

**DRAFT**

**ARTICLE 14**  
**BURLINGTON FORM-BASED CODE**

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# ARTICLE 14- BURLINGTON FORM-BASED CODE TABLE OF CONTENTS

## ■ PREAMBLE: A PLACE-BASED APPROACH TO ZONING

P1	What is a Form-Based Code?	4
P2	The Rural-to-Urban Transect: The Framework for the Burlington Form-Based Code	5
P3	Foundation for the Burlington Form-Based Code	5
P4	Guiding Principles for the Burlington Form-Based Code	5
P5	The Burlington Form Districts	6
P6	Organization of the Burlington Form-Based Code	7
P7	How to Use the Burlington Form-Based Code	8

## ■ SECTION 14.1: PURPOSE AND APPLICABILITY OF THE BURLINGTON FORM-BASED CODE

14.1.1	Purpose	9
14.1.2	Intent	9
14.1.3	Applicability	10

## ■ SECTION 14.2: REGULATING PLAN

14.2.1	Purpose	
14.2.2	Applicability	11
14.2.3	Regulating Plan Amendments	11
14.2.4	Form Districts	11
14.2.5	Civic Space	12
14.2.6	Special Requirements	12
	Map 1 - Regulating Plan	13
	Map 2 - Specific Height Areas	14
	Map 3 - Shopfronts Required	15

## ■ SECTION 14.3: SPECIFIC TO FORM DISTRICTS

14.3.1	Purpose	17
14.3.2	Applicability	17
14.3.3	Form Districts General	17
14.3.4	FD4 Downtown Neighborhood (FD4)	19
14.3.5	FD5 Downtown Center (FD5)	25
14.3.6	FD6 Downtown Core (FD6)	33

## ■ SECTION 14.4: SPECIFIC TO BUILDING TYPES

14.4.1	Purpose	41
14.4.2	Applicability	41
14.4.3	Building Types General	41
14.4.4	Carriage House	44
14.4.5	Detached House	45
14.4.6	Duplex	46
14.4.7	Rowhouse	47
14.4.8	Multi-family: Small	48
14.4.9	Multi-family: Large	49
14.4.10	Work/Live	50
14.4.11	Mixed-Use	51
14.4.12	Perimeter	52
14.4.13	Civic	53
14.4.14	Flex	54
14.4.15	Urban Design Standards	55

## SECTION 14.5: SPECIFIC TO PRIVATE FRONTAGE TYPES

14.5.1	Purpose	59
14.5.2	Applicability	59
14.5.3	Frontage Types General	59
14.5.4	Porch: Projecting	62
14.5.5	Porch: Engaged	63
14.5.6	Porch: Integral	64
14.5.7	Stoop	65
14.5.8	Forecourt	66
14.5.9	Dooryard	67
14.5.10	Doorway	68
14.5.11	Lightwell & Landing	69
14.5.12	Shopfront	70
14.5.13	Terrace	72
14.5.14	Officefront	73
14.5.15	Gallery	74
14.5.16	Arcade	75

## SECTION 14.6: SUPPLEMENTAL TO FORM DISTRICTS

14.6.1	Purpose	77
14.6.2	Applicability	77
14.6.3	Yard Types & Lot Layers	77
14.6.4	Topography and Hillside Requirements	79
14.6.5	Building Height	79

14.6.6	Historic Building and Districts	81
14.6.7	Special Use Regulations	81
14.6.8	Parking, Loading, Service, Driveways and Circulation	85
14.6.9	Bicycle Parking Standards	89
14.6.10	Sign Standards	92
14.6.11	Landscape and Site Standards	104
14.6.12	Stormwater Management	106
14.6.13	Outdoor Lighting	106
14.6.14	Telecommunications Equipment	106
14.6.15	Civic Spaces Standards	107

## SECTION 14.7: ADMINISTRATION AND PROCEDURES

14.7.1	Applying for a Zoning Permit: Submission Requirements and Review	113
14.7.2	Non-Conformities	115
14.7.3	Varying the Form: Administrative Variations	116
14.7.4	Appeals	118

## SECTION 14.8: FORM-BASED CODE GLOSSARY

119

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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:

P1	What is a Form-Based Code?
P2	The Rural-to-Urban Transect: The Framework for the Burlington Form-Based Code
P3	Foundation for the Burlington Form-Based Code
P4	Guiding Principles for the Burlington Form-Based Code
P5	The Burlington Form Districts
P6	Organization of the Burlington Form-Based Code
P7	How to Use the Burlington Form-Based Code

This Preamble to the Burlington Form-Based Code provides an overview of Form-Based Codes generally, and the creation and organization of the Burlington Form-Based Code. This text is not regulatory and is intended only to provide an introduction and overview for users.

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

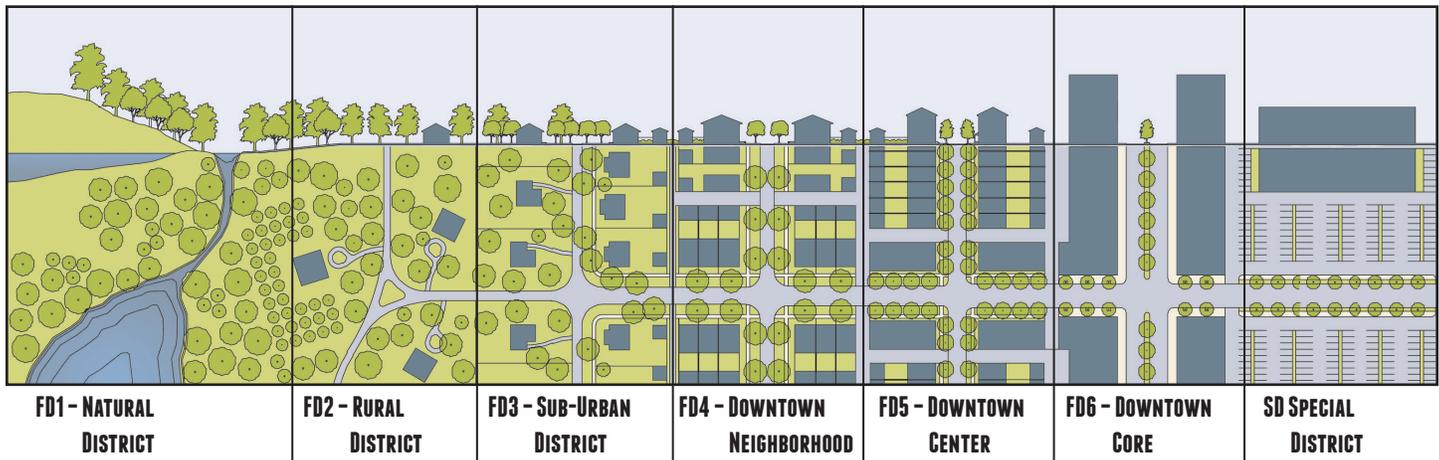
The growing use of “Form-Based” development regulations represents a paradigm shift in the way that communities regulate the growth and development of the built environment. More and more communities are realizing that conventional, use-based approaches to zoning are much less effective for regulating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

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

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

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

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



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

## P.3 - FOUNDATION FOR THE BURLINGTON CODE

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

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

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

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

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

### P.5 - THE BURLINGTON FORM DISTRICTS

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

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

LESS URBAN

MORE URBAN



**FD4 - DOWNTOWN NEIGHBORHOOD**

**FD5 - DOWNTOWN CENTER**

**FD6 - DOWNTOWN CORE**



### P.6 - ORGANIZATION OF THE BURLINGTON FORM-BASED CODE

The following offers a brief overview of the organization of the Form-Based 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 Burlington Form-Based Code.

#### SECTION 14.1

PURPOSE & APPLICABILITY OF THE BURLINGTON FORM-BASED



Provides an outline for the Structure of the Form-Based 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 and 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 and Signs, within the 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

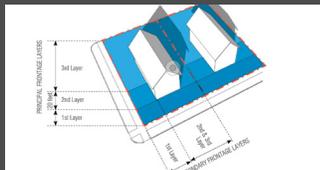
SPECIFIC TO FRONTAGE TYPES



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

#### SECTION 14.6

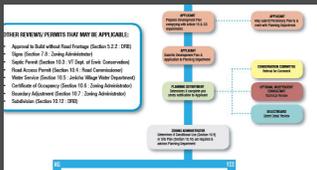
SUPPLEMENTAL TO FORM DISTRICTS



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

#### SECTION 14.7

ADMINISTRATION & PROCEDURES



Establishes procedures for processing and reviewing developments under the Form-Based Code.

#### SECTION 14.8

FORM-BASED CODE GLOSSARY

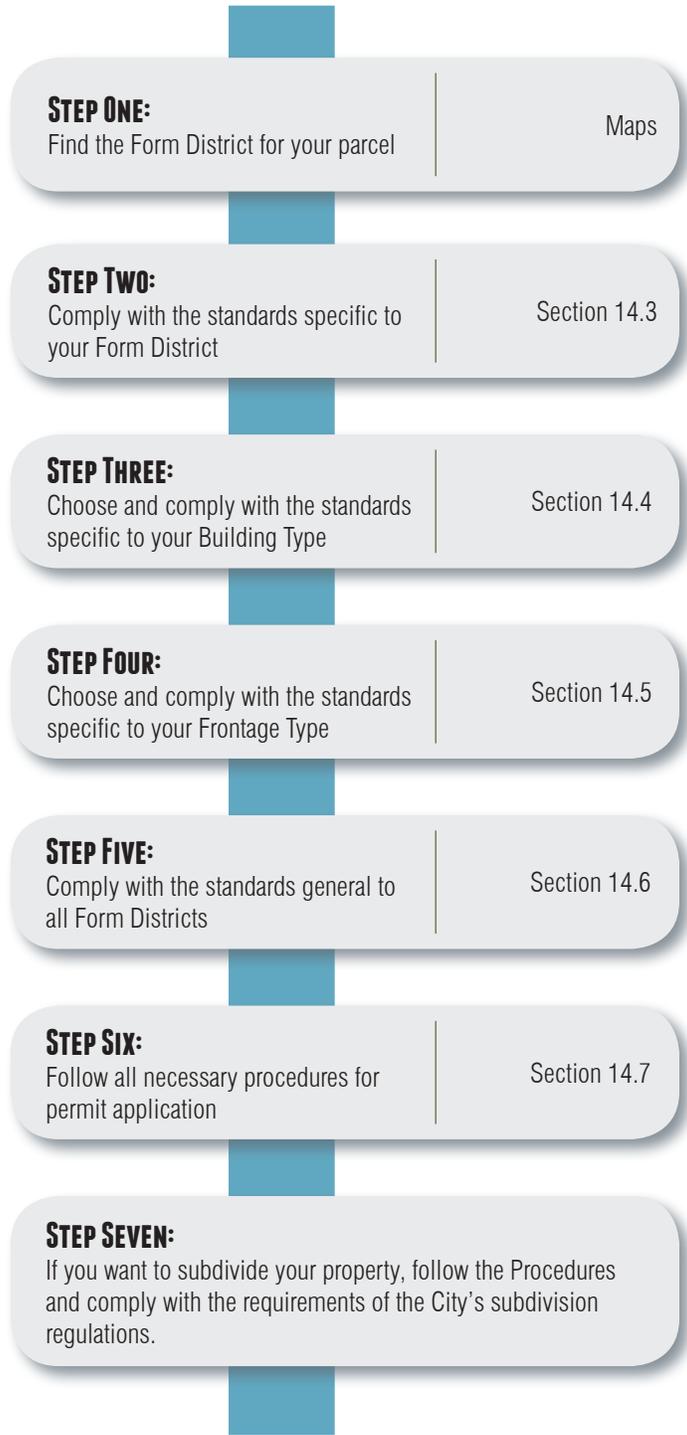


Provides definitions for certain terms used throughout the Form-Based Code.

## P.7 - HOW TO USE THE FORM-BASED CODE

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

# START HERE



# PURPOSE AND APPLICABILITY OF THE BURLINGTON FORM-BASED CODE

## SUBSECTIONS:

- 14.1.1 Purpose
- 14.1.2 Intent
- 14.1.3 Applicability

### 14.1.1 - PURPOSE

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

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

### 14.1.2 - INTENT

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

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

**14.1.3 - APPLICABILITY**

This Form-Based Code shall be applicable to all lands 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-Burlington Form-Based 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.

To the extent applicable and not otherwise in conflict with this Article 14-Burlington Form-Based Code, the following sections of the *Burlington Comprehensive Development Ordinance* (CDO) shall also 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, 3, and 5;
- f) Article 9 - Inclusionary and Replacement Housing;
- g) Article 10 - Subdivision Review;
- h) Article 12 - Variances and Appeals; and,
- i) 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 of are an integral part of the Burlington Form-Based 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 14.4-B - Building Types Summary Table, Table 14.5-A - Frontage Types Summary Table and Table 14.6.10-B - Sign Types Summary Table and Tables 14.6.10-C through 14.6.10-K are provided only as general illustrative descriptions and are not binding;
- c) The diagrams, photographs and illustrations contained in Sections 14.3.4 through 14.3.8 (Specific to Form Districts, Special Districts), Sections 14.4.4 through 14.4.14 (Specific to Building Types), and Sections 14.5.4 through 14.5.16 (Specific to Frontage Types) are provided only to indicate the general character of the various Form Districts and elements. References to metrics shown thereon shall have regulatory effect.
- d) The graphics, illustrations, photographs in Section 14.8 - Glossary are provided for illustrative purposes only and are not binding;
- e) The illustrations of the Civic Space Types on Section 14.6.12 - Civic Spaces are provided diagram provided for illustrative purposes only and are not binding, but the assignment of each Civic Space Type to the various Form Districts are binding;
- f) 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 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 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 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 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 four (4) Form Districts as follows :

- a) FD4 - Downtown Neighborhood (Section 14.3.4 - Specific to Form Districts - Downtown Neighborhood)
- b) FD5 - Downtown Center (Section 14.3.6 - Specific to Form Districts - Downtown Center)
- c) FD6 - Downtown Core (Section 14.3.7 - Specific to Form Districts - Downtown Core)

### 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.

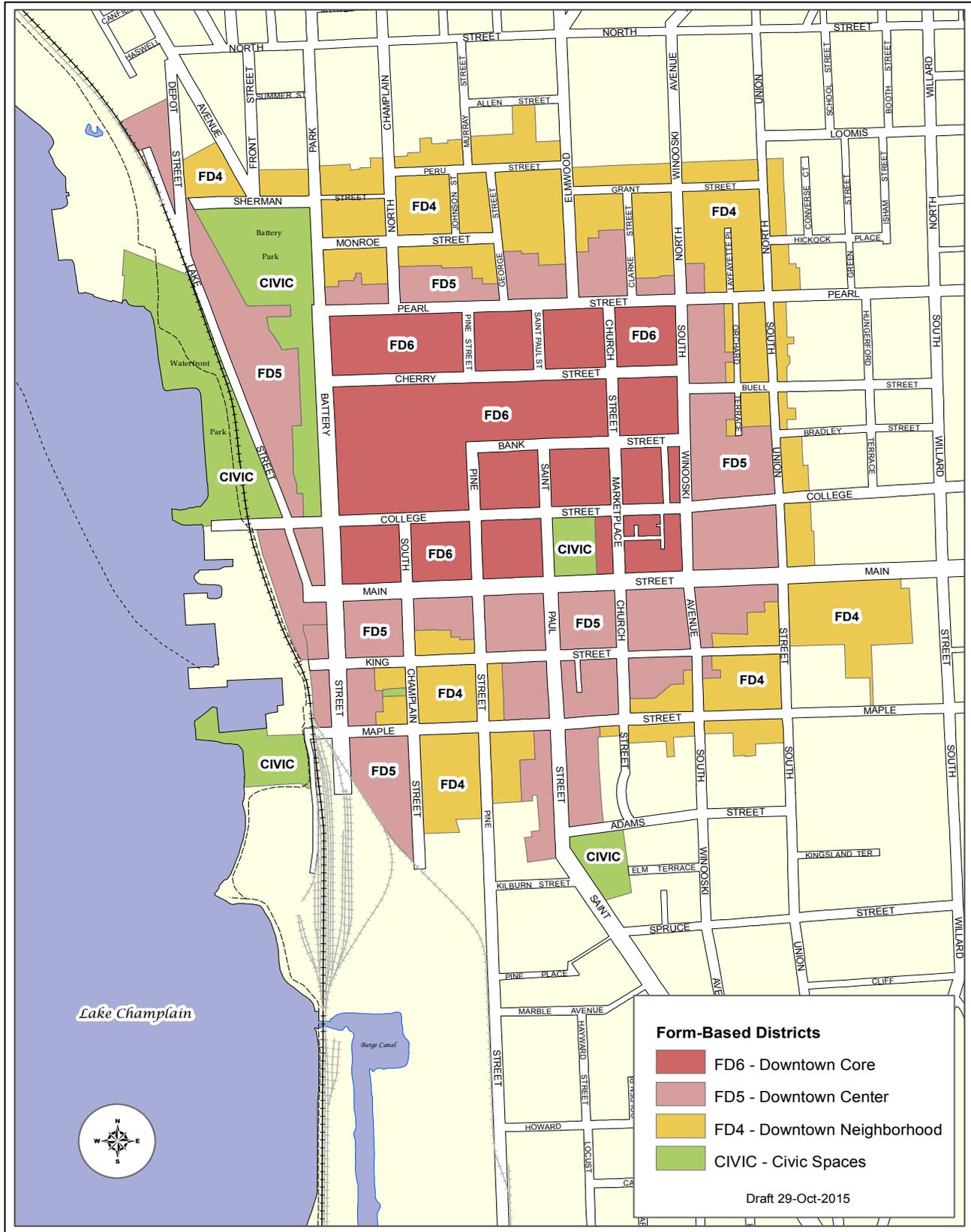
Civic Space assigned and mapped on the Downtown and Waterfront District Regulating Plan are areas that are owned and operated by the City and which are dedicated for one or more Civic purposes. Additional Civic Spaces as established and described in Section 14.6.16 (Civic Space Types), may be incorporated into new development 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 Downtown and Map 3 - Shopfronts Required. Where the Downtown and Waterfront District Regulating Plan designates any one or more of such Special Requirements, such designation indicates that the following standards shall be applied:

- a) Specific Height Areas - Areas within Form Districts where the height limit of Buildings differs from that specified for the applicable Form District and as regulated by Section 14.6 Supplemental to Form Districts - Building Height as depicted on Downtown and Waterfront District Regulating Plan - Map 2 Specific Height Areas 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. (generally the south side of Pearl Street, east side of Battery Street, north side of Bank Street extended and west side of St. Paul Street) may be increased to a maximum of xx Stories not to exceed xxx 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 to a depth of 50' from the Frontage Line.
  - 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' from the Frontage Line.
  - iv. The height of a Building in FD5 with a Principal Frontage on the south 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 6 Stories not to exceed 65 feet to a depth of 150' from the Frontage Line.
  - v. 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 "E" on Map 2 - Specific Height Areas may be increased to a maximum of 8 Stories not to exceed 85 feet to a depth of 150' from the Frontage Line.
  - vi. The height of a Building in FD5 with a Principal Frontage on S. Winooski Ave. south of Buell St. in the area identified as "F" on Map 2 - Specific Height Areas may be increased to a maximum of 6 Stories not to exceed 65 feet to a depth of 150' from the Frontage Line.
  - vii. The height of a Building in FD5 with a Principal Frontage on Pearl Street and South Winooski Ave. north of Buell St. in the area identified as "G" on Map 2 - Specific Height Areas may be increased to a maximum of 6 Stories not to exceed 65 feet to a depth of 150' from the Frontage Line.
  - viii. The height of a Building in FD5 with a Principal Frontage on Lake Street in the area identified as "H" 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.
- b) Shopfront Required - Areas within Form Districts where a Shopfront Frontage Type per the requirements of Sec. 14.5.12 are required as depicted on Downtown and Waterfront District Regulating Plan - Map 3 - Shopfronts Required.

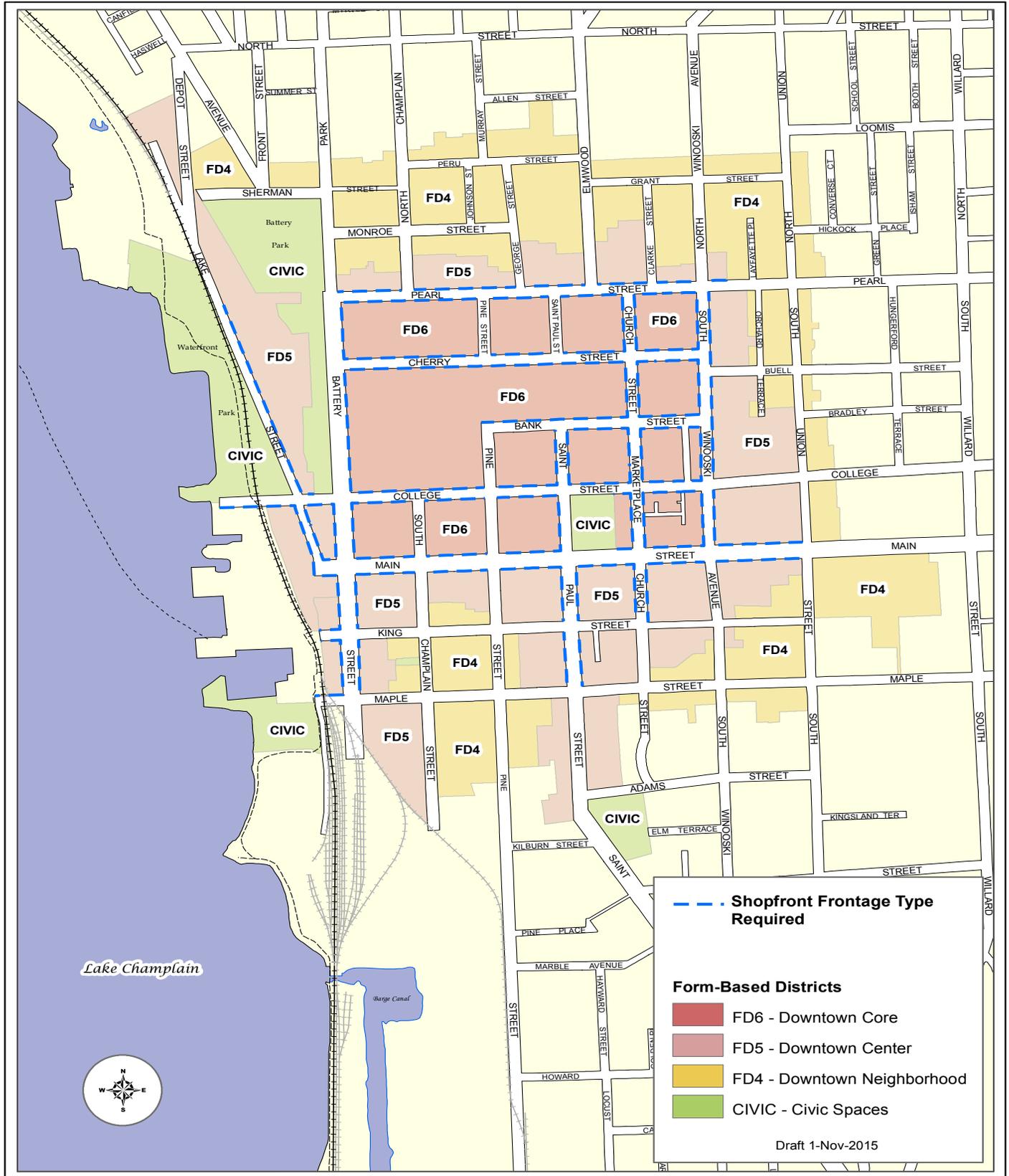
# MAP 1 - REGULATING PLAN



# MAP 2 - SPECIFIC HEIGHT AREAS



# MAP 3 - SHOPFRONTS REQUIRED





## SECTION 14.3: SPECIFIC TO FORM DISTRICTS

### SUBSECTIONS:

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

### 14.3.1- PURPOSE

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

### 14.3.2-APPLICABILITY

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

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

### 14.3.3- FORM DISTRICTS GENERAL

The following shall be applicable to all Form Districts:

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

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

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

**FD4-DOWNTOWN NEIGHBORHOOD**

**FD5 - DOWNTOWN CENTER**

**FD6 - DOWNTOWN CORE**



**INTENT**

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

**INTENT**

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

**INTENT**

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

**DESIRED FORM**

Attached or detached buildings

Small to medium footprint

Building at or close to frontage line

Small to no side Setback

2 to 3 stories

Outbuildings common

**DESIRED FORM**

Attached buildings

Small to large footprint

Building at the frontage line

No side Setback

3 to 6 stories

Outbuildings not common

**DESIRED FORM**

Attached buildings

Small to large footprint

Building at the frontage line

No side Setback

3 to 11 stories

Outbuildings not common

**GENERAL USE**

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

**GENERAL USE**

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

**GENERAL USE**

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

# 14.3.4 - FD4 - DOWNTOWN NEIGHBORHOOD

## FD4



### 14.3.4-A- INTENT

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

Attached or detached buildings

Small to medium footprint

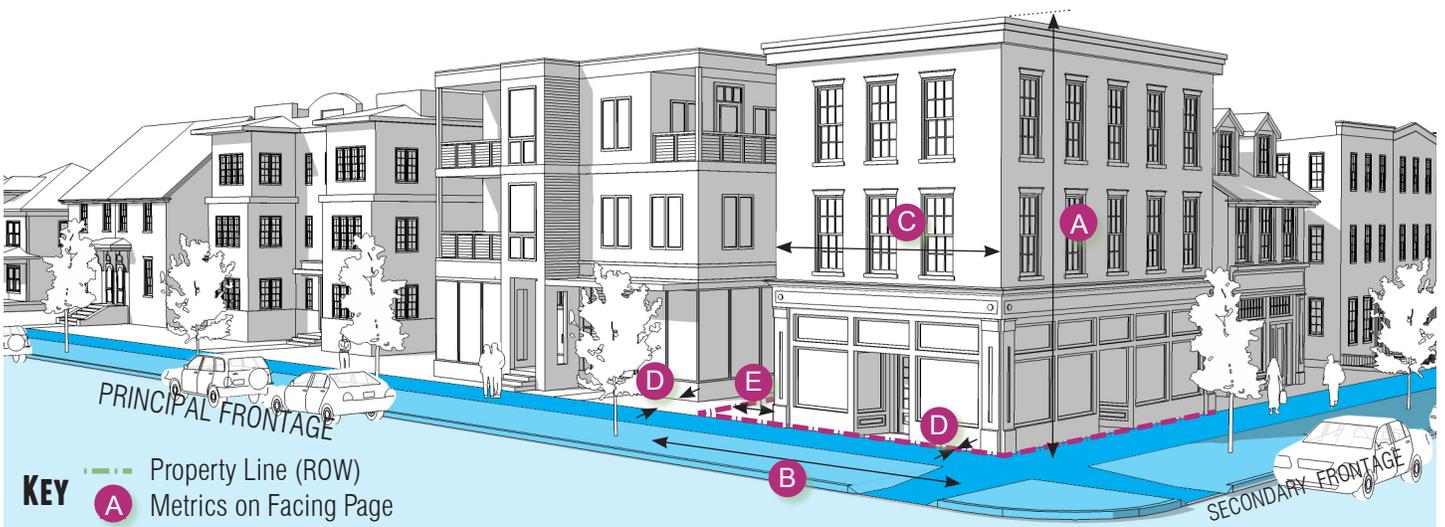
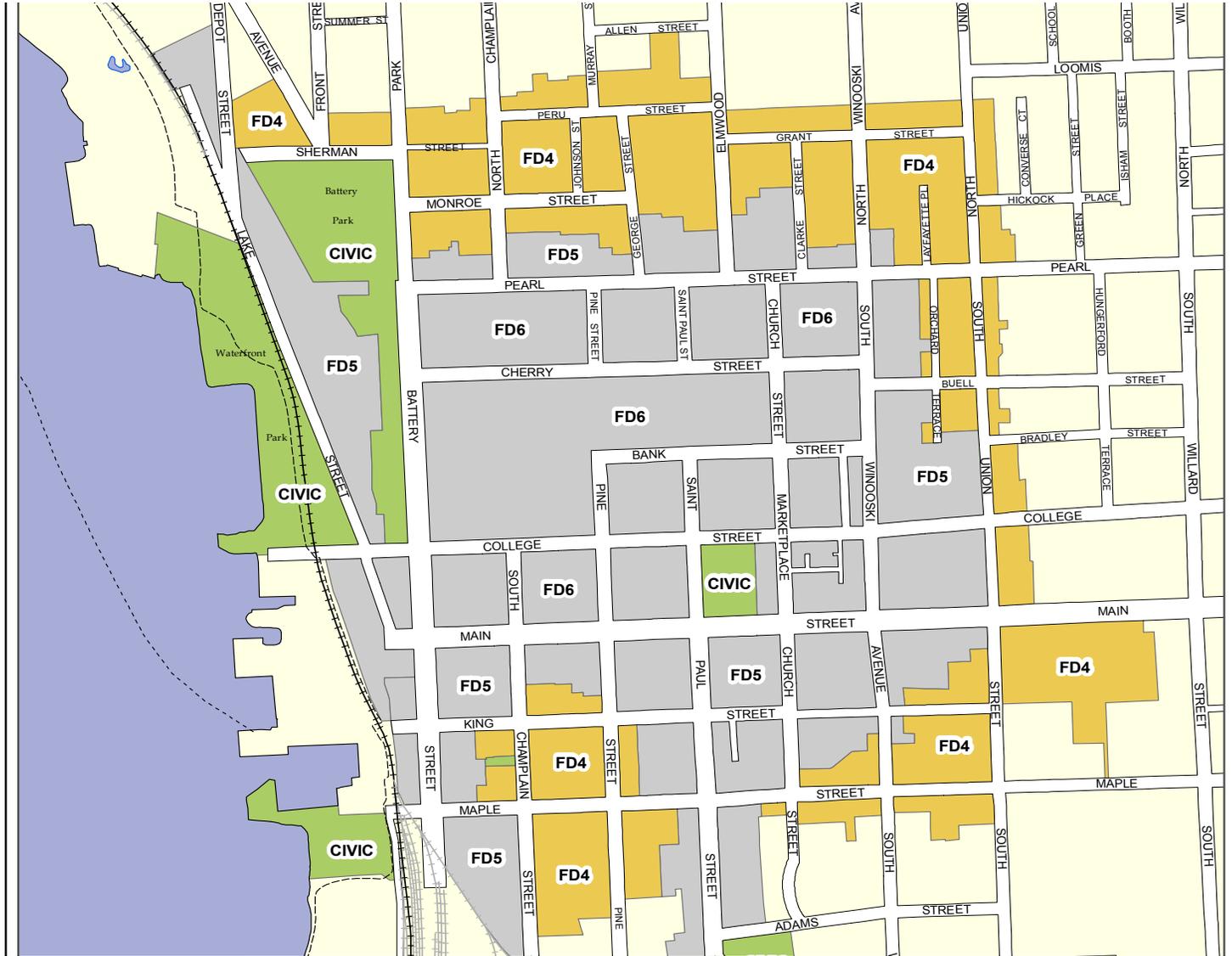
Building at or close to the frontage line

Small to no side Setback, large rear Setback

2 to 3 stories

Outbuildings common





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

### 14.3.4-B- ALLOWED BUILDING TYPES

BUILDING TYPE	STANDARDS
Carriage House	Section 14.4.4
Detached House	Section 14.4.5
Duplex	Section 14.4.6
Rowhouses	Section 14.4.7
Multi-Family: Small	Section 14.4.8
Multi-Family: Large	Section 14.4.9
Work/Live	Section 14.4.10
Mixed-Use <sup>1</sup>	Section 14.4.11
Perimeter <sup>1</sup>	Section 14.4.12
Civic	Section 14.4.13
<sup>1</sup> Allowed on corner Lots only.	see Section 14.5.12

### 14.3.4-C- BUILDING FORM

#### HEIGHT

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

<sup>1</sup> Applicable only to the development of new Principal Buildings.

<sup>2</sup> Subject to DRB Review per Sec. 14.6.5 d)

### 14.3.4-D- LOT OCCUPATION & BUILDING PLACEMENT

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

<sup>1</sup>Minimum Lot Width for Rowhouses is 12'.

#### BUILDING DISPOSITION

#### STANDARDS

Edgeyard	Section 14.6.3
Sideyard	Section 14.6.3
Rearyard	Section 14.6.3

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

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

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

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

#### MISCELLANEOUS

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

### 14.3.4-E- PARKING, LOADING & SERVICE

#### REQUIRED SPACES

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

Corner Stores No off-street parking required.

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

#### LOCATION ON THE LOT

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

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

See also Sec. 14.6..8 and Sec. 14.6.12 for additional requirements pertaining to parking and site design.

### 14.3.4-F- ENCROACHMENTS - REQUIRED SETBACKS

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

### 14.3.4-F- ENCROACHMENTS - REQUIRED SETBACKS

#### KEY

Encroachment Allowed: A

Encroachment Not Allowed: -

<sup>1</sup> See Section 14.5 (Specific to Frontage Types) as applicable.

<sup>2</sup> 4' max. height, 3' max. height within the clear site triangle.

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

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

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

### 14.3.4-G- SIGN TYPES

ALLOWED SIGN TYPES	STANDARDS
Maximum total number of Signs per frontage	1
Blade	14.6.10-E
Freestanding <sup>1</sup>	14.6.10-F
Nameplate	14.6.10-H
ALLOWED SIGN TYPES: MIXED-USE AND PERIMETER BUILDING TYPES ONLY	STANDARDS
Maximum total number of Signs per Principal Frontage	4
Maximum total number of Signs per Secondary Frontage	2
Awning & Canopy Sign	14.6.10-C
Band	14.6.10-D
Outdoor Display Case	14.6.10-I
Window	14.6.10-K

<sup>1</sup> 6' height max. with no illumination.

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

**14.3.4-I- USE TYPE****FD4**

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

**RESIDENTIAL - GENERAL**

Single Detached Dwelling	P
Accessory Dwelling Unit <sup>1</sup> (Sec. 14.6.7.e)	P
Attached Dwellings	P

**RESIDENTIAL - SPECIAL**

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

**SHORT-TERM ACCOMODATIONS**

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

**RETAIL - GENERAL<sup>4</sup>**

ATM	P
Convenience Store	P
General Merchandise/Retail	P

**RETAIL - OUTDOOR**

Open Air Markets <sup>5</sup>	P
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**OFFICE & SERVICE<sup>4</sup>**

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

**HOSPITALITY/ ENTERTAINMENT/ RECREATION<sup>2,4</sup>**

Café	P
Club, Membership	P

**14.3.4-I- USE TYPE****FD4**

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

**EDUCATION & DAY CARE**

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

**CIVIC**

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

**TRANSPORTATION & UTILITIES**

Parking Structure <sup>3</sup>	CU
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**KEY**

Permitted Use	P
Conditional Use	CU

**END NOTES**

<sup>1</sup>Must be owner-occupied.

<sup>2</sup>No outdoor entertainment allowed.

<sup>3</sup>Parking Structures shall be located behind a Perimeter Building (see Section 14.4.13).

<sup>4</sup> Only permitted in a Mixed-use or Perimeter Building Type, or as may be permitted pursuant to Sec. 4.4.5 (d) 6 A of the Burlington CDO.

<sup>5</sup> Only permitted in a Civic Space.



# 14.3.5 - FD5 - DOWNTOWN CENTER

## FD5



### 14.3.5-A- INTENT

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

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Attached buildings

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Small to large footprint

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Building at the frontage line

---

No side Setback

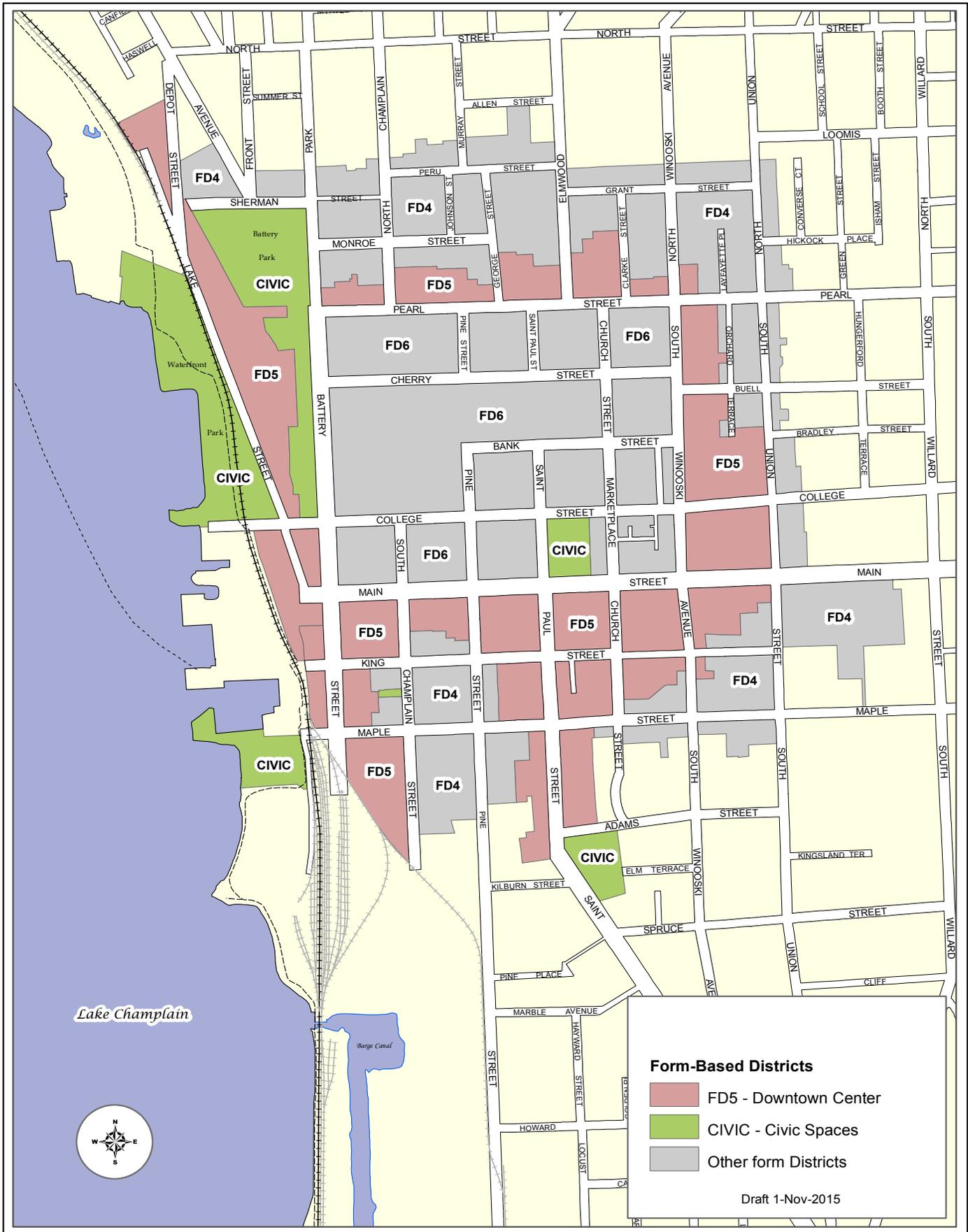
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3 to 6 stories

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Outbuildings not common

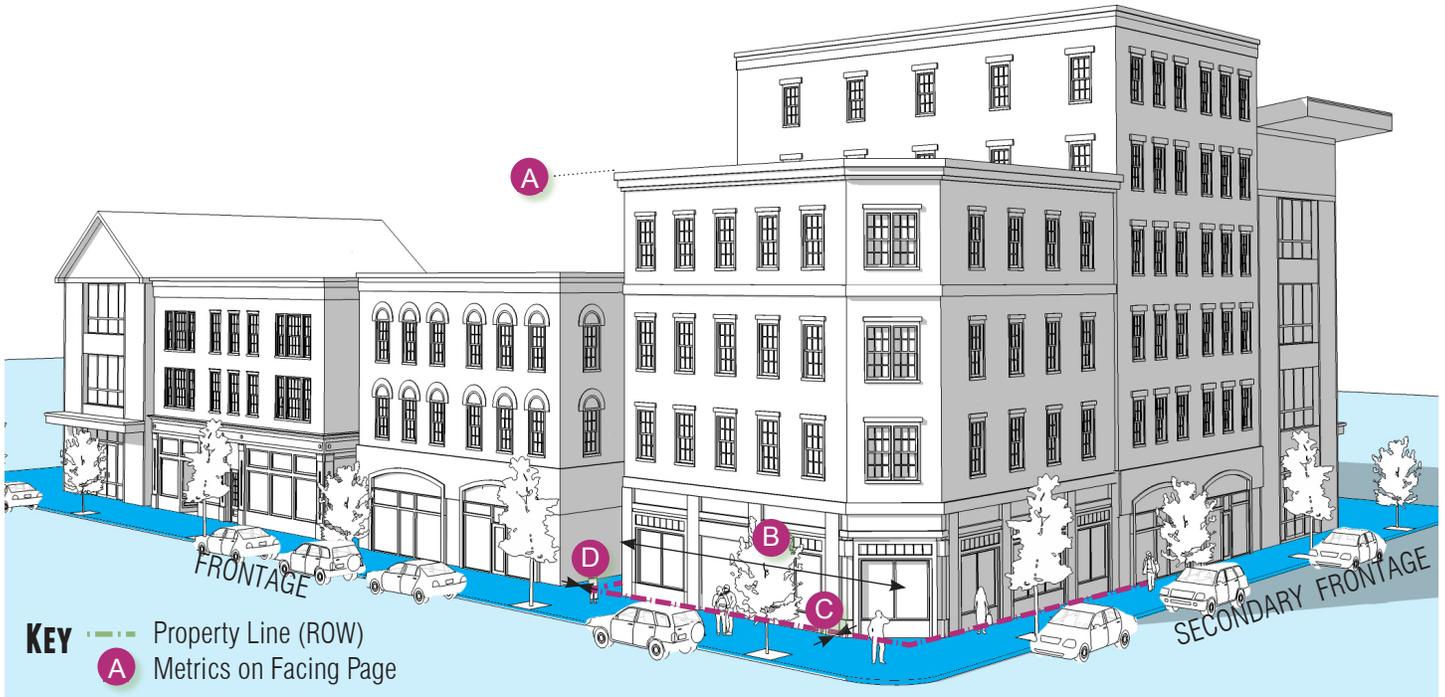




**Form-Based Districts**

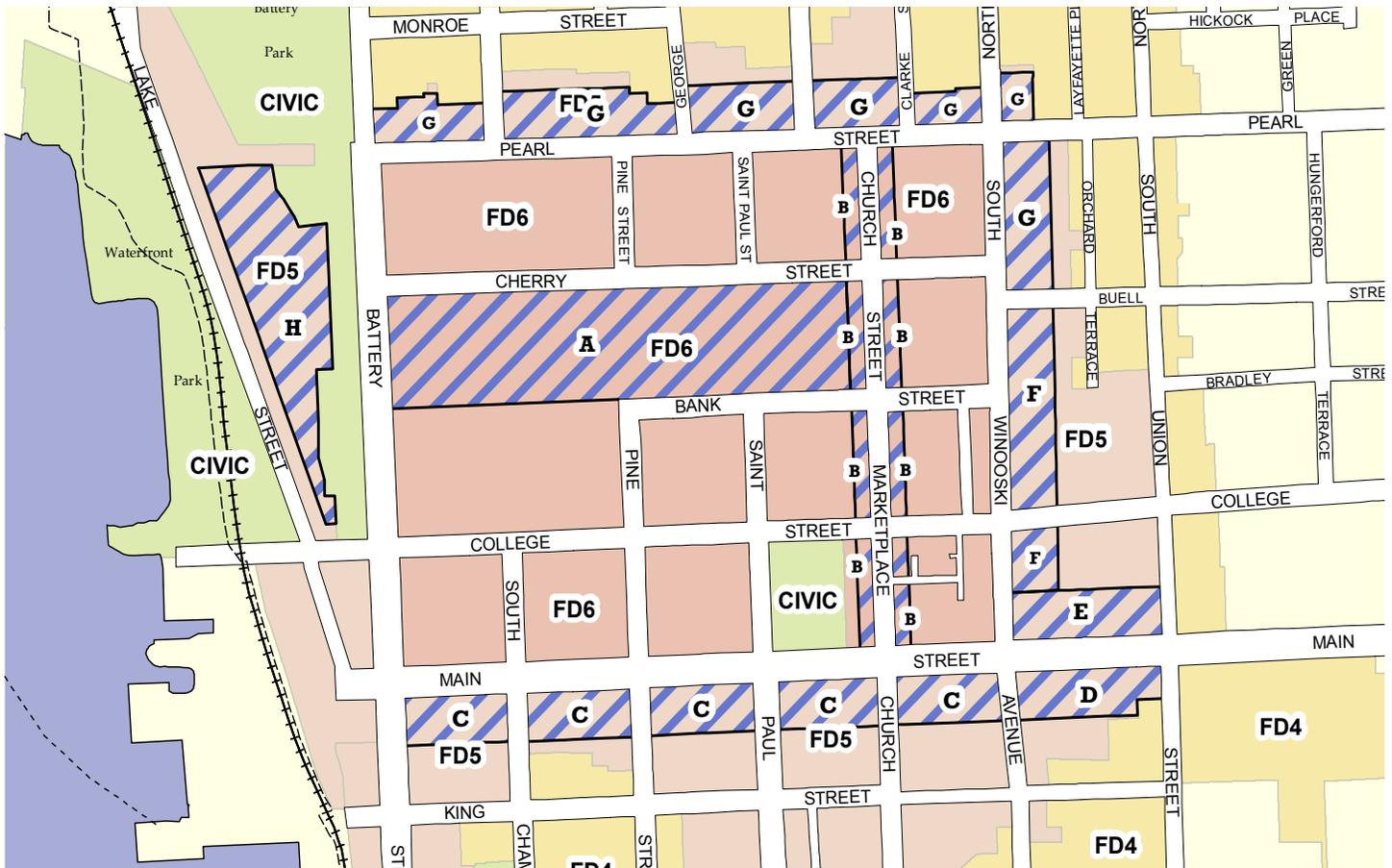
- FD5 - Downtown Center
- CIVIC - Civic Spaces
- Other form Districts

Draft 1-Nov-2015



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

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



### 14.3.5-B- ALLOWED BUILDING TYPES

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

### 14.3.5-C- BUILDING FORM

Principal Building	<u>By Right:</u>	<b>A</b>
	<ul style="list-style-type: none"> <li>3 Stories min.</li> <li>4 Stories max., not to exceed 45 feet<sup>1</sup></li> </ul>	
Outbuilding Backbuilding	<u>Subject to DRB Review:</u>	
	<ul style="list-style-type: none"> <li>6-10 stories max., not to exceed 65-105' feet<sup>1</sup></li> </ul>	
Outbuilding	2 Stories max. not to exceed 24 feet	
Backbuilding	1 Story max., not to exceed 15 feet	

<sup>1</sup> Subject to DRB Review per Sec. 14.6.5-d and Regulating Plan Special Requirements - Map 2 (See Section 14.2.6) as summarized:

A Building with a Principal Frontage in the area identified as:

- “C” may be increased to a maximum of 10 Stories not to exceed 105 feet to a depth of 150’ from the Frontage Line.
- “D” may be increased to a maximum of 6 Stories not to exceed 65 feet to a depth of 150’ from the Frontage Line.
- “E” may be increased to a maximum of 8 Stories not to exceed 85 feet to a depth of 150’ from the Frontage Line.
- “F” may be increased to a maximum of 6 Stories not to exceed 65 feet to a depth of 150’ from the Frontage Line.
- “G” may be increased to a maximum of 5 Stories not to exceed 55 feet to a depth of 150’ from the Frontage Line.
- “H” 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.

#### MISCELLANEOUS

The linear distance along the Frontage between ground floor entries shall be no more than 60’.

### 14.3.5-D- LOT OCCUPATION & BUILDING PLACEMENT

Block Perimeter	2,000 ft. max.
Pervious Area	10% min.
Frontage Buildout <sup>1</sup>	80% min. at Setback <b>B</b>

<sup>1</sup>The required Frontage Buildout may be satisfied by one or more of the following:

- a Building Façade;
- a Streetscreen or active public use or activity (such as outdoor cafes) occupying no more than the lesser of 20 feet or 20% of the Frontage; or,
- a Civic Space (see Sec. 14.6.13).

BUILDING DISPOSITION	STANDARDS
Sideyard	Section 14.6.3
Rearyard	Section 14.6.3

#### SETBACK (DISTANCE FROM ROW/LOT LINE)

<u>Front</u>		<b>C</b>
Principal Building	0’ min.; 6’ max <sup>1</sup> , and in no event less than 12’ from the curb.	
Outbuilding	In third Lot Layer	
<u>Side</u>		<b>D</b>
Principal Building	0’ min. - 12’ max. 5’ min. along a shared FD boundary with FD4.	
Outbuilding	0’ min. or 3’ min. on secondary frontage	
<u>Rear</u>		
Principal Building	3’ min. or 15’ from rear Alley centerline.	
Outbuilding	3’ min. or 15’ from rear Alley centerline	

<sup>1</sup> The maximum front setback may be extended to 12’ along Lake Street to accommodate outdoor seating as part of a Shopfront Frontage Type.

#### 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 Waterfront Official Map Established.

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

### 14.3.5-E- PARKING, LOADING & SERVICE

#### ON-SITE PARKING

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

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

#### LOCATION ON THE LOT

Parking Areas shall be located in the Third Lot Layer.

Garages shall be located in the Third Lot Layer, but may be located in the First or Second Lot Layer if located below-grade or above the first Story.

#### MISCELLANEOUS

At least one pedestrian route from all Parking Lots, Parking Areas, Garages and Parking Structures shall be directly to a Frontage Line (i.e., not directly into a Building).

See also Sec. 14.6..8 and Sec. 14.6.12 for additional requirements pertaining to parking and site design.

### 14.3.5-F- ENCROACHMENTS - REQUIRED SETBACKS

ENCROACHMENT TYPE	FRONT	REAR
Steps to Building Entrance	A	A
Other Architectural Features	A - 3' max.	A - 3' max.
Landscaping	A	A
Fences or freestanding walls	-	A - 6' max. height
Driveways, Walkways	A	A
Utility Structures	-	A

#### KEY

Encroachment Allowed:	A
Encroachment Not Allowed:	-

### 14.3.6-G- ENCROACHMENTS - PUBLIC RIGHT-OF-WAY

(Along Primary and Secondary Frontages)

ENCROACHMENT TYPE	PUBLIC ROW
Frontage Type	
Shopfront: Awning and Canopy <sup>1</sup>	Allowed
Officefront: Awning and Canopy <sup>1</sup>	Allowed
Other Architectural Features - Minimum 10 ft above the Sidewalk	3' max.
Signs	Allowed <sup>2</sup>

<sup>1</sup> Subject to Awning and Canopy standards in Section 14.6.11 (Supplemental to Form-Districts - Urban Design Standards).

<sup>2</sup> With the exception of Freestanding Signs, Signs may Encroach into the ROW subject to the limits set forth in Section 14.6.10 (Supplemental to Form Districts - Sign Standards).

### 14.3.5-H- SIGN TYPES

Maximum total number of Signs per Frontage	6
Maximum total number of Signs per Secondary	2

ALLOWED SIGN TYPES	STANDARDS
Awning & Canopy Sign	14.6.10-C
Band	14.6.10-D
Blade	14.6.10-E
Freestanding <sup>1</sup>	14.6.10-F
Marquee	14.6.10-G
Nameplate	14.6.10-H
Outdoor Display Case	14.6.10-I
Wall	14.6.10-J
Window	14.6.10-K

<sup>1</sup> 14' height max.

#### MISCELLANEOUS

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

**14.3.5-I- USE TYPE**

**FD5**

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

**RESIDENTIAL - SPECIAL**

Assisted Living P

Boarding House<sup>1</sup> P

Community House (Sec. 14.6.7.d) P

Convalescent /Nursing Home P

Group Home P

**SHORT-TERM ACCOMODATIONS**

Bed and Breakfast<sup>1</sup> P

Historic Inn (Sec. 14.6.7.b) P

Hotel, Motel P

Shelter P

**RETAIL - GENERAL**

ATM P

Automobile and RV Sales and Rental <sup>2</sup> P

Convenience Store P

Fuel Service Station <sup>2</sup> (Sec. 14.6.7.c) CU

General Merchandise/Retail P

**RETAIL - OUTDOOR**

Boat Sales/Rentals P

Garden Supply Store P

Open Air Markets P

**OFFICE & SERVICE**

**KEY**

Permitted Use P

Conditional Use CU

**END NOTES**

<sup>1</sup>Must be owner-occupied.

<sup>2</sup> Exterior storage and display not permitted.

<sup>3</sup> Parking Structures shall be located behind a Perimeter Building (see Section 14.4.13).

**14.3.5-I- USE TYPE**

**FD5**

Animal Grooming P

Beauty Salon/Barber Shop/Spa P

Car Wash P

Crisis Counseling Center (Sec. 14.6.7.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

Tailor Shop P

Vehicle/Boat Repair/Service <sup>2</sup> P

**HOSPITALITY/ ENTERTAINMENT/ RECREATION**

Aquarium P

Art Gallery/Studio P

Bar, Tavern P

**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

**14.3.5-I- USE TYPE** **FD5****MANUFACTURING/ PRODUCTION/ STORAGE**

Boat Storage <sup>2</sup>	P
Dental Lab	P
Food Processing	P
Machine/Woodworking Shop <sup>2</sup>	P
Manufacturing <sup>2</sup>	P
Manufacturing - Tour Oriented <sup>2</sup>	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research Lab	P
Warehouse/Storage <sup>2</sup>	P
Warehouse, Self-Storage <sup>2</sup>	P

**EDUCATION & DAY CARE**

Day Care - Adult	P
Daycare - All (Sec. 14.6.7.a)	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

**14.3.5-I- USE TYPE** **FD5****TRANSPORTATION & UTILITIES**

Recycling Center - Small <sup>2</sup> (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus <sup>2</sup>	P
Parking Structure <sup>3</sup>	P

**KEY**

Permitted Use	P
Conditional Use	CU

**END NOTES**

<sup>1</sup>Must be owner-occupied.

<sup>2</sup>Exterior storage and display not permitted.

<sup>3</sup>Parking Structures shall be located behind a Perimeter Building (see Section 14.4.13).



# 14.3.6 - FD6 - DOWNTOWN CORE

## FD6



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

### 14.3.6-A- INTENT

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

Attached buildings

Small to large footprint

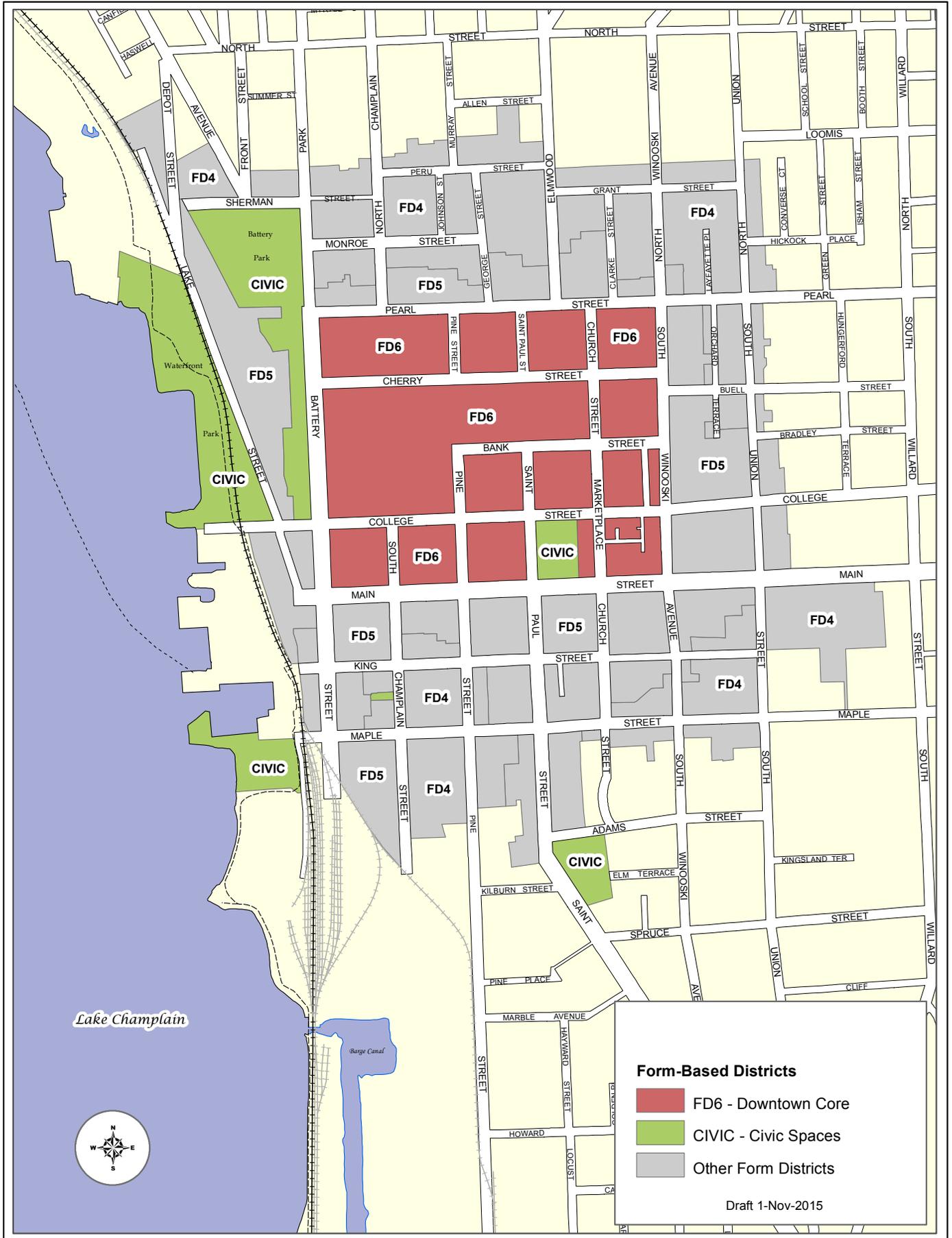
Building at the frontage line

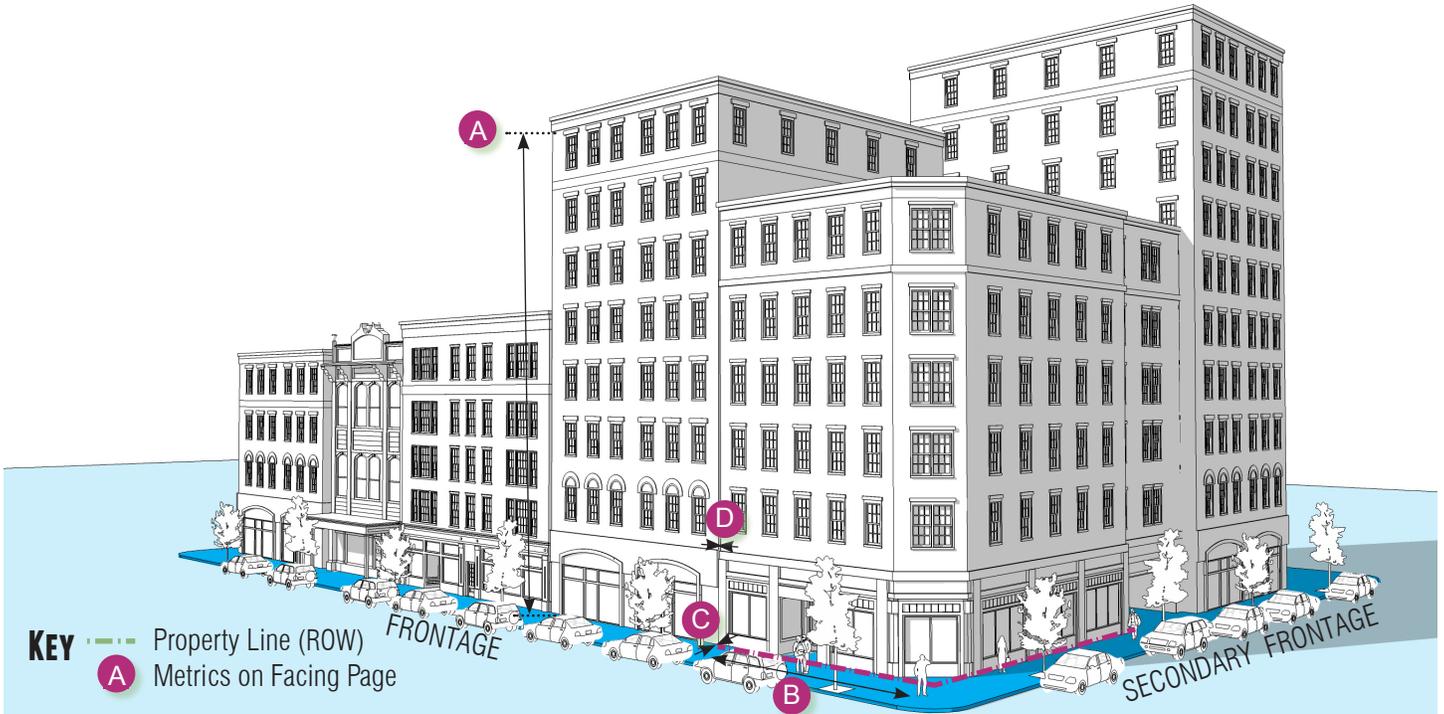
No side Setback

3 to 11 stories

Outbuildings not common

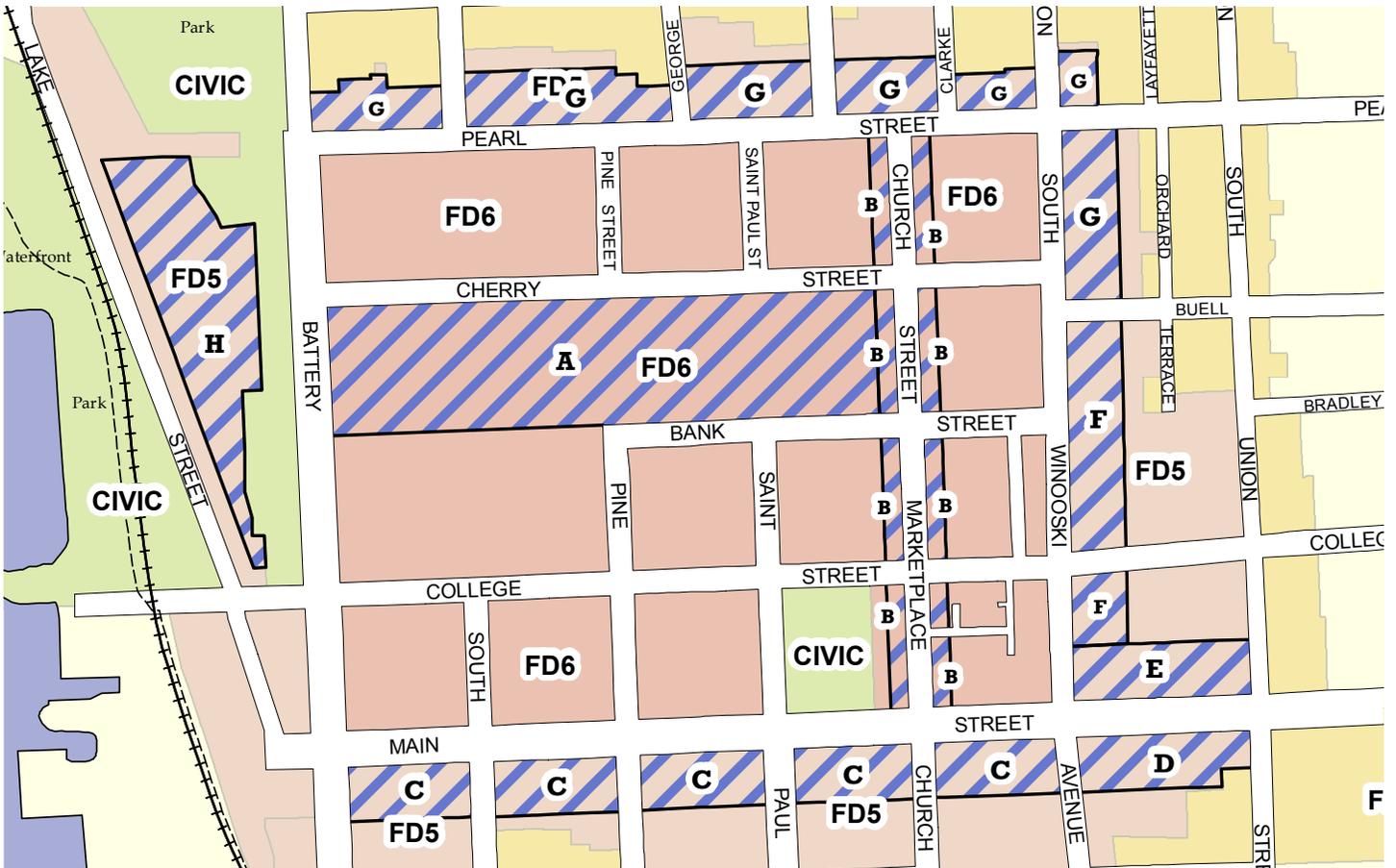






THE DIAGRAM ABOVE IS FOR ILLUSTRATIVE PURPOSES ONLY. METRICS SHOWN THEREON SHALL HAVE REGULATORY EFFECT.

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



### 14.3.6-B- ALLOWED BUILDING TYPES

BUILDING TYPE	STANDARDS
Rowhouses <sup>1</sup>	Section 14.4.7
Multi-Family: Small <sup>1</sup>	Section 14.4.8
Multi-Family: Large <sup>1</sup>	Section 14.4.9
Mixed-Use	Section 14.4.11
Perimeter	Section 14.4.12
Civic	Section 14.4.13

<sup>1</sup> Only permitted where Shopfront Frontage Type is not required.

### 14.3.6-C- BUILDING FORM

#### HEIGHT

Principal Building	By Right:
	<ul style="list-style-type: none"> <li>• 3 Stories min.</li> <li>• 4 Stories max., not to exceed 45 feet on the Church St Marketplace<sup>1</sup> otherwise,</li> <li>• 6 Stories max., not to exceed 65 feet</li> </ul>
Outbuilding	Subject to DRB Review <sup>1</sup> :
	<ul style="list-style-type: none"> <li>• 10 Stories max., not to exceed 105 feet</li> <li>• xx Stories max, not to exceed xxx feet</li> </ul>
Outbuilding	2 Stories max. not to exceed 24 feet

<sup>1</sup> Subject to DRB Review per Sec. 14..6.5-d and Regulating Plan Special Requirements - Map 2 (See Section 14.2.6) as summarized below.

- A Building with a Principal Frontage in the area identified as:
- “A” on Downtown and Waterfront District Regulating Plan - Map 2. may be increased to a maximum of xx Stories not to exceed xxx feet.
  - “B” on Downtown and Waterfront District Regulating Plan - Map 2. shall be decreased to a maximum of 4 Stories not to exceed 45 feet to a depth of 50’ from the Frontage Line.

#### MISCELLANEOUS

The linear distance along the Frontage between ground floor entries shall be no more than 60’.

### 14.3.6-D- LOT OCCUPATION & BUILDING PLACEMENT

Block Perimeter	2,000 ft max.
Pervious Area	10% min.
Frontage Buildout <sup>1</sup>	100% min. at Setback along a Primary Frontage <sup>2</sup>
	80% min. at Setback along a Secondary Frontage

<sup>1</sup>The required Frontage Buildout may be satisfied by one or more of the following:

- a Building Facade;
- a Streetscreen or active public use or activity (such as outdoor cafes) occupying to more than the lessor of 20 feet or 20% of the Frontage; or,
- a Civic Space (see Sec. 14.6.13).

<sup>2</sup>Minimum Frontage Buildout, where an adjacent pre-existing Building has doors and/or windows on a side elevation, may be reduced to the minimum necessary to satisfy the requirements of the Building and Fire Safety Codes.

BUILDING DISPOSITION	STANDARDS
Sideyard	Section 14.6.3
Rearyard	Section 14.6.3

#### SETBACK (DISTANCE FROM ROW/LOT LINE)

Front	
Principal Building	0’ min.; 6’ max., and in no event less than 12’ from the curb. <b>C</b>
Outbuilding	In third Lot Layer
Side	
Principal Building	0’ min. - 12’ max. <b>D</b>
Outbuilding	0’ min. or 3’ min. on secondary frontage
Rear	
Principal Building	0’ min. or 15’ from rear Alley centerline
Outbuilding	0’ min. or 15’ from rear Alley centerline

#### MISCELLANEOUS

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

### 14.3.6-E- PARKING, LOADING & SERVICE

#### ON-SITE PARKING

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

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

#### LOCATION ON THE LOT

Parking Areas shall be located in the Third Lot Layer.

Garages shall be located in the Third Lot Layer. Garages may be located in the First or Second Lot Layer only if located below-grade or above the first Story.

#### MISCELLANEOUS

At least one pedestrian route from all Parking Areas, Garages and Parking Structures shall lead directly to a Frontage Line (i.e., not directly into a Building).

See also Sec. 14.6..8 and Sec. 14.6.12 for additional requirements pertaining to parking and site design.

### 14.3.6-F- ENCROACHMENTS - REQUIRED SETBACKS

ENCROACHMENT TYPE	FRONT	REAR
Steps to Building Entrance	A	A
Other Architectural Features	A - 3' max.	A - 3' max.
Landscaping	A	A
Fences or freestanding walls	-	A - 6' max. height
Driveways, Walkways	A	A
Utility Structures	-	A

#### KEY

Encroachment Allowed: A  
 Encroachment Not Allowed: -

### 14.3.6-G- ENCROACHMENTS - PUBLIC RIGHT-OF-WAY

(Along Principal and Secondary Frontages)

ENCROACHMENT TYPE	PUBLIC ROW
Frontage Type	
Shopfront: Awning and Canopy	Allowed <sup>1</sup>
Officefront: Awning and Canopy	Allowed <sup>1</sup>
Other Architectural Features - Minimum 10 ft above the Sidewalk	3' max.
Signs	Allowed <sup>2</sup>

<sup>1</sup> Subject to Awning and Canopy standards in Section 14.6.11 (Supplemental to Form-Districts - Urban Design Standards).

<sup>2</sup> With the exception of Freestanding Signs, Signs may Encroach into the ROW subject to the limits set forth in Section 14.6.10 (Supplemental to Form Districts - Sign Standards).

### 14.3.6-H- SIGN TYPES

Maximum total number of Signs per Frontage Type	6
Maximum total number of Signs per Secondary Frontage	2

ALLOWED SIGN TYPES	STANDARDS
Awning & Canopy Sign	14.6.10-C
Band	14.6.10-D
Blade	14.6.10-E
Freestanding <sup>1</sup>	14.6.10-F
Marquee	14.6.10-G
Nameplate	14.6.10-H
Outdoor Display Case	14.6.10-I
Wall	14.6.10-J
Window	14.6.10-K

<sup>1</sup> 14' height max.

#### MISCELLANEOUS

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

**14.3.6-I- 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
--------------------	---

**RESIDENTIAL - SPECIAL**

Assisted Living	P
Boarding House <sup>1</sup>	P
Community House (Sec. 14.6.7.d)	P
Convalescent /Nursing Home	P

**SHORT-TERM ACCOMODATIONS**

Bed and Breakfast <sup>1</sup>	P
Historic Inn (Sec. 14.6.7.b)	P
Hotel, Motel	P
Shelter	P

**RETAIL - GENERAL**

ATM	P
Auto/Boat/RV Sales/Rentals <sup>3</sup>	P
Convenience Store	P
Fuel Service Station <sup>2</sup> (Sec. 14.6.7.c)	CU
General Merchandise/Retail	P

**RETAIL - OUTDOOR**

Open Air Markets	P
------------------	---

**OFFICE & SERVICE**

**KEY**

Permitted Use	P
Conditional Use	CU

**END NOTES**

- <sup>1</sup>Must be owner-occupied.
- <sup>2</sup>Automobile sales not permitted as an Accessory Use
- <sup>3</sup> Exterior storage and display not permitted.
- <sup>4</sup> Parking Structures shall be located behind a Perimeter Building (see Section 14.4.13).

**14.3.6-I- USE TYPE** **FD6**

Animal Grooming	P
Auto/Boat/RV Service <sup>3</sup> (Sec. 14.6.7.c)	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (Sec. 14.6.7.g)	P
Office – General	P
Office – Medical	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

**14.3.6-I- USE TYPE****FD6****MANUFACTURING/ PRODUCTION/ STORAGE**

Dental Lab	P
Food Processing	P
Machine/Woodworking Shop <sup>3</sup>	P
Manufacturing <sup>3</sup>	P
Manufacturing – Tour Oriented <sup>3</sup>	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research Lab	P
Warehouse/Storage <sup>3</sup>	P
Warehouse, Self-Storage <sup>3</sup>	P

**EDUCATION & DAY CARE**

Day Care – Adult	P
Daycare – All (Sec. 14.6.7.a)	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 <sup>3</sup> (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus <sup>3</sup>	P
Parking Structure <sup>4</sup>	P

**KEY**

Permitted Use	P
Conditional Use	CU

**END NOTES**

<sup>1</sup>Must be owner-occupied.

<sup>2</sup>Automobile sales not permitted as an Accessory Use

<sup>3</sup>Exterior storage and display not permitted.

<sup>4</sup>Parking Structures shall be located behind a Perimeter Building (see Section 14.4.13).



# 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	Work/Live
14.4.3	Building Types General	14.4.11	Mixed-Use
14.4.4	Carriage House	14.4.12	Perimeter
14.4.5	Detached House	14.4.13	Civic
14.4.6	Duplex	14.4.14	Flex
14.4.7	Rowhouse	14.4.15	Urban Design Standards
14.4.8	Multi-family: Small		

### 14.4.1- PURPOSE

This Section sets forth the standards applicable to each Building type. 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 (Supplemental to Form Districts).

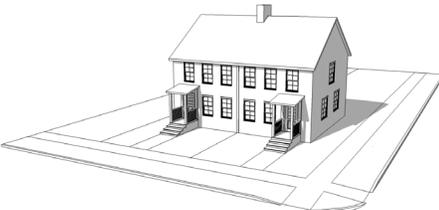
### 14.4.3- BUILDING TYPES GENERAL

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 suggests 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.

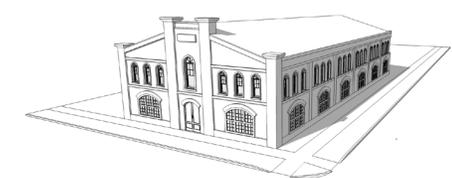
**TABLE 14.4-A - BUILDING TYPES SUMMARY TABLE [NOT-REGULATORY]**

BUILDING TYPE		FORM DISTRICTS
	<p><b>CARRIAGE HOUSE:</b> A detached Accessory Building typically located at the rear of a lot with access through the front of the lot or to a rear Alley. This Building Type typically provides either an Accessory residential unit or space for a Home Occupation and storage above a garage and/or at ground level.</p>	<p>FD4 FD5</p>
	<p><b>DETACHED HOUSE:</b> A small to medium sized detached Building with a principal entry facing the street. This Building Type incorporates a single unit.</p>	<p>FD4</p>

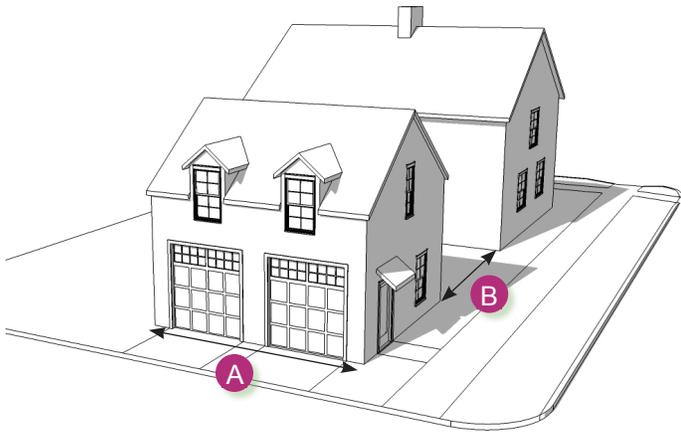
**TABLE 14.4-A - BUILDING TYPES SUMMARY TABLE [NOT-REGULATORY]**

BUILDING TYPE		FORM DISTRICTS
	<p><b>DUPLEX:</b> A small to medium sized detached Building that consists of two units attached to one another side-by-side by a party wall or stacked vertically. This Building Type may sit on a single lot, or span across two lots each with a single unit, with an individual entry facing the street.</p>	<p>FD4 FD5</p>
	<p><b>ROWHOUSE:</b> 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.</p>	<p>FD4 FD5 FD6</p>
	<p><b>MULTIFAMILY- SMALL:</b> 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 faces the street. This Building Type may often have the appearance of a large single-family home.</p>	<p>FD4 FD5 FD6</p>
	<p><b>MULTIFAMILY- LARGE:</b> A medium to large sized detached or attached Building consisting of side-by-side and/or stacked units, with one or more shared entries with at least one of which faces the street.</p>	<p>FD4 FD5 FD6</p>
	<p><b>WORK/LIVE:</b> A small to medium sized attached or detached Building that consists of a flexible space used for artisan, studio, service, or retail uses, with an interconnected residential unit above and/or behind. Both the flex space and the residential unit are internally connected and occupied by a single entity with a principal entry facing the street.</p>	
	<p><b>MIXED-USE:</b> A medium to large sized attached or detached Building that provides a vertical and/or horizontal mix of uses. 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.</p>	<p>FD4 FD5 FD6</p>

**TABLE 14.4-A - BUILDING TYPES SUMMARY TABLE [NOT-REGULATORY]**

BUILDING TYPE		FORM DISTRICTS
	<p><b>PERIMETER BUILDING:</b>                      A shallow medium to large sized attached or detached Building that is always associated with and screens a Parking Structure or Parking Lot placed 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.</p>	<p>FD4                      FD5                      FD6</p>
	<p><b>CIVIC:</b>                      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.</p>	<p>FD4                      FD5                      FD6</p>
	<p><b>FLEX:</b>                      A medium to large-sized attached or detached Building with a large footprint typically built to support light industrial and manufacturing, warehousing or service uses.</p>	

## 14.4.4 - CARRIAGE HOUSE



### 14.4.4-A - DESCRIPTION

Carriage House: A detached Accessory Building typically located at the rear of a lot with access through the front of the lot or to a rear Alley. This Building Type typically provides either an Accessory residential unit or space for a Home Occupation and storage above a garage and/or at ground level.

### ALLOWED IN

FD4  
FD5

### 14.4.4-B - LOT

Only allowed on Lots where the main Principal Building is one of the following building types: Detached House, Duplex, Rowhouses.

### 14.4.4-C - NUMBER OF UNITS

Units per building	1 max.
Carriage houses per Lot	1 max.



### 14.4.4-D - BUILDING SIZE AND MASSING

#### HEIGHT

2 Stories max.

#### BUILDING FOOTPRINT

Any dimension of the footprint	36' max.	<b>A</b>
Separation from Principal Building	10' min <sup>1</sup>	<b>B</b>

<sup>1</sup> Carriage house may be connected to the Principal Building by a Backbuilding.

#### MISCELLANEOUS

Carriage Houses shall not be taller or have a larger footprint than the Principal Building on the Lot.

### 14.4.4-E - ALLOWED FRONTAGE TYPES

Carriage houses are not required to have a frontage type.

### 14.4.4-F - PEDESTRIAN ACCESS

Main Entrance Location	Side street, Alley or internal to the Lot.
------------------------	--

The main entrance shall be separated from the garage door(s).

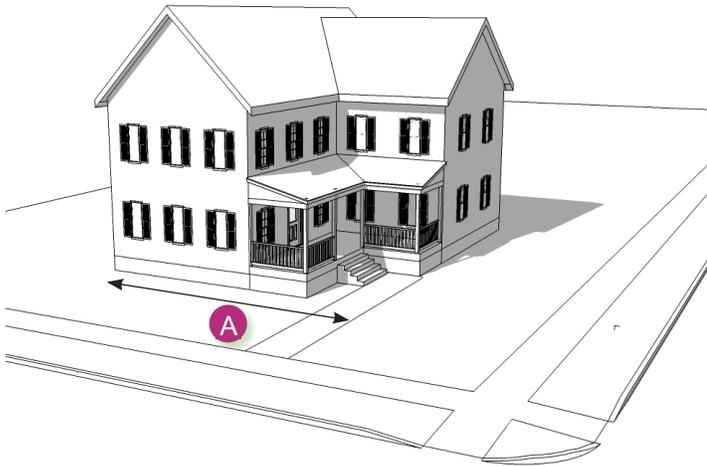
### 14.4.4-G. VEHICLE ACCESS AND PARKING

Parking may be Accessed from an Alley, side street or front street.



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

## 14.4.5 - DETACHED HOUSE



### 14.4.5-A - DESCRIPTION

Detached House: A small to medium sized detached Building with a principal entry facing the street. This Building Type incorporates a single unit.

### ALLOWED IN

FD4

### 14.4.5-B - LOT

Width 60' max.

### 14.4.5-C - NUMBER OF UNITS

Units per building 1 max.<sup>1</sup>

<sup>1</sup> 1 accessory unit also permitted. See Section 14.6.7-e.

### 14.4.5-D - BUILDING SIZE AND MASSING

#### HEIGHT

2 Stories max.

#### BUILDING FOOTPRINT

Width 48' max



### 14.4.5-E - 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
Doorway	Section 14.5.10

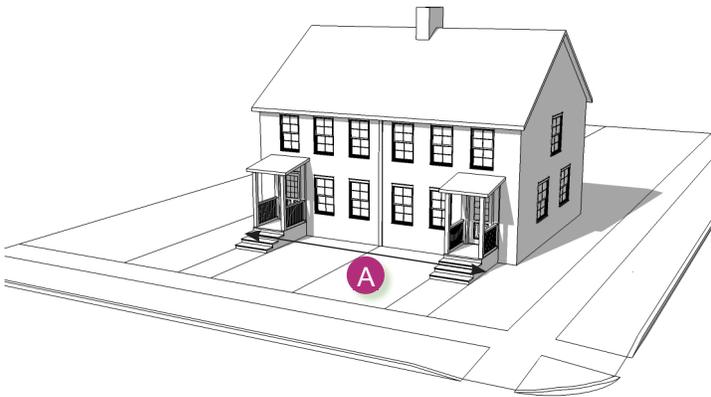
### 14.4.5-F - PEDESTRIAN ACCESS

Main Entrance Location	Principal Frontage
------------------------	--------------------



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

# 14.4.6 - DUPLEX



## 14.4.6-E - 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
Doorway	Section 14.5.10

## 14.4.6-F - PEDESTRIAN ACCESS

Main Entrance Location	Principal Frontage <sup>1</sup>
------------------------	---------------------------------

At least one unit shall have an individual entry on the Principal Frontage.

<sup>1</sup>On corner Lots, one of the unit entry may front on the secondary frontage.

### 14.4.6-A - DESCRIPTION

Duplex: A small to medium sized detached Building that consists of two units attached to one another side-by-side by a party wall or stacked vertically. This Building Type may sit on a single lot, or share a party-wall and span across two lots each with a single unit and an separate entry facing the street.

### ALLOWED IN

FD4  
FD5

### 14.4.6-B - LOT

Width (if each unit on individual lot)	40' max.
Width (if both units share single lot)	80' max.

### 14.4.6-C - NUMBER OF UNITS

Units per building mass	2 max.
-------------------------	--------

### 14.4.6-D - BUILDING SIZE AND MASSING

#### HEIGHT

2 stories max.

#### BUILDING FOOTPRINT

Width	48' max.
-------	----------



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

## 14.4.7 - ROWHOUSE



### 14.4.7-A - DESCRIPTION

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.

### ALLOWED IN

FD4  
FD5  
FD6

### 14.4.7-B - NUMBER OF UNITS

Unit per Rowhouse 1 max.  
Rowhouses per run 3 min. - 10 max.

### 14.4.7-C - BUILDING SIZE AND MASSING

#### HEIGHT

3 stories max.

#### BUILDING FOOTPRINT

Width per rowhouse A 12' min. - 36' max.

### 14.4.7-D - ALLOWED FRONTAGE TYPES<sup>1</sup>

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

Main Entrance Location Principal Frontage



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

# 14.4.8 - MULTI-FAMILY-SMALL



## 14.4.8-A - DESCRIPTION

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 faces the street. This Building Type may often have the appearance of a large single-family home.

## ALLOWED IN

FD4  
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.

### BUILDING FOOTPRINT

Width 36' min. - 48' max.

*The diagram and photographs above are 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
Forecourt	Section 14.5.8
Dooryard	Section 14.5.9
Doorway	Section 14.5.10
Lightwell & Landing <sup>1</sup>	Section 14.5.11
Terrace	Section 14.5.13

<sup>1</sup> Only allowed in situations where the slope prevents at-grade entry to the Building.

## 14.4.8-E - PEDESTRIAN ACCESS

Main Entrance Location Principal Frontage



## 14.4.9 - MULTI-FAMILY-LARGE



Doorway	Section 14.5.10
Lightwell & Landing <sup>1</sup>	Section 14.5.11
Terrace	Section 14.5.13

<sup>1</sup> Only allowed in situations where the slope prevents at-grade entry to the Building.

### 14.4.9-E - PEDESTRIAN ACCESS

Main Entrance Location	Principal Frontage
------------------------	--------------------



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

#### 14.4.9-A - DESCRIPTION

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 with at least one of which faces the street.

#### ALLOWED IN

FD5  
FD6

#### 14.4.9-B - NUMBER OF UNITS

Units per building	7 units min.
--------------------	--------------

#### 14.4.9-C - BUILDING SIZE AND MASSING

##### HEIGHT AND BUILDING FOOTPRINT WIDTH

Ground Floor	14' min. floor to floor
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Overall Building height and other massing requirements per Form District standards in Section 14.3 (Specific To Form Districts).

#### 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
Forecourt	Section 14.5.8
Dooryard	Section 14.5.9

## 14.4.10 - WORK/LIVE



### 14.4.10-A - DESCRIPTION

Work/Live: A small to medium sized attached or detached Building that consists of a flexible space used for artisan, studio, service, or retail uses, with an interconnected residential unit above and/or behind. Both the flex space and the residential unit are internally connected and occupied by a single entity with a principal entry facing the street.

### ALLOWED IN

### 14.4.10-B - NUMBER OF UNITS

Units per building 1 max.

### 14.4.10-C - BUILDING SIZE AND MASSING

#### HEIGHT

2 Stories max.

#### BUILDING FOOTPRINT

Width **A** 18' min. - 36' max.

### 14.4.10-D - ALLOWED FRONTAGE TYPES

Stoop	Section 14.5.7
Dooryard	Section 14.5.9
Doorway	Section 14.5.10
Lightwell & Landing	Section 14.5.11
Shopfront	Section 14.5.12
Terrace Shopfront	Section 14.5.13
Officefront	Section 14.5.14

### 14.4.10-E - PEDESTRIAN ACCESS

Main Entrance Location Principal Frontage



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

## 14.4.11 - MIXED-USE



### 14.4.11-A - DESCRIPTION

Mixed-Use: A medium to large sized attached or detached Building that provides a vertical and/or horizontal mix of uses. 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.

### ALLOWED IN

FD4  
FD5  
FD6

### 14.4.11-B - NUMBER OF UNITS

Units per building 2 min.

### 14.4.11-C - BUILDING SIZE AND MASSING

#### HEIGHT & BUILDING FOOTPRINT WIDTH

Ground Floor 14' min. floor to floor

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



### 14.4.11-D - ALLOWED FRONTAGE TYPES

Stoop	Section 14.5.7
Forecourt	Section 14.5.8
Dooryard	Section 14.5.9
Doorway	Section 14.5.10
Lightwell & Landing <sup>1</sup>	Section 14.5.11
Shopfront	Section 14.5.12
Terrace	Section 14.5.13
Officefront	Section 14.5.14
Gallery <sup>1</sup>	Section 14.5.15
Arcade <sup>1</sup>	Section 14.5.16

<sup>1</sup> Shall be used in combination with a Shopfront or Officefront frontage type.

### 14.4.11-E - PEDESTRIAN ACCESS

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

Upper floors units shall be Accessed by a common entry.



The diagram and photographs above are for illustrative purposes only. Metrics shown thereon shall have regulatory effect. DRAFT BURLINGTON FORM-BASED CODE 14 | 51

## 14.4.12 - PERIMETER BUILDING



### 14.4.12-A - DESCRIPTION

Perimeter Building: A shallow medium to large sized attached or detached Building that is always associated with and screens a Parking Structure or Parking Lot placed 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.

### ALLOWED IN

FD5  
FD6

### 14.4.12-B - NUMBER OF UNITS

Units per building 2 min.

### 14.4.12-C - BUILDING SIZE AND MASSING

#### HEIGHT

Ground Floor 14' min floor to floor

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

The height of a Parking Structure concealed by a Perimeter Building may be equal to the height of the Perimeter Building; this may result in a Perimeter Building Story concealing more than one level of Parking.

#### BUILDING FOOTPRINT

Width Minimum - Entire width of the Parking Structure at the frontage

Depth 20' min.

### 14.4.12-D - ALLOWED FRONTAGE TYPES

Stoop	Section 14.5.7
Dooryard	Section 14.5.9
Lightwell & Landing <sup>1</sup>	Section 14.5.11
Shopfront	Section 14.5.12
Terrace Shopfront	Section 14.5.13
Office	Section 14.5.14
Gallery <sup>1</sup>	Section 14.5.15
Arcade <sup>1</sup>	Section 14.5.16

<sup>1</sup> May only be used in combination with a shopfront or Officefront Frontage Type.

### 14.4.12-E - PEDESTRIAN ACCESS

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

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

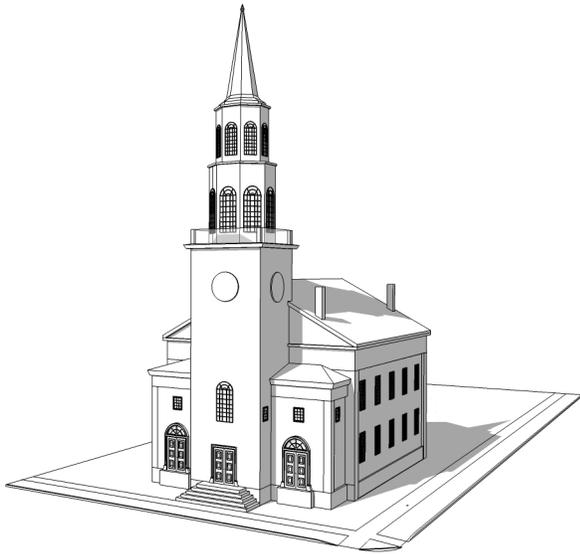
Secondary Access for units may be directly from the Parking Structure.



Perimeter Buildings with Shopfront Frontage.

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

## 14.4.13 - CIVIC



### 14.4.13-A - DESCRIPTION

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.

The design and form of Civic Buildings shall be determined after consultation with the Planning Department, consideration and recommendation of the Design Advisory Board, and approval by the Development Review Board pursuant to [Sec 14.7.??](#).

### 14.4.13-B - NUMBER OF UNITS

Not applicable

### 14.4.13-C - BUILDING LOCATION, SIZE AND MASSING

The height of Civic Buildings shall be limited to one additional Story above the maximum allowed height in the applicable Form District, plus the height of any architectural elements described in Table 14.6.5-B

Form District standards in Section 14.3 (Specific To Form Districts) shall not apply to Civic Buildings.

### ALLOWED IN

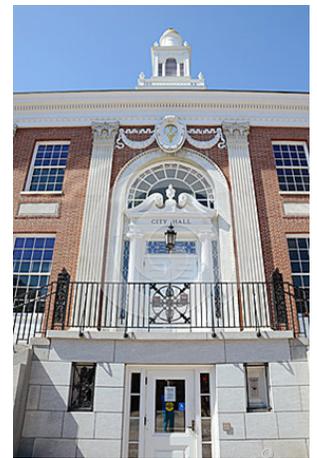
FD4  
FD5  
FD6

### 14.4.13-D - ALLOWED FRONTAGE TYPES

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

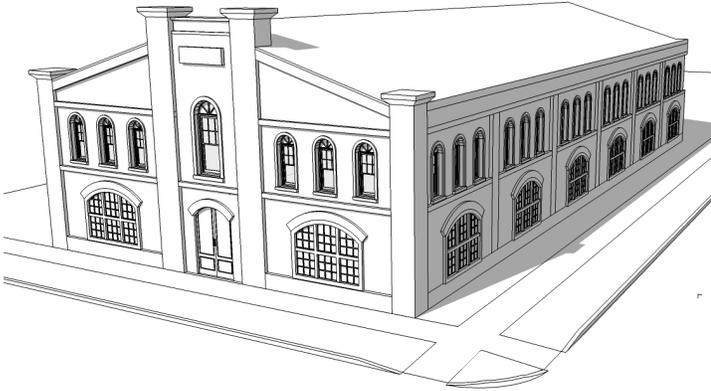
### 14.4.13-E - PEDESTRIAN ACCESS

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



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

## 14.4.14 - FLEX



### 14.4.14-A - DESCRIPTION

Flex: A medium to large-sized attached or detached Building with a large footprint typically built to support light industrial and manufacturing, warehousing or service uses.

### ALLOWED IN

### 14.4.14-B - NUMBER OF UNITS

Unrestricted

### 14.4.14-C - BUILDING SIZE AND MASSING

#### HEIGHT

1 Story min. - 3 stories max.

#### BUILDING FOOTPRINT

Width 150' max.

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

### 14.4.14-D - ALLOWED FRONTAGE TYPES

Shopfront	Section 14.5.13
Terrace Shopfront	Section 14.5.14
Officefront	Section 14.5.15

### 14.4.14-E - PEDESTRIAN ACCESS

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

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



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

### 14.4.15 - 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 rehabilitation to all Buildings in the Downtown and Waterfront District:

- a) Windows & Doors
  - i. Principal Buildings shall have one or more Principal Entrances that are clearly identified as such along the Primary Frontage or at a corner where a corner lot. A chamfered corner where a corner lot may be used. Additional entrances may also be provided along a secondary Frontage.
  - ii. Principal Buildings fronting a Civic Space shall have a minimum of one primary pedestrian entrance directly onto the Civic Space.
  - iii. Building 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.
  - iv. Requirements regarding voids and the transparency of glazing in a Building Facade for the purposes of activating the public street shall be as required in Table 14.4.15-A Street Activation - Primary and Secondary Frontages below:

#### 14.4.15-A- STREET ACTIVATION – PRIMARY AND SECONDARY FACADE

	Building Types: <i>Carriage House, Detached House, Duplex, Row-house, Multi-Family: Small and Work-Live</i>		Building Types: <i>Mixed-Use, Multi-Family: Large, Perimeter, Civic, and Flex</i>	
	Ground Floor	Upper Floors	Ground Floor	Upper Floors
<b>Facade Voids:</b> rough opening for windows and doors per floor	20% min	15% min	50% min <sup>1</sup>	20% min
Linear distance between voids as measured along the Frontage Line	35’ max.		20’ max.	
<b>Glazing Transparency:</b> applicable to 80% of the glazing on each floor.	60% VLT min 15% VLR max	40% VLT min 15% VLR max	60% VLT min 15% VLR max	40% VLT min 15% VLR max

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

<sup>1</sup> Additional requirements shall be as required based on the Officefront or Shopfront Frontage Types.

- 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 shall be a maximum of 4’ deep.
  - 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.

b) Façade Articulation and Upperstory Stepbacks

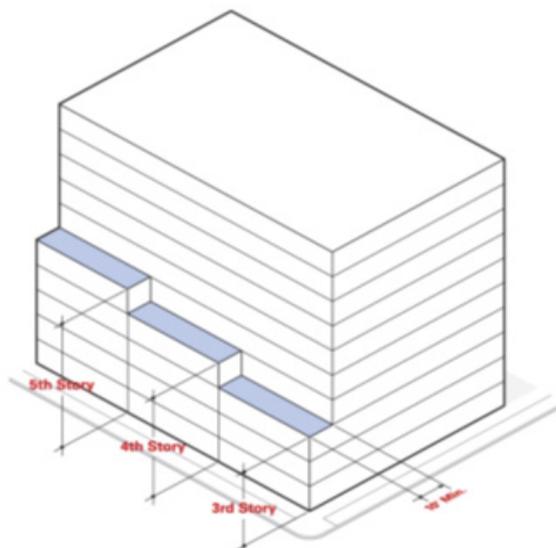
i. Building facades shall be vertically articulated as follows: **(GRAPHIC NEEDED)**

- 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 or other equivalent architectural features at least three of which must either recess or project from the average plane of the facade by at least four (4) inches.
- B. Building with facades between seventy-five (75) feet and one hundred and fifty (150) feet in width must include changes across the horizontal plane by dividing the facade into a series of architectural bays between six (6) feet and fifty (50) feet in width for every fifty (50) feet of total facade width and involving up to a minimum of 50% of the height of the façade.
- C. Buildings with facades greater than one hundred and fifty (150) feet in width must include a more substantial change in the horizontal plane 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 from the average plane of the facade by at least four (4) feet. This change in the horizontal shall occur no closer than fifty (50) feet from the Buildings corner and involve the full height of the façade.

ii. Building facades shall be horizontally articulated as follows: **(GRAPHIC NEEDED)**

- A. Buildings or portions of Buildings (distinct massing elements) four (4) stories or less:
  - 1) The raised foundation, basement, or first story must be visually differentiated from the stories above by a horizontal expression line and change in color, material, or pattern of fenestration; and,
  - 2) The top story must have a cornice, parapet, pitched or shaped roof form, change in color or material, or other equivalent architectural feature involving a projection from the average plane of the facade by at least four (4) inches to serve as an expression of the Buildings top.
- B. Buildings or portions of Buildings (distinct massing elements) five (5) stories or more:
  - 1) The raised foundation or basement must be visually differentiated from the stories above by a horizontal expression line and change in color, material, or pattern of fenestration;
  - 2) The bottom one to three stories must be visually differentiated from the stories above by a horizontal expression line, belt courses, banding, sign band, cornice or equivalent architectural feature, and include a change in color, material, or pattern of fenestration across a majority of the facade; and,
  - 3) The top story must have a cornice, parapet, pitched or shaped roof form 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 Buildings top.
- C. Each horizontal element of a Building must have a fenestration pattern that is aligned vertically and horizontally to provide order and structure to the composition. The fenestration pattern may differ between the base, middle, and top, and from bay to bay.

iii. The upper stories of any Building exceeding six (6) stories in height shall be step-back as follows: **(GRAPHIC NEEDED)**



- A. Upper stories must step-back at least ten (10) feet from the primary plane of the façade below while the base of the Building frames and defines the public realm preferably maintaining a consistent height of at least 50' along Main and Battery, and at least 33' on all other downtown streets.
  - B. The required step-back may occur at either the 3rd, 4th, or 5th story, but in no event shall occur above 60'. Additional step-backs may occur above the required step-back in order to provide additional terraces, taper and visual interest to taller Buildings.
  - C. Step-backs must be visually set off from the stories below by a balustrade, parapet, cornice or similar architectural feature, and are encouraged to be activated as an outdoor amenity space for Building occupants.
  - D. The upper stories beyond the step-back may be visually differentiated from the stories below by a change in color, materials or pattern of fenestration in order to reduce the actual or perceived massing of the Building.
- c) Walls
- i. All exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Natural wood siding or shingles such as cedar or redwood intended to gradually weather with time are excluded from this requirement.
  - ii. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.
  - iii. Exterior trim shall be indistinguishable from wood when painted.
  - iv. Utility-grade concrete block and vinyl siding are prohibited as an exterior material. Split-face, ground-face and polished block may be used.
  - v. Unfinished foundation walls for a Primary Building shall be exposed no more than a maximum of 48" above the finished grade.
  - vi. Surface-applied waterproofing on any foundation wall shall not be visible.
  - vii. The following items are prohibited on or projecting 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 solar collection devices; and antennas, satellite dishes and other telecommunications equipment. When placed on a side elevation, they 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.
  - viii. Buildings are encourage to incorporate green walls wherever possible.
- d) 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. 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, or adjacent property.
  - iii. 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.
  - iv. Unless incorporated into and hidden within the roof structure or a mechanical penthouse, all rooftop mechanical equipment, including air conditioning, piping, ducts, and conduits external to the building, shall be fully screened on all sides to its full height, and positioned to minimize its view from the street level. Screening shall be incorporated in a manner consistent with the overall architectural design of the Building, and may consist of parapets, screens, latticework, louvered panels, or other similar methods. Any mechanical penthouse shall be setback a minimum of 10-feet from the roof edge.
  - v. Solar collection devices, wind turbines and wireless telecommunication equipment shall be positioned to minimize its 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.
  - vi. 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.

- vii. 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, or other such devices and systems designed for the on-site collection and management of stormwater coming off of the Building or Structures. Downspouts shall be arranged as an integral part of the facade composition, and shall generally be placed at the corners of the Building.
- e) Attachments & Elements: **(GRAPHIC NEEDED)**
- i. Awning and canopies are encouraged as a traditional store-front fitting to provide shelter over a primary entrance or outdoor seating and over windows to shade interiors. Where provided, awnings and canopies placed on a Façade 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 Façade to a maximum of 2' from the curb.
    - B. Awnings and canopies placed above individual windows and entrances shall be placed, sized, shaped and proportioned to match the associated openings.
    - C. Awnings and canopies that span across an entire Façade shall be fixed no higher than the top of the top of the first story.
    - D. All awnings and canopies used within an individual Frontage Type shall be consistent in materials, color and design.
    - E. Awnings and canopies shall not be internally illuminated or backlit, however they may contain lighting fixtures intended to illuminate the ground beneath.
    - F. 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.
    - G. 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.
    - H. Canopies shall be constructed of wood and/or metal. The face of the canopy shall be no more than 24" in height.
    - I. Canopies shall be cantilevered or supported from above. Columns or posts extending to the ground are prohibited.
  - 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 are prohibited, except in the case of a Gallery Frontage Type.
  - iii. Decks shall be permitted only in the third lot layer or on rooftops.
  - iv. Upper-story fire escapes 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.
  - v. Permanent handicapped access ramps shall be located in the Second or Third Lot Layer. They may be located in the First Lot Layer provided they are integrated into the design of the chosen Frontage Type.
- f) Miscellaneous
- i. The use of recycled and/or locally-sourced materials is strongly encouraged.
  - ii. Low-VOC (Volatile Organic Compound) paints, sealants, and stains are strongly encouraged on all surfaces requiring such treatment.

## SECTION 14.5: SPECIFIC TO PRIVATE FRONTAGE TYPES

### SUBSECTIONS:

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

### 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 or building). For each Frontage Type, a description, a statement of the type's intent and 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, lakeshore and Civic Spaces having a Building Frontage requirement, in addition to the standards found in Section 14.3 (Specific to Form Districts) and Section 14.4 (Specific to Building Types).

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).

### 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**

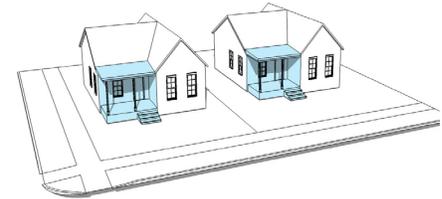
**14.5.4 - PORCH: PROJECTING**

A Private Frontage where the Building Facade is set back from the Frontage Line, and an attached porch containing an elevated Principal entrance is permitted to Encroach into the First Lot Layer. The First Lot Layer is planted, and may include a fence to maintain spatial definition with the public right-of-way. This type is commonly associated with ground-floor Residential use.



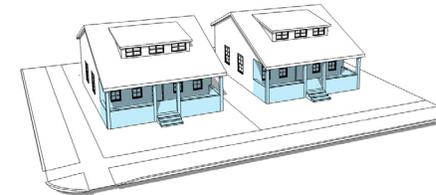
**14.5.5 - PORCH: ENGAGED**

A Private Frontage where the Building Facade is set back from the Frontage Line, and includes a porch containing an elevated Principal entrance with two adjacent sides that are engaged to the building while two sides are open. The First Lot Layer is planted, and may include a fence to maintain spatial definition with the public right-of-way. This type is commonly associated with ground-floor Residential use.



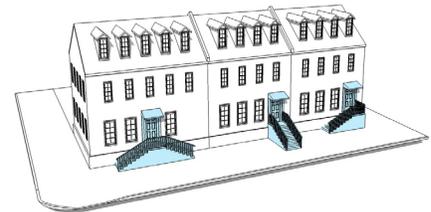
**14.5.6 - PORCH: INTEGRAL**

A Private Frontage where the Building Facade is set back from the Frontage Line, and a porch containing an elevated Principal entrance is open on one, two or three sides is integral to the overall massing and roof form of the building. The First Lot Layer is planted, and may include a fence to maintain spatial definition with the public right-of-way. This type is commonly associated with ground-floor Residential use.



**14.5.7 - STOOP**

A Private Frontage where the Building Facade is aligned 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 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.



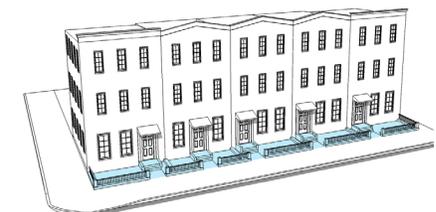
**14.5.8 - FORECOURT**

A Private Frontage where a portion of the Façade 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 may be planted or paved to join with the adjoining public Sidewalk. This type should be used sparingly, and may be allocated in conjunction with other Frontage types to define individual or shared entries at least one of which faces the street.



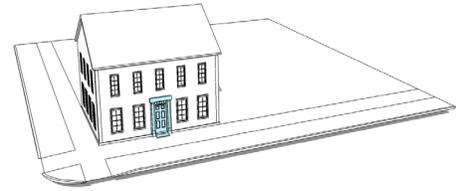
**14.5.9 - DOORYARD:**

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. The dooryard may be slightly raised, sunken, or be at-grade, and may be planted or paved. 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 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**

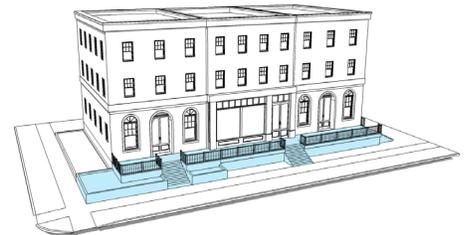
A Private Frontage where the Building Facade is set back from the Frontage line, and a Principal entrance is elevated and accessed by an exterior stair with or without a small landing, and/or sunken and accessed via a Lightwell. The Frontage Line adjoining the Lightwell is partially defined by a low 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, retail or service uses from busy public Sidewalks. The First Lot Layer and Lightwell may be planted or paved to join with the adjoining public Sidewalk.

**14.5.12 - SHOPFRONT**

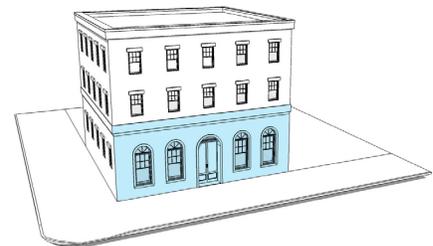
A Private Frontage where the Building Facade is aligned close to or at the Frontage Line with individual at-grade entries for ground level uses provided directly onto the public Sidewalk. This type is commonly associated with retail, service or hospitality uses, and has substantial glazing on the Sidewalk level and may include an Awning 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 may be planted or paved with or without outdoor shopping or restaurant seating to join with the adjoining public Sidewalk.

**14.5.13 - TERRACE**

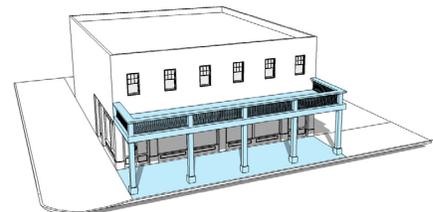
A Private Frontage where the Building Facade is at or near the frontage line with an elevated terrace that may Encroach into the First Lot Layer providing level or terraced public circulation along the façade. This type can be used to provide at-grade access while accommodating a grade change along a Frontage Line. Frequent steps up to the terrace are necessary to avoid dead walls and maximize Access. 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 - OFFICEFRONT**

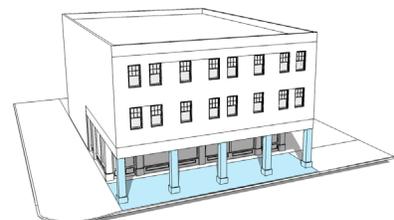
A Private Frontage where the Building Facade is set back from the Frontage Line with individual at-grade entries for ground level uses provided directly onto the public Sidewalk. This type is commonly associated with office, retail, service or hospitality uses, and has substantial glazing on the Sidewalk level although not as required by a Shopfront, and may include an Awning 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 may be planted or paved with or without outdoor shopping or restaurant seating to join with the adjoining public Sidewalk.

**14.5.15 - GALLERY**

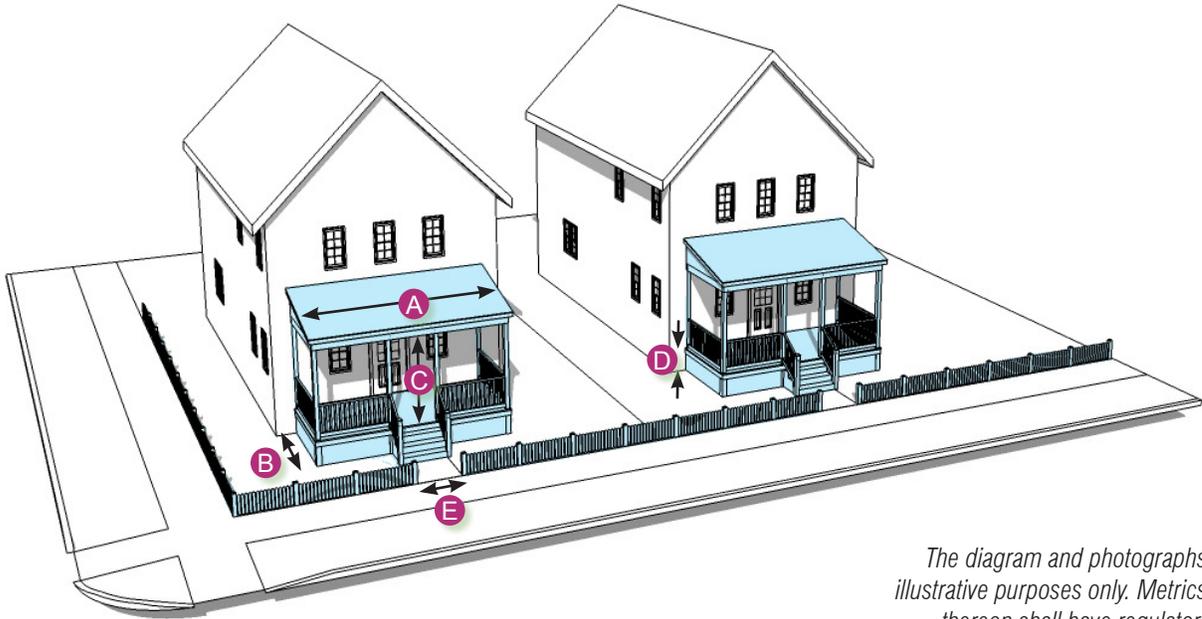
A Private Frontage where the Building Facade is set back from the Frontage Line with an attached one or two story cantilevered shed or a lightweight colonnade that fully Encroaches into the First Lot Layer. This type is intended for Buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other Frontage types to define individual or shared first floor entries facing the street.

**14.5.16 - 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 with habitable space above. This type is intended for Buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other Frontage types to define individual or shared first floor 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 an attached porch containing an elevated Principal entrance is permitted to Encroach into the First Lot Layer. The First Lot Layer is planted, and may include a fence to maintain spatial definition with the public right-of-way. This type is commonly associated with ground-floor Residential use.

## 14.5.4-B - ALLOWED WITH

- Detached House
- Duplex
- Rowhouse
- Multi-Family: Small
- Multi-Family: Large

## 14.5.4-C - STANDARDS

Width	8' min.	A
Depth	6' min.	B
Height, Clear	8' min.	C
Height	Equal to number of stories	
Finish Level above Sidewalk	18" min.	D
Path of Travel	3' wide min.	E

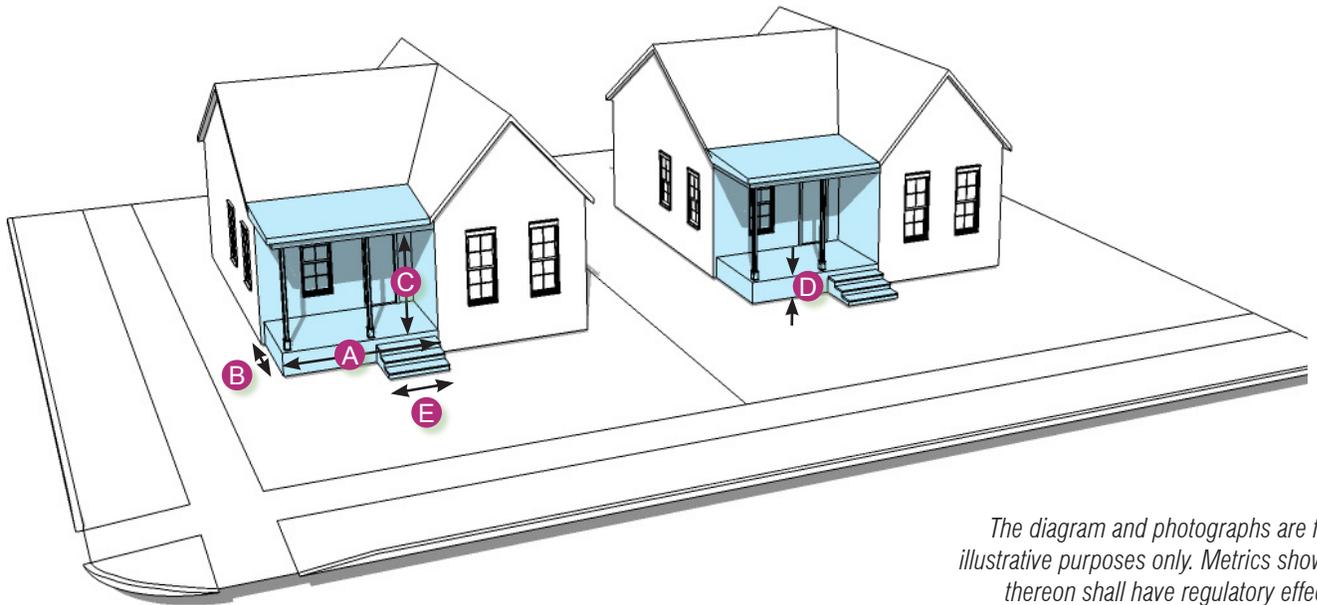
## 14.5.4-D - MISCELLANEOUS

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

Upper Story porches shall not be connected with porches below with 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 a porch containing an elevated Principal entrance with two adjacent sides that are engaged to the building while two sides are open. The First Lot Layer is planted, and may include a fence to maintain spatial definition with the public right-of-way. This type is commonly associated with ground-floor Residential use.

### 14.5.5-B - ALLOWED WITH

Detached House	Multi-Family: Small
Duplex	Multi-Family: Large
Rowhouse	

### 14.5.5-C - STANDARDS

Width	6' min - 8' max	<b>A</b>
Depth	6' min - 8' max	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Height	Equal to number of stories	
Finish Level above Sidewalk	18" min.	<b>D</b>
Path of Travel	3' wide min.	<b>E</b>

### 14.5.5-D - MISCELLANEOUS

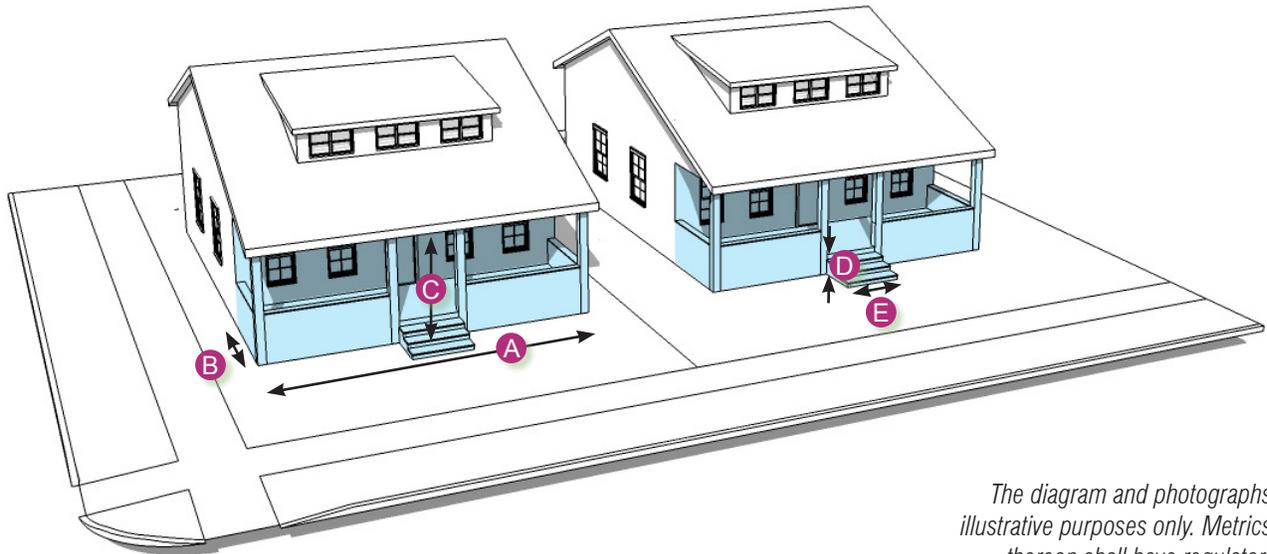
Engaged porches must have two sides and have a roof, and may not be enclosed.

Engaged 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.



## 14.5.6 - 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 is set back from the Frontage Line, and a porch containing an elevated Principal entrance is open on one, two or three sides is integral to the overall massing and roof form of the building. The First Lot Layer is planted, and may include a fence to maintain spatial definition with the public right-of-way. This type is commonly associated with ground-floor Residential use.

### 14.5.6-B - ALLOWED WITH

Detached House                  Multi-Family: Small Duplex

### 14.5.6-C - STANDARDS

Width	10' min.	<b>A</b>
Depth	6' min.	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Height	2 stories max.	
Finish Level above Sidewalk	18" min.	<b>D</b>
Path of Travel	3' wide min.	<b>E</b>

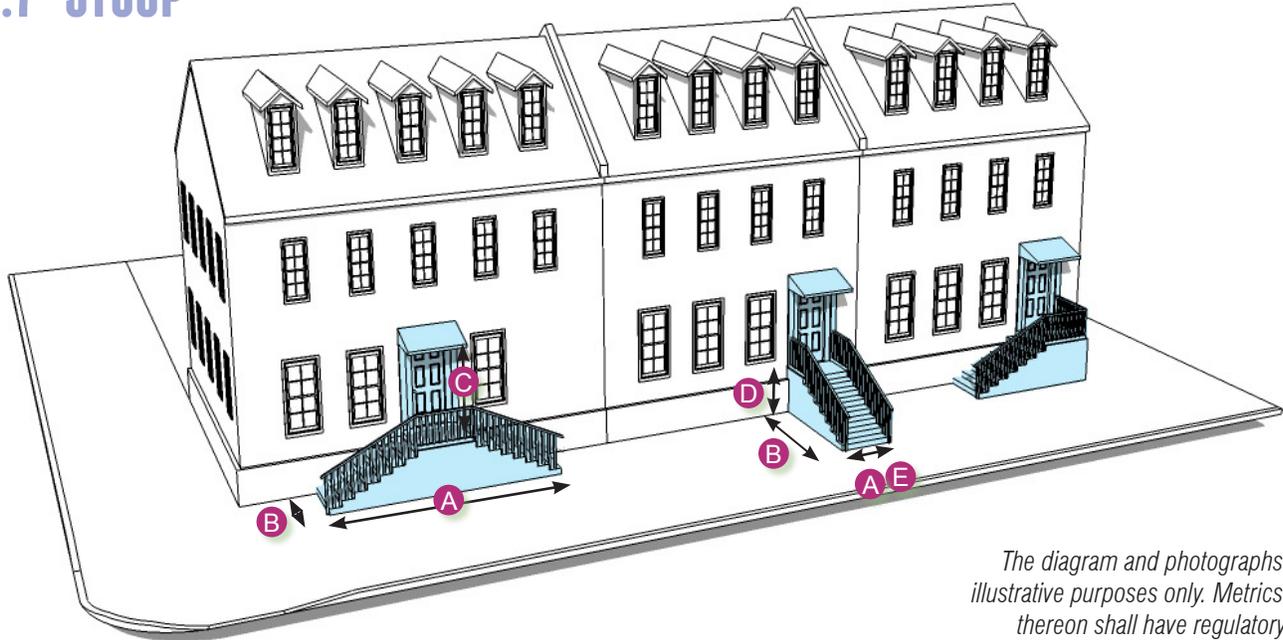
### 14.5.6-D - MISCELLANEOUS

Integrated porches must be open on one, two or three sides and may not be enclosed.

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 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 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 - ALLOWED WITH

Detached House	Multi-Family: Large
Duplex	Work/Live
Rowhouse	Mixed-Use
Multi-Family: Small	

### 14.5.7-C - STANDARDS

Width	4" min. - 8' max.	<b>A</b>
Depth	3' min. - 6' max.	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Height	1 Story max.	
Finish Level above Sidewalk	18" min. - 4' max.	<b>D</b>
Path of Travel	3' wide min.	<b>E</b>

### 14.5.7-D - MISCELLANEOUS

Stairs may be perpendicular or parallel to the building façade.

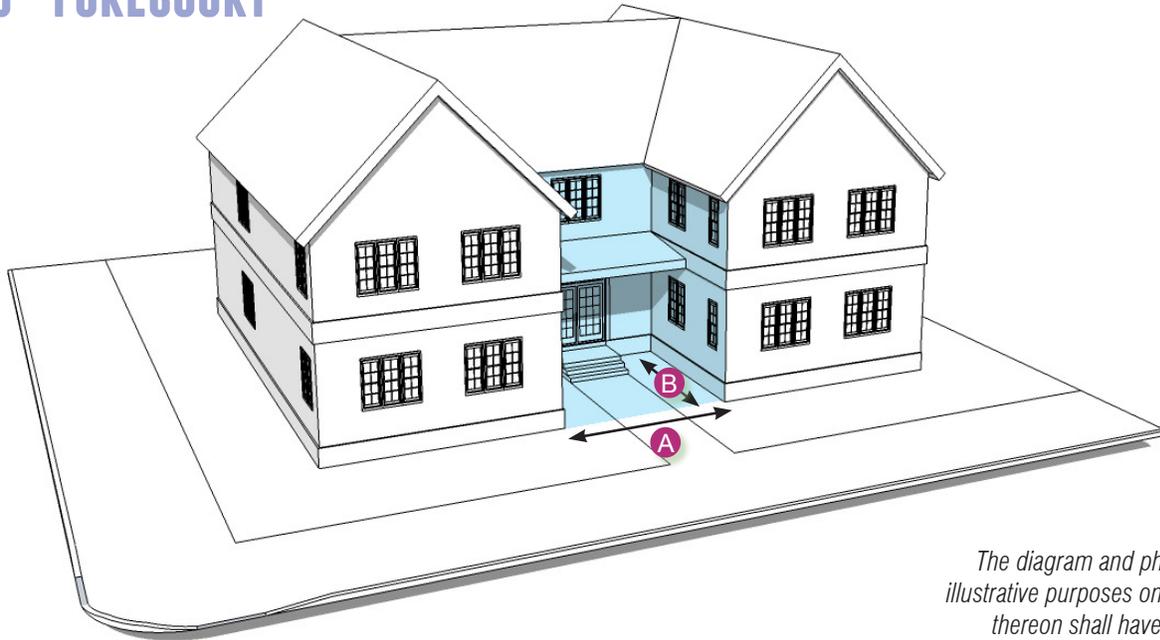
The entry doors are encouraged to be covered or recessed to provide shelter from the elements.

All doors must face the street.

Stoops are allowed to Encroach within the First Lot Layer to the frontage line.



## 14.5.8 - FORECOURT



*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 Façade 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 may be planted or paved to join with the adjoining public Sidewalk. This type should be used sparingly, and may be allocated in conjunction with other Frontage types to define individual or shared entries at least one of which faces the street.

### 14.5.8-B - ALLOWED WITH

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

### 14.5.8-C - STANDARDS

Width	12' min.	A
Depth	12' min.	B
Ratio, Building Height to Forecourt Width	2:1 max.	

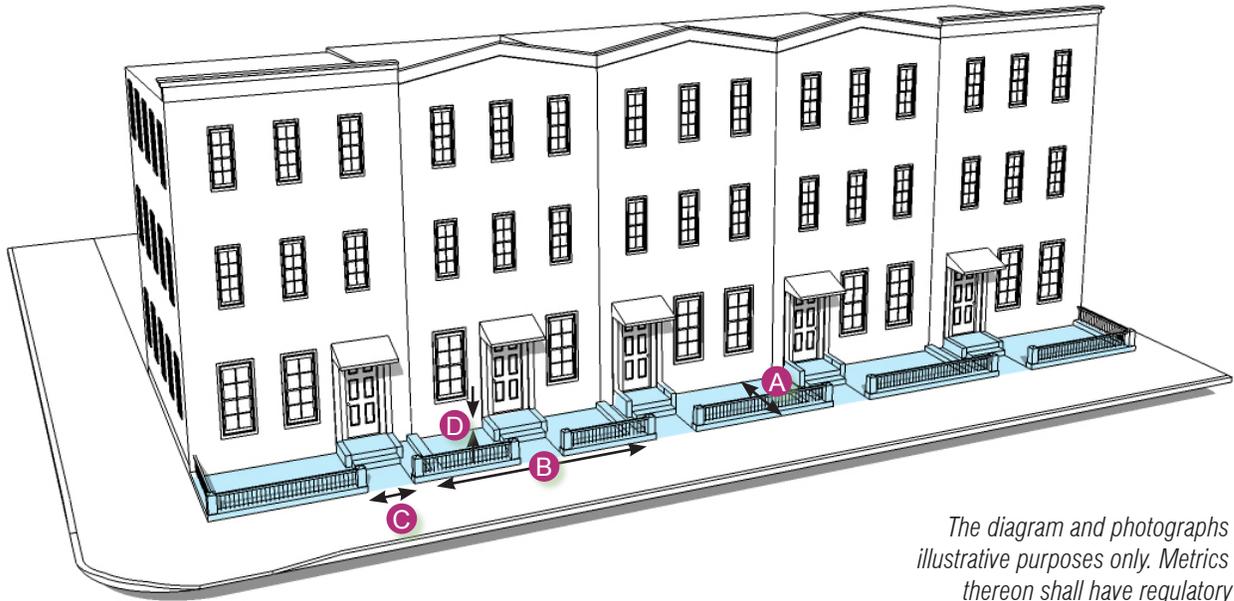
### 14.5.8-D - MISCELLANEOUS

These standards may be used in conjunction with other Frontage Types such as Shopfront, Officefront, Dooryard, or Doorway Frontage Types. In case of a conflict, the Forecourt Frontage Type standards shall prevail.

The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.



## 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 containing the Principal entrance in First Lot Layer. The dooryard may be slightly raised, sunken, or be at-grade, and may be planted or paved. This type is commonly associated with ground-floor Residential use.

### 14.5.9-B - ALLOWED WITH

Rowhouse	Work/Live
Multi-Family: Small	Mixed-Use
Multi-Family: Large	Perimeter Building

### 14.5.9-C - STANDARDS

Depth	8' min.	<b>A</b>
Width	Equal to the width of the Facade min. 50' max.	<b>B</b>
Depth of recessed entries	5' max.	
Path of travel	3' wide min.	<b>C</b>
Finish level above Sidewalk	18" max.	<b>D</b>
Finish level below Sidewalk	18" max.	



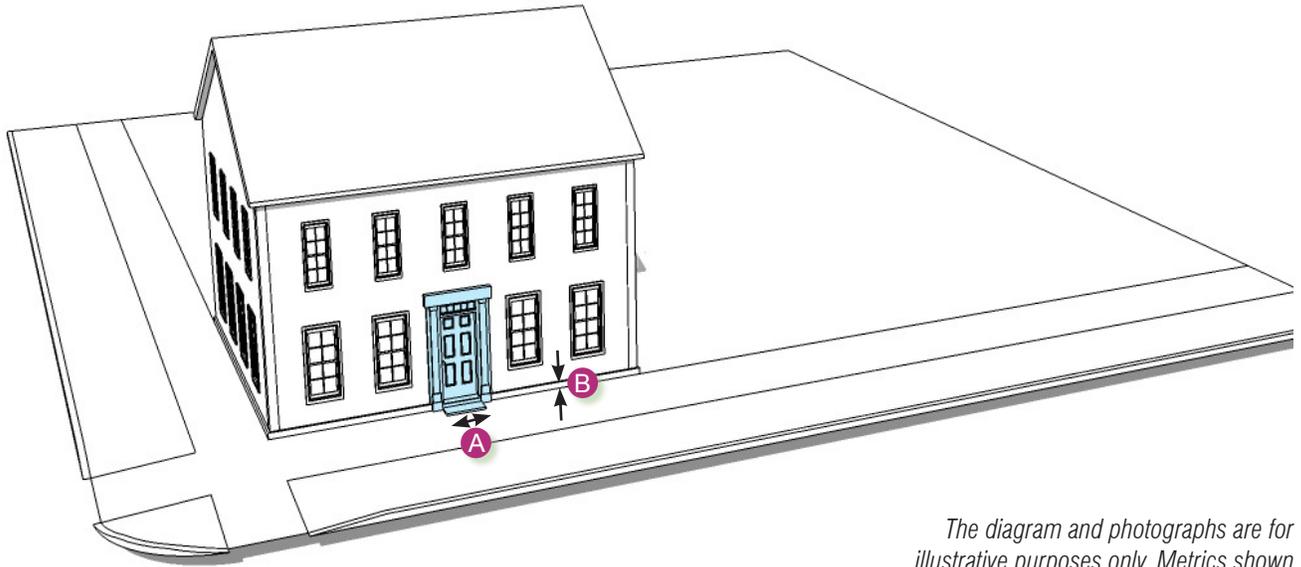
### 14.5.9-D - MISCELLANEOUS

This Frontage Type may be used in conjunction with other Frontage Types, such as Doorway, Stoop, Shopfront or Officefront. In case of a conflict, the Dooryard Frontage Type standards shall prevail.

Shall not be used for circulation for more than one ground floor entry.

Dooryards are allowed to Encroach within the First Lot Layer to the Frontage Line.

## 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 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 - ALLOWED WITH

Detached House	Multi-Family: Small
Duplex	Multi-Family: Large
Rowhouse	Work/Live

### 14.5.10-C - STANDARDS

Depth of recessed entries	5' max.	
Path of travel	3' wide min.	<b>A</b>
Finish level above Sidewalk	18" max.	<b>B</b>

### 14.5.10-D - MISCELLANEOUS

This Frontage Type may be used in conjunction with other Frontage Types, such as Terrace, Dooryard and Gallery.



## 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 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, retail or service uses from busy public Sidewalks. The First Lot Layer and Lightwell may be planted or paved to join with the adjoining public Sidewalk.

### 14.5.11-B - ALLOWED WITH

Rowhouse	Work/Live
Multi-Family: Small	Mixed-Use
Multi-Family: Large	Perimeter Building

### 14.5.11-C - STANDARDS

Height		
Landing (above Sidewalk)	6' max.	A
Lightwell (below Sidewalk)	6' max.	B
Depth, Clear	5' min.	C
Height, Clear	8' min.	D
Path of travel	3' 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.

Lightwells are allowed to Encroach within the First Lot Layer to the Frontage Line.

## 14.5.12 - SHOPFRONT



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 individual at-grade entries for ground level uses provided directly onto the public Sidewalk. This type is commonly associated with retail, service or hospitality uses, and has substantial glazing on the Sidewalk level and may include an Awning 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 may be planted or paved with or without outdoor shopping or restaurant seating to join with the adjoining public Sidewalk.

### 14.5.12-B - ALLOWED WITH

Work/Live	Flex
Mixed Use	Perimeter Building

### 14.5.12-C - STANDARDS

Distance between glazing	2' max.	A
Sill Height	3' max.	
Ground floor glazing	70% min. between 3' and 10' above the Principal Entrance level	
Depth of recessed entries	5' max.	
Principal Entrance level	At grade, unless used with a Lightwell & Landing Frontage	B

### 14.5.12-D - MISCELLANEOUS

Areas where a Shopfront Frontage shall be as depicted on Downtown and Waterfront District Regulating Plan - Map 3 - Shopfront Frontage Required.

Shopfronts with accordion-style doors/windows or other operable windows that allow the space to open to the street are encouraged.

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

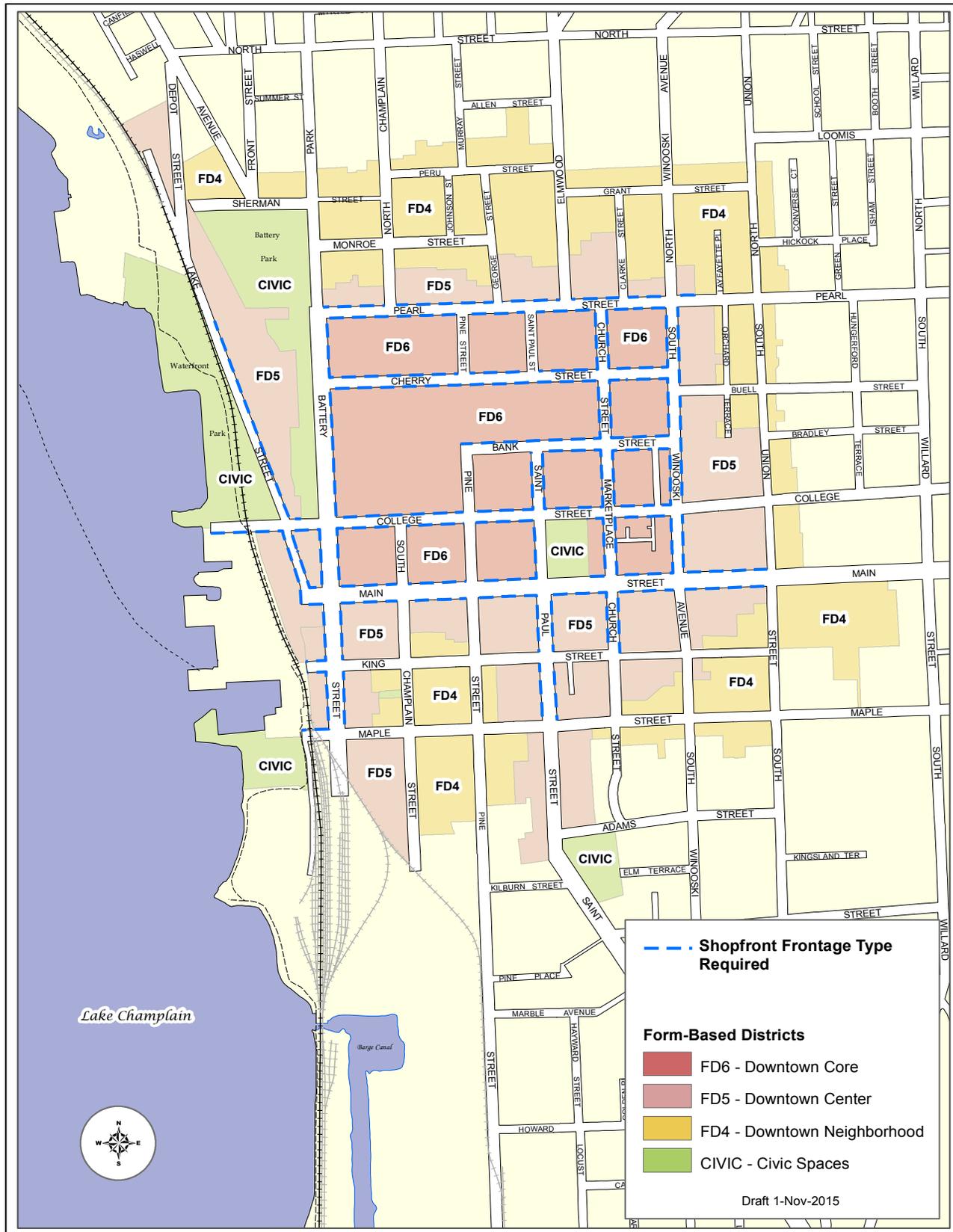
This frontage type may also be used in conjunction with other frontage types such as Lightwell & Landing, Arcade, Gallery and Terrace.

A separate entrance to upper stories is allowed.

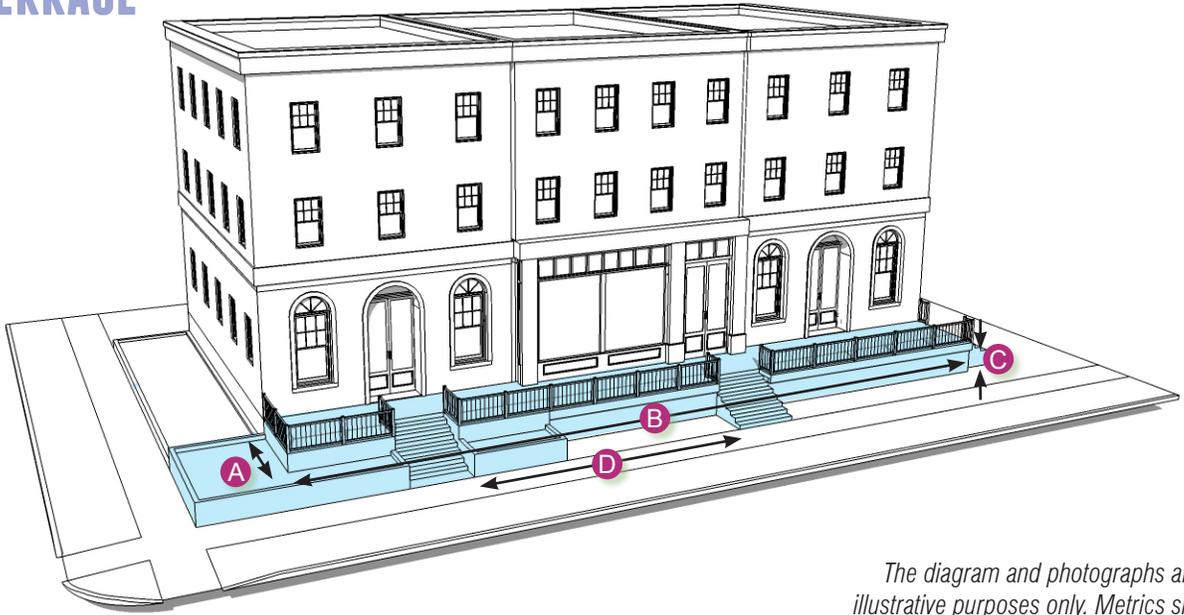
The following Architectural Standards shall be applicable to Buildings with a Shopfront Frontage in all Form Districts:

1. One continuous load-bearing beam shall carry the entire load of the Facade to the partition walls so that the Facade may be changed with no structural impediment
2. Internal structural support to allow back bolting installation of Signs and awnings shall be provided whether or not Signs or awnings are installed at the time of initial construction.
3. Any Frontage Setbacks shall be paved to match the Sidewalk.
4. Shopfront doors, windows, awnings, Signs and lighting shall be designed as a unified whole.
5. Displays within shopfront windows may not be enclosed or encased so that they obstruct the view of the activity behind.
6. External security shutters are not permitted.

# MAP 3 - SHOPFRONT FRONTAGE REQUIRED



# 14.5.13- TERRACE



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 at or near 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 can be used to provide at-grade access while accommodating a grade change along a Frontage Line. Frequent steps up to the terrace are necessary to avoid dead walls and maximize Access. This type is required to be used in conjunction with other Frontage types to define individual or shared entries facing the street.

## 14.5.13-B - ALLOWED WITH

Multi-Family: Small	Mixed-Use
Multi-Family: Large	Flex
Work/Live	Perimeter Building

## 14.5.13-C - STANDARDS

Depth, Clear	5' min.	<b>A</b>
Length of terrace	150' max.	<b>B</b>
Finish level above Sidewalk	3' max.	<b>C</b>
Distance between stairs/Access	50' max.	<b>D</b>

## 14.5.13-D - MISCELLANEOUS

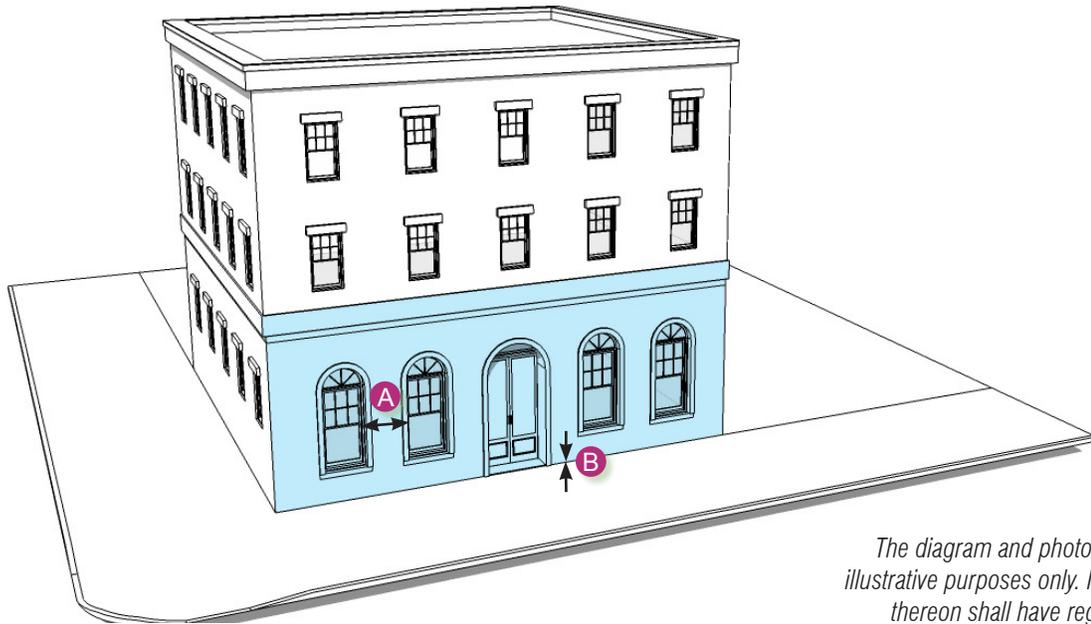
These standards shall be used in conjunction with those for the Shopfront, Officefront, or Doorway Frontage Types.

Low walls used as seating are encouraged.

Terrace is allowed to Encroach within the First Lot Layer to the Frontage Line.



## 14.5.14 - OFFICEFRONT



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 set back from the Frontage Line with individual at-grade entries for ground level uses provided directly onto the public Sidewalk. This type is commonly associated with office, retail, service or hospitality uses, and has substantial glazing on the Sidewalk level although not as required by a Shopfront, and may include an Awning 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 may be planted or paved with or without outdoor shopping or restaurant seating to join with the adjoining public Sidewalk.

### 14.5.14-B - ALLOWED WITH

Work/Live	Flex
Mixed Use	Perimeter Building

### 14.5.14-C - STANDARDS

Distance between glazing	4' max.	A
Ground floor glazing	50% min. between 3' and 10' above the Principal Entrance level	
Depth of recessed entries	5' max.	
Principal Entrance level	At grade	B

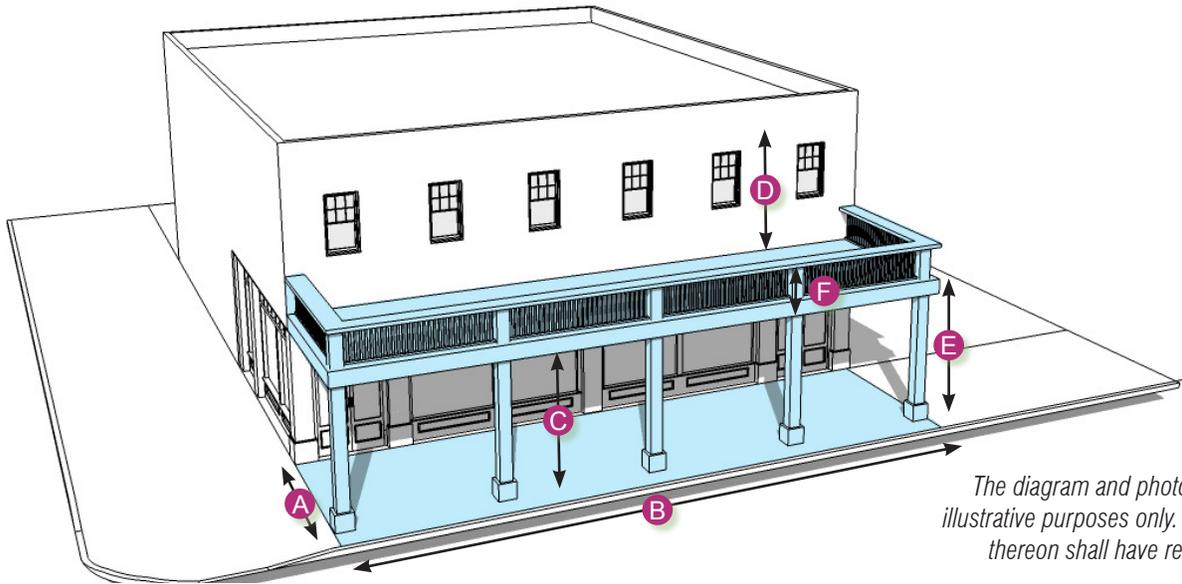
### 14.5.14-D - MISCELLANEOUS

Awnings are allowed with Officefront frontage type. See Section 14.6.10 (Supplemental to Form Districts - Sign Standards) for Signs and awnings requirements.

Doors may be recessed as long as main Facade is at the required Setback.



# 14.5.15- GALLERY



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 set back from the Frontage Line with an attached one or two story cantilevered shed or a lightweight colonnade that fully Encroaches into the First Lot Layer. This type is intended for Buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other Frontage types to define individual or shared first floor entries facing the street.

## 14.5.15-B - ALLOWED WITH

Mixed-Use Flex                      Perimeter Building

## 14.5.15-C - STANDARDS

Depth	8' min.	A
Width	Equal to width of the Facade	B
Ground floor height, Clear	14' min.	C
Upper floor height, Clear	9' min.	D
Height	Equal to the second Story floor level	E
Upper floor railing height	5' max.	F

## 14.5.15-D - MISCELLANEOUS

These standards may be used in conjunction with those for the Shopfront or Doorway Frontage Types.

No external stairways are allowed to reach the upper-Story portion of galleries along a frontage.

Galleries shall remain open on three sides and may have a roof or awning covering the upper floor.

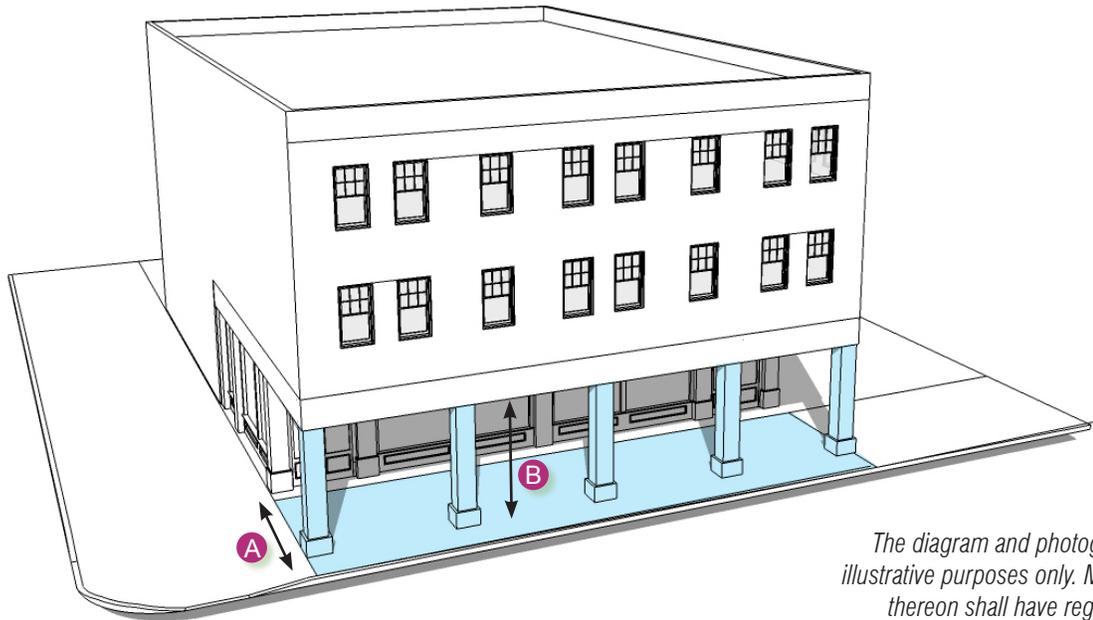
Galleries shall have a consistent depth along a frontage.

Galleries are allowed to Encroach within the First Lot Layer to the Frontage Line, but in no case shall it extend in the public ROW.

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



## 14.5.16 - ARCADE



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 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 with habitable space above. This type is intended for Buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other Frontage types to define individual or shared first floor entries facing the street

### 14.5.16-B - ALLOWED WITH

Mixed-Use Flex	Perimeter Building
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### 14.5.16-C - STANDARDS

Depth, Clear	12' min.	<b>A</b>
Height	1 Story max.	
Height, Clear	14' min.	<b>B</b>



### 14.5.16-D - MISCELLANEOUS

Arcades shall also follow all of the regulations for the Shopfront Frontage Type.

Arcades shall have a consistent depth across the entire Facade.

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



## SECTION 14.6: SUPPLEMENTAL TO FORM DISTRICTS

### SUBSECTIONS:

14.6.1	Purpose	14.6.9	Bicycle Parking Standards
14.6.2	Applicability	14.6.10	Sign Standards
14.6.3	Yard Types & Lot Layers	14.6.11	Architectural Standards
14.6.4	Topography and Hillside Requirements	14.6.12	Landscape and Site Standards
14.6.5	Building Height	14.6.13	Stormwater Management
14.6.6	Historic Building and Districts	14.6.14	Outdoor Lighting
14.6.7	Special Use Regulations	14.6.15	Telecommunications Equipment
14.6.8	Parking, Loading, Service, Driveways and Circulation	14.6.16	Civic Spaces Standards

### 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, such as parking and Sign Standards. These standards 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/or 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.

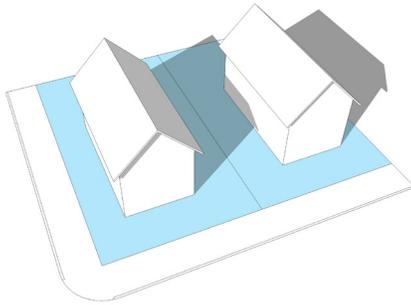
### 14.6.3 - YARD TYPES AND LOT LAYERS

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

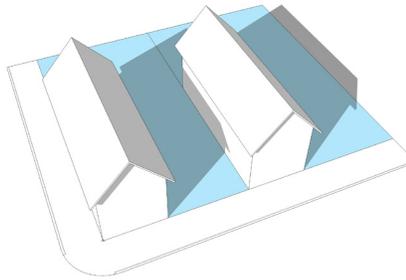
**EDGEYARD**

A Lot where a 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.



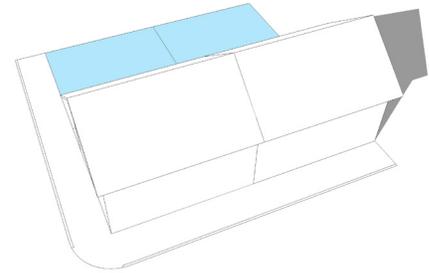
**SIDEYARD**

A Lot where the building occupies one side of the Lot with the Setback to the other side. A shallow frontage Setback defines a more urban condition.



**REARYARD**

A Lot where the 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, the First Lot Layer, the Second Lot Layer and the Third Lot Layer, 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 the Principal Building situated on or to be situated on the Lot.
  - ii. Second Lot Layer: that portion of a Lot bounded by the Façade of the Principal Building situated on or to be situated on the Lot and a line which is 20 feet from and parallel to the Façade of the Primary Building situated on or to be situated on the Lot.
  - iii. Third Lot Layer: that portion of a Lot bounded by (a) the Second Lot Layer and (b) the Rear Lot Line.

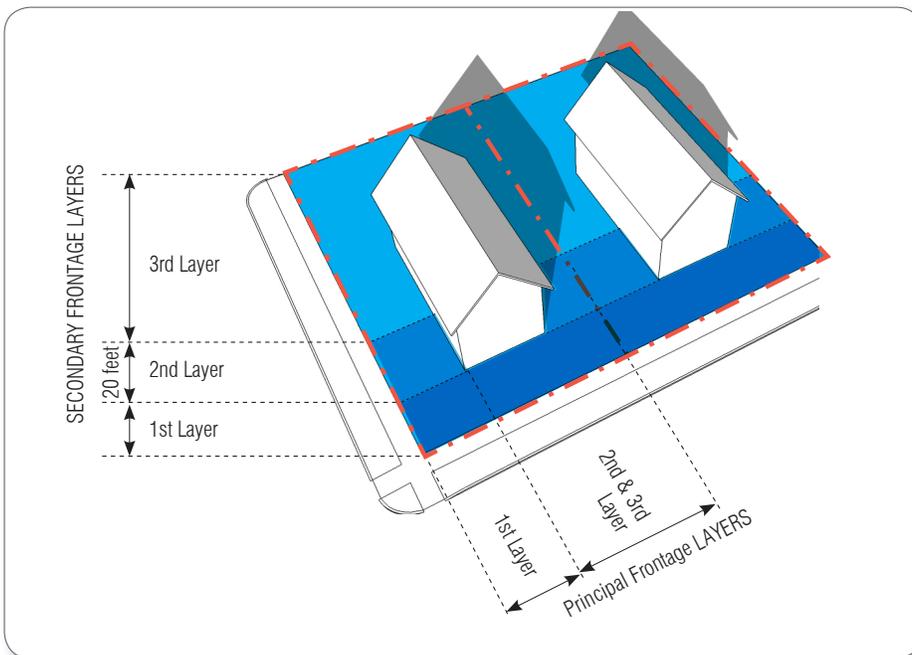


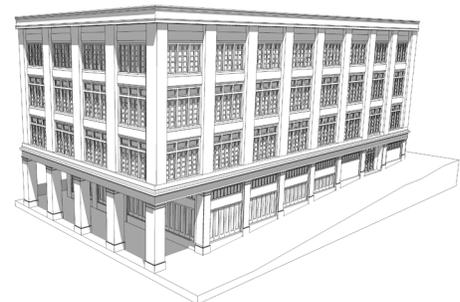
Illustration 14.6.3-A - Lot Layers

### 14.6.4 - TOPOGRAPHY AND HILLSIDE REQUIREMENTS

- a) Purpose and Applicability. This Subsection establishes standards and guidance for development on sites with irregular, undulating, or uneven topography. The standards in this Subsection shall apply in all Form Districts.
- b) Building Height. Sites with uneven topography present unique issues in relation to building height. The Burlington Form-Based Code addresses building height in the following ways:
  - i. Maximum and/or Minimum Building Height. Building heights are regulated by Form Districts (See Section 14.3 - Specific to Form Districts) and the Regulating Plan Map 2 (See Section 14.2 - Regulating Plan - Special Requirements).
  - ii. Overall Building Height. The maximum height of a building follows the existing topography of a site and shall be measured from the lowest grade along a Frontage. This ensures that buildings comply with the building height across an entire site. See SubSection 14.6.5 (Building Height).
  - iii. Exposed Basements. The maximum amount a basement may be exposed before it counts as a building Story is set forth in Subsection 14.6.5-b). At the point where an exposed basement no longer counts as a building Story, the height of the building may be increased.
- c) Grading or Regrading of Sites. 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 blank walls taller than four 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 14.6.4-A & 14.6.4-B below show methods of appropriate site grading methods.
- d) Administrative Relief. Subsection 14.7 (Varying The Form; Administrative Relief) provides a process to obtain variations to standards found in this Chapter due to topographic constraints.



*Illustration 14.6.4-A - Appropriate Site Grading*



*Illustration 14.6.4-B - Appropriate Site Grading*

### 14.6.5 - 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's downtown. The maximum and minimum height of a Building shall be as determined by Section 14.3 Specific to Form Districts.
- b) 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 must extend beyond 33% of the floor area below to be counted as an additional Story.

- ii. Basement floors with an exterior exposed wall greater than 4 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.
- c) Basements and Crawl Spaces
  - i. Exposed basement walls visible along any Frontage shall not exceed nine feet in height measured from the exterior finished grade to the finished floor of the Story above.
  - ii. Unfinished crawl spaces taller than three feet shall be screened from view of public Thoroughfares with landscaping.
  - iii. Unfinished crawl spaces shall not exceed five feet in height measured from the exterior finished grade to the finished floor of the Story above.
- d) Discretionary Building Height: In its discretion to approve or deny a Building seeking additional height over the by-right height allowed in the respective Form District, the Development Review Board, after a Public Hearing and review by the Design Advisory Board, shall consider the following:
  - i. Conformance and Consistency:
    - a. Conformance with the adopted land use and development plans for the area as addressed in the Municipal Development Plan;
    - b. The consistency with the purpose of this ordinance;
    - c. The consistency with the intent of the Form District where the project is located;
  - ii. Design:
    - a. The proposed building presents an architecturally significant design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline and 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. The building has been sited and designed so as to be compatible with the surrounding area and not create an undue adverse impact with the development, use and enjoyment of adjacent property
    - c. Step backs, horizontal and vertical variation, selection of materials and other architectural design technics are used to reinforce the street wall, create transitions from buildings of a smaller mass and height, and reduce the actual and perceived height and mass of the upper stories from the street level;
    - d. Upper story proportions of the building are oriented, tapered and/or separated into separate masses in order to retain sky view between individual buildings
  - iii. Impacts: Siting, massing, orientation and other architectural design techniques shall be used to avoid creating substantial:
    - a. Wind impacts at the street level by evaluating pre-and post-development wind speeds and their impact on pedestrian movement and comfort within existing and proposed pedestrian seating and circulation areas; and,
    - a. Shadow impacts by reducing the size and length of time shadows cast on nearby Frontages and Civic Spaces at the equinoxes – March 21 and September 21.
- d) Allowed Encroachments Beyond Height Limits: Encroachments beyond the maximum Building Height limits in any Form District may be permitted subject to the limitations in Table 14.6.5-A below:

**TABLE 14.6.5-A: ALLOWED ENCROACHMENTS BEYOND HEIGHT LIMITS**

ELEMENT	ADDITIONAL REQUIREMENTS
Antennas or Chimneys	Shall not exceed 10 feet above the top of the building Antennas and telecommunications equipment shall be fully screened from street level view.
Steeple, Towers or Other Unoccupied Other Architectural Features	Shall not exceed 20% of the roof area <sup>2</sup> and shall not exceed 20% of the height limit. Such features shall be incorporated in a manner consistent with the overall architectural design of the Building.

**TABLE 14.6.5-A: ALLOWED ENCROACHMENTS BEYOND HEIGHT LIMITS**

Stairs Towers or Elevator Towers	Shall not exceed 20% of the roof area <sup>2</sup> . Where incorporated into and hidden within the roof Structure or a mechanical penthouse, no such area limit shall apply. Enclosures shall be incorporated in a manner consistent with the overall architectural design of the Building.
Mechanical Equipment and Screening	Shall not exceed 20% of the roof area <sup>2</sup> , and shall be fully screened on all sides to the full height of the equipment being screened, and positioned to be completely unseen from street level view. Screening may consist of parapets, screens, latticework, louvered panels, or other similar methods.  Where incorporated into and hidden within the roof Structure or a mechanical penthouse, no such area limit shall apply. Enclosures shall be incorporated in a manner consistent with the overall architectural design of the Building.
Solar Panels, Solar Water Heating or Wind Turbines <sup>1</sup>	Shall not exceed 20% of the building height.
Urban Agriculture Structures	Shall not exceed 10 feet above the top of the building.

<sup>1</sup> Exempt from any height or area requirements if net metered. (See Statute 24 V.S.A. 4412(6) and 4413 (b) & (g).)

<sup>2</sup> Area limitations shall not be cumulative.

**14.6.6 - 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.

**14.6.7 - 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. The following shall be applicable to an application involving any type of day care center:
- 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; and,
  - iv. No more than one residential unit on any parcel may be converted for the creation of a single small day care center. Such a conversion shall be exempt from the requirements of Article 9, Part 2- Housing Replacement.
- 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 Structure 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, except if located in FD4, in which case the fuel pump shall be located at least 30 feet from that Lot Line;
  - ii. Access to a public street shall be located a minimum of 50 feet from any interSection between public streets 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’;
  - iv. Where canopies are proposed over gas pump islands, they shall not be located in the First Lot Layer and within five feet of a Lot Line , except if located in FD4, in which case the canopy shall not be located within 20 feet of the 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 en-trance; and,
- e) Community House. The following shall be applicable to an application involving a Community House:
- i. Density shall not exceed 1 person per two hundred (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) Accessory Dwelling Units. One Accessory Dwelling Unit, located within or appurtenant to an owner-occupied single family Dwelling, shall be allowed as a permitted use and shall not be counted as a Dwelling Unit for the purposes of density calculation. The following shall be applicable to an application involving an Accessory Dwelling Unit:
- i. The Accessory unit shall not consist of more than 30 percent of the total habitable floor area of the building, inclusive of the Accessory Dwelling Unit;
  - ii. The Accessory unit shall be inhabited by no more than 2 adult occupants;
  - iii. All standards for the underlying Form District shall continue to be applicable;
  - iv. One additional parking space allocated to the Accessory unit shall be provided; where on-site parking is required,
  - v. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the Accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for

the unit unless the owner has recorded such a notice; and,

- vi. If either the primary unit or the Accessory unit is no longer owner occupied as a primary residence, the approval for the Accessory Dwelling Unit shall become void and the kitchen of the Accessory Dwelling Unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an Accessory unit that is the result of additional Square footage and/or a new Accessory Structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional Square footage is added to a single family home for purposes of creating an Accessory unit and the Accessory unit is at any point discontinued, none of the additional Square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.
- g) 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 vehicular 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;
  - vii. All standards for the underlying Form District shall continue to be applicable;
  - viii. A Home Occupation located in FD4 may be approved by the administrative officer subject to the following:
    - A. Home Occupations shall be limited to low impact uses using typical home kitchen or office equipment such as computers, desks, drafting tables, stoves, refrigerators, microwaves or other similar furnishings;
    - B. No more than 25%, up to 500 Square feet, of a residence can be used for the Home Occupation;
    - C. All employees shall be residents of the residence where the Home Occupation is conducted;
    - D. No clients or customers come to the premises;
    - E. There shall be no more than one vehicle associated with the Home Occupation with commercial identification;
    - F. Deliveries or pick-ups via small service vehicles, but excluding semi trailers or 18 wheel vehicles, shall occur no more than an average of one (1) time per day between the hours of 8 am and 6 pm;
    - G. No Signs shall be allowed.
  - ix. Any other Home Occupation located in FD4 may be approved by the Development Review Board subject to the following:
    - A. No more than thirty-five percent (35%) of the floor area of said residence, including Accessory Structures, up to a maximum of seven hundred fifty (750) Square feet, whichever is less, shall be used for such purpose;
    - B. A Home Occupation shall be conducted solely by resident occupants plus no more than two (2) full-time equivalent employees;
    - C. No more than one client or customer at a time may be permitted to come to the premises; and,
    - D. One non-illuminated wall Sign that shall not exceed two (2) Square feet may be permitted. (See Section 14.6.9-J - Wall Sign)

- h) 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: North Ave., Shelburne St., Main St., St. Paul St., Colchester Ave., 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 or on the same Lot may be permitted; and,
  - iv. All standards for the underlying Form District shall continue to be applicable.
- i) Outdoor Dining Areas and Entertainment for Restaurants and Drinking Establishments. Outdoor areas on any public Sidewalk or Alley requires a permit from the City Council. The following shall be applicable to an application on private property involving outdoor dining areas and entertainment for restaurants and drinking establishments:
  - i. Outdoor areas on any public Sidewalk or Alley requires a permit from the City Council. Any outdoor area located within 100 feet of a FD4 boundary line requires conditional use approval from the Development Review Board;
  - ii. Within 500 feet of a FD4 boundary line, the outdoor area 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;
  - iii. Within 500 feet of a FD4 boundary line, entertainment, including the use of audio/visual equipment or amplified sound requires conditional use approval from the Development Review Board;
  - iv. With the exception of the Frontage, decorative walls or fencing shall be used to enclose an outdoor area; and,
  - v. 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 during the off-season.
- j) Solid Waste Storage Areas. Solid waste and recycling containers for all multi-family residential and non-residential developments shall comply with the following:
  - i. Driveways and aisles shall be not be obstructed;
  - ii. All solid waste collections and recycling containers shall be enclosed or screened so as not to be visible from the right-of-way or other publicly Accessible areas. The Structure shall be enclosed on all sides, one of which includes a gate or door that can be secured;
  - iii. The enclosures may not be located in the First Lot Layer, required parking or Landscape Areas or any other area required by law to be maintained;
  - iv. The enclosure may consist of a solid wood or masonry walls, wooden stockade, picket or lattice fencing or screened by landscaping;
  - v. The enclosure shall be a minimum of one foot taller than the container; and,
  - vi. Receptacles and/or enclosures shall be covered and maintained in a manner that prevents blowing trash and is secured from rodents or other pests.

### 14.6.8 - PARKING, LOADING, SERVICE, DRIVEWAYS AND CIRCULATION

- a) Purpose. This Subsection regulates and ensures the provision of parking spaces and Access drives are 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. Parking, loading, service and Driveway requirements as set forth in this Subsection and Section 14.3 (Specific to Form Districts) shall apply to the following:
- i. New development, changes in land use; and changes to a building or Structure that cause an increase or decrease of 25 percent or greater made subsequent to the effective date of this Form-Based Code:
    - A. Gross floor area
    - B. Seating capacity
    - C. Dwelling Units.
- Parking Lot design and location, loading, service and Driveway requirements apply in all Form Districts. See Section 14.3 (Specific to Form Districts).
- c) General Parking 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 parked within a completely enclosed building.
  - iv. Up to 50% of the on-site parking spaces may be leased on a monthly basis to off-site users without being considered a Parking Lot or Parking Structure.
  - v. Parking Structures shall be located behind or enclosed within a Perimeter Building (See Section 14.4.13).
  - vi. Parking Lots and Parking Areas shall be screened from view from the Thoroughfare.
- d) Minimum Number of Parking Spaces Required
- i. The minimum number of parking spaces required are listed in Table 8.1.8-1 Minimum Off-Street Parking Requirements found in Article 8 of the *Burlington Comprehensive Development Ordinance*, and shall only apply in FD4. If a use is not listed, no minimum on-site parking shall be required. When calculating the required number of parking spaces, numbers shall be rounded to the closest whole number.
  - ii. 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* are automatically reduced to comply with the standards for the Form District without any additional action on the part of the Property Owner
- e) Maximum Number of Parking Spaces. When calculating the maximum number of parking spaces, numbers shall be rounded down to the closest whole number. The maximum number of off -street parking spaces shall be as follows:
- i. 125 percent of the required minimum number of parking spaces.
- f) Off-Site Parking. Required off-street parking per b) above, may be provided if the following standards are met:
- i. The required parking is provided in an off-street parking facility or another site within 1,000 feet of the site proposed for development, as measured along Thoroughfare right-of-ways that provide Access to both sites;

- ii. Pedestrian Access between the site and the off-site Parking Area shall be via concrete or paved Sidewalk or walkway; and
  - iii. The owners of the site and the off-site Parking Area shall provide a recorded parking agreement or covenant in a form approved by the City Attorney reflecting the arrangement between the sites.
- g) Parking Adjustments. The minimum number of off-street parking required by b) above, may be reduced as follows:
- i. Shared Parking. For two or more use types, shared parking shall be calculated as follows. Multiply the minimum parking requirement for each individual use as set forth in in Table 8.1.8-1 Minimum Off-Street Parking Requirements found in Article 8 of the *Burlington Comprehensive Development Ordinance* by the appropriate percentage as set forth in Table 14.6.8-B Shared Parking Factor for Two or More Uses below for each of the designated time periods and add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

**TABLE 14.6.8-B - SHARED PARKING FACTOR FOR TWO OR MORE USES**

	Weekday			Weekend		
	Day 8am-5pm	Evening 5pm-12am	Night 12am-8am	Day 6am-6pm	Evening 6pm-12am	Night 12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office/Industrial/ Warehouse	100%	20%	5%	5%	5%	5%
Commercial/Retail	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Other Entertainment	40%	100%	10%	80%	100%	50%
Institutional	100%	20%	5%	10%	10%	5%
Church	10%	5%	5%	100%	50%	5%
All other uses	100%	100%	100%	100%	100%	100%

- ii. Waivers from Parking Requirements/Parking Management Plan. The total number of parking required may be further reduced subject to the requirements of Section 8.1.14 of the CDO.
- h) Parking Spaces, Lot Design and Layout
- i. Access. The following standards are applicable to off-street parking lot access design and include parking for single-family residences 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 Areas shall be Accessed by a Rear Alley or Lane, or from a Secondary Frontage, where such is available and functional.
  - D. Vehicular entrances and Driveways to Loading Areas, Parking Lots, Parking Areas, Garages and Parking Structures shall be no wider than 10 feet in FD4 and 24 feet in all other Form Districts, at the Frontage.
  - E. Retaining walls to provide Access to underground parking may be no more than 15-feet in height.
  - F. The location, design and construction of all off-street parking Access points to a public Thoroughfare shall meet the requirements of the City Engineer.
  - G. Angled spaces may be configured as either head-in or back-in.
- ii. 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. Stacked or valet parking may be allowed if an attendant is present to move vehicles.
    - B. Tandem Parking may be provided for an individual Dwelling Unit and dedicated employee-only parking provided it is designed as such.
    - C. Vertically stacked parking may be allowed. Vertically stacking 3 or more vehicles may be allowed only if an attendant is present.
- i) Materials and Markings
    - i. Unless otherwise approved by the Department of Public Works, all off-street Parking Areas and Driveways shall be surfaced with an impervious surfacing material. The use of pervious or semi-pervious Parking Area surfacing materials including, but not limited to “grasscrete,” or recycled materials such as glass, rubber, used asphalt, brick, Block and concrete may be approved by the Department of Public Works for required vehicular surface area on a site, provided such areas are properly maintained. Where possible, such materials should be used in areas in proximity to and in combination with on-site stormwater control devices.
    - iii. Off-Street Parking Areas of four or more spaces and off-street 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.
    - iv. All Parking 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 Sidewalks and Driveways meet, the Sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.
- j) 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.
    - i. 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.
- k) Dimensional Standards for Parking Spaces and Aisles
    - i. General. Standard and compact car parking spaces and Parking Lot aisles shall comply with the minimum dimension standards established in Table 14.6.8-C (Minimum Dimensional Requirements) and as shown in Illustration 14.6.8-B - Parking Dimensions below. No more than 25% of the total parking spaces may be designed and designated for compact cars.

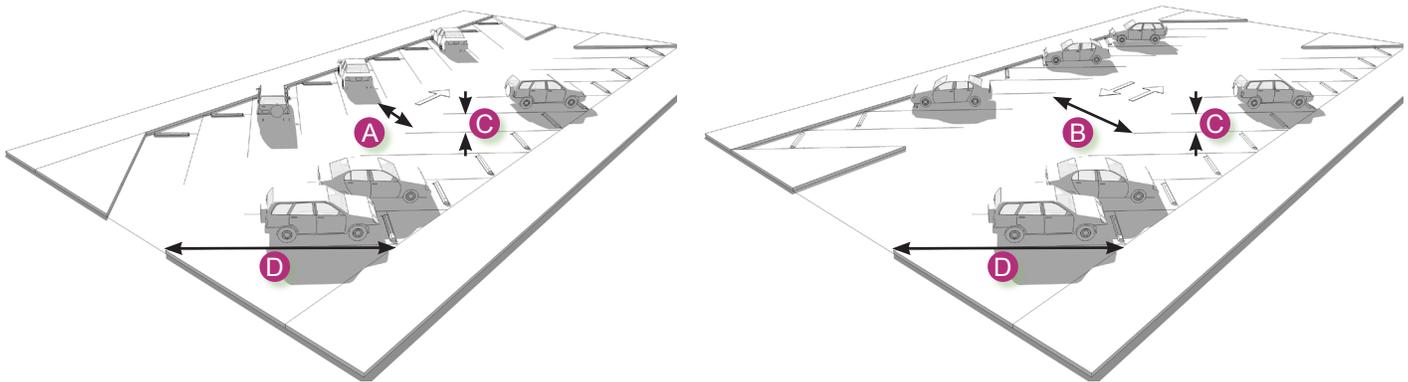
**TABLE 14.6.8-C: MINIMUM DIMENSIONAL REQUIREMENTS**

ANGLE	DRIVE ASILE WIDTH		PARKING SPACE	
	One-Way (A)	Two-Way (B)	Space Width <sup>1</sup> (C)	Space Length (D)
Tandem			9' <sup>2</sup>	36'
Compact			7.5'	15'
Scooter/Motorcycle			4'	8'
Parallel	12'	20'	8'	18'
45° <sup>3</sup>	12'	N/A	9' <sup>2</sup>	18'
60° <sup>3</sup>	14'	N/A	9' <sup>2</sup>	18'
90°	N/A	22'	9' <sup>2</sup>	18'

<sup>1</sup> Where a physical barrier (other than a structural column) exists along one side of the parking stall, the minimum stall width shall be increased by 1-foot. Where a physical barrier exists along both sides of the parking stall, the minimum stall width shall be increased by 2-feet.

<sup>2</sup> The minimum stall width may be reduced to 8.5' for spaces dedicated to residential uses.

<sup>3</sup> Angled spaces may be either head-in or back-in.



*Illustration 14.6.8-B - Parking Dimensions*

- ii. Dimensional Adjustments. Parking Structures may be subject to dimensional adjustments based on utilization or site constraints, but in no case shall the standard parking space width be less than eight feet. Reduction in design standards shall be subject to approval by the City Engineer.
  - iii. Vertical Clearance. All parking spaces shall have a minimum overhead clearance of six foot, eight inches (6'8").
  - iv. Reduction for Planter Overhangs. When a parking space abuts a planter; the front two feet of the required parking space length may overhang the planter provided that wheel stops or Curbing are provided and the remaining area out-side of the overhang meets the minimum width requirements of the planter.
- l) Landscaping
- i. Parking Areas and Parking Lots with ten (10) or more spaces shall be planted with two Trees for every ten (10) spaces. Each row of parking shall be terminated with a landscape island (see Sec. 14.6.12 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 five feet (5') wide, and the pavement of such walkways 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.
- m) Driveways and Loading Areas Requirements
- i. Drive-thru are not allowed.
  - ii. Driveways may be shared between Adjacent parcels.
  - iii. Loading and service areas, parked cars, overhead doors, and other service entries shall not be located on a primary street Facades and shall be screened from view by a building or Streetscreen.
  - iv. Loading and service areas shall be Accessed by a Rear Alley or Lane, or from a Secondary Frontage, where such is available.

### 14.6.9 - BICYCLE PARKING STANDARDS

- a) Purpose. This Subsection regulates and ensures the provision of parking spaces that are designed for bicycles. These standards ensure that bicycle parking needs of new land uses and development are met, while ensuring bicycle parking spaces are designed and located in a consistent manner. These standards also ensure the provision of bicycle access to residential, employment, commercial destinations and other transportation choices; the provision of safe, convenient and adequate bicycle parking facilities that (1) meet the demands of the use of the property; (2) reduce hazards to pedestrians; (3) enhance the visual quality of the city; (4) reduce the adverse impacts associated with the bicycle parking, which includes bicycles parked on parking meters, , signs, trees, etc; and (4) encourage the use of bicycles, which has the effect of reducing traffic congestion, influencing modal split, and increasing the safety and welfare of residents and visitors to the City.
- b) Applicability. Bicycle parking requirements as set forth in this Subsection shall apply to the following:
- i. New development, changes in land use; and changes to a Building or Structure that cause an increase or decrease of 25 percent or greater made subsequent to the effective date of this Form-Based Code:
    - A. Gross floor area; Seating capacity; or Dwelling Units.
- c) Joint Use of Bicycle Parking Facilities
- i. Required bicycle parking spaces for two (2) or more Adjacent uses or Structures may be satisfied by the same parking facilities used jointly, provided that such right of joint use and maintenance is evidenced by a deed, lease, contract, reciprocal easement, or similar written instrument establishing the joint use, and that the facilities are within 200 feet of the building or parcel housing the use.
- d) Bicycle Parking Requirements
- i. Minimum bicycle parking for all uses and Structures in all Parking Districts shall be provided in accordance with Table 14.6.9-A.
    - A. Where no requirement is designated, and the use is not comparable to any of the listed uses, bicycle parking requirements shall be determined by the DRB upon recommendation of the city's bicycle and pedestrian planner based upon the capacity of the facility and its associated uses.
    - B. When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.
    - C. Where bicycle parking is required, the minimum number of bicycle parking spaces provided at each site shall be two (2), not including long-term parking.

**TABLE 14.6.9-A - MINIMUM BICYCLE PARKING REQUIREMENTS**

	<b>SPECIFIC USE</b>	<b>LONG TERM SPACES</b>	<b>SHORT TERM SPACES</b>
<b>Per Square Feet of Gross Building Area, except as noted otherwise</b>			
<b>RESIDENTIAL</b>			
Household Living	Multi unit	1 per 4 units	1 per 10 units
Group Living	Elderly housing	1 per 10 units	1 per 10 units
	Fraternity, sorority, & dormitory	1 per 4 residents	1 per 8 residents
Temporary lodging	Hotel, motel, bed & breakfast, boarding house, campground	1 per 20 rooms/sites	2 per 20 rooms/sites
<b>COMMERCIAL</b>			
Office		1 per 5,000 sf	1 per 10,000 sf
	Medical, dental	1 per 5,000 sf	1 per 8,000 sf
Retail sales and service		1 per 20,000 sf	1 per 5,000 sf
	Auto, boat, motorcycle related sales, service and retail	1 per 30,000 sf	1 per 10,000 sf
	Restaurants, bars, taverns	1 per 10 employees	6% of occupancy load
<b>INDUSTRIAL</b>			
Industrial, manufacturing, production and warehousing		1 per 20,000 sf	1 per 50,000 sf
<b>PERMITTED, PUBLIC/INSTITUTIONAL USES</b>			
Colleges or Universities	Excluding dormitories	1 per 20,000 sf	3 per 5,000 sf
Daycare, except home		1 per 20,000 sf	1 per 10,000 sf
Schools	Grades 2-5	1 per 20,000 sf	2 per classroom
	Grades 6-12	1 per 20,000 sf	4 per classroom
Community Services	Museums, aquariums, libraries, community centers, municipal buildings, Post office	1 per 20,000 sf	3 per 5,000 sf
Medical Center	Excluding medical or dental offices	1 per 10,000 sf	1 per 20,000 sf
Worship, places of		1 per 20,000 sf	1 per 40 seats
Recreation, government owned	Parks	Per DRB review	1 per 10 daily users
<b>OTHER</b>			
Terminal	Taxi/Bus/Passenger/Ferry	As determined during Site Plan Review by DRB	As determined during Site Plan Review by DRB
Parking	Parking Lot, Garage; public or private	4, or 5% of automobile spaces, whichever is greater	None

- e) Limitations
  - i. No bicycle parking spaces required by this standard shall be rented or leased to employees or residents residing at the location at which bicycle parking is required; however, a refundable deposit fee may be charged. This does not preclude a bike parking rental business.
  - ii. Providing bicycle racks on the public right of way must be approved by the department of public works.
- f) Location & Design Standards
  - i. All bicycle parking facilities shall be installed in accordance with the department of public works "Bicycle Parking Guidelines."
  - ii. Short-term bicycle parking or a Sign leading thereto shall be highly visible from the main entrance of the Structure or facility.
  - iii. Short-term bicycle parking shall be as convenient to cyclists as auto parking.
  - iv. Bicycle parking facilities such as bicycles racks and lockers shall provide sufficient security from theft and damage. Bicycle racks shall be securely anchored to the ground, shall support and allow the bicycle wheel and frame to be locked to the rack, and shall be in a location with sufficient lighting and visibility.
  - v. Bicycle parking facilities shall be visually compatible and of a design standard consistent with their environment and the development standards of Art 6.
  - vi. Required bicycle parking spaces shall be of a sufficient dimension to accommodate a full-sized bicycle, including space for Access and maneuvering.
  - vii. Bicycle parking facilities shall be sufficiently separated from motor vehicle Parking Areas to protect parked bicycles from damage by motor vehicles.
  - vii. The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud and snow.
  - viii. Existing bicycle parking may be used to satisfy the requirements of this Section provided the rack design is consistent with the department of public works "Bicycle Parking Guidelines."
- g) Long Term Bicycle Parking
  - i. Long term bicycle parking shall:
    - A. Protect bicycles from the weather;
    - B. Provide secure storage that prevents theft of the bicycle and Accessories; and,
    - C. Be located in a well lit area.
  - ii. Long Term bicycle parking requirements can be met in any of the following ways:
    - A. A bicycle storage room;
    - B. Bicycle Lockers, pods, or lids;
    - C. Lockable bicycle enclosure; or
    - D. By certifying to the city's bicycle and pedestrian planner that employees may store their bicycles within their workspace.
  - iii. When long term bicycle parking is required, showers and changing facilities for employees shall be required in accordance with Table 14.6.9-B, except for parking garages, Parking Lots, and residential units, which are exempt from the requirements of this Section. Shower and changing facilities shall be provided onsite or through an agreement for nearby offsite use.

**TABLE 14.6.9-B: SHOWER AND CHANGING FACILITIES**

REQUIRED LONG TERM SPACES	MINIMUM NUMBER OF REQUIRED SHOWER AND CHANGING FACILITIES
1-4	1
5-10	2
11-20	3
21+	4 plus one for each additional 15 Long Term spaces or part thereof

**14.6.10 - SIGN STANDARDS**

- a) Purpose and Applicability. The purpose of this Subsection is to provide Property Owners and occupants an opportunity for effective identification subject to reasonable, yet appropriate conditions for identifying goods sold or produced or services rendered in all Form Districts, and maintain and enhance the quality of the City’s appearance by:
  - i. Controlling the size, location and design of temporary and permanent Signs so that the appearance of such Signs will reduce Sign clutter, be aesthetically harmonious with their surroundings, and will enhance the overall appearance of the built environment.
  - ii. Ensure that Signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and reduce potentially hazardous conflicts between commercial or identification Signs and traffic control devices and Signs.

The standards of this Subsection apply to all Signs as permitted by the Form Districts (Section 14.3 - Specific to Form Districts, Special Districts). Signs regulated by this Subsection shall not be erected or displayed unless a zoning permit is obtained or it is listed as exempt.

- b) Exempt Signs. The following Signs are exempt from the permit standards of this Subsection and are permitted in any Form District:
  - i. One identification Sign per Dwelling Unit or business not to exceed two (2) square feet which serves only to indicate the address.
  - ii. Public information, traffic control, identification, special event, directional, and other Signs erected by or at the direction of:
    - A. A government agency; or
    - B. A public utility or other quasi-public agent in the performance of a public duty.
  - iii. City entry, community or district identification Signs not exceeding eighty (80) square feet in area and eight feet in height.
  - iv. Memorials/ Interpretative/Historical Sign or Tablets displayed by a public or education non-profit agency strictly for the purposes of informing or educating the public provided the area shall not exceed twelve (12) square feet per face.
  - v. Names of buildings or dates of erection when carved in stone, concrete or similar material or made of bronze, aluminum or other permanent type material.
  - vi. Property management and directional Signs displayed strictly for the control, direction, safety or convenience of the public provided the area of any such Sign shall not exceed two (2) square feet. Examples include but are not limited to: private nature of a road, Driveway or premises, Parking Area entrances or exits, regulating fishing or hunting and trespassing.
  - vii. Credit card, trading stamp, or trade association Signs not exceeding one-half Square foot each and not exceeding ten per establishment.
  - viii. Flags or emblems of religious or governmental organizations not exceeding forty (40) square feet each with no single dimension greater than eight (8) feet. The number of flags shall not exceed three per 50 feet of frontage. A flag may be flown from the supports on a building or be displayed on a pole not exceeding thirty (30) feet in height.
  - ix. Repainting, refacing, repair or change of lettering, logo or colors using the same materials within an existing Sign frame.

- c) Prohibited Locations and Features for Signs
- i. Prohibited Locations
    - A. No Sign shall be located within or over the public right-of-way unless displayed by a governmental entity or as provided Section 14.3 (Specific to Form Districts).
    - B. Signs shall not be located on property without prior authorization granted by the Property Owner, or in the case of public parks or any public property without the permission of the City of Burlington.
    - C. Signs shall not be located where the view of approaching or intersecting traffic would be obstructed.
    - D. Signs shall not be located as to interfere with clear and unobstructed view of a highway or official Sign, and/or the safe movement of vehicles, bicycles or pedestrians operating within, entering, leaving or crossing a public right-of-way or Thoroughfare.
    - E. Signs shall not be located on the roofs of buildings or Structures.
    - F. Signs shall not interfere with pedestrian movement along Sidewalks and paths.
    - G. Signs shall not be attached to any traffic control Sign, utility pole, street Sign or Tree, except for Signs installed by or at the direction of a government agency for public information or special events.
    - H. Signs shall not be mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises close to the public right-of-way or within public right-of-way in a manner intended to attract the attention of the public for advertising purposes, except where the motor vehicle or trailer is regularly and consistently used and moved to conduct normal business activities.
    - I. Off-premise Signs which advertise or otherwise direct attention to any commodity or activity, sold, offered or conducted elsewhere then on the premises upon which such Sign is located.
  - ii. Prohibited Features
    - A. Moving, flashing, or animated Signs including but not limited to searchlights, streamers and spinners;
    - B. Inflatable Signs, such as but not limited to balloons, gas inflated Signs or similar inflated Signs;
    - C. Portable Signs, except for Sandwich Board Signs as permitted by the Department of Public Works;
    - D. Flags, other than those specifically allowed in 14.6.9 (a); and
    - E. Outdoor image projections (Signs projected from an external light source onto a building or Structure) or any other similar devices.
    - F. Any Sign and materials that are distracting to motorists and interfere with the safe movement of vehicles, bicycles or pedestrians operating within, entering, leaving or crossing a public right-of-way or Thoroughfare.
- d) Permanent Signs
- i. Permanent Signs shall meet the standards set forth in Subsections 14.6.10 and Tables 14.6.10-C through 14.6.10-K.
  - ii. The number of allowed permanent Signs is set forth within the Form District, see Section 14.3 (Specific to Form Districts) or Section 14.6.10 (Supplemental to Form District - Sign Standards).
- e) Temporary Signs. Temporary Signs are allowed in all Form Districts and shall meet the following standards:
- i. Shall only be externally illuminated.
  - ii. Shall meet the standards found in Table 14.6.10-A (Allowed Temporary Signs).
  - iii. Permits are not required for allowed temporary Signs.

**TABLE 14.6.10-A - ALLOWED TEMPORARY SIGNS****TEMPORARY CONSTRUCTION SIGNS**

Number of Signs	1 per site max.
Types Allowed	Non-illuminated freestanding or wall
Total Sign Face Area	32 sf for residential max.; or 64 sf for commercial max.
Sign Height	8' max.
Location	Installed on the premises of a project under construction
Duration/Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.

**CONSTRUCTION SITE WRAP SIGN**

Number of Signs	1 per street frontage max.
Sign Height	12' max.
Location	Installed along the perimeter of the premises of a project under construction
Duration/Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.

**CONSTRUCTION WINDOW WRAP SIGN**

Number of Signs	1 per window and/or door max.
Sign Area	Must fill the entire glazed portion of the window and/or door.
Location	Installed on the premises of a project under construction.
Duration/Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.

**SPECIAL EVENT BANNER OR SIGN**

Size	12' max. along any dimension for a maximum of 144 Square feet.
Duration/Frequency	Display shall not exceed 30 days with a minimum of 30 days between installation periods with a maximum of four display times per calendar year.

**REAL ESTATE SALE/RENTAL SIGN**

Number of Signs	1 per site per street frontage
Types Allowed	Non-illuminated freestanding or window
Total Sign Face Area	12 sf max. per Sign
Sign Height	6' max if freestanding
Location	These Signs may only be installed on the property to which they refer.
Duration	Shall be removed within three (3) days after a rental agreement has been executed or title has been transferred.

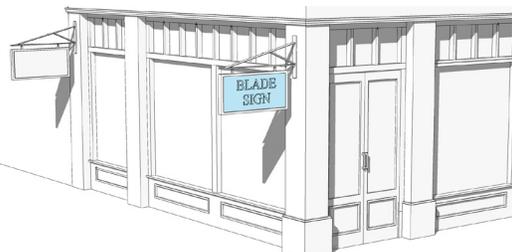
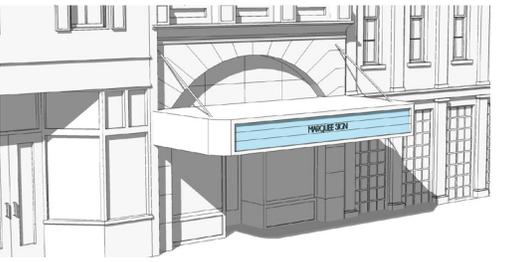
**POLITICAL SIGN**

Types Allowed	Non-illuminated freestanding or window
Total Sign Face Area	6 sf max. per Sign
Sign Height	6' max if freestanding
Duration/Frequency	Such Signs shall not be erected earlier than forty-five (45) days prior to the election to which they pertain and shall be removed within three (3) days afterwards.

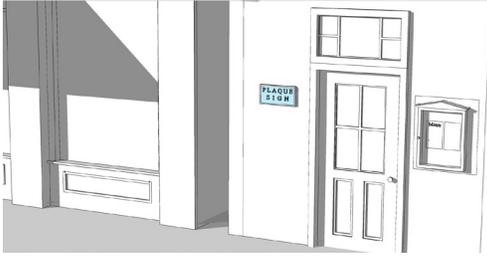
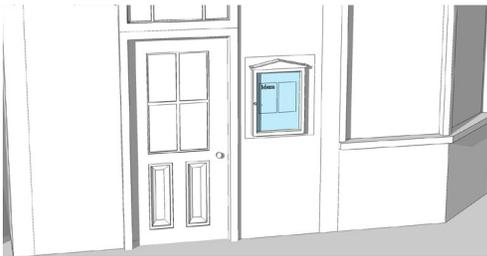
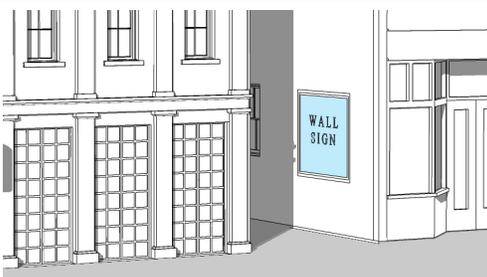
- f) Nonconforming Signs
- i. A nonconforming Sign must be brought into conformity with the provisions of the this Code, when:
    - A. The Sign is structurally or dimensionally altered, or relocated; or
    - B. When the Principal Use of the property is changed from a commercial use to a residential use.
  - ii. Provided, however, the repainting, refacing, repair or change of lettering, logo or colors using the same materials within an existing Sign frame is not considered an alteration within the meaning of this subSection and shall not require a zoning permit.
- g) Maintenance, Abandonment and Removal
- i. All Signs must be maintained in a condition or state of equivalent quality to which was approved or required by the City.
  - ii. An on-premise Sign advertising an activity, business, service or product must be removed or the Sign face replaced with a blank face within 60 days of the activity, business, or service promoted by the Sign being discontinued on the premises where the Sign is displayed.
  - iii. If the use is not reestablished or a new use is not established within two years, then the entire Sign Structure and mounting hardware must be removed.
- h) Sign Lighting. In addition to the outdoor lighting requirements of Sec. 5.5.2 of the Comprehensive Development Ordinance, the following requirements shall pertain to the lighting of all Signs:
- i. Signs shall be illuminated such that the illumination does not create glare or unduly illuminate the surrounding area.
  - ii. In addition to other permitted Lamp types, neon, LED or similar lighting may be used to illuminate Signs.
  - iii. Externally illuminated Signs:
    - A. Light fixtures used to illuminate Signs shall be top mounted and shall direct the light downward toward the Sign.
    - B. Light fixtures shall employ the use of grids, hoods, baffles or other such devices and aimed so that light is di-rected only onto the Sign face. The light source or reflective surfaces of the fixture shall not be visible from the public way or surrounding properties.
  - iv. Backlit (i.e. Halo) Signs:
    - A. Backlit Signs shall light lettering and logo and other related Sign elements only, and lighting design shall be such that no excess light spill or glare results from the back lighting fixtures and/or source. The back lit Sign shall not increase the measurable vertical light level at a point 20 feet distant from the Sign in any direction.
  - v. Internally illuminated Signs:
    - A. Internally illuminated Signs shall be designed with light lettering and graphics against a dark field.
    - B. The Sign cabinet shall fully enclose the light such the light source is not visible from the exterior of the Sign.
    - C. Internally illuminated Signs shall be designed so that Lamps produce no more than 200 Initial Lumens per Square foot.

- i) Electronic Message Displays. An electronic message display may be permitted on freestanding or marquee Signs for any public schools, recreational facilities, gas stations, theaters or performing arts centers as defined in Article 13 of the CDO subject to the following:
  - i. An electronic message display shall not have any distracting appearance of motion including but not limited to flashing, blinking, shimmering, animation, moving video, or scrolling advertising.
  - ii. An electronic message display that is readily visible to drivers of vehicles on any public way shall have characters of sufficient size to be easily discerned and must not constitute a safety hazard by distraction of drivers.
  - iii. No more than one (1) electronic message display with two sides shall be permitted per Lot.
  - iv. The area occupied by the message on an electronic message display may comprise no more than fifty (50) percent of the maximum total allowable Sign Area.
  - v. The message display area may have a maximum of three (3) lines of characters including all letters, numbers, spaces, or other symbols.
  - vi. An electronic message display shall consist only of alphabetic or numeric characters on a plain background and may not include any graphic, pictorial, or photographic images.
  - vii. A maximum of one color shall be used for an electronic message, which shall be on a dark background of one color.
  - viii. The message that is displayed may change no more frequently than once every two (2) minutes. When the display of an electronic message changes, it must change as rapidly as is technologically practicable with no phasing, rolling, scrolling, flashing, or blending.
  - ix. An electronic message display shall include internal ambient light monitors that automatically adjust the brightness level of its display according to natural ambient light conditions.
  - x. An electronic message display shall contain a default mechanism that freezes the Sign in one position if a malfunction occurs.

**TABLE 14.6.10-B - SIGN TYPES SUMMARY TABLE [NOT REGULATORY]**

SPECIFIC SIGN TYPE	ILLUSTRATION	DISTRICTS	STANDARDS
<p><b>AWNING &amp; CANOPY SIGN:</b> This Sign type is integrated within or part of an Awning or Canopy.</p>		<p>FD4 FD5 FD5-PT FD6</p>	<p>14.6.10-C</p>
<p><b>BAND SIGN:</b> This Sign type is integrated flat against the Façade of a Building</p>		<p>FD4 FD5 FD5-PT FD6</p>	<p>14.6.10-D</p>
<p><b>BLADE SIGN:</b> This Sign type is mounted on the Building Facade, projecting at a 90-degree angle, more than 1/2 inch in thickness, made of metal or other material and either not illuminated or illuminated by some source other than neon tubing or internal lighting.</p>		<p>FD4 FD5 FD5-PT FD6</p>	<p>14.6.10-E</p>
<p><b>FREESTANDING SIGN:</b> This Sign type encompass a variety of Signs that are not attached to a building and have an integral support Structure.</p>		<p>FD4 FD5 FD5-PT FD6</p>	<p>14.6.10-F</p>
<p><b>MARQUEE SIGN:</b> This Sign type is a structural feature of a Building that provides shelter and Sign space.</p>		<p>FD5 FD5-PT FD6</p>	<p>14.6.10-G</p>

**TABLE 14.6.10-B - SIGN TYPES SUMMARY TABLE [NOT REGULATORY]**

SPECIFIC SIGN TYPE	ILLUSTRATION	DISTRICTS	STANDARDS
<p><b>NAMEPLATE:</b> This Sign type consists of either a panel or individual letters applied to a Building, listing the names of businesses or Building tenants</p>		<p>FD4 FD5 FD5-PT FD6</p>	<p>14.6.10-H</p>
<p><b>OUTDOOR DISPLAY CASE:</b> This Sign type consists of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a Building wall or free-standing support. It allows the contents, such as menus or maps, to be maintained and kept current.</p>		<p>FD4 FD5 FD5-PT FD6</p>	<p>14.6.10-I</p>
<p><b>WALL SIGN:</b> This Sign type is attached to freestanding walls and is often used to mark a place of significance or the entrance to a location.</p>		<p>FD4 FD5 FD5-PT FD6</p>	<p>14.6.10-J</p>
<p><b>WINDOW SIGN:</b> This Sign type is placed or painted on the interior of a Shopfront window or the window of a business door.</p>		<p>FD4 FD5 FD5-PT FD6</p>	<p>14.6.10-K</p>

## 14.6.10-C- AWNING & CANOPY SIGN



### DESCRIPTION

This Sign type is integrated within or part of an Awning or Canopy.

### ALLOWED IN

FD4, FD5, FD5-PT, FD6

### AWNING & CANOPY SPECIFICATIONS

Area	75% of the Valance or face max and/or 25% of the sloping plane
Height, Letter	5" min; 10" max on awning Valance 18" max on sloping plane 24" max on or above canopy

### MISCELLANEOUS

Signage on a canopy shall be limited to the face or may project above.

Awning Signs shall not be internally illuminated or backlit. Canopy Signs may be backlit.

Specific standards for Awnings and Canopies can be found in [Section 14.6.11 Urban Design Standards](#).

**14.6.10-D - BAND SIGN**

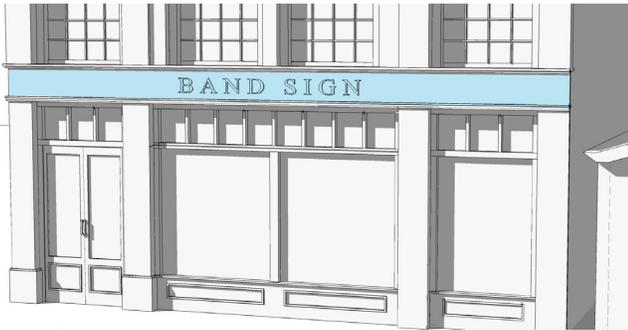


Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
This Sign type is integrated within Sign Band as part of a Shopfront or Officefront Private Frontage.	FD4, FD5, FD5-PT, FD6

**SPECIFICATIONS**

Quantity <sup>1</sup>	1 per Shopfront/Officefront max.
Area	75% of the Sign Band max.
Width	Width of Shopfront/Officefront max.
Height, Sign Band	3' max.
Depth/Projection	7" max.
Letter Height	18" max.

<sup>1</sup> See Section 14.3 (Specific to Form Districts) for maximum of sign allowed per private frontage.

**MISCELLANEOUS**

Band Signs shall include only characters, background, lighting, and an optional logo.

Cut-out Letters shall be individually attached to the wall or on a separate background panel.

Flat Panel letters shall be printed or etched on same surface as the background, which is then affixed to the wall.

Band Signs may be externally illuminated or backlit. Neon is permitted.

Where a Sign Band exists, Signage shall be located within it.

Electrical raceways, conduits and wiring shall not be exposed. Internal lighting elements shall be contained completely within the Sign assembly or inside the wall.

**14.6.10-E - BLADE SIGN**

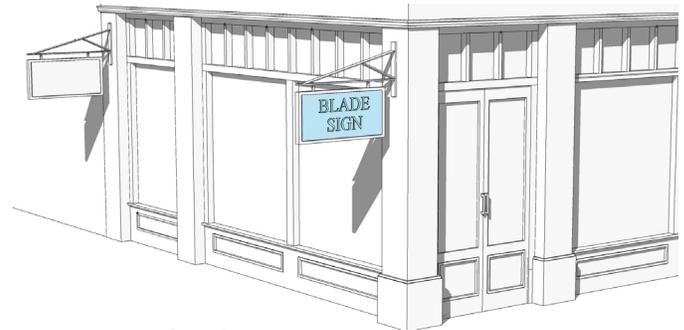


Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
This Sign type is mounted on the Building Facade, projecting at a 90-degree angle.	FD4, FD5, FD5-PT, FD6

**SPECIFICATIONS**

Quantity <sup>1</sup>	1 per Principal Entrance or Frontage max.
Area	6 sf max.
Width	4' max.
Height	4' max.
Height, Clear (above finished sidewalk)	8' min. ; 14' max.
Thickness	1/2" min.; 4" max.
Letter Height	8" max.

<sup>1</sup> See Section 14.3 (Specific to Form Districts) for maximum of sign allowed per private frontage.

**MISCELLANEOUS**

Blade Signs may be double-sided.

Blade Signs shall be permitted only for uses that have a Principal Entrance on the first Story.

The clear height of the blade Sign shall be measured from the official street grade to the top of the light standard or supporting standard, whichever is higher.

Blade Signs shall only be externally illuminated.

### 14.6.10-F - FREESTANDING SIGN

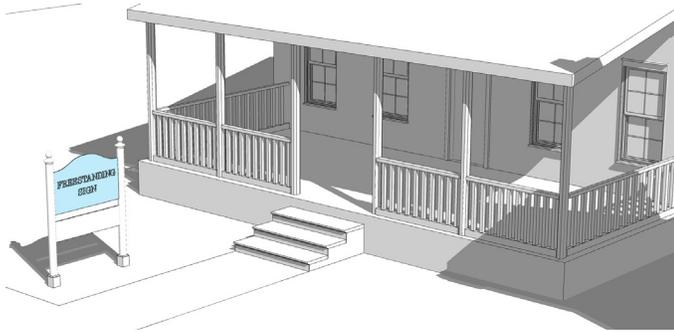


Diagram provided for illustrative purposes only.

#### DESCRIPTION

This Sign type encompass a variety of Signs that are detached from a building and have an integral support Structure.

#### ALLOWED IN

FD4, FD5, FD5-PT, FD6

#### SPECIFICATIONS

Quantity <sup>2</sup>	1 per frontage max.
Area	20 sf max.
Width	8' max.
Height, Sign	8' max.
Height, Overall	14' max. <sup>1</sup>

<sup>1</sup> See Section 14.3.4-G (Specific to Form Districts - FD4 Downtown Neighborhood - Sign) for additional limitations.

<sup>2</sup>See Section 14.3 (Specific to Form Districts) for maximum of sign allowed per private frontage.

#### MISCELLANEOUS

Freestanding Signs may be double-sided.

All portions of freestanding Signs shall be set back at least three (3) feet from the Frontage Line.

Freestanding Signs may not be located in the public R.O.W.

The height of the freestanding Sign shall be measured from the finished grade to the top of the light standard or supporting standard, whichever is higher.

Freestanding Signs may be externally illuminated or backlit.

Changeable copy Signs are only allowed for gasoline prices and Civic events and limited to no more than 50% the total Sign Area.

Freestanding Signs may include electronic message displays as provided in Section 14.6.9.h.

### 14.6.10-G - MARQUEE SIGN

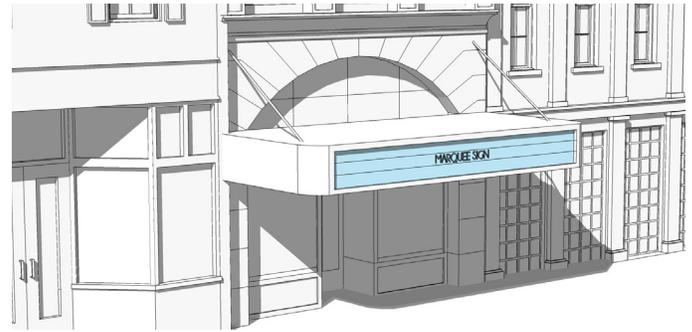


Diagram provided for illustrative purposes only.

#### DESCRIPTION

This Sign type is a structural feature of a Building that provides shelter and Sign space.

#### ALLOWED IN

FD5, FD5-PT, FD6

#### SPECIFICATIONS

Number of Marquee	1 per Frontage max
Width	Width of the Frontage Type
Height, Overall	The top of the Marquee shall be no more than the lesser of the floor level of third Story or 35'
Height, Clear (above finished sidewalk)	8' min.
Projection	6' min.; 10' max.
Distance from Curb	3' min.

#### MISCELLANEOUS

Marquee Signs shall be allowed only for Cinemas, Conference/ Convention Centers, Performing Arts Centers and Recreation Facility - Indoor.

Marquee Signs shall be located only above the Principal Entrance of a Building.

Marquee Signs shall be cantilevered or supported from above. Columns or Posts are prohibited.

Changeable message boards with removable physical lettering or electronic message displays shall be permitted as provided in Section 14.6.9 h).

**14.6.10-H - NAMEPLATE SIGN**

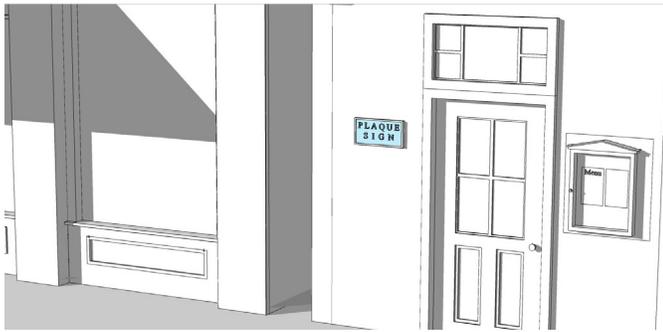


Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
This Sign type consists of either a panel or individual letters applied to a Building, listing the names of businesses or Building tenants.	FD4, FD5, FD5-PT, FD6

**SPECIFICATIONS**

Quantity <sup>1</sup>	1 per address
Area	3 sf max.
Width	18" max.
Height	24" max.
Depth/Projection	3" max.

<sup>1</sup>See Section 14.3 (Specific to Form Districts) for maximum of sign allowed per private frontage.

**MISCELLANEOUS**

A nameplate shall only provide the name, address or logo of an owner, tenant, and/or the Building to which it is affixed.

Nameplates shall consist of either a panel or individual characters applied to a Building wall within four (4) feet of an entrance to the Building.

Nameplates may only be backlit.

**14.6.10-I - OUTDOOR DISPLAY CASE**

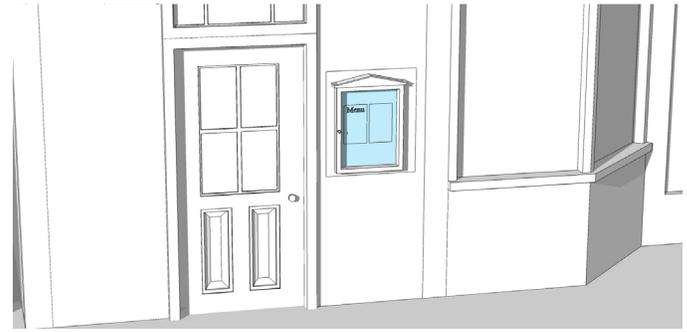


Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
This Sign type consists of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a Building wall or freestanding support. It allows the contents, such as menus or maps, to be maintained and kept current.	FD4, FD5, FD5-PT, FD6

**SPECIFICATIONS**

Quantity <sup>1</sup>	1 per business; 4 max. for theaters per Frontage
Area	6 sf max.
Width	4' max.
Height	4' max.
Projection	3" max.

<sup>1</sup>See Section 14.3 (Specific to Form Districts) for maximum of sign allowed per private frontage.

**MISCELLANEOUS**

Outdoor display cases may only be illuminated from inside the display case.

Outdoor display cases of theatres operating in the Building may be larger but shall not exceed 12 Square feet.

Outdoor display cases shall only be attached to a wall.

### 14.6.10-J - WALL SIGN

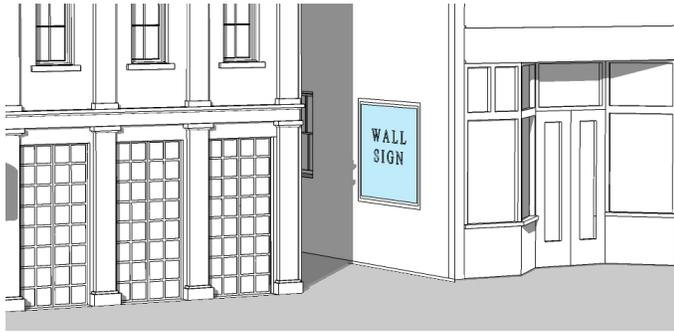


Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
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This Sign type is attached, painted or otherwise mounted parallel to a building façade or terrace wall.	FD4, FD5, FD5-PT, FD6
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#### SPECIFICATIONS

Quantity <sup>1</sup>	1 per business
Sign Area	1 sf per linear foot of business frontage, up to 80 sf max.
Width, Sign Area	50' max.
Height, Sign Area	12" min; 3' max.
Height above ground	The top of the Sign shall be no more than the lesser of the floor level of second Story or 25'
Projection	12" max.

<sup>1</sup>See Section 14.3 (Specific to Form Districts) for maximum of sign allowed per private frontage.

#### MISCELLANEOUS

Wall Signs may be externally illuminated or backlit.  
Neon is permitted.

### 14.6.10-K - WINDOW SIGN

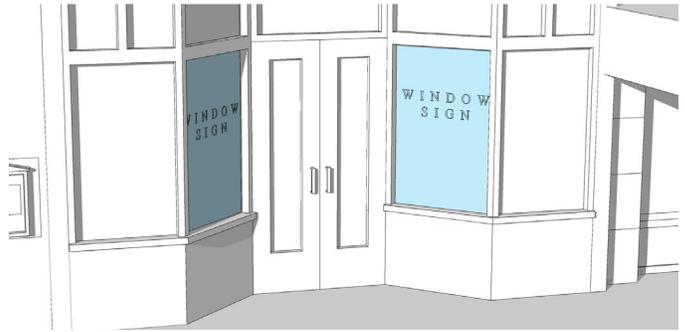


Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
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This Sign type is placed or applied on a Shopfront or Officefront window or door.	FD4, FD5, FD5-PT, FD6
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#### SPECIFICATIONS

Quantity <sup>1</sup>	1 per ground floor window and entry door
Area	25% of individual pane max.
Letter Height	8" max.

<sup>1</sup>See Section 14.3 (Specific to Form Districts) for maximum of sign allowed per private frontage.

#### MISCELLANEOUS

Characters and logos shall be placed directly on the window or hang no more than 12" from the glass.

Window Signs shall not be illuminated however the use of neon is otherwise permitted.

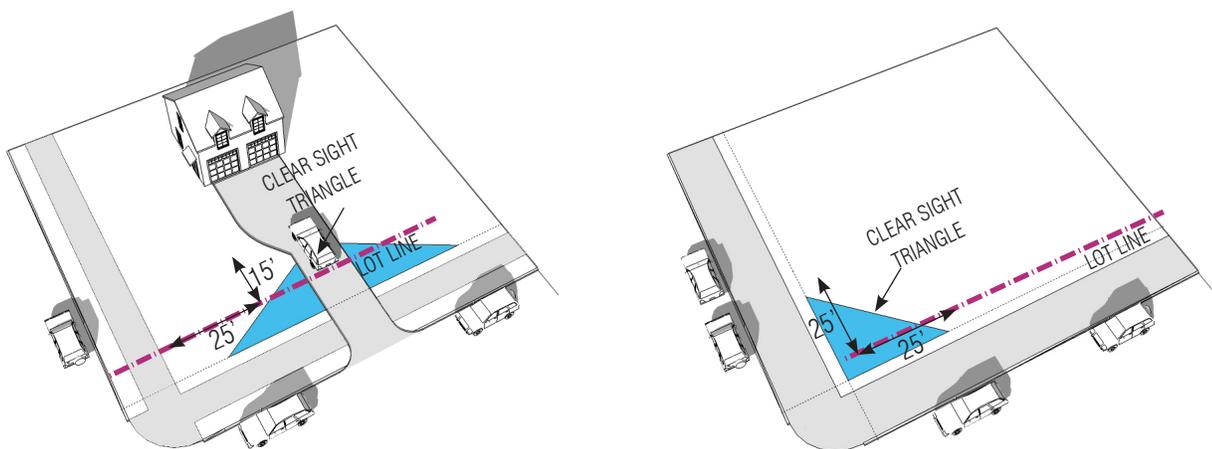
Items placed more than 12" from the glass shall not be considered a Sign.

Window Signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays.

### 14.6.11- LANDSCAPE AND SITE STANDARDS

- a) Purpose and Applicability. Landscaping shall be used to beautify 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 shall be applicable to the composition of all Buildings in the Downtown and Waterfront District.
- b) All utility service connections shall be underground for new construction and is recommended for existing buildings undergoing substantial rehabilitation.
- c) The following items are prohibited in the First Lot Layer: electrical transformers, 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.
- d) 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.
- e) Utility boxes and gas meters located Adjacent to Driveways, Parking Areas, Rear Lanes, Alleys or Rear Access Easements, shall require (2) 48"ht. 6" x 6" bollards set in concrete to protect them from vehicles.
- f) All fences shall be installed so that the finished side faces outward.
- g) 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.
- h) 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.
- i) 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.
- j) Pervious paving materials are encouraged for any paved areas in order to increase storm water infiltration on site.
- k) Constructed water features, such as fountains, streams and ponds that operate with water recirculation systems, shall be designed to prevent seepage and leaks.
- l) 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.
- m) Ground vegetation or Shrub plantings with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first two (2) feet of the First Lot Layer.
- n) Trees and Understory Trees proposed to be installed shall be centered horizontally and at a minimum shall be located:
  - i. Two (2) feet from walkways, Curbing, and other impervious pavements when planted in a Tree well or continuous planter.
  - ii. Three (3) feet from walkways, Curbing and other impervious pavements when planted in a continuous Swale.
  - iii. Five (5) feet from underground utilities, utility meters and service lines, fences, walls and other ground level obstructions.
  - iv. Six (6) feet from porch eaves, awnings and similar overhead obstructions associated with the ground level of Buildings.

- v. Eight (8) feet from balconies, verandas, Building eaves and Cornices, and similar overhead obstructions associated with the upper stories of Buildings.
  - vi. Fifteen (15) feet from streetlights poles not to impact the light spread of the fixture.
- o) At the time of installation, all:
- i. Proposed Trees shall be a minimum height of ten (10) feet and/or three (3) inches in Caliper.
  - ii. 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 - 3 1/2) inches in Caliper.
  - iii. 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.
- p) The following shall be applicable to all private Lots in and the Private Frontage in Form District FD4:
- i. The First Lot Layer may not be paved, with the exception of Driveways and a walkway from the Public Frontage to the Private Frontage not exceeding 4 feet in width.
  - ii. The minimum required Landscape Area shall be thirty (30) percent of the First Lot Layer and not less than twenty (20) percent landscaped or otherwise undisturbed area for the entire site.
  - iii. All fencing and landscaping shall be limited to no more that 3-feet in height within the Clear Sight Triangle. A Clear Sight Triangle, as shown in Illustration 14.6.8-A below, shall be provided at the intersections of two Thoroughfares or a Driveway and a Thoroughfare to provide safe sight distances for pedestrians, bicycles and vehicles. Within the Clear Sight Triangle no obstructions more than 3 feet in height above the curb shall be placed, with the exception of a Building when permitted. The Clear Sight Triangle shall be measured from the point where the Principal and Secondary Frontages meet and shall extend 25 feet along both Frontage Lines. For Driveways, the Clear Sight Triangle shall be measured where the Driveway intersects the Frontage Line and shall extend 25 feet along the Frontage Line and 15 feet along the Driveway.



*Illustration 14.6.8-A - Clear Sight Triangle*

- q) The following shall be applicable to all private Lots in and the Private Frontage in Form Districts FD5, FD5-PT and FD6:
- i. The First Lot Layer may be paved to match the pavement of the Public Frontage.
  - ii. Where planting space is limited, Structural Soil or silva cell type Structures shall be utilized in and Adjacent to planting wells and strips.
  - iii. Where used, Tree grates should be quarter inch pedestrian Tree guard.
- r) Site Standards
- i. All utility service connections shall be underground for new construction and is recommended for existing buildings undergoing substantial rehabilitation.

- ii. The following items are prohibited in the First Lot Layer: electrical transformers, 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" ht. 6" x 6" bollards set in concrete to protect them from vehicles.
- v. All fences shall be installed so that the finished side faces outward.

### 14.6.12 - STORMWATER MANAGEMENT

All new development and redevelopment projects 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. 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.

### 14.6.13 - OUTDOOR LIGHTING

The regulations found in the *Burlington Comprehensive Development Ordinance* (BCDO), Article 5, Section 5.2.2 (Outdoor Lighting) shall apply in all Form Districts.

### 14.6.14 - TELECOMMUNICATIONS EQUIPMENT

To the extent not limited by state or federal law, 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.

### 14.6.15 - CIVIC SPACES STANDARDS

a) Purpose & Applicability

The purpose of this Subsection is to provide a diverse palette of parks and other publicly Accessible Civic Spaces and their associated standards for use within the Form Districts as essential components of walkable urban environments. The standards established in this Subsection shall apply to all proposed development within the Form Districts, and shall be considered in combination with the standards found within Section 14.3 - Specific to Form Districts.

The following apply to all Civic Space types and may be further defined in each type as applicable.

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

c) Size. The range of allowed sizes of the Civic Space type.

d) 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.

i. 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.

ii. 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.

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

i. Natural. Civic Spaces with a “Natural” character are designed in a natural manner with no formal arrangement of elements.

ii. 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.

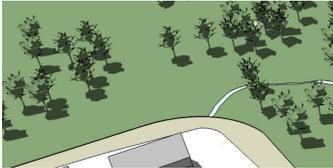
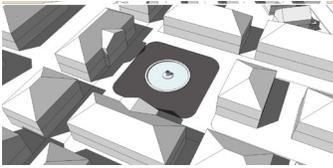
iii. Informal. Civic Spaces with an “Informal” character have a mix of both Formal and Natural characteristics.

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

g) 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, commercial activities within a Civic Space type shall be Accessory in type and size to the overall Civic or recreational function of the Civic Space type and require a licensed approved by the Parks, Recreation, Waterfront Director.

h) The Civic Space specified in Table 14.6.16-A (Civic Space Type Standards) are allowed in the designated Form Districts. The design and form of Civic Spaces shall be determined after consultation with the Planning and Zoning Department and Parks, Recreation, Waterfront, consideration and recommendation of the Design Advisory Board and approval by the Development Review Board. Any Civic Spaces intended for public ownership and/or management shall also require approval from the Park, Recreation, Waterfront Commission.

**TABLE 14.6.15-A - CIVIC SPACE TYPES SUMMARY TABLE [NOT REGULATORY]**

CIVIC SPACE TYPE	ILLUSTRATION	DISTRICTS	STANDARDS
<p><b>NATURAL AREA:</b> A naturalized Open Space available predominantly for the protection and enjoyment of nature.</p>		<p>FD4 FD5</p>	<p>14.6.15-B</p>
<p><b>PARK:</b> An Open Space available for both structured and unstructured recreation.</p>		<p>FD4 FD5 FD6</p>	<p>14.6.15-C</p>
<p><b>GREENWAY:</b> A linear Open Space that may follow natural and transportation corridors providing unstructured and structured recreation.</p>		<p>FD4 FD5 FD6</p>	<p>14.6.15-D</p>
<p><b>SQUARE:</b> An Open Space often located at the intersection of important Thoroughfares available for unstructured recreation, Civic purposes.</p>		<p>FD4 FD5 FD6</p>	<p>14.6.15-E</p>
<p><b>PLAZA:</b> A predominantly hardscaped Open Space often located at the intersection of important Thoroughfares available for Civic purposes.</p>		<p>FD4 FD5 FD6</p>	<p>14.6.15-F</p>
<p><b>POCKET PARK:</b> A small predominantly green Open Space available for passive recreation.</p>		<p>FD4 FD5 FD6</p>	<p>14.6.15-G</p>
<p><b>POCKET PLAZA:</b> A small predominantly hardscaped Open Space available for Civic purposes.</p>		<p>FD4 FD5 FD6</p>	<p>14.6.15-H</p>

### 14.6.15-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.

#### SPECIFICATIONS

Size	No size limits
Frontage	Independent
Character	Natural
Coverage	0% min. - 5% max.

#### TYPICAL FACILITIES

- Passive recreation and trails

#### PARKING

No on-site parking is required.

### 14.6.15-C - PARK



Diagram provided for illustrative purposes only.

#### INTENT

An Open Space available for both structured and unstructured recreation.

#### SPECIFICATIONS

Size	No size limits
Frontage	Independent
Character	Informal
Coverage	0% min. - 30% max.

#### TYPICAL FACILITIES

- Passive and active recreation
- Recreational and community facilities
- Community gardens
- Playgrounds and play Structures
- Paths and trails
- Accessory Structures
- Limited licensed Commercial concessions

#### PARKING

Surface parking is not required unless facilities for structured recreation and community events like recreation fields and courts, swimming pools and community rooms are provided.

**14.6.15-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**

Size	No size limits
Frontage	Independent
Character	Informal
Coverage	No coverage limit

**TYPICAL FACILITIES**

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

**PARKING**

No on-site parking is required.

**14.6.15-E - SQUARE**



*Diagram provided for illustrative purposes only.*

**INTENT**

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

**SPECIFICATIONS**

Size	0.5 acres min. 5 acres max.
Frontage	Buildings
Character	Formal
Coverage	0% min. - 50% max.

**TYPICAL FACILITIES**

- Passive recreation
- Paths
- Accessory Structures
- Limited licensed Commercial concessions

**PARKING**

No on-site parking is required.

### 14.6.15-F - PLAZA

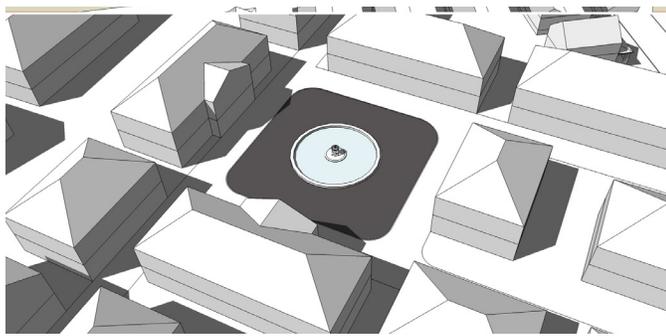


Diagram provided for illustrative purposes only.

#### INTENT

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

#### SPECIFICATIONS

Size	0.5 ac min. 5 ac max.
Frontage	Buildings
Character	Formal
Coverage	60% min. - 100% max.

#### TYPICAL FACILITIES

- Passive recreation
- Paths
- Accessory Structures
- Limited licensed Commercial concessions

#### PARKING

No on-site parking is required.

### 14.6.15-G - POCKET PARK



Diagram provided for illustrative purposes only.

#### INTENT

A small predominantly green Open Space available for passive recreation.

#### SPECIFICATIONS

Size	500 sf min. 0.5 ac max.
Frontage	Independent
Character	Formal
Coverage	0% min. - 50% max.

#### TYPICAL FACILITIES

- Passive recreation
- Community gardens
- Playgrounds and play Structures
- Paths and trails
- Accessory Structures
- Limited licensed Commercial concessions

#### PARKING

No on-site parking is required.

**14.6.15-H - POCKET PLAZA**



*Diagram provided for illustrative purposes only.*

**INTENT**

A small predominantly hardscaped Open Space available for Civic purposes.

**SPECIFICATIONS**

Size	500 sf min. 0.5 ac max.
Frontage	Independent
Character	Formal
Coverage	60% min. - 100% max.

**TYPICAL FACILITIES**

- Passive recreation
- Paths
- Accessory Structures
- Limited licensed Commercial concessions

**PARKING**

No on-site parking is required.

d) Review and Approval of New and Substantial Redevelopment of Civi Spaces:

In its discretion to approve or deny a Building seeking additional height over the by-right height allowed in the respective Form District, the Development Review Board, after a Public Hearing and review by the Design Advisory Board, shall consider the following:

i. Conformance and Consistency:

- a. Conformance with the adopted land use and development plans for the area as addressed in the Municipal Development Plan;
- b. The consistency with the purpose of this ordinance;
- c. The consistency with the intent of the Form District where the project is located;

ii. Design:

a. The proposed building presents an architecturally significant design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline and 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. The building has been sited and designed so as to be compatible with the surrounding area and not create an undue adverse impact with the development, use and enjoyment of adjacent property

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

d. Upper story proportions of the building are oriented, tapered and/or separated into separate masses in order to retain sky view between individual buildings

## 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 Variations
- 14.7.4 Appeals

### 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-Burlington Form-Based 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 Planning and Zoning along with an application for approval in a form to be provided by the Department. Upon its determination that an application are 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-Burlington Form-Based 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, Special District or Civic Space(s) where the proposed Project is located (Section 14.3: Specific to Form Districts, Special 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: Supplemental to 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 showing for the Project Site as applicable the Form District, Special District or Civic Space 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:
    - 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 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, Parking Structures. Plans for all Parking Areas, Parking Lots, 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 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 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; and,
  - 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;
  - ix. A plan for Signs, including type, design and dimensions of all existing and proposed ground and/or building-mounted Signs and/or Sign bands.
- d) Modification of Submission Requirements. The Director 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 Director 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 the proposed 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/or
  - vi. Phasing schedule.
- e) Application Review.
- i. An application that conforms to the Downtown and Waterfront District Regulating Plan, and all standards applicable to such application pursuant to this Article 14-Burlington Form-Based Code, and without the necessity of any additional approval of a Conditional Use, Major Impact, DRB Relief or Variance, shall be entitled to administrative approval By Right by the Department.
  - ii. An application that requires review by the Development Review Board, but which otherwise conforms to the Downtown and Waterfront District Regulating Plan, and all standards applicable to such application pursuant to this Article 14-Burlington Form-Based Code shall, upon approval of by the Development Review Board, be entitled to administrative approval By Right by the Department.
  - iii. Applications subject to any of the following shall require review and approval by the Development Review Board and shall be considered in accordance with the following as applicable:
    - Conditional Use Review or Major Impact Review pursuant to Sec. 3.5.2 of the BCDO;
    - Subdivision Review of a Final Plat pursuant to Sec. 10.1.9 of the BCDO;
    - Inclusionary and Replacement Housing to Article 9 of the BCDO;
    - Request for Discretionary Building Height pursuant to Sec. 14.6.5 d);
    - Request for DRB Relief pursuant to Sec. 14.7.3;
    - Request for a Variance pursuant to Article 12, Part 1 of the BCDO; and,
    - Review under Special Use Regulations pursuant to Section 14.6.7.
  - iv. The Development Review Board review shall be limited to making findings under the required review criteria for the required approval. All other elements of the application shall be entitled to administrative approval By Right by the Department.

## 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 non-conformity which lawfully existed at the time of adoption of the applicable provisions of this or any Article or any amendment thereto may be continued subject to the following provisions:

- a) Any Building, Structure, Frontage, Development, Sign, 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 to the exterior is requested or Abandonment occurs. At such time, the affected portion(s) of the Building, Structure, Frontage, Development, Sign, Improvement or other appurtenance thereto shall be required to comply with all applicable provisions of this Article.
- b) Any modification other than a Substantial Modification to the exterior of an existing Building, Structure, Frontage, Development, Sign, Improvement or other appurtenance thereto shall be permitted By Right only if such changes result in greater conformance with the specifications of this Article.
- c) Any change or modification shall not create any new nonconformity.
- 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 a) and b) above that would threaten their historic integrity.

### 14.7.3 - VARIATION FROM THE FORM: ADMINISTRATIVE RELIEF, DRB RELIEF, AND VARIANCES

The Form-Based 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 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. Table 14.7.3-A Administrative Relief below sets forth variations from the prescribed standards that may be granted by the Director. No other variations to the prescribed standards shall be permitted except as approved by the Development Review Board 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 Director regarding any Administrative 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 be developed following the intent and all other applicable standards of the Form District: and,
    - D. Any additional findings as may be required by Table 14.7.3-A (Administrative Relief) below.

**TABLE 14.7.3-A - ADMINISTRATIVE RELIEF**

TYPE OF RELIEF	LIMITS OF RELIEF GRANTED	REQUIRED FINDINGS	STANDARDS REFERENCE
<p><b>BUILDING SETBACKS:</b> A building Setback may vary from the maximum or minimum Front and Side Setback requirements.</p>	Maximum relief of 20% from the required maximum or minimum	The variation will better allow the proposed Building to blend with existing and/or Adjacent buildings along the Primary street Frontage.	Section 14.3: Specific to Form Districts and Civic Spaces
Buildings may be placed closer to a side property line shared between FD5 and FD4	No side setback required along a property line shared between FD5 and FD4.	Adjacent properties in both Form Districts are in common ownership and are being developed jointly.	Section 14.3: Specific to Form Districts and Civic Spaces;
<p><b>BUILDING HEIGHT:</b> The maximum Building height may increase on a sloping Lot</p>	Maximum relief of an additional 10% of the numerical maximum height, not to exceed 5 feet with no additional stories allowed	Granting the relief is necessary to enable compliance with the Principal Entrance Level requirements and the required ground level floor-to-ceiling height.	Section 14.3: Specific to Form Districts and Civic Spaces; Section 14.5: Specific to Frontage Types; and Section 14.6.5 Building Height
The maximum Building height may be increased within 50-ft of the boundary with the Form District with a lower maximum building height.	Maximum relief of one additional story within 50-ft of the boundary with the Form District with a higher maximum building height, not to exceed 12 feet.	Adjacent properties in both Form Districts are in common ownership and being developed jointly.	Section 14.3: Specific to Form Districts and Civic Spaces
<p><b>DEPTH OF RECESSED ENTRIES:</b> Allows for a deeper entry recess.</p>	Maximum entry recess of 8'	A deeper entry is necessary for improved visitability.	Section 14.5: Specific to Frontage Types
<p><b>FRONTAGE BUILDOUT:</b> A reduction in the amount of the Principal Frontage that is occupied by a building or a Streetscreen.</p>	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;
<p><b>FRONTAGE BUILDOUT &amp; SETBACK:</b> A reduction in the amount of the Principal Frontage that is occupied by a building or a Streetscreen.</p>	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.	Section 14.3: Specific to Form Districts and Civic Spaces

**TABLE A – ADMINISTRATIVE RELIEF**

<b>TYPE OF RELIEF</b>	<b>LIMITS OF RELIEF GRANTED</b>	<b>REQUIRED FINDINGS</b>	<b>STANDARDS REFERENCE</b>
<b>FRONTAGE:</b> A reduction in the minimum elevation of the finished level above the sidewalk	Maximum relief of 6"	The relief is necessary for improved visitability.	Section 14.5: Specific to Frontage Types
<b>GLAZING:</b> A reduction in the amount of required minimum glazing on Primary and Secondary Facades	Maximum of 10% from the required Glazing	The relief is necessary to meet the requirements of the Residential and/or Commercial Building Energy Code	Section 14.4: Specific to Building Types, Table 14.4.3-A Street Activation and Section 14.5: Specific to Frontage Types
A reduction in the maximum linear distance between window openings	Maximum of 10% of the required linear distance between windows	The relief is necessary for the creation of stronger distinctions between individual Frontage Types and at Building corners.	Section 14.4: Specific to Building Types, Table 14.4.3-A Street Activation
<b>PARKING AREA LOCATION:</b> 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.	Parking shall be screened from view along the Frontage.	Section 14.3: Specific to Form Districts and Civic Spaces
<b>PARKING SPACE DIMENSIONS:</b> Parking space(s) size may be reduced.	Up to 30% of the total parking spaces may be designed and designated for compact cars.		Section 14.6.7: Parking, Loading, Service and Drive-ways
<b>PORCH DIMENSIONS:</b> 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' 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) Relief Granted by the Development Review Board. The following relief from the prescribed standards may be granted by the Development Review Board:
- i. DRB Relief: 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 that may be granted, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing. In granting such relief, the DRB shall make 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, 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 this paragraph 14.7.3.b.ii, 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:
- A. 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;
  - B. 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,
  - C. 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 for Project Plans other than pursuant to the above shall require the Owner to request and obtain 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*.

## 14.7.4 APPEALS

Any decision or action made under this Article may be appealed as provided under the provisions of Article 12, Part 2 Appeals of the *Burlington Comprehensive Development Ordinance*.

## SECTION 14.8: GLOSSARY

This Section provides definitions for certain terms in this Article 14. 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.

**Accessory Building:** A building that: (1) is located on the same Lot as the Principal Use or building served; (2) is clearly incidental to and customarily found in connection with the Principal Use or building; and (3) is subordinate in area, extent, or purpose to the Principal Building served.

**Accessory Use:** a use of a Building, Outbuilding, Structure or Lot allowed pursuant to Section 14.3 and which is subordinate and incidental to and customarily found in association with a Principal Use located within the same Lot. Not synonymous with Accessory Dwelling Unit.

**Accessory Dwelling Unit:** an efficiency or one-bedroom apartment that is clearly subordinate to a single-family Dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided the unit does not exceed 30 percent of the total habitable floor area of the single-family Dwelling.

**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; lintles, 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 Structure. An Attic may be finished into habitable space.

### —B

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

**Basement:** the part of a building that is fully or partly below ground level. Where more than 50% of volume is below the finished surface of the ground,

**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 *Burlington Form Based Code*.

### —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 is 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.

**Channel Letters:** removable letters that fit into channels on a Sign or Marquee Sign.

**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.

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

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**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.

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**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.

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**Community House:** A Community House is a residential Dwelling Unit where individuals are not handicapped as per the Federal Fair Housing Act but where, due to the particular needs of the resident individuals, a joint living arrangement is necessitated and where the individuals are under sponsorship or care of a public, nonprofit, or for profit agency where the sponsor or caretaker provides, or arranges for, the provision of varying degrees of personal supervision and/or care in a residential environment, such as a halfway house, a personal care residence, a community transitional facility, or any other such facility that provides such services.

The following are not considered Community Houses: group homes, fraternities, sororities, dormitories, convents, communes, apartments, boarding and rooming houses, tourist homes, and hotels and motels. See Sec. 14.6.7 (d) for specific provisions.

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

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**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 of two raking (or sloping) Cornices with connected horizontal Cornice.

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

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## ■—D

**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.

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**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.

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**Disposition:** the placement of a Building on a Lot.

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**Drive Aisle:** that part of a Parking Lot accommodating the movement and circulation of vehicles between points of Access and the parking spaces.

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

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**Dwelling or Dwelling Unit:** A room or set of rooms fitted with a private bath, kitchen, and living facilities comprising an independent, self-contained Dwelling space occupied by a family and where rooms are not let to individuals. Kitchen, living and shared bathroom facilities must be separate and distinct from bedroom facilities. Each bedroom must contain a minimum Square footage consistent with the current mini-mum housing standards. Separate bathroom facilities will be deemed to exist only when it is possible to Access such bath-room facilities without passing through a room which is designated as a bedroom. If there is more than one meter for any utility, address to the property, or kitchen; or if there are separate entrances to rooms which could be used as separate Dwelling Units; or if there is a lockable, physical separation between rooms in the Dwelling Unit such that a room or rooms on each side of the separation could be used as a Dwelling Unit, multiple Dwelling Units are presumed to exist; but this presumption may be rebutted by evidence that the residents of the Dwelling share utilities and keys to all entrances to the property and that they (A) share a single common bathroom as the primary bathroom or (B) share a single common kitchen as the primary kitchen.

## ■—E

**Elevation:** an exterior wall of a Building not along a Frontage Line. See Facade.

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**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.

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**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.)

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## ■—F

**Facade:** the exterior wall or walls of a Building that face a Frontage Line. See Elevation.

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**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.

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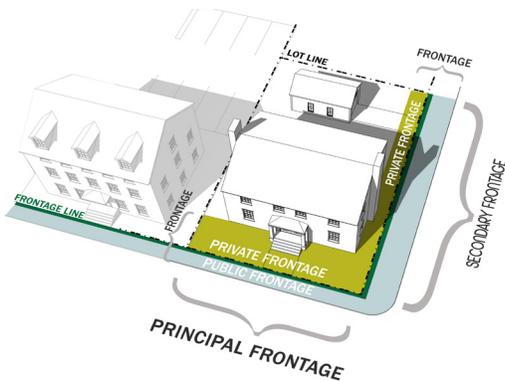
**Foot-candle:** a unit of illumination equal to the light flux falling on one Square foot of area one foot away from the light source of one candlepower.

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**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.

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**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 Setback, excluding vehicular entrances and Driveways.

**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 Façade.

**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 Building roof 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. 14.6.7 (b), 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. 14.6.7 (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 and Infrastructures, 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.

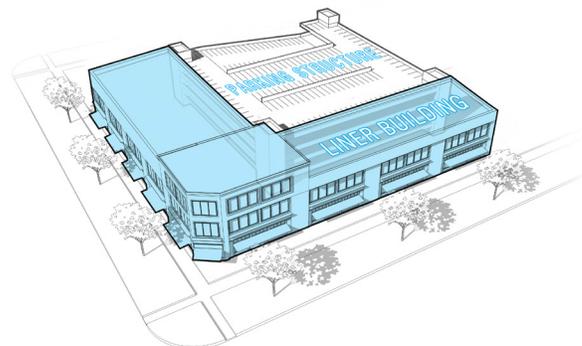
**Initial Lumens:** a measure of how much light a Lamp is emitting near the beginning of its life.

## L

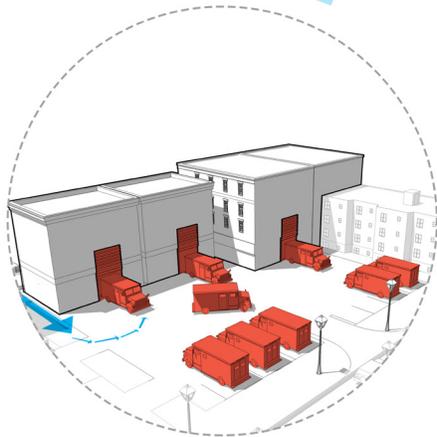
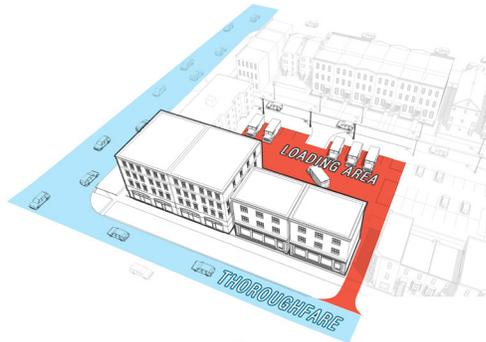
**Lamp:** The light-producing source installed in the socket portion of the luminaire.

**Landscape Area:** The portion of a Lot that is not defined as "Lot Coverage" including grass, ground covers, gardens, Shrubs, Trees, and natural areas. Landscaped Area shall not include parking, drives, patios, walkways, or other impervious areas.

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



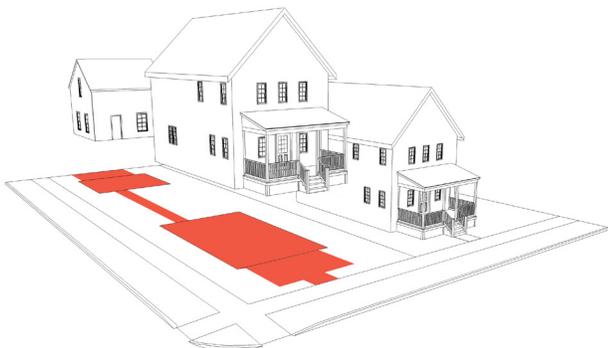
**Loading Area:** A parking space or berth, directly serving a building for the loading or unloading of merchandise or material, and which has Access to a street, Alley or other appropriate means of ingress and egress.



**Lot:** A parcel of land distinguishable from other parcels by deed, as recorded in the City of Burlington Land Records on a subdivision plat, record, or survey map, or as described by metes and bounds, and intended for transfer of ownership or for building development. For purposes of this Article, the term does not include any portion of a public right-of-way.

**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 Areas, 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.

**Neon Lighting:** Low intensity gas filled tube lighting which, when subject to high voltage, becomes luminescent in colors characteristic of the particular gas used.

**Nonconformity:** A Building, Structure, Lot or use that does not conform to the present Comprehensive Development Ordinance 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 a commercial or Civic Principal Use. Not synonymous with Parking Area.

**Parking Structure:** a Structure that provides space for parking vehicles as a commercial or Civic 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 an actual or apparent support or firm point of attachment.

**Principal Building:** the main Building on a Lot, usually located toward the Frontage, in which there is conducted any one or more of the Principal Use of such Lot.

**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.

**Principal Use:** a main or the Principal Use accommodated by a Building or a Lot. The dominant use or uses to which the premises is devoted and the primary purpose for which the premises exists.

**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:** sunken garden that utilizes plants and may include Trees and may provide 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 furthestmost projection of a Building or Structure and an Adjacent property line or Form District Boundary.

**Shared Parking Factor:** a divisor to be applied to the Required Actual Parking for two Principal Functions within a pair of Adjacent Blocks to determine Required Effective Parking for such Lot; or a multiplier to be applied to the Actual Parking for a Lot to determine the Effective Parking for such Lot; in each case, as determined in accordance with Table 14.6.8-B.

**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.

**Sign:** an identification, description, illustration, device or representation for visual communication by characters, letters, symbols, illustrations, graphics or ornamentation, which is affixed to, painted or placed upon, on or otherwise applied to or represented directly or indirectly upon a Building, Structure, or land, and which is used for the purpose of bringing attention to a product, place, activity, person, institution, business or other subject thereof.

**Sign Area:** the total area of the smallest Square, rectangle, triangle, circle, or combination thereof, which encompasses the space of a Sign used for advertising purposes, including the spaces between open-type letters and figures, including the background Structure, any border and trim or other decoration or addition which is an integral part of the Sign; provided that there shall be excluded from any calculation of Sign Area any Sign base, apron, supports, and other structural members and the area of one side of a Blade Sign.

**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. 14.6.5.



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. Streetscreens may have openings no larger than necessary to allow automobile and pedestrian Access and may be no longer than 20-ft or 20% of the Frontage whichever is less.

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, Sign, Improvement or other appurtenance thereto that affects or exceeds fifty percent (50%) of the area, square footage or pre-development assessed value of the Structure, Building or Lot as determined by the Zoning Administrative Officer.

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

■—T

Thoroughfare: a way for use by 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 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, hoopouses, 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.