

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Planning Department,
Planning Commission
Public Hearing Dates: _____

In the Year Two Thousand Sixteen

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

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:

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

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7 **PART 2: OFFICIAL MAP**

8 **Sec. 4.2.1 Authority and Purpose**

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

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

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

19 A map entitled “The Official Map of the Downtown and Waterfront Core” and as depicted on Map 4.2.2-
20 1 below is established as part of the Official Map established above, ~~is to be dated as of the effective date~~
21 ~~hereof, is to be located in the department of zoning and planning and is incorporated herein by reference.~~
22 The proposed streets, public ways, public parks and other public lands and visual corridors contained
23 therein are more particularly described as follows:

24 (a) – (e) As written.

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

- 27 Dock and College Street; ~~and,~~
- 28 (g) Lake Street (north) modified: The portion of Lake Street is a street seventy (70) feet in width, the
29 center line of which commences on the north line of College Street thence running northerly following
30 the center line of existing Lake Street to a point intersecting the northerly property line of the Moran
31 Generating Station extended east;:
- 32 (h) The re-establishment of St Paul Street between Cherry and Bank streets as a public street with a right-
33 of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles; and,
- 34 (i) The re-establishment of Pine Street between Cherry and Bank streets as a public street with a right-of-
35 way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles.
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 38 Map 4.2.2-1 Official Map of the Downtown and Waterfront Core Official Map
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40 **Sec. 4.3.2 Overlay Districts Established:**

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

47 (a) – (e) As written.

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

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

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

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

53 **(a) Purpose:**

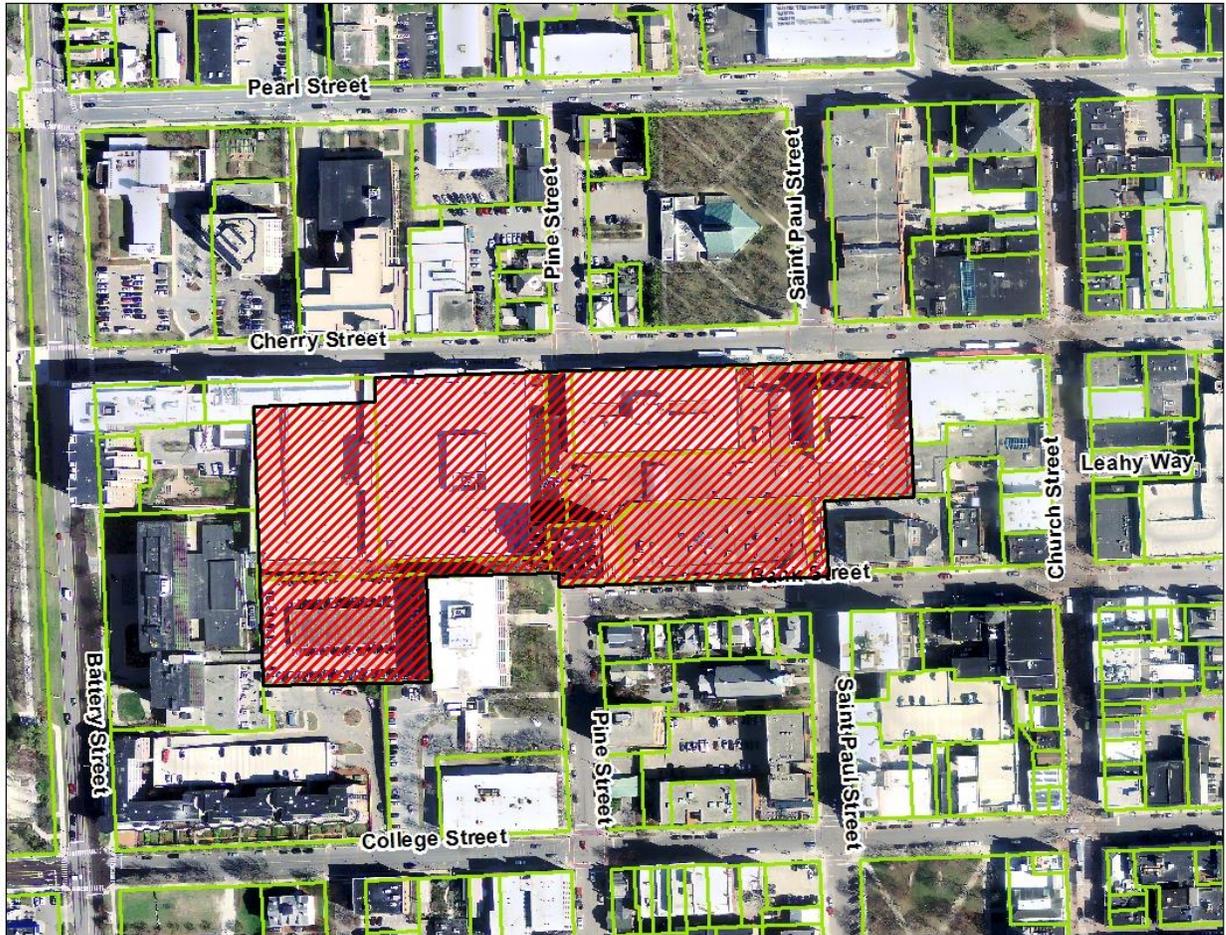
54 The Downtown Mixed Use Core Overlay (DMUC) district is intended to facilitate the redevelopment
55 of a portion of the former Urban Renewal Area in order to provide for a more walkable, connected,
56 dense, compact, mixed use and diverse urban center. The area should support a diversity of
57 residential,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

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

66 **(b) Areas Covered:**

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

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

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

74 **1. Dimensional Standards:**

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

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

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

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<u>Table 4.5.8-1 Downtown Mixed Use Core Overlay (DMUC) District Dimensional Standards</u>	
<u>Building Height⁴</u>	<u>3 stories min.</u> <u>14 stories not to exceed 160-ft max.</u>
<u>FAR⁴</u>	<u>9.5 FAR total max per lot.</u>
<u>Floorplate:</u>	
<u>Floors 1-5</u>	<u>100% of lot max.</u>
<u>Floors 6-8</u>	<u>80% of lot max.</u>
<u>Floors 9-12</u>	<u>55% of lot max.</u>
<u>Floors 13+</u>	<u>15,000 sf max per individual floorplate, with individual towers separated by a minimum of 60-ft measured orthogonally.</u>
<u>The floorplate of any floor may not be larger than the floor below.</u>	
<u>Pervious Area¹</u>	<u>10% min.</u>
<u>Setbacks:</u>	
<u>- Front</u>	<u>0-ft min., 10-ft max. In no event shall a building be closer than 12' from the curb.</u>
<u>- Side/Rear</u>	<u>0-ft min, 12-ft max.</u>
<u>Occupied Build-to Zone²</u>	<u>100%</u>
<u>Ground Floor Height (floor to floor)</u>	<u>14-ft min.</u>
<u>Arcades³</u>	<u>10-ft clear depth min.</u> <u>14-ft clear height min.</u>

85 ¹ Pervious Area is the area of a lot covered by surfaces or materials that allow for the movement or passage of water into
 86 soils below. Pervious areas include, but are not limited to, areas of a lot covered by soil/ mulch, vegetative matter,
 87 permeable pavers/pavement, bio-retention areas, or other materials that allow for the infiltration of at least the first inch
 88 (1”) of rainfall. For these purposes, green roofs that capture and attenuate at least the first inch (1”) of rainfall are also
 89 considered pervious area.

90 ² Occupied Build-to Zone is the proportion of the linear distance between the maximum and minimum front setback along
 91 a front property line that must be occupied by a building façade. In lieu of a building façade, a streetscreen between 3.5
 92 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
 93 20% of the Build-to Zone may be included.

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

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

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2. Urban Design Standards:

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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.

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

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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;

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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;

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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.

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

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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.

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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.

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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.

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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:

- 137 a. An upper story setback at least ten (10) feet from the primary plane of the façade below
138 shall occur within the first 60-ft of building height at either the 3rd, 4th, or 5th story in
139 order to provide a change in the vertical plane of the façade. Such a change shall involve
140 the full width of the building façade, but does not have to occur in the same story.
141 Additional upper story setbacks may occur in order to provide additional terraces, taper and
142 visual interest to taller buildings.
- 143 b. For buildings exceeding ten (10) stories in height a second upper story setback at least ten
144 (10) feet from the primary plane of the façade below shall occur at either the 10th, 11th, or
145 12th story in order to provide another change in the vertical plane of the façade. Such a
146 change shall involve the full width of the building façade, but does not have to occur in the
147 same story. Additional upper story setbacks may occur in order to provide additional
148 terraces, taper and visual interest to taller buildings.
- 149 c. Setbacks must be visually set off from the stories below by a balustrade, parapet, cornice
150 and/or similar architectural feature, and are encouraged to be activated as an outdoor
151 amenity space for building occupants.
- 152 d. The upper stories beyond a setback may be visually differentiated from the stories below
153 by a change in color, materials and/or pattern of fenestration in order to reduce the actual
154 or perceived massing of the building overall.
- 155 v. Where visible, the raised foundation or basement of a building shall not exceed 4-ft as
156 measured from the exterior finished grade to the finished floor of the Story above, and must be
157 visually differentiated from the stories above by a horizontal expression line and change in
158 color, material, and/or pattern of fenestration;
- 159 vi. The lower one to five stories of a building must be visually differentiated from the stories
160 above by a horizontal expression line, belt courses, banding, sign band, cornice and/or
161 equivalent architectural feature, and include a change in color, material, and/or pattern of
162 fenestration across a majority of the façade;
- 163 vii. The top one to five stories of a building must be visually differentiated from the stories below
164 by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent
165 architectural feature, and include a change in color, material, and/or pattern of fenestration
166 across a majority of the façade; and,
- 167 viii. The top of a building must have a cornice, parapet, pitched or shaped roof form and/or other
168 equivalent architectural feature involving a projection from the average plane of the façade by
169 at least six (6) inches to serve as an expression of the building’s top.
- 170 C. **Street Activation:** All buildings shall activate the street as follows:
- 171 i. Buildings shall have one or more principal entrances for pedestrians at street level that are
172 clearly identified as such along the street frontage or at a corner where a corner lot.
- 173 ii. The linear distance along the street frontage between ground floor entries shall not exceed 60-
174 feet, and such doors must be open and operable by residential occupants at all times and non-
175 residential occupants and customers during business hours.

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

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

	<u>Ground Floor</u>	<u>Upper Floors</u>
<u>Rough openings for windows and doors (per floor)</u>	<u>70% min., 80% of which shall be concentrated between 3-10 feet above the adjacent sidewalk.</u>	<u>20% min.</u>
<u>- Horizontal and vertical distance between rough openings</u>	<u>20' max.</u>	
<u>Transparency:</u> <u>- applicable to 80% of the glazing on each floor.</u>		
<u>- VLT - Visible Light Transmittance¹</u>	<u>60% min.</u>	<u>40% min.</u>
<u>- VLR - Visible Light Reflectance</u>	<u>15% max.</u>	<u>15% max.</u>

184 ¹May be reduced to 50 and 30% respectively to meet the requirements of a High Performance Building Energy Code
 185 or equivalent program as determined by the DRB.
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187 v. Street-facing, street-level windows must allow views into a ground story non-residential use
 188 for a depth of at least 3 feet for the first 4 feet above the level of the finished sidewalk in order
 189 to provide for a window display, and for a depth of at least 8 feet for the next 4 feet above the
 190 level of the finished sidewalk in order to provide a view into the interior of the space.
 191 Windows cannot be made opaque by window treatments (except operable sunscreen devices
 192 within the conditioned space). External security shutters are not permitted.

193 vi. In addition to the restriction regarding ground floor residential uses pursuant to Sec. 4.4.1, (d)
 194 1 A, General Office uses shall also not be permitted on the ground floor of any building in the
 195 DMUC Overlay.

196
 197 **D. Materials:**

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

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

- 203 over 100 square feet, more than one primary material shall be used. Changes between primary
204 materials must occur only at inside corners. The following are considered acceptable primary
205 materials:
- 206 a. Brick and tile masonry;
 - 207 b. Native stone;
 - 208 c. Wood – panels, clapboard or shingles;
 - 209 d. Glass curtain wall; and,
 - 210 e. Cementitious siding;
- 211 ii. Accent Materials: The following accent materials may make up no more than 20% of the
212 surface area on each street-facing façade. Accent materials are limited to:
- 213 a. Pre-cast masonry (for trim and cornice elements only);
 - 214 b. External Insulation Finishing System - EIFS (for upper story trim and cornice elements
215 only);
 - 216 c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
 - 217 d. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural
218 metal panels and cladding only);
 - 219 e. Split-faced block (for piers, foundation walls and chimneys only); and,
 - 220 f. Glass block.
- 221 iii. Alternate Materials: Alternate materials, including high quality synthetic materials, may be
222 approved by the administrative officer after seeking input from the Design Advisory Board.
223 New materials must be considered equivalent or better than the materials listed above and
224 must demonstrate successful, high quality local installations. Regionally-available materials
225 are preferred.
- 226 iv. Other:
- 227 a. The use of recycled and/or regionally-sourced materials is strongly encouraged.
 - 228 b. With the exception of natural wood siding or shingles such as cedar or redwood intended
229 to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-
230 cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood
231 when painted.
 - 232 c. Any synthetic siding and finish products shall be smooth-faced with no artificial grain
233 texturing.
- 234 E. Alternative Compliance: Relief from any non-numerical standard above, and relief from any
235 numerical standard with the exception of building height and FAR by no more than 20% of such
236 requirement, may be granted by the Development Review Board after review and comment by the
237 Design Advisory Board and the administrative officer. In granting such relief, the DRB shall find
238 that:

- 239 i. the relief sought is necessary in order to accommodate unique site and/or building
240 circumstances or opportunities;
- 241 ii. the relief if granted is the minimum necessary to achieve the desired result;
- 242 iii. the property will otherwise be developed consistent with the purpose of this ordinance, the
243 purpose of the underlying Zoning District and this Overlay District, the purpose of the section
244 that the relief is being sought, and all other applicable standards;
- 245 iv. the relief if granted will not impose an undue adverse burden on existing or future
246 development of adjacent properties; and,
- 247 v. the relief if granted will yield a result equal to or better than strict compliance with the
248 standard being relieved.

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250 **3. Use**

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

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255 **4. Parking**

- 256 i. All onsite parking shall be provided in one or more of the following:
 - 257 a. an underground parking structure (strongly preferred);
 - 258 b. an above ground parking structure separated from the public street by a liner building a
259 minimum of 40-ft in depth; or,
 - 260 c. a mixed-use building with parking located underground, setback a minimum of 40-ft
261 behind the façade of building at the ground level, and/or above the ground floor.
- 262 ii. All onsite parking shall participate in any Downtown Parking and Transportation
263 Management District in order to minimize the amount of parking provided and maximize the
264 efficiency of its utilization.
- 265 iii. Vehicular entrances to parking structures shall not exceed 24-ft clear width and 16-ft clear
266 height at the street frontage.
- 267 iv. At least one pedestrian route from all parking structures shall lead directly to a street frontage
268 (i.e., not directly into a building). When portions of a building containing parking front on
269 more than one street, multiple pedestrian routes to street frontage is strongly encouraged.
- 270 v. All structured parking with frontage on any portion of a public street shall be treated as
271 follows:
 - 272 a. The required setback between the parking and the public street at the ground level must be
273 occupied by an active use (such as, but not limited to, residential lobby, retail, office,
274 recreational or services). This requirement shall not apply to parking located either

- 275 entirely below-grade or above the second floor where parking may extend out to the
276 building's perimeter.
- 277 b. All floors of a parking structure fronting a public street must be level (not inclined), and
278 any sloped ramps between parking levels must be setback a minimum of 20-ft from the
279 street-facing building façade and shall not be discernible along the perimeter of the
280 parking structure.
- 281 c. Where upper stories of structured parking are located at the perimeter of a building,
282 parked vehicles, vehicle headlights and interior lighting shall be screened from view from
283 the street and adjacent properties.
- 284 d. In addition to the Urban Design Standards required above, facade treatments (materials,
285 fenestration patterns, and architectural detailing) must be continued on stories containing
286 parking in a manner consistent with the overall architectural design of the building and
287 such that levels of parking are not clearly distinguishable from other uses in a building.
- 288 vi. Each parking space provided in an underground parking structure may be counted as 1.75 of
289 the parking spaces as required in Art 8.

290 5. Signs

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

- 296 • Colors;
- 297 • Letter/graphics style;
- 298 • Location and Sign Type;
- 299 • Materials;
- 300 • Methods of illumination; and/or
- 301 • Maximum dimensions and proportion.

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

- 306 i. The area of projecting signs, marques, canopies and awnings shall not be deducted from the
307 maximum allowed signage area permitted for signage under Sec 7.2.3.
- 308 ii. Projecting Signs: One projecting sign may be permitted for each ground floor use provided
309 each sign:
- 310 a. does not exceed 8 square feet in area;
 - 311 b. does not project more than 4 feet from the building façade on which it is attached;
 - 312 c. has its lowest edge at least eight (8) feet above any pedestrian way;
 - 313 d. has its highest edge no more than eighteen (18) feet above any pedestrian way; and,
 - 314 e. any encroachment into the public right-of-way must also be approved by the City Council.

- 315 iii. Marquee Signs: One marquee sign per street frontage may be permitted provided such sign:
- 316 a. is associated with the following uses only: Cinema, Conference Center, Convention
- 317 Center, Performing Arts Center and Recreation Facility-Indoor;
- 318 b. is located above the principal building entrance;
- 319 c. projects a minimum of 6 feet from the building façade on which it is attached but in no
- 320 event more than 10 feet and 3 feet from the curb;
- 321 d. has its lowest edge at least 9’6” above any pedestrian way;
- 322 e. has its highest edge no more the lesser of the floor level of the third story or 35 feet above
- 323 any pedestrian way;
- 324 f. is no more than 40 feet in width;
- 325 g. may contain an area for manual changeable copy that does not exceed 30 percent of the
- 326 area of the sign face on which it is located or 32 square feet, whichever is less; and,
- 327 h. Any encroachment into the public right-of-way must also be approved by the City
- 328 Council.
- 329 iv. Canopies and Awnings: Where provided, awnings and canopies placed on a building facade
- 330 shall meet the following specifications:
- 331 a. Awnings and canopies shall provide 8’ minimum clear height above the finished grade,
- 332 and shall project a minimum of 6’ from the building façade to a maximum of 2’ from the
- 333 curb. 14’ minimum clear height above the finished grade shall be provided above any area
- 334 used for parking or circulation. Any encroachment into the public right-of-way must also
- 335 be approved by the City Council.
- 336 b. Awnings and canopies shall be placed, sized, shaped and proportioned to match the
- 337 associated openings.
- 338 c. Except as provided below, awnings and canopies shall not be internally illuminated or
- 339 backlit, however they may contain lighting fixtures intended to illuminate the ground
- 340 beneath.
- 341 d. Awnings shall have a metal structure covered with non-translucent canvas, synthetic
- 342 canvas or painted metal, and shall have no soffit or sides. Retractable awnings are
- 343 encouraged.
- 344 e. Awnings shall be rectangular in elevation and triangular in cross-section with straight
- 345 edges. The valance of the awning shall be no more than 12” in height.
- 346 f. Canopies shall be constructed of wood and/or metal, and shall be cantilevered or
- 347 supported from above. The face of the canopy shall be no more than 24” in height.
- 348 g. Signage placed on an awning or canopy shall be limited to the windows and doors on the
- 349 first (ground) floor, and shall not extend outside the overall length or width.
- 350 h. Signage placed on a canopy shall be limited to the face or may project above and may be
- 351 backlit.
- 352 i. Signage placed on an awning or canopy shall be limited to:
- 353 i. 75% of the valance or canopy face and/or 25% of the sloping plane max.
- 354 ii. The height of lettering shall be limited to: 5” min. - 10” max. on the valance; 18” max.
- 355 on the sloping plane; or 24” max. on or above the canopy.
- 356

357 **6. Green Buildings and Stormwater Management**

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

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

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

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

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

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

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

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

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

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

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

392
393 ***Sec. 5.2.6 Building Height Limits***

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

395 provisions of Article 4:

396 (a) As written.

397 **(b) Exceptions to Height Limits**

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

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

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

408
409 43. Ornamental and symbolic architectural features ~~of buildings and structures~~, including towers,
410 spires, cupolas, belfries and domes;~~;~~ greenhouses, garden sheds, gazebos, rooftop gardens, terraces,
411 and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where
412 such features are not used for human occupancy or commercial identification, are ~~also~~ exempt from
413 specific height limitations ~~and~~ but shall be subject to the design review provisions of Art. 3 and 6.
414 ~~The footprint of such architectural features shall not exceed ten percent (10%) of the total roof~~
415 ~~area.~~Such features and structures shall be designed and clad in a manner consistent and
416 complementary with the overall architecture of the building.

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

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

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

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

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

433

434 ** Material stricken out deleted.

435 *** Material underlined added.

436 **** Map 4.2.2-1 shows proposed changes per map key.

437 ***** Map 4.5.8-1 is added.

438

439 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

440 9/28/16