

## ZONING ARTICLES

### ARTICLE NUMBER – 8

### ARTICLE NAME – Middle Housing Overlay District

### AMOUNT – \$0.00

To see if the Town will vote to amend Section 3.1 “Districts” (Part 1), Section 4.2 “Principal Use Regulation Schedule” (Part 2), Section 8.5 “Town Center Overlay Districts” (Part 3) (where **Bold and Underlined** is new and ~~strikethrough~~ is remove) and the “Town Center Overlay Map: Civic Center and Central Business Districts” (Part 4) as follows:

**Part 1:** To amend Section 3.1 by adding the following language.

#### Overlay Districts

The following special districts are hereby established and are set forth in Article 8.0:

FP	100 Year Flood Plain Districts
WR	Water Resources Districts
W	Wetlands Districts
A	Aquifer Districts
WC	Wireless Communications Districts
CC	Civic Center District
CBD	Central Business District
<b>MH</b>	<b>Middle Housing District</b>
MCMOD	MBTA Communities Multi-Family Overlay District

**Part 2:** To amend Section 4.2 by adding the following language

REF. #	USE DESIGNATION	DISTRICT												OVERLAY DISTRICTS				
4.2.1	RESIDENTIAL USES	RO	RG	RC	BN	BL	BT	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD	
4.2.1.#	<del>Dwellings,</del> <b><u>Attached Mixed Use</u></b>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>*YES</u>	<u>*YES</u>	<u>YES</u>	

**\*(4.2.1.#) As governed under Section 8.5.4.2 “Middle Housing District”.**

**Part 3:** To amend Section 8.5 “Town Center Overlay Districts”.

#### 8.5.2 District Boundaries

The Town Center is herein incorporated as three (3) districts, superimposed over other districts established by this Bylaw said districts to be known as: the “Civic Center” (CC), the “Central Business District” (CBD), and **the Middle Housing (MH)** district. The districts shall include all areas as reflected on a map titled “Town Center Overlay Map: Civic Center and Central Business Districts”, prepared by Town of Burlington Planning Department, dated December 2005 and as amended January 2025. This map as may be amended from time to time is hereby made a part of this Bylaw.

### 8.5.3 General Requirements and Applicability

All land located within the Civic Center, Central Business and **Middle Housing** Districts shall be subject to the use restrictions or prohibitions as identified in Sections 4.2.0, 4.3.0 and 4.4.0 of these Zoning Bylaws. Uses not specifically permitted in these schedules shall be prohibited. Where land falls within the 100-Year Flood Plain District, Wetlands Districts, Aquifer or Water Resource Districts, such land shall be governed by the additional requirements or prohibitions of such districts.

### 8.5.4 Permitted Uses

#### 8.5.4.1 Uses permitted by Site Plan and Special Permit

A Site Plan for all uses and activities proposed in the Town Center, except for single family dwellings, shall be required to be submitted in accordance with Section 9.3.0 of this Bylaw and the Site Plan Rules and Regulations of the Planning Board.

In the Principle Use Regulation Schedule, Sections 4.2.0, 4.3.0 and 4.4.0, of these Zoning Bylaws:

Where a use is designated as “YES” in the CC, CBD, and **MH** Districts, such use shall be permitted only if said use is permitted in the underlying zoning district, and any requirement for a special permit in the underlying zoning district shall govern.

Where a use is designated as “YES1” in the CC, CBD, or **MH** Districts, such use shall be permitted by right, even where the underlying zoning district may prohibit such use or require a special permit for such use.

Where a use is designated as “SP” in the CC, CBD, or **MH** Districts, such use shall require a Special Permit in accordance with the procedures specified in Section 9.2.0 of this Bylaw, even where the underlying zoning district may permit such use by right. Such designation shall not supersede a prohibition of an underlying zoning district.

Where a use is designated as “SP1” in the CC, CBD, or **MH** Districts, such use may be permitted by a Special Permit, even where the underlying zoning district may prohibit such use.

Where a use is designated as “NO” in the CC, CBD, or **MH** Districts, such use shall be prohibited regardless of the provisions of the underlying zoning district.

#### 8.5.4.2 Middle Housing (MH) District

##### 8.5.4.2.2 Applicability

**An applicant may seek development of a Project located within the MH in accordance with the provisions of this Section 8.5.**

##### 8.5.4.2.3 Underlying Zoning

**The MH is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 8.5. Within the boundaries of the MH, a developer must elect either to develop a Project in**

accordance with the requirements of one of the following districts; Middle Housing Overlay District, Central Business District Overlay, Civic Center District Overlay or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the base zoning district.

#### **8.5.4.2.4 Administration**

The provisions of this Section shall be administered and enforced by the Inspector of Buildings, except as otherwise provided herein.

#### **8.5.4.2.5 Permitted Uses in the MH**

The following uses are permitted As-of-Right for Projects within the MH.

##### **8.5.4.2.5.1 Mixed-use Development Projects**

A Mixed-use Development Project within the MH may include:

- a) Ground floor commercial space with residential units above at a maximum density of 12 units per acre;
- b) Any of the following allowed in the CBD or CC overlay district as found in Sections 4.2, 4.3, and 4.4 of this bylaw;
- c) Parking accessory to any of the above permitted uses, including surface, garage under, and structured parking (e.g., parking garages); and
- d) Accessory uses customarily incidental to any of the above permitted uses.

The non-residential elements of any Mixed-Use Development Project shall be planned and designed in an integral manner to complement the residential uses, and help foster vibrant, workable, livable, and attractive neighborhoods. For further discussion of this issue, see the Town Center Districts Design Rules and Regulations.

The total gross floor area devoted to Non-residential uses, excluding parking structures, within a Mixed-use Development Project shall not exceed 50% of the total gross floor area of the Project.

#### **8.5.4.2.6 Affordable Housing Requirement**

Affordable housing requirements shall be as required pursuant to Section 11.8.0 of this Bylaw.

#### **8.5.4.2.7 Development Standards in the MH**

##### **8.5.4.2.7.1 Adoption of Development Standards.**

Any Project undergoing the MH Plan Approval process shall comply with the Development Standards as set forth below in this Section 8.5.4.2. They are a

requirements that regulate land development by setting careful and coherent controls on building placement and form while employing more flexible parameters relative to building use and density than the underlying zoning. Wherever there appears to be a conflict between the Development Standards and other sections of the Town of Burlington Zoning Bylaws, the requirements specifically set forth in the Development Standards shall prevail. For development standards not covered, the other applicable sections of the Town of Burlington Zoning Bylaws shall be used to establish requirements. All development must comply with all relevant Federal, State and Local regulations.

#### **8.5.4.2.7.2 Development Standards**

This overlay allows three story mixed-use buildings lining the street to generate greater socio-economic stimulation and enhanced sidewalk interaction. It is intended to promote access to local businesses and other public and private entities in a walkable, bike-able, connective and compact environment that accommodates public transportation, and a “park and walk” development pattern. The mixed-use, mixed-income and multi-story building pattern will provide more residential/housing opportunities for all income levels.

The streetscape allowed by these Development Standards will serve to calm vehicular traffic along the transportation corridors and provide for a more human-scale street environment by relocating parking to the rear of buildings, and contribute to “eyes-on-the street” for improved personal safety/security through the clear definition of public spaces. These Development Standards require differentiation of first floors and top floors to prevent shear vertical facades that are perceived to be out of character in Burlington’s small-town environment.

#### **8.5.4.2.7.3 Dimensional Requirements and Site Standards**

These standards are intended encourage creative design approaches to providing pedestrian scale building facades and massing in pedestrian scale Town Center.

Dimensional Requirements shall be as stated in Section 8.5.5 “Town Center Overlay Districts” of this Bylaw except as amended herein.

##### **8.5.4.2.7.3.1 Building Massing and Entries:**

- a) The Minimum Front Yard setback is 10 feet.
- b) A minimum of 75% of front facades at ground level are to be located along the setback line to reinforce the street/sidewalk edge. When the space between the facade and setback line is specifically designed for pedestrian uses such as outdoor dining, or facade expression and scaling elements, the maximum setback can be increased by 5’.
- c) Primary entry doors for upper level uses, and doors to ground floor commercial uses shall face the primary street and be designed to reinforce the public nature of ground floor uses. Stepped back portions

of the front facade at ground level are encouraged to clarify entry locations and provide variety along the street. Private entries to upper level uses should not interrupt the perceived continuity of the commercial streetscape.

- d) Front Facade Wall: Blank lengths of building wall exceeding twelve (12) linear feet are prohibited.
- e) The front facades of three story buildings, and side and rear portions of buildings that will be seen from a public way or from residential abutter properties, shall incorporate changes in materials and detailing at the second and top floors over 60% or more of their length, or offer alternative strategies for scaling building height to the pedestrian streetscape. Continuous horizontal banding at these changes of expression are encouraged, along with the recessing of top floors along some or all of the building length to reduce perceived mass of buildings.
- f) Mixed use buildings shall use proportions that articulate their uses – a dominant horizontality for ground floor commercial, and dominant verticality for upper level residential uses, coordinated with item D above.
- g) Rooftop mechanical equipment shall be set back from the facades so that it is not visible from the public way or residential abutters, or set back and screened from view by architectural elements integrated into the building design. Louvers and other mechanical system penetrations shall be on rear facades, facades not visible from the public way, or on the roof.

#### 8.5.4.2.7.3.2 Building Facades

- a) Building Projections: No part of any building, except overhanging eaves, awnings, balconies, bay windows and other architectural features shall encroach beyond the minimum front setback line.
- b) Facades over 40' in length are required to have a change in plane using elements such as colonnades, gable roof profiles or other architectural elements. Changes in plane can include a step back in the plane from the primary facade and a change in roof expression from parapet to cornice to reduce the bulk of larger buildings.
- c) Facade articulation shall continue around to all sides of buildings visible from the public way or by residential abutters, but can be simplified at the sides and rear of buildings to acknowledge the primacy of front facades.
- d) Ground floor commercial and retail uses shall be a minimum of 50% glass inclusive of framing systems and shall be utilized, to the extent possible, to provide views from outside in, and inside out. Glazing should be subdivided to reinforce the pedestrian scale. Protecting fenestration and the public way with overhanging awnings and canopies is encouraged. Operable windows and doors onto balconies and terraces at upper level uses are encouraged.

- e) Glazing above the first floor is to be reduced in height and relative percentage in relation to non-glazed areas to reinforce the public nature of the ground floor, with the top floor differentiated from those below by an increase or decrease in glazing percentage, a change in proportions, materials, façade plane or changes in other aspects of the design.
- f) Reflective glazing beyond what is required to reduce heat gain is not permitted.

#### 8.5.4.2.7.3.3 Materials

- a) Allowed materials are to convey a sense of permanence and include but are not limited to brick, stone, cast stone or other finished masonry, glass, metal, wood, and painted cellular PVC trim.
- b) Prohibited materials include vinyl siding and EIFS, although these materials may be used on facades not visible from the public way or adjacent residential uses provided that these materials are detailed and installed in ways that are consistent with the requirements of these Development Standards.
- c) Blank facades are not permitted. Changes in plane or material shall be used to provide a pedestrian scale in areas where windows and doors are not functionally required.

#### 8.5.4.2.7.3.4 Site Design

- a) New sidewalks should not interrupt the continuity of existing sidewalks, however recessed entries and widened sidewalks devoted to outdoor uses such as dining or entries can receive special materials and details that give spatial definition to these uses.
- b) Driveways should not interrupt the continuity of sidewalks and pedestrian spaces. Curb cuts should be limited to the extent possible and located away from primary commercial streets, preferably on side streets and alleys.
- c) On-site parking should not face primary commercial streets or be located between buildings and pedestrian ways. On-site parking should be located under or behind buildings, or to the side of buildings a minimum of 30 feet from public ways. Parallel on-street parking is encouraged.
- d) Parking should be screened from view from public ways and residential abutters through the use of low walls, fences, planting or berms or building construction in conformance with these Development Standards.
- e) To the extent possible parking lots behind buildings should be consolidated across property lines to maximize efficiency of paved space and minimize the number of driveways and curb cuts to public streets

and associated sidewalk crossings.

#### 8.5.4.2.7.3.5 Landscaping

- a) Installation of street trees in accordance with Town of Burlington standards is required. Species, size and planting details to be approved by Town authorities. Drives and walks internal to a lot along building fronts should continue established tree planting plans to the extent possible.
- b) Landscaping and landscape elements such as benches at retail frontages should be carefully located to not interfere with the continuity of the sidewalk and the visual connection to interior uses, and used only to define entries or other outdoor uses. Their use is encouraged to provide benefits to the public realm.
- c) Landscaping for off-street surface parking facilities shall adhere to Section 7.2.10 of this bylaw
- d) 200 square feet of landscaping accessible to the public should be provided at building sides or rear for every 10,000 square feet of floor area developed.
- e) Provide landscaped buffers between parking and abutting properties and coordinate with requirements noted above.
- f) Landscaping to be native species that require minimal irrigation and fertilizer and are drought resistant. Utilization of landscaping as part of a comprehensive approach to storm water management: bio-swales or raingardens - are encouraged.
- g) Healthy existing trees should be preserved whenever possible.

#### 8.5.4.2.7.3.6 Outdoor Environment

- a) Front facade and architectural lighting should complement the Town's street lighting and express building entry locations and other outdoor uses, and support the public nature of the sidewalk.
- b) Side and rear lighting should contribute to public safety by providing adequate lighting between parking, building entries and public ways. Rear entries should have lighting that supports wayfinding.
- c) All lighting to be "dark sky" with a cut off at property lines documented by photometric studies.
- d) Pole lighting and fixtures to be a maximum of 15' feet above grade.
- e) Loading docks, dumpsters, mechanical equipment and utility meters to be located in low visibility locations and screened from view by architectural or landscape elements compatible with the site and

**building design.**

- f) **All electrical and utility lines to be located below grade.**
- g) **Storm water management systems shall adhere to the Town of Burlington storm water standards and should incorporate Best Management Practices as prescribed by the Massachusetts Department of Environmental Protection and Low Impact Development practices including infiltration chambers, landscaped swales, vegetated rain gardens, drywells and other features to retain water on site and recharge into the ground. Retention of storm water for use in irrigation is encouraged.**

~~8.5.4.2.1 (This section deleted in its entirety at the Town Meeting of September 2010)~~

~~8.5.4.2.2 Maximum Residential Component:~~

~~No additional Multiple Family Dwellings shall be permitted beyond those units already permitted or applied for as of June 8, 2010~~

8.5.5 Dimensional Requirements

8.5.5.1 Minimum Lot area

Lot area requirements shall be as required in the underlying zoning district pursuant to Section 5.2.0 of this Bylaw.

8.5.5.2 Minimum Lot Frontage

Frontage requirements shall be as required in the underlying zoning district pursuant to Section 5.2.0 of this Bylaw.

8.5.5.3 Minimum Front Yard

Front yard setback may be zero, subject to inclusion of minimum 10 feet wide pedestrian area along the front face of any structure, where such area may include walkways and other pedestrian amenities including seating areas, benches, landscaping, lighting, awnings, trash receptacles, and similar features as may be approved by the Planning Board pursuant to a Site Plan.

8.5.5.4 Minimum Side Yard and Rear Yard

Side yard setback may be zero, except where abutting use is a one family dwelling, in which case a minimum 15' landscaped buffer is required.

8.5.5.5 Minimum Buffer to Adjoining RO Districts

The minimum buffer to adjoining residentially zoned property shall be 20% of the average depth and/or width of the lot as applicable, with a minimum of 25' and a maximum requirement of 50'. Abutting residentially zoned property shall include lots that are adjacent to a private or public way, connecting said residential property and the CC or CBD Districts. This buffer is not applicable to front yard setbacks on Cambridge Street, Center Street, and Winn Street. The buffer shall consist of natural vegetation and/or landscaping designed and constructed to mitigate the impact of any commercial use within the CC or CBD Districts on the abutting residential district. The buffer shall be designed and constructed to minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights, or signs, and shall be kept free of encroachment by all buildings, structures, storage areas, and parking, except that bicycle paths and



fences may be sited within such buffer area if approved pursuant to a site plan review by the Planning Board but subject to a minimum 20' setback for bicycle paths.

#### 8.5.5.6 Maximum Aggregate Building-to-Ground Area Percentage

33 1/3 %, except that the Planning Board pursuant to a Site Plan or Special Permit may permit the Maximum Aggregate Building to Ground Area Percentage to increase to 40% where such application is consistent with the purposes of the Town Center and meets one or more of the following criteria:

- a) Pedestrian and bicycle amenities are provided that are distinctly separated from drive aisles and parking, that provide active public spaces to foster social interaction, that encourage walking between businesses, that offer ease of access to public transit systems, and that enhance safety and access to adjoining properties and streets;
- b) Landscaping is provided of a density, diversity, and maturity that fosters the creation of public spaces, and that promotes connections to landscaped spaces on adjoining properties;
- c) Any housing component where at least 15% of the units are set aside as permanently affordable housing units.
- d) Offsite mitigation is implemented within the Town Center that substantially advances the purposes and objectives of the Town Center.

Pursuant to a special permit granted under Section 8.5.9 Transfer of Development Rights, the Planning Board may permit a Maximum Aggregate Building to Ground Area Percentage to increase to 50% where such application is consistent with the purposes of the Town Center and meets the criteria of any design review guidelines established by the Planning Board.

#### 8.5.5.7 Maximum Building & Structure Height

For nonresidential and mixed use structures within 100' of abutting residential districts, including measurement across public or private ways = 30'.

For nonresidential and mixed use structures greater than 100' but less than 200' from abutting residential districts, including measurement across public or private ways = 35'.

For nonresidential and mixed use structures greater than 200' from abutting residential districts, including measurement across public ways = 40'.

For multi-family structures within 100' of abutting residential district = 30'

For multi-family structures greater than 100' from abutting residential district = 40'.

For one family dwellings = 30'.

#### 8.5.5.8 Minimum Feet between Buildings

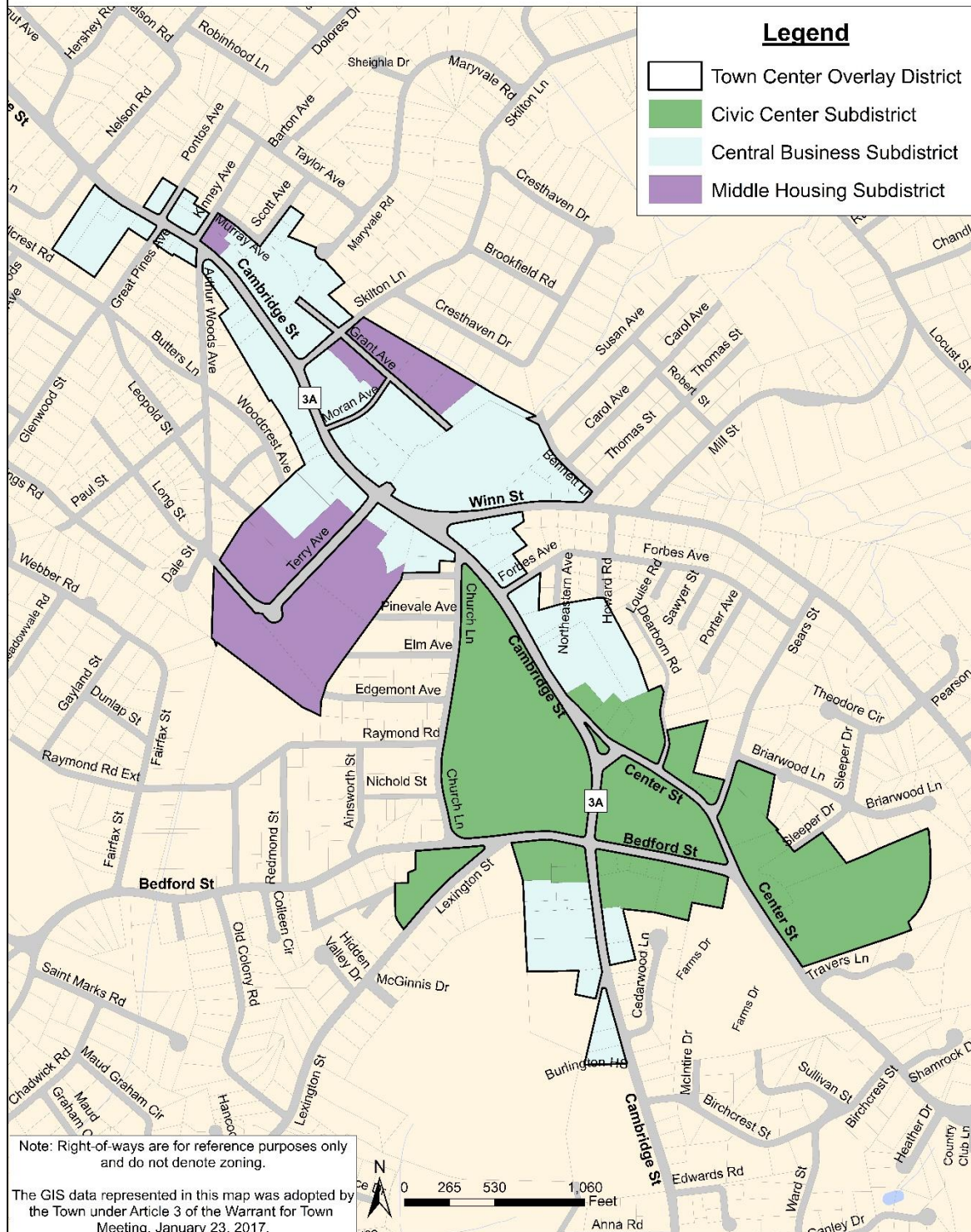
Not less than required by the State Building Code.

#### 8.5.5.9 Maximum Floor Area Ratio

For properties whose underlying zoning designation is General Industrial, the Floor Area Ratio may be increased to 0.50 pursuant to a special permit granted by the Planning Board in accordance with the provisions of Section 8.5.5.6. Floor Area Ratio shall not apply to other properties in the CC or CBD.

**Part 4:** and amend the Town of Burlington Town Center Zoning Overlay Map to include a Middle Housing (MH) district as set forth on the Map dated \_\_\_\_\_, 2024 and on file with the Town Clerk.

# Town Center Zoning Overlay Map



or take any other action relative thereto.

Submitted by the Select Board  
Requested by the Planning Board