



Thursday, February 20, 2025, 1:00 PM, Front Conference Room at 645 Pine Street or REMOTE via Zoom

When: Feb 20, 2025 01:00 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

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1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Draft Minutes

Subject	2.1. Adopt Draft Minutes from 1/28
Meeting	February 20, 2025 - Ordinance Committee Meeting - Thursday, February 20, 2025, 1:00 PM, Front Conference Room at 645 Pine Street or REMOTE via Zoom
Category	2. Adopt Draft Minutes
Department	Council and Board

Type

Recommended Action

3. Public Forum

Subject	3.1. Verbal Comments
Meeting	February 20, 2025 - Ordinance Committee Meeting - Thursday, February 20, 2025, 1:00 PM, Front Conference Room at 645 Pine Street or REMOTE via Zoom
Category	3. Public Forum
Department	Council and Board

Type

4. Vacant Buildings Ordinance

Subject	4.1. Vacant Building Ordinance
Meeting	February 20, 2025 - Ordinance Committee Meeting - Thursday, February 20, 2025, 1:00 PM, Front Conference Room at 645 Pine Street or REMOTE via Zoom
Category	4. Vacant Buildings Ordinance
Department	Council and Board

Type

Recommended Action

5. Champlain College Bed Cap Ordinance

Subject	5.1. Champlain College Bed Cap Ordinance
Meeting	February 20, 2025 - Ordinance Committee Meeting - Thursday, February 20, 2025, 1:00 PM, Front Conference Room at 645 Pine Street or REMOTE via Zoom
Category	5. Champlain College Bed Cap Ordinance
Department	Council and Board

Type

Recommended Action

6. Performing Arts Centers in E-LM District

Subject	6.1. Performing Arts Centers in E-LM District
Meeting	February 20, 2025 - Ordinance Committee Meeting - Thursday, February 20, 2025, 1:00 PM, Front Conference Room at 645 Pine Street or REMOTE via Zoom
Category	6. Performing Arts Centers in E-LM District
Department	Council and Board

Type

7. Any Other Committee Business

Subject	7.1. Any Other Committee Business
Meeting	February 20, 2025 - Ordinance Committee Meeting - Thursday, February 20, 2025, 1:00 PM, Front Conference Room at 645 Pine Street or REMOTE via Zoom
Category	7. Any Other Committee Business
Department	Council and Board
Type	
Recommended Action	

8. Adjournment

Subject	8.1. Motion to adjourn
Meeting	February 20, 2025 - Ordinance Committee Meeting - Thursday, February 20, 2025, 1:00 PM, Front Conference Room at 645 Pine Street or REMOTE via Zoom
Category	8. Adjournment
Department	Council and Board
Type	
Recommended Action	

**Ordinance Committee
Tuesday, January 28, 2025
Bushor Conference Room
City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES**

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

Staff Present: Kim Sturtevant (Assistant City Attorney), Bill Ward (DPI Director), Cassandra Sterling (CSO Manager)

Public Present: Todd Deluca, Lori Kettler, Dana Dean, Jillian Kilborn

Meeting called to order at 11:08 AM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt the Draft Agenda.

Motion by Councilor Brown McKnight, Seconded by Councilor Shannon

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes

2.1 Adopt Draft Minutes from January 13.

Motion to adopt the draft minutes from January 13.

Motion by Councilor Brown McKnight, Seconded by Councilor Shannon

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Todd Deluca: I live in Ward Four. I want to talk about the graffiti ordinance that was passed at City Council last night. It does not seem like a good idea to me. It seems like the problem is enforcement rather than reporting. The City has engaged in selective enforcement of certain kinds of graffiti depending on the content. In 2023 people were doing stakeouts to catch people doing graffiti and then prosecute them. I see the ordinance as encouraging neighbors to stake out people to catch graffiti. The ordinance seems better than the previous version.

4. Vacant Buildings Ordinance Discussion

Councilor Bergman arrived at 11:14 AM.

Attorney Sturtevant shared the current working draft of the vacant building ordinance and a vacant building definition from the State of Maine.

Councilor Bergman said the vacant building definition needs language regarding types of structures that won't be considered vacant like barns, garages, sheds, etc.

Councilor Shannon asked for the complete ordinance language from 8-42 through 8-49.

Bill Ward (DPI Director) said the ordinance should be as simple as possible so owners do not need to have an attorney translate it. He said partial vacancy is a complicating issue and his thought is that a building that is half vacant still has someone around taking care of the building which is the goal.

Bill Ward suggested adding another provision that exempts active service members from the fees should their property be vacant while they are away on duty. The requirements for upkeep would still apply but not the fees.

Councilor Bergman said the draft definitions should be clearer, particularly terms like 'unoccupied' and 'dangerous'.

Councilor Shannon said it should very clear who is making the determinations and enforcing the ordinance.

Councilor Bergman asked if DPI could add an administrative fee related to the registration of dangerous structures and buildings.

Councilor Shannon asked if there is an appeal system for this ordinance. Bill Ward said appeals go to the DPW Commission per 8-48.

Bill Ward said \$1,000 per quarter for the first year and \$1,500 per quarter for year two would be more appropriate for the amount of work that goes into administering the ordinance.

Councilor Brown McKnight said she would like to see the calculations of how DPI came to the new recommendations for the administrative fees.

Bill Ward said he would have some more recommendations regarding dangerous buildings for the next meeting.

Councilor Shannon said she would like to send a recommendation to the Charter Change Committee to make a change to the civil penalty cap. All councilors agreed.

Councilor Bergman said he would like staff to review the policy about allowing boarding on vacant buildings as the Fire Marshal recommends a transparent barrier.

5. Animal Ordinance Discussion

Jillian Kilborn: I am an ornithologist for VT Fish and Wildlife. I support the changes in the ordinance limiting free roaming cats. It is a big issue for wild birds in Vermont and nationally. The department is supportive of the changes and I have submitted a letter as well.

Dana Dean: I wanted to clarify whether the Committee wanted to use the term owner or guardian.

Councilor Shannon clarified that the Committee settled on using the term owner. She continued that she intends to hire someone to categorize the responses received from the public.

Councilor Brown McKnight said that the City should look into why dog licensure became less common and address that issue and extend that to cats.

Cassandra Sterling said that she has instructed her staff at BPD to remind people to get their dogs licensed when a dog issue arises and the dog is unlicensed. She said she instructed her staff to perform follow up and issue tickets for unlicensed dogs when necessary.

Councilor Bergman said he would prefer to have some kind of cooperative agreement with veterinarians and do registration or licensure through them. He said he received more public comments against the registering of cats than for it.

Councilor Brown McKnight said it would be easier to build on a system that already exists, but that it would make sense to work with vets. But she said she would also like a method for CSLs to check if cats are licensed.

Councilor Shannon said there is an agreement for a place we can hold dogs, but there is no such agreement for cats. She also said that there isn't a good mechanism to deal with roaming cats that come onto your property. Councilor Bergman said the imperfect answer is that owners can go to court over such issues.

Lori Kettler said it is very unusual that a city the size of Burlington does not have a dedicated animal shelter.

Councilor Brown McKnight said that having neighbors suing neighbors is not a good solution to the roaming cat issue.

Councilor Shannon said she would like more information on whether the issues of trespassing cats are because of strays or owned but roaming cats. She asked Lori Kettler if she could find a vet to discuss options with them.

6. Any Other Committee Business

Next meeting time and place to be determined.

7. Adjournment

Without objection, Councilor Shannon adjourned the meeting.

The meeting was adjourned at 1:06 PM.

DRAFT

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Five

ORDINANCE _____

Sponsor: Councilor Traverse
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all

Stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

VACANT BUILDINGS
BCO Chapter 8, Art. III

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 8, Buildings and Building Construction, of the Code of Ordinances of the City of Burlington be
2 and is hereby amended by amending Article III, Abatement and Rehabilitation of Vacant Buildings and
3 Dangerous Structures, Sections 8-43, Definitions; 8-47, Vacant building permit; inspection; maintenance
4 standards; fees; 8-49, Enforcement and penalties; to read as follows:

5 **ARTICLE III. ABATEMENT AND REHABILITATION OF VACANT BUILDINGS AND** 6 **DANGEROUS STRUCTURES**

7 **8-42 Statement of findings and purpose.**

8 (a) Being that there exist in the City of Burlington structures or buildings that have become dangerous or unsafe and
9 numerous other structures that are vacant, abandoned, and in disrepair, the Burlington city council finds and declares
10 that:

11 (1) Structures that become dangerous and unsafe must promptly be made safe and secure to protect the
12 public safety.

13 (2) Structures that are vacant and not properly secured are dangerous and unsafe in that they are extremely
14 vulnerable to being set on fire by unauthorized persons.

15 (3) Many structures that are vacant, whether secured or not, are a blight on their neighborhoods, cause
16 deterioration and instability in their neighborhoods, and have an adverse impact upon adjacent and nearby
17 properties.

18 (4) Structures that were previously used as residential units and have since become vacant have a significant
19 and detrimental impact on the local housing market.

20 (5) Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations
21 to conduct illegal criminal activities, including arson and drug use.

(6) Structures that are vacant and unsecured pose serious threats to the public's health and safety and therefore are declared to be public nuisances.

(7) Immediate abatement and rehabilitation of these structures is necessary to abate such public nuisances, prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties, secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.

(8) Communication between owners of dangerous and vacant buildings and the city is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regards to such structures.

(b) The purpose of this article is to establish the reasonably necessary measures to abate the public nuisances, blight, negative housing market impact, and other harmful effects connected with dangerous and vacant or abandoned buildings and structures and bring back into productive use consistent with the authority vested in the city to protect the health, safety and welfare of the public through the regulation of the construction, maintenance, repair, and alteration of buildings and other structures within the city.

8-43 Definitions.

The words and phrases used in this section have the following meanings unless their context clearly indicates otherwise:

(1) *Director* means the director of the ~~enforcement agency~~ Department of Permitting & Inspections or ~~his/her~~their designee.

(2) *Vacant structure* means any structure or building that is:

(i) Unoccupied and unsecured; or

(ii) Unoccupied and secured by boarding or other similar means; or

(iii) Unoccupied and a dangerous structure; or

(iv) Unoccupied and condemned by the Director pursuant to applicable provisions of the code; or

(v) Unoccupied and has multiple code violations; or

(vi) Unoccupied and the building, structure, or its premises has been the site of unlawful activity within the previous six (6) months; or

(vii) Condemned by the Director and unlawfully occupied; or

(viii) Unoccupied by a person or occupied by unauthorized persons for over one hundred eighty (180) days and during which time the Director has issued an order to correct public nuisance conditions and same have not been corrected in a code compliant manner; or

(ix) Unoccupied or unused for over two hundred ten (210) days.

(x) The term “vacant structure” shall not include:

(a) unoccupied by a person or occupied by unauthorized persons for two hundred ten (210) days, excepting permitted warehouse or permitted storage structures, garages, or other accessory buildings not intended for human occupancy, or vacation or resort facilities or those buildings or structures only used on a seasonal basis;

(b) and those buildings or structures being newly constructed within the terms of their building and zoning permits or under substantial rehabilitation for a period of one (1) year from the date that the building permit or zoning permit is issued or from when the construction starts—whichever is later.

(3) *Dangerous building or structure* means a building or structure or part thereof declared structurally unsafe or hazardous by any duly constituted authority, whether it is occupied, unoccupied, or vacant.

(4) *A showing that the building is being actively marketed for sale or lease* means (a) evidence that the building or structure is being continuously marketed for sale or lease and is publicly available and viewable for sale or lease to prospective buyers or lessees until it is under contract, and (b) the disclosure of a reasonable asking price.

(6) *Substantial rehabilitation* means rehabilitation the value of which exceeds fifty (50) percent of the assessed valuation of the building or structure.

(5) *Owner* shall mean any and all owners of record or trustees for such owners. The obligations of owners under this article extend to the agents of such owner(s) or other persons interested in the building or structure.

8-44 Enforcement authority.

The director of the department of permitting and inspections is authorized to administer and enforce the provisions of this article. The director shall determine if a property meets the standards of a vacant building under this article. The director may take such measures as are necessary for the proper administration of the article, including, but not limited to, maintaining lists on the status of vacant buildings or structures. The director may delegate their powers and duties under this chapter to an appropriate administrator or any inspector so designated.

8-45 Obligations of owners of dangerous structures and buildings.

(a) A building or structure or part thereof that is or becomes dangerous or unsafe shall be made safe and secure within twenty-four (24) hours of such danger being declared by a duly authorized official of the city. If the director or their designee determines the building cannot be made safe or secure, the owner shall take down and remove the building within sixty (60) days after such determination. An owner of such a dangerous or unsafe building or structure who would make safe or would take down and remove such a building or structure pursuant to this section shall comply with all applicable building, fire prevention, zoning ordinances and codes, including Article 9 of the zoning ordinance, the Housing Replacement Ordinance, and any other applicable code or ordinance. An administrative fee of one hundred dollars (\$100.00) shall be charged to the owner(s) of a dangerous structure and/or building upon issuance of the determination to offset the cost to the city for the administrative time of the director or their designee in issuing the determination. No change of use or occupancy shall be compelled by reason of such reconstruction or restoration.

(b) The director shall inspect a building or structure upon receiving information that the building or structure or anything attached or connected therewith is in violation of the specifications of all applicable building, fire prevention, and public safety ordinances and codes adopted herein or is otherwise in such unsafe condition that the public safety is endangered in the first forty-eight (48) hours upon receiving such notice. If the director has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the general public, the director shall enter and inspect the premises. Absent an emergency situation, if the owner of the vacant building or structure fails or refuses to consent to an inspection, the director shall seek a search warrant from the Vermont District Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in time of exigent circumstances or emergency, that the building and its contents will not present a hazard to the public.

(c) If, in the director's judgment, the structure or building appears to endanger the public safety, the director shall in their discretion elect to commence action to abate as herein provided. To commence an abatement action, the director shall make a careful survey report based on their inspection of the premises, or if necessary based on an additional inspection and forthwith notify the owner to remove the condition or building or make the building or condition safe and secure in the time specified for in the notice. If it appears to the director that such structure would be especially dangerous, the director may affix a notice of dangerousness in a conspicuous space upon the structure's exterior walls which shall not be removed or defaced without the director's authority.

(d) Any person notified as provided in subsection (c) of this section shall within the time specified commence to secure or remove such structure. If the public safety so requires, the director shall enter upon the premises and cause the structure to be made safe and secure and that passers-by are protected at the expense of the owner or person interested. Such costs charged to the owner or person interested shall be payable to the city upon receipt.

(e) If the owner continues such refusal or neglects to remove or make the building safe, the director shall cause it to be taken down or otherwise made safe, and the costs and charges incurred shall constitute a lien upon the real estate upon which such building is situated and shall be enforced within the time and in the manner provided for the collection of taxes on land, pursuant to [32 V.S.A. § 5061](#), so long as the lien is recorded in the office where the land records are kept. In addition, for every day's continuance of such refusal or neglect, the owner or person interested shall forfeit to the city one hundred dollars (\$100.00), to be recovered in a civil action on this article.

Any violation of this section is declared to be a nuisance and subject to removal or abatement upon a finding of violation by the superior court. The court shall restrain the construction, alteration, maintenance or use of a building or structure in violation of this section and shall restrain the further construction, alteration or repair of a building or structure reported to be unsafe under a survey authorized by this section.

An abatement action under this section is a remedy cumulative to other remedies at law and equity, and in no way preempts, supersedes, or bars civil or criminal prosecution for violation of this article, the model building or Life Safety Code or any applicable building, fire prevention, or public safety ordinance, nor is the commencement of an abatement action a condition precedent to the initiation of criminal prosecution or any other remedy. Failure to adhere to the procedure prescribed in this section shall not bar relief or remedy if such failure does not prejudice a person interested and merely constitutes harmless error.

(f) An owner or person interested who is aggrieved by an order issued pursuant to this section may appeal to the board of appeals as constituted in Section [8-8](#). An owner or person interested who is aggrieved by an order of the board of appeals may appeal by instituting relief in the Chittenden Superior Court under V.R.C.P. 74.

130 **8-46 Obligations of owners of vacant or abandoned buildings or structures.**

131 (a) The owner of a vacant building or structure shall obtain a vacant building permit for the period during which it is
132 vacant. When a building or structure becomes vacant, as defined by Section [8-43](#), the owner of the building shall apply
133 for and obtain a vacant building permit and pay the fee, as set forth in Section [8-47](#).

134 Upon the expiration of a vacant building permit, if the building or structure is still vacant, the owner shall arrange for
135 an inspection of the building and premises with the director and appropriate police and fire officials. A permit is not
136 automatically renewable. It is within the purview of the appropriate city officials whether to renew said permit, taking
137 into account the owner's responsiveness to neighborhood concerns, record of the owner in responding to city
138 directives, history as a property owner, as well as the number of times the owner has expired a permit. It is the city's
139 policy not to allow vacant buildings to remain as such for prolonged periods of time. Once a building is vacant, it is the
140 responsibility of the owner to make plans for the building, be it to rehabilitate, demolish or sell the property. Should
141 the decision be to sell, active efforts must be underway and all obligations will transfer to the new owner.

142 Should a permit be renewed, it will be under the conditions that a plan is in place. All renewed permits shall be subject
143 to all conditions and obligations imposed by this article or the initial permit unless expressly exempted therefrom.

144 (b) The owner of a vacant building or structure shall comply with all building, fire, life safety, zoning, and other
145 applicable codes or ordinances and shall apply for all necessary building, fire prevention, and zoning permits upon
146 application for a vacant building maintenance permit.

147 (c) The owner of a vacant building or structure shall immediately, within the first week of vacancy, remove all
148 combustible waste and refuse therefrom in compliance with the applicable fire prevention code and shall remove any
149 waste, rubbish or debris from the interior of the structure. The owner of a vacant building or structure shall also
150 immediately remove any waste, rubbish, debris or excessive vegetation from the yards surrounding the vacant building
151 or structure in accordance with the vacant building maintenance standards of this article.

152 (d) The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and
153 other openings in the building or structure to prohibit entry by unauthorized persons, in accordance with the vacant
154 building maintenance standards of this article. The owner of a vacant building or structure shall provide the police
155 department with a list of persons authorized to be present in the building and shall provide notices of trespass to the
156 police authorizing the arrest for trespass of individuals not on the list. The owner shall update the authorized person list
157 as needed.

158 (e) The obligations of owners of a vacant building or structure are continuing obligations which are effective
159 throughout the time of vacancy, as that term is defined in this article. The director shall have continuing abatement
160 authority throughout the time of vacancy.

161

162 **8-47 Vacant building permit; inspection; maintenance standards; fees.**

163 (a) Application by the owner of a vacant building or structure for a vacant building permit shall be made on a form
164 provided by the director. Applicants shall provide a maintenance plan covering the permit period which shall disclose
165 all measures to be taken to ensure that the building or structure will be kept weather-tight and secure from trespassers,
166 safe for entry by police officers and firefighters in times of exigent circumstances or emergency, compliant with the

obligations set forth in Section [8-46](#) and subsection (e) of this section and together with its premises be free from nuisance and in good order in conformance with the vacant building maintenance standards. Applicants shall disclose the expected period of vacancy (including the date of vacancy), and state the plan and timeline for the lawful occupancy, rehabilitation or removal or demolition of the structure.

(b) Vacant buildings shall be inspected at or around the beginning of the permit period to determine that they comply with this article. The owner shall cooperate with and attend the inspection and there will be a cost to the inspection that is the responsibility of the owner.

If the director has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the general public, no notification or warrant is necessary and the director shall enter and inspect the premises pursuant to Section [8-45](#).

If the owner of the vacant building or structure does not cooperate with and or attend an inspection, the director may seek a search warrant from the Vermont District Court for the purpose of determining compliance with this article.

(c) The director, upon inspection, shall issue any order for work needed to:

(1) Comply with this article and adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the vacant building maintenance standards set forth in this article; and

(2) Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.

When issuing such orders, the director shall specify the time for completion of the work. The order shall act as an interim vacant building permit, the duration of which shall be for the time set forth in the director's order. No interim permit shall be effective for a period of more than three (3) months. All work done pursuant to this article shall be done in compliance with the applicable building, fire prevention, and zoning codes and ordinances.

(d) The director shall issue a vacant building permit upon being satisfied that the building has been inspected and is in compliance with this article. This permit shall be effective for a period of up to three (3) months during which time it is the responsibility of the owner to notify the city of their plans to rehabilitate, demolish or sell the property.

(e) A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

(1) *Building openings:* Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers and free from graffiti. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials which are weather protected, and tightly fitted and secured to the opening.

(2) *Roofs:* The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.

- 203 (3) *Drainage*: The building storm drainage system shall be functional and installed in an approved manner,
204 and allow discharge in an approved manner.
- 205 (4) *Building structure*: The building shall be maintained in good repair, structurally sound and free from
206 debris, rubbish and garbage. The building shall be sanitary. The building shall not pose a threat to the public
207 health and safety.
- 208 (5) *Structural members*: The structural members shall be free of deterioration and capable of safely bearing
209 imposed dead and live loads.
- 210 (6) *Foundation walls*: The foundation walls shall be maintained structurally sound and in a sanitary
211 condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which
212 normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks,
213 free from graffiti, and be animal and rat-proof.
- 214 (7) *Exterior walls*: The exterior walls shall be free of holes, breaks, free from graffiti, and loose or rotting
215 materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay,
216 corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface
217 treatment.
- 218 (8) *Decorative features*: The cornices, belt courses, corbels, terra cotta trim, fences, wall facings and similar
219 decorative features shall be safe, anchored, and in good repair and free from graffiti. Exposed metal, wood, or
220 other surfaces shall be protected from the elements and against decay, corrosion or rust by periodic application
221 of weather-coating materials, such as paint or similar surface treatment.
- 222 (9) *Overhanging extensions*: All balconies, canopies, marquees, signs, metal awnings, stairways, fire
223 escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound, and
224 free from graffiti. Exposed metal and wood surfaces shall be protected from the elements and against decay,
225 corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface
226 treatment.
- 227 (10) *Chimneys and towers*: Chimneys, cooling towers, smokestacks, and similar appurtenances shall be
228 structurally safe and in good repair, and free from graffiti. Exposed metal and wood surfaces shall be protected
229 from the elements and against decay or rust by periodic application of weather-coating materials, such as paint
230 or similar surface treatment.
- 231 (11) *Walkways*: Walkways shall be safe for pedestrian travel.
- 232 (12) *Accessory and appurtenant structures*: Accessory and appurtenant structures such as garages, sheds,
233 and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building
234 maintenance standards.
- 235 (13) *Premises*: The premises upon which the structure or building is located shall be clean, safe, and
236 sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public
237 health or safety.

(f) (1) A fee ~~of seven hundred fifty dollars (\$750.00)~~ shall be charged for ~~each~~ vacant building permit or renewal of such permits issued under Section 8-47(d). The fee is to be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee. The amount of the fee shall be based on the duration of time the building has been vacant as determined by the following scale:

(i) One thousand dollars (\$1,000.00) per quarter for buildings that have been vacant for less than one year;

(ii) One thousand five hundred dollars (\$1,500.00) per quarter for buildings that have been vacant for at least one year.

For residential 1 or 2 unit properties:

(i) Seven hundred fifty dollars (\$750.00) per quarter for buildings that have been vacant for less than one year;

(ii) One thousand dollars (\$1,000.00) per quarter for buildings that have been vacant for at least one year.

(2) All but two hundred dollars (\$200.00) of this fee shall be waived upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to the requirements of this article and its vacant building permit or renewal thereof. An owner shall be eligible for the waiver of the fee for no more than two (2) permit periods, not including any interim permit period that occurs within a permit period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the two hundred dollars (\$200.00). A person who purchases a vacant building shall have this fee waived for the remainder of the permit period and the permit period immediately following.

(3) All but ~~two hundredseventy-five~~ dollars (~~\$200.0075.00~~) of this fee shall be waived when a building is being rehabilitated pursuant to applicable building, fire, and zoning permits and the owner has spent at least five (5) percent of the assessed valuation of the building or structure on rehabilitation, not including the cost of permits, in the prior three (3) month period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the ~~seventy-fivetwo hundred~~ dollars (~~\$200.0075.00~~).

(4) All but ~~seventy-fivetwo hundred~~ dollars (~~\$200.0075.00~~) of this fee shall be waived if an owner has secured all the duly required state and local permits to demolish the building or structure. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the ~~seventy-fivetwo hundred~~ dollars (~~\$200.0075.00~~). The owner shall demolish the building or structure within one (1) month of securing said permits; this waiver shall be void and the vacant building permit fee shall be owed if the owner fails to demolish within this time. The time to demolish may be extended upon a showing of good cause.

(5) Fees under this Article shall not apply to buildings owned by a department of the City of Burlington.

~~(5) —Once the permit has expired and the city deems the property no longer eligible for renewal of said permit, the city shall notify the owner. The owner shall either show proof of active marketing for sale or lease, a plan for rehabilitation including proof of construction under contract or proof of immediate demolition. Should none of the above be presented to the city within five (5) days of the expiration of the permit, the owner shall be fined one hundred dollars (\$100.00) per day until such proof is presented.~~

(g) *Signs/markings.* When required pursuant to this section, signs or markings on the buildings determined to be especially unsafe in case of fire shall be applied on the front of the property, and elsewhere as the Director, fire chief,

~~or their designee~~ may require, at or above the second floor level and shall not be placed over doors, windows or other openings. All signs/markings shall be visible from the street and, when requested by the fire chief, shall be placed on the sides and the rear of the property. Signs/markings shall be two (2) square feet with lines of two (2) inch width, and shall have a reflective background, or be painted with reflective paint, in contrasting colors as approved by the fire chief. Signs/markings shall be applied directly on the surface of the property and shall state the date of posting and the most recent date of inspection by the fire chief and director.

8-48 Appeals and Variances.

(a) A party aggrieved by an action of the director shall appeal such action by requesting a hearing to the board of appeals pursuant to the provisions of Section 8-8, excepting appeals of actions taken pursuant to Section 8-45, which shall be taken in accordance with Section 8-45(f).

(b) Any person subject to the provisions of this article may seek a variance from the provisions of this article before the board of appeals in the same manner that an appeal is taken to the board, and subject to the same procedures as an appeal.

(c) Where a variance is requested by an applicant, the board of appeals may grant such a variance, and render a decision in favor of the appellant, if the following are found by the board:

(1) That there are circumstances or conditions that make strict compliance with the provisions of this article unusually difficult or unduly extensive, or would create an undue hardship;

(2) That such a hardship or condition has not been created by the applicant; and

(3) That the variance requested will represent the minimum relief necessary and will represent the least deviation possible from the requirements of this article.

(d) In rendering a decision in favor of an applicant, the board of appeals shall attach such conditions to such variance as it considers necessary and appropriate under the circumstances to implement the purposes of this article.

8-49 Enforcement and penalties.

(a) *Penalty.*

(1) A person shall be subject to a civil penalty of five hundred dollars (\$500.00) with a waiver penalty of one hundred fifty dollars (\$150.00) for the following offenses:

a. Failure to apply for a vacant building permit or the filing of an incomplete application;

b. Failure to pay the vacant building fee;

c. Failure to schedule an inspection or to ~~show~~ provide in-person access for an inspection for which notice has been given;

d. Failure to comply with the obligations set forth in Sections 8-46(c) and (d); and

e. Failure to comply with an order of the enforcement officer in the time required, with each separate deficiency ordered to be corrected being deemed a separate order.

(2) A person who repeats the same offenses three (3) times within a twelve (12) month period shall be deemed to have committed a criminal offense for the third offense subject to a fine of five hundred dollars (\$500.00).
Each day that a violation is continued shall constitute a separate offense.

(3) Prosecution under this section is a remedy cumulative to any and all other remedies at law and equity, and in no way preempts, supersedes, or bars prosecution for violation of this article under subsection (b) of this section.

(b) If a vacant building permit is denied or has expired and the city deems the property ineligible for said permit, the city shall notify the owner. Within ten (10) days of receiving this notice or five (5) days of the expiration of an existing permit, whichever is later, the owner must provide proof of active marketing for sale or lease, a plan for rehabilitation including proof of construction under contract, or proof of immediate demolition. Should none of the above be presented to the city within the time allotted, the owner shall be fined one hundred dollars (\$200.00) per day until such proof is presented. This fine shall be applied in addition to any penalties set forth in subsection (a).

(c) Any violation of this article is also declared to be a public nuisance and subject to removal or abatement upon a finding of violation by the superior court. An abatement action as contemplated by Section 8-45 is discretionary and is not a precondition to criminal prosecution under this section, nor is a survey report by the director pursuant to Section 8-45 a prerequisite for prosecution under this section.

(d) Any order issued pursuant to this article shall be recorded in the office where the land records are kept, thereby becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording of the order. Once the violation(s) is certified to be corrected, such orders shall be removed from the record. All fees, costs, or charges assessed pursuant to this article shall be a tax lien upon the real property pursuant to 32 V.S.A. § 5061, so long as the lien is recorded in the office where the land records are kept.

(e) A vacant unit for which a fee as required in this section has not been paid shall be in violation of the city vacant building ordinance and subject to the penalties set forth herein. In addition, if the enforcement agency determines that a person has failed to pay the fee due under this section, the agency shall mail to such person a statement showing the balance due and shall add thereto a twenty-five dollar (\$25.00) late payment or interest at a rate of twelve (12) percent per year, whichever is greater. That unpaid balance and penalty total shall be subject to interest at a rate of twelve (12) percent per year from the due date until the date of payment. The charges levied in this chapter shall constitute a lien upon the property and may be enforced within the time and manner provided for the collection of taxes on property.

8-50 - 8-59 Reserved.

* Material stricken out deleted.

** Material underlined added.

BT/ks/Ordinances 2024/Vacant Buildings/BCO Ch. 8, Art. III
Secs. 8-43, 47, and 49.
2/19/2025

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

CDO Champlain College Bed Caps
ZA-25-05

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and is hereby amended by amending Article 4, Sec. 4.5.2 Institutional Core Campus Overlay Districts, subsection (g)(4) related to density, thereof to read as follows:

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) – (f) As written.

(g) District Specific Regulations: Champlain College (ICC -CC):

1. – 3. As written.

4. Density

For the purposes of regulating the intensity of development and the total number of residential beds, the core campus district shall be divided into two areas: a Residential Core Campus and an Academic Core Campus as delineated on Map 4.5.2-7 ICC-CC Core Campus below.

Core Campus	Floor Area Ratio	Maximum Residential Beds
Residential Core Campus	1.0	530
Academic Core Campus	1.1	150

* Material stricken out deleted.

** Material underlined added.

Planning/KS/Ordinances 2025/ZA-25-05 Champlain College Bed Caps
CDO Sec. 4.5.2 (g)(4)
CC First Read Version 2-10-25

TO: Burlington City Council
FROM: Charles Dillard, AICP, Planning Director
Sarah Morgan, Planner
DATE: February 10, 2025
RE: Proposed ZA-25-05 Champlain College Bed Caps

Overview & Background

Across Burlington's segmented housing market, scant tenant protections and lack of supply contribute to what is generally considered a crisis for renters and those looking to own a home in the city. This crisis in affordability and quality extends to the student populations of Champlain College and the University of Vermont. Champlain College prioritizes housing for all first year students and seeks to house as many upper-class students on campus as possible. Historically, as is the case with UVM's student population, many Champlain College upper-class students have chosen to live off campus in Burlington or one of its surrounding communities. However, changing preferences and a worsening shortage of quality and affordable housing near its campus has created a new paradigm in which Champlain College upper-class students increasingly request housing on campus. Unfortunately, due to density standards, in the form of maximum bed counts established in 2009, Champlain College is unable to construct adequate amounts of new housing or convert existing non-residential square footage to residential use.

Density standards were first applied to the Institutional Core Campus – Champlain College overlay district in 2008. At the time, residential density was limited on Champlain's campus to no more than 24 units per acre. One year after this standard was established, an alternative density standard in the form of bed caps was adopted, as was the creation of two distinct areas within the College's campus: a Residential Core Campus and an Academic Core Campus. Those standards remain in effect today, with the Residential Core Campus limited to a maximum of 530 beds and a Floor Area Ratio (FAR) of 1.0, and the Academic Core Campus limited to 150 beds and an FAR of 1.1. As stated in a Champlain College memo attached to this memo, the College has capacity to create just 14 beds in the Academic Core Campus, and 111 beds in the Residential Core Campus.

In summer 2024, Champlain College requested that the City consider a zoning amendment to remove these limits on beds on its campus, without also requesting an increase in FAR. As part of this request, the College stated its desire and intent to adaptively reuse an administrative building in the Academic Core Campus that would create an additional 33 accessible beds in a cost-effective manner. This project is not possible without a zoning amendment to remove the existing bed caps.

Proposed Amendment: ZA-25-05

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment eliminates the Maximum Residential Beds standards in Sec. 4.5.2(g) 4 in order to facilitate on-campus residential conversion and development for Champlain College students.

Proposed Amendments

The following amendments to the Burlington Comprehensive Development Ordinance are included in this proposal:

1. Amends the table in Sec. 4.5.2(g) 4 to eliminate the Maximum Residential Beds standards and the associated column in its entirety from the table.

Relationship to *planBTV*

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme:	Dynamic	Distinctive	Inclusive	Connected
Land Use:	Conserve	Sustain	Grow	

Compatibility with Proposed Future Land Use & Density

The proposed amendment will help implement a key land use policy adopted in the *planBTV* Comprehensive Plan. The Comprehensive Plan calls for the City's Institutional Campuses to be places of growth. The success of this Institutional growth is contingent on the Institutions' ability to develop housing in a manner that is consistent with established City policy and, in some cases, the character of surrounding neighborhoods. This proposed amendment facilitates the concentration of much-needed student accommodations that will create more housing options for Champlain College students, and, in turn, allow for the College's continued role in strengthening Burlington's economy.

Impact on Safe & Affordable Housing

The amendment facilitates the creation of on-campus housing at Champlain College, and thus significantly impacts the provision of safe and affordable housing for Champlain College students, as well as the general population who currently compete with students for limited supply of quality housing.

Planned Community Facilities

This amendment supports and complements a wide range of existing and planned community facilities in the vicinity of Champlain College's campus. Providing for more housing in Burlington's core creates new users for these facilities and promotes a symbiotic socio-economic relationship between Champlain College and the City.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff 11/24/24	Presentation to & discussion by Commission 12/3/24	Approve for Public Hearing 12/3/24	Public Hearing 1/14/2025	Approved & forwarded to Council 1/14/2025
City Council Process				
First Read & Referral to Ordinance Comm. 2/10/2025	Ordinance Comm. discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

CITY OF BURLINGTON

ORDINANCE _____

Sponsors: Planning, Planning
Commission

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

CDO—Performing Art Centers in the E-LM District
ZA-25-04

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by modify Appendix A Use Table—All Zoning Districts, Footnote 32, thereof to read as follows:

Appendix A Use Table – All Zoning Districts

****For changes See attached Appendix A*

* Material stricken out deleted.

** Material underlined added.

Planning/KS/Ordinances 2025/ZA-25-04 Performing Arts Centers in the E-LM District
CDO Appendix A
2/11/2025

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use ⁱ	Downtown Form Districts (See Article 14)	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-R	NAC-CR	E-AE	E-LM ³⁴
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-R	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-R	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-R	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Performing Arts Center	N	N	N	N	Y	N	N	N	N	(See Sec.4.4.1(d) 1)		CU	Y	N	CU	N	CU ^{27,32}
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

1. -31. As written.
32. Performing Arts Centers (PACs) in the E-LM zone shall be limited to properties with frontage on Pine St. or Queen City Park Road. PACs with frontage on Queen City Park Road are limited to no more than 15,000 sf. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.~~Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.~~
33.- 34. As written.

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL	Residential Low Intensity
RM	Residential Medium Intensity
RH	Residential High Intensity
RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

TO: Burlington City Council
FROM: Charles Dillard, AICP, Planning Director
Sarah Morgan, Planner
DATE: February 10, 2025
RE: Proposed ZA-25-04 Performing Arts Centers in the E-LM District

Overview & Background

As affirmed in the 2019 *planBTV: South End*, this district is a hub for creative social, cultural and economic activities. Indeed, the Plan's very first "Key Action to Preserve and Enhance the South End" is a call to reinforce an arts hub in the South End. To that end, the City of Burlington has created and maintained an arts-forward zoning framework, along with cultural and economic development initiatives and investments. One such initiative was a 2015 zoning amendment, adopted during the *planBTV: South End* planning process, to allow Performing Arts Centers (PACs) as a use in the South End's Enterprise-Light Manufacturing zoning district for the first time. As stated at the time, allowing PACs in the E-LM supports and enhances the South End's vibrant arts community. The 2015 zoning amendment includes the following standards, established as a conditional use footnote in Appendix A – Use Table:

- Allows PACs only on properties with frontage on Pine Street or Industrial Parkway (now Queen City Park Road);
- Limits PACs on parcels with Pine St. frontage to no more than 5,000 square feet, and on parcels with frontage on Queen City Park Road to no more than 15,000 square feet; and,
- Establishes that no more than 50 percent of any PAC can be devoted to accessory space for the sale and serving of food and beverages, including alcohol.

The size limitation for PACs on the Pine St. corridor were aimed at "preserving and acknowledging the existing built environment within the E-LM zone," according to the amendment's accompanying memo.

To date, just one Performing Arts Center, Arts Riot, exists in the E-LM. However, following its failed attempt to relocate to Queen City Park Road, the South Burlington-based music venue Higher Ground has expressed interest in relocating to the Pine St. corridor, a move that can only be facilitated through the amending of the aforementioned standards for PACs in the E-LM. Specifically, Higher Ground, and any similar Performing Arts Center that operates as a music venue for touring musical acts, requires a total square footage greater than what is allowed in the E-LM today. As such this amendment proposes to delete the square footage limit for PACs, only on properties with frontage on Pine Street, entirely. No other changes to the current standards are proposed.

In addition to the manifest way in which PACs support and are consistent with the South End's arts character, PACs are also critical components of the arts-based economy in Burlington. A 2019 study produced by an economic development organization in Chicago and referenced in communications to the US Congress by the National Independent Venue Association estimates that every \$1 spent on a ticket at a local music venue produces \$12 in economic activity in the form of restaurant and retail purchases and hotel stays.

Proposed Amendment: ZA-25-04

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment eliminates the limit on square footage for Performing Arts Centers in the E-LM district in order to facilitate the establishment of larger PACs in this arts-based district.

Proposed Amendments

The following amendments to the Burlington Comprehensive Development Ordinance are included in this proposal:

1. Amends Footnote 32 in Appendix A – Use Table, to remove the square footage limit for Performing Arts Centers on properties with frontage on Pine Street in the E-LM district.
2. Replaces in the same Footnote 32 a reference to "Industrial Parkway" with the street's new name, "Queen City Park Road."

Relationship to *planBTV*

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme:	Dynamic	Distinctive	Inclusive	Connected
Land Use:	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment will help implement a key land use policy adopted in 2019 with planBTV: South End as well as the *planBTV* Comprehensive Plan. With respect to the South End Plan, this amendment reinforces the South End as an arts hub, a key plan objective. The Comprehensive Plan calls for the fostering and maintenance of existing neighborhood characters, and identifies the South End E-LM as a district where growth is encouraged. Thus, in a similar fashion, this amendment is consistent with the Comprehensive Plan's future land use map.

Impact on Safe & Affordable Housing

The amendment has no significant impact on the provision of safe and affordable housing. Housing is not an allowed use in the E-LM (outside of the South End Innovation District overlay).

Planned Community Facilities

This amendment supports and complements a recently constructed and evolving Burlington City Arts facility at 405 Pine Street. The amendment, through facilitating a PAC on the Pine St. corridor, promotes a prosperous arts community and presents opportunities for partnerships between the City and successful arts-based Burlington businesses.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff 11/24/24	Presentation to & discussion by Commission 12/3/24	Approve for Public Hearing 12/3/2024	Public Hearing 1/14/2025	Approved & forwarded to Council 1/14/2025
City Council Process				
First Read & Referral to Ordinance Comm. 2/3/2025	Ordinance Comm. discussion	Ordinance Comm. recommend	Second Read & Public Hearing	Council Approval & Adoption