

CITY OF BURLINGTON

ORDINANCE \_\_\_\_\_

Sponsor: Planning Department;  
Planning Commission  
Public Hearing Dates: \_\_\_\_\_

In the Year Two Thousand Fifteen

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--  
Community Gardens Impact Fee Incentive and Off-Site  
Improvements Impact Fee Inclusion  
ZA #15-07

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 3.3.3 to 3.3.10 thereof to read as follows:

3 **Sec. 3.3.3 Exemptions and Waivers**

4 (a) through (c) As written.

5 **(d) Community Garden Waivers:**

6 A development that creates new community gardens as defined in Article 13 of this ordinance shall be  
7 provided a waiver of the parks impact fee in an amount equivalent to the actual cost of installation of the  
8 community garden created. The value of the garden shall be supported by a tabulation of the actual cost  
9 of installing the community garden and shall be subject to review and approval by the Department of  
10 Parks & Recreation. The waiver of parks impact fees shall not exceed 100% of the parks impact fee that  
11 would otherwise be paid.

12  
13 To be eligible for the waiver, the community garden shall meet the following standards:

- 14 1. The community garden shall be made available to residents of the property and of the  
15 surrounding area.
- 16 2. It shall be located onsite in consultation with the Department of Parks & Recreation to ensure  
17 adequate solar access, visibility, and accessibility.
- 18 3. It shall contain an area of at least 360 square feet (i.e. such as 18 ft X 20 ft) with at least six  
19 (6) 4 ft X 8 ft plots and 2 ft wide aisles between plots. Soil testing to determine the safety of  
20 the soil for food gardening purposes shall be the responsibility of the applicant (or property  
21 owner if different). Where soils are found to be unsafe for food gardening purposes, the  
22 community garden plots shall be in the form of raised beds with imported soil safe for food  
23 gardening use. Results of soil testing shall be subject to review by the Department of Parks &  
24 Recreation.
- 25 4. It shall either be managed as a neighborhood garden by the Burlington Area Community  
26 Gardens program operated by the Department of Parks & Recreation or privately managed to  
27 the same operating standards as a neighborhood garden. If privately managed, all  
28 maintenance and repair costs shall be the responsibility of the applicant (or property owner if  
29 different). The community garden shall be managed as such for the duration of the approved  
30 development.

- 31 5. It shall be created within an area of the city consistent with the express goals and strategic
- 32 plans of the Department of Parks & Recreation. The Department of Parks & Recreation may
- 33 reject creation of a new community garden and require payment of the full impact fee if the
- 34 development is located in an area of the city that is already adequately served by community
- 35 gardens.
- 36 6. The completed community gardens shall be guaranteed for a period of five (5) years
- 37 following their completion. All repairs and maintenance of the community gardens within
- 38 this period shall be at the cost of the applicant (or property owner if different).

39

40 **Sec. 3.3.4 Offsite Improvements**

41 In categories for which impact fees have been charged, no exactions for construction of offsite public

42 facilities will be required as a condition for a zoning permit except for water distribution lines, sewer

43 connection lines and stormwater improvements, and street and sidewalk infrastructure that are essential to

44 the development of the project.

45 For the purposes of this section, “offsite” public facilities are defined as those facilities which are not on

46 or immediately adjacent to the private land proposed for development.

47 **Sec. 3.3.45 Calculation of Impact Fee**

48 As written.

49 **Sec. 3.3.56 Effect of Project Change on Impact Fees**

50 As written.

51 **Sec. 3.3.67 Demolition or Change to Existing Building**

52 As written.

53 **Sec. 3.3.78 Time and Place of Payment**

54 As written.

55 **Sec. 3.3.89 Penalties for Nonpayment**

56 As written.

57 **Sec. 3.3.910 Expenditure and Distribution of Impact Fees**

58 As written.

59 **Sec. 3.3.1011 Relationship to Other Fees**

60 As written.

61

62 \* Material stricken out deleted.

63 \*\* Material underlined added.

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