

Department of Planning and Zoning

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Anita Wade, Zoning Clerk



TO: South Burlington Planning Commission Chair
Colchester Planning Commission Chair
Williston Planning Commission Chair
Chittenden County Regional Planning Director
VT Department of Housing and Community Development

FROM: Meagan Tuttle, Comprehensive Planner, City of Burlington

DATE: June 17, 2016

RE: Burlington Comprehensive Development Ordinance Amendments ZA-16-11, ZA-16-12, ZA-16-13, ZA-16-14

Enclosed, please find the following proposed amendments to the City of Burlington Comprehensive Development Ordinance:

- ZA-16-11 Enforcement Period of Limitations
- ZA-16-12 Rezone Fletcher Place to Residential Medium
- ZA-16-13 Subdivision Infrastructure Standards
- ZA-16-14 Downtown Mixed Use Core Overlay

The Planning Commission will hold a public hearing on ZA-16-13 and ZA-16-14 on Wednesday, July 6, 2016 at 7:00pm in the Public Works Conference Room, 645 Pine Street, Burlington, and a public hearing on ZA-16-11 and ZA-16-12 on Tuesday, July 19, 2016 at 7:00pm in Contois Auditorium, City Hall, 149 Church Street, Burlington.

Please ensure these amendments are forwarded to the Planning Commission chairs of your respective municipalities. Submit any communications for the Planning Commission's consideration at these hearings to me by close of business on Monday, June 27 for the July 6 Hearing and on Monday, July 11 for the July 19 Hearing.

Burlington Planning Commission

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Yves Bradley, Chair
Bruce Baker, Vice Chair
Lee Buffinton
Emily Lee
Andy Montroll
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vacant, Youth Member



PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-16-11 Enforcement Period of Limitations

ZA-16-12 Rezone Fletcher Place to Residential Medium

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Tuesday, July 19, 2016** beginning at **7:00pm** in the Public Works Conference Room, 645 Pine Street, Burlington, VT. **Please note that this hearing has been rescheduled from the date of June 21, 2016 that was previously warned.**

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-16-11 Enforcement Period of Limitations:** The purpose of this amendment is to establish "Section 2.7.11 Enforcement Period of Limitations," pursuant to 24 V.S.A. §4454 and this section, pertaining to zoning violations which have been known to the City of Burlington for more than 15 years and where the City has not taken corrective action to address the violation. This ordinance establishes burden of proof, and a process through which properties with use, dimension, structure, function or other violations can seek to be "stabilized." Finally, this amendment removes references to "Bianchi controlled situations" in Part 3: Non-Conformities.
- **ZA-16-12 Rezone Fletcher Place to Residential Medium:** The purpose of this amendment is to rezone residential properties along Fletcher Place from Institutional to Residential Medium in order to promote residential density and uses which are consistent with the existing neighborhood character.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-16-11:** This amendment is applicable to all zoning districts within the City of Burlington.
- **ZA-16-12:** This amendment is applicable to 12 residential properties on Fletcher Place; this amendment does not apply to 34 Fletcher Place.

List of section headings affected:

- **ZA-16-11:** Within Article 2, Part 7, this amendment adds "Section 2.7.11 Enforcement Period of Limitations" and renumbers "Section 2.7.12 Administrative Appeal." Within

Article 5, Part 3, this amendment modifies “Section 5.3.1 Purpose” and strikes “Section 5.3.2 ‘Bianchi controlled uses, structures and lots.’”

- **ZA-16-12:** This amendment applies to “Map 4.3.1-1 Base Zoning Districts.”

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department’s website at www.burlingtonvt.gov/pz.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-11 – Enforcement Period of Limitations

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to establish “Section 2.7.11 Enforcement Period of Limitations” pursuant to 24 V.S.A. §4454. This section pertains to zoning violations, which have been known to the City of Burlington for more than 15 years and where the City has not taken corrective action to address the violation. This ordinance establishes burden of proof, and a process through which properties with use, dimension, structure, function or other violations can seek to be “stabilized.” Stabilized status will not be granted to properties with health or safety violations, violations of the City’s “family” definition under Section 4.4.5(d)(5)(C), or parking violations except as limited by 24 V.S.A. §4454. Furthermore, this amendment renumbers “Section 2.7.12 Administrative Appeal,” modifies “Section 5.3.1: Purpose;” and strikes “Section 5.3.2. ‘Bianchi controlled uses, structures and lots.’”

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The purpose of this amendment is for the City of Burlington to establish procedures for zoning violations which are not subject to enforcement under the standards of the Vermont Supreme Court in the case entitled *Bianchi v Lorentz*, and later codified in 24 V.S.A. Sec 4454. While the primary purpose of the proposed amendment is conformity with Vermont State Statute, it applies to a range of zoning violations and could have an impact on the availability of housing City-wide. “Stabilization” permits housing units, which are considered illegal through the zoning ordinance but which have been known to the City through the records of other City Departments, to continue to operate until or unless they are discontinued or are in violation of City health or safety standards. It is anticipated that a significant number of housing units within the City could be impacted by this amendment; without a process for stabilization. Therefore, a secondary purpose of this proposed ordinance is to preserve the availability of existing housing units within the City.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The purpose of this amendment is conformity with Vermont State Statute. This amendment does not address proposed future land uses and densities per the municipal development plan.

Implementation of specific proposals for planned community facilities:

This amendment does not implement any specific proposals for community facilities.

Section 2.7.11 Enforcement Period of Limitations

Pursuant to 24 V.S.A. §4454 and the terms of this section, the Administrative Officer shall not institute a zoning enforcement action under Section 2.7.7 where the alleged violation first occurred more than 15 years ago, has continued, and the violation was known to the City. This period of limitations pertains to all zoning violations, including but not limited to “use” violations (except those violations identified in subsection (b)(7) and (b)(8) below) so long as the violation has been continuous for 15 years or more, the City has known of the violation for at least 15 years and not taken action to correct it, and the violation is not a matter of health or safety. A zoning violation that meets the requirements of this section will be considered “stabilized.” The use, dimension, structure, function, or other condition that causes the property to be in violation of current zoning regulations will be referred to throughout this section as “the violation.”

(a) Burden of Proof

- (1) The burden is on the property owner to demonstrate the first two elements: that the violation has occurred continuously for 15 years or more and that the violation was known to the City for at least 15 years without corrective action.
- (2) To prove that a violation was known to the City, the property owner must be able to point to written eCity records within the City’s Department of Planning and Zoning, Code Enforcement Office, Inspection Services Division of the Department of Public Works or Assessor’s Office that show that the referenced City departments knew that the condition underlying the violation existed at least 15 years ago and the City has taken no action to correct the violation. If City records in the referenced departments conflict, the Administrative Officer shall determine whether the City knew of the condition based upon the preponderance of the evidence. **To be a “City record” for the purposes of this section, the document must have been produced and/or verified by the City. The term “City record” under this section does not include submissions, including but not limited to emails, complaints or other communications, that have not been independently verified by the City. For a document to be “verified” by the City, the City must have reviewed the facts/assertions in the document and made a written finding that the facts/assertions were accurate.**
- (3) If the City identifies a health or safety concern with the violation, the burden is on the property owner to demonstrate that the violation does not violate any City health or safety standards.

(b) Determination and Effect

- (1) Property owners may seek a written determination from the Administrative Officer that a property is in a stabilized status if the property owner can meet the above burden. This determination, while not a permit, shall be processed the same as a request for

administrative approval, including but not limited to notice, appeal rights and notice in the land records.

- (2) A stabilized status for a violation, whether use, dimensional or otherwise, is not a pre-existing legal non-conformity (also known as “grandfathered”).
- (3) No change, alteration, or enlargement that would otherwise require a zoning permit shall be permitted for stabilized violations.
- (4) If the violation is discontinued for more than ninety (90) days, it has ended. The violation is no longer considered “stabilized,” and the violation may not be reactivated or re-occur. An extension to this time limit may be granted by the Administrative Officer if sufficient documented evidence is presented to show that there was a continuous good faith effort to maintain the condition underlying the violation, such as repair and maintenance being done to the property that caused a temporary discontinuance of use. If an occurrence or event destroys at least 50% of a stabilized structure, in the judgment of the city’s building inspector, no reconstruction of the stabilized structure shall be permitted, except to become a conforming use, structure, or lot. If the structure is a pre-existing legal non-conformity, the provisions of Article 5, Part 3 apply.
- (5) No violation that has been determined to be stabilized may be used to count towards the requirements for a new zoning permit.
- (6) Nothing in this section shall prevent any action, injunction, or other enforcement proceeding by the city under any other authority it may have, including, but not limited to its authority under 24 V.S.A. §4470(b) pertaining to DRB and court decisions and/or Title 18 of the Vermont Statutes Annotated (abatement or removal of public health risks or hazards). If a property does not comply with any related health and safety requirement, it may not claim any stabilized status and shall be required to come into full conformance.
- (7) Enforcement of an occupancy violation for occupying a dwelling unit in a residential district inconsistent with the “family” definition under Section 4.4.5(d)(5)(C) is exempt from this period of limitations and, therefore, may not be stabilized. Unless the inconsistent occupancy is deemed to be a pre-existing legal nonconformity, such a violation may be enforced at any time.
- (8) Except as limited by 24 V.S.A. §4454, as interpreted by the courts, enforcement of a parking violation is exempt from this period of limitations and may not be stabilized. Unless the parking is deemed to be a pre-existing legal nonconformity, such a violation may be enforced at any time.

Section 2.7.14~~2~~ Administrative Appeal

As written.

PART 3: NON-CONFORMITIES

Sec. 5.3.1 Purpose

These regulations are enacted for the purpose of governing all aspects of nonconformity, regardless of whether it is a use, a structure or a lot. As defined under Article 13, nonconformity means a use, structure or lot that was legal at the time it was constructed or laid out, but would not be lawful under the requirements of this ordinance as currently in effect. ~~This Part will also address “Bianchi controlled Situations”, in which a zoning violation may not subject to enforcement under the standards set forth by the Vermont Supreme Court in the case entitled *Bianchi v. Lorentz* and later codified in 24 VSA Sec. 4454.~~

~~In combination,~~†These standards are intended to establish the property rights of individuals and organizations in a manner consistent with the overall goals of zoning and to promote the City's general health, safety, and welfare.

Sec. 5.3.2 “Bianchi” controlled uses, structures, and lots.

~~Although not subject to enforcement action pursuant to Article 2, uses, structures, and lots which are deemed to be controlled by the *Bianchi* decision, and the subsequent enactment of 24 VSA Sec. 4454, shall be considered violations that are not considered legal to any extent and shall in no event be granted the consideration or allowances of nonconforming structures, uses, and lots. Thus, no change, alteration, enlargement, and reestablishment after discontinuance for more than sixty (60) days or reconstruction after an occurrence or event which destroys at least 50% of the structure in the judgment of the city’s building inspector shall be permitted, except to a conforming use, structure, or lot.~~

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-12 – Rezone Fletcher Place to Residential Medium

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this proposed amendment to “Map 4.3.1-1 Base Zoning Districts” is to rezone properties along Fletcher Place from Institutional to Residential - Medium Density. This change is intended to promote residential density and uses which are consistent with the existing built environment and neighborhood character on Fletcher Place.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed rezoning of Fletcher Place conforms with the Housing Plan in the City’s Municipal Development Plan, specifically to ensure that housing needs are being met through rehabilitation, conservation and infill development in a way that blends with the City’s built and natural surroundings. The development standards contained within the Residential - Medium Density zoning district will continue to allow housing density that is consistent with densities currently permitted in the Institutional Zone; however, other uses permitted within this district are more consistent with the existing built environment of a residential area.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed rezoning of Fletcher Place furthers the Municipal Development Plan’s Land Use policy to “conserve and strengthen residential neighborhoods” by applying a zoning designation that is consistent with the existing built environment of the street.

Implementation of specific proposals for planned community facilities:


This amendment does not implement any specific proposals for community facilities.

Zoning Amendment ZA-12-16

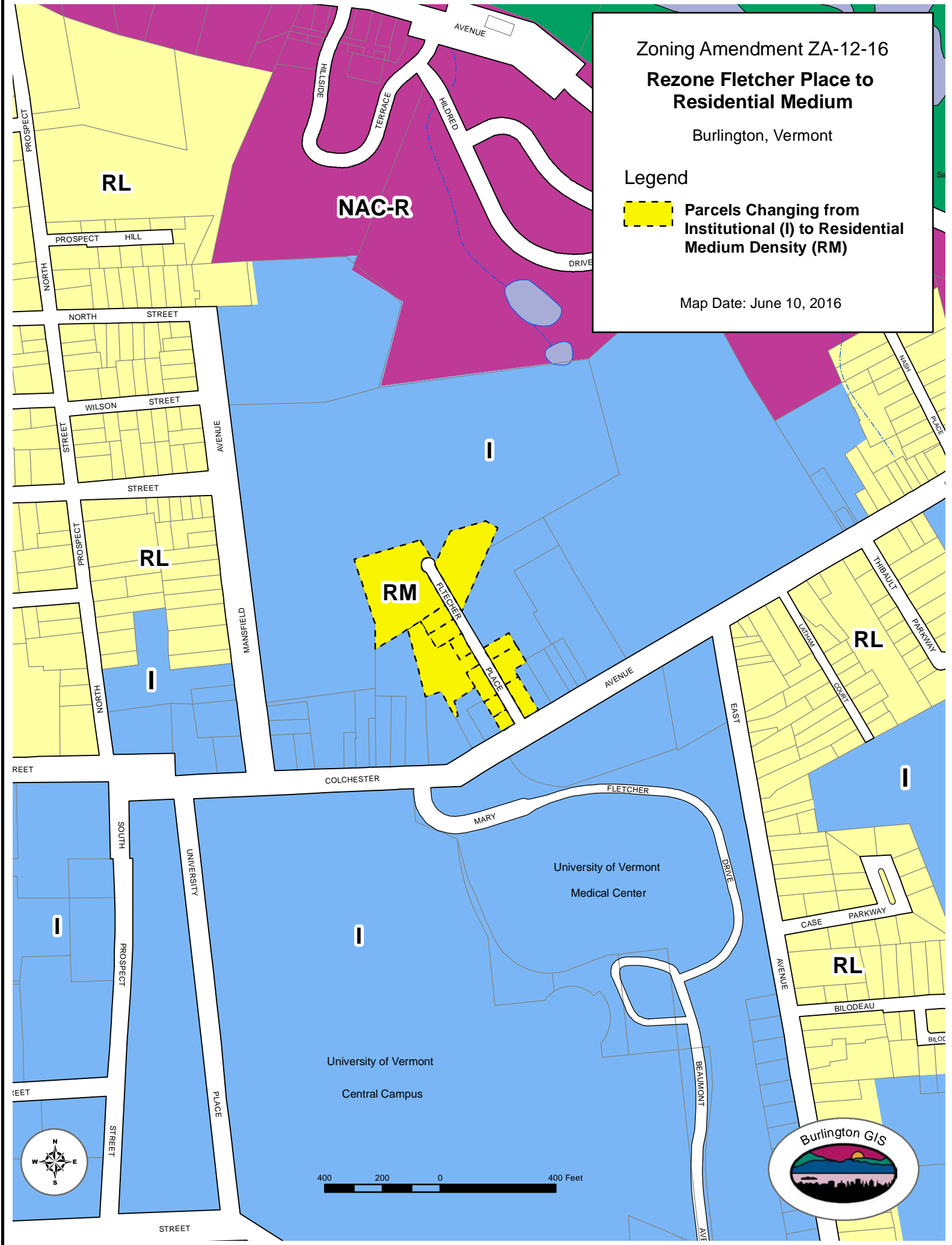
Rezone Fletcher Place to Residential Medium

Burlington, Vermont

Legend

 **Parcels Changing from Institutional (I) to Residential Medium Density (RM)**

Map Date: June 10, 2016



Burlington Planning Commission

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PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-16-13 Subdivision Infrastructure Standards

ZA-16-14 Downtown Mixed Use Core Overlay

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Wednesday, July 6, 2016** beginning at **7:00pm** in Contois Auditorium, Burlington City Hall, 149 Church Street, Burlington, VT. Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-16-13 Subdivision Infrastructure Standards:** The purpose of this amendment is incorporate a reference to the standards of the City Engineer for public infrastructure improvements, and to correct omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance to the 2008 Comprehensive Development Ordinance.
- **ZA-16-14 Downtown Mixed Use Core Overlay:** The purpose of this amendment is to establish the Downtown Mixed Use Core Overlay district to facilitate the redevelopment of a portion of the former Urban Renewal area with higher density mixed-use development and to implement central goals and objectives in the 2013 planBTV Downtown & Waterfront plan. Additionally, the purpose of this amendment is to amend the City's Official Map to include two 60 ft. Rights of Way at St. Paul and Pine Streets between Bank and Cherry Streets.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-16-11:** This amendment is applicable to all zoning districts within the City of Burlington.
- **ZA-16-12:** This amendment is applicable to a portion of the core of the downtown; specifically, 7 parcels located between Bank and Cherry Streets currently in the Downtown zoning district.

List of section headings affected:

- **ZA-16-11:** Within Article 10, this amendment: amends "Section 10.1.9 Final Plat Approval Process" and amends "Section 10.1.11 Recording of Final Plats."

- **ZA-16-12:** Within Article 4, this amendment: amends “Section 4.2.1 Authority and Purpose;” amends “Section 4.2.2. Waterfront Core Official Map Established;” amends “Map 4.2.2-1 Waterfront Core Official Map); amends “Section 4.3.2 Overlay Districts Established;” amends “Section 4.4.1 Downtown Mixed Use Districts;” adds new “Section 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District;” and, amends “Section 5.2.6 Building Height Limits.”

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department’s website at www.burlingtonvt.gov/pz.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-13 – Subdivision Infrastructure Standards

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is incorporate a reference to the standards of the City Engineer for public infrastructure improvements, and to correct omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance to the 2008 Comprehensive Development Ordinance.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This amendment is administrative and does not have an impact on the goals and policies contained in the City's Municipal Development Plan, particularly those regarding safe and affordable housing.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment is administrative and does not have an impact on the goals and polies for future land use and density contained in the City's Municipal Development Plan.

Implementation of specific proposals for planned community facilities:

This amendment ensures that new street connections and related public infrastructure created as a result of private redevelopment, adhere to the City Engineer's standards, and that monuments are placed at subdivision boundaries and street intersections and are recorded on a final plat. While this amendment does not implement specific proposals for community facilities, ensures a safe and consistent standard for the design and marking of public infrastructure and lots.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

As approved by the Planning Commission – 14 June 2016.

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This amendment is to revise the BCDO generally to incorporate reference to the standards of the City Engineer for public infrastructure improvements, and clean up omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance into the 2008 Comprehensive Development Ordinance.

Sec. 10.1.1 – Sec. 10.1.8

As written.

Sec. 10.1.9 Final Plat Approval Process

During such time that an approved preliminary plat remains effective, the applicant may submit an application for approval of a final plat.

(a) Final Plat and Construction Detail Submission Requirements

The applicant may seek approval of a final plat by filing the following items with the administrative officer. All plat maps, including street and utility construction plans, shall also be provided in a digital computer format compatible with the city mapping and CAD systems as determined by the administrative officer.

1. A letter requesting review and approval of the final plat and giving the name and addresses of person(s) to whom notice of the hearing by the DRB thereon shall be sent.
2. A narrative describing the proposed project's conformance with each of the applicable review criteria in (d) below, and a timetable or phasing plan for the construction of all site improvements.
3. Ten (10) copies of the final plat, as specified in subsection (6) below.
4. Ten (10) copies of the final site plan, as specified in subsection (7) below.
5. Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection (8) below.
6. Final plat specifications: The final plat shall be prepared by a Vermont licensed land surveyor. The plan shall be at a scale of one inch equals forty feet (1"=40'). In addition such other scale as the board may require to showing details clearly and adequately shall be included. Sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches with one-inch margins on three (3) sides and two (2) inch margin on the side to be bound. If multiple sheets are used, they shall be accompanied by an index sheet referencing the entire final plat. The final plat shall contain all information

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

- required for the preliminary plat pursuant to Sec. 10.1.8 (a)4 above, updated and accurate, together with the following information:
- A. Existing and proposed lines of streets, ways, lots with areas of each, dimensions and areas of easements, parks and other property within the subdivision to be dedicated for public use.
 - B. Location, width, name, and final grade of proposed streets.
 - C. Sufficient data including the length, radii, and central angles of all curves to readily determine the location, bearing, and length of every street and right-of-way, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Vermont Coordinate Survey monument, the survey of the subdivision shall be tied to said monument(s). The error of closure must not exceed one to fifteen thousand (15,000); traverse streets or a copy thereof showing error of closure of the field surveys and the calculations for final adjustment must be submitted to the office of the city engineer for approval.
 - D. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest municipal, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street right-of-way lines or where designated by the city engineer.
 - E. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access street leading from the subdivision to the nearest accepted public street.
 - F. Lot numbers, proposed house numbers and areas of other adjoining land of applicant not included in subdivision.
7. Final Site Plan detail drawings: All submitted applications for final plat approval must likewise include a final site plan consisting of the following as applicable:
- A. All information required for the preliminary site plan pursuant to Sec. 10.1.8 (a)5 above, updated and accurate;
 - B. Minimum front, side, and rear setback lines shall be shown and dimensioned in accordance with the applicable zoning ordinance requirements of Article 4; and,
 - C. Subsurface conditions of the tract, location, and results of tests made to ascertain subsurface soil rock and ground water conditions and depth to ground water, as may be reasonably required to carry out the purposes and intent of these regulations.
8. Construction detail drawings: Standards for public streets and related public infrastructure shall be as established by the City Engineer. All submitted applications for final plat approval must ~~likewise~~ have construction detail drawings consisting of the following as applicable:
- A. Plans and profiles showing existing and proposed elevations along centerlines of all streets within the subdivision.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

- B. Plans and profiles showing location of street pavements, curbs, gutters, sidewalks, manholes, catch basins, culverts and existing intersecting walks and driveways.
- C. Typical cross-sections of improved streets indicating the material used for construction of the roadbed and surface sidewalk, curbing and tree belt, tree pit showing centerline right-of-way width, width of pavement and travel lanes, height of crown, curb reveal, and any other pertinent information.
- D. Plans and profiles of the storm drainage system showing the location, pipe size and invert elevations of existing and proposed storm drains together with invert and rim elevations of all catch basins and manholes. Surface elevations and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information shall be sufficient for the city engineer to determine the size of any proposed drain, culvert, or bridge.
- E. Plans and profiles of the sanitary sewer system showing the location, pipe size and invert elevations of existing and proposed sewage system together with invert and rim elevations of all manholes. All lots within the proposed subdivision shall be serviced by the municipal sewerage system. Where a gravity flow of sewage cannot be attained, the applicant shall install a pumping or lift station of a make and type specified by the sewage disposal superintendent to provide for the proper disposal of all waste into the existing sanitary systems. The applicant shall covenant that one year after the pumping station has been installed and found to function to the satisfaction of the city engineer said pumping station shall be deeded to the city and thereafter shall be maintained and operated by the waste water division of the public works department.
- F. Plans and profiles of the water supply system showing the location, pipe size and invert elevations of the subdivision water system. All lots within the proposed subdivision shall be supplied by the municipal water system.
- G. All profiles shall be drawn with:
 - i. A horizontal scale of one inch to forty (40) feet and a vertical scale of one inch to four (4) feet.
 - ii. Existing centerline in fine black line with elevation shown every fifty-(50) feet.
 - iii. Proposed centerline grades in heavier black line with elevations shown every fifty (50) foot station except that in vertical curves elevations shall be shown at twenty-five (25) foot station. All changes in street grade shall be shown by a tangent to the vertical curve with the grade of the tangent indicated at the point of tangency.
 - iv. Cross-sections at every fifty (50) foot station or any unusual section, as is common practice in the design of roadways by the Vermont Agency of Transportation.

Burlington Comprehensive Development Ordinance
PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

- v. Existing right-of-way line in fine black dash line.
- vi. Proposed right-of-way line in fine black dash line.
- vii. All elevations based on the U.S. Coast and Geodetic Survey benchmarks.
- viii. Requirements (i), (ii), (iii) and (iv) of such construction detail drawings must be approved by the city engineer prior to approval of the final plat ~~by the DRB.~~

9. Monuments: Provision shall be made for permanent monuments to be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curve. Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two (2) feet long set in the center, located in the ground at final grade level, and indicated on the final plat. Metal stakes shall be set at all corners and angle points of individual lot lines within the subdivision located in the ground at or above final grade level.

(b) Completeness of Submission, Administrator’s Action

As written.

(c) Public hearing on final plat:

As written.

(d) Review Criteria:

As written.

(e) DRB approval of final plat:

As written.

Sec. 10.1.10 Performance Bond and Guarantee of Completion

As written.

Sec. 10.1.11 Recording of Final Plats

(a) Certifications and Endorsement:

Every approved final plat seeking recording in the city land records shall carry the following executed certifications:

1. City-Project Engineer’s certification as follows:

“It is hereby certified that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and all other engineering requirements of Burlington, Vermont.”

By: _____

Registered _____

Seal

Burlington Comprehensive Development Ordinance
PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

As written.

(b) Recording within 180-days

As written.

(c) Plat Void if Revised After Approval:

As written.

Sec. 10.1.12 – 10.1.14

As written.

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Anita Wade, Planning & Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-14 – Downtown Mixed Use Core Overlay

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to establish the Downtown Mixed Use Core (DMUC) Overlay district to facilitate the redevelopment of a portion of the former Urban Renewal area with higher density mixed-use development and to implement central goals and objectives in the unanimously adopted *planBTV Downtown & Waterfront Plan*. Additionally, it amends the City's Official Map to include two 60 ft. Rights of Way at St. Paul and Pine Streets between Bank and Cherry Streets.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment to create the DMUC Overlay is intended to encourage redevelopment of a critical area within the core of Downtown Burlington, and is in conformance with many of the Municipal Development Plan's policies regarding housing, including:

- Encourage a healthier regional balance of affordable housing in each community, proximate to jobs and affording mobility and choice to low income residents.
- Support the development of additional housing opportunities within the city, with concentrations of higher-density housing within neighborhood activity centers, the downtown and institutional core campuses.

Furthermore, *planBTV Downtown & Waterfront Plan* was amended into the City's Municipal Development Plan in 2014, and identifies specific issues and opportunities for downtown Burlington. Regarding housing, *planBTV* identifies infill, redevelopment and adaptive reuse as important strategies to provide additional housing for all income ranges within the downtown core. The Burlington Town Center property is one site that is specifically identified as an opportunity for redevelopment. This property is fully incorporated into the proposed DMUC Overlay boundaries.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed amendment to create the DMUC Overlay is in conformance with many of the Municipal Development Plan's policies regarding land use and density, including:

- Encourage mixed-use development patterns, at a variety of urban densities, which limit the demand for parking and unnecessary automobile trips, and support public transportation.
- Strengthen the City Center District (CCD) with higher density, mixed-use development as part of the regional core while ensuring that it serves the needs of city residents, particularly those in adjacent neighborhoods.
- Target new and higher density development in the Downtown, Downtown Waterfront, Enterprise District, Institutional Core and the Neighborhood Activity Centers.

Furthermore, *planBTV Downtown & Waterfront Plan* identifies walkability, connectivity, scale, density, diversity and mixed-use as the core principles for a successful downtown. The proposed height, FAR, dimensional standards and urban design standards included in the proposed DMUC Overlay implement these principles for an area of the downtown which has been identified as a key location for more intensive, mixed use redevelopment to occur.

Implementation of specific proposals for planned community facilities:

It has long been the City's desire to reverse the detrimental impact on mobility and connectivity to and through the downtown core that resulted from the construction of a "superblock" in the City's former Urban Renewal area. Additionally, *planBTV* envisions new street connections located at St. Paul and Pine Streets between Bank and Cherry Streets. The proposed amendment expands the City's Official map to include both the Downtown and Waterfront, and identifies two 60ft ROW for future public streets in these locations.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-14 – Downtown Mixed Use Core Overlay

As revised by the Planning staff – June 15, 2016.

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: This amendment is to facilitate the redevelopment of a portion of the former Urban Renewal District with higher density mixed use development in the core of the downtown, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously adopted in June 2013 to guide the future development and economic vitality of the downtown and waterfront area. It creates an overlay district to encompass a 1-2 block area in the core of the downtown area to enable taller Building Height without the necessity of a “bonus” from the DRB. It also establishes a number of building form requirements to ensure street-level activation and façade variation.

Article 4: Zoning Maps and Districts, Part 2: Official Map

Sec. 4.2.1 Authority and Purpose

A map entitled “The Official Map of the City of Burlington” **and as depicted on Map 2.2.1-1 below** is hereby established **pursuant to 24 VSA 4421** that identifies future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements. The intent is to provide the opportunity for the city to acquire land identified for public improvements prior to development for other use, and to identify the locations of required public facilities for new subdivisions and other development under review by the city.

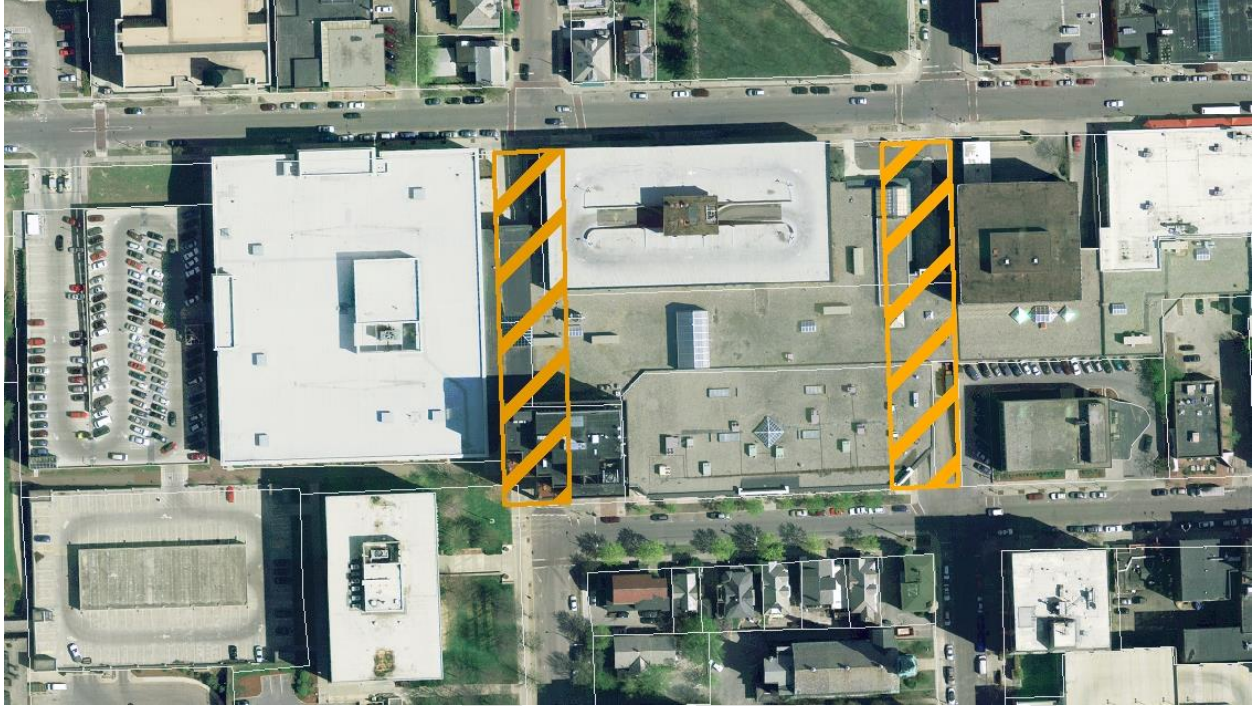
Map 4.2.1-1 Official Map of the City of Burlington (unchanged)

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

A map entitled “The Official Map of the **Downtown and Waterfront Core**” **and as depicted on Map 2.2.2-1 below** is established as part of the Official Map established above, ~~is to be dated as of the effective date hereof, is to be located in the department of zoning and planning and is incorporated herein by reference.~~ The proposed streets, public ways, public parks and other public lands and visual corridors contained therein are more particularly described as follows:

- (a) A pedestrian easement thirty (30) feet in width along the center line of Main Street extended to Lake Champlain west of the Union Station building;

- (b) A waterfront pedestrian easement fifty (50) feet in width abutting the ordinary high water mark of Lake Chaplain from Maple Street extended to College Street;
- (c) A waterfront pedestrian easement one hundred (100) feet in width abutting the ordinary high water mark of Lake Champlain from College Street extended to the north property line of the city-owned lands designated as “urban reserve” and formerly owned by the Central Vermont Railway;
- (d) Visual corridors and/or pedestrian ways sixty (60) feet in width along the center lines of Bank, Cherry, Pearl and Sherman streets extended west to Lake Champlain and visual corridors above the fourth floor along Main Street and College Street;
- (e) The following existing streets remain: Maple and King Streets and as extended to Lake chaplain; Main street; College Street and as extended to Lake Champlain; Lake Street from Main Street to College Street; Depot Street; and Battery Street;
- (f) An easement for pedestrians and bicycles twenty (20) feet in width, located adjacent to and west of the old Rutland railway right-of-way and owned by the State of Vermont running between the King Street Dock and College Street; ~~and,~~
- (g) Lake Street (north) modified: The portion of Lake Street is a street seventy (70) feet in width, the center line of which commences on the north line of College Street thence running northerly following the center line of existing Lake to a point intersecting the northerly property line of the Moran Generating Station extended east.
- (h) The re-establishment of St Paul Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles; and,
- (i) The re-establishment of Pine Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles.



(temporary illustration of the proposed addition)

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

Article 4: Zoning Maps and Districts, Part 3: Zoning Districts Established

Sec. 4.3.2 Overlay Districts Established:

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

- (a) A **Design Review Overlay (DR)** district;
- (b) A series of five (5) **Institutional Core Campus Overlay (ICC)** districts, as follows:
 - UVM Medical Center Campus (ICC-UVMCMC);
 - UVM Central Campus (ICC-UVM);
 - UVM Trinity Campus (ICC-UVMT)
 - UVM South of Main Street Campus (ICC-UVMS); and,
 - Champlain College (ICC-CC);
- (c) An **RH Density Bonus Overlay (RHDB)** district;

(d) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and,
- Special Flood Hazard Area;

(e) A **RL Larger Lot Overlay (RLLL)** district;

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

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

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

Sec. 4.4.1 Downtown Mixed Use Districts

(d) District Specific Regulations, 4. Building Height Setbacks

A. - unchanged

B. Church Street Buildings:

For the purposes protecting the historic character and scale of buildings along the Church Street Marketplace, the maximum height of any building fronting on Church Street shall be limited to ~~38-feet~~ 4-stories not to exceed 45-feet. Any portion of a building ~~within 100-feet from the centerline of Church Street exceeding 45-feet~~ shall be set-back a minimum of ~~16~~ 10-feet for every 10-feet of additional building height above ~~38~~ 45-feet.

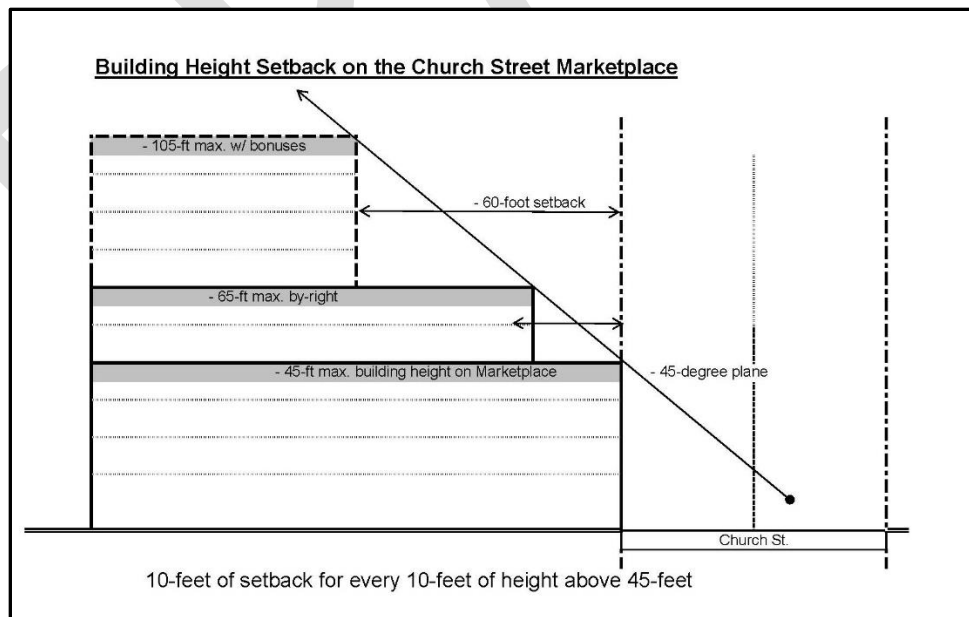


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

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

(a) Purpose:

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

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

(b) Areas Covered:

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



[Map 4.5.8-1: Downtown Mixed Use Core Overlay \(DMUC\) district](#)

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

1. Dimensional Standards:

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

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

Table 4.5.8-1 Downtown Mixed Use Core Overlay (DMUC) District Dimensional Standards

<u>Building Height</u>	<u>3 stories min.</u> <u>14 stories not to exceed 160-ft max</u>
<u>FAR</u>	<u>9.5 FAR total max per lot</u>
<u>Floorplate:</u>	
<u>Floors 1-5</u>	<u>100% of lot max.</u>
<u>Floors 6-7</u>	<u>75% of lot max.</u>
<u>Floors 8-11</u>	<u>55% of lot max.</u>
<u>Floors 12+</u>	<u>15, 000 sf max per individual floorplate, with individual towers separated by a minimum of 60-ft measured orthogonally.</u>
<u>The floorplate of any floor may not be larger than the floor below.</u>	
<u>Pervious Area¹</u>	<u>10% min</u>
<u>Setbacks:</u>	
<u>- Front</u>	<u>0-ft min, 10-ft max.</u>
<u>- Side/Rear</u>	<u>0-ft min, 12-ft max.</u>
<u>Occupied Build-to Zone²</u>	<u>100%</u>
<u>Ground Floor Height (floor to floor)</u>	<u>14-ft min</u>
<u>Arcades³</u>	<u>10-ft clear depth min</u> <u>14-ft clear height min</u>

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

² Occupied Build-to Zone is the proportion of the linear distance between the maximum and minimum front setback along a front property line that must be occupied by a Building façade. In lieu of a Building façade,

a streetscreen between 3.5 and 8 feet in height or active public use or activity (such as outdoor cafes) occupying no more than the lesser of 20 feet or 20% of the Build-to Zone may be included.

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

2. Urban Design Standards:

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

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

- i. Step backs, horizontal and vertical variation, selection of materials and other architectural design techniques are used to reinforce the street wall, create transitions from adjacent buildings of a smaller mass and height, and reduce the perceived height and mass of the upper stories from the street level;
- ii. Proposed Buildings provide visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing or other architectural design techniques;
- iii. Upper story proportions of Buildings emphasize vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline, reinforce opportunities for establishing points of reference for visual orientation, and retain opportunities for a view of the sky between individual Building elements.

B. Façade Articulation: All primary and secondary street-facing Building facades shall be articulated as follows:

- i. Building facades shall incorporate surface relief through the use of elements such as bay windows, cladding materials, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, belt courses, sign bands, windows, balconies and/or other equivalent architectural features at least three (3) of which must either recess or project from the average plane of the facade by at least four (4) inches.
- ii. Buildings with facades between seventy-five (75) feet and one hundred and fifty (150) feet in width shall include vertical changes through the horizontal plane of the Façade by dividing the facade into a series of architectural and/or structural bays between six (6) feet and sixty-five (65) feet in width involving up to a minimum of 50% of the height of the façade.
- iii. Buildings with facades greater than one hundred and fifty (150) feet in width must include a more substantial change in the horizontal plane of the façade where for every one hundred and fifty (150) feet in facade width, one (1) or more

architectural bay as required above must either recess or project by at least four (4) feet involving the full height of the façade from the average plane of the street wall portion of the facade. Such bays shall occur no closer than fifty (50) feet from the Building's corner.

- iv. Required Building Height Setbacks pursuant to Sec 4.4.1 (d) 4 shall not be applicable. Instead, upper stories of any primary and secondary street-facing Building facades exceeding six (6) stories in height shall be setback as follows:
 - a. An upper story setback at least ten (10) feet from the primary plane of the façade below shall occur within the first 60-ft of Building height at either the 3rd, 4th, or 5th story in order to provide a change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.
 - b. For Buildings exceeding ten (10) stories in height a second upper story setback at least ten (10) feet from the primary plane of the façade below shall occur at either the 10th, 11th, or 12th story in order to provide another change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.
 - c. Setbacks must be visually set off from the stories below by a balustrade, parapet, cornice and/or similar architectural feature, and are encouraged to be activated as an outdoor amenity space for Building occupants.
 - d. The upper stories beyond a setback may be visually differentiated from the stories below by a change in color, materials and/or pattern of fenestration in order to reduce the actual or perceived massing of the Building overall.
- v. Where visible, the raised foundation or basement of a Building must be visually differentiated from the stories above by a horizontal expression line and change in color, material, and/or pattern of fenestration;
- vi. The lower one to five stories of a Building must be visually differentiated from the stories above by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the facade; and,
- vii. The top one to five stories of a Building must be visually differentiated from the stories below by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade
- viii. The top of a Building must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the facade by at least six (6) inches to serve as an expression of the Buildings top.

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

- i. Buildings shall have one or more principal entrances for pedestrians at street level that are clearly identified as such along the street frontage or at a corner where a corner lot.
- ii. The linear distance along the street frontage between ground floor entries shall not exceed 60-feet, and such doors must be open and operable by residential occupants at all times and non-residential occupants and customers during business hours.
- iii. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights and/or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a principal entrance should be expressed vertically, and may have little or no horizontal expression required below any required upper story setback.
- iv. Requirements regarding openings and the transparency of glazing in a primary and secondary street-facing Building facade shall be as follows:

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

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

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

D. Materials:

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

- i. Primary Materials: Not less than 80 percent of each street-facing Facade shall be constructed of primary materials comprised of high quality, durable, and natural materials. For Facades over 100 square feet, more than one primary material shall be used. Changes between primary materials must occur only at inside corners. The following are considered acceptable primary materials:
 - a. Brick and tile masonry;
 - b. Native stone;
 - c. Wood – panels, clapboard or shingles;
 - d. Glass curtain wall; and,
 - e. Cementitious siding;
 - ii. Accent Materials: The following accent materials may make up no more than 20% of the surface area on each Façade. Accent materials are limited to:
 - a. Pre-cast masonry (for trim and cornice elements only);
 - b. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);
 - c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
 - d. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);
 - e. Split-faced block (for piers, foundation walls and chimneys only); and,
 - f. Glass block.
 - iii. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the Planning Director after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.
 - iv. Other:
 - a. The use of recycled and/or regionally-sourced materials is strongly encouraged.
 - b. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.
 - c. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.
- E. **Alternative Compliance:** Relief from any non-numerical standard above, and any numerical standard with the exception of building height and FAR by no more than 20% of such requirement, may be granted by the Development Review Board. In granting such relief, the DRB shall find that:

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

3. Use

Schools - Post-Secondary & Community College shall be allowed as a Permitted Use, and any application requiring Major Impact Review pursuant to Sec. 3.5.2 (b) shall not also be subject to Conditional Use Review unless a use specifically identified in Appendix A – Use Table as a “Conditional Use” or identified as “CU” is also proposed.

4. Parking

- i. All onsite parking shall be provided either:
 - a. in a parking structure separated from the public street by a liner building a minimum of 20-ft in depth; or,
 - b. within a mixed-use building with parking located underground, setback a minimum of 20-ft behind the façade of building at the ground level, and/or above the ground floor.
- ii. All onsite parking shall participate in any Downtown Parking and Transportation Management District.
- iii. Entrances to parking areas and structures shall be located along a secondary street frontage where available.
- iv. The paved portion of vehicular entrances to parking areas and structures shall not exceed 24-ft clear width, and entrances to parking structures shall not exceed 16-ft clear height at the street frontage.
- v. At least one pedestrian route from all parking areas and structures shall lead directly to a street Frontage (i.e., not directly into a Building).
- vi. Any surface parking not within a parking structure shall be setback a minimum of 5-feet from any side or rear property line.
- vii. All structured parking with frontage on any portion of a public street shall be treated as follows:

- a. The required setback between the parking and the public street at the ground level must be occupied by an active use (such as, but not limited to, residential lobby, retail, office, recreational or services). This requirement shall not apply to parking located either entirely below-grade or above the ground floor where parking may extend out to the building's perimeter.
- b. All floors of a parking structure fronting a public street must be level (not inclined), and any sloped ramps between parking levels must be setback a minimum of 20-ft from the street-facing building façade and shall not be discernible along the perimeter of the parking structure.
- c. Where upper stories of structured parking are located at the perimeter of a building, parked vehicles, vehicle headlights and interior lighting shall be screened from view from the street and adjacent properties.
- d. In addition to the Urban Design Standards required above, facade treatments (materials, fenestration patterns, and architectural detailing) must be continued on stories containing parking in a manner consistent with the overall architectural design of the Building.

5. Signs

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

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

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

- i. The area of projecting signs, marques, canopies and awnings shall not be deducted from the maximum allowed signage area permitted for signage under Sec 7.2.3.
- ii. Projecting Signs: One projecting sign may be permitted for each ground floor use provided each sign:
 - a. does not exceed 8 square feet in area;
 - b. does not project more than 4 feet from the building façade on which it is attached;
 - c. has its lowest edge at least eight (8) feet above any pedestrian way;

- i. Signage placed on a canopy shall be limited to the face or may project above and may be backlit.
- j. Signage placed on an awning or canopy shall be limited to:
 - i. 75% of the valance or canopy face and/or 25% of the sloping plane max.
 - ii. The height of lettering shall be limited to: 5” min - 10” max on the valance; 18” max on the sloping plane; or 24” max on or above the canopy.

6. Green Buildings and Stormwater Management

New development and substantial redevelopment in the DMUC Overlay shall be built to the standard of LEED Gold Certification as evidenced by the submission of a competed LEED checklist by a LEED AP at the time of application, and shall use all reasonable efforts to obtain such final certification upon project completion. The submission of a competed LEED checklist by a LEED AP and the 3rd party commissioning of the building envelope and mechanical systems shall be required as evidence of compliance prior to the release of any Final Certificate of Occupancy.

New development and substantial redevelopment in the DMUC Overlay shall capture 100% of the 1-year storm event

Sec. 5.2.6 Building Height Limits

(a) *unchanged*

(b) Exceptions to Height Limits

1. Additions and new construction on parcels created prior to January 1, 2008 that contain a ~~non-conforming existing structure~~ Principal Building exceeding ~~thirty-five (35) feet~~ the maximum permitted Building in height as of January 1, 2008 may exceed the maximum permitted Building height of the zoning district ~~thirty-five (35) feet~~ subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Building structure.
2. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.
- ~~3. Greenhouses, rooftop gardens, terraces, and similar features are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6.~~
3. Ornamental and symbolic architectural features ~~of buildings and structures, including towers, spires, cupolas, belfries and domes;~~ greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where such features are not used for human occupancy or commercial identification, are ~~also~~ exempt from specific height limitations ~~and but~~ shall be subject to the design review provisions of Art.

3 and 6. Such features and structures shall be designed and clad in a manner consistent and complimentary with the overall architecture of the Building.

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

Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods.

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

- ~~5. The footprint of such architectural features shall not exceed ten percent (10%) of the total roof area.~~
5. All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article.
6. The administrative officer may allow for up to a 10% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.