

Department of Planning and Zoning

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ZONING ADMINISTRATIVE INTERPRETATION
ZAI 17-01 Impact Fees – Replacement Structures

<u>Reference:</u>	<i>Burlington Comprehensive Development Ordinance</i> , Article 3, Part 3: Impact Fees, Sec. 3.3.5 Calculation of Impact Fee <i>Impact Fee Administrative Regulations</i> , Sec. 5.0, Calculation of Impact Fee
<u>Date:</u>	September 16, 2016

Pursuant to the authority granted to the City's Zoning Administrative Officer under 24 V.S.A. Section 4448, and Article 3, Part 1 of the *Burlington Comprehensive Development Ordinance*, the following administrative interpretation is intended to ensure consistency and clarity in the interpretation and application of the *Burlington Comprehensive Development Ordinance*. Pursuant to Sec. 2.3.5 of the *Burlington Comprehensive Development Ordinance* any decision or act taken by the administrative officer may be appealed to the Development Review Board as specified under the requirements of Article 12.

The following interpretation and procedure is to be used regarding the applicability of the *Burlington Comprehensive Development Ordinance* relative to impact fees.

This interpretation shall apply for zoning permitting purposes only.

Sec. 5.0 – Calculation of Impact Fee:

Criterion (c) No Net Change reads "If there is no change in use and no increase in square footage for that use, the impact fee would be \$0."

This criterion addresses new development that replaces prior development that has been discontinued and/or demolished since adoption of the Impact Fee Ordinance on October 15, 1992. In cases wherein the new development is the same use and size of the prior development, no impact fee would apply. In cases wherein new development replaces prior development that has been discontinued and/or demolished prior to October 15, 1992, impact fees would apply based on the use and square footage.

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