

# CITY OF BURLINGTON

3.02

ORDINANCE

Planning Commission, Councilors Mason,

Sponsor: ~~Planning Department,~~  
~~Bushor, Paul: Ordinance Com.~~

In the Year Two Thousand Thirteen

Public Hearing Dates 09/09/13

First reading: 04/29/13

Referred to: Ordinance Committee

Rules suspended and placed in all stages of passage: \_\_\_\_\_

Second reading: 09/09/13

Action: adopted

Date: 09/09/13

Signed by Mayor: 09/11/13

Published: 09/18/13

Effective: 10/09/13

## An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE—

Accessory Dwelling Units

ZA 13-10

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 Section 5.4.5, Accessory Dwelling Units, thereof to read as follows:

### Sec. 5.4.5 Accessory Dwelling Units

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

Where there is a primary 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 efficiency or one bedroom apartment that is clearly subordinate to the primary 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;
2. The unit does not ~~exceed 30 percent of~~ consist of more than 30 percent of the total habitable floor the total gross floor area of the building, inclusive of the accessory dwelling unit of the primary dwelling, minus square footage associated with storage or utility spaces and similar un-insulated or un-inhabitable areas;
3. Applicable setback and coverage requirements are met; ~~and,~~

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4. ~~Two~~One additional parking spaces which may be legally allocated to the accessory unit must be ~~in existence and~~ provided for the accessory unit; and,
5. 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) Conditional Use Approval for Accessory Units:**

If any of the following are also proposed, conditional use approval, as well as development review provisions of Article 6 shall be required:

1. A new accessory structure;
2. An increase in the height or habitable floor area of the existing dwelling;
3. An increase in the dimensions of any parking area.
4. ~~A parking waiver is requested. If a parking waiver is requested, not more than one of the two required parking spaces for the accessory unit may be waived by the DRB for any of the following reasons:~~
  - A. ~~Where one occupant of the accessory unit is disabled as defined in 33 V.S.A. §1991(b) or is at least 65 years of age, and the accessory unit is 750 sq. ft. or less; and/or,~~
  - B. ~~Under waiver provisions of Sec. 8.1.15.~~

**(c) Additional Conditions of Waiver:**

~~If a waiver is granted, the applicant shall also comply with the following:~~

1. ~~A deed or instrument for the property shall be entered into the land records within 90 days of approval containing a reference to the permit granting the accessory unit and the parking waiver.~~

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~~Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions; and,~~

- ~~2. The lease for the accessory apartment contains a clause stating that no vehicle parking is provided for or allowed on site except in an approved parking space and that violation of that condition of the lease shall be grounds for eviction.~~

~~(d) Loss of Waiver:~~

~~Any parking waiver granted is automatically void where there has been a change in the underlying facts that supported the waiver and the reference shall be removed from the land records. When there has been such a change in circumstances, the standards of the ordinance without waiver provisions are applicable and a reapplication is required.~~

~~(e) (c) Discontinuance of Accessory Units: As written.~~

\*      Material stricken out deleted.

\*\*     Material underlined added.

# AN ORDINANCE IN RELATION TO

COMPREHENSIVE DEVELOPMENT ORDINANCE---  
Accessory Dwelling Units ZA 13-10

Introduced by

Chibichov Planning Dept., Planning Commission;

Ordinance Committee

Read in City Council first time

April 29, 2013

Attest,



, Clerk

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

, 20

Attest,

, Clerk

Read in City Council second time

September 9, 2013

Attest,



, Clerk

Passed in City Council at meeting held

September 9, 2013

Attest,



, Clerk

Approved September 11, 2013

, Mayor



I, ACAO Goodwin, City/Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for Wednesday day, namely the 18th day of September, 20 13.

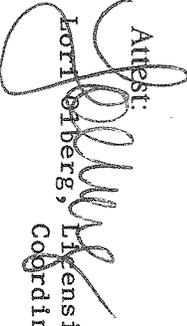
Adopted 09/09/13 Published 09/18/13 Effective 10/09/13  
ACAO, City/Clerk

\* \* \* \* \*

### Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

P & Z Director White  
City Attorney's Office, Linda Blanchar

Attest:  
  
Lori Orberg, Licensing, Voting & Record Coordinator

\* \* \* \* \*