

Department of Planning and Zoning

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ZONING ADMINISTRATIVE INTERPRETATION
ZAI 17-02 Withhold Permit – Procedures

<u>Reference:</u>	<i>Burlington Comprehensive Development Ordinance</i> , Article 2, Part 7: Enforcement, Sec. 2.7.8 Withhold Permit
<u>Date:</u>	February 21, 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 procedure is to be used regarding the applicability of the *Burlington Comprehensive Development Ordinance* relative to Sec. 2.7.8, Withhold Permit.

This procedure shall apply for zoning permitting purposes only.

Sec. 2.7.8 – Withhold Permit

This section limits issuance of new zoning permits for properties with uncorrected zoning violations or expired zoning permits without a final certificate of occupancy.

No new zoning permits shall be issued for a property with an uncorrected zoning violation. The exception would be for a zoning permit issued to correct the zoning violation.

A new zoning permit may be issued for a property with an expired zoning permit without a final certificate of occupancy so long as it is conditioned that the expired zoning permit(s) be closed out prior to issuance of a final certificate of occupancy for the new zoning permit. No subsequent zoning permit shall be issued for the property until this condition is met and all zoning permits are closed out. Applicants shall be strongly advised to close outstanding zoning permits as soon as possible.

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