



City of  
Burlington, Vermont  
645 Pine Street

## Zoning Permit – Conditions of Approval

ZP #:

Tax ID:

Issue Date:

Decision:

Property Address:

### Description:

### Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.

**Note:** All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of ~~Public Works Permitting & Inspections~~-~~Inspection Services~~ **Trades** Division (DPW-~~ISD~~). All construction permits must be closed out by way of approved inspections by ~~Trades~~ DPW-~~ISD~~ before issuance of a ~~Unified-Zoning~~ Certificate of Occupancy (U~~Z~~CO) by the ~~Code Enforcement Office~~ **Zoning Division** as per Condition 3, below. **Note:** All projects involving earth disturbance of 400 square feet or more require a reviewed and approved erosion prevention and sediment control (EPSC) permit prior to the start of construction. ~~review by the Burlington Stormwater Program under Chapter 26: Wastewater, Stormwater, & Pollution Control.~~ This review is closed out by way of a completed EPSC Permit and an approved inspection by Stormwater Program staff, ~~Code Enforcement staff,~~ or licensed project engineer their designee before issuance of a U~~Z~~CO as noted above.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced within 1 year of approval. The owner shall complete the approved project and obtain a U~~Z~~CO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) within 3 years or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified-Zoning Certificate of Occupancy (U~~Z~~CO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a U~~Z~~CO.

**If the project is partially completed**, meets “prior to issuance of a UZCO” conditions of approval, meets all ~~health~~ **life** and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project**, applicant shall request and obtain a Final UZCO from the **Zoning Division Code Enforcement Office** (located at 645 Pine Street). Additional information on how to request and obtain this UZCO is available at this office. **Failure to obtain a Zoning certificate of occupancy** places the property in violation of the CDO and is subject to enforcement. In addition, **Failure to obtain a UZCO within the time limits above is subject to** “after the fact” fees ranging from \$75 - \$1500 (~~in addition to the UCO fee~~).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner 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 until such time the project has been issued a Final UZCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner 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.
7. **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 including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership. All zoning permits run with the land.** 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.
10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars (\$200) per day, municipal tickets, and/or additional permitting fees.
11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such

as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City.

If the permit is amended or revoked, owner 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 CDO and receive an amended permit in light of the actual boundary line.

13. **Damage to City Property.** The 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 Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and/or City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **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.

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board within 15 days after the decision date per Sec. 12.2.2, *Appeals of Administrative Officer Decisions*. Appeals may be filed online at [burlingtonvt.viewpointcloud.com/categories/1098](https://www.burlingtonvt.viewpointcloud.com/categories/1098) or in-person at 645 Pine Street, Burlington, Vermont. <https://www.burlingtonvt.gov/DPI/Appealing-a-Zoning-Decision>