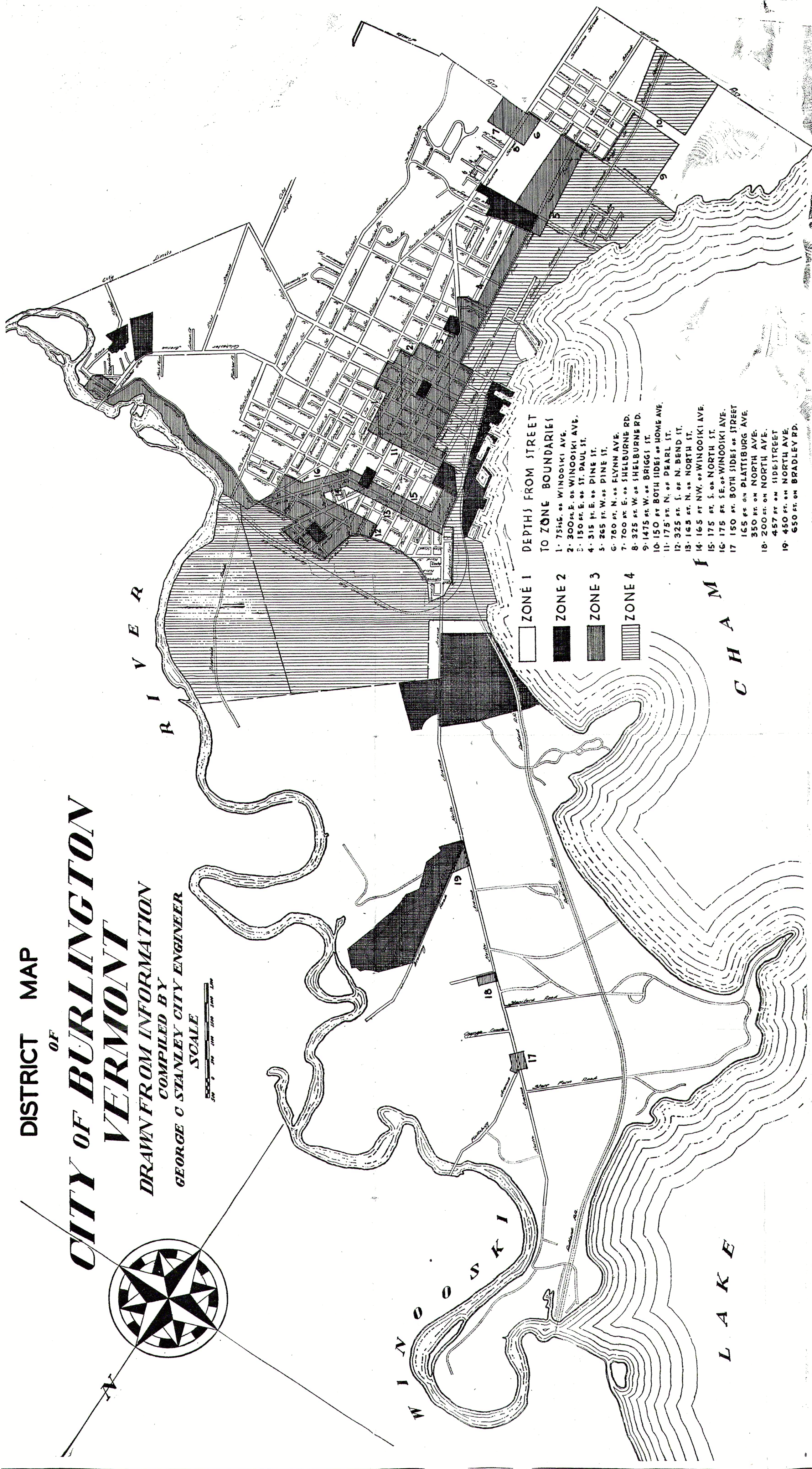
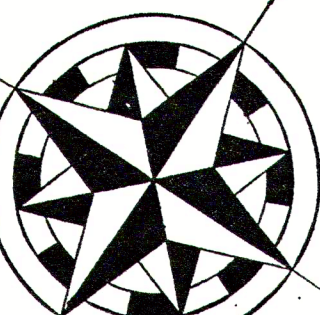


DISTRICT MAP
OF
CITY OF BURLINGTON
VERMONT

DRAWN FROM INFORMATION
COMPILED BY
GEORGE C. STANLEY, CITY ENGINEER
SCALE



DEPTHS FROM STREET TO ZONE BOUNDARIES
1- 75 ft. as WINDOOSKI AVE.
2- 300 ft. as WINDOOSKI AVE.
3- 150 ft. as ST. PAUL ST.
4- 315 ft. as PINE ST.
5- 265 ft. as W. as PINE ST.
6- 780 ft. as ELYNN AVE.
7- 700 ft. as E. as SHELBOURNE RD.
8- 325 ft. as W. as BRIGGS ST.
9- 1475 ft. as W. as BRIGGS ST.
10- 150 ft. as BOTH SIDES of HONE AVE.
11- 175 ft. as N. of PEARL ST.
12- 325 ft. as S. of N. BEND ST.
13- 165 ft. as N. as WINDOOSKI AVE.
14- 165 ft. as N. as WINDOOSKI AVE.
15- 175 ft. as S. as WINDOOSKI AVE.
16- 175 ft. as S. as WINDOOSKI AVE.
17- 150 ft. as BOTH SIDES of IRETT AVE.
18- 200 ft. as NORTH AVE.
19- 457 ft. as NORTH AVE.
20- 450 ft. as NORTH AVE.
21- 650 ft. as BRADLEY RD.

AN ORDINANCE IN RELATION TO MUNICIPAL ZONING

CITY OF BURLINGTON

In the Year One Thousand Nine Hundred and Forty Six

An Ordinance in Relation to Municipal Zoning, for the purpose of promoting health, safety and the general welfare in the City of Burlington by establishing municipal zoning districts, rules and regulations, and providing for the administration and enforcement thereof under the provisions of Chapter 153 of the Public Laws of Vermont.

It is hereby Ordained By The City Council Of The City Of Burlington, as follows:

Districts
SECTION 1. The City of Burlington is hereby divided into four districts, as follows:
Zone 1—Residential District
Zone 2—Park District
Zone 3—Commercial District
Zone 4—Industrial District

The boundaries of said districts are hereby fixed and established as shown upon the map attached hereto and made a part hereof, being designated as the "District Map," and said map, with all notations and references thereon, is hereby made a part of this ordinance as fully as if described herein.

Boundaries
SECTION 2. The boundaries of said districts are, unless otherwise shown on the map, either the center lines of streets, alleys, or railroad rights of way, or lines parallel to, and at a distance designated on said map from, the side line of the less restricted side of the street, alley or railroad right of way; provided that, if a block divided by a boundary be less than two hundred feet across, measured perpendicularly to the boundary, then the boundary shall be the middle line between the nearest side lines of the streets, alleys, or railroad rights of way on either side thereof.

Lots in Two Districts
SECTION 3. Where a district boundary line divides a lot held as an entity by any owner or owners of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion, provided that lot has street frontage in the less restricted district.

Residential District—Zone 1
SECTION 4. Subject to the provisions of Sections 10, 11, 12, and 13 hereinafter contained, no building shall be erected, altered or used, and no premises shall be used, in Zone 1, for any purpose except:

1. Dwellings, single or multiple.
2. Apartment houses and hotels.
3. Rooming houses and tourist homes, provided that no sign used in connection therewith shall exceed one and one-half square feet in area.
4. Church use.
5. Educational use.
6. Municipal recreational use.
7. Telephone exchange, not including service station or outside storage of supplies.
8. Customary home occupation, such as millinery, hairdressing, manicuring, laundering, preserving and home cooking, or the office of a doctor, dentist, musician, teacher, architect, artist, attorney or member of some other recognized profession, provided that such occupation shall be carried on by a person only within a dwelling or apartment used by him as his private residence and provided that no more than one lot or person is employed and provided that such occupation shall not occupy more than one-third of the area of such dwelling or apartment. Such occupation shall not be carried on in an accessory building, and there shall be no display visible from the street or advertising, except a professional or announcement sign not exceeding one and one-half square feet in area.
9. Any of the following uses, provided the Board of Adjustment shall, upon application, rule that such is not injurious, noxious, or detrimental to the neighborhood:
 - (a) Greenhouse or nursery.
 - (b) Hospital, sanatorium, and buildings used as a medical center or for charitable uses.
 - (c) Governmental use.
 - (d) Golf course.
 - (e) Club use.
10. Any accessory use customarily incidental to the above uses, as set forth in paragraphs 1-9 above, provided that the Board of Adjustment shall, upon application, rule that such is not injurious, noxious, or offensive to the neighborhood.

Nothing herein contained shall be construed or interpreted as restricting the development of farms, provided such development be not a use injurious, noxious, or offensive to the neighborhood.

Park District—Zone 2
SECTION 5. Subject to the provisions of Sections 10, 11, 12, and 13 hereinafter contained, no building shall be erected, altered or used, and no premises shall be used, in Zone 2, for any purpose except those permitted in Zone 1, or for park or recreational purposes. This section shall, however, be subject to the provisions of any existing law with respect to the use of parks.

Outdoor Advertising
SECTION 6. Subject to the provisions of Sections 10, 11, 12, and 13 hereinafter contained, except as otherwise herein provided, no person shall erect or maintain, or cause to be erected or maintained, in Zones 1 and 2 any outdoor advertising structure, sign, or display, and for the purpose of this section, the word "display" shall mean erecting, maintaining, pasting, painting, and posting an advertisement or sign on or over a building or structure designed and intended for the display of advertising matter where the same may be seen by the public.

Commercial District—Zone 3
SECTION 7. Subject to the provisions of Sections 10, 11, 12, and 13 hereinafter contained, no building shall be erected, altered or used, and no premises shall be

used, in Zone 3, for the following purposes:

1. Ammonia, bleaching powder, or chlorine manufacture or refining.
2. Asphalt manufacture or refining.
3. Cement, gypsum, lime or plaster of paris manufacture.
4. Creosote manufacture.
5. Dextrin, glucose or starch manufacture.
6. Distillation of bones, coal or wood, or manufacture of any of their by-products.
7. Manufacture and distillation of beers, ales, wines and distilled spirits.
8. Dye manufacture.
9. Explosive or fireworks manufacture, or storage thereof in excess of 500 pounds.
10. Fat, grease, lard or tallow manufacture, refining or rendering.
11. Fertilizer manufacture.
12. Gas (fuel or illuminating) manufacture in excess of 1,000 cubic feet per day or storage in excess of 10,000 cubic feet, except in a municipal or public service plant.
13. Gelatin, glue or size manufacture from fish, animal refuse or offal.
14. Incineration, reduction or dumping of dead animals, garbage, offal or refuse, except by the City or its agents.
15. Match manufacture.
16. Production or refinement of inflammable liquids.
17. Rubber manufacture, or treatment involving offensive odor.
18. Slaughtering.
19. Tanning, curing, or storage of raw hides or skins.
20. Tar distillation or manufacture.
21. Paint or varnish manufacture.
22. Coal yards.
23. Junk yards, or place where junk is collected or stored. The word "junk" as used herein shall mean old metals, old bottles, cotton or woolen waste, unfinished cloth, unfinished cotton or woolen mill yarns, old rags, old paper products, old rubber products, two or more unregistered motor vehicles unfit for reconditioning for use on the highways, used parts and materials for motor vehicles, the quantity of which shall be equal in bulk to two or more motor vehicles, and any other second hand articles the accumulation of which is detrimental or injurious to the neighborhood.
24. Any other trade, industry or use that is injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause, but not including places of amusement.

Provided, however, that a building or use otherwise excluded but distinctly incidental and essential to the use of a building, or plant with a series of buildings, provided that such building, or plant, or series of buildings, shall not occupy more than ten per cent of the total floor area of the building or plant, or series of buildings, or more than ten per cent of all the employees are not to be engaged therein, if it is not located within fifty feet of any street line or lot line, and if the Board of Adjustment shall, upon application, rule that it is not detrimental or injurious to the neighborhood.

Commercial District—Uses Conditionally Permitted
SECTION 8. Subject to the provisions of Sections 10, 11, 12 and 13, hereinafter contained, no building shall be erected, altered or used, and no premises shall be used, in Zone 3, for any of the following specified purposes, unless the Board of Adjustment shall, upon application, rule that such use, under such conditions and in such a building as it may prescribe, will not be detrimental or injurious to the neighborhood:

1. Blacksmith shop.
2. Gasoline filling station.
3. Lumber yard.
4. Public garage or stable.
5. Commercialized amusement.

Industrial District—Zone 4
SECTION 9. Subject to the provisions of Sections 10, 11, 12, and 13, hereinafter contained, no building shall be erected, altered or used, and no premises shall be used, in Zone 4, for any purpose not permitted within the Commercial District, unless the Board of Adjustment shall, upon application, rule that its use under such conditions, and in such building, as it may prescribe, will not be detrimental or injurious to the neighborhood.

Non-Conforming Uses
SECTION 10. Any lawful building or use of a building or premises in non-conforming use prior to the effective date of this Ordinance, may be continued, anything herein contained notwithstanding, and the Board of Adjustment may, upon application, permit the enlargement or alteration of such building and the extension of such use, provided that the total permits for such alteration or enlargement shall not exceed 25 per cent of the total floor area of the building above grade at the date this Ordinance became effective. Applications for such alteration or enlargement shall contain the dimensions of the building and an accurate statement of the floor area above grade at the date this Ordinance became effective and shall state whether prior applications have been made and prior permits granted and, if so, shall give the date of all such prior applications and permits. The zoning administrative officer shall keep an accurate record of all such applications and permits.

Busy Man's Digest of Proposed Zoning Ordinance

- A. Zones—City divided into four districts.
B. Zone 1—Residential District.
Provides for construction only of dwellings, hotels, schools, rooming houses, tourist homes, churches, educational buildings, municipal recreational buildings and telephone exchanges.
C. Zone 2—Park District.
Provides for park or recreational purposes plus use outlined in Zone 1.
D. Zone 3—Commercial District.
Permits use of a building for business purposes with the exception of certain obviously offensive industries.
E. Zone 4—Permits any building to be used for any purpose allowed in first three zones, also upon approval of Board of Adjustment industries specifically prohibited in Zone 3.
F. Non-Conforming Use.
Any non-conforming use of building prior to effective date of ordinance may be continued. Provides for growth of business or industry.
G. Tourist Homes.
Permitted in all districts. Trailers for living purposes prohibited except in municipal trailer park.
H. Restoration After Fire Damage.
Restoration of building non-conforming in use provided for, subject to approval by Board of Adjustment.
I. Height and Area Regulations.
Limitations on maximum height, rear, side and front yards included. Minimum lot for single family dwellings 6,000 square feet, and 60' frontage. Applicable only to lots not presently recorded.
J. Administrative.
Under Building Inspector who will be known as Zoning Administrative Officer.
K. Board of Adjustment.
Appointed by Mayor with approval of Board of Aldermen. Will consist of five members for a term of 3 years.
L. Violations.
Penalty not to exceed \$10.00 for each separate 24 hours that violation is continued.

Changes or Extension of Non-Conforming Uses
SECTION 11. The Board of Adjustment may, on application, permit the change from a non-conforming use not substantially different in its purpose and manner of application and no more harmful or objectionable to the neighborhood, provided that the building involved, if any, shall neither be structurally altered nor enlarged to an extent in the aggregate greater than twenty per cent in volume or seventy per cent of the assessed value of the land and buildings on date of application, and provided further, that any addition to such building must be of the same or better material and construction than the original building, and that no non-conforming use, if once changed to a use permitted in the district where it is located, shall be changed back to a non-conforming use, and the provisions of Section 10 shall, in the event of such change, no longer apply.

Appurtenant Open Space
SECTION 12. The Board of Adjustment may, upon application, issue a permit for a quarry, gravel pit, or sand pit. It may also, upon application, issue a permit for a non-conforming temporary building for use incidental to the development of a neighborhood, provided, however, that in the case of such temporary building, the application for such permit shall be accompanied by a bond satisfactory to the Board, and conditioned on the payment to the City of Burlington of costs of removal of such building upon the expiration of the term of such permit, if the same is not removed by the owner thereof. In the case of such building, the permit shall not issue in the first instance, for a period of more than two years, but such permit may be renewed from time to time by said Board for a period of not more than one year for each such renewal.

Residential Trailer Parking
SECTION 13. The use of trailers for living purposes shall be prohibited within the territorial limits of the City, except in such areas within the Park District as the Board of Park Commissioners may designate, or in such other areas as may be approved by the Board of Adjustment for temporary or emergency housing facilities.

Restoration After Fire
SECTION 14. Nothing herein contained shall prevent the substantial restoration within one year, and continued use of a building damaged by fire or other casualty, or damage to a building non-conforming in use, location or structure to an extent that the estimated cost of restoration exceeds three-fourths of its fair valuation immediately prior to such damage, such restoration shall not be made without authorization by the Board of Adjustment.

Height and Area Regulation
SECTION 15.
Rear Yards
1. In Zone 1, no building shall be erected within five feet from the rear lot line.
Side Yards
2. In Zone 1, no building shall be erected within five feet of a side lot line.
Front Yards
3. In Zone 1, no building shall be erected and no roadside stand shall be placed or built, within fifteen feet of the street line, provided that no building need be set back more than one-half of the depth of the lot, nor more than an average of the set-backs of the buildings on the lots adjacent thereto on either side, a vacant lot or lot occupied by a building set back more than fifteen feet being computed, for that purpose, as though occupied by a building set back fifteen feet. No uncovered porch, however, need be set back further than ten feet from the street line.

Height of Building
SECTION 16.
1. For the purpose of this ordinance, singular words shall include the plural, and plural the singular, words in the present tense shall include the future, and "shall" shall include "designed or intended to be used," and the word "shall" is mandatory, and not merely directory.
Apartment House
2. A building or portion thereof used or designed to be used as a residence for three or more families living as units independently of one another.
Building
3. Anything constructed or erected, the use of which requires more or less permanent location on the soil, or attached to something having a permanent location on the soil.

Height of Building
4. The vertical distance from the street curb level to the mean level of the slope of the main roof, provided, however, that the average elevation of the finished grade in front of the building may be substituted for the street curb level where the building in question is set back from the street a distance at least equal to the difference in elevation between the curb level and the grade level.
Hotel
5. A building occupied as a temporary or permanent abiding place of individuals lodged therein with or without meals, in which there are more than fifteen sleeping rooms above the first story for separate occupancy and no provision made for cooking in individual rooms.

Non-Conforming Use
6. The use of a building or premises, which does not conform with the use regulations of the district where located.
Public Garage
7. A garage other than private, used or designed to be used for the housing or care of more than three self-propelled vehicles, where any such vehicles are, for hire, stored, repaired, serviced, or kept for lease or sale.

Administration and Enforcement
SECTION 17. The Building Inspector of the City, or in case of his absence from the City, inability to serve, resignation, death or removal, the Deputy Building Inspector, shall be the Zoning Administrative Officer. No building or structure, or part thereof, shall be erected, altered or moved without a permit from the Zoning Administrative Officer, issued upon application, stating that the plans and intended use indicate that the building is to conform in all respects with the provisions of this ordinance. He shall have general charge of the administration of this ordinance.

Board of Adjustment
SECTION 18. The Board of Adjustment shall consist of five members, who shall be appointed by the Mayor with the approval of the Board of Aldermen. They shall be appointed promptly upon this ordinance becoming effective, and shall hold office until the first day of July next succeeding. Thereafter, the members of said Board shall hold office for a term of three years, and they shall be appointed by the Mayor, with the approval of the Board of Aldermen, between the first and second Mondays of the June preceding the expiration of their terms. Any vacancy occurring on said Board shall be filled in the same manner, for the unexpired term.
The powers and duties of the Board of Adjustment shall be in all respects as prescribed by Chapter 153 of the Public Laws of Vermont, with any amendments thereto.

Certification of Occupancy
SECTION 19. No premises or building or part thereof, hereafter erected or altered wholly or in part in use or structure, or moved, and no building the open spaces of which are in any way reduced, shall be used until the Zoning Administrative Officer shall have certified the use to which the buildings or premises may be put, and no use shall be made of such buildings or premises in any way inconsistent with such certificate.
Penalty
SECTION 20. Whoever violates any provision of this ordinance shall be punished by fine not to exceed ten dollars. Each separate violation shall be deemed a separate offense. The imposition of a penalty hereunder shall not bar resort to any other legal or equitable remedy.

Construction of Ordinances, Other Laws
SECTION 21. This ordinance shall not repeal, amend, or supersede any laws, ordinances, rules, regulations, or permits previously adopted or issued, nor shall it be construed to annul or abrogate any existing agreements, covenants or agreements; provided, however, that if this ordinance imposes a greater restriction upon the use of the buildings or premises or the height of buildings, or requires larger yards or open spaces than now required by law or otherwise, then the provisions of this ordinance shall control.
The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof. In the event of any conflict between this ordinance and the provisions of Chapter 153 of the Public Laws of Vermont, the provisions of such chapter shall control.

Effective Date
SECTION 22. This ordinance shall take effect upon its passage and legal publication, when approved by the legal voters of the City in annual or special city meeting, as required by law.
Passed in Board of Aldermen at meeting held January 20, 1947.
Attest:
W. T. Abell, City Clerk
Approved January 28, 1947
John J. Burns, Mayor
Advertisement