

1969  
CUMULATIVE SUPPLEMENT  
to  
REVISED ORDINANCES OF 1962

No. 4, October 1969



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**IMPORTANT!**  
Always consult your latest  
cumulative supplement for  
latest changes

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City of  
**BURLINGTON**  
Vermont

Ch. 1

§ 6507. F

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(9) T South Bur Shelburne Johnson p parallel wit said street's

—Amended 1969 amend

§ 6515. Indu Subject to tained:

(1) No bu ises shall be apartment ho Zoning Board

— Amended M 1963 amendme special exception

TITLE 27

Zoning and Planning

CHAPTER 1

Municipal Zoning

§ 6504. Procedures

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(c) Each appeal or application for special exception filed with the board shall be accompanied by a fee of \$20 to cover advertising and other costs associated therewith. Upon the filing of such appeal, or application, together with the required fee, the board shall fix a time and place for public hearing thereon, and give notice thereof by (a) publishing a notice thereof once, at least 6 days before the date so fixed, in a newspaper of general circulation in the city, and by mailing a similar notice at least 6 days before the date so fixed to the applicant and to any interested party who shall have appeared in writing, and (b) unless the board shall otherwise order, by mailing a similar notice to the owner or occupant of every lot on the same street as the property affected within 500 feet thereof and to the owner or occupant of every lot not on the same street within 150 feet of the property affected. Any lack of notice, or defect therein, under (b) above, shall not affect the validity of any action taken by the board. The notice required hereunder shall contain the time and place of the public hearing, the location of the premises involved, and a general statement of the nature of the question involved.

\* \* \*

—Amended June 27, 1967, eff. July 19, 1967; June 18, 1968, eff. July 11, 1968.

1968 amendment. Subsection (c): Fee was increased from "\$15" to "\$20".  
1967 amendment. Subsection (c): Fee was increased from "\$12" to "\$15".

§ 6507. Boundaries

\* \* \*

(c) Notwithstanding the provisions of subsection (a) of this section, the following described land and premises shall be included within Zone 3:

\* \* \*

(9) That portions of the city bounded on the south by the South Burlington town line, on the west by the easterly line of Shelburne Street, on the north by the south line of the Howard Johnson property, so called, and on the east by a line running parallel with Shelburne Street at a uniform depth of 350 feet from said street's easterly boundary.

\* \* \*

—Amended March 28, 1969, eff. April 28, 1969.

1969 amendment. Subsection (c)(9): Added.

§ 6515. Industrial district — Zone 4

Subject to the provisions of sections 6517-6520 hereinafter contained:

(1) No buildings shall be erected, altered or used, and no premises shall be used, in Zone 4, for single or multiple dwellings or apartment houses, unless authorized as a special exception by the Zoning Board of Adjustment.

\* \* \*

— Amended May 28, 1963.

1963 amendment. In paragraph (1), added words “, unless authorized as a special exception by the Zoning Board of Adjustment”.

CHAPTER 3

*Subdivisions*

NEW SECTION

6711. Performance bond.

§ 6701. Definitions

The following terms, as used in this ordinance, shall be construed to have the meanings set forth in this section, unless the context shall require a different construction:

\* \* \*

(3) "Land for multiple dwellings" — Any tract or parcel of land held in single or multiple ownership to be used for multiple dwellings. Where the word "subdivision" appears in the provisions of this chapter, it shall be construed to include "land for multiple dwellings". — Amended Aug. 30, 1966, eff. Sept. 28, 1966.

1966 amendment. Subsection (3): Added.

§ 6704. Plans and profiles — Filing

(a) Prior to instituting any subdivision of lands, the person, firm, or corporation instituting the same shall file with the city engineer quadruplicate plans and profiles of the same, together with a petition in quadruplicate for approval thereof addressed to said city engineer and to the planning commission of the city, and a fee of \$1 per lot for each lot in said subdivision to cover the cost of checking and reviewing the same, and shall also, if so requested by the city engineer, submit to him for checking all traverse calculations and a copy of all survey notes.

\* \* \*

— Amended Aug. 30, 1966, eff. Sept. 28, 1966.

1966 amendment. Subsection (a): Filing plans, profiles and petition must be in quadruplicate.

§ 6707. Monuments; pipes; sewers; drainage; width; specifications; utility lines

Before any proposed subdivisions shall be approved:

\* \* \*

(8) Provision shall be made for the placement of all utility lines underground, including but not limited to electric, telephone and

television lines, with appropriate markers and at locations approved by the board of street commissioners. — Amended Feb. 27, 1967, eff. March 22, 1967.

1967 amendment. Subsection (8): Added.

§ 6711. Performance bond

(1) Before endorsement of the planning commission approval of subdivision, the subdivider shall agree to complete the required improvements for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods, which may from time to time be varied by the applicant with the written consent of the planning commission.

(a) **Approval with bonds or surety.** The subdivider shall either file a performance bond or a deposit of money or negotiable securities in an amount determined by the city engineer to be sufficient to cover the cost of all or any part of the improvements not covered by a covenant under (b) hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the city attorney and as to sureties by the city treasurer and shall be contingent on the completion of such improvements within two (2) years of the date of the bond. In the event that any required improvements have not been installed as provided within the terms of such performance bond, then such bond shall be forfeited to the board of street commissioners and upon receipt of the proceeds thereof, the board of street commissioners shall install such improvements as are covered by such performance bond.

(b) **Approval with covenant.** The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby the required improvements, not covered by bond or deposit under (a) hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

(2) **Reduction of Bond Surety.** The penal sum of any such bond or the amount of any deposit held under clause (a) above may, from time to time, be reduced by the planning commission, after approval of reduction by the city engineer, and the obligation of the parties thereto released by said commission in whole or in part. If release is by reason of covenant, a new plan of the portion subject to the covenant may be required.

(3) *Release of Performance Guarantee.* Upon the completion of the required improvements, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the applicant may send to the planning commission a written statement that said construction or installation in connection with which such bond, deposit or covenant has been given has been completed in accordance with the requirements. If the planning commission and city engineer determines that said construction or installation has been completed, the planning commission shall release the interest of the city in such bond or deposit or covenant and return said bond or deposit, or in the case of covenant it shall issue a written release of the covenant. However ten per cent (10%) of the value of the bond shall be held by the city for one (1) year after completion of construction or until the streets are accepted by the city, whichever comes first. — Added Aug. 30 1966, eff. Sept 28, 1966.