

Department of Permitting and Inspections

Zoning Division

645 Pine Street

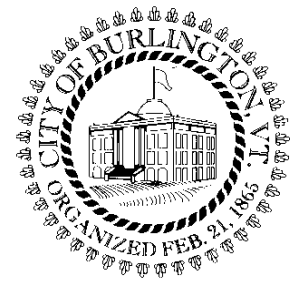
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MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: February 7, 2023

RE: Z-22-632; 273 Pearl, 11, 15 and 21 Hungerford Terrace (PUD Amendment)

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP-22-632

Location: 273 Pearl Street / 11, 15 and 21
Hungerford Terrace / Hungerford Commons

Zone: RH **Ward:** 8E

Parking District: Neighborhood

Date application accepted: December 7, 2022

Applicant/ Owner: Bruce Baker

Request: Amendment to PUD: Add additional three-bedroom apartment unit to 11 Hungerford Terrace (multi unit building). Total unit count 23 residential and one dental office: Site plan adjustment to show total parking spaces 24.



Background:

- **Zoning Permit 21-816;** Amendment to previously approved ZP-20-0717CA/MA Planned Unit Development (*demolition of a single family home at 15 Hungerford Terrace and a garage at 11 Hungerford Terrace; demolish south porch and move garage at 21 Hungerford Terrace; construct 12 unit residential building. Net new units = 11. Site changes, including retaining walls, stormwater infrastructure. Parking changes with 17 space parking waiver request (42% of required residential parking.) Amendment to increase unit count by three units at 15 Hungerford, (net new 14 units); elevation, window and site changes, including construction of window wells to accommodate below grade units.*
- **Zoning Permit 20-0717CA/MA;** 4 Parcel PUD: Demolition of a single family home at 15 Hungerford Terrace and a garage at 11 Hungerford Terrace; demolish south porch and move garage at 21 Hungerford Terrace; construct 12 unit residential building. Net new units = 11. Site changes, including retaining walls, stormwater infrastructure. Parking changes with 17 space parking waiver request (42% of required residential parking.) Approved September, 2020.

273 Pearl Street (constructed 1952)

- **ZP20-0717CA/MA, 4 parcel PUD.** Approved September 17, 2020. One year extension issued August 18, 2021.
- **Zoning Permit 16-0273CA;** replace 3 windows. September 2015.
- **Zoning Permit 15-0427CA; regrade portion of lot and install retaining wall.** Also see 15 and 21 Hungerford Terrace. September 2014.
- **Non-applicability of Zoning Permit Requirements 15-1015NA;** roof replacement. April 2015.
- **Zoning Permit 12-0231FC;** install chain link security fence on top of existing concrete block wall. September 2011.
- **Zoning Permit 00-466;** reside existing medical (dental) office in vinyl siding with new front elevation changes that include new windows, door and unenclosed entry roof canopy. No increase in coverage. Front yard setback encroachment allowed as per 5.3.6 (g). April 2000.
- **Zoning Permit 81-305;** change existing office to dental office. January 1981.
- **Zoning Permit n.n.;** Enlarge existing non-conforming use by addition of 21' x 16'. Approved May 1965.
- **Zoning Permit n.n.;** three unilluminated signs. Approved July 1960.
- **Notice to Gates Professional Pharmacy,** sign exceeding size permitted in Zone One. August 1952.
- **Petition to building a one story building approximately 24' x 40' to be used as prescription laboratory, doctor's office or professional use.** Approved December 1951.

11 Hungerford Terrace (constructed 1912)

- **Zoning Permit 20-0718CA, 4 parcel PUD.** Approved September 17, 2020. One year extension issued August 18, 2021.
- **Zoning Permit 18-10990CA;** handicap ramp, stoop, addition, parking changes. Convert a portion of the garage's front wall into a retractable wall to accommodate interior parking. July 2018.
- **Zoning Permit 18-0812CA;** replacement windows. April 2018.
- **Non-applicability of Zoning Permit Requirements 12-0252NA;** replace retaining wall in kind at same location & same height. August 2011.



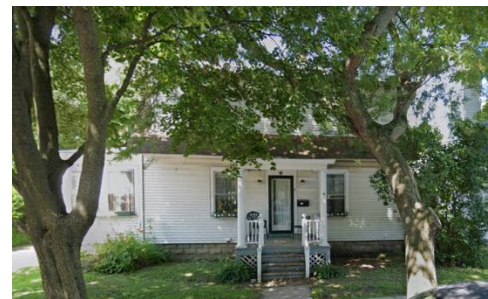
15 Hungerford Terrace (constructed 1994, demolished a part of ZP-20—717CA/MA)

- **Zoning Permit 20-0719CA**; 4 parcel PUD. Approved September 17, 2020. One year extension issued August 18, 2021.
- **Zoning Permit 18-1091CA**; change of use from single family to duplex. Parking changes. July 2018.
- **Zoning Permit 15-0428CA**; regrade portion of lot and install retaining wall. See also 21 Hungerford Terrace and 273 Pearl Street. Issued September 2014; permit relinquished.
- **Zoning Permit 02-377**; Construct 60' retaining wall. Issued March 2002, permit relinquished.
- **Zoning Permit 96-407**; installation of skylight in single family home. April 1996.
- **Zoning Permit 094-059 and 94-059A**; construction of a single-family home on existing vacant lot. February 1994.



21 Hungerford Terrace (constructed 1922)

- **Zoning Permit 20-0720CA**; 4 parcel PUD. Approved September 17, 2020. One year extension issued August 18, 2021.
- **Zoning Permit 18-1092CA**; Change of use from single family to duplex; add habitable space to basement. Shared parking and driveway with 11 and 15 Hungerford. See related permits AP18-1090CA and ZP18-1091CA. July 2018.
- **Zoning Permit 15-0429CA**; regrade portion of lot and install retaining wall. See also 15 Hungerford Terrace and 273 Pearl Street. Permit issued September 2014; permit relinquished.
- **Zoning Permit n.n.**; Use two front rooms for doctor's office. ZBA approved April 1966.



Overview: The four parcel original PUD was approved in September 2020 and amended in 2022 to include a total of 22 residential units and 25 parking spaces. The applicant now requests one new (3 bedroom) residential unit (the identified address of the residential collective *Hungerford Commons* is now 11 Hungerford.) The application includes site changes to diminish parking from the approved 25 parking spaces to 24. A 17 space parking waiver was issued under

the original 2021 PUD approval; however an amendment to the parking regulations (ZA-20-07) has now removed minimum parking standards.

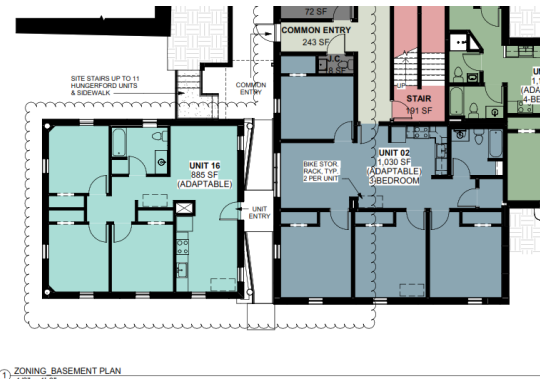
Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permit and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), and Article 11 (Planned Unit Development).

Recommended motion: Certificate of Appropriateness Consent Approval, per the following Findings and Conditions:

I. Findings

Article 2: Administrative Mechanisms



Basement floor plan as approved 2022 (left) and proposed (right).

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. There is at least one open permit for 11 Hungerford Terrace that requires a Certificate of Occupancy. The other parcels may have outstanding zoning permits as well. It is the applicant’s obligation to assure all open zoning permits receive a Certificate of Occupancy.

ZP-18-170

32772 – PROJECT...

Zoning Permit

Mar. 22, 2018

ACTIVE

Affirmative finding as conditioned.

Article 3: Applications, Permits and Project Reviews

Section 3.2.1 Pre-Application Conferences

The original project was reviewed at NPA meetings for Wards 1 and 8 January 8, 2020. The increase of one new unit does not trigger a new NPA review. **Not applicable.**

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Sec. 3.3.4.

As the proposal creates a new dwelling unit, and it is not entirely within an existing building, Impact Fees are required. The mechanical/electrical and common entry are proposed for revision, but are within the existing approved building footprint. Only the new unit creates additional gross area of 885 sf.

Based on that gross floor area, the following Impacts Fees will be due:

SF of Project 885

Department	Residential	
	Rate	Fee
Traffic	0.224	198.24
Fire	0.253	223.91
Police	0.051	45.14
Parks	0.848	750.48
Library	0.525	464.63
Schools	1.095	969.08
Total	2.996	\$ 2,651.48

Impact Fees may be waived in whole or in part by the Housing Trust Fund Manager, based upon the number of inclusionary units. See Article 9, below. **Affirmative finding as conditioned.**

Section 3.3.7 Time and Place of Payment

(b) Existing Buildings – Impact Fees must be paid prior to issuance of a zoning permit; or, if a building permit is required, within 30 days of issuance of a building permit.

Affirmative finding as conditioned.

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 Review Criteria

Within the Residential High Density Zoning District, Major Impact Review is required for the addition of 10 or more residential units. As this proposal adds only 1 unit, Major Impact Review is not triggered. The original conditions of approval relative to MA/CU under 20-0717CA/MA, 20-0718CA, 20-0719CA and 20-0720CA not herein altered remain in effect. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

5. The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.

The replacement residential building at 15 Hungerford Terrace (site of this request) presents a large building with higher lot coverage than currently exists, consistent with this standard. Parking is placed behind the buildings.

Affirmative finding.

(a) Dimensional Standards and Density

Table 4.4.5-2: Base Residential Density

High Density: RH - 40 units/acre

The total area of all four lots is 27,226.97 sf, or .625 acres¹. At 40 units/acre, the site might accommodate 25 dwelling units. With 1 existing at 273 Pearl, 5 units at 11 Hungerford, and 16 proposed at 15 Hungerford and 1 at 21 Hungerford, a total of **23 units** are proposed; within the base residential density allowance for the zoning district. **Affirmative finding.**

Table 4.4.5-3: Residential District Dimensional Standards

In the RH zoning district, coverage is limited to 80% of the lot (before bonuses.) Revised Plan A2 defines proposed coverage at **82%**. The maximum lot coverage with the Inclusionary Bonus is 92%. Inclusionary Zoning requirements were triggered with the addition of the original 14 net new units under ZP20-0717CA/MA review.

There are no changes to front, side or rear yard setbacks.

Building height will not exceed 35' as measured from the sidewalk on Hungerford Terrace.

Affirmative finding.

(c) Permitted and Conditional Uses:

¹ This lot area is taken from Plan A2 of the submission, and differs slightly from an earlier reported lot area.

Attached dwellings, Multi family 3 or more is a permitted use in the RH zoning District.
Affirmative finding.

(b) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback.

Not applicable.

2. Lot Coverage

A. Exceptions for Accessory Residential Features.

This does not apply to the RH zoning district. Not applicable.

3. Accessory Residential Structures and Uses

Not applicabe.

4. Residential Density

A. Additional Unit to Multi-Family.

Not applicable in RH zoning district.

B. Additions to Existing Residential Structures.

No request for an addition to an existing residential structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

The application specifically requests the addition of a new residential lunit. **Affirmative finding.**

C. Residential Occupancy Limits.

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

Not more than four unrelated adults may occupy any single residential unit. **Affirmative finding as conditioned.**

5. Uses

A. Exception for Existing Neighborhood Commercial Uses.

Not applicable.

7. Residential Development Bonuses.

No residential development bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above. **Affirmative finding with IZ bonus approved under ZP20-0717CA/MA.**

Section 5.2.4 Buildable Area Calculation

Not applicable in RH.

Section 5.2.5 Setbacks

No changes proposed to front, side or rear yard setbacks. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7. Density and Intensity of Development Calculations

See Table 4.4.5-2, above. This meets the limitation for intensity of use including IZ. **Affirmative finding.**

Part 3: Non-Conformities

Section 5.3.5 Nonconforming Structures

Not applicable for this application.

Sec. 5.4.8 Historic Buildings and Sites

See standards and conditions issued under ZP20-0717CA/MA.

Section 5.5.1 Nuisance Regulations

With adequate tenant oversight, nothing in the proposal appears to constitute an identified nuisance under this criterion. Lighting, must meet the standards of Section 5.5.2, below.

Affirmative finding as conditioned.

Section 5.5.2 Outdoor Lighting

Lighting is proposed at exterior entrances. Lighting as approved under the original submission and the revised photometric submitted March 24, 2021 remains in effect. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

A written approval of the Erosion Prevention and Sediment Control Plan and Stormwater Plan was provided September 24, 2020. Compliance post construction of those approved plans remains a condition prior to issuance of any Certificate of Occupancy. **Affirmative finding as conditioned.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division or boundary line adjustments are proposed. As a Planned Unit Development (PUD), the development area was under Article 11 in the original PUD review.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features

Plan A2 confirms the planting schedule, adjusted for the site revisions. **Affirmative finding.**

(b) Topographical alterations

See original approval.

(c) Protection of important public views

There are no protected important public views from or through the property. **Affirmative finding.**

(d) Protection of important cultural resources

See original approval.

(e) Supporting the use of alternative energy

See original approval.

(f) Brownfield sites

The properties are not listed on the Vermont DEC Hazardous Waste Site. Not applicable.

(g) Provide for nature's events

See original approval.

(h) Building location and orientation

The building location and orientation are not proposed to be altered. The new unit will be constructed under originally permitted building mass, and unlikely to be viewed from the public way. **Affirmative finding.**

(i) Vehicular access

See original approval.

(j) Pedestrian access

No change.

(k) Accessibility for the handicapped

The proposed new unit is identified as *adaptable* for accessibility standards. One ADA parking space is identified on the south of the collective development area. **Affirmative finding as conditioned.**

(l) Parking and circulation

Plan A2 provides 24 parking spaces on the collective parcels, one less than previously approved. 273 Pearl Street will retain its 6 existing permitted parking spaces (dental office/1 residential unit), 11, 15 and 21 Hungerford (now known as *Hungerford Commons*, with 22 units) no longer have minimum parking standards per Zoning Amendment 22-07, and may share the remaining 18 parking spaces.

The original PUD approved 25 parking spaces, and a 17 space parking waiver.

Address	Use	Parking requirement	Parking provided
273 Pearl Street	Dental office	0 (MMMU)	6 spaces
273 Pearl	1 residential unit	0 (MMMU)	
11 Hungerford	5 residential units	0	18 spaces
15 Hungerford	15 + 1 = 16	0	
21 Hungerford	1 residential unit	0	
Total	23 units	0	24 spaces.

A Parking management Plan had previously been adopted, weighing largely on tenants without cars, advantageous location near the downtown, and shared parking by critical use periods. The plan further hinges on specific tenant selection practices and required tenant education. Both of these tools rely on the methods and practices of current owners; their continued success largely reliant under practices of ownership. The management plan still has value for this application, and should remain as previously adopted.

Finally, the applicant/owners include up-front monthly charges for parking on-site to discourage vehicular ownership. Parking is permitted on-site by permit and assigned space only, with towing enforced.

Owners will continue to provide information to tenants about ridesharing programs and maintain a group membership with Car Share Vermont, offering to tenants free of charge. GMT bus passes are provided to tenants on a first-come basis. Bicycle parking will now be located in individual units, rather than the bike storage space in the basement. The DRB previously accepted the Bike Nook inclusion for tenants. Also, grocery trollies will be made available to tenants.

Article 8 defines the requirement to meet the parking demand of new development effectively. The recent zoning amendment 22-07 removes parking minimums for all uses. The addition of one new unit does not spur a Transportation Demand Management plan. See Article 8, below.

The applicant will be required to provide one new bicycle parking space for the new residential unit. See Article 8, below. **Affirmative finding as conditioned.**

(m) Landscaping, fences and retaining walls

With the revision of the parking plan, a slight modification to the site plan was included. Landscaping shall be installed as previously permitted.

Affirmative finding as conditioned.

(n) Public plazas and open space

There are no changes relative to open space; see earlier site plan approval. **Affirmative finding.**

(o) Outdoor lighting

Conditions of the original PUD included a condition that a revised photometric be provided. This condition was met March 24, 2021, and remains in effect. If any other lighting is proposed that might impact that photometric, plans shall be submitted for staff review and approval.

Affirmative finding as conditioned.

(p) Integrate infrastructure into the design

See original approval.

**Part 3, Architectural Design Standards
Section 6.3.2 Review Standards**

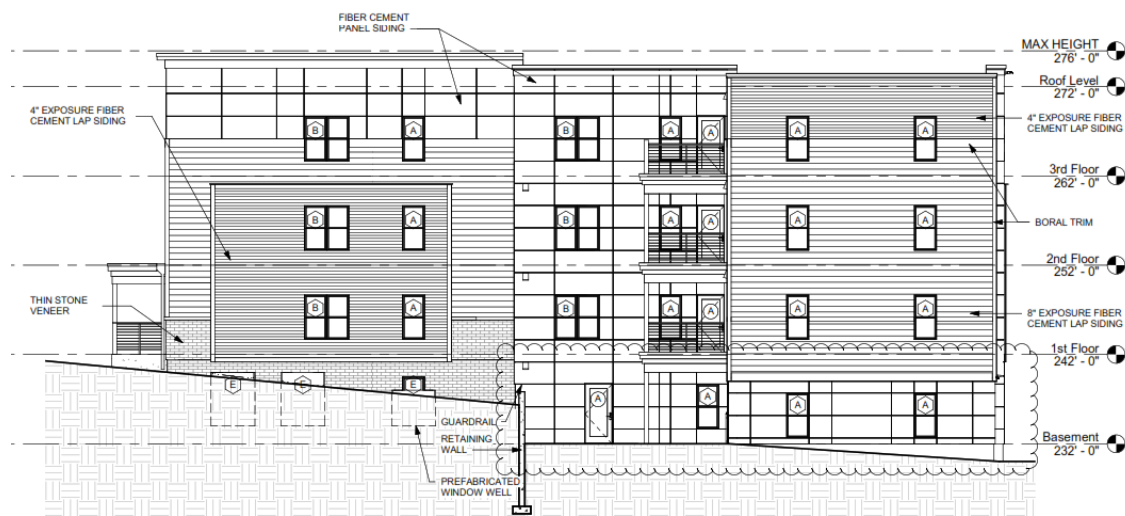
(a) Relate development to its environment:

1. Massing, Height and Scale:

The new unit is tucked under the building mass on the north end of the building. There is no change to the massing, height or scale of the multi-unit building. **Affirmative finding.**

2. Roofs and Rooflines.

Not applicable.



NING NORTH ELEVATION
1" = 1'-0"

3. *Building Openings*

New windows and doors are introduced on the north and west elevations, continuing a pattern established by upper floors. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

This was addressed in the earlier PUD review.

(c) Protection of Important Public Views:

There are no protected important public views from this site. Not applicable.

(d) Provide an active and inviting street edge:

The new unit is in the back (north, west elevations) and not viewable from the public way. Not applicable.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

There are no substantive changes to material from the original approval.

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

No signage is proposed. Any signs will require a separate sign permit, consistent with the regulations of Article 7 and compliant to the residential zoning district standards. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p.)

(i) Make spaces secure and safe:

All applicable building and life safety code as defined by the building inspector and fire marshal will be required. Building entrances need to be adequately illuminated (but not to exceed 5 fc.) Adequate lighting at building entrances will support resident safety. See lighting standards of Section 5.5.2 and 6.2.2. (o), above. **Affirmative finding as conditioned.**

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

Zoning Amendment 22-07 removed minimum parking standards across the city. The addition of one new unit does not spur the requirement for a Transportation Demand Management (TDM) plan. The overall PUD will now offer 24 parking spaces, one of them marked for handicap accessibility. **Affirmative finding.**

Section 8.1.15 Waivers from Parking Requirements / Parking Management Plans

A Parking management Plan has been approved, anticipating in great part tenants without cars, the proximity of downtown and local institutions, and shared parking by critical use periods. The plan further hinges on specific tenant selection practices and required tenant education.

The applicant/owners include up-front monthly charges for parking on-site to discourage vehicular ownership. Parking is permitted on-site by permit and assigned space only, with towing enforced. As proposed, there are 24 parking spaces to be shared by 23 residential units and a dental office.

This project continues under the earlier approval: Owners will provide information to tenants about ridesharing programs and maintain a group membership with Car Share Vermont, offering to tenants free of charge. GMT bus passes will be provided to tenants on a first-come basis. The applicant has assured that long term bicycle parking will be provided within the residential units. Continuing with the earlier approval, grocery trollies will be made available to tenants.

Affirmative finding as conditioned.

Section 8.1.16

(b) 1. The addition of one new residential unit does not cross the threshold for requiring a TDM. Not applicable.

Section 8.2.5 Bicycle Parking Requirements

Table 8.2.5-1 defines the bicycle parking requirement as 1 per 2 bedrooms for long term storage, and 1 per 10 units for short term. In consideration of the new 1 unit 1 additional Long Term bicycle parking space is required. Bike parking has been proposed within individual units, and along the Hungerford Terrace street entrance. The applicant has previously provided a model product for interior bike storage (Bike Nook) that will require installation sufficient to accommodate the required Long Term bike parking spaces.

Affirmative finding as conditioned.

Article 11: Planned Unit Development

Section 11.1.3 General Requirements and Applicability Any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:

Residential High Density – no minimum project size.

This application affects one building within the four-parcel PUD. Density and Lot Coverage remain compliant. **Affirmative finding.**

II. Conditions of Approval

1. Where not altered herein, the original conditions of approval relative to MA/CU under 20-0717CA/MA, 20-0718CA, 20-0719CA, 20-0720CA and ZP21-816 remain in effect.
2. Impact Fees shall be paid based on the gross new area, and must be paid prior to issuance of a zoning permit; or, if a building permit is required, within 30 days of issuance of a building permit.
As calculated based upon submitted gross new area, impact fees for the additional unit are estimated to be:

SF of Project 885

Department	Residential	
	Rate	Fee
Traffic	0.224	198.24
Fire	0.253	223.91
Police	0.051	45.14
Parks	0.848	750.48
Library	0.525	464.63
Schools	1.095	969.08
Total	2.996	\$ 2,651.48

Said fees **may be waived in whole or in part** based on the number of inclusionary housing units. Any waiver shall be substantiated by the Housing Trust Fund Manager and formalized with a letter of compliance from that office.

3. Per Section 2.7.8, all expired zoning permits issued after July 1989 for any of the involved parcels (273 Pearl St., 11, 15 or 21 Hungerford Terrace) shall be closed

out and Certificates of Occupancy issued **prior to issuance of any FCO** for this permit.²

4. **Prior to release of the zoning permit**, a *revised* letter of water/sewer capacity shall be provided, reflecting the increase in the number of residential units.(I new unit)
5. Residential occupany limits apply. Occupany of each residential unit is limited to a Family as defined in Article 13. Not more than four unrelated adults may occupy any unit.
6. Hours of construction are limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work shall occur on Sundays.
7. For the 1new unit (3 bedrooms), **1 long term bike parking space** is required. The product (Bike Nook, or similar) is hereby accepted toward meeting the Long Term bicycle parking requirement.
8. If any other lighting is proposed that might alter the previously approved photometric, plans shall be submitted for staff review and approval.
9. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
10. Any signs will require a separate sign permit.
11. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

² ZA 17-03, Section 2.7.8: *The administrative officer is also authorized to deny all zoning permits for any property with an expired zoning permit without a final certificate of occupancy. Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such action(s) shall take place before the issuance of a final certificate of occupancy on the new permit.*