

ZONING ARTICLES

ARTICLE NUMBER - 5

ARTICLE NAME – Add New Article XIV - Mixed Use Innovation District

AMOUNT – \$0

To see if the Town will vote to amend the Town of Burlington Zoning bylaw by adding a new Article XIV entitled, Mixed Use Innovation District as follows:

ARTICLE XIV. MIXED USE INNOVATION DISTRICT

14.1. PURPOSE AND APPLICABILITY

A. Purpose. The Mixed Use Innovation District (MIX) is a major economic hub in Burlington with access to Interstate 95/Route 128, the Middlesex Turnpike, and Cambridge Street. The MIX District is identified in the Burlington 128 District Concept Plan and Report, 2022 and the MIX District Concept Plan, 2023 as an area targeted for new mixed use development and reinvestment. The standards set forth herein for the MIX District are intended to:

1. Promote development that is consistent with Burlington’s land use plans and initiatives to facilitate new investment and create a vibrant, economically diverse, well-connected, welcoming and sustainable district.
2. Guide the physical character of development by providing context-based building and site development standards that reflect scale, sustainable design characteristics, and development patterns envisioned for the district.
3. Enhance the public realm with a well-connected multi-modal transportation network, high quality streetscapes, and outdoor gathering spaces that complement development and reinforce pedestrian comfort and safety throughout the district.
4. Provide for a range of business opportunities using the advantages of access to major federal, state and local highways and public transportation.
5. Provide housing that creates opportunity for a broad range of age groups, household types, and income ranges resulting in a vibrant “Work, Live, Play” District.

B. Applicability

1. Scope of Requirements.

New construction, additions, and any new use or change of use within the district that involves significant modifications to existing structures shall comply with the MIX

District Requirements as outlined herein. "Significant modifications" are defined in the MIX Design Guidelines & Standards.

2. Planning Board Oversight.

- a) The Planning Board is responsible for reviewing compliance with the MIX District Zoning Bylaw and Design Guidelines & Standards.
- b) All of the foregoing shall be subject to Site Plan Review by the Planning Board in accordance with Section 9.3.0 of this Bylaw and shall be required to obtain a Special Permit, where applicable, in accordance with Section 9.2.0.
- c) The Planning Board shall serve as the Special Permit Granting Authority (SPGA) for the MIX District.

3. Design Guidelines & Standards Compliance.

- a) The MIX Design Guidelines & Standards, provided in the Planning Board Rules and Regulations, are integral to the Site Plan Review process. Applicants must comply with these requirements.
- b) As part of this process, the Planning Board will seek recommendations from a qualified urban designer, architect, landscape architect, or engineer retained by the Town through a peer review process. This peer review ensures high-quality design and implementation within the MIX District.
- c) Applicants are required to cover the cost of the peer review, in accordance with G.L. c. 44, § 53G.

4. Alternative Compliance.

Applicants may request Alternative Compliance under Section 1.2.3 of the Design Guidelines & Standards. This allows for alternative designs that meet the intent of the guidelines while providing flexibility in design solutions.

5. Special Permit and Waiver Criteria:

Section 14.8 of the Zoning Bylaw outlines the criteria for the Planning Board's consideration of:

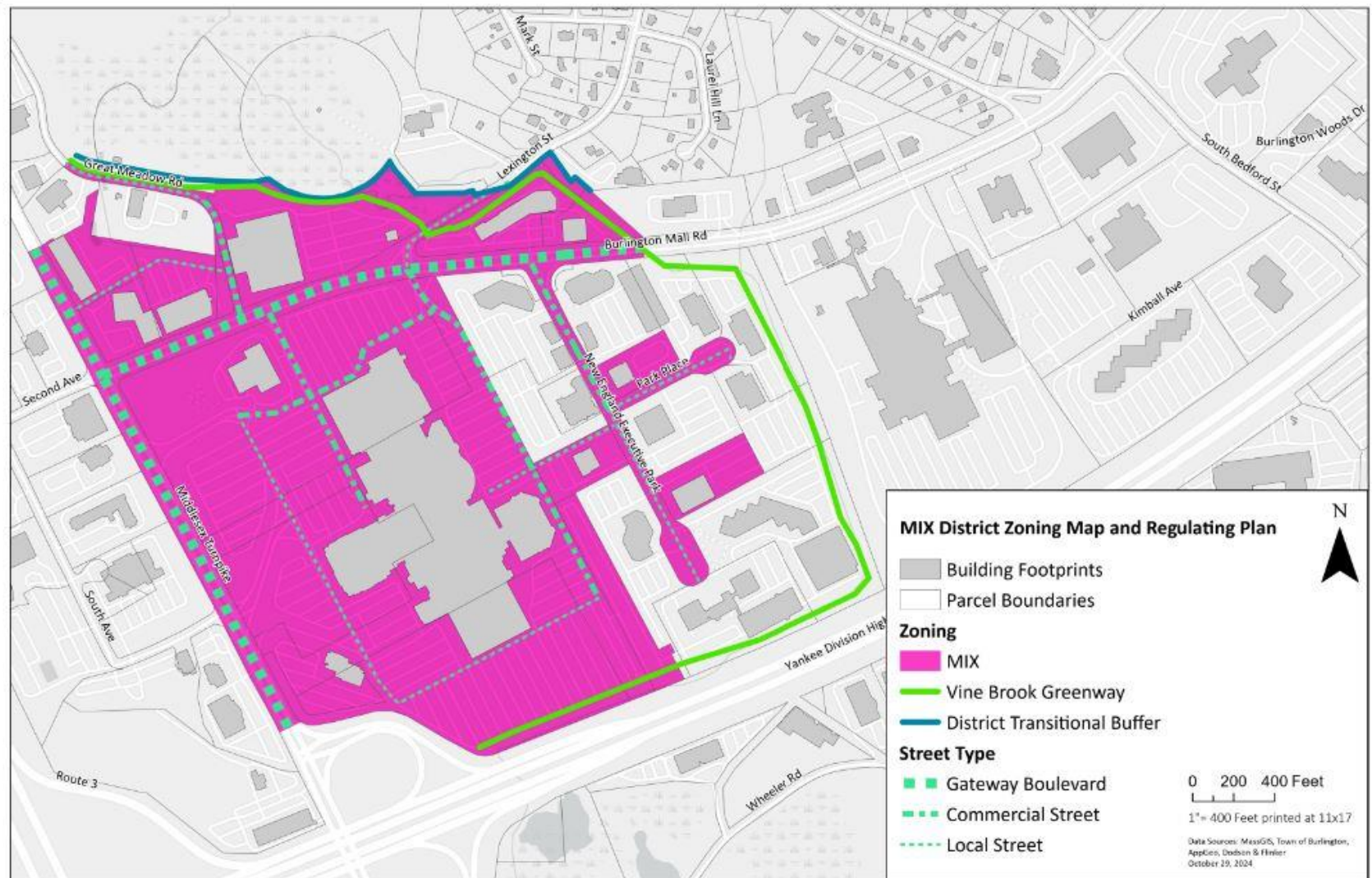
- a) Special permits.
- b) Alternative compliance options.
- c) Design waivers.

B. Designated Zoning District. The MIX District is integrated into the Town of Burlington Zoning Map in Section 3.1.0.

14.2. ZONING MAP AND REGULATING PLAN

The MIX District Regulating Plan is an enhanced zoning map that illustrates additional development standards specific to designated streets and Vine Brook Greenway in the MIX District and incorporated herein. Development in the MIX District that requires site plan review are also subject to the requirements in this Section 14 and the MIX District Design Guidelines & Standards in the Planning Board Rules & Regulations.

FIGURE 2.1. MIX DISTRICT REGULATING PLAN AND ZONING MAP



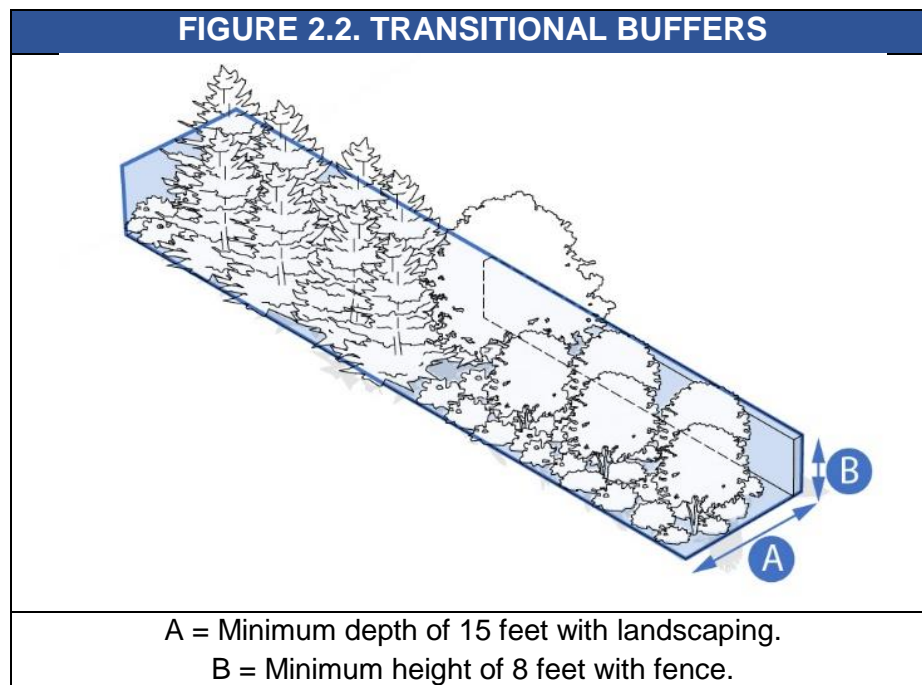
The MIX Zoning District Map and Regulating Plan include the following elements:

- A. Vine Brook Greenway.** The Regulating Plan identifies the Vine Brook Greenway that is currently or intended to be used as a public or publicly accessible Outdoor Amenity Space that serves as a linear park or pathway under Section 14.3.F.
- B. Complete Streets.** The Regulating Plan identifies existing and potential new streets within the MIX District in their approximate locations including the following:
 - 1. Gateway Boulevards.
 - 2. Collector Street.
 - 3. Commercial Street.
 - 4. Local Street.

Complete Streets are intended to facilitate a well-connected, multi-modal transportation network throughout the MIX district and adjacent areas. See Section 14.5 for Complete Streets design standards.

C. Transitional Buffer Zones.

- 1. Purpose. The Transitional Buffer Zones are applied on certain MIX District boundaries where buildings and uses abut residential districts. Transitional buffers are intended to create a compatible transition with surrounding neighborhoods and other sensitive land uses. Transitional Buffer Zones are identified on the MIX District Regulating Plan.

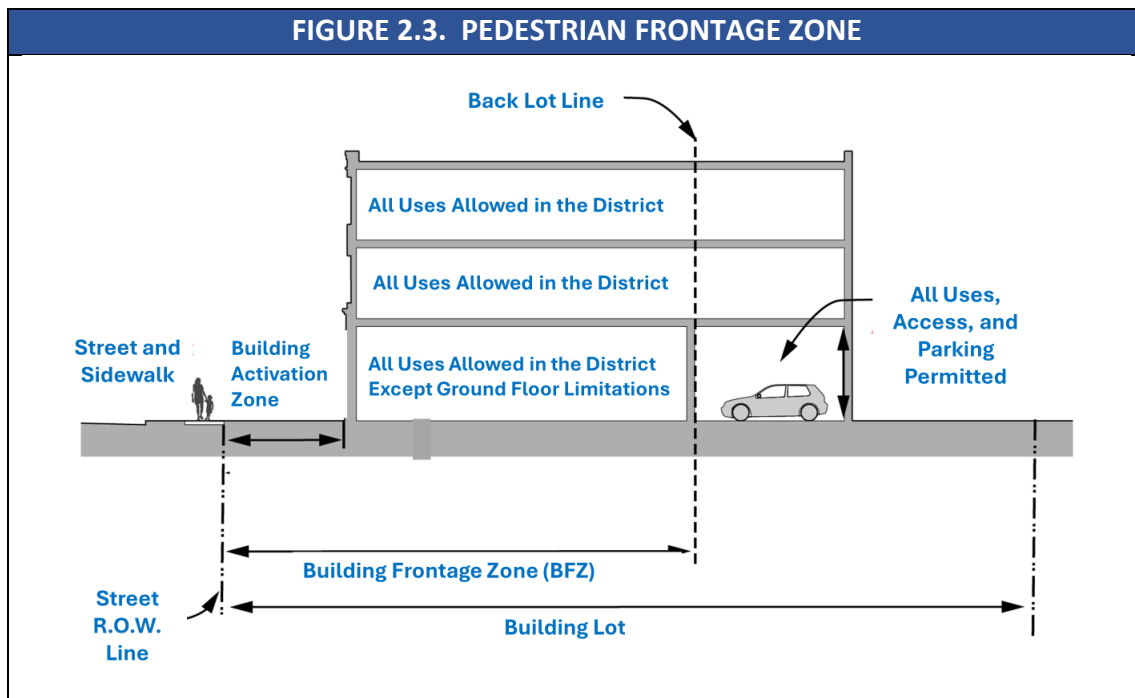


2. Buffer Requirements.

- a) Where required, transitional buffers shall include a combination of natural, landscaped screening, or fencing that provides an opaque visual barrier to a minimum height of eight (8) feet above the ground at planting.
- b) All buildings and outdoor activation applications under Section 14.6 shall be set back a minimum of 50 feet from the property line along all Transitional Buffer Zone boundaries.
- c) Allowed building types in the transitional buffer zone include Townhouses, Multifamily Buildings, Mixed Use Buildings, and General Commercial Buildings in Section 14.4.
- d) The maximum height of new buildings in the transitional buffer zone is 50 feet.
- e) By Special Permit, the Planning Board may allow a “Design Waiver” or “Alternative Compliance”, as set forth in section 14.8, based on the characteristics of a given site.

D. Pedestrian Frontage Zone.

1. Purpose. To create and retain a vibrant pedestrian environment along designated streets including sidewalks, building activation, publicly accessible commercial uses.



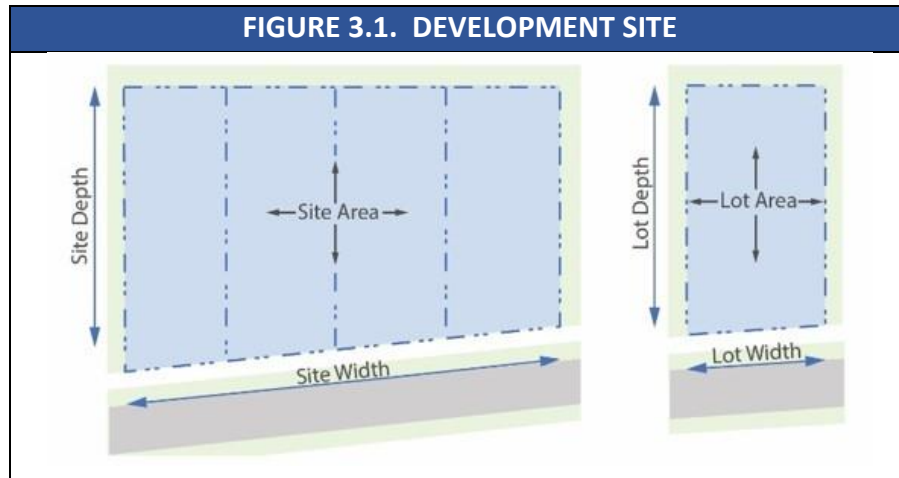
2. Application. Pedestrian Frontage Zones and Ground Floor Limitations apply to buildings with frontage on Gateway Boulevards (see Section 14.5. Complete Streets).
3. Ground Floor Requirements. Buildings fronting on the designated Gateway Boulevards shall be subject to the following requirements:

- a) Ground floor uses in the Building Frontage Zone shall be limited to publicly accessible commercial uses such as retail, restaurants, professional services, and personal services. Ground floor uses behind the Building Frontage Zone may include all uses permitted in the district.
 - b) Residential uses may have a ground floor entrance from the Building Frontage Zone that leads to the upper floors of the building. Residential uses on upper floors may have common space on the ground floor in the Building Frontage Zone up to a maximum of 30% of the ground floor net square feet.
 - c) Residential uses and non-residential uses not oriented to public access shall be allowed on ground floors when set back a minimum of 60 feet from the street right-of-way.
 - d) The Planning Board may grant a Design Waiver if it determines that street-fronting residential and/or other non-publicly oriented uses will not have an adverse impact on the continuity and vitality of the Pedestrian Frontage Zone uses.
4. Application. Pedestrian Frontage Zones and Ground Floor Limitations apply to buildings with frontage on Gateway Boulevards (see Section 14.5. Complete Streets).

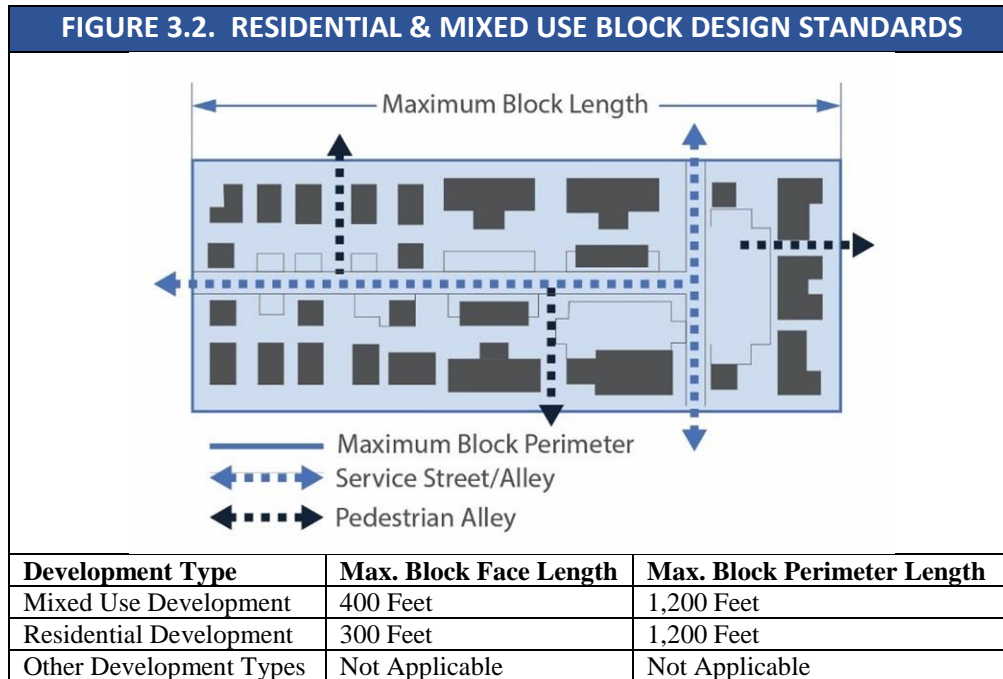
14.3. SITE DEVELOPMENT STANDARDS

A. Development Site Requirements. All proposals for use of any “Development Site” within the MIX shall conform to this Section 14.3.

1. Definition. A Development Site is any lot or group of contiguous lots assembled for the purpose of a single development, including one or more principal buildings. Existing Development Sites in the MIX are the lots that functionally make up the Burlington Mall and The District.



2. Permitted Building Types. A Development Site may include a combination of Building Types as permitted in the MIX District in Section 14.4.E. that are assembled on an individual lot or group of contiguous lots for the purpose of a single development.
3. Access. All Development Sites must be accessed from a public or publicly accessible street.
4. Street Requirements. Frontage streets and internal streets within a Development Site must meet the design standards on the MIX District Regulating Plan and Complete Streets in Section 14.5.
5. Outdoor Amenity Space. The amount of Outdoor Amenity Space required within the Development Site is the cumulative land area of Outdoor Amenity Space for the total number and types of building composed on the site. The types of Outdoor Amenity Space may include any combination of those permitted under Section 14.3.F.
6. Development Block Standards.



- a) Walkability and Access. Block length along public or private streets within a Development Site shall ensure that access and walkability are integrated into the placement of buildings, Outdoor Amenity Spaces, and site utility areas.
- b) Orientation. Blocks shall be laid out to orient buildings to the street and sidewalk while concentrating utility elements and parking out of public view. Outdoor Amenity Space may be oriented to the street or internalized to the side or rear of the building with pedestrian access to the street.
- c) Size and Dimension. The maximum length of a block face and perimeter shall be determined as set forth in Figure 3.2. The Planning Board may grant a Design Waiver for a longer block face or block perimeter where the applicant can demonstrate that the block will be highly walkable with pedestrian passages, curb extensions, streetscape enhancements, mid-block crossings, and/or other pedestrian enhancements.
- d) Access and Utilities. Access to the interior utility area of a block shall be made by a Private Street or Access Way consistent with the Complete Street Design Standards in Section 14.5. A Private Street or Access Way shall be located no less than 50 feet from any intersecting street at the corner of a block. A Pedestrian Passage is required along a block face that exceeds 300 linear feet between intersecting streets and where shared parking areas or Outdoor Amenity Space is located within the interior of the block.

B. Parking Standards.

Parking and loading standards are provided in Section 7.2.0 and 7.3.0 of the Zoning Bylaw. Structured Parking is permitted in the MIX District under the requirements of Section 7.2.0 of the Zoning Bylaw and subject to the MIX Design Guidelines in the Planning Board Rules and Regulations.

C. Site Landscaping and Sustainability Standards.

1. Streetscape Treatments. Streetscape treatments are required along the entire primary and secondary street frontage within twenty (20) feet of the of the street right-of-way as follows:
 - a) Curbing. Where granite curbing is not in place within the existing street right-of-way, six (6) inch raised vertical granite curbing is required along the entire street frontage and the curve radiuses for points of ingress and egress where driveways are located.
 - b) Street Belt and Street Trees. Deciduous street trees shall be installed along the entire primary and secondary street frontage in a continuous street belt with a minimum width of eight (8) feet and located at the street right-of-way line. Street trees shall be spaced forty (40) feet on center. Street trees shall be a minimum size at planting of 3 ½" caliper at breast height (DBH) and of native species common to the region. All trees shall be drought and salt tolerant. Street trees shall be regularly trimmed to provide clear visibility into the site from the street and provide shade over the walkway at full growth.
 - c) Ground Cover. Low lying and low maintenance grasses, shrubs, bushes, flowers, and similar vegetative materials shall be planted evenly in the Tree Belt throughout the street frontage. All ground cover must be maintained at no more than 30 inches in height to avoid blocking visibility for drivers entering or exiting the site.
 - d) Sidewalks. A 5-foot concrete sidewalk is required along the entire length of the primary and secondary street frontage where a sidewalk does not exist within the street right-of-way. Sidewalks must connect to sidewalks on adjacent frontage properties where they exist.
 - e) Pathways. A paved pathway may be provided along the street frontage between the Trees Belt and the buildings on site as an alternative to a sidewalk. A pathway must be a minimum of eight (8) feet in width and run the entire length of the primary and secondary street frontage. Pathways shall connect to adjacent properties where they exist. Pathways shall connect to buildings on the development site via a 5-foot sidewalk.

- f) Signs. Development Site signs should be integrated into the streetscape plan. See Section Article XIII. Sign Regulations and the MIX District Design Guidelines in the Planning Board Rules & Regulations.

D. Utilities.

1. Public Utilities. All new public utilities, except structures and other facilities that require above-grade access, shall be installed underground.
2. Trash and Service Areas.
 - a. All service, loading, trash, and recycling storage areas shall be screened by a masonry wall, wood fence, or evergreen plantings to reduce their visual impact.
 - b. Trash bins shall be consolidated on site and enclosed with a masonry wall or wooden fence.
 - c. Loading and service areas shall not face any residential area unless no other location is feasible.
 - d. Garage doors and loading spaces are prohibited on the street facing façade of any building unless no other location is feasible.

E. Outdoor Amenity Space Standards.

1. Outdoor Amenity Spaces include the following types:
 - a) Civic Space: Open spaces that are publicly-owned or controlled including active and passive recreation areas, civic buildings, and other gathering spaces that are fully accessible to the general public.
 - b) Publicly Oriented Private Spaces. Open spaces on private land primarily serving the residents, businesses and patrons of the principal buildings or Development Site, and generally accessible to the public.
 - c) Private Open Space. Open space associated with individual dwelling units and residents of multi-family buildings and is not intended for public access.
 - d) Vine Brook Greenway. A linear open space that follows the Vine Brook
2. Required Outdoor Amenity Space. The required percentage of a building lot dedicated to Outdoor Amenity Space is identified for each building type in Section 14.4.E., Figures 4.3 through 4.8. Where multiple lots or buildings are assembled to form a Development Site under Section 14.3.F, the required amount of Outdoor Amenity Space is the cumulative land area of Outdoor Amenity Space required for the total number and types of building of which the site is composed.
3. Design Guidelines. Refer to the MIX District Design Guidelines in the Planning Board Rules & Regulations for specific design guidelines for Outdoor Amenity Spaces.

4. Permitted Outdoor Amenity Spaces. Permitted Outdoor Amenity Spaces are identified in Figure 3.3 below.
5. Alternative Compliance. The Planning Board may allow by special permit an alternative type of outdoor amenity space to those listed on Figure 3.3.
6. Off Site Open Space. The Planning Board by special permit may also allow for a portion of the required on-site outdoor amenity space in a Development Site to be located off site in a designated location in the MIX District or adjacent area that is deemed to have significant public benefit including the Vine Brook Greenway (as identified on the MIX Regulating Plan), TRW Park, and other sites as determined by Planning Board.
Off-Site Open Space shall require approval by the Select Board.

FIGURE 3.3. OUTDOOR AMENITY SPACE TYPES AND DESIGN STANDARDS



Private Yards and Dooryard (PS): A private open space where the building façade is aligned close to the Street R.O.W. Line and 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 the front yard. This type is commonly associated with ground-floor residential use.



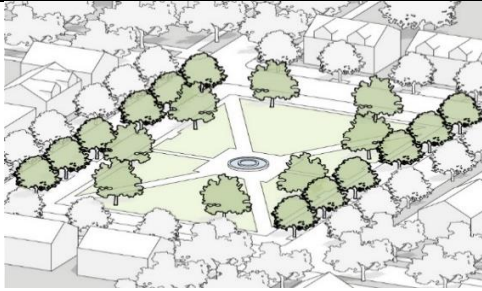
Forecourt (POPS, PS): A private open space where a portion of the façade is aligned close to or at the Street R.O.W. Line, and the central portion of the façade is set back to create a courtyard with a principal entrance at-grade and space for gathering and circulation, or for outdoor shopping or restaurant seating. The forecourt shall be planted or paved to join with the public sidewalk.



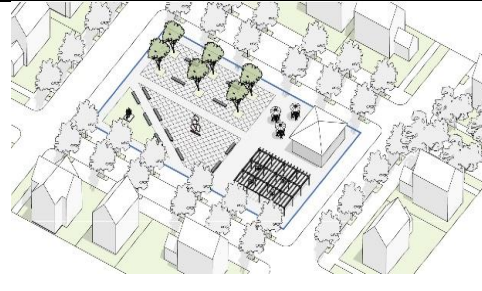
Courtyard (POPS, PS): An enclosed open space that is open to the sky. They are often surrounded by a building or framed by buildings on at least 2 sides. Courtyards may include a variety of passive recreational activities, community gardens, and other amenities for community gatherings.



Community Garden (CS, POPS, PS): An open space designed as individual garden plots available to residents for horticultural purposes, including storage facilities for necessary equipment. Community gardens may be freestanding or incorporated as a subordinate feature of a community park, neighborhood or pocket park, or Development Site.



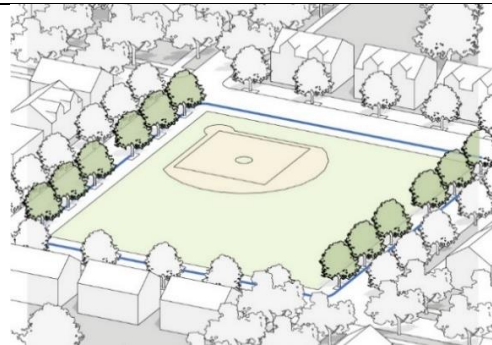
Common or Green (CS, POPS): A free-standing site with streets on all sides and landscape consisting of lawns, paths, and trees. This open space type is for active and passive recreation and gathering purposes.



Plaza or Square (CS, POPS): An open space type designed for passive recreation, civic purposes, and commercial activities, with landscape consisting primarily of hardscape. Plazas are generally located in activity centers or the nexus of major circulation routes.



Pocket Park or Playground (CS, POPS, PS): An open space type designed for passive recreation consisting of vegetation, a place to sit outdoors, and playground equipment.



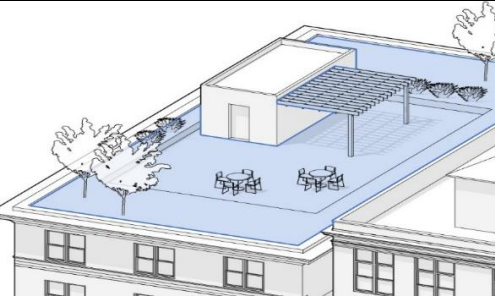
Athletic Field or Ball Court (CS, POPS): A publicly accessible open space designed and equipped for active recreation and organized sports. Playing fields and courts may include grass, clay, dirt, stone dust, concrete, asphalt, ice or other pervious or impervious materials to support various sporting organizations and events.



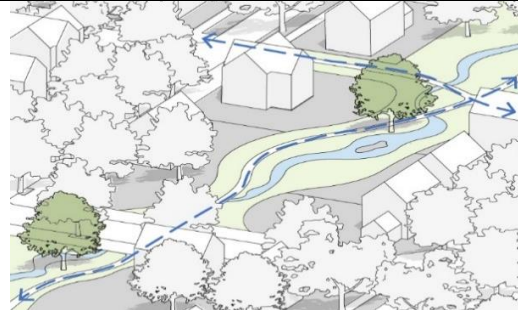
Neighborhood Park (CS, POPS): An open space designed for active and passive recreation with features and facilities that support the community or immediate neighborhood. Parks can include other Outdoor Amenity Spaces such as community gardens, recreation fields and courts, trails and pathway, swimming pools and water features, and other facilities intended for public events, gatherings, and organized activities.



Streetside Plaza and Terrace (POPS): An open space where the building façade is setback from the Street R.O. W. Line and the space between is occupied by a hardscape intended for use as an extension of the public sidewalk and outdoor amenity space such as for outdoor seating or displays. The space may also allow for public circulation along the façade and can be used to provide at-grade access or a grade change along a Street R.O.W. Line.



Rooftop Terrace (POPS, PS): A roofless, raised platform on the roof of a building that provides community gathering space such as a terrace, community garden, food and entertainment, or other outdoor amenities.



Greenway (CS): A linear open space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by segment and include access to pedestrians, bicyclists, and other designated modes of non-motorized transportation.

14.4. BUILDING TYPES, USE AND DESIGN STANDARDS

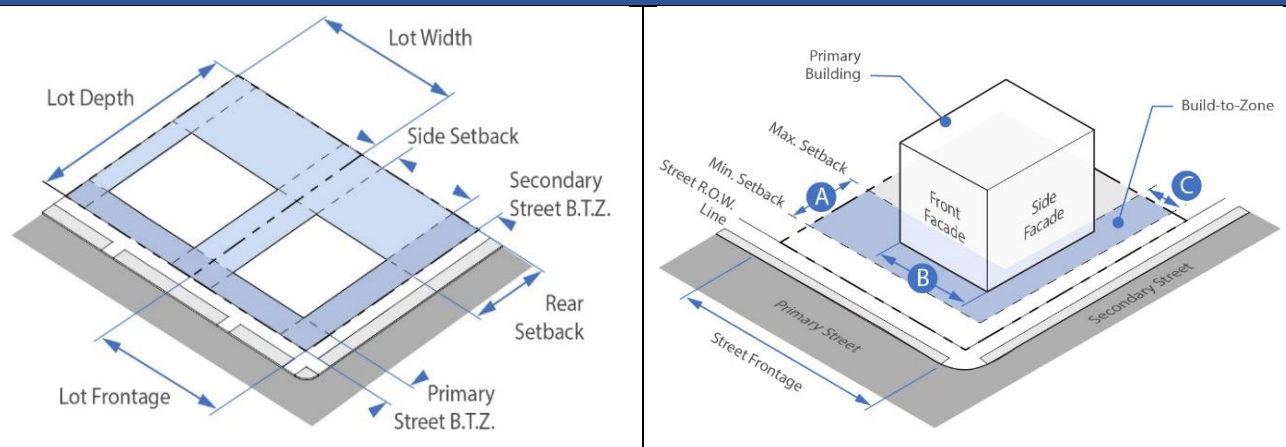
A. Allowable Uses.

Uses allowed by right and by special permit are identified in Schedule of Uses in Section 4.2.0, 4.3.0, and 4.4.0 of the Zoning Bylaw.

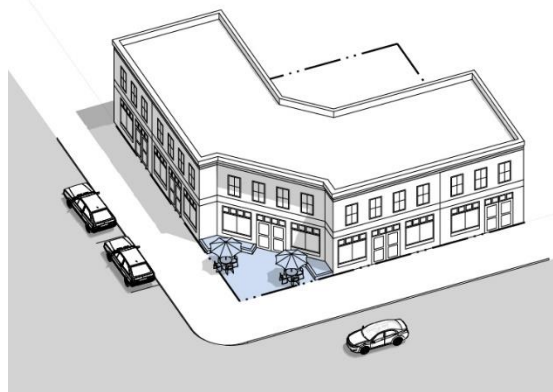
B. Building Placement and Orientation.

1. Number of Buildings. More than one principal building is allowed on a Development Site where, collectively, all buildings meet the dimensional standards, required Outdoor Amenity Space, and required parking except where otherwise restricted in this section.
2. Building Placement. No principal buildings and/or accessory structures shall be located in a required front, side, or rear setback except as otherwise permitted in this section. Building placement standards are set forth for each Building Type in Section 14.4, Figures 4.3-4.8.

FIGURE 4.1. BUILDING PLACEMENT ON THE LOT



A: Primary Street Build-To-Zone; B: Primary Building Build-To-Zone Occupancy;
C: Secondary Street Build-To-Zone



Façade Orientation and Corner Lot Site Clearance

3. Build-To-Zones (BTZ). The area between the minimum front setback and maximum front setback is the Primary Street Build-To-Zone (BTZ) in which the front façade of the primary building facing the primary street shall be placed. If the lot is on a street corner, the side façade facing the secondary street shall be placed in the required Secondary Street Build-To-Zone. The BTZ is defined for each Building Type in Figure 4.3-4.8.
4. Façade Orientation. The front façade and entrance of a principal building must be built parallel to the street right of way. line. On a corner lot, the building façade may be retracted up to 30 feet between the curb radius to allow for Outdoor Amenity Space.

C. Building Height.

1. Maximum Height. The maximum building height and number of stories is defined by Building Type in Figures 4.3-4.8.
2. Building Height Exceptions. Height limits do not apply to Outdoor Amenity Spaces such as a roof deck, terrace, garden, trellises, and related structures conforming to Section 14.3.F.
3. Building Stepback and Street Enclosure. Buildings shall be set back or stepped back on the upper floors from the street right-of-way line in accordance with Figure 4.2 below. The purpose of this requirement is to enhance the pedestrian environment and prevent excessive street enclosure and shadowing on narrower streets. Notwithstanding the provisions of Figure 4.2, in no event shall any building exceed the maximum height requirements for individual Building Types in Figures 4.3-4.8. Within the spaces created by building setbacks and stepbacks, Outdoor Amenities Space are permitted as provided in Section 14.3.F.

FIGURE 4.2. BUILDING HEIGHT, SETBACK AND STEPBACK

Building Setback from Street Right-Of-Way Line	Maximum Building Height (in Feet) by Street Type (See Section 14.5 for Complete Street Design Standards)			
	Gateway Boulevard	Collector Street	Commercial Street	Local Street
At Street ROW Line (0 Feet)	-	-	-	-
10 Feet	-	-	-	30
20 Feet	-	-	40	40
30 Feet	55	55	55	55
40 – 60 Feet	65	65	65	65
60 – 150 Feet	75	75	75	75
> 150 Feet	Maximum Height Allowed by Building Type (Sec. 14.4.E)			

D. Determination of Building Type.

1. Classification. The Planning Director shall classify new principal structures in the MIX District as a specific building type based on the definition of each building type and upon finding that the structure is substantially consistent in placement, height, massing, and use to one of the permitted building types in Section 14.4.E. The Planning Director shall also classify pre-existing structures that are being expanded or converted to new uses under this section.
2. New Building Types. If a new building or existing building cannot be classified as one of the allowed building types in Section 14.4.E by the Planning Director, the building type

is subject to special permit review by the Planning Board under Section 9.2.0 of the Zoning Bylaw.

E. Allowed Building Types and Development Standards. See Figure 4.3-4.8 below.



FIGURE 4.3. TOWNHOUSE BUILDING DESIGN STANDARDS		
1. DEFINITION: A small footprint and attached single family residential building with narrow massing and located on a private or common lot with other units. Each unit is separated by common walls and groups of buildings may be separated by a common driveway or community space.		
		
2. LOT STANDARDS		
2.1	Lot Size (S.F.)	Not Required
2.2	Frontage (Linear Ft)	18 Ft. Minimum
2.3	Front Yard Build-To-Zone (Ft)	5 Ft. Minimum / 25 Ft Maximum
2.4	Side Yard Setback (Ft)	0 Ft. (15 Feet if Detached) Minimum
2.5	Rear Yard Setback (Ft)	15 Ft. Minimum
2.6	Outdoor Amenity Space Lot Coverage (%)	20% Minimum
2.7	Impervious Surface Lot Coverage (%)	60% Maximum
3. BUILDING DESIGN STANDARDS		
3.1	Building Height (Ft)	2.5 Stories/35 Ft. Maximum
3.2	Street Facing Wall Width (Ft)	18 Ft. Minimum / 24 Ft. Maximum
3.3	Street Facing Entrance	Required
3.4	Street Facing Ground Floor Fenestration (%)	20% Minimum
3.5	Maximum Building Footprint (SF)	Not Required
4. ADDITIONAL STANDARDS		
4.1	Off-street parking is not allowed in front of the buildings except on-street parallel parking.	
4.2	Attached, detached, and integral parking garages shall not be located on the front of the buildings and must be accessed from the rear. Detached garages on an individual lot are permitted and must be accessed from a rear access way and setback a minimum of 5 feet from the rear property line.	
4.3	A maximum of 12 units can be attached by a common wall before and access way of 20 feet is provided for pedestrians, vehicles, or outdoor amenity space.	
4.4	Landscaping shall be provided between the Street Right-Of-Way and the front façade of the building.	

FIGURE 4.4. MULTI-FAMILY BUILDING DESIGN STANDARDS

1. DEFINITION: A building designed and used as living quarters and habitation by four (4) or more families, containing separate cooking, bathroom and sleeping facilities in each of the living quarters.



2. LOT STANDARDS

2.1	Lot Size (S.F.)	Not Required
2.2	Frontage (Linear Ft)	100 Ft. Minimum
2.3	Front Yard Build-To-Zone (Ft)	10 Ft. Minimum/ 50 Ft. Maximum
2.4	Side Yard Setback (Ft)	15 Ft. Minimum
2.5	Rear Yard Setback (Ft)	20 Ft. Minimum
2.6	Outdoor Amenity Space Lot Coverage (%)	20% Minimum
2.7	Impervious Surface Lot Coverage (%)	60% Maximum

3. BUILDING DESIGN STANDARDS

3.1	Building Height (Ft)	6 Stories / 70 Ft.
3.2	Street Facing Wall Width (Ft)	30 Ft. Minimum/ 100 Ft. Maximum
3.3	Street Facing Entrance	Required
3.4	Street Facing Ground Floor Fenestration (%)	20% Minimum
3.5	Maximum Building Footprint (SF)	Not Required

4. ADDITIONAL STANDARDS

4.1	Off-street parking is not allowed in front of the buildings except for on-street parallel parking.	
4.2	Streetscape treatments are allowed between the street R-O-W and front façade of the buildings.	
4.3	Where there is a side setback, a minimum of 10 feet is required to accommodate pedestrian access or 30 feet to accommodate vehicle access to the side and rear of the property.	

FIGURE 4.5. MIXED-USE BUILDING DESIGN STANDARDS

1. DEFINITION: A building that typically accommodates a variety of ground floor commercial uses and upper residential and office uses.



2. LOT STANDARDS

2.1	Lot Size (S.F.)	Not Required
2.2	Frontage (Linear Ft)	100 Ft. Minimum
2.3	Front Yard Build-To-Zone (Ft)	0 Ft. Minimum/ 50 Ft. Maximum
2.4	Side Yard Setback (Ft)	30 Ft. Minimum (0 Ft if Common Wall)
2.5	Rear Yard Setback (Ft)	50 Ft. Minimum
2.6	Outdoor Amenity Space Lot Coverage (%)	20% Minimum
2.7	Impervious Surface Lot Coverage (%)	80% Maximum

3. BUILDING DESIGN STANDARDS

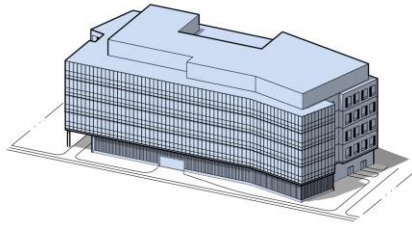
3.1	Building Height (Ft)	6 stories/70 Ft.
3.2	Street Facing Wall Width (Ft)	50 Ft. Minimum
3.4	Street Facing Entrance	Required
3.5	Street Facing Ground Floor Fenestration (%)	40% Minimum
3.6	Maximum Building Footprint (SF)	50% of the Lot

4. ADDITIONAL STANDARDS

4.1	Off-street parking is not allowed in front of the buildings except on-street parallel parking.	
4.2	Where there is a side setback, a minimum of 10 feet is required to accommodate pedestrian access or 30 feet to accommodate vehicle access to the side and rear of the property.	

FIGURE 4.6. GENERAL COMMERCIAL BUILDING DESIGN STANDARDS

1. DEFINITION: A building that typically accommodates a variety of ground floor commercial uses and upper floor office uses, or all office uses, at a scale that is compatible and complimentary to its given district. General Commercial Buildings do not include residential uses.



2. LOT STANDARDS

2.1	Lot Size (S.F.)	Not Required
2.2	Frontage (Linear Ft)	50 Ft. Minimum
2.3	Front Yard Build-To-Zone (Min./Max.)	0 Ft. Minimum/ 75 Ft. Maximum
2.4	Side Yard Setback (Ft)	30 Ft. Minimum (0 Ft if Common Wall)
2.5	Rear Yard Setback (Ft)	50 Ft. Minimum
2.6	Outdoor Amenity Space Lot Coverage (%)	20% Minimum
2.7	Impervious Surface Lot Coverage (%)	80% Maximum

3. BUILDING DESIGN STANDARDS

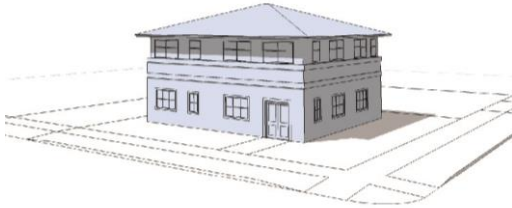
3.1	Building Height (Max.)	6 stories/90 Ft.
3.2	Street Facing Wall Width (Min.)	50 Ft. Minimum
3.4	Street Facing Entrance	Required
3.5	Street Facing Ground Floor Fenestration (Min.)	75%
3.6	Maximum Building Footprint (SF)	Not Required

4. ADDITIONAL STANDARDS

4.1	One-Story buildings must have a minimum street facing façade height of 18 feet.	
4.2	Where there is a side setback, a minimum of 10 feet is required to accommodate pedestrian access or 30 feet to accommodate vehicle access to the side and rear of the property.	
4.3	Off-street parking is not allowed in front of the buildings except on-street parallel parking.	
4.4	Retail storefronts must have a minimum of 60% Street Facing Ground Floor Fenestration.	

FIGURE 4.7. FABRICATION/FLEX BUILDING DESIGN STANDARDS

1. DEFINITION: A building located and designed to accommodate a variety of fabrication, trades and general industrial uses and related support services such as office, storage, distribution, and sales. Flex buildings also support these uses and provide affordable space to small and creative business enterprises.



2. LOT STANDARDS

2.1	Lot Size (S.F.)	Not Required
2.2	Frontage (Linear Ft)	50 Minimum
2.3	Front Yard Build-To-Zone (Ft)	10 Ft. Minimum
2.4	Side Yard Setback (Ft)	50 Ft Minimum (0 Ft if Common Wall)
2.5	Rear Yard Setback (Ft)	50 Ft. Minimum
2.6	Outdoor Amenity Space Lot Coverage (%)	20% Minimum
2.7	Impervious Surface Lot Coverage (%)	80% Maximum

3. BUILDING DESIGN STANDARDS

3.1	Building Height (Ft)	6 stories/70 Ft
3.2	Street Facing Wall Width (Ft)	50 Ft. Minimum
3.4	Street Facing Entrance	Required
3.5	Street Facing Ground Floor Fenestration (%)	30% Minimum
3.6	Maximum Building Footprint (SF)	Not Required

4. ADDITIONAL STANDARDS

4.1	Where there is a side setback, a minimum of 10 feet is required to accommodate pedestrian access or 30 feet to accommodate vehicle access to the side and rear of the property.	
4.2	Off-street parking is not allowed in front of the buildings except on-street parallel parking.	

FIGURE 4.8. LABORATORY BUILDING DESIGN STANDARDS

1. DEFINITION: A designated area within a building equipped to conduct scientific experiments, tests, investigations, research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of biology, life science, chemistry, electronics, engineering, geology, medicine, and physics.



2. LOT STANDARDS

2.1	Lot Size (S.F.)	Not Required
2.2	Frontage (Linear Ft)	100 Minimum
2.3	Front Yard Build-To-Zone (Ft)	50 Ft. Minimum
2.4	Side Yard Setback (Ft)	75 Ft Minimum (0 Ft if Common Wall)
2.5	Rear Yard Setback (Ft)	75 Ft Minimum
2.6	Outdoor Amenity Space Lot Coverage (%)	15% Minimum
2.7	Impervious Surface Lot Coverage (%)	80% Maximum

3. BUILDING DESIGN STANDARDS

3.1	Building Height (Ft)	6 stories/120 Ft Maximum
3.2	Street Facing Wall Width (Ft)	50 Ft. Minimum
3.4	Street Facing Entrance	Required
3.5	Street Facing Ground Floor Fenestration (%)	30% Minimum
3.6	Maximum Building Footprint (SF)	Not Required

4. ADDITIONAL STANDARDS

4.1	Where there is a side setback, a minimum of 10 feet is required to accommodate pedestrian access or 30 feet to accommodate vehicle access to the side and rear of the property.
4.2	Off-street parking is not allowed in front of the buildings except on-street parallel parking.
4.3	Lab buildings shall be setback a minimum of 150 feet from residential buildings unless the Board of Health determines that the laboratory facilities have provided adequate health and safety methods in the design of the buildings and site.
4.4	The maximum height of 120 feet includes the rooftop mechanical equipment which shall be screened with an opaque pediment or fence.

F. Infill Development, Reuse, and Renovation of Pre-Existing Buildings.

1. The Planning Director shall determine the building type under Section 14.4.D of an existing building that is being substantially expanded or changing use and shall be subject to the Building and Lot Standards of that building type including requirements for outdoor amenity space.
2. Where the substantial expansion or changing use is unable to meet the Building and Lot Standards in Section 14.4.D, the existing building shall comply with the following non-conforming provisions:

FIGURE 4.9. ADDITIONS TO EXISTING BUILDING IN THE MIX DISTRICT

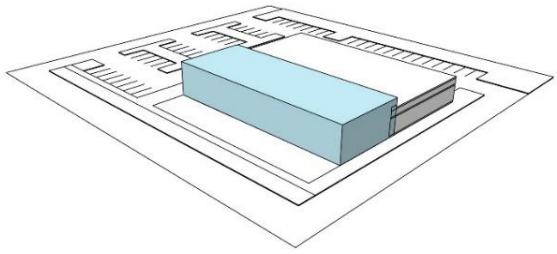
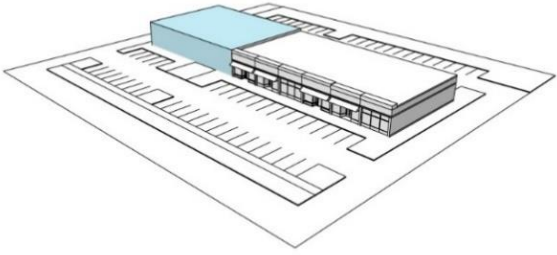
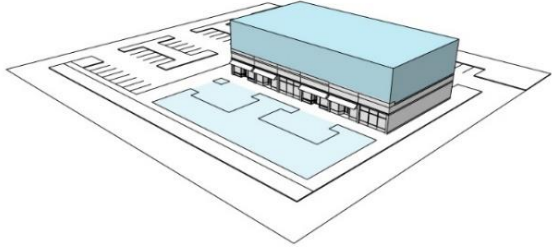
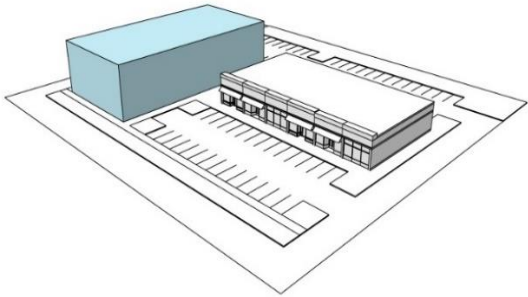
TYPE OF ADDITION	STANDARDS
	<ol style="list-style-type: none">1. Front Addition. Any addition in front of the existing building shall meet the minimum setback of the Front Build-To Zone (BTZ). The addition does not have to meet the minimum Front Build-To-Zone Occupancy (BTZO). Where applicable, a portion of existing parking spaces between the building and the street frontage shall be converted to outdoor amenity space as required for the building type and lot standards.
	<ol style="list-style-type: none">2. Side Addition. Side additions are allowed up to the minimum side yard setback line. If the existing buildings and the side addition together exceeds 200 feet in length, the side addition must be off set to the front or back of the existing building by a minimum of four (4) feet. Where applicable, a portion of existing parking spaces between the building and the street frontage shall be converted to outdoor amenity space as required for the building type and lot standards.

FIGURE 4.9. ADDITIONS TO EXISTING BUILDING IN THE MIX DISTRICT

TYPE OF ADDITION	STANDARDS
	<p>3. <u>Story Addition.</u> Story additions are allowed up to the maximum story and building height for the designated building type. Where applicable, a portion of existing parking spaces between the building and the street frontage shall be converted to outdoor amenity space as required for the building type and lot standards.</p>
	<p>4. <u>Additional Principal Building.</u> Where a new building is being constructed on a lot with an existing non-conforming building, the new building must be placed in the Street Build-To-Zone (BTZ). Where applicable, a portion of existing parking spaces between the building and the street frontage shall be converted to outdoor amenity space as required for the building type and lot standards.</p>

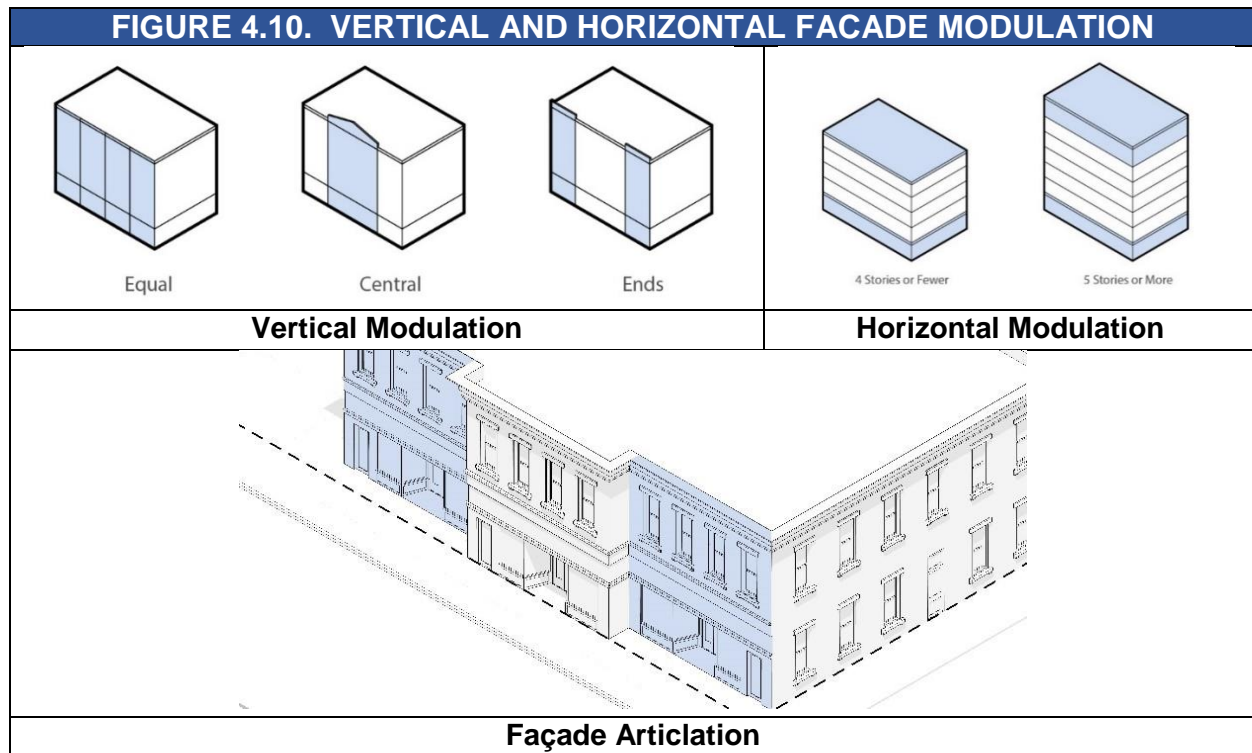
G. Building Proportions and Façade Composition.

1. Vertical Modulation and Articulation.

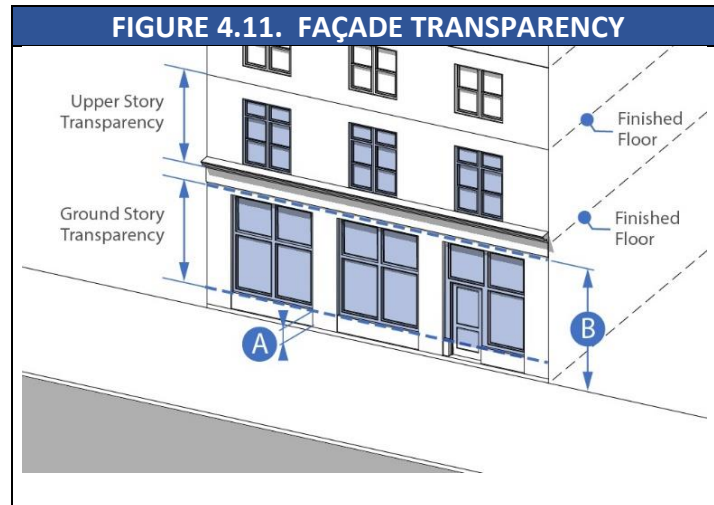
- a) The minimum building width fronting on a street is to be determined for each building type under Figures 4.3-4.8. Street-facing building façades shall be vertically articulated with architectural bays or end articulated façade composition.
- b) Buildings greater than 250 feet in width shall be designed to read as a series of smaller buildings with varied articulation and architectural detailing. Articulation must result in a change in vertical plane of the façade of at least five (5) feet (in depth or projection) for at least one modulated bay in width for every seventy-five (75) feet of total street-facing façade width.

2. Horizontal Modulation and Articulation. Street-facing building façades shall be horizontally articulated for buildings three (3) stories and taller, the following standards apply:

- a) The top story of each street-facing façade shall have a cornice, parapet, roof element, or change in massing as an expression of the building's top.
- b) Materials appearing heavier in weight should be used for the building's base, with materials appearing similar or lighter in weight used above.



3. **Surface Relief with Architectural Features.** Street-facing building façades should provide surface relief through the use of bay windows, cladding, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, sign bands, windows, and other equivalent architectural features that either recess or project from the average plane of the façade by at least 1 foot.
4. **Parapet Wall.** Buildings with flat roofs shall be capped by an articulated parapet that is visible from all sides of the building and screens the rooftop mechanical infrastructure from view at ground level.
5. **Building Transparency.** The following standards apply to all commercial and mixed-use buildings in MIX District with ground floor office, retail, and restaurant uses:
 - a) Façades shall have windows and doors with highly transparent, low reflectivity glass for a percentage of the total area of a façade, measured for each story independently. The required percentage of street facing ground floor fenestration is determined by each building type in Section 14.4.E, Figures 4.3 through 4.8.
 - b) Façade transparency of a ground story façade is measured between two feet (A) and twelve feet (B) above the adjacent street as shown in Figure 4.11.
 - c) Façade transparency requirements are only applicable to façades facing street right-of-way.



H. Exterior Treatments.

1. The main elements of the architectural treatment of the building's street-facing façade, including the materials used, shall be continued around all sides of the building that are visible from existing and planned streets, pedestrian passages, parking lots, or Outdoor Amenity Spaces.
2. Traditional construction materials such as brick, stone, and block are suggested for smaller buildings. Other contemporary construction materials such as glass, metal, and other siding materials are appropriate for larger buildings and should be compatible with adjacent buildings which have more traditional materials. Buildings in the MIX district are expected to have an elevated design and create a welcoming pedestrian experience.

I. Sustainable Development Applications

The goal of sustainable design applications in the MIX District is to effectively balance environmental, economic, and aesthetic objectives through a range of best practices. Products and materials that are specified for construction should be selected based on their durability, maintenance and recyclability characteristics, energy sources and consumption profile, and with respect to their performative and sustainable qualities.

The Planning Board shall consider the application of the following sustainable practices for buildings and site development in the MIX District in the Site Plan Review process:

1. Locally Sourced and Natural Materials. Whenever possible, materials should be locally sourced, have a low embodied energy content, and be recyclable. Products that reduce raw material use should be chosen because of their resource conservation. Natural materials such as wood, glass, and stone are recommended for buildings in MIX district.
2. High-Performance Building Skin. As applicable, new buildings should use low emissivity windows, high R-value spray insulation, reduced thermal bridging, adequate depth

exterior walls, solar shading, and sustainable cladding which all contribute to a high-performance building envelope.

3. Green Roofs and Walls. Green roofs and walls reduce storm water runoff, protect the underlying roof, reduce solar gain during the summer months, provide habitat for wildlife, and can also be a visual amenity. These sustainable applications are highly recommended in the MIX District.
4. Pervious Paving. Natural paving materials should be used to create sidewalks, plazas, terraces, and other hardscapes such as stone, or patterns using colored concrete. Permeable paving is also recommended to allow rainwater to naturally leach into the ground and recharge the water table.
5. Rain Gardens and Bioswales. Stormwater, flooding, and ground water recharging are important site planning issues in the MIX District. New developments should incorporate natural elements to create resilience such as rain gardens and bioswales that temporarily retain storm water until the ground can adequately absorb it.
6. Plant Native Trees. Development sites should include ample canopy trees located in suitable locations to allow them to grow to their mature size and with sufficient space for water penetration and root growth.
7. Sustainable Outdoor Amenity Spaces. Outdoor amenity spaces such as parks, plazas, terraces, and other civic gathering spaces should incorporate light imprint applications that address the quantity and quality of stormwater on site.
8. Latent and Renewable Energy Sources. As applicable, developers should utilize the latent energy of their sites to meet energy needs such as through the following applications:
 - a) Roof-installed solar panels and solar shades over surface parking lots which produce energy and reduce solar gain.
 - b) Capture geothermal energy to offset the large temperature variations between seasons and reduce the thermal loading of the building.
 - c) Small roof mounted or pole mounted wind turbines that harness latent energy on site.
 - d) Installing energy efficient mechanical systems, appliances, and other devices as a priority.
9. Sustainable Development Certification. All new developments are encouraged to meet certification standards under well-established sustainability rating system such as Leadership in Energy and Environmental Design (LEED) for Commercial, Residential, or Neighborhood Development, or comparable sustainable development rating systems.

14.5. COMPLETE STREETS STANDARDS

A. Purpose.

1. To facilitate the development of a well-connected multi-modal travel network that reinforces the walkability of the MIX District as useful, safe, comfortable, and attractive village that will be built over time.
2. To promote economic vitality and the enhancement of the public realm to promote the social, environmental, economic, and health benefits provided by walkable development patterns.

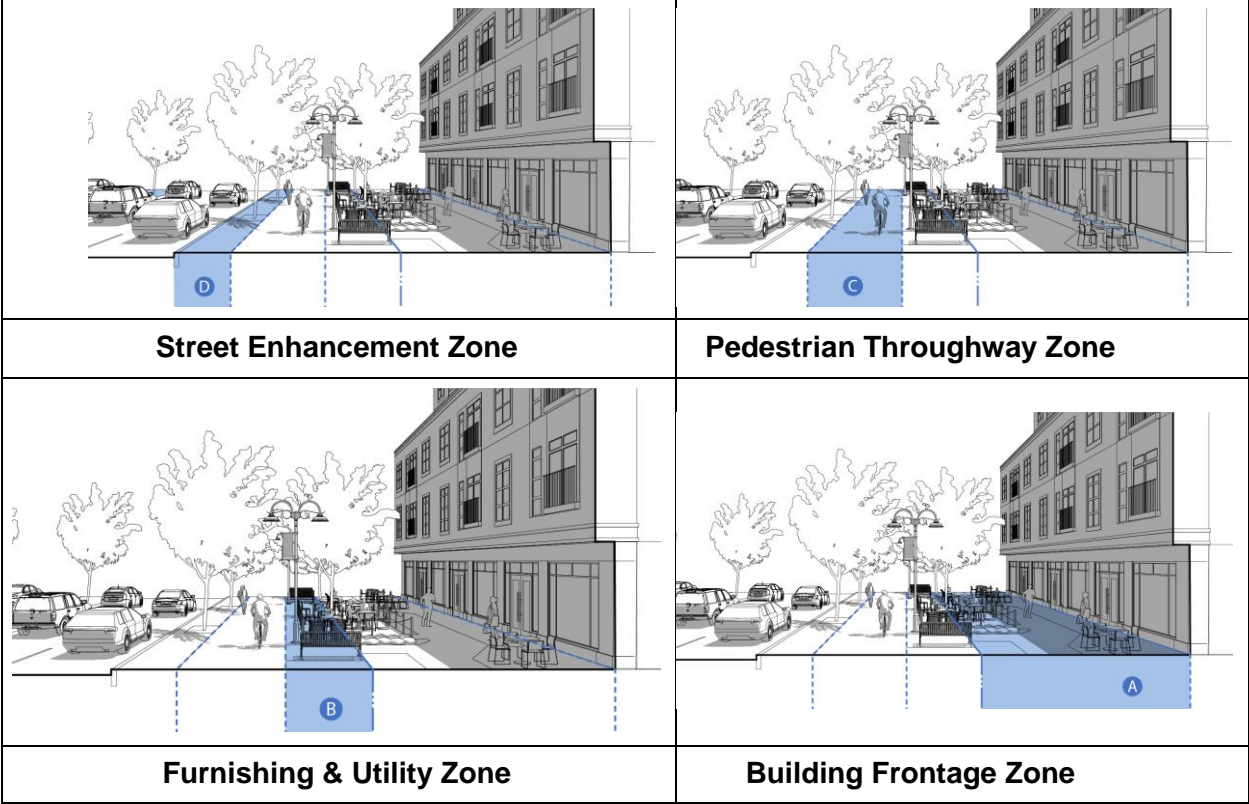
B. Application.

1. Applicability. The construction of new streets or improvement to existing streets in the MIX District shall be consistent with the Complete Streets Guidelines in the MIX District Design Guidelines in the Planning Board Rules and Regulations and shall apply to:
 - a) All new streets, whether publicly dedicated or privately held.
 - b) The reconstruction of streetscape elements within the public right-of-way when improvements have been disturbed by development.
 - c) Substantial reconstruction of a street.
2. Public Infrastructure Projects. The Complete Street design guidelines shall be considered in the design and construction of new or redesigned public streets.
3. Private Participation. Applicants for site plan approval for a development project, subdivision approval, building permit, or change of use may participate in partnership with the Town of Burlington on the construction of streetscapes improvements planned for public streets including the areas within the right-of way between the vehicle lane and street right-of-way line along the applicant's street frontage. All improvements shall be approved by the Select Board in consultation with the Planning Board and Department of Public Works.
4. Waiver and Alternative Compliance. The Planning Board may allow for a Design Waiver or Alternative Compliance for specific street types or design components when it finds that applying the requirements in a particular instance is either practically infeasible or detrimental to the safety of drivers, pedestrians, or cyclists.

C. Complete Street Zones.

Figure 5.1 below identifies Complete Street Zones located between the frontage building and the street right-of-way. Each zone includes standards for location, allowed uses, and design standards.

FIGURE 5.1. COMPLETE STREET ZONES



D. Complete Street Components.

Figure 5.2 below identifies Complete Street Components that are permitted in Complete Street Zones. Design standards for each component are included on Figure 5.3.

FIGURE 5.2. COMPLETE STREET COMPONENTS					
COMPLETE STREET COMPONENTS	ROW Vehicle Throughw ay Zone	A. Buildin g Frontag e Zone	B. Furnishi ng & Utility Zone	C. Pedestrian Throughw ay Zone	D. Street Enhanceme nt Zone
Vehicle Travel Lanes	●				
Sharrows and Bike Lanes	●				
Bicycle Facilities (Stands, Corrals, Public Bikes)		●	●		●
Crosswalks	●				●
On-Street Parking Lanes	●				●
Curb-Extensions					●
Bus Facilities (Stop, Shelter, Pull Outs)		●	●		●
Street Trees and Tree Belts/Pits		●	●		●
Sidewalks/Multi-Purpose Path	●	●		●	
Public Seating		●	●		●
Bicycle Parking		●	●		●
Utilities/Green Infrastructure	●	●	●	●	●

E. Complete Street Types and Design Standards.

Figures 5.3 through 5.6 identifies the street design standards in the MIX District: Gateway Boulevards, Collector Streets, Commercial Streets, and Local Streets. The Zoning Map and Regulation Plan in Section 14.2 identified the location each Complete Street Types.

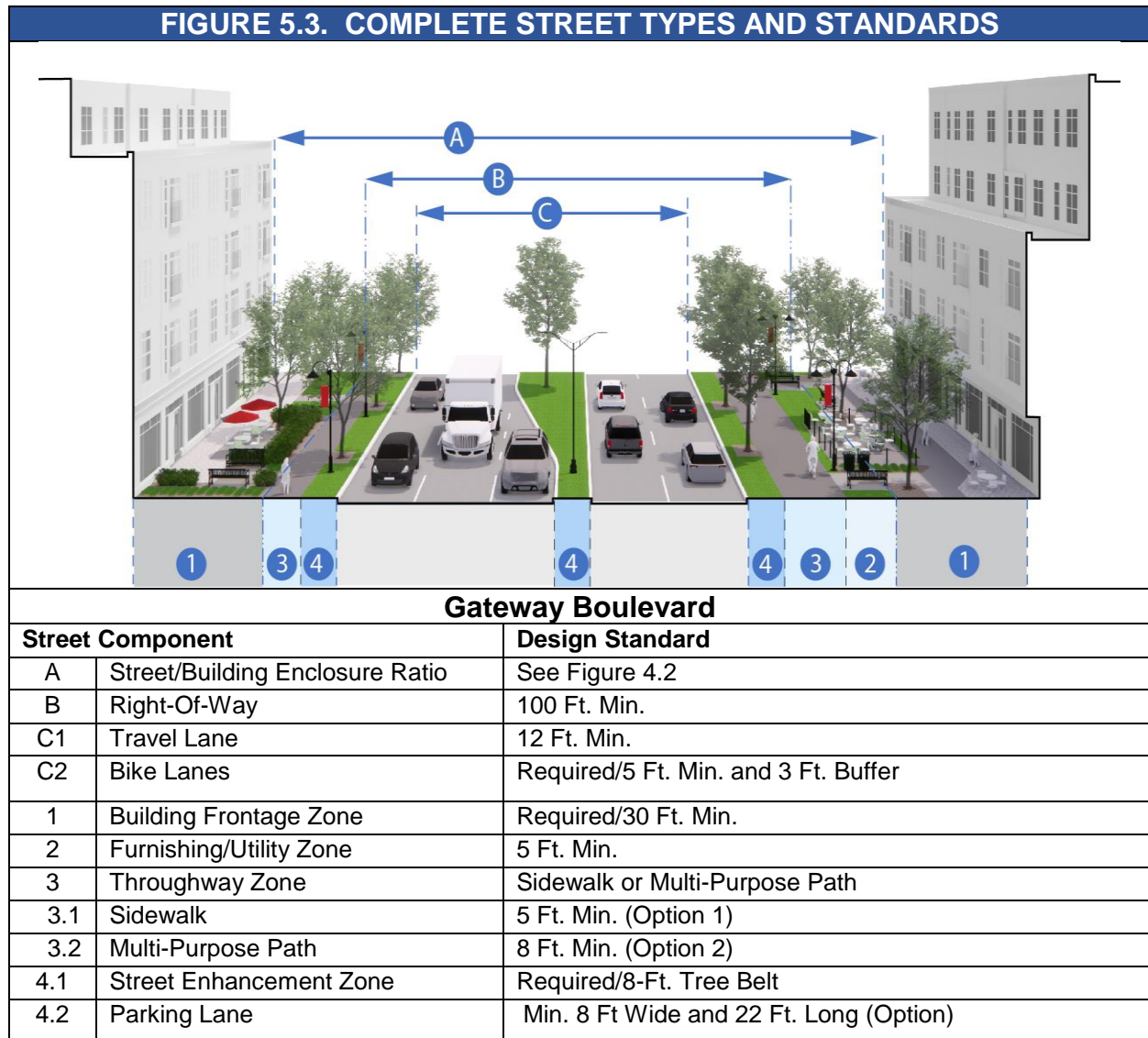


FIGURE 5.4. COMPLETE STREET TYPES AND STANDARDS

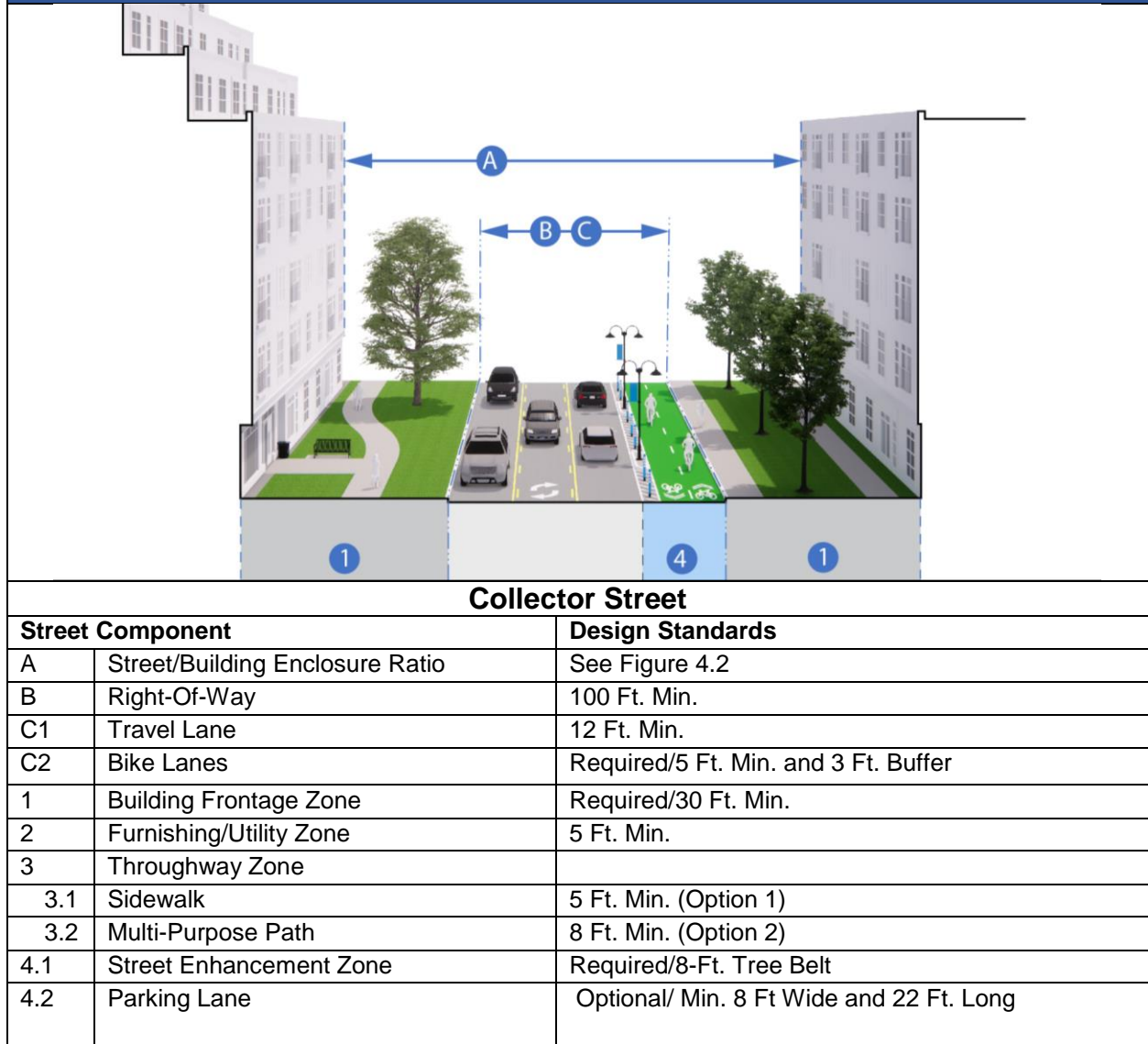
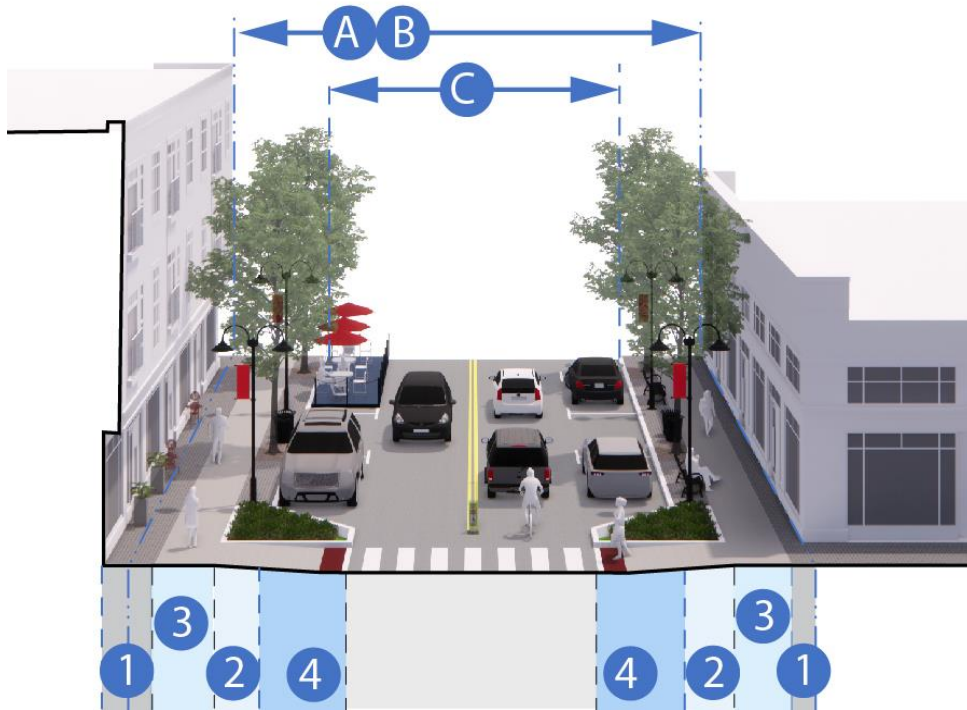


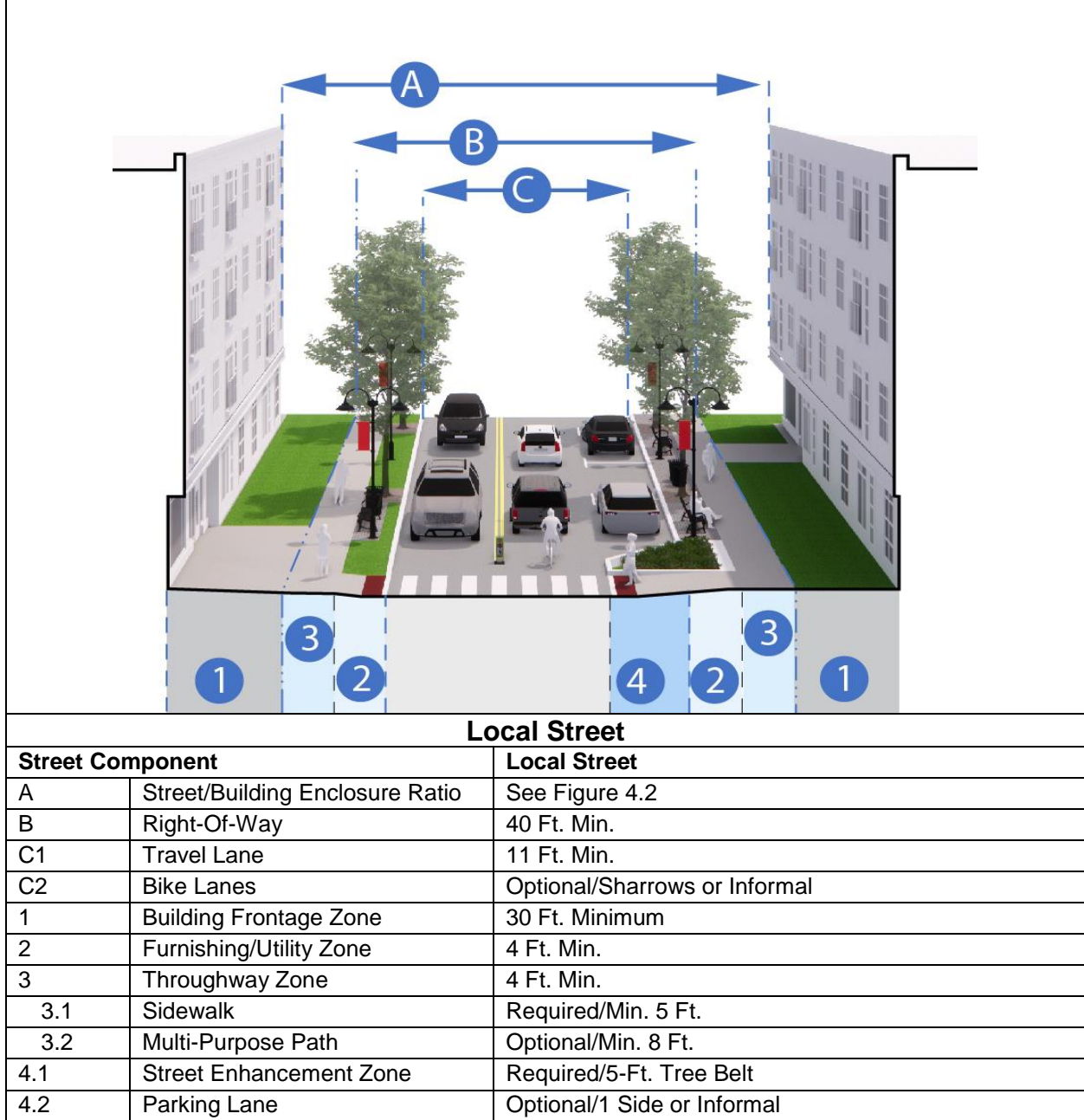
FIGURE 5.5. COMPLETE STREET TYPES AND STANDARDS



Commercial Street

Street Component		Design Standards
A	Street/Building Enclosure Ratio	See Figure 4.2
B	Right-Of-Way	50 Ft. Min.
C1	Travel Lane	11 Ft. Min.
C2	Bike Lanes	Required/5 Ft. Min. and 3 Ft. Buffer
1	Building Frontage Zone	30 Ft. Minimum
2	Furnishing/Utility Zone	5 Ft. Min
3	Throughway Zone	5 Ft. Min.
3.1	Sidewalk	Required/Min. 5 Ft.
3.2	Multi-Purpose Path	Optional/Min. 8 Ft.
4.1	Street Enhancement Zone	Required/8-Ft. Tree Belt
4.2	Parking Lane	Optional/ Min. 8 Ft Wide and 22 Ft. Long

FIGURE 5.6. COMPLETE STREET TYPES AND STANDARDS



F. Complete Street Design Guidelines. Supplemental Complete Street design guidelines for the MIX District are provided in the Planning Board Rules & Regulations.

14.6. PUBLIC REALM ACTIVATION STANDARDS

A. Purpose. To facilitate a vibrant “Outdoor Room” that promotes economic vitality, social activity, and health benefits within the public right-of-way and on properties within the Building Frontage Zone.

B. Application and Requirements.

1. Public Realm Activation Components. The allowed type and location of public realm activation components are listed in Figure 6.1 below.
2. Activation Permits. Permits may be approved by the Select Board for activation components within the public street right-of-way. The Planning Board may approve activation components within the Building Frontage Zone. Applicants may include business owners with storefronts along the street with permission from the property owners.
3. Design Standards. See MIX District Design Guidelines in the Planning Board Rules & Regulations for specific activation components.

C. Public Realm Interface Applications.

1. Permitted Applications. Building interfaces such as Outdoor Amenity Spaces, signs, displays, and related interactive components may be permitted when they contribute to vibrant spaces for the enjoyment of the public and do not interfere with the Pedestrian Throughway Zone. Permissible building interface applications are set forth in Figure 6.1 below.
2. Informal Activation Applications. Informal activation applications are encouraged in the MIX District and may include a variety of applications such as Flower Planters and Window Boxes, Movable Chairs, Window Displays, Decorative Lighting (such as string lights), Projecting Lighting and Graphics, Programming Open Space or Parking Lots, Temporary Street Closings (Shared Streets), Wayfinding Signage and Gateway Treatments, Exercise Stations and Circuits, Water Features, Murals, and similar activities that enliven the MIX District. Informal activation applications within the public right-of-way or town-owned properties require approval from the Select Board.

FIGURE 6.1. PUBLIC REALM ACTIVATION COMPONENTS					
ACTIVATION COMPONENT	D. Street Enhancement Zone	C. Pedestrian Thoroughway Zone	B. Furnishing and Utility Zone	A. Building Frontage Zone	Vehicle Thoroughway Zone
Parklets	•				•
Food Truck/Street Venders	•			•	•
Public Art	•		•	•	
Café Seating			•	•	
Storefront Displays and Signs				•	
Pop-Up Shops			•	•	•
Street Furniture, Lighting	•		•	•	
Over-Street Banners				•	•
Raised Median Planters					•

14.7. RESIDENTIAL DENSITY STANDARDS

A. Base Residential Density.

Residential and mixed use buildings and developments within the MIX District shall be subject to the following density standards in Figure 7.1 below. Density bonuses for qualified public benefit improvements may be achieved under the criteria in Section 14.7.C. below.

FIGURE 7.1. RESIDENTIAL DENSITY BY RIGHT AND SPECIAL PERMIT	
Building Type	By Right Dwelling Units (DU)
Townhouse	15 DU/Acre
Multi-Family Building	15 DU/Acre
Mixed-Use Buildings	15 DU/Acre

B. Residential and Mixed-Use Development Criteria.

The Planning Board may approve a residential or mixed-use development in the MIX District if it meets the following criteria:

1. Building Types.

- a) All residential and mixed-use buildings must adhere to the design standards for Building Types as outlined in Section 14.4.E.

2. Infill Development Encouragement.

- a) New development should prioritize infill in existing parking lots or underutilized areas, promoting vibrant, mixed-use spaces that maintain street-level commercial activity and enhance the viability of existing commercial spaces. Conversions of existing offices or other non-residential buildings to residential use are not permitted at this time.

3. Commercial-Residential Ratio.

- a) To achieve the mixed-use standard, each Development Site should include no less than 60% non-residential gross floor area (GFA) and no more than 40% residential GFA. These percentages intend to strategically encourage residential uses while maintaining a predominately commercial environment.
- b) The commercial GFA may be fulfilled by:
 - i. Retaining and counting existing non-residential GFA.
 - ii. New commercial construction.
 - iii. Incorporating commercial uses within mixed-use buildings.

4. Alternative Compliance.

- a) Applicants may propose an **Alternative Compliance** approach to the Planning Board under Section 14.8 if they can demonstrate that their project meets the intent of the commercial/residential balance and the district's mixed-use vision through alternative means. This may include innovative designs, phased development plans, shared agreements, or other strategies that support the district's economic diversity and commercial vitality while allowing flexibility in applying the commercial-residential ratio.
- b) The Planning Board will review and may approve or deny alternative compliance proposals based on alignment with the district's goals and design standards.

C. Density Bonus Requirements.

1. General Requirement. By Special Permit, the Planning Board may allow higher residential density up to the maximum established on Figure 7.2 below if specified Public Benefit Improvements are provided by the applicant which benefits residents and businesses in the Development Site, and generally benefit and add value the MIX District and properties adjacent to the Mix District. If sufficient Public Benefit Improvements are made, the Planning Board shall make a written finding that the applicant will provide significant improvements providing a public benefit, in addition to those improvements necessary to meet the base density requirements of this bylaw.
2. Development Agreement. A development agreement shall be required between the Select Board and the applicant. The Select Board will establish a Community Benefit Fund for the purpose of implementing improvements for the Vine Brook Greenway and related improvements within the MIX District.

FIGURE 7.2. PUBLIC BENEFIT TYPE AND BONUS SCHEDULE	
PUBLIC BONUS TYPE	LEVEL OF BONUS
a) Publicly Accessible Open Space Improvements or Facilities On-Site or Off-Site on Approved Properties	35 DU/Acre
b) 20% or More Affordable Residential Units in the Development	35 DU/Acre
c) Leadership in Energy and Environmental Design (LEED) for Commercial, Residential, or Neighborhood Development, or comparable sustainable development rating systems.	35 DU/Acre
d) All Public Bonus Types Above.	40 D.U./Acre

3. Approval of Density Bonus Improvements. The Planning Board shall be under no obligation to grant a density bonus and may determine, in its sole discretion, whether the offered improvements are sufficient in nature, scope, cost or otherwise, to justify such a bonus. The offer and commitment by an applicant to provide all or any number of Public Benefit Improvements does not, in and of itself, require the Planning Board to grant such a density bonus. In order to make this determination, the following are required:
 - a) The applicant shall provide the Planning Board with a written description of the intended improvements, the public benefit provided, significance to the Town, provision for maintenance if required, applicant's cost estimates, and a sketch plan showing the location and type, size and extent of improvements.
 - b) The Planning Board may require a bond to cover the cost of any Public Benefit Improvements that will be constructed, or a binding agreement approved by the Select Board, to remain in place until the improvements are completed in accordance with the approved plans to the satisfaction of the Inspector of Building.

- c) A specific time frame for the completion of all required on-site or off-site Public Benefit Improvements shall be incorporated as a condition of approval of the Planning Board.
- d) The applicant shall provide a list of all permits and approvals required relating to any proposed Public Benefit Improvements with the site plan application. These approvals shall be obtained prior to approval of the development, unless an exception for good cause is explicitly authorized by the Planning Board.

D. Affordability Requirements.

1. Number of Affordable Units. The base requirement for affordable dwelling units in any residential or mixed use development in the MIX District is 15% of all dwelling units constructed.
 - a. Where the total units result in a fractional dwelling unit less than 0.5, the applicant may either provide an eligible dwelling unit or make a contribution to the Town of Burlington for affordable housing purposes in an amount sufficient to construct that fraction of an eligible dwelling unit, net of the dwelling unit's restricted resale price, as determined by the Select Board.
 - b. Where this calculation results in a fractional dwelling unit greater than 0.5 the applicant must provide an affordable dwelling unit to site.
2. Qualified Affordable Units. Affordable units constructed under this provision shall be sold or rented to households with incomes at or below 80 percent for for-sale housing and 60 percent for rental housing of the Median Regional Household Income (as determined by the U.S. Department of Housing and Urban Development (HUD) as amended and adjusted for family size and shall be restricted to sales prices or monthly rents that are affordable to such households. The sales price or monthly rent shall, in all instances, be such that the dwelling unit qualifies as a local initiative unit under the Commonwealth's Local Initiative Program (LIP) and meets the requirements of a subsidized housing unit for the purposes of listing in the Town's subsidized housing inventory under G.L. c. 40B Sec. 20-23. The Applicant must record a Regulatory Agreement or Deed Rider acceptable under the LIP Program to guarantee the affordability of the units in perpetuity.

14.8. DESIGN WAIVERS, ALTERNATIVE COMPLIANCE, AND SPECIAL PERMIT CRITERIA

- A. Purpose.** A Design Waiver allows a specifically authorized type of exception from the provisions governing development in the MIX District pertaining to the Site Development Standards in Section 14.3, Building Types Design Standards in 14.4, Complete Street Standards in Section 14.5, and Public Realm Activation Standards in Section 14.6.

B. Review Criteria. In addition to the criteria in Section 9.2.0 of the Zoning Bylaw, and by special permit, the Planning Board may authorize a Design Waiver or Alternative Compliance petition where authorized in a particular section of this bylaw upon making positive findings under the following criteria:

1. Consistency with the general purpose and goals of the Town Comprehensive Plan.
2. Consistency with any design waiver eligibility requirements, as indicated in Section 14.8.A above.
3. Such relief shall not result in substantial detriment to the MIX District or surrounding neighborhoods.
4. Adequacy and safety of traffic flow, access, parking, and loading.
5. Adequacy of utilities and other public services.
6. Positive impacts on pedestrian comfort and safety including streetscape enhancements and Outdoor Amenity Spaces.
7. Fiscal impact on municipal services, tax base, and employment.
8. Positive impact on social, economic, or housing conditions in the district.

C. Conditions. The Planning Board may attach supplemental conditions and/or limitations that it deems necessary in order to ensure compliance with the findings and/or standards for the specific special permit requested.

[Or take any other action relative thereto.](#)

[Submitted by](#)