

Zoning Permit - Level I - Conditions of Approval

ZP#: 04-314

SYS#: 2003 042847 00000 Z1

Date Issued: Jan 13 2004

Tax #: 046-3-081-000

Project Location: 110 RIVERSIDE AV

Project Description: Increase number of display cars from 25 to 45 and decrease 10 spaces for repair business to 6 spaces.

Project Specific Conditions:

1. The applicant shall follow the originally approved landscaping plan (see site plan dated 11 March 1999). This plan shall be implemented by May 1st, 2004. A bond, letter of credit or other surety, in a form acceptable to the City Attorney, and in an amount equal to the cost of the required site improvements, plus a 20% administrative fee, shall be provided to ensure completion of the landscaping by May 1st, 2004, if a certificate of occupancy is requested prior to that date.
2. Prior to issuance of a certificate of occupancy the applicant shall construct a sturdy industrial grade fence and/or plant a vegetated screen to screen the dumpster and outside storage areas. The details of this fence shall be submitted to staff for review and approval.
3. The applicant shall provide 6 parking spaces for repair and 8 parking spaces for customers and employees.
4. All vehicles shall be parked on the paved portions of the lot.
5. No vehicle parking space shall interfere with the access to or from Riverside Avenue.
6. An "Exit Only" sign shall be placed at the secondary curb cut located on the northeastern most side of the property.
7. The applicant shall also submit a statement agreeing to not back vehicles out onto the Riverside Avenue Right-Of-Way from the secondary curb cut located on the northeastern most side of the property.
8. No vehicle parking shall interfere with the efficient and effective circulation on the site by encroaching on the 16 foot minimum lane width.
9. No more than 45 cars shall be on display at any time.
10. None of the parking areas shall be utilized as an impoundment area for towing services.
11. All non-permitted signs, banners and streamers shall be removed or obtain zoning permits.
12. The flat area by the existing retaining wall outside of the current site boundary is not included in this approval and shall not be used by the applicant or owner of 110 Riverside without the adjoining property owner obtaining approval of a lot line adjustment that incorporates the retaining wall and the flat area created by it into the 110 Riverside Avenue lot or shall obtain deeded use of the area. Any use of this area shall require the applicant to amend the site plan and obtain approval of a zoning permit for the amended site plan

RSN: 110162

Standard Permit Conditions:

1. **15-Day Posting Period.** Zoning permit is not effective until expiration of 15-day appeal period as required by state statute.
2. **Time Limits.** Zoning permit shall become invalid unless work or action authorized by permit is commenced by Jan 12 2006. The Permittee shall complete the approved construction by Jan 12 2007.
3. **Required Revisions.** Any revisions or additions to plans required as a result of approval must be submitted in triplicate and stamped "approved" prior to issuance of zoning permit.
4. **Changes.** The project shall be completed as shown on the plans, which have been stamped "approved" and dated Jan 13 2004 by the Department of Planning and Zoning. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Zoning.
5. **Property Inspection.** By acceptance of this permit, Permittee authorizes City Officials and/or their authorized representatives, access to the subject property for 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.
6. **Certificate of Occupancy.** A certificate of occupancy must be issued by the Department of Public Works PRIOR to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Zoning 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.
7. **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.
8. **Building Permit; Other Permits.** Permittee is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.
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. **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.
11. **Errors.** Permittee is solely responsible for the accuracy of all information contained in the Zoning Permit 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.
12. **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.

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13. **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.

14. **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.

15. **For Properties Involved in Boundary Disputes.** When there is a boundary dispute regarding the subject property, and, as no certified survey has been produced 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 (ie. a certified survey) to demonstrate that the boundary is not as indicated by applicant, this permit shall 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.