# CITY OF BURLINGTON

ORDINANCE 4.01
Sponsor: Planning Department, Planning Commission
Public Hearing Dates: 09/29/16

**In the Year Two Thousand Sixteen**

First reading: 07/11/16
Referred to: Ordinance Committee

## An Ordinance in Relation to

Rules suspended and placed in all stages of passage: _____
Second reading: 09/29/16
Action: adopted subject to ballot vote; placed on 11/08/16 ballot
Date: 09/29/16
Signed by Mayor: _____
Published: _____
Effective: 11/08/16

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Downtown Mixed Use Core Overlay
ZA 16-14

**It is hereby Ordained** by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 4.2.1, Authority and Purpose, Section 4.2.2, Waterfront Core Official Map Established, Map 4.2.2-1 Waterfront Core Official Map, Section 4.3.2, Overlay Districts Established and Section 5.2.6, Building Height Limits, thereof and adding Section 4.5.8, Downtown Mixed Use Core Overlay (DMUC) District, to read as follows:

## *PART 2: OFFICIAL MAP*

### *Sec. 4.2.1 Authority and Purpose*

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

Map 4.2.1-1 Official Map of the City of Burlington As written.

### *Sec. 4.2.2 Downtown and Waterfront Core Official Map Established*

A map entitled "The Official Map of the Downtown and Waterfront Core" and as depicted on Map 4.2.2-1 below is established as part of the Official Map established above~~, is to be dated as of the effective date hereof, is to be located in the department of zoning and planning and is incorporated herein by reference~~. The proposed streets, public ways, public parks and other public lands and visual corridors contained therein are more particularly described as follows:

(a) – (e) As written.

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

Dock and College Street;~~ and,~~

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

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

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

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

## *Sec. 4.3.2 Overlay Districts Established:*

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

**(a) – (e)** As written.

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

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

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

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

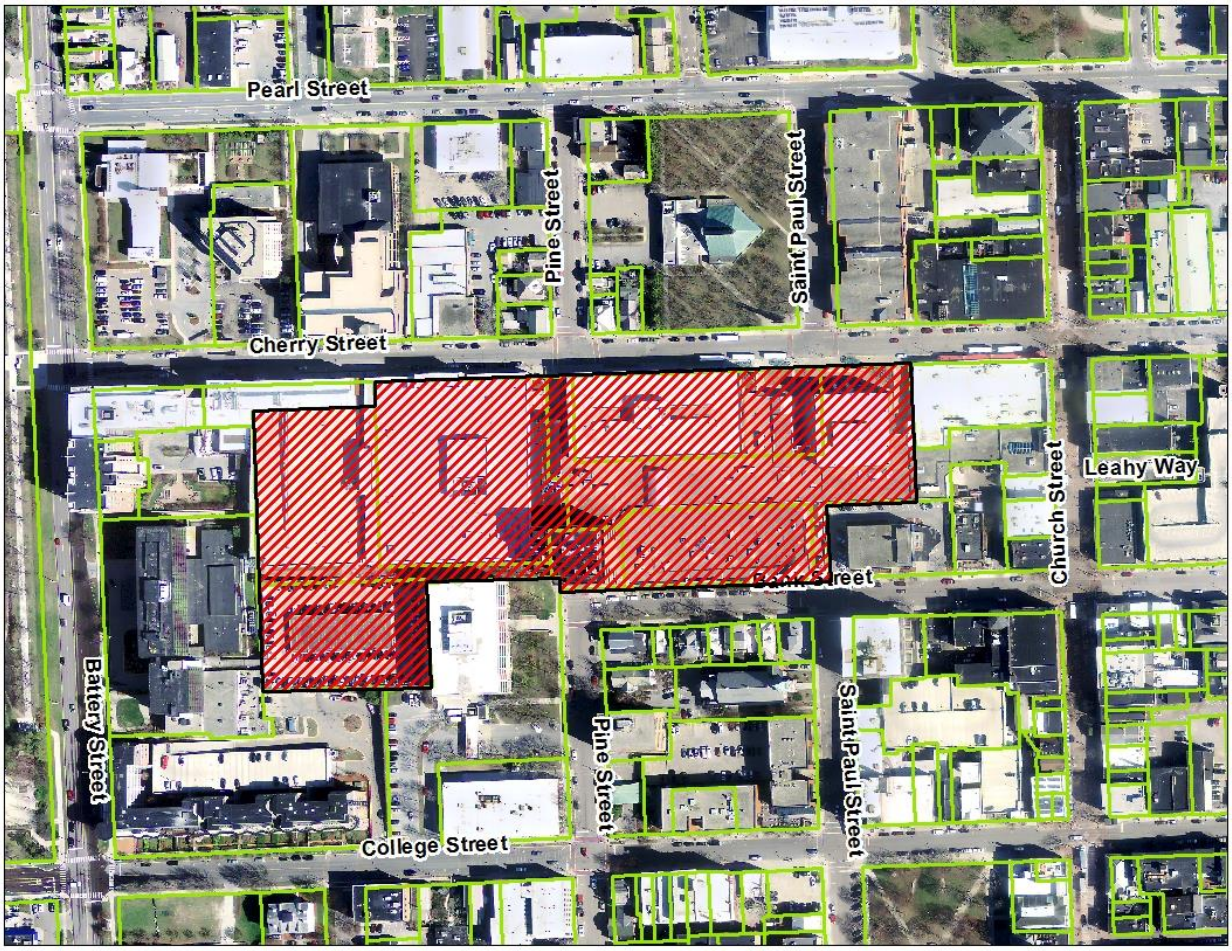
### (a) Purpose:

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

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

### (b) Areas Covered:

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




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

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

### 1. Dimensional Standards:

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

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

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

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

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

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

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

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

**2. Urban Design Standards:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

| | Ground Floor | Upper Floors |
|---|---|---|
| **Rough openings** for windows and doors (per floor) | 70% min., 80% of which shall be concentrated between 3-10 feet above the adjacent sidewalk. | 20% min. |
| - Horizontal and vertical distance between rough openings | 20' max. | |
| **Transparency**:<br>- applicable to 80% of the glazing on each floor. | | |
| - VLT - Visible Light Transmittance[1] | 60% min. | 40% min. |
| - VLR - Visible Light Reflectance | 15% max. | 15% max. |

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

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

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

D. **Materials**:

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

i. Primary Materials: Not less than 80 percent of each street-facing facade shall be constructed of primary materials comprised of high quality, durable, and natural materials. For facades

over 100 square feet, more than one primary material shall be used. Changes between primary materials must occur only at inside corners. The following are considered acceptable primary materials:

a. Brick and tile masonry;

b. Native stone;

c. Wood – panels, clapboard or shingles;

d. Glass curtain wall; and,

e. Cementitious siding;

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

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

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

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

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

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

f. Glass block.

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

iv. Other:

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

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

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

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

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

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

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

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

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

**3. Use**

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

**4. Parking**

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

a. an underground parking structure (strongly preferred);

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

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

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

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

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

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

a. The required setback between the parking and the public street at the ground level must be occupied by an active use (such as, but not limited to, residential lobby, retail, office, recreational or services). This requirement shall not apply to parking located either

entirely below-grade or above the second floor where parking may extend out to the building's perimeter.

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

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

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

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

**5. Signs**

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

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

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

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

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

a. does not exceed 8 square feet in area;
b. does not project more than 4 feet from the building façade on which it is attached;
c. has its lowest edge at least eight (8) feet above any pedestrian way;
d. has its highest edge no more than eighteen (18) feet above any pedestrian way; and,
e. any encroachment into the public right-of-way must also be approved by the City Council.

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

a. is associated with the following uses only: Cinema, Conference Center, Convention Center, Performing Arts Center and Recreation Facility-Indoor;
b. is located above the principal building entrance;
c. projects a minimum of 6 feet from the building façade on which it is attached but in no event more than 10 feet and 3 feet from the curb;
d. has its lowest edge at least 9'6" above any pedestrian way;
e. has its highest edge no more the lesser of the floor level of the third story or 35 feet above any pedestrian way;
f. is no more than 40 feet in width;
g. may contain an area for manual changeable copy that does not exceed 30 percent of the area of the sign face on which it is located or 32 square feet, whichever is less; and,
h. Any encroachment into the public right-of-way must also be approved by the City Council.

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

a. Awnings and canopies shall provide 8' minimum clear height above the finished grade, and shall project a minimum of 6' from the building façade to a maximum of 2' from the curb. 14' minimum clear height above the finished grade shall be provided above any area used for parking or circulation. Any encroachment into the public right-of-way must also be approved by the City Council.
b. Awnings and canopies shall be placed, sized, shaped and proportioned to match the associated openings.
c. Except as provided below, awnings and canopies shall not be internally illuminated or backlit, however they may contain lighting fixtures intended to illuminate the ground beneath.
d. Awnings shall have a metal structure covered with non-translucent canvas, synthetic canvas or painted metal, and shall have no soffit or sides. Retractable awnings are encouraged.
e. Awnings shall be rectangular in elevation and triangular in cross-section with straight edges. The valance of the awning shall be no more than 12" in height.
f. Canopies shall be constructed of wood and/or metal, and shall be cantilevered or supported from above. The face of the canopy shall be no more than 24" in height.
g. Signage placed on an awning or canopy shall be limited to the windows and doors on the first (ground) floor, and shall not extend outside the overall length or width.
h. Signage placed on a canopy shall be limited to the face or may project above and may be backlit.
i. Signage placed on an awning or canopy shall be limited to:
   i. 75% of the valance or canopy face and/or 25% of the sloping plane max.
   ii. The height of lettering shall be limited to: 5" min. - 10" max. on the valance; 18" max. on the sloping plane; or 24" max. on or above the canopy.

**6. Green Buildings and Stormwater Management**

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

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

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

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

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

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

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

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

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

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

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.

## *Sec. 5.2.6 Building Height Limits*

No structure shall exceed thirty-five (35) feet in height unless otherwise authorized under the district-specific

provisions of Article 4:

**(a)** As written.

**(b) Exceptions to Height Limits**

1. Additions and new construction on parcels created prior to January 1, 2008 that contain a non-conforming~~n existing structure~~ principal building exceeding ~~thirty-five (35) feet~~the maximum permitted building ~~in~~ height ~~as of January 1, 2008~~ may exceed the maximum permitted building height of the zoning district ~~thirty-five (35) feet~~ subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming principal building~~structure~~.

2. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.

~~3. Greenhouses, rooftop gardens, terraces, and similar features are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6.~~

~~4~~3. Ornamental and symbolic architectural features ~~of buildings and structures~~, including towers, spires, cupolas, belfries and domes;~~,~~ greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where such features are not used for human occupancy or commercial identification, are ~~also~~ exempt from specific height limitations ~~and~~ but shall be subject to the design review provisions of Art. 3 and 6. ~~The footprint of such architectural features shall not exceed ten percent (10%) of the total roof area.~~Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the building.

4. Exposed mechanical equipment shall be allowed to encroach beyond the maximum building height by no more than 15-feet provided that portion exceeding the height limit does not exceed 20% of the roof area.

Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods. Such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the building.

Where mechanical equipment is incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply and the structure shall be considered pursuant with 4 above.

5. All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article.

6. The administrative officer may allow for up to a 5% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.

** Material stricken out deleted.
*** Material underlined added.
**** Map 4.2.2-1 shows proposed changes per map key.
***** Map 4.5.8-1 is added.

lb/KS/Ordinances 2016/Zoning Amendment – ZA #16-14 Downtown Mixed Use Core Overlay, Sec. 4.2.1, 4.2.2, 4.3.2, 4.5.8, 5.2.6
9/28/16