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*By Town Clerk's Office at 11:43 am, Jan 10, 2025*

# WARRANT

## Burlington Town Meeting



**January 27, 2025  
7:00 P.M.**

**Burlington, MA**  
Burlington High School  
Fogelberg Auditorium

**INDEX OF ARTICLES**  
**Burlington Town Meeting**  
**Monday**  
**January 27, 2025**

<b>ARTICLE NUMBER</b>	<b>SUBJECT</b>
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**TOWN COUNSEL'S LETTER**

**GENERAL ARTICLES** (green paper)

1. Reports of Town Officers & Committees

**ZONING BYLAW ARTICLES** (yellow paper)

2. Amend Article III – Districts by adding Mixed Use Innovation District (MIX)
3. Amend Article IV – Use Regulations to Modernize the Use Table
4. Amend Article V – Dimensional Requirements by adding Mixed Use Innovation District (MIX)
5. Add New Article XIV – Mixed Use Innovation District
6. Amend Article III – Burlington Signage Districts
7. Amend Article XIII - Sign Regulations
8. Middle Housing Overlay District
9. Accessory Dwelling Units (ADU) Bylaw Amendment
10. Establishment of a Retail Marijuana Retail Overlay

**FINANCIAL ARTICLES** (golden paper)

11. Authorize 5 Year Contract for Technology Cyber Security Infrastructure
12. Transfer from Free Cash to Water Stabilization Fund
13. Transfer from Free Cash to Ways and Means Reserve Fund
14. Authorize Transportation Infrastructure Funds
15. Tax Abatement Defense Fund
16. Transfer from Free Cash to Previously Approved Capital Project Funds

**GENERAL BYLAW ARTICLES** (blue paper)

17. Rescind Prohibition on Marijuana Establishments
18. Amend Article IV section 8 – Animal Control Officer
19. Amend Article 5, Section 2.6 of the General Laws regarding the Land Use Committee

**CONSTABLE'S REPORT**



**Mead, Talerman & Costa, LLC**  
**Attorneys at Law**

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**30 Green Street**  
**Newburyport, MA 01950**  
**Phone 978.463.7700**

[www.mtclawyers.com](http://www.mtclawyers.com)

January 9, 2025

Bill Beyer, Town Moderator  
Selectboard  
Town of Burlington  
29 Center Street  
Burlington MA 01803

RE: Town Meeting Warrant

Dear Mr. Moderator and Members of the Select Board;

Reference is made to the above captioned matter. In that connection, I have reviewed the Warrant for the January 27, 2025 Town Meeting and have found it legal as to form. I will note the following:

- Articles 3, 6, 7, 9 and 10 are all zoning changes that pursuant to G.L. c. 40A §5 require a 2/3 vote to adopt.
- Articles 2, 4, and 5 all amend the zoning bylaw to add the Mix Use Innovation District which qualifies as a simple majority vote for multifamily housing in an eligible location by right in accordance with G.L. c. 40A §5
- Article 8 is a zoning change, but in accordance with the changes in G.L.c . 40A §5, only a simple majority is required for accessory dwelling unit provisions.

Should you have any questions, please let me know. Otherwise, I will update this letter upon review of the final motions.

Regards,

Lisa L. Mead  
Town Counsel

cc: Town Clerk

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*Millis Office*  
730 Main Street, Suite 1F  
Millis, MA 02054

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*New Bedford Office*  
227 Union Street, Suite 606  
New Bedford, MA 02740

**WARRANT**  
**BURLINGTON TOWN MEETING**  
**Monday, January 27, 2025**

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly at the Burlington High School, Fogelberg Auditorium in said Town, the 27th of January 2025 at seven o'clock in the evening then and there to act on the following articles of the warrant.

**GENERAL ARTICLES**

**ARTICLE - 1**

**ARTICLE NAME - Reports of Town Officers & Committees**

**AMOUNT - N/A**

To hear and act on the reports of the Town Officers and Committees; or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Rules Committee

## **ZONING ARTICLES**

### **ARTICLE NUMBER - 2**

**ARTICLE NAME – Amend Article III - Districts by adding Mixed Use Innovation District (MIX)**

**AMOUNT – N/A**

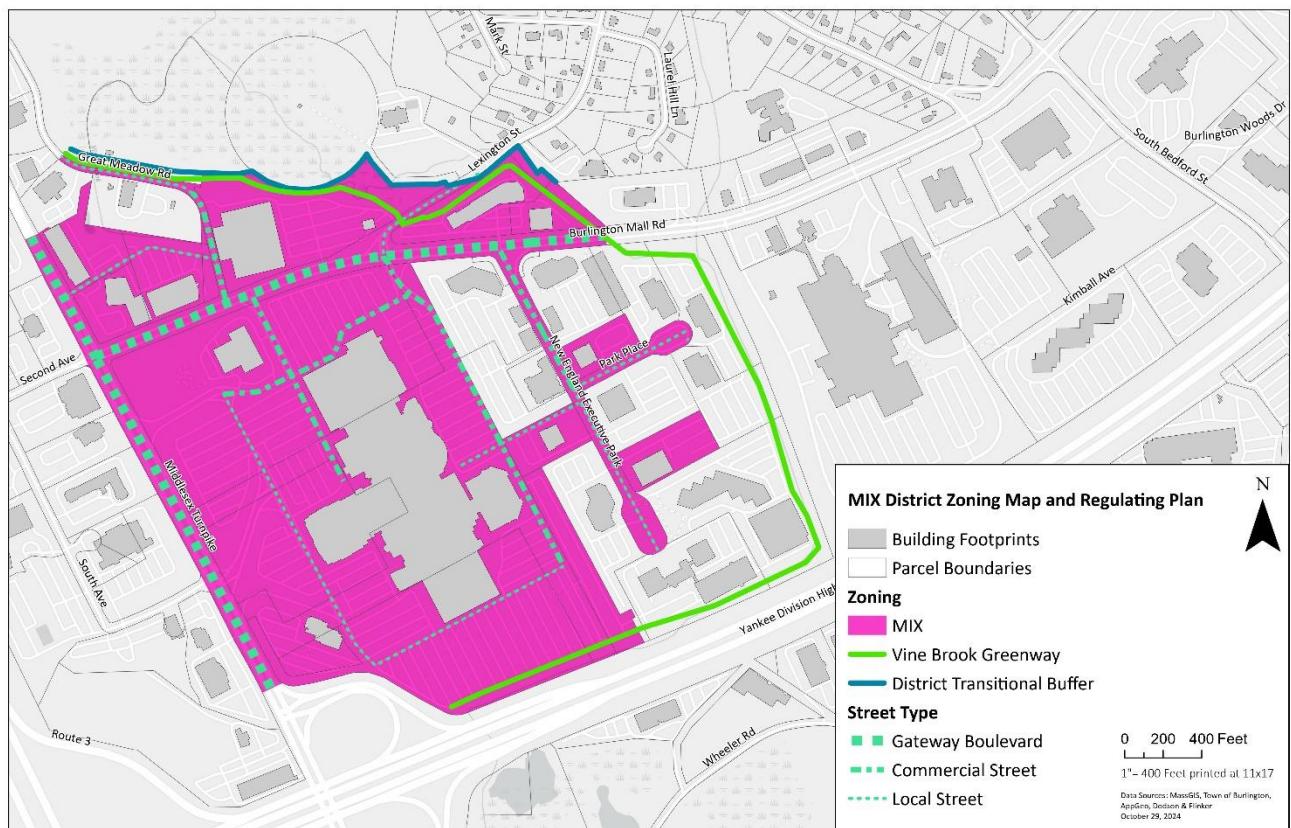
To see if the Town will vote to amend the Zoning Bylaws Article III, Districts, by adding a new zoning district entitled Mixed Use Innovation District (MIX) in **black, underlines, and bold type** to Article III, Section 3.1.0 “Districts” and to the official Zoning Map of the Town of Burlington, MA as follows.

### **ARTICLE III: DISTRICTS**

#### **SECTION 3.1.0. DISTRICTS**

##### **Mixed Use Districts**

##### **MIX Mixed Use Innovation District (MIX)**



Submitted by the Select Board  
Requested by Economic Development

## **ZONING ARTICLES**

### **ARTICLE NUMBER - 3**

**ARTICLE NAME – Amend Article IV - Use Regulations to Modernize the Use Table**

**AMOUNT – N/A**

To see if the Town will vote to amend the Zoning Bylaws, Article IV Sections 4.2 “Principal Use Regulation Schedule” and 4.3 “Accessory Use Regulation Schedule” by deleting, and amending (~~strikethrough~~ to be removed, **underlined and bold** is new) as follows:

## 4.2.0 PRINCIPAL USE REGULATION SCHEDULE

REF. NO	USE DESIGNATION	DISTRICT												OVERLAY DISTRICTS				
		RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
<b>4.2.1</b>	<b>RESIDENTIAL USES</b>																	
4.2.1.1	Dwelling, One Family	YES	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.2.1.2	Dwelling, 2-Family	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.1.3	Dwelling, 3-Family	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.1.4	Dwelling, Garden Apartments	NO	SP	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	YES
4.2.1.5	Dwelling, Garden Apartments (Operated by the Burlington Housing Authority)	NO	YES	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u>YES<sub>1</sub></u>
4.2.1.6	Dwelling, Multi-Family	NO	SP	NO	NO	NO	NO	<u>YES</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	<u>YES<sub>1</sub></u>
<b>4.2.1.7</b>	<b>Dwelling, Townhouse/Rowhouse</b>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>	<u>YES<sub>1</sub></u>
4.2.1.8	Hotel	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	SP	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.9	Hotel, Residence	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	SP	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.10	<b>Hotel</b> , Motor Hotel or Motel	NO	NO	NO	NO	NO	SP	<u>YES</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.1.11	Short-Term Rental	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.1.12	Dormitories	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.2.1.13	One Family Dwellings (Operated by the Burlington Housing Authority)	YES	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.2.1.14	Garden Apartment (Operated as Affordable and Subsidized Living Units)	NO	SP	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	<u>YES</u>
4.2.1.15	Tents, Trailers, Campers, and Mobile Homes	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.1.16	Dormitories (Other than those specified in 4.2.1.10)	NO	SP	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.1.17	Open Space Residential Development	SP	SP	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.2.1.18	Assisted Living Facility	NO	NO	SP	NO	NO	NO	<u>SP</u>	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.19	Independent Living Facility	NO	NO	SP	NO	NO	NO	<u>YES</u>	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
<b>4.2.1.20</b>	<b>Mixed Use Building</b>	<u>NO</u>	<u>NO</u>	<u>SP</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>SP</u>	<u>NO</u>	<u>SP</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>
4.2.1.20	Congregate Living Facility	NO	NO	SP	NO	NO	NO	<u>SP</u>	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.21	Continuing Care Retirement Community	NO	NO	SP	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.22	Group Care Facility	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	<u>YES</u>
4.2.1.23	Inn, Bed & Breakfast	NO	NO	NO	NO	NO	NO	<u>SP</u>	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO

RO – Single-Family Residential  
 RG – Garden Apartment District  
 RC – Continuing Care District

BN – Neighborhood Business District  
 BL – Limited Business District  
 BT – Continuous Traffic Business District

BG – General Business District  
 IR – Retail Industrial District  
 IG – General Industrial District

I – Innovation District  
**MIX – Mixed Use Innovation District**

OS – Open Space District  
 CC – Civic Center Overlay (Town Center)  
 A – Aquifer Overlay District

WR – Water Resources Overlay  
 CC – Civic Center Overlay (Town Center)  
 CBD – Central Business District (Town Center)

4.2.2	INSTITUTIONAL & RECREATIONAL USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.2.1	Religious Institutions	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES						
4.2.2.2	Non-Profit Institution	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES						
4.2.2.3	Child Care Center	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES						
4.2.2.4	Family Child Care Home	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES						
4.2.2.5	Adult Day Health Center	NO	NO	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.2.2.6	Cemeteries and Related Facilities	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP						
4.2.2.7	Fire Stations and Sub-Fire Stations	SP	SP	SP	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	SP
4.2.2.8	Police Stations	SP	SP	SP	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	SP
4.2.2.9	Municipal Maintenance and Garage Facilities	NO	NO	NO	NO	NO	YES	<u>NO</u>	YES	YES	YES	YES	NO	NO	SP	NO	SP	SP
4.2.2.10	Public Parks, Community Centers, Public Libraries, Public Museums, Public Art Galleries and Related Facilities	SP	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES						
4.2.2.11	Recreation Facility, Indoor Commercial	NO	NO	NO	NO	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.2.12	Recreation Facility, Outdoor Commercial	NO	NO	NO	NO	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.2.13	Educational Use, For Profit	NO	NO	NO	SP	YES	SP	<u>YES</u>	YES	SP	SP	NO	YES	YES	YES	YES	YES	NO
4.2.2.14	Places and Buildings for Public Assembly (Other Than Above)	NO	NO	NO	NO	NO	SP	<u>YES</u>	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
4.2.2.15	Hospitals	NO	NO	NO	NO	NO	NO	<u>SP</u>	SP	SP	SP	NO	NO	SP	NO	NO	NO	NO
4.2.2.16	Urgent Care Facility	NO	NO	NO	NO	NO	NO	<u>SP</u>	SP	SP	SP	NO	NO	SP	NO	YES	NO	NO
4.2.2.17	Long-Term Care Facility	NO	NO	YES	NO	NO	NO	<u>SP</u>	SP	SP	SP	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO	NO
4.2.2.18	Communications Switching Station	NO	NO	NO	YES	YES	YES	<u>YES</u>	YES	YES	YES	NO	YES	YES	YES	YES	YES	NO
4.2.2.19	Public Transportation Facility	NO	NO	NO	NO	NO	SP	<u>SP</u>	SP	SP	SP	NO	SP	SP	SP	SP	NO	NO
4.2.2.20	Radio and television transmitting sites	NO	NO	NO	NO	NO	SP	<u>SP</u>	SP	SP	SP	NO	YES	YES	NO	NO	NO	NO
4.2.2.21	Theaters and cinemas	NO	NO	NO	NO	NO	SP	<u>YES</u>	SP	SP	SP	NO	YES	YES	NO	NO	NO	NO
4.2.2.22	Public Water & Sewer Distribution Structures	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	YES	YES	SP <sub>1</sub>						
4.2.2.23	Performance Theater or Center	NO	NO	NO	NO	NO	SP	<u>YES</u>	SP	SP	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO	NO
4.2.2.24	Registered Marijuana Dispensary (Medical)	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	SP	SP	NO	YES	YES	NO	NO	NO	NO
4.2.2.25	Marijuana Establishment (Recreational)	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO						
4.2.2.26	Fitness Centers (> 5,000 but < 20,000 sq. ft.)	NO	NO	NO	NO	NO	NO	<u>YES</u>	SP	NO	NO	NO	YES	YES	NO	NO	NO	NO
4.2.2.27	Fitness Studios (< 5,000 sq. ft.)	NO	NO	NO	YES	YES	YES	<u>YES</u>	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	SP

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4.2.3	AGRICULTURAL USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.3.1	All kinds of agriculture, horticulture and floriculture	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES							
4.2.3.2	Garden centers; commercial greenhouses and nurseries (< 5 acres)	NO	NO	NO	NO	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.2.3.3	Commercial raising, boarding, breeding, or keeping of birds, fish, and animals; subject to the regulations of the Board of Health	NO	NO	NO	NO	NO	SP	<u>SP</u>	SP	SP	SP	SP	NO	SP	SP	SP	SP	NO
4.2.4	OFFICE USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.4.1	Professional Offices	NO	NO	NO	SP	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	<u>YES</u>	<u>YES</u>	YES
4.2.4.2	Professional Services	NO	NO	NO	SP	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	<u>YES</u>	<u>YES</u>	YES
4.2.4.3	Medical Offices, Center, or Clinic	NO	NO	NO	SP	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	<u>YES</u>	<u>YES</u>	YES
4.2.4.4	Public Offices	NO	NO	NO	NO	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	<u>YES</u>	<u>YES</u>	YES
4.2.4.5	Conference Center	NO	NO	NO	NO	NO	NO	<u>SP</u>	NO	SP	SP	NO	NO	YES	YES	<u>SP</u>	<u>SP</u>	SP
4.2.4.6	Collaborative Workspace	NO	NO	NO	SP	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	<u>YES</u>	<u>YES</u>	YES
4.2.4.7	Banking & Financial Services	NO	NO	NO	SP	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	<u>YES</u>	<u>YES</u>	YES
4.2.4.8	Data Center (<50,000 sq. ft.)	NO	NO	NO	SP	YES	YES	<u>SP</u>	YES	YES	YES	YES	NO	YES	YES	<u>YES</u>	NO	YES
4.2.5	AUTOMOTIVE SALES AND SERVICE USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.5.1	Motor Vehicle General Repair and Maintenance	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO
4.2.5.2	Motor Vehicle Body Painting and Body Repair	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO
4.2.5.3	Car Wash Establishments	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO
4.2.5.4	Retail Sales and Rental of Heavy Machinery and Vehicles	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.5.5	Automobile Dealership	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.5.6	Used Car Sales Establishment	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.5.7	Automotive Rental Agency	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.5.8	Outdoor Storage of Motor Vehicles (See 2.15) (at least 1,100 ft. from RO zone)	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	SP	NO	NO	NO	YES	YES	NO	NO	NO
4.2.5.9	Motor Vehicle Dealership Structured Parking Facility (See 2.13) (w/in 200 ft. of Rt. 128/95 and at least 200 ft. from RO)	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	SP	NO	NO	NO	YES	YES	NO	NO	NO
4.2.5.10	Fueling Station/Convenience Store	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO							

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4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.6.1	Personal Services	NO	NO	NO	SP	YES	YES	<u>YES</u>	YES	NO	NO	YES	NO	SP	SP	YES <sub>1</sub>	YES <sub>1</sub>	YES
4.2.6.2	Convenience Store	NO	NO	NO	SP	SP	SP	<u>YES</u>	YES	NO	NO	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.3	Retail Stores (<= 10,000 sq. ft.)	NO	NO	NO	NO	YES	YES	<u>YES</u>	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	YES
4.2.6.4	Retail Stores (> 10,000 sq. ft.)	NO	NO	NO	NO	NO	NO	<u>YES</u>	YES	NO	NO	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.5	Supermarket	NO	NO	NO	NO	NO	NO	<u>YES</u>	SP	NO	NO	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.6	Post Offices	NO	NO	NO	NO	NO	NO	<u>YES</u>	YES	SP	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.7	Household Goods Repair and Services	NO	NO	NO	NO	NO	NO	<u>YES</u>	YES	NO	NO	NO	NO	NO	SP	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.8	Laundry and Dry Cleaning Establishments (Other Than Pickup Stations or Self-Service)	NO	NO	NO	NO	NO	NO	<u>NO</u>	YES	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	NO
4.2.6.9	Dry-Cleaning and Laundry Pickup Stations	NO	NO	NO	SP	YES	YES	<u>YES</u>	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.10	Restaurant, Fast Order Food and Take-Out	NO	NO	NO	NO	NO	SP	<u>SP</u>	SP	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.11	Restaurants	NO	NO	NO	NO	NO	NO	<u>YES</u>	SP (see Art. 10.4.0)	NO	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	SP	SP
4.2.6.12	Bakeries and Delicatessen	NO	NO	NO	NO	NO	NO	<u>YES</u>	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.13	Commercial Kennel	NO	NO	NO	NO	NO	NO	<u>SP</u>	SP	NO	NO	NO	NO	SP	SP	SP	SP <sub>1</sub>	NO
4.2.6.14	Plumbing and HVAC Sales and Services	NO	NO	NO	NO	NO	NO	<u>SP</u>	SP	NO	NO	SP	NO	YES	YES	YES	YES <sub>1</sub>	NO
4.2.6.15	Contractor Services	NO	NO	NO	NO	NO	NO	<u>SP</u>	SP	SP	NO	NO	NO	YES	YES	SP	SP <sub>1</sub>	SP
4.2.6.16	Funeral Home	NO	NO	NO	NO	NO	NO	<u>SP</u>	SP	NO	NO	NO	NO	NO	SP	YES	YES	NO
4.2.6.17	Laboratories, Diagnostic Medical	NO	NO	NO	SP	SP	<u>YES</u>	YES	YES	SP	SP	NO	NO	SP	YES <sub>1</sub>	YES <sub>1</sub>	NO	
4.2.6.18	Kiosk	NO	NO	NO	NO	SP	<u>YES</u>	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.19	Massage Parlors	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.20	Massage Therapy	NO	NO	SP	NO	NO	SP	<u>SP</u>	SP	SP	SP	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	SP
4.2.6.21	Photo Processing	NO	NO	NO	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	NO	NO	NO	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.22	Printing and Copying Services	NO	NO	NO	NO	NO	NO	<u>YES</u>	YES	NO	NO	YES	NO	SP	SP	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.23	Adult Bookstore	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
4.2.6.24	Adult Club (See 10.3.0)	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
4.2.6.25	Adult Paraphernalia Store (See 10.3.0)	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
4.2.6.26	Adult Theater (See 10.3.0)	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
4.2.6.27	Adult Video Store (See 10.3.0)	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
4.2.6.28	Body Art	NO	NO	NO	NO	SP	<u>SP</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
4.2.6.29	Self-Storage Facility	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

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4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.6.30	Retail, Experiential & Commercial Interactive Venue (20,000 SF or Less)	NO	NO	NO	SP	SP	YES	<u>YES</u>	YES	NO	SP	YES	NO	YES	YES	YES	YES	NO
4.2.6.31	Retail, Experiential & Commercial Interactive Venue (Above 20,000 SF)	NO	NO	NO	SP	SP	SP	<u>SP</u>	SP	NO	SP	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.32	Pharmacy	NO	NO	NO	SP	SP	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	YES
4.2.6.33	Liquor Store	NO	NO	NO	SP	SP	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	YES
4.2.6.34	Pet Store	NO	NO	NO	SP	SP	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	YES
4.2.6.35	Hardware Store (< 15,000 sq. ft. gross floor area)	NO	NO	NO	SP	SP	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	YES
4.2.6.36	Caterer/Wholesale Food Production	NO	NO	NO	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	NO	SP	SP	SP <sub>1</sub>	SP <sub>1</sub>	SP
4.2.6.37	Brewery, Distillery, Cidery, Winery with Tasting Room	NO	NO	NO	NO	NO	SP	<u>SP</u>	SP	SP	SP	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	SP
4.2.7	INDUSTRIAL USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.7.1	Light Manufacturing	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	YES	YES	YES	NO	SP	SP	SP	SP	NO
4.2.7.2	Research and Development	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	YES	YES	YES	NO	SP	SP	SP	SP	YES
4.2.7.3	Printing Establishments (Other than those under 4.2.6.22)	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	YES	YES	YES	NO	NO	SP	YES	YES	NO
4.2.7.4	Food Processors and Bakeries (Not operated for retail)	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.2.7.5	Laboratory	NO	NO	NO	NO	NO	NO	<u>YES</u>	SP	SP	YES	SP	NO	SP	SP	NO	SP	NO
4.2.7.6	Laboratory, Life Science ( <i>Research &amp; Development</i> )	NO	NO	NO	NO	NO	SP	<u>YES</u>	SP	SP	YES	NO	NO	SP	SP	SP	SP	NO
4.2.7.7	Laboratory, Life Science ( <i>Commercial Manufacturing</i> )	NO	NO	NO	NO	NO	NO	<u>SP</u>	NO	SP	SP	NO	NO	SP	SP	SP	SP	NO
4.2.7.8	Wholesale Trade	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	SP	SP	SP	NO	YES	YES	YES	YES	SP
4.2.7.9	Distribution Facility	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO
4.2.7.10	Warehouse	NO	NO	NO	NO	NO	SP	<u>NO</u>	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO
4.2.7.11	Electronics Industries	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	SP	SP	SP	NO	SP	SP	YES	YES	SP
4.2.7.12	Electroplating and Metal Finishing	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO							
4.2.7.13	Hazardous and Toxic Materials and Chemicals Manufacture	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO							
4.2.7.14	Hazardous and Toxic Materials and Chemicals Use Storage, Transport, Disposal or Discharge	NO	NO	NO	NO	NO	NO	<u>SP</u>	NO	SP	SP	SP	NO	SP	SP	YES	YES	SP
4.2.7.15	Commercial Hazardous Waste Storage and Treatment Facility	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO							
4.2.7.16	Solar Energy System, Ground-Mounted	NO	NO	NO	YES	YES	YES	<u>YES</u>	YES	SP <sub>1</sub>	SP <sub>1</sub>	YES						
4.2.7.17	Generation or Storage of Hazardous Waste (Limited to the volumes classified as a very small quantity generator (VSQG))	NO	NO	-	NO	NO	NO	<u>SP</u>	NO	SP	SP	SP	NO	SP	SP	YES	YES	NO

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4.2.7.18	Generation or Storage of Hazardous Waste (In excess of the volumes classified as a very small quantity generator (VSQG))	NO	NO	-	NO	NO	NO	<u>SP</u>	NO	SP	SP	SP	NO	NO	SP	YES	YES	NO
4.2.7.19	Creative Workspace and Industrial Arts Facility	NO	NO	NO	NO	NO	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES

#### 4.3.0 ACCESSORY USE REGULATION SCHEDULE

4.3.1	USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.3.1.1	Accessory Apartment	YES	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.2	Short-Term Rental	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.3.1.3	Home Occupation 1	SP	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.4	Home Occupation 2	YES	YES	YES	NO	NO	NO	<u>YES</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
4.3.1.5	3- Car Garage (Not apply to farms).	YES	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.6	Towers, antenna, windmills, and similar structures:																	
	(a) towers and antennas for generation or transmission of telecommunication signals other than those covered by subsection 4.2.2.24 and Section 8.4.0	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	NO	YES	YES	YES	YES	NO
	(b) antennas, other than satellite dish antennas, for the purpose of private reception of telecommunication signals, which antennas do not exceed 12 feet in height above the ground or 12 feet above the roof of a building on which they are mounted	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES
	(c) towers, windmills and similar structures that do not exceed 12 feet in height measured from the ground	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	SP	YES	YES	YES	YES	YES
	(d) towers, windmills and similar structures that exceed 12 feet in height measured from the ground	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	NO	YES	YES	YES	YES	SP
	(e) satellite dish antennas that are 8 feet or less across at their greatest width and which do not exceed 12 feet in height above the ground or above the roof of a building on which they are mounted and which are at least 100 feet away from property that is zoned RO One Family Dwelling	NO	SP	SP	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	SP

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	(f) satellite dish antennas that are greater than 8 feet across at their greatest width <u>or</u> which exceed 12 feet in height above the ground or the roof of a building on which they are mounted <u>or</u> which are located on or within 100 feet of property that is zoned RO One Family Dwelling	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	NO	YES	YES	YES	YES	SP
	(g) Wireless Communications Facilities which are subject to Section 8.4.0 shall be permitted in the Wireless Communications Overlay Districts in accordance with the map depicting the districts and the provisions of Section 1.0 of the Zoning Bylaws	(refer to Wireless Communication Overlay Districts map for allowed uses)																
4.3.1.7	Outdoor parking of not more than one unregistered motor vehicle or one boat per dwelling unit	YES	YES	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.8	Swimming Pool	YES	SP	SP	SP	SP	SP	<u>YES</u>	SP	SP	SP	SP	SP	YES	YES	YES	YES	SP <sub>1</sub>
<b>4.3.1</b>	<b>USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BT</b>	<b>MIX</b>	<b>BG</b>	<b>IG</b>	<b>I</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
4.3.1.9	Greenhouse (limited to 250 sq. ft. and not used for commercial purposes)	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	SP	YES	YES	YES	YES	YES
4.3.1.10	Tennis <u>and</u> Pickleball Courts	YES	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	SP	YES	YES	YES	YES	SP
4.3.1.11	Bomb Shelters	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.12	Roadside Stands (Limited to sales of produce grown on the premises)	SP	SP	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.13	Sheds, Barns, and Similar Structures	YES	YES	SP	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	SP	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	YES <sub>1</sub>
4.3.1.14	The keeping of 7 or more chickens	SP	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.15	Buildings and Structures Normally Accessory to Multi-Family Development	NO	YES	NO	NO	NO	NO	<u>YES</u>	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	YES <sub>1</sub>
4.3.1.16	Mobile Homes, Temporary and Trailers	YES	YES	NO	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.3.1.17	Temporary Tents on Residential Sites	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
4.3.1.18	Family Child Care Home	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.19	Residential Garage (For more than three automobiles)	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	SP <sub>1</sub>
4.3.1.20	Solar Energy System, Roof-Mounted	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.21	Solar Energy System, Ground-Mounted	SP	SP	SP	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	SP <sub>1</sub>
4.3.1.22	Community Garden	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

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4.3.2	USES NORMALLY ACCESSORY TO NON- RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.3.2.1	Incidental Retail - Service Uses	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	SP	NO	NO	YES	YES	YES	YES	SP	
4.3.2.2	Incidental Food Uses	NO	NO	NO	NO	SP	YES	<u>YES</u>	YES	SP								
4.3.2.3	Incidental Retail and Restaurant	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	SP	SP	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	SP
4.3.2.4	Delicatessens, lunch counters and soda fountains incidental to the permitted business of a drug store, food store	NO	NO	NO	NO	SP	SP	<u>YES</u>	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.3.2.5	Protective Animal Keeping (More Than One)	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	NO	YES	YES	YES	NO	
4.3.2.6	Outdoor Storage of Supplies and Equipment (Incidental to permitted uses, subject to requirements for location, lighting, screening, fencing, cover and safety precautions)	YES	NO	SP	NO	NO	SP	<u>SP</u>	SP	SP	SP	SP	NO	YES	YES	SP	SP	
4.3.2.7	Off-Street Outdoor Overnight Parking of Freight-Carrying or Material-Handling Vehicles and Equipment or Buses	NO	NO	NO	NO	NO	SP	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	SP	SP	
4.3.2.8	Maintenance Shops, Power Plants, Machine Shops and Similar Structures to Support Permitted Uses	NO	NO	NO	NO	NO	SP	<u>SP</u>	SP	YES	YES	YES	NO	SP	SP	SP	SP <sub>1</sub>	
4.3.2.9	Parking garages and/or parking structures for more than three (3) vehicles including both enclosed and open garages and structures, above and below ground	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	NO*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	SP <sub>1</sub>
4.3.2	USES NORMALLY ACCESSORY TO NON- RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.3.2.10	Parking Structure, Detached	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	NO*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	SP <sub>1</sub>
4.3.2.11	Parking Structure, Integrated	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	NO*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	SP <sub>1</sub>
4.3.2.12	Parking Deck	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	NO*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	SP <sub>1</sub>
4.3.2.13	Off-street outdoor parking of vehicles, other than those in 4.3.2.7, only if the principal use to which the parking relates (or is accessory to) is permitted or permitted by special permit in the zoning district in which the off-street outdoor parking will be located	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	NO								
4.3.2.14	On Premises Permanent Resident or Proprietor Unit	NO	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	
4.3.2.15	Warehousing Incidental to Permitted Principal Use (Except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	NO	<u>SP</u>	NO	SP	SP	NO	NO	YES	YES	NO	NO	
4.3.2.16	Distribution Facility incidental to a Permitted Principal Use (Except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	SP	<u>SP</u>	SP	SP	SP	SP	NO	YES	YES	SP	SP	

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4.3.2	USES NORMALLY ACCESSORY TO NON- RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.3.2.17	Storage Facility (Incidental to a permitted principal use except hazardous and toxic materials/chemicals)	NO	NO	NO	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES
4.3.2.18	Self-Storage Facility	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	NO	NO							
4.3.2.19	Kiosks	NO	NO	NO	NO	NO	SP	<u>YES</u>	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.3.2.20	Incidental sale at retail of the same merchandise sold at wholesale	NO	NO	NO	NO	NO	NO	<u>YES</u>	NO	SP	NO	NO	NO	YES	YES	YES	YES	SP
4.3.2.21	Storage and disposal of oils and fuels/ petroleum products	NO	NO	NO	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	NO	NO	SP	SP <sub>1</sub>	SP <sub>1</sub>	SP <sub>1</sub>
4.3.2.22	Storage of hazardous and toxic materials/chemicals for retail sale	NO	NO	-	NO	NO	SP	<u>SP</u>	SP	NO	NO	SP	NO	SP	SP	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.3.2.23	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment containing toxic and hazardous materials/chemicals	NO	NO	NO	NO	NO	NO	<u>NO</u>	NO	SP	SP	SP	NO	SP	SP	YES	YES	NO
4.3.2.24	Temporary Tents on Non-Residential Sites	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES							
4.3.2.25	Child and Family Day Care	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES							
4.3.2.26	Farmer's Markets	NO	NO	NO	YES	YES	YES	<u>YES</u>	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.3.2.27	Drive-Through Facility	NO	NO	NO	NO	NO	SP	<u>NO</u>	SP	SP	SP	SP	NO	SP	SP	NO	SP <sub>1</sub>	NO
4.3.2.28	Solar (See Section 10.9.0)																	
4.3.2.29	Solar Energy System, Roof-Mounted	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES							
4.3.2.30	Solar Energy System, Ground-Mounted	SP	SP	SP	YES	YES	YES	<u>YES</u>	YES	SP <sub>1</sub>	SP <sub>1</sub>	YES						
4.3.2.31	Food Hall or Public Market	NO	NO	NO	SP	SP	SP	<u>YES</u>	SP	SP	SP	SP	NO	SP	SP	SP	SP	SP
4.3.2.32	Mobile Food Market, Vendor's Court	NO	NO	NO	SP	SP	SP	<u>YES</u>	SP	SP	SP	SP	NO	SP	SP	SP	SP	SP
4.3.2	USES NORMALLY ACCESSORY TO NON- RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BT	MIX	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.3.2.33	Single-User Shared-Transport Station (Bike/Scooter/Moped)	NO	NO	NO	YES	YES	YES	<u>YES</u>	YES	YES	YES							
4.3.2.34	Parklet	NO	NO	NO	NO	NO	NO	<u>YES</u>	SP	NO	NO	NO	NO	NO	NO	SP	NO	NO
4.3.2.35	Outdoor Merchandise Display	NO	NO	NO	SP	SP	SP	<u>YES</u>	SP	SP	SP	SP	NO	NO	NO	SP	SP	SP

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I – Innovation District  
MIX – Mixed Use Innovation District

OS – Open Space District  
 CC – Civic Center Overlay (Town Center)  
 A – Aquifer Overlay District

WR – Water Resources Overlay  
 CC – Civic Center Overlay (Town Center)  
 CBD – Central Business District (Town Center)

4.4.1	PRINCIPAL USES IN THE WETLANDS DISTRICT	RO	RG	RC	BN	BL	BG	MIX	BT	IG	I	IR	OS	A	WR	CC	CBD	MCMOD	
4.4.1.1	Conservation of soil, water plants, and wildlife including wildlife management shelters	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.4.1.2	Outdoor noncommercial recreation limited to nature study areas, walkways, boating or fishing where otherwise legally permitted	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.4.1.3	Agriculture, horticulture and floriculture	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	See 4.2.3	See 4.2.3	YES	YES	YES	YES	
4.4.1.4	Maintenance or repair of existing structures, roadways and utilities	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.4.1.5	Periodic maintenance of existing water courses	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.4.1.6	Creation of a pond or pool or other changes in water courses for swimming, fishing or other recreational uses, agricultural uses, scenic features, drainage improvements	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	SP	NO	SP	YES	YES	SP	
4.4.1.7	Structures for essential services	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	SP	YES	YES	YES	YES	SP	
4.4.1.8	Dredging expressly for mosquito or flood control by an authorized public agency	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	SP	YES	YES	YES	YES	SP	
4.4.1.9	Temporary, not to exceed three months, storage of materials (excluding fill materials and hazardous and toxic materials) or equipment	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	SP	YES	YES	YES	YES	SP	
4.4.1.10	Outdoor noncommercial recreation not specifically permitted by right in section 4.4.1.2 including public parks, non-paved playfields, and similar activities	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	SP	YES	YES	YES	YES	SP	
4.4.1.11	Discharges from manmade structures into the wetlands	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	SP	SP	SP	YES	YES	SP	
4.4.1.12	Structures for radio or television transmission by participants in emergency broadcast system	SP	SP	SP	SP	SP	SP	<u>SP</u>	SP	SP	SP	SP	SP	YES	YES	YES	YES	SP	
4.4.2	ACCESSORY USES IN THE WETLANDS DISTRICT	RO	RG	RC	BN	BL	BG	MIX	BT	IG	I	IR	OS	A	WR	CC	CBD	MCMOD	
4.4.2.1	Accessory uses limited to fences, flagpoles, noncommercial signs, docks	YES	YES	YES	YES	YES	YES	<u>YES</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	

\* (4.3.2.9) Except permitted by Special Permit in an (IG) District only as an accessory use to a Hospital principal use at which, at a minimum (i) inpatient and outpatient care and services are provided; and (ii) such facility has not less than fifty (50) beds for inpatient treatment.

In approving a special permit for such parking structure or structures, the Planning Board may (1) limit the number of structures permitted on any site, and (2) determine the maximum number of parking spaces to be permitted and contained on or within a parking structure or structures, as the Planning Board deems appropriate. Further, in approving a special permit for parking structure or structures, the Planning Board may require that specific numbers of existing surface parking spaces, or existing paved or impervious surface areas on a

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site or sites, be removed and be converted to pervious surface areas, or landscaped areas. In addition, the Planning Board may require that approval of a special permit for a parking structure or structures not result in a net increase of the total number of parking spaces in existence at the time of application for such special permit.

## LEGEND

### **Aquifer (A) and Water Resource (WR) Districts: See Article VIII, Section 8.3.3 Interpretation and Application**

#### **Civic Center (CC) & Central Business District (CBD) Districts**

**YES** = Allowed use in the CC, CBD, and MCMOD only if the **YES<sub>1</sub>** and **SP<sub>1</sub>** = Allowed use by right or special permit in the CC, CBD, and MCMOD superseding any underlying zoning permits.

**SP** = Allowed use in the CC and/or CBD by Special Permit only if the **NO** = Is not allowed in the CC or CBD regardless of underlying zoning provisions

Submitted by the Economic Development Office  
Requested by the Select Board

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## **ZONING ARTICLES**

### **ARTICLE NUMBER - 4**

**ARTICLE NAME – Amend Article V - Dimensional Requirements by adding Mixed Use Innovation**

**AMOUNT – N/A**

To see if the Town will vote to amend the Zoning Bylaws, Article V, Dimensional Requirements, by adding a new zoning district to Section 5.2.0. Density Regulation Schedule entitled “MIX” and highlighted in **black, underlines, and bold type** as follows.

## Article V

**SECTION 5.2.0 DENSITY REGULATION SCHEDULE:** No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered except in conformance with the Density Regulation Schedule, as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear setbacks, and maximum height of structures except as may otherwise be provided elsewhere herein.<sup>4</sup>

	<b>RO</b>	<b>RC</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BG</b>	<b>BT</b>	<b>IG</b>	<b>I</b>	<b>IR</b>	<b>MIX</b>
Minimum Lot Area <sup>9</sup>	20,000 sf	120,000 sf	100,000 sf	5,000 sf	10,000 sf	10,000 sf	10,000 sf	40,000 sf	120,000 sf	18 Acres	<b>SEE ARTICLE XIV</b>
Minimum Lot Frontage	100 ft	100 ft	100 ft	50 ft	100 ft	100 ft	100 ft	150 ft	100 ft	400 ft	
Minimum Front Yard	25 ft	50 ft	25 ft	10 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	25 ft <sup>5</sup>	25 ft <sup>5</sup>	100 ft	
Minimum Side Yard	15 ft	50 ft	25 ft	10 ft <sup>5</sup>	15 ft <sup>5</sup>	100 ft					
Minimum Rear Yard	15 ft	50 ft	25 ft	10 ft <sup>5</sup>	15 ft <sup>5</sup>	100 ft					
Minimum Lot Width	20 ft	20 ft	20 ft	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum Yard Adjoining RO & RG, OS and Residentially Zoned Land in Contiguous Municipalities <sup>10</sup>	None	50 ft	50 ft depth of lot	20% depth of lot <sup>6</sup>	100 ft depth of lot	20% depth of lot <sup>6</sup>					
Maximum Aggregate Building-to-Ground Area Percentage	None	25%	25%	33 1/3%	33 1/3%	33 1/3%	33 1/3%	25%	25%	25%	
Maximum Building & Structure Height <sup>11</sup>	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft <sup>8</sup>	30 ft <sup>7</sup>	30 ft <sup>8</sup>	
Minimum Feet Between Buildings	None	50 ft	20 ft	None	None	None	None	None	50 ft	None	
Maximum Floor Area Ratio (FAR)	None	None	None	None	None	None	None	.15 <sup>2,3</sup>	.15 <sup>2,3</sup>	None	

Submitted by the Select Board  
 Requested by Economic Development

## **ZONING ARTICLES**

### **ARTICLE NUMBER - 5**

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

**AMOUNT – N/A**

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:

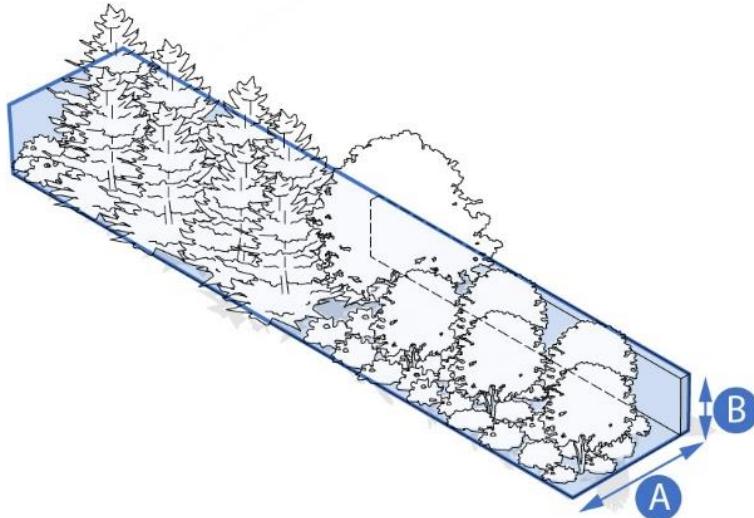
- A. Vine Brook Greenway.** The Regulating Plan identifies the Vine Brook Greenway that is currently or intended to be used as a public or publicly accessible Outdoor Amenity Space that serves as a linear park or pathway under Section 14.3.F.
- B. Complete Streets.** The Regulating Plan identifies existing 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-model 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.

**FIGURE 2.2. TRANSITIONAL BUFFERS**



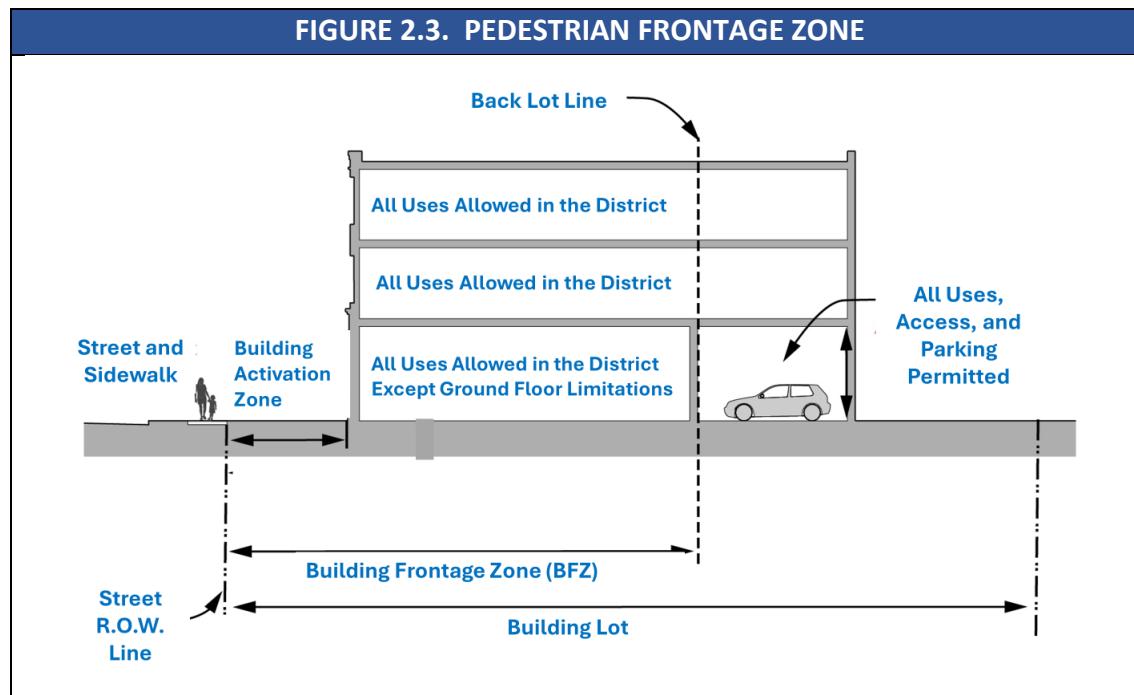
A = Minimum depth of 15 feet with landscaping.  
B = Minimum height of 8 feet with fence.

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:

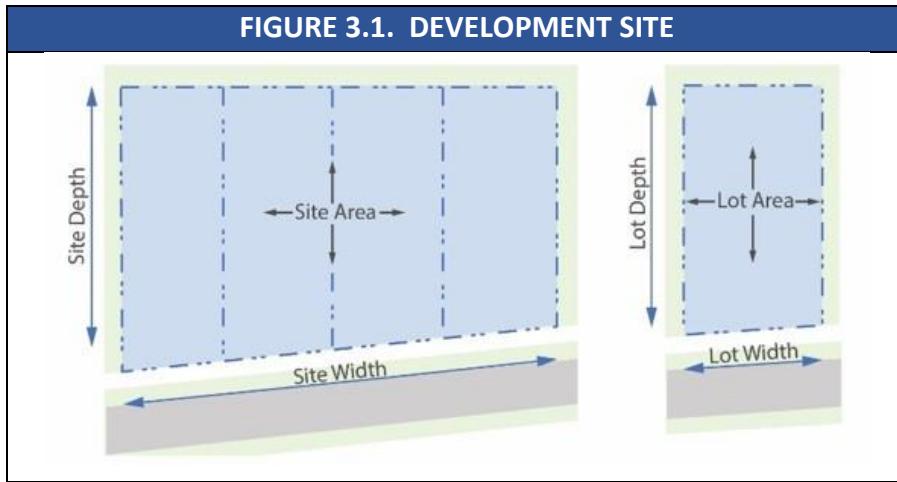
- a) Ground floor uses in the Building Frontage Zone shall be limited to publicly accessible commercial uses such as retail, restaurants, professional services, and personal services. Ground floor uses behind the Building Frontage Zone may include all uses permitted in the district.
- b) Residential 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**

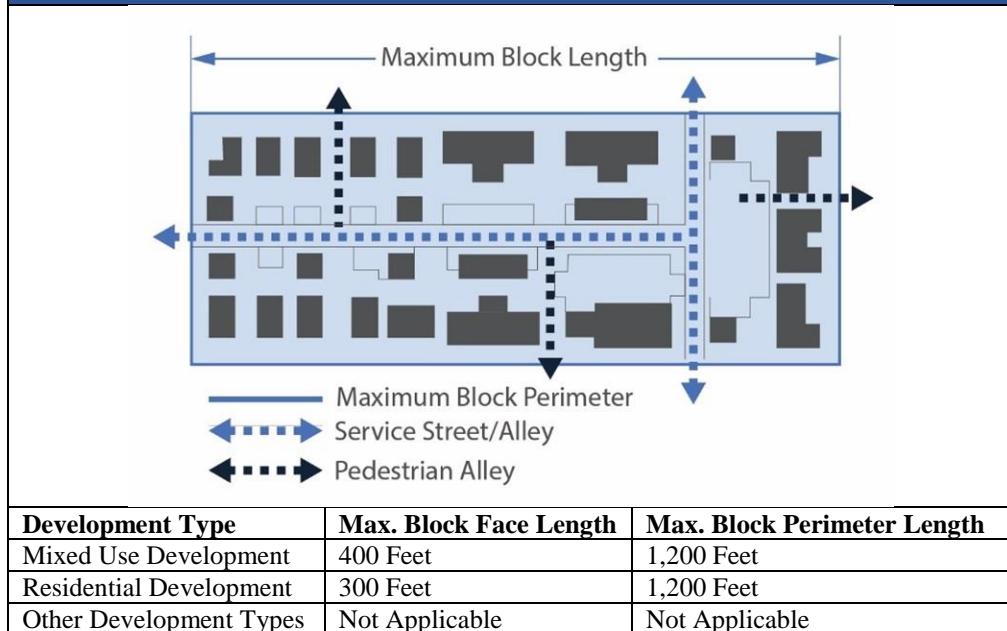
##### **A. Development Site Requirements.** All proposals for use of any “Development Site” within the MIX shall conform to this Section 14.3.

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.

**FIGURE 3.2. RESIDENTIAL & MIXED USE BLOCK DESIGN 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 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 radiiuses 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.**

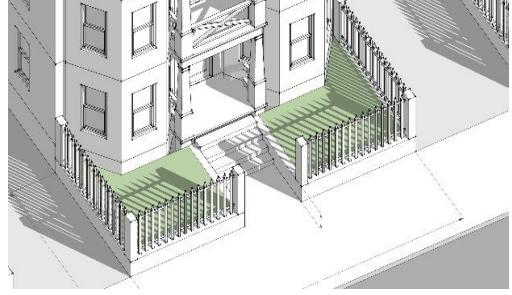
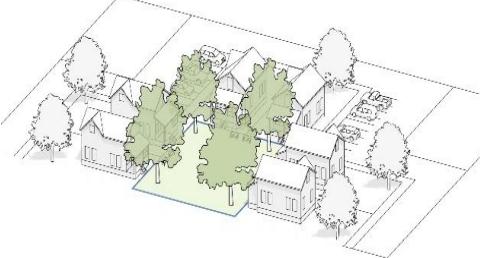
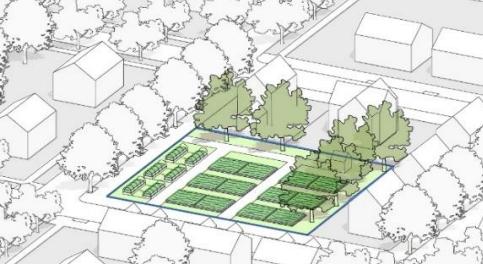
1. Public Utilities. All new public utilities, except structures and other facilities that require above-grade access, shall be installed underground.
2. Trash and Service Areas.
  - a. All service, loading, trash, and recycling storage areas shall be screened by a masonry wall, wood fence, or evergreen 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.

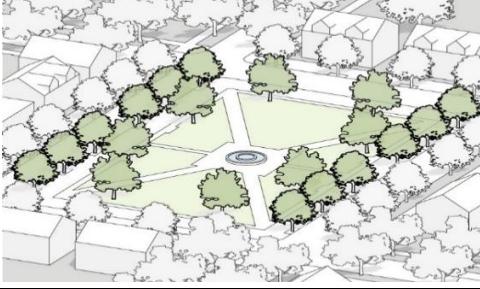
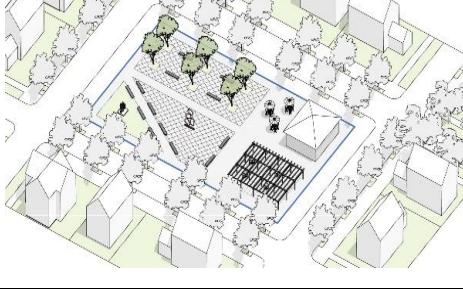
#### **E. Outdoor Amenity Space Standards.**

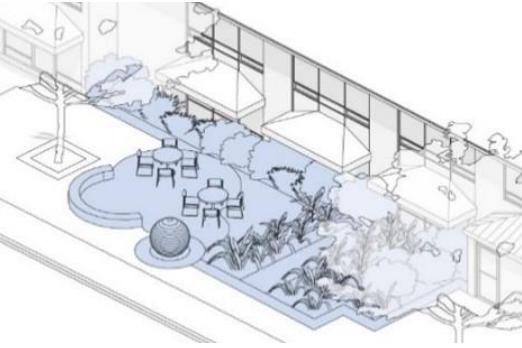
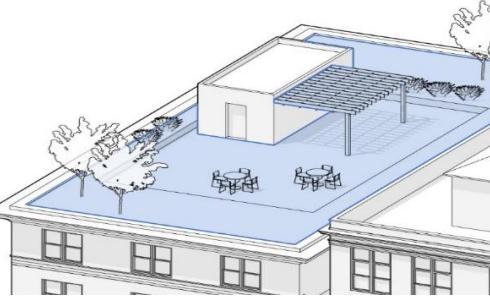
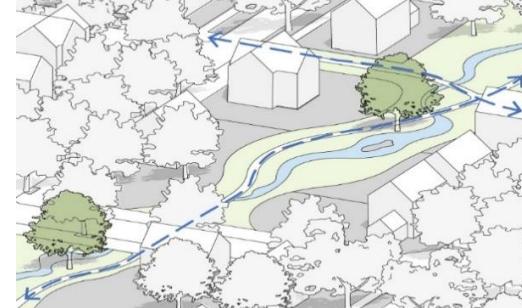
1. Outdoor Amenity Spaces include the following types:
  - a) Civic Space: Open spaces that are publicly-owned or controlled including active and passive recreation areas, civic buildings, and other gathering spaces that are fully accessible to the general public.
  - b) Publicly Oriented Private Spaces. 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**

	
<p><b>Private Yards and Dooryard (PS):</b> 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>	<p><b>Forecourt (POPS, PS):</b> 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>
	
<p><b>Courtyard (POPS, PS):</b> 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>	<p><b>Community Garden (CS, POPS, PS):</b> 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>

	
<p><b>Common or Green (CS, POPS):</b> 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>	<p><b>Plaza or Square (CS, POPS):</b> 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>
	
<p><b>Pocket Park or Playground (CS, POPS, PS):</b> An open space type designed for passive recreation consisting of vegetation, a place to sit outdoors, and playground equipment.</p>	<p><b>Athletic Field or Ball Court (CS, POPS):</b> 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>

	
<p><b>Neighborhood Park (CS, POPS):</b> 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>	<p><b>Streetside Plaza and Terrace (POPS):</b> 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>
	
<p><b>Rooftop Terrace (POPS, PS):</b> 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>	<p><b>Greenway (CS):</b> 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.</p>

## 14.4. BUILDING TYPES, USE AND DESIGN STANDARDS

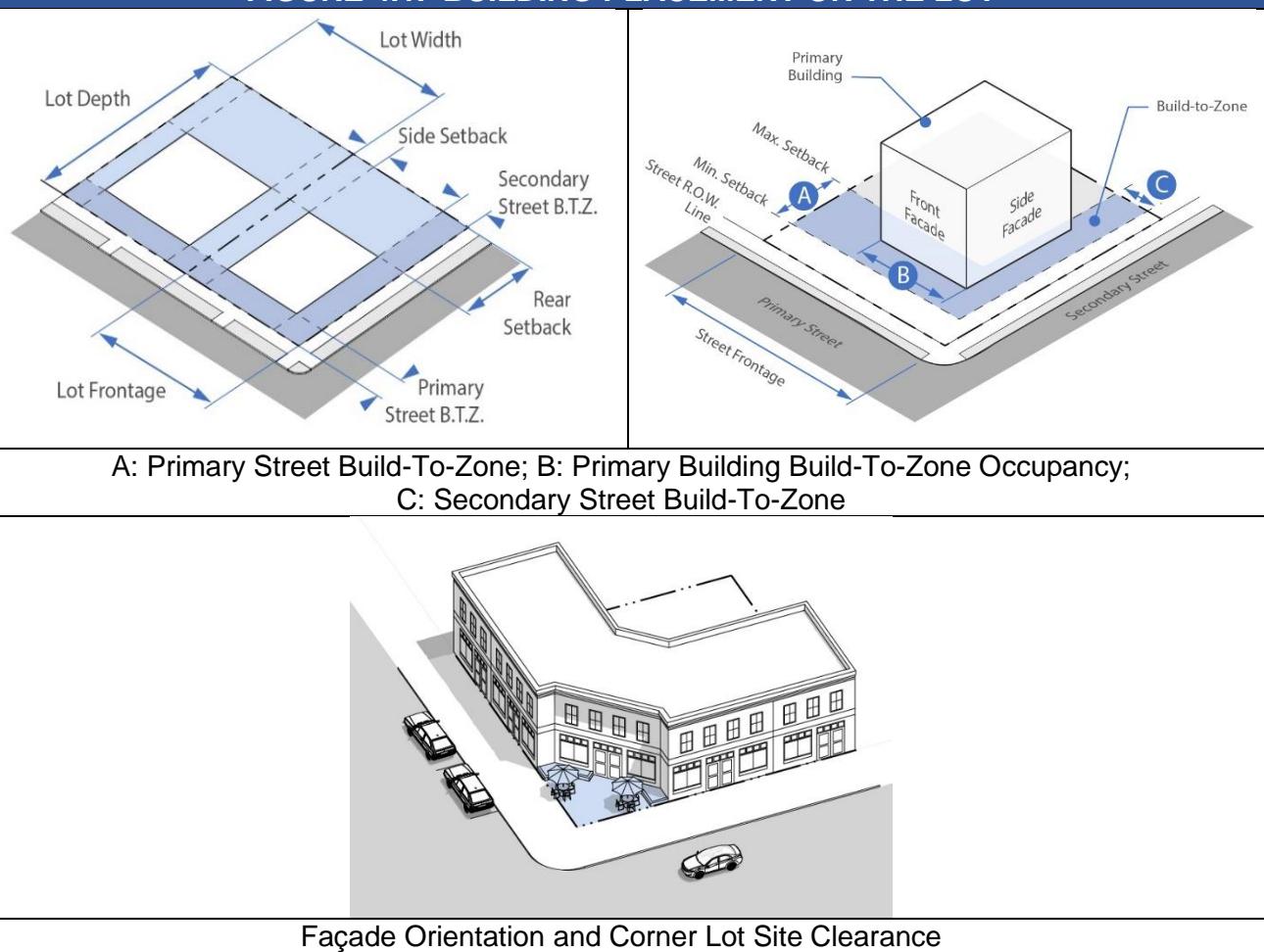
### A. Allowable Uses.

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**



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 an 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

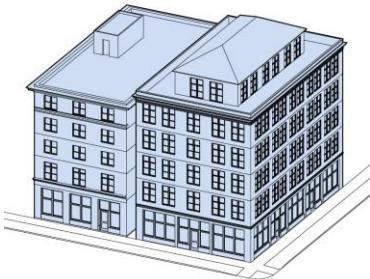
3.1	Building Height (Ft)	6 Stories / 70 Ft.
3.2	Street Facing Wall Width (Ft)	30 Ft. Minimum/ 100 Ft. Maximum
3.3	Street Facing Entrance	Required
3.4	Street Facing Ground Floor Fenestration (%)	20% Minimum
3.5	Maximum Building Footprint (SF)	Not Required

### 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

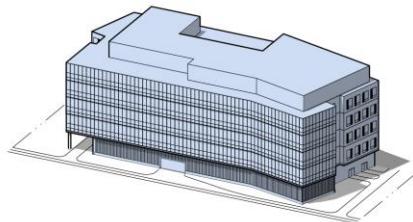
3.1	Building Height (Ft)	6 stories/70 Ft.
3.2	Street Facing Wall Width (Ft)	50 Ft. Minimum
3.4	Street Facing Entrance	Required
3.5	Street Facing Ground Floor Fenestration (%)	40% Minimum
3.6	Maximum Building Footprint (SF)	50% of the Lot

### 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

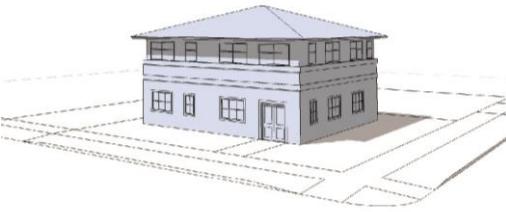
3.1	Building Height (Max.)	6 stories/90 Ft.
3.2	Street Facing Wall Width (Min.)	50 Ft. Minimum
3.4	Street Facing Entrance	Required
3.5	Street Facing Ground Floor Fenestration (Min.)	75%
3.6	Maximum Building Footprint (SF)	Not Required

### 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.

		
<b>2. LOT STANDARDS</b>		
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	
<b>3. BUILDING DESIGN STANDARDS</b>		
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	
<b>4. ADDITIONAL STANDARDS</b>		
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.

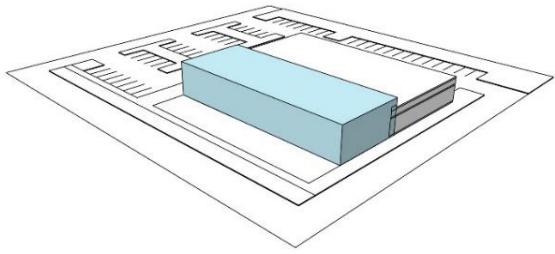
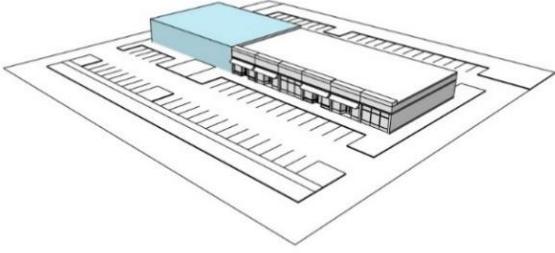


<b>2. LOT STANDARDS</b>	
2.1	Lot Size (S.F.)
2.2	Frontage (Linear Ft)
2.3	Front Yard Build-To-Zone (Ft)
2.4	Side Yard Setback (Ft)
2.5	Rear Yard Setback (Ft)
2.6	Outdoor Amenity Space Lot Coverage (%)
2.7	Impervious Surface Lot Coverage (%)
<b>3. BUILDING DESIGN STANDARDS</b>	
3.1	Building Height (Ft)
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)
<b>4. ADDITIONAL STANDARDS</b>	
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.

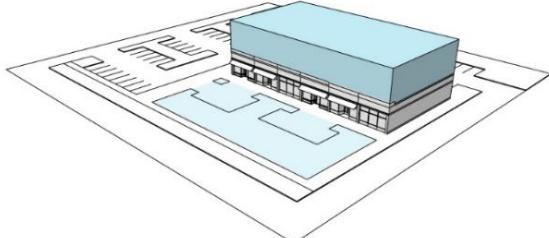
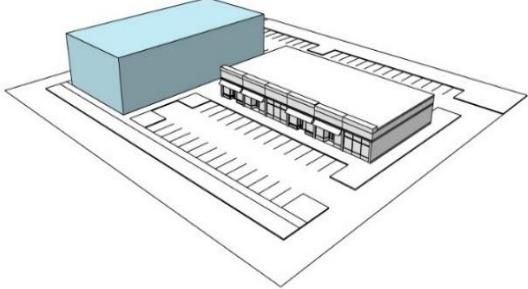
## F. Infill Development, Reuse, and Renovation of Pre-Existing Buildings.

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
	<p>1. <b>Front Addition.</b> 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.</p>
	<p>2. <b>Side Addition.</b> 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.</p>

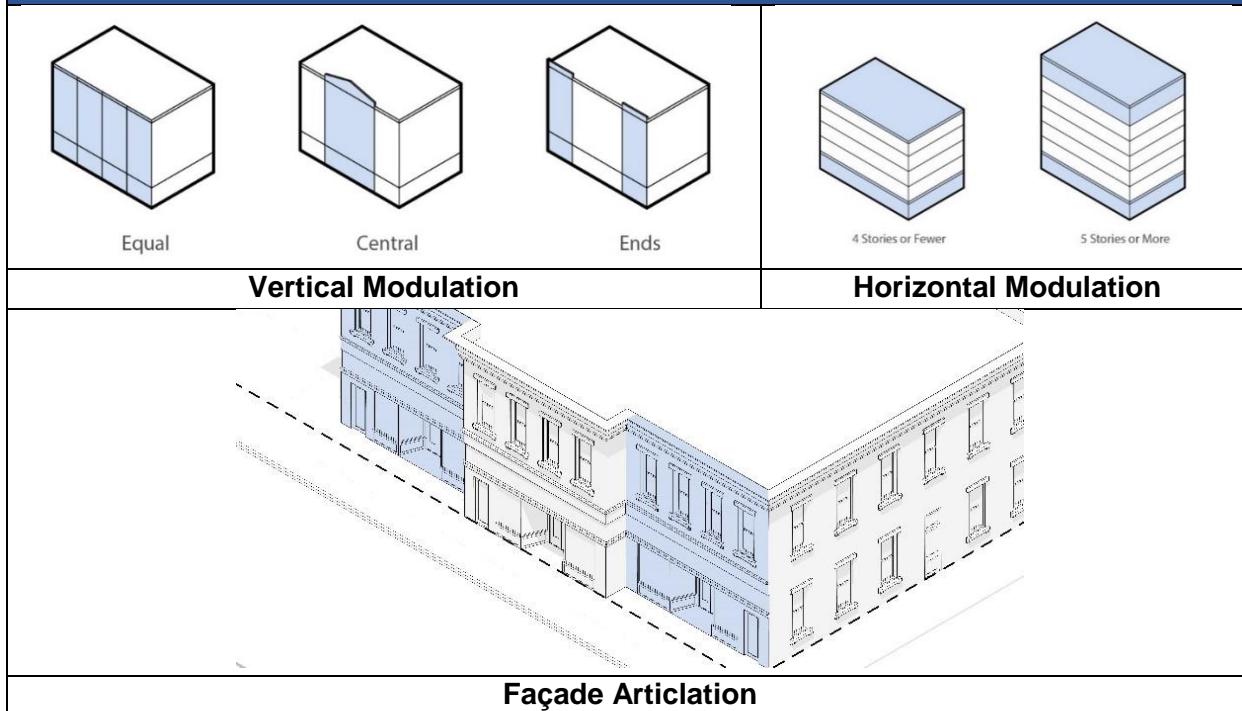
**FIGURE 4.9. ADDITIONS TO EXISTING BUILDING IN THE MIX DISTRICT**

TYPE OF ADDITION	STANDARDS
	<p>3. <b><u>Story Addition</u></b>. 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. <b><u>Additional Principal Building</u></b>. 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>

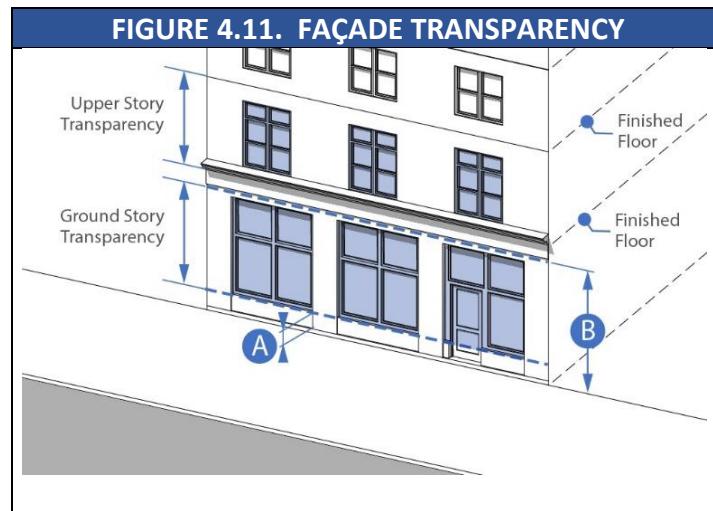
## G. Building Proportions and Façade Composition.

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 facades 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.

**FIGURE 4.10. VERTICAL AND HORIZONTAL FACADE MODULATION**



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.

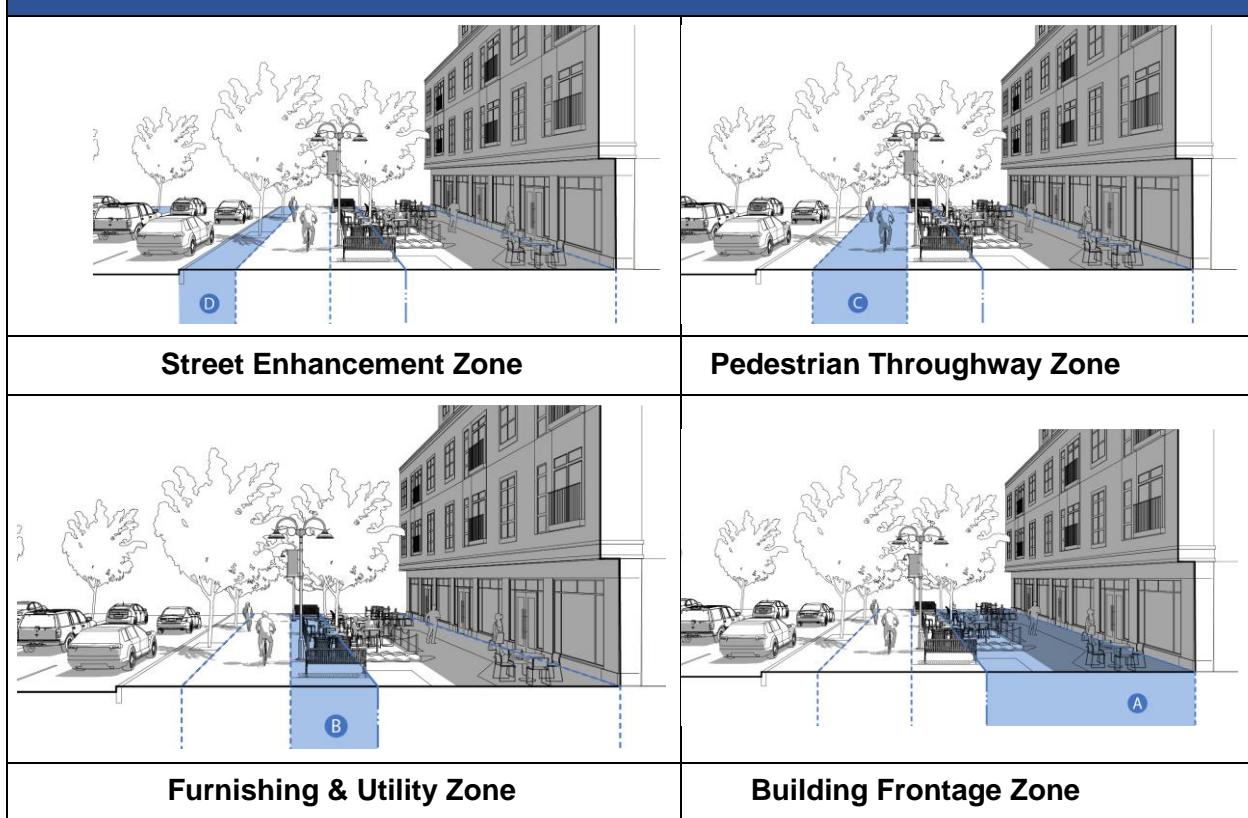
### **B. Application.**

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**



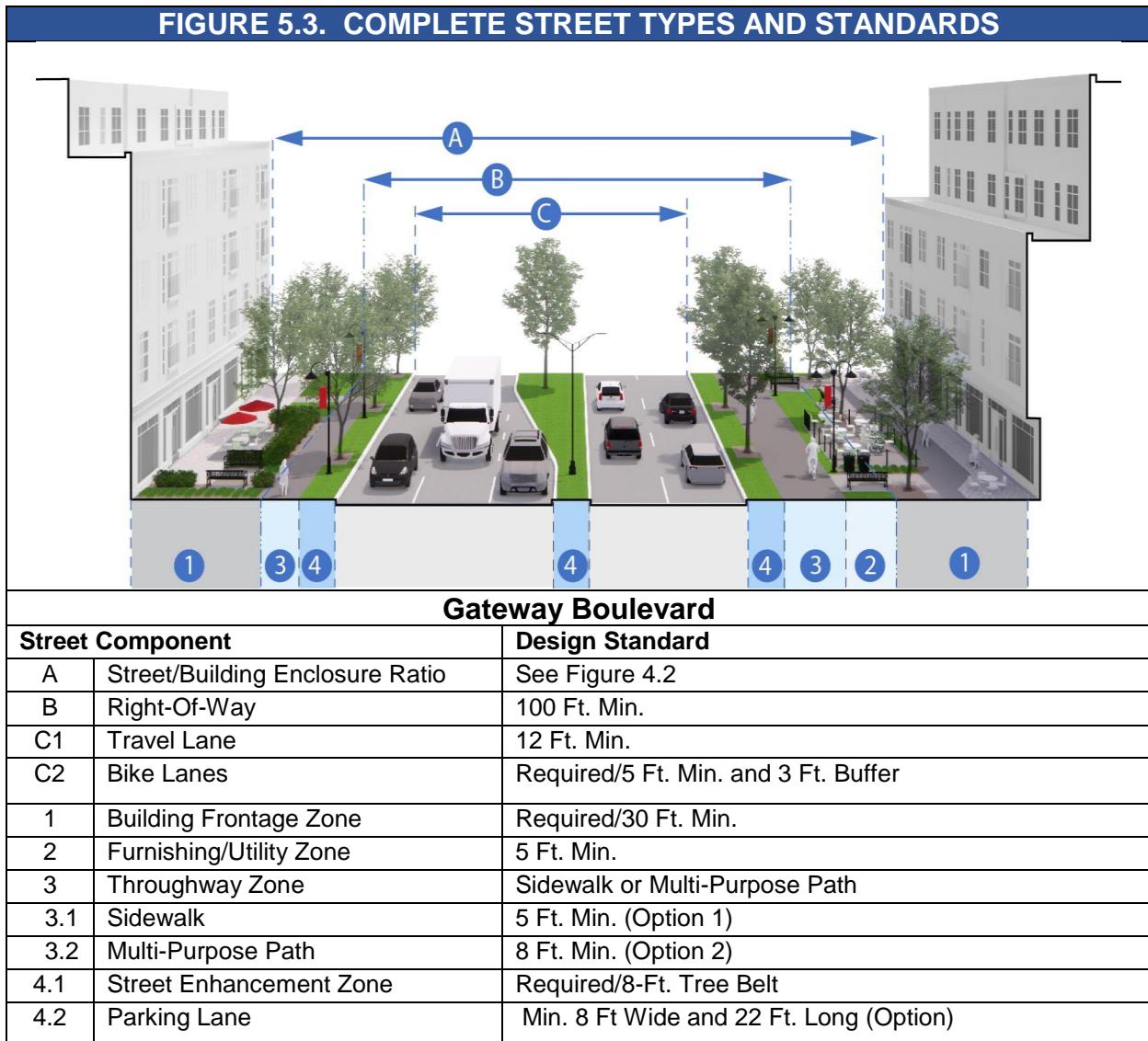
#### D. Complete Street Components.

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.

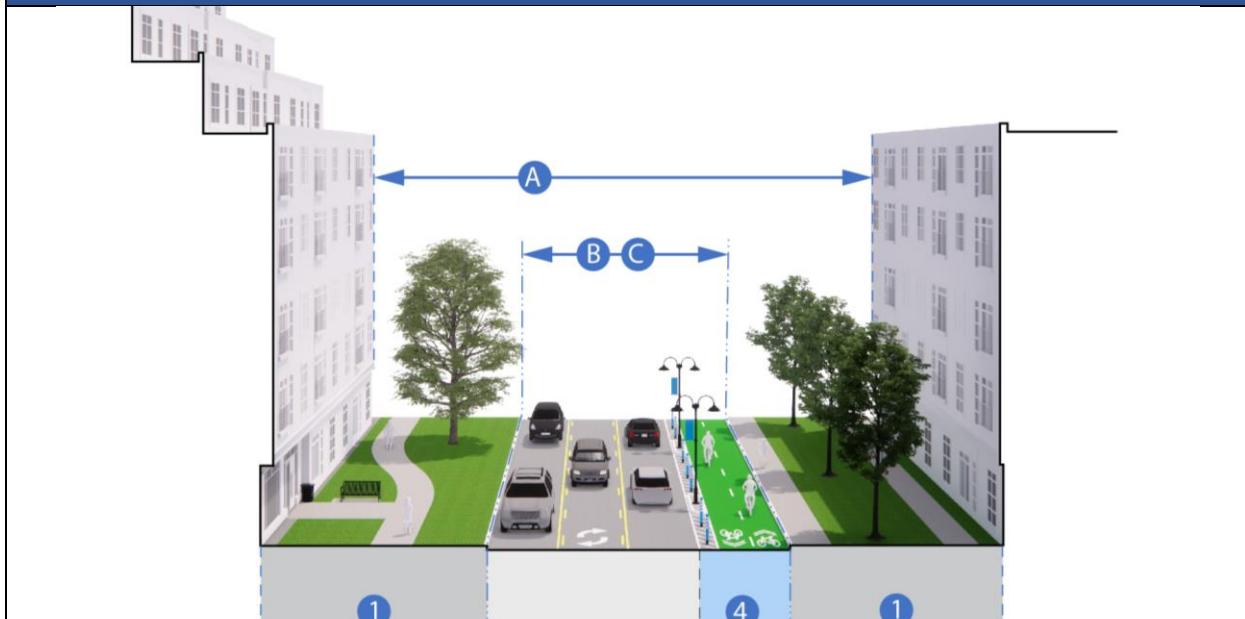
FIGURE 5.2. COMPLETE STREET COMPONENTS					
COMPLETE STREET COMPONENTS	ROW Vehicle Throughway Zone	A. Building Frontage Zone	B. Furnishing & Utility Zone	C. Pedestrian Throughway Zone	D. Street Enhancement Zone
Vehicle Travel Lanes	●				
Sharrows and Bike Lanes	●				
Bicycle Facilities (Stands, Corrals, 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**



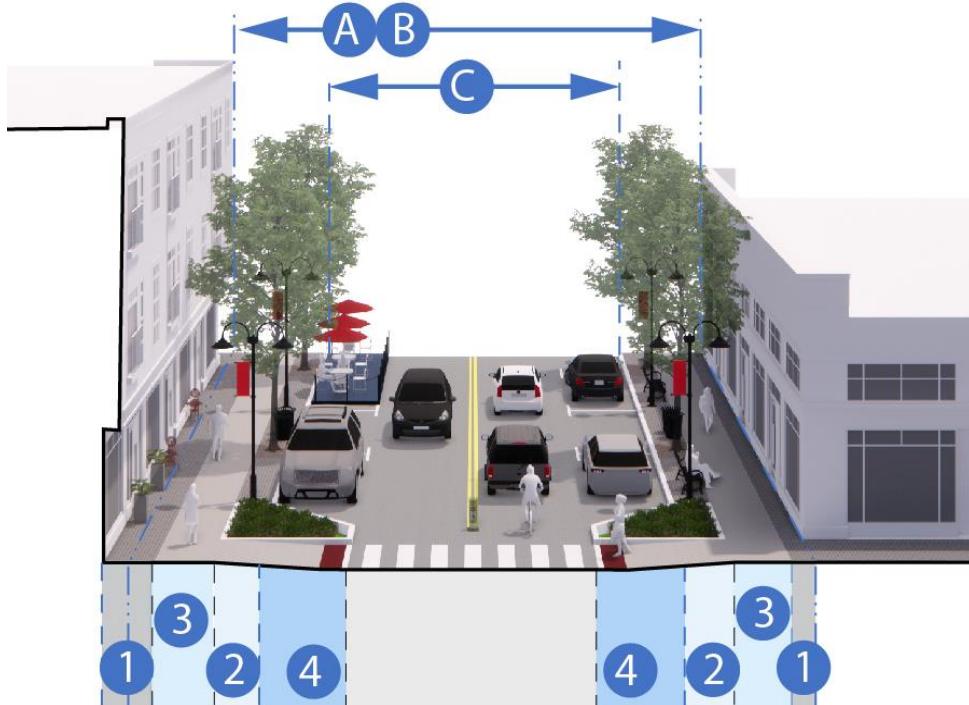
The diagram illustrates a Collector Street cross-section with the following components and dimensions:

- Building Frontage Zone (1):** 30 ft. min. (Required).
- Travel Lane (C1):** 12 ft. min. (Required).
- Bike Lanes (C2):** 5 ft. min. (Required).
- Right-Of-Way (B):** 100 ft. min. (Required).
- Street/Building Enclosure Ratio (A):** See Figure 4.2.
- Multi-Purpose Path (3.2):** 8 ft. min. (Option 2).
- Street Enhancement Zone (4.1):** 8 ft. min. (Required).
- Parking Lane (4.2):** 8 ft. wide and 22 ft. long (Optional).
- Throughway Zone (3):** 5 ft. min. (Option 1).
- Furnishing/Utility Zone (2):** 5 ft. min. (Required).
- Building Frontage Zone (1):** 30 ft. min. (Required).

**Collector Street**

Street Component	Design Standards
A Street/Building Enclosure Ratio	See Figure 4.2
B Right-Of-Way	100 Ft. Min.
C1 Travel Lane	12 Ft. Min.
C2 Bike Lanes	Required/5 Ft. Min. and 3 Ft. Buffer
1 Building Frontage Zone	Required/30 Ft. Min.
2 Furnishing/Utility Zone	5 Ft. Min.
3 Throughway Zone	
3.1 Sidewalk	5 Ft. Min. (Option 1)
3.2 Multi-Purpose Path	8 Ft. Min. (Option 2)
4.1 Street Enhancement Zone	Required/8-Ft. Tree Belt
4.2 Parking Lane	Optional/ Min. 8 Ft Wide and 22 Ft. Long

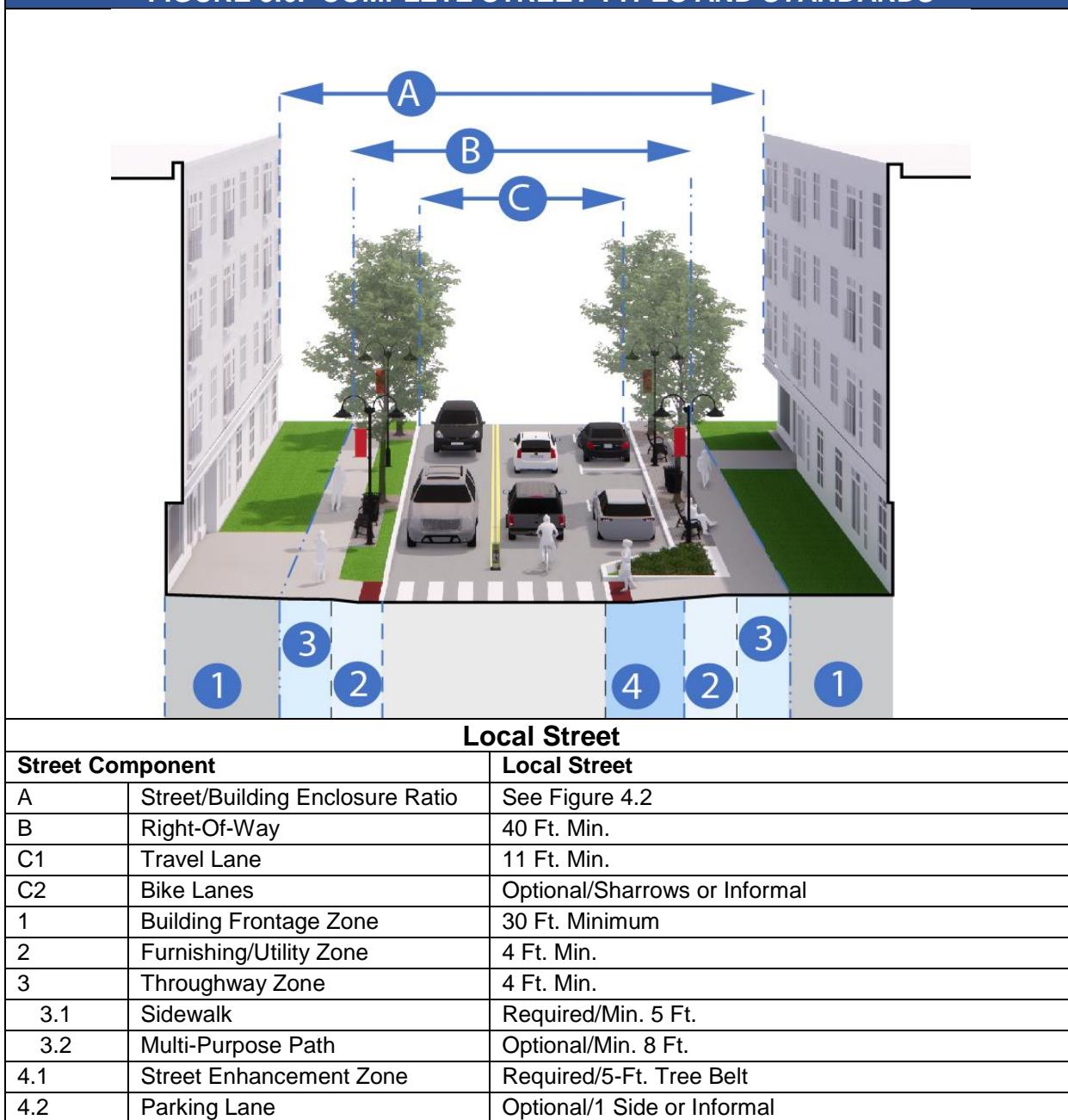
**FIGURE 5.5. COMPLETE STREET TYPES AND STANDARDS**



**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 Throughway Zone	B. Furnishing and Utility	A. Building Frontage Zone	Vehicle Throughway 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.

Submitted by the Select Board  
Requested by Economic Development

**ZONING ARTICLES**

**ARTICLE NUMBER – 6**

**ARTICLE NAME – Article III Burlington Signage Districts**

**AMOUNT - \$0**

To see if the Town will vote to amend Article III, “Establishment of Districts”, Section 3.1.0 Location of Districts, by adding a new district in the Overlay Districts titled: BSD Burlington Signage Districts And the following new paragraph to Section 3.2.0 Location of Districts:

Burlington Signage Districts: As shown on the map entitled, “Town of Burlington Signage Districts” prepared by the Town of Burlington, and dated January 2025.

or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Zoning Bylaw Review Committee

## LEGEND

### Signage District

 Town Center Signage District

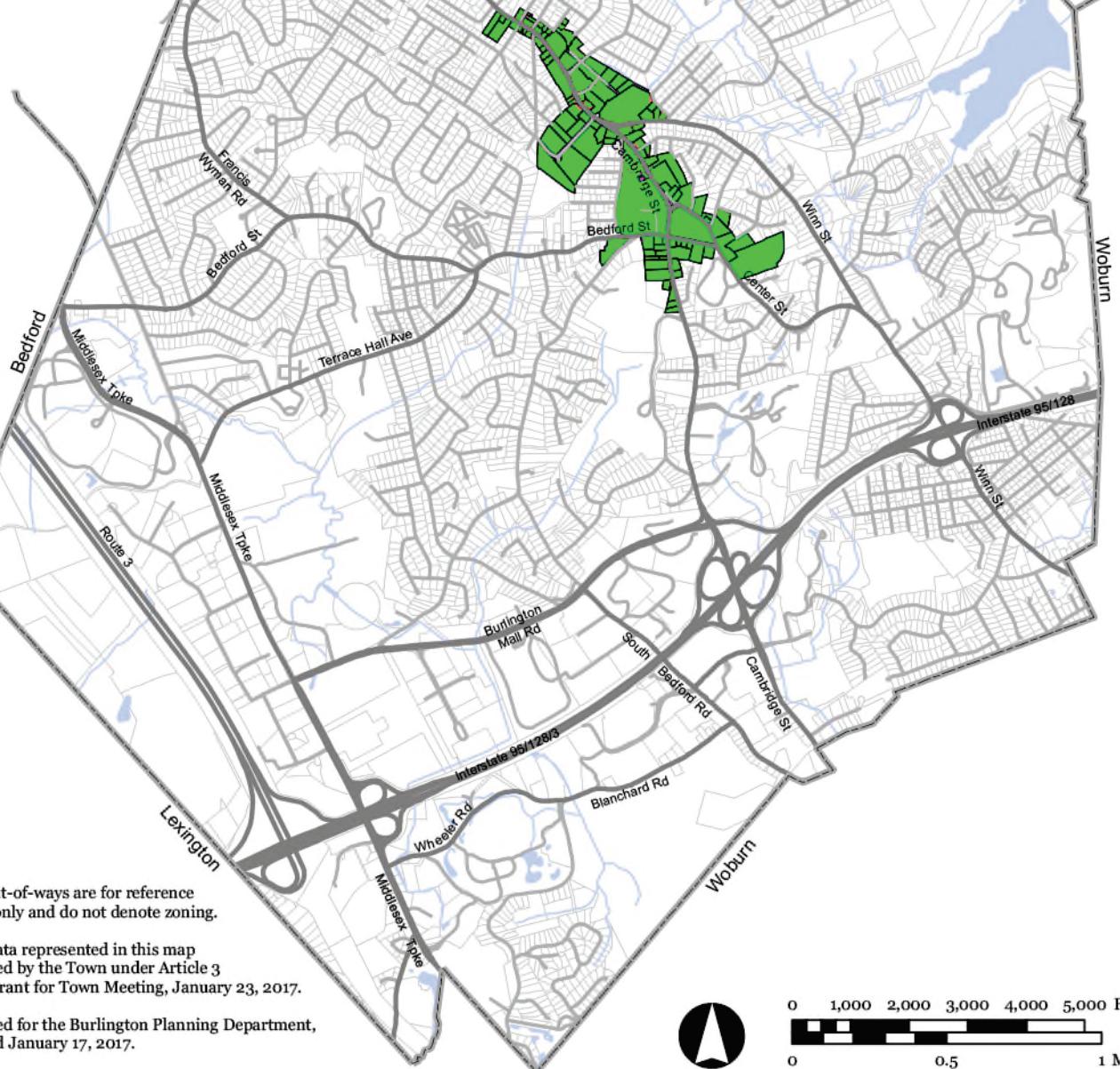
### Base Map

-  Major Road
-  Public / Private Road
-  Parcel Boundary
-  Water Body
-  River / Stream
-  Town Boundary

# Town of Burlington Signage Districts

## Zoning Map 2025

Town of Burlington, MA  
Incorporated February 28, 1799



Note: Right-of-ways are for reference purposes only and do not denote zoning.

The GIS data represented in this map was adopted by the Town under Article 3 of the Warrant for Town Meeting, January 23, 2017.

Map created for the Burlington Planning Department, last revised January 17, 2017.



0 1,000 2,000 3,000 4,000 5,000 Feet  
0 0.5 1 Miles

## **ZONING ARTICLES**

### **ARTICLE NUMBER - 7**

#### **ARTICLE NAME – Article XIII Sign Regulations**

#### **AMOUNT – N/A**

To see if the Town will vote to amend the Zoning Bylaw, Article XIII by adding new Section 13.3 as follows:

#### **Section 13.3.0 BURLINGTON SIGNAGE DISTRICTS**

Signs erected in a duly adopted Burlington Signage Districts (“BSD”) shall be governed by the zoning provisions applicable to such district. If the BSD provisions conflict with Article XIII SIGN REGULATIONS of the Town of Burlington Zoning Bylaws or the Burlington Signage District Guidelines, then the zoning provisions of the BSD shall govern. Further, if such provisions conflict with Article XIV ENVIRONMENT Section 3.0 Sign and Advertising Devices of Town of Burlington General Bylaws, then the zoning provisions of the BSD relating to signage shall govern.

##### **13.3.0.1 Sign Definitions**

The following definitions shall apply to this zoning provision, notwithstanding any other definitions in the Burlington Zoning or General Bylaws.

**Advertising Mural:** A permanent or temporary large scale sign that covers all or a major portion of a blank or unfinished wall, building or structure.

**Awning Sign:** A permanent sign printed on, sewed on, or otherwise attached to an Awning.

**Balloon Sign:** A permanent or temporary sign that is lighter than air or gas filled balloon attached by means of a rope or tether to a definite or fixed location. A display designed to inflate or move by use of a fan or blower (air activated) is also considered a balloon sign.

**Banner Sign:** A permanent or temporary sign that is constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or similar method or that may be supported by stakes in the ground.

**Barber Pole:** A type of permanent sign used by barbers to signify the place or shop where they perform their craft. The trade sign is a staff or pole with a helix of colored stripes (often red and white, but usually red, white and blue). The pole may be stationary or may rotate, often with the aid of an electric motor.

**Blade Sign:** A permanent sign which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building façade.

**Bulletin Board:** A permanent sign which accommodates manually changeable copy which displays information on activities and events on the premises.

**Canopy Sign:** A permanent sign attached to a freestanding permanent roof-like shelter attached to or requiring support from an adjacent structure.

**Construction Sign:** A temporary sign which is located on a lot that is under construction.

Directional Sign: A permanent or temporary sign that provides directions necessary or convenient for motorists or pedestrians coming onto premises including signs marking entrances and exits, parking areas, loading zones or circulation directions.

Directory Sign: A permanent sign which functions to identify more than one occupant of a building, group of buildings, or occupants of a premises.

Display Surface: The area of the sign available for the advertising message.

Electric Sign: A permanent or temporary sign containing electric wiring which is illuminated.

Electronic Sign: A permanent or temporary sign whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments. For the purposes of this Article, electronic signs within ground or wall signs are regulated as one of the two (2) following types:

Electronic Display Sign: A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes but is not limited to plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.

Electronic Message Sign: A sign, or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Feather Sign: A temporary sign that is constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material that is supported by a single vertical pole permanently mounted into the ground.

Flashing Sign: A permanent or temporary sign with blinking or flashing lights, or other illuminating devices that change light intensity, brightness or color, or blinking lights, or rotating beacons.

Flat Sign: A permanent or temporary sign attached to, painted on or erected against the wall of a building with the face in a parallel plane of the building wall. Signs mounted on mansard facades, sloping roof surfaces with a pitch of more than 60 degrees to the horizontal, shall be considered a Flat Sign. Also called a "wall sign".

Freestanding Sign: A permanent or temporary sign that is attached to a completely self-supporting structure that is not a building. The base of a freestanding sign above median grade is included as part of the sign. For the purposes of this Article, freestanding signs are regulated as one of the following types:

A-Frame Sign: A temporary advertising device ordinarily in the shape of an "A", or some variation thereof, located on the ground, not permanently attached and easily movable, and usually two (2) sided. Also called a "sandwich board".

Monument Sign: A permanent sign placed upon or supported by the ground independently of any other structure.

Pole Sign: A permanent sign with a visible support structure that is usually double-faced, mounted on a round pole(s), square tube, or other fabricated member without any type of secondary support.

Yard Sign: A temporary sign placed in the ground or attached to a supporting structure, posts, that is not attached to a building or structure. Also called an H- Frame Sign.

Illuminated Sign:

Externally Illuminated: A sign, any part of which is illuminated from an exterior artificial light source.

Internally Illuminated: A sign illuminated by an artificial light source that is within the sign.

Individual Letter Sign: A permanent sign made of separate letters. Individual Letter Signs attached to the wall of a building with the face in a parallel plane of the building wall or mansard facades with sloping roof surfaces with a pitch of more than 60 degrees to the horizontal. Individual Letter Signs shall be regulated as Flat Signs.

Main Business Name Sign: A permanent sign intended to be one of the primary signs indicating the name and/or nature of the business. The specific sign types considered Main Business Name Signs are listed under the applicable signage district.

Marquee Sign: A permanent sign attached to a permanent roof-like structure projecting beyond the face of the building, typically intended to advertise live entertainment uses.

Menu Board: A permanent or temporary sign which functions to list items for sale.

Moving Sign: A permanent or temporary sign or other advertising structure with moving, revolving or rotating parts or visible mechanical movement of any kind, including wind activated signs. Clocks are not considered signs with moving parts.

Noncommercial Sign: A temporary sign that does not direct attention to a business, a service or a product for sale, and is typically of a political, religious, or ideological nature.

Obsolete Sign: A sign which no longer correctly directs or encourages any person, advertises a business, lessor, owner, product, activity conducted or available on the premises where the sign is displayed.

Off Premises Sign: A permanent or temporary sign which directs attention to a business, service, product or entertainment not sold or offered or only incidentally sold or offered on the premises on which the sign is located.

Open-For-Business Sign: A pennant sign indicating that the business is open. To be displayed only when the business, service or organization is open.

Parapet Sign: A permanent sign mounted on the building's parapet.

Pennant Sign: A sign on cloth, fabric or other lightweight material normally fastened to a stringer, which is secured or tethered to allow movement of the sign.

Permanent Sign: Any sign that is not temporary.

Portable Sign: A sign which is mounted or designed to be mounted on a self-propelled or towed vehicle.

Projected Sign: The use of technology to project a sign on any surface

Real Estate Sign: A temporary sign advertising the premises or any part thereof for sale, lease, or rent.

Roof Sign: A permanent sign located on or attached to a building and extending above the eave of the roof of a building. Signs mounted on mansard facades, sloping roof surfaces with a pitch of more than 60 degrees to the horizontal, shall be considered a Flat Sign.

Sign: Any visual device or representation designed or used for the purpose of communicating a message or identifying a product, service, person, organization, business, or event.

Sign Area: The area of a sign is determined by measuring the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, flag, device or other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

Sign Frontage: For ground level uses, the length along a building front with a pedestrian entrance, which is occupied by a separate and distinct use. For upper level uses, the length along a building front on the same face as the primary ground level entrance into the building, which is occupied by a separate and distinct use.

Sign Structure: Any structure or material which supports a sign, not including the building.

Signage District: An area included in the Burlington Signage District Map that regulates signage under this Article. Applicable Design Rules and Regulations are specified in the Burlington Signage District Design Guidelines.

Snipe Sign: A temporary sign of any material used for the purpose of advertising something that is not located on the property where the sign appears. These are often affixed to trees, fences, or utility poles but can also be affixed to buildings or other features.

Temporary Sign: Any sign, including its supporting structure, which is intended to be maintained for a limited period of time, either in terms of hours of the day or duration in days, as defined in the sign district Permitted Sign Table.

Under Awning Sign: A permanent or temporary sign attached to and mounted under an awning.

Window Sign: A permanent or temporary sign printed on, affixed to, in contact with or etched on a window or the glass surface of the door of such a building. Non-illuminated signs located inside of the building within two (2) feet of the storefront and illuminated signs located inside of the building within five (5) feet of the storefront are considered Window Signs.

#### 13.3.0.2 Permitted and Prohibited Signs

Permitted Signs are listed in the applicable Signage District and shall be consistent with the standards enumerated in that Signage District. Signs not specifically permitted in the applicable Signage District are prohibited.

#### 13.3.0.3 Non-Conforming Signs

Signs legally erected before the adoption of this bylaw which do not conform to the provisions of this bylaw may continue to be maintained without a permit, with the following conditions:

- a. No such sign shall be repaired, rebuilt, enlarged, reworded, or redesigned if the cost of such modification would exceed 35% of the replacement cost of a conforming sign at the time of the restoration.
- b. Any new signs shall only be permitted if all existing signs for that business conform to the requirements of this Bylaw.

#### 13.3.0.4 Obsolete Signs

All Obsolete Signs shall be removed within 90 days of vacancy or notice of obsolescence, whichever is earlier.

#### 13.3.0.5 Administration and Enforcement

The Inspector of Buildings is charged with the enforcement of Article XIII and may issue citations for violations of these regulations. Penalties for violations of this Article are found in Article IX, Section 9.1.3 of these Zoning Bylaws.

#### 13.3.0.6 Installation and Maintenance Standards

The Inspector of Buildings shall require compliant construction and maintenance of all signs. All signs shall be maintained in a safe manner and consistent with the purpose of this Article and any standards specified in the applicable Signage District Design Guidelines. The Inspector of Buildings may order the removal of any sign that is not properly maintained.

#### 13.3.0.7 Regulations

The Planning Board may implement Signage District Design Guidelines for Burlington Signage Districts.

### 13.3.0.8 Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

### 13.3.0.9 Special Permit

Notwithstanding the provisions set forth in this Section, the Planning Board may authorize alternative compliance where structural, architectural or other limitations beyond the applicant's control does not allow complete compliance and such relief is not detrimental to the Sign District.

## 13.3.1 Town Center Signage District

The Town Center Signage District (TCSD) referred to herein shall include all areas as reflected on the Burlington Signage District Map, as prepared by Town of Burlington Planning Department, dated January 2025. This map as may be amended from time to time is hereby made a part of this Bylaw in accordance with section 3.2.1 of this Bylaw. Design Rules and Regulations are specified in the Burlington Signage District Design Guidelines.

### 13.3.1.1 General Requirements for Town Center Signage District (TCSD)

#### 13.3.1.1.1 Permitted and Prohibited Signs

Permitted Signs that are listed in Section 13.3.1.2, with the exception of A-Frame Signs, Temporary Window Signs, Real Estate Signs, Political Signs, and Construction Signs, require a permit and shall be consistent with the following general criteria:

- a. Signs shall not project more than 4 feet from the surface of the building or one-third of the depth of the fronting sidewalk, whichever is less. A minimum of 3 feet clearance from the sign to the lot line is required. In no case shall a sign impede the sidewalk or the line of sight for vehicular traffic.
- b. To promote design consistent with the goal of the TCSD, if there is more than one occupant on a property, businesses and landlords are strongly encouraged to collaborate with adjoining tenants on the intended placement, scale, and type of signage.
- c. To help maintain and complement the character of the district, it is encouraged that lighting around or on signs provides safety, utility and security; prevent glare on public roadways; protect the privacy of residents; promote energy-efficient outdoor lighting; and to reduce atmospheric light pollution.
- d. Sign types that are not listed in Section 13.3.1.2 are prohibited.

#### 13.3.1.1.2 Quantity of Signs and Total Sign Area

##### a. Main Business Signs

Main Business Name Signs include Flat Signs, Awning or Canopy Signs, and Blade Signs.

##### b. Quantity of Signs

- i. Each business with a Sign Frontage facing one direction shall have no more than three (3) Main Business name signs.
- ii. Each business with Sign Frontages facing two directions shall have no more than four (4) Main Business name signs.

c. The Total Sign Area is defined as the sum of all applicable Sign Areas for each business, using the measurement methods described in the Burlington Signage District Design Guidelines.

- i. For a business with a Sign Frontage facing one direction, the Total Sign Area, in square feet, of all permanent signs, except for Directory Signs, Monument Signs, and Pole Signs, shall not exceed the Sign Frontage multiplied by 1.5, except that a use with less than thirteen (13) feet of Sign Frontage shall have a maximum of twenty (20) square feet of permanent signs.

- ii. For a business with Sign Frontages facing two directions, the Total Sign Area for one side, in square feet, of all permanent signs, except for Directory Signs, Monument Signs, and Pole Signs, shall not exceed the Sign Frontage multiplied by 1.5, except that a use with less than thirteen (13) feet of Sign Frontage shall have a maximum of twenty (20) square feet of permanent signs.
- iii. The total Sign Area for the second side, in square feet, of all permanent signs, except for signs on windows above the first floor, Directory Signs, Monument Signs, and Pole Signs, shall not exceed the Sign Frontage multiplied by 1.3, except that a use with less than fourteen feet of Sign Frontage shall have a maximum of seventeen (17) square feet of permanent signs.

#### 13.3.1.1.3 Exclusions

The provisions of this chapter shall not apply to the following signs:

- a. Any sign which is required or authorized by any law, rule, regulation, or permit of the federal or state governments, or any agency thereof, or any public authority created thereby.
- b. Any temporary sign erected or placed on any town premises under the provisions of any town bylaw or zoning bylaw or by direction or order of the town board or committee having lawful jurisdiction over such premises.
- c. Cemeteries, Gravestones, Monuments and Marker
- d. Historic and Memorial Plaques of six (6) square feet or less exclusive of supporting structures are permitted.
- e. Houses of worship under the provisions of MGL

Although the above signs are exempt, it is the Town's preference that the signage complies to the maximum extent practicable and shall take into consideration the surrounding area, public need and public benefit.

13.3.1.2 Town Center Signage District - Permitted Sign Table

Sign Type	Dimensional Requirements <sup>1</sup>	# Permitted <sup>2</sup>	Illumination <sup>3</sup>	Additional Bylaw Requirements <sup>4</sup>
<b>Awning Sign / Canopy Sign</b>	Maximum sign height: 30 inches Maximum letter height: 15 inches Maximum sign width: 75% of the width of the awning or canopy	1 per storefront; up to 2 for businesses with more than 1 Sign Frontage orientation	External	<ul style="list-style-type: none"> <li>• Awning Signs or Canopy Signs shall not extend above or beyond any top or side edge of the façade, cornice, moldings or trim of the business front.</li> <li>• The section of the awning or canopy that incorporates writing, color pattern, or other types of graphics used for the identification of the business shall be considered the Sign Area.</li> <li>• Such sign shall be painted on or attached flat against the surface of, but not extending below or attached to the underside of the awning or canopy.</li> <li>• The top of Awning Signs or Canopy Signs advertising ground level businesses shall be no higher than 25 feet above grade, the bottom of second floor windowsills, the lower point of the roof, or the ground floor cornice, whichever is lowest.</li> <li>• The top of Awning Signs advertising upper level businesses shall be no higher than the bottom of the windowsills of the level above, the lower point of the roof, or the roof cornice, whichever is lowest.</li> <li>• Translucent fabric and plastic are not allowed.</li> <li>• No logo, trademark, or signage are allowed on the sides of canvas or fabric awnings.</li> <li>• No bottoms are allowed for canvas or fabric awnings.</li> </ul>
<b>Banner Sign</b>	Maximum sign height: 48 inches Maximum sign width: 24 inches		None	<ul style="list-style-type: none"> <li>• Allowed on light poles only</li> </ul>
<b>Barber Pole</b>	Maximum sign height: 36 inches	1 per barber shop	Internal	<ul style="list-style-type: none"> <li>• Not considered a sign when determining number of Main Business Name Signs or Total Sign Area.</li> </ul>

Sign Type	Dimensional Requirements <sup>1</sup>	# Permitted <sup>2</sup>	Illumination <sup>3</sup>	Additional Bylaw Requirements <sup>4</sup>
<b>Blade Sign</b>	Maximum depth: 6 inches Maximum sign area: 10 square feet	1 per storefront; up to 2 for businesses with more than 1 Sign Frontage orientation	External	<ul style="list-style-type: none"> <li>Blade Signs are only allowed for businesses with a minimum of 18 feet of Sign Frontage.</li> <li>The top of Blade Signs shall be no higher than 25 feet above grade, the bottom of second floor windowsills, the lower point of the roof, or the ground floor cornice, whichever is lowest.</li> <li>The bottom edge of Blade Signs shall be no less than 7 feet above grade.</li> <li>Iconic variations of Blade Signs are considered on a case-by-case basis for an increased area of 15 square feet based on contextual factors.</li> </ul>
<b>Construction Signs</b>	Maximum sign height: 10 feet Maximum sign width: 10 feet Maximum sign area: 48 square feet		None	<ul style="list-style-type: none"> <li>Not considered a sign when determining number of Main Business Name Signs or Total Sign Area.</li> <li>The use of Construction Signs is limited to the duration of construction.</li> </ul>
<b>Directory Sign</b>	Maximum sign height: 7 feet Maximum sign width: 6 feet Maximum sign area: 24 square feet	1 per building	External	<ul style="list-style-type: none"> <li>Not considered a sign when determining number of main business name signs or Total Sign Area.</li> <li>The street lot line shall be a minimum of 50 feet in length in order to install a Directory Sign.</li> <li>The top of a Directory Sign must be at least 5 feet above grade.</li> <li>For Directory Signs that also meet the definition for a Monument Sign, the regulations for Monument Signs may be used.</li> </ul>
<b>Electronic Display Sign</b>		1 per gas station pump	Internal	<ul style="list-style-type: none"> <li>Only allowed for fuel dispensing uses in gas stations</li> <li>Not allowed on the canopy.</li> </ul>
<b>Electronic Message Sign</b>	Shall comply with Section 13.1.5 of the Zoning Bylaw, Municipal Uses (Town of Burlington)	Only 1 municipal sign on the Town Common	Internal	<ul style="list-style-type: none"> <li>Shall comply with Section 13.1.5 of the Zoning Bylaw, Municipal Uses (Town of Burlington)</li> </ul>

Sign Type	Dimensional Requirements <sup>1</sup>	# Permitted <sup>2</sup>	Illumination <sup>3</sup>	Additional Bylaw Requirements <sup>4</sup>
<b>Flat Sign</b>	Maximum lettering height: 24 inches Maximum sign width: 75% of the Sign Frontage	1 per Sign Frontage; up to 2 for businesses with more than 1 Sign Frontage orientation	External or Internal <sup>3</sup>	<ul style="list-style-type: none"> <li>• Sign height for occupants above the first floor may be up to 75% of the height from the top of the windows for that floor to the floor above but shall not be greater than 30 inches.</li> <li>• The top of a Flat Sign advertising ground level businesses shall be no higher than 25 feet above grade, the bottom of second floor windowsills, the lower point of the roof, or the ground floor cornice, whichever is lowest.</li> <li>• The top of Flat Signs advertising upper level businesses shall be no higher than the bottom of the windowsills of the level above, the lower point of the roof, or the roof cornice, whichever is lowest.</li> <li>• If mounted on a mansard facade, the top of a Flat Sign shall be no higher than 6 inches below the top of the parapet.</li> </ul>

Free Standing Signs				
<b>A-Frame Sign</b>	Maximum height including structure: 4 feet Maximum sign area: 6 square feet on each side	1 per storefront	None	<ul style="list-style-type: none"> <li>• A-Frame Signs shall be placed within 10 feet of entrance and shall not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes. A-frame signs may be placed in the public right-of-way but shall maintain a five foot sidewalk clearance at all times.</li> <li>• A-frame signs are not permitted on the roadbed or medians, including parking and travel lanes.</li> <li>• Not considered a sign when determining number of signs or Total Sign Area</li> <li>• The use of A-frame Signs is limited to business hours only. Signs shall be stored indoors at all other times. A-frame signs shall not be used outdoors when high winds or heavy snow conditions exist.</li> <li>• No lights, banners, flags, balloons, or similar objects may be attached to A-Frame Signs.</li> </ul>

<b>Monument Sign</b>	Maximum sign height: 12 feet including base Minimum lettering height: 6 inches Maximum lettering height: 12 inches Maximum sign width: 10 feet	1 per building	External	<ul style="list-style-type: none"> <li>• Monument Signs are only allowed for properties with three (3) or more tenants.</li> <li>• The street lot line shall be a minimum of 50 feet in length in order to install a Monument Sign.</li> <li>• No part of a Monument Sign may project into, over, or otherwise encroach on a public right-of-way.</li> <li>• Landscaping must be incorporated into the design.</li> <li>• Monument Signs shall be separated from the right-of-way by a minimum of 10 feet.</li> <li>• Not considered a sign when determining number of Main Business Name Signs or Total Sign Area.</li> </ul>
<b>Pole Sign</b>	Maximum sign area: 20 square feet per side	1 per building	External	<ul style="list-style-type: none"> <li>• Not considered a sign when determining number of main business name signs or Total Sign Area</li> <li>• The street lot line shall be a minimum of 50 feet in length in order to install a Pole Sign.</li> <li>• The top of a Pole Sign shall not exceed 8 feet above grade.</li> </ul>
<b>Open for Business Sign</b>	Maximum sign height: 3 feet Maximum sign width: 5 feet	1 per business	No	<ul style="list-style-type: none"> <li>• The Open-for-Business sign may only be displayed when the business is open to the public.</li> </ul>
<b>Real Estate Sign</b>	Maximum sign height: 3 feet Maximum sign width: 3 feet Maximum sign area: 6 square feet	1 per building	None	<ul style="list-style-type: none"> <li>• The top of a Free Standing Real Estate Sign shall not exceed 5 feet above grade.</li> <li>• The use of Real Estate Signs is limited to the duration of the advertisement.</li> <li>• Not considered a sign when determining number of Main Business Name Signs or Total Sign Area.</li> </ul>
<b>Temporary Window Sign</b>	Maximum sign area: 30% of glass area of each window		None	<ul style="list-style-type: none"> <li>• A Temporary Sign may only be displayed for up to twenty one (21) days in any three (3) month period.</li> <li>• Not considered a sign when determining number of Main Business Name Signs but included in Total Sign Area.</li> </ul>
<b>Window Sign</b>	Maximum sign area: 30% of glass area of each window		None	<ul style="list-style-type: none"> <li>• Non-illuminated signs located inside of the building within 2 ft of the storefront and illuminated signs located inside of the building within 5 ft of the storefront are considered Window Signs.</li> <li>• Not considered a sign when determining the number of Main Business Name Signs but included in Total Sign Area.</li> </ul>

13.3.1.2 Town Center Signage District - Permitted Sign Table

NOTES:

1. In addition to sign-specific dimensional requirements set forth in this table, the total Sign Area requirement set forth in 13.3.1.1.2 shall also be satisfied.
2. In addition to sign-specific quantity requirements set forth in this table, the requirement for the total number of main business name signs for each use set forth in 13.3.1.1.2 shall also be satisfied.
3. Illumination methods shall conform to the Burlington Signage District Design Guidelines.
4. Style, including but not limited to materials, fonts, and landscaping, shall conform to the Burlington Signage District Design Guidelines.

Submitted by the Select Board

Requested by the Zoning Bylaw Review Committee

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

**\*(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

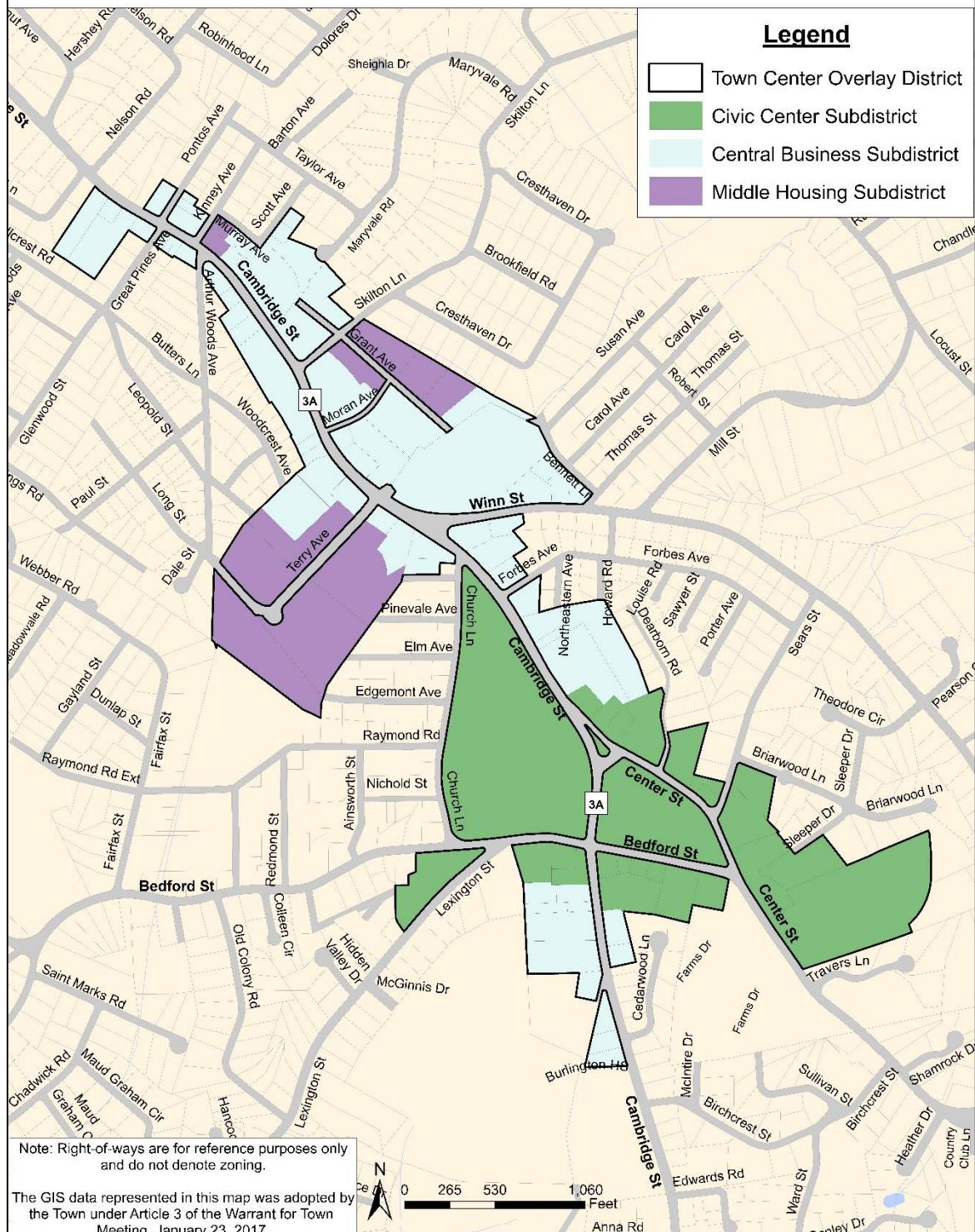
Not less than required by the State Building Code.

#### 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

## **ZONING ARTICLES**

### **ARTICLE NUMBER – 9**

### **ARTICLE NAME – Accessory Dwelling Unit (ADU) Bylaw Amendment**

**AMOUNT – \$0.00**

To see if the Town will vote to amend Section 2.4 “D” (Part 1), amend Section 4.3 “Uses Normally Accessory to Residential Principal Uses” (Part 2), and to replace in its entirety, Section 11.2.0 “Accessory Residential Uses in One-Family Dwelling: Accessory Apartments” with the following language (Part 3), or to act in any other manner in relation thereto.

**Part 1:** Amend Section 2.4 “D” by adding the following definition:

#### **Dwelling Unit, Accessory (ADU)**

A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of M.G.L chapter 64G; provided, however, that no municipality shall unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental. (See Section 11.2.2)

**Part 2:** Amend Section 4.3 “Uses Normally Accessory to Residential Principal Uses”

#### **USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES**

4.3.1		RO	RG	RC	BN	BL	BT	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
	<b>Dwelling Unit, Accessory (1 unit)</b>	YES	NO	YES	YES	YES	YES	NO									
	<b>Dwelling Units, Accessory (&gt;1 unit)</b>	SP	NO	YES	YES	YES	YES	NO									

**Part 3:** Replace in its entirety, Section 11.2.0 “Accessory Residential Uses in One-Family Dwelling: Accessory Apartments” with the following language.

Section 11.2.0 Accessory Residential Uses in the One-Family Dwelling (RO) Zoning District

#### **11.2.1 Purpose**

The provision of accessory residential uses is intended to:

- a. To increase the number of small dwelling units available for rent in town,

- b. To increase the range of housing choices,
- c. To encourage greater diversity of population with particular attention to young adults and senior citizens, and
- d. To encourage a more economic and energy efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

#### **11.2.2 Accessory Dwelling Unit (ADU)**

An Accessory Dwelling Unit (ADU) is an alternative type of housing that allows Burlington to expand and diversify its housing supply options without requiring additional land development. The design and implementation of an ADU is expected to fit on an RO zoned lot with a the One-Family Dwelling.

##### **11.2.2.1 Massachusetts General Law (MGL)**

- a. ADUs are permitted As of Right.
- b. The Town has established Article 11.2 of these Zoning Bylaws to govern and to reasonably regulate the construction of ADUs within single-family zoning districts.
- c. No ADU unit may be utilized as Short-Term Rental. (See Section 4.3.1.2)

##### **11.2.2.2 Applicability and Requirements**

- a. Only one (1) ADU per lot may be created As-of-Right. A second (2<sup>nd</sup>) ADU is subject to Section 9.2 Special Permit and Section 9.3 Site Plan of this Bylaw. Three (3) or more ADUs on a single lot are prohibited.
- b. ADUs shall meet all dimensional requirements as outlined in Section 5.2 with the following exception.
  - i. Building height for detached ADUs shall be no taller than the Principal Single Family Dwelling, with the exception of an ADU over a garage, or a maximum of twenty (20) feet, whichever is shorter.
- c. The total combined Gross Floor Area of all ADU(s) on the Lot shall not exceed half (1/2) the Gross Floor Area of the Principal One-Family Dwelling, or nine-hundred (900) square feet, whichever is smaller.
- d. The interior square footage of each ADU shall be no less than four-hundred (400) square feet.
- e. The ADU and any modifications to the Principal Single Family Dwelling on the lot shall be designed so that the appearance of the Principal Dwelling remains that of a Single Family Dwelling. Any new entry to an ADU shall be located on the side or in the rear of the Principal Dwelling.

- f. Where two (2) or more entrances already exist on the front façade of a Principal Single Family Dwelling, modifications made to such entrances in order to accommodate an ADU shall result in one (1) entrance appearing to be the principal entrance and other entrances appearing to be secondary.
- g. All stairways to the primary entrance to an ADU located on a second or third story shall be enclosed within the exterior walls, unless otherwise required by applicable provisions of the State Building Code.
- h. All motor vehicles owned or maintained by occupants of an ADU shall be parked off the street in a designated driveway area or garage. The location and appearance of such driveway area shall not adversely affect adjoining properties or the single-family character of the neighborhood in general.
- i. Both the Principal Single Family Dwelling and the ADU shall be connected to the public water and sanitary sewer systems.
- j. An ADU may not have more than two bedrooms.
- k. Where there are two (2) ADUs on a lot, one (1) of the ADUs shall be deed restricted as affordable with a Regulatory Agreement approved by the Executive Office of Housing and Livable Communities such that the unit counts towards the Town's Subsidized Housing Inventory (SHI) as described in 760 CMR 56.00.
- l. The ADU and the Principal One-Family Dwelling shall remain on the same Lot and shall not be divided into two (2) separate lots.
- m. No ADU unit may be separately sold as a condominium, or otherwise.
- n. Driveways should be designed in a way to reduce the amount of impervious surface.

#### **11.2.2.3 Siting Standards**

All ADUs are subject to the following siting standards.

- a. A detached ADU shall not be located between a roadway and the designated frontage of the Principal One-Family Dwelling.
- b. When an ADU has a separate exterior entrance from the Principal One-Family Dwelling or is a separate Building, the ADU shall be accessible from a path or walkway.

Figure 1

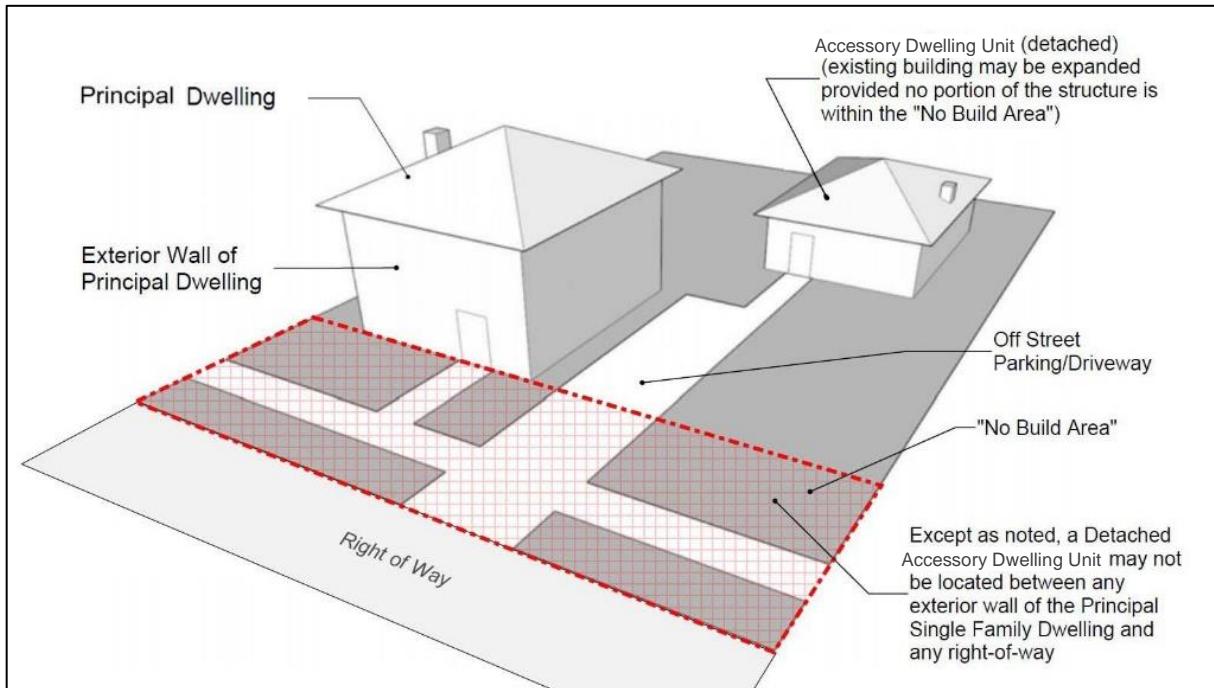


Figure 2

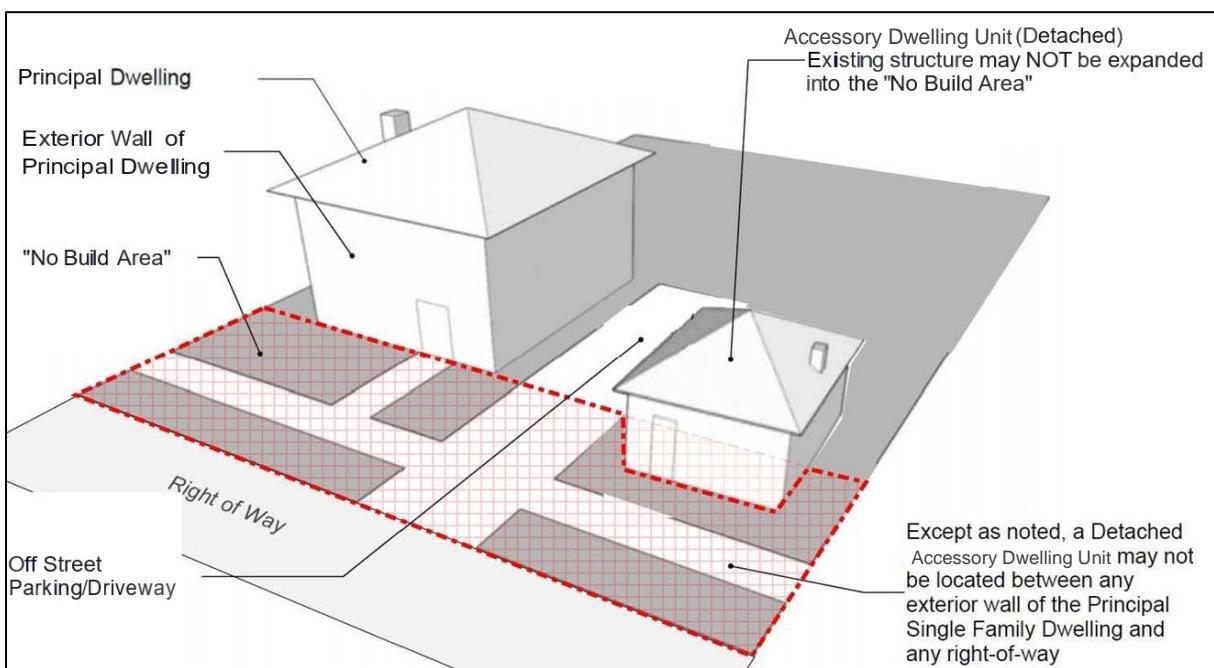


Figure 3

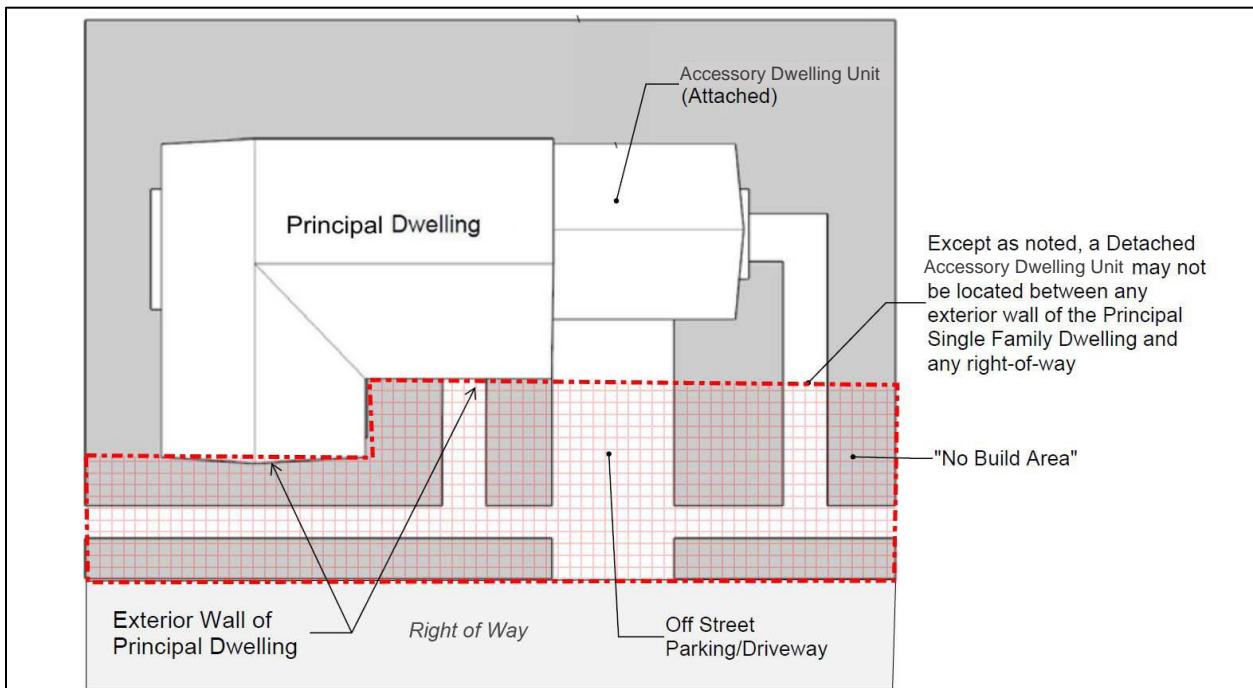
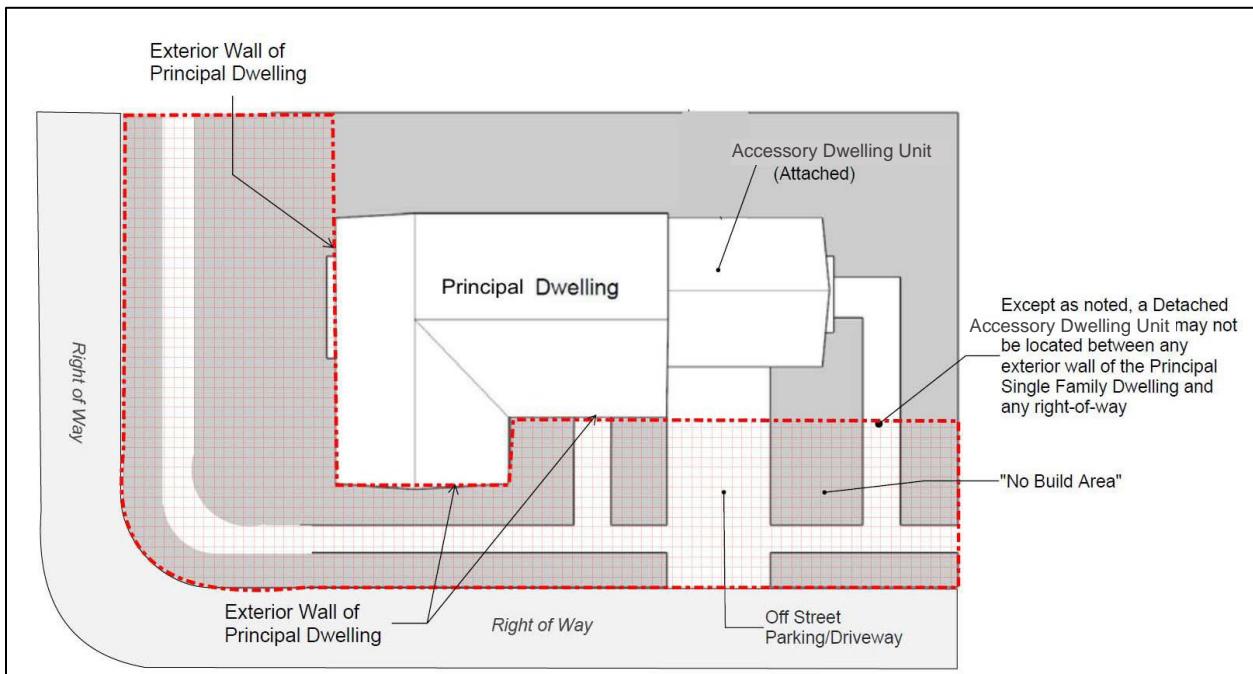


Figure 4



#### **11.2.2.4 Permitting Regulations and Permit Review Authority**

- a. The Inspector of Buildings shall be the permit granting authority for single As-of-Right ADUs. Such review shall be conducted concurrently as part of a Building Permit application.
- b. The Planning Board shall be the Special Permit Granting Authority (SPGA) for the creation of two (2) or more ADU per Principal One-Family Dwelling or Lot.
  - i. Any Special Permit issued for an ADU shall be limited to the original applicant but may be transferred with ownership upon a determination of the Building Inspector that all requirements of the Zoning Bylaw applicable to an ADU are satisfied.
  - ii. If the terms and/or conditions of any Special Permit for an ADU are not satisfied within one (1) year of its issuance, the Special Permit shall be null and void unless a request for extension is submitted by the Applicant.

or to act in any other manner in relation thereto.

Submitted by the Select Board  
Requested by the Planning Board

## **ZONING ARTICLE**

### **ARTICLE NUMBER – 10**

**ARTICLE NAME – Establishment of a Retail Marijuana Retail Overlay**

**AMOUNT – \$0.00**

To see if the Town will vote to amend the Zoning Bylaws as follows:

1. Article III Section 1 “Districts” by amending (~~strikethrough~~ to be removed, **underlined and bold** is new);
2. Article IV Section 4.2.0 Principal Use Regulation Schedule to add a new use (**underlined and bold** is new); and
3. Article X Section 10.6.0 Registered Marijuana Dispensary, by amending (**underlined and bold** is new, ~~strikethrough~~ is removed) as follows:

#### **1. Article III DISTRICTS SECTION 3.1.0 DISTRICTS 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  
**MR Marijuana Retail**

#### **SECTION 3.2.0 LOCATION OF DISTRICTS**

**Marijuana Retail District: As shown on the map entitled, “Town of Burlington Marijuana Overlay District” prepared by the Town of Burlington, and dated XXXXXXXX**

#### **2. 4.2.0 PRINCIPAL USE REGULATION SCHEDULE**

	USE DESIGNATION	DISTRICT												OVERLAY DISTRICTS				
	INSTITUTIONAL AND RECREATIONAL USES	RO	RG	RC	BN	BL	BT	<b><u>BG</u></b>	IG	I	IR	<b><u>OS</u></b>	A	WR	CC	CBD	<b><u>MR</u></b>	
4.2.2.31	Marijuana Establishment (See 10.8.0)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	
<b><u>4.2.2.32</u></b>	<b><u>Marijuana Retail (See 10.8.0)</u></b>	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	SP	NO	NO	NO	SP	

#### **3. ARTICLE X: MISCELLANEOUS AND SPECIAL REGULATIONS**

#### **SECTION 10.6.0 REGISTERED MARIJUANA DISPENSARY AND MARIJUANA RETAILERS**

## **Section 10.6.1 DEFINITIONS**

**The definitions contained in the AN INITIATIVE PETITION FOR A LAW RELATIVE TO THE REGULATION AND TAXATION OF MARIJUANA shall be the definitions used in the Moratorium. These definitions include but are not limited to the following:**

**"Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) Hemp; or (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.**

**"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.**

**"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, or any other type of licensed marijuana-related business, Excepting Marijuana Retailers for zoning purposes.**

**"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.**

**"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.**

### **10.6.2 Purpose and Intent**

**To provide for the establishment of Licensed Marijuana Establishments for both adult use and medical marijuana, in appropriate places and under reasonable conditions, in accordance with the applicable state laws and regulations. Specifically, Chapter 369 of the Acts of 2012 (An Act for the Humanitarian Medical Use of Marijuana), M.G.L. c. 94I ("Medical Use of Marijuana), 105 CMR 725.00 (Implementation of an Act for the Humanitarian Medical Use of Marijuana), M.G.L. c. 94G (Regulation of the Use and Distribution of Marijuana Not Medically Prescribed) and 935 CMR 500.00 (Adult-Use of Marijuana). Applications for a Registered Marijuana Dispensary (RMD) and/or Marijuana Retailer (MR) shall be subject to additional criteria herein.**

### **10.6.3 Procedures**

**All Registered Marijuana Dispensaries and Marijuana Retailers must receive a Special Permit and Site Plan Approval from the Planning Board and have a valid Host Community Agreement approved by the Select Board.**

All requests for consideration by the Planning Board for Special Permit approval of an RMD/MR shall be consistent with this section and Section 9.2.0 of the Zoning Bylaws. All RMDs/MRs must be licensed by the state Department of Public Health (DPH), **Cannabis Control Commission (CCC)**, or successor agency. At the time of application for approval of a Special Permit, the proponent is required to submit documentation to the Town that the state DPH, CCC, or successor agency has issued a valid license and/or permit to operate a Registered Marijuana Dispensary or Marijuana Retailer.

#### 10.6.3.1 Notification

The abutter notification requirement is hereby extended to a distance of one thousand feet (1000), to correspond with the buffer requirements below.

#### 10.6.4 Approval criteria

In addition to the approval criteria for Special Permit in Section 9.2.4 of the Zoning Bylaws, the Planning Board shall incorporate the recommendations of the Board of Health, Police Department, Fire Department, Building Department as conditions of approval for any Registered Marijuana Dispensary or Marijuana Retailer.

#### 10.6.5 Additional Dimensional Requirements

In addition to the dimensional requirements set forth in Section 5.2.0 Density Regulation Schedule of the Zoning Bylaws, the following requirements shall apply.

##### 10.6.5.1 Buffer Requirement

###### Purpose and Intent

**The purpose and intent of these requirements is to assist in preventing minors' access to marijuana and eliminating exposure to odor, noise, advertisement, or other nuisance due to the operation of marijuana establishments.**

The building within which a Registered Marijuana Dispensary or Marijuana Retailer is located shall not be:

1. Within one thousand (1000) feet of the nearest parcel boundary of another RMD or MR;
2. Within five hundred (500) feet of the nearest parcel boundary of a religious institution;
3. Within one thousand (1000) feet of the nearest parcel boundary of a place where children commonly congregate.
  - 3.1. For these purposes, a place where children and youth commonly congregate shall include: Dance schools; gymnastic schools; technical schools; vocational schools; public and private K-12 schools; facilities that offer tutoring or after school instruction; licensed daycare facilities (including private home daycare); parks that have play structures and athletic fields intended for use by children; accredited Headstart facilities; commercial establishments that host children's parties. This bylaw regulates intentional congregation of children--such as at schools, play structures, athletic fields, and the like, rather than incidental congregation of children, such as at ice cream parlors, pediatrics offices, and shopping venues, and the like. The applicant shall demonstrate compliance with buffer requirements under this regulation by provision of maps, and by an inventory of tenants and owners within the buffer, or by any other means the Planning Board might require. The buffer requirement applies to facilities in adjacent communities as well as facilities within Burlington.

##### 10.6.5.2 Amending the buffer requirement

The Planning Board shall have discretion to amend the buffer requirement as follows:

Where the Planning Board clearly distinguishes between uses within a single parcel, and finds that the intent of the buffer requirement can be met, as set forth in 10.6.5.1 above, the Board, in the exercise of its reasonable discretion, may waive the requirement that the 1,000 foot buffer be measured between the nearest points of parcel boundaries and instead require that measuring between nearest points of facilities, for example, measuring building to building, shall be the method of measurement where circumstances warrant the change.

**Additionally, where the Planning Board finds that the intent of the buffer requirement can be met, as set forth in 10.6.4.1 above, the Board, in the exercise of its reasonable discretion, may waive or reduce the buffer requirement.**

1)

#### **10.6.5.3** Adjacency to residentially zoned land

A RMD or MR shall not be located on a parcel that touches residentially zoned property (excluding Town-owned property that is zoned RO and is not used for residential purposes).

#### **10.6.6** Parking Requirements

Parking requirements shall be regulated under 7.2.5.12 "Other Uses" of the Zoning Bylaws.

#### **10.6.7** Nuisance

No equipment or process shall be used in such Registered Marijuana Dispensary or MR which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the parcel.

#### **10.6.8** Compliance and Suspension of License

The Special Permit for this use is subject to review for compliance on an annual basis by the Planning Board. Any new owner and or operator shall require a new Special Permit. In the event that the state Department of Public Health (DPH), Cannabis Control Commission (CCC), or any successor agency, suspends the license or registration of a RMD or MR, the Planning Board may require the licensee's appearance at a public meeting.

#### **10.6.9 Limitations on Licenses**

**The town shall limit the number of MR licenses granted to 20% of liquor licenses issued, pursuant to M.G.L. ch. 138, §15, for sales for consumption off-premises (including "package stores")- not to include beer and wine only licenses. MRs shall only be located within the Marijuana Overlay District as shown on the zoning map dated XXXXXX.**

#### **Section 10.7.3 TEMPORARY MORATORIUM**

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, the on site consumption of marijuana and marijuana products, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a marijuana establishment for non-medical use). The moratorium shall be in effect through December 31, 2018 or six (6) months after the effective date of the Cannabis Control Commission regulations, whichever is later. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the~~

~~Town, consider the regulations of the Cannabis Control Commission regarding recreational Marijuana and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a marijuana establishment for non-medical use); or to take any action relative thereto.~~

## **Section 10.7 PROHIBITION ON MARIJUANA ESTABLISHMENTS**

Prohibition on Marijuana Establishments, **not to include Marijuana Retailers**. In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, **excepting and excluding marijuana retailers**, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, **marijuana retailers**, and any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Burlington. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time), nor shall it be construed to include registered marijuana dispensaries as defined by Article II, Section 2.18.2.1 of the Zoning Bylaws **or marijuana retailers as defined by Article II, Section 2.13.1 of the Zoning Bylaws**; or to act in any other manner in relation thereto.

## **Section 10.8 PROHIBITIONS AND LIMITATIONS**

**It shall be unlawful for any person to operate a ME without obtaining a special permit and undergoing site plan approval pursuant to the requirements of this Zoning Bylaw.**

**MRs may only be located in buildings containing other retail, commercial, residential, industrial, or any other uses, if the MR is separated by full walls from any and all other uses.**

**On-site or “social” consumption, is prohibited as a use.**

**MEs shall be prohibited as an Accessory Use or Home Occupation in all zoning districts.**

**No marijuana or Marijuana Product shall be smoked, eaten, ingested, consumed or otherwise used on the premises of any MR, even if allowable under state law.**

**No MRs may be operated in a mobile facility or outside of a fully enclosed building or structure, excepting deliveries to off-site MRs and home deliveries to consumers permitted or licensed by applicable state and local regulations.**

**No MR may be operated in such a manner as to cause or create a public nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.**

**The issuance of a special permit and site plan review pursuant to this chapter does not create an exception, defense, or immunity to any person or entity in regard to any potential criminal liability the person or entity may have for the production, distribution, or possession of marijuana.**

## **10.10 ADDITIONAL REQUIREMENTS**

**In addition to the materials required under Section 9.2.4. (Criteria for Approval) applicant shall submit the following:**

**Proof of provisional licensure approval from the Commonwealth of Massachusetts for the proposed ME by submitting copies of all required registrations, licenses and permits issued to the applicant by the state and any of its agencies for the proposed ME.**

**The name, address, email address, and phone number of all owners of the ME, together with a criminal background check of such owners.**

**Proof that the detailed security plan, operation and management plan, and emergency response plans have been submitted to the Burlington Police Department and the Department of Planning and Community Development for comment and review at the same time or prior to the submission of the application, and any comment or response received by the applicant.**

**Proof that the applicant provided notification in writing at the same time or prior to the submission of the application to all property owners within one-thousand (1000) feet of the parcel boundary of its proposed location and use, to provide them with the opportunity to comment to the Planning Board, as well as any and all comment or response received by the applicant.**

**Evidence demonstrating that the MR will be operated in a responsible manner that does not materially adversely affect the public health, safety or the general welfare of the Town or the immediate neighborhood where the MR is located.**

**Upon receipt of a completed application, the Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, Conservation Commission, and the Engineering Division of the Department of Public Works. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 30 days of referral of the application shall be deemed lack opposition.**

**After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other municipal boards and departments, the Planning Board may act upon the application for special permit and approval of site plan.**

**The applicant has demonstrated that the MR has or will meet all of the permitting requirements of all applicable agencies within the Commonwealth and is or will be in compliance with all applicable state laws and regulations, including, but not limited to G.L. c. 94G, §12 General Marijuana Establishment Operation.**

**The applicant has entered into an approved Host Community Agreement with Burlington Select Board.**

**The grant of the special permit will not exceed the limitation on permitted MRs set forth in Section 10.6.9.**

The facility provides adequate security measures to ensure that there are not direct threats to the health or safety of employees, staff, or members of the public and that location is adequately secured.

The facility will not place an undue burden on public safety services of the town as may be adequately established to the satisfaction of the Planning Board, which shall consider the facility's lighting, whether or not all of the facility is visible from a public way, whether or not the parking is contiguous with the facility or the parking arrangements are capable of being monitored by the applicant or the town, and whether or not the facility is or can be set up to promote the effective monitoring by Police Department patrols, as well as any other factors affecting public safety.

All additional costs resulting directly from the establishment's operation shall be paid by the establishment, to the Town of Burlington, through a "community impact fee" which shall be determined within the Host Community Agreement. The town shall provide an itemized list of these costs to the establishment along with their invoice from the town for reimbursement of these costs.

The facility meets all criteria required for a Special Permit under Section 9.2.4 of this Zoning Bylaw, with the exceptions that

The applicant has demonstrated that it will operate the MR in conformity with all applicable municipal ordinances, state laws and regulations, and that its policies and procedures are designed to prevent violation of such laws.

The Planning Board shall conduct special permit review and shall impose conditions reasonably appropriate to improve site design, traffic flow, and public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section.

The Planning Board may impose specific conditions relating to the preservation or improvement of public safety, including but not limited to lighting, visibility, surveillance, security cameras, parking arrangements, and accessibility for police patrol.

In addition to any specific conditions applicable to the applicant's MR, the following conditions shall be included in any site plan review or special permit granted under this bylaw:

Hours of operation shall be set forth within the special permit, and shall generally be consistent with those for package stores licensed under G.L. c. 138. c.

The provisions regarding signage and its limitations shall be set forth within the special permit.

All business signage shall be subject to the requirements to be promulgated by the CCC and the requirements of Section 13.1 and 13.2 of this Zoning Bylaw.

The ME shall not violate any provision of the Zoning Bylaw.

Display of marijuana, Marijuana Products and Marijuana Accessories shall be limited to an area which is accessible only by persons aged twenty-one (21) years or older, and the applicant shall establish such controls and monitoring as are necessary to ensure that this area is not accessed by persons under the age of twenty-one (21) years. This area shall not be visible from the exterior of the establishment.

**MR shall be operated in a responsible manner that does not materially adversely affect the public health, safety or the general welfare of the City or the immediate neighborhood where the ME is located.**

#### **10.11 TERMINATION AND MODIFICATION**

**A special permit or site plan approval may be terminated due to violation of any of its conditions. In addition, a special permit or site plan approval shall terminate upon:**

**Failure of the permit holder to commence operations at the MR within twenty-four (24) months of the date of approval; or**

**Termination of the Host Community Agreement; or failure to pay state or local taxes.**

**A special permit or site plan approval may be modified by the Planning Board after public hearing.**

**No modification is permitted for a change of location; a special permit holder must submit a new application for a change in location.**

**Any changes in the application materials from the original materials must be submitted with a request for modification.**

**No transfer of ownership, except a transfer to an affiliated entity, shall be permitted for two years after the date of approval of the special permit or site plan review unless required due to the death or disability of an owner.**

**If the special permit holder requests approval of a transfer of ownership, then the holder must submit proof:**

**That the new owner will operate the MR in accordance with the terms of the special permit, as shown by evidence of Moral Character and other substantial evidence; and**

**That all amounts due under the Host Community Agreement have been timely paid and no taxes, fines, penalties, fees, or other charges due to the Town are currently unpaid.**

#### **10.12 SEVERABILITY**

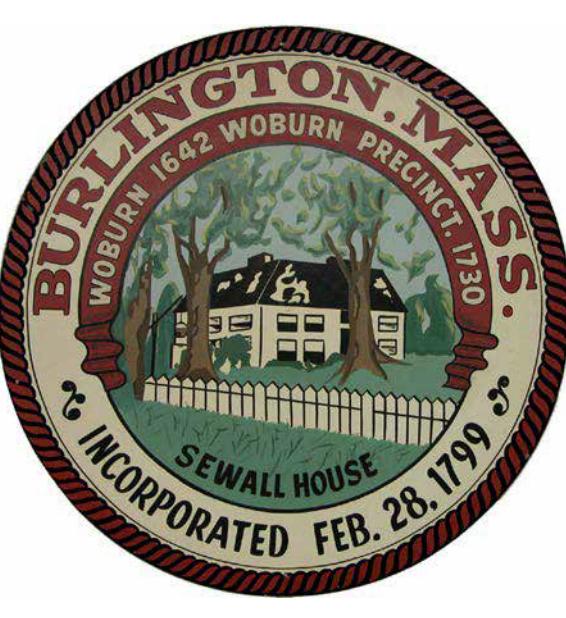
**The provisions of this Zoning Bylaw are severable. If any provision, paragraph, sentence, or clause of this Zoning Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.**

, or to act in any other manner in relation thereto.

Submitted by the Select Board

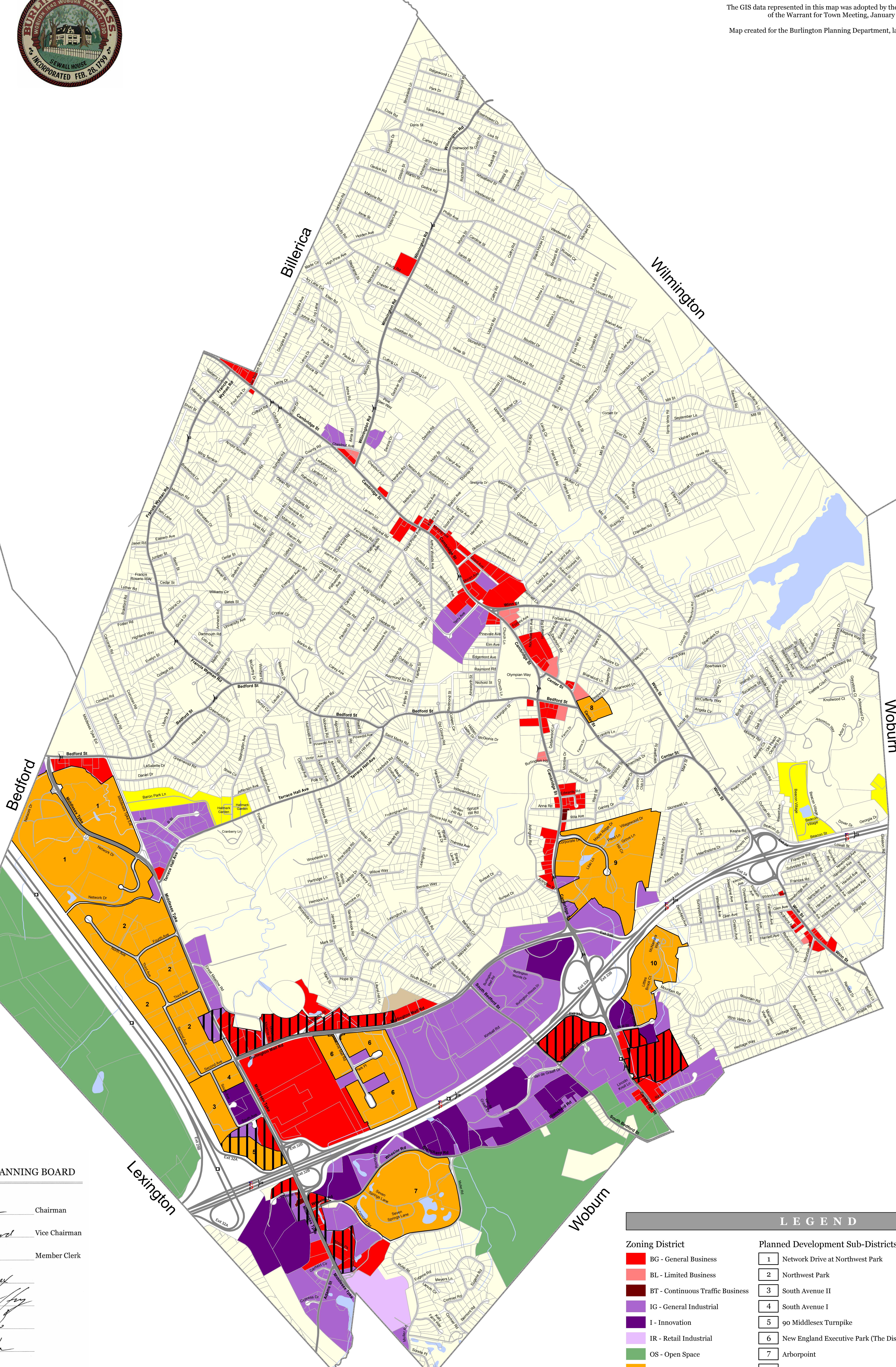
Requested by the Alex Rutfield on behalf of Will Seagaard

Town of  
**Burlington, MA**  
 Incorporated February 28, 1799



**Zoning Map**  
 2017

Note: Right-of-ways are for reference purposes only and do not denote zoning.  
 The GIS data represented in this map was adopted by the Town under Article 3  
 of the Warrant for Town Meeting, January 23, 2017.  
 Map created for the Burlington Planning Department, last revised 3/10/2022.



## **FINANCIAL ARTICLES**

### **ARTICLE NUMBER - 11**

**ARTICLE NAME – Authorize Five Year Contract for Technology Cyber Security Infrastructure**

**AMOUNT – Authorization Only**

To see if the Town will vote to authorize the Select Board and the School Committee to enter into a lease/purchase agreement for a term or terms not to exceed five (5) years but in any event not to exceed the useful life of the property in total in accordance with Chapter 30B, Section 12 of Massachusetts General Laws, or such terms and conditions as the Select Board and the School Committee may determine, for the purposes of purchasing equipment and services for telecommunications and network infrastructure upgrades, and cyber security services for all School and Town properties, or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Town Administrator

## **FINANCIAL ARTICLES**

### **ARTICLE NUMBER - 12**

**ARTICLE NAME – Transfer from Free Cash to Water Stabilization Fund**

**AMOUNT - \$1,767,862**

To see if the Town will vote to transfer from Free Cash the sum of \$1,767,862 to the Water Stabilization Fund, or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Town Administrator

## **FINANCIAL ARTICLES**

### **ARTICLE NUMBER - 13**

**ARTICLE NAME – Transfer from Free Cash to Ways and Means Reserve Fund**

**AMOUNT - \$100,000**

To see if the Town will vote to transfer from Free Cash to the FY2025 budget line item 86 - Reserve Fund, the sum of \$100,000, or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Town Administrator

## **FINANCIAL ARTICLES**

### **ARTICLE NUMBER - 14**

**ARTICLE NAME – AUTHORIZE TRANSPORTATION INFRASTRUCTURE FUNDS**

**AMOUNT - \$34,093**

To see if the Town authorize the sum of \$34,093 to be spent from the Receipts Reserved for Appropriation-Commonwealth Transportation Infrastructure Fund to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I of the General Laws and other programs that support alternative modes of transportation or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Town Administrator

## **FINANCIAL ARTICLES**

**ARTICLE NUMBER - 15**

**ARTICLE NAME – TAX ABATEMENT DEFENSE FUND**

**AMOUNT - \$250,000**

To see if the Town will vote to transfer from available funds the sum of \$250,000 or any other sum to fund legal, appraisal, and consulting services for property tax challenges; or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Board of Assessors

## **FINANCIAL ARTICLES**

### **ARTICLE NUMBER - 16**

**ARTICLE NAME – Transfer from Free Cash to Previously Approved Capital Project Funds**

**AMOUNT - \$14,800,000**

To see if the Town will vote to transfer from Free Cash, an amount of funds, to capital project funds as follows,

Transfer to	From Free Cash	Original Approval
Roads, Parking Lots, and Sidewalks	\$3,500,000	Article 8 May 2022
Fox Hill School Building Project	\$5,000,000	Article 8 September 2024
Police Station Construction Project	\$5,000,000	Article 20 May 2024
Recreation Land Conservation Project Overlook Park	\$1,300,000	Article 27 May 2024

or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by the Town Administrator

## **GENERAL BYLAW ARTICLES**

### **ARTICLE NUMBER - 17**

**ARTICLE NAME – Rescind Prohibition on Marijuana Establishments**

**AMOUNT - \$0**

To see if the Town will vote to Rescind

1.42 – Prohibition on Marijuana Establishments: In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, and any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Burlington. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time), nor shall it be construed to include registered marijuana dispensaries as defined by Article II, Section 2.18.2.1 of the Zoning Bylaw; or to act in any other manner in relation thereto.

Submitted by the Select Board

Requested by Alex Rutfield, Town Meeting Member, on behalf of Will Seagaard, Town Resident

## **GENERAL BYLAW ARTICLE**

### **ARTICLE NUMBER - 18**

**ARTICLE NAME – AMEND ARTICLE IV SECTION 8 – ANIMAL CONTROL OFFICER**  
**AMOUNT – N/A**

To see if the Town will vote to amend the Town of Burlington General Bylaws, Article IV section 8.0 as follows: (**underline and bold** new and ~~crossed out~~ removed):

8.0 Animal Control Officer and Pound: The Select Board shall annually appoint an Animal Control Officer. ~~, who shall be a resident of the Town. The Animal Control Officer shall be under the direction of the Police Chief. be chief of the Canine Department, which is hereby declared to be a principal department of the Town.~~

; or to act any other manner thereto.

Submitted by the Select Board  
Requested by the Town Administrator

## **GENERAL BYLAW ARTICLES**

### **ARTICLE - 19**

**ARTICLE NAME: Amending Article 5, Section 2.6 of the General Laws regarding the Land Use Committee**

**AMOUNT: N/A**

To see if the Town will vote to replace in its entirety Section 2.6 to read

#### **2.6 Land Use Committee**

##### **2.6.1 Introduction**

The Land Use Committee strives to identify how land use decisions impact the town's economic stability and its natural and developed areas. Land Use considerations include but are not limited to the protection of environmentally sensitive land; the sustainability of land use; the preservation of historical land and open space; the acquisition of recreational land; and the review of matters relating to land development, and redevelopment.

##### **2.6.2 Definition**

"Land use" is the term used to describe the human use of land. It represents the economic and cultural activities that are practiced at a given place (e.g., commercial, residential, industrial, recreational uses and open space).

##### **2.6.3 Committee's Purpose**

The Land Use Committee (herein referred to as the Committee) shall act in an advisory capacity for Town Meeting on Land Use issues, as well as introduce bylaw amendments relating to land use matters. The Committee shall maintain cooperative working relationships with all Town Boards, Committees and Commissions with respect to issues relevant to land use matters.

The Committee's responsibilities include but are not limited to:

2.6.3.1 Review all matters referred to the Committee by Town Meeting and make recommendations when appropriate;

2.6.3.2 The Committee shall review warrant articles using up to date land use maps from the Planning Department, and discuss surveys of residents and owners of property directly affected; reports of consulting experts; probable impacts on residents and owners of property in the near vicinity of the land in question, the economy of the community, traffic, safety and ecology; potential alternate uses of the land in question; and any other information the Committee considers relevant.

2.6.3.3 Review data developed by community stakeholders, including recommendations identified in the Town's Master Plan and principles of sustainable development;

2.6.3.4 Whenever practicable, a written report shall be submitted to Town Meeting prior to its consideration of the respective article.

2.6.3.5 If a warrant article requires a recommendation by the Planning Board, the Planning Board shall notify the Land Use Committee of the public hearing for the land use zoning issue and include the Land Use Committee in the distribution of the legal notices.

#### **2.6.4 Committee's Composition**

2.6.4.1 The Committee shall consist of nine (9) Town Meeting members. Representation will include each of the seven (7) precincts and if possible, one from each precinct, and no more than two from any precinct.

2.6.4.2 All members are appointed by the Moderator. Appointments shall be made within thirty (30) days after the final adjournment of the May Town Meeting for a term of 3 years.

2.6.4.3 The Committee shall annually elect a chairperson and vice-chairperson and engage a recording clerk. The recording clerk shall not be a member of the committee. The Committee shall define the duties and hours of the recording clerk, whose hourly rate will be set by a contract negotiated by the town.

2.6.4.5 The Chair shall appoint members of the Committee as liaisons to meetings held by the Conservation Commission, the Planning Board, and other ad hoc or advisory committees, as they relate to Land Use issues and as needed.

or to act in any other manner in relation thereto.

Submitted by the Select Board  
Request by the Land Use Committee

And you are directed to serve this Warrant by posting attested copies thereof at the Town Hall and in at least three other public places in the Town at least 14 days before the time of said meeting.

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 13th day in December in the year Two Thousand Twenty Four

**SELECT BOARD of Burlington**

Joseph Morandi, Chair

Michael Espejo, Vice Chair

James Tigges, Member

Nicholas Priest, Member

Sarah Cawley, Member

A true copy

Attest:

Constable

I have served this Warrant by posting attested printed copies thereof at the Town Hall and three other places in Town.

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Constable

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, 2025  
Month and Day