

ARTICLE XIV. MIXED USE INNOVATION DISTRICT

14.1. PURPOSE AND APPLICABILITY

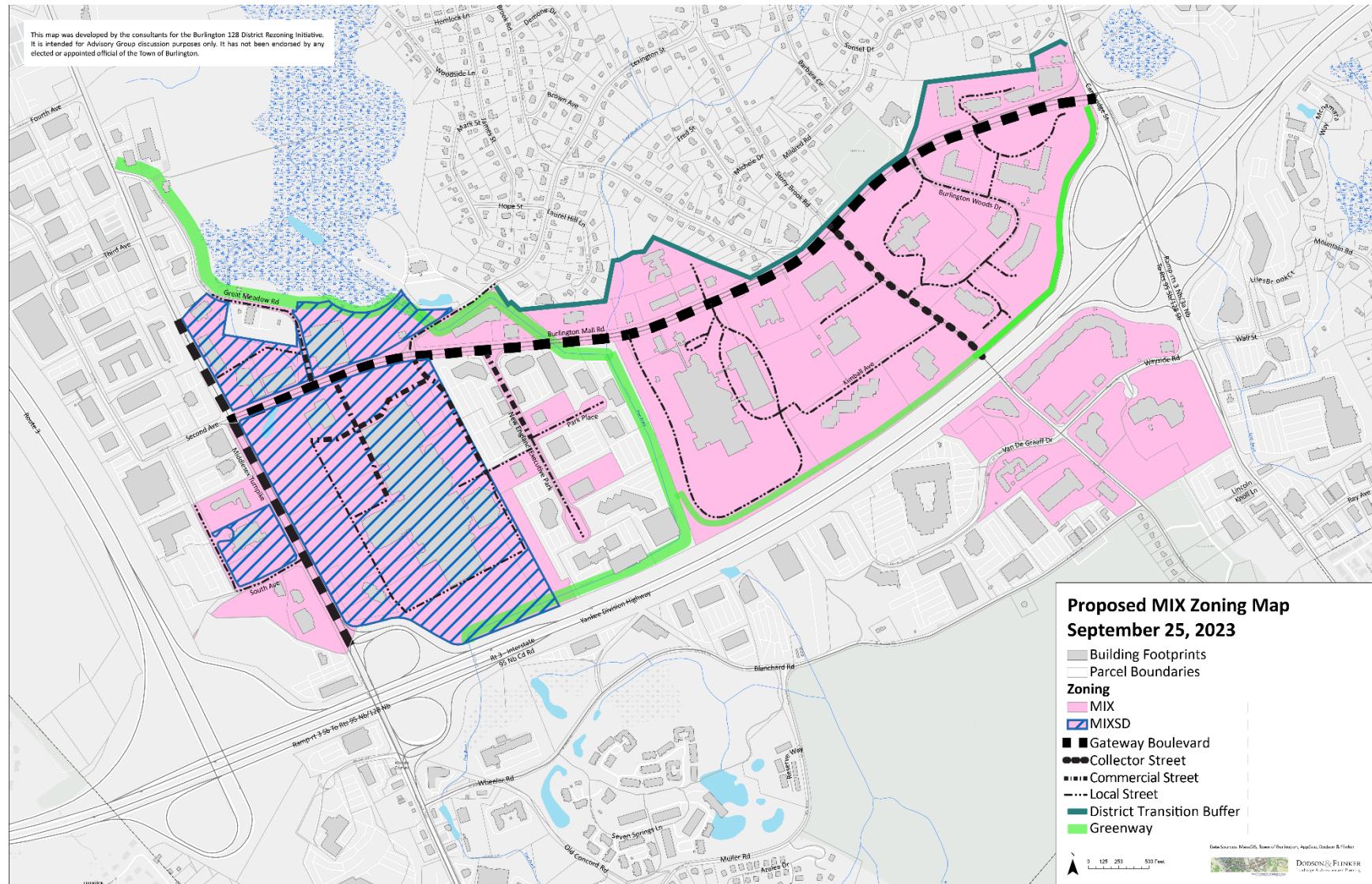
A. Purpose. The Mixed Use Innovation District (MIX) is a major gateway into Burlington with access to Interstate 95/Route 128, the Middlesex Turnpike (Route 3), and Cambridge Street (Route 3A). The MIX District is identified in the Burlington 128 District Concept Plan and Report (2022) and the MIX District Concept Plan and Character Districts (2023) as an area targeted for new development and reinvestment. The standards set forth herein for 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, diverse, connected, and resilient district.
2. Guide the physical character of development by providing context-based building and site development standards that reflect scale, design characteristics, and development patterns envisioned for the district.
3. Create a public realm with high quality streetscapes, enhanced outdoor recreation areas, and active public and publicly-oriented gathering spaces that enhance development and reinforce pedestrian orientation and multi-modal transportation in the district.
4. Provide for a range of business development opportunities using the advantages of access to Interstate 95/Route 128, Middlesex Turnpike (Route 3), Route 3A, and other major town roads.
5. Provide opportunities for housing production for a variety of age groups, household types, and income ranges in strategic locations within the MIX District.

B. Designated Districts and Subdistricts. The MIX District includes one subdistrict, MIX Subdistrict (MIXSD), identified on the MIX Regulating Plan, which is integrated as part of the Town of Burlington Zoning Map, and regulated in Section 14.2 of this bylaw.

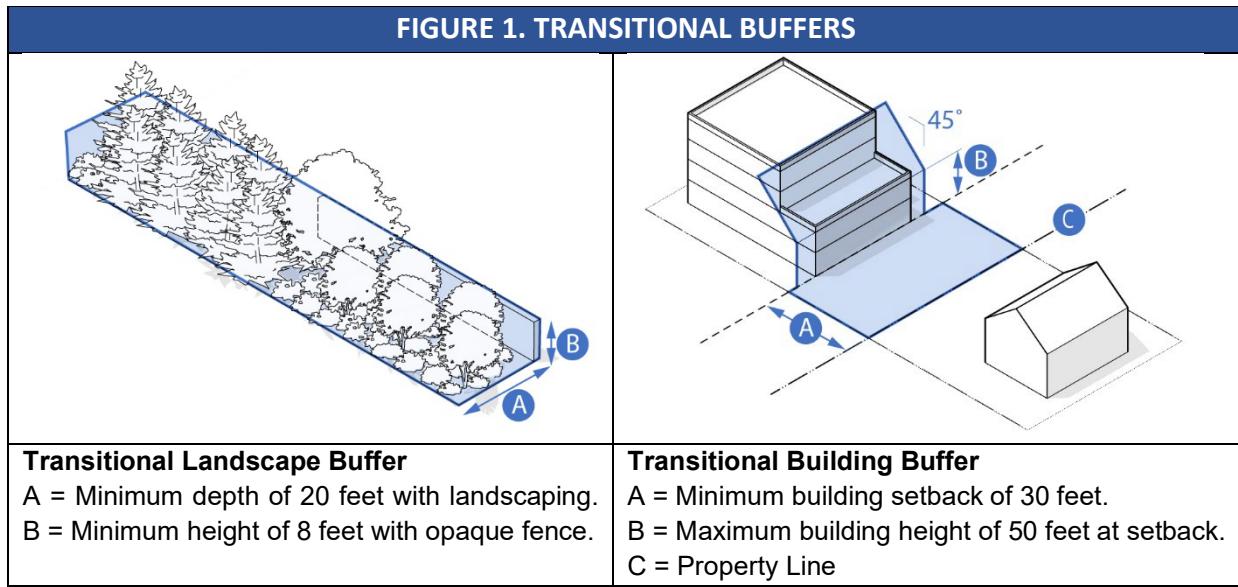
14.2. REGULATING PLAN

The MIX District is shown on the Regulating Plan which is an enhanced zoning map that illustrates additional development and design standards specific to MIX District and the MIX Subdistrict.



The Regulating Plan includes the following elements:

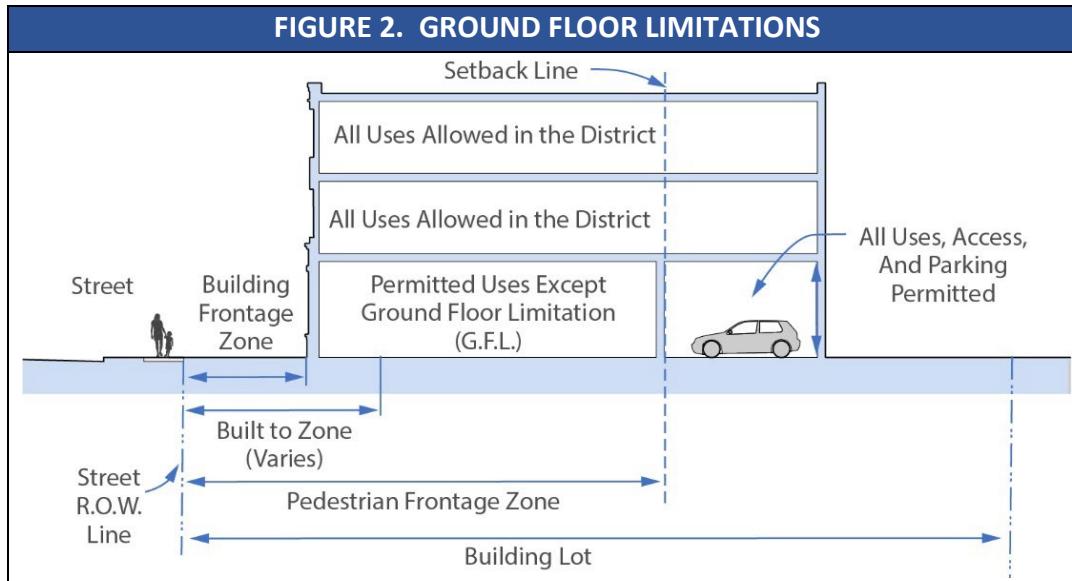
- A. Civic and Park Nodes.** The Regulating Plan identifies Civic and Park Nodes which are areas within the district that are intended to be used as a public or publicly accessible Outdoor Amenity Space under Section 14.3.
- B. Streets, Greenways, and Trails.** The Regulating Plan identifies existing and potential new streets, multi-use pathways, and walking trails within the MIX District in their approximate locations. See Section 14.3 for additional standards.
- C. Transitional Buffer Zones.**
 1. **Purpose.** The Transitional Buffer Zones are applied on certain MIX District boundaries where buildings and uses must be buffered to create a compatible transition with the surrounding neighborhoods and other sensitive land uses. Transitional Buffer Zones are identified on the MIX District Regulating Plan.
 2. **Buffer Requirements.** Where required, transitional buffers may include a combination of natural or landscaped screening and fencing that provides an opaque visual barrier to a minimum height of eight (8) feet above the ground. All buildings, structures and associated uses shall be set back a minimum of 30 feet from the property line along all Transitional Buffer Zone boundaries. By Special Permit, the Planning Board may allow a Design Waiver or Alternative Compliance based on the characteristics of a given site.



D. Pedestrian Frontage Zone.

1. **Purpose.** In order to create and retain a vibrant pedestrian environment along designated public streets, the ground floor uses of a building may be limited to publicly accessible

commercial uses such as retail, professional and personal services, and certain common spaces serving residential uses in the building.

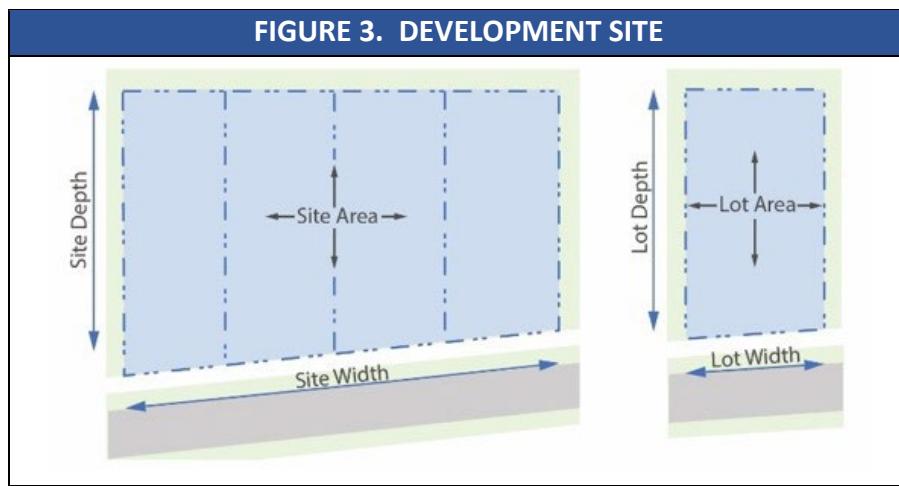


2. **Requirements.** Buildings fronting on the designated street segments in a Pedestrian Frontage Zones shall be subject to the following Ground Floor Limitations:
 - a) Residential uses and non-residential uses not oriented to public access shall be allowed to have access from the Building Frontage Zone (See Section 14.4) by an entrance that leads to the upper floors of the building or the rear of the building.
 - b) Residential uses and non-residential uses not oriented to public access shall be allowed on ground floors where set back a minimum of 60 feet from the street right-of-way.
 - c) 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.
3. **Application.** Building facades fronting and oriented to Gateway Boulevards are in designated Pedestrian Frontage Zones and are subject to ground floor limitation set forth in Section 14.2.D above (See MIX Regulating Plan).

14.3. SITE DEVELOPMENT STANDARDS

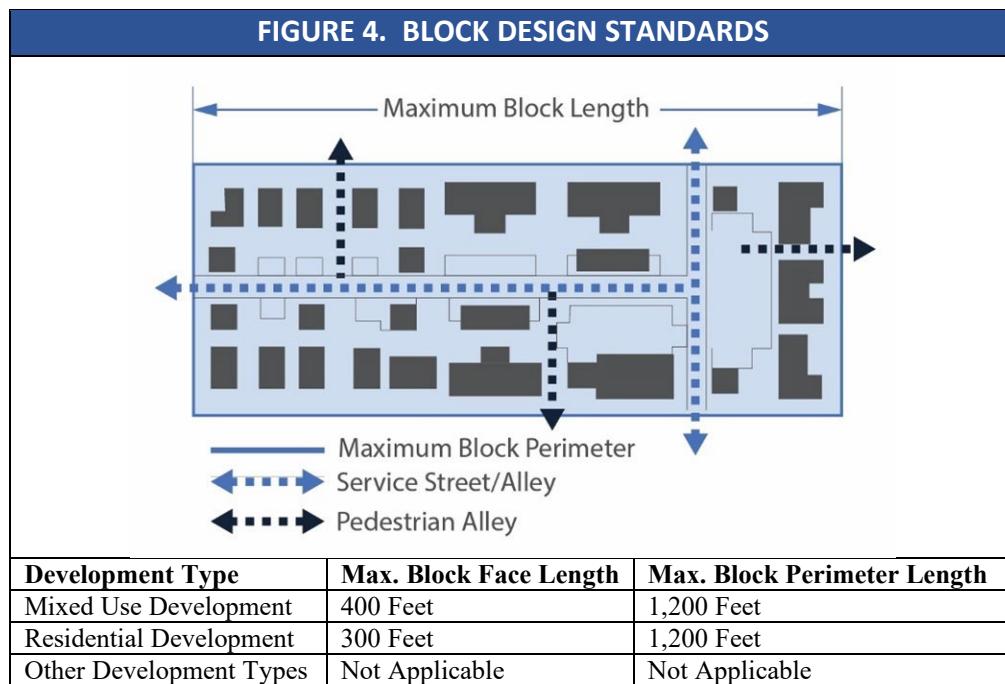
A. Development Site Requirements.

1. **Definition.** A Development Site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development including one or more principal buildings.



2. **Development Tract Area**. The Development Tract area is the cumulative area of all contiguous lots that the site is composed of. The development tract area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.
3. **Permitted Building Types**. A Development Tract 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.
4. **Access**. All Development Tracts must be accessed from a public or publicly accessible street with a minimum frontage of 50 feet.
5. **Street Frontage**. Internal streets and pathways within a Development Tract must meet the type and design requirements for the MIX District on the Regulating Plan and in Section 14.4. Street frontage requirements are determined by each Building Type and Complete Street Type within the Development Tract may be public or private.
6. **Outdoor Amenity Space**. The amount of Outdoor Amenity Space provided within the Development Tract is the cumulative land area of Outdoor Amenity Space required for the total number and types of building that the site is composed of. The type of Outdoor Amenity Space may be any combination of those permitted under Section 14.3.6.
7. **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**. Generally, blocks should 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 rear of the building with pedestrian access to the street.

c) Size and Dimension. The maximum length of a block face and length of a block perimeter shall be determined as set forth in Figure 4. The Planning Board may grant a special permit 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 enhancements.



d) Access and Utilities. Access to the interior utility area of a block shall be made by a paved 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 Standards and Guidelines in the Planning Board Rules and Regulations.

C. Site Landscaping and Sustainability Standards.

1. Streetscape Treatments. In the MIX District, 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 granite curbing is required along the entire street property line 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 fifty (50) feet on center. Street trees shall be a minimum size at planting of 3 $\frac{1}{2}$ " caliper at 4.5 feet diameter at breast height (DBH) and of native species common to the area. 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.
 - 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 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 properties and to buildings on the development site.
 - 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 should run the entire length of the primary and secondary street frontage and connect to pathways on adjacent properties where they exist. Pathways should connect to buildings on the development site.
 - f) Signs. Development Site signs should be integrated into the streetscape plan. See Section Article XIII for sign regulations.

D. Sustainable Site Design Standards.

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. Additional sustainable development applications are provided in the MIX District Design Standards and Guidelines.

1. Low Impact 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 neighborhoods, development sites, and buildings. Other sustainable development and design rating systems are encouraged as well.
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. Plant Trees. Trees reduce solar gain, provide shade for pedestrians, filter the air, convert CO2 to oxygen, provide habitat for birds, and absorb stormwater on site. MIX developments should provide ample canopy trees that are located to allow grow to their mature size and specify measures to ensure sufficient space for water penetration and root growth.
4. Green Roofs and Walls. Green roofs and walls reduce storm water runoff by absorbing and then slowly releasing rainwater. They protect the underlying roof, reduce solar gain during the summer months, and provide habitat for wildlife. If located on lower roofs or walls of the building, they can also be a visual amenity. These sustainable applications are highly recommended in the MIX District.
5. Rain Gardens and Permeable Pavers. 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 that temporarily retain storm water until the ground can adequately absorb it. Permeable paving is recommended to allow rainwater to naturally leach into the ground and recharge the water table. These sustainable applications should be designed to reduce flooding and stress on public infrastructure, replenish aquifers, filter out pollutants, and support healthy trees.
6. Sustainable Outdoor Amenity Spaces. As applicable, 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.
7. Latent and Renewable Energy Sources. In a climate with large seasonal temperature swings, efficient methods for heating and cooling buildings are critical to reducing a building's carbon footprint. As applicable, development sites 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 to 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 to harness latent energy on site.
- d) Install energy efficient mechanical systems, appliances, and other devices.

E. Utilities.

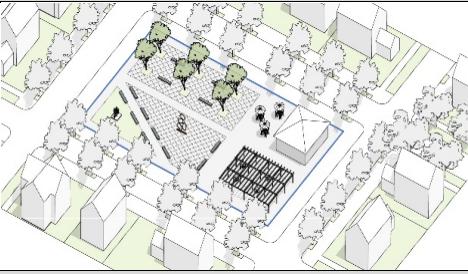
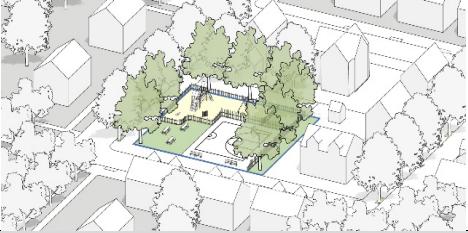
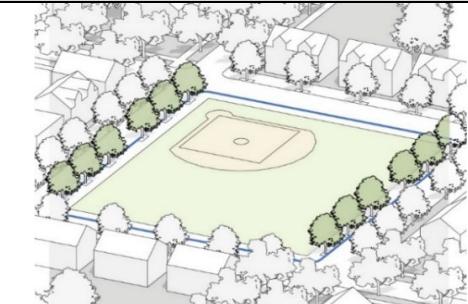
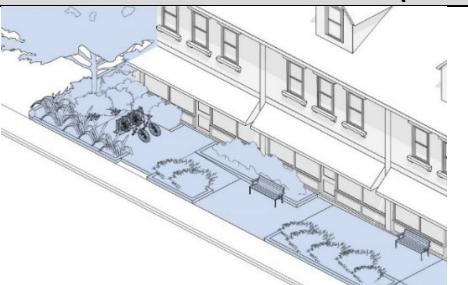
1. Public Utilities. All new public utilities (except structures and other facilities that require above-grade access) shall be installed underground.
2. Trash and Service Areas.
 - a. All service, loading, trash, and recycling storage areas shall be screened by one or a combination of masonry, a wood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

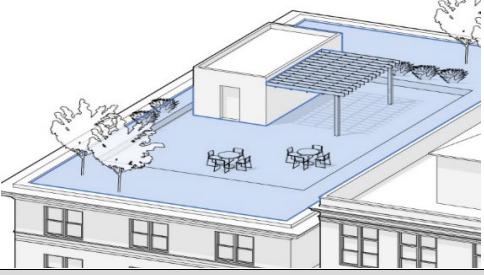
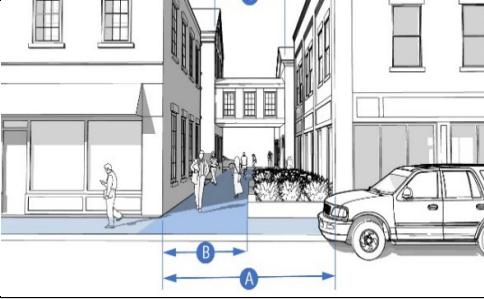
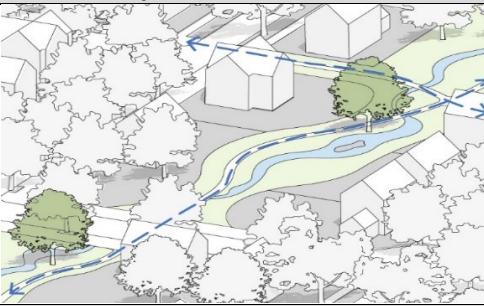
F. Outdoor Amenity Space Standards.

1. Outdoor Amenity Space Types. Outdoor Amenity Spaces include the following types:
 - a) Civic Space (CS): Open space that includes publicly-owned or controlled parks, active and passive recreation areas, civic buildings, and other gathering spaces that are fully accessible to the general public.
 - b) Publicly Oriented Private Spaces (POPS): Open and gathering spaces on private land primarily serving the residents, businesses and patrons of the principal building or Development Site, and generally available to the public.
 - c) Private Open Space (PS): Open space associated with individual dwelling units and multi-family buildings and developments and is not intended for public access.
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. 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 Standards. See MIX District Design Standards & Guidelines in the Planning Board Rules & Regulations for specific design standards for Outdoor Amenity Spaces.

4. Permitted Outdoor Amenity Spaces. Permitted Outdoor Amenity Spaces are identified in Figure 5 below.

FIGURE 5: OUTDOOR AMENITY SPACE TYPES AND DESIGN STANDARDS	
1. Private Yards and Dooryard (PS)	<p><u>Description:</u> 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.</p>
2. Forecourt (POPS, PS)	<p><u>Description:</u> 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.</p>
3. Community Garden (CS, POPS, PS)	<p><u>Description:</u> 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.</p>
4. Courtyard (POPS, PS)	<p><u>Description:</u> A courtyard (or court) is 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.</p>
5. Common or Green (CS, POPS)	<p><u>Description:</u> A common or green is 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.</p>

6. Plaza or Square (CS, POPS) 	<p><u>Description:</u> 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.</p>
7. Pocket Park or Playground (CS, POPS, PS) 	<p><u>Description:</u> An open space type designed for passive recreation consisting of vegetation, a place to sit outdoors, and playground equipment.</p>
8. Athletic Field or Ball Court (CS, POPS) 	<p><u>Description:</u> 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.</p>
9. Neighborhood Park (CS, POPS) 	<p><u>Description:</u> 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.</p>
10. Streetside Plaza and Terrace (POPS) 	<p><u>Description:</u> An open space type designed for passive recreation, civic purposes, displays, and commercial activities, with landscape consisting primarily of hardscape. Plazas are generally located in activity centers or the nexus of major circulation routes.</p>

11. Sidewalk Dining Terrace 	<p><u>Description:</u> 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.</p>
12. Rooftop Terrace (POPS, PS) 	<p><u>Description:</u> 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.</p>
13. Pedestrian Passage (CS, POPS) 	<p><u>Description:</u> A paved or brick pedestrian connector between buildings. Pedestrian Passages provide direct connections between parking areas, buildings, streets, and sidewalks. Pedestrian Passages may be covered by a roof, trellis, and may be lined by shopfronts.</p>
14. Pathway (CS) 	<p><u>Description:</u> A linear open space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A pathway may be spatially defined by segment and include access to pedestrians, bicyclists, and other designated modes of non-motorized transportation. Pathways may provide access and connections between natural areas, neighborhoods, villages, public facilities, and other points of interest.</p>
15. Other Outdoor Amenity Space Types	Permitted by Special Permit by the Planning Board

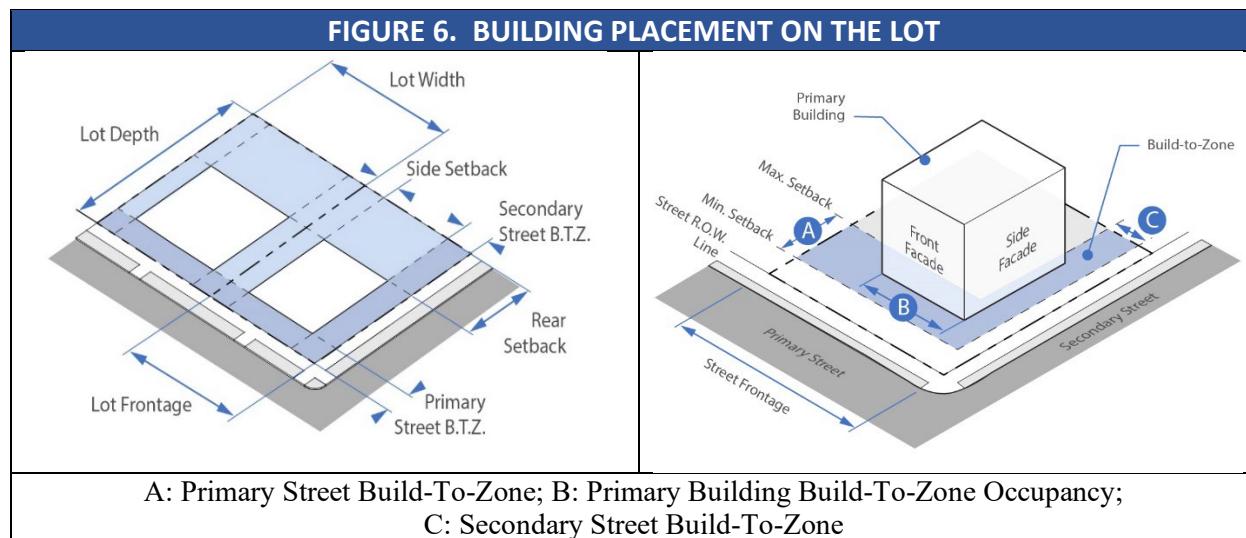
14.4. BUILDING TYPES, USE AND DESIGN STANDARDS

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.

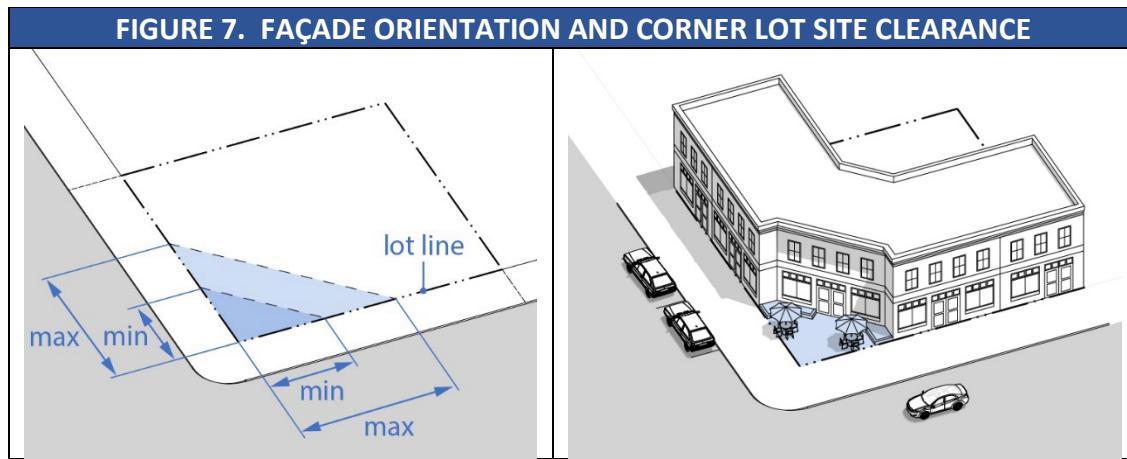
B. Building Placement and Orientation.

1. Building Lot. Dimensional standards are defined in Figure 6 for each of the permitted Building Types.
2. Number of Buildings. More than one principal building is allowed on a Development Site where, collectively, they meet all dimensional standards, setbacks, required open space, and required parking except where otherwise restricted in this section.
3. 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 Figure 9-12.



4. 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 9-12.
5. Build-To-Zone Occupancy (BTZO). The width of the primary building façade facing the Primary Street measured as a percentage of the street frontage shall determine the percentage occupancy of the Build-To-Zone. Primary BTZ Occupancy shall be equal to at least 50% of the frontage width at the street R.O.W. line unless otherwise specified in the Building Type standards in Figure 9-12.

6. **Façade Orientation**. The front façade and entrance of the principal building must be built parallel to the street R.O.W. 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. **Minimum and Maximum Height**. The minimum and maximum height and number of stories is defined by Building Type in Figure 9-12.
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. Height limits do not apply to mechanical and stairwell housing; roof mounted cellular, radio, and internet transmission equipment; vents or exhausts; solar panels or small wind turbines; skylights; flagpoles; and belfries, chimneys, cupolas, monuments, parapets, spires, steeples, and other non-habitable architectural features.
3. **Building Stepback and Street Enclosure**. Buildings shall be set back or stepped back from the street right-of-way line in accordance with Figure 8 below. Therefore, a building may have to be setback or step back further from the street right-of-way line in order to achieve the maximum height allowed for a given building type. 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 6, in no event shall any building exceed the maximum height requirements for individual Building Types in Figure 9-12. Within the spaces created by building setbacks or stepbacks, Outdoor Amenities Space is encouraged and may be required under Section 14.3.F.

FIGURE 8. BUILDING SETBACK AND STEPBACK				
Distance from Street Right-Of-Way Line	Maximum Building Height by Street Type (See Section 14.4)			
	Gateway Boulevard	Collector Street	Commercial Street	Local Street
At Street ROW Line (0 Feet)	0	0	0	A 10-Foot Setback from the Street ROW Line and based on the Maximum Height for Building Type in Section 14.4.
10 Feet	0	0	0	
20 Feet	0	0	40	
30 Feet	55	55	55	
40 – 60 Feet	65	65	65	
60 – 150 Feet	75	75	75	
> 150 Feet	Maximum Height Allowed by Building Type (Sec. XX)			

D. Determination of Building Type.

1. Classification. The Building Commissioner shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning district where the structure is located. The Building Commissioner shall also classify pre-existing structures that are being expanded or converted to new uses under this section. If the Building Commissioner is unable to classify an existing principal structure as one of the building types of this section, the applicant is subject to special permit review by the Planning Board under Section 9.2.0.
2. New Building Types. If a new building is proposed that cannot be classified as one of the allowed building types of this section by the Building Commissioner, the building type is subject to special permit review by the Planning Board under Section 9.2.0 of the Zoning Bylaw.

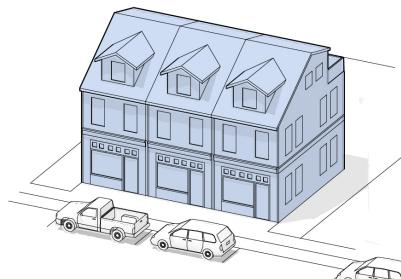
E. Allowed Building Types and Development Standards. See Figure 9-12 below.

FIGURE 9A. RESIDENTIAL BUILDING TYPES AND DESIGN STANDARDS		
1. TOWNHOUSE (TH)		
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.)	1,200 S.F. Per Unit Minimum
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 (%)	15% Minimum
2.7	Impervious Surface Lot Coverage (%)	50% Maximum
3. 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.	

FIGURE 9B. RESIDENTIAL BUILDING TYPES AND DESIGN STANDARDS		
2. MULTI-FAMILY BUILDING (MF)		
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.)	10,000 S.F. Minimum
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. 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	Multi-Family Buildings may have rooftop penthouse residential units by special permit from the Planning Board.	
4.3		

FIGURE 10A. MIXED-USE BUILDING TYPES AND DESIGN STANDARDS
1. LIVE-WORK BUILDING (LW)

1. DEFINITION: A small floor plate attached residential building type with one owner-occupied dwelling unit and one ground floor commercial unit.


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 (Ft)	0 Ft. Minimum/ 20 Ft. Maximum
2.4	Side Yard Setback (Ft)	0 Ft. (15 Feet if Detached)
2.5	Rear Yard Setback (Ft)	30 Ft. Minimum
2.6	Outdoor Amenity Space Lot Coverage (%)	15% Minimum
2.7	Impervious Surface Lot Coverage (%)	80% Maximum

3. DESIGN STANDARDS

3.1	Building Height (Ft)	2.5 Stories/35 Ft.
3.2	Street Facing Wall Width (Ft)	20 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

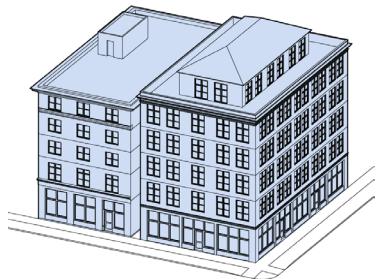
4. ADDITIONAL STANDARDS

4.1	Off-street parking is not allowed in front of the buildings except on-street parallel parking.
4.2	Attached, detached, and integral parking garages must be accessed from the rear.
4.3	A maximum of 12 units can be attached by a common wall before access way of 20 feet is provided for pedestrians, vehicles, or outdoor amenity space.
4.4	The ground floor commercial space may be utilized by the owner occupant or rented to another commercial enterprise.

FIGURE 10B. MIXED-USE BUILDING TYPES AND DESIGN STANDARDS

2. MIXED USE BUILDING (MUB)

DEFINITION: A building that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at a scale that is compatible and complimentary to its given district.



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 (%)	15% Minimum
2.7	Impervious Surface Lot Coverage (%)	80% Maximum

3. 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

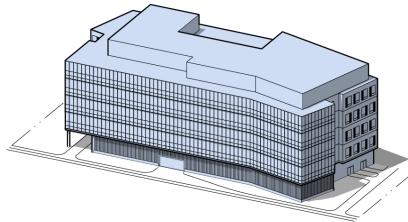
4. ADDITIONAL STANDARDS

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.
4.3	One-Story buildings must have a minimum street facing façade height of 18 feet.
4.4	Multi-Family Buildings may have rooftop penthouse residential units by special permit from the Planning Board.

FIGURE 11. COMMERCIAL BUILDING TYPES AND DESIGN STANDARDS

1. GENERAL COMMERCIAL BUILDING (GCB)

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. GC 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 (%)	15% Minimum
2.7	Impervious Surface Lot Coverage (%)	80% Maximum

3. DESIGN STANDARDS

3.1	Building Height (Max.)	6 Stories/70 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.)	40% Min.
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 uses must have 60% Street Facing Ground Floor Fenestration (Minimum)

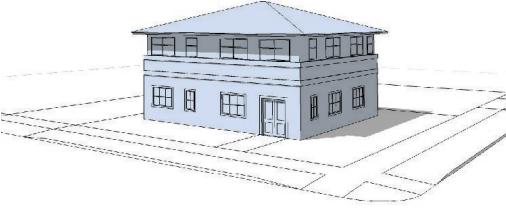
FIGURE 12A. INDUSTRIAL BUILDING TYPES AND DESIGN STANDARDS	
1. FABRICATION/FLEX BUILDING (FFB)	
<p>1. DEFINITION: A building located and designed to accommodate a variety of fabrication, trades and general industrial uses and related support services such as office, storage, distribution, and sales. Flex buildings also support these uses and provide affordable space to small and creative business enterprises.</p>	
	
2. LOT STANDARDS	
2.1	Lot Size (S.F.)
2.2	Frontage (Linear Ft)
2.3	Front Yard Build-To-Zone (Ft)
2.4	Side Yard Setback (Ft)
2.5	Rear Yard Setback (Ft)
2.6	Outdoor Amenity Space Lot Coverage (%)
2.7	Impervious Surface Lot Coverage (%)
3. DESIGN STANDARDS	
3.1	Building Height (Ft)
3.2	Street Facing Wall Width (Ft)
3.4	Street Facing Entrance
3.5	Street Facing Ground Floor Fenestration (%)
3.6	Maximum Building Footprint (SF)
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	

FIGURE 12B. INDUSTRIAL BUILDING TYPES AND DESIGN STANDARDS

2. LABORATORY BUILDING (LAB)

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. DESIGN STANDARDS

3.1	Building Height (Ft)	8 Stories/110 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

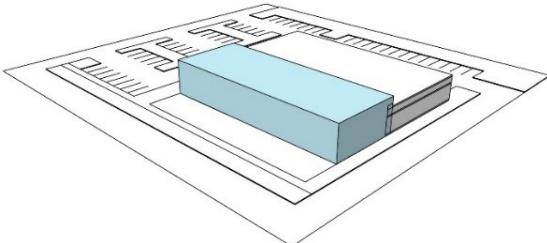
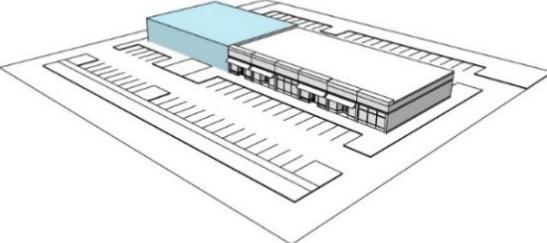
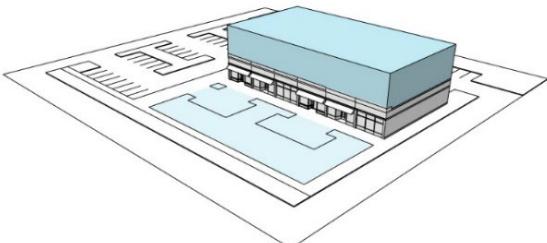
4. ADDITIONAL STANDARDS

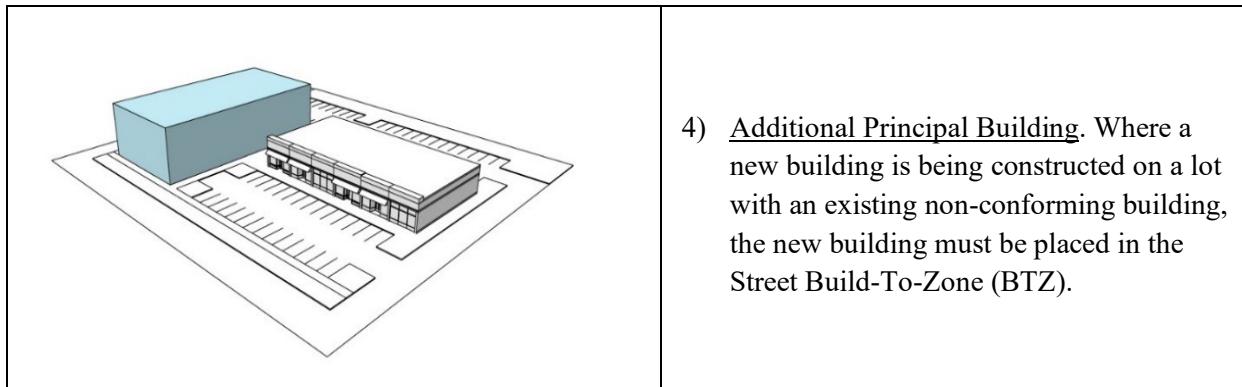
4.1	Where there is a side setback, a minimum of 10 feet is required to accommodate pedestrian access or 30 feet to accommodate vehicle access to the side and rear of the property.
4.2	Off-street parking is not allowed in front of the buildings except on-street parallel parking.
4.3	Lab buildings shall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

F. Infill Development of Non-Historic Pre-Existing Buildings.

1. The Building Commissioner shall determine the building type of the existing building and proposed addition under Section 14.4.D and the addition shall be subject to the Building and Lot Standards of that building type.
2. Where the expansion of an existing building in the MIX District 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 13. ADDITIONS TO EXISTING BUILDING IN THE MIX DISTRICT

Type of Addition	Standards
	<p>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).</p>
	<p>2) Side Addition. Side additions are allowed to a minimum side yard setback line. If the existing buildings and the side addition together exceeds 75 feet in length, the side addition must be offset to the front or back of the existing building by a minimum of four (4) feet.</p>
	<p>3) Story Addition. Story additions are allowed up to the maximum story and building height for the designated building type.</p>



4) Additional Principal Building. 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).

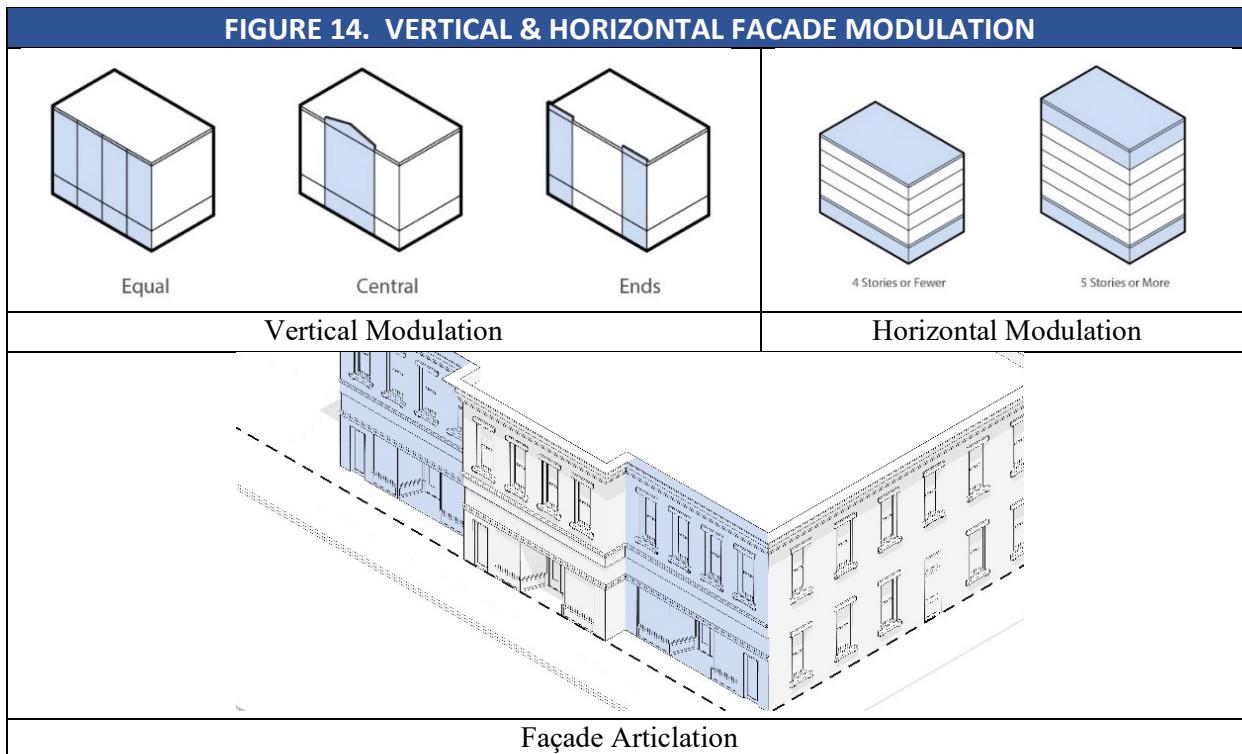
G. Building Proportions and Façade Composition.

1. Vertical Modulation and Articulation.

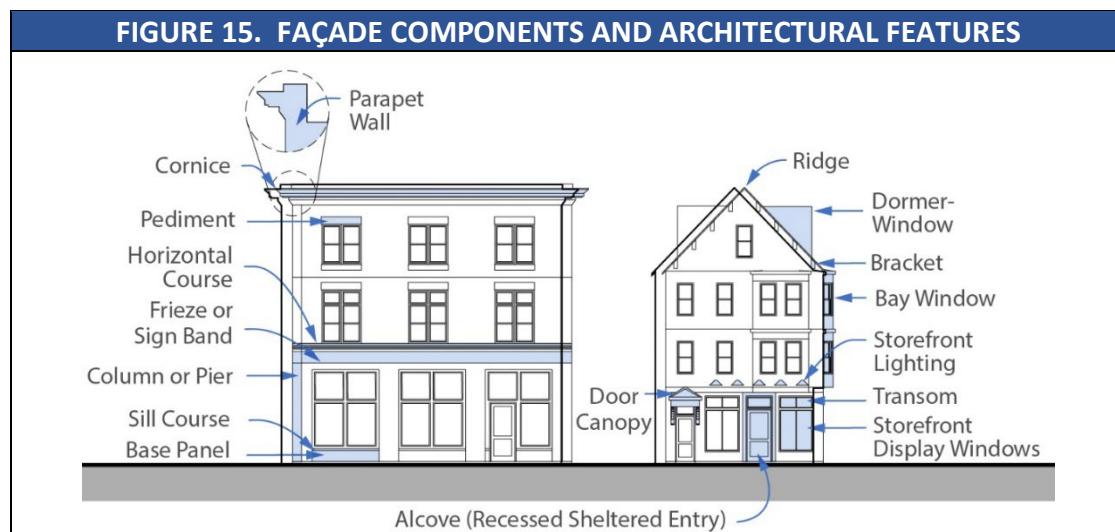
- a) The minimum and maximum building width shall be determined for each building type under Figure 9-12. Street-facing building facades shall be vertically articulated with architectural bays to create an equal, central, or end articulated façade composition.
- b) Buildings greater than one hundred and fifty (150) feet in width shall be designed to read as a series of smaller buildings with varied articulation, architectural detailing, and fenestration patterns. Articulation must result in a change in vertical plane of the façade of at least four (4) 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.
- c) The façade on buildings that are wider than tall shall be articulated and defined by piers built into the façade at least 12 inches wide and 4 inches deep or of equivalent separation on the street-facing façade.

2. Horizontal Modulation and Articulation. Street-facing building façades should be horizontally articulated with a clearly defined base, middle, and top as illustrated below. For buildings three (3) stories and taller, the following standards apply:

- a) The top story of each street-facing façade should 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.

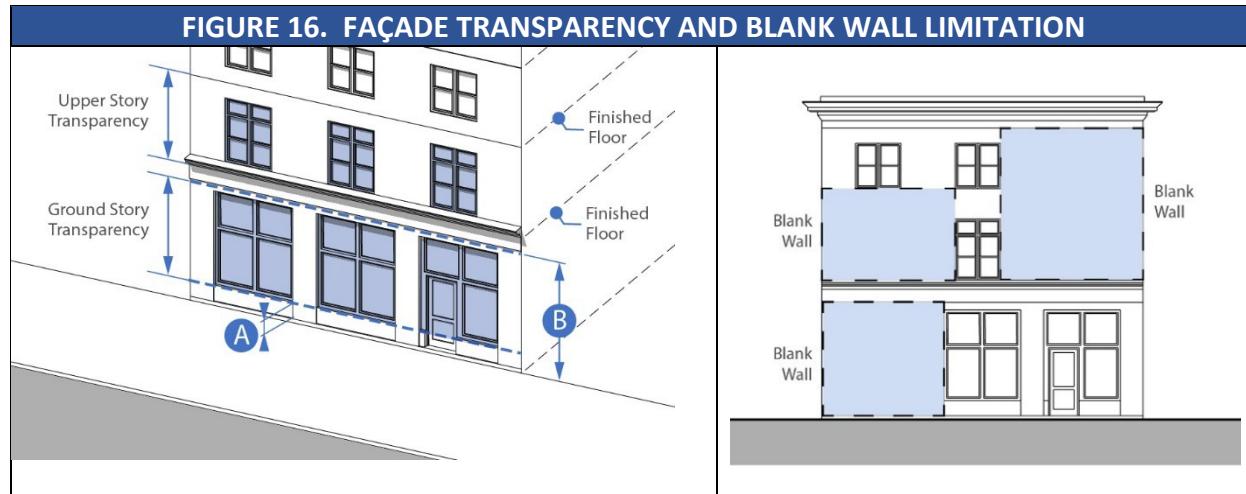


3. **Surface Relief with Architectural Features.** Street-facing building façades should provide surface relief through the use of bay windows, cladding, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, sign bands, windows, and other equivalent architectural features 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:

- 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.
- 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 16.
- Façade transparency requirements are only applicable to façades facing primary and secondary street right-of-way line.



6. **Blank Walls**. The following standards apply to all building facades facing a Primary Street:

- Blank wall area is any portion of a facade that does not include fenestration (doors and windows) and surface relief through the use of columns, cornices, moldings, piers, pilasters, sills, sign bands, murals, or other equivalent architectural features that either recess or project from the average plane of the facade.
- Blank wall area limitations apply both vertically and horizontally for all stories of a building for street-facing facades.
- Blank wall limitations are provided by building type in Figure 9-12.

H. Exterior Treatments.

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

14.5. COMPLETE STREETS STANDARDS

A. Purpose.

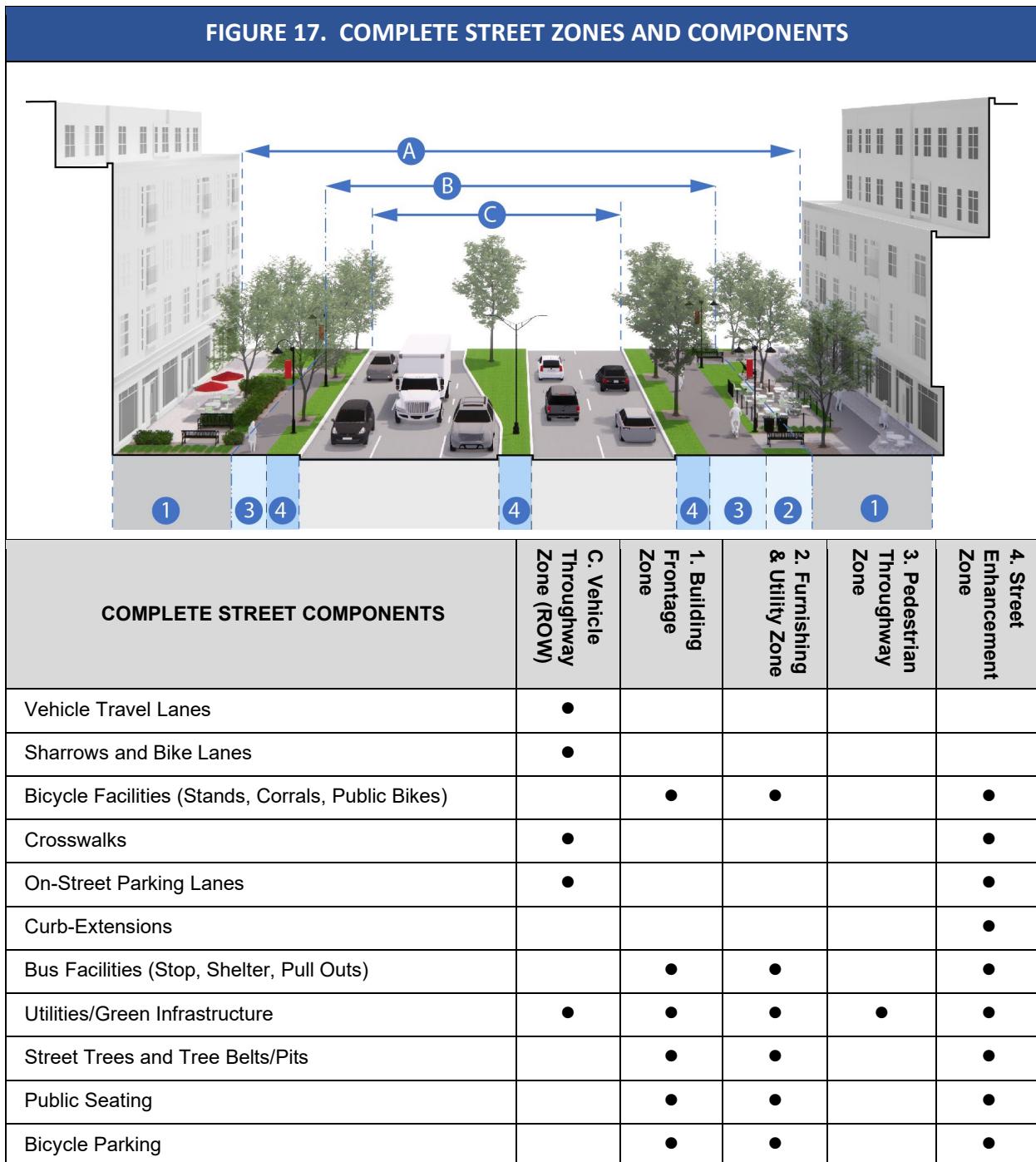
1. To encourage the development of a well-connected travel network, composed of direct and convenient routes that reinforce a walkable and bikeable mixed use environment.
2. To encourage “Complete Streets” that accommodate multiple modes of transportation, consistent with the character of commercial, industrial, and mixed use districts, and attractive to pedestrian and bicyclists.
3. To promote pedestrian and motor vehicle safety, promote economic vitality, preserve, and enhance the character of the public realm along primary streets, and promote the social, environmental, 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 consistency with the Town of Burlington Subdivision Regulations, Complete Streets Guidelines and Policy, and the MIX District Design Standards and Guidelines in the Planning Board Rules and Regulations and shall apply to:
 - a) All new streets, whether public dedicated or privately held;
 - b) The reconstruction of elements within the public right-of-way when improvements have been disturbed by development; or
 - c) Substantial street reconstruction of a street.
2. Public Infrastructure Projects. These standards shall be considered in the design and utilization 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 participation 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 line along the applicant’s property frontage. All improvements must be approved by the Board of Select Board in consultation with the Planning Board and Department of Public Works.
4. Waiver and Alternative Compliance. The Planning Board may waive requirements or allow for an alternative compliance application for a particular street type or component when it finds that applying the requirements in a particular instance is either practically infeasible or detrimental to the safety of pedestrians or cyclists and these detrimental effects cannot be mitigated.

C. Complete Street Zones and Components.

1. Complete Street Zones and Components. Figure 17 below identifies Complete Street components are allowed in each segment of public realm zone which includes the public right-of-way and the building frontage area.
2. Design Standards. See detailed requirements for Complete Streets in the MIX District Design Standards & Guidelines in the Planning Board Rules & Regulations.

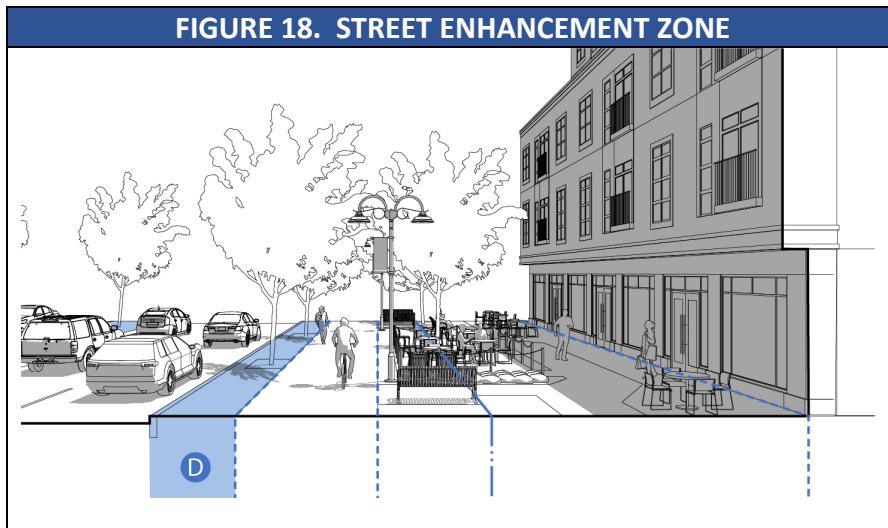


Sidewalks/Multi-Purpose Path	●	●		●	
Motor Vehicle Travel Lanes	●				

D. Vehicle Throughway Zone.

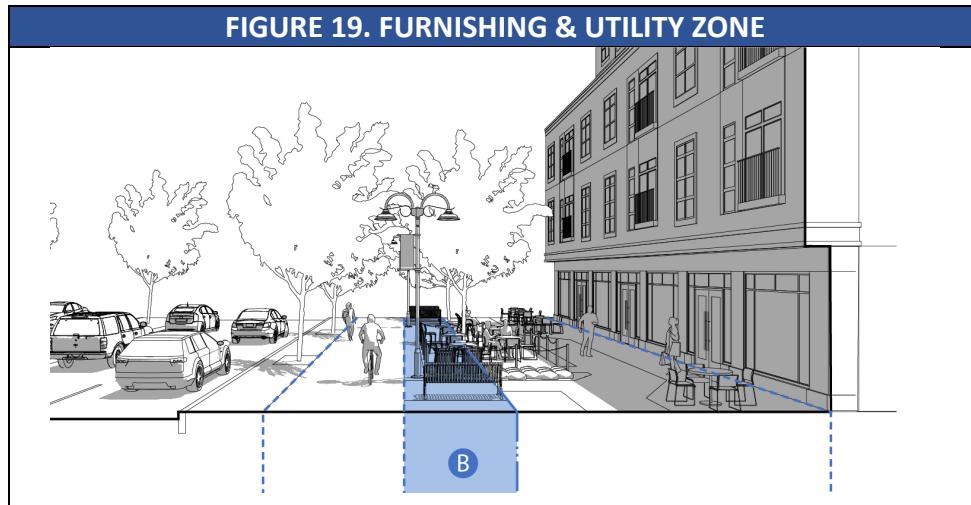
1. Description. All travel lanes, bicycle facilities, pedestrian facilities, and streetscape elements within the public right-of-way.
2. Complete Street Design and Construction Standards. Public streets must be engineered and constructed in accordance with the Town of Burlington Subdivision Regulations. In the absence of official standards, Thoroughfares must be designed and constructed according to the standards deemed to be appropriate by the Town Engineer and Planning Board. Figure 17 below provides design guidelines for new public streets in Burlington.

E. Streets Enhancement Zone.



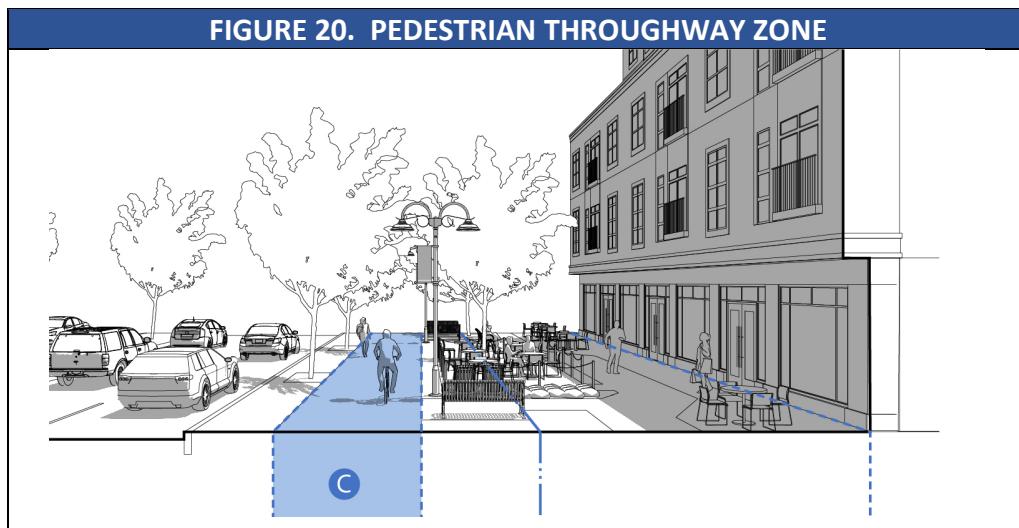
1. Description. The street enhancement zone includes the area between the Furnishing & Utility Zone and the edge of motor vehicle and bicycle travel lanes. Components in this area include temporary activation uses like parklets and food trucks (where allowed – See Section B – Public Realm Activation), and permanent components like on street parking spaces, stormwater infiltration areas, curb extensions, and crosswalks. The Street Enhancement Zone can include some of the same elements as the Furnishing & Utility Zone, such as public seating, bike racks, and planting.

F. Furnishing & Utility Zone.

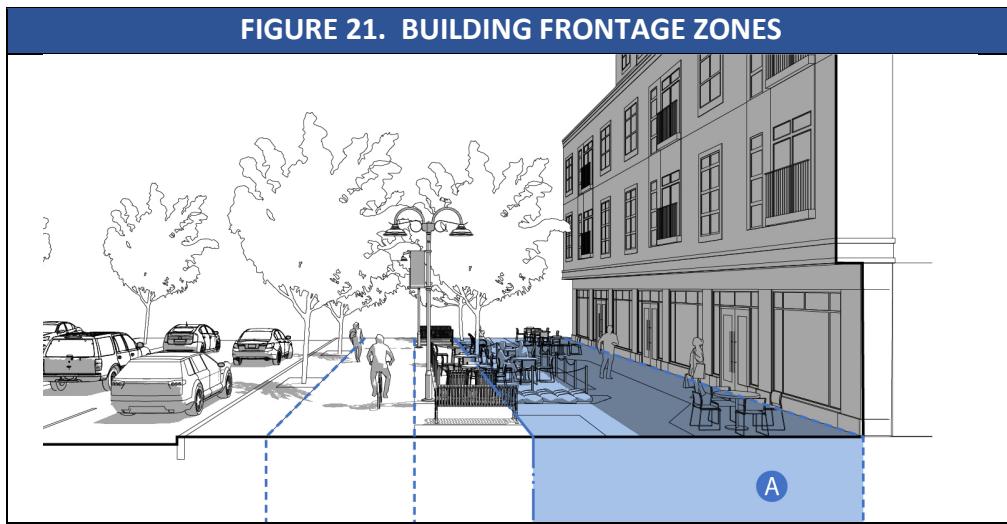


1. **Description.** The Furnishing & Utility Zone is the area of the sidewalk where pedestrians might pause or rest on benches or cafe seating and where many of the utilities, like lighting and hydrants, are located. This is the area typically planted with street trees. The Furnishing & Utility Zone varies in width.

G. Pedestrian Throughway Zone.



1. **Description.** The Pedestrian Throughway Zone is also known as the sidewalk. It is the primary portion of the sidewalk used for active movement and travel by pedestrians. The Pedestrian Throughway Zone must be of an adequate width for comfortable two-way pedestrian movement, must remain clear of obstacles, and its paving surface must be relatively level.



1. **Description.** A Building Frontage Zone is the setback space between the street facing façades of the building and the street R.O.W. line. Building Frontage Zone uses provide a compatible transition and interface between the Private Realm (private buildings and land uses) and the public realm (public sidewalks, streets, and civic spaces). Outdoor Amenity Spaces are required in the Building Frontage Zone along Primary and Secondary Streets.

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 pedestrian frontage zone.

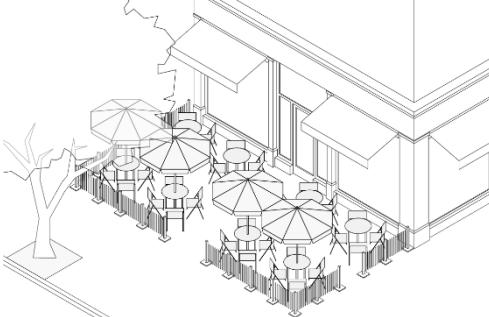
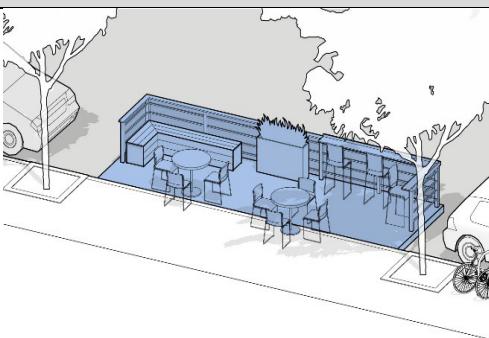
B. **Application.**

1. **Public Realm Activation Components.** The allowed type and location of public realm activation components are listed in Figure 22 below.
2. **Activation Permits.** Activation 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 in the Building Frontage Zone. Applicants may include business owners with storefronts along the street with permission from the property owners, or operators of food trucks, pop-up stores, or similar types of activation.
3. **Design Standards.** See MIX District Design Standards & Guidelines in the Planning Board Rules & Regulations for specific regulations for activation components.

FIGURE 22. PUBLIC REALM ACTIVATION COMPONENTS					
ACTIVATION COMPONENT	1. Building Frontage Zone	2. Furnishing and Utility Zone	3. Pedestrian Throughway Zone	4. Street Enhancement Zone	
Parklets				●	
Tactical Urbanism	●	●	●	●	●
Civic and Public Art		●	●		●
Café Seating and Chef Stations		●	●		
Storefront Displays and Signs		●			
Pop-Up Shops		●	●		
Building Frontage Treatments		●			
Building Facade Treatments		●			
Building Encroachments		●			

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 23 below.
2. Informal Activation Applications. Informal activation applications are encouraged in the MIX District and may include a variety of application such as Food Trucks and Street Vendors, Flower Planters and Window Box, 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 district. Informal activation applications within the public right-of-way or town-owned properties require approval from the Select Board.

FIGURE 23. BUILDING FRONTAGE ZONE AND PUBLIC REALM INTERFACE APPLICATIONS	
Type	Description and Design Standards
1. Café Seating and Sidewalk Chef	<u>Description:</u> Sidewalk dining is permitted as an ancillary activity of any restaurant, pub, or other food and drink establishment. Permission is required from the Select Board for sidewalk dining in the Public R-O-W.
	
2. Storefront Display	<u>Description:</u> The placement for display and sale of merchandise within the Building Frontage Area or the Public R-O-W adjacent to a retail business can increase the visibility and viability of businesses and can enhance the walkability of an area. Displays may be allowed without a permit from the Select Board under the following standard.
	
3. Sidewalk Sign	<u>Description:</u> A freestanding portable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. See Sign Regulations in Article XIII.
	
4. Parklet	<u>Description:</u> A parklet is a Utility Zone treatment design to enhance the pedestrian environment on an on-street parking space. Parklets provide Outdoor Amenity Spaces to the general public or an adjacent building use where no space is available in the Public R-O-W or Building Frontage Zone, or where additional outdoor amenities is desirable to enhance the pedestrian environment. Parklets are installed on parking lanes and may occupy more than one parking space with approval. Parklets typically extend out from the sidewalk at the level of the curb to the width of the adjacent parking space.
	

5. Civic and Public Art	<p><u>Description:</u> A small civic space type designed to commemorate an important event or important person in the history of the Town, or artistic expression for the enjoyment of the general public. These civic spaces may be freestanding or incorporated as a subordinate feature of any other type of civic or recreation space. Landmarks and public art installations can take many forms including stone or metal memorials and monuments, statues, plaques, signage, or landscape designs. They should be considered as special features that bring people together and enliven the experience of visitors in exploring Burlington.</p>
6. Pop Up Shops	<p><u>Description:</u> A pop-up shop is a temporary retail space that is typically used to introduce a new product line, test a new market, generate awareness for a product or cause, or during holiday seasons when consumer spending is high.</p>

14.7. RESIDENTIAL DENSITY STANDARDS

A. Base Residential Density.

Residential buildings and developments within the MIX District shall be subject to the following density standards in Figure 24 below. Density bonuses for qualified public benefit improvements may be achieved under the criteria in Section 14.7.C. below.

BUILDING TYPES	BY RIGHT/SPECIAL PERMIT UNITS PER ACRE	
	BY RIGHT/SPECIAL PERMIT UNITS PER ACRE	
	MIX	MIXSD
Single Family and Duplex	Not Allowed	15 D.U./Acre by Right
Rowhouse/Townhouse	Not Allowed	15 D.U./Acre by Right
Multi-Family Building	15 D.U./Acre by Special Permit	15 D.U./Acre by Right
Mixed-Use Buildings	15 D.U./Acre by Special Permit	20 D.U./ by Special Permit

B. Residential and Mixed Use Development.

The Planning Board may approve a residential or mixed use development in the MIX District under the following criteria:

1. Building Types. All residential and mixed use buildings shall meet the design standards for Building Types under Section 14.4.E.

2. **Ratio of Building Space.** The gross floor area (GFA) of residential building space including the square footage of dwelling units and associated residential amenity buildings and space shall not exceed 40% of the overall total gross floor area of the development site including all other commercial and industrial square footage.
3. **No Net Loss of Non-Residential Building Space.** The total square footage of existing non-residential gross floor area (GFA) shall be retained. Existing non-residential buildings can be redeveloped and renovated to meet this requirement.

C. Density Bonus Requirements.

1. **General Requirement.** The Planning Board may, by special permit, may allow higher density up to the maximum established on Figure 25 below if certain Public Benefit Improvements are made by the applicant that provide benefits to residents and businesses in the Development Tract, the MIX District, and surrounding area. 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. A development agreement shall be required between the Town and the applicant, and the Town may establish a Community Benefit Fund for the purpose of implementing improvements within the MIX District and MIXSD District.

FIGURE 25. PUBLIC BENEFIT TYPE AND BONUS SCHEDULE	
PUBLIC BONUS TYPE	LEVEL OF BONUS
Public/Publicly Accessible Open Space Improvements or Facilities	30 D.U./Acre
Affordable Housing (Above Required Amount)	30 D.U./Acre

2. **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 Town Counsel, to remain in place until the improvements are completed to the satisfaction of the Town.

- c) A specific time frame for the completion of all required 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 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.

G. Affordability Requirements.

1. Number of Affordable Units. The base requirement for affordable dwelling units in any residential development in the MIX District and MIXSD Subdistrict is 20% of all dwelling units constructed. 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 Planning Department. Where this calculation results in a fractional dwelling unit greater than .05 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.

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 and MIXSD Subdistrict pertaining to the Site Development Standards in Section 14.3, Building Types, Use And Design Standards in 14.4, Complete Street Standards I 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 128 Master Plan and Town Comprehensive Plan;
2. Consistency with any waiver eligibility requirements, as indicated in Section 14.11.A above;
3. Such relief shall not result in substantial detriment to the MIX/MIXSD 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. No fiscal impact on the Town, including impact on municipal services, tax base, and employment; and
8. Positive impact on social, economic, or community conditions.

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.