CITY OF BURLINGTON

In the Year Two Thousand Twenty-One

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE —
Act 179 Changes to 117
ZA #21-08

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 5.2.1, Existing Small Lots, 5.2.3(b), Exceptions
to Lot Coverage, 5.4.5, Accessory Dwelling Units, 13.1.2, Definitions, Appendix A—Use Table—All
Zoning Districts, thereof to read as follows:

Sec. 5.2.1 Existing Small Lots
Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in
which it is located even though not conforming to minimum lot size requirements if such lot is not less than four
thousand (4,000) square feet in area with a minimum width and depth dimension of forty (40) feet: the lot:

- can be served by municipal water and sewer service; and
- is at least four thousand (4,000) square feet in area; and
- has a minimum width and depth dimension of forty (40) feet or more.

A permit for any such development shall require a permit certificate of appropriateness pursuant to the standards of
Article 4 and, where design review is applicable, design review provisions of Article 3 and the development standards
of Article 6.

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Sec. 5.2.3 Lot Coverage Requirements
Where a maximum lot coverage is specified pursuant to the requirements of Article 4, no building or part of a building
or impervious surface or other form of coverage shall exceed such maximum allowable except as specifically
authorized by this ordinance.

(a) Calculating Lot Coverage: As written.

(b) Exceptions to Lot Coverage:
In all districts, the following shall not be counted as lot coverage

1. - 9. As written.

10. The DRB may grant an exemption from maximum lot coverage limits for up to 650 sq ft. of the lot area
occupied by an ADU. For lot area occupied by an ADU, the DRB may approve up to 650 sq. ft. additional lot
coverage over existing lot coverage, even if present or proposed lot coverage exceeds the standard lot coverage.
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limits. To grant such an exemption, the DRB must find that the existing lot coverage has been lawfully
created, and that the proposed location, site design, and improvements will enable on-site management of the
first one inch of stormwater runoff from the lot area of the ADU exceeding the applicable lot coverage limit,
and will not have undue adverse impact on public rights of way based on the review of the DPW Stormwater
Program Manager.

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Sec. 5.4.5 Accessory Dwelling Units

(a) Accessory Units, General Standards/Permitted Uses:

Where there is a principal structure on a lot which exists as an owner-occupied single family residence, one accessory
dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use
if the provisions of this subsection are met. An accessory dwelling unit means a one-efficiency or one-bedroom
apartment/dwelling unit that is clearly subordinate to the principal dwelling, and has facilities and provisions for
independent living, including sleeping, food preparation, and sanitation. No accessory unit shall be inhabited by more
than 2 adult occupants. An accessory unit shall not be counted as a dwelling unit for the purposes of density
calculation. Additionally, there must be compliance with all the following:

1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and,
2. The unit does not consist of more than 800-900 sq.ft., or 3 percent (30%) of the Gross Floor Area of the
   principal home, whichever is greater; and,
3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and,
4. A deed or instrument for the property shall be entered into the land records by the owner containing a
   reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the
   unit. Such reference shall identify the permit number and note that the property is subject to the permit and its
   terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit
   unless the owner has recorded such a notice.

(b) Discontinuance of Accessory Units: As written.

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Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as
amended, or defined otherwise in this section, definitions contained in the building code of the City of
Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently
Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec.
14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this
Article.

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Accessory Dwelling Unit or Apartment: An efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

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Appendix A-Use Table - All Zoning Districts

<table>
<thead>
<tr>
<th>USES</th>
<th>Urban Reserve</th>
<th>Recreation, Conservation &amp; Open Space</th>
<th>Institutional</th>
<th>Residential</th>
<th>Downtown Mixed Use*</th>
<th>Neighborhood Mixed Use</th>
<th>Enterprises</th>
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<tr>
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<td>UR RCO-A RCO-R</td>
<td>RCO-C I RLU RMW RDI DW-PIT</td>
<td>NMU</td>
<td>MAC</td>
<td>NAC-RC</td>
<td>NAC-CR</td>
<td>E-A</td>
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<td>Residential Uses</td>
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<td>Single Detached Dwelling</td>
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<td>Y Y Y N N0 N N0 N N0 N N</td>
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<td>Attached Dwelling-Duplex</td>
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<td>Y Y Y N Y N Y N N N N</td>
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<td>Attached Dwelling-Multi-Family</td>
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<td>Y Y Y N Y Y Y Y N N</td>
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<tr>
<td>Attached Dwelling-Mixed-Use</td>
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Footnotes: 1. – 32. As written.

i. As written.

Legend: As written.

* Material stricken out deleted.

** Material underlined added.

tm/KS: Ordinances 2021/Zoning Amendment – ZA 21-08, Act 179 Changes to 117
Secs. 5.2.1, 5.4.5, 13.1.2, Appendix A-Use Table
10/6/21
AN ORDINANCE
IN RELATION TO

CDO-Act 179 Changes to 117 ZA #21-08

Introduced by Office of City Planning, Planning Commission, Ordinance Committee

Read in City Council first time
August 9, 2021.

Attest, , Clerk.

Rules suspended, and ordinance placed in all stages of passage.

Attest, , Clerk.

Read in City Council second time
October 25, 2021.

Attest, , Clerk.

Passed in City Council at meeting held
October 25, 2021.

Attest, , Clerk.

Approved , Mayor.

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on
Meagan Tuttle, Office of City Planning
City Attorney's Office

Adopted 10/25/21
Published 11/03/21
City Clerk
Effective 11/24/21

Lori Olberg
Licensing, Voting & Records Coordinator

Attest

CAO Schad
City Clerk