

## Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

[www.ci.burlington.vt.us/planning/boards/drb/](http://www.ci.burlington.vt.us/planning/boards/drb/)

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Austin Hart  
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Bob Schwartz  
Kevin Stapleton  
Jim Drummond  
Paul Henninge (Alt.)  
Andy Strauss (Alt.)



### MEMORANDUM

TO: Development Review Board  
FROM: Nic Anderson  
DATE: June 10, 2011  
RE: Update to Standard Permit Conditions

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Dearest DRBers,

Please find attached a set of amended/updated Standard Permit Conditions. In our endless quest for perfection, this has been something that has been needed for a while, to correct names and requirements and to clarify certain conditions to be more correct and easier for the public to understand.

As you approve applications and typically 'adopt staff findings and conditions of approval', one is typically the last condition on the staff comments which states something simple like 'Standard Conditions 1-18', you need to know and understand the conditions you are imposing.

I have attached the 'track changes' version as well as a 'clean' version.

If you have questions/comments/concerns please bring those to the deliberative session.

Thanks  
Nic

*The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).*

Standard Conditions – June Amendments

1. Appeal Period. This zoning permit is not effective until the expiration of the appeal period required by state statute - 15-days for administrative decisions and 30-days for Development Review Board decisions. Appeals of a decision of the Zoning Administrator or Development Review Board shall be filed before the expiry of the appeal period. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.

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2. Time Limits. This zoning permit shall become invalid unless work or action authorized by permit is commenced by [redacted]. The Permittee shall complete the approved construction by [redacted]. An extension of time must be requested in writing PRIOR to the expiration of this permit.

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3.5 Required Revisions. Any revisions or additions to plans required by conditions of approval must be submitted and stamped "approved" by the Department of Planning and Zoning PRIOR to issuance of zoning permit.

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4.6 Changes. The project shall be completed as shown on the plans, which have been stamped "approved" and dated by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval in the form of an 'as-built plan' from the Department of Planning and Zoning.

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5.7 Property Inspection. By acceptance of this permit, the Permittee authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.

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6 Other City, State or Federal Permits. The Permittee is solely responsible for obtaining all other required City, state and federal permits. Failure to do so may invalidate this Zoning Permit and result in issuance of a zoning violation citation and prosecution.

Deleted: Building & other construction permits issued by the Department of Public Works (DPW) and ...BUILDING/CONSTRUCTION PERMITS and WASTEWATER PERMIT and all other applicable [7]  
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Note: Most projects receiving a Zoning Permit will also require a Building/Construction Permit from DPW-Inspection Services Div.. Both permits must be closed out before any Certificate of Completion/Occupancy (temporary or final) can be issued by the Code Enforcement Office as per Condition

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4 Z, below, Certificate of Occupancy. A temporary or final unified certificate of occupancy must be issued by the Code Enforcement Office PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Code Enforcement Office must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.

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8. Completion and Maintenance of Improvements and Landscaping. Permittee or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

9. Off-Site Drainage. Issuance of this permit does not authorize the discharge of stormwater

MOVE TO 3.  
 MOVE TO 4.

runoff or other surface drainage from the subject premises onto adjoining property or properties.

10. **Errors.** The Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit application form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.

11. **Transfer of Ownership.** In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.

12. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to one hundred dollars (\$100) per day.

13. **Incorporation and Reference of All Plans Presented to Development Review Board.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Development Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

14. **For Properties Involved in Boundary Disputes.** When there is a boundary dispute regarding the subject property, and, **if no** certified survey has been produced **and provided** to the Planning and Zoning office to help resolve the dispute, this permit is granted upon the information, including site plan, provided by applicant. If another party submits sufficient evidence (i.e. a certified survey) to demonstrate that the boundary is not as indicated by applicant, **the zoning administrator may amend or deem this permit to be** null and void. Further, applicant shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the zoning ordinance and receive an amended permit in light of the actual boundary line.

15. **Damage to City Property.** The Applicant/Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Applicant/Owner shall restore the property to a condition as good or better than the condition of the property prior to such damage.

16. **City Rights-of-Way and Ownership.** **NO work shall be undertaken within the public ROW without prior authorization by the City Council.** Any work or improvements authorized or required by this permit within the City's right of way does not diminish the City's ownership or authority regarding said right of way.

17. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.

**Comment:** Combine this condition with condition 1????

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**Deleted: Appeals.** Appeals of a decision of the Zoning Administrator can occur up to fifteen (15) days following such decision. Appeals of Development Review Board decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.

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## IMPACT FEES

1. At least 7 days prior to the issuance of a certificate of occupancy, the applicant shall pay to the Planning and Zoning Office the impact fee as calculated by staff based on the square footage of the proposed conversion as shown in the table below:

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**Standard Permit Conditions 1-17**  
Amended 6.15.11  
Provided to DRB for review 6.21.11

1. **Appeal Period.** This zoning permit is not effective until the expiration of the appeal period required by state statute - 15-days for administrative decisions and 30-days for Development Review Board decisions. Appeals of a decision of the Zoning Administrator or Development Review Board shall be filed before the expiry of the appeal period. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done SOLELY at the risk of the Permittee.
2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by permit is commenced by \_\_\_\_\_.  
The Permittee shall complete the approved construction by \_\_\_\_\_.  
An extension of time must be requested in writing PRIOR to the expiration of this permit.
3. **Other City, State or Federal Permits.** The Permittee is solely responsible for obtaining all other required City, state and federal permits. Failure to do so may invalidate this Zoning Permit and result in issuance of a zoning violation citation and prosecution.  
**Note: Most projects receiving a Zoning Permit will also require a Building/Construction Permit from DPW-Inspection Services Division.** Both permits must be closed out before any Certificate of Occupancy (temporary or final) can be issued by the Code Enforcement Office as per Condition 4, below.
4. **Certificate of Occupancy.** A temporary or final unified certificate of occupancy must be issued by the Code Enforcement Office PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Code Enforcement Office must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permittee may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.
5. **Required Revisions.** Any revisions or additions to plans required by conditions of approval must be submitted and stamped "approved" by the Department of Planning and Zoning PRIOR to issuance of zoning permit.
6. **Changes.** The project shall be completed as shown on the plans, which have been stamped "approved" and dated by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval in the form of an 'as-built plan' from the Department of Planning and Zoning.
7. **Property Inspection.** By acceptance of this permit, the Permittee authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.
8. **Completion and Maintenance of Improvements and Landscaping.** Permittee or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permittee agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
9. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or

properties.

10. **Errors.** The Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit application form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a zoning violation citation and prosecution.
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12. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the Burlington Zoning Ordinance may result in a penalty of up to one hundred dollars (\$100) per day, and/or additional permitting fees.
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If another party submits sufficient evidence (i.e. a certified survey) to demonstrate that the boundary is not as indicated by applicant, the Zoning Administrator may amend or deem this permit to be null and void. Further, applicant shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the zoning ordinance and receive an amended permit in light of the actual boundary line.
15. **Damage to City Property.** The Applicant/Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Applicant/Owner shall restore the property to a condition as good or better than the condition of the property prior to such damage.
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### **Project Permit Conditions:**

#### **IMPACT FEES**

1. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning and Zoning Office the impact fee as calculated by staff based on the square footage of the proposed conversion as shown in the table below: