ARTICLE 14
PLANBTV DOWNTOWN CODE

VIBRANT · CREATIVE · ACTIVE · SUSTAINABLE

The creation of this Code was a collaboration of the City of Burlington and Town Planning & Urban Design Collaborative LLC.
Learn more at: www.burlingtonvt.gov/planBTV/

As amended by the City Council: October 6, 2021

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The work that provided the basis for this publication was supported by funding under an award with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication.

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

PREAMBLE: A Place-Based Approach to Zoning

Subsections:

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

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

P.1 - What is a Form-Based Code?

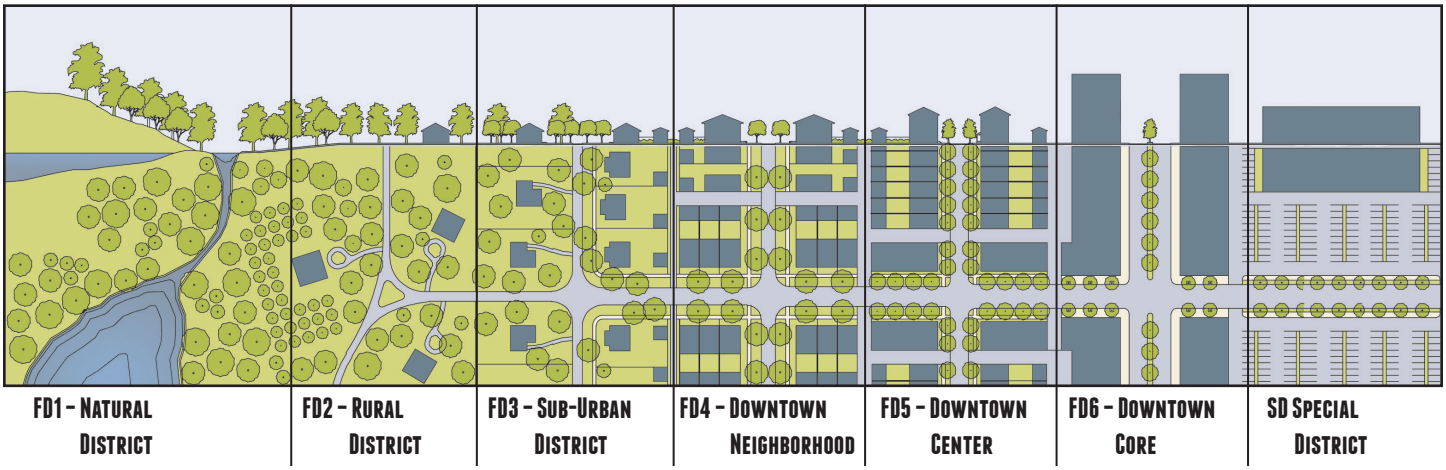
The growing use of "form-based" development regulations represents a paradigm shift in the way that communities regulate the growth and development of the built environment. More and more communities are realizing that conventional, use-based approaches to zoning are much less effective for regulating 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. A form-based approach helps to explain how buildings and structures relate to their lots, surrounding buildings and structures, and the street and other public rights-of-way. The naming conventions used in a form-based codes are typically "use-neutral" and instead reflect the intended physical form of a place or building. For example, instead of an area being labeled "single-family residential," it might be called "traditional neighborhood." The terms "neighborhood" and "downtown" both may include a mix of uses and different building types but with a different intended physical form, scale, and intensity of development.

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

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

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



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

P.3 - Foundation for the Burlington Code

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

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 facilitiate infill, allow for a more diverse range of building types, and create a more predictable and transparent public approvals process for new and future development within the city's core.

P.4 - Guiding Principles for the planBTV Downtown Code

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

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

P.5 - The Burlington Form

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

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

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

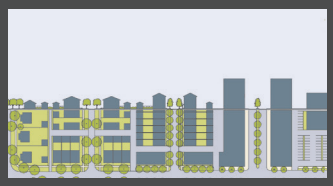
Less Urban ◄ ► **More Urban**

FD5 - Downtown Center	FD6 - Downtown Core

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

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

Preamble
A PLACE-BASED APPROACH TO ZONING

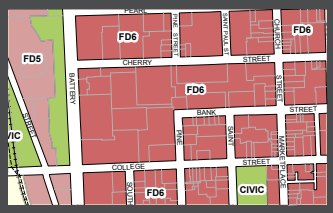


An overview of Burlington's form and character. This text is not regulatory and is intended to provide an introduction and overview of the planBTV Downtown Code.

Section 14.1
PURPOSE & APPLICABILITY

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

Section 14.2
REGULATING PLAN



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

Section 14.3
SPECIFIC TO FORM DISTRICTS

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

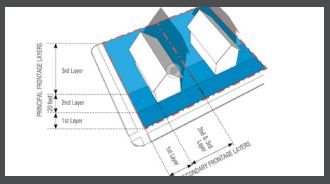
Section 14.4
SPECIFIC TO BUILDING TYPES

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

Section 14.5
SPECIFIC TO FRONTAGE TYPES

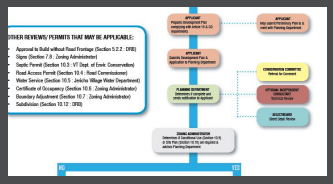
Establishes standards for a wide range of building Frontage Types that provide the transition between the public street and the private realm within buildings.

Section 14.6
SUPPLEMENTAL TO FORM DISTRICTS



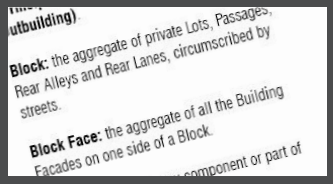
Establishes general development standards that apply across all Form Districts for topics such as parking and standards for specific uses.

Section 14.7
ADMINISTRATION & PROCEDURES



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

Section 14.8
PLANBTV DOWNTOWN CODE GLOSSARY


utbuilding).
Block: the aggregate of private Lots, Passages, Rear Alleys and Rear Lanes, circumscribed by streets.
Block Face: the aggregate of all the Building Facades on one side of a Block.

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

P.7 - How to Use the planBTV Downtown Code

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

START HERE

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

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Purpose and Applicability of the planBTV Downtown Code

Subsections:

14.1.1 Purpose

14.1.2 Intent

14.1.3 Applicability

14.1.1 - Purpose

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

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

14.1.2 - Intent

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

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

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

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

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

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

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

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

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

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

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

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

14.1.3 -Applicability

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

Improvement, development, construction or modification within an existing or proposed public right-of-way or a Thoroughfare shall be made in accordance with *Great Streets BTV: Downtown Street Standards*, and require approval by the Dept. of Public Works.

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

a) Article 1 - General Provisions

b) Article 2 - Administrative Mechanisms;

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

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

e) Article 5 - Citywide General Regulations, Parts 1, 2 and 3; Part 4, Secs 5 Sec. 5.4.7 and Sec. 5.4.8; and Part 5;

f) Article 7 - Signs

g) Article 8 - Parking

h) Article 9 - Inclusionary and Replacement Housing;

i) Article 10 - Subdivision Review;

j) Article 12 - Variances and Appeals; and,

k) Article 13 - Definitions.

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

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

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

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

b) The illustrations of Table 14.3-A Burlington Form Districts Summary Table, Table 14.3.6-A Civic Space Types Summary Table, Table 14.4-A Building Types Summary Table, and Table 14.5-A Frontage Types Summary Table are provided only as general illustrative descriptions and are not binding;

c) The diagrams, photographs, and illustrations contained in Sections 14.3.4 through 14.3.6 (Specific to Form Districts), Sections 14.4.4 through 14.4.13 (Specific to Building Types), and Sections 14.5.4 through 14.5.17 (Specific to Frontage Types) are provided only to indicate the general character of the various Form Districts and elements. References to metrics shown thereon however shall have regulatory effect.

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

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

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

Section 14.2: Regulating Plan

Subsections:

14.2.1 Purpose

14.2.2 Applicability

14.2.3 Regulating Plan Amendments

14.2.4 Form Districts

14.2.5 Civic Space

14.2.6 Special Requirements

14.2.1 - Purpose

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

14.2.2 - Applicability

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

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

14.2.3 - Downtown and Waterfront District Regulating Plan Amendments

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

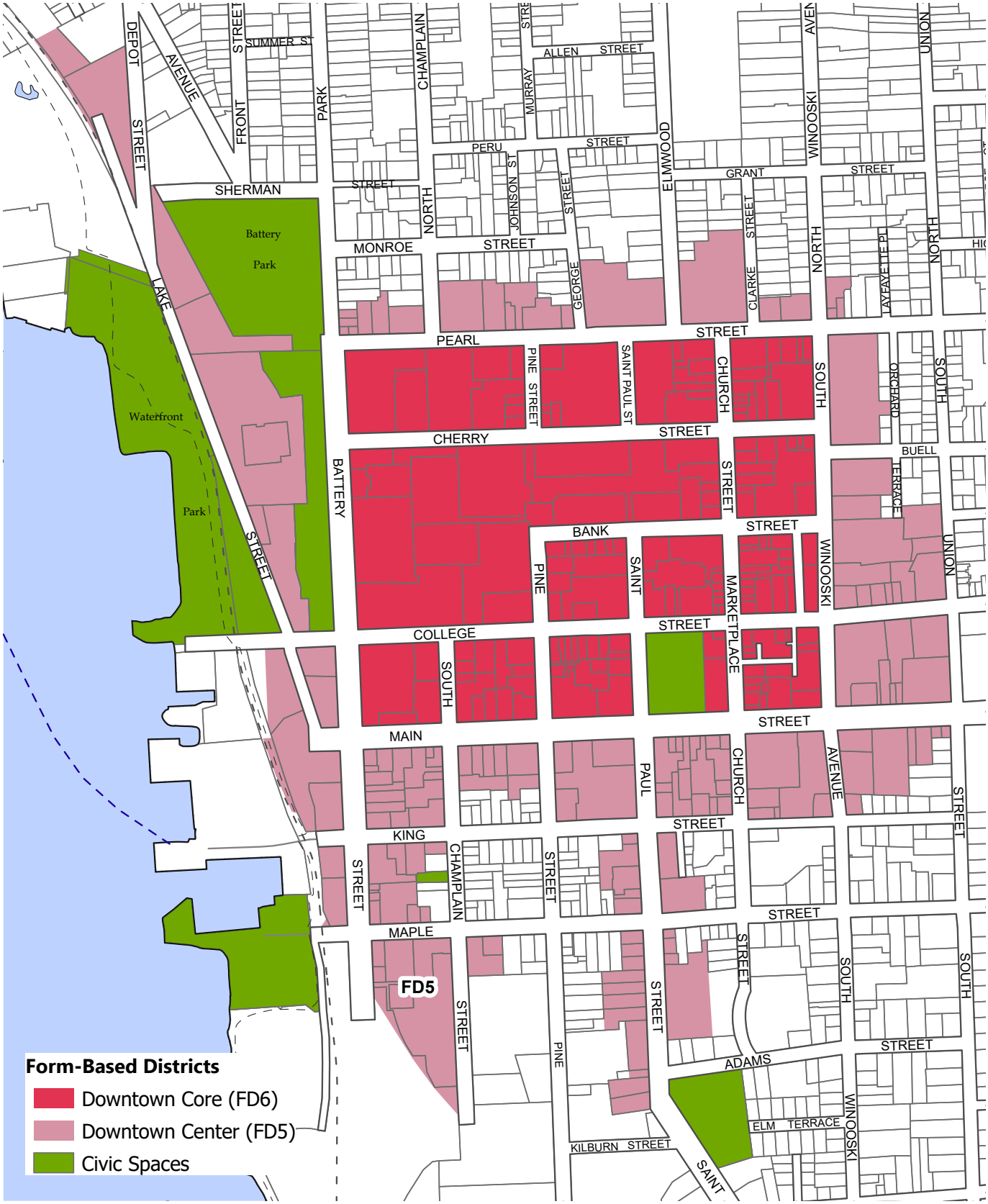
14.2.4 - Form Districts

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

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

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

Map 1 - Regulating Plan



14.2.5 - Civic Space

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

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

14.2.6 - Special Requirements

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

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

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

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

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

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

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

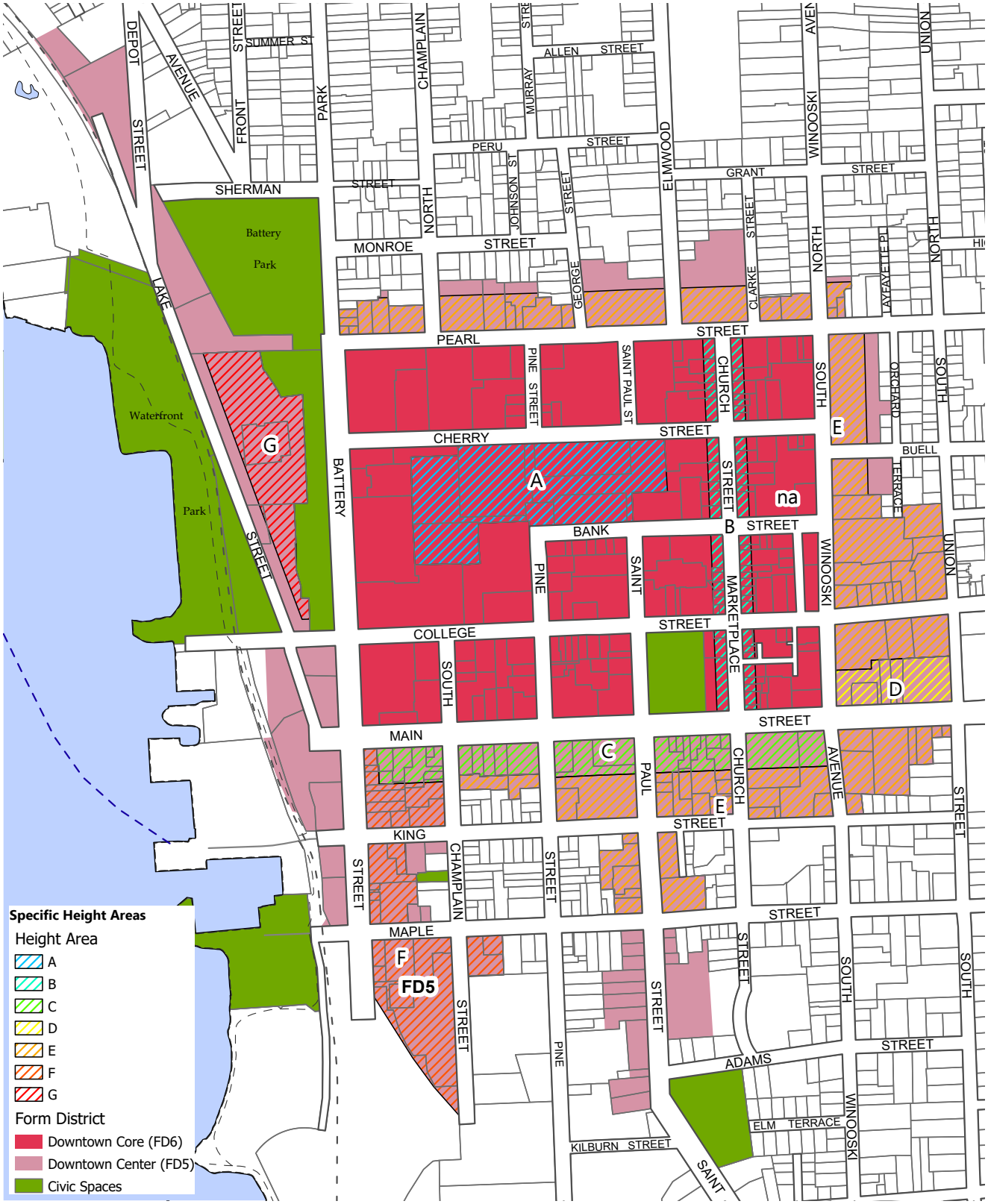
vi. The height of a Building in FD5 with a Principal Frontage on the east side of Battery Street south of Main Street in the area identified as "F" on Map 2 - Specific Height Areas may be increased to a maximum of 5 Stories not to exceed 55-feet.

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

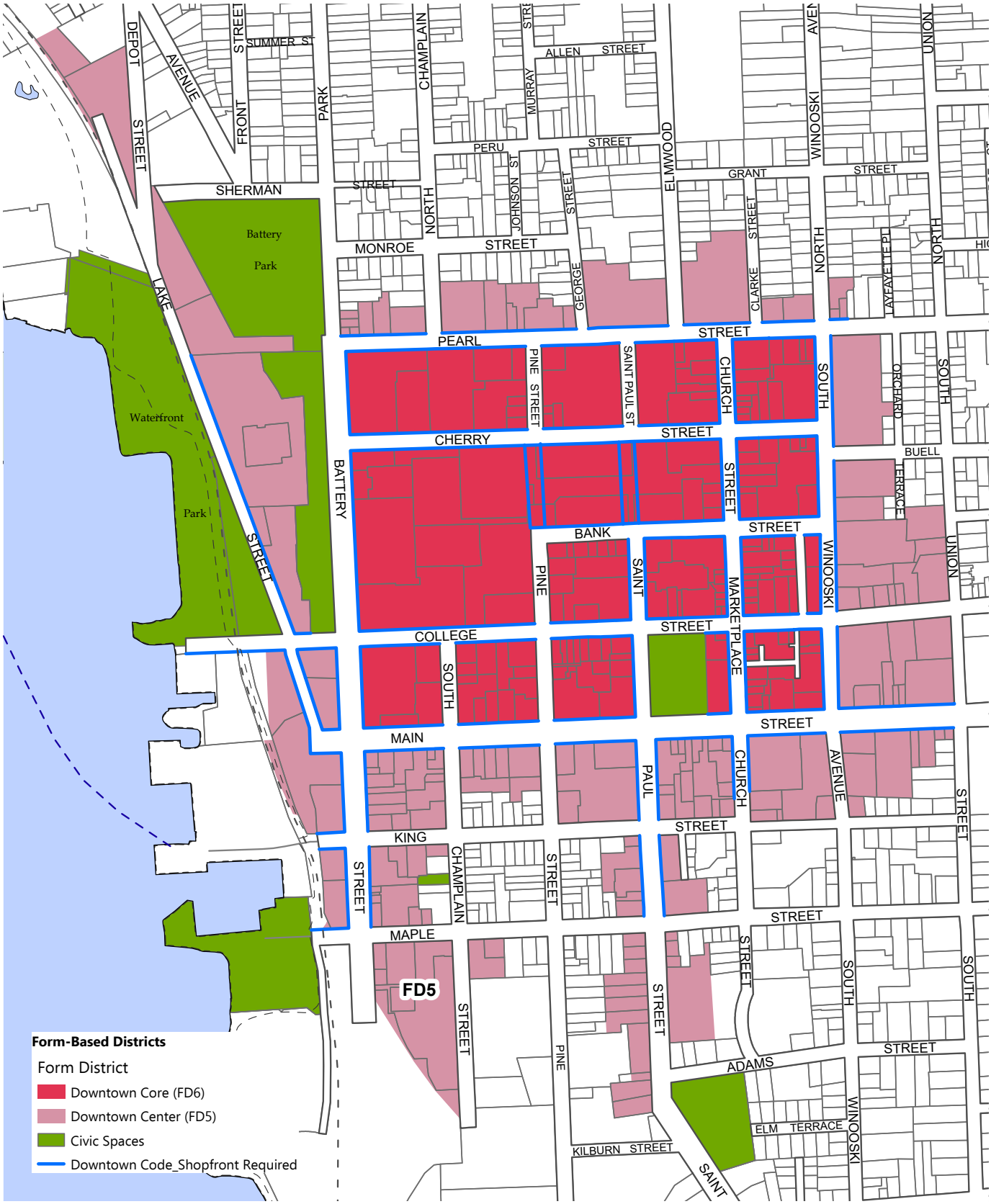
viii. The DRB may alow for an increase of the applicable depths from the Frontage Line as noted above, not to exceed an additional 20 feet, in order to match an existing rear property line pursuant to the provision of Sec. 14.7.3b) allowing for Alternative Compliance.

b) Shopfront Required - Areas within Form Districts where a Shopfront Frontage Type per the requirements of Sec. 14.5.13 are required as illustrated on the Downtown and Waterfront District Regulating Plan - Map 3 - Shopfronts Required. The required Shopfront Frontage may be used in conjunction with a Courtyard, Arcade, Gallery and/or Terrace Frontage Type as regulated per the requirements of Sec. 14.5. Civic Buildings established per Sec. 14.3.6 and Sec. 14.7.1f) are exempt from this requirement.

Map 2 - Specific Height Areas



Map 3 - Shopfronts Required



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Section 14.3: Specific to Form Districts

Subsections:

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

14.3.1- Purpose

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

14.3.2-Applicability

All Development, redevelopment, Substantial Modification, and Improvements to land, Structures, Buildings, and Lots within the 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) unless otherwise specified.

14.3.3- Form Districts General

The following shall be applicable to all Form Districts:

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

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

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

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

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

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

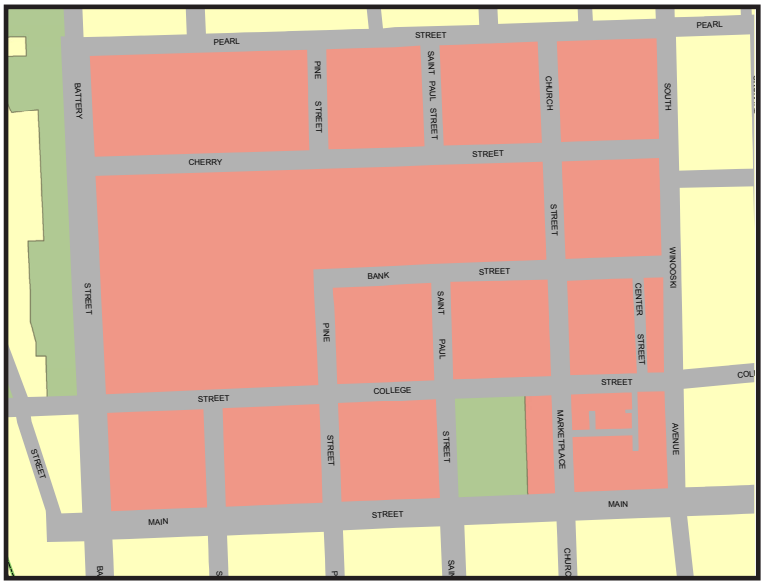
FD5 - DOWNTOWN CENTER	FD6 - DOWNTOWN CORE
INTENT	**INTENT**
To enhance the vibrant urban center with a variety of high density building types that provide locally and regionally serving office, retail, service, hospitality, entertainment, and Civic functions, as well as a wide variety of urban housing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

FD6 14.3.4 - FD6 - Downtown Core

14.3.4-A- Intent

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

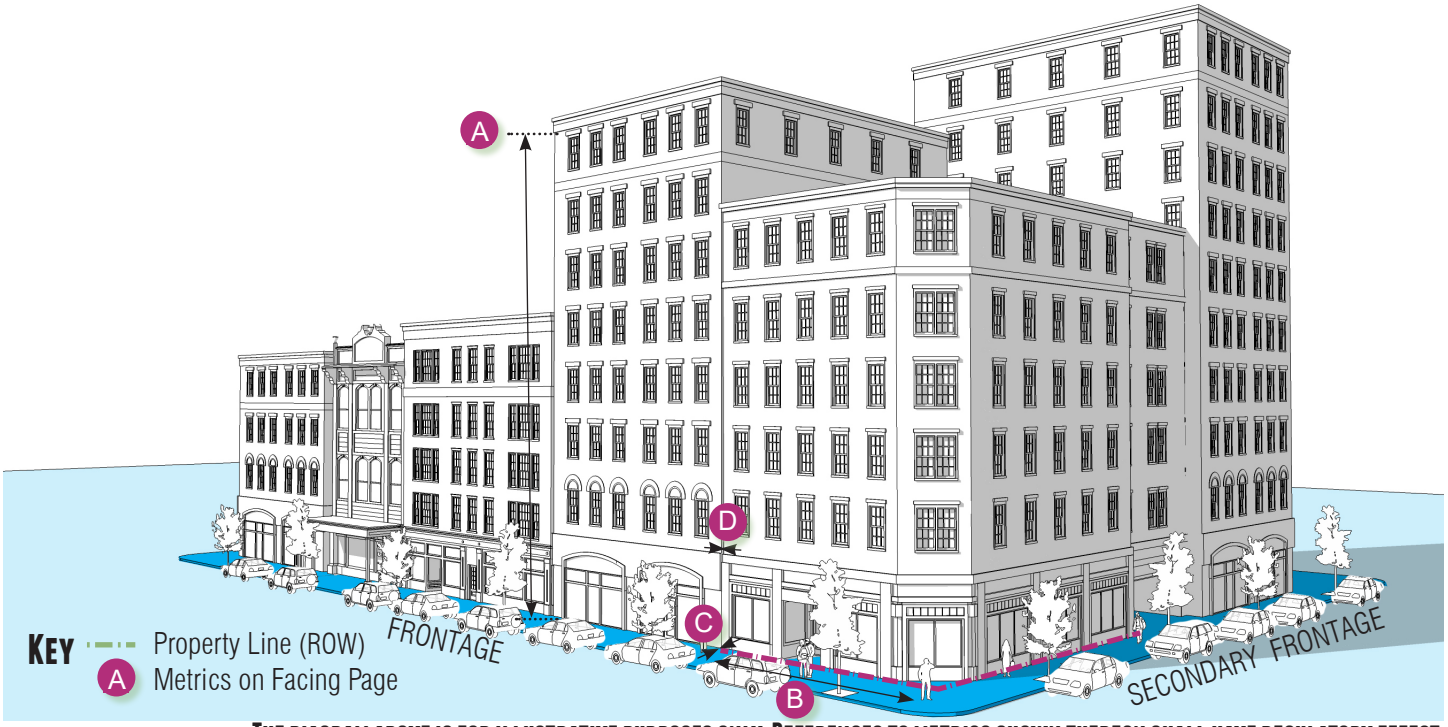
- Attached Buildings with little to no side Setback
- Small to large footprints
- Buildings at the Frontage line
- 3 to 14 stories
- Multiple Buildings on a single lot
- Outbuildings uncommon



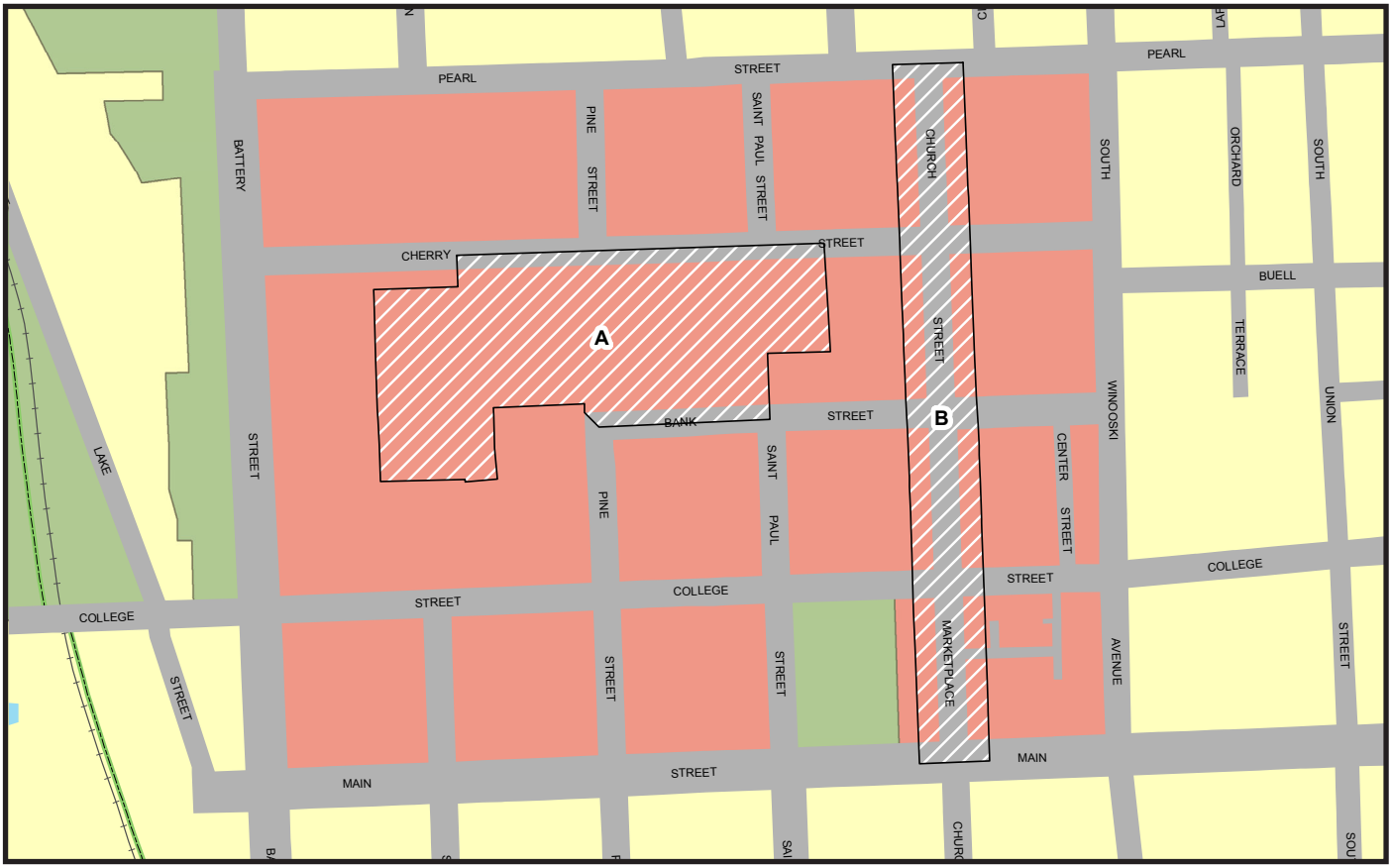
14.3.4-B- Allowed Building Types

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

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



The diagram above is for illustrative purposes only. References to metrics shown thereon shall have regulatory effect.



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

14.3.4-C- Lot Occupation & Building Placement

Building Disposition

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

Frontage Buildout & Building Setback

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

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

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

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

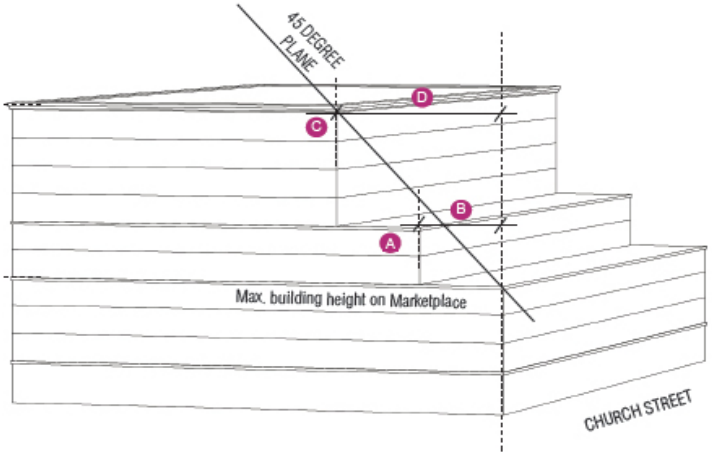
Any development shall also be subject to the provisions of Burlington CDO Sec. 4.2.2 Downtown and Waterfront Official Map as may be applicable.

14.3.4-D- Building Form

Building Height (A)

Principal Buildings	Subject to Administrative Review: • 3 Stories min. • 4 Stories max., not to exceed 45-feet within 20-feet of the Frontage Line on the Church Street Marketplace[1]; otherwise, • 6 Stories max., not to exceed 65-feet Subject to DRB Review per Sec. 14.6.4 f: • 10 Stories max., not to exceed 105-feet; or, • 14 Stories max, not to exceed 160-feet [2]
Outbuildings	2 Stories max. not to exceed 24-feet

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



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

14.3.4-D- Building Form

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

14.3.4-E- Parking, Loading & Service

On-Site Parking

On-site parking shall be provided per the requirements of Sec. 14.6.7.

Location on the Lot

All parking provided within a Principal Building Type (other than a Perimeter Building) shall be located Underground, at or above the second Story, and/or at-grade within the first Story where located in the Third Lot layer and separated from the street by an Active Street-level Use.

All Parking Structures, Garages and Parking Areas shall be located in the Third Lot Layer behind a Principal Building Type.
Parking Lots are not permitted

Miscellaneous

See also Sec. 14.6.7 for additional requirements pertaining to parking and site design.

14.3.4-F- Encroachments into Required Setbacks

Encroachment Type	Rear
Awnings and Canopies[2]	Not permitted
Balcony and Decks	4-ft max. encroachment
Other Architectural Features[4]	4-ft max. encroachment
Landscaping	Permitted
Fences or freestanding walls	6-ft max. height
Driveways, Walkways	Permitted
Utility Structures	Permitted

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

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

(Along Principal and Secondary Frontages only)

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

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

[2] With the exception of Freestanding Signs.

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

14.3.4-H- Use Type	FD6
Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.	
RESIDENTIAL - GENERAL	
Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
RESIDENTIAL - SPECIAL	
Assisted Living	P
Boarding House[1]	P
Community House *(Sec.14.6.6.e)*	P
Convalescent /Nursing Home	P
SHORT-TERM ACCOMMODATIONS	
Bed and Breakfast[1]	P
Historic Inn *(Sec.14.6.6.c)*	P
Hotel	P
Shelter	P
RETAIL - GENERAL	
ATM	P
Auto/Boat/RV Sales/Rentals[3]	P
Convenience Store	P
Fuel Service Station[2] *(Sec.14.6.6.d)*	CU
General Merchandise/Retail	P
RETAIL - OUTDOOR	
Open Air Markets	P

14.3.4-H- Use Type	FD6
OFFICE & SERVICE	
Animal Grooming	P
Auto/Boat/RV Service[3] *(Sec.14.6.6.d)*	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center *(Sec. 14.6.6.g)*	P
Office – General	P
Office – Medical	P
Office – Technical	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Tailor Shop	P
HOSPITALITY/ ENTERTAINMENT/ RECREATION	
Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

[1]Must be owner-occupied.

[2] Automobile sales not permitted as an Accessory Use

[3] Exterior storage and display not permitted.

14.3.4-H- Use Type	FD6
MANUFACTURING/ PRODUCTION/ STORAGE	
Dental Lab	P
Food Processing	P
Manufacturing - Light [3]	P
Manufacturing [3]	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research & Development Facility	P
Research Lab	P
Warehouse/Storage [3]	P
Warehouse, Self-Storage [3]	P
EDUCATION & DAY CARE	
Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P

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

Key	
Permitted Use	P
Conditional Use	CU

END NOTES

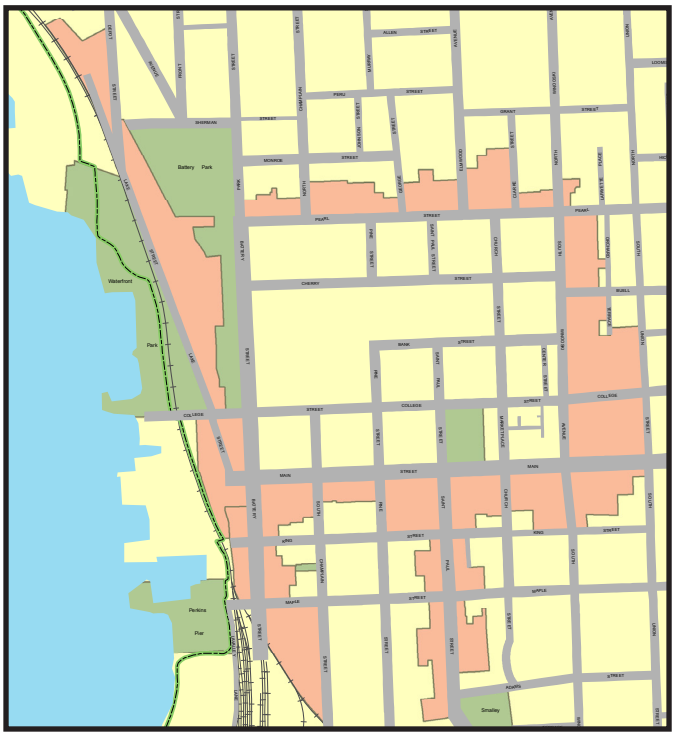
[3] Exterior storage and display not permitted.

FD5 14.3.5 - FD5 - Downtown Center

14.3.5-A- Intent

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

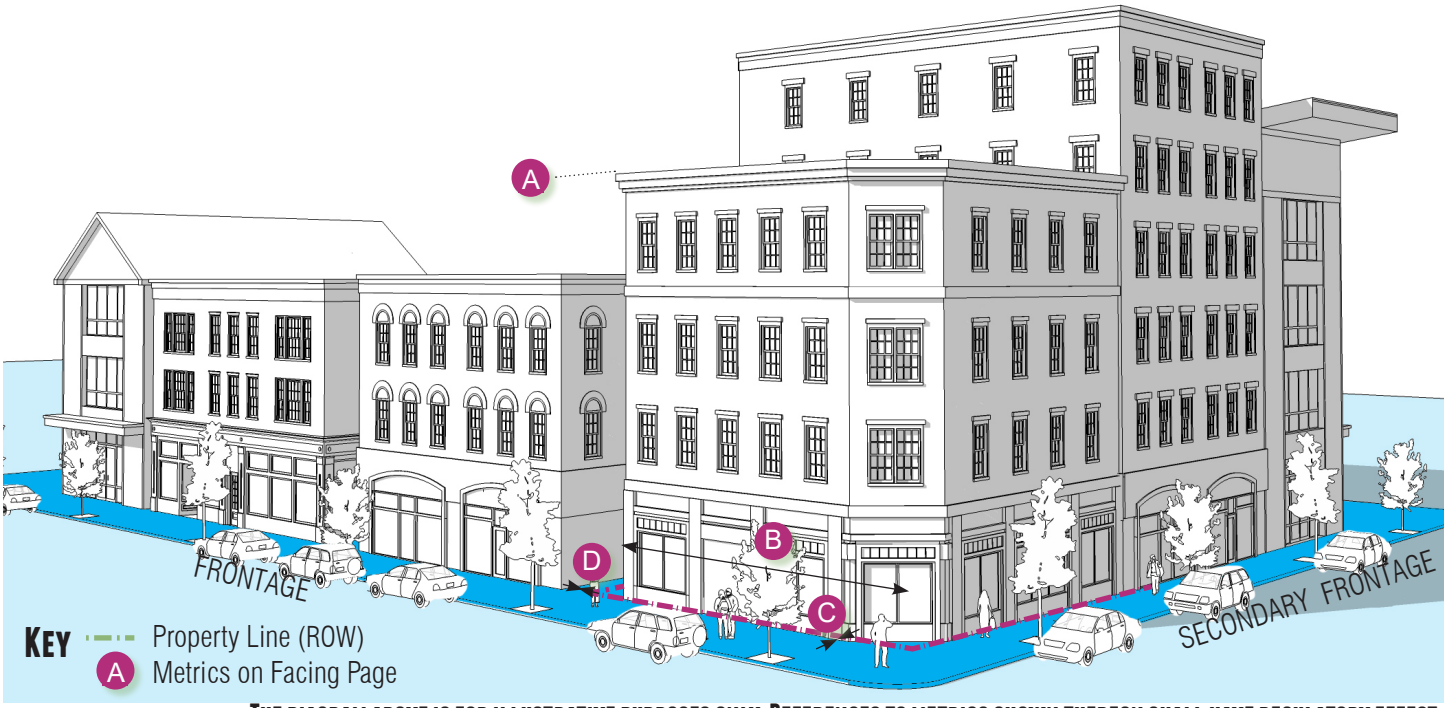
- Attached Buildings with little to no side Setback
- Small to large footprints
- Buildings at the Frontage line
- 3 to 10 stories
- Multiple Buildings on a single lot
- Outbuildings uncommon



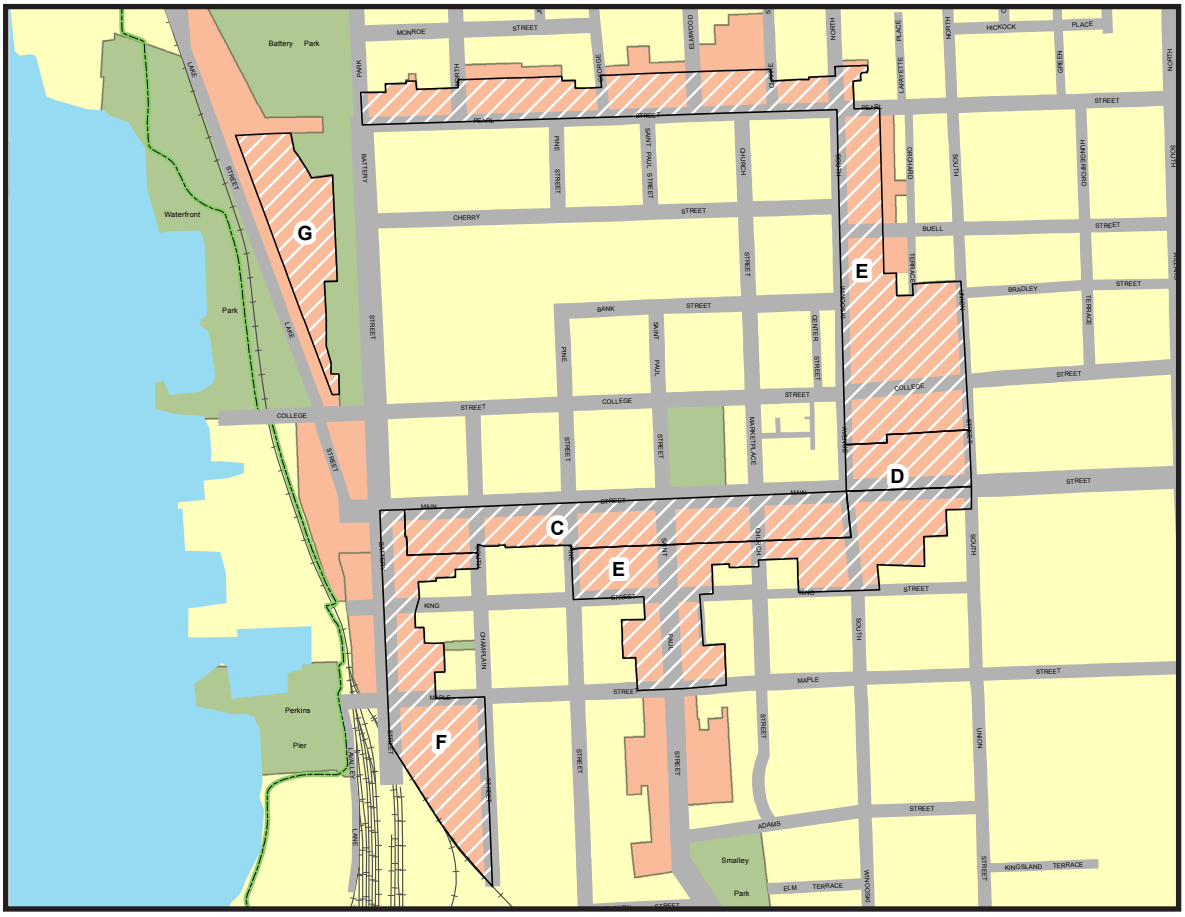
14.3.5-B- Allowed Building Types

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

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



The diagram above is for illustrative purposes only. References to metrics shown thereon shall have regulatory effect.



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

14.3.5-C- Lot Occupation & Building Placement

Building Disposition

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

Frontage Buildout & Building Setback

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

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

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

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

Miscellaneous

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

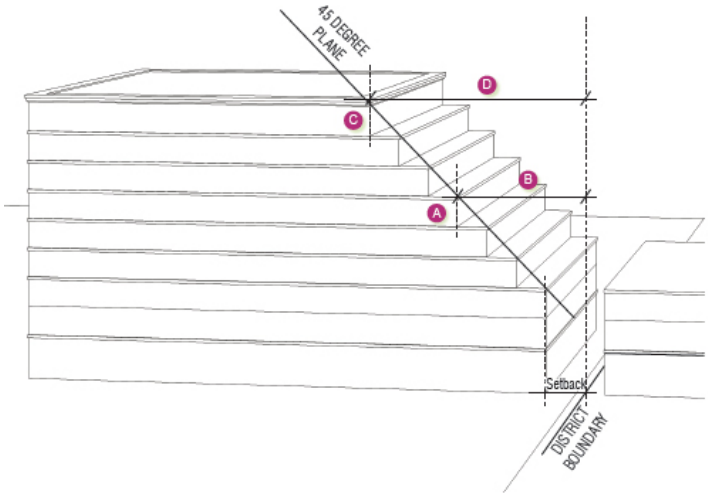
14.3.5-D- Building Height & Bulk

Building Height

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

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

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



14.3.5-D- Building Height & Bulk

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

14.3.5-E- Parking, Loading & Service

On-Site Parking

On-site parking shall be provided per the requirements of Sec. 14.6.7.

Location on the Lot

All parking provided within a Principal Building (other than a Perimeter Building Type) shall be located:
Underground, at or above the second Story, and/or at-grade within the first Story where located in the Third Lot layer and separated from the street by an Active Street-level Use.

All Parking Structures, Garages, and Parking Areas shall be located in the Third Lot Layer behind a Principal Building Type.
Parking Lots are not permitted.

Miscellaneous

See also Sec. 14.6.7 for additional requirements pertaining to parking and site design.

14.3.5-F- Encroachments into Required Setbacks

Encroachment Type	Rear
Awnings and Canopies[2]	Not permitted
Balcony and Decks	4-ft max. encroachment
Other Architectural Features[4]	4-ft max. encroachment
Landscaping	Permitted
Fences or freestanding walls	6-ft max. height
Driveways, Walkways	Permitted
Utility Structures	Permitted

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

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

(Along Primary and Secondary Frontages only)

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

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

[2] With the exception of Freestanding Signs

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

14.3.5-H- Use Types	FD5
Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.	
RESIDENTIAL - GENERAL	
Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
RESIDENTIAL - SPECIAL	
Assisted Living	P
Boarding House[1]	P
Community House *(Sec.14.6.6.e)*	P
Convalescent /Nursing Home	P
Group Home	P
SHORT-TERM ACCOMMODATIONS	
Bed and Breakfast[1]	P
Historic Inn *(Sec.14.6.6.c)*	P
Hotel	P
Shelter	P
RETAIL - GENERAL	
ATM	P
Automobile and RV Sales and Rental [2]	P
Convenience Store	P
Fuel Service Station [2] *(Sec.14.6.6.d)*	CU
General Merchandise/Retail	P
RETAIL - OUTDOOR	
Boat Sales/Rentals	P
Garden Supply Store	P
Open Air Markets	P

14.3.5-H- Use Types	FD5
OFFICE & SERVICE	
Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center *(Sec. 14.6.6.g)*	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Office – Technical	P
Tailor Shop	P
Vehicle/Boat Repair/Service [2]	P
HOSPITALITY/ ENTERTAINMENT/ RECREATION	
Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

[1]Must be owner-occupied.

[2] Exterior storage and display not permitted.

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

14.3.5-H- Use Types	FD5
EDUCATION & DAY CARE	
Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P
CIVIC	
Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P
TRANSPORTATION & UTILITIES	
Recycling Center - Small [2] (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus [2]	P
Parking Structure	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

[1]Must be owner-occupied.

[2] Exterior storage and display not permitted.

CIVIC 14.3.6 - Civic Spaces (C)

a) **Purpose & Applicability:**

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

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

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

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

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

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

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

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

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

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

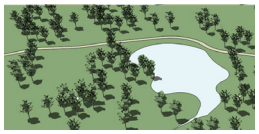
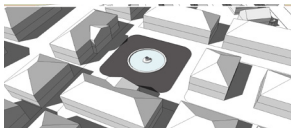
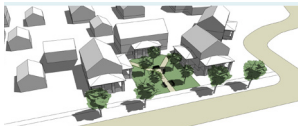
B. Formal. Civic Spaces with a "Formal" character have a more rigid layout that follows geometric forms and has Trees and other elements arranged in formal patterns.

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

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

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

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

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

14.3.6-B Natural Area

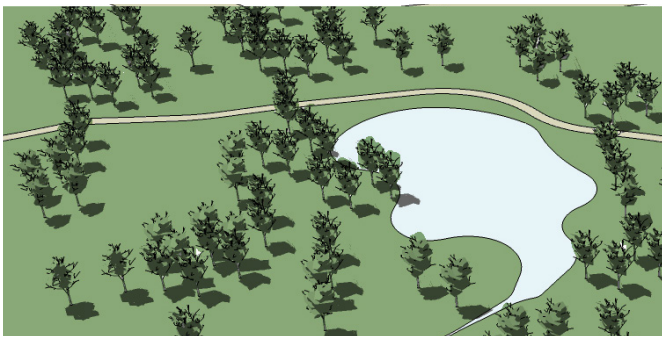


Diagram provided for illustrative purposes only.

Intent

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

Specifications

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

Typical Facilities

- Passive recreation and trails
- Accessory Buldings and Structures

Parking

No on-site parking is required.

14.3.6-C Park

Diagram provided for illustrative purposes only.

Intent

An Open Space available for both structured and unstructured recreation.

Specifications

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

[1] Not inclusive of any associated Civic Buildings.

Typical Facilities

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

Parking

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

14.3.6-D Greenway

Diagram provided for illustrative purposes only.

Intent

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

Specifications

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

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

Typical Facilities

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

Parking

No on-site parking is required.

14.3.6-E Square

Diagram provided for illustrative purposes only.

Intent

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

Specifications

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

Typical Facilities

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

Parking

No on-site parking is required.

14.3.6-F Plaza

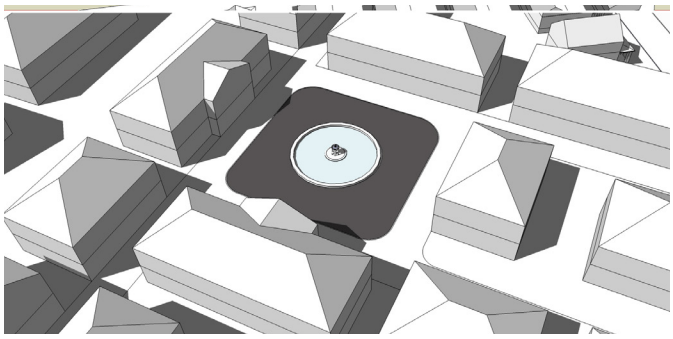


Diagram provided for illustrative purposes only.

Intent

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

Specifications

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

Typical Facilities

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

Parking

No on-site parking is required.

14.3.6-G Pocket Park

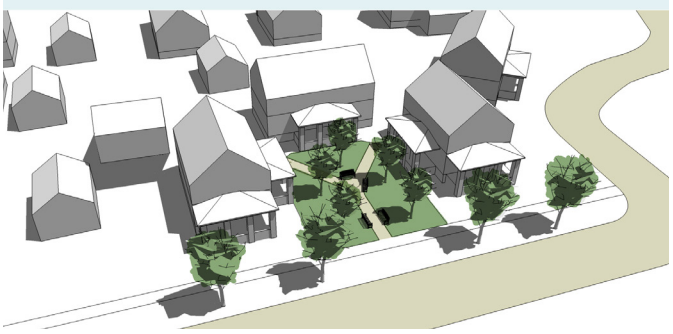


Diagram provided for illustrative purposes only.

Intent

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

Specifications

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

Typical Facilities

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

Parking

No on-site parking is required.

14.3.6-H Pocket Plaza

Diagram provided for illustrative purposes only.

Intent

A small predominantly hardscaped Open Space available for Civic purposes.

Specifications

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

Typical Facilities

- Passive recreation
- Paths
- Limited transient commercial concessions

Parking

No on-site parking is required.

14.3.6-I Water Dependent

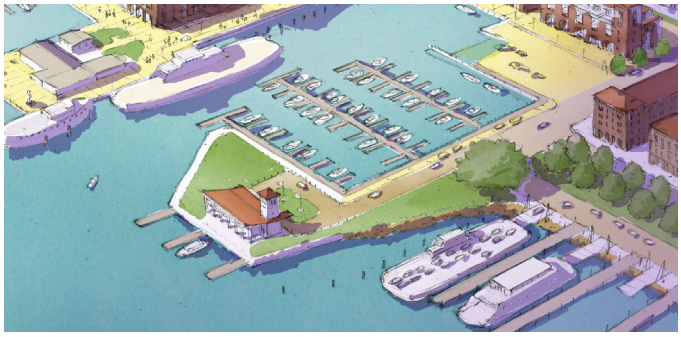


Diagram provided for illustrative purposes only.

Intent

An Open Space associated with water-dependent recreation and related facilities.

Specifications

Form District	FD5
Size	No size limit
Frontage	Independent
Character	Informal
Coverage[1]	80% max.
Buildings and Structures[1]	1,500 sqft max in aggregate
Setback for Buildings and Structures	50-feet from the mean high water mark of Lake Champlain (100-feet above mean sea level) unless encroachment is required for the operation of a water-dependent use or facility. Features such as walkways, planters, benches, fountains, public art, sitting walls and other improvements to enhance the pedestrian environment and enjoyment of the waterfront may encroach into this required setback provided public access to the water's edge and pedestrian circulation is not unreasonably impaired.

[1] Not inclusive of any associated Civic Buildings.

Typical Facilities

- Water-oriented facilities and services such as docks, marinas, boat ramps and lifts, boat fueling and pump-out, restrooms, marina office and chandlery, and facilities for commercial vessels.
- Civic, recreational, and community facilities
- Playgrounds and play Structures
- Passive recreation, paths, and trails
- Buildings and Structures necessary to support water-oriented facilities and services
- Commercial concessions

Parking

On-site parking is not required, and may not occupy more than 60% of the gross site area.

Section 14.4: Specific to Building Types

Subsections:

14.4.1	Purpose	14.4.9	Multi-family: Large
14.4.2	Applicability	14.4.10	Mixed-Use
14.4.3	Building Types General and Green Buildings	14.4.11	Perimeter
14.4.4-6	*reserved*	14.4.12	Civic
14.4.7	Rowhouse	14.4.13	Urban Design Standards
14.4.8	Multi-family: Small		

14.4.1- Purpose

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

14.4.2- Applicability

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

14.4.3- Building Types General and Green Buildings

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

b) **Green and High Performance Buildings**: Any new Building, addition, and/or major renovation of an existing Building, over 25,000 square feet of Gross Floor Area (GFA) but less than 50,000 square feet of GFA, shall be required to conduct third-party commissioning for the basic Building envelope and mechanical systems at a minimum. Any new Building, addition, and/or major renovation of an existing Building, over 50,000 square feet of GFA, shall also be required to be built to an approved high performance Building standard as listed in this section.

These requirements are applicable in all Form Districts, and for the purposes of this section only "major renovation" shall mean extensive alterations and/or improvements to the exterior shell, primary structural components, and/or core and peripheral MEP and service systems.

One of the following Green and High Performance Building Standard systems shall be used to satisfy the requirements for projects over 50,000 square feet of GFA:

a) Gold Certification or higher under the applicable LEED standard as administered by Green Business Certification, Inc (GBCI);

b) Petal or Net Zero Energy Certification under the Living Building Challenge as administered by International Living Future Institute (INFI);

c) Passive House Certification as administered by Passive House Institute (PHI or PHIUS); or,

d) Another nationally recognized equivalent quantifiable high performance building system or standard as may be approved by the Planning Commission.

In order to demonstrate and document compliance with this section, the applicant shall be required to provide the following:

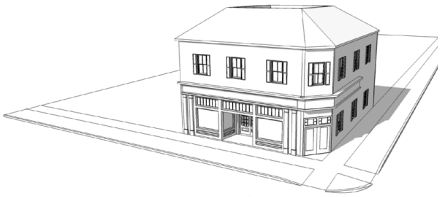
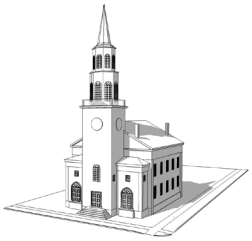
1. At the time application:

- A third-party Commissioning Plan for the basic Building envelope and mechanical systems at a minimum following the requirements for LEED v.4 Fundamental Commissioning and Verification signed by both the commissioning agent and project owner; and,
- In the case of projects over 50,000 square feet of GFA, documentation that the project has been registered with the appropriate certifying authority; and documentation of the intended approach, performance criteria, credits, and/or elements of the project necessary to obtain the targeted certification level. This list is only binding as to the overall certification level to be achieved and not for any individual credits sought.

2. Prior to release of a Final Certificate of Occupancy:

- A written certification from the third party commissioning agent that they are under contract to complete the activities described in the third -party Commissioning Plan, that all measures receiving rebates from Burlington Electric or any other utility have been commissioned under the Commissioning Plan, and that the commissioning process is not less than 75% complete at the time of the Final Certificate of Occupancy; and,
- Only in the case of projects over 50,000 square feet of GFA, submission of the revised and final approach, performance criteria, credits, and/or elements of the project used to obtain the target certification level, and written certification from the project owner, each design professional of record directly contracted by owner, and the contractor, that to the best of their knowledge the project has been designed and constructed to meet the requirements of the selected high performance building program. This list is only binding as to the overall certification level to be achieved and not for individual credits.

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

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

14.4.7 - Rowhouse

14.4.7-A - Description

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

14.4.7-B - Number of Units

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

14.4.7-C - Building Size and Massing

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

14.4.7-D - Allowed Frontage Types

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

14.4.7-E - Pedestrian Access

Principal Entrance Location	Principal Frontage

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

14.4.8 - Multi-Family-Small

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

14.4.8-B - Number of Units

Units per building	3 min.- 6 max.

14.4.8-C - Building Size and Massing

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

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

14.4.8-D - Allowed Frontage Types

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

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

14.4.8-E - Pedestrian Access

Principal Entrance Location	Principal Frontage

14.4.9 - Multi-Family-Large

14.4.9-A - Description

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

14.4.9-B - Number of Units

Units per building	7 units min.

14.4.9-C - Building Size and Massing

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

14.4.9-D - Allowed Frontage Types

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

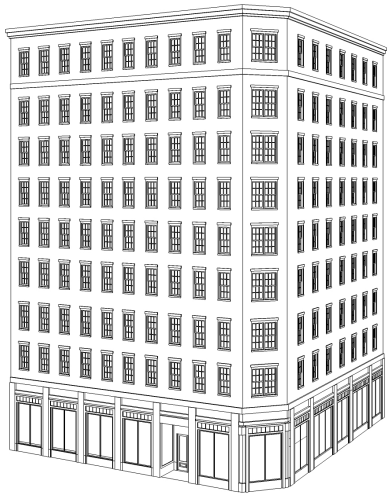
[1] Only allowed in situations where the slope prevents at-grade entry to the Building.

14.4.9-E - Pedestrian Access

Principal Entrance Location	Principal Frontage

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

14.4.10 - Mixed-Use



14.4.10-A - Description

Description	Allowed In
Mixed-Use: A medium to large sized attached or detached Building that provides a vertical and/or horizontal mix of uses or a single non-residential use. Units are commonly organized with pedestrian-oriented retail, hospitality or service uses on the ground floor with individual entries facing the street, and residential or office uses on upper floors served by one or more shared entries.	FD5 FD6

14.4.10-B - Number of Units

Not applicable

14.4.10-C - Building Size and Massing

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

14.4.10-D - Allowed Frontage Types

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

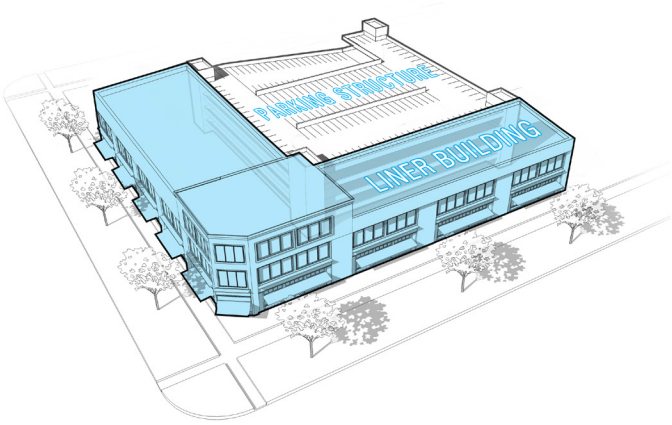
14.4.10-E - Pedestrian Access

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

Upper floors units shall be Accessed by a common entry.

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

14.4.11 - Perimeter Building



14.4.11-A - Description

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

14.4.11-B - Number of Units

Not applicable

14.4.11-C - Building Size and Massing

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

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

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

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

14.4.11-D - Allowed Frontage Types

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

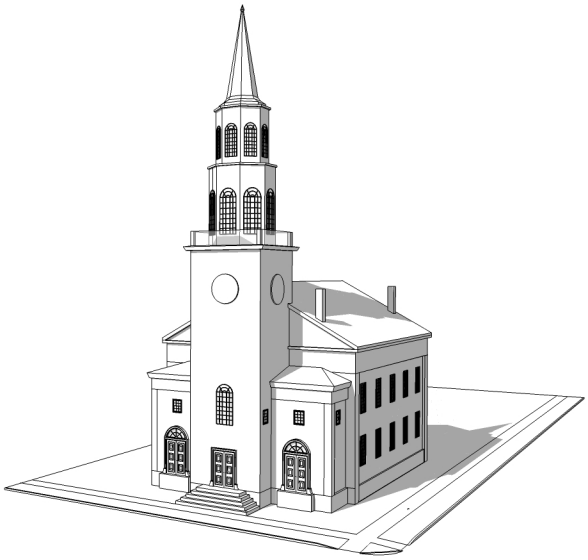
14.4.11-E - Pedestrian Access

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

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

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

14.4.12 - Civic



14.4.12-A - Description

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

14.4.12-B - Number of Units

Not applicable

14.4.12-C - Building Location, Size and Massing

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

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

14.4.12-D - Allowed Frontage Types

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

14.4.12-E - Pedestrian Access

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

14.4.12-F Miscellaneous

The process regarding the review of newly proposed, or alterations to existing, Civic Buildings shall be as provided in Sec. 14.7.1 f).

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

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

14.4.13 - Urban Design Standards

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

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

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

14.4.13-A- Street Activation - Primary and Secondary Facade

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

(VLT - Visible Light Transmittance, VLR - Visible Light Reflectance)

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

BLANK WALL AND FACADE VOID AREA

b) **Windows & Doors**:

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

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

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

iv. Where provided:

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

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

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

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

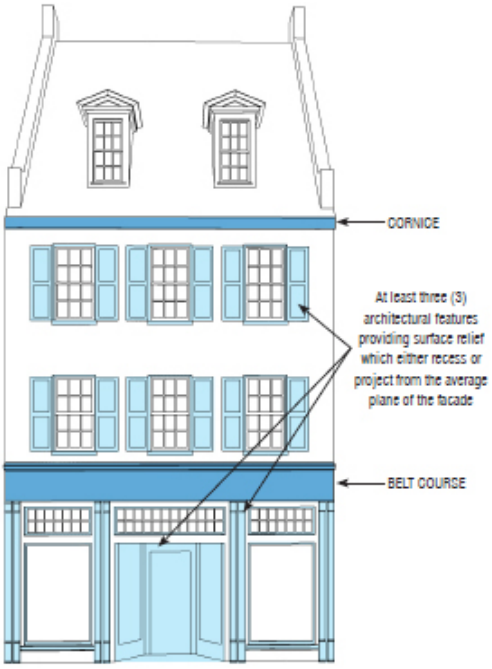
c) **Façade Articulation and Upperstory Stepbacks**:

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

ii. Building Facades shall be vertically articulated as follows:

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

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



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

iii. Building Facades shall be horizontally articulated as follows:

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

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

C. The top story (other than a penthouse setback at least 10-feet from the primary plane of the Façade below) must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the Facade of the story below by at least 12-inches to serve as an expression of the Buildings top.

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

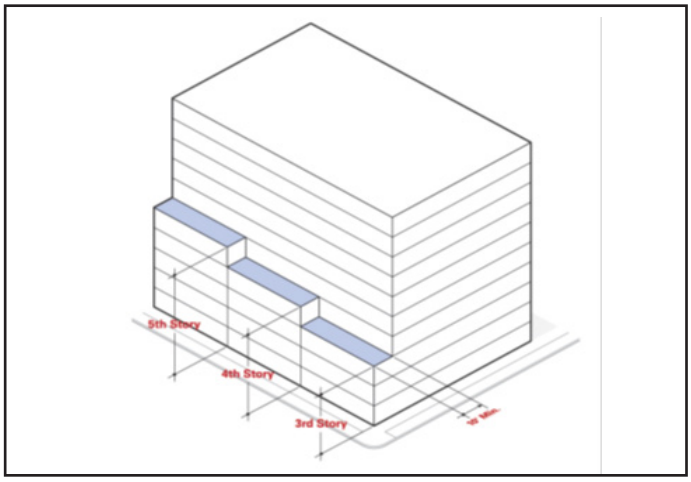
A. An upper story step-back of at least 10-feet from the primary plane of the Façade below shall occur above the 2nd story with the resulting Building base maintaining a consistent height of at least 50-feet along Main and Battery streets, and at least 33-feet on all other downtown streets, in order to frame and define the public realm.

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

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

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

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



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

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

A. Brick and tile masonry;

B. Native or sintered stone;

C. Wood – panels, clapboard or shingles;

D. Glass curtain wall; and,

E. Cementitious siding;

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

A. Pre-cast and cast-in-place board-formed, finished and/or textured, and patterned masonry;

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

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

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

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

F. Glass block.

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

iv. Roof Materials (not applicable to flat roofs). Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. To the extent possible, all roof materials and colors should be selected to maximize the roof's Solar Reflectance Index (SRI).

vi. Alternate Materials: Alternate Primary and Accent materials, including high quality synthetic materials, may be approved by the Administrative Officer after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and demonstrate successful, high quality installations in a similar climate. Regionally-available materials, and those with low embodied carbon, will be strongly preferred.

vii. Other:

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

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

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

e). **Walls**:

i. Unfinished (ie. not clad or constructed in a Primary or Secondary Material per d) above) foundation walls on a Principal Building shall be exposed no more than 48-inches above the finished grade. Surface-applied waterproofing on any foundation wall shall not be visible.

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

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

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

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

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

f) **Roofs**:

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

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

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

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

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

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

g) **Balconies and Decks**: Where provided, all Balconies and Decks shall meet the following specifications:

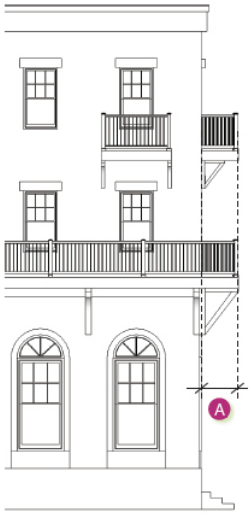
i. Balconies must be at least 4-feet deep (A) and 5-feet wide, and shall shall not project more than 8-feet from the plane of the Façade or Elevation to which it is attached.

ii. Balconies shall be cantilevered or visibly supported by brackets or beams sized, shaped and proportioned to match the associated Balcony. Columns or posts extending to the ground within the public right-of-way are prohibited.

iii. Balconies shall provide 8-feet minimum clear height above the finished grade, or 13-feet 6-inches minimum clear height above the finished grade above any area used for vehicular parking or circulation, or emergency vehicle access.

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

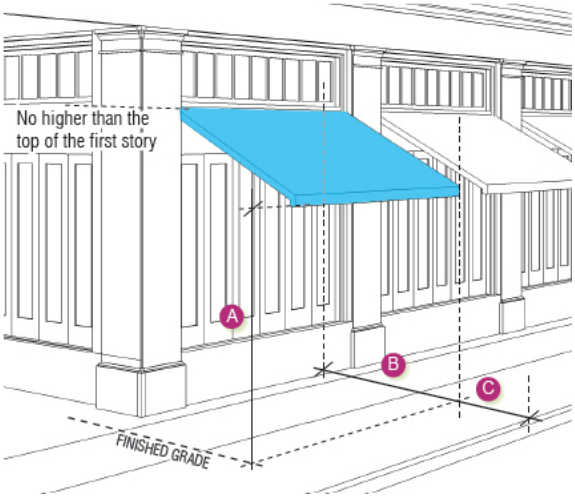
v. Decks shall be permitted only in the Third Lot Layer or on rooftops. Decks may include a Canopy, Awning or free-standing pergola, but shall not be enclosed



h) **Awning and Canopies**: Awning and Canopies are encouraged as a traditional street-level store-front fitting to accent and provide shade and/or shelter over a primary entrance, display windows, or outdoor seating. Awnings and Canopies may also be found above upper story windows and Balconies, and over secondary entrances. Where provided, all Awnings and Canopies shall meet the following specifications:

i. Awnings and Canopies shall provide 8-feet minimum clear height above the finished grade, and 13-feet 6-inches minimum clear height above the finished grade shall be provided above any area used for parking or circulation or emergency vehicle access (A).

ii. First floor Awnings and Canopies shall project a minimum of 3-feet from the Façade (B) or Elevation to which it is attached to a maximum of 2-feet from the curb (C). Awnings and Canopies on upper story windows may project no more than 5-feet from the Facade. Awnings that cannot project a minimum of 3-feet due to the small size of the opening, shall project a minimum of 50% of the height of the opening (e.g. a window that is 4-ft tall shall project at least 2-ft).

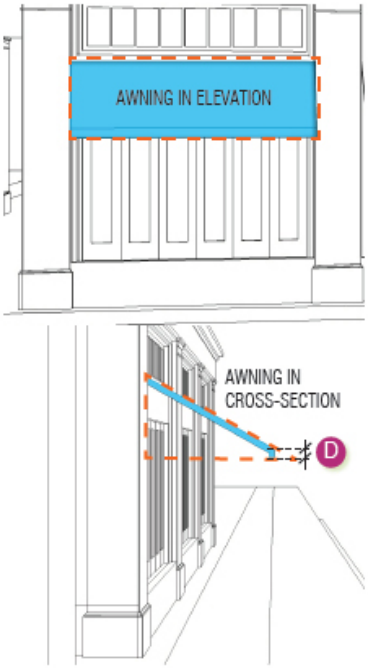


iii. Awnings and Canopies shall be placed, sized, shaped, and proportioned to match the associated openings or width of the associated Frontage, and .shall be consistent in materials, color, and design across the same Façade, Frontage Type, or architectural bay.

iv. Awnings and Canopies that span across an entire Frontage shall be fixed no higher than the top of the first story.

v. Awnings and Canopies shall not be internally illuminated or backlit, however they may contain lighting fixtures intended to illuminate the ground beneath when covering a Building entrance.

vi. Awnings and Canopies may incorporate signage pursuant to the requirements of Article 7.



vii. Awnings shall have a structural framework of steel/aluminum or other appropriate, durable structural material supporting a thin, non-translucent covering material with a matte finish such as metal, acrylic, canvas, or synthetic fabric. Awnings shall not include a soffit, and columns or posts extending to the ground are prohibited within the public right-of-way. Retractable awnings are encouraged.

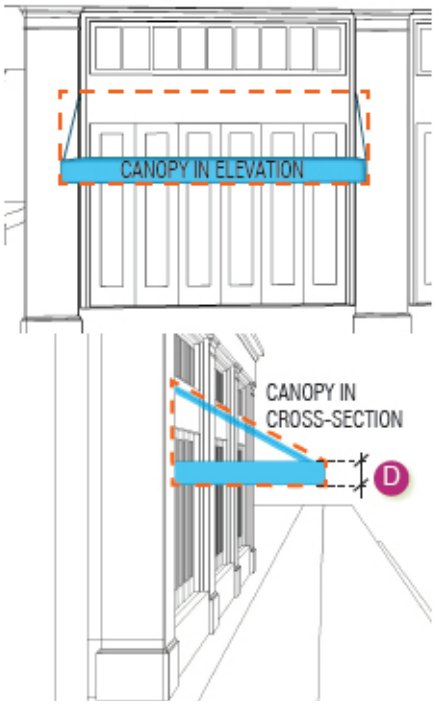
viii. Awnings are typically rectangular in elevation and triangular in cross-section, shall have straight edges with no arcs or curves, and may be pitched to shed water off to the side when placed over a Building entrance.. The valance of an Awning shall be no more than 12-inches in height (D).

ix. Canopies are typically rectangular in both elevation and in cross-section, shall have straight edges with no arcs or curves, and may be pitched enough to shed water off to the side when placed over a Building entrance. The faces of the Canopy shall be no more than 24-in in height (D).

x. Canopies shall be constructed of steel/aluminum or other appropriate, durable structural material, and may be clad in metal panel, wood, or other durable finished material.

xi. The Canopy may include a flat roof or be left open from above without a roof using louvers or slats instead to provide shade.

xii. Canopies projecting into the public right-of-way shall be cantilevered or supported from above, and columns or posts extending to the ground are prohibited. Canopies placed outside of the public right-of-way may be partially or fully free-standing.



i). **Other**:

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

ii. Permanent vertical access features (stairs, ramps, etc.) located in the First Lot Layer must be integrated into the design of the chosen Frontage Type. Otherwise they must be located in the Second or Third Lot Layer.

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

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

An example of a vertical access ramp integrated into a Building Frontage.

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Section 14.5: Specific to Private Frontage Types

SubSections:

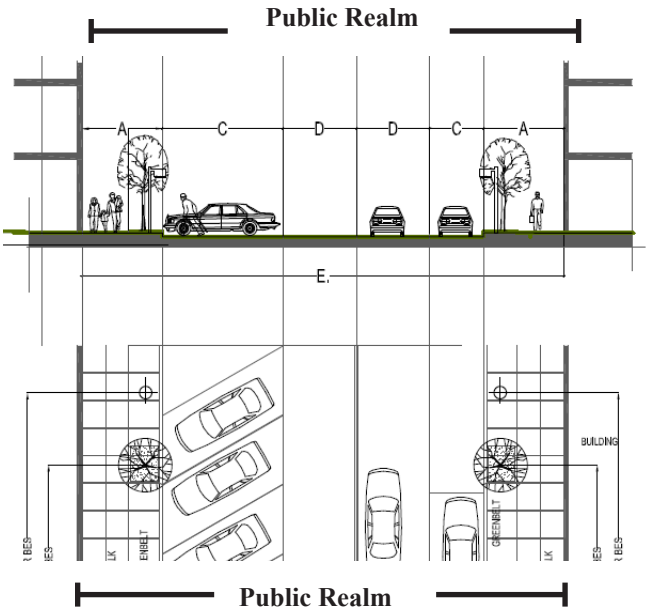
14.5.1	Purpose	14.5.10	Doorway
14.5.2	Applicability	14.5.11	Lightwell & Landing
14.5.3	Frontage Types Summary Table	14.5.12	Officefront
14.5.4	Porch: Projecting	14.5.13	Shopfront
14.5.5	Porch: Engaged	14.5.14	Terrace
14.5.6	Porch: Integral	14.5.15	Forecourt
14.5.7	Stoop	14.5.16	Gallery
14.5.8	Courtyard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

14.5.1- Purpose

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

14.5.2- Applicability

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



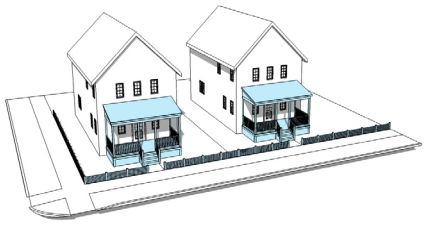
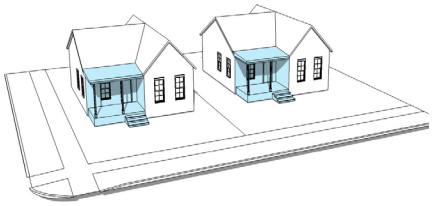
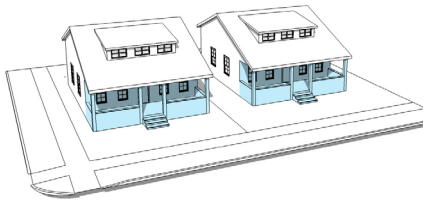
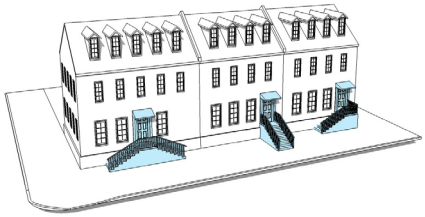
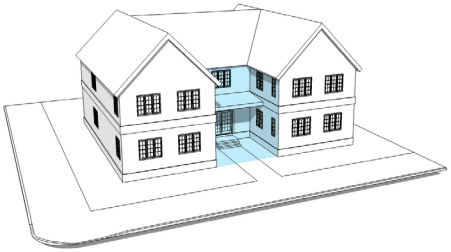
An example of an individual Mixed Use Building employing multiple Frontage Types.

14.5.3 - Frontage Types General

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

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

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

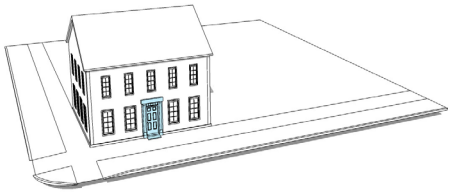
Frontage Type	Illustration Type
14.5.4 - Porch: Projecting A Private Frontage where the Building Facade is set back from the Frontage Line, and includes an attached open porch that Encroaches into the First Lot Layer which may be planted and include a fence to maintain spatial definition with the public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

14.5.9 - Dooryard:

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

14.5.10 - Doorway

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

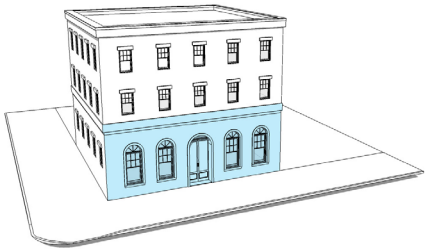


14.5.11 - Lightwell & Landing

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

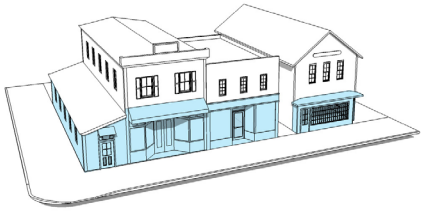
14.5.12 - Officefront

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



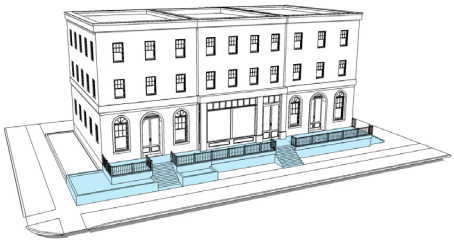
14.5.13 - Shopfront

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



14.5.14 - Terrace

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

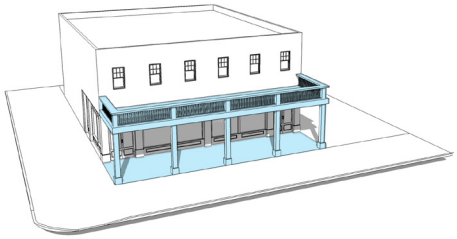


14.5.15 - Forecourt

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

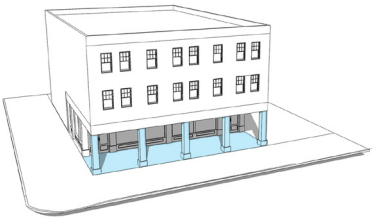
14.5.16 - Gallery

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

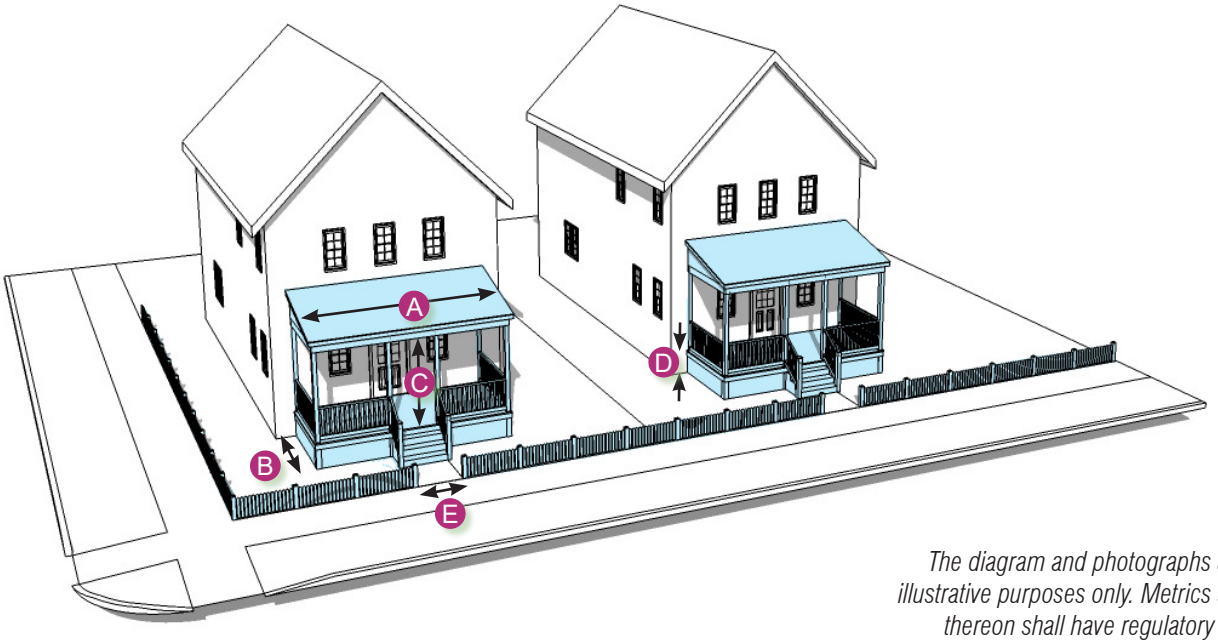


14.5.17 - Arcade

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



14.5.4 - Porch: Projecting



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

14.5.4-A - Description

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

14.5.4-B - Building Types

Rowhouse	Multi-Family: Small Multi-Family: Large

14.5.4-C - Standards

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

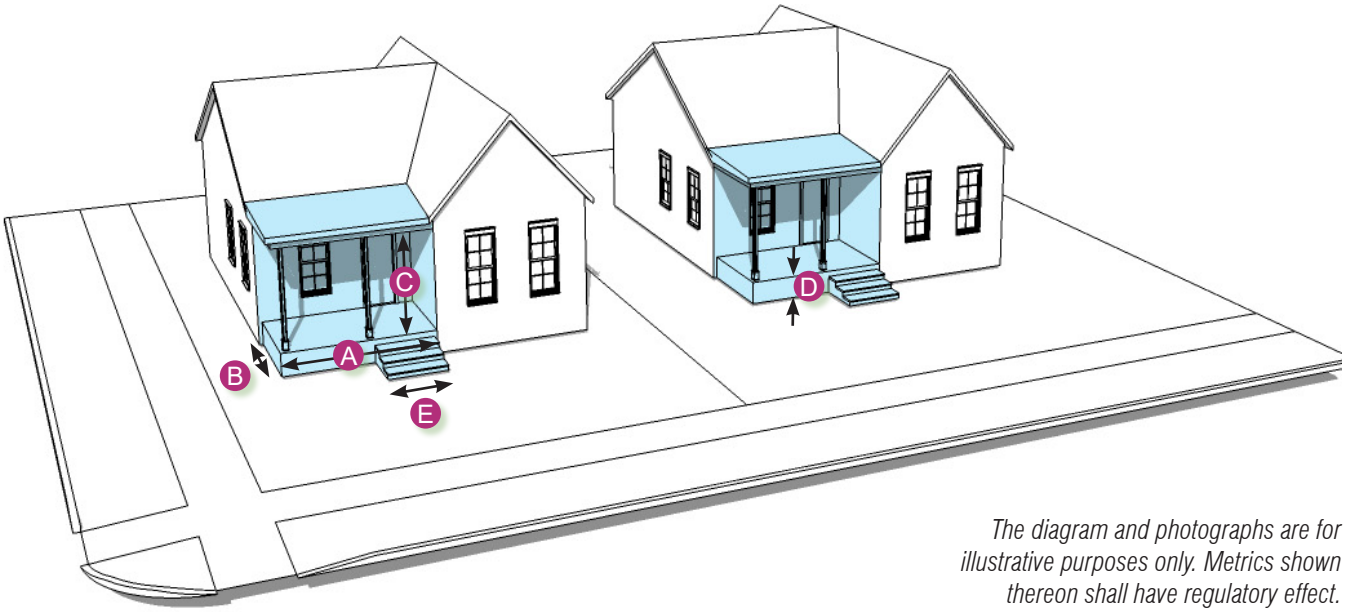
14.5.4-D - Miscellaneous

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

Projecting porches may Encroach into the First Lot Layer, and extend a maximum required front yard setback to an amount equal to the minimum depth required in Sec. 14.5.4-C plus the run of the stairs.

Multi-Story porches shall not be interconnected by an external stairway.

14.5.5 - Porch: Engaged



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

14.5.5-A - Description

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

14.5.5-B - Building Types

Multi-Family: Small

Multi-Family: Large

14.5.5-C - Standards

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

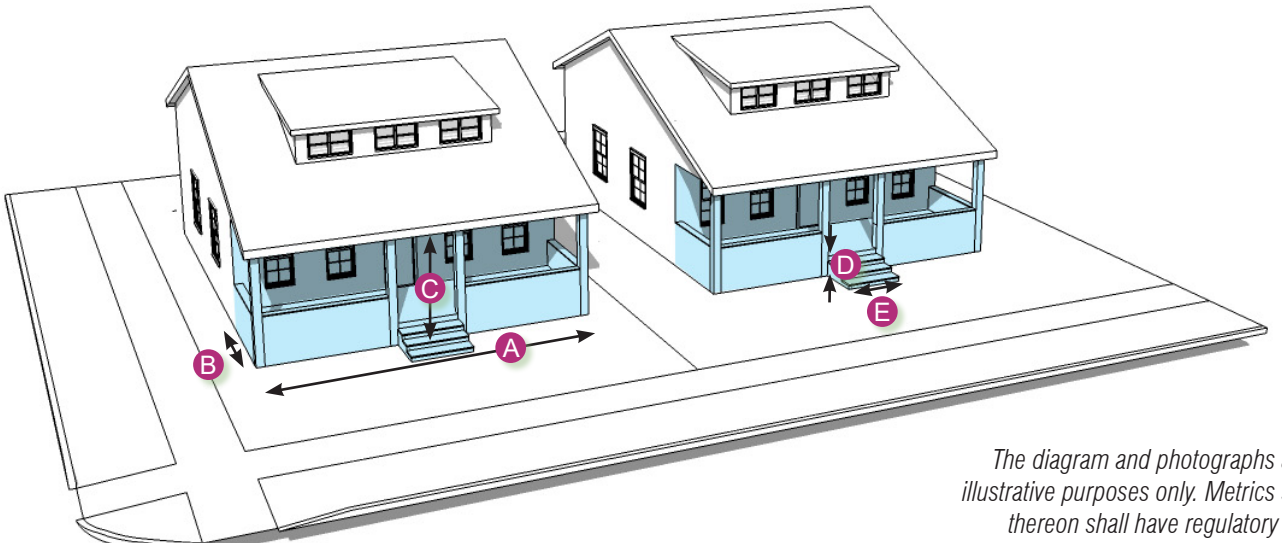
14.5.5-D - Miscellaneous

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

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

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

14.5.6 - Porch: Integral



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

14.5.6-A - Description

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

14.5.6-B - Building Types

Duplex	Multi-Family: Small

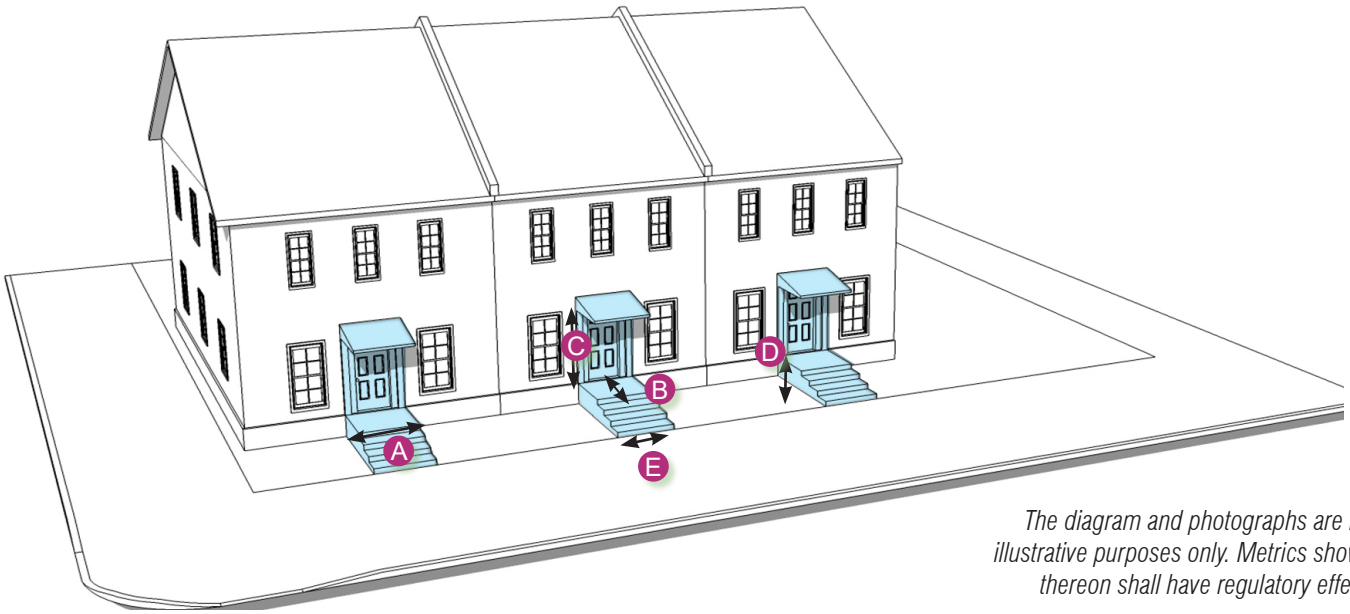
14.5.6-C - Standards

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

14.5.6-D - Miscellaneous

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

14.5.7- Stoop



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

14.5.7-A - Description

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

14.5.7-B - Building Types

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

14.5.7-C - Standards

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

14.5.7-D - Miscellaneous

Stoops may Encroach into the First Lot Layer, and extend a maximum required front yard setback to an amount equal to the maximum depth required in Sec. 14.5.7-C.

Stairs may be perpendicular or parallel to the Building Façade.

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

14.5.8 - Courtyard

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

14.5.8-A - Description

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

14.5.8-B - Building Types

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

14.5.8-C - Standards

Courtyard Width	- 12-ft min. - lessor of 1/3 the total Building width or 35-ft max	A
Courtyard Depth	12-ft min.- 35-ft max	B
Canopy/Awning Projection	10-ft from Façade max	
Clear Path of Travel to a Principal Entrance	3-ft min.	C

14.5.8-D - Miscellaneous

A maximum of one Courtyard is permitted per Principal Building.

A Courtyard shall remain open to the sky, and may not contain Driveways, parking, loading or service areas, or mechanical equipment or vents.

A Courtyard may include a free-standing Canopy, Awning, umbrellas or pergola, but they shall not be enclosed.

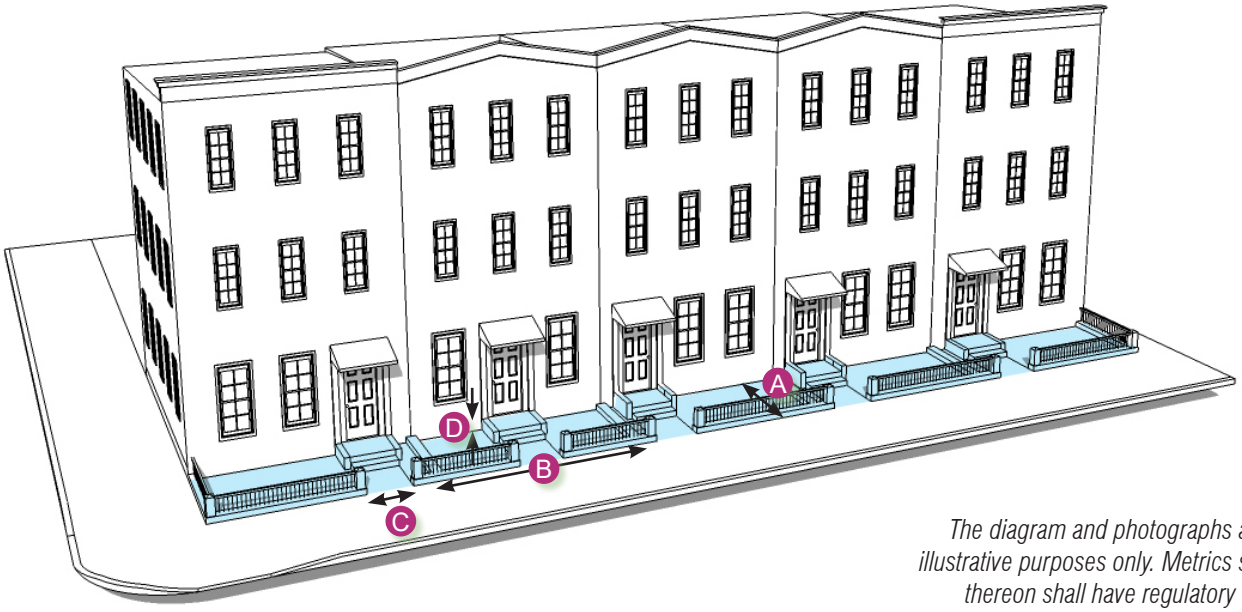
The Courtyard shall be activated as a space for gathering, circulation, outdoor shopping, and/or restaurant seating.

The proportions and orientation of a Courtyard should be carefully considered for solar orientation and user comfort.

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

All faces of the recessed Courtyard shall be considered to be part of the Façade.

14.5.9- Dooryard



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

14.5.9-A - Description

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

14.5.9-B - Building Types

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

14.5.9-C - Standards

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

14.5.9-D - Miscellaneous

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

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

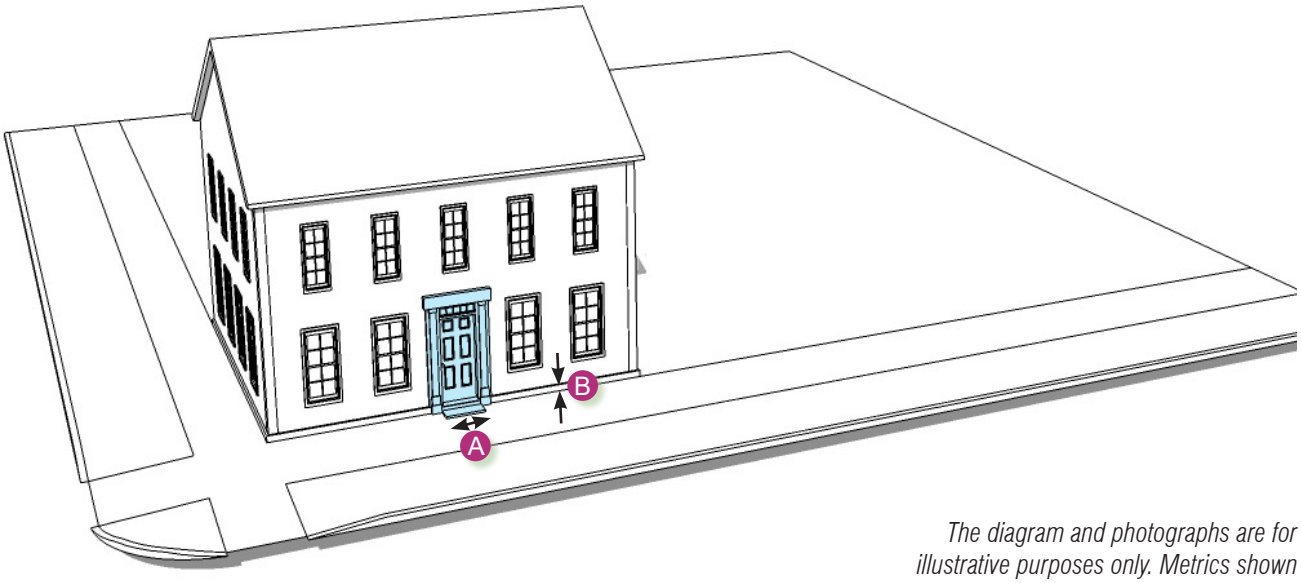
The entry doors are encouraged to be covered and/or recessed to provide shelter from the elements.

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

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

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

14.5.10 - Doorway



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

14.5.10-A - Description

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

14.5.10-B - Building Types

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

14.5.10-C - Standards

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

14.5.10-D - Miscellaneous

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

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

Stairs providing access to a Doorway may occupy the First Lot Layer.

14.5.11- Lightwell & Landing

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

14.5.11-A - Description

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

14.5.11-B - Building Types

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

14.5.11-C - Standards

Height		
Landing (above Sidewalk)	6-ft max.	A
Lightwell (below Sidewalk)	6-ft max.	B
Depth	5-ft min. 8-ft max.	C
Height, Clear	8-ft min.	D
Clear Path of Travel to a Principal Entrance	3-ft wide min.	E

14.5.11-D - Miscellaneous

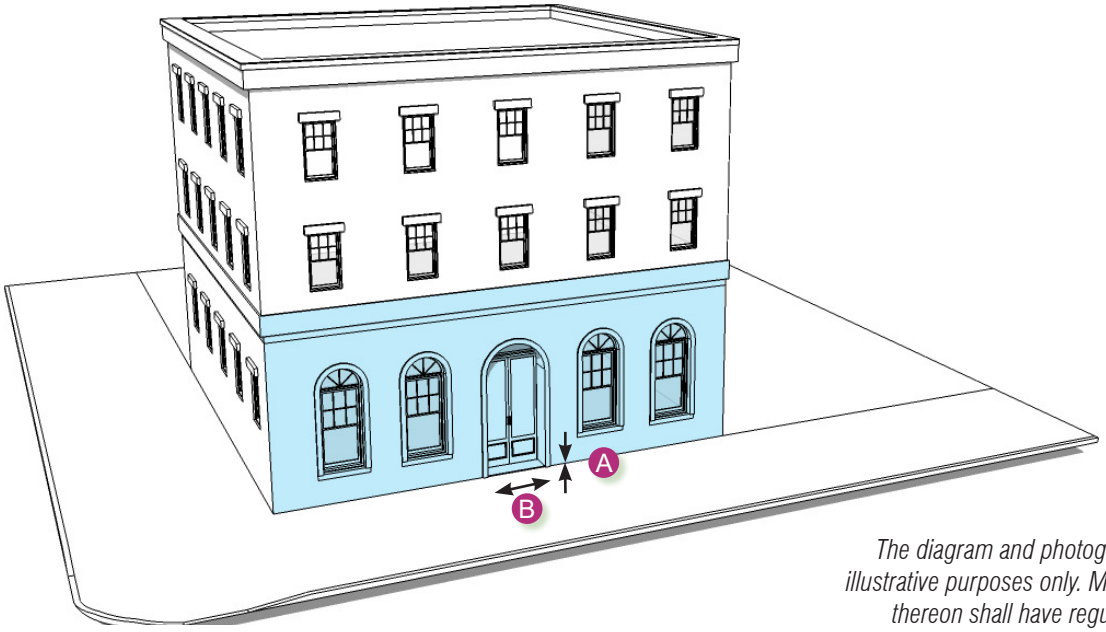
A short fence shall be placed along the Frontage Line at the Lightwell for the safety of pedestrians and to provide a strong spatial definition from the public Sidewalk.

Each Lightwell or Landing shall provide access only one individual or shared entry for a maximum of two entries where both are employed.

The Lightwell and Landing occupies the First Lot Layer, and may extend the depth of a maximum required front yard setback to an amount equal to the maximum depth permitted in Sec. 14.5.11-C.

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

14.5.12 - Officefront



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

14.5.12-A - Description

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

14.5.12-B - Building Types

Mixed Use

Perimeter Building

14.5.12-C - Standards

Principal Entrance level	At-grade	A
Clear Path of Travel to a Principal Entrance	3-ft wide min.	B
Ground floor Facade voids (rough opening for windows and doors)	50% min. between 3-ft and 10-ft above the Principal Entrance level	
Depth of recessed entries	6-ft max. from Facade	

14.5.12-D - Miscellaneous

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

Recessed entries shall provide access to no more than 3 individual or shared entries.

Street-facing, street-level window area must remain unobstructed up to a minimum interior depth of 8-feet, with the exception of obstructions such as street-facing window signs or product displays that do not take up more than 25% of the total window area.

Windows cannot be made opaque by window treatments except for operable sunscreen devices within the conditioned space.

External security shutters are not permitted.

14.5.13 - Shopfront

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

14.5.13-A - Description

A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with street-facing individual and/or shared entries that provide at-grade access directly onto the public Sidewalk. This type is commonly associated with retail, service, and/or hospitality uses; has substantial glazing on the Sidewalk level; and may include an Awning and/or Canopy that may Encroach into the First Lot Layer and over-lap the Sidewalk. To the extent there is a First Lot Layer, it is paved to join with the adjoining public Sidewalk and activated with outdoor shopping and/or restaurant seating.

14.5.13-B - Building Types

Mixed Use	Perimeter Building

14.5.13-C - Standards

Distance between voids	4-ft max.	A
Principal Entrance level	At grade, unless used with a Lightwell & Landing or Terrace Frontage Type	B
Sill Height	3-ft max.	C
Ground floor Facade voids (rough opening for windows and doors)	70% min. between 3-ft and 10-ft above the sidewalk.	
Depth of recessed entries	6-ft max. from Facade	
Clear Path of Travel to a Principal Entrance	3-ft wide min.	

14.5.13-D - Miscellaneous

Street-facing, street-level window area must remain unobstructed up to a minimum interior depth of 8-feet, with the exception of obstructions such as street-facing window signs or product displays that do not take up more than 25% of the total window area.

Windows cannot be made opaque by window treatments except for operable sunscreen devices within the conditioned space.

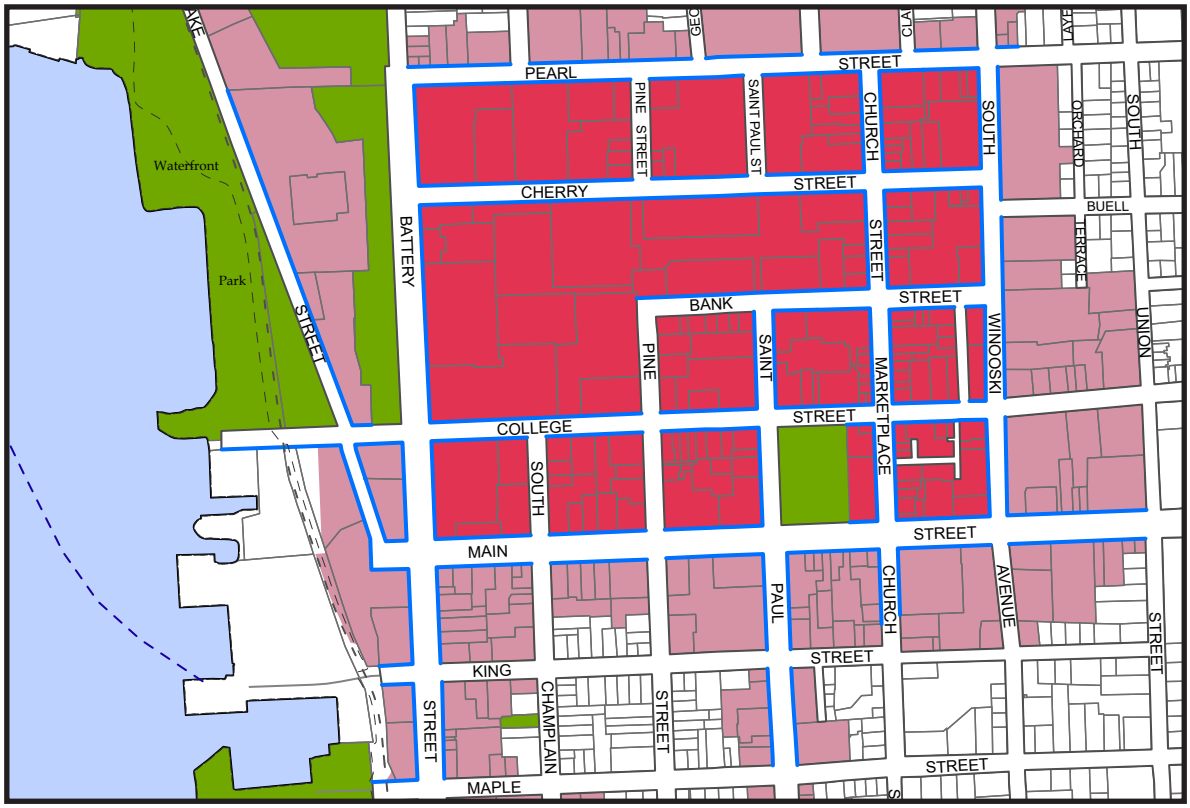
Shopfront doors, windows, awnings, signs, and lighting shall be designed as a unified whole.

Accordion-style doors/windows or other operable windows that allow the interior space to open to the street are encouraged.

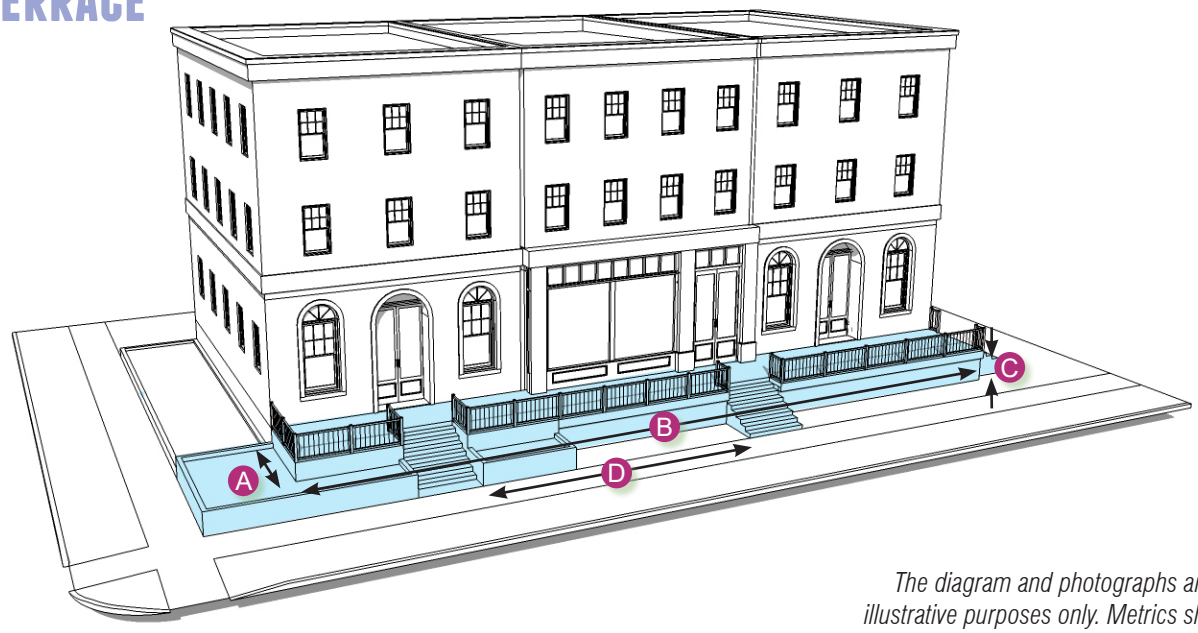
External security shutters are not permitted.

Areas where a Shopfront Frontage Type is required are as depicted on Downtown and Waterfront District Regulating Plan - Map 3 - Shopfront Frontage Required opposite. Piers separating individual Shopfronts may not exceed 4-feet in width.

Map 3 - Shopfront Frontage Required



14.5.14- Terrace



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

14.5.14-A - Description

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

14.5.14-B - Building Types

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

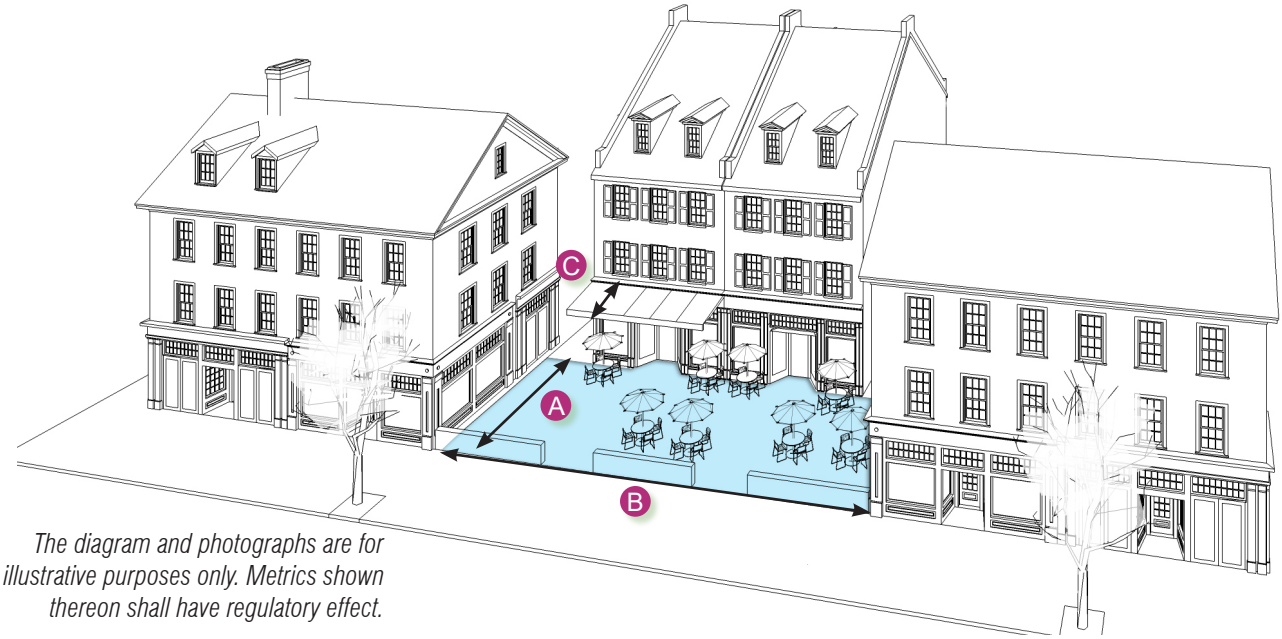
14.5.14-C - Standards

Depth	6-ft min. 15-ft max	A
Length	150-ft max.	B
Finish level above Sidewalk	4-ft max.	C
Distance between stairs/Access	50-ft max.	D

14.5.14-D - Miscellaneous

Terraces occupy the First Lot Layer, and may extend the depth of the a required front yard setback to an amount equal to the maximum depth permitted in Sec. 14.5.14-C.

14.5.15- Forecourt



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

14.5.15-A - Description

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

14.5.15-B - Building Types

Mixed-Use

14.5.15-C - Standards

Depth	20' max.	A
Width	equal to the width of the Building Facade	B
Finish level above Sidewalk	At grade	
Hardscape Coverage	80% min.	
Canopy/Awning Projection	10-ft from Facade	C

14.5.15-D - Miscellaneous

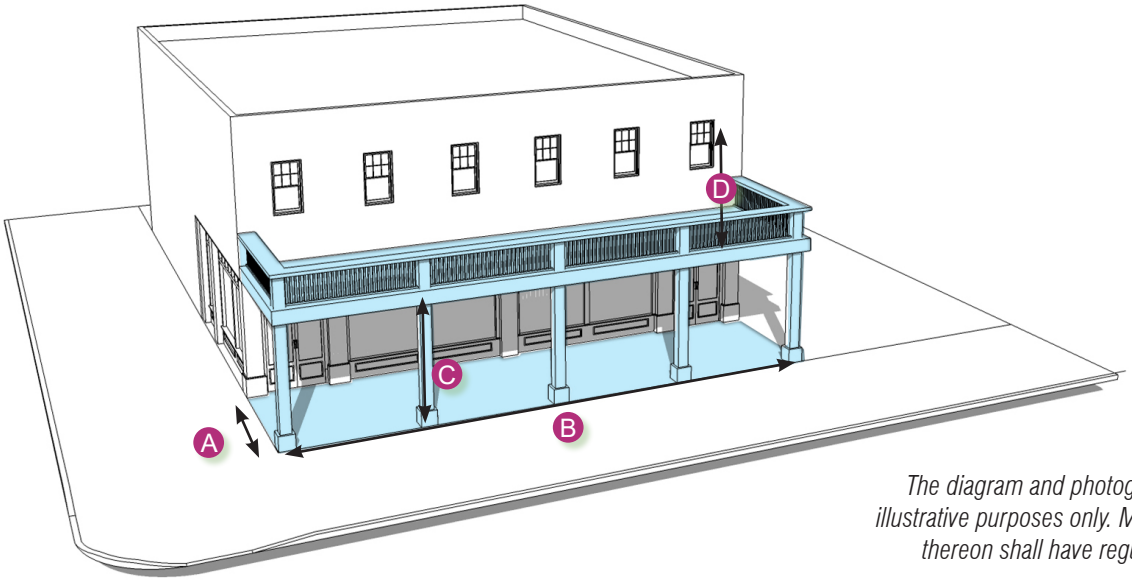
A Forecourt occupies the First Lot Layer, and may extend the depth of a maximum required front yard setback to an amount equal to the maximum depth permitted in Sec. 14.5.15-C.

A Forecourt shall remain open to the sky, and may not contain Driveways, parking, loading or service areas, or mechanical equipment or vents.

A Forecourt may include a free-standing Canopy, Awning, umbrellas or pergola, but they shall not be enclosed.

Hardscape coverage requirement may be achieved through a combination of pervious and impervious surface materials.

14.5.16- Gallery



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

14.5.16-A - Description

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

14.5.16-B - Allowed With

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

14.5.16-C - Standards

Depth	6-ft min. 10-ft max.	A
Width	Equal to width of the Building Facade	B
Ground floor height, Clear	14-ft min.	C
Upper floor height, Clear	9-ft min.	D
Finish level above Sidewalk	at-grade	
Overall Height	Equal to the number of Stories with each deck consistent with the associated floorplate.	

14.5.16-D - Miscellaneous

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

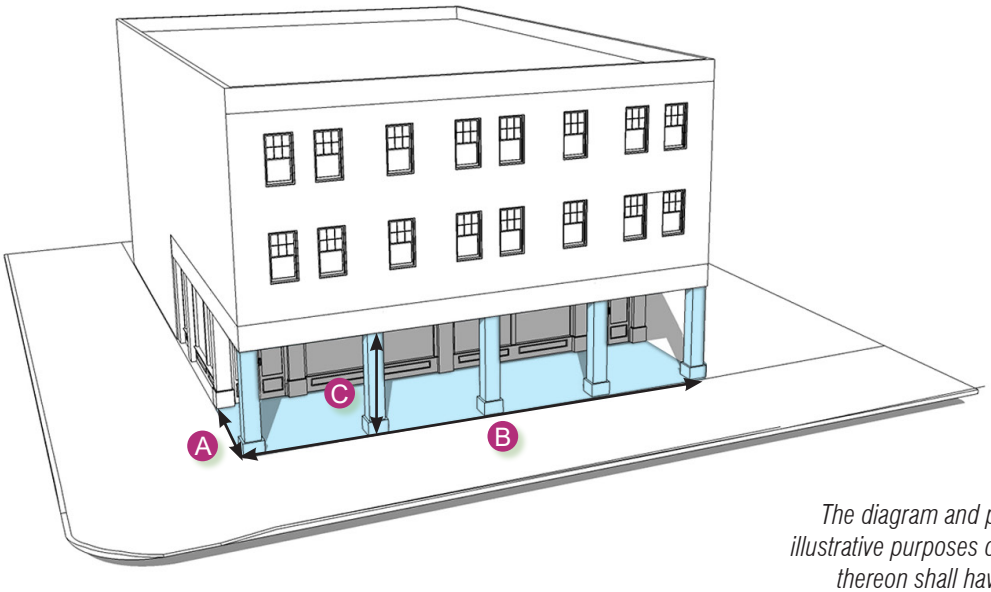
Galleries must remain open on three sides, and may have a roof or Awning covering the upper-most porch deck.

Galleries must have a consistent depth along the Frontage, and shall completely occupy the First Lot Layer. But in no case shall they extend into the public ROW.

Galleries may extend the depth of the a required front yard setback to an amount equal to the maximum depth permitted in Sec. 14.5.16-C.

Galleries may not contain mechanical equipment or vents.

14.5.17 - Arcade



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

14.5.17-A - Description

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

14.5.17-B - Building Types

Mixed-Use	Perimeter Building

14.5.17-C - Standards

Depth, Clear	12-ft min.	A
Width	Equal to width of the Building Facade	B
Height, Clear	14-ft min.	C
Height, overall	1 Story max.	
Finish level above Sidewalk	at-grade	

14.5.17-D - Miscellaneous

Arcades must have a consistent depth across the entire Facade and remain open on three sides.

An Arcade is considered part of the Building for the purpose of measuring the Frontage Buildout.

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

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Section 14.6: Applicable in all Form Districts

SubSections:

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

14.6.1- Purpose

This Section establishes standards that supplement the regulations of each Form District. The standards are specific to particular aspects of development, and are intended to promote development that complements and reinforces the vibrant, mixed-use pedestrian environment of Burlington.

14.6.2- Applicability

This Section applies to all development in applicable Form Districts. The specific standards and requirements applicable to a Form District (Section 14.3 Specific to Form Districts), Building Type (Section 14.4 Specific to Building Types) and a Frontage Type (Section 14.5 Specific to Frontage Types) shall modify and take precedence without limitation over any duplicative or conflicting provisions of this Section. Each Subsection within this Section further refines the applicability of the standards.

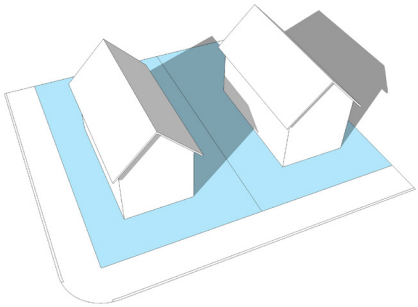
14.6.3 - Yard Types and Lot Layers

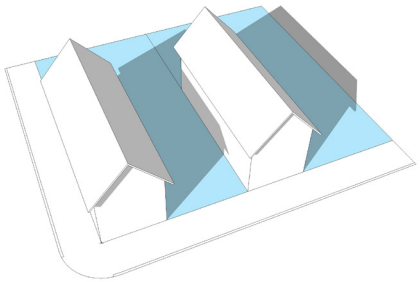
a) **Purpose**. This Subsection establishes Yard Types and Lot Layers used to determine the placement of buildings on a Lot within each Form District.

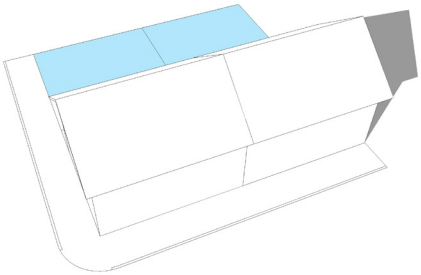
b) **Yard Types**. Buildings and Lots shall conform to the Yard Type standards within each Form District, as set forth in Table 14.6.3-A (Yard Types).

Table 14.6.3-A - Yard Types

Edgeyard	Sideyard	Rearyard
A Lot where a Principal Building occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets back from the Frontage.	A Lot where a Principal Building occupies one side of the Lot with the Setback to the other side. A shallow frontage Setback defines a more urban condition.	A Lot where a Principal Building occupies the full frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Façade defines the Public Frontage/realm.







c) **Lot Layers**. Lots are composed of three Lot Layers as shown in Illustration 14.6.3-A (Lot Layers).

i. First Lot Layer: that portion of a Lot between the Frontage Line and the Façade of a Principal Building.

ii. Second Lot Layer: that portion of a Lot extending 20 feet back from and parallel to the Façade of a Principal Building.

iii. Third Lot Layer: that portion of a Lot bounded by (a) the Second Lot Layer and (b) the Rear Lot Line.

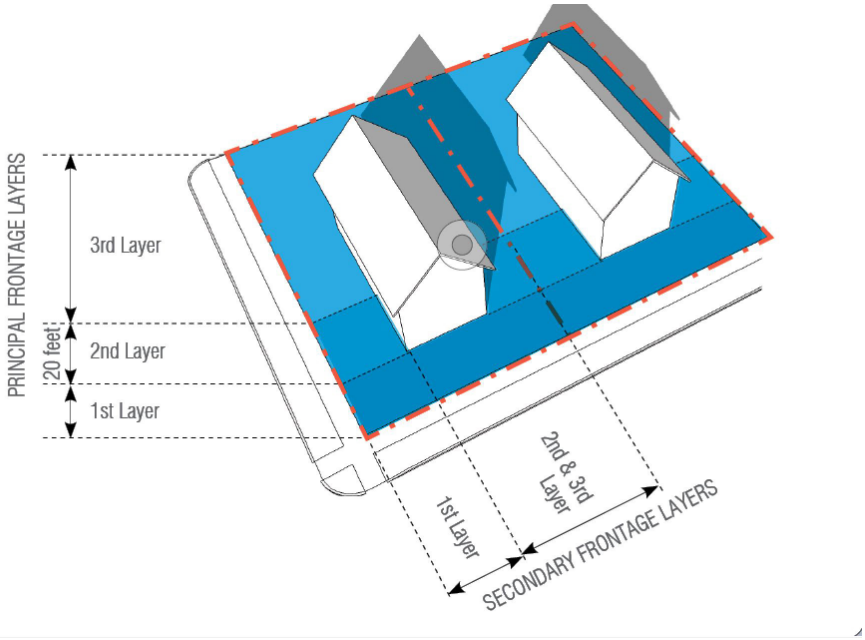


Illustration 14.6.3-A Lot Layers

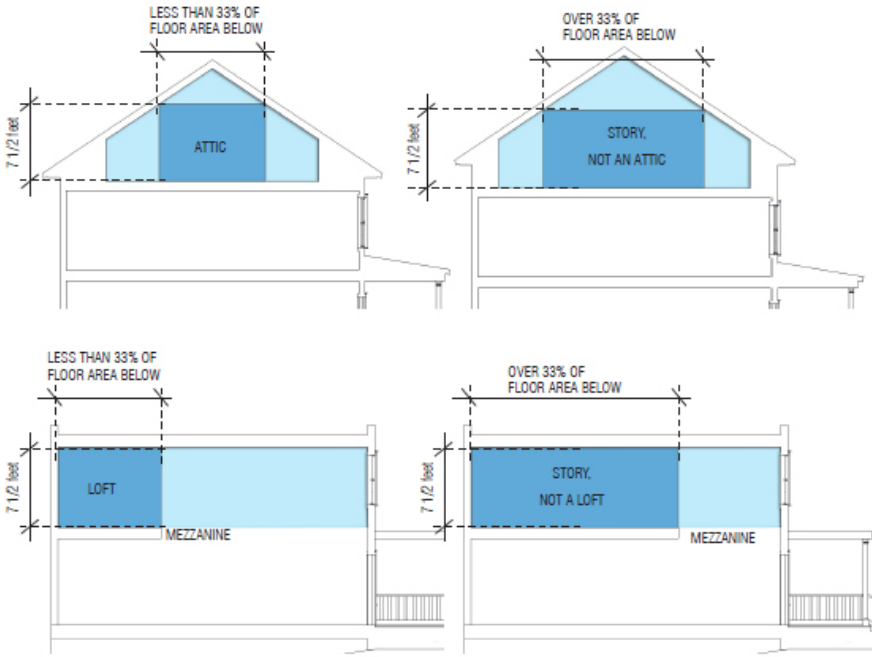
14.6.4 - Building Height

a) Purpose and Applicability. This Subsection shall apply to all Form Districts and establishes the methodology used to measure and calculate the height of a Building to ensure that new development is consistent with the character and scale of Burlington. The maximum and minimum height of a Building shall be as determined by Section 14.3 Specific to Form Districts and Section 14.4 Specific to Building Types where applicable.

b) **Building Height in Feet**. Building height shall be measured in accordance with Sec. 5.2.6 (a) Height Measurement of the BCDO.

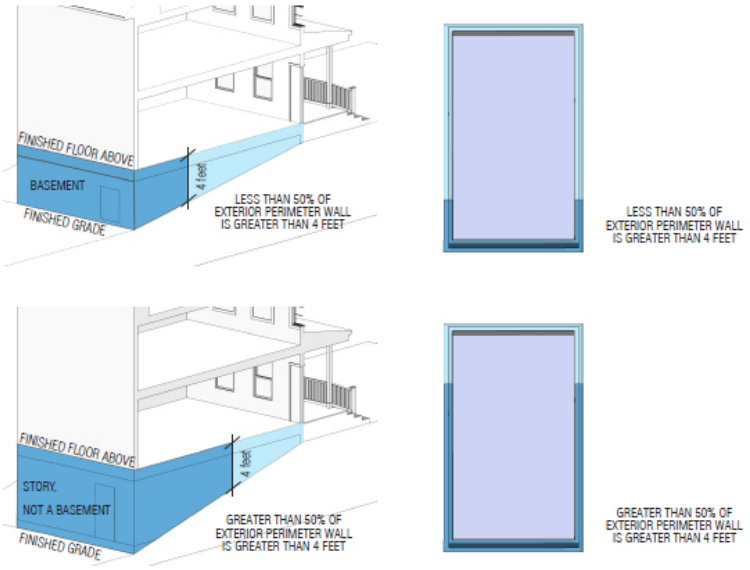
c) **Building Height by Story.** A Story or floor shall be measured as follows for purposes of regulating the height of a Building:

i. Upper floors, mezzanines, or lofts having a clear height of more than 7½ feet measured from finished floor to finished ceiling must extend beyond 33% of the floor area below to be counted as an additional Story.



ii. Basement floors with 50% or more of its exterior perimeter wall greater than 4 (four) feet in height shall count as a Story. The height of the exterior wall shall be measured from the finished grade to the finished floor of the story above.

iii. Where a Lot slopes downward from the Frontage line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



d) **Basements and Crawl Spaces**

i. Exposed basement walls visible along any Frontage shall not exceed 8 (eight) feet in height measured from the exterior finished grade to the finished floor of the Story above.

ii. Unfinished crawl spaces taller than 3 (three) feet shall be screened from view from public Thoroughfares with landscaping.

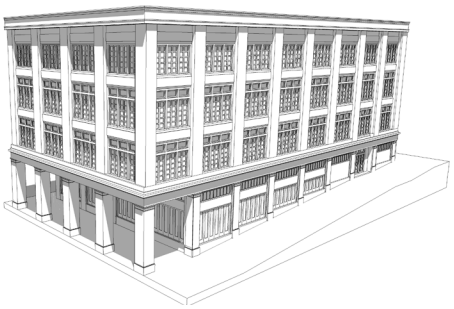
iii. Unfinished crawl spaces shall not exceed 5 (five) feet in height measured from the exterior finished grade to the finished floor of the Story above.

e) **Grading or Regrading of Sites**. Sites with uneven topography present unique issues in relation to Building height. Buildings on steep slopes shall reflect the pre-construction topography of the site. When a site's topography is modified, the site shall be graded in such a way to avoid the following features:

i. Retaining walls or unfinished blank walls taller than 4 feet in height along required Principal or Secondary Frontage;

ii. Retaining walls taller than 8 feet in height along the rear or side setbacks; and

iii. The construction of Buildings that do not reflect the preconstruction topography of the site. Illustrations below show appropriate site grading methods.



f) **Design and Public Space Standards Required for Additional Building Height**: Applications seeking approval from the Development Review Board for Building Height above that which may be permitted administratively in a Form District shall comply with the following:

i. Design Standards: The maximum Building height and mass is permitted By-Right by the underlying Form District, as may be modified by the chosen Building Type and Frontage Type. However, there are a number of ways that Building shape, articulations, and choice of materials can be used to reduce the perceived height and mass of taller Buildings, and ensure a high quality of design that complements the character of the Downtown and Waterfront area.

After consultation with the Design Advisory Board and a Public Hearing, the Development Review Board shall evaluate any proposal seeking additional Building height under each of the following additional design standards, and affirmatively find that:

a. The proposed Building presents a design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline; reinforces opportunities for establishing points of reference for visual orientation; and, provides visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing, or other architectural design techniques;

b. Step backs, horizontal and vertical variation, selection of materials, and/or other architectural design technics are used to reinforce the street wall, create transitions from Buildings of a smaller mass and height, and reduce the perceived height and mass of upper stories from the street level; and,

c. Upper story proportions of the Building are oriented and tapered and/or separated into separate masses in order to retain sky view between individual Building elements from the public Thoroughfare.

The DRB may condition approval of additional Building height by reducing the By-Right Building mass by no more than 10% of the total floor area of the new floors enabled by granting the additional Building height. In no case shall the maximum By-Right Building height be reduced.

ii. Active Public Space and Restrooms: A minimum of 20 sqft/1,000 sqft of the gross floor area above 85-feet shall be dedicated to active and publicly accessible upper story rooftops and terraces, and/or street-level public restrooms as follows:

a. Upper story rooftops and terraces must incorporate active public use such as outdoor dining with seating or other uses and activities that invite use by the public, and be located above the 7th floor. At least 25% of the space must be accessible to the general public during all regular business hours without expectation of payment or purchase.

b. Public restrooms may count towards the public space requirement above at a ratio of 10:1. Public restrooms must be located on the ground floor, have a minimum size of 50 sqft, be signed from the public street, be actively monitored and maintained, and be open to the public during all regular business hours. Placement of a public restroom in partnership with the City within an adjacent public space or the public ROW may be acceptable with the concurrence of the respective responsible City department and provided actual development costs and projected 20-yr maintenance costs are paid by the applicant.

14.6.5 - Historic Buildings and Districts

The regulations found in the *Burlington Comprehensive Development Ordinance* (BCDO), Article 5, Section 5.4.8 (Historic Buildings and Sites) shall apply in all Form Districts following the process for receiving a Certificate of Appropriateness under Sec. 3.2.7 and Sec 3.2.8. To the extent that any Form District, Building Type, Urban Design, or Frontage Type standards threaten or conflict with the ability to maintain the historic integrity of a Historic Building or Site, and the ability to meet the standards found in Sec. 5.4.8 (b), the process for granting relief by the Development Review Board in Sec. 14.7.3 b) shall be followed in order to provide for suitable alternate compliance as applicable.

14.6.6 - Special Use Regulations

a) **Purpose and Applicability**. This Subsection provides specific site planning, development, and operating standards for certain land uses and activities to ensure their compatibility with existing uses. The following shall apply in all cases where such uses listed below are otherwise permitted or conditionally permitted pursuant to Section 14.3 - Specific to Form Districts.

b) **Day Care Centers and Preschools**. The following shall be applicable to an application involving day care centers or preschools:

i. No playground equipment shall be located within the First Lot Layer;

ii. Adequate and safe drop-off and pickup space shall be provided;

iii. Any modifications, additions, signs, or site Improvements shall conform to the requirements of the Form District;

iv. Such facilities shall be licensed by the State of Vermont where required;

v. No more than one residential unit on any parcel may be converted for the creation of a single day care center or preschool. Such a

conversion shall be exempt from the requirements of BCDO Article 9, Part 2- Housing Replacement; and,

vi. Where a day care center or preschool is treated as a Conditional Use in any Form District, the DRB shall also consider the extent to which a neighborhood may be overburdened by a concentration of such uses.

c) **Historic Inns**. The following shall be applicable to an application involving a historic inn:

i. The Principal Building shall be listed, or eligible for listing, on the State or National Register of Historic Places, and located on a Lot of record as of January 1, 2007 with a minimum of one-half (1/2) acre (21,780 Square feet) in size and located on a major street;

ii. In Form Districts where a Historic Inn is a conditional use, the premises shall be occupied by a person as their primary residence who is an owner or resident manager of the property or of the business;

iii. The maximum number of guest rooms allowed shall be limited by the existing gross square floor area of the pre-existing Principal Building including additions of up to an additional 20%;

iv. Common dining facilities, and ancillary events limited to indoor business meetings and meals served in conjunction with those meetings, for overnight guests and their guests may be included;

v. Any additions or exterior modifications to the Principal Building shall be subject to the standards for Historic Buildings in Sec 5.4.8 of the BCDO; and,

vi. Any additional modifications, additions, signs, or site Improvements shall conform to the requirements of the Form District.

d) **Motorized Vehicle Service, Repair, and Fuel Sales**. The following shall be applicable to any application involving motorized vehicle service, repair, and/or fuel sales:

i. Fuel pumps shall be located at least 15-feet from any Lot Line;

ii. Access to a public street shall be located a minimum of 50-feet from any intersection between public Thoroughfares and shall be approved by the City Engineer. Shared Access between Adjacent properties is encouraged in order to reduce congestion and improve safety;

iii. The width of any Curb-cut shall be limited to no more than 24-feet;

iv. Where canopies are proposed over gas pump islands, they shall not be located in the First Lot Layer or be within 5-feet of a side or rear Lot Line.

v. No signs or fascia lighting may be placed on or within any pump canopy;

vi. No outdoor vending, display or storage of materials, goods, supplies, or equipment shall be permitted; and,

vii. There shall be a least one Sidewalk dedicated exclusively for pedestrians from a public way/Sidewalk to the store entrance.

e) **Community House**. The following shall be applicable to an application involving a Community House:

i. Density shall not exceed 1 person per 200 square feet of gross floor area;

ii. All standards for the underlying Form District shall continue to be applicable; and,

iii. The minimum distance (Lot Line to Lot Line) between any two Community Houses shall not be less than the following:

Total Occupancy (beds)	Distance (feet) between Community Houses
6 or less	0 ft
7 – 12	500 ft
13 – 20	1,000 ft
21 or more	1,500 ft

f) **Home Occupation**. The following shall be applicable to an application involving a Home Occupation:

i. Any Home Occupation shall clearly be secondary or incidental to a Principal residential use;

ii. The Home Occupation shall be conducted only inside the Dwelling or inside an Accessory Building;

iii. No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with any Home Occupation;

iv. No Home Occupation may increase traffic flow or parking by more than one additional vehicle at a time for customers or deliveries;

v. No Home Occupation shall utilize flammable, toxic, or hazardous materials in quantities not customary to a residential use;

vi. No Home Occupation shall create any sound, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard, or any other hazard, nuisance or unsightliness which is discernible beyond the boundaries of the property that is not customarily associated with a residential use; and,

vii. All standards for the underlying Form District shall continue to be applicable.

g) **Crisis Counseling Center**. The following shall be applicable to an application involving a Crisis Counseling Center:

i. A Crisis Counseling Center may only be permitted on Lots fronting the following streets: Main St., St. Paul St., and Pearl St.;

ii. A Crisis Counseling Center may only be permitted in a Principal Building existing as of January 1, 2007;

iii. Secondary residential use in the same Building and/or on the same Lot may be permitted; and,

iv. All standards for the underlying Form District shall continue to be applicable.

h) **Outdoor Dining and Entertainment Areas**. The following shall be applicable to an application involving outdoor dining and entertainment for restaurants and drinking establishments:

i. With the exception of the Frontage Line, decorative walls or fencing shall be used to enclose the outdoor area;

ii. Furniture and fixtures provided for use in an outdoor area may consist only of movable tables, chairs, umbrellas, planters, lights, and heaters. Lighting fixtures may be permanently affixed onto the exterior of the building. All movable furniture and fixtures shall be removed off-season.

iii. Outdoor liquor consumption and entertainment requires a permit from the City Council. Any outdoor activity on any public Sidewalk or Alley also requires an encumbrance permit from the City Council.

iv. Any outdoor area located within 100-feet of a boundary with a residential zoning district requires Conditional Use approval from the Development Review Board;

v. Any outdoor area located within 500-feet of a boundary with a residential zoning district:

a. may not exceed 50 percent of the indoor area Accessible to the public. Any additional outdoor dining area requires Conditional Use approval from the Development Review Board; and,

b. may not include the use of audio/visual equipment or amplified sound without Conditional Use approval from the Development Review Board.

14.6.7 - Parking and Circulation

a) **Purpose**. This Subsection regulates and ensures the provision of parking spaces and Access drives designed for motor vehicles. The Subsection also provides options for adjusting parking requirements and providing parking alternatives. These standards ensure that parking needs of new land uses and development are met, while ensuring parking spaces and Access drives are designed and located in a manner consistent with the desired character and development patterns of walkable communities as outlined in *planBTV - Downtown & Waterfront Master Plan*.

b) **Applicability.** In addition to the provisions of this Subsection, the provisions of Article 8 of the *Burlington Comprehensive Development Ordinance* regarding parking shall be applicable in all Form Districts. Pursuant to Sec. 8.1.3 Parking Districts, Form Districts 5 and 6 shall be included in the Downtown Parking District.

c) **General Parking, Loading, Service and Driveway Standards**

i. Portable cargo or freight storage containers, trucks, tractors, or tractor-trailers having a capacity of more than a one-and one-half-ton load, front- and rear-end loaders, or any commercial, industrial, agricultural, recreational, or transportation vehicles or equipment shall not be parked or stored within any district for purposes other than short-term unloading, loading or delivery services, or temporary construction within the district.

ii. Automobiles, small trucks, vans, vehicle trailers permitted in conjunction with an approved Home Occupation (one per Home Occupation),regularly utilized for personal or business use may be allowed.

iii. Automotive vehicles, trailers, or vehicles of any kind or type, requiring licenses, but without current plates or inoperable, shall not be parked in any Form District unless completely enclosed within a Building.

iv. Loading and service areas, overhead doors, and other service entries shall not be located on a Primary Frontage or Facade where a rear Alley or Secondary Frontage is available, and shall be screened from view by a Building or Streetscreen. Where no alternative to a Primary Frontage or Facade is available, loading and service doors shall not exceed 12-feet in width and 16-feet clear height.

v. Drive-thrus are not allowed.

d) **On-Site Parking Spaces Required**

i. The minimum and maximum number of parking spaces, including modifications thereof and bicycle parking requirements, will be determined as required in Article 8 of the *Burlington Comprehensive Development Ordinance* unless specified otherwise in each Form District. Each parking space provided in an underground structure may be counted as 1.75 of the spaces required in Article 8.

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

iii. Previously permitted on-site parking requirements applicable to any Lot or Building prior to the effective date of this Article that exceed those listed in Table 8.1.8-1 Minimum Off-Street Parking Requirements found in Article 8 of the *Burlington Comprehensive Development Ordinance* may be reduced to comply with the standards for the Form District by the Administrative Officer without fee upon application.

e) **Parking Structures and Garages**

i. With the exception of individual Garages serving a Rowhouse Building Type which shall be located in the Third Lot Layer, all Parking Structures and Garages shall be located:

- within a Principal Building Type and located Underground, at or above the second Story, and/or in the ground floor when located in the Third Lot layer and separated from the street by an Active Street-level Use; or,
- behind a Perimeter Building (See Section 14.4.11).

ii. Facade openings shall be combined for ingress/egress, and shall not exceed 24-feet in width and 16-ft clear height at the Frontage. Only one such opening per street Frontage may be permitted. Facade openings may be separated for ingress/egress where they access different Frontages.

iii. At least one pedestrian route shall lead directly to a Frontage Line (i.e., not directly into a Building). When portions of a Building containing parking front on more than one street, multiple pedestrian routes to the Frontage are strongly encouraged.

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

v. All floors fronting a public street must be level (not inclined), and sloped ramps between parking levels must be setback a minimum of 20-ft from the Building Façade and shall not be discernible along the Facade.

vi. Facade treatments (materials, fenestration patterns, and architectural detailing) must be continued on stories containing parking in a manner consistent with the overall architectural design of the Building, and such that levels of parking are not clearly distinguishable from other uses in a Building.

f) **Parking Lots and Parking Areas**

i. All parked vehicles, vehicle headlights, and interior lighting shall be screened from view from the street and adjacent properties by a Building or a landscaped area as follows:

a. A minimum 10-foot wide landscaped area, or a 36-inch high wall within a minimum 5-foot wide landscaped area, with a continuous row of trees and/or shrubs must be provided between the street and parking lot.

b. Plantings must be a minimum of 18-inches in height when planted and must reach a minimum size of 36 inches in height within 3-years of planting.

c. Breaks for pedestrian and vehicle access are allowed.

ii. All Parking Lots and Parking Areas shall be setback a minimum of 5-feet from any side or rear property line.

iii. Openings shall be combined for ingress/egress and shall not exceed 24-feet in width at the Frontage. Only one such opening per street Frontage may be permitted. Openings may be separated for ingress/egress where they access different Frontages.

g) **Parking Spaces, Lot Design and Layout**

i. Lot Design and Layout. The dimensions of parking spaces shall be determined as required in Article 8 of the *Burlington Comprehensive Development Ordinance*.

ii. Access. The following are applicable to off-street parking design unless modified by Section 14.3 (Specific to Form Districts).

a. All off-street parking facilities shall be designed with an appropriate means of vehicular Access to a Thoroughfare or to an Alley to cause the least interference with traffic flow. Access from developments of two or fewer Dwelling Units onto public Thoroughfares shall be, where practicable, by forward motion of the vehicle. Access from all other developments shall be by forward motion of the vehicle only.

b. Parking spaces shall not be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public Thoroughfare. Ingress to and egress from parking spaces shall be from an on-site aisle or driveway. Parking spaces within Lots of up to eight spaces may be designed or located so as to permit a vehicle to enter or exit a parking space directly from a public Alley or rear lane.

c. Parking, loading, and service areas shall be Accessed by a Rear Alley or Lane, or from a Secondary Frontage where such is available and functional.

d. Driveways may be shared between Adjacent parcels and therefore are exempt from any required yard setback as may be required.

e. The location, design, and construction of all off-street parking Access points to a public Thoroughfare shall meet the requirements of the City Engineer.

f. Angled spaces may be configured as either head-in or back-in.

iii. Stacked and Tandem Parking. Except as otherwise provided below, all parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle.

a. Vertically stacking 2 vehicles is allowed. Stacked and valet parking, or vertically stacking 3 or more vehicles, may be allowed only if an attendant is present to move vehicles.

b. Tandem Parking may be provided for an individual Dwelling Unit and dedicated employee-only parking where designed as such.

h) **Materials and Markings**

i. All off-street parking, Loading Areas, Drive Aisles, and Driveways shall be surfaced with an impervious surfacing material. The use of pervious or semi-pervious surfacing materials including, but not limited to "grasscrete," or recycled materials such as glass, rubber, used asphalt, brick, block, and concrete, may be approved pending review and recommendation by the Department of Public Works, provided such areas are properly maintained. Where possible, such materials should be used in areas in proximity to and in combination with other stormwater control devices.

ii. Off-Street parking of 4 or more spaces and all Loading Areas shall include painted lines, wheel stops, Curbing or other methods of identifying individual parking spaces and Loading Areas, while distinguishing such spaces from aisle and other circulation features and physically separating them from Landscape Areas and pedestrian walkways.

iii. All parking and Loading Areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to Building entrance(s) or a public sidewalk. Where pedestrian and vehicular routes meet, the Sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

i) **Accessible Parking**. All parking facilities that require Accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act (ADA) as administered by the Dept. of Public Works. Parking Access aisles shall be part of an Accessible route to the Building or facility entrance. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of Accessibility. Painting of the paved area for the dedicated parking spaces alone shall not be sufficient as the sole means of identifying these spaces.

j) **Landscaping**

i. Parking Areas and Parking Lots with ten (10) or more spaces shall be planted with 2 Trees for every 10 spaces. Each row of parking shall be terminated with a landscape island (see Sec. 14.6.8 Site and Landscape Standards) for Tree specifications.

ii. Parking Area and Parking Lot landscape islands may be combined as a component of a stormwater management plan to facilitate water harvesting.

iii. Where a pedestrian walkway is provided in a Parking Area or Parking Lot, it shall be at least 5-feet wide, and the pavement shall be differentiated from the pavement of the Parking Area or Parking Lot through a change in surface texture, material, style, and/or color.

iv. Bollards, fences, tire stops, or other similar devices shall be utilized to prevent parked vehicles from Encroaching onto a Sidewalk, or landscaped area.

14.6.8- Site and Landscape Standards

a) **Purpose and Applicability.** Landscaping shall be used to add visual interest, scale, and color to the development site and to provide specific functions and benefits to the uses and Buildings on the site. These include but are not limited to stormwater retention and erosion control, winter windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and creating privacy for and from adjacent property. The following are required in each Form District.

b) **Site Standards:**

i. All utility service connections shall be underground for new construction, and is recommended for existing Buildings undergoing Substantial Modification.

ii. The following items are prohibited in the First Lot Layer: electrical transformers, exhaust vents, HVAC, and other mechanical equipment unless they are placed underground; utility or gas meters; solar collection devices and wind turbines; antennas, satellite dishes, and other telecommunications equipment; solid waste containers, swimming pools, dog houses and runs, hot tubs, and spas.

iii. Ground level electrical transformers, HVAC, and other mechanical equipment; antennas, satellite dishes and other telecommunications equipment; and utility boxes and gas meters shall be designed so they do not Encroach on walkways or parking areas, and shall be screened from view from any Public Frontage. They shall not be obstructed by landscaping or hardscape such that meter readers and maintenance personnel are unable to open or Access utilities devices.

iv. Utility boxes and gas meters located Adjacent to Driveways, Parking Areas, Rear Lanes, Alleys, or Rear Access Easements, shall require 2 48-inch high, 6-in x 6-in bollards set in concrete to protect them from damage from vehicles.

v. Fences and Free-standing Walls:

A. Fences and Free-standing Walls placed within the First Lot Layer shall not exceed 4-feet in height. Fences and Free-standing Walls placed within the Second or Third Lot Layer shall not exceed 8-feet in height unless a different height limit is specified under the applicable Form District or Frontage Type.

B. Materials used for Fences and Free-standing Walls shall be limited to Brick and tile masonry; Native or sintered stone; Wood – panels, clapboard or shingles; Cementitious siding, metal, and woven or braided cable wire. Chain-link and welded-wire fencing shall not be used along any Frontage Line with the exception of the temporary 20 enclosure of a construction site, or where required by the Building Official to protect public safety. Barbed or razor wire shall not be used in any application. Alternate materials may be approved by the Administrative Officer after seeking input from the Design Advisory Board. Alternate materials must be considered equivalent or better than the materials listed above, and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.

C. All fences and free-standing walls shall be installed so that a finished side faces outward towards the adjacent property or public Frontage.

c) **Landscape Standards:**

i. The installed landscape shall consist primarily of durable species tolerant of urban conditions, and pre-existing noxious or invasive plants species identified on the prohibited plant list shall be removed.

ii. The spacing and placement of all installed plants shall be adequate and appropriate for the typical size, shape, and habit of the plant species at maturity.

iii. Bare and exposed ground on the site and/or in landscaped areas shall be covered with live plant materials and/or Mulch, with the exception of naturally occurring dunes, creek beds, rock outcroppings, or similar landscape features typically lacking in vegetation; and clay or sand surfaces associated with recreation fields and facilities.

iv. Pervious paving materials are encouraged for any paved areas in order to increase storm water infiltration on site.

v. Constructed water features, such as fountains, streams, and ponds that operate with water recirculation systems, shall be designed to prevent seepage and leaks.

vi. Plantings should be placed at or slightly below grade, and not be mounded up, in order to provide opportunities for storm water infiltration on site.

vii. Ground vegetation or Shrub plantings with spines, thorns, or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first 2 feet of the First Lot Layer.

viii. Trees and Understory Trees proposed to be installed shall be centered horizontally, and at a minimum shall be located:

a. Two (2) feet from walkways, Curbing, and other impervious pavements when planted in a Tree well or continuous planter.

b. Three (3) feet from walkways, Curbing, and other impervious pavements when planted in a continuous Swale.

c. Five (5) feet from underground utilities, utility meters and service lines, fences, walls, and other ground level obstructions.

d. Six (6) feet from porch eaves, awnings and similar overhead obstructions associated with the ground level of Buildings.

e. Eight (8) feet from balconies, verandas, Building eaves and Cornices, and similar overhead obstructions associated with the upper stories of Buildings.

f. Fifteen (15) feet from streetlight poles so not to impact the light spread of the fixture.

ix. At the time of installation, all:

j. Proposed Trees shall be a minimum height of ten (10) feet and/or three (3) inches in Caliper.

k. Proposed Understory Trees shall be a minimum of eight to ten (8-10) feet in height and/or three to three-and-one-half (3 - 31/2) inches in Caliper.

l. Proposed Shrubs shall be a five (5) gallon container minimum for large Shrubs or two to three (2-3) gallon container minimum for smaller species and shall be planted with 18" minimum Clearance from any Sidewalk or pavement edge at the Lot Line.

m. Where used, Tree grates should be quarter inch pedestrian Tree guard.

n. Where planting space is limited, Structural Soil or soil cell systems shall be utilized in and Adjacent to planting wells and strips.

d) **Solid Waste Storage Areas.** Solid waste and recycling containers and enclosures for all multi-family residential and non-residential developments shall comply with the following:

i. Solid waste and recycling enclosures and containers may not be located or stored in the First Lot Layer, or within or block access to any required Access, parking, or Landscape Areas or any other area required by law to be maintained.

ii. Solid waste and recycling containers shall be enclosed or screened so as not to be visible from the right-of-way or other publicly Accessible areas. Storage within a Principle Building is preferred.

iii. Detached solid waste and recycling enclosures shall consist of solid wood or masonry walls in a manner consistent with the overall architectural design of the Building; wooden stockade, picket or lattice fencing; or screened by landscaping. They shall be enclosed on all sides, one of which includes a gate or door that can be secured, and be a minimum of one foot taller than the solid waste and recycling container(s) within; and,

iv. All containers and/or enclosures shall be covered and maintained in a manner that prevents blowing trash and be secured from rodents or other pests.

14.6.9 - Stormwater Management

All development and projects involving land disturbance that require a zoning permit shall be required to demonstrate compliance with the standards in Article 3, Stormwater & Erosion Control of Chapter 26 of the City Code of Ordinances: Wastewater, Stormwater, and Pollution Control as applicable.

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

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

Additionally:

a) Stormwater detention and retention ponds shall be:

   i. integrated as landscape features, rather than single-purpose flood control and stormwater management ponds; and

   ii. planted with appropriate Trees, Shrubs and grasses, with hydrophilic Plants in basin areas prone to submersion or boggy conditions.

b) Cisterns may be used to capture and recirculate stormwater from Buildings.

c) Where appropriate, Rain Gardens and Bioswales should be installed to infiltrate runoff from Parking Lots, Thoroughfares, Plazas, and other Impervious Surfaces.

d) Pervious paving materials are encouraged for any paved areas in order to increase storm water infiltration on site.

e) Where vegetative solutions for natural drainage accommodation are not feasible, porous paving is encouraged for Sidewalks, Parking Lots, and Plazas to infiltrate stormwater.

14.6.10 - Outdoor Lighting & Telecommunications Equipment

The regulations found in the *Burlington Comprehensive Development Ordinance* (BCDO), Article 5, Section 5.2.2 (Outdoor Lighting) shall apply in all Form Districts, and the regulations found in the *Burlington Comprehensive Development Ordinance* (BCDO), Article 5, Section 5.4.7 (Wireless Telecommunications Facilities) shall apply in all Form Districts to the extent not limited by state or federal law.

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Section 14.7: Administration and Procedures

Subsections:

14.7.1 Applying for a Zoning Permit: Submission Requirements and Review

14.7.2 Non-Conformities

14.7.3 Varying the Form: : Administrative Relief, DRB Alternative Compliance, and Variances

14.7.1 - Applying for a Zoning Permit: Submission Requirements and Review

a) **Improvements Authorized.** Any and all subdivision of land, development and construction or modification of all Improvements, land, Buildings, and Structures in the Downtown and Waterfront District not otherwise exempt under Sec. 3.1.2 (c) of the *Burlington Comprehensive Development Ordinance* shall occur only in accordance with the Downtown and Waterfront Regulating Plan and this Article 14-planBTV Downtown Code as in effect on the date of acceptance of a completed application submitted for approval pursuant to this Section.

b) **Application Submission.** Each application shall be submitted to the Department of Permitting and Inspections along in a form to be provided by the Department. Upon its determination that an application is complete, the Department shall process each application in accordance with this Section.

c) **Application Requirements**. An application shall be prepared by or on behalf of the Property Owner(s) in accordance with this Section and submitted to the Department for processing, review, and approval. Each application shall include the following:

i. A demonstration of compliance with this Article 14-planBTV Downtown Code and all standards applicable thereunder including but not limited to:

A. the Downtown and Waterfront District Regulating Plan and any applicable Special Requirements (Section 14.2 Regulating Plan);

B. the Form District and/or Civic Space(s) where the proposed Project is located (Section 14.3: Specific to Form Districts and Civic Spaces);

C. the Building Type(s) proposed as part of the Project (Section 14.4: Specific to Building Types);

D. the Frontage Type(s) proposed as part of the Project (Section 14.5: Specific to Frontage Types); and,

E. all applicable requirements of Section 14.6: Applicable to all Form Districts.

ii. a tabular comparison of each applicable standard and the corresponding standards for the proposed project;

iii. one or more maps identifying the project site on the Downtown and Waterfront District Regulating Plan and and any applicable Special Requirements;

iv. one or more project plans of the project site drawn to a scale accurately indicating each applicable proposed element of the project in compliance with the standards listed above, including without limitation as applicable:

A. Identifying information including the owner(s) of record, north arrow, date (including any revision dates), and scale (recommended at not smaller than 1 inch equals 40 feet);

B. The location of all property lines, rights-of-way or easements affecting the property, and Abutting streets;

C. Where applicable a plan of all proposed property lines, rights-of-way or easements affecting the property satisfying the submission requirements for a Preliminary Plat pursuant to Sec. 10.1.8 Preliminary Plat Review of the *Burlington Comprehensive Development Ordinance;*

D. Existing natural features of the site including water courses and applicable buffers, wetlands and applicable buffers, contours at no more than 1-foot intervals, floodplains, Trees, and other vegetation, etc;

E. A plan indicating the location, types and dimensions of all proposed grading, drainage, stormwater management, and erosion control demonstrating compliance with the standards in Article 3, Stormwater & Erosion Control of Chapter 26 of the City Code of Ordinances: Wastewater, Stormwater, and Pollution Control;

F. The location and dimensions of all existing and proposed Buildings, Structures, Streetscreens, walkways, Driveways, and other Significant features; with dimensions and distances from the front, side, and rear property lines to each proposed new Building, Structure, and/or site Improvement;

G. Location of existing and proposed utilities and facilities (water, sewer, electric, telephone, fire hydrant, etc. including all ground and Building/Structure mounted equipment);

H. The location, types and dimensions of all proposed Improvements within and Encroachments into the public right-of-way including without limitation Building footings, Cornices, steps, terraces, walls, walkways, street Trees, street lights, vehicular Parking Lanes, and travel lanes;

I. A parking and circulation plan indicating the location, layout, dimensions and design of all existing and proposed Driveways, Parking Areas, Parking Lots, Garages, and Parking Structures. Plans for all Parking Areas, Parking Lots, Garages, and Parking Structures shall also include the number, type, layout, dimensions, and design of spaces;

J. A landscaping plan indicating all existing vegetation and proposed plant materials, landscape islands, landscaping of Parking Areas and Parking Lots, fencing, furniture, pavement, and other landscape and hardscape elements including all screening of parking, dumpsters, and ground mounted mechanical/electrical equipment. Size, species, and spacing shall be clearly indicated; and,

K. A lighting plan indicating the location, layout, dimensions, and design of all existing and proposed ground and Building/Structure mounted lighting subject to the requirements of Sec. 5.5.2 (d) of the BCDO.

v. Photographs of the subject and neighboring properties.

vi. Color rendered elevations (drawings to scale) of all elevations of all proposed and/or modified Buildings and any related Buildings including Building height and how it was measured. Building elevations of each exterior wall and the façade shall indicate all architectural details, window and door openings with dimensions and trim details, and materials, siding (wood clapboard, brick, etc.), roof, trim, colors to be used, and actual color samples for wall and roof materials;

vii. At least two architectural wall cross-sections (one front wall and one side wall), at a scale of 1 inch equals 1 foot, illustrating the relief (e.g. projections and Setbacks) of the other architectural features shown in the Building elevations; and,

ix. A plan for signs, including type, design and dimensions of all existing and proposed ground and/or Building or Structure-mounted signs and/or sign bands.

d) **Modification of Submission Requirements.** The Administrative Officer may allow the modification of the application and submission requirements listed above, including reducing and/or combining existing and proposed information on the same site plan, provided that any modification enables adequate review of the application. The Administrative Officer may also require the submission of additional information when deemed necessary to make a decision on the request. Such additional information may include but is not limited to the following:

i. A massing model or computer simulation, prepared to scale, illustrating any proposed Buildings and/or Structure(s) within its context of the terrain and surrounding Buildings;

ii. Evidence and documentation of existing or suspected environmental contamination including but not limited to environmental assessments, corrective action plans, and deed restrictions;

iii. Materials specifications;

iv. Floor plans;

v. Shadow impact diagrams based on the spring or fall equinox; and,

vi. Phasing schedule.

e) **Application Review**.

i. Administrative Review: An application that conforms to the Downtown and Waterfront District Regulating Plan and all standards applicable to such application pursuant to this Article 14-planBTV Downtown Code without the necessity of any additional approval by the Development Review Board as indicated below, shall be entitled to administrative review and approval By Right by the Department pursuant to Sec. 3.2.7(c) of the BCDO.

ii. Development Review Board (DRB) Review: Applications subject to any of the following as applicable shall require review and approval by the Development Review Board pursuant to Sec. 3.2.8 of the BCDO:

- Conditional Use Review or Major Impact Review pursuant to Sec. 3.5.2 of the BCDO;
- Request regarding the Alteration or Demolition of a Historic Building pursuant to Sec. 5.4.8 of the BCDO;
- Civic Buildings and Civic Spaces pursuant to Section 14.7.1 f);
- Applicable provisions of Article 10 of the BCDO regarding Subdivision review;
- Applicable provisions of Article 9 of the BCDO regarding Inclusionary and Replacement Housing;
- Request for additional Building Height pursuant to Sec. 14.6.4 f);
- Request for DRB Relief pursuant to Sec. 14.7.3 b);
- Request for a Variance pursuant to Article 12, Part 1 of the BCDO; and,
- any other section of the BCDO that specifically requires DRB review and approval.

In such cases, the Development Review Board's review shall be limited to making findings only under the specific review criteria for the required approval listed above. All other elements and aspects of the application shall remain entitled to administrative review and approval by the Department.

f) **Review and Approval of Civic Spaces and Civic Buildings**.

The creation of new Civic Spaces or Civic Buildings, or the Substantial Modification of an existing Civic Space or Civic Building, shall follow the process as defined below. Any other proposed alteration to an existing Civic Space or Civic Building shall be reviewed and approved by the Administrative Officer who shall ensure ongoing compliance with the intent and standards of this Chapter as applicable.

Because of their important civic nature and public use, the design and form of a new or Substantial Modified Civic Space or Civic Building shall be determined after:

- pre-application review and consultation with the departments of Coty Planning, Permitting and Inspections, Community and Economic Development, and Parks, Recreation, Waterfront;
- a pre-application Neighborhood Public Meeting pursuant to Sec. 3.2.1 (d) of the BCDO;
- review and recommendation of the Design Advisory Board; and,
- final review and approval by the Development Review Board.

In its discretion to approve a new Civic Space or Civic Building, the Development Review Board, after a Public Hearing, shall consider and reach an affirmative finding on each of the following:

i. Conformance with the adopted land use and development plans for the area as identified in the Municipal Development Plan;

ii. Consistency with:

A. the purpose of this ordinance;

B. the intent of the Form District where the project is located;

C. the purpose of Civic Spaces generally; and,

D. the intent of the Civic Space Type being proposed; and,

iii. that the proposed Civic Space or Civic Building as designed provides a positive public benefit and enhancement to the community and the context within which it is proposed.

14.7.2 - Non-Conformities

In addition to that as specified in Article 5, Part 3 Non-Conformities of the *Burlington Comprehensive Development Ordinance,* any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto which lawfully existed at the time of adoption of the applicable provisions of this Article or any amendment thereto may be continued subject to the following provisions:

a) Nothing in these regulations are intended to prevent normal repair and maintenance necessary to keep a Building, Structure, Site, Improvement or other appurtenance thereto in a safe and sound condition;

b) Any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto which legally existed on the effective date of this Article that does not conform to the requirements of this Article may continue until a Substantial Modification is requested or Abandonment occurs.

c) Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part.

d) At such time when a Substantial Modification is requested or Abandonment occurs, only the affected portion(s) of the Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto shall be required to comply with all applicable provisions of this Article and to the greatest extent practicable in the determination of the Administrative Officer or unless relief is provided by the DRB pursuant to Sec. 14.7.3 below; and,

d) Buildings listed or eligible for listing on the State or National Register of Historic Places shall not be required to make any modifications under this section that would threaten their historic integrity.

14.7.3 - Variation from the Form: Administrative Relief, DRB Alternative Compliance, and Variances

The planBTV Downtown Code is intended to result in By-Right approval where development occurs strictly in conformance with the requirements of the applicable Form District. In some instances, however, it may be necessary to vary the prescribed form in order to accommodate unique site and/or building circumstances in order to promote context-sensitive development. In such instances, an applicant may seek Administrative or Development Review Board approval for relief from the requirements as set forth below. Any and all relief from the prescribed standards shall run with the land and be binding on the Property Owner and its/their successor and assigns. Applications requesting relief shall be made in writing and in the form as determined by the Department.

a) **Administrative Relief.** The Administrative Officer shall have the authority to authorize modification of up to 10% from any numerical standard set forth in this Article inclusive of any specific relief set forth in Table 14.7.3-A Administrative Relief below. No other relief from the prescribed standards shall be permitted except as approved by the Development Review Board in b) below.

i. Any request for Administrative Relief shall extend the requirements of 24 VSA 4448(d) regarding Administrative decisions for an additional 30 days in order to provide for opportunities for public notice and comment pursuant to Departmental procedures.

ii. Decisions by the Administrative Officer regarding any Relief granted shall be made in writing and upon affirmative findings that:

A. The relief granted is the minimum necessary to achieve the desired result;

B. Granting the relief will yield a result equal to or better than in strict compliance with the standard:

C. The property will otherwise be developed consistent the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards; and,

D. Any additional findings as may be required by Table 14.7.3-A Administrative Relief as follows:

Table 14.7.3-A - Administrative Relief

Type of Relief	Limits of Relief Granted	Required Findings	Standards Reference
Building Setbacks: A Building Setback may vary from the maximum or minimum Front and Side Setback requirements.	Maximum relief of 20% from the required maximum or minimum	The variation is necessary to allow the proposed Building to blend with existing Adjacent buildings along the Primary street Frontage.	Section 14.3: Specific to Form Districts and Civic Spaces
Depth of Recessed Entries: Allows for a deeper entry recess.	Maximum entry recess of 10-feet	A deeper entry is necessary for improved visitability.	Section 14.5: Specific to Frontage Types
Frontage Buildout: A reduction in the amount of the Principal Frontage that is occupied by a Building or a Streetscreen.	Maximum of 10% from the required Frontage Buildout	The relief is necessary to enable Access to the rear of the Lot because of constraints due to existing Lot Width and/or Buildings.	Section 14.3: Specific to Form Districts and Civic Spaces;
Frontage Buildout & Setback: A reduction in the amount of the Principal Frontage that is occupied by a Building or a Streetscreen.	Minimum necessary to satisfy the requirements of the Building and Fire Safety Codes.	An adjacent pre-existing Building has doors and/or windows on a side elevation and a greater setback is required. The relief is necessary to satisfy the requirements of the Building and Fire Safety Codes.	Section 14.3: Specific to Form Districts and Civic Spaces
Frontage: A reduction in the minimum elevation of the finished level above the sidewalk	Maximum relief of 6-inches	The relief is necessary for improved visitability.	Section 14.5: Specific to Frontage Types
Voids: A reduction in the amount of required minimum voids on Primary and Secondary Facades	Maximum of 10% from the required voids	The relief is necessary to meet the requirements of a High Performance Building Energy Code or program.	Section 14.4: Specific to Building Types, Table 14.4.13-A Street Activation - Primary and Secondary Facade, and Section 14.5: Specific to Frontage Types
Voids: A reduction in the maximum linear distance between voids	Maximum of 10% of the required linear distance between voids	The relief is necessary for the creation of stronger distinctions between individual Frontage Types and/or at Building corners.	Section 14.4: Specific to Building Types, Table 14.4.13-A Street Activation
Ground Floor Floor-to-Floor Height: The minimum floor-to-floor height may be reduced.	Maximum relief of 12-inches	The relief is necessary to better align floors with a pre-existing adjacent Building.	Section 14.4: Specific to Building Types, Sec.14.4.9-C, Sec. 14.4.11-C and Sec. 14.4.12-C
Parking Area Location: Parking Areas may be located in the Second Lot Layer.	The lesser of 25% or 20-feet of a Frontage may be occupied by parking.	The relief is necessary because of constraints due to existing Lot Width and/or Buildings. Parking shall be screened from view along the Frontage.	Section 14.3: Specific to Form Districts and Civic Spaces
Parking Space Dimensions: Parking space(s) size may be reduced by increasing the proportion of Compact Cars.	Up to 30% of the total parking spaces may be designed and designated for compact cars.	The relief is necessary due to constraints created by existing Lot and/or Building dimensions, and to better meet on-site parking demands.	Section 14.6.7: Parking, Loading, Service and Drive-ways

Table 14.7.3-A - Administrative Relief

Type of Relief	Limits of Relief Granted	Required Findings	Standards Reference
Porch Dimensions: The width and depth of a Porch may vary from the maximum or minimum requirements.	Maximum relief of 10% from the required maximum or minimum width and/ or depth provided a 5-ft minimum depth and 36 sqft minimum total floor area is maintained.	The relief is necessary due to constraints created by existing Lot and/ or Building dimensions.	Section 14.5: Specific to Frontage Types

b) **Alternative Compliance Granted by the Development Review Board.** Additional relief from the prescribed standards may be granted by the Development Review as provided below:

i. DRB Alternative Compliance: Relief from any non-numerical standard, and any numerical standard by no more than 20% of such requirement or an additional 10% beyond any Administrative Relief permitted above, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing. Decisions by the DRB regarding any Alternative Compliance granted shall be made in writing and upon affirmative findings that:

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

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

C. the property will otherwise be developed consistent the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;

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

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

ii. Relief for Brownfield Remediation: Subject to the requirements set forth below, the DRB may waive or modify any relevant dimensional and use standards of the applicable Form District and other limitations imposed by this Chapter based on a demonstrated nexus with specific development limitations imposed by an approved corrective action plan, record of decision, or deed restriction limiting potential reuse and redevelopment or an eligible property.

A. Applicability: The provisions of this Section shall only be available to the following types of properties:

1. Properties eligible to participate in the Redevelopment of Contaminated Properties Program (RCPP) within the Agency of Natural Resources, Department of Environmental Conservation created pursuant to 10 VSA §6615a or are otherwise impacted by a VT DEC approved Corrective Action Plan (CAP) for such a property;

2. Property listed on the national priorities list of superfund sites established under the federal Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") or otherwise impacted by a US EPA approved Record of Decision (ROD) for such a property; and/or,

3. Properties which have a hazardous waste certificate under 10 VSA §6606 and which are undergoing corrective action under the federal Resource, Conservation and Recovery Act ("RCRA") pursuant to the Vermont Hazardous Waste Management Regulations (VHWMR) §7-105(b) or are otherwise impacted by a VT DEC approved Corrective Action Plan (CAP) for such a property.

B. Additional Application Requirements: In addition to the submission requirements listed in Sec. 14.7.1., the following information as applicable specifying any and all use and development limitations of the site shall also be provided at the time of application:

1. A VT DEC Approved Corrective Action Plan (CAP) pursuant to 10 VSA §6615a (h);

2. A Record of Decision (ROD) issued by the US EPA;

3. A VT DEC Approved Corrective Action Plan (CAP) pursuant to VHWMR) §7-105(b); and/or,

4. Any Warranty Deed specifying any and all use and development limitations of the site.

C. Review Standards: Any and all variations from the prescribed form for Project Plans involving an eligible Brownfield Remediation shall only be authorized by the DRB upon an affirmative finding that:

1. Any waiver or modification so granted is based on a demonstrated nexus with the development limitations imposed by an approved corrective action plan, record of decision, or deed restriction limiting potential use and redevelopment;

2. Any waiver or modification so granted is the minimum necessary to grant relief from the specific limitations imposed by an approved corrective action plan, record of decision, or deed restriction that would prevent the site from being redeveloped in strict conformance with the underlying requirements of the ordinance; and,

3. The redevelopment of the effected site as proposed satisfies the goals of the municipal development plan, furthers the intent of the Form District in which it is located, and addresses the form-based standards of this article more effectively than redevelopment in strict conformance with the underlying standards of this ordinance.

c) **Variances:** Any other deviation from the prescribed standards of this Article shall require a Variance, which may be granted by the Development Review Board in accordance with Article 12, Part 1 Variances of the *Burlington Comprehensive Development Ordinance*.

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Section 14.8: Glossary

This Section provides definitions for certain terms found in this Article 14. Additional definitions are to be found in Article 13 of the BCDO.

The following terms, as used in this Article 14, shall have the following meanings:

A

Abutting or Adjacent: having any distance of real property boundary in common with, or being separated from such a common real property boundary by a right-of-way, Alley or Easement.

Access: way or means of approach to provide vehicular or pedestrian entrance to, and/or exit from, a Building or a Lot or other parcel of real property.

Active Street-level Use: a use or activity within a space that is regularly frequented and actively utilized by workers, residents, guests, and/or patrons of the Principal Use; invites direct access from the public sidewalk or Civic space; and, provides visual interest and engagement to pedestrians on the adjacent sidewalk. Active street level uses generally include, but are not limited to retail, restaurants, bars, entertainment, hospitality, professional and personal services, libraries, institutional, educational and cultural facilities, office, residential, and entrance lobbies. Active Street-level Uses do not include those intended for parking, storage, mechanicals, utilities, and other substantially similar secondary or accessory uses and spaces.

Alley: a secondary means of vehicular Access to the rear or side of properties otherwise Abutting a street; an Alley may connect to a vehicular Driveway located to the rear of Lots providing Access to Outbuildings, service areas and parking, and containing utility Easements.

Architectural Features: accessory and decorative elements of a building exterior, including but not limited to: cornices, eaves, brackets and other roofline embellishments; lintels, sills, keystones, arches and other door and window embellishments; minor wall projections, etc.

Attic: the interior space between the ceiling joists and roof rafters of a pitched roof Building or Structure. An Attic may be finished into habitable space.

Awning: A fixed or retractable wall mounted frame covered with fabric or other pliable material that provides decoration and shade and weather protection over a patio, window, storefront, or Building entrance.

B

Backbuilding: a single-Story Structure connecting a Principal Building to an Outbuilding.

Balcony: A wall-mounted projecting platform with a railing accessible from an upper story doorway that provides outdoor amenity space above the first floor.

Basement: the part of a Building or Structure that is fully or partly below ground level.

Bed and Breakfast: an owner-occupied Lodging type offering 1 to 5 bedrooms, permitted to serve breakfast in the mornings to guests.

Bicycle Locker: an enclosed and secured locker that provides bicycle parking for long term use.

Bicycle Shelter: a roofed shelter that provides multiple bicycle racks for public use.

Bicycle Station: a Building that provides self-service, attended indoor valet, or automated bicycle parking services, often accompanied by showers, lockers, bicycle repair, and rental facilities.

Bioswale: an extended Rain Garden that sometimes runs the length of the Block.

Block: the aggregate of private Lots, Passages, Rear Alleys, and Rear Lanes, circumscribed by Thoroughfares.

Block Face: the aggregate of all the Building Facades on one side of a Block.

Brownfield: Abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

Building: not synonymous with Structure; man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter of enclosure for persons, animals, or property.

Building Envelope: collectively, all components of a Building that enclose conditioned or unconditioned above-ground space, including foundation, roof, walls, doors and windows.

By Right Development: Development which complies with all applicable requirements of the *planBTV Downtown Code* and are entitled to receive a permit without additional discretionary review.

C

Caliper: measurement of the diameter of a Tree trunk for Trees less than twelve (12) inches in diameter. For Trees twelve (12) inches or more, see Diameter at Breast Height. For Trees less than four (4) inches in diameter, it its measured six (6) inches from the ground. For Trees between four (4) inches and twelve (12) inches in diameter, it is measured twelve (12) inches from the ground.

Canopy: A fixed wall mounted or stand-alone rigid structure that provides decoration and shade and weather protection over a patio, window, storefront, or building entrance.

Civic: the term defining public or quasi-public activities dedicated to arts, culture, education, recreation, government, places of workshop, public assembly, and public transportation.

Civic Space: an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their Enfronting Buildings.

Clear Sight Triangle: an area formed to provide safe sight distances for pedestrians, bicycles, and vehicles at street intersections and Driveways.

Clearance or Height, Clear: the height above the walkway, or other surface if specified, from the bottom edge of an element.

Column: a vertical construction element, having an actual or apparent purpose of carrying weight of a structural element above (such as an entablature or lintel) to another structural element below; consisting of a base, a shaft and a capital.

Commercial Vehicle: a vehicle the Tare Weight of which exceeds 5 tons (10,000 lbs), or a vehicle having more than two axles, or vehicle greater than 8' in height. Construction equipment and farming equipment of any type is included in this definition.

Complete Streets: are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.

Cornice: a crowning projecting molded horizontal top of a Building or some part of a Building, such as a wall (a wall-Cornice); a trimmed eave on the gable end of a gable-roofed Building creates a Cornice, consisting or two raking (or sloping) Cornices with connected horizontal Cornice.

Curb: the edge of the vehicular pavement that may be raised or flush to a Swale. It usually incorporates the drainage system.

D

Deck: A roofless, raised platform on the ground or on top of a roof that is accessible from a secondary entrance that provides outdoor amenity space.

Department: The Department of Permitting and Inspections.

Depth, Ground-Floor Space: The distance from the street-facing Facade to the rear interior wall of the ground-floor space available for an allowed use.

Diameter at Breast Height (DBH): diameter in inches of a Tree trunk, measured four and one-half feet (4 ½) above existing grade or, in the event of multiple trunks, the accumulated total of diameters measured.

Disposition: the placement of a Building on a Lot.

Drive Aisle: that part of a Parking Lot, Parking Area, Parking Structure, or Garage accommodating the movement and circulation of vehicles between points of Access and individual parking spaces.

Driveway: a lane to accommodate vehicles within a Lot, often leading to a Garage.

E

Elevation: an exterior wall of a Building not along a Frontage Line. Not synonymous with Facade.

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Expression Line: a line prescribed at a certain level of a Building for the major part of the width of a Facade, expressed by a variation in material or by a limited projection such as a molding or balcony. (Syn: transition line.)

F

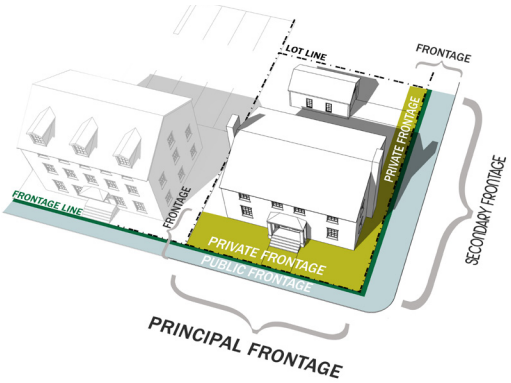
Facade: the exterior wall or walls of a Building that face a Frontage Line. Not synonymous with Elevation.

First Lot Layer: that portion of a Lot between the Frontage Line and the Façade of the Principal Building situated on or to be situated on the Lot.

Foot-candle: a unit of illumination equal to the light flux falling on one Square foot of area one foot away from the light source of one candlepower.

Form District: one of several geographic areas indicated on the Downtown and Waterfront District Regulating Plan within which uniform zoning and land regulations apply. See Table 14.3-A The Burlington Form Districts Summary Table.

Frontage: the area between a Facade and a Thoroughfare, lakeshore, or Civic Space, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage separated by a Frontage Line.



Frontage Buildout: the required percentage of a Building Façade or Streetscreen located within the maximum and minimum front Setback, excluding vehicular entrances and Driveways. The required Frontage Buildout may be satisfied by one or more of the following: a Building Facade; a Streetscreen occupying no more than the lessor of 20 feet or 20% of the Frontage; or, a Civic Space.

Frontage Line: a Lot Line separating a Public Frontage from a Private Frontage.

Frontage, Private: the Layer between the Frontage Line and the Principal Building Facade. (Syn: First Lot Layer)

Frontage, Public: the area between the Curb of the vehicular lanes and the Frontage Line. Elements of the Public Frontage include the Curb, Sidewalk, planter, street Tree, streetlight, street furniture, etc. .

G

Garage: an enclosed area integral to a Principal Building or an Outbuilding that provides as an Accessory Use space for parking or storage of vehicles incidental to the Principal Use of the Lot or Principal Building on the Lot. Not synonymous with Parking Structure.

Green: a Civic Space Type for unstructured recreation, spatially defined by landscaping rather than Building Frontages.

Green Roof: a roof of a Building or Structure partially or completely covered with vegetation and soil or a growing medium, over a waterproofing membrane.

Green Wall: a wall partially or completely covered with vegetation that includes a growing medium, such as soil. Most green walls also feature an integrated water delivery system. Green walls are also known as living walls or vertical gardens.

H

Habitable Space: Areas designed and used for living, sleeping, eating, cooking, or working or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered Habitable Space.

Historic Inn: A Building which has the Principal Use of housing overnight guests, subject to the criteria of Sec. 14.6.6 c), that is listed or eligible for listing on the State or National Register of Historic Places.

Home Occupation: An Accessory Use of a Dwelling Unit for employment involving the provision of services or the fabrication of goods. Home Occupations are subject to all the procedures, conditions, and standards of Sec. 14.6.6 f).

I

Impervious Surface: any surface that substantially reduces or prevents the infiltration of stormwater, including but not limited to Buildings, roofs, concrete, asphalt, and other paved surfaces that do not use porous materials.

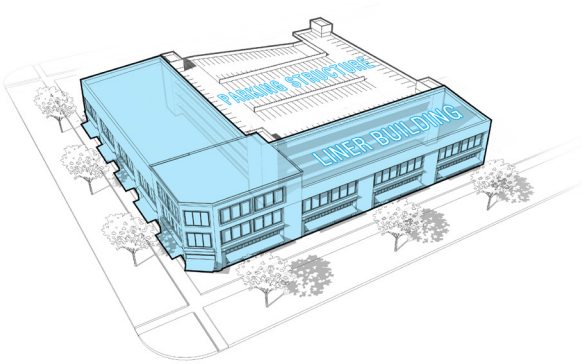
Improvement: planning for, carrying out or the resulting man-made change in the characteristics of land, including but not limited to construction of Buildings, Structures, Infrastructure, subdivision of land, and filling, grading, and excavation of land.

Infrastructure: any physical system, facility, or capital Improvement, that provides or facilitates services or Utilities for Improvements, regardless of whether publicly or privately owned, operated, or maintained, such as transportation, potable water, sanitary sewer, storm water management, and waste disposal, and other Improvements or facilities as generally described above that may not be specifically enumerated in this definition.

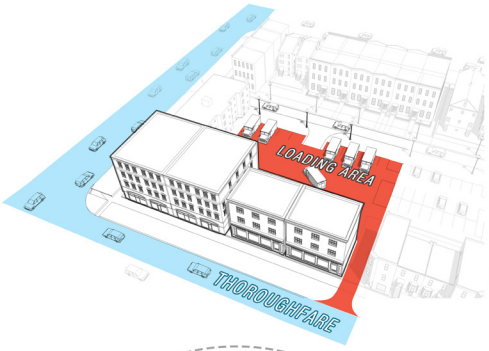
Initial Lumens: a measure of how much light a Lamp is emitting near the beginning of its life.

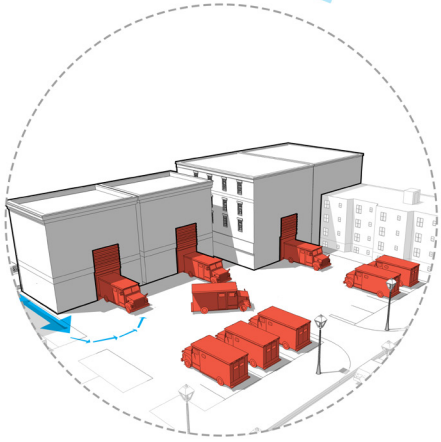
L

Liner Building: a Building specifically designed to mask a Parking Lot, Garage, or a Parking Structure from a Frontage. (syn. Perimeter Building).



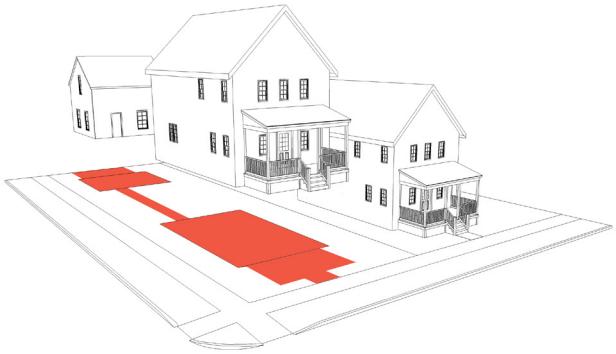
Loading Area: A parking space or berth, directly serving a Building for the loading or unloading of merchandise or material, and which has Access to a street, Alley, or other appropriate means of ingress and egress.





Lot Area: the area within the boundaries of a Lot.

Lot Coverage: The total at grade area or footprint of all Buildings, Structures, and Impervious Surfaces including but not limited to parking, walkways, drives, etc.; expressed as a percent of the total Lot Area.



Lot Layer: a range of depth of a Lot within which certain elements are permitted. See Sec. 14.6.3 c).

Lot Line: the boundary that legally and geometrically demarcates a Lot.

Lot Width: the length of the Frontage Line of a Lot, or of the Principal Frontage Line of a corner Lot.

M

Mixed Use: multiple Functions or Uses within the same Building or on the same Lot through superimposition or adjacency, or in multiple Buildings by adjacency.

Mulch: a protective covering consisting of organic materials customarily used in landscaping and placed around plants to retain soil moisture, retard erosion, shield roots from freezing, and inhibit weed growth.

N

Native Species: a plant occurring within local jurisdictional boundaries prior to foreign contact, according to the best scientific and historical documentation. This includes species that are considered indigenous, occurring in natural associations with habitats that existed prior to Significant anthropogenic impacts and alteration to the landscape.

Nonconformity: A Building, Structure, Lot or use that does not conform to the present requirements of this Article but was in conformance with all applicable laws, ordinances, and regulations at the time at which it was established. See Sec. 14.7.2.

O

Open Space: land intended to remain undeveloped; it may be for Civic Space.

Outbuilding: an Accessory Building, usually located toward the rear of the same Lot as a Principal Building, and sometimes connected to the Principal Building by a Backbuilding.

P

Parking Area: an off-street, ground-level, open area within a Lot for parking vehicles as an Accessory Use incidental to a Principal Use of the Lot. Not synonymous with Parking Lot.

Parking Lot: an off-street, ground level, open area within a Lot for parking vehicles as an independent commercial Principal Use. Not synonymous with Parking Area.

Parking Structure: a Structure that provides space for parking vehicles as a independent commercial Principal Use. Not synonymous with Garage.

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

Plaza: a Civic Space Type designed for Civic Principal Function and/or Commercial Principal Function in the more urban Form Districts, generally paved and spatially defined by Building Frontages.

Post: a relatively small strong piece of timber, metal, or the like set vertically as a an actual or apparent support or firm point of attachment.

Principal Entrance: the main point of Access for pedestrians into a Building.

Principal Frontage: the Private Frontage designated to bear the address and Principal Entrance to the Building, and the measure of Lot Width on non-corner Lots, the Private Frontage.

Private Frontage: the privately held Lot Layer between the Frontage Line and the Principal Building façade; the First Lot Layer.

Property Owner: Any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly or severally with others hold(s) legal or equitable title to any real property. (Synonymous with "Owner.")

Public Frontage: the area between the Curb of the Vehicular Lanes and the Frontage Line.

R

Rain Garden: a sunken garden that utilizes plants, Trees and other vegetation for the retention and/or absorption of stormwater.

S

Secondary Frontage: on corner Lots, the Private Frontage that is not the Principal Frontage.

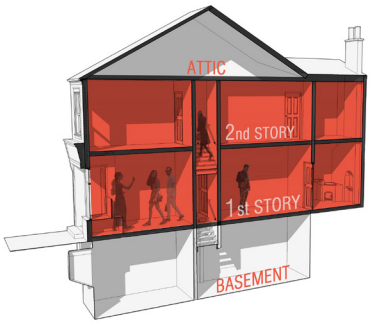
Setback: The open, unobstructed area required to be provided between the furthermost projection of a Building or Structure and an Adjacent property line or Form District Boundary.

Shrub: a multi-trunked, woody plant that usually attains a mature height of no more than fifteen feet (15') and has foliage flush from its height to the ground.

Sidewalk: the paved portion of the Public Frontage dedicated exclusively to pedestrian activity.

Square: a Civic Space Type designed for unstructured recreation and Civic purposes, spatially defined by Building Frontages and consisting of paths, lawns and Trees, formally disposed.

Story: a habitable level within a Building, excluding those elements described in Sec. 14.6.4.



Streetscreen: a freestanding hedge, fence or wall of between 3.5 and 8 feet in height built (a) along the Frontage Line or (b) on the same plane as the Façade of the Building to Screen a Parking Lot, Parking Area or Loading Area, provide privacy to a side yard or rear yard, and/or strengthen the spatial definition of the public realm. A Streetscreen may include an opening no larger than 4-feet to enable pedestrian Access.

Structural Soil: a load-bearing soil that resists compaction to allow for healthier Tree root growth. Angular gravel within the soil mix allows air and water to permeate while supporting pavement loads.

Structure: any vertical man-made Improvement that is not intended for habitation, including without limitation a park shed, bicycle storage facility, transit stop, ticket booth, Utility facilities, and boathouses. Not synonymous with Building or Outbuilding.

Substantial Modification: Any demolition, deconstruction, relocation, rehabilitation, or redevelopment of an existing Building, Structure, Frontage, Development, Improvement, Site, Lot, or other appurtenance thereto that, as determined by the Zoning Administrative Officer:

(1) exceeds fifty percent (50%) or more of the pre-development assessed value of the Structure or Building;

(2) involves an improvement or modification of fifty percent (50%) or more of the Lot Area exclusive of any Building or Structure; or,

(3) modifies thirty percent (30%) or more of a Building Façade located within the maximum required Front Setback.

This term does not include normal maintenance or repairs or any modifications required to correct violations of state or local health, sanitary, or building code specifications which have been identified by a code enforcement or building official, and which are the minimum necessary to correct such violations.

Swale: a low or slightly depressed natural area for drainage.

T

Thoroughfare: a public or private way for use by public vehicular, pedestrian, and bicycle traffic that provides Access to Lots and Open Spaces, and incorporates vehicular lanes and Public Frontages.

Tree: a woody plant with an expected mature height of thirty feet or more and possessing either a single trunk or multiple trunks. Trees are often described in subcategories by common attributes and the functions they serve:

i. **Canopy Tree**: analogous to the term Shade Tree.

ii. **Coniferous Tree**: any Tree with needle leaves and a woody cone fruit.

iii. **Deciduous Tree**: a Tree which sheds its foliage at the end of each growing season.

iv. **Evergreen**: a Tree or Shrub whose foliage persists year round. Plants typically associated with the upright conical or pyramidal Tree forms and needle foliage of Coniferous Trees (i.e. pine, spruce, fir, etc.), but which may also include plants with broadleaf foliage and rounded or spreading Tree forms.

v. **Ornamental Tree**: an Understory Tree planted primarily for its aesthetic value and as a landscape focal point, as opposed to its function of shading or screening even though it may perform all three functions.

vi. **Shade Tree**: typically a Deciduous Tree - rarely an evergreen - planted primarily for its overhead canopy and the quality of the shade it provides.

vii. **Small/ Medium/ Large (Tree or Shrub)**: a means of categorizing Trees or Shrubs based upon their canopy or spread at maturity assuming proper maintenance and normal growing conditions and which serves the purpose of allowing for their proper spacing in landscape plans.

viii. **Specimen Tree**: a particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

ix. **Understory Tree:** a small to medium sized Tree with an expected mature height less than thirty feet and a canopy which may or may not offer a sufficient Clearance height for pedestrians beneath.

Turfgrass: a continuous plant coverage consisting of a grass species that is regularly mowed to maintain a desired height.

U

Unit: a discrete portion of a Building or Structure dedicated by lease or ownership to an individual use.

Urban Agriculture Structure: a Structure related to the production of food in an urban environment, including but not limited to greenhouses, hoophouses, cold frames, tool sheds, etc.

Urbanism: collective term for the condition of a compact, Mixed Use settlement, including the physical form of its development and its environmental, functional, economic, and sociocultural aspects.

V

Valance: the portion of an awning that hangs perpendicular to the Sidewalk.