

## **ZONING BYLAW ARTICLES**

### **ARTICLE #**

### **RE: Accessory Use Regulations Relating to One-Family Dwelling (RO) District**

To see if the Town will vote to amend Burlington Zoning Bylaws Article II: Definitions, Article V: Dimensional Requirements, and Article IX: Administration and Procedures as follows:

#### **1. Article II: Definitions, by adding the following definitions:**

##### **2.19**

##### **Setback**

The minimum distance by which any structure must be separated from a lot line.

##### **Setback, Front**

A front setback extends across the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way line and the nearest allowable point of any structure, including but not limited to swimming pool, tennis court, or the like.

##### **Setback, Rear**

A rear setback extends across the entire length of the rear property line between the side property lines and the depth is measured as the distance between the rear lot line and the nearest allowable point of any structure, including but not limited to swimming pool, tennis court, or the like.

##### **Setback, Side**

A side setback extends from the required front setback to the required rear setback and is measured from the side lot line to the nearest allowable point of a structure, included but not limited to swimming pool, tennis court, or the like.

##### **Structure, Accessory**

A detached structure, the use of which is subordinate to that of the main structure or to the main use of the land and which is located on the same lot as the main structure or use. Swing Sets or the like are excluded from this definition.

## 2. Article II: Definitions, by editing existing definitions (~~strikethrough to be removed and~~ **underline and bold new**)

### 2.2

#### Building

**A structure which is a** combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built ~~to form a structure~~ for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

#### Building Height

The vertical distance measured from the mean finished grade of the ground adjoining the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges, for gable, hip and gambrel roofs. This definition excludes penthouses, bulkheads and other allowable superstructures above the roof line. **Provided that for new residential construction, the mean finished grade is determined to be existing at time of permit application.**

### 2.19

#### Structure

Anything constructed or erected, ~~the use of which demands a permanent location in the soil, or attached to something having a permanent location in the soil.~~ **and installed in or on the land.**

## 3. Article V: Dimensional Requirements by editing Section 5.1 as follows (~~strikethrough to be removed and~~ **underline and bold new**):

### 5.1.3 Limitation of Area of Accessory Uses or Structures

5.1.3.3 In RO districts, no accessory use or ~~uses~~ **structure** shall occupy part of the required front or side yards and not more than twenty (20) percent of the rear yard, other than required off-street parking.

5.1.3.4 In all districts except RO, no accessory use **or structure** shall occupy any part of the required minimum ~~yard~~ **setback** adjacent to RO and RG districts.

5.1.3.5 In RO districts, no accessory ~~building~~ **structure** shall be more than twenty (20) feet in height.

4. **Article V: Dimensional Requirements by editing Section 5.2 Density Regulation Schedule as follows (strikethrough to be removed and underline and bold new):**

Article V

**SECTION 5.2.0 DENSITY REGULATION SCHEDULE:** No building or structure shall be constructed **or located**, nor shall any existing building or structure be enlarged or altered **without a building permit, and only** except in conformance with the Density Regulation Schedule, as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear setbacks, and maximum height of structures except as may otherwise be provided elsewhere herein. <sup>4</sup> **Accessory Use Structures greater than 65 SF OR 10 feet in height to the top of the structure require an Accessory Use Structures Permit issued by the Inspector of Buildings pursuant to Section 9.7 hereof.**

	RO	RG	RC	BN	BL	BG	BT	IG	I	IR
Minimum Lot Area <sup>9</sup>	20,000 sf	120,000 sf	100,000 sf	5,000 sf	10,000 sf	10,000 sf	10,000 sf	40,000 sf	120,000 sf	18 Acres
Minimum Lot Frontage	100 ft	100 ft	100 ft	50 ft	100 ft	100 ft	100 ft	150 ft	100 ft	400 ft
Minimum Front-Yard <b><u>Setback</u></b>	25 ft	50 ft	25 ft	10 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	25 ft <sup>5</sup>	25 ft <sup>5</sup>	100 ft
Minimum Side Yard <b><u>Setback</u></b>	15 ft	50 ft	25 ft	10 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	100 ft
Minimum Rear Yard <b><u>Setback</u></b>	15 ft	50 ft	25 ft	10 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	100 ft
Minimum Lot Width	20 ft	20 ft	20 ft	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Yard Adjoining RO & RG, OS and Residentially Zoned Land in Contiguous Municipalities <sup>10</sup>	None	50 ft	50 ft	50 ft depth of lot <sup>6</sup>	20 % depth of lot <sup>6</sup>	20 % depth of lot <sup>6</sup>	20 % depth of lot <sup>6</sup>	20 % depth of lot <sup>6</sup>	100 ft depth of lot <sup>6</sup>	20 % depth of lot <sup>6</sup>
Maximum Aggregate Building-to-Ground Area Percentage	None	25%	25%	33.33%	33.33%	33.33%	33.33%	25%	25%	25%
Maximum Building & Structure Height <sup>11</sup>	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft <sup>8</sup> 80 ft <sup>8</sup>	30 ft <sup>7</sup> 90 ft <sup>7,12</sup>	30 ft <sup>8</sup> 80 ft <sup>8</sup>
Minimum Feet Between Buildings	None			None	None	None	None	None	50 ft	None
Maximum Floor Area Ratio	None	None	None	None	None	None	None	.15 <sup>2,3</sup>	.15 <sup>2,3</sup>	None

See notes for Density Regulation Table immediately following.

**5. Article IX: Administration and Procedures by adding the following NEW section in its entirety:**

Section 9.7 ADMINISTRATIVE PERMITS PROCESS AND PROCEDURES

9.7.1 From time to time as authorized hereunder, the Inspector of Buildings shall have the authority to issue Administrative Permits.

9.7.1.2 Process: The Inspector of Buildings shall be authorized to promulgate regulations consistent with this bylaw which shall, at a minimum, set forth specific procedures and required submittals for any Administrative Permit hereunder.

9.7.1.3 Conditions: The Inspector of Buildings may include conditions to any permit issued hereunder and which are consistent with the intent and purpose of this bylaw.

9.7.1.4 Approval: So long as the application for an Administrative Permit complies with the requirements of the bylaw governing same and the submission requirements as promulgated by the Inspector of Buildings, the Inspector of Buildings shall issue the permit.

9.7.1.5 Appeals: An appeal of the denial or granting of an Administrative Permit shall be filed with the Zoning Board of Appeals in accordance with G.L. Ch. 40A §8.

9.7.2 Types of Administrative Permits

9.7.2.1 Accessory Use Structures Permit

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of  
Zoning Bylaw Review Committee

PASSED ( ) DEFEATED ( ) POSTPONED INDEFINITELY ( ) OTHER ( )