Setback is allowed only for Sideyard type Houses, Duplexes sharing a party wall, and Rowhouse Building Types. NOTE: Also see building code for additional requirements and limitations related to fire separation.

MISCELLANEOUS

Fence materials shall not include barbed or razor wire. Chain link and wire fencing shall not be used along any Frontage Line. Woven cable fencing is allowed.

14.3.4-E- PARKING, LOADING & SERVICE

REQUIRED SPACES

Except as provided below, on-site parking shall be provided per the requirements of Section 14.6.8 - Supplemental to Form Districts - Parking, Loading, Service and Driveway.

Corner Stores No off-street parking required.

On-site bike parking shall be provided per the requirements of Section 14.6.9 - Supplemental to Form Districts - Parking, Loading, Service and Driveway, Bicycle Parking Standards.

LOCATION ON THE LOT

All on-site parking, including Parking Areas and Garages, shall be located in the Second or Third Lot Layer.

Garages with front loading bays shall be recessed a minimum of one (1) foot from the Facade of the Principal Building and designed to form a secondary building volume.

See also Sec. 14.6.8 and Sec. 14.6.12 for additional requirements pertaining to parking and site design.

14.3.4-F- ENCROACHMENTS - REQUIRED SETBACKS

ENCROACHMENT TYPE	FRONT	SIDE	REAR
Signs	A	-	-
Frontage Type ¹	A	-	-
Steps to Building Entrance	A	-	-
Balconies and Bay Windows	50% max.	3' max.	-
Other Architectural Features	3' max.	3' max.	3' max.
Landscaping	A	A	A
Fences or freestanding walls	A ²	6' max. height	6' max. height
Parking Areas, Driveways, Walkways	3' max. ³	3' max. ⁴	3' max. ⁵
Utility Structures	-	A	A

14.3.4-F- ENCROACHMENTS - REQUIRED SETBACKS

KEY

Encroachment Allowed: A

Encroachment Not Allowed: -

¹ See Section 14.5 (Specific to Frontage Types) as applicable.

² 4' max. height, 3' max. height within the clear site triangle.

³ Driveways no wider than 10 feet and Walkways no wider than 3 feet may encroach in the First Lot Layer to provide access from a Thoroughfare.

⁴ Shared Driveways may fully encroach in the required side yard to provide access between adjoining lots.

⁵ Driveways no wider than 10 feet may encroach in the required rear setback to provide access from rear alley or lane.

14.3.4-G- SIGN TYPES

ALLOWED SIGN TYPES	STANDARDS
Maximum total number of Signs per frontage	1
Blade	14.6.10-E
Freestanding ¹	14.6.10-F
Nameplate	14.6.10-H

ALLOWED SIGN TYPES: MIXED-USE AND PERIMETER BUILDING TYPES ONLY

ALLOWED SIGN TYPES: MIXED-USE AND PERIMETER BUILDING TYPES ONLY	STANDARDS
Maximum total number of Signs per Principal Frontage	4
Maximum total number of Signs per Secondary Frontage	2
Awning & Canopy Sign	14.6.10-C
Band	14.6.10-D
Outdoor Display Case	14.6.10-I
Window	14.6.10-K

¹ 6' height max. with no illumination.

See Section 14.6.10 (Supplemental to Form Districts - Sign Standards) for specific requirements.

14.3.4-I- USE TYPE

FD4

Uses not specifically listed in this use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Single Detached Dwelling	P
Accessory Dwelling Unit ¹ (Sec. 14.6.7.e)	P
Attached Dwellings	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (Sec. 14.6.7.d)	CU
Convalescent /Nursing Home	P
Group Home	P

SHORT-TERM ACCOMODATIONS

Bed and Breakfast ¹	P
Historic Inn (Sec. 14.6.7.b)	P
Hotel, Motel ⁴	P
Shelter ⁴	P

RETAIL - GENERAL⁴

ATM	P
Convenience Store	P
General Merchandise/Retail	P

RETAIL - OUTDOOR

Open Air Markets ⁵	P
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OFFICE & SERVICE⁴

Beauty Salon/Barber Shop/Spa	P
Crisis Counseling Center (Sec. 14.6.7.g)	CU
Dry Cleaning Service	P
Health Club/Studio	P
Laundromat	P
Office - General	P
Office - Medical	P
Tailor Shop	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION^{2,4}

Café	P
Club, Membership	P

14.3.4-I- USE TYPE

FD4

Community Center	P
Museum - Small < 10,000 sf	P
Performing Arts Studio	P
Restaurant	P
Restaurant - Take Out	P

EDUCATION & DAY CARE

Day Care - Adult	P
Daycare - Large (Over 20 children) ⁴ (Sec. 14.6.7.a)	CU
Daycare - Small (7-20 children) ⁴ (Sec. 14.6.7.a)	CU
Daycare - Home (6 children or less)	P
School - Post-Secondary & Community College	CU
School - Primary	CU
School - Secondary	CU

CIVIC

Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Parking Structure ³	CU
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KEY -- -

Permitted Use	P
Conditional Use	CU

END NOTES

- ¹Must be owner-occupied.
- ²No outdoor entertainment allowed.
- ³Parking Structures shall be located behind a Perimeter Building (see Section 14.4.13).
- ⁴Only permitted in a Mixed-use or Perimeter Building Type, or as may be permitted pursuant to Sec. 4.4.5 (d) 6 A of the Burlington CDO.
- ⁵Only permitted in a Civic Space.

14.3.5 - FD5 - DOWNTOWN CENTER

FD5



14.3.5-A- INTENT

To enhance the vibrant urban center with a variety of high density building types. Provide locally and regionally serving office, retail, service, hospitality, entertainment, Civic functions, as well as a wide variety of urban housing choices. This district also aims to reinforce the walkable nature of the urban core of the city.

Attached buildings

Small to large footprint

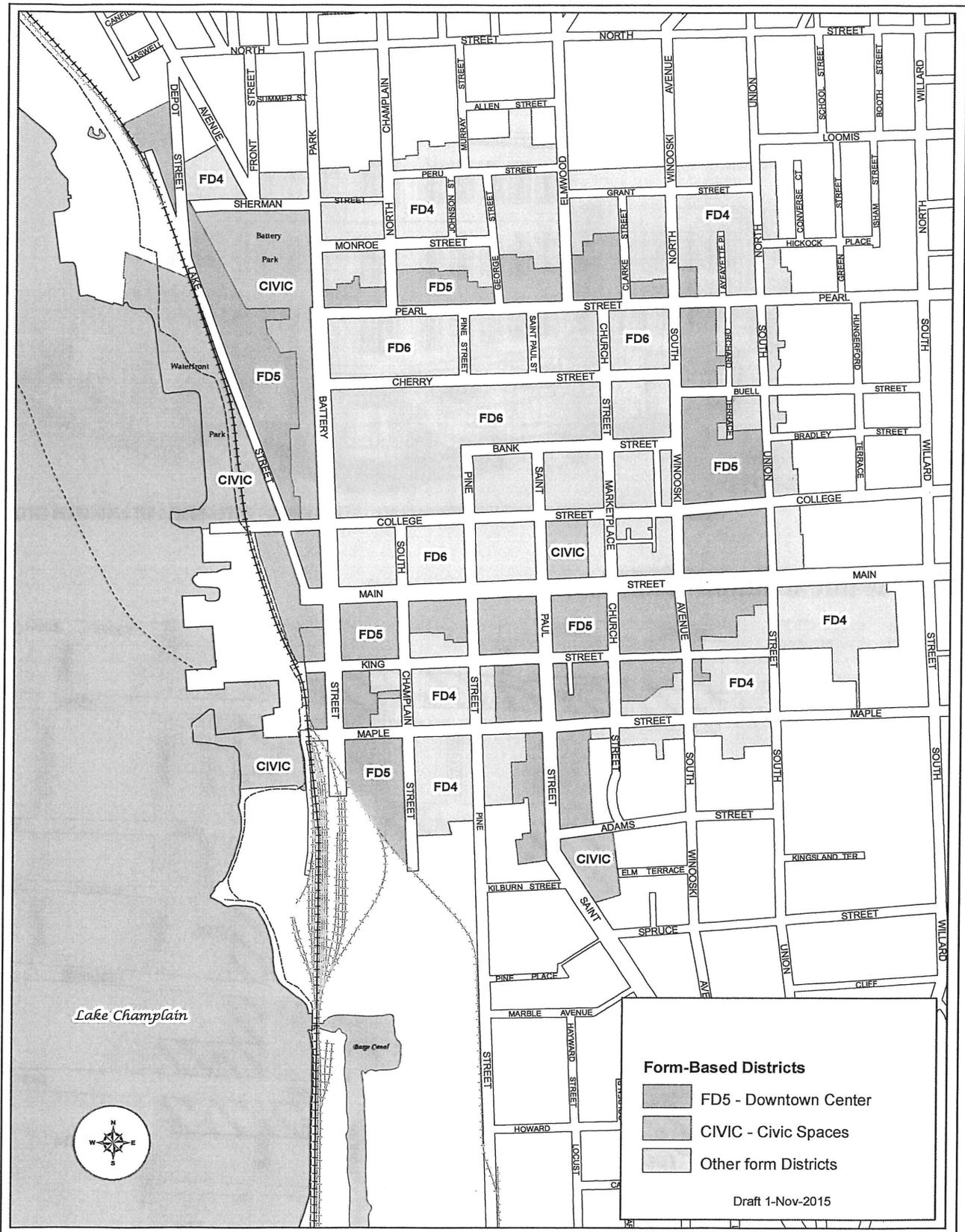
Building at the frontage line

No side Setback

3 to 6 stories

Outbuildings not common

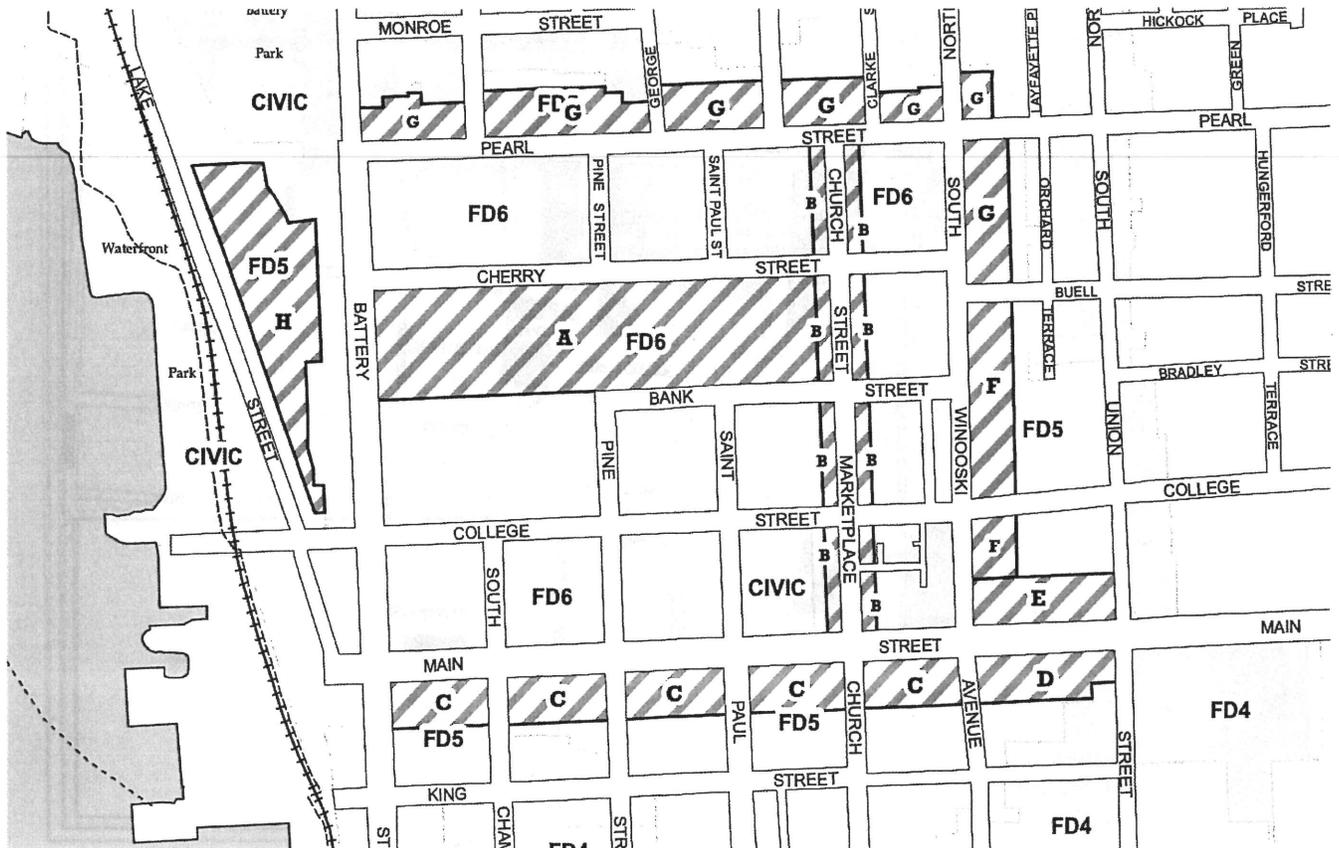






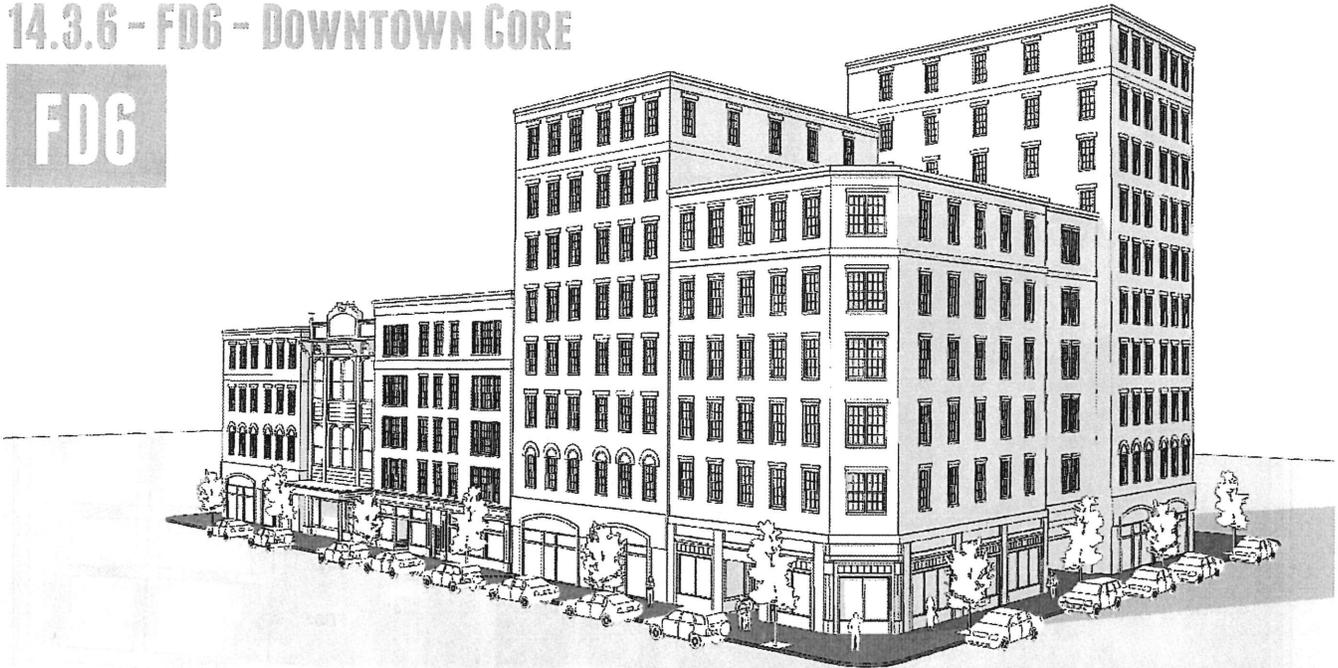
THE DIAGRAM ABOVE IS FOR ILLUSTRATIVE PURPOSES ONLY. METRICS SHOWN THEREON SHALL HAVE REGULATORY EFFECT.

MAP 2 - SPECIFIC HEIGHT AREAS (EXCERPT ONLY, see Section 14.2.6)



14.3.6 - FD6 - DOWNTOWN CORE

FD6



THE DIAGRAM ABOVE AND PHOTOGRAPHS BELOW ARE FOR ILLUSTRATIVE PURPOSES ONLY.

14.3.6-A- INTENT

To enhance the vitality of the urban core with a variety of high density building types. Provide locally and regionally serving office, retail, service, hospitality, entertainment, Civic functions, as well as a wide variety of urban housing choices. This district also aims to reinforce the walkable nature of the urban core of the city.

Attached buildings

Small to large footprint

Building at the frontage line

No side Setback

3 to 11 stories

Outbuildings not common

