

Ordinance Committee
Monday, September 16, 2024
Sharon Bushor Conference Room
at City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Shannon (Chair), Councilor Bergman, Councilor Brown McKnight

Staff Present: Kim Sturtevant (Assistant City Attorney), Charles Dillard (Principal Planner), Sarah Morgan (Planner), Scott Gustin (Zoning Division Manager)

Public Present: Sharon Bushor, Erhard Mahnke

Meeting called to order at 12:33 PM.

1. Adopt the Agenda
1.01 Adopt the Agenda

Motion to Adopt Agenda as drafted.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman.

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes
2.1 Adopt Draft Minutes from September 11.

Motion to defer adoption of the minutes of September 11 to the next meeting.

Motion by Councilor Bergman, Seconded by Councilor Shannon.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum
3.1 Verbal Comments

Erhard Mahnke: I want to speak in favor of keeping the recommendation of the Planning Commission changes to the RM maximum footprint. Reducing the maximum allowable footprint to 900 square feet will result in less housing space. I want to draw more attention to considering how the neighborhood code and inclusionary zoning can work together.

Sharon Bushor: Thank you for reviewing the neighborhood code revisions. I sent a communication to the Committee about my revision ideas. We need to think more about addressing affordability in this housing policy. I think allowing a third story on a secondary structure that is limited to two if the third story is dedicated to affordable housing is a good idea. We need to make sure that stormwater issues are addressed in this ordinance and through the permitting process. I don't support the change that the Planning Commission proposed to RM.

4. Comprehensive Development Ordinance Discussion regarding Secondary Structures

Councilor Bergman said that the Committee got the memo and the recommended changes very late and there are more changes than just secondary structure height limits and maximum square footage.

Councilor Shannon clarified that it was the recommendation of staff that the maximum footprint be 900 square feet and that it was the Planning Commission that increased it to 1100.

Councilor Bergman asked if staff agree with upping the maximum square footage to 1100. Charles Dillard (Principal Planner) said it could be beneficial for some lots, but that he was not sure. He continued that it likely would not be harmful to increase.

Councilor Bergman said he supports increasing the maximum square footage to 1100 to add more housing space.

Councilor Shannon said that, because parking is no longer required by zoning, housing units will cover more of their lots with that extra 200 square feet. Neighborhoods, including both owners and renters, need parking. She supported keeping the square footage at 900.

Scott Gustin (Zoning Division Manager) recommended adding a tie in to the square footage issue that lot coverage requirements will remain in effect. All councilors agreed.

Councilor Brown McKnight supported keeping the square footage at 900. She said that this policy is already potentially doubling the allowable housing space in the city.

Motion to revert the change to secondary structure maximum square footage in the RM district to 900 and clarify that structures shall in no way exceed the lot coverage otherwise required.

Motion by Councilor Brown McKnight, Seconded by Councilor Shannon.

Final Resolution: Motion Passes

Yes: Councilors Brown McKnight and Shannon

No: Councilor Bergman

Charles Dillard said the idea from the previous meeting was to limit heights of secondary structures for individual parcels on the National Registry of Historic Places and Planning has put together some maps of these properties.

Councilor Brown McKnight said she supports having all secondary structures be limited to the height of the primary structure but the limit shall not be less than two stories or 25 feet.

Scott Gustin said the code could refer to Section 548 that lists all of the historic buildings.

Charles Dillard added that most of the NNE is RL and most of those parcels would be limited to only two stories when they could be taller.

Councilor Shannon agreed with Councilor Brown McKnight's proposal regarding secondary structure height.

Motion to limit the height of secondary structures in the RL and RM districts to the same height as the primary structure, provided that the height maximum shall not be less than two stories or 25 feet.

Motion by Councilor Brown McKnight, Seconded by Councilor Shannon.

Final Resolution: Motion Passes

Yes: Councilors Brown McKnight and Shannon

No: Councilor Bergman

Charles Dillard raised the issue of defining primary and secondary structures as they are currently not defined.

Motion to ask staff to draft definitions of primary and secondary structures in accordance with Committee discussion.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight.

Final Resolution: Motion Passes

Yes: Unanimous

Councilor Brown McKnight proposed limiting the number of units in secondary structures to two instead of eight to ten.

Councilor Bergman disagreed and said reducing the number of units will limit housing and that there are other mechanisms in place to handle any issues that may arise.

Councilor Shannon proposed having a limit of six units between both the primary and secondary structure.

Sarah Morgan clarified that the original proposal from staff was that each structure could have up to four units.

Motion to reduce the maximum number of units in a secondary structure from four to two.

Motion by Councilor Brown McKnight, Seconded by Councilor Shannon.

Final Resolution: Motion Fails

Yes: Councilor Brown McKnight

No: Councilors Bergman and Shannon

Councilor Shannon said the issue of the number of units is constrained by other ordinances and policies. She said that, no matter what, the housing capacity is restrained by the space allowed.

Councilor Brown McKnight said she is concerned about her ward, ward six, and that the large parcel sizes may mean larger secondary structures could be built.

Motion to approve the technical amendments as proposed by staff.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight.

Final Resolution: Motion Passes
Yes: Unanimous

5. Police Oversight Ordinance Discussion

Councilor Bergman said he was fine with having joint mayoral-council president appointments. He said the ten year experience requirement is too high and the pool of available candidates will be too small. He supports having an on-call list to pull from when needed. He added that a contingency clause is necessary in case the panel cannot be convened in the appropriate timeframe.

Councilor Shannon proposed replacing the HR Director with an appointment of a person with at least ten years HR or union representation experience. She wants the panel to be a trusted, experienced group of local professionals. She also proposed experience in municipal, state or federal government as an attorney could also be a criterion.

Councilor Brown McKnight acknowledged the focus on legal criteria for candidacy and could expand the criteria, but supported having at least ten years professional experience.

Councilor Shannon said that the Police Commission is the public body that does the initial review and reflects the City as a whole. She added that this new panel is about making a decision on an officer's actions rather than defining or changing the Department's policies.

Motion to change the requirements to be that four of the five members shall have at least ten years of experience as a prosecutor, public defender, retired judge, law enforcement officer, HR professional, municipal, state, or federal attorney, or union representation.

Motion by Councilor Shannon, Seconded by Councilor Brown McKnight.

Final Resolution: Motion Passes

Yes: Councilors Brown McKnight and Shannon

No: Councilor Bergman

Councilor Bergman said he supports having a broad range of qualifications and not having a hard requirement of ten years of experience. He will reconsider the language once there is a set of qualifications set in stone.

Motion to refer the language back to the City Council for approval.

Motion by Councilor Brown McKnight, Seconded by Councilor Shannon.

Final Resolution: Motion Passes

Yes: Councilors Brown McKnight and Shannon

No: Councilor Bergman

6. Any Other Committee Business

7. Adjournment

Motion to Adjourn, without objection, by Councilor Bergman.

The meeting was adjourned at 2:41 PM.

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