

Burlington Comprehensive Development Ordinance
PROPOSED Downtown Mixed Use Core Overlay

Purpose: The proposed amendment to the zoning ordinance is intended to facilitate new development in the downtown core, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously adopted in June 2013 by the Burlington City Council to guide the future development and economic vitality of the downtown and waterfront area. The proposed zoning amendment will create an overlay district in the core of the downtown area to allow and encourage development of mixed use buildings, increased density, and enable taller building height without the necessity of a “bonus” from the DRB. It will also establish a number of urban design and building form requirements to ensure street-level activation and façade variation.

The proposed zoning amendment is intended to accomplish, without limitation, the following goals:

1. Enable the redevelopment of the Burlington Town Center at a scale and mass that could not otherwise be built under the City’s existing zoning regulations, consistent with the scale and mass described and depicted on Exhibits A and B of the Predevelopment Agreement to which this Exhibit D is attached.
2. Guarantee that many of the elements of the Burlington Town Center redevelopment project long identified as important to the City in the *planBTV: Downtown and Waterfront Master Plan*, and through the public discussion around the redevelopment of the Burlington Town Center site, are incorporated in any final project that may be proposed, specifically including:
 - activation of Bank and Cherry streets to offer a better pedestrian experience;
 - re-establish north-south connectivity for pedestrian, bicycles, and vehicles where possible;
 - redevelopment and co-operative operation of onsite parking facilities;
 - thoughtfully designed vertical expansion to add much desired retail, office, housing and other uses; and,
 - demonstrating stormwater mitigation pilot projects on both public and private property.

Key Elements:

- Creates a new Overlay District, known as the **Downtown Mixed Use Core (DMUC)** Overlay District (the “DMUC District”), within which greater development density and higher building heights, as well as expanded uses will be permitted.
 - The DMUC District will be limited in area consistent with the *planBTV: Downtown and Waterfront Master Plan* and Joint FBC Committee discussions regarding where additional height is acceptable and in accordance with all applicable laws regarding zoning to insure the new Overlay District achieves the desired goals of the City and benefits all the property owners that fall within the DMUC District.



- The 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 DMUC District should support a diversity of residential, commercial, recreational, civic, hospitality, educational 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 Burlington's downtown urban core.

The DMUC District will allow larger scale development than is typically found in the underlying district, and development with larger and taller buildings. Development should be designed to support a diverse mix of uses, to activate and enrich the streets and sidewalks for pedestrian activity, and to encourage mobility throughout the District and adjacent districts for pedestrians and bicyclists with reduced reliance on automobiles.

- New development in the DMUC District will be exempt from seeking building height bonuses from the DRB pursuant to BCDO Sec. 4.4.1 (d) 7; instead, the DMUC District will establish the following new, by-right height and massing limits and requirements:
 - 3 stories minimum, 14 stories not to exceed 160 ft. maximum overall height, with an allowed variation of 5% of the total allowable height (but no additional stories) to account for grade changes.
 - Maximum FAR of 9.5.
- New developments in the DMUC District will be exempt from the existing upper story setback requirement pursuant to BCDO Sec. 4.4.1 (d) 4 A; instead, consistent with the maximum height and FAR limitations of the DMUC District, new prescriptive design standards will be used to ensure good urban design, façade articulation and especially street activation, including but not limited to:

- Façade Articulation.
 - Finer-grained surface relief within the façade plane (use of material changes, balconies, belt courses, columns, lintels, etc.).
 - Creation of architectural bays to provide regular and strong vertical changes in the horizontal plane of a façade, particularly within the lower 3-5 stories.
 - Horizontal changes in the vertical plane of a façade (articulated base, step-backs of upper stores, and clearly defined top).
 - Street Activation at the ground floor.
 - Location, frequency and operability of primary entrances.
 - Proportion of and distance between voids (doors and windows).
 - Transparency of glazing.
 - Visual access within spaces.
 - Acceptable primary and accent façade materials.
-
- Projects within the DMUC District will be required to participate in the emerging downtown parking initiatives being developed under the newly adopted *Downtown Transportation and Parking Plan*, provided that private owners of parking lots or parking structures shall not be required to participate in any parking initiatives to the extent that such initiatives impose or result in any material obligation or cost to the such owners.
 - Mixed use projects within the DMUC District will be required to develop a Master Sign Plan subject to DRB approval, taking into account the nature of the uses featured within the District.
 - The zoning amendment to establish the DMUC District will also establish, by right, that projects subject to the DMUC District overlay that include property fronting Church Street may be improved such that the portion of any structure fronting Church St. does not exceed 4 stories, or a maximum height of 45 ft., provided that the overall height of such structures may be increased to the maximum height permitted within the zoning district so long as there is a 10-foot upper story setback for every 10-feet of height above 45 ft.
 - The zoning amendment to establish the DMUC District will expand the Official Map to include 60-ft. wide extensions of St. Paul Street and Pine Street between Cherry and Bank Streets.
 - The Zoning Amendment will include an amendment to the City's Official Map to re-establish St. Paul Street and Pine Street between Cherry and Bank streets as public streets, each with a right-of-way measuring sixty (60) feet in width, to accommodate pedestrians, bicycles and vehicles, substantially in accordance with the depiction of St. Paul Street and Pine Street on Exhibit B to the Predevelopment Agreement to which this Exhibit D is attached.