

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission, Ordinance
Committee

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Two

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE –
Permitting Adjustments
ZA #22-02

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of
2 Burlington be and hereby is amended by amending Sections 3.1.2, Zoning Permit Required, and 4.5.4,
3 Natural Resource Protection Overlay (NR) District, thereof to read as follows:

4 *Sec. 3.1.2 Zoning Permit Required*

5 Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no
6 development may be commenced within the city without a zoning permit issued by the administrative officer
7 including but not limited to the following types of exterior and interior work:

8 (a) Exterior Work: As written.

9 (b) Interior Work: As written.

10 (c) Exemptions:

11 The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain
12 a zoning permit:

13 1. Exterior modifications to a single family dwelling in a non-design review portion of the RL zoning
14 district lawfully in existence ~~prior to the adoption of this ordinance on a conforming lot~~, and not on
15 or eligible for listing on the State or National Register of Historic Places. Such an exemption shall
16 not be applicable to any of the following changes, which do require a zoning permit:

- 17 A. Increased lot coverage;
- 18 B. Increased habitable living space;
- 19 C. Changes in setbacks or building footprints; and
- 20 D. Construction of additional stories to an existing structure.
- 21 E. Improvements in a Special Flood Hazard Area.

22 2. - 17. As written.

23 18. A change in use from one permitted non-residential use to another permitted non-residential use,
24 provided that no development is included, no minimum parking requirement applies, and impact
25 fees are not applicable. This exemption does not apply to uses affected by Article 5, Part 4: Special
26 Use Regulations.

27
28 (d) As written.

29 ***

30 ***Sec. 4.5.4 Natural Resource Protection Overlay (NR) District***

31 (a) – (e) As written.

32 **(f) District Specific Regulations: Special Flood Hazard Area:**

33 ***1. Additional Application Requirements***

34 The following information shall be submitted in addition to the applicable requirements of Article
35 3 for any development proposed within a Special Flood Hazard Area:

- 36 A. Base flood elevation data for all subdivision proposals and other proposed new developments
37 containing more than fifty (50) lots or covering more than five (5) acres;
- 38 B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all
39 new construction or substantial improvements of structures;
- 40 C. Confirmation if such structures contain a basement; and
- 41 D. The elevation, in relation to mean sea level, to which any structure has been flood proofed.
- 42 E. A Vermont Agency of Natural Resources Project Review Sheet for the proposal should be
43 filled out. The Project Review Sheet should identify all State and Federal agencies from
44 which permit approval is required for the proposal, and shall be filed as a required attachment
45 to the City permit application. The identified permits, or letters indicating that such permits
46 are not required, shall be submitted to the Administrative Officer and attached to the permit
47 application before work can begin.

48 In addition, ~~the DRB shall require of~~ the applicant may be required to provide any of the
49 following information deemed necessary for determining the suitability of the particular site for
50 the proposed use:

- 51 F. Plans in triplicate, drawn to scale, showing the location, dimensions, contours and elevation
52 of the lot; the size and location on the site of existing and/or proposed structures, fill or storage
53 of materials; the location and elevations of streets, water supply and sanitary facilities; and
54 the relationship of the above to the location of the channel, floodway and base flood elevation
55 where such information is available;
- 56 G. A typical valley cross-section showing the channel of the stream, elevation of land areas
57 adjoining each side of the channel and cross-sectional areas to be occupied by the proposed
58 development;
- 59 H. A profile showing the slope of the bottom of the channel or flow line of the stream; and

60 I. Specifications for building construction and materials, flood proofing, mining, dredging,
61 filling, grading, paving, excavation or drilling, channel improvement, storage of materials,
62 water supply and sanitary facilities.

63 **2. Permitted Uses in Floodway Areas**

64 The following open land uses shall be permitted within the floodway areas to the extent that they
65 are permitted or conditionally permitted in the underlying zoning district, and provided that they
66 do not require the erection of structures or storage of materials and equipment, the borrowing of
67 fill from outside the floodway area, or channel modification or relocation, and do not obstruct
68 flood flows, nor result in any increase in flood levels during the occurrence of the base flood
69 discharge, decrease the water-carrying capacity of the floodway or channel, or increase off-site
70 flood damage potential:

- 71 A. Agricultural uses, such as general farming, pasture, orchard, and grazing, outdoor plant
72 nurseries, truck farming, and forestry;
- 73 B. Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving
74 ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game
75 farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas and boat
76 launching sites; and/or
- 77 C. Accessory residential uses, such as lawns, gardens, and parking areas.

78 **3. Permitted Uses in Special Flood Hazard Areas (including Floodway areas)**

- 79 A. All those permitted open space uses as listed in Section 4.5.4.(f).2 above shall be permitted
80 in the Special Flood Hazard Areas.
- 81 B. All other uses permitted in the underlying zoning district are permitted only upon review and
82 approval ~~by the DRB as~~ per subpart 7 below.

83 **4. Permitted Accessory Uses in Special Flood Hazard Areas (Including Floodway areas)**

84 Uses customarily accessory and incidental to any of the permitted uses listed in underlying zoning
85 district may be permitted, subject to the limitations therein.

86 **5. Mandatory DEC Notification and 30-Day Review Period** As written.

87 **6. Evaluation**

88 ~~In reviewing~~ Review of the application, ~~the DRB shall consider~~ shall include the evaluation ~~of by~~
89 the Department of Environmental Conservation, ~~and shall determine that~~ Approval shall be
90 predicated on finding that the proposed use will conform to the development standards of subpart
91 7 below.

92 **7. Special Review Criteria**

93 ~~In reviewing each application, the DRB shall assure that the~~ The flood-carrying capacity within
94 any portion of an altered or relocated watercourse ~~shall be is~~-maintained. Review and shall
95 consider:

- 96 A. – K. As written.

97

8. Approval Conditions

98

Upon consideration of those factors in subpart 7 above and the purposes of these regulations, ~~the~~
99 ~~DRB shall attach~~ the following conditions shall be attached to any permit ~~it chooses to granted~~.

100

In **Floodway Areas** such conditions require that:

101

A. – B. As written.

102

103

In all **Special Flood Hazard Areas** (including Floodway areas) such conditions require that:

104

105

C. – H. As written.

106

9. - 11. As written.

107

108

109

110

* Material stricken out deleted.

111

** Material underlined added.

112

113

tm/KS: Ordinances 2021/Zoning Amendment – ZA 22-02, Permitting Adjustments

114

Secs. 3.1.2, 4.5.4

115

2/1/22