In the Year Two Thousand Twenty-Two

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:

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

Sec. 3.1.2 Zoning Permit Required

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

(a) Exterior Work: As written.

(b) Interior Work: As written.

(c) Exemptions:
The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

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

   A. Increased lot coverage;

   B. Increased habitable living space;

   C. Changes in setbacks or building footprints; and

   D. Construction of additional stories to an existing structure.

   E. Improvements in a Special Flood Hazard Area.

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

(d) As written.

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Sec. 4.5.4 Natural Resource Protection Overlay (NR) District

(a) – (e) As written.

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

1. Additional Application Requirements

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

A. Base flood elevation data for all subdivision proposals and other proposed new developments containing more than fifty (50) lots or covering more than five (5) acres;

B. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new construction or substantial improvements of structures;

C. Confirmation if such structures contain a basement; and

D. The elevation, in relation to mean sea level, to which any structure has been flood proofed.

E. A Vermont Agency of Natural Resources Project Review Sheet for the proposal should be filled out. The Project Review Sheet should identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the City permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer and attached to the permit application before work can begin.

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

F. Plans in triplicate, drawn to scale, showing the location, dimensions, contours and elevation of the lot; the size and location on the site of existing and/or proposed structures, fill or storage of materials; the location and elevations of streets, water supply and sanitary facilities; and the relationship of the above to the location of the channel, floodway and base flood elevation where such information is available;

G. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel and cross-sectional areas to be occupied by the proposed development;

H. A profile showing the slope of the bottom of the channel or flow line of the stream; and
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I. Specifications for building construction and materials, flood proofing, mining, dredging, filling, grading, paving, excavation or drilling, channel improvement, storage of materials, water supply and sanitary facilities.

2. Permitted Uses in Floodway Areas

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

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

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

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

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

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

5. Mandatory DEC Notification and 30-Day Review Period

As written.

6. Evaluation

In reviewing the application, the DRB shall consider the evaluation of the Department of Environmental Conservation, and shall determine that approval shall be predicated on finding that the proposed use will conform to the development standards of subpart 7 below.

7. Special Review Criteria

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

A. – K. As written.
8. Approval Conditions

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

In Floodway Areas such conditions require that:

A. – B. As written.

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

C. – H. As written.

9. - 11. As written.

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* Material stricken out deleted.

** Material underlined added.

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

Secs. 3.1.2, 4.5.4

2/1/22